



## *Planning & Zoning*

Agendas & Minutes

### MINUTES OF THE REGULAR MEETING OF JUNE 9, 2005

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, June 9, 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 Mrs. Mowbray – Zoning Inspector III.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as revised by deletion of C/U #1613, which was withdrawn on June 8, 2005.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve the Minutes of May 26, 2005 as amended.

### PUBLIC HEARINGS

Subdivision #2004-33 – application of **CINDY L. AND HARRY L. BLADES, JR.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred, Sussex County, by dividing 5.0 acres into 3 lots, located east of Road 346, 1.050 feet north of Road 347.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed and discussed this application on November 17, 2004 and that the Technical Advisory Committee Report for that meeting is a part of the record for this application.

Mr. Lank advised the Commission that DelDOT granted minor subdivision approval for this subdivision on April 10, 2005 with the condition that all access shall be from the 50-foot private road (Gunner Lane); that the residual lands of Blades shall have access from the existing entrance from Road 346; and that if the residual lands shall ever be re-developed then access shall be from Gunner Lane with no direct access to Road 346.

Mr. Lank advised the Commission that a DNREC statement of feasibility for septic has not yet been received for this subdivision.

The Commission found that Harry L. Blades was present and stated in his presentation and in response to questions raised by the Commission that he proposes to develop 3 lots for his children and that the septic designer has reported to him that all of the lots can be serviced with gravity septic systems.

Mr. Robertson advised the Commission that he has not reviewed any deed restrictions and that the deed restrictions will be required to include maintenance provisions and the agricultural protection notices.

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

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

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to defer action pending receipt of a septic feasibility. Motion carried 5 – 0.

Subdivision #2004-34 – application of **DAGSBORO TRACE, L.L.C.** to consider the Clustered Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 21.70 acres into 27 lots, located south of Route 26, approximately ½ mile west of Townsends Road (Road 340).

Mr. Lank noted that the Commission had received revised site plans and an exhibit booklet and that the exhibit booklet contains plans of the subdivision, a sketch for the recreational area, a cross section for the roadway, a wetlands evaluation prepared by Atlantic Resource Management, Inc., and a Statement of Feasibility for septic on the lots within the subdivision.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed and discussed this application on November 17, 2005 and that the Technical Advisory Committee Report for that meeting is a part of the record for this application.

Mr. Lank advised the Commission that 57 letters had been received in support of this subdivision.

The Commission found that Patrick Montaque, W. Donald McCoy, Jr. of Davis, Bowen & Friedel, Inc., and James Fuqua, Jr., Attorney, were present on behalf of this subdivision and stated in their presentations and in response to questions raised by the Commission that 27 lots are proposed on 21.70 acres; that the lots are designed as ½ acre lots; that they have received a Statement of Feasibility for septic systems; that they propose 1.24 lots per acre; that the lots will be served with individual septic systems and on-site wells; that they propose one entrance collector road with 3 small cul-de-sacs; that

30' wide landscape buffers have been provided along all adjoining agricultural lands; that a playground/recreational area has been provided; that the site is partially cleared and partially wooded; that they propose to maintain as many trees as possible; that according to the Comprehensive Plan the site is located in a Low Density Area and the Environmentally Sensitive Developing Area; that the front 600' is located with the Environmentally Sensitive Developing Area; that there are no wetlands on the site; that there are some business and commercial activities in the immediate area; that the site is across from the entrance to Gull's Way Campground, a 900 units camping area; that there will be minimal impacts on woodlands and wetlands; that there are no objectionable

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features; that the site is feasible for septic; that a water feature, a fountain, is proposed in the pond; that the entrance will be built to State specifications; that there should be no negative impact on schools; that the area has mixed uses of residential and commercial; that they plan on fencing and landscaping along the buffers; that interconnections have been provided for any future development from adjacent properties; that the stub streets will be partially paved to serve the adjacent lots and are not proposed to extend to the property line; that the natural flow of runoff of the existing grade of the property flows toward Route 26; that the stormwater management area has been located in this area; that the site of the tot-lot was chosen since this area was not suitable for septic due to a former poultry house; that the open space provided includes the tot-lot and landscape buffers; that DelDOT may allow overflow from the stormwater management pond to fall into the Route 26 drainage system according to DelDOT representatives; and that the adjoining property to the east of the site may access this street system in the future.

