

## MINUTES OF THE REGULAR MEETING OF DECEMBER 11, 1997

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 11, 1997, at 7:30 P.M., in the County Council Chambers, Sussex County Administrative Building, Georgetown, Delaware, with the following members present;

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

Mr. Lank read a letter of resignation received from Commission member Donald Ralph.

It was the consensus of the Commission to accept the resignation.

Motion made by Mr. Phillips, seconded by Mr. Wheatley and carried unanimously to approve the minutes of November 20, 1997 as circulated.

Mr. Schrader explained how the meeting will be conducted.

### II. Public Hearings

#### 1. C/U #1215--Delaware Dept. of Transportation

Jeff Reed, Engineer, was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for a Borrow Pit on the northwest side of Road 633, 2,417 feet south of Road 634, located on 16.06 acres more or less.

Mr. Reed, in response to questions raised by the Commission, stated that the Division of Highways is planning to extend it's borrow resources for maintenance of the road system within Sussex County; that the site is a direct expansion of existing borrow pits; that an entrance will be created along the hedgerow; that the entrance road will be 50 feet in width and will be purchased along with 16.06 acres of land; that the existing pit will continue to be utilized; that a 25 foot wide buffer is proposed around the perimeter; that slopes of 1:1 are proposed; that the depth of the pit will go to the water table or above; that there are no plans for reclamation of the existing pit; and that the existing pit is below the water table.

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

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



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

The Commission found that Jeff Reed was present on behalf of the Department and stated that the Division of Highways is planning to extend it's borrow resources for maintenance of the road system within Sussex County; that the site is a direct expansion of existing borrow pits; that an entrance will be created along the hedgerow; that the entrance road will be 50 feet in width and will be purchased along with 16.06 acres of land; that the existing pit will continue to be utilized; that a 25 foot wide buffer is proposed around the perimeter; that slopes of 1:1 are proposed; that the depth of the pit will go to the water table or above; that there are no plans for reclamation of the existing pit; and that the existing pit is below the water table.

Motion by Mr. Wheatley, seconded by Mr. Phillips, and carried unanimously to defer action so that the staff can compare the site plan to the Ordinance.

2. C/U #1216--Briggs Family Enterprises, Inc.

John L. Briggs and James Griffin, attorney, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Dagsboro Hundred for Expansion to an Existing Manufactured Home Park on the east side of Road 318, 470 feet north of Road 48, located on 12.91 acres more or less.

Mr. Lank summarized comments received from DelDOT.

Mr. Briggs and Mr. Griffin, in response to questions raised by the Commission, stated that the project is a family business; that they purchased the site in 1990; that the original project contained 20 lots; that 2 lots were added by amendment; that 14 lots were added in 1994; that the proposed expansion will contain 25 lots; that 1 lot within the existing park will be vacated for creation of the street connection; that the total number of lots will be 60; that 52 adults and 33 children live in the park; that 2 lots are presently vacant while being rehabilitated; that only new units are permitted to come into the park, with a minimum dimension of 14' by 70'; that a unit is required to be vinyl sided with shutters and with a shingled roof; that central water and community septic is provided; that the streets are built to County specifications; that a need exists in the County for rental space; that the State Forester has reviewed and approved the proposed landscaping plans; that the landscaping will be installed in 1998; that recreation areas will be provided; that 4 dwellings have been built across from the site and 1 dwelling has



been built east of the site this year; that approximately \$64,000 of improvements have been made to the existing park since their purchase; that they anticipate it will cost approximately \$200,000 to complete the project; that they plan to complete the project within one year of receipt of all agency approvals/permits; that no negative impact is anticipated on the neighborhood or property values; and that they have no objection to the 10 stipulations imposed on the existing park being imposed on this application.

Joseph Conaway of Cooper Realty stated that he has reviewed the site and County records and finds that the land values in the area are stable and have increased in value; that the park has little to no impact on values; and that he anticipates no negative affect on property values by expansion of the park.

