

MINUTES OF THE REGULAR MEETING OF AUGUST 28, 1997

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 28, 1997, at 7:30 P.M., in the County Council Chambers, Sussex County Administrative Building, Georgetown, Delaware, with the following members present:

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Jones - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the minutes of August 14, 1997, as amended.

II. PUBLIC HEARINGS

1. C/Z #1309--Sussex Realty, Inc.

Mrs. Janet Baker McCarty was present on behalf of this application to amend the zoning map from C-1 General Commercial to AR-1 Agricultural Residential in Dagsboro Hundred, located on both sides of U.S. Route 113, 0.6 mile northwest of Route 26, to be located on three (3) parcels totalling 28.51 acres more or less.

Mr. Lank advised the Commission that DelDOT comments had not been requested since the application was for downzoning of the parcels.

Mr. Lank advised the Commission that the Sussex Conservation District provided comments that they would not be commenting on downzonings.

Mrs. McCarty stated that the land is low and poorly drained; that the land is excellent for growing timber; that the land is not suitable for development; and requested approval since the application is for downzoning.

No parties appeared in support of or in opposition to this application.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found that DelDOT comments had not been requested since the application was for downzoning.

The Commission found that the Sussex Conservation District advised the staff that they would not be commenting on downzonings.

The Commission found that Janet Baker McCarty was present and stated that the land is low and poorly drained; that the land is excellent for growing timber; that the land is not suitable for development; and requested approval since the application is for downzoning.

Motion by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since the application is a downzoning.

2. APD #97-27--Elwood Workman & Sons, Preston Workman, Mark Workman, Preston Workman, Jr., and Charles Workman

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred for four (4) parcels of land totalling 424.73 acres more or less, located east of Road 435A, and on both sides of Road 431, 1,800 feet south of Road 20 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Agricultural Preservation District Report prepared by the staff of the Delaware Agricultural Lands Preservation Foundation.

No parties appeared in support of or in opposition to this application.

At the conclusion of the public hearings, the Chairman referred back to this application.

Motion by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

3. APD #97-28--Elwood Workman & Sons, Preston Workman, Mark Workman, Preston Workman, Jr., and Charles Workman

No one was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred for one (1) parcel of land totalling 227.00 acres more or less, located south of Road 442, on both sides of Road 20, and on both sides of Road 442A for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized the Agricultural Preservation District Report prepared by the staff of the Delaware Agricultural Lands Preservation Foundation.

No parties appeared in support of or in opposition to this application.

At the conclusion of the public hearings, the Chairman referred back to this application.

Motion by Mr. Phillips, seconded by Mr. Ralph, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

4. C/U #1197--Harry & Sally Daisey

Harry Daisey and Chris Hitchens were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Broad Creek Hundred for an Auto Repair Shop at the northeast corner of Route 13A and Road 485A (Easter Lane), located on a parcel containing 30,360 square feet more or less.

Mr. Lank summarized comments received from DelDOT.

Mr. Daisey stated that he purchased the property, with a dwelling and garage; that the dwelling was run down when he purchased the property; that he needs rental for both buildings; that the dwelling is rented separately; that the entrance will remain on Road 485A; that the garage is not large enough to repair large trucks; that other business uses exist in close proximity, i.e. auto body shop at corner of U.S. Route 13 and Road 485A, Taylor's Tackle on Route 13A, and a trucking company on Route 13A; and that he anticipates no negative impact on the neighborhood.

Mr. Hitchens, the proposed tenant for the garage, stated that he proposes to operate an auto repair business; that most of his work will be for friends; that he will not have any signs on site; that he will not reside at the site; that he does not propose to operate a towing service; that no outside storage is proposed; that he resides in Milton and will commute back and forth; that the majority of his work will be on weekends; and that he does not work on heavy equipment or trucks.

Robert Hall, Wayne Medford, and Mrs. Kenneth Mack, spoke in opposition and expressed concerns that a race car is presently being repaired in the garage; that repair shop employees drive cars up and down the public roads; that some body work is being performed; that children walk and play along Road 485A and that their safety should be a major concern; that the 1979 traffic count provided by DelDOT is not accurate; that the use will disrupt a quiet neighborhood; that an auto repair shop could cause dust, odor, and noise that will negatively impact the neighborhood; and that the use may depreciate property values.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, that the level of service "B" of Route 13A and the level of service "A" of Road 485A will not change as a result of this application, and that DelDOT will allow the applicant to have access only to Route 485A.