The Commission found that Mr. Fuqua submitted some Findings of Fact relating to this application for consideration by the Commission.

The Commission found by a show of hands that there were 5 parties present in support of the application and 1 person in opposition.

The Commission found that Gary Cox, an adjoining land owner to the east, stated that he has no major objections to the subdivision; that he has not been contacted by the developers to discuss the proposal; that he is concerned about the lack of a buffer between the property line and the proposed street; and that he is concerned about trash going into the stormwater pond.

At the conclusion of the public hearings, the Commission discussed this application. Concerns were expressed about whether or not this application was a superior design over a standard subdivision layout and the number of lots being changed from 19 to 27 lots; that the findings of facts submitted by the Applicant need to be reviewed; that the Technical Advisory Committee Report needs to be reviewed; and that the stormwater management location needs to be reviewed.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to defer action pending further study. Motion carried 5 – 0.

C/U #1611 – application of **GREENWOOD PALLET CO., INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for repairs and manufacturing of shipping containers to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 4.2 acres, more or less, lying northwest of Road 582, 1,550 feet northeast of Route 404.

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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 582 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 the site 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 affected; that there are no tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that T.J. Tennefoss, the owner of Greenwood Pallet Co., Inc., was present, submitted a sketch of the site showing driveways around the building and fencing and stated in his presentation and in response to questions raised by the Commission that he proposes to erect a privacy fence across the front of the storage area; that the large pad site on the property is an old hatchery pad; that he looks forward to purchasing the property, rather than leasing; that 60% of the pallets are used agriculturally and referenced watermelons, poultry, tomatoes, etc.; that he sells specialty pallets to box companies; that he rebuilds shipping containers; that some of the containers are constructed of wood and plywood; that he repairs plastic shipping boxes by providing platform bases for the boxes; that he recently refurbished some pallets that had been shipped from Europe; that exported items can no longer be shipped in wooded products; that no chemicals are involved in his repair or construction; that typical repairs to a wooden pallet would be the replacement of broken boards; that they salvage approximately 90% of the wood from broken pallets for reuse; that some of the salvaged wood is ground up into mulch; that semi-trucks will deliver pallets to the site; that the pallets will be stored in the proposed storage area or indoors; that wooden pallets will only be stored outdoors for a short time; that loading, unloading and sorting of pallets may be done outside; that approximately ½ of the building will be used for repair work areas; that all plywood will be stored indoors; that vehicles and trailers will be stored outdoors; that the company has 2 flatbed trailers and some box trailers; that business hours are proposed to be from 6:00 a.m. to 5:00 p.m. weekdays during summer months,

7:00 a.m. to 5:00 p.m. weekdays during winter months, and Saturdays from 7:00 a.m. to 1:00 p.m.; that there shall not be any Sunday hours; that no repair work will be performed outside; that some pallets will be heat-treated for overseas shipping; that the closeness of Route 404 to the site makes it appropriate for access to the site; that the existing driveway is paved; that he presently has 12 employees and proposes at least 2 additional employees; that he would like to erect a slatted wood fence at least 10' high and that he would paint the fence white; that the abandoned dwelling on the site may be remodeled for employee housing; that he and the neighboring farmer plan on sharing the existing driveways; that they are approximately 2 miles from the Bridgeville Fire Hall;

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that a water tank exists on the site; that 2 – 4" wells exists on the site; that the existing building is constructed of concrete and the floors are concrete; that Perdue recently moved some of their equipment from the site; that he is presently operating the business west of Seaford; and that he has a contract to purchase the property.

The Commission found by a show of hands that there were 4 parties present in support of this application.

