



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE SPECIAL MEETING OF JANUARY 17, 2008

A special meeting of the Sussex County Planning and Zoning Commission was held Thursday afternoon, January 17, 2008 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Benjamin Gordy, Mr. I.G. Burton, Mr. Michael Johnson and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Mr. Shane Abbott – Assistant Director, and Mr. Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Agenda as amended by removal of Item 14 from Other Business. Motion carried 4 – 0.

CONSENT AGENDA

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Consent Agenda as circulated. Motion carried 5 – 0.

The Consent Agenda includes:

Subdivision #2004-11 – application of **URQUHART & COMPANY** to consider the Subdivision (Clustered Development) of land in a MR Medium Density Residential District in Baltimore Hundred, Sussex County, by dividing 11.19 acres into 40 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located north of Road 349, 1,500 feet southeast of Road 347.

This is the final record plan for a 32-lot cluster subdivision. The Commission granted preliminary approval for 40 lots on January 13, 2005 and granted a revised preliminary approval on June 9, 2005 for 38 lots. The Commission also granted one-year time extensions on November 30, 2005 and December 14, 2006. The final record plan complies with the Subdivision Code and conditions of approval. All agency approvals have been received.

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).

This is the final record plan for a 49-lot cluster subdivision. The Commission originally granted preliminary approval on October 13, 2005 and granted a time extension and final approval for 49 lots on June 20, 2007. The Commission granted a revised preliminary approval for 49 lots on October 17, 2007. The revised final plan is the same as the revised preliminary plan. The final record plan complies with the Subdivision Code and the conditions of approval. All agency approvals have been received.

Subdivision #2004-37 – application of **WAYNE MITCHELL** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 21.75 acres into 24 lots, located west of Road 288-A, 0.5 mile south of Road 280-B.

This is the final record plan for a 16-lot standard subdivision. The Commission granted preliminary approval for 16 lots on February 1, 2006 and granted a one-year time extension on November 14, 2007. The final record plan complies with the Subdivision Code and the conditions of approval. All agency approvals have been received.

Subdivision #2006-12 – application of **SCOTT SCHAEFFER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 10.89 acres into 2 lots, a variance from the maximum allowed cul-de-sac length of 1,000 feet, and a waiver from the street design requirements, located north of Route 5, 3,200 feet northwest of Road 292.

This is the final record plan for a 2-lot standard subdivision. The Commission granted preliminary approval on May 24, 2007. The final record plan complies with the Subdivision Code and the conditions of approval. All agency approvals have been received.

Time Extensions:

- a. C/U #1670 – Phillip D. Murray

This is a request for a one-year time extension. The Conditional Use for Auto Repair and Part Sales was approved on December 12, 2006. This is the first request for an extension. If an extension is granted, it should be retroactive to the anniversary date of approval and will be valid until December 12, 2008.

- b. C/U #1722 – West Rehoboth Community Land Trust

This is a request for a one-year time extension. The Conditional Use for Multi-Family Dwelling Structures (4 units) was approved on January 30, 2007, This is the first request for an extension. If an extension is granted, it will be valid until January 30, 2009.

c. Subdivision #2005-74 – Delmarva Woodlands Alliance 4, L.L.C.

This is a request for a one-year time extension. The Commission granted preliminary approval for 296 lots on December 14, 2006. This is the first request for an extension. If an extension is granted, it should be retroactive to the anniversary date of the preliminary approval and will be valid until December 14, 2008.

d. Subdivision #2005-80 – John Schulties and Alton Mast

This is a request for a one-year time extension. The Commission granted preliminary approval for 15 lots on December 14, 2006. This is the first request for an extension. If an extension is granted, it should be retroactive to the anniversary date of the preliminary approval and will be valid until December 14, 2008.

e. Subdivision #2005-89 – Terrance Babbie

This is a request for a one-year time extension. The Commission granted preliminary approval for 13 lots on December 21, 2006. This is the first request for an extension. If an extension is granted, it should be retroactive to the anniversary date of the preliminary approval and will be valid until December 21, 2008.

f. Subdivision #2005-96 – Arion Development

This is a request for a one-year time extension. The Commission granted preliminary approval for 99 lots on April 19, 2007. This is the first request for an extension. If an extension is granted, it will be valid until April 19, 2009.

g. Subdivision #2006-32 – Burton's Pond Communities, L.L.C.