The Commission found that Mr. Harry Daisey was present and stated that he purchased the property, with a dwelling and garage; that the dwelling was run down when he purchased the property; that he needs rental for both buildings; that the dwelling is rented separately; that the entrance will remain on Road 485A; that the garage is not large enough to repair large trucks; that other business uses exist in close proximity, i.e. auto body shop at corner of U.S. Route 13 and Road 485A, Taylor's Tackle on Route 13A, and a trucking company on Route 13A; and that he anticipates no negative impact on the neighborhood.

The Commission found that Mr. Chris Hitchens, the proposed tenant for the garage, stated that he proposes to operate an auto repair business; that most of his work will be for friends; that he will not have any signs on site; that he will not reside at the site; that he does not propose to operate a towing service; that no outside storage is proposed; that he resides in Milton and will commute back and forth; that the majority of his work will be on weekends; and that he does not work on heavy equipment or trucks.

The Commission found that Robert Hall, Wayne Medford, and Mrs. Kenneth Mack, spoke in opposition and expressed concerns that a race car is presently being repaired in the garage; that repair shop employees drive cars up and down the public roads to test the cars; that some body work is being performed; that

children walk and play along Road 485A and that their safety should be a major concern; that the 1979 traffic count provided by DelDOT is not accurate; that the use will disrupt a quiet neighborhood; that an auto repair shop could cause dust, odor, and noise that will negatively impact the neighborhood; and that the use may depreciate property values.

There was a consensus of the Commission that it appears that the application for Conditional Use is to enhance the value of the real estate; that it increases rental value of the property; that the site is not owner occupied; that conditional use approvals run with properties, not the applicants; that the use may be primarily for service and repair of stock cars; that the use may negatively impact the neighborhood; and questioning enforcement, since the use is primarily intended for weekends.

Motion by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied based on the consensus reasons stated above.

5. C/U #1199--Slaughter Neck Cemetery, Inc.

Mr. William Argo was present on behalf of this application to consider the Conditional Use of land in a GR General Residential District in Cedar Creek Hundred for a Cemetery Addition on the northeast side of Route 14, 215 feet southeast of Road 224B, located on a parcel containing 1.94 acres more or less.

Mr. Lank advised the Commission that comments were not requested from DelDOT since this application is for a cemetery.

Mr. Argo stated that the property has been owned by the corporation for approximately 10 years, and that their only intent is for expansion of the cemetery.

No parties appeared in support of or in opposition to this application.

At the conclusion of the public hearing, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found that comments were not requested from DelDOT since this application is for a cemetery.

The Commission found that Mr. William Argo was present on behalf of the applicants and stated that the property has been owned by the corporation for approximately 10 years, and that their only intent is for expansion of the cemetery.

The Commission found that no parties appeared in support of or in opposition to this application.

Motion by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since it is an expansion to an existing cemetery.

6. C/U #1198--Colonial East, Ltd.

Mr. Steve Class of Colonial East, Ltd., and James Fuqua, Esquire, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred for an Expansion to an Existing Manufactured Home Park at the northeast corner of U.S. Route 9 and Road 265, located on a parcel containing 55.29 acres more or less.

Mr. Lank summarized comments received from the County Engineering Department, relating to the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Mr. Lank summarized comments received from DelDOT, relating to a traffic impact study.

Mr. Lank read a letter in support of the application from Rose C. Payne.

Mr. Lank summarized a report prepared by the staff, relating to the number of lots and number of vacant lots in manufactured home parks within a five (5) mile radius of the application site.

Mr. Lank submitted a letter with comments in opposition from the Mallard Point Homeowners Association, Inc., and advised the Commission that representatives of the Association were present and will comment later.

