

## MINUTES OF THE REGULAR MEETING OF SEPTEMBER 7, 2000

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 7, 2000 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The Meeting was called to order at 7:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, Mr. Lynch, Mr. Wheatley, with Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Ms. Mowbray - Zoning Inspector III.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the agenda as amended by deleting item #3 under Old Business.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the Minutes of August 24, 2000 as corrected.

Mr. Schrader described how the agenda and hearings would be conducted.

### IV. PUBLIC HEARINGS

C/U #1351 -- application of DAVID M. SHEPHERD to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a contractor's office, parking, and storage of equipment and materials to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 6.169 acres, more or less, lying north of a 20-foot wide easement, 1,000 feet north of Road 306-A and 1/4 mile west of Road 299.

The Commission found that the application included a survey, a site plan of the parcel showing the existing driveway and proposed buildings, and an enlarged site plan of the buildings and driveway.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, and that the level of service "B" of Road 306A will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department, that the site is within one mile of the Inland Bays Wastewater Treatment Facility.

The Commission found that David M. Shepherd was present and stated in his presentation and in response to questions raised by the Commission that he is an excavation contractor; that he presently has a dump truck, a trailer, and a back-hoe; that his office is located within his home; that he proposes storage of his equipment; that he has minimal customer traffic; that his normal working hours are 7:00 A.M. to 5:00 P.M.; that he may hire additional employees in the future; that he does not intend to store

any materials on the site; that a building contractor exists on an adjoining parcel; that he maintains the driveway from Road 306A back to the site; and that there are no known objections from neighbors.

The Commission found that Jerry Martin, a neighbor that has access to the easement, was present and stated that he has no objection to the business, and that the applicant is a good neighbor.

The Commission found that Jerry Balthaser, a neighbor, was present and stated that he would not be opposed to the application if the applicant was restricted with the same or similar stipulations that he was required to comply with when granted a Conditional Use for his construction business in 1997.

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.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to defer action. The staff shall provide copies of the stipulations on the Balthaser application for review by the Commission.

C/U #1352 -- application of REHOBOTH OUTLETS CENTER 3 to consider the Conditional Use of land in a C-1 General Commercial District for a sales cart program for the sale of soft and hard goods off of carts to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 34.41 acres, more or less, lying at the northeast corner of Route 1 and Road 271.

The Commission found that the application included reduced site plans of the Rehoboth Outlets Center 3 showing 3 areas proposed for the location of vendor carts.

The Commission found, based on comments received from the County Engineering Department, that if the equivalent dwelling unit assessment is increased due to usage of the facilities, system connection charges will be due; that the system connection charge rate through June 30, 2001 is \$2,954 per equivalent dwelling unit; and that any increases in equivalent dwelling unit assessment will result in an increase to the yearly service charge.

The Commission found that Bonnie McDaniel, General Manager for Rehoboth Outlet Centers, was present and stated in her presentation and in response to questions raised by the Commission that they propose a maximum of eight (8) vendor carts at three (3) locations within Center 3; that the carts will be on the site for seasonal use from Memorial Day to Labor Day and some weekends during the remainder of the year; that



the vendor carts would be closed during inclement weather; that the vendor tenants would be required to follow the same guidelines within the Center as the store tenants; that the vendor carts would offer for sale foods, tee-shirts, sunglasses, hats, ice cream, and other hard and soft goods; that the carts will be owned by the tenants; that the tenants will be offered a space containing 200 square feet for placement of the carts; that anchors will be provided in the pavement to secure the carts so that they are not movable; that some tables with umbrellas and some benches are available in some areas of the Center; that all proposed vendor cart locations are handicapped accessible; that all of the proposed vendor cart locations are close to electrical outlets; that the courtyards have ground outlets available; and that all food carts require approval and permits from the Board of Health.

The Commission found that 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. Mr. Wheatley expressed some concern about the location of the cart near the Waterford store in Building 8.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to defer action so that the location of the cart near the Waterford store could be inspected.

