



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF MARCH 3, 2005

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 3, 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. Abbott – Assistant Director, and Mr. Kautz – Land Use Planner.

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

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of February 10, 2005 and February 17, 2005 as amended.

OLD BUSINESS

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 acres into 33 lots, located north of Road 496 (Phillips Landing Road), 1,180 feet east of Broad Creek.

The Commission discussed this application which has been deferred since February 10, 2005.

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2004-18 for Milton Brunner; that in making this motion, he realizes that the Davis Family's land that is next to this project is an Agricultural Preservation District and that he praises them for preserving their land; and that the preservation of their land should not prohibit the reasonable development of their neighbor's land; and that his motion is based on the record and for the following reasons:

- 1) The subdivision meets the requirements of the Subdivision Ordinance and promotes the orderly growth of the County.
- 2) The proposed subdivision density is less than the density permitted by the existing AR-1 zoning. All but 8 of the lots are at least an acre in size.

- 3) The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values.
- 4) The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
- 5) The site is mostly wooded. The Applicant has stated that as many trees as possible will be maintained.
- 6) There are other subdivisions in the vicinity of this one.
- 7) The required buffers will screen and preserve and protect adjacent properties, including land owned by the Davis Family and the State.

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- 8) No wetlands will be included within any lots.
- 9) This motion is subject to the following conditions:
 1. Only 33 single-family lots shall be permitted.
 2. Restrictive Covenants shall be recorded governing the development with a homeowners' association responsible for the perpetual maintenance of streets, roads, buffers, storm water management facilities, erosion and sedimentation control facilities and other common areas.
 3. The storm water management system shall meet or exceed the requirements of the State and County. No drainage or runoff from the project shall flow onto adjacent properties.
 4. All entrances shall comply with all of DelDOT's requirements.
 5. The Restrictive Covenants shall include the Agricultural Use Protection Notice stating that adjacent property is part of an established Agricultural Preservation District.
 6. State and/or Federal wetlands appear to be located within the proposed project. The wetland disclosure notice required by County Code must be in the Restrictive Covenants.
 7. The site is mostly wooded. The Applicant has agreed that the wooded areas will be maintained as much as possible.
 8. No wetlands on the site will be impacted and no wetlands shall be included within any lots.
 9. A 30-foot buffer shall be established along the perimeter of the property next to the Davis property and lands owned by the State. This buffer shall be outside of the lots.
 10. The 30-foot buffer shall remain in its current, undisturbed state, with all existing vegetation maintained.
 11. As agreed by the Applicant, the Building Restriction Line shall be 60 feet from the perimeter of the project along the Davis property and State property. This 60 foot Building Restriction Line shall be measured to include the 30-foot undisturbed buffer that is outside of the individual lots.
 12. A notice shall be included in the Restrictive Covenants similar to the agricultural use protection notice that adjacent properties are actively hunted.

13. The Applicant must build a solid vinyl clad or equivalent fence along the entire property lines adjacent to the Davis lands prior to the issuance of any Building Permit for a lot along the buffer next to the Davis property.

Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried unanimously to grant preliminary approval of Subdivision #2004-18 for Milton Brunner for the reasons and with the conditions stated.

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Motion carried 5 – 0.

C/U #1594 – application of **R. CRAIG HUDSON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an office (sales center) to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 1.08 acres, more or less, lying at the northwest corner of the intersection of Route 9 and Route 30 at Gravel Hill.

The Commission discussed this application which has been deferred since February 17, 2005.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1594 for R. Craig Hudson, now subsequently for Saddlecreek, L.L.C., to operate an Options Sales Center for projects being built by Schell Brothers based upon the record made at the public hearing and 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.
- 2) The operation of an “options” sales center and model home will not generate a significant increase in traffic or noise.
- 3) This recommendation for approval is subject to the following conditions and stipulations:
 1. There will be only one lighted sign on the premises that shall not exceed 32-square feet per side or facing.
 2. Any such sign erected will not advertise any off-premise property.
 3. The current, non-permitted sign will be removed.
 4. The “Options” Sales Center will be confined to the “garage” area with the balance of the building to be maintained as a model home.
 5. A maximum of two (2) sales persons may be housed for the “Options” sales in the garage area.
 6. The project is specifically for an “Options” Sales Center and Model Home only. The project will not be occupied as offices for general contractors, contractors, general real estate salespersons or general retail operations.

