

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 23, 1993

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 23, 1993, at 7:30 PM, in Room 115, County Council Chambers, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Ralph, Mrs. Monaco, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planner II.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the minutes of September 9, 1993, as circulated.

II. PUBLIC HEARINGS

1. RE: C/U #1056 -- John B. Ennis, III

John B. Ennis, III was present on behalf of his application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for a Lawn Service Business lying on the northwest side of Route 42, 1,250 feet north of Route 635, to be located on a parcel containing 3.03 acres more or less.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Mr. Ennis advised the Commission that he operates a lawn service business in the Milford area, that he proposes to park his business related equipment on the site, that no work is performed on site, that his business provides grass cutting, shrubbery planting, hydroseeding, tree and shrub trimming, and parking lot vacuuming services, that a need exist to serve the public and the elderly who cannot maintain their lots, that he has been in business for approximately 6 years, that he maintains 5 vehicles for the business, that the site is partially wooded, that a pole shed is used to store grass seed, lime, and fertilizers, that storage bins contain mulch and landscaping stone, that storage trailers are used to store irrigation equipment and grass cutters, that he performs minor repair and maintenance on the equipment, that a fence exist behind his swimming pool that blocks the view of the pole shed and storage areas, that he is willing to plant 8' or 10' high white pines with 6' wide foliage along the front of the storage area where the area is exposed to view from Route 42, that a minimal amount of nursery stock is maintained on the site, that no adverse impact is anticipated on property values or the neighborhood, that there is no need for any additional wells or septic on the site, and that he has 2 full time employees.

No parties appeared in opposition.

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 the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Rumford loamy sand and Sassafras sandy loam, that the soils have slight limitations, that the applicant may be required to follow an Erosion and Sedimentation Control Plan during any construction and to maintain vegetative cover after completion of any construction, that the farmland rating of the soil types are considered Prime and of Statewide Importance, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any off-site drainage improvements, and that on site drainage improvements may be needed.

The Commission found, based on representations by the applicant, that he operates a lawn service business in the Milford area, that he proposes to park his business related equipment on the site, that no work is performed on the site, that his business provides grass cutting, shrubbery planting, hydroseeding, tree and shrub trimming, and parking lot vacuuming services, that a need exist to serve the public and the elderly who cannot maintain their lots, that he has been in business for approximately 6 years, that he maintains 5 vehicles for the business, that the site is partially wooded, that a pole shed is used to store grass seed, lime, and fertilizers, that storage bins contain mulch and landscaping stone, that storage trailers are used to store irrigation equipment and grass cutters, that he performs minor repair and maintenance on the equipment, that a fence exist behind his swimming pool that blocks the view of the pole shed and storage areas, that he is willing to plant 8' or 10' high white pines with 6' wide foliage along the front of the storage area where the area is exposed to view from Route 42, that a minimal amount of nursery stock is maintained on the site, that no adverse impact is anticipated on property values or the neighborhood, that there is no need for any additional wells or septic on the site, and that he has 2 full time employees.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following conditions:

- A. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
- B. A sufficient number of white pines, not less than 8' in height with 6' of foliage width, shall be provided to shield the view of the parking and storage area.

2. RE: C/U #1057 -- Gull Point Trust

John Fedele, President of 313 Corporation, and a partner in development of Gull Point, James Fuqua, Attorney for Gull Point Trust, Brian Carbaugh of Cabe Associates, Inc., consulting engineers, and Donald Miller of Miller/Lewis, Inc. surveyor, were present on behalf of this application to consider the Conditional Use of land in a MR Medium Density Residential District in Indian River Hundred for Multi-Family Dwelling Structures lying on the south side of private road leading to Gull Point Development and 50 feet southwest of Route 312 and north of Indian River, to be located on a parcel containing 2.99 acres more or less.

Mr. Lank summarized comments received from DelDOT, the Office of the Secretary for the State DNREC, the Sussex Conservation District, the Indian River School District, the DNREC Wetlands and Aquatic Protection Branch, the DNREC Underground Discharges Branch, the Office of the State Fire Marshal, the DNREC Pollution Control Branch, the DNREC Water Supply Branch, and the DNREC Division of Parks and Recreation.

