



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE SPECIAL MEETING OF NOVEMBER 12, 2008

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday afternoon, November 12, 2008 in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Robert Wheatley, Benjamin Gordy, Michael Johnson and Rodney Smith with Vincent Robertson – Assistant County Attorney, Lawrence Lank – Director, Richard Kautz – Land Use Planner, and Shane Abbott – Assistant Director.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Agenda as circulated. Motion carried 4 – 0.

Mr. Johnson requested that items 1d. and 1e. be removed from the Consent Agenda and put under Other Business as items 17 and 18.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Consent Agenda as revised by moving items 1d. and 1e. to Other Business as items 17 and 18.

The Consent Agenda included:

1. Time Extensions

a. CU #1679 – Herker Property Management Company

This is a request for a one-year time extension. This Conditional Use for an office, warehouse and apartment was approved by the County Council on March 8, 2007. This is the first request for an extension. Attached is a copy of a letter from the applicant's attorney explaining what has occurred. If an extension is granted, it should be retroactive to the anniversary date of approval and will be valid until March 8, 2009 or you may wish to place this item at the end of the Other Business items for discussion.

b. CU #1698 – Jeffrey Portmann

This is a request for a one-year time extension. This Conditional Use for a professional office was approved by the County Council on October 2, 2007. The Commission granted preliminary site plan approval on January 17, 2008. This is the first request for an extension. The request was received by fax on September 29, 2008 but this is the earliest agenda that it could be placed on. If an extension is granted, it should be retroactive to the anniversary date of approval and will be valid until October 2, 2009.

c. CU #1752 – Michael Orndorff

This is a request for a one-year time extension. This Conditional Use for 16 multi-family dwelling units was approved by the County Council on December 18, 2007. The Commission granted preliminary site plan approval on July 16, 2008. This is the first request for an extension. If an extension is granted, approval will be valid until December 18, 2009.

d. Subdivision #2004 – 46 - - Caldera Properties – Long Neck I

Moved to Other Business as item 17.

e. Subdivision #2005 – 61 - - Delmarva Woodlands Alliance 3, LLC

Moved to Other Business as item 18.

f. Subdivision #2005 – 76 - - James H. and Dorothy M. Bailey

This is a request for a one-year time extension. The Commission granted preliminary approval on October 26, 2006 and granted a one-year time extension on October 17, 2007. This is the second request for an extension. If an extension is granted, it should be retroactive to the anniversary date of approval and preliminary approval will be valid until October 26, 2009. The engineering firm has provided the final record plan and all agency approvals. If an extension is granted, this application will be on the December agenda for final approval consideration.

g. Subdivision #2006 – 36 - - Donald K. Miller

This is a request for a one-year time extension. The Commission granted preliminary approval on November 21, 2007. This is the first request for an extension. If an extension is granted, preliminary approval will be valid until November 21, 2009.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the items on the Consent Agenda. Motion carried 4 – 0.

OLD BUSINESS

Subdivision #2006 – 66 - - application of **TRAP INVESTMENTS, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 57.51 acres into 40 lots, located north of Road 449, 4,020 feet east of Road 463.

The Chairman referred back to this application, which has been deferred since April 10, 2008.

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2006 – 66 for Trap Investments, LLC, based upon the record and for the following reasons:

1. The proposed subdivision meets the purpose of the Subdivision Code in that it protects the orderly growth of the County. It also meets the requirements of the Subdivision Code, and the items listed in Section 99-9C of the Code have been favorably addressed.
2. The proposed subdivision density is significantly less than the density permitted by the existing AR-1 zoning.
3. The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values.
4. The subdivision is consistent with other developments in the area, including Trussum Pond Estates, South Trap Haven and Nero's Acres.
5. The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
6. DNREC has indicated that the site is suitable for individual on-site septic systems.
7. This approval is subject to the following conditions:
 - A. There shall be no more than 40 lots within the subdivision.
 - B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any buffers, storm water management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The storm water management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
 - D. All entrances shall comply with all of DeIDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all storm water management areas and erosion and sedimentation control facilities.
 - G. A 30-foot forested Agricultural Buffer shall be shown along boundaries bordering on any land used primarily for any agricultural purpose. The

Final Site Plan shall also contain a landscape plan for all of the vegetation to be included in the buffer areas.

- H. The developer shall maintain as many existing trees as possible. The undisturbed forested areas shall be shown on the Final Site Plan.
- I. No wetlands shall be included within any lots.
- J. A system of street lighting shall be established.
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this application as a preliminary, for the reasons, and with the conditions stated. Motion carried 4 – 0.