C/U #1353 -- application of REHOBOTH OUTLETS CENTER 2 to consider the Conditional Use of land in a C-1 General Commercial District for a sales cart program for the sale of soft and hard goods off of carts to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 15.14 acres, more or less, lying southwest of Route 1 across from Road 271.

The Commission found that the application included reduced site plans of the Rehoboth Outlets Center 2 showing 2 areas proposed for the location of vendor carts.

The Commission found, based on comments received from the County Engineering Department, that if the equivalent dwelling unit assessment is increased due to usage of the facilities, system connection charges will be due; that the system connection charge rate through June 30, 2001 is \$2,954 per equivalent dwelling unit; and that any increases in equivalent dwelling unit assessment will result in an increase to the yearly service charge.

The Commission found that the record of Conditional Use #1352 should be made a part of the record of this application.

The Commission found that Bonnie McDaniel, General Manager for Rehoboth Outlet Centers, was present and stated in her presentation and in response to questions raised by the Commission that they propose two (2) vendor cart locations at Center 2; that the Center is open from 10:00 A.M. to 9:00 P.M. and that the vendor carts would be open from 10:00 A.M. to 7:00 or 9:00 P.M.; and that tenants and their products change.

The Commission found that 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.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations: 1) the site plan shall be subject to review and approval by the Planning and Zoning Commission; 2) the vendor carts shall be located on 200 square foot sites and affixed to the site; 3) no more than two (2) vendor carts shall be located on this site, as depicted on the site plan.

C/U #1354 -- application of SOFTBALL WORLD, L.L.C. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a softball complex, cabins, parent lodging, administrative buildings, bath houses, pool and dining hall to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 131.94 acres, more or less, lying on the southwest corner of the intersection of Road 48 and Route 5.

The Commission found, based on comments received from DelDOT, that the Department does not recommend a traffic impact study; that approval of the application would be inconsistent with the Statewide Long Range Transportation Plan, the Department's understanding of the County's Comprehensive Plan, and the Cabinet Committee on State Planning Issues Strategies for State Policies and Spending; and that the Department recommends that the County deny the application.

The Commission found, based on comments received from the Office of State Planning Coordination, that the parcel is located within the Rural area of the Strategies for State Policies and Spending Map approved by the Cabinet Committee on State Planning Issues in December 1999; that in these areas, State policy will be to encourage the preservation of a rural lifestyle and discourage new development; that the State feels that a project of this size would be better suited in a Community or a Developing area so that a wider variety of transportation and other infrastructure needs could be addressed; that immediately adjacent to the northern corner of the site is the Indian Mission Church built



in 1921 and listed in the National Register for Historic Places as part of the Nanticoke Indian Community Thematic Resources nomination; that the Beers Atlas of 1868 shows a Methodist Church at the southeastern end of the property near the location of a current chicken house; that there is a potential for human burials as well as other archaeological remains associated with the church; that a project such as this would have serious affects on the agricultural setting of Indian Mission Church with the introduction of inappropriate visual and noise elements; that the State objects to this proposal for the reasons stated; that the State urges the County to require that the developer work with the State Historic Preservation Office to find ways to mitigate any adverse effects and to avoid any archaeological sites; and that the State would also like to warn the developer about the potential for human remains at the southeastern end of the site and suggest that this area be set aside for open space to avoid any such remains.

The Commission found that a letter had been received from William H. Bryan in support of the application

The Commission found that a petition had been received in opposition that contained 21 signatures of members of the Indian Mission Church.

The Commission found that a letter had been received from George H. Bunting, Jr., State Senator of the 20<sup>th</sup> District in opposition to the application.

The Commission found that letters had been received from the Angola by the Bay Property Owners Association, Inc., the Falcon Crest Property Owners Association, Saki Whitaker, Albert and Maria Swaringen, John and Kathy Rose, Diane and Ernie Long, Patrick McCarthy, Alma and Raymond Elwell, Charles McMichael, III, Raymond and Rebecca Hastings, and Catherine Devenny in opposition to the application.

