

MINUTES OF THE REGULAR MEETING OF AUGUST 22, 2002

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 22, 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 Mr. Abbott – Assistant Director.

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 August 8, 2002 as amended.

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

PUBLIC HEARINGS

C/Z #1475 – application of **RIBERA-ODYSSEY VENTURES, LLC** 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 Indian River Hundred, Sussex County, land lying on both sides of Road 299 (Bay Farm Road) southeast of Road 299A (Trinity Road) and north of Indian River Bay, to be located on 787.787 acres, more or less.

Mr. Lank advised those present that the Commission had previously received copies of the following: Plots (23) of the revised site plans, etc. received August 14, 2002; the Application Booklet received April 15, 2002; the Appendix Booklet received April 15, 2002; the Supplemental Booklet received July 1, 2002; the Amendment #1 Booklet received August 14, 2002; and Documents to be referenced in the Attorney Presentation received August 19, 2002.

Mr. Lank added that the File contains a copy of a Stormwater Facility Maintenance Program document received July 1, 2002.

Mr. Lank advised those present that due to the amount of agency comments found in the file and rather than try to read all of those comments, he was providing the Commission with copies of the following: correspondence from the Office of State Planning Coordination, dated April 14, 2002, June 4, 2002, and August 20, 2002; correspondence from DelDOT, dated March 8, 2002, April 23, 2002, and August 22, 2002; a response from the applicant to DelDOT, dated July 8, 2002; correspondence from DNREC, dated August 6, 2002; Correspondence from the State Historic Preservation Office with attachments, dated May 13, 2002; a memorandum from the Sussex Conservation District,

dated August 9, 2002; correspondence from the County Engineering Department with attachments, dated August 8, 2002; a letter from the applicant to Joseph Romeo, dated August 9, 2002; a fax copy of a letter in opposition from Edward Kurek, dated August 22, 2002; and a fax copy of a letter in opposition from Til Purnell, dated August 22, 2002. The cover memorandum and copies contained 96 pages.

The Commission found that James Fuqua, Attorney, was present with Larry Goldstein, a principal of Ribera-Odyssey, K. Scott Aja of McCrone, Inc., an engineering firm, Craig Studler of Niles Bolton Associates, a land planning firm, Bob Rodgers and Derrick Kennedy of Orth-Rodgers Associates, Inc., a traffic consulting firm, James C. McCulley of Environmental Consultants, Inc., an environmental consulting firm, Carter McCamy of Environmental Quality Resources, LLC, an environmental consulting firm, Edward F. Heite of Heite Consulting, an archaeologist and historian, and Mark Gionet of Lewis, Scully Gionet Landscape Architects.

The Commission found that Mr. Fuqua stated in his presentation that the application is for a MR-RPC project titled The Peninsula and proposes 1404 dwelling units within 8 neighborhoods; that the neighborhoods include single-family lots, single-family condominiums, multi-family condominiums, and townhouses; that the project includes an 18 hole golf course with practice facilities and a clubhouse with 10 golf cottages, a 10,250 square foot retail area, recreational facilities including swimming pools, tennis courts, a fitness center, walks and trails, 6-neighborhood parks, a 4-acre lake and man-made beach, a nature and kayak center, no launching of motorized boats or watercraft, no marina or boat docking facilities, except for a proposed facility for a water taxi; that the project is planned to be a destination community; that the project is low density; that the site is located between Oak Orchard and Long Neck; that the site is adjacent to the A.A.S.C.D. RPC recently recommended by the Commission for approval; that a cultural resource study was conducted on the site; that the site has been owned and operated by the same family for years; that in 1988 Townsends, Inc. applied for a RPC on the same site and referenced C/Z #960; that the County Council approved 1143 residential units on the site, an 18-hole golf course, recreational facilities, 40,000 square foot of office space, 40,000 square feet of retail space, a 350-slip marina, a 15,000 marina complex and 24 acres of reserved space for a future office complex; that in 1994 the Townsends Inc. application was withdrawn since they could not obtain approval for a marina from DNREC; that the project has been designed to comply with the 1997 Comprehensive Plan and referenced: that the site is located in a designated Development District; that the site will be served as part of a Sussex County central sanitary sewer system and will be served by a public water company; that the site is located in the Inland Bays Development District where a Sussex County central sanitary sewer system is available; that the gross density of 1404 residential units on 787 acres results in a density of approximately 2 units per gross acre and that the density is significantly less than the density limits recommended by the Comprehensive Plan; that the project will contain a