7. No outside storage or construction equipment shall be allowed on the premises.
8. Any security lights shall only be installed on the building and shall not shine on neighboring properties.
9. All parking shall be confined to the rear of the property.
10. On site water and septic shall be provided.
11. A landscape buffer/fence with a minimum 5-feet in height shall be maintained along all boundaries with adjacent residential properties.
12. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

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

Motion carried 5 – 0.

PUBLIC HEARINGS

Mr. Robertson explained how the public hearings would be conducted and the procedures for the public hearings.

C/U #1595 – application of **SURYA PUJA, L.L.C.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for doctors offices to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 14,999 square feet, more or less, lying southeast of Savannah Road (Route 9), 1,300 feet southwest of Road 263.

Mr. Lank provided the Commission with copies of the Site Plan, floor plans and elevation drawings of the project.

Mr. Lank provided the Commission with a copy of a letter from Terrie L. Portmann, an adjacent property owner, expressing some concerns about the application.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service of Route 9 at this location will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Sassafras loam which has slight limitations for development; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction 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 a letter was received in support of the application from Rodolfo J. Rios, MD of Atlantic Eye Care.

The Commission found that Uday Jani of Surya Puja, L.L.C. was present with James Becker, Attorney.

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The Commission found that Dr. Jani submitted a letter from Richard F. Caruso, MD, in support of the application.

The Commission found that Dr. Jani and Mr. Becker stated in their presentations and in response to questions raised by the Commission that Dr. Jani plans to move his practice from his existing leased office across Route 9; that he proposes to convert the existing dwelling into office space; that he has two employees, a receptionist and a registered nurse; that he is an internist; that the majority of his patients are elderly citizens; that most of his morning hours are spent in the hospital; that he typically works 3 full days and 2 half days; that business hours are from 9:00 a.m. to 4:30 p.m. by appointment only with no weekend hours; that emergency cases are met at the hospital; that he proposes to maintain the residential character of a dwelling when converted; that he proposes to convert the garage into three (3) examination rooms; that he sees approximately 15 to 17 patients per day; that part of the existing decking on the rear of the dwelling will be removed and converted to create handicap ramps; that he has no objection to a stipulation limiting the use to one doctor or business hours; that he receives deliveries approximately once per month; that adequate space is available for parking to the rear of the site; that his contractor has been in contact with DelDOT about the entrance and with DNREC about the septic system; that the application should not impact neighboring property values; that they propose to install lighting along the ramps for safety; and that he has no objections to a stipulation that a solid fence be erected along the Portmann property.

The Commission found that Dr. Jani submitted a letter from G. Alan Steele referencing that he has acquired the services of Atlantic Resource Management and Bryon Jefferson Engineering to create acceptable designs for the new septic system.

The Commission found that Terrie Portmann was present and stated that she is not in opposition to the application only concerned about Route 9 traffic, the lack of central sewer, the recent bike lanes along Route 9, and lights shining into her home from the parking lot.

The Commission found that there were no parties present 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 that the Commission recommend approval of C/U #1595 for Surya Puja, LLC for a medical office on Savannah Road based upon the record made at the public hearing and for the following reasons:

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- 1) The proposed Conditional Use is similar to other uses in the area. There are several other medical and professional offices located in this area of Savannah Road.
- 2) The project, with the conditions and stipulations placed upon it will not have an adverse impact on the neighboring properties or community.
- 3) This use, in the vicinity of Beebe Hospital, will benefit the health, safety and welfare of Sussex County residents by providing accessible medical services.
- 4) This recommendation for approval is subject to the following conditions and stipulations:
 1. There will only be one unlighted sign on the premises that shall not exceed 32 square feet per side or facing.
 2. Any security lighting shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or towards Savannah Road.
 3. The hours of operation for the business on this site shall be limited to 8:30 a.m. to 6:00 p.m. Monday through Friday. Emergency services can be provided at any time.
 4. The site plan shall be subject to approval of the Planning and Zoning Commission.
 5. There shall only be one physician on the premises.
 6. A solid fence shall be constructed along the boundary with the Portmann property as a screen.

Motion carried 5 – 0.

C/U #1597 – application of **SHIRLEY RAWLINS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for dog grooming to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.0 acre, more or less, lying west of Route One, 175 feet north of Route 16.

Mr. Lank provided the Commission with copies of a survey of the property.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended; that the level of service of Route One at this location will not change as a result of this application; that the Department recommends that the County deny this application because it is inconsistent with the Corridor Capacity Preservation Program (CCPP); that the Department will not allow new or expanded direct access to the Route One corridor; and that if the County approves the application, the Department will not issue an entrance permit.