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

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

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

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, and that the existing level of service "A" of Road 318 will not change as a result of this application.

The Commission found that the application was represented by John L. Briggs and James Griffin, Attorney, who stated that the project is a family business; that they purchased the site in 1990; that the original project contained 20 lots; that 2 lots were added by amendment; that 14 lots were added in 1994; that the proposed expansion will contain 25 lots; that 1 lot within the existing park will be vacated for creation of the street connection; that the total number of lots will be 60; that 52 adults and 33 children live in the park; that 2 lots are presently vacant while being rehabilitated; that only new units are permitted to come into the park, with a minimum dimension of 14' by 70'; that a unit is required to be vinyl sided with shutters and with a shingled roof; that central water and community septic is provided; that the streets are built to County specifications; that a need exists in the County for rental space; that the State Forester has reviewed and approved the proposed landscaping plans; that the landscaping will be installed in 1998; that recreation areas will be provided; that 4 dwellings have been built across from the site and 1 dwelling has



been built east of the site this year; that approximately \$64,000 of improvements have been made to the existing park since their purchase; that they anticipate it will cost approximately \$200,000 to complete the project; that they plan to complete the project within one year of receipt of all agency approvals/permits; that no negative impact is anticipated on the neighborhood or property values; and that they have no objection to the 10 stipulations imposed on the existing park being imposed on this application.

The Commission found that Joseph Conaway of Cooper Realty was present and stated that he has reviewed the site and County records and finds that the land values in the area are stable and have increased in value; that the park has little to no impact on values; and that he anticipates no negative affect on property values by expansion of the park.

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

Motion by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support and with the following stipulations:

1. This expansion shall be limited to no more than 25 sites for lease.
2. The expansion area shall have access through the existing park streets.
3. No additional ingress/egress locations shall be created from Road 318 for the existing park or the expansion area.
4. The buffer zone in the expansion area shall be landscaped for the purpose of creating screening. The plantings for screening shall be subject to the approval of the State Forester and the Planning and Zoning Commission. The buffer area shall remain free of any buildings or streets.
5. The minimum lot size per lot shall be 8,000 square feet as submitted by the applicant. All lot corners shall be visibly marked by permanent markers.
6. Off street parking spaces shall be provided at a ratio of two (2) spaces, 10' by 20', per lots.
7. Streets shall be built to Subdivision Street Standards of Chapter 99 of the Code of Sussex County.
8. The site plan shall be subject to review and approval of the Planning and Zoning Commission upon receipt of all appropriate agency approvals.
9. The project shall be substantially underway within one year.
10. Manufactured homes shall be 14' by 70' minimum.



3. C/Z #1322--William M. and Alberta M. Cullum

Wilson M. Cullum and Ned Maull, Attorney, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broadkill Hundred, located on the north side of Route 18 (Route 9), 0.8 mile east of Route 5 at Harbeson, to be located on 2.17 acres more or less.

Mr. Lank summarized comments received from DelDOT.

Mr. Cullum and Mr. Maull, in response to questions raised by the Commission, stated that the property was purchased in 1988 and 1990; that the garage was built in 1991; that the site has not changed since 1991; that the entrance will be built to State specifications; that he proposes to store antique cars in the garage and to perform some minor auto repair and some used car sales on the site; that the area has a mix of commercial sites and farmland; that all neighbors were contacted in writing and no negative responses were received; that one immediate neighbor states no objection; that there are eight business uses and several homes in the area; that the use is not contrary to the Land Use Plan; that several C-1 General Commercial sites exist in the area; that Route 9 will not be impacted by this application; that the site is not an isolated business site; that no adverse impact is anticipated on the neighborhood or property values; that antique cars has been a hobby for 15 years; that he owns 11 antique cars; that 2 or 3 cars may be displayed for sale at any one time; that no signage is proposed; that the application to rezone the site was chosen rather than a Conditional Use due to the latitude or convenience of sale of the property in the future; and that the applicant may be willing to withdraw this application and re-apply for a Conditional Use, if necessary.

