

MINUTES OF THE REGULAR MEETING OF OCTOBER 26, 1995

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 26, 1995, at 7:30 PM, in the Court of Common Pleas, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planner II. Joel Leidy, ex-officio member, was present on behalf of the Secretary of the Department of Transportation.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve the minutes of October 12, 1995, as circulated.

II. PUBLIC HEARINGS

1. RE: C/U #1136--Nicholas DelCampo and Mary Zimmerman

Cindy DelCampo was present on behalf of this application to consider the Conditional Use of land in an MR Medium Density Residential District in Lewes and Rehoboth Hundred for a Multi-Family Dwelling Structure (2 units) lying on the west side of Bayard Avenue, 360 feet north of Swedes Street, southwest of Route One on a parcel containing 7,500 square feet more or less.

Mr. Lank summarized comments received from DelDOT, the County Engineering Department, and the Sussex Conservation District.

Mrs. DelCampo stated that the existing 4 bedroom 1 story modular on the site will be removed and replaced with a duplex structure, that the units will be occupied by family members, the DelCamos in one and the Zimmermans in the other, that each unit will have 4 bedrooms and 3 baths, and that there will be minimal additional land disturbance since the structure is almost the same footprint as the existing modular.

Anna Legates Houston, an area resident stated that she had no objections to the use, but was concerned about the notification process since she had received her notice on Tuesday.

No parties appeared in opposition.

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 the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex County Engineering Department, that the Conditional Use is located in the Dewey Beach Water and Sanitary Sewer Districts, that existing structure is connected to central water and sewer and must be disconnected when removed, that adequate sewer and water capacity is available to serve the proposed two units, that minor improvements may be needed to connect to the systems, and that there will be connection charges for any increase in the EDU assessment due to the new construction.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand which are relatively free of limitations or that limitations are easily overcome, that the applicants may be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after completion of construction, that the farmland rating of the soil type is considered of Statewide Importance, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that the wife of one of the applicants was present and stated that the existing 4 bedroom 1 story modular on the site will be removed and replaced with a duplex structure, that the units will be occupied by family members, the DelCampos in one and the Zimmermans in the other, that each unit will have 4 bedrooms and 3 baths, and that there will be minimal additional land disturbance since the structure is almost the same footprint as the existing modular.

The Commission found that an area resident stated that she had no objections to the use, but was concerned about the notification process since she had received her notice on Tuesday.

The Commission found that no parties appeared in opposition.

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

2. RE: C/U #1137--Lawrence McKinney

Lawrence McKinney was present on behalf of his application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Baltimore Hundred for Storage of Materials and Equipment for a Masonry Company lying on the north side of Road 52C, approximately 450 feet southwest of Road 52 (AKA Route 17) on a parcel containing 6.86 acres more or less.

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

Mr. McKinney stated that he operates a small masonry business with two employees, that traffic will be at a minimum, that the most vehicles in and out of the site should be three, that he will eventually live on the site, that he proposes to build a garage to the rear of the site for storage of dry materials, mortar, blocks, bricks, durawall, and other surplus materials left over from jobs, and some maintenance of vehicles and equipment, that the existing garage has an office above, not a residence, that some equipment is presently stored on the site, that a small pit has been dug on the site and filled with some concrete, that business hours are 7:30 A.M. to 3:30 P.M., that the area is predominantly agricultural and residential, that several homes exist in the area, that several business uses exist in the area, that no adverse impact is anticipated on the neighborhood, that no fencing is proposed, that no lighting is proposed, that no noise is anticipated except for during construction of the garage, that he has no objection to limitations to size or location of the use, that the one-story garage will be approximately 18 feet high with 14 or 15 foot walls, that he has one truck and one backhoe, that some deliveries will be made to the site by 6 wheel box trucks, and that the business is in operation from the site.