Subdivision #2007 – 3 - - application of **DONALD K. MILLER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 127.76 acres into 49 lots, located north of Road 488, 650 feet west of U.S. Route 13A.

The Chairman referred back to this application, which has been deferred since August 28, 2008.

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2007 – 3 for Donald K. Miller, based upon the record and for the following reasons:

1. The proposed subdivision meets the purpose of the Subdivision Code in that it protects the orderly growth of the County. It also meets the requirements of the Subdivision Code, and the items listed in Section 99-9C of the Code have been favorably addressed.
2. The proposed subdivision density is less than the density permitted by the existing AR-1 zoning.
3. The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values.
4. The subdivision is consistent with other developments in the area. There are many strip lots in the area, and an adjacent property has received preliminary approval for a subdivision.
5. The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
6. DNREC has indicated that the site is suitable for individual on-site septic systems.
7. This approval is subject to the following conditions:
 - A. There shall be no more than 49 lots within the subdivision.
 - B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any buffers, storm water management facilities, erosion and sedimentation control facilities and other common areas.

- C. The storm water management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be coordinated with the local school district.
- E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all storm water management areas and erosion and sedimentation control facilities.
- G. A 30-foot forested Agricultural Buffer shall be shown along the boundaries bordering on any land used primarily for any agricultural purpose. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- H. A system of street lighting shall be established.
- I. The reference to "Future Development" of certain areas of the property shall be removed on the Final Site Plan. Any further subdivision of these areas shall comply with the requirements of the Subdivision Code for the amendment of an existing subdivision and shall require the approval of the Planning and Zoning Commission.
- J. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this application as a preliminary, for the reasons, and with the conditions stated. Motion carried 4 – 0.

OTHER BUSINESS

The Estates of Sea Chase
CU #1774 Site Plan – Road 274

Mr. Abbott advised the Commission that this item was deferred at the October 16, 2008 special meeting; that this is a site plan for a 500 square foot pool house with 5 parking spaces; that the proposed design is the layout that the Attorney's General Office has approved; that 5 parking spaces are provided; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Mr. Johnson questioned the size of the clubhouse, questioned if this is the plan that was approved by the Attorney General's Office and if the plan has been submitted to the homeowners' association.

Mark Dunkle, Attorney representing the developer, advised the Commission that the site plan that was approved by the Attorney General's Office is a 500 square foot clubhouse

and that the site plan also contains a floor plan; and that a copy of the site plan was provided to the homeowners' association's attorney.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the site plan as a preliminary with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 4 – 0.

Americana Bayside MR/RPC
Performing Arts Center – Route 54

Mr. Abbott advised the Commission that this item was deferred at the October 16, 2008 special meeting; that representatives from Carl M. Freeman Companies discussed their plans for a performing arts center and requested that the square area of the center not be included in their overall commercial square footage calculations; and that Mr. Robertson was going to research the zoning ordinance.

Mr. Robertson advised the Commission that he has reviewed the RPC section of the Zoning Code and the underlying zoning district; that theater are only referenced by drive-in movie theaters; that the proposed performing arts center could be included in the recreational portion of the approved ordinance; and that any ancillary uses such as restrooms or retail sales would have to be included in the total commercial area.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to not include the performing arts center, in the overall calculations of square footage for commercial uses. Motion carried 4 – 0.

Bay City Mobile Home Park
Corrective Survey – Road 22

Mr. Abbott advised the Commission that this item was deferred at the October 16, 2008 special meeting; that Mr. Lank summarized a written report on a survey done for the park; and that if the Commission is favorable the approval should be in concept only until all lot corners are monumented and the lots are surveyed and presented to the Commission.

Mr. Johnson advised the Commission that he visited the site with the Zoning Inspector of this area today; that the survey helped show what is actually in the park; and that a survey will be a benefit for the staff to verify any violations and for review for future placement and building permits.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to accept the survey as a concept only with the stipulation that all lot corners will be monumented and a final survey verifying the monumentation is provided for the Commission's review. Motion carried 4 – 0.

