



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF FEBRUARY 28, 2008

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 28, 2008 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Benjamin Gordy, Mr. Michael Johnson, Mr. Rodney Smith, and Mr. I. G. Burton III with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Mr. Shane Abbott – Assistant Director, and Mr. Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Agenda as presented. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of February 14, 2008 as amended. Motion carried 5 – 0.

OLD BUSINESS

C/U #1774 – application of **ROBINO SEA CHASE, LLC** to consider an ordinance to delete and/or modify the conditions imposed in Ordinance No. 1455 for Conditional Use No. 1379, the application of Robino Sea Chase, LLC to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, lying at the northwest corner of the intersection of Road 275 and Road 274.

The Commission discussed this application which has been deferred since January 24, 2008.

Mr. Johnson stated that he would recommend denial of Robino Sea Chase, LLC's request to delete and/or modify Condition #6 of Ordinance No. 1455 for Conditional Use No. 1379, and approval of the Applicant's request to delete Condition #7 of Ordinance No. 1455 for Conditional Use No. 1379 based upon the record and for the following reasons: Mr. Johnson's reasons for denial include:

1. Condition No. 6 of the original ordinance stated "Applicant will construct the clubhouse and pool by completion of 24 units." This was not done. There was no satisfactory explanation given as to why the clubhouse was not built.
2. The community building adjacent to the pool was presented to the Planning and Zoning Commission during the public hearing and was included in the original Preliminary Site Plan. Information about such a building was also

provided in Sales Marketing materials prepared by the developer and was represented by the developer to residents at the time they purchased their homes within the community.

3. Parking spaces were provided for the pool and the community or club house building as shown on the preliminary site plan. No parking spaces were constructed. The President of the current Condominium Board of Directors has stated that a prior Board did not object to the removal of the parking. However, some parking is necessary for this area, and it was proposed and shown on the Preliminary Site Plan by the Applicant. Some parking should be constructed.
4. According to the Applicant's engineer at the January 24, 2008 Planning and Zoning Commission public hearing there is an area of approximately 3,200 square feet between the housing units and the pool area, which is where the clubhouse was originally scheduled to be built.

Instead of the clubhouse having been built as originally approved in the above referenced area, the Applicant built a small storage building next to the pool for a well and pump for the irrigation system and a fenced propane service area. Neither of these were noted on any site plans approved by the Commission or Planning and Zoning staff. There are other areas in the project where the propane service area, well and pump can be relocated.

The open area of approximately 3,200 square feet located next to the pool is more than adequate to build the previously approved 1,280 square foot clubhouse and 5 parking spaces. The clubhouse should contain restrooms for the safety and convenience of the residents while using this facility and the pool.

Mr. Johnson stated that he recommends that County Council require that the Applicant submit to the Planning and Zoning Commission a revised Final Site Plan showing the location and size of a proposed community building with a specific time period for providing this information. He also recommends that the revised Final Site Plan show where sufficient proposed parking for the pool will be located and specify a date for completion of construction of the community building and the parking spaces needed to serve it. Furthermore, he recommends that the revised Final Site Plan show where the fenced propane service area will be relocated.

Secondly, he moved that the Commission recommend approval of Robino Sea Chase, LLC application to delete or modify only Condition #7 imposed in Ordinance No. 1455 for Conditional Use No. 1379 based upon the record and for the following reasons:

1. Condition #7 of the original ordinance stated "The development will utilize a combined entrance to Sea Chase I and Sea Chase II for ingress and egress to County Road 274." This condition requiring the closure of an entrance should be deleted, since DelDOT no longer objects to the second entrance. The second entrance to Sea Chase, as built, does not present any traffic hazards. On the contrary, it enhances safe vehicular travel to and from the development.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to forward this application to the Sussex County Council with the recommendation that the Applicant's request to delete and/or modify Condition No. 6 be denied and that the Applicant's request to delete Condition No. 7 be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

C/Z #1629 – application of **WILLIAM WARRINGTON** to amend the Comprehensive Zoning Map from a GR General Residential District to a GR-RPC General Residential District – Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying west of Road 362, 0.35 mile south of Road 368, to be located on 16.02 acres, more or less.