The Commission found that 39 letters had been received on Concerned Citizens letterhead in opposition to the application.

The Commission found that 21 form letters had been received in opposition to the application.

The Commission found that Pete Townsend, Tim Willard, Attorney, and Tom Ford of Land Design, Inc. were present on behalf of the application and stated in their presentations and in response to questions raised by the Commission that this is a unique application; that a recreational facility is proposed; that the facility will be a semi-public use; that they propose to use the site from April to October for a tournament camp for girls ages 12 through 18; that local little leagues and softball leagues may use the facility at no cost, except for lighting; that since filing the application they have reduced the acreage from 131.94 acres to 85 acres; that a church exists across Route 5; that



approximately 10 residential structures exists across Route 48; that commercial uses exists to the north across Route 48 and west of Route 5, including a car lot, a construction company, mini-storage and boat storage; that the site is located in the Millsboro Fire Company service area; that police protection is provided by the State Police; that both central water and central sewer are proposed; that the DelDOT letter references that there will be no change in the level of service of Route 5; that some ballfields will be lighted; that the direction of the lighting shall be restricted; that the ballfield lights will not be on after 10:00 P.M.; that the public address system will only be used for opening ceremonies and final games each week; that security personnel will be on the site at all times; that wetlands have been delineated; that topography and woodlands, flood zones boundaries, and soils have also been mapped; that the site is at the hub of the traffic pattern of the area; that 19 acres of commercial lands exists north of the site; that the proposed entrance to the site is west of Route 5 and 1,000 feet south of Route 48; that of the 85 acres 23+ acres are wooded and 61+ acres are open space; that they propose a self contained recreational complex for 720 players per week; that they propose 24 cabins to house two teams, 2 bath houses; a 112 bed parent lodging facility, administrative offices with 24 hour staffing; and a maintenance building in the passive area; that in the active area they propose an open air dining facility, a swimming pool and pool house, basketball courts, volleyball courts, a barbecue area, a tot lot, 4 ballfields with fences 200-feet from homeplate, 4 ballfields with fences 300-feet from homeplate with provisions for installing temporary fencing at 200-feet, and a running track; that adequate vehicle circulation is available on the site and at the access point on Route 5; that they propose to provide one parking space for each two players; that overflow areas will be provided if necessary; that adequate space is available on the site for all parking; that a central septic system on 5-acres is proposed; that stormwater management is proposed to be located at the rear of the site; that development of the site should reduce cropland run-off by approximately 78 percent; that 88% of the site will remain pervious and 12% of the site will be impervious (roadways, buildings and ballfields); that they looked for a site in the area with few neighbors, good road access, and a central location; that there are 9 little league groups in Sussex County; that 8 of the groups ballfields have churches in eye sight; that 7 groups ballfields have cemeteries in eyesight; that the Rehoboth and Georgetown little leagues are located on church properties; that the site is appropriate for the use; that the project is proposed to be similar to a complex in Cooperstown, New York; that they have researched the rules of the complex; that teams have 3 coaches and 12 players; that the facility will provide umpires, staff, and security; that all players are required to sign in and sign out; that players will check in from 11:00 A.M. to 3:00 P.M. on a Sunday; that cabin lights are required to be out by 11:00 P.M.; that the fee for a player to stay for the tournaments is \$400 per week; that the tournaments schedule 2 games on Monday, Tuesday, and Wednesday, and then single elimination games on Thursday and Friday with the championship game on Friday night under the lights with closing ceremonies after the championship game; that the Softball World tournament scheduling is from June 20<sup>th</sup> to Labor Day, after little leagues are completed; that the site



