



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF FERUARY 10, 2005

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 10, 2005 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. Smith and Mr. Wheatley with Mr. Robertson, Assistant County Attorney, Mr. Lank – Director, Mr. Kautz – Land Use Planner, and Mr. Abbott – Assistant Director.

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

PUBLIC HEARINGS

C/U #1588 - - application of **LEROY AND JO ANN MARVEL** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a small engine repair business to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 43,101 square feet, more or less, lying east of Road 365, 735 feet south of Road 353.

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 are mapped as Klej loamy sand which has slight to moderate limitations for development; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the soils are considered of Statewide Importance and Hydric in depressions; 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 County Engineering Department Planning and Permits Division, that the site is not located in a County operated or maintained sanitary sewer or water district; that conformity to the South Coastal Area Planning Study or undertaking an amendment will be required; that the proposed Conditional Use is within the boundaries of the Beaver Dam Planning Area; and that the County currently has no schedule to provide service to this area.

The Commission found that letters were received in support of the application from David Shields, Peter Jon Garrison, Harry Fulton, Mary Fulton, Carroll Mears, Linwood Lichtenberg, Frank Cochran, Earl Johnson, Beverly Johnson, and Gary Hornbacher, residents of the area.

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The Commission found that Leroy Marvel and Tom Marvel , his son, were present and stated in their presentations that Mr. Marvel is requesting permission to repair lawn mowers and small engines; that he has been helping friends with their equipment since the early 1980s; that he has gotten a little more mower work each year while working at his regular employment; that he retired and started operating the business full time with hours of 9:00 a.m. to 5:00 p.m. Monday through Friday, 9:00 a.m. to 1:00 p.m. on Saturdays, with no Sunday hours, to help keep him active into his later years; that since there is a demand for this type of work, it gives him some satisfaction for helping the community while making some extra income; that the neighbors bordering his property have voiced no objections to the business; that he does strive to keep a minimum amount of equipment on the site by only taking on each day what can be repaired; that he has no plans of enlarging the business; that he and his wife purchased the property in 1968 and built a house on the property in 1975; that there is a 24-inch by 24-inch sign on the property; that there is a small fenced area to store lawn mowers; that there is no outside storage of junk mowers; that junk parts are hauled to a salvage yard; that he does have a motion detector light on the garage; that he picks up and delivers the mowers; that in a weeks time he may repair 7 or 8 mowers; that most of the work is done in the garage; that he does test run the mowers after making repairs and that the testing is done outside; that he has no objections to adding additional screening, if required; that he has no employees; and that there will not be any retail sales.

Mr. Marvel submitted a copy of his statement for the record and photographs of the property.

The Commission found that the application was filed immediately upon the Applicant's receipt of a violation notice for operating the business and that the violation notice was generated from a complaint.

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. Smith, seconded by Mr. Gordy, 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) The outside storage shall be enlarged and screened from view.
- 2) There shall be no hired employees.
- 3) Business hours shall be from 9:00 a.m. to 5:00 p.m. Monday through Friday, 9:00 a.m. to 1:00 p.m. on Saturdays. There shall be no Sunday business hours.
- 4) There shall be no retail sales.
- 5) Signage shall be limited to the existing sign on the premises.

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- 6) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion carried 5 – 0.

C/U #1589 - - application of **DELMAR HOMES, INC.** to consider the Conditional Use of land in a GR General Residential District for an expansion to an existing mobile home park to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 22,285 square feet, more or less, lying northeast of Road 356, 270 feet northwest of Route 54.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Woodstown sandy loam which has slight to moderate limitations for development; that the Applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that Woodstown soils are considered of Statewide Importance; that there are no storm flood hazard areas or tax maps 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 County Engineering Department Planning and Permits Division, that the site is located in the Dagsboro/Frankford Sanitary Sewer District; that wastewater capacity is available; that Ordinance No. 38 construction shall be required; that the location of laterals or connection points shall be determined by the County Engineer after resolving the non-conforming zoning of the two requested units; and that conformity to the Dagsboro/Frankford Planning Study or undertaking an amendment will be required.

The Commission found that Harold Truxon was present on behalf of the application and stated in his presentation and in response to questions raised by the Commission that the mobile home park on Parcel 44 has eight (8) mobile homes which have been hooked up to the sewer system; that the dwelling on Parcel 45 will be hooked up this week; that they are requesting approval of the two (2) mobile homes behind the dwelling on Parcel 45 as an extension of the mobile home park; that they have no objections to combining the two

(2) parcels together to create one Parcel as a mobile home park; that the two (2) mobile homes were on the site when they purchased the property; and that they have no objections to fencing the property if it is required.