This is a request for a one-year time extension. The Commission granted preliminary approval for 265 lots on March 15, 2007. This is the first request for an extension. If an extension is granted, it will be valid until March 15, 2009.

h. C/U #1718 – Artesian Water Company, Inc.

This is a request for a one-year time extension. The Conditional Use was approved on December 5, 2006. This is the first request for a time extension. If an extension is granted, it should be retroactive to the anniversary date of approval and will be valid until December 5, 2008.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approval all items on the Consent Agenda. Motion carried 5 – 0.

OLD BUSINESS

Subdivision #2005-63 – application of **DREAM BUILDERS CONSTRUCTION, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 307.71 acres into 251 lots, located south of Route 40, 580 feet west of Road 591.

Mr. Abbott advised the Commission that this 251-lot standard subdivision application was deferred on August 26, 2006 pending DelDOT's comments in reference to reviewing and approving the traffic impact study for the project. DelDOT has reviewed and approved the traffic impact study and has issued a Letter of No Objection for the entrance location. DNREC has issued a septic feasibility statement indicating that the site is suitable for individual on-site septic systems.

The Commission discussed this application.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Subdivision #2006-48 – application of **DOUG COREY** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 26.85 acres into 25 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located at the northwest corner of the intersection of Route 404 and Road 42.

Mr. Abbott advised the Commission that this 25-lot subdivision application was deferred on December 20, 2007 for further consideration. DNREC has issued a septic feasibility statement indicating that the site is suitable for individual on-site septic systems and DelDOT has issued a Letter of No Objection for the entrance location.

The Commission discussed this application.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Subdivision #2006-52 – application of **L. T. ASSOCIATES** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 119.14 acres into 242 lots, (Environmentally Sensitive Developing District Overlay Zone), located southeast of Road 267, and south of Hawkseye and Wolfe Runne Subdivisions.

Mr. Abbott advised the Commission that this 242-lot Environmentally Sensitive Developing District Overlay Zone subdivision application was deferred on December 20, 2007 for further consideration. Central sewer will be provided by Sussex County.

The Commission discussed this application.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

OTHER BUSINESS

Sussex Tech High School
C/U #976 – Revised Site Plan – Route 9

Mr. Abbott advised the Commission that this is a revised site plan for a 13,024 square foot (176' x 76") addition to the high school. The addition is for classroom purposes. The Conditional Use was approved on August 13, 1991. The setbacks meet the requirements of the Zoning Code. Existing on-site sewer and water will be utilized. One of the conditions of approval is "any future expansions, on-site, shall require review and approval by the Commission; a public hearing will not be necessary." If preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

The Commission discussed this revised site plan.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all appropriate agency approvals. Motion carried 5 – 0.

Jeffrey and Terri Portmann
C/U #1698 – Site Plan – Savannah Road (Route 9)

Mr. Abbott advised the Commission that this is a site plan for professional office space (accountant) located on 14,999 square feet. The Conditional Use was approved on October 2, 2007 with 4 conditions. The site plan is the same as submitted for the public hearing. The office is in the existing garage. The 4 conditions of approval are referenced on the site plan. If preliminary approval is granted, final approval could be subject to the office receiving approvals from DelDOT and the State Fire Marshal's Office.

The Commission discussed this site plan.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving approvals from DelDOT and the State Fire Marshal's Office. Motion carried 5 – 0.

Harry H. Isaacs, III
C/U #1699 – Site Plan – Road 231

Mr. Abbott advised the Commission that this is a site plan for a go-kart track located on 3.24 acres. The Conditional Use was approved on October 2, 2007 with 4 conditions. The site plan is the same as submitted for the public hearing. The 4 conditions of approval are referenced on the site plan. 80 parking spaces are provided outside of the 40-foot front yard setback. If preliminary approval is granted, final approval could be subject to the office receiving all agency approvals.

The Commission discussed this site plan.

Motion by Mr. Burton, seconded by Johnson and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Artesian Water Company, Inc.
C/U #1756 – Site Plan – Road 286

Mr. Abbott advised the Commission that this is a site plan for a regional water utility treatment facility. The Conditional Use was approved on August 14, 2007 with 5 conditions. A 46' x 27' building is proposed. The building is required to have a residential appearance. The setbacks meet the requirements of the Zoning Code. The required landscaping plan has been submitted and includes canopy trees, understory trees, evergreen trees and shrubs. A sidewalk and asphalt driveway are also provided. If preliminary approval is granted, final approval could be subject to the office receiving all agency approvals.