variety of housing types including single family detached homes, townhouses, and multi-family units clustered in village areas and in close proximity to extensive recreational activities including a championship golf course; that a neighborhood business area will be located within the project to provide convenience shopping and service opportunities on the site and to reduce the need for off site vehicle trips; that the project will comply with or exceed the recommendations of the Inland Bays Comprehensive Conservation and Management Plan; that the project will create substantial employment opportunities in both the short and long terms and will generate significant public revenue to the County and State through transfer taxes, annual County real estate and school taxes, County sewer impact, inspection and service fees, building permits, and other charges; that the project is designed to comply with the Strategies for State Policies and Spending document by meeting the need to provide necessary sewer and transportation improvements to achieve water quality objectives and provide safe, efficient transportation while ensuring the protection and enhancement of the Bay's fragile resources and retaining the character and integrity of the area; that the project is environmentally sensitive and is designed to ensure environmentally sound land use; that development of the project further protects agricultural lands in the Inland Bays Watershed outside of the designated developing area; that critical or valuable natural resources or habitat will be protected; that the project ensures efficiency and flexibility in land development activities that protect community identity, responds to local transportation requirements, supports essential emergency services and evacuation requirements, and accommodates changing demographic conditions, particularly the future growth of the population of senior citizens; that positive comments came from DNREC in that DNREC strongly supports the installation, use and maintenance of all of the proposed Best Management Practices contained in the development submittal package and that with these measures in place, along with strict adherence of sediment control practices during construction, the project should be a model of how development can occur within water quality impaired watersheds; that since the start of considering this project the developer has worked with the agencies to create an environmentally sensitive development; that the area of marsh used as a spoil site for dredged material by the State has been bermed by the State and that a canal is proposed to be created around the spoil site to improve the wetlands in the area; that representatives of the Department of Agriculture have advised that from an agricultural preservation perspective: this site is already approved for development; that regardless of its current use, it has a marginal to very low agricultural preservation suitability score; that development of this property will more than likely result in reduced pressure to develop a more agriculturally significant site, and from that stand point, the Department of Agriculture supports the balanced, environmentally sensitive development of the site; that an environmental study of the site was preformed and the U.S. Fish and Wildlife Service reports that except for occasional transient individuals, no proposed or federally listed endangered or threatened species are known to exist within the project impact area; and that the DNREC Natural Heritage Program reports that a review of their Biological and Conservation Database has revealed

that there are currently no records of State rare or federally listed species of plants, animals or natural communities at or near this project site; that State and Federal wetlands delineations have been preformed; that the developer met with the Office of State Planning Coordination and State agencies in a pre-application meeting on March 7, 2002; that agency meetings continue; that the proposed number of units was reduced after the pre-application meeting; that the developer intends to comply with all DelDOT requirements; that the developer met informally with County Departments since the site is located in a proposed environmentally sensitive area; that the developer has met with representatives of The Center for Inland Bays; that the 250 room conference center has been deleted from the plans; that Tidewater Utilities has stated that they are willing and able to provide water service, including fire protection, to the project; that the Delaware Electrical Cooperative has advised that they will provide electrical service for the project; that the County Engineering Department has advised that Amendment No. 1 to the Long Neck Planning Study assumptions provide that capacity should be available for the project and that the Department reserves the right to review the project to assure that the uses do not exceed the allowable number of units; that the project falls in the jurisdiction of the Delaware State Police and that an on-site security force will be provided; that the project is within the Indian River Volunteer Fire Company service area; that the project is located in the Indian River School District and that there should be little to no negative impact on the School District; that the School District should see a positive benefit in school taxes; that the residents within the project will have access to other retail facilities in the area along Route 24 and the Long Neck area; that the project should generate \$854.7 million in annual direct expenditures during the development phase commencing in 2003 and ending in 2009; that the project's total economic impact is estimated to average over \$178.8 million per year during the development period; that wage related expenditures are estimated at \$59.0 million and supporting an average of 2,461 jobs annually; that the estimated average annual payment to Sussex County totals nearly \$3.8 million; that two small cemeteries have been found on the site and that the project is designed to protect the cemeteries and to allow for repair, maintenance, preservation, and access to the cemeteries by family members; that a 50-foot wide buffer is proposed around each of the cemeteries; that the developer has requested that DelDOT close that portion of Bay Farm Road which only serves the project site; that a private bus shuttle and a water taxi service are proposed to serve the project; and that the Rehoboth Bay Marina is willing to allow docking facilities for the water taxi.

The Commission found that Mr. Goldstein stated that he has been in the real estate business since 1976; that he has a Master's Degree in Land Planning; that he is also developing a luxury estate community of 225 homes on 1,100 acres with golf and equestrian facilities near Leesburg, Virginia; that he develops one or two projects at a time; that this property is unique in character; that they have tried to address all

environmental concerns; that that they are trying to create a destination resort home community with amenities where residents should not have a need to leave the community; that a service road is proposed near the entrance to the site for access to a buried propane gas facility and maintenance facility; that the entrance is proposed to be heavily landscaped with water features; that the community will be a gated community with 24-hour security; that the divided collector road will have a landscaped median; that the project will be divided into eight (8) neighborhood communities with access off of the collector road; that walking/biking trails will be provided; that the communities are surrounded by the golf course, water features or woods; that they have redesigned parts of the golf course and site layout to preserve additional wooded areas; that the community recreational center includes retail areas, a spa, tennis facilities, swimming pools, and a 4-acre lake with 800-linear feet of beach; that they propose to create a sandy beach along the Bay front similar to the beach at Pot-Nets; that the golf course will have private memberships and will include dining facilities, a pro-shop and 10 temporary rental cottages; that they propose to improve the existing pond on the site and to build a nature/kayak center at the pond; that they propose to provide a conservationist on staff that can give nature tours; and that a boardwalk is proposed to cross wetlands to get to Emily's Gut.

The Commission found that Mr. McCulley stated that they have met with representatives of the DNREC Natural Heritage Program and The Center for the Inland Bays on the site; that they are preserving forest lands as recommended by State agencies; that wetlands have been delineated; that they propose to enhance those wetlands that have been disturbed by ditching to create tidal flow; that they anticipate that no more than 0.5 acre of wetlands may be impacted; that additional freshwater wetlands will be created; that the proposed sandy beach along the Bay will connect some existing small patches of beach on the site; and that no rare or endangered species were found on the site.

The Commission found that Scott Aja stated that they have designed the project to be environmentally sound; that they have been working and will continue to work with all agencies to improve the quality of the project; that the design exceeds all agency requirements; that they will utilize best management practices; that the current design has been calculated to provide 80% nitrogen removal at a minimum and 40% phosphorous removal at a minimum; that they plan to monitor now, during and after construction; that monitoring wells are already on the site for monitoring surface water and ground water; that the plans call for tiered best management practices and treatment; that all run-off will be treated; that all golf course water will be treated for best management practices; and that structures and the golf course will be buffered at least 50-feet from State wetlands.

The Commission found that Carter McCamy stated that nutrient management plans address nutrient loading; that all nutrients, oils, and greases are proposed to be removed prior to discharge; that a stormwater management maintenance program is proposed; and that fertilizers will only be applied when necessary.

The Commission found that the applicants representatives responded to questions raised by the Commission by stating that they propose to have the golf course certified by the National Audubon Society; that the 4-acre lake is for swimming, not stormwater; that they are requesting that they be permitted to develop 350 units per year; that all utility infrastructure improvements will be completed at the beginning of the project; that all of the DelDOT requirements will be completed at the beginning of the project unless delayed by DelDOT; that all amenities will be completed within 2-years; that the project complies with the Comprehensive Plan; that the project complies with the Strategies for State Policies and Spending; that the project has been designed to exceed all agency requirements; that the project has the support of several State agencies; that they propose a premiere residential development designed as a model for future projects; that the 10 rental cottages at the golf club are additional units for guest of residents in the project; that the rental cottages will not have full kitchens facilities, only microwaves, refrigerators, and sinks; that an 8-foot wide multi-use lane for walking and biking will be provided along the main collector road; that sidewalks will be provided on at least one side of all local streets; that natural surface trails and boardwalks will be provided; that no boats, watercraft, campers or trailers will be permitted to be stored on the site and will be enforced by private deed restrictions; that the 10,250 square foot commercial area is designed to serve the community; that the site is in close proximity to other commercial areas along Route 24 and Long Neck Road; that they hope to complete the project within 7-years; that they have deleted the age-restricted concept; that best management practices will be regulated by deed restrictions and performed by a maintenance corporation on the entire community, including the golf course; that they will create detailed guidelines for architecture and landscaping; that the maintenance management program will control all maintenance of yards, ponds, etc.; that all utilities, public road improvements, grading, golf course, lake, and clubhouse will all be created within the first two years; that nutrient management plans and reports will be prepared by a Certified Engineer and submitted to DNREC and a homeowners association annually; and that there will be a master homeowners association that will contain representative of all homeowners associations from the 8 neighborhoods within the project.

The Commission found that Mr. Fuqua submitted and summarized proposed conditions:

1. The maximum number of residential units shall not exceed 1404, comprised as follows: 323 single family lots, 378 single family detached condominiums, 325 single family attached townhouses, and 378 multi-family condominium units.
2. Commercial retail floor area shall not exceed 10,250 square feet.

3. Residential Certificates of Occupancy shall not exceed 350 per year cumulatively commencing with Council approval.
4. All entrance, intersection, roadway, and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's letter dated April 23, 2002 and any further modification required by DelDOT.
5. The development will operate a community shuttle bus service to shopping areas and connecting to a bus stop location operated by DART. This service shall be operational within two (2) years of the issuance of the first building permit.
6. Recreational facilities, e.g. tennis courts, swimming pool, and community buildings shall be constructed and open to use by the residents within two (2) years of the issuance of the first building permit.
7. The development shall be served as part of the Sussex County Long Neck Sewer District.
8. The RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
9. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.
10. Within one (1) year of the approval of the master plan, the applicant shall coordinate with the State, County, and local emergency planning offices in the development and implementation of an emergency evacuation procedure for the project.
11. Site plan review for each phase of the development, including the placement of curbs, sidewalks, and street lights, shall be subject to the approval of the Planning and Zoning Commission.
12. The interior street design shall be in accordance with or exceed Sussex County street design requirements. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscaping design.
13. State and Federal wetlands shall not be included within the boundaries of individual lots and shall be maintained as non-disturbance areas except where authorized by approved State and/or Federal permits.
14. No individual boat docks or boat launching facilities for motorized boats shall be permitted except a community water taxi.
15. The existing cemetery areas on site shall be undisturbed and maintained by the applicant/Homeowners Association. The applicant, its successors and assigns shall provide perpetual access to family members and guests within The Peninsula Development in order to visit the "Burton Family" cemeteries located within The Peninsula Development boundaries.

16. Applicant, its successors, and assigns shall operate the stormwater system and golf course in a manner consistent with the Best Management Practices (BMPs) set forth in applicant's exhibits submitted as a part of the record, including implementation of a stormwater facility maintenance program.
17. 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 such 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 applications 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 costs of site work authorized by the Sussex Conservation District Permit 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.
18. The applicant has voluntarily offered to contribute the sum of One Thousand Dollars and No Cents (\$1,000.00) to the Sussex County Land Trust from the settlement proceeds of each initial sale of residential lots or units in the development.
19. The applicant has voluntarily offered to contribute the sum of One Hundred Dollars and No Cents (\$100.00) to the Indian River Volunteer Fire Company from the settlement proceeds of each initial sale of residential lots or units in the development and to provide in the development restrictions that the Development Homeowners Association shall contribute the sum of One Hundred Dollars and No Cents (\$100.00) per year to the Indian River Volunteer Fire Company for each residential lot or unit after its transfer from the applicant.

The Commission found that Mr. Fuqua submitted the following for the record: a set of 20 sheets including a cover sheet, a colored site plan, a community multi-modal transportation plan, a recreation plan, an environmental and BMP summary plan, 4 tiered BMP treatment plans, 3 sheets showing buffers from structures along the water to property lines, buffers from structures to tidal wetlands, and buffers from the golf course to tidal wetlands, and renderings of the community recreation center site plan, the clubhouse site plan, the entrance, the divided collector road, the clubhouse and surrounding area, the nature center, the community recreation center, and the retail area; a brochure on Beacon Hill, the referenced golf and equestrian development in Leesburg, Virginia; a copy of a letter and drawing from Joseph J. Romeo to Sussex County Council with attached maps and drawings referencing underground utilities; a response to Mr. Romeo from Mr. Goldstein; photographs of the cemeteries on the site; a letter from Rehoboth Bay Marina to Mr. Goldstein referencing the water taxi; a Heite Consulting

report on a Phase I archaeological and historical survey of the site; letters to and from Tidewater Utilities, Inc. with attachments and referencing their willingness and capability to provide water service, including fire protection, to the project; a letter from Delaware Electric Cooperative, Inc. referencing electric service; letters to and from Sussex County Engineering with attachments and referencing the availability of sanitary sewer; and copies of the Environmentally Sensitive District proposal from the proposed Comprehensive Plan Update.

The Commission found that Joseph Romeo, one of 20 residents living along Bay Farm Road, stated that he is in support of the application, submitted a letter referencing his preference to underground electrical service and a continuous bike path from the community to Route 24, that trees at the intersection of School Road and Bay Farm Road should not be replaced if removed for underground utilities, and that trees be planted on the south side of south side of Bay Farm Road along the proposed project "Bay Farm".

The Commission found that Wolfgang VonBaumgart, Carol Cusenberry, Rita Kilby, Henry Glowiak, Denny Noble, Al Gargano, Cheryl Gargano, Robin Snow, Austin Such, Joe Kersanko, Scott Wilkins, and Charles C. Clark, IV spoke in opposition to the application and referenced concerns that a gated community discriminates; that an environmental impact study needs to address a larger scale; that the cumulative impact on the Inland Bays Watershed should be studied; questioning the impact on the electric power grid of the area; that atmospheric depositions should be addressed; questioning how much wildlife will be displaced; questioning the total maximum daily loads per year; expressing concerns about rolling black and brown outs, water usage and availability, fire safety and the amount of impervious surfaces; questioning if Maritime reports will be created; stating that all environmental reports should be submitted to the Center for the Inland Bays; expressing concerns about the impact on native American sacred burial grounds and archaeological findings; traffic and traffic congestion concerns due to the number of additional units proposed; that Route 24 is not adequate for any more development and that developments should not be approved until Route 24 is improved; the loss of another agricultural site to development; that the size of the parcel exceeds the size of Rehoboth Beach; that the cemeteries on the site need to be protected; questioning if Tidewater Utilities, Inc. will provide the water for irrigation of the golf course; questioning the number of water taxis and the lack of public docking facilities in the area; expressing concerns about loss of trees and habitat for wildlife; questioning the type of materials to be used in construction of the project; expressing concerns about water consumption during drought conditions; questioning if water will be recycled; questioning who will pay for the sewer and water infrastructure; expressing concerns that the size of the project will generate a need for expansion of the paramedic, fire, ambulance, emergency services and medical facilities; expressing concerns that evacuation routes are not planned, and that emergency services should be available before any further development takes place; that

Emily's Gut is not passable except at higher tides; that the area is very pristine; that a heron rookery exists in the area; that pets will impact the wildlife in the area; that lighting of a project of this size will impact the area at night; that the existing residents will have to deal with construction trucks for the next 7-years; that the local fire company does not have adequate fire apparatus to protect the development during an emergency; that a nature center and pier should not be permitted along Emily's gut; and that residents along the west side of Emily's Gut will be impacted by any activity on the Gut.

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

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

Motion carried 5 – 0.

V. 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 since the County Council has received a request from the applicants to withdraw the application.

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. Johnson stated that he is sympathetic to the situation in which Mrs. Rummel finds herself, but that is not a good reason to go against the spirit and intent of the Zoning Ordinance; that the application is for a Pawnee home, a dwelling that has a registered title with the Division of Motor Vehicles and is considered a "manufactured home" or "mobile home" within the meaning of the Zoning Ordinance; that conversion of the registration to a Class C title has no bearing on this application because that process relates to building code or tax assessment only; that a manufactured home or mobile home can only be used as a detached single-family dwelling in an AR-1 Agricultural Residential District where the lot is larger than 0.75 of an acre and the lot is not within a major subdivision created prior to the effective date of Sussex County Code 115-20 and is not prohibited by recorded covenants; that Lot #17 is only 15,308 square feet and is considerably less than the 0.75 acre that the Zoning Ordinance requires for the placement of a manufactured house in an AR-1 Agricultural Residential District; that Conley Chapel Village was created as a major subdivision prior to the adoption of Sussex County Code 115-20 and it has no restrictive covenants prohibiting manufactured housing; and that it is this type of subdivision that the ordinance protects.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied based on the record made at the public hearing and based on the above.

Motion carried 5 – 0.

SUBDIVISION #2001-21 – application of **HUDSON-REED, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred, Sussex County, by dividing 57.68 acres into 49 lots, located north of Road 277, 825 feet west of Road 279.

Mr. Abbott advised the Commission that this is the final record plan for a 49-lot subdivision; that the application received preliminary approval on September 27, 2001 for 49-lots; that the record plan meets the requirements of the Subdivision Code and that all agency approvals have been received; and that the plans are suitable for final approval.

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

Motion carried 5 – 0.

VI. OTHER BUSINESS

1. Villages of Five Points – Town Center and Town Center East
Multi-Family Site Plan

Mr. Abbott advised the Commission that this is a multi-family site plan for 128 units; that there are 5-buildings with 24 units in each with a maximum length of 165-feet; that 1-building has 8-units and a maximum length of 165-feet; that the buildings all have greater than the minimum required 40-foot separation between buildings; that all setbacks meet the Zoning Code; that 384 parking spaces are required and that 524 parking spaces are proposed; that the layout is the same as the approved Master Plan; and that the site plans are suitable for final approval.

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

2. Shamrock Farms Par 3
Golf Course Site Plan – Road 238

Mr. Abbott advised the Commission that this is a site plan for a proposed 18-hole par 3 golf course; that a 12-foot by 24-foot office building is proposed with 20-parking spaces; that golf courses are a permitted use in all zoning districts; that the Department has received an approved entrance plan from DelDOT; and that final approval could be subject to the staff receiving approvals from DNREC, if necessary, the Office of the State Fire Marshal, and the Sussex Conservation District.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to receipt of agency approvals.

3. Smith's Used Cars
C/U #320 Revised Site Plan – Road 46 and Road 446

Mr. Abbott advised the Commission that this is a revised site plan to allow a 22-foot by 24-foot addition to an existing office for a used car sales facility; that setbacks meet the requirements of the Zoning Code; that the Commission may decide to approve the revision or require a new Conditional Use application; that expansion of the site has been permitted in the past without requiring another application; and that final approval may be subject to the staff receiving approval from the Office of the State Fire Marshal.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as submitted. Final approval shall be subject to receipt of agency approvals.

4. Subdivision #2001-22 – C. Larry McKinley
Time Extension

Mr. Abbott advised the Commission that the Department has received a request for a one-year time extension; that the application received preliminary approval on August 23, 2001 for 104 lots; that this is the first request for a time extension; and that the applicants have received approvals from DNREC, DelDOT, and County Engineering.

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

5. Plantations East – Village 6
Revised Site Plan – Road 275

Mr. Abbott advised the Commission that some single-family lots have been deleted for buildings 6.8, 6.9a, and 6.9b; that the setbacks meet the requirements of the Zoning Code; that the Office of the State Fire Marshal has approved the revisions; and that the revised site plan needs the approval of the Commission since the project is within a MR/RPC.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the revised site plan.

Meeting adjourned at 10:46 p.m.