The Commission discussed this application which has been deferred since February 14, 2008.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1629 for William Warrington for a change of zone from a GR General Residential District to a GR-RPC General Residential District – Residential Planned Community Based upon the record and for the following reasons:

1. The property is currently zoned GR General Residential. Under this application, that basis zoning and the density permitted in a GR zone will not change.
2. The County Engineering Department has indicated that adequate wastewater capacity is available for the project. Central water will also be provided.
3. With the conditions and stipulations placed upon it, the RPC designation is appropriate, since it allows for the creation of a superior environment through design ingenuity while protecting existing and future uses. Essentially this is a clustered design subdivision with minimum lot sizes of at least 7,500 square feet. Because the property is currently zoned GR, the cluster option under AR zoning is not available.
4. The project will not adversely affect the neighborhood or surrounding community. There are several existing subdivisions in the immediate area with similar characteristics. As stated by the Applicant, this is basically infill development.
5. According to the County's current Comprehensive Plan, the project is in a Developing Area.
6. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
7. This recommendation is subject to the following conditions:
 - a. The maximum number of lots shall not exceed 49 single family lots.
 - b. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
 - c. The development shall be served as part of a Sussex County Sanitary Sewer District. The developer shall comply will all requirements and specifications of the County Engineering Department.

- d. The RPC shall be served by central water.
- e. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- f. There shall be sidewalks on both sides of all streets within the RPC.
- g. A system of street lighting shall be installed.
- h. The developer shall form a homeowner's association responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- i. No wetlands shall be included within any individual lots. In addition, any wetland buffers required by Section 115-193(B) shall be shown on the Final Site Plan.
- j. A vegetated buffer shall be established to separate the wetlands from the tot-lot area. This shall be shown on the Final Site Plan.
- k. A 20-foot wide vegetated buffer shall be established along Parker House Road. This shall be shown on the Final Site Plan.
- l. The Applicant has proposed to maintain the existing tree stand along the perimeter property line. This shall be shown on the Final Site Plan.
- m. A hunting notice, similar to the Agricultural Use Notice, indicating that hunting activities may occur nearby shall be included on the Final Site Plan and within the Restrictive Covenants.
- n. No unlicensed ATVs or unlicensed 4-wheeler type vehicles shall be operated on the streets or within the development. This shall be referenced in the Restrictive Covenants.
- o. Upon the completion of development, all silt fences shall be removed from the site.
- p. If requested by the local school district, a school bus stop shall be provided. The location of the school bus stop area shall be shown on the Final Site Plan.
- q. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
- r. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- s. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- t. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2006-53 – application of **JW & TG, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 14.03 acres into 12 lots, located west of Road 524, 1.14 mile south of Route 46.

The Commission discussed this application which has been deferred since February 14, 2008.

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2006-53 for JW & TG, LLC based on 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 proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
5. DNREC has indicated that the site is suitable for individual on-site septic systems.
6. This approval is subject to the following conditions:
 - a. There shall be no more than 12 lots within the subdivision. These lots are identified as lot numbers 2 through 13 on the Preliminary Site Plan.
 - b. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - c. The stormwater management system shall meet or exceed the requirements of the State and County. Best Management Practices shall be used in the design, construction and maintenance of the system to maximize groundwater recharge.
 - d. All entrances shall comply with all of DelDOT's requirements.
 - e. A 30-foot forested Agricultural Buffer shall be shown along boundaries bordering on any land used primarily for any agricultural purpose.
 - f. As stated by the Applicant, there shall be a 20-foot buffer between the drainage swale and wetlands.
 - g. All buffers from wetlands required by Section 115-193B of the Code shall be shown on the Final Site Plan.
 - h. The Final Site Plan shall contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
 - i. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.