William David Atkins, John Ross, Pansy Ross, and Cathy Ross spoke in opposition and expressed concerns relating to the use of the property and future uses, questioning transfer of use or ownership, concerned about a day care center on the adjoining property being impacted by truck traffic on the dirt road, that materials are being buried on the site, and that the land was developed for residential purposes not for commercial activities.

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 a traffic impact study was not recommended, that the level of service of Road 17 is "C" and will not change as a result of this application, that the level of service of Road 52C is "A" and may change to a level of service B if the site is developed as a General Light Industry.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Berryland loamy sand, Evesboro loamy sand, and Osier loamy sand, that the Evesboro soils have slight limitations, and that the Berryland and Osier soils may have severe limitations, that with respect to erosion and sediment control the applicant may be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after completion of any construction, that the Evesboro and Osier soils are considered of Statewide Importance, that no storm flood hazard area or tax ditch is affected, and that it may be necessary for some on-site or off-site drainage improvements due to the seasonal high water table within the Osier and Berryland soils.

The Commission found that the applicant was present and stated that he operates a small masonry business with two employees, that traffic will be at a minimum, that the most vehicles in and out of the site should be three, that he will eventually live on the site, that he proposes to build a garage to the rear of the site for storage of dry materials, mortar, blocks, bricks, durawall, and other surplus materials left over from jobs, and some maintenance of vehicles and equipment, that the existing garage has an office above, not a residence, that some equipment is presently stored on the site, that a small pit has been dug on the site and filled with some concrete, that business hours are 7:30 A.M. to 3:30 P.M., that the area is predominantly agricultural and residential, that several homes exist in the area, that several business uses exist in the area, that no adverse impact is anticipated on the neighborhood, that no fencing is proposed, that no lighting is proposed, that no noise is anticipated except for during construction of the garage, that he has no objection to limitations to size or location of the use, that the one-story garage will be approximately 18 feet high with 14 or 15 foot walls, that he has one truck and one backhoe, that some deliveries will be made to the site by 6 wheel box trucks, and that the business is in operation from the site.

The Commission found that four (4) area residents were present in opposition and expressed concerns relating to the use of the property and future uses, questioned transfer of use or ownership, expressed concerns about a day care center on the

adjoining property being impacted by truck traffic on the dirt road, that materials are being buried on the site, and that the land was developed for residential purposes not for commercial activities.

Motion by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied since the use is not appropriate for this residential and agricultural area.

3. RE: C/Z #1266--R.D.M., Inc.

Michael Lynn, developer, James Fuqua, attorney, Jeff Clark, landscape architect for Land Tech, Inc, and Charles Miller, wetlands consultant, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to AR-1 Agricultural Residential/RPC Residential Planned Community in Baltimore Hundred, located on the south side of Route 26, 1,190 feet west of the Assawoman Canal, to be located on a parcel containing 60.00 acres more or less.

Mr. Lank summarized comments received from DelDOT, the U.S. Army Corps. of Engineers, the Sussex Conservation Engineering Department, the Sussex Conservation District, the Department of Natural Resources and Environmental Control, and the Town of Ocean View.

Mr. Lank read two letters received in support from Robert E. Reeping and Annette M. Reeping, and Elizabeth B. Stiff.

Mr. Lank referenced the submittal of a brochure submitted by the applicants.

Mr. Fuqua advised the Commission that the purpose of RPC zoning is to encourage design ingenuity with a community orientation, that the Delaware Development Advisory Service reviewed the project prior to submittal of the application, that the site contains 70.8 acres of which 10.8 acres are within the Town of Ocean View jurisdiction, that access will be from Route 26, that no change in density is proposed, that east of the site is a MR subdivision, that west of the site are MR subdivisions, that south of the site is a golf driving range, and that north of the site is the rear of sites along Route 26, that the development proposal conforms to the Coastal Sussex Land Use Plan, that the site is located in a development zone in an area where central sewer is accessible, that the use is encouraged in the Land Use Plan, that the density is less than the Future Land Use Map suggest, that central water will be provided in compliance with all DNREC and Fire Marshal requirements, that