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

Mr. Wheatley stated that he would move that the Commission recommend approval of Conditional Use #1611 since it supports agricultural industries, since it is a useful use of an existing building, since the use will be a benefit to the welfare of the County, and with the following conditions:

- 1) The final site plan shall depict the location of the solid fence and shall be subject to review and approval by the Planning and Zoning Commission. Pallets shall not be stacked any higher than the fence.
- 2) The fencing shall provide screening from all public roads.
- 3) There shall be no outside storage of anything, except for vehicles, trailers and pallets.
- 4) Business hours shall be limited to 6:00 a.m. to 5:00 p.m. Monday through Friday during summer months, 7:00 a.m. to 5:00 p.m. Monday through Friday during winter months, and Saturdays from 7:00 a.m. to 1:00 p.m. There shall be no Sunday business hours.
- 5) There shall be no dismantling, repair work or manufacturing outside.
- 6) The Site Plan shall be subject to review and approval by the Planning and Zoning Commission.

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 for the reasons and with the conditions stated. Motion carried 5 – 0.

C/U #1612 – application of **CANAL PLACE, LLC** to consider the Conditional Use of land in a GR General Residential District for multi-family dwelling structures (87 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 14.6 acres, more or less, lying west of Cedar Neck Road (Road 357), across from Fred Hudson Road (Road 360), and east of White's Creek.

The Commission found that the Applicants had submitted, earlier this week, revised site plans, an exhibit booklet, and an appendices booklet which contains references to the project team, an executive summary, site data, utility services, stormwater management

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and a nutrient removal system, utility commitment letters, a boundary survey and legal description, preliminary site plans, a Phase I Environmental Site Assessment, a traffic study letter from DelDOT, a jurisdictional determination letter, an endangered or threatened species letter, copies of County Ordinances for the Lakes and Courts at Old Mill, now referred to as Bayside at Bethany Lakes, an area tax map depicting projects in the immediate area, a copy of the Court of Chancery decision regarding Lynn Lee Village, and proposed conditions.

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 357 may change from level of service "C" to level of service "D".

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are Fill land; that the Applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that tidal flooding could be an issue; that off-site and on-site drainage improvements may be necessary due to the low lying area with flat topography; that no tax ditches are affected; and that the Applicant should check with the State of Delaware and the U.S. Army Corps. of Engineers for required wetland permits.

The Commission found, based on comments received from the Office of State Planning Coordination, that the application was reviewed through the Preliminary Land Use Service (PLUS) on June 2, 2004 and that the Office provided comments on June 21, 2004 relating to comments from the Office of State Planning Coordination, DelDOT, DNREC as they relate to soils, wetlands, ERES waters, TMDL's, buffers, stormwater management, floodplains, boat facilities, recreation, habitat, and underground storage tanks, State Fire Marshal's Office as they relate to fire protection water requirements, accessibility, gas piping and system information, and required notes, the Department of Agriculture, Delaware Emergency Management Agency, and the County Planning and Zoning Department.

The Commission found that Canal Place. L.L.C. responded to the PLUS comments on May 20, 2005 to address the issues raised by each of the PLUS agencies. A copy of the response is a part of the record for this application.

The Commission found that James Fuqua, Attorney, Richard Polk of ESP Design Services, Inc., and Ed Launay of Environmental Resources, Inc. were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that Canal Place L.L.C. is requesting a Conditional Use for 87 single-family detached dwelling condo units on 14.6 acres; that in 1988 Key Box "5" Operatives, Inc. purchased the existing 87 unit mobile home park and for 17 years has operated the park with long-term leases; that in 2000 the leases were proposed to be