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

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

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

The Commission found, based on comments received from DelDOT, that originally a traffic impact study was recommended; and that DelDOT has granted an approval of final construction plans for the project.



The Commission found that the applicant and his attorney were present and stated that the property was purchased in 1988 and 1990; that the garage was built in 1991; that the site has not changed since 1991; that the entrance will be built to State specifications; that he proposes to store antique cars in the garage and to perform some minor auto repair and some used car sales on the site; that the area has a mix of commercial sites and farmland; that all neighbors were contacted in writing and no negative responses were received; that one immediate neighbor states no objection; that there are eight business uses and several homes in the area; that the use is not contrary to the Land Use Plan; that several C-1 General Commercial sites exist in the area; that Route 9 will not be impacted by this application; that the site is not an isolated business site; that no adverse impact is anticipated on the neighborhood or property values; that antique cars has been a hobby for 15 years; that he owns 11 antique cars; that 2 or 3 cars may be displayed for sale at any one time; that no signage is proposed; that the application to rezone the site was chosen rather than a Conditional Use due to the latitude or convenience of sale of the property in the future; and that the applicant may be willing to withdraw this application and re-apply for a Conditional Use, if necessary.

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

Motion by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied since commercial zoning would not be compatible to the residential zoning and uses on the north side of Route 9.

There was a consensus of the Commission that they could waive the fee for a Conditional Use application if the application is filed within one year.

#### 4. C/Z # 1323--S. Keith Parsell

S. Keith Parsell and Bonnie Benson, Attorney, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Lewes and Rehoboth Hundred, located on the northeastern side of Road 268A, approximately 800 feet northwest of Route One, to be located on 14,403 square feet more or less.

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



Mr. Parsell and Ms. Benson, in response to questions raised by the Commission, stated that the majority of the parcel is zoned C-1 General Commercial; that only a triangular portion of the parcel needs to be rezoned so that the entire parcel will be zoned C-1 General Commercial; that the site is commercially oriented to Route One; that no negative impact is anticipated on the surrounding area; that the intended use of the structure is a grieving center where family members could meet before and after funeral services; that the garage will be expanded to allow for additional garage space for business vehicles; that the site would be utilized as an extension to the funeral home on the adjoining parcel; and that there would be no residential use of the site.

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

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

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

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service of Route 268 will not change as a result of this application.

The Commission found, based on comments received from the Sussex County Engineering Department, that the site is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, and that sewer capacity is available for the proposed use.

The Commission found that the applicant was present with his attorney and stated that the majority of the parcel is zoned C-1 General Commercial; that only a triangular portion of the parcel needs to be rezoned so that the entire parcel will be zoned C-1 General Commercial; that the site is commercially oriented to Route One; that no negative impact is anticipated on the surrounding area; that the intended use of the structure is a grieving center where family members could meet before and after funeral services; that the garage will be expanded to allow for additional garage space for business vehicles; that the site would be utilized as an extension to the funeral home on the adjoining parcel; and that there would be no residential use of the site.

The Commission found that no parties appeared in support of or in opposition to this 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 since it is an extension to an existing C-1 General Commercial zoning on the same parcel.

5. C/Z #1324--Paul A. Schmidtchen

Paul A. Schmidtchen and Dan McCann, Surveyor, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to LI-2 Light Industrial in Georgetown Hundred, located on the north side of Road 593, 4,300 feet east of Route 40, to be located on 4.61 acres more or less.

Mr. Lank summarized comments received from DelDOT.