The Commission found that there were no parties present in support of or in opposition to the application.

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

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Motion by Mr. Smith, seconded by Mr. Wheatley, 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) The common shared border between the two parcels shall be eliminated and the parcels combined since it is proposed that the two (2) units be an addition to the mobile home park on Parcel 44.
- 2) The site plan shall comply with Article XXIV Section 115-172 G of Chapter 115, the Zoning Ordinance.
- 3) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion carried 5 – 0.

C/U #1590 - - application of **PENINSULA OIL CO., INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a mini storage facility to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.6716 acres, more or less, lying west of Road 384 and 100 feet south of Road 370.

Mr. Wheatley announced that he would not be participating in this public hearing.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service of Road 384 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on this site are mapped as Evesboro loamy sand and Fallsington sandy loam; that the Evesboro soils have slight limitations for development; that the Fallsington soils have severe limitations; that the Applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that the Evesboro soils are considered of Statewide Importance and Hydric in small depressions; that the Fallsington soils are considered of Statewide Importance, Prime Farmland and Hydric; that no storm flood hazard areas or tax ditches

are affected; that it may be necessary for some on-site and off-site drainage improvements because of the seasonally high water table associated with the Fallsington soils; and that there may be regulated wetlands on the site and that the Applicants should check with the Army Corps. of Engineers for required permits.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is not located in a County operated sanitary sewer or water district; that the site is within the boundaries of the

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Bayard Planning Area of the South Coastal Area Planning Study; and that the County currently has no schedule to provide service to the site.

The Commission found that two (2) letters in support of the Applicants were received from the Town of Blades and the Nanticoke River Yacht Basin referencing that the Applicants built a similar facility in Blades last year; that the facility has been well run since opening day; that the facility is always in good repair; that the facility has ample lighting and perimeter fencing to help maintain a secure environment; that the facility has been a good addition to the community; and that the facility is attractive and well landscaped.

The Commission found that John Willey of Peninsula Oil Co., Inc. and Ken Christenbury of River Basin Engineering were present and stated in their presentations and in response to questions raised by the Commission that the tank farm on the site is being reduced in size; that they propose to build approximately 20,000 square feet of mini-storage on the site with stormwater management in the front yard; that the site will have security lighting, fencing with a automatic gate, and landscaping; that the portable toilet on the site has been used by company truck drivers; that no restrooms are proposed; that a topographic survey has not yet been performed; that they proposed gravel driveways; that the stormwater management design will be designed as if the driveways were paved in case the driveways are paved in the future; that they propose 24-hour access for unit tenants by use of an electronic code that will open and close the gate; that the entire site will be fenced; that no outside storage of boats or vehicles is proposed; that the facility should be a benefit to the community since it be providing a storage facility; that the tank farm had four (4) tanks; that the tank farm has been reduced to two (2) tanks, one for fuel oil and one for kerosene; that the Office of the State Fire Marshal and DelDOT will be reviewing the site plan; and that they have not yet submitted plans to any other agencies since the Conditional Use has not yet been granted.

The Commission found that Mr. Willey provided the Commission with a series of photographs showing a similar mini-storage facility with security lighting on the buildings, an electronic gate control unit, fencing and landscaping, and a traffic study report prepared to exhibit the number of daily users of a facility.

The Commission found that Bridget Nicholson and Scott Reed, adjoining property owners, were present with some concerns that the trucks that deliver fuel to the site are 18-wheelers and that there is not adequate turning area for the trucks; that the trucks block the road while backing into the site; that sometimes the deliveries are made around the hours of 3:00 and 4:00 a.m.; that Road 384 has been marked by DelDOT as Alternate Route 54; that traffic in the area has increased; that DelDOT is planning on widening the road; that Peninsula Oil Co., Inc. has been a good neighbor; that they are concerned about

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run-off onto their property; and that they are concerned about the proposed 24-hour access to the site.

The Commission found that John Willey added in response to questions by the Commission that he has no objections to the access hours being limited and that the electronic code can be designed to limit the hours of access.

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

There was a consensus of the Commission that they had some concerns about the access hours, truck movement, stormwater management, and lighting.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried with 4 votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the following reasons:

- 1) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
- 2) The use as a self-storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.
- 3) This recommendation for approval is subject to the following conditions and stipulations:
 - 1) The entrance shall be designed to provide adequate access to the site with adequate turning radius for the delivery trucks and shall be subject to review and approval by DelDOT.
 - 2) There shall not be any building contractors or subcontractors offices or workshops within the project.
 - 3) There shall not be any storage of building materials or other construction materials within the project.
 - 4) Any security lights shall be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties.
 - 5) There shall be no outside storage on the premises.