central sewer will be provided through extension to the Bethany Beach Sanitary Sewer District subject to County Engineering Department approval for expansion, that stormwater quality will be maintained through on-site management ponds, that no state or federal wetlands exist on the site, that ponds will be created in upland areas, that all utilities will be provided underground, that the entrance is located approximately 1,200 feet west of the Assawoman Canal bridge, that the existing entrance to the site adjoining the Assawoman Canal bridge is not adequate for further development, that the developer has agreed to make necessary improvements to satisfy DelDOT, that no negative impact is anticipated on the school district, that the site is in close proximity to Bethany Beach beaches and Delaware State parklands, and that community facilities shall include a pool, tennis courts, and a community building.

Michael Lynn, President of R.D.M., Inc., stated that when they purchased the site the only access was from the entrance to Ocean Way Estates near the bridge, that they purchased the additional lands in Ocean View to establish a safer entrance location, that they propose to create small neighborhood clusters, that they propose to provide alternative passive recreational community facilities and storage facilities for the residents within the project, that a main service collector road will be provided, that they propose to establish pedestrian and bike paths to link the community with the recreational areas, that RPC allows land use issues to be addressed, that clustering creates a more desirable living environment with a smaller network of utilities and streets with a compatibility to neighboring uses, that cul-de-sacs off of the primary service collector road will allow development of the site without creating lots with access directly to the service road, that three large area of open space and several smaller areas will be established, that open space in existing fields will be converted to ponds, that wooded areas will be developed with 3 and 4 unit areas separated by woodlands, that a minimum of 40 feet of non-disturbance along Ocean Way Estates will be provided with landscaping at the ends of streets to provide screening, that a minimum of 25 feet of non-disturbed buffer will be provided along the west side, that the recreational facilities will be close enough to community facilities to allow for non-vehicular access, that the community storage facility will be architecturally compatible with the development and will be heavily landscaped and screened, that restrictions are proposed to provide for a homeowners association with language for care and control of non-disturbed buffers and for lawn care and maintenance, that they have met with representatives of DelDOT and the Town of Ocean View, that DelDOT concurs that the existing entrance should not be utilized to serve the site, that the existing entrance can be used for emergency vehicle access, that they have agreed with the

Town of Ocean View to comply with the town's regulations for the area of the site in the Town, that the Town has no objection to the entrance, that they will work with the Town on the design of the entrance's landscaping, lighting, and signage, that they propose to apply for expansion to the sewer district, that the single family 2 and 3 bedroom homes will contain 1,400 to 1,800 square feet, that economically the new construction could provide a benefit for the area of 2.1 million dollars per year over the next 4 or 5 years, and that the County could see \$107,000 in transfer taxes and \$53,000 in taxes per year after the project is completed.

Jeff Clark stated that the density is not changing, that the traffic report from DelDOT confirms that there will be no impact on traffic since the density is not changing, and noted that the brochure differs from the site plan notes in square footage and street area, that the site plan calculations are accurate.

Mr. Fuqua submitted prepared stipulations acceptable to the applicant referencing the entrance, covenants and restrictions, buffers, and storage facility use.

Mr. Fuqua, Mr. Lynn, and Mr. Clark, responding to questions from the Commission members, stated that access to the development will be from Route 26 in Ocean View, that if they develop the site along the Assawoman Canal in the future the number of total units will not exceed 130 for the entire site, that garages are optional, that a minimum of 20 feet will be maintained between units, that the entrance configuration will be subject to DelDOT's approval, that ponds are to be designed to maintain a water level, and that the site was tested in August to establish if a water table could be maintained, and it was found that water table could be maintained.

Robert Orem, President of Council for the Town of Ocean View, stated that the Town Council supports the use as intended and looks forward to working with the developers as the project progresses.

William Shoemaker, an adjacent landowner on the Assawoman Canal spoke in support.