Mr. Schmidtchen and Mr. McCann, in response to questions raised by the Commission, stated that the use intended will have a minimal impact on roads and traffic; that the traffic generated will be less than the commercial poultry business presently on site; that the area is forested; that no neighbors will be impacted; that the site is presently farmed; that odors and noise will be less than the existing poultry farm; that the business is basically consulting/engineering; that the use is similar to a consulting laboratory; that he has been in this business field for approximately 12 years; that a client would bring a liquid product in to be tested for spray drying, a method used for preparation of numerous products, i.e. powdered milk, teas, and coffees; that he does not manufacture the final product; that he only test the product to see if it can be made into a powder form; that all activities are within a structure; that he will reside on the site; that State and Federal permits are required; that he and a partner will be the employees; that some clerical staff may be needed in the future; that the majority of the shipping will be handled by U.P.S. or other trucking company; that shipping of larger containers, i.e. 55 gallon drums on pallets, will be shipped on freight trucks; and that no subdivision of the parcel is intended.

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

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

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



The Commission found, based on comments received from DelDOT, that originally, in August, a traffic impact study was recommended; and that in October the request for a traffic impact study was withdrawn; that the Department expects that the traffic will be negligible; that the Department is opposed to this rezoning and the use intended; that the County Comprehensive Plan and the Statewide Long Range Transportation Plan were reviewed for compliance and that the use does not seem to have a clear relationship to agriculture; that the use seems to be more appropriate to an industrial park; and that the Department feels that if the County finds the use appropriate at this location, then the Department recommends that the County do so through the Conditional Use process so as to avoid creating a zoning district that is contrary to the Comprehensive Plan.

The Commission found that the applicant and his attorney were present and stated that the use intended will have a minimal impact on roads and traffic; that the traffic generated will be less than the commercial poultry business presently on site; that the area is forested; that no neighbors will be impacted; that the site is presently farmed; that odors and noise will be less than the existing poultry farm; that the business is basically consulting/engineering; that the use is similar to a consulting laboratory; that he has been in this business field for approximately 12 years; that a client would bring a liquid product in to be tested for spray drying, a method used for preparation of numerous products, i.e. powdered milk, teas, and coffees; that he does not manufacture the final product; that he only test the product to see if it can be made into a powder form; that all activities are within a structure; that he will reside on the site; that State and Federal permits are required; that he and a partner will be the employees; that some clerical staff may be needed in the future; that the majority of the shipping will be handled by U.P.S. or other trucking company; that shipping of larger containers, i.e. 55 gallon drums on pallets, will be shipped on freight trucks; and that no subdivision of the parcel is intended.

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

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

6. APD #97-30--Sussex County, WJC, L.L.C.

Danny Magee of WJV, L.L.C., and Rex Powell, District Manager and Farm Manager for Sussex County spray and sludge farms, were present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning



District in Baltimore Hundred for three (3) parcels of land totalling 219.30 acres more or less, located south of Route 390, west of Road 389, and south of Route 54, for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Magee stated that they plan to preserve the farmland; that the County and MJV, L.L.C., together, have enough acreage to create a district; and that some neighbors are supportive of expansion to the district, once the district is created.

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. Phillips, and carried unanimously to forward a recommendation to the Delaware Agricultural Lands Preservation Foundation that this application be approved.

7. APD #97-31--Lin-Lo Farms. Inc.

Melvin Truitt was present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Seaford Hundred for seven (7) parcels of land totalling 429.00 acres more or less, located south of Road 551, north of Road 548, and east of Road 549, for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Truitt stated that he wishes to maintain the property in agriculture, and that the three (3) out-parcels are family lots.

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. Wheatley, seconded by Mr. Phillips, and carried unanimously to forward a recommendation to the Delaware Agricultural Lands Preservation Foundation that this application be approved.

### III. Other Business

#### 1. Myralon Webb

The Commission reviewed a concept to create three parcels with access from a fifty feet right of way off of Route 9 and Road 281.

The staff advised the Commission that there is a paved driveway that serves the property; that the owner proposes to sell two 2.50 acre parcels either side of the right of way; that the owner will retain the remaining acreage; and that her access will be from the right of way off of Road 281.