The Commission discussed this site plan.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

The Villages of Elizabethtown
C/U #1724 – Site Plan – Route 30

Mr. Abbott advised the Commission that this is a site plan for a sewage treatment plant. The Conditional Use was approved on July 31, 2007 with 9 conditions. There are three (3) biological treatment lagoons, a sludge lagoon, three (3) irrigation storage lagoons, a 2,404.67 square irrigation pump building, a 2,404.67 square foot control building, a 1,750 square foot storage building, a 4,664.06 square foot filter/disinfection building, three (3) 9,974.30 square foot clarifiers, and a 2,404.67 square foot screening/blower building proposed. A 30-foot forested buffer from all property lines is required and a 50-foot forested buffer has been provided. All building setbacks and lagoon setbacks meet the requirements of the Zoning Code and the conditions of approval. The site plan complies with the conditions of approval. If preliminary approval is granted, final approval could be subject to the office receiving all agency approvals.

The Commission discussed this site plan.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approval and a landscape plan. Motion carried 5 – 0.

Plantations Medical and Professional Center
C/U #1573 – Revised Site Plan – Road 275

Mr. Abbott advised the Commission that this is a revised site plan for a medical and professional center. The revision is for three (3) 1-½ story 8,101 square foot buildings. The previous approved plan was for three (3) 1-story 6,076 square foot buildings. The setbacks meet the requirements of the Zoning Code. 58 parking spaces are required and 94 are provided. Sussex County will provide central sewer to the site and Tidewater Utilities, Inc. will provide central water. There were no stipulations in the conditions of approval referencing the size of the buildings. If the revised preliminary approval is granted, final approval could be subject to the office receiving all agency approvals.

The Commission discussed this site plan.

The Commission found that Rob Burton was present on behalf of the applicants and stated that they originally planned four (4) buildings; that the site plan depicted three (3) buildings and a future building; that they are now proposing three (3) buildings with greater square footage; that more than adequate space is available on the site for parking and septic; that they intend all medical oriented professional uses; and that the parking requirements need to be checked and verified.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the site plan in concept only and that revised preliminary site plans shall be required to be submitted to the Planning and Zoning Commission for review and approval. Motion carried 5 – 0.

Candy Kitchen
Commercial Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary site plan for a 2,760 square foot retail store located on 0.33 acres. The site is zoned C-1 General Commercial. DelDOT has issued a Letter of No Objection for the entrance location. The setbacks meet the requirements of the Zoning Code. Eleven (11) parking spaces are required and thirteen (13) are provided. Two (2) parking spaces and a portion of two (2) other spaces are within the front yard setback and are subject to site plan review. The required 20-foot landscape buffer has been provided. Central sewer will be provided by Sussex County and central water will be provided by Tidewater Utilities, Inc. If preliminary approval is granted, final approval could be subject to the office receiving all agency approvals.

The Commission discussed this site plan.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all appropriate agency approvals. Motion carried 5 – 0.

Bethany Blues
Commercial Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary site plan for a 7,840 square foot restaurant located on 1.29 acres. The site is zoned C-1 General Commercial. DelDOT has issued a Letter of No Objection for the entrance location. The entrance is located off of Jiffy Way. There is no direct access to Route One. The setbacks meet the minimum requirements of the Zoning Code. Ninety-six (96) parking spaces are required for this project. Eighty-six (86) spaces have been provided on the site. Under the shared parking ordinance, a minimum of 107 parking spaces will be provided. Twenty-one (21) spaces are off-site. Nineteen (19) spaces are located within the front yard setback on this site and are subject to site plan review. Element has submitted a Shared Parking Study as required by the ordinance along with shared parking agreements between the adjoining properties. Sussex County will provide central sewer to the site and Tidewater Utilities, Inc. will provide central water. The 20-foot landscape buffer will include 21 deciduous trees and 25 shrubs as noted on the landscape plan. If preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Mr. Robertson stated that the Shared Parking Ordinance has been complied with; that the Applicant submitted an Access and Parking Easement Agreement; and that the Easement Agreement must be recorded prior to issuance of a Certificate of Compliance.

The Commission discussed this site plan.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all appropriate agency approvals. Motion carried 5 – 0.