- 6) Access to the gate by tenants of the self-storage facility shall only be between the hours of 7:00 a.m. to 9:00 p.m.
- 7) The driveway and parking areas shall be stoned or paved.
- 8) The stormwater management facilities shall be relocated away from the front of the site.
- 9) The perimeter of the site shall be fenced and shall be subject to location approval by the Planning and Zoning Commission.
- 10) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

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Motion carried with 4 votes. Mr. Wheatley did not participate in the vote.

Subdivision #2004 – 18 - - application of **MILTON BRUNNER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 45.72 acre into 33 lots, located north of Road 496 (Phillips Landing Road), 1,180 feet east of Broad Creek.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on June 16, 2004 and that the report will be made a part of the record for this application; that letters of opposition have been received from M. Sharon Sheppard and Robert Gano, Jr., of the Division of Fish and Wildlife; and that the adjoining parcel owned by Henry Clay Davis, III, Trustee is an approved Agricultural Preservation District and that a 30-foot forested landscaped buffer is required along this boundary line.

The Commission found, based on the letter received from M. Sharon Sheppard, that the development of this property will disrupt the natural quality of this area for wildlife and visitors; that the number of acres of wildlife habitat is shrinking everywhere; that the remaining forest of loblolly pine, hickory, holly, oak, etc. should be preserved in Delaware as natural reservoirs whenever possible; that preservation should take place where these acre are contiguous with other wildlife and agricultural lands; that Cherrywalk fits this description and is an important component of the surrounding natural areas; and that the division into lots and subsequent development will change the entire area forever.

The Commission found, based on the letter received from Robert D. Gano, Jr., that he is the Manager of the adjacent Robert L. Graham Nanticoke Wildlife Area owned by the State; that he foresees negative impacts on the use of the Wildlife Area by both its wildlife and its human users; that this region of the County has more valuable and unique habitats than many others; that the close proximity of dryland habitats on ancient sand dunes to freshwater tidal wetlands provides a diverse plant and animal community; that within a short distance of this site lies Atlantic whitecedar stands – habitat for a rare butterfly called Hessel's hairstreak, as well as the rare and unique box huckleberry found

on the dry uplands overlooking the river; that the development is proposed within an active hunting area; that the placement of residences along the State boundary effectively removes lands for hunting on the Wildlife Area since they are required to post a 100-yard safety zone around any occupied dwelling; that the Ar-1 zoning classification is inappropriate; that the County should create a zoning category for the conservation of valuable natural lands; that within the 50-foot buffer strip, require the minimization of vegetation removal; that large overstory and understory trees should be left untouched and no less than 75% of the underbrush should be retained; that these parameters are best from the wildlife perspective; that this forest has patches of low-bush blueberry as the

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predominant shrub layer; that they are important as wildlife food and escape cover; that the developer should be required to erect a fence separating the homes from the wildlife area; that the fence will prevent trespass from public land users such as hunters, hikers, birdwatchers, etc. into the neighborhood and prevent encroachment by the home owners in the way of foot or vehicular traffic, sheds, pets, etc.; that a chain link fence along the eastern boundary of the property of at least 4 feet in height is best; that the County needs to rigorously enforce disturbance requirements within the buffer strip particularly along the lots overlooking Broad Creek; and that homeowners with a water view will be tempted to create open vistas to enjoy the water.

The Commission found that David Rutt, Attorney, and Milton Brunner and Michael Short, developers, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that 33 lots are proposed; that the site is zoned agricultural residential and adjoins lands owned by the Davis family, State of Delaware, and Broad Creek; that open space has been provided; that of the 33 lots, all are at least 1.00-acre except for 8 lots; that the subdivision is an extension of the lots that were stripped off along Road 496; that one entrance to the site is proposed; that lots 9, 10, and 11 will have access from Road 496 and that lots 9 and 10 will have a combined entrance; that proposed restrictive covenants have been submitted; that the covenants contain all of the information that is required by Code; that all trees with a 6-inch diameter will remain; that the applicants will maintain as many trees as possible; that no topography changes are proposed except for the stormwater management areas; that the developers propose to market land/home packages; that none of the lot areas encroach into the wetlands; that all of the construction will occur outside of any flood plains; that there are not any historical features located on the site; that they will maintain as much natural vegetation as possible; that there will be minimal soil disturbance; that a 60-foot buffer is proposed along the lands owned by Davis and the State of Delaware and not the 50-foot as shown on the plan; that a 50-foot setback from all wetlands is proposed; that the applicants will erect a fence along the Davis boundary line to prevent trespassing and this will be installed prior to the sale of lots; that individual septic systems and wells will be utilized; that no commercial uses will be permitted; that the development provides for safe vehicular and pedestrian traffic; that all terrain vehicles and four-wheelers will be prohibited by the restrictive covenants; that