is in the middle of 4 little league areas; that all users of the facility can stay on the site through Saturday; that a site was looked at in the Georgetown area; that the site could be developed with 100 to 110 dwellings which would generate more traffic; that the facility is closed after the season ends; that at least 3 people will be working there during the off season; that the earliest game is started at 9:00 A.M. and the closing game each day is over by 10:00 P.M.; that typically, at Copperstown, 10 to 15 parents watch a game; that bleachers will be provided; that gates are erected between fields; that a game will be umpired by at least 2 umpires; that they anticipate approximately 100 employees during peak scheduling; that the teams that play in the tournaments will be from all over the United States; that a vegetated buffer is proposed near the southwest corner of the intersection; that if the use is approved they will start construction immediately so that the complex will be open for 2001; that all fields will be constructed; that 1/2 of the dorms will be constructed for the 2001 season; that the perimeter of the site can be fenced, if required; and that the dorm lodges will be air conditioned.

The Commission found that representatives of the application submitted revised site plans; a photocopy of the zoning map high-lighted with the site location; a photocopy of the tax maps depicting the site and the commercial area north of Route 48; a photocopy of the map from the Comprehensive Plan; excerpts from the Comprehensive Plan; aerial photographs of the area superimposed with the site plan; photographs of the site and area; copies of letters sent to little leagues within the area; proposed staff duties; proposed rules of the park; information listings about the little league parks in the County; letters of support from Jay Futch, Carol Lingo, and George C. Russ; and proposed conditions of approval.

The Commission found that Sue Kimball, Holly Kimball, Nick DelCampo, Mike Serman, George Russ, Nancy Russ, and Mike Hastings were present and spoke in support of the application and stated that camps are well supervised; that camps create seasonal jobs for students in the area; that organized sports helps keeps kids off of the street; that crime and vandalism is not an issue at camps; that the players are dedicated athletes; that student athletes are typically the best students in schools; that some students get scholarships for softball; that local players are required to go out of state to play in tournaments; that a local facility will be a benefit to local players; that local activities bring communities together; and that the facility will be a positive benefit to the community.

The Commission found that Sue Kimball submitted a petition with 176 signatures in support of the application.

The Commission found that Dennis Barnes, Mike Tyler of the Citizens Coalition, Bill Tobin, Faith Lynch, Gregory Drain, Leogla Wright, Cindy Quillen, Valerie McCrea, Robert Allen, Bob Marshall, Henry Glovack, Jr., Til Purnell, Sharon Drain, and Paul



Kersner were present and spoke in opposition to the application and stated that no one in the chambers is opposed to the intended use, only the location of the application; that the County should give consideration to the comments received from DelDOT and the Office of State Planning Coordination and reject the application; that the rural community of Hollyville and the families in the area of Indian Mission Road have historic pride in where they live; that such a large project would disrupt the community, create undue traffic and noise and would be out of character with the surrounding agricultural, residential and church surroundings; that commercial properties nearly were placed before the Comprehensive Plan; that approval of the use would be contrary to the Comprehensive Plan and not in best interests for the future of the County; that approval of this project at the location could ultimately destroy the reasons why people come to the County; that the applicants should seek to place the project within one of the Town Center Districts where services, transportation, jobs and infrastructure already exist; that conflicting stories have been stated by representatives of the application; that traffic will increase and cause additional backups; that Agricultural Preservation Districts exists nearby; that the curve of Route 5 at the intersection with Route 48 is hazardous; that some of the fields are designed for baseball play, not softball; that the pumpkin' chunkin' project on one weekend causes enough additional traffic and disturbances; that the noise and lights will disturb shift workers that live in the area; that the project is being proposed for monetary gain, not community service; residents in the area are firmly opposed to the project due to the closeness to the Indian Mission Church, increased traffic on a roadway with no improvements planned in the future, negative environmental impact, obvious noise and light pollution, and water and sewer concerns; that the noise of eight ballfields will disrupt the Indian Mission Church, an active church; that the Indian Mission Church is on the National Register of Historic Places; that the members of the Indian Mission Church and the Nanticoke Indians are concerned about disruption and disturbance of the sacred burial grounds at the church cemetery; that some of the grave sites are dated in the 1800's and cannot be restored if damaged; that security is a concern; that the players are children and that children do get into mischief; that the players families will be coming to the area for the tournaments and vacations, and will not be staying at the facility all the time, and thereby creating additional traffic to and from the site; that if the softball project is approved, what guarantees are there that the applicants don't come back with a football project for the fall and winter months; and that the land should remain in agricultural use and be preserved.