Mr. Fuqua described the surrounding area and zoning classifications, and advised the Commission that this application will provide a density of 8 units per acre (24 units), that a Conditional Use approval could have allowed 12 units per acre if not restricted, but that the applicants chose to limit their application to 8 units per acre, that the site conforms to the Coastal Sussex Land Use Plan which designates the site for multi-family use in a Development District, that no negative affect is anticipated on the agricultural economy, that central water and sewer are proposed, and that a 50 foot setback is proposed from the high tide line of Indian River.

John Fedele advised the Commission that 2 buildings are proposed, 3 stories high (35'), and that the buildings will have 4 flats at the first floor level and 8 - two story units above, that Delmarva Power will supply electrical power, American Cable will provide Cable Television, and that Public Water Supply Company advises that they are willing to serve all water needs, both domestic and fire protection, that no significant impact is anticipated on roads in the area, that the Indian River Volunteer Fire Co., Inc. is capable of covering the expansion to Gull Point, that a swimming pool, lounge area and pool house are

proposed, that a small golf putting green and boat slips may be provided for use by the owners, that maintenance will be provided by a Condominium Council of homeowners, that there is no intent to bulkhead the river frontage, that the expansion will create an economic benefit to the State and the County tax base, that no impact is anticipated on the school district, that the site is in close proximity to shopping areas and medical facilities, that no wetlands exist on the site, and that the site is not located within a flood area.

Mr. Miller advised the Commission that he designed the site plan and stormwater management plan, that sand filters and low swales will be utilized for stormwater management, and that the stormwater management plans will be subject to the Sussex Conservation District and the County Engineering Department.

Mr. Carbaugh advised the Commission that central wastewater disposal is proposed via a community wastewater system, that the State DNREC considers this type of system a central system, that disposal will be on-site with subsurface disposal beds, that once completed maintenance will be provided by the Condominium Council with a licensed waste water operator, that an evaluation application has been prepared for submittal to the State DNREC, that soil testing has been performed and that the soils are suitable for on-site disposal, that no adverse impact on property values or the neighborhood is anticipated, and that his company operates a similar system in another multi-family project near Rehoboth where the system has proven to be successful.

Mr. Fuqua advised the Commission that the intended use conforms to adjacent uses, that the use conforms to the Coastal Sussex Land Use Plan, and reminded the Commission that, if approved, the use can be limited to 24 units, central sewer service, central water service, and stormwater management requirements.

Mr. Fuqua submitted letters from the Public Water Supply Company, Inc., the Indian River Volunteer Fire Co., Inc., Cabe Associates, Inc. to the State DNREC, and a soil survey.

Raymond Hamilton and Ronald Czajkowski spoke in opposition and expressed concerns to the proposed building locations since the buildings would block the view of Indian River, concerns for any environmental impacts, concerns about possible odors for the central wastewater disposal system, the loss of parking along the existing access to Gull Point for users of the State boat ramp, a fear that the State boat ramp may be impacted and closed, and a concern that the traffic impact study may be miss-leading since the last traffic count was performed in 1984.

Mr. Fuqua advised the Commission that there is no law providing for the right of a view by a property owner, and that the State can control parking along the right of way.

Mr. Carbaugh advised the Commission that the proposed system is more advanced than the existing system at Gull Point, and that the wastewater disposal treatment facility is subject to the State DNREC.

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 and that the level of service "B" will not change as a result of this application.

The Commission found, based on comments received from the Office of the Secretary for the State DNREC, that comments have been requested from the DNREC Division of Fish and Wildlife, the DNREC Division of Parks and Recreation, the DNREC Division of Water Resources - Wetlands and Aquatic Protection Branch, the Watershed Assessment Branch, the Pollution Control Branch, the Underground Discharges Branch, and the Water Supply Branch, the Department of Transportation, the Office of the State Fire Marshal, State Police Headquarters Communications, and the Sussex Conservation District.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any on-site or off-site drainage improvements, that the soils are mapped as Evesboro loamy sand, that the Evesboro soils have none to slight limitations, that the developers may be required to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, and that the farmland rating of the soil type is of Statewide Importance.