- j. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- 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. Johnson and carried unanimously to grant preliminary approval of Subdivision #2006-53 for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2006-54 – application of **COOL SPRING REALTY ASSOCIATES, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District and a GR General Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 26.13 acres into 18 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located west of Road 290, 800 feet north of Road 262.

The Commission discussed this application which has been deferred since February 14, 2008.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2006-54 for Cool Spring Realty Associates, LLC, based on 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. With lots of at least $\frac{3}{4}$ acre in size, 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 proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
5. DNREC has indicated that the site is suitable for individual on-site septic systems.
6. The topography and boundaries of the site justify a variance from the maximum cul-de-sac length of 1,000 feet.
7. This approval is subject to the following:
 - a. There shall be no more than 18 lots within the subdivision.
 - b. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - c. The stormwater management system shall meet or exceed the requirements of the State and County. The Applicant shall use Best Management Practices in the construction and maintenance of the system to provide positive groundwater recharge.

- d. All entrances shall comply with all of DelDOT's requirements and an area for a school bus stop shall be established, if required by the local school district.
- e. Sidewalks shall be established along one (1) side of all streets.
- f. A system of street lighting shall be provided. The street lights shall be screened downward to avoid glare onto neighboring or adjacent properties.
- g. No lots shall include any wetlands and there shall be a 50-foot buffer from all wetlands in accordance with Section 115-193B of the County Zoning Code.
- h. 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 buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- i. The Agricultural Use Notice shall be included on the Final Site Plan and in the Restrictive Covenants governing the subdivision.
- j. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- k. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- l. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to grant preliminary approval of Subdivision #2006-54 for the reasons and with the conditions stated. Motion carried 5 – 0.

PUBLIC HEARINGS

C/Z #1655 – application of **CHAD A. AND TAMI, AND MATTHEW MITCHELL** to amend the Comprehensive Zoning Map from a GR General Residential District to an AR-1 Agricultural Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying east of Road 376, 100 feet south of Road 380 and south of Road 392, 2,200 feet east of Road 376, to be located on 86.83 acres, more or less.

Mr. Lank provided the Commission with copies of the Tax Map of the area showing the site and the surrounding parcels.

Mr. Lank advised the Commission that the application states that the intent of the Applicants is to downzone the property so that they may apply for inclusion into an Agricultural Preservation District.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is located in the Roxana Planning

Area; that they realize the intent of the Applicants, and that the Department has no objections to the down-zoning.

The Commission found that Chad A. and Tami Mitchell were present and stated that they want to rezone the property so that they may apply for inclusion into an Agricultural Preservation District; that the property is partially tilled and forested; and that the forested area contains approximately 20 acres.

The Commission found that there were no parties present in support of or in opposition to this application.

Mr. Smith stated that he moves that the Commission recommend approval of C/Z #1655 for Chad A. Mitchell, Tami Mitchell and Matthew Mitchell for a change of zone from GR General Residential to AR-1 Agricultural Residential based upon the record and for the following reasons:

1. The purpose of this change of zone is to allow the Applicants to seek approval as an Agricultural Preservation District.
2. The property is currently tilled and forested, which is consistent with the proposed AR-1 Zoning.
3. The County should promote the preservation of active farmland through the use of Agricultural Preservation Districts and the Applicants should be commended for their efforts.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5 – 0.

C/U #1726 – application of **LEONARD A. STUTZMAN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a plumbing business and related storage and parking to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 1.623 acres, more or less, lying southeast of Route 36, 740 feet southwest of Route 632.

Mr. Lank provided the Commission with copies of the survey/site plan of the property.

Mr. Lank advised the Commission that the application states that the intent of the Applicant is to utilize a storage building for lawn and garden equipment, miscellaneous wood working, shelves for miscellaneous excess plumbing supplies, and a place to park a pickup truck and trailer.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service “C” of Shawnee Road will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is not located in a County operated

and maintained sanitary sewer and/or water district; that the project proposes to utilize an on-site septic system; that the project is not capable of being annexed into a County sanitary sewer district; and that the proposed project is not in an area where the County currently plans to provide sewer service.