Mr. Fuqua stated that the application is for a Conditional Use for an expansion to an existing manufactured home park; that the use is permitted in the AR-1 Agricultural Residential District as a Conditional Use and is subject to any conditions imposed by the County Council; that the lots are for lease only, and not for sale; that the site is bounded by the railroad on the north, Road 265 on the west, Route 9 on the south, and the

utilize Road 265; that the conditions requested by DelDOT are acceptable; that a convenience store is proposed to serve the park tenants only; that the convenience store will have no advertising; that DelDOT's requirement for a fence along the railroad is questionable since the existing park and subdivision across the railroad do not have fencing; that a bus stop will be provided; that the large home on the site will be converted to office space and will be expanded by adding a community center with an indoor pool and indoor recreational facilities; that existing out-buildings on the site will be used for maintenance equipment and storage; that 224 lots are proposed; that the 50 foot wide buffers will be landscaped; that existing vegetation will be groomed and additional plantings added; that walking trails will be incorporated into the buffers; that the streets will be built to County standards; that stormwater management will meet Sussex Conservation District regulations; that the County will receive approximately \$215,000.00 for cap fees, placement fees, permits and inspections once approved, and sewer and taxation of approximately \$175,000.00 annually; and that all criteria of the Zoning Ordinance will be met.

Mr. Fuqua added that the proposal complies with the goals of the Comprehensive Plan; that the Comprehensive Plan Land Use Element references that the permanent population is projected to increase from 113,229 in 1990 to 167,914 in 2020; that the number of households is projected to increase from 43,483 to 73,282; that the majority of the citizens favor directing growth to existing Municipalities and developing areas where central wastewater systems exist or are planned; that the goal of the County is to have future growth occur around existing Towns and in designated Development Districts; that since central wastewater facilities exist or are planned, higher densities are appropriate, thus reducing the pressure for the conversion of farmland to residential use; that the Development Districts and Town Centers will serve as the planning areas for the future; that the purpose of the Development District is to concentrate development in areas where public water and wastewater systems are available or planned and where past trends indicate that growth will occur; that the Development District will produce a mixed-use growth pattern supported by public and private investments to provide a variety of economic development and housing opportunities; that housing types appropriate in the Development District include single-family detached housing, townhouses, apartments, condominiums and manufactured housing where permitted by ordinance; that the Comprehensive Plan references development of manufactured home parks with a density of six (6) units per acre, and that this project proposes a density of four (4) units per acre; that the Mobility Element goal is to preserve and enhance the existing transportation system, improve travel safety and create additional travel

existing manufactured home park on the east; that the area has a mix of uses and referenced the large commercial area along Route 9 and east of Sea Spray Village, a subdivision which adjoins the existing park, Nassau Park, another manufactured home park northeast of the site along the railroad, farm fields, and several subdivision which have access to Road 265 including Red Mill Farms, Mallard Point, Edgewater Estates, and Nesbitt Station.

Mr. Fuqua presented a copy of the tax maps of the area depicting the referenced site, commercial areas, manufactured home parks, and subdivisions.

Mr. Fuqua stated that the site will be served by the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the existing Sussex East community is served by the District; that Tidewater Utilities is willing and able to provide public water service; that Delmarva Power will provide electrical service to the site; that Suburban Propane has committed service for the site, if approved; that the Lewes Fire Department, Inc. has the equipment and manpower to provide fire, rescue, and emergency medical coverage to the expansion area; that trash will be handled properly; and that Troop 7 of the Delaware State Police serves the area.

Mr. Fuqua submitted letters from Tidewater Utilities, Inc., Delmarva Power, Suburban Propane, and the Lewes Fire Department, Inc.

Mr. Fuqua submitted a letter from K. Mason Smawley of Delaware Environmental, a soil, water, and environmental consulting firm, which referenced that mapping indicates that no wetlands are listed for the site, that no hydric soils are listed for the site, that the site is not impacted by a flood zone, that the site appears to be good quality agriculture land, and that an on-site inspection of the site indicates no wetlands.