The Commission found, based on comments received from the Indian River School District, that at this time it does not appear that the proposed change will have a significant impact on the District.

The Commission found, based on comments received from the DNREC Wetlands and Aquatic Protection Branch, that it does not appear that the proposal will result in a direct impact on wetlands or waterways provided that any stormwater management facility not be located in wetlands or waterways unless there are no practicable alternatives, that a permit may be required from the Branch or the U.S. Army Corps. of Engineers, and that high value wetlands and waterways should be avoided during development activities.

The Commission found that the DNREC Underground Discharges Branch has no comment since wastewater disposal is proposed via central sewer facilities.

The Commission found that the Office of the State Fire Marshal has no objection to the proposed land use.

The Commission found that the DNREC Pollution Control Branch has no objection if wastes generated and storm runoff are managed to minimize impacts on surface water quality.

The Commission found that the DNREC Water Supply Branch has no objections to the proposed change.

The Commission found, based on Comments received from the DNREC Division of Parks and Recreation, that this project does not involve a state recognized natural area or an open space resource area, that it does not negatively effect current or proposed greenways, that it does not negatively effect the provisions of outdoor recreational opportunities or facilities, that the Division is unaware of any rare plants, animals, or unique natural communities within the project limits, and that concerns are expressed with the possible impact on water quality of Indian River, including runoff, septic seepage, and shoreline erosion.

The Commission found, based on comments made by representatives of the applicants, that this application will provide a density a 8 units per acre, that a Conditional Use approval could allow 12 units per acre if not restricted, that the site conforms to the Coastal Sussex Land Use Plan which designates the site for multi-family use in a Development District, that no negative affect is anticipated on the agricultural economy, that central water and sewer are proposed, that a 50 foot setback is proposed from the high tide line of Indian River, that 2 buildings are proposed 3 stories high with 4 flats at the first floor level and 8 units above the flats, that Delmarva Power will supply electrical power, that the Public Water Supply Company, Inc. advises that they are willing to serve

all water needs, both domestic and fire protection, that no significant impact is anticipated on roads in the area, that the Indian River Fire Co., Inc. is capable of covering the expansion, that a swimming pool, lounge area and pool house are proposed, that a small golf putting green and boat slips may be provided for use by the owners, that maintenance will be provided by a Condominium Council of homeowners, that there is no intent to bulkhead the river frontage, that the expansion will create an economic benefit to the State and the County tax base, that no impact is anticipated on the school district, the site is in close proximity to shopping areas and medical facilities, that no wetlands exist on the site, that the site is not located within a flood area, that sand filters and low swales will be utilized for stormwater management, that the central wastewater disposal system will be a community disposal field system, that maintenance to the disposal system will be provided by a Condominium Council with a licensed waste water operator, that an evaluation application has been prepared for submittal to the State DNREC, that soil testing has been performed and that the soils are suitable for on-site disposal, that no adverse impact on property values or the neighborhood is anticipated, and that the intended use conforms to an adjacent multi-family project.

The Commission found that 2 area residents spoke in opposition and expressed concerns to the proposed building locations since the buildings would block the view of Indian River, concerns for any environmental impacts, concerns about odors from the central wastewater disposal system, the loss of parking area along the existing access to Gull Point for users of the State boat ramp, a fear that the State boat ramp may be impacted and closed, and a concern that the traffic impact study may be miss-leading since the last traffic count was performed in 184.

Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action.

3. RE: C/Z #1209 -- H. Robert Hickman

H. Robert Hickman and Donald Miller, surveyor, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to GR-RPC General Residential - Residential Planned Community in Little Creek Hundred, located on the east side of Route 461, 1,586 feet south of Route 24, to be located on a parcel containing 43.1675 acres more or less.

Mr. Lank summarized comments received from DelDOT, the Office of the Secretary of the State DNREC, the Sussex Conservation District, the Division of Public Health, the DNREC Wetlands and Aquatic Protection Branch, the Office of the State

Fire Marshal, the DNREC Pollution Control Branch, the DNREC Water Supply Branch, the DNREC Division of Parks and Recreation, and the Division of Resource Management of the State Department of Agriculture.

