

MINUTES OF THE REGULAR MEETING OF JULY 10, 2003

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 10, 2003 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, and Mr. Wheatley with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lank – Director, Mr. Abbott – Assistant Director, and Richard Kautz - Planner.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the agenda as circulated.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve the Minutes of June 26, 2003 as corrected.

OLD BUSINESS

C/Z #1482 – application of **DONALD DERRICKSON** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District –Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying southeast of Road 283 (Postal Lane) and 800 feet southwest of Route One, to be located on 44.83 acres, more or less.

The Commission discussed this application which has been deferred since November 14, 2002.

Mr. Lank provided copies of comments received from the Delaware Department of Transportation (DelDOT) in reference to this application and advised the Commission that on November 14, 2002 the Commission asked the staff to notify the six (6) people that objected to the application of receipt of the DelDOT comments.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to defer action until the next meeting, July 24, 2003.

Motion carried 5 – 0.

C/Z #1511 – application of **GULFSTREAM DEVELOPMENT** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a HR-1/RPC High Density Residential District/Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying east of Route 362 across from Route 368, to be located on 19.159 acres, more or less.

The Commission discussed this application which has been deferred since June 26, 2003.

Mr. Lynch stated that he would move that the Commission recommend approval of C/Z #1511 for Gulfstream Development based upon the information contained in the record and for the following reasons:

- 1) The proposed HR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County.
- 2) HR zoning is appropriate for the site because central water and sewer are available. In this case, sewer service will be provided by Sussex County. Water service will be provided by Tidewater Utilities.
- 3) The RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity while protecting existing and future uses.
- 4) The subject property is in an area that has developed with a mixture of single family and multi-family residential projects in the immediate area, with AR-1, GR, MR and MR-RPC zoning.
- 5) The Applicant has proposed to create a homeowners association to enforce deed restrictions and maintenance upon completion of the proposed project.
- 6) This recommendation is subject to the following conditions:
 - 1) The maximum number of dwelling units shall not exceed 59, including a mixture of multi-family units (47) and single family residential lots (12).
 - 2) All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
 - 3) Recreational facilities and amenities, including a swimming pool and bathhouse shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit.
 - 4) The development shall be served as part of an existing or extended Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
 - 5) The HR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
 - 6) Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.
 - 7) Site plan review shall be subject to approval of the Planning and Zoning Commission.
 - 8) The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications.
 - 9) The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.

- 10) No site preparation, site disturbance, site excavation or other site construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded, except site work for which a permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submission of copies of the application for permits from the Sussex County Engineering Department and DelDOT to the Director of Planning and Zoning and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District and in a form acceptable to the County Attorney. The bond shall be released upon the issuance of all other permits and the filing of an approved master plan or final site plan.
- 11) Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00am and 6:00pm, Monday through Saturday.
- 12) The Applicant shall comply with the agreed upon items summarized in a letter, dated June 19, 2003, from Constance Holland to Lawrence Lank. The items referenced included:
 - A) Move the townhouse buildings along the southern border up toward the road by 10-20' to increase the buffer between the buildings and property line.
 - B) Leave a 10' unmowed buffer between the existing tree line and the townhouse lawns. It is noted that Gulfstream has conducted a nutrient assessment of the property and indicated a significant nutrient reduction of total nitrate and total Phosphorus from the conversion of this agricultural cropland use to suburban land use. Maintaining this 10' unmowed buffer will mitigate some of the nutrient losses from the southern end of the project. DNREC has encouraged buffers of this type along all drainage ditches.
 - C) Install a 6' wooden stockade fence along the ditch on the State's side of the ditch border.
 - D) Leave the ditch and existing tree line bordering the ditch undisturbed.
- 13) The berm planted along the boundary of this property and property owned by Sussex County, as part of the Sussex County Regional Wastewater Facility, shall be planted with Leyland Cypress or similar vegetation to help screen the project from the County-owned property.
- 14) There shall be a Notice included in all Restrictive Covenants and Condominium Documents stating that "This property is located adjacent to the South Coastal Regional Wastewater Facility. This industrial Facility operates 24 hours per day, seven days a week and normal operations emit noise, light and odors that some persons may find offensive. The Facility currently has a capacity to treat six million gallons of wastewater per day (MGD), but will

expand to 21 MGD in the future. The Developer, owners and residents of this subdivision and condominium acknowledge this adjacent use and accept the effects and inconvenience that may result from such normal operational uses”.

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

Motion carried 5 – 0.

C/U #1494 – application of **BUCHANAN BUILDERS, INC.** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures (7 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 0.61 acres, more or less, lying east of Route One, 300 feet north of Route 361-A.