Mr. Fuqua stated that the site has no unique conditions; that it has been farmed; that the site is located within a Development District according to the Comprehensive Plan; that the site is not appropriate for long term agriculture since it is located in a Development District; that the Beebe Hospital is in close proximity; that Cape Henlopen School District will see little to no impact on the school system; that the existing park has approximately 5 students; that the site plan has been altered to show compliance with DelDOT requirements for interconnecting streets with the existing park; that driveways proposed to serve the community area from Route 9 have been eliminated; that no adverse impact is anticipated on traffic on Route 9 or Road 265; that the majority of the traffic from the expansion area will

alternatives through a multimodal transportation network; that Access Management is more focused on preserving and improving highway conditions by regulating access points and that such regulation may include the number and design of access from major roadways, and directing access from side streets and internal connectors; that the site is located in a recommended transit corridor; that the applicants are willing to provide space for a bus stop; that the Water and Wastewater Element goal is to plan water and wastewater systems that will protect critical natural environments and provide the infrastructure for future growth; that centralization of public infrastructure and services is a critical concept of the Comprehensive Plan; that public water and wastewater systems will utilize the Comprehensive Plans Town Centers and Development Districts to concentrate and direct future growth through the provision of public water and wastewater systems; that the Housing Element goal provides a complete range of housing opportunities for all residents; that the County faces exterior housing demand pressures which influence the affordability of housing for the residents; that low property tax rates and access to the beaches has created a second home and retirement market from outside Sussex County and is placing increased pressure on housing prices and availability; that the County will require an expanded housing stock; that the major housing challenges are to develop a viable multi-family production program to create low-income rental housing units, to create more home ownership opportunities for first-time buyers by expanding the availability of below-median priced homes, and to increase housing rehabilitation activity; that approximately 1/2 of all permits issued in the County are for manufactured housing meeting the HUD Code; and that this type of housing could play a significant role in meeting the demand for affordable housing.

Mr. Class stated that he and his family have been involved in manufactured home communities for approximately 25 years; that their first project in Sussex County was Colonial East which was completed in the early 1980's; that they started the Sussex East community in the mid 1980's; that they try to establish affordable quality homes, both single and multi-sectional; that all of the homes in Sussex East have A-frame roofing with shingles; that of the 275 residents in Sussex East, 82% are retired and 75% are year round; that the proposed expansion will provide both communities with community and recreational facilities; that he contacted 14 communities to verify vacancies and found that the communities were at 99% occupancy; that a need exist in the area for space; that he presently has 9 vacancies in Sussex East; that Sussex East has extensive rules and regulations; that they propose to offer both single and multi-sectional homes in the expansion area; that H.U.D. homes appreciate in value; that he anticipates no adverse impact on property values; and that Mallard Point subdivision and a large

portion of Edgewater Estates were developed after Sussex East.

Mr. Class presented and submitted building elevation drawings of the proposed community center; a group of photographs of some of the homes in Sussex East; drawings of typical multi-sectional homes with possible garage additions; photographs and renderings of proposed new designs for multi-sectional homes; a copy of the rules and restrictions for Sussex East; a report prepared by Penn State titled "Manufactured Homes - A Choice for Affordable Housing"; and thirty-five (35) letters and notes in support.

Mr. Fuqua read and submitted a list of proposed conditions that would be acceptable to the applicants, which included that the preliminary site plan shall be required to be reviewed by the Technical Advisory Committee and the Planning and Zoning Commission; that the preliminary site plan shall include a phasing schedule and projected development time table; that the development shall comply with requirements of DelDOT regarding entrance improvements, a street connection to the existing Sussex East Development, construction of a sheltered bus stop on Route 9 of a design and location acceptable to DelDOT, and that no signs advertising commercial use shall be directed toward Route 9; that the maximum number of residential lots shall not exceed 224 and shall be for lease only; that the development shall be served by central sewer as part of the existing Sussex County Sewer District; that the development shall be served by a central water system, including fire protection; and that a fifty (50) foot buffer will be maintained along the southerly, westerly and northerly boundaries of the site, that the existing growth along the northern and western boundaries will be preserved subject to appropriate pruning, and that the southern boundary along Route 9 will be appropriately landscaped.

Mr. Class and Mr. Fuqua, in response to questions raised by Commission members, stated that 175 of 187 lots are occupied in Sussex East; that the project will be developed in phases and will be dependent on economics; that 209 lots were originally approved; that 22 lots have been deleted due to stormwater management requirements; that new units will have shingled roofing with a nominal pitch of 3/12, and lap siding; that the products being built by Nanticoke Homes have a nominal 5/12 pitch; that the buffer areas will include walking trails; that the community center will serve both the existing park and the proposed expansion; that Sussex East is not advertised as an adult community; that the entrance onto Road 265 was required by DelDOT and was not a part of the original submittal; that there are 275 residents within Sussex East; that the overall density is less than four (4) units per acre; and that a single-family development could have more population at the same density.