The Commission found that Mr. and Mrs. Leonard A. Stutzman were present and that Mr. Stutzman stated that he is currently operating the business with his son; that he plans to retire in a few years; that once he retires the business will be abandoned; that his son does not plan on operating the business alone; that no additional lighting is proposed or needed; that there is no need for additional signage; that a handcarved sign already exist on the site; that business hours are from 7:30 a.m. to 4:30 p.m. Monday through Friday; that the tax ditch adjacent to the property is maintained; and that they reside in the dwelling on the premises.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Burton stated that he would move that the Commission recommend approval of C/U #1726 for Leonard A. Stutzman for a plumbing business and related storage based upon the record and for the following reasons:

1. The use will not generate a significant increase in traffic or noise, since a majority of the work will be conducted off-site.
2. The project, with the conditions placed upon it, will not have an adverse impact on the neighboring properties or community.
3. The Applicant resides in the dwelling that will remain on the property.
4. The Applicant has stated that this is a small family business with no more than one employee in addition to the Applicant.
5. This recommendation is subject to the following conditions:
 - A. Vehicles and trailers associated with the use shall only be stored in the designated parking area.
 - B. The existing sign shall remain on the property.
 - C. No outside storage shall be allowed on the premises.
 - D. The tax ditch and its easement areas shall be shown on the Final Site Plan.
 - E. There shall be no more than 2 employees.
 - F. The hours of operation shall be from 7:30 a.m. to 4:30 p.m.
 - G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

C/U #1727 – application of **AMERI-STAR HOMES** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures

(44 units) to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 7.51 acres, more or less, lying southeast of Road 619 (Old Shawnee Road) and northwest of Route 36 (Shawnee Road) 1,450 feet northeast of Road 619 (Old Shawnee Road).

Mr. Lank advised the Commission that this application was withdrawn on February 13, 2008.

Subdivision #2006-55 – application of **ALVANNAH R. DAVIS** to consider the Subdivision of land in a GR General Residential District in Cedar Creek Hundred, Sussex County, by dividing 13.63 acres into 8 lots, located west of Road 225, 733 feet south of Road 38.

Mr. Abbott advised that the Commission that the Technical Advisory Committee Report of April 18, 2007 is a part of the record for this application.

The Commission found that Alvannah R. Davis was present with Kevin Crosby of Charles D. Murphy Associates, Inc. and that they stated in their presentations and in response to questions raised by the Commission that they can comply with the recommendations provided by the Technical Advisory Committee; that if the preliminary is approved they will prepare the Final Site Plan for submittal; that the subdivision will be a benefit to the Lincoln area; that there are some poor soils to the south of the site; that a septic feasibility statement has been received; that utility easements have been provided along lot lines; that trees exist on the south side and that a meadow area exist; that the site adjoins farmland to the west and that they will provide buffers; that streets are intended to be built to State specifications and dedicated to public use; that they may have to reconfigure the subdivision design to provide the buffer along the farmland; that single family site constructed homes are planned, not mobile homes; that Parcel "A" may be able to be utilized for a bus stop, if needed or required; that there are no ditches on the site; and that there has not been any standing water on the site.

The Commission found that Delores Singletary, Anthony Davis and Nathaniel Davis spoke in support of the application and stated that they are family members and that farming has been a burden; that it has been a dream of their grandmother to improve the community around Lincoln; that the subdivision will allow for new homes to be built in the area; that the subdivision will improve the quality of life in the area; that this is a family project; and that the family has been in the process since the early 80s trying to improve the property.

The Commission found that there were no parties present in support of or in opposition to this application.

The public hearing was closed and the record was left open to the end of the meeting so that the Applicant could provide a copy of the septic feasibility.

At the conclusion of the public hearings, the Commission discussed this application.