upscale housing is proposed; that the proposed dwellings will increase property values in the area; that the land has not been used for farming; that the agricultural use protection notice is included in the restrictive covenants; that a similar deed notice about hunting in the area will be included in the restrictive covenants; that the development will be marketed to retirees; that the developers anticipate a five year build out; that the project will not have any negative impacts to the Laurel School District; that there are public lands located in the area; that there is no public transportation in the immediate area; that the project will not have any negative impacts to traffic in the area; that there are three other subdivisions along Road 496 that are being developed; that the developers may

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build a private pier for fishing for the residents; that there will not be a boat ramp provided; that one of the letters in opposition to the application is from someone in the State of Washington and should not be considered; that if the State of Delaware has concerns about this site, they could have purchased it; that a fence along the State lands should not be required since there is a dirt road that runs along this site; that the design meets the requirements of the subdivision and zoning codes; that the natural vegetation will serve as a buffer; that the sizes of the dwellings will range from 3,000 to 3,500 square feet which includes garages and porches; that the applicants will build all of the dwellings in the project; that they anticipate building about 5 dwellings per year; that the developers plan to reside in the development; that the wetlands will not be disturbed and will be maintained by the homeowners' association; that the proposed 60-foot buffer will be included in the lot lines and will be deed restricted; that the lots will not be age restricted for potential purchasers; that clearing of the lots will be deed restricted; that the streets will be private and built to County specifications; that a school bus shelter could be provided if required to do so; that the developers are considering streetlights but that sidewalks would be cost prohibitive due to the size of the lots and since the site is located in a rural area; and that safety would not be an issue for pedestrians.

The Commission found that no parties appeared in support of this application.

The Commission found that Gwen Davis, Mike Whedelton, Clay Davis, and Edward Davis were present in opposition to this application and stated in their presentations and in response to questions raised by the Commission that the site contains special conservation values; that there is a lot of hunting that occurs in the area; that the proposed dwellings will result in a loss of lands that are available for hunting; that the proposed buffers should not be included on the individual lots; that Sharon Sheppard, who sent a letter opposing this application is a member of the Davis family; that there are known archaeological sites on the property; that the design does not take into account any archaeological sites that may exist; questioned if and why a traffic impact study was not required; that the site is located on a secondary road with no shoulders or markings; that the other developments along Road 496 are located about a mile away; questioned if the site is suitable for septic and wells; that lots 34 through 37 are located in a flood plain; that the Broad Creek is a good fishing area; that the development will cause negative

impacts to the Nanticoke River; that trees would be removed which would result in the loss of wildlife habitat; that this location is not suitable for this type of development; that the site is located in an area that contains State Wildlife Areas and an Agricultural Preservation District; that the development is not in character with the area; that the area needs to be preserved in its natural state; that there are rare plants and species located in the vicinity of the site; that Indian artifacts have been found in the area; that if a fence is erected, who will maintain it ?; that they have concerns about possible trespassing; that private deed restrictions are hard to enforce and can be revised; that the area will start to

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look like New Jersey; that the developers are building spec homes; that the area is very fragile; that the soils in the area are not very good; that the wildlife in the area needs to be protected; that the area is predominately lands owned by the State of Delaware; that new residents will complain about gun noises; and that the area is designed for hunting, fishing, and wildlife conservation.

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

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

Motion carried 5 – 0.

Subdivision #2004 – 19 - - application of **LARRY WILLEY** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Northwest Fork Hundred, Sussex County, by dividing 24.09 acres into 20 lots, located west of Road 562, 879 feet north of Road 566.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on June 16, 2005 and that the report will be made a part of the record for this application; and that three letters and a petition against this application have been received.

The Commission found, based on a letter received from Frances and Robert Reed, that they are opposed to this application since the dwellings would be put right in their backyard; that they would no longer have the privacy that they enjoy; that more people in the area will cause a higher crime rate; that the development will put more traffic on the road which will not be safe for children in the area; that the development will damage the roads; that the development will disrupt the wildlife in the area; and that the modular homes that are being proposed will negatively impact surrounding property values.