Jim Griffin, Attorney, was present and advised the Commission that he is purchasing the two 2.50 acres parcels and that one right of way is fifty feet and the other is forty feet.

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the parcels and right of way as a concept.

#### 2. Heirs of Myer Ableman

Karen Brittingham of Charles Murphy Associates, Inc., was present as the Commission reviewed a three parcel subdivision on Route 9 east of Georgetown.

Mr. Abbott advised the Commission that each parcel is 16.34 acres; that the subdivision requires the Commission's approval since Route 9 is a major arterial roadway; and that the staff has a letter of no objection from DelDOT.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the three parcels.

#### 3. Joseph & Marie L. Aceto

Karen Brittingham of Charles Murphy Associates, Inc. was present as the Commission reviewed a commercial site plan for an office complex located on Road 22.



Mr. Abbott advised the Commission that the site plan is for a proposed 40 feet by one hundred twenty feet building; that the existing dwelling will be converted to an office; that the setbacks meet the minimum requirements of the zoning code; that one entrance serves as access for this parcel and the adjacent parcel which received site plan approval for a car wash; that DelDOT has approved the entrance plan; that the site plan references twenty four parking spaces and that twenty nine spaces are required; that there is a note on the site plan that there is a cross access easement with the adjacent parcel for parking; and that even though there is the note, a variance will have to be obtained from the Board of Adjustment for off site parking since the properties are owned by two different parties.

Mrs. Brittingham advised the Commission that her client will apply to the Board of Adjustment for a variance.

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

4. Hickman Village, Lot 14

The Commission reviewed a commercial site plan for offices and retail on lot 14 within Hickman Village Commercial Subdivision located off of Road 462 near Laurel.

Mr. Abbott advised the Commission that the proposed building is forty feet by one hundred feet; that there are two offices and two retail stores proposed; that the setbacks meet the minimum requirements of the zoning code; that twenty parking spaces are required and that twenty eight are provided; that since the parking area is more than ten spaces, the area is required to be paved by code; and that as of this date, the staff has not received any agency approvals.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a preliminary. The parking and interior driveway are required to be paved as per the specifications of the zoning code. Final approval shall be subject to receipt of all required agency approvals and permits.

5. Subdiv. #96-31--Dale C. & Sandra M. Cohee

Karen Brittingham of Charles Murphy Associates, Inc., was present as the Commission reviewed a request for a one year time extension in order to obtain final approval for the twenty one lot subdivision.



Mr. Abbott advised the Commission that this application received preliminary approval on December 19, 1996; and that the request is needed in order to obtain all appropriate agency approvals for final approval.

Mrs. Brittingham advised the Commission that the field work has been completed and that the plans have been submitted to all agencies.

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

6. Frank Kelley

The Commission reviewed a concept to create a parcel with access from a fifty feet easement off of Road 544 near Seaford.

Mr. Abbott advised the Commission that there is currently a twenty feet easement which was an old state road; that the owner would like to create a 3.50 acre parcel off of this easement; and that the easement would be required to be widened to fifty feet across the proposed lot.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the parcel and fifty feet easement as a concept.

7. Donald Beebe

The Commission reviewed a concept to create a parcel off of an fifty feet easement off of Road 382.

Mr. Abbott advised the Commission that the easement currently serves a lot; that the owner would like to extend the easement to be able to create another parcel; and that this parcel would be the second parcel on the fifty feet easement.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve the parcel and easement as a concept.

8. Ocean Outlets - Bayside Phase 2

Gordon Mead of Davis, Bowen, and Friedel, and Tricia Roll of Charter Oaks were present as the Commission reviewed a revised commercial site plan on Route One.