Charlie Marsch, Chairman of the Sussex County Mobile Home Tenants Association - Environmental Concerns Committee, Robert Frick, Thomas Stecker, and Edward Whitmer, of the 44 people present in support of the application, stated that the 200 plus additional EDU's will help reduce the cost to other users of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer System; that the developers will be required to build all infrastructure, pumpstations, etc. to serve the project; that the developers are a class act; that the tenants have to go out onto Route 9, turn onto Road 265, go down Road 265 to Route One to be able to go north on Route One; that direct access to Road 265 will be a benefit to all tenants within Sussex East; that the residents within the park feel that the developers provide good management, good maintenance; and that the residents support the expansion.

William Ermer, a resident of Edgewater Estates, Eric Howard, a resident of Mallard Point, Richard Cleaver, a resident of Nesbitt Station, Robert Kirk, a resident of Red Mill Farms, Bernard Murphy, a resident of Red Mill Farms, Mrs. Frances Baker, a resident off of Road 265, and David Shevock, a resident off of Road 265, of the 27 people present in opposition, expressed concerns relating to additional traffic on Road 265; that the intersection of Route One and Road 265 should be lighted and provided with a traffic signal; that the intersection of Route 9 and Road 265 should be lighted; that the homes in the park should be handi-capped accessible; that access to the park should be limited to the existing entrance off of Route 9 and not on Road 265; that access to Route 9 from Road 265 is almost impossible during summer months; that some lots in Red Mill Farms have driveways that back out directly into Road 265; that all homes along Road 265 are single family detached, not manufactured homes; that the residents are concerned about depreciation of property values; that school aged children are not picked up by school buses at their homes along Road 265 due to the amount of traffic; questioned if the Office of the State Fire Marshal will require a fire tower; questioned how the drainage will be corrected, since it already flows across Road 265 to Red Mill Pond; and questioned the financial impact on the area.

Eric Howard read and submitted a letter and comments in opposition on behalf of the Mallard Point Homeowners Association, Inc. from Rob Gibbs, Secretary and Director, relating to traffic and zoning fairness.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found that Mr. Lank summarized comments received from the County Engineering Department, relating to the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

The Commission found that Mr. Lank summarized comments received from DelDOT, relating to a traffic impact study.

The Commission found that a letter had been received from Rose C. Payne in support of the application.

The Commission found that Mr. Lank summarized a report prepared by the staff, relating to the number of lots and number of vacant lots in manufactured home parks within a five (5) mile radius of the application site. The staff found that 24 vacant lots exist of the 3,231 lots in manufactured home parks within 5 miles of the site.

The Commission found that Steve Class was present on behalf of Colonial East, Ltd., with James Fuqua, Esquire, and that Mr. Fuqua stated that the application is for a Conditional Use for an expansion to an existing manufactured home park; that the use is permitted in the AR-1 Agricultural Residential District as a Conditional Use and is subject to any conditions imposed by the County Council; that the lots are for lease only, and not for sale; that the site is bounded by the railroad on the north, Road 265 on the west, Route 9 on the south, and the existing manufactured home park on the east; that the area has a mix of uses and referenced the large commercial area along Route 9 and east of Sea Spray Village, a subdivision which adjoins the existing park, Nassau Park, another manufactured home park northeast of the site along the railroad, farm fields, and several subdivision which have access to Road 265, including Red Mill Farms, Mallard Point, Edgewater Estates, and Nesbitt Station.

The Commission found that Mr. Fuqua presented a copy of the tax maps of the area depicting the referenced site, commercial areas, manufactured home parks, and subdivisions.

The Commission found that Mr. Fuqua added that the site will be served by the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the existing Sussex East community is served by the District; that Tidewater Utilities is willing and able to provide public water service; that Delmarva Power will provide electrical service to the site; that Suburban Propane has committed service for the site, if approved; that the Lewes Fire Department, Inc. has the equipment and manpower to provide fire, rescue, and emergency medical coverage to the expansion area; that trash will be handled properly; and that

Troop 7 of the Delaware State Police serves the area.