The Commission found, based on a letter received from Robert W. Hunsberger, that the parcel has been categorized as low or wetlands and nothing has changed.

The Commission found, based on a letter received from Allen and Bernice Parsons, that they are opposed to this application because they feel there is too much farmland being lost as well as wildlife habitat; that the site is located in the country and is a quiet area; that the site contains wetlands; that several years ago, the State released wild turkeys in the area; that there is an Agricultural Preservation District in the immediate area; that 20 new septic systems could cause problems with ground water; that there are irrigation systems that are used in the area; that there are two Bald Eagles in the area that may be

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nesting in the wooded area of this site; and that the number of homes will cause negative visual effects to the area.

The Commission found that a petition with 9 signatures opposing this application, was submitted.

The Commission found that Larry Willey was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that a previous 33 lot subdivision was approved for this site but was subject to the sunset provision of the subdivision code; that deed restrictions have been submitted; that the original application was approved in 1995 for 33 lots; that a septic feasibility statement was issued in 1995; that this site does not have access to Whitney's Road; that double wide manufactured homes, modulars, and stick built homes will be permitted; that there is a need for this type of development in the area; that the area is predominately large agricultural tracts; and that the proposed 20 lots would not negatively impact the area.

The Commission found that no parties appeared in support of this application.

The Commission found that Roberta and Richard Eckert, Robert Reed, and Jay Pratt, area residents, were present in opposition to this application and stated in their presentations and in response to questions raised by the Commission that they have concerns about increased traffic in the area; safety concerns for children in the area; that the area is basically agricultural; that there is no need for development in the area; that the development has only one entrance planned; that the development will result in the loss of wildlife to the area; that the area is rural and quiet; that they have concerns about storm water run-off; that the development could have negative impacts on the Woodbridge School District since the schools are already at their maximum for students; that they have concerns about the location of the proposed entrance; and that mobile homes will have negative impacts to existing property values.

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

Mr. Wheatley stated that as presented, he cannot see approving this plan; that some of the lots have wetlands located on them and that the Commission has not been approving this; that there is no current septic feasibility statement from DNREC; questioned if the Commission is permitted to approve something when 17 items need addressing; that the Commission has to vote on what is presented before them; that there are certain aspects that are expected to be shown on plans; that the proposed entrance is poorly located and was done in order to gain an additional lot; that this type of development is not conducive to the area since it is located in the middle of agricultural lands; and that the items in Subsection 99-9C of the Subdivision Code have not been addressed.

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Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to deny this application for the reasons stated.

Motion carried 5 – 0.

OTHER BUSINESS

Parker's Point Addition
Revised Subdivision Plan – Beth's Court

Mr. Abbott advised the Commission that this is a request to combine a 1.36-acre open space parcel with Lot 53 which is 1.51-acres; that the revised lot 53 would then contain 2.87-acres and be considered one buildable lot; and that the Parker's Point Homeowners' Association has sent a letter in support of this request.

Mr. Robertson advised that he would like the opportunity to review the restrictive covenants.

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

Motion carried 5 – 0.

Uhland T. Pepper
2 Lots on a 50' Right of Way – Road 88

Mr. Abbott advised the Commission that this is a concept to subdivide a 2.0-acre parcel into 2, 1.0-acre lots with access from a 50-foot right of way; that there is currently an old farm lane that serves as access to the 2.0-acre parcel and that the owner is proposing to widen the lane to a 50-foot right of way.

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

Motion carried 5 – 0.

Lynn J. and Linda T. Rogers
2 Lots on a 50' Right of Way – Road 257

Mr. Abbott advised the Commission that this is a request to subdivide 2, 1.01-acre lots out of a 59.53-acre tract; that access to the 2 lots would be from a proposed 50-foot right of way; that there is currently an existing road and the owner proposes to widen the existing road to a 50-foot right of way to serve as access for the 2 lots.

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

Motion carried 5 – 0.

Subdivision #2003 – 32 - - HM Properties
Stonewater Creek Phases 5 and 6 – Time Extension

Mr. Abbott advised the Commission that this is a request for a one-year time extension in order to obtain all agency approvals for final approval; that the Commission granted preliminary approval on March 11, 2004 for 201 lots; that approvals have been received from DelDOT and the Division of Public Health; and that this is the first request for a time extension.

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

Motion carried 5 – 0.

Meeting adjourned at 10:10 p.m.