Mr. Hickman advised the Commission that he purchased the site approximately one year ago with the intent to develop the site for manufactured homes, that he developed the adjacent manufactured home park to the south, that the development may aid in reduction of the loss of prime farmland, that access to any open areas can be accommodated through the street system, that he has experienced through three other developments that he has developed that the buyers prefer open areas with no equipment to maintain, and that the homeowners association should have the option to decide what types of recreational equipment they chose to utilize.

Mr. Miller advised the Commission that he designed the concept with clustering of housing lots with cul-de-sacs, that open play areas with connecting passageways can be created if desired, that central water and wastewater disposal are proposed, and that the streets are proposed to be private with maintenance by a homeowners association.

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 the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Office of the Secretary of the State DNREC, that comments have been requested from the DNREC Division of Fish and Wildlife, the DNREC Division of Parks and Recreation, the DNREC Division of Soil & Water Conservation, the DNREC Division of Water Resources Wetlands and Aquatic Protection Branch, Watershed Assessment Branch, Pollution Control Branch, and Water Supply branch, the Department of Agriculture, the Delaware State Historic Preservation Office, the Department of Health and Social Services Division of Public Health, and the Department of Transportation.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for off-site drainage improvements, that it may be necessary for some on-site

drainage improvements, that the soils are mapped as Evesboro loamy sand, Woodstown sandy loam, and Klej loamy sand, that the Evesboro soils may have none to slight limitations, that the Woodstown and Klej soils may have moderate limitations, that the developer may be required to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction.

The Commission found that the Division of Public Health will require that plans be submitted for the central water system.

The Commission found that the DNREC Wetlands and Aquatic Protection Branch advise that it does not appear that the proposed change of zone will result in a direct impact on wetlands or waterways, that stormwater management facility on the site should not be located in wetlands or waterways unless there are no practicable alternatives, and that permits may be required from the State DNREC and/or the U.S. Army Corps. of Engineers if any wetlands or waterways are impacted.

The Commission found that the Office of the State Fire Marshal advised that they have no objection to the proposed zoning change.

The Commission found that the DNREC Pollution Control Branch has no objection if wastes generated and storm runoff are managed to minimize impacts on surface water quality.

The Commission found that the DNREC Water Supply Branch has no objection to the proposal, that the operator of the water system must first obtain a Certificate of Public Convenience and Necessity before providing water service to the community, and that if any on-site public wells are needed to supply the water source the developer is encouraged to locate the well(s) in order to comply with the State Wellhead Protection Plan.

The Commission found that the DNREC Division of Parks and Recreation advise that due to the size of the project they encourage the developer to include tot lots, playgrounds, and a pathway system within the project, that the pathways should provide a safe passageway for children to access playground areas as well as a walking or biking path for adults, that any additional facilities provided for the residents will reduce the burden places on existing recreational facilities, that the Natural Heritage Inventory database has provided that they are unaware of any rare plants, animals, or unique natural communities within the project boundaries, that the James Branch is an environmentally sensitive area, and that precautions should be taken to minimize negative impacts on the watershed and the

surrounding forested area.

The Commission found that the Department of Agriculture Division of Resource Management have analyzed the site using the Sussex County Land Evaluation (LESA) system, that the site score totaled 146 out of 300 points, that the score is below average for Sussex County and suggest that farming and agriculture is one of several land uses in the area, that they do not anticipate any adverse impacts to agriculture in the area, that the establishment of forested buffers reduces potential conflicts between modern, commercial agriculture and residents of housing projects, that the Division does not oppose the application, but has questions to this type of development in a conservation district.

The Commission found, based on comments made by representatives of the application, that the applicant purchased the site with the intent to develop the site for manufactured housing, that he developed the adjacent manufactured home park to the south, that the development may aid in reduction of the loss of prime farmland, that access to any open areas can be accommodated through the street system, that he has experienced through the development of three other projects that buyers prefer open areas with no equipment to maintain, that the homeowners association should have the option to decide what types of recreational equipment they chose to utilize, that the project was designed with the concept of clustering the housing lots with cul-de-sacs, that open play areas and passageways can be created if desired, that central water and wastewater disposal are proposed, and that the streets are proposed to be private with maintenence by a homeowners association.

Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the stipulation that the preliminary site plan be subject to review and approval of the Planning and Zoning Commission.

4. RE: C/Z #1210 - Shawnee Wood Farms, Inc.

Donnie Calhoun and Curtis Calhoun were present on behalf of Shawnee Wood Farms, Inc. application to amend the zoning map from MR Medium Density Residential to B-1 Neighborhood Business in Cedar Creek Hundred, located at the intersection of the southeast side of Route 619 and the northwest side of Route 36, to be located on a parcel containing 2.0891 acres more or less.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Mr. Donnie Calhoun advised the Commission that they propose to build a country store to sell home grown produce, flowers, and everyday type groceries, that they will meet all agency requirements, that they are negotiating with DelDOT to redesign entrances/exits, that approximately 20 neighborhood residents have been contacted for their support, that an auto repair business and a trash collection business exist across Route 36, that no devaluation of property values is anticipated, that the business will be family operated with business hours planned from 6:00 A.M. to 8:00 or 9:00 P.M., and that they do not intend to provide gasoline sales.

Mr. Calhoun submitted 22 letters of support for the application.

Pamela Rogers spoke in opposition and expressed concerns about additional traffic, traffic safety, late hours, thefts, and the questionable salability of her property if the parcel is rezoned.

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, based on comments received from DelDOT, that originally a traffic impact study was recommended, that the Department has worked with the applicants to provide necessary guidelines for right of way and entrance design criteria to permit the applicants to proceed with an application for rezoning, and that certain improvements will be necessary to improve traffic patterns on Route 36 and Route 619.

The Commission found that the Sussex Conservation District advises that no storm flood hazard areas or tax ditches are affected, that it may not be necessary for any off-site drainage improvements, that it may be necessary for some on-site drainage improvements, that the soils on the site are mapped as Evesboro loamy sand and Rumford loamy sand, that both soil types have slight limitations, that the developers may be required to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, and that the farmland rating of the soil types is of Statewide Importance.

The Commission found that owners of the property were present and plan to utilize the site for a country store to sell home grown produce, flowers, and everyday groceries, that they will comply with all agency requirements, that they are negotiating with DelDOT for entrance design revisions, that they have contacted approximately 20 area residents for support, that an auto repair shop and a trash collection business exist across Route 36, that no devaluation of property values is anticipated, that the business will be family operated with anticipated business hours from 6:00 A.M. to 8:00 or 9:00 P.M., and that they propose no gasoline sales.

The Commission found that the applicants submitted 22 letters in support from area residents.

The Commission found that one area resident spoke in opposition and expressed concerns about additional traffic, traffic safety, late hours, thefts, and the questionable salability of her property if the parcel is rezoned.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved due to its close proximity to other business and commercial uses.

5. RE: Subd. #93-10--Byard B. Layton

Byard Layton, developer, and Don Miller, surveyor, were present on behalf of this application to consider the subdivision of land in an AR-1 Agricultural Residential Zoning District in Little Creek Hundred by dividing 32.98 acres into 27 lots, located on the north side of Route 496, 0.3 mile west of Route 493.

Mr. Abbott summarized the Technical Advisory Committee Report of September 16, 1993.

Mr. Abbott summarized comments received from the DNREC Division of Air and Waste Management Solid Waste Management Branch, DNREC Division of Parks and Recreation Natural Heritage Program, Greenways, and Natural Heritage Inventory, DNREC Division of Water Resources Underground Discharges Branch, and DNREC Division of Water Resources Pollution Control Branch.

Mr. Abbott advised the Commission that the site is located in a Conservation Zone based on the Western Sussex Land Use Plan, and that the applicant will be required to apply for a variance in lot sizes from the Board of Adjustment.

Mr. Miller advised the Commission that the applicant will comply with the recommendations of the Technical Advisory Committee, that he interpreted the Conservation Zone differently from the staff, and requested that the Commission forward their support to the Board of Adjustment for a variance.