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The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Sassafras sandy loam which has slight limitations for development; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction 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 Shirley Rawlins was present and stated in her presentation and in response to questions raised by the Commission that she is technically not in business; that the 4' by 8' sign on the site has attracted some future clients; that presently she does some grooming off site; that she was not given a violation by County staff; that she does not intend to keep animals over-night after grooming; that the grooming that she would perform includes washing, drying, cutting nails and ear care, not hair-cutting; that she this proposal is a part-time project; that she would be working from 8:00 a.m. to 1:00 p.m. on Mondays and Thursdays; that she would be working from 8:00 a.m. to 3:00 p.m. Wednesdays and Fridays; that she would groom 6 to 8 dogs on Mondays and Thursdays and up to 12 dogs on Wednesdays and Fridays; that customers may drop off animals; that the garage will be converted for the grooming business; that she may have a delivery once every 3 months; that the driveway is adequate to turn around and drive out, rather than backing out onto Route One; that she has 5 pet dogs; and that her fence is buried 1-foot deep into the ground with a rock base to keep her dogs from digging out.

The Commission found that Russell Donovan, an adjacent property owner, stated that he did not oppose the proposed dog grooming, but requested that an additional fence be erected to keep dogs from coming over on his property.

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

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

Motion by Mr. Wheatley, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that C/U #1597 for Shirley Rawlins be approved since there should be no negative impact on the neighborhood or community and with the following conditions:

- 1) One ground sign, not exceeding 32 square feet per side or facing may be permitted. The existing sign may serve as the one permitted sign.
- 2) Business hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday. There shall be no weekend hours.
- 3) There shall be no boarding of clients animals.
- 4) There shall be no outside kennels for clients animals.

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- 5) An entrance permit shall be required from DelDOT prior to consideration of the site plan.
- 6) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion carried 5 – 0.

C/U #1598 – application of **DEBBIE S. PORTER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a fencing business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 41,542 square feet, more or less, lying north of Route 9, 2,800 feet west of Route 261, and being Lot 10 within Stamper Farms.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended; that the level of service of Route 9 at this location will not change as a result of this application; that the Department sees this Conditional Use application as encouraging more traffic in an area that has been identified as operating at unacceptable levels of service; and that this segment of Route 9 operates at Level of Service “E” during the summer peak hour.

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

The Commission found that Debbie S. Porter and James Porter were present and stated in their presentations and in response to questions raised by the Commission that during the winter months they have 2 employees; that during summer months they have 3 employees; that they maintain no inventory; that they receive deliveries once a week or two weeks; that they propose a pole barn for storage of materials and vehicles; that they will be fabricating gates and fence sections in the pole barn; that there is adequate space in the rear yard for parking and storage; that they have not been violated by County staff; that they have erected a 7-foot high solid cedar fencing around the yard; that customers may come to the site once or twice per week; that they propose to store materials outside along the rear fence line; that the tools used for the fabrication work are nail guns, circular and chop saws, and routers; that scrap treated lumber and vinyl are placed in a dumpster and hauled away; that scrap cedar is saved for firewood; that the dumpster is

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located in an enclosed cedar enclosure; that they do fabrication work for approximately 1 to 2 hours per day; that they have two trucks; that they have one hired helper; that one neighbor is a landscaper and another neighbor is a builder; that they purchased the site due to the location; that the office is presently a desk in the dwelling; that they propose to create an office in the pole building; that security lighting will be installed on the building with downward lighting so as not to impact neighboring properties; that the front yard will be landscaped; that the cedar fencing cost approximately \$30,000; and that the pole building will be one-story.

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.

Mr. Wheatley stated that he would move that the Commission recommend denial of C/U #1598 for Debbie S. Porter seeking a Conditional Use for a fencing business based on the record and for the following reasons:

- 1) He does not believe that the application is consistent with the character of the surrounding property.
- 2) The purpose of this requested Conditional Use is to operate an on-site fencing business with fence fabrication. While there is some limited business or commercial zoning or uses in the vicinity along Route 9, there are no similar Conditional Uses on the same side of the road where neighboring residential properties are located. This use would be out of character with the adjacent and surrounding properties on the same side of Route 9.
- 3) Although the Applicant stated that the intended use is limited and would likely be occurring while the property is also used as a residence, he believes that there are other locations that are currently zoned for commercial use that are available and better suited for the intended use.

- 4) The requested Conditional Use does not promote the health, safety, convenience and general welfare of the neighborhood or community.

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 denied for the reasons stated.

Motion carried 5 – 0.