Jeff Elkey, a resident of Ocean Way Estates, questioned the notification process, questioned if the density could be increased without a public hearing, questioned the access from Ocean Way Estates, sewer, and drainage. After hearing the comments from the representatives of the application Mr. Elkey stated that he was no longer opposed to the 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, based on comments received from The Subdivision Section and Project Development Sections of DelDOT, that the proposed action will have no significant impact on traffic, that their position on the project is one of conditional support, that the applicant has agreed to build certain off-site road improvements on Route 26 as part of entrance construction, that because of that agreement DelDOT is willing to waive any requirement of a traffic impact study prior to rezoning, and that DelDOT may require a small study in association with the design of road improvements.

The Commission found, based on comments received from the Department of the Army Corps. of Engineers, that the site has been inspected by a representative of their Philadelphia office and that he has determined that there are no Federally regulated wetlands or other waters within the boundaries of the property.

The Commission found, based on comments received from the County Engineering Department, that a small portion of the site is located in a Priority I Planning Area and that the majority of the site is in a Priority II Planning Area and will not receive sanitary sewer service within the next five years, that the property is contiguous to the Bethany Beach Sanitary Sewer District, that owners of the property have been in contact with the Engineering Department and are investigating the feasibility of connecting to the District.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Evesboro loamy sand, Fallsington sandy loam, Pocomoke sandy loam, and Woodstown sandy loam, that the Evesboro and some of the Woodstown soils have slight limitations, that some of the Woodstown soils have moderate limitations, that the Fallsington and Pocomoke soils may have severe limitations, that the applicants will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation after completion of construction, that the Evesboro, Fallsington, and Pocomoke soils are all considered of Statewide Importance, that the Fallsington, Pocomoke, and Woodstown soils are all considered Prime Farmland, that no storm flood hazard area or tax ditch is affected, and that it may be necessary for some on-site and off-site drainage improvements since the majority of the soils are poorly drained or very poorly drained.

The Commission found, based on comments received from the Delaware DNREC, that the application has been given a LUPA number and any correspondence in reference to this application will be forwarded no later than November 14, 1995.

The Commission found, based on a letter from the President of the Town Council for Ocean View, that the Town supports the application, that the Town does not anticipate any problems with the proposed access, and request that they be consulted with on the final site plan for the access from Route 26 with particular reference to signs, landscaping, etc...

The Commission found that two letters of support have been received in support of the project.

The Commission found, based on correspondence submitted by the applicant, that Delmarva Power has determined that they will be able to serve the project, that Bell-Atlantic-Delaware is prepared to provide telecommunications cabling, that American Cable TV has agreed to make cable TV available, that the Indian River School anticipates no negative impact on the school population and that the school system should easily be able to support the student population for this project, that the Millville Volunteer Fire Co., Inc. will be able to serve the community with fire and ambulance service, and that Tidewater Utilities are able and willing to provide central water for the project.

The Commission found that the attorney present on behalf of the application stated that the purpose of RPC zoning is to encourage design ingenuity with a community orientation, that the Delaware Development Advisory Service reviewed the project prior to submittal of the application, that the site contains 70.8 acres of which 10.8 acres are within the Town of Ocean View jurisdiction, that access will be from Route 26, that no change in density is proposed, that east of the site is a MR subdivision, that west of the site are MR subdivisions, that south of the site is a golf driving range, and that north of the site is the rear of sites along Route 26, that the development proposal conforms to the Coastal Sussex Land Use Plan, that the site is located in a development zone in an area where central sewer is accessible, that the use is encouraged in the Land Use Plan, that the density is less than the Future Land Use Map suggest, that central water will be provided in compliance with all DNREC and Fire Marshal requirements, that central sewer will be provided through extension to the Bethany Beach Sanitary Sewer District subject to County Engineering Department approval for expansion, that stormwater quality will be maintained through on-site management ponds, that no state or federal wetlands exist on

the site, that ponds will be created in upland areas, that all utilities will be provided underground, that the entrance is located approximately 1,200 feet west of the Assawoman Canal bridge, that the existing entrance to the site, adjoining the Assawoman Canal bridge, is not adequate for further development, that the developer has agreed to make necessary improvements to satisfy DelDOT, that no negative impact is anticipated on the school district, that the site is in close proximity to Bethany Beach beaches and Delaware State Parks, and that community facilities shall include a pool, tennis courts, and a community building.