Harmony Bay
CU #1651 Revised Site Plan – Road 273

Mr. Abbott advised the Commission that this is a revised site plan for a 32-unit multi-family project; that 32 detached units are proposed and permitted by the approved ordinance; that there are 9 groups of buildings proposed within 165-foot building envelopes; that the building envelopes maintain a 40-foot separation between envelopes with each unit having a 10-foot building separation; that the setbacks meet the requirements of the zoning code; that a swimming pool and 700 square foot pool house are proposed; that the alleys to the rear of the sites are 20 feet in width and were approved by the County Council when the Ordinance was adopted; that there is a note on the site plan that each unit will be provided three parking spaces since garages are optional; that a landscaping plan needs to be submitted with the final site plan; that central sewer and water will be provided by Sussex County and Tidewater Utilities; and that if preliminary is granted, final approval could be subject to the staff receiving all agency approvals and a landscape plan.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the revised site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals and a landscape plan. Motion carried 4 – 0.

Douglas W. Hitchens
CU #1667 Site Plan and Time Extension – Route 404

Mr. Abbott advised the Commission that this is a site plan for a used car sales lot; that the site plan meets the setback requirements of the zoning code and the conditions of approval; that the 10 conditions of approval are referenced on the site plan; that all agency approvals have been received; that the conditional use was approved on January 9, 2007; that a time extension is also needed; and that if an extension is granted, it should be retroactive to the anniversary date of approval and approval will be valid until January 9, 2009.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension retroactive to the anniversary date of approval. Approval is valid until January 9, 2009. Motion carried 4 – 0.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the site plan as a final. Motion carried 4 – 0.

Nate Miller
2 Lots on 50' Right of Way – Road 631

Mr. Abbott advised the Commission that this is a request to subdivide a 19.43-acre parcel into 2 parcels with access from an existing 50-foot right of way off of Road 631; that if approved, this would make 3 parcels having access to the right of way out of the main

parcel; and that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

Ryan Reed

Lot on 50' Right of Way – Route 5

Mr. Abbott advised the Commission that this is a request to subdivide a 1.01-acre lot with access from an existing 50-foot right of way out of a 124.30-acre parcel; that this would be the third lot having access from the 50-foot right of way; and that if the request is approved as submitted, it should be stipulated that any further subdivision of the site will require an application for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the request as submitted as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

Kyle D. Short

Lot and 50' Easement – Road 641

Mr. Abbott advised the Commission that this is a request to subdivide a 2.23-acre parcel into 2 lots and create a 50-foot easement to serve as access to one of the lots; that the residue lot will contain 0.63-acres and has 123 feet of road frontage along U.S. Route 113; that Lot 1 will contain 1.15-acres and have access from a proposed 50-foot easement across other lands; that the aerial photograph does show a driveway where the proposed easement would be located; that the request can approve as submitted or require an application for a major subdivision; and that if the request is approved as submitted, the applicant should be required to provide proof that the adjoining landowner has no objections to the easement crossing their land.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to defer action pending verification that the applicant has permission to create an easement across the adjoining parcel. Motion carried 4 – 0.

Dawn and Uhland Johnson

3 Lots and 50' Right of Way – Road 241

Mr. Abbott advised the Commission that this is a request to subdivide 3.14-acres into 3 lots with access from a 50-foot right of way; that Lot 1 will contain 1.51-acres and Lots 2 and 3 will each contain 0.815-acres; that The owner proposes to create the 50-foot right of way to serve as access; that the aerial photograph does not show a driveway, lane, road, etc., where the proposed right of way will be located and that the area is wooded;

and that the request should be denied as submitted and be required to go through the major subdivision process.

Uhland Johnson was present and advised the Commission that there is a lane where the proposed right of way is to be located since a pole building was erected on the site about three years ago.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to defer action so that the staff can visit the site to verify the existence of a lane on the site. Motion carried 4 – 0.

Felton Lewis, Jr.

2 Lots and 50' Easement – Road 264

Mr. Abbott advised the Commission that this is a request to subdivide a 7.5014-acre parcel into 2 lots and create a 50-foot easement; that Lot A will contain 1.000-acre and the residual land will contain 6.5014-acres; that the aerial photograph does not show a driveway, lane, road, etc., where the proposed easement will be located; and that the request should be denied as submitted and be required to go through the major subdivision process.

Mr. Burton joined the meeting.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to defer action so that the staff can visit the site to verify the existence of a land or driveway on the site. Motion carried 5 – 0.