High Tide Church
Preliminary Site Plan – Route 26

Mr. Abbott advised the Commission that this is a preliminary site plan for an 8,288 square foot church and office located on 19.30 acres. The site is zoned AR-1 Agricultural Residential and C-1 General Commercial. A 1,946 square foot parsonage dwelling is also proposed. The setbacks meet the requirements of the Zoning Code. The site plan indicates that 65 parking spaces are required which would be for 260 seats and 85 spaces are provided. An on-site well is proposed until public water becomes available. On-site septic is proposed until the site is annexed into the Dagsboro-Frankford Sanitary Sewer District, which has been submitted. If preliminary approval is granted, final approval could be subject to the office receiving all agency approvals.

The Commission discussed this site plan.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all appropriate agency approvals. Motion carried 5 – 0.

Restoration Worship Center
Preliminary Site Plan – Route 9

Mr. Abbott advised the Commission that this is a preliminary site plan for a 5,000 square foot church located on 11.47 acres. The site is zoned AR-1 Agricultural Residential. The setbacks meet the requirements of the Zoning Code. Seventy-one (71) parking spaces are proposed. On-site septic and an on-site well are proposed. If preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

The Commission discussed this site plan.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all appropriate agency approvals. Motion carried 5 – 0.

The Vinyards
Site Work Authorization – Route 9

Mr. Abbott advised the Commission that the engineering firm representing this application is requesting permission from the Commission to be permitted to do site grading work on this site subject to Sussex Conservation District approval while awaiting all other regulatory agency approvals. If this request is approved, site work should be limited to what is permitted by the District approval.

Mr. Abbott added that a letter from Jeff Clark of Land Tech Land Planning, LLC was attached to the Information Report provided.

The Commission found that Jeff Clark was present and stated that the Commission approved the Master Plan in May 2007; that Phase I approval was granted subject to receipt of all agency approvals; that Phase I site work includes the entire site based on the work authorized by the Sussex Conservation District; that no finished grading is proposed, only rough grading; that they hope to have all agency approvals and permits within six (6) months; that they are asking permission to do site work subject to receipt of their permit from the District; that if another agency alters the site plan it will be necessary to revise and correct the site plan approval with the District; and that his client has no objection to a bonding method being held at 125% of the construction cost estimate from the District.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

The Peninsula MR-RPC
Amended Condition – Road 299

Mr. Abbott advised the Commission that this is a request to amend a condition of approval for the Peninsula Residential Planned Community. Condition #10 states “Recreational facilities, e.g. tennis courts, swimming pool, community buildings, pathways, trails and beaches shall be constructed and open to use by the residents within two (2) years of the issuance of the first residential building permit”. The Vice President of Development has sent a letter requesting that the Commission grant an extension until 2010 to build the Golf Clubhouse and the Nature Center.

Mr. Abbott added that the letter from Frank W. Connoley, Vice-President of Development, explaining this request along with a copy of the Minutes from a recent Homeowners’ Association meeting are attached to the Information Report provided.

Mr. Abbott submitted a report on the golf course and community amenities that are currently open and in use. This report was received earlier today.

Mr. Abbott also submitted a copy of a letter from Richard L. Abbott of the Abbott Law Firm, LLC on behalf of Dennis and Carolyn Silicato, owner of Lots 21 and 22 in the Peninsula.

The Commission found that Jim Fuqua, Attorney, was present on behalf of the developer, and referenced that he had not seen the letter from Richard L. Abbott; that he thought that Mr. Connoley was supposed to be present; and requested deferral.

The Commission found that Dennis Silicato was present and stated that he purchased Lots 21 and 22 in the Peninsula and is building a dwelling on the combined lots; that the Peninsula has done a great job; that the golf course is excellent; that he was assured that the clubhouse would be built immediately; that the clubhouse has not been started; that a date for the completion of the clubhouse is needed; that the Ordinance approving the project was granted with conditions that the clubhouse be built at a specific time; and that there should be a legal obligation to complete the project as submitted.

The Commission found that Jim Fuqua again requested deferral and added that a lot of improvement have been constructed; that a temporary clubhouse does exist; that the developer is requesting more time to build the clubhouse; and that he would like to review the Richard L. Abbott letter.

Mr. Robertson stated that he would like to review the Richard L. Abbott letter, the Zoning Code, the Ordinance approving the project, and the Minutes of the original public hearings.

Mr. Robertson asked that the staff provide copies of the Code, the Ordinance approving the project, and the Minutes for distribution to the Commission for review.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried 4 votes to 1 with Mr. Smith opposing the motion to defer action for the opportunity for the staff and legal counsel time to provide the documentation requested. Motion carried 4 – 1.

Subdivision #2006-31 – South Shores Builders
Request for Reconsideration of Preliminary Approval.