The Commission found that Sharon Drain submitted a packet of news articles about the Cooperstown project.

Mr. Schrader announced that the sign-in sheets passed out to the audience during the public hearing indicated that 140 people were in attendance in opposition, and that 8 people were in attendance in support.



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.

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

C/U #1355 -- application of BARRY MORIN to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a cabinet shop and storage to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 8.0 acres, more or less, lying west of Route 17 and 3,000 feet north of Road 370.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, and that the level of service "C" of Route 17 will not change as a result of this application.

The Commission found that Barry Morin and Steve Parsons, Attorney, were present and stated in their presentations and in response to questions raised by the Commission that a cabinet shop is proposed with a work shop and storage area for cabinets; that business days are Monday through Saturday with no Sunday hours; that business hours are from 7:30 A.M. to 5:30 P.M.; that there shall be no retail sales performed on the site; that the storage will include materials for cabinets, cabinets, and countertops; that there will be some shipping and receiving of cabinets and countertops; that there will be some light assembly of cabinets and countertops; that one (1) unlighted sign, not exceeding 4-feet by 8-feet, is proposed; that the sign will be located near the north corner of the site; that security lighting has been installed; that all scrap materials are placed in dumpsters; that the loudest noise is created by a table saw; that the shop has a dust collection system; and that the maximum number of employees at the site should be 3 or 4.

The Commission found that 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.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations: 1) business days shall be Monday through Saturday, with no Sunday hours; 2) business hours shall be from 7:30 A.M. to 5:30 P.M.; 3) there shall be no retail sales performed on the site; 4) storage may include materials for cabinets, cabinets, and countertops; 5) there may be some light assembly of cabinets and

countertops; 6) one (1) unlighted sign, not exceeding 32 square feet per side or facing, may be permitted; and 7) the site plan shall be subject to review and approval by the Planning and Zoning Commission.

#### V. OLD BUSINESS

Subdivision #2000-16 -- application of WAYNE PEPPER to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred, by dividing 19.70 acres into 4 lots, located west of Road 431, 500 feet north of Road 329.

Mr. Lank advised the Commission that the preliminary approval was granted on June 22, 2000 for 4 lots; that 3 lots are proposed along Road 431; that the fourth lot is located along Road 329; that DelDOT has no objection to recordation; and that the subdivision is acceptable for final approval.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the 4-lot subdivision as a final.

Subdivision #2000-22 -- application of LESLIE AND BRENDA JOHNSON to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Seaford Hundred, by dividing 55.70 acres into 38 lots, located west of Road 541, 1,230 feet south of Road 20.

Mr. Lank advised the Commission that action was deferred on this application on August 24, 2000 due to concerns expressed about stormwater run-off draining into Green Briar Branch and maintenance.

Mr. Schrader discussed maintenance and deed covenants; advised the Commission that the wetlands were not State wetlands; and that there are no proposed activities in the wetlands.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the Subdivision as a preliminary. Final approval shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals and/or permits.

Subdivision #2000-24 -- application of RACE STREET, L.L.C. to consider the Subdivision of land in a C-1 General Commercial Zoning District and an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred, by dividing 7.88 acres into 5 lots, located northeast of Route One, east of Road 268 and west of Road 268-A.



Mr. Lank advised the Commission that the Subdivision was removed from the agenda pending comments from DelDOT.

## VI. OTHER BUSINESS

- 1) Wawa Food Market at Cox Property  
Final Commercial Site Plan - Route One and Road 270

The Commission reviewed the final commercial site plan for a retail store.