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Subdivision #2004-22 – application of **TERRANCE BABBIE** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 47.57 acres into 62 lots, (Cluster Development) located at the southeast corner of the intersection of Route 38 (Jefferson Road) and Road 229 (Smith Road).

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on July 14, 2004 and that the report will be made a part of the record for this application; that the applicants submitted an Exhibit Booklet on February 25, 2005 and that the booklet will be made a part of the record for this application; and read a letter in opposition received from Dan Smith on March 2, 2005.

The Commission found that Gene Bayard; Attorney, Terrance Babble; Applicant, and John Barwick with Meridian Architects and Engineers were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that an exhibit booklet was previously submitted; that the booklet contains copies of tax maps, the cluster ordinance, and the Technical Advisory Committee Report; that DelDOT is not requiring that a traffic impact study be done; that DNREC has stated that the site is suitable for individual on-site septic systems and submitted a copy of the septic feasibility statement into the record; that there are two recreation areas proposed with one being located on each end of the subdivision; that walking trails are provided throughout the site; that the required 30-foot forested buffer strip has been provided and it is even extended into the wooded areas; that the 61 lots make up 70% of the site; that the streets make up 13% of the site; that the storm water management areas and recreation areas make up 5% each of the site; and that the buffers make up 12% of the site; that the storm water management will be reviewed by the Sussex Conservation District; that the streets will be private and built to Sussex County specifications; that Cypress trees will be planted around the site; that the minimum square footage for the proposed dwellings will be 1,800 for one-story homes, 2,100 for one and a half story homes, and 2,400 for two-

story homes; that the minimum square footage is for living space and does not include decks, porches or garages; that only on-site stick built dwellings will be permitted; that the design meets the requirements of the cluster ordinance and subdivision code; that the location of the storm water management ponds is determined by the topography of the site; that the proposed recreation areas are located where the soils are not suitable for septic systems; that fences could be erected around the recreation areas; that the design of the site provides for open space; that the project will provide homes for first time home buyers; that 0.75-acre lots do not provide for much open space; that the minimum lot size proposed is 0.50-acre; that individual wells will be provided; that streetlights and sidewalks could be provided if required; that the recreation areas will be planted with shrubbery or fenced in; that the proposed custom homes will enhance adjoining property values; that the recreation areas could be relocated if required to do so; that the site is currently farmland; that the applicant has a contract to purchase the property; that the

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project has not been reviewed by the Office of State Planning Coordination through the PLUS process; that there is over 12% of open space provided; that the applicant may market the project as land/home packages; that the minimum starting price for land/home packages will be \$250,000.00; and that the minimum square footages of the dwellings are for living space only.

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

The Commission found that Joe Sykes, Jodie Messick, Ed Chalabala, Norma Wilson, Martin Benson, and Jessica Lyden were present in opposition to this application and advised the Commission that there are approximately 174 vacant lots within a 1-mile radius of the site; questioned why the locations of the recreation areas are located adjacent to the existing roads; questioned why a traffic impact study has not been done; that there is a lot of traffic along Route 38; that there are other developments proposed for the area; that farmland is being destroyed for development; questioned what types of buffers will be planted and what types of homes are proposed; questioned what types of septic systems will be used; that development needs to be stopped in the area; that the design is based on getting as many lots possible and does not provide for much open space; that school bus traffic in the area is bad; that the development will create noise for the adjoining land owners; and that the location of the entrance is not a good location.

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

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to defer action until the application is reviewed by the Office of State Planning Coordination through the PLUS process.

Motion carried 5 – 0.

Subdivision #2004-23 – application of **FOSTER IRVING WALLS, IV** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 6.56 acres into 2 lots, located at the end of Beverly Lane and being lot 16 within Creek Falls Farm Subdivision.

Mr. Wheatley advised the Commission that he would not be participating in this hearing.

Mr. Abbott advised the Commission that the applicant has submitted the required 51% approval of the property owners that they are aware of and have no objections to the application and read a letter received from Mr. and Mrs. Rickenbach opposed to the application.

The Commission found that Mr. Walls was present on behalf of this application and

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stated in his presentation and in response to questions raised by the Commission that he is building a dwelling on lot 16; that he would like to sell a 0.75-acre lot; that lot 16 does not have to comply with the restrictive covenants of Creek Falls Farm; that over 51% of the property owners in Phase 4 agree with and have no objections to the subdivision; that the dwelling under construction is centered on a 6.0-acre lot; and that he has no intentions of subdividing the property any further.