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terminated; that the Court of Chancery allowed for termination of the leases; that Canal Place L.L.C. has a contract to purchase the property; that an article appeared in the June 8, 2005 Wave newspaper that is incorrect and misleading; that the existing 87 unit mobile home park has 3 streets built between 4 lagoons; that they propose to provide central water through Sussex Shores Water Company; that public sewer is available through the County; that they have received Ability to Serve letters from all appropriate utilities; that DelDOT did not require a traffic impact study or any major changes in the entrance at Road 357 since the same number of units are proposed; that the density is not being changed; that the existing boat ramp and docking facilities will be improved; that there should be no negative impact on natural features; that the intended use is compatible to the area; that the site is across from the Salt Pond and Bethany Lakes communities and adjacent to the Bayside at Bethany Lakes project now under construction and the Collins Park Subdivision, a GR General Residential project; that the Bayside at Bethany Lakes project contains 160 units on 25 acres with a density of 6.4 units per acre; that this proposal is a logical and effective way to use sewer capacity since 87 sewer laterals already exists on the site to serve the existing 87 mobile home spaces; that the project is designed to be a boating community; that the streets have been repaved since the sewer laterals were installed; that the cul-de-sacs will be widened; that curb and gutter will be installed; that streetlights will be installed; that homes are proposed to be oriented toward the docks with stair access to the docks from community areas; that a condominium association will be established to provide for maintenance of community areas; that shade trees will be planted in community areas; that the proposed homes will measure approximately 28' by 48' with decks and 2-car garages; that they propose to create a network of sand filters and bio-infiltration swales for stormwater management and will meet or exceed the requirements for TMDL's; that they have not yet met with DNREC on how to improve water quality in the dead-end lagoons; that DNREC has streamlined the process to allow for maintenance of the bulkheads and piers; that they plan on working with the DNREC to obtain permits to improve the lagoons and may request the use of turbine water fans for water circulation; that they are planning on planting shade trees along the lagoons to reduce water temperatures; that they intend to secure the shoreline and extend piers out over the shoreline; that the DNREC will require an

operations and maintenance plan; that they will acquire all necessary permits from the DNREC and the U.S. Army Corps. of Engineers; that the mobile home park currently has 16 vacant lots; that the lagoons contain 2 acres of the 14.6 acre tract; that the site plan depicts some temporary trailer spaces at the boat ramp; that boats and boat trailers will be parked in off-site facilities; that they have met with staff of the County Engineering Department and were informed that they could utilize all existing laterals; that this is a land use application, not a public hearing to consider whether the leases could be terminated; that the site is located in an Environmentally Sensitive Developing Area, a growth area; that the record contains an Environmental Assessment Report; that the number of development applications in the area shows that this is a growth area; that the use is consistent with the Conditional Use application for the adjacent project, Bayside at

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Bethany Lakes; that the use is a redevelopment of the site from a mobile home park to a condominium project with the same number of units; and that higher density should be located in this area.

The Commission found that Mr. Fuqua submitted some proposed conditions of approval should the project be approved, a copy of the referenced Wave news article, a copy of a color rendering of the project, an aerial photograph of the site showing existing conditions, a aerial photograph of the site with attached photographs of existing docks, an aerial photograph of the site superimposed with the adjacent projects, and a drawing of a typical building, a typical walkway and pier, and a typical cluster of dwellings.

The Commission found that Linda Hanna was present in opposition to this application, provided a booklet of information which included her reasons of opposition, a copy of her lease in the park, a copy of Delaware Code Title 25 Chapter 71, a copy of former Attorney General Charles Oberly's testimony in the Court of Chancery; and stated that the tenants of Lynn Lee Mobile Home Park purchased 99-year leases with the park; that the tenants are currently in Court with the landlords, Key Box "5" Operatives, Inc.; that this application is not being requested by the current landowners; that the proposed change of use is a conversion of land use and should be treated as such under Delaware Code Chapter 71 of the Manufactured Home Lots and Leases Act; that if the County grants a change of use from a mobile home use to multi-family dwelling structures it will place the Delaware Manufactured Home Industry in jeopardy; that something must be done to prevent the vicious circle of eviction from occurring to manufactured home residents; that the County should not approve the change of use; and that the County should not render it's decision on this application until the Courts have made their final decision after all appeals.

Mr. Robertson stated that the Court of Chancery has rendered a decision; that the termination of leases is not a land use issue; and that the opposition needs to address reasons in opposition to the application.



The Commission found that William J. Reed, Vice-President of the Manufactured Home Tenants Association, was present in opposition and expressed concerns that tenants will become endangered species, and that the owners did not comply with the required notice procedures in reference to termination of leases.