Robert A. Webb

Parcel and 50' Right of Way – Road 610

Mr. Abbott advised the Commission that this is a request to create a 10.832-acre parcel with access from a 50-foot right of way; that the owner proposes to create the 50-foot right of way over an existing farm lane/road; that the aerial photograph shows the farm lane/road running along forested lands; that DelDOT has issued a Letter of No Objection; and that the request can be approve as submitted or require an application for a major subdivision.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

Lucille Mae Vanderhoeven

Parcel and 50' Right of Way – Road 509

Mr. Abbott advised the Commission that this is a request to create a 10.80-acre parcel with access from existing 50-feet of road frontage; that the residual parcel will contain 32.39-acres and has 555.81 feet of road frontage; that there is a farm lane within the proposed 50-foot right of way, which currently serves as secondary access to the 42-acre

farm; and that the 10-acre parcel is for the owner's daughter who is going to erect poultry houses on the parcel.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

John and Bonnie Quillen
Parcel on 50' Right of Way – Road 494

Mr. Abbott advised the Commission that this is a request to create a 1.0-acre parcel out of a 5.0-acre parcel; that the 1.0-acre parcel will have access from Road 494; that DelDOT has issued a Letter of No Objection; that the remaining 4.0-acre parcel will have access from an existing 50-foot right of way; that this request was approved by the Commission in October 2007; that the 1.0-acre lot has been relocated to the eastern side of the parcel; and that approval will also be required from Sussex County Engineering since the site is located within a ground water management zone near the old Laurel Landfill.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept with the stipulation that approval will also be required from the Sussex County Engineering Department since the proposed lot is located near a ground water management zone. Motion carried 5 – 0.

Juli J. Hattier
2 Parcels and 50' Right of Way – Road 344

Mr. Abbott advised the Commission that this is a request to subdivide a 17.09-acre parcel into 2 parcels with access from a 50-foot right of way; that the proposed parcels will contain 0.75-acres and 16.34-acres; that the owner proposes to create the 50-foot right of way over an existing driveway that the Mapping and Addressing Department has labeled Hattier Lane; and that the request may be approved as submitted or you can require an application for a major subdivision.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

Michael R. and Rosemary V. Everton
2 Lots and 50' Easement – Road 46

Mr. Abbott advised the Commission that this is a request to create 2, 5.0-acre lots with access from a 50-foot right of way; that the owner proposes to create the 50-foot right of way over an existing lane; that the residual lands will contain 107.75-acres; that the request may be approved as submitted or you can require an application for a major subdivision; and that if the request is approved as submitted, it should be stipulated that any further subdivision will require an application for a major subdivision.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

Edward Hicks
2 Parcels and 50' Right of Way – Road 541

Mr. Abbott advised the Commission that this is a request to subdivide a 25.03-acre parcel into 2 lots with each parcel having access from existing 50-feet of road frontage; and that one parcel will contain 10.0-acres and the other 15.0-acres.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

Time Extensions

d. Subdivision #2004 – 46 - - Caldera Properties – Long Neck I

Mr. Johnson questioned when the time extension would expire if another extension were granted since the notes provided indicate that the extension would expire on November 19, 2008.

Mr. Abbott advised the Commission that the expiration date would be November 19, 2009.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension with the stipulation that this will be the last time extension granted by the Commission. Preliminary approval is valid until November 19, 2009. Motion carried 5 – 0.

e. Subdivision #2005 – 61 - - Delmarva Woodlands Alliance 3

Mr. Johnson questioned when the time extension would expire if another extension were granted since preliminary approval was granted on September 14, 2006 and a revised preliminary approval was granted on November 24, 2007.

It was the consensus of the Commission that a time extension should be retroactive to the anniversary date of the original preliminary approval.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to grant a one-year time extension retroactive to the anniversary date of the preliminary approval. Preliminary approval is valid until September 14, 2009. Motion carried 5 – 0.

Blackwater Creek Communities – Route 54

Mr. Lank advised the Commission that Mr. Abbott has provided the Commission with notes that include:

a. Wild Pine Golf Club – Preliminary Site Plan

This is a preliminary site plan for 18-hole golf course located on 213.23 acres at the northeast corner of the intersection of Route 54 and Road 504. The 213.23 acres is located on 2 parcels that are zoned AR-1/RPC and AR-1. The golf course also includes a clubhouse, community center and pool and golf maintenance area. Golf courses are permitted in all zoning districts.

b. Southview at Wild Pine Country Club – Record Master Plan

This is the master record plan for a 373-lot cluster subdivision. The Commission granted preliminary approval for 400 lots on October 26, 2006 and granted one-year time extensions on November 14, 2007 and September 17, 2008. The street layout is similar to the preliminary plan. This plan has been reduced to 373 lots. The proposed setbacks are 25-feet from the front and 10-feet from the sides and rear. Central sewer and water will be provided by Tidewater Utilities and the streets will be built to County specifications.