The Commission found that the President of R.D.M., Inc. stated that when they purchased the site the only access was from the entrance to Ocean Way Estates near the bridge, that they purchased the additional lands in Ocean View to establish a safer entrance location, that they propose to create small neighborhood clusters, that they propose to provide alternative passive recreational community facilities and storage facilities for the residents within the project, that a main service collector road will be provided, that they propose to establish pedestrian and bike paths to link the community with the recreational areas, that RPC allows land use issues to be addressed, that clustering creates a more desirable living environment with a smaller network of utilities and streets with a compatibility to neighboring uses, that cul-de-sacs off of the primary service collector road will allow development of the site without creating lots with access directly to the service road, that three large area of open space and several smaller areas will be established, that open space in existing fields will be converted to ponds, that wooded areas will be developed with 3 and 4 unit areas separated by woodlands, that a minimum of 40 feet of non-disturbance along Ocean Way Estates will be provided with landscaping at the ends of streets to provide screening, that a minimum of 25 feet of non-disturbed buffer will be provided along the west side, that the recreational facilities will be close enough to community facilities to allow for non-vehicular access, that the community storage facility will be architecturally compatible with the development and will be heavily landscaped and screened, that restrictions are proposed to provide for a homeowners association with language for care and control of non-disturbed buffers and for lawn care and maintenance, that they have met with representatives of DelDOT and the Town of Ocean View, that DelDOT concurs that the existing entrance should not be utilized to serve the site, that the existing entrance can be used for emergency vehicle access, that they have agreed with the Town of Ocean View to comply with the town's regulations for the area of the site in the Town, that the Town has no objection to the entrance, that they will work with the Town on the design of

the entrance's landscaping, lighting, and signage, that they propose to apply for expansion to the sewer district, that the single family 2 and 3 bedroom homes will contain 1,400 to 1,800 square feet, that economically the new construction could provide a benefit for the area of 2.1 million dollars per year over the next 4 or 5 years, and that the County could see \$107,000 in transfer taxes and \$53,000 in taxes per year after the project is completed.

The Commission found that the Landscape Architect present on behalf of the application stated that the density is not changing, that the traffic report from DelDOT confirms that there will be no impact on traffic since the density is not changing, and noted that the brochure differs from the site plan notes in square footage and street area, and that the site plan calculations are accurate.

The Commission found that the attorney present on behalf of the application submitted prepared stipulations acceptable to the applicant referencing the entrance, covenants and restrictions, buffers, and storage facility use.

The Commission found that the President of R.D.M., Inc., the Attorney and the Landscape Architect, while responding to questions from the Commission members, stated that access to the development will be from Route 26 in Ocean View, that if they develop the site along the Assawoman Canal in the future the number of total units will not exceed 130 for the entire site, that garages are optional, that a minimum of 20 feet will be maintained between units, that the entrance configuration will be subject to DelDOT's approval, that ponds are to be designed to maintain a water level, and that the site was tested in August to establish if a water table could be maintained, and it was found that water table could be maintained.

The Commission found that the President of the Council for the Town of Ocean View stated that the Town Council supports the use as intended and looks forward to working with the developers as the project progresses.

The Commission found that an adjacent landowner on the Assawoman Canal spoke in support.

The Commission found that a resident of Ocean Way Estates, questioned the notification process, questioned if the density could be increased without a public hearing, questioned the access from Ocean Way Estates, sewer, and drainage. After hearing the comments from the representatives of the application the resident stated that he was no longer opposed to the application.