The Commission found that letters from Tidewater Utilities, Inc., Delmarva Power, Suburban Propane, and the Lewes Fire Department, Inc. were submitted.

The Commission found that a letter was submitted from K. Mason Smawley of Delaware Environmental, a soil, water, and environmental consulting firm, which referenced that mapping indicates that no wetlands are listed for the site, that no hydric soils are listed for the site, that the site is not impacted by a flood zone, that the site appears to be good quality agriculture land, and that an on-site inspection of the site indicates no wetlands.

The Commission found that Mr. Fuqua added that the site has no unique conditions; that it has been farmed; that the site is located within a Development District according to the Comprehensive Plan; that the site is not appropriate for long term agriculture since it is located in a Development District; that Beebe Hospital is in close proximity; that Cape Henlopen School District will see little to no impact on the school system; that the existing park has approximately 5 students; that the site plan has been altered to show compliance with DelDOT requirements for interconnecting streets with the existing park; that driveways proposed to serve the community area from Route 9 have been eliminated; that no adverse impact is anticipated on traffic on Route 9 or Road 265; that the majority of the traffic from the expansion area will utilize Road 265; that the conditions requested by DelDOT are acceptable; that a convenience store is proposed to serve the park tenants only; that the convenience store will have no advertising; that DelDOT's requirement for a fence along the railroad is questionable since the existing park and subdivision across the railroad do not have fencing; that a bus stop will be provided; that the large home on the site will be converted to office space and will be expanded by adding a community center with an indoor pool and indoor recreational facilities; that existing out-buildings on the site will be used for maintenance equipment and storage; that 224 lots are proposed; that the 50 foot wide buffers will be landscaped; that existing vegetation will be groomed and additional plantings added; that walking trails will be incorporated into the buffers; that the streets will be built to County standards; that stormwater management will meet Sussex Conservation District regulations; that the County will receive approximately \$215,000.00 for cap fees, placement fees, permits and inspections once approved, and sewer and taxation of approximately \$175,000.00 annually; and that all criteria of the Zoning Ordinance will be met.

The Commission found that Mr. Fuqua added that the proposal complies with the goals of the Comprehensive Plan; that the Comprehensive Plan Land Use Element references that the permanent population is projected to increase from 113,229 in 1990 to 167,914 in 2020; that the number of households is projected to increase from 43,483 to 73,282; that the majority of the citizens favor directing growth to existing Municipalities and developing areas where central wastewater systems exist or are planned; that the goal of the County is to have future growth occur around existing Towns and in designated Development Districts; that since central wastewater facilities exist or are planned, higher densities are appropriate, thus reducing the pressure for the conversion of farmland to residential use; that the Development Districts and Town Centers will serve as the planning area for the future; that the purpose of the Development District is to concentrate development in areas where public water and wastewater systems are available or planned and where past trends indicate that growth will occur; that the Development District will produce a mixed-use growth pattern supported by public and private investments to provide a variety of economic development and housing opportunities; that housing types appropriate in the Development District include single-family detached housing, townhouses, apartments, condominiums and manufactured housing where permitted by ordinance; that the Comprehensive Plan references development of manufactured home parks with a density of six (6) units per acre, and that this project proposes a density of four (4) units per acre; that the Mobility Element goal is to preserve and enhance the existing transportation system, improve travel safety and create additional travel alternatives through a multimodal transportation network; that Access Management is more focused on preserving and improving highway conditions by regulating access points and that such regulation may include the number and design of access from major roadways, and directing access from side streets and internal connectors; that the site is located in a recommended transit corridor; that the applicants are willing to provide space for a bus stop; that the Water and Wastewater Element goal is to plan water and wastewater systems that will protect critical natural environments and provide the infrastructure for future growth; that centralization of public infrastructure and services is a critical concept of the Comprehensive Plan; that public water and wastewater systems will utilize the Comprehensive Plans Town Centers and Development Districts to concentrate and direct future growth through the provision of public water and wastewater systems; that the Housing Element goal provides a complete range of housing opportunities for all residents; that the County faces exterior housing demand pressures which influence the affordability of housing for the residents; that low property tax rates and access to the beaches has created a second home and retirement market from outside Sussex County and