The Commission discussed this application which has been deferred since June 12, 2003.

Mr. Lynch stated that he would move that the Commission recommend approval of C/U #1494 for Buchanan Builders, Inc. for multi-family dwelling structures based upon the record made at the public hearing and for the following reasons:

- 1) The project is located within the Environmentally Sensitive Development Area and Town Center Area according to the 2002 Comprehensive Plan Update.
- 2) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
- 3) The project is located within a Sussex County Sanitary Sewer District.
- 4) The project is consistent with surrounding properties that have already developed with other residential and commercial uses.
- 5) This recommendation for approval is subject to the following conditions and stipulations:
 - 1) The site plan shall be revised as necessary so that the buildings conform to the Zoning Code's requirements for size and distance between buildings.
 - 2) Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring residential properties.
 - 3) The maximum number of residential units shall not exceed 7 single family condominium units.
 - 4) All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.

- 5) The development shall be served as part of a Sussex County Sanitary Sewer District.
- 6) The development shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable statutes and regulations.
- 7) Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.
- 8) The site plan shall be subject to approval of the Planning and Zoning Commission.
- 9) Construction, site work, grading and deliveries of construction materials, etc., to the property shall only occur between the hours of 7:00am to 6:00pm, Monday through Saturday.

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

Motion carried 5 – 0.

Subdivision #2002-34 – application of **ROBERT W. CLAGG** to consider the Subdivision of land in a GR General Residential District in Seaford Hundred, Sussex County, by dividing 7.81 acres into 2 lots, located 150 feet south of Road 553 and 1,250 feet west of Road 554.

The Commission discussed this application which received preliminary approval on January 30, 2003.

Mr. Abbott advised the Commission that the final record plan is the same as the preliminary plan; that the record plan meets the requirements of the Subdivision and Zoning Codes; that all agency approvals have been obtained; and that the record plan is suitable for final approval.

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

Motion carried 5 – 0.

Subdivision #2003-4 – application of **HOMESTEAD, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred, Sussex County, by dividing 122.60 acres into 81 lots, located east of Road 384, 960 feet north of Road 382.

The Commission discussed this application which received preliminary approval on January 30, 2003.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to defer action on this application until July 24, 2003.

Motion carried 5 – 0.

PUBLIC HEARINGS

C/U #1496 – application of **JULIE SCHROECK** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an antique shop/art gallery to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 39,281 square feet, more or less, lying south of Route 26, 0.6 mile east of Route 365.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not required and that the level of service “E” of Route 26 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand and Fallsington sandy loam; that the Evesboro soils have slight limitations for development; that the Fallsington soils have severe limitations; that the Applicant 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 and Hydric in small depressions; that the Fallsington soils are considered of Statewide Importance, Prime Farmland and Hydric; that no storm flood hazard areas or tax ditches are affected; and that it may not be necessary for any off-site or on-site drainage improvements.

The Commission found, based on comments received from the Sussex County Engineering Department Planning and Permits Division, that the site is not located in a County operated and maintained sanitary sewer and/or water district, and that the County Engineering Department has no schedule for providing sewer service to this parcel at this time.

The Commission found that Julie Schroeck was present and stated in her presentation and in response to questions raised by the Commission that she proposes to operate an antique shop and art gallery on the site; that the house is presently being leased; that she proposes to start the business in the detached garage; that the garage contains approximately 780 square feet; that she hopes that a portion of the house can be converted into an art gallery

in the future; that she only intends to be open for business from approximately 11:00am to 5:00pm weekends to see how successful the business becomes; that if she is successful she would maintain the same business hours weekdays; that she would like to erect a lighted sign to advertise the use; that she has had experience in antiques and art; that she would like to display some outdoor items outside and close to the garage; and that she owns the property.

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.

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

Motion carried 5 – 0.

C/Z #1512 – application of **PERCY, INC.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying northeast of Route 382, 600 feet north of Route 17, to be located on 8.233 acres, more or less.

The Commission found that the Applicants had provided an exhibit booklet prior to the meeting and that the booklet contains an Overview Site Plan, references to compliance with the Comprehensive Plan, copies of Restrictive Covenants in favor of DelDOT, a Site Evaluation Report, an Army Corps. of Engineers wetlands delineation approval letter, copies of deeds to the site, an architectural rendering of the proposed building, a color site plan, and an affidavit from Laf Erickson, Soil Scientist.

The Commission found, based on comments received from DelDOT, that the Department sees two alternatives that the Applicant could pursue in lieu of a traffic impact study; that they could restrict the use of the property by deed to only what is proposed, a commercial complex occupied by plumbers, electricians, and similar trades; that they could restrict the use of the property by deed to prohibit the following uses: delicatessens, restaurants, drive-in or otherwise, filling stations, drive-in banks, and convenience markets; that if the restrictions in either of the alternatives were alterable only with DelDOT's consent, the Department would not recommend that the County require a traffic impact study before rezoning to B-1; and that they are also concerned that the proposed use would be inconsistent with the Department's understanding of the Strategies for State Policies and Spending document.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Fallsington sandy loam, Pocomoke sandy loam, and Woodstown sandy loam; that the Fallsington and Pocomoke soils have severe limitations; that the Woodstown soils have slight to moderate limitations; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the Fallsington soils are considered of Statewide Importance, Prime Farmland and Hydric; that the Woodstown soils are considered Prime Farmland and Hydric in depressions; that there are no storm flood hazard areas or tax ditches affected; that it may be necessary for some off-site and on-site drainage improvements; and that there may be jurisdictional wetlands present.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is not located in a County operated or maintained sanitary sewer and/or water district, and that the County has no plans to provide sewer service to this area at this time.

The Commission found, based on comments received from the Office of State Planning Coordination, that the parcel is located within a "Rural" area of the Strategies for State Policies and Spending document; that the State would prefer to see development of this type in the "Community" or "Developing" area of the Strategies, especially considering what could be placed in the future if it is rezoned to B-1; that DelDOT has stated that they are concerned about the possible effects that 8.233 acres of commercial development might have on the roads in the immediate area; that the State Historic Preservation Office has noted that there are some potential historic properties surrounding the site; that the State Historic Preservation Office suggests that the developer be required to keep some of the trees to act as a visual buffer to these properties, especially on the south side and that the developer setback whatever development might take place to help buffer the properties across Road 382; that the DNREC has referenced concerns about wetlands, Total Maximum Daily Loads, waters of Exceptional Recreational and Ecological Significance (ERES), Water Supply, and Leaking Underground Storage Tanks; and that the State objects to the rezoning of this property due to environmental issues and traffic issues mentioned in these comments.

The Commission found that two letters of opposition had been received and referenced concerns about traffic in and out of the site onto Route 20/Road 382; that traffic on Route 20/Road 382 is overwhelming; concerns about the loss of streams and forests; that the rezoning would create an industrial type of use in a residential area; that the land does not perk for more than 3 homes; that the site is not suitable for a large commercial use with a large number of employees; that the size of the proposed buildings and the number of employees should generate more waste than 3 homes; that if approved the wastewater system should be placed where it is far removed from any residential properties; that the

use should be fenced and landscaped for screening and security with greater setbacks than those offered by the Code.

The Commission found that John Gilman of Percy, Inc. was present with John Sergovic, Attorney, Darin Lockwood of Meridan Consulting Engineers, L.L.C., Scott Rogers of Davis, Bowen and Friedel, Inc., Laf Erickson of Atlantic Resource Management, Inc. and Bill Lucks and that the representatives stated in their presentations and in response to questions raised by the Commission that the 2002 Comprehensive Plan Update references that the area of Roxana should be considered a Rural Community District; that the provisions of the Rural Community District address a desire to maintain and enhance the character of the communities through requiring infill development and contiguous boundary growth to occur in a manner, which is sensitive and compatible with each community; that suitably scaled public service centers and employment opportunities will be encouraged to support a sustainable neighborhood atmosphere; that development proposals will be reviewed and approved if they are determined to be compatible with, and have a positive impact on improving or extending the communities character; that the Rural Community District supports the concentration of development in designated growth areas and the preservation of the County's rural heritage and character; that the site is in close proximity to activities near the intersection of Route 20 and Route 17; that the site is in close proximity to other public services, i.e. Pyle Center and Indian River School District office; that they have proposed private restrictions in favor of DelDOT to limit the permitted uses; that the project has been designed with a college campus layout; that landscape islands are proposed throughout the parking lot; that stormwater management, water, and septic will be maintained on-site; that a lot of fill will be necessary to develop the site; that they will attempt to save as many trees as possible; that they propose to build four (4) 10,000 square foot building footprints with four (4) units in each building; that the buildings will start as two-story pre-engineered shells and will have brick veneer fronts; that the only suitable soils for septic have been established; that the septic area is suitable for the use intended; that there are no wetlands on the site; that the only wetlands vegetation found was within the ditches; that the watertable varies from 11-inches to 22-inches; that septic regulations require a minimum of 20-gallons per day per employee which would accommodate a minimum of 125 employees; that limitations on septic will place limitations on the amount of development and the number of employees; that the area is in need of small warehousing with offices for small contractors and service oriented companies; that Roxana is a hub between Selbyville, Dagsboro, Fenwick and Bethany; that the developer has been talking with the Postal Service and that there is a need for a new postal facility in the area; that the Postal Service needs at least a one-story building with higher head room; that if the Postal Service does lease part of the site it may lease one of the proposed buildings; that all carriers for the area would come to this site; that the existing postal facilities in the area would provide retail and box services; that the developer would be willing to fence the site and would prefer to use black wrought iron fencing similar to the fencing recently

installed at the Catholic cemetery on Route 26; that the developer has no other tenants proposed at this time; that the buildings will be constructed as needed; and that the B-1 zoning was chosen since it has more restrictive uses than C-1.

Mr. Robertson stated that a postal facility may require an application for Conditional Use and that the uses appear to be beyond a general office with accessory storage.

Mr. Lynch stated that the majority of the area is residential; that the C-1 and B-1 rezonings that have taken place near the intersection of Route 20 and Route 17 were for existing buildings; that the Pyle Center is at least ¼ mile away; and that the Indian River School District office was formerly the Roxana School building.

The Commission found that William Wilgus was present in opposition to the application and stated that he owns 12-acres just north of the intersection of Route 20 and Route 17 and that the use is inconsistent and out of character with the residential area.

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

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

Motion carried 5 – 0.

Subdivision #2003-6 – application of **OYSTER ROCK PROPERTIES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 42.10 acres into 32 lots, located northwesterly of Road 264, 2,726.40 feet northeast of Route One.

Mr. Abbott advised the Commission that the Technical Advisory Committee reviewed this application on April 16, 2003 and that the report will be made a part of the record for this application.

The Commission found that Ramesh Batta, Surveyor, was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that this is a request to subdivide 40.25 acres into 32 lots; that the minimum lot size will be three-quarters of an acre; that the site adjoins a subdivision that is currently under construction and active farmland; that the density is 0.79 lots per acre; that the lots will have individual on site septic systems and central water provided by Tidewater Utilities; that the homes will range in size from 2,500 square feet to 3,000 square feet; that the price range will begin at \$250,000; that the DNREC has indicated that the site is suitable for septic; that the developer will comply with the

recommendations of the Technical Advisory Committee; that a forested buffer is proposed; that the streets in the development will be private; that the existing cemetery will be located on an open space parcel and will be maintained by the homeowner's association; that the dwellings will be stick built on site; that the strip lots along Oyster Rocks Road are not a part of this subdivision; that access to the cemetery will be from Osprey Court; that the restrictive covenants will be similar to the ones for Oyster Rock Subdivision; and that the deed restrictions were submitted twice prior to this meeting.

The Commission found that Thomas Head, developer, was present and stated in his presentation that the project will be an upscale development; and that this is the last buildable parcel of land along Oyster Rock Road.

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

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

Motion carried 5 – 0.

Subdivision #2003-7 – application of **STOVER HOMES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 47.04 acres into 35 lots, located southwest corner of the intersection of Route One and Road 38.

Mr. Abbott advised the Commission that this application was originally reviewed by the Technical Advisory Committee on October 16, 2002 under a previous application that was later withdrawn.

The Commission found that John Vansickle of Davis, Bowen and Friedel was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that the previous application was for 42 lots; that this application has been reconfigured to 35 lots; that access to the subdivision will be from Route 38 and that no access to Route One is proposed; that berms are proposed for Route One and Route 38; and that the stormwater management area is about 3.8 acres with the actual pond being approximately 1 acre.

The Commission found that there were no parties present with any interest to this application.

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

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

Motion carried 5 – 0.

Subdivision #2003-8 – application of **WILLIAM B. AND JUDITH D. WARRINGTON** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred, Sussex County, by dividing 57.5 acres into 2 lots, located west of Road 390-A, 1,721 feet north of Road 390.

The Commission found that William Warrington was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that a 1.5 acre tract is being created and the remaining acreage will be served by a 50-foot right of way; and that DelDOT has issued a letter of no objection for the entrance.

The Commission found that there were no parties present with any interest to this application.

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

Motion carried 5 – 0.

OTHER BUSINESS

Swann Cove MR/RPC
Site Plan – Route 54

Mr. Abbott advised the Commission that this is a preliminary and final site plan for 184 single family residential lots; that the approved ordinance permits 372 lots; that all of the lots meet the requirements of the subdivision and zoning code except for four lots; that these lots do not meet the minimum 60-foot lot width at the road frontage or at the 30-foot front yard setback; that the developers are requesting a 39-foot front yard setback for these lots to meet the minimum lot width requirement; that these four lots are located at the end of a cul-de-sac and will be the only ones with this setback; that the RPC section of the zoning code permits design ingenuity; that three phases are proposed for this section; and that all agency approvals have been received.

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

Motion carried 5 – 0.

in a flood zone; that the site plan is suitable for preliminary approval and final approval could be subject to the staff receiving all agency approvals.

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

Motion carried 5 – 0.

Ocean Ridge West
Lot Extensions – East Bank Road off of Route One

Mr. Abbott advised the Commission that this is a concept to additional square footage to lots 15, 17, 18, 19, 20, and 21; that the additional land is wetlands that is owned by the Homeowner's Association; that these lots each have a boat dock and the Homeowner's Association has voted to convey the square footage to the lot owners so that the boat docks are located on their property; and that the Homeowner's Association will retain the remaining lands.

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

Motion carried 5 – 0.

Trey and Darlene Matthes
Parcel and 50' Right of Way – Road 331

Mr. Abbott advised the Commission that this is a concept to widen an existing truck entrance to a 50-foot right of way to serve as access to a 13.80 acre parcel that has 4 poultry houses on it.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried 4 votes to none, with Mr. Lynch not participating, to approve the 50-foot right of way and parcel as a concept.

Motion carried 4 – 0 – 1.

The Retreat MR/RPC
C/Z #1487 Site Plan – Roads 277 and 283

Mr. Abbott advised the Commission that this is a preliminary site plan for 161 single family lots; that the site plan is the same as the one the County Council approved on June 3, 2003; that the lot sizes meet the requirements of the zoning code and complies with the conditions of approval; that the streets will be private and built to Sussex County

specifications with a 5-foot sidewalk on one side of each street; that recreational facilities will be provided; that the project will be served by a central sewer and water system; that the site plan is suitable for preliminary approval and that final approval shall be subject to receipt of all agency approvals and review and approval by the Commission.

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

Motion carried 5 – 0.

Louis Chaconas
Commercial Site Plan – Hebron Street

Mr. Abbott advised the Commission that this is a site plan for a 2,550 square foot warehouse; that the site is zoned C-1 General Commercial; that the setbacks meet the requirements of the zoning code; that the site plan is suitable for preliminary approval; and that final approval could be subject to the staff receiving all agency approvals.

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

Motion carried 5 – 0.

Kenneth McEnroy
3 Lots and 50' Right of Way – Road 298

Mr. Abbott advised the Commission that this is a concept to create 3 lots with access from a 50-foot right of way; that lots 1 and 2 will be 0.82 acres; that lot 3 will be 1.02 acres and that it has an existing dwelling located on it; that the owner proposes to widen an existing paved driveway to a 50-foot right of way; and that the Commission can approve this as a concept or require a public hearing.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the 3 lots and 50-foot right of way as a concept.

Motion carried 5 – 0.

REORGANIZATION

Mr. Allen appointed Mr. Lank as Acting Chairman for the purpose of holding an Election of Officers.

Mr. Lank opened nominations for Chairman.

Motion by Mr. Johnson, seconded by Mr. Wheatley to nominated Mr. Allen as Chairman.

Motion by Mr. Johnson, seconded by Mr. Lynch that the nominations for Chairman be closed.

Nominations for Chairman were closed.

Motion was adopted to nominate Mr. Allen as Chairman: 4 yea and 1 abstaining.

Vote by roll call:

Mr. Gordy	yea
Mr. Johnson	yea
Mr. Lynch	yea
Mr. Wheatley	yea
Mr. Allen	abstaining

Mr. Lank opened nominations for Vice-Chairman.

Motion by Mr. Johnson, seconded by Mr. Allen to nominate Mr. Wheatley as Vice-Chairman.

Motion by Mr. Johnson, seconded by Mr. Allen that the nominations for Vice-Chairman be closed.

Nominations for Vice-Chairman were closed.

Motion was adopted to nominate Mr. Wheatley as Vice-Chairman: 4 yea and 1 abstaining.

Vote by roll call:

Mr. Allen	yea
Mr. Gordy	yea
Mr. Johnson	yea
Mr. Lynch	yea
Mr. Wheatley	abstaining

The meeting was turned over to Mr. Allen, the re-elected Chairman.

Mr. Allen appointed Mr. Lank as Secretary for the Commission.

Mr. Allen authorized Mr. Lank, Director, Mr. Abbott, Assistant Director, and Mr. Shockley, Environmental Planner, to sign record plats for recordation on behalf of the Commission.

Meeting adjourned at 10:15pm.