Motion by Mr. Lynch, seconded by Mr. Phillips, 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 maximum number of units shall not exceed 130 single family detached dwellings.
2. Central water and sewer shall be provided.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
4. The developer shall construct the entrance and off-site road improvements in accordance with requirements of the Department of Transportation.
5. The development will be made subject to a Covenant of Restrictions creating a Homeowners Association obligated to maintain and repair the roads, buffers, stormwater management improvements, ponds and recreational facilities.
6. A buffer area shall be created with a minimum of 40 feet along the eastern boundary of the property and 25 feet along the western boundary of the property.
7. The storage facility shall be limited to use by owners and their guests and shall not be available to the public.

III. OTHER BUSINESS

1. RE: R.A. Raley Property

Mr. Schrader discussed a letter received from James Griffin and stated that he has responded to the letter.

Scott Bradley, Attorney, Arthur Clanton, Site Engineer, and Brain Dempsey, Traffic Engineer were present as the Commission reviewed a commercial site plan for a retail store off of Route 9.

Mr. Bradley advised the Commission that the purpose of this site plan review is to determine if the site plan complies with the zoning code of Sussex County and that the use is permitted in a C-1 General Commercial Zoning District.

Mr. Clanton advised the Commission that the site plan is for a proposed 149,712 square foot retail box store, that the site has two points of access from an existing service road, that adequate parking is provided, and that all utilities are available to the site.

Mr. Dempsey advised the Commission that the applicants have had preliminary discussions with DelDOT, that traffic counts were conducted on two different weekends, and that they are in the process of preparing a traffic impact study report to be submitted to DelDOT.

Mr. Abbott advised the Commission that the preliminary site plan requires with the zoning code, that as of this date the staff has not received any agency approvals or permits, stated the permits will be required from DelDOT, Sussex Conservation District, State Fire Marshal, Sussex County Engineering, DNREC, and if a restaurant is proposed, the State Board of Health, and stated that one letter in support and five in opposition have been received in reference to this site plan.

Mr. Allen advised the Commission that agency comments are not mandatory for preliminary site plan review however they are required to obtain final approval.

Mr. Leidy advised the Commission that DelDOT has had preliminary discussions with the applicants and at this time DelDOT has no comments.

Mark Nardy of Lewes spoke in support of the site plan since the site is well placed, that the site would be buffered, and that the land is zoned commercial.

Ruth Bunting of Lewes spoke in support of the site plan stating that the use would be beneficial to the area and that the use is a commercial use.

Karen Riefsnyder questioned if a grocery store is proposed.

Mr. Clanton advised the Commission that 50,000 to 55,000 square feet will be used as a grocery store.

Carmen Leto of Sussex East MHP stated that more information is needed on the traffic counts.

Rick Collins of Lewes advised the Commission that he currently farms the site, that farming is not profitable to this site, that the proposed use will be beneficial to the area, that this site is an attractive area, and recommended that the site not use any more area than it would require.

There were ten people present in support of the site plan.

Michelle Baldwin of Lewes spoke in opposition due to the quality of life in lower Delaware being destroyed, that there is available shopping in the area now, and she has seen other areas destroyed by large retail growth.

Birdie Galbreath of Lewes spoke in opposition expressing traffic concerns and problems near the Lewes Senior Center and that if the site has access to Route One the center would lose members.

Ted Clark of Lewes stated that the Lewes Senior Center provides services to the senior citizens in the area and if approved some would not want to travel to the center due to increased traffic and that if the center were a business, it would be a success.

Til Purnell of Angola advised the Commission that ample shopping is available in the area, and that there is no need for any additional mega stores.

Mabel Granke of Rehoboth quoted the purpose clause of Chapters 99 and 115 of the Code of Sussex County, and stated that the proposed use is not orderly growth, had concerns about additional traffic on roads that are already overcrowded, that the goals of the Coastal Sussex Land Use Plan need to be reviewed by the Planning and Zoning Commission which needs to know the infrastructure for the entire one hundred acre parcel, that the site plan represents out of place sprawl, and submitted written comments into the record.