is placing increased pressure on housing prices and availability; that the County will require an expanded housing stock; that the major housing challenges are to develop a viable multi-family production program to create low-income rental housing units, to create more home ownership opportunities for first-time buyers by expanding the availability of below-median priced homes, and increase housing rehabilitation activity; that approximately 1/2 of all permits issued in the County are for manufactured housing meeting the HUD Code; and that this type of housing could play a significant role in meeting the demand for affordable housing.

The Commission found that Mr. Class stated that he and his family have been involved in manufactured home communities for approximately 25 years; that their first project in Sussex County was Colonial East which was completed in the early 1980's; that they started the Sussex East community in the mid 1980's; that they try to establish affordable quality homes, both single and multi-sectional; that all of the homes in Sussex East have A-frame roofing with shingles; that of the 275 residents in Sussex East, 82% are retired and 75% are year round; that the proposed expansion will provide both communities with community and recreational facilities; that he contacted 14 communities to verify vacancies and found that the communities were at 99% occupancy; that a need exist in the area for space; that he presently has 9 vacancies in Sussex East; that Sussex East has extensive rules and regulations; that they propose to offer both single and multi-sectional homes in the expansion area; that H.U.D. homes appreciate in value; that he anticipates no adverse impact on property values; and that Mallard Point subdivision and a large portion of Edgewater Estates were developed after Sussex East.

The Commission found that building elevation drawings of the proposed community center; a group of photographs of some of the homes in Sussex East; drawings of typical multi-sectional homes with possible garage additions; photographs and renderings of proposed new designs for multi-sectional homes; a copy of the rules and restrictions for Sussex East; a report prepared by Penn State titled "Manufactured Homes - A Choice for Affordable Housing"; and thirty-five (35) letters and notes in support were submitted by the applicant.

The Commission found that Mr. Fuqua read and submitted a list of proposed conditions that would be acceptable to the applicants, which included that the preliminary site plan shall be required to be reviewed by the Technical Advisory Committee and the Planning and Zoning Commission; that the preliminary site plan shall include a phasing schedule and projected development time table; that the development shall comply with requirements of DelDOT regarding entrance improvements, a street connection to

the existing Sussex East Development, construction of a sheltered bus stop on Route 9 of a design and location acceptable to DelDOT, and that no signs advertising commercial use shall be directed toward Route 9; that the maximum number of residential lots shall not exceed 224 and shall be for lease only; that the development shall be served by central sewer as part of the existing Sussex County Sewer District; that the development shall be served by a central water system, including fire protection; and that a fifty (50) foot buffer will be maintained along the southerly, westerly and northerly boundaries of the site, that the existing growth along the northern and western boundaries will be preserved subject to appropriate pruning, and that the southern boundary along Route 9 will be appropriately landscaped.

The Commission found that Mr. Class and Mr. Fuqua, in response to questions raised by Commission members, stated that 175 of 187 lots are occupied in Sussex East; that the project will be developed in phases and will be dependent on economics; that 209 lots were originally approved for Sussex East; that 22 lots were deleted due to stormwater management requirements; that new units will have shingled roofing with a nominal pitch of 3/12, and lap siding; that the products being built by Nanticoke Homes have a nominal 5/12 pitch; that the buffer areas will include walking trails; that the community center will serve both the existing park and the proposed expansion; that Sussex East is not advertised as an adult community; that the entrance onto Road 265 was required by DelDOT and was not a part of the original submittal; that there are approximately 275 residents in Sussex East; that the overall density is less than four (4) units per acre; and that a single-family development could have more population at the same density.

The Commission found that Charlie Marsch, Chairman of the Sussex County Mobile Home - Tenants Association Environmental Concerns Committee, Robert Frick, Thomas Stecker, and Edward Whitmer, of the 44 people present in support of the application, stated that the 200 plus additional EDU's help reduce the cost to other users of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer System; that the developers will be required to build all infrastructure, pumpstations, etc. to serve the project; that the developers are a class act; that the tenants have to go out onto Route 9, turn onto Road 265, go down Road 265 to Route One to be able to go north on Route One; that direct access to Road 265 will be a benefit to all tenants within Sussex East; that the residents within the park feel that the developers provide good management, good maintenance; and that the residents of Sussex East support the expansion.