Mr. Abbott advised the Commission that the existing rights - in and rights - out have been deleted and relocated to a central location; that DelDOT has approved the revised entrance location and that a copy of the approval is filed with the staff; that two buildings totalling 25,276 square feet have been demolished; that an existing building has been remodeled to include a restaurant; that a new 15,000 square foot retail store is proposed; that the new building is setback seventy five feet from the front property line; that 730 parking spaces are required and that 772 are provided; that the existing parking is located within the front yard setback and that this area is being repaved; and that the staff has received approvals from the Sussex Conservation District, Office of the State Fire Marshal, and DelDOT.

Mr. Mead advised the Commission that the proposed new building is smaller than the two buildings that have been demolished.

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

#### IV. Old Business

##### 1. C/U #1211--Milford School District

No parties were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for Expansion to Conditional Use No. 1014 for Play and Recreation Area and Future Building Expansion on the north side of Small Avenue (unimproved), 200 feet east of Third Street (Road 225), in the unincorporated area of Lincoln, located on 0.589 acres more or less.

The Commission discussed the points and issues raised during the public hearing on November 13, 1997.

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

##### 2. C/U #1212--Glenn S. and Patti J. Roberts

No parties were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Baltimore Hundred for a Heating and Air Workshop (HVAC) on the north side of Road 370, approximately 420 feet northwest of Road 384, located on 2.0 acres more or less.

The Commission discussed the points and issues raised during the public hearing on November 20, 1997.



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 due to the loss of farmland; due to the impact on the residential community; and since a precedent could be created to influence the rezoning of additional parcels and acreage.

3. C/Z #1320--Avian Aquatics, Inc.

No parties were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broadkill Hundred, located on the south side of Route 9, approximately 2,660 feet southwest of Road 262, to be located on 6.00 acres more or less.

The Commission discussed the points and issues raised during the public hearing on November 20, 1997.

Motion by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved to a depth of 300 feet from the front property line, and that the rear portion of the parcel remain AR-1 Agricultural Residential, providing that the predominant use in the Agricultural District, within the Comprehensive Plan, will continue to be agriculture and agricultural related uses; since several business, commercial, and industrial uses exist in the area; and since the site is in close proximity to antique shops, boat storage and fiberglass boat repair facilities, and other business and commercial uses.

4. Subdiv. #96-9--Stan Thompson & Bob Durham

No one was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred by dividing 48.15 acres into 26 lots, located on the north side of Road 450, 2,350 feet northeast of Road 449, and on the east side of Road 449, 1,200 feet northeast of Road 450.

Mr. Abbott advised the Commission that this application received preliminary approval for 26 lots on September 12, 1996; that a time extension was approved on August 28, 1997; that the final record plan complies with the subdivision ordinance; and that all agency approvals have been received.

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



5. Subdiv. #97-1--Antonio V. Nero

Antonio V. Nero was present on behalf of his application to consider the Subdivision of land in a GR General Residential Zoning District in Little Creek Hundred by dividing 18.57 acres into 16 lots, and a variance from the maximum cul-de-sac length of 1,000 feet, located at the south end of Danny's Drive within Nero's Acres Subdivision on the west side of Road 70, 1,950 feet north of Road 64.

Mr. Abbott advised the Commission that this application received preliminary approval for 16 lots on May 22, 1997; that on October 23, 1997, the Commission granted final approval for four lots in the subdivision; that this is the final record plan for the remaining twelve lots; that the record plan complies with the Code; and that all agency approvals have been received.

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

6. Subdiv. #97-7--John Fierro, Inc.

No one was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred by dividing 4.01 acres into 4 lots, located on the east side of Road 310A, 480 feet north of Road 313A.

This application was deferred at the November 20, 1997 meeting.

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

Mr. Abbott advised the Commission that the staff has still not received the supporting statements or restrictive covenants as required during the application submittal; and Mr. Schrader advised that he has not received them.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to deny this application due to the fact that the application is not in compliance with the submission of a preliminary plan.

Meeting adjourned at 10:55 P.M.