Michael Tyler of Lewes spoke in opposition stating that the residents of the area deserve to have a public input, that there would be negative impacts on the economy and traffic in the area, that the use would draw customers from outside of the County, that there would be a loss in the quality of life, that there would be negative impacts on surrounding towns and local businesses, that there is no need for commercial sprawl, that there would be demands on the public services, that sprawl is not in the best interest of the public, that the County should abide by the Comprehensive Land Use Plan in place, requested that an economic impact study be conducted by the applicants, and submitted written comments into the record.

Jane Nicholson of Mill Pond Acres had concerns about traffic on Route One and questioned when the sewer would be available.

James Griffin, Attorney representing the Citizens Coalition, stated that the Commission has more of an opportunity to act than just review the site plan, that they understand the site is zoned

commercial, that the plan is in conflict with the Coastal Sussex Land Use Plan since the site is not located in a Village Shopping Center or Development District, that the subdivision plan is in conflict with the Land Use Plan, that strip development should not be encouraged, that the site plan violates the general purpose clause of the Subdivision Ordinance, the Zoning Ordinance, and the Land Use Plan, that the plan should be considered a major subdivision and require a public hearing, that the service road is not referenced on the County Tax Maps, that the recorded subdivision plan has been divided into 32 lots, that no service road is provided to the other lands for future development, requested that the Commission take no action on the site plan and to not approve the plan in this context, and submitted written comments and exhibits into the record.

Nina Cannata stated that she would like her written comments made a part of the record and asked the Commission to have responsible planned growth and to uphold the Land Use Plan and the Zoning and Subdivision Codes.

Jackie Southerland representing the Henlopen Grange read and submitted a resolution opposing the site plan stating that the use is not needed.

Henry Glowiak of Gosling Creek stated that every time a large development is proposed, their group has to hire an attorney to represent them, that they should not have to do this since the Commission should take into consideration concerns and be responsible for proper growth, and stated that Route One is a mess due to over development.

Richard Anthony submitted written comments into the record.

W. Douglas Butner questioned impacts on K-Mart and the supermarkets in the area and advised of reports that K-Mart may be filing bankruptcy already.

There were thirty eight (38) people present in opposition to the site plan.

Motion made by Mr. Phillips, seconded by Mr. Ralph, and carried unanimously to defer action pending preliminary comments from DelDOT and legal review by Mr. Schrader.

2. RE: Louis G. Thibault, Jr.

The Commission reviewed a concept to create a 4.60 acre parcel with access from a fifty foot right of way off of Road 565.

Motion made by Mr. Phillips, seconded by Mr. Ralph, and carried unanimously to approve as a concept.

3. RE: Greg Hitchens

The Commission reviewed a concept to create two parcels with existing road frontage and a fifty foot right of way on Roads 346 and 348.

Motion made by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve as a concept with the stipulation that any further subdivision require a public hearing.

4. RE: Rehoboth Jiffy Lube

The Commission reviewed the final commercial site plan for a automotive service center off of a subdivision street off of Route One.

Mr. Abbott advised the Commission that the site plan complies with the zoning code and that all agency approvals and or permits have been received.

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

IV. OLD BUSINESS

1. RE: C/U #1135--Sandra Gordon

No one was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Indian River Hundred for Two Mini Storage Buildings lying on the west side of Washington Street approximately 290 feet north of Route 24 on a parcel containing 30,474 square feet more or less.

The Chairman referred back to this application that was deferred at the October 12, 1995, meeting.

Mr. Lank advised the Commission that this application was withdrawn on October 26, 1995.

2. RE: Subd. #95-8--J.W. Shockley & Son, Inc.

No one was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential and C-1 General Commercial District in Lewes and Rehoboth Hundred by dividing 5.19 acres into 5 lots located on the northeast side of Route One, 1,380 feet southeast of Road 268.

Mr. Abbott advised the Commission that the record plan complies with the subdivision code and that all required agency approvals have been received.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve as a final.

Meeting adjourned at 10:50 P.M.