No parties appeared in opposition.

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 made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a concept, and that the staff forward the Commissions support to the Board of Adjustment for a variance in the lot size requirements.

III. OTHER BUSINESS

1. RE: C/U #982-Ronald Ritthaler

The Commission reviewed a site plan for professional offices on Savannah Road (Route 9) near Westcoats Corner.

Mr. Abbott advised the Commission that the site plan meets the requirements of the zoning code, that all stipulations have been met, that there is parking located in the front yard setback, and that all required agency approvals have been received with the exception of DNREC for septic.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the site plan as submitted. Final approval shall be subject to the staff receiving approval from DNREC.

2. RE: C/U #1025-Hocker Farm Limited Partnership

The Commission reviewed a sit plan for a public utility building in the Cedar Landing Subdivision.

Mr. Abbott advised the Commission that the owner proposes to erect a temporary 12' x 12' treatment building since the system will only be serving the development at this time.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the site plan as submitted.

3. RE: C/U #1051-John Marsh

The Commission reviewed a site plan for boat storage, repairs, and sales on Route 289.

Mr. Abbott advised the Commission that the site plan is the same one submitted for conditional use #1003, that all stipulations have been met, and that all required agency approvals have been received.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the site plan as a final.

4. RE: Don Schive

The Commission reviewed a site plan for retail shops, offices, and a motel located on the west side of Route 13 near Seaford.

Mr. Abbott advised the Commission that on June 24, 1993, this site received preliminary approval for offices and that now the owner proposes to add retail stores and a motel.

The Commission questioned if DelDOT has approved an entrance and if DNREC has approved a septic system for a project this size.

Mr. Abbott advised the Commission that the staff has not received any approvals to date.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action pending further information on an entrance and septic capabilities for this site.

5. RE: Richard Miller

The Commission reviewed a concept to subdivide a 1.08 acre parcel into 2 lots located on Route One near the Broadkill River.

Mr. Abbott advised the Commission that DelDOT has granted an entrance permit for the lots and that this request requires Commission action since Route One is a major arterial roadway.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the two lots since DelDOT has approved an entrance.

6. RE: G. Wayne Jaggers

The Commission reviewed a concept to create a parcel of land off of an existing 50' right of way on the north side of Route 462.

Mr. Abbott advised the Commission that the right of way exists and serves two 9 acre parcels and that this would be the third lot under the old subdivision policy.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the concept.

7. RE: Dan Zimmerman

The Commission reviewed a concept to create a 11.31 acre parcel with access from a fifty foot right of way on the north side of Route 54.

Mr. Abbott advised the Commission that the owner has been approved to build three poultry houses and that the staff received a letter from Tyson Foods stating that they require ten acres to build.

Mr. Abbott questioned if this request would require the applicant to go through the subdivision process or apply for a variance for the minimum lot requirement.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action.

8. RE: Iacchetta Builders

The Commission reviewed a revised site plan for retail shops, restrooms, and storage and warehouse on Route 54.

Mr. Abbott advised the Commission that this site received preliminary approval on March 12, 1992, for offices and a warehouse, that this plan has parking located along the right of way of Route 54 along a curve and that the plan should be resubmitted to DelDOT for approval.

The Commission expressed concerns about the parking on Route 54.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action.

IV. OLD BUSINESS

1. RE: Subd. #91-25--Junior Armiger

Mr. Abbott advised the Commission that a request for a one year time extension has been received so that the developer can obtain all required agency approvals.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve a one year time extension.

2. RE: Gerlinde Voegele

Mr. Abbott advised the Commission that a request for a one year time extension has been received for Conditional Use #1002 and advised the Commission that stipulation 11 of Ordinance No. 855 states that the Conditional Use will expire one year from approval if the building is not constructed and that the site plan has not been approved by the Commission.

The Commission discussed the stipulations placed on this application by the County Council.

Mr. Schrader advised the Commission that they do not have the authority to grant a time extension and stated that this Conditional Use is void.

Meeting adjourned at 10:45 P.M.