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

The Commission found that Ed Rickenbach and Mike Grybowski were present in opposition to this application and advised the Commission that they were told that the 6.0-acre parcel would not be subdivided; that the site slopes toward the Broadkill Branch to the rear of the site; and that run-off could impact the Branch.

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

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried 4 votes to none, with Mr. Wheatley not participating, to defer action so that Mr. Robertson may have a chance to review the restrictive covenants.

Motion carried 4 – 0 – 1.

OTHER BUSINESS

- 1) Five Points Square
Preliminary Commercial Site Plan
Savannah Road and Road 276

Mr. Abbott advised the Commission that this is a preliminary site plan for a 49,680 square feet of commercial buildings and 30 multi-family units located on 8.75 acres; that the site is zoned C-1; that there are six, 7,560 square foot and one, 4,320 square foot commercial buildings proposed; that there are three, 8-unit multi-family buildings and one, 6-unit multi-family building proposed; that all of the building lengths, building separation distances, and setbacks meet the requirements of the zoning code; that 249 parking spaces are required for the commercial buildings and provided; that 35 parking spaces are located within the front yard setback and need a waiver from the Commission; that 90 parking spaces are required and provided for the multi-family buildings which includes an attached garage for each unit; that landscaping has been provided on the site plan; that sidewalks are also provided; that central water will be provided by Tidewater Utilities and central sewer will be provided by Sussex County; that there are not any wetlands located on the site and that the site is not located in a flood zone; that the site

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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. Smith and carried unanimously to approve the site plan as a preliminary with the waiver for the parking located within the front yard setback, and with the stipulation that final approval shall be subject to the staff receiving all agency approvals.

Motion carried 5 – 0.

2) Warrington Creek MR/RPC
C/Z #1503 – Final Record Plan – Road 274

Mr. Abbott advised the Commission that this is the final record plan for a 282-unit residential planned community; that the Commission granted revised preliminary approval for the site plan on April 15, 2004; that the final record plan is the same 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 5 – 0.

3) Parker's Point Addition
Revised Subdivision – 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 contains 1.51-acres; that Lot 53 would then become a

2.87-acre buildable lot; that the Parker's Point Homeowners' Association Board of Directors has approved this request; and that this item was deferred on February 10, 2005 so that Mr. Robertson could review the restrictive covenants.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to defer action so that Mr. Robertson can review the restrictive covenants.

Motion carried 5 – 0.

- 4) Swanendael
Revised Subdivision – King's Drive

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Mr. Abbott advised the Commission that this is a request to combine 9 existing lots into 1 parcel and to delete a portion of Kings Drive; that this request is due to the amount of wetlands located on the site.

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

Motion carried 5 – 0.

- 5) Derwin B. Lowe
3 Lots and 50' Right-of-Way – Route 9

Mr. Abbott advised the Commission that this is a request to create 3 lots with access from a 50-foot right of way; that the surveyor and applicant have submitted two plans; that the first one is to create a cul-de-sac at the end of an existing parcel; that this is the owner's preferred option since less than 5,000 square feet would be disturbed thus making it necessary for the Sussex Conservation District to review the project; that the only way that the three lots would be able to meet the minimum 100-foot lot width requirement would be to have a front yard setback of 113.50-feet; that the owner is willing to deed restrict the front yard setback however the County has not done this in the past; that the second option would be to extend the right of way and create a cul-de-sac; and that this option would disturb more than 5,000 square feet and would be subject to the requirements of Sussex Conservation District.

The Commission found that Derwin Lowe was present and advised the Commission that he needs to sell the three lots to be able to care for his mother; that he would prefer the first option; and that there are not any developments located near the site.

Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried unanimously to defer action so that Mr. Robertson can review this request.

Motion carried 5 – 0.

- 6) Subdivision #2002-50 – Richard Hitch
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the application received preliminary approval on March 13, 2003 for 5 lots; that the Commission granted an extension on April 15, 2004; that all agency approvals have been received except the Sussex County Engineering Department; and that this is the second request for an extension.

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

Motion carried 5 – 0.

- 7) Subdivision #2003-9 – 1st State Development, L.L.C.
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the application received preliminary approval on August 28, 2003; that the Commission granted a time extension on August 12, 2004; and that this is the second request for an extension.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to grant a one-year time extension with the stipulation that this will be the last extension granted.

Motion carried 5 – 0.

- 8) C/U #1510 – Cedar Creek Landing Campground
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the application was approved by the County Council on April 6, 2004; that the Commission granted preliminary site plan approval on December 16, 2004; and that this is the first request for an extension.

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

Motion carried 5 – 0.

Meeting adjourned at 10:15 P.M.