The Commission found that William Ermer, a resident of Edgewater Estates, Eric Howard, a resident of Mallard Point, Richard Cleaver, a resident of Nesbitt Station, Robert Kirk, a resident of Red Mill Farms, Bernard Murphy, a resident of Red Mill Farms, Mrs. Frances Baker, a resident off of Road 265, and David Shevock, a resident off of Road 265, of the 27 people present in opposition, expressed concerns relating to additional traffic on Road 265; that the intersection of Route One and Road 265 should be lighted and provided with a traffic signal; that the intersection of Route 9 and Road 265 should be lighted; that the homes in the park should be handi-capped accessible; that access to the park should be limited to the existing entrance off of Route 9 and not on Road 265; that access to Route 9 from Road 265 is almost impossible during summer months; that some lots in Red Mill Farms have driveways that back out directly onto Road 265; that all homes along Road 265 are single family detached, not manufactured homes; that the residents are concerned about depreciation of property values; that school aged children are not picked up by school buses at their homes along Road 265 due to the amount of traffic; questioned if the Office of the State Fire Marshal will require a fire tower; questioned how the drainage will be corrected, since it already flows across Road 265 to Red Mill Pond; and questioned the financial impact on the area.

The Commission found that Eric Howard read and submitted a letter and comments in opposition on behalf of the Mallard Point Homeowners Association, Inc. from Rob Gibbs, Secretary and Director, relating to traffic and zoning fairness.

Motion by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to defer action.

III. OTHER BUSINESS

1. Hotel at Postal Lane (Donald Derrickson)

The Commission reviewed a revised commercial site plan for a hotel located on Road 283 and Postal Lane.

Mr. Abbott advised the Commission that the plan was approved on April 24, 1997 for a three story 96 unit hotel, that the revised plan has been changed to a four story hotel with 86 units, that golfing amenities and a swimming pool have been added, that the entrance locations are the same, and that the site plan meets the minimum requirements of the zoning code.

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the revised site plan as a preliminary. Final approval shall be subject to receipt of all required agency approvals and permits.

2. Dr. Hiram Lasher

The Commission reviewed a request for a waiver from the requirements for submitting a preliminary subdivision plan.

Mr. Abbott advised the Commission that Dr. Lasher is proposing a three lot subdivision and requesting that the topography not be required prior to submitting the preliminary subdivision plan and summarized a letter from John Sergovic.

Dr. Lasher advised the Commission that not having to have the topography will enable the family to put the money into building the street to Sussex County specifications.

Mr. Lank advised the Commission that the topography will be required when the construction plans are submitted to various agencies since drainage calculations will more than likely be required.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to defer action on this request.

3. Subdivision #96-9--Stan Thompson and Bob Durham

The Commission considered a request for a one year time extension for obtaining final approval for the 26 lot Woods at Trap Pond subdivision.

Mr. Abbott advised the Commission that this is the first request for a time extension and that the staff has received agency approvals from Sussex County Engineering and DNREC.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to grant a one year time extension.

4. Kevin and Cheryl Fisher

The Commission reviewed a concept to create two parcels and a fifty foot easement off of Road 410.

Motion made by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to approve the two lots and fifty foot easement as a concept.

5. Spinnaker Village

The Commission reviewed a preliminary multi family site plan for 19 units at the Salt Pond.

Mr. Abbott advised the Commission that the site plan meets the minimum requirements of the Zoning Code and that as of this date, the staff has not received any agency approvals.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to receipt of all required agency approvals and permits.

IV. OLD BUSINESS

1. Subdivision #97-4--Robin Beard

The Chairman referred back to this application which was deferred at the July 24, 1997 meeting.

The Commission discussed the points and issues raised during the public hearing.

Mr. Lank advised the Commission that the septic feasibility statement has been received from DNREC.

Motion made by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to approve the subdivision as a preliminary.

Meeting adjourned at 10:50 P.M.