The Commission found that James Jeffers expressed concerns that the Toll Brothers project which is adjacent to the site has run-off problems, that silt fencing is laying in a lagoon, and that the use affects the quality of life of the residents in the area.

The Commission found that Joyce O'Neal, Secretary of the White House Beach Tenants Association questioned the price range for the proposed homes.

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Mr. Polk advised the Commission that the homes might be priced in the \$800,000 range.

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

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to defer action.  
Motion carried 5 – 0.

C/U #1613 – application of **FRESH CUT** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a landscaping and site work business headquarters to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 25.156 acres, more or less, lying northwest of Route 293, 1,500 feet southwest of Route 5.

This application was withdrawn on June 8, 2005.

#### OTHER BUSINESS

Heritage Village MR/RPC

C/Z #1482 – Preliminary Site Plan – Postal Lane (Road 283)

Mr. Lank advised the Commission that this site plan is for 147 residential units; that the County Council approved the RPC on August 5, 2003 with 14 conditions; that the conditions of approval are referenced on the site plan; that there are 9 duplex buildings for 18 units, 12 8-unit buildings, 2 7-unit buildings, 3 6-unit buildings and an existing apartment over the pro shop; that 147 units are proposed and permitted by the approved Ordinance; that 441 parking spaces are required and that 494 parking spaces are proposed; that the setbacks, building lengths, and building separations meet the requirements of the Zoning Ordinance, but need to be referenced on the final site plan; that there are no wetlands located on the site; that the site is not located within a flood zone; that central sewer will be provided by the County; that central water will be provided by Tidewater Utilities, Inc.; that sidewalks and streetlights are provided as

required by the conditions of approval; that the site plan is suitable for preliminary approval; and that final approval shall be subject to review and approval by the Commission upon receipt of all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Wheatley and carried unanimously to grant preliminary approval of the site plan. The final site plan shall be subject to review and approval by the Commission upon receipt of all appropriate agency approvals. Motion carried 5 – 0.

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Subdivision #2004-11 – Urguhart & Company  
Byewood Manor – Revised Preliminary – Road 349

Mr. Lank advised the Commission that this cluster option subdivision, containing 7,500 square foot lots, and received preliminary approval on January 13, 2005 for 40 lots with access from Road 349; and that the revised plan abandons the entrance off of Road 349, which will become open space adjacent to Collins Creek Subdivision, reduces the number of lots from 40 to 38, and creates 2 interconnections to the streets within the Bay Forest Club residential planned community, which has received preliminary approval.

James Fuqua, Attorney, was present on behalf of the application, and stated that 40 lots were approved on January 13, 2005; that access to the project was from Road 349; that the developers of Bay Forest Club propose to purchase the project and to redesign the project by elimination of the access road from Road 349, to convert the area of the access road into open space, and to interconnect the streets within the project with streets within the Bay Forest Club project; that the project is proposed to be reduced to 38 lots; and that the redesign should be an improvement to both projects.

Motion by Mr. Smith, seconded by Mr. Wheatley and carried unanimously to approve the concept of the revised preliminary. Motion carried 5 – 0.

Gerlinde H. Voegelé  
C/U #1059 – Revised Site Plan – U.S. Route 13

Mr. Lank advised the Commission that this is a revised site plan to add a one-story 1,800 square foot (30' by 60') building with a 6' by 60' porch for retail sales (yard sales); that the setbacks meet the requirements of the Zoning Ordinance; that the County Council approved the Conditional Use on December 14, 1993; that the site plan may be approved as amended or the Commission can require an amended Conditional Use application.

Motion by Mr. Wheatley, seconded by Mr. Smith and carried unanimously that the revised site plan be denied as submitted and that the Applicant be notified that she shall be required to apply for a Conditional Use to expand the use on the site. Motion carried 5 – 0.

C/U #1534 – Ken Davis

Time Extension – Roads 473 and 446

Mr. Lank advised the Commission that this is a request for a one-year time extension; that the County Council approved the application for an auto body shop on May 18, 2004; that the Commission granted preliminary approval of the site plan on October 21, 2004; that the Applicant has received approval from DelDOT; that the Applicant is still

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waiting for approval from the Office of the State Fire Marshal; and that this is the first request for a time extension.