The Commission found that neither Mrs. Davis nor Mr. Crosby had a copy of the septic feasibility in their possession.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to defer action pending receipt of the septic feasibility from DNREC. Motion carried 5 – 0.

Subdivision #2006-56 – application of **ZONA SAEZ** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 1.98 acres into 2 lots, and a waiver from the street design requirements, located south of Road 287, 1,250 feet east of Road 288.

Mr. Abbott advised that the Commission that the Technical Advisory Committee Report of April 18, 2007 is a part of the record for this application.

The Commission found that Zona Saez was present and stated that this was her father's property; that she would like to subdivide the parcel into two (2) lots; that Lot #1 is improved with a dwelling; that she proposes to install a stone driveway to the Lot #2; and that she would like to retain Lot #2 and to name the access after her father.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Johnson stated that he would move that the Commission approve Subdivision #2006-56 for Zona Saez based upon the record and for the following reasons:

1. The application complies with the requirements of the Subdivision Ordinance.
2. The application will not adversely affect the neighboring or adjacent properties.
3. This approval is subject to the following conditions:
 - a. The roadway shall be improved with stone, crusher run or similar materials.
 - b. All entrances shall comply with all of DelDOTs requirements.
 - c. The Final Site Plan shall be subject to review and approval of the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to grant preliminary approval of Subdivision #2006-56 for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2006-57 – application of **JOHN M. AND MARY LOU JACKSON** to consider the Subdivision of land in a GR General Residential District in Cedar Creek Hundred, Sussex County, by dividing 14.95 acres into 3 lots, located north of Road 635, 1,100 feet northwest of Road 621.

Mr. Abbott advised that the Commission that the Technical Advisory Committee Report of April 18, 2007 is a part of the record for this application.

The Commission found that John M. Jackson was present with Matthew Metz of Charles D. Murphy Associates and that they stated in their presentations and in response to questions raised by the Commission that 4 minor subdivision lots have already been created; that Parcels "A" and "B" are proposed and have access to the proposed street; that existing Lots 1 and 3 are proposed to be expanded to have access to the proposed street; that the street is proposed to be named Midnight Lane; that the property is GR zoned and that mobile homes or site constructed homes may be proposed; that the 11.03 acres remaining is partially tilled and partially wooded; that approximately 4 acres are tilled; that Parcels "A" and "B" are proposed to be conveyed to family members; that they have a letter of no objection from DelDOT; that DelDOT wants both existing Lot 1 and Lot 3 to have access to the proposed street; that the location of the septic system and the garage on Lot 3 may make it difficult to access the proposed street; and that they may revisit DelDOT for a revision.

The Commission found that Amanda Eichol, daughter of the Applicants, spoke in support of the subdivision and added that her parents are making plans for family members.

The Commission found that there were no parties present in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Burton stated that he would move that the Commission grant preliminary approval of Subdivision #2006-57 for John and Mary Lou Jackson based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The land is zoned GR General Residential. The proposed subdivision density of 3 lots on 14.95 acres of land is significantly less than the allowable density, and it will be a continuation of existing strip lots.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. This approval is subject to the following conditions:
 - a. Any stormwater management system shall meet or exceed the requirements of the State and County.
 - b. All entrances shall comply with all of DelDOTs requirements.
 - c. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.
 - d. A 30-foot forested agricultural buffer shall be included on the Final Site Plan along boundaries adjacent to lands used for agricultural purposes.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to grant preliminary approval of Subdivision #2006-57 for the reasons and with the conditions stated. Motion carried 5 – 0.

ADDITIONAL BUSINESS

Mr. Lank advised the Commission that County staff will be going to meet with the Cabinet Committee on State Planning Issues tomorrow to discuss the Comprehensive Plan Update.

Mr. Lank reminded the Commission that a Special Meeting of the Commission is scheduled for Wednesday March 5, 2008 at 3:00 p.m. for 5 public hearings.

Meeting adjourned at 7:20 p.m.