Mr. Lank advised the Commission that preliminary approval was granted on March 9, 2000 for the site; that this site plan has been submitted for final approval of the Wawa Food Market only; that the building contains 4,694 square feet; that remaining phases on the preliminary plan are labeled as future development on the site plan; that all agency approvals have been received; that the department has received 35 letters and a petition in opposition to the site plan since preliminary approval was granted; and that the site plan is acceptable for final approval.

The Commission found that Gordon Mead of Davis, Bowen and Friedel, and Gene Lankford of Ocean Atlantic, L.L.C. were present and behalf of the site plan.

The Commission found that Bill Reed and Pete Owens of Aspen Meadows Mobile Home Community were present in opposition to approval of the site plan and expressed concerns relating to traffic, traffic backups, problems getting out of the community onto Road 270; problems getting off of Road 270 onto Route One; and that if a funeral service is being conducted at the memorial cemetery north of Road 270 automobiles are parked along Road 270 making it even more difficult getting out onto Route One.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a final.

- 2) Stone Wood Chase  
Preliminary Multi-Family Site Plan - Road 274

The Commission found that the site contained 2.38 acres and that 27 units are proposed; that 81 parking spaces are proposed as required by the Code; that setbacks, dimensions, and separation between units conform to the Code; that County sewer and central water are proposed; that preliminary approval of the site plan could be granted; and that all agency approval are necessary.

The Commission found that Ross Harris of ECI was present and stated that private drives are proposed; that stormwater management will be handled on the site; that the site is adjacent to Pine Valley Mobile Home Community; and that the Town of Rehoboth Beach will probably provide central water.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

3) Waterside HR/RPC  
Preliminary Site Plan - Phase 2 - Road 361

The Commission found that the site is located north of Road 361 near the Assawoman Canal; that a 16.03 acre tract with 33 single-family units and 24 multi-family units are proposed; that 20-foot separation is proposed between the single-family units; that preliminary approval of the site plan could be granted; and that all agency approvals are necessary, except for DelDOT, which has already been issued.

The Commission found that Jeff Clark of Land Tech, L.L.C. was present and stated that the master plan was approved approximately 8-weeks ago; that all agency approvals are pending; that he has letters of approval from the Fire Marshal and the Sussex Conservation District; that approval has been received for sewer construction; that the entrance was installed when Phase One was constructed; and that County Engineering approval is pending.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to the staff upon receipt of all appropriate agency approvals.

4) Bayville RPC  
Preliminary Site Plan - Phase 1 - Route 54

The Commission found that the site is located north of Route 54; that Phase 1 consists of the central water tank area; that the tank is proposed to be 160-feet high with two 30-feet high tanks adjoining, a 20-foot by 20-foot temporary treatment building and a 60-feet by 80-feet building; that the site is subject to a pending Conditional Use application CU #1358 (Artesian Water Co.) to be heard on September 14, 2000; that the site plan could be approved as a preliminary if serving only Bayville Shores; and that serving anyone else would be subject to the pending CU #1358.



The Commission found that Jeff Clark of Land Tech, L.L.C. was present and stated that the master plan was approved approximately 8-weeks ago; that the water plant is proposed in a wooded area; that there will be no signage or lettering on the tank; and that the wells are on-site.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to approve the site plan for Phase 1 as a preliminary. Final approval of Phase 1 shall be subject to the staff upon receipt of all appropriate agency approvals.

- 5)      Wooden Hawk Auto Sales  
         C/U #1331 - Site Plan - Route 404

The Commission found that the site is located on Route 404 near Woodenhawk; that six parking spaces are proposed near the existing 30-feet by 80-feet building; that the driveway needs to be revised to 25-feet of width at the parking area; that the site plan could be approved as a preliminary.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a preliminary upon revision of the driveway width. Final approval shall be subject to the staff upon receipt of approval from DelDOT of the entrance.

Meeting adjourned at 11:55 P.M.