Motion by Mr. Gordy, seconded by Mr. Wheatley and carried unanimously to grant a time extension for one-year. Motion carried 5 – 0.

Randolf E. Gooner

Lot and 50' Right-of-Way – Road 243

Mr. Lank advised the Commission that this is a request to create a 0.852-acre lot with access from an existing 50' right-of-way; that under the Commission's old policy relating to 3 lots and a 50' right-of-way this would be the second lot with access from the right-of-way; and that the Commission can approve the lot as submitted or require an application for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Wheatley and carried unanimously to approve the lot with access from the existing right-of-way as submitted. Motion carried 5 – 0.

Mark Hardesty

Lot and 50' Right-of-Way – Road 490A

Mr. Lank advised the Commission that this is a request to create a lot with access from an existing 50' right-of-way off of Road 490A and that the Commission can approve the lot as submitted or require an application for a major subdivision.

Motion by Mr. Wheatley, seconded by Mr. Johnson and carried unanimously to approve the lot with access from the existing right-of-way as submitted. Motion carried 5 – 0.

Mark and Debbie Miller

3 Lots on a 50' Right-of-Way – Road 306

Mr. Lank advised the Commission that this is a request to subdivide a parcel into 3 lots with access from an existing 50' right-of-way; that 2 of the lots would contain 0.75 acre and the remaining lot would contain 1.41 acre; and that the Commission can approve the concept as submitted or require an application for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to defer action so that the staff can establish if the 50' right-of-way exists. Motion carried 5 – 0.

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Baywood Greens GR/RPC

C/Z #1458 Master Record Plan – Routes 22 and 24

Mr. Lank advised the Commission that this site plan is the Master Record Plan for a 1,002 unit residential planned community; that 1,056 units are permitted by the approved ordinance; that the 14 conditions of approval are referenced on the Master Record Plan; that 703 single-family lots and 299 multi-family units are proposed; that the Master Record Plan proposes 11 phases; that Phases 1, 2, 3, 6, 7, 10 and 11 are single-family lots and the remaining Phases are proposed for multi-family; and that the intent of the Master Record Plan is to show how the project will be developed.

Motion by Mr. Johnson, seconded by Mr. Wheatley and carried unanimously to approve the Master Record Plan as submitted. Motion carried 5 – 0.

Baywood Greens GR/RPC

Phase 10 Record Plan – Routes 22 and 24

Mr. Lank advised the Commission that this preliminary site plan for Phase 10 contains 81 single-family lots; that the layout is the same as the Master Record Plan; that preliminary approval can be granted; that final approval shall be subject to the approval of the Commission upon receipt of all appropriate agency approvals and with the stipulation that the final record plan be in compliance with the Subdivision and Zoning Ordinances.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to grant preliminary approval of the site plan for Phase 10 of Baywood Greens. The final site plan shall be subject to review and approval by the Commission upon receipt of all appropriate agency approvals. Motion carried 5 – 0.

Subdivision #2002-43 – Boca East

Revised Record Plan – Road 279

Mr. Lank advised the Commission that this site plan is a revised record plan; that the revisions include the reconfiguration of some of the lots, the relocation of 5 lots, streets being lengthened and shortened, the elimination of some cul-de-sacs, and the addition of recreational facilities; that the revisions are the result of a change in the sewer treatment facility by the State DNREC; that the revised record plan creates more open space; and that no lots have been conveyed or transferred.

James Fuqua, Attorney, and Gary Moore of River Basin Engineering were present on behalf of this application and advised the Commission that they have relocated a stormwater management facility, reduced cul-de-sac lengths or looped streets, relocated some lots, reduced the size of the sewer treatment area to place lots and a buffer next to

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existing lots in an adjacent subdivision; that DNREC has approved a revised sewer treatment facility to allow for rapid infiltration; and that Tidewater Utilities, Inc. will operate the treatment facility.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the revised record plan. Motion carried 5 – 0.

Meeting adjourned at 10:38 p.m.