c. Southview at Wild Pine Country Club – Record Plan Phase 1

This is the preliminary record plan for Phase 1 of the Southview at Wild Pine Country Club. Phase 1 contains 54 single-family detached lots located on 21.23-acres.

d. Northview at Wild Pine Country Club – Record Master Plan

This is the master record plan for a 376 unit residential planned community. 376 units are permitted by the approved ordinance. 176 single-family lots and 200 duplex units are proposed. The approved ordinance permits 168 multi-family units and 208 single-family lots. The Commission may amend the type of units since the condition of approval originated at the Commission level. This section also includes the 18-hole golf course, community center and pool, clubhouse and golf maintenance building. Tidewater Utilities will provide central sewer and water. Streets will be built to County specifications.

e. Northview at Wild Pine Country Club – Amended Conditions

The developers of this project are requesting that the conditions of approval for the number of units permitted be revised to types of units permitted, the number of building permits permitted and when amenities are required to be constructed.

f. Southview at Wild Pine Country Club – Amended Conditions

See e. above.

g. Westview at Wild Pine Country Club – Amended Conditions

See e. and f. above.

Dennis Schrader, Attorney, and Jeff Clark of Land Tech Land Planning were present on behalf of this item and stated in their presentation and in response to questions raised by the Commission that this project was the subject site of 4 previous zoning and subdivision applications; that the project name has been changed to Wild Pine; that the golf course site plan is for preliminary approval for an 18-hole championship golf course; that 9 holes are located on the approved AR-1/RPC site and the other 9 holes are located on additional land that the developers have acquired; that the additional lands will also be the subject site of a zoning application in the future; that the golf course also has proposed the relocation of the community center and clubhouse and swimming pool areas; that the entrances are in the same locations as the previously approved plans; that wastewater treatment and disposal areas are also the same; that the Southview site has been reduced to 373 single-family detached cluster lots; that the entrances are in the same location; that forest preservation is more extensive in this area; that the proposed boulevards have been removed due to DelDOT requirements and the economy; that Phase 1 of the Southview section is for 54 single-family lots; that the entrance to this section is from Providence Church Road; that the developers have met with the Delmar School District and at this time they are not requiring a bus stop; that the developers will continue to meet with the school district; that the Northview section has been amended by deleting the multi-family structures and reducing the number of lots to 376 lots; that these lots are single-family and duplex lots; that the developers are also requesting the conditions of approval for the Northview section be amended to read “”2. The maximum number of building permits issued within any given calendar year for the entire Wild Pine Country Club project (including Northview, Southview and Westview) shall be 150, commencing upon the date of Final Site Plan approval for the first phase of the Wild Pine Country Club project.” and “6. Recreational facilities serving this project, including the golf course, swimming pool and community buildings shall be constructed and open to use by the residents as follows: the first nine holes of the golf course must be completed on or before the Certificate of Occupancy is issued for the 200th home within Northview. The swimming pool construction shall commence on or before the issuance of the 125th Northview residential permit and completed on or before the issuance of the 150th Northview residential permit.”; that the conditions for the Southview section be amended to read “2. The maximum number of building permits issued within any given calendar year for the entire Wild Pine Country Club project (including Northview, Southview and Westview) shall be 150, commencing upon the date of the Final Site Plan approval for the first phase of the Wild Pine Country Club project.”, “4. The interior street design shall be in accordance with or exceed Sussex County street design requirements. Street design shall include curbs, sidewalks on at least one side of each street and street lighting.” and “6. The recreation areas shall be constructed and open to use by residents within two years of the issuance of the first residential building permit. If similar recreation facilities are available to the residents of Southview elsewhere within the Wild Pines Country Club project on or before two years from the date of issuance of the first Southview building permit, construction of the Southview recreation areas may be delayed until the issuance of the 200th Southview residential building permit and shall be completed prior to the

issuance of the 250th Southview residential building permit.”; and the amended conditions for Westview are the same as numbers 2 and 6 for Southview.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Wild Pine Golf Club Preliminary Site Plan as a preliminary. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Southview at Wild Pine Country Club Master Record Plan as submitted. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Southview at Wild Pine Country Club Phase 1 Record Plan as a preliminary. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Northview at Wild Pine Country Club Amended Conditions as submitted and amended. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Northview at Wild Pine Country Club Master Record Plan as submitted. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Southview at Wild Pine Country Club Amended Conditions and the Westview at Wild Pine Country Club Amended Conditions as submitted. Motion carried 5 – 0.

Meeting adjourned at 4:45 p.m.