

MINUTES OF THE REGULAR MEETING OF DECEMBER 18, 2003

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 18, 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, and Mr. Wheatley with Alexa Robinson, Attorney on behalf of the 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 amended.

No action was taken on the Minutes of December 11, 2003 since the Minutes have not been reviewed.

OLD BUSINESS

Subdivision #2003-4 – Homestead, L.L.C.

This item was removed from the agenda on December 16, 2003.

Subdivision #2002-49 – H. M. Properties

Mr. Abbott advised the Commission that this application received preliminary approval on June 12, 2003 for 301 lots; that the final record plan has been reduced to 299 lots; that the record plan meets the requirements of the zoning code; that all agency approvals have been received; and that the record plan is suitable for final approval.

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

Motion carried 4 – 0.

PUBLIC HEARINGS

Mrs. Robinson described how the public hearings would be conducted.

C/U #1515 – application of **ROBIN DAVID REIFSNYDER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a classroom/studio to teach pottery and other crafts to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 13,789 square feet, more or less, lying south of Route 9, 150 feet east of Road 319.

The Commission found that there were no parties present on behalf of this application.

The Chairman referred this public hearing to the end of the public hearings.

At the conclusion of the public hearings, the Chairman again asked if anyone was present on behalf of this application.

The Commission found that there were still no parties present on behalf of the application.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be denied since there was no record of support since no one appeared on behalf of the applicant.

Motion carried 4 – 0.

C/U #1516 – application of **MICHAEL AND HEATHER KIRBY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for auto detailing to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 20,095 square feet, more or less, lying east of Road 546, 3,200 feet south of Road 544.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are Evesboro loamy sand, Rumford loamy sand and Woodstown sandy loam; that the Evesboro and Rumford soils have slight 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 Evesboro and Rumford soils are considered of Statewide Importance; that the Woodstown soils are considered Prime Farmland; that there are no storm flood hazard areas or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found, based on comments received from the Delaware Department of Transportation (DelDOT), that the proposed action will have no significant impact on traffic.

The Commission found that Michael Kirby was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that this is a side line job for him since he is a full-time police officer; that he intends to do auto detailing; that he lives on the site; that he works by appointment only during daytime hours Monday through Friday and an occasional Saturday; that his hours would vary

between 8:00am to 6:00pm; that he will not have any business hours on Sunday; that no vehicles will be stored on the site overnight; that he erected a 3' x 6' sign on the site in July of 2002; that detailing includes compounding, polishing, waxing, etc. to bring a car back to showroom condition; and that he does not do any steam cleaning of engines or painting of vehicles.

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. 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 with the following conditions:

- 1) Business hours shall be restricted to 8:00am to 6:00pm Monday through Saturday, with no Sunday hours.
- 2) There shall be no overnight storage of vehicles.
- 3) There shall be no more than one (1) customer vehicle on the site at any one time.
- 4) One 2-sided ground sign, not exceeding 3' x 6', may be permitted.

Motion carried 4 – 0.

C/U #1517 – application of **DAVID KISER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District to build and display barns, doghouses, etc. to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 10.5 acres, more or less, lying southeast of Road 475, 1,000 feet southwest of Road 474.

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

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Johnston loam or silt loam and Rumford loamy sand; that the Johnston soils have severe limitations; that the Rumford soils have slight limitations; that the application will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that the Johnston soils are considered Hydric; that the Rumford soils are considered of Statewide Importance; that there are no storm flood hazard areas or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that David Kiser was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that he

proposes to build utility barns one at a time; that he has a 40' x 60' barn with a lean-to on the site; that a hauling contractor will be hired to deliver the barns; that he is self employed; that he has owned the property for approximately 3 years; that he is planning to build a home on the site; that there will be no more than five (5) display models displayed on the site; that all lumber will be stored indoors; that he would like to erect a small unlighted sign on the site; that he proposes to call the business "Sycamore Barns"; that he built two (2) barns and then received a violation in April; that no barns have been built for sale on the site since April; that all barns will be vinyl sided; and that he hopes to open the business in the Spring of 2004.

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. Gordy, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved with the following conditions:

- 1) Business hours shall be restricted to 8:00am to 6:00pm Monday through Saturday, with no Sunday hours.
- 2) All storage of materials shall be indoors.
- 3) Waste material storage shall be screened from the view from Road 475.
- 4) Lighting on the display area shall be directed so as not to reflect into neighboring properties.
- 5) The display area shall not exceed an area measuring 20' x 60'.
- 6) One 2-sided unlighted ground sign, not exceeding 32 square feet, may be erected on the site.

Motion carried 4 – 0.

C/Z #1528 – application of **CADBURY SENIOR SERVICES, INC.** 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 on the northerly side of Road 267 (Gills Neck Road), ¼ mile east of Road 268 (Kings Highway), to be located on 95.2 acres, more or less.

The Commission found that this application was reviewed by the Technical Advisory Committee on November 19, 2003 and that the Technical Advisory Committee Report is made a part of the record for these proceedings.

The Commission found that the applicants submitted an Exhibit Booklet prior to the meeting and that the booklet contained a summary of the Cadbury At Lewes goals; a description of the Cadbury continuing care retirement community (Cherry Hill, New Jersey); Sussex County Engineering documents; a letter from Tidewater Utilities, Inc.; a wetlands letter; a DelDOT letter; a Beebe Medical Center letter; a copy of the Sussex County Council decision on Boca East, LLC; some suggested Conditions if the use is approved; and a Cape Henlopen School District letter.

The Commission found the DelDOT comments, received from DelDOT and dated July 1, 2003, are included in the Exhibit Booklet.

The Commission found, based on comments received from the Sussex County Engineering Department, that the site is located in West Rehoboth Expansion Area; that wastewater capacity is available, with the conditions imposed in the Department letter to Mr. Victor D. Amey, dated November 5, 2003; that Ordinance No. 38 construction will be required; that the current system connection charge rate is \$3,369.00 per EDU; that the location and size of laterals and connections shall be subject to approval by the County Engineer; and that conformity to the West Rehoboth Planning Study will be required.

The Commission found, based on comments received from the Office of State Planning Coordination, that the Zwaanendael Farms Agricultural Preservation District is adjacent to the site; that the Delaware Department of Agriculture has noted objections to this rezoning due to the location; that the Department of Agriculture stated that the preserved farm helps define the boundary of Lewes and provides valuable open space amenities and that these amenities should be protected and enhanced; that they are concerned with surface water runoff because the site drains onto the preserved farm; that the addition of impervious surfaces would cause additional surface water drainage into the currently operating and viable agricultural business; that the parcel is within the "Developing" area of the Strategies for State Policies and Spending document; that because the site is located in a "Developing" area and because of its proximity to the City of Lewes, the State has no objections to this rezoning and support the development providing the Department of Agriculture's concerns regarding drainage can be resolved; that all restrictions required by the Delaware Code referencing agricultural restrictions shall be noted in deeds and deed restrictions; that the DNREC referenced soils; that the Applicant should be reminded that they must avoid construction/filling activities in those areas containing wetland associated soils; that this project is located adjacent to receiving waters of the Inland Bays which are designated as waters having Exceptional Recreational or Ecological Significance (ERES) which are recognized as special assets to the State, and shall be protected and/or restored, to the maximum extent practicable, to their natural condition; that there may be a significant and complex Total Maximum Daily Load (TMDL) issue with this proposal; that the State Historic Preservation Office has commented that there is a medium probability for prehistoric archaeological sites

with the site; that there aren't any historic structures with the parcel; that there are some possible historic properties north of the site near King's Highway; that the developer should provide some type of buffer, either a fence or landscaping on the north side of the site to help minimize any visual effects the development could have on those properties; and that in conclusion, the State has no objections to the rezoning of this site and encourages the development because of its proximity to the City of Lewes; the Department asks that the County require the developer to work with the Department of Agriculture to resolve the possible drainage issue as they move forward with the development and approval of their site plan.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Sassafras sandy loam and Sassafras loam which have slight limitations; that the Applicant shall be required to follow recommended erosion and sediment control practices and to maintain vegetation; that Sassafras soils are considered Prime Farmland; that there are no storm flood hazard areas or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that similar comments were received from the Natural Resources Conservation Service.

The Commission found, based on comments received from the Board of Public Works of Lewes, that the Board is concerned about this application; that the area in questions will be very near the City of Lewes Well Head Protection area and is considered an excellent recharge area by a delineation done by the Delaware Geological Survey for the Public Water Supply Source Water Assessment for the City of Lewes Board of Public Works; that the Board requested that the Commission take any and all ramifications into consideration before changing an excellent ground water recharge area; and that any change made to this area could greatly reduce and affect this valuable recharge area.

The Commission found that a letter was received from Fuqua & Yori, P.A., attorneys for the Applicant, addressing the Organization and Operation of Property Owners' Association, the use of roads, and agricultural uses.

The Commission found that James Fuqua, Attorney, submitted a small color site plan of the proposal.

The Commission found the application was represented by James Fuqua, Attorney, Victor Amey of Cadbury Senior Services, Ed Kelly, and Darin Lockwood and John Barwick of Meridian Consulting Engineers and that they stated in their presentations and in response to questions raised by the Commission that the site is located in a "Developing" area and adjacent to a "Community" area according to the Strategies for

State Policies and Spending document, where the State hopes to direct growth; that the site is located in an "Environmentally Sensitive Developing Area" according to the 2002 Comprehensive Plan Update; that two interconnecting developments are proposed to be developed on this site, one for continuing care and one for residential; that Parcel A, a retirement community, will contain a health care center with 80 rooms and 84 unassisted living apartments and 48 cottage units; that Parcel B, a residential planned community, will contain 105 multi-family units and 80 single family lots; that the units in the retirement community are not to be sold, but will be leased by agreement; that the care facility will provide health care, wellness programs; transportation, lodging and food services; that 40% of the residential units will be occupied by couples and 60% will be occupied by single occupants; that private roads with street lighting will be provided; that sidewalks will be provided; that it is anticipated that a large number of the residents in the residential planned community will move into the retirement community in the future; that recreational amenities will include a swimming pool, tennis courts, walking trails and a clubhouse; that public sewer will be available from the County; that central water for drinking and fire protection will be provided by Tidewater Utilities, Inc.; that there should be no significant environmental impacts since there are no wetlands on the site; that the Office of State Planning Coordination has voiced no objections to this application; that in reference to the concerns from the Department of Agriculture, the Applicant will provide the required restrictions in leases and deeds, and that 50-foot wide buffers with 30-foot wide landscape berms will be provided from agriculturally active lands; that shopping and medical facilities are in close proximity; that the project will be an economic benefit to the County, the City of Lewes, and the citizens in the area; that the County saw a need for this type of facility when they reviewed the Boca East project on Road 279, but denied that application due to the location; that this project differs from the Boca East project in that the site is adjacent to a municipality with a medical center, the site has access to major connector roads, the site contains no wetlands, and since central public sewer and central water are available; that drainage will be maintained and controlled on site; that the site is not within a recharge area; that the site is considered to be an excellent recharge area, but is not within the Wellhead Protection Area for the City of Lewes; that recharge from a residential development will provide better water quality than an agricultural activity; that the Applicants have 25 years of experience with this type of community since they own and operate Cadbury at Cherry Hill; that there are 4,000 similar projects of this type in the United States; that they have a priority reservation list containing 80 clients desiring independent living units; that the project at Cherry Hill is a former hotel site developed at 22 units per acre; that the residential planned community portion of the site will be developed at approximately 3 units per acre; that the record indicates that there is a need for this type of project; that the use is appropriate according to the Comprehensive Plan Update and the Strategies for State Policies and Spending; that the State supports the project; that sidewalk locations shall be subject to site plan review; that they have not received a letter from the Lewes Volunteer Fire Department, but the Fire Department is willing to write a letter stating that they are

capable of providing fire service; and that the berm along the Agricultural Preservation District will be created with the first phase of the project.

The Commission found that Mel Carriker was present in support of this application and read his comments, which referenced that a survey was mailed out to citizens and businesses in the area and that 1,172 responses were received that indicated that the median age of respondents was 59.5; that 73% were college graduates or above; and 57% had an income greater than \$75,000; that the survey provided a list of 14 businesses and asked respondents to indicate whether these businesses are compatible with sustaining Lewes' future economic health; that the survey indicated for the category of "assisted living facilities", 54% of the respondents indicated it as "desirable" or "highly desirable", 37% indicated it as "acceptable", and only 8% indicated it as "undesirable" or "highly undesirable"; and that it was his conclusion from the survey that development of this project will be viewed favorably by most Lewes residents; and that there are no such facilities in the area, and the large aging population indicates a serious need for such a facility.

The Commission found that Joe Baker was present in support and stated that the project will be good for the community; that there is a need for a positive economic base; that retirees are a major benefit to the community; and that the use is more desirable than subdivision.

The Commission found that there were 30 parties present in support of the application.

The Commission found that Michael Tyler, President of the Citizens Coalition, Inc., was present in opposition, submitted written comments, and expressed concerns about protection of our water; that the land appears to lie directly over what the State has identified as a "critical recharge" area; that this land may be a key parcel which must provide well head protection and water supply; that it is an important tract that may allow the City of Lewes and private well owners to maintain water quality and quantity; that placing impervious surface on this land could compromise aquifer recharge and could result in saltwater intrusion in the Lewes city wells nearby; that impervious surfaces pose a threat to agriculture if water flow and drainage are altered; that they question the ability of our water and wastewater systems to handle the rising use and declining sewer capacity; that the adjoining property is in the State's Farm Preservation Program and that there is a real concern that the land owners "right to farm" must not be compromised; that traffic and transportation infrastructure must be considered; that DelDOT has not given consideration to new developments in the area or school traffic; that Gills Neck Road cannot accommodate intense development, has no bike lanes, no shoulders and no lights; that the developer must be made to upgrade this road as a condition of approval; that transit services should be provided to all projects; that they recognize the need for retirement housing, but do not feel that this is the appropriate location; and that the

Coalition looks to the Commission to consider all the concerns that they have raised regarding this application and recommend that the developers design a community that protects our water resources, has less of an impact on traffic and provides needed transit. Otherwise, the Coalition respectfully request that the Commission recommend denial of the application.

The Commission found that Louder W. Mitchell, Jr. of Zwaanendael Farm, the adjoining land owner, was present and read comments, which referenced their opposition to this application, which included that they operate a Century Farm which is in Farmland Protection; that the farm adjoins the site; that they are concerned about trespassing and request a minimum of a 4-foot high chain link fence 3-feet from their property line running from Gills Neck Road to Bay Breeze Estates and connecting to the existing fence at Bay Breeze; that at least a 2-foot high grass berm be provided and maintained by the developer for the purpose of retaining water runoff; concerns about traffic; concerns about drainage from runoff from rain, snow storms and ice; and that roads and buildings will be detrimental to their farming operation.

The Commission found that 3 parties were present in opposition to this application.

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

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

Motion carried 4 – 0.

OTHER BUSINESS

The Peninsula MR/RPC
Phase 1 Final Record Plan – Road 299

Mr. Abbott advised the Commission that the final record plan is for 19 single family lots; that the record plan is the same as the master and preliminary plans; that the record plan meets the requirements of the subdivision and zoning codes; and that all agency approvals have been received.

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

Motion carried 4 – 0.

Dr. Joel Halpern Office Building
Commercial Site Plan – Route 26

Mr. Abbott advised the Commission that this is a site plan for a 12,700 square foot office building located on 43,478 square feet; that the site is zoned B-1 Neighborhood Business; that 9,400 square feet will be used as office space; that 47 parking spaces are required and provided; that the setbacks meet the requirements of the zoning code; that central sewer will be provided by Sussex County and water will be provided by Tidewater Utilities; and that all agency approvals have been received.

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

Motion carried 4 – 0.

Bargain Bills
Commercial Site Plan – Routes 9 and 13

Mr. Abbott advised the Commission that this is a revised site plan for an 85,760 square foot retail center on 16.64 acres; that 515 parking spaces are required and 556 spaces are provided; that the setbacks meet the requirements of the zoning code; that on site septic and well are proposed; and that the site plan is suitable for preliminary approval.

Steve Engle of Vista Design Group and Bill Brown were present and advised the Commission that they are currently working on a grading plan; that they have met with representatives of DelDOT on the site and that DelDOT has no concerns with the entrances to the site; that the existing entrance located on Route 13 has been relocated further south on the site; and that the existing entrance along Route 9 has been relocated further east on the site; and that the project will be phased.

Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the review and approval by the Commission upon receipt of all agency approvals.

Motion carried 4 – 0.

Country Grove Subdivision
Revised Record Plan – Route 13A and Road 515

Mr. Abbott advised the Commission that this is a revised record plan for a 177 lot single family subdivision; that the record plan received final approval on August 12, 1999 and to date has not been built; that the revised plan deletes numerous small stormwater

management ponds and creates a larger pond; that the street layout has been revised; that there is no increase in the density; and questioned if the Commission feels that another subdivision application is needed.

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

Motion carried 4 – 0.

Fenwick Shoals Subdivision
Recreation Area Site Plan – Water Walk Way

Mr. Abbott advised the Commission that this is a site plan for the recreation area located in the Fenwick Shoals Subdivision; that the recreation area lot is 20,992 square feet; that a clubhouse, swimming pool and storage shed are proposed; that the proposed clubhouse is 2,400 square feet and setback 15-feet from the front property line; that the swimming pool is 900 square feet and setback 13-feet from the front property line; that the storage shed is 800 square feet and setback 26.13-feet from the front property line; that 4 parking spaces are proposed; 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. Gordy, seconded by Mr. Johnson, 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 4 – 0.

West Bay Park Clubhouse
C/U #1501 Site Plan – Road 279

Mr. Abbott advised the Commission that the site plan is for a 3,000 square foot community recreation building for the residents of West Bay Park; that 60 parking spaces are provided; that the setbacks meet the requirements of the zoning code and the conditions of approval; 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. 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 4 – 0.

Darrell Matthews
C/U #1481 Site Plan – Route 9

Mr. Abbott advised the Commission that this is a site plan for a masonry contractor; that a 30-foot by 60-foot building is proposed; that the storage area for materials is fenced in; that the site plan proposes evergreens to be located along Route 9; that the site plan meets the requirements of the zoning code and complies with the conditions of approval; 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. Wheatley, seconded by Mr. Johnson, 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 4 – 0.

Delaware S.P.C.A.
Revised Site Plan – U.S. Route 113

Mr. Abbott advised the Commission that this is a revised site plan for a 4,636 square foot addition; that the existing structure was built when the State of Delaware was exempt from zoning regulations; that the site is zoned AR-1 Agricultural Residential; that the setbacks meet the requirements of the zoning code; that 7 new parking spaces are proposed and that the total number of parking spaces is up to 26; and that the addition is for the expansion of kennel area.

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

Motion carried 4 – 0.

Birdhaven Subdivision
Public Streets to Private Streets

Mr. Abbott advised the Commission that this is a request to revise Blue Herring Drive from a street that is dedicated to public use to a private street; that the street has not been built to date; that the property owners want the street to be built to Sussex County specifications; and that the Sussex County Engineering Department Division of Public Works is currently reviewing the construction plans and has no objection.

Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried unanimously to approve this request.

Motion carried 4 – 0.

Greentop Estates
Revised Lot – Church Avenue – East of Road 225 (Greentop Road)

Mr. Abbott advised the Commission that First State Community Action Agency has written a letter that the Commission revise a lot that was designated as recreation area to a residential lot for a single family dwelling; that the lot in question was never used as recreation area but it had a church located on it; that the lot is 11,128 square feet and DNREC has granted a waiver for the lot size to be able to have an individual on site septic system located on it; and that the Agency has sent affidavits verifying that the property owners in Greentop Estates support this request.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to approve the request.

Motion carried 4 – 0.

Philadelphia Pentecostal Holiness
C/U #1371 Time Extension Road 213

Mr. Abbott advised the Commission that this application was approved on December 19, 2000 for 14 multi family units; that the Commission granted an one-year time extension on July 11, 2002; that the applicants are requesting another extension; one of the conditions of approval was that no occupancy of the units shall be permitted until central water and sewer are available to the site; that the site is located in the Ellendale Sanitary Sewer District and has not been completed to date; that the applicants sent a letter explaining the work that has been completed to date (trees have been cleared, the road has been rough cut, ditches are completed, proposal for wells are in, and bids for the sewer hookup are being received); that the letter indicates that the project should be completed by 2005; and that this is the last extension that the Commission has the authority to grant.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve a one-year time extension with the understanding that this is the last extension that the Commission may grant.

Motion carried 4 – 0.

Meeting adjourned at 10:00 P.M.