

MINUTES OF THE REGULAR MEETING OF AUGUST 8, 2002

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 8, 2002 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. Schrader – Assistant County Attorney, Mr. Lank – Director, and Ms. Mowbray - Zoning Inspector III.

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 July 25, 2002 as circulated.

Mr. Schrader described how the public hearings would be conducted.

PUBLIC HEARINGS

C/U #1461 – application of **JEFFREY SCOTT BURTON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a holding area for storage units to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 8.07 acres, more or less, lying northwest of Road 410 and 400 feet northeast of Road 409.

The Commission found, based on comments received from DelDOT, that the proposed action will have no significant impact on traffic.

The Commission found that 6-letters and a petition containing 16-signatures had been received in opposition to the application.

The Commission found that the applicant was not present.

The Commission found that 16 people were present in opposition.

The Commission found that Michael Shea and Mark Rogers spoke in opposition to the application and referenced that they purchased their properties in a country setting; that they would not have purchased the properties if commercial uses were in the area; that the use would not be in keeping with the residential/agricultural area; that the area is a nice neighborhood with nice homes; and that there is no need for commercial uses in the area.

The Commission noted that the applicant was still not present at 7:13 p.m.

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

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied since there was no record of support provided at the time of the public hearing.

Motion carried 5 – 0.

C/U #1462 – application of **MICHAEL A. AND JUDITH B. POLECK** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for doctors offices to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 33,435 square feet, more or less, lying northwest of Route 9 (Savannah Road) and across from Quaker Road.

The Commission reviewed copies of the site plan and proposed building plans for the office building.

The Commission found, based on comments received from DelDOT, that the Department does not recommend that the County require a traffic impact study for this application; that the subject property is only 0.78 acre and the proposed use is not considered an intense use; that the Department is concerned about this application because they see it as encouraging more traffic in an area that the Department has identified as having poor levels of service (E) during summer peak hour.

The Commission found, based on comments received from the County Engineering Department's Planning and Permits Division, that the site is located within the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the planning study assumption for the parcel is 1.0 EDU, reflecting a single family dwelling on a parcel of less than 1 acre in an AR district; that if the proposed project is expected to exceed 3,000 square feet of office space, additional information should be provided and a capacity review completed prior to approval; that the current System Connection Charge Rate is \$2,954.00 per EDU; that one 6-inch lateral has been provided on Savannah Road; that the parcel was connected to the sanitary sewer on March 25, 1996 by permit #472; that a disconnection permit will be required prior to a building permit being approved, if the existing structure is replaced; and that conformity to the West Rehoboth Planning Study, or undertaking an amendment will be required.

The Commission found that William Schab, Attorney, submitted a composite site plan so that the Commission would not have to review two separate drawings of the site and site plan.

The Commission found that Dr. Michael A. Poleck and Mr. Schab were present and stated in their presentations and in response to questions raised by the Commission that approximately 21,000 square feet of the rear portion of the site will remain as open area; that the existing home on the property is setback further than the proposed office building; that no improvements are proposed to the rear of the existing fence that crosses the property, unless stormwater management is required; that the area is mixed with residential, business, and commercial uses; that they foresee growth in doctors offices in the area due to the expansion of the hospital; that several Conditional Use approvals for doctors offices have been approved over the last several years; that Dr. Poleck recently opened an office in Lewes to establish his business; that he plans to open his practice at this site within one year; that he proposes to have office hours at the site two days per week; that he plans on employing 3 to 4 employees; that he does not anticipate any additional doctors; that his typical business hours are from 8:00 a.m. to 5:00 p.m. weekdays, with no weekend hours; that he looked for office space in the Savannah Road area because of the other doctors offices in the area; that he does not want to renovate the existing dwelling since it is too small and does not have a bath room on the first floor; that he hopes to have the dwelling removed from the site, rather than destroyed; that the proposed building has been designed to resemble a dwelling; that a basement is proposed to be used for storage and access to the plumbing; that he has no intent to lease the second floor for residential use; that he proposes to have six dental treatment bays; that he may see as many as 30 to 40 clients per day; that the site will be landscaped; that signage would be small, but large enough for his clients to find the site; that all parking is proposed to be to the rear of the building, not in the front yard; that he has six dental treatment bays in his Wilmington office; that he has no objection to a limitation of six dental treatment bays; and that he has no objection to a limitation of one practicing dentist being present daily.

The Commission found that Mr. Schab exhibited and submitted a County Tax Map of the area colored to show business and commercial uses and Conditional Uses in the area.

The Commission found that Donald Anderson, one of the present owners of the site, spoke in support of the application and stated that he and his wife recently moved to The Plantations; that the fenced area was used for horses; that they moved to The Plantations so that they could have a downstairs bath and due to the cost of maintenance; that people who looked at the home for residential use could not come up with a plan for renovation; that most of the people that looked at the home wanted office space; that the area has changed over the years to business uses; and that originally everything was residential.

The Commission found that Betty Anderson, one of the present owners of the site and a Realtor, stated that approximately 90% of the interested Realtors and individuals that inspected the home were looking for office space.

The Commission found that Raymond M. Quillen read and submitted a letter in support of the application and referenced that he sees this type of business as having a minimal impact on the road and no negative impact as a next door neighbor; that a doctor's office will probably operate from 9:00 a.m. to 5:00 p.m. Weekdays and be limited if it has any weekend hours; that he does not anticipate any noise problems and that a business may be even a better neighbor than a summer or weekend beach home; and referenced the many doctors offices and other business and commercial uses in the area.

The Commission found that Dr. Gary D. Wray, a resident within Covey Creek Subdivision, read and submitted a letter and petition in opposition to the application, and added that it would be a shame to destroy an existing single family residence to build an office building; that the creation of a doctors offices with an apartment and a parking lot is not in keeping with the character of the area; that the use will create additional traffic problems on the already overloaded Savannah Road; that a DelDOT letter on file stated that the Department is concerned that the use would add more traffic to an area with existing poor levels of service during summer hours; that there is no need for additional office space since there are several professional office spaces unoccupied and for rent/lease in the immediate area; and that due to the overcrowding of office space in the area doctors are moving their offices to the Kings Highway and Route One business area.

The Commission found that Caddie Joseph, a resident of Quakertown, read and submitted a letter in opposition and expressed concerns relating to children's safety, traffic, school busing, delay time getting out of Quaker Road onto Savannah Road, emergency vehicles, the number of doctors offices available along Savannah Road, and the change of the character of the area.

The Commission found, by a show of hands, that four people were present in support and that seven people were present in opposition.

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

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

Motion carried 5 – 0.

C/U #1463 – application of **DELAWARE ELECTRIC COOPERATIVE**, to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an electric substation to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 6.09 acres, more or less, lying north of Road 353, 750 feet east of Road 369.

The Commission found, based on comments received from DelDOT, that the proposed action will have no significant impact on traffic.

The Commission found that Cynthia Longobardi, Attorney, and James Gardner of Delaware Electric Cooperative were present on behalf of the application and stated in their presentations and in response to questions raised by the Commission that they propose an infrastructure for electrical power transmission; that the area is a load center needing an increase in electrical service; that the use conforms to the purpose of a Conditional Use; that the Cooperative provides service to over 6,000 consumers in the area with another 2,000 or more units either under construction or in planning stages; that the entire service area is dependent upon the Bethany Substation and Bayard Substation; that power is at risk in the event of an outage to the transmission line or the substation that the line originates from; that the use will provide a reliable alternative source of power into the area as additional capacity and will provide backup to the existing substations; that initial energization of the substation is planned for mid 2003; that it is the Cooperative's intent to build transmission structures adjacent to the transmission line that presently crosses the back of the site; that this will minimize the impact of any transmission poles and lines in the area; that the station will be setback from the property line as far as reasonably possible and fenced with a chain link fencing; that the area inside the fence will be covered with stone and the area outside the fence shaped and landscaped; that the station will be a single transformer station with consideration given to future growth; that any structures built in conjunction with the station will be designed as low profile as possible; that they are not planning for a control house or any other building structures on the site; that they plan to use cabinets that are approximately 6-feet tall and 4-feet wide in lieu of a control house; that they will probably install two driveways into the site; that one driveway will be used for access and the other driveway will be used for construction access; that the fenced area of the station will measure 250-feet by 250-feet; that the following agencies have reviewed their proposal and indicated their acceptance: State Historic Preservation Office, DelDOT, Natural Resources Conservation Service, Army Corps. of Engineers, Department of Interior – Fish and Wildlife Service; State DNREC, Sussex Conservation Service, and State Public Service Commission; that employees will visit the station approximately once per month upon completion of the station; that 6 to 8 low-wattage security lights will be installed within the fenced area; and that a small sign will be placed on the fencing to show the name of the station and emergency telephone numbers.

The Commission found that Mr. Gardner submitted a booklet of information for the Commission that contained some text describing their intents, maps of the proposed site and service area, photographs of the site, surveys of the site and original parcel, a site plan, photographs of examples of the cabinets and busswork, and photographs of examples of stations with landscaping.

The Commission found that Rob Book of Delaware Electric Cooperative stated that they sent letters to neighbors within ½ mile of the site for comments.

The Commission found that Wila Peoples and Sara Melville of the 4 people present in opposition to the application stated that they opposed the application because of the lose of the rural character of the area by erection of a substation; that they want to see the area maintained as it presently exists; that they prefer a rural environment; that they prefer to look at farmland; and that they are concerned about traffic.

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

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 approved with the following conditions:

1. All security lighting shall be directed into the substation and shall not be directed toward residential homes or Road 353.
2. Landscaping shall be provided along the front and sides of the fenced area.
3. The substation area shall be fenced.
4. The area set aside for the substation shall not exceed the dimensions of 250-feet by 250-feet.
5. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion carried 5 – 0.

C/Z #1476 – application of **MARVIN AND WAYNE ADAMS** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, land lying west of U.S. Route 13 and 500 feet north of Road 468, to be located on 19,769 square feet, more or less.

The Commission found, based on comments received from DelDOT, that the Department does not recommend a traffic impact study for this application, since the parcel only contains 0.45 acre and could not be developed as a shopping center, fast-food restaurant, or similar intense use; that the site is presently occupied by a building formerly used as a service station; that access to the site is via a shared access with the parcel to the north; and that the Department will not allow any new commercial entrance permits along U.S. Route 13 to the site.

The Commission found that Marvin Adams was present and stated in his presentation and in response to questions raised by the Commission that the sole purpose of the application

is to bring the site into conforming zoning with the use; that they plan to offer the site to neighboring property owners for purchase; that the adjacent area to the south is commercially zoned; that the site is surrounded by commercial uses; and that the gas station has been closed for approximately 2.5 years.

The Commission found that Sandy Shockley, an adjacent property owner to the north, advised the Commission that they share the access with the applicant; that their site was recently annexed into the Town of Laurel; and questioned the use of the entrance.

Mr. Lank advised Ms. Shockley that the DelDOT comments reference that access to both sites will remain at the shared entrance.

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

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved.

Motion carried 5 – 0.

SUBDIVISION #2002-16 – application of **JAMES KIERNAN** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 227.00 acres into 197 lots, located west of Road 258, 1,310 feet northeast of Road 88 and east of Road 258, 1,550 feet northeast of Road 88.

The Commission reviewed a revised site plan submitted to respond to the comments received from the Technical Advisory Committee meeting of July 17, 2002.

Mr. Lank advised the Commission that this application was reviewed by the Technical Advisory Committee on July 17, 2002 and that the Technical Advisory Committee Report for that meeting is a part of the record for this application.

The Commission found, based on comments received from the State DNREC Division of Water Resources, by letter dated July 31, 2002, that based on the new survey findings to date, the Division believes that The Homestead Subdivision would be feasible under current Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems dated January 4, 1985 amended on March 11, 2002.

The Commission found, based on comments received from Sussex County Addressing, that the street names have been approved.

The Commission found that a letter was received from Sarah W. Cooksey in opposition to the application expressing concerns about protecting the woods, protecting water quality, and improving the design; that she also referenced that the development should be limited to the farmland to the maximum extent practicable; that drainage areas should be buffered; that four natural heritage inventory sites are on or directly adjacent to the site which have sensitive plants and that the plants and their habitat should be protected; that the Broadkill River is polluted and currently not meeting water quality standards, especially at the headwaters; that Beaver Dam Creek has had water quality problems; that riparian buffers adjacent to the water should be maintained and enhanced; that septic systems will pollute both groundwater and surface watersheds; that to protect water quality the number of systems must be reduced and that community systems should be considered; and that conservation design will enhance the project. Attached to Ms. Cooksey's letter was a listing of possible birds, reptiles and amphibians, and mammals that may be located on the site.

The Commission found that James Kiernan, John Sergovic, Attorney, and Roger Gross of Meridan Consulting Engineers, L.L.C. were present on behalf of the application and stated in their presentations and in response to questions raised by the Commission that the subdivision design with minimum lot sizes of 0.75 acre meets the criteria of the Subdivision Code; that the project is located between two other subdivisions, Creek Falls Farm Subdivision and Cripple Creek Subdivision; that the revised plans propose 195 lots with 0.75 acre lots and 1.0 acre lots within the Conservation Zone; that septic feasibility has been granted by the State DNREC; that private wells will be installed; that access to all lots will be from interior streets; that stormwater management is subject to the Sussex Conservation District and County Engineering; that they revised the plans to respond to Technical Advisory Committee comments; that regulated wetlands have been removed from any lot areas; that forested buffers will be provided along any agricultural lands; that street names have been corrected; that some pedestrian walkways have been provided; that grave sites have been located on the site and that they will redesign the project to located and protect the gravesites within street rights-of-way; that an existing borrow pit will be utilized for stormwater management; that a large open space is proposed in the wooded area; that restrictions provide for a limitation of no more than 50% of clear cutting of wooded lots; that roads will be built to County specification; and that the site is not a re-subdivision of a previously subdivided parcel.

The Commission found that Kathy Newcomb, one of the principals of the project that also lives in Creek Falls Farm Subdivision, Phase 3; stated that the developers also developed 2 phases of Creek Falls Farm Subdivision; that as a Realtor she noted that Phase 3 of Creek Falls Farm Subdivision increased values in the development and that Phase 4 of Creek Falls Farm Subdivision increased values in Phase 3; that interior access eliminates entrances along public roads; that they anticipate that one third of the lots will have homes containing families with children, one third of the lots will have homes with

retirees, and one third of the lots will have homes for weekenders due to the location close to the resort area; that the restrictions will be greater than the restrictions in Creek Falls Farm Subdivision and will not permit mobile or modular homes; and that the restrictions will blend in well with the two neighboring subdivisions.

The Commission found that Mr. Sergovic added that the proposal conforms to the purpose of the Subdivision Code and meets all of the consideration suggested for reasons of approval of a subdivision (Chapter 99, Article III, Section 99-9 C).

The Commission found that Otis Clifton, a resident of the area, spoke in support of the application if the applicants conforms to the necessary regulations and added that the site does not contain an Delmarva Fox Squirrels; that he purchased his property when Cripple Creek Subdivision and Creek Falls Farm did not exist; and that the objectors moved into the adjoining subdivisions when the area was rural and have change the character of the area.

The Commission found that Jill Roberts, a resident within Cripple Creek Subdivision, submitted and read a thirteen page petition in opposition to the application and referenced that the petition was prepared by concerned citizens opposed to an overly dense and environmentally unfriendly development; that there is a conflict between the State and County Comprehensive Plans for rural Milton; that residential growth in rural Milton is in direct opposition to the Governor's Office's Strategies for State Policies and Spending; questioned if the County has identified a need for 200 more homes in rural Milton, even though it is not in the State's vision; discussed traffic density; that the Subdivision Code stipulates that the approval of a subdivision shall include the consideration of: the effect on property values; the consideration of screening of objectionable features from neighboring properties and roadways; the prevention of pollution of surface and ground water; minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of the potential for flooding and design of drainage so that groundwater recharge is maximized; the minimal use of wetlands and floodplains; the preservation of open space and scenic views; the minimization of tree, vegetation and soil removal and grade changes and integration of the proposed subdivision into existing terrain and surrounding landscape; and the preservation of natural and historical features. It was noted that the petition included affidavits by 33 residents within Cripple Creek Subdivision and 3 other individuals, a computer disc of the text of the 13 page petition, and supporting documentation of an aerial photograph, portions of the State Strategies for Policies and Spending document and map, copies of portions of Technical Advisory Committee agency comments from the file, a bicycle touring map, photographs of flooding and poor drainage on the site and road, a copy of an EPA water quality report, dated June 2000, a copy of Delaware's Unified Watershed Assessment and Watershed Restoration Priorities Report, dated October 1, 1998, a copy of a portion of a map (Figure 6 of the proposed

Sussex County Comprehensive Plan Update) showing that a portion of the site is located in "Protected Lands and Potential Protected Lands", and a portion of a road map depicting the same protected lands.

The Commission found that Joseph Kernan of Eagle's Crest Subdivision, John P. Reed, III, an area resident, Fran Kordaci of Creek Falls Farm Subdivision, Charles Ewing, and Joe Larrimore of Eagle's Crest Subdivision spoke in opposition to the application and referenced that the Eagle's Crest Aerodrome airstrip has existed since the mid 1950's; that the residents of Eagle's Crest Subdivision own and operate airplanes, and that the residents request that, if the project is approved, a restriction be required that references that the airport does exist and that the buyers be made aware that the proposed subdivision is located in a flight path; that drainage problems exists along Road 258 and Road 264, especially in the Spring; that Beaver Dam Creek has had pollution problems and that the Creek runs from Allen's Poultry in Harbeson to the Broadkill River; that the developers integrity is questions since the roads in Creek Falls Farm Subdivision are failing and since a homeowners association has not yet been established; that the area that floods in the winter may have water to a 2-feet depth; that traffic accidents should be a concern; that children safety should be a concern when stormwater management ponds are being created; that wells may go dry due to the number of wells being created in the area; that pollution of the groundwater should be a concern; and that there is no comparison in the lot sizes in the proposed project to the lot sizes in the Cripple Creek Subdivision.

The Commission found that Keith A. Wilhelm submitted and read a letter in opposition that referenced lot sizes, community open space, residential density, forest buffers, and restrictive covenants.

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

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to defer action to allow the Commission time to review and documentation submitted.

Motion carried 5 – 0.

OLD BUSINESS

C/U #1459 -- CENTER FOR NEUROLOGY, L.L.C. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for medical offices to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 2.16 acres, more or less, lying southeast of Route 24 and approximately 2,100 feet northeast of Love Creek.

The Commission discussed this application which has been deferred since July 25, 2002.

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

Motion carried 5 – 0.

C/U #1460 – application of **D. ANGLE Y RUMMEL** to consider the Conditional Use of land in an AR-2 Agricultural Residential District for placement of a manufactured home to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 15,038 square feet, more or less, lying west of Road 288 and being west of West Conley Circle and being more specifically Lot 17 within Conley Chapel Village Subdivision.

The Commission discussed this application which has been deferred since July 25, 2002.

Mr. Schrader advised the Commission that a Conditional Use is permitted pursuant to the Code and reads “Residential, business, commercial, or industrial use when the purposes of this chapter are more fully met by issuing a conditional use permit”, that the Commission needs to consider the purpose of AR Agricultural Residential Districts since the Code provides that a mobile home is permitted to be used as a detached single-family dwelling on a lot of $\frac{3}{4}$ of an acre or more if “the lot is not within a major subdivision created prior to the effective date of this section or is not specifically prohibited by recorded covenants”, that the record indicates that the dwelling is a Pawnee home, has a registered title with the Department of Motor Vehicles, and is a “manufactured home” or “mobile home” within the meaning of the Code; that lot #17 contains 15,308 square feet, or 0.3514 acre, which is considerably less than the $\frac{3}{4}$ acre required; that Conley Chapel Village was created as a major subdivision; that no restrictive covenants by the developer were implemented to prohibit manufactured housing; and that the Commission needs to decide if the granting of this application meets the purpose of the Code.

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

Motion carried 5 – 0.

OTHER BUSINESS

1. Villa at Beach Cove
Multi-family Site Plan – Route One

The Commission reviewed a site plan for 25 multi-family units to replace the existing Harbor View Motel and Restaurant located west of Route One and south of Indian River Inlet.

Mr. Lank advised the Commission that the site is currently zoned C-1 General Commercial and that 25 units are permitted by the Code; that there are 3-buildings with 6-units each and 1-building with 7 units; that the 6-unit buildings measure 50-feet by 150-feet and the 7-unit building measures 50-feet by 154-feet; that the setbacks and separation distances between buildings conform to the Code; that 75-parking spaces are required and that 77-parking spaces are proposed; that a spa, swimming pool, clubhouse and barbecue area are proposed; that there are currently two entrances to the site and that the southerly entrance is proposed to be closed; that a landscape area is proposed in the center of the parking area; that Federal and State wetlands have been delineated and that the site is located in a Flood Zone AE which requires an elevation of 8-feet for the finished first floor; that the site will be served by County sewer; that water will be provided by Sussex Shores Water Company; that a boat dock and pier are proposed and are subject to review and approval by the State DNREC; that a letter of support has been received from the Homeowner's Association for the Cove Subdivision; that the site plan is acceptable for preliminary approval; and that final approval of the site plan could be subject to the staff receiving all agency approvals.

The Commission found that James Fuqua, Attorney, and Tom Ford of Land Design were present on behalf of the application.

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

2. The Home Depot
Parcel and Easement – Route One

The Commission reviewed a site plan concept to create a 10.19 acres tract with access from a 25-foot wide easement across the Home Depot site.

Mr. Lank advised the Commission that the original owner wishes to preserve the parcel in a long term nature conservation program; that the parcel will not be developed and that a letter has been received from the owner that states that she, her heirs or successors will never develop the property and that it will remain a conservation area in perpetuity; and that the Commission had previously reviewed the concept on April 4, 2002.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the concept subject to receipt of a recorded document referencing the conservation area and easement.

3. Subdivision #2001-14 – Bayville Capital III, L.L.C.
Time Extension

Mr. Lank advised the Commission that the developers have requested a 6-month time extension to give them time to acquire final record plan approval; that preliminary approval for the subdivision was granted July 12, 2001 for 16 lots; that the developer is in the process of obtaining agency approvals; and that this is the first request for a time extension.

Mr. Lank read a summary provided by Jeff Clark of Land Tech LLC describing their submissions for agency approvals.

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

Meeting adjourned at 11:18 P.M.