

MINUTES OF THE REGULAR MEETING OF JUNE 28, 2001

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, June 28, 2001, in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, Mr. Lynch, Mr. Wheatley, with Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the agenda as amended with the deletion of Items #1 and #2 under Old Business, Subdivision #99-23, Robert Muncy, and Subdivision #2001-14, Bayville Capital III, LLC.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve the Minutes of June 14, 2001 as amended.

Mr. Schrader explained how the Public Hearings would be conducted.

IV. PUBLIC HEARINGS

Subdivision #2001-15 - application of **Robert W. Walls and Sharon Walls** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred, by dividing 2.17 acres into 2 lots, and a waiver from the street construction requirements, located west of Road 317, 1,535 feet south of Road 47.

The Commission found that the Technical Advisory Committee reviewed this application on June 20, 2001 and that the Technical Advisory Committee Report was a part of the record for this application.

Mr. Abbott summarized a report from the Natural Resources Conservation Service.

Mr. Abbott read a letter in opposition to the application from Larry and Lisa Stoeckel.

The Commission found that no one appeared in support of the application.

The Chairman referred this application to the end of the Public Hearings in case the applicant was late.

At the conclusion of the Public Hearings, the Chairman again referred to this application.

The Commission found that no one appeared in support of the application.

Mr. Schrader advised the Commission that since no one appeared in support there would be no record of support for the application.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to deny this application since no one appeared in support and since there was no record of support recorded.

Vote carried 5 - 0.

Subdivision #2001-16 - application of **Thomas Head** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broadkill Hundred, by dividing 85.80 acres into 84 lots, located west of Road 264, 1,250 feet northeast of Delaware Route One.

Mr. Lank advised the Commission that the Technical Advisory Committee Report of June 20, 2001 will be made a part of the record for this application.

Mr. Abbott read comments received from the Natural Resources Conservation Service and from Mr. Schrader.

The Commission found that Mary Schrider, Attorney, Thomas Head, Applicant and Dan McCann, Surveyor were present on behalf of this application and stated in their presentation and in response to questions raised by the Commission that the lots will be a minimum of three-quarters of an acre; that the restrictive covenants are being revised to meet Mr. Schrader's comments; that the final restrictive covenants will be submitted prior to obtaining final approval; that the preliminary plan has been revised to meet the suggestions of the Technical Advisory Committee; that preliminary soil work has been conducted and that standard septic systems should be available; that there is a demand for housing in this area; that the developers will sell land and home packages; that the area is prime for this type of development; that a 30-foot forested buffer will be provided from agricultural lands; that a single entrance to the development is proposed; that the existing vegetation will be partially removed for the stormwater management area; that a jogging path will be provided for recreation; that the stormwater management area will not be fenced; that the dwellings will be upscale homes; that a lot of time has been invested in the design of the project; that Tidewater Utility has been contacted about the availability of central water in the area; and that the agriculture district allows for development in the Land Use Plan.

The Commission found that no parties appeared 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. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve this application as a preliminary with the stipulation that a thirty-foot forested buffer be provided from all adjoining agriculture lands.

Vote carried 5 - 0.

Subdivision #2001-17 - application of **Collins Acres, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred, by dividing 20.20 acres into 12 lots, located west of Road 412 at south side of entrance to Lakeview Estates.

Mr. Lank advised the Commission that the Technical Advisory Committee Report of June 20, 2001 will be made a part of the record for this application.

Mr. Abbott read comments received from the Natural Resources Conservation Service; a letter from the Lakeview Estates Neighborhood Association; and revised deed restrictions submitted by the developer.

The Commission found that Don Miller, Surveyor, was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that he has meet with DelDOT about the proposed entrance location; that there will not be any access from Lakeview Drive within Lakeview Estates Subdivision; that the homes will be high quality stick built homes; that there will not be any access to the strip lots along the county road; that no manufactured or modular homes will be permitted; that a buffer is not required since the subdivision does not adjoin any agricultural lands; that individual on-site wells and septic are proposed; that the streets will be private and built to county specifications; and that the developer will not have any problem providing a buffer along Lakeview Drive if allowed to do it as an easement.

Mr. Schrader advised the Commission that the revised restrictive covenants have been addressed in reference to his comments from the Technical Advisory Committee.

The Commission found that Robert Radawiec, a resident in Lakeview Estates, was present and questioned the minimum dwelling size and type of home proposed.

Mr. Schrader advised that these questions have been addressed in the restrictive covenants.

The Commission found that Jayne Sheahan, President of the Lakeview Estates Neighborhood Association was present and advised the Commission that a living buffer should be provided along Lakeview Drive and the proposed lots; and that the buffer should be considered as open space to assure of proper maintenance.

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. Gordy, seconded by Mr. Johnson, and carried unanimously to approve this application as a preliminary with the stipulation that a thirty-foot forested buffer be placed along Lakeview Drive and that the buffer be considered open space and not an easement across the individual lots; and that the buffer be maintained by the Homeowners Association.

Vote carried 5 - 0.

C/U #1408 - application of **Indian River School District** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a public school (Sussex Central High School) to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 159.57 acres, more or less, lying west of Road 318 and north of Route 86.

The Commission found, based on comments received from the State Department of Transportation (DelDOT), that based on the 1999 Traffic Summary Road 318, between Road 326 and Route 48, has an annual average daily traffic of 1070 vehicle trips per day and that Route 86, between U.S. Route 113 and Road 318, has an annual average daily traffic of 949 vehicle trips per day; and that the Department, on March 20, 2001, forwarded a letter referencing that they had reviewed the site for entrance location and right-of-way dedication, and have no objection; and that entrance plans must be submitted for review and approval, assuming that the County approves the Conditional Use.

The Commission found, based on comments received from the Office of State Planning Coordination, that this parcel is located in a Rural area of the Strategies for State Policies and Spending Map, where State policies will encourage the preservation of a rural lifestyle and discourage new development; that while recognizing the regional nature of the proposed school, the State would like to see new schools built within the community or developing areas of the Map whenever possible so that the District can offer more transportation option, (i.e. bike riding, walking, busses, etc.) to the students and faculty; that according to DelDOT, there are several issues that need to be addressed regarding the roads leading to this site from Georgetown and Millsboro areas; that improvements may be necessary to Colony Road (Road 326), Cow Bridge Road (Route 86), Betts Pond

Road (Road 326), Bark Pond Road (Road 328), Bethesda Road (Road 326), Zoar Road (Route 48); that funding for these improvements should come from the Department of Education or the School District; that it may be appropriate for DelDOT to build the improvements, it would be inconsistent with the Statewide Long Range Transportation Plan to use DelDOT funds for this purpose; that the extent of the improvements will depend on the routes that students travel to and from school; that since the proposed school site represents a State or Federal land development project, the State Department of Natural Resources and Environmental Control Division of Soil and Water Conservation will review and approve the Sediment and Stormwater Plan; that there are two inactive Leaking Underground Storage Tank sites near the proposed site; that there is no public water available on the site, therefore, the Well Permitting Branch will consider a well permit for the site; that any wells to serve the site will need to be classified as public water supply wells; that the Stockley Center is potentially eligible for the National Register of Historic Places; that the northern edge of the site has high archaeological potential for both prehistoric and historic period sites; that the parcel is very large, and it should be easy to avoid any adverse effects to these historic properties; that the State urges the District to work with the State Historic Preservation Office on the actual placement of the school; that the State appreciates the difficulty in identifying a suitable site within preferred development areas and where transportation and other infrastructure are adequate; that the State would prefer that a public school be built on a parcel closer to a community area where a variety of transportation options could be utilized and central sewer and water would be available; and that the State urges the District to contact the agencies that comments to resolve the issues noted.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand, Kenansville loamy sand, and Woodstown sandy loam; that the Evesboro soils have slight to moderate limitations; that the Kenansville soils have slight limitations; that the Woodstown soils have slight to moderate limitations; that the applicants will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after completion of construction; that the Evesboro soils are considered of Statewide Importance; that the Kenansville soils and the Woodstown soils are considered Prime Farmland; that there are no storm flood hazard areas or tax ditches affected; and that it may be necessary for some on-site and off-site drainage improvements due to the increased impervious area and the resultant increase in surface runoff.

The Commission found that James Griffin, Attorney, Greg Weer, Supervisor of Buildings and Grounds for the District, and Greg Moore of the Becker Morgan Group were present on behalf of the application and stated in their presentations and in response to questions raised by the Commission that the purpose of the Conditional Use article is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties; that these uses are generally of a

public or semipublic character and are essential and desirable for the general convenience and welfare; that the land has been purchased from the State of Delaware; that the District owns a parcel, originally intended for a school site, at Ingrams Pond and had problems satisfying the State Board of Education and DelDOT due to concerns; that the District could not find enough land for development of a school site in a Developing Area; that they propose to have the school open for occupancy by the Fall of 2003; that the site is well located for access; that no homes exists across from the site on either road; that the Town of Georgetown will provide sanitary sewer service; that an site water well will be provided to provide domestic water and fire protection; that this is the first time the State Department of Education has allowed for the construction of a school with plans for future growth; that the site of the site makes it available for expansion; that agricultural students have to travel to the Ingram Pond site for agricultural related activities; that this site is adequate to provide for the agricultural students so that they do not have to travel to another site; that three entrances are proposed; that student and faculty driveways will be separated from bus driveways; that the school is designed to accommodate 1,500 students; that the building contains 188,000 square feet with 40 classrooms; that they have met with DelDOT, the Department of Education, DNREC, Fire Marshal, the Town of Georgetown, and Health and Social Services; that sanitary sewer service is only proposed to serve the school, no residential lots; that all lighting will be designed and installed to not impact neighboring properties.

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 the points and issues raised during the Public Hearing.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations: 1) All lighting fixtures to be shielded and/or baffled to direct the lights so that they do not impact neighboring properties or travelling motorist: 2) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Vote carried 5 - 0.

C/U #1409 - application of **Indian River School District** to consider the Conditional Use of land in an AR-1 Agricultural Residential District and a MR Medium Density Residential District for a public school (Indian River High School) to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 156.80 acres, more or less, lying southwest of State Route 20 (a.k.a. Road 382), east of Road 401 (Clayton Avenue), and southwest of Road 355.

The Commission found, based on comments received from DelDOT, that based on the 1999 Traffic Summary Road 382, between Road 92 and the southeast Dagsboro Limits, has an annual average daily traffic of 4384 vehicle trips per day and that Main Street, between the north Frankford limits and Route 26, has an annual average daily traffic of 2618 vehicle trips per day; and that the Department, on April 10, 2001, forwarded a letter referencing that they had reviewed the site for entrance location and right-of-way dedication, that entrance locations may have to be modified prior to recordation; that site distance analysis are required for both entrances prior to entrance approval; and that entrance plans must be submitted for review and approval, assuming that the County approves the Conditional Use.

The Commission found, based on comments received from the Office of State Planning Coordination, that the State was concerned about the ability of the roads to the school being able to accommodate novice drivers and the fact that the access point was limited to a narrow area at one end of a curve; that DelDOT has met with the District regarding the access sites and their concerns have been addressed; that the State Historic Preservation Office would like to work with the District to identify any archaeological sites and to preserve any sites located within the development plan for the school.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand; Fallsington sandy loam, Fallsington loam, Klej loamy sand, Rumford loamy sand, and Woodstown sandy loam; that the Evesboro and Rumford soils have slight limitations; that the Fallsington soils have severe limitations; that the Klej and Woodstown soils have slight to moderate limitations; that the District will have to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after completion of construction; that the Evesboro, Fallsington, Klej and Rumford soils are considered of Statewide Importance; that the Fallsington and Woodstown soils are considered Prime Farmland; that no storm flood hazard areas are affected; that the Herring Branch Tax Ditch may be affected; that there may be jurisdictional wetlands on the site that are regulated by the Army Corps. of Engineers; and that it may be necessary for some on-site and off-site drainage improvements because of the increased impervious areas and the presence of poorly drained soils; and that there may be an increase in surface runoff during storm events.

The Commission found, based on comments received from the Sussex County Engineering Department Planning and Permits Division, that a portion of the site is located within the Dagsboro/Frankford Sanitary Sewer District and the remaining portion is to be annexed into the District; that wastewater capacity is available for the project; that the current System Connection Charge Rate is \$2,954 per EDU; that a connection point for the sewer connection will be on Road 401 (Clayton Avenue) and will be

specified during the Ordinance No. 38 process; and that conformity to the Dagsboro/Frankford Planning Study or undertaking an amendment will be required.

The Commission found that James Griffin, Attorney, Greg Weer, Supervisor of Buildings and Grounds for the District, and Greg Moore of the Becker Morgan Group were present on behalf of the application and stated in their presentations and in response to questions raised by the Commission that their general comments made with C/U #1408 were similar to this application; that 156 acres are being purchased from two owners; that this school is being designed for 1,000 students to meet the current and future needs for the District; that the size of the parcel creates a self contained school with additional lands for future growth and use; that the site is well located for transportation purposes; that they plan to annex the land into the Dagsboro/Frankford Sanitary Sewer District; that central water is proposed to be provided by the Town of Frankford; that water storage will be provided on the site for domestic water and fire protection; that during the site review process, four sites were reviewed; that this site was favored by DelDOT and the Board of Education; that the District wanted to keep the high school close to the existing school site; that the additional lands can be utilized by the agriculture and aquaculture programs in the District; that lighting will be shielded and baffled to not impact neighboring properties or travelling motorists; that they plan to open the school in the Fall of 2003; that the school has been designed to accommodate growth; that two entrances are proposed on Route 20; that a limited access entrance is proposed on Road 401; and that an easement, existing on Road 355, is intended for school service use, not students or general public use.

The Commission found that Al Townsend, a neighboring property owner on Route 401, was present and expressed concerns relating to the closeness of the entrance on Route 401 to his property and driveway; that he is concerned about the safety of his five year old son; that the entrance should be gated and locked; that he questioned where the water line from the Town of Frankford was going to be located; and requested that a wall be built along his property line to separate the entrance from his driveway.

The Commission found that Mr. Weer responded that DelDOT required a secondary entrance off of Road 401; that the entrance is not intended to be a main entrance; that the entrance will be gated; and that the gate will be closed except during school hours and special events.

The Commission found that Mr. Griffin responded that the majority of the property is located in the Town of Dagsboro; that the Town of Dagsboro has not passed a referendum for water service; that the Town of Dagsboro has no public water; that the Town of Frankford has offered to provide central water at the direction of the State DNREC; and that the water line will be run along Road 401 into the site.

The Commission found that Tom Varvola, a resident living on Road 355, questioned the use of the right-of-way to the school off of Road 355; stated that the right-of-way is directly in front of his residence; requested that the right-of-way be closed.

The Commission found that Mr. Griffin responded that the only intended use of the right-of-way is for school service uses, not students and the general public.

The Commission found that Traci Clark questioned the location of the entrances on Road 382.

The Commission found that Sherman Townsend, spoke in support of the application and stated that his portion of the proposed site has been in his family since the early 1950's; that he supports the use of the site for a school; and that when the Dagsboro/Frankford Sanitary Sewer District system was built a 10-inch sewer lateral was installed at the existing entrance to the farm.

At the conclusion of the Public Hearings, the Commission discussed the points and issues raised during the Public Hearing.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations: 1) All lighting fixtures to be shielded and/or baffled to direct the lights so that they do not impact neighboring properties or travelling motorist: 2) The entrance on Road 401 shall be gated and shall have a key-box lock for emergency access. The gate shall be located at least 40-feet from the right-of-way of Road 401. 3) A solid vinyl-clad or PVC type fencing shall be erected along the entire length of the Alden Townsend property line. The fencing shall be no taller than 3-feet in the first 25-feet of length from Road 401, no taller than 3.5-feet from 25-feet back to 40-feet, and then 7-feet to rear property corner of the Alden Townsend property. 4) The school service use entrance on Road 355 shall be gated and shall have a key-box lock for emergency access. The gate shall be located at least 40-feet from the right-of-way of Road 355. Any other use of the entrance, other than school service uses, shall require an amendment to the Conditional Use. 5) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Vote carried 5 - 0.

OLD BUSINESS

Subdivision #99-23 - application of **Robert Muncy** to consider the Subdivision of land in a GR General Residential Zoning District in Cedar Creek Hundred, by dividing 7.02 acres into 7 lots, located south of Road 14, 755 feet east of Road 224-A.

Mr. Lank advised the Commission that this application was removed from the agenda.

Subdivision #2001-14 - application of **Bayville Capital III, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred, by dividing 19.70 acres into 16 lots, located north of Road 298, 214 feet southeast of Route 24.

Mr. Lank advised the Commission that this application was removed from the agenda.

Subdivision #2000-33 - application of **Unity Development Company, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred, by dividing 42.81 acres into 59 lots, located at the southeast corner of the intersection of Road 283 and Road 275.

Mr. Abbott advised the Commission that the final record plan is for 59 lots; that preliminary approval was granted on December 28, 2000; that the final record plan meets the requirements of the subdivision code; and that all agency approvals have been obtained.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the record plan as a final.

Vote carried 5 - 0.

C/U #1407 - application of **MARSH HARBOR, L.L.C.** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures (180 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 20.3 acres, more or less, lying at the southeast corner of the intersection of Road 273 and Road 273-A.

The Chairman referred back to this application, which was deferred at the June 14, 2001 meeting.

The Commission discussed the points and issues raised during the Public Hearing.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied since this site is not appropriate for multi-family use due to the single family residential character of the area along Country Club Road; since the site would be more appropriate for single family homes; and since the density proposed would conflict with the single family residential densities for the area along Country Club Road.

Vote carried 5 - 0.

VI. OTHER BUSINESS

Cracker Barrel, Old Country Store
Final Commercial Site Plan - Route One

Mr. Abbott advised the Commission that preliminary approval was granted on April 19, 2001; that the final site plan is the same as the preliminary; and that all agency approvals have been received.

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

Thunder Cycles of Delmarva
C/U #1364 Site Plan - Route 5

Mr. Abbott advised the Commission that the Conditional Use was approved on November 14, 2000 for the sales and service of motorcycles; that the proposed building is 40' by 68' with a 8' by 40' front porch; that 4 parking spaces are required and provided; that the owner would like the parking lot to be gravel; that the setbacks meet the requirements of the zoning code; and that all agency approvals have been obtained.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a final.

Steve Brophy
C/U #1368 Site Plan - Admiral Road - Tower Shores

Mr. Abbott advised the Commission that the Conditional Use was approved on November 28, 2000 for 4 units; that the site plan is for a three story duplex; that 6 parking spaces are required and provided; that the setbacks meet the requirements of the zoning code; and that all agency approvals have been obtained.

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

Double J Properties, LLC
Preliminary Commercial Site Plan - Route 24

Mr. Abbott advised the Commission that the site plan is for a two story 13, 345 square foot medical office building; that the first floor contains 10,896 square feet; that the second floor contains 2,449 square feet; that future additions of 9,000 and 1,700 square feet are shown; that 65 parking spaces are required and that 129 are proposed; that the entrance to the site will be off of the entrance road to the Rehoboth Mall; that there is no direct access to Route 24; that the setbacks meet the requirements of the zoning code; that the site plan meets the requirements for preliminary approval; and that all agency approvals are needed.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried 4 votes to none, with Mr. Wheatley not participating, to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all required agency approvals.

Happy Harry's Pharmacy
Revised Commercial Site Plan - Route One

Mr. Abbott advised the Commission that the revised site plan is for the addition of an 8 unit motel; that the Commission denied the motel on April 13, 2000 and stated that the area should be left as open or green space; that the Commission also denied 4 townhouses in the same location on August 26, 1999; that each unit would be 1,600 square feet; that the site plan meets the requirements of the zoning code and the requirements for preliminary approval.

Ken Christenbury, Engineer, was present and advised the Commission that adequate parking has been provided; that all agency approvals have been received; and that he does not know the owners intent for signage, cooking facilities and any proposed office.

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

CHS Associates
3 Parcels Major Arterial Roadway - Route One

Mr. Abbott advised the Commission that the 3 lots are located on Route One, that the staff has received a letter of no objection from DelDOT; and that the lots will not have direct access to Route One.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the 3 lots as a concept.

CHS Associates Parcel 4
Preliminary Multi Family Site Plan - Route One

Mr. Abbott advised the Commission that 36 units are proposed on 3.21 acres; that 38 units would be permitted by the zoning code; that the proposed density is 11.21 units per acre; that three buildings have six units each and are 114' by 32'; that two buildings have five units each and are 95' by 32'; that one building has eight units and is 152' by 32'; that the maximum height of each building is 42'; that 108 parking spaces are required and that 125 are proposed; that the units show a 8' by 16' concrete pad or wooden deck; that if decks are proposed, a variance would be required for the 40' separation between units; that the 8 unit building needs to be moved back 10 more feet or a variance will be needed from the minimum front yard setback of 30; that water is proposed to be provided by the City of Rehoboth and that sewer will be provided by Sussex County; and that the site plan is suitable for conceptual approval subject to revisions or variances being granted.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary subject to revisions being made or a variance being granted.

Joshua and Dina Wharton
Parcel on Existing 50' Right of Way - Road 288

Mr. Abbott advised the Commission that this is a concept to create a 5 acre lot out of a 11 acre lot with access from a fifty foot right of way; that the proposed lot would be the third lot with access from the right of way; and that any future subdivision should require a public hearing for a major subdivision.

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

Raymond Michitti
C/U #1360 Time Extension - Road 357

Mr. Abbott advised the Commission that a request for a one-year time extension has been received; that the Conditional Use was approved on October 17, 2000; and that the extension is needed since the sewer district will not be ready until the summer of 2002.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to grant a one-year time extension.

Subdivision #2000-17 - - Village Developers, Inc.
Time Extension - Road 338

Mr. Abbott advised the Commission that a request for a one year time extension has been received; that preliminary approval was granted July 13, 2000 for 12 lots; that the record plan has been submitted to the various agencies for approval; and that this is the first request for an extension.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to grant a one-year time extension.

K.E.B. Properties, LLC
Commercial Site Plan - Road 68

Mr. Abbott advised the Commission that the site plan is for a contractor's office and storage yard; that the site plan meets the requirements of the zoning code; that evergreen trees will be planted for screening from adjacent properties; and that all agency approvals are needed.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried 4 votes to none, with Mr. Wheatley not participating, to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all required agency approvals.

Wedgefield RPC
Final Site Plan - Road 84

Mr. Abbott advised the Commission that the final site plan is for 90 lots; that the master and preliminary plan were approved on October 12, 2000; that on May 10, 2001 the Commission granted the developer permission to construct two model homes; that the final record plan meets the requirements of the subdivision and zoning codes; that all agency approvals have been received except for the sewer from Sussex County; that the sewer will not be ready until at least September; and that no building permits will be issued until a bond has been posted and that no certificates of compliance will be issued until the sewer is available and the homes are connected to the sewer.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a final with the recommendations of the staff.

Meeting adjourned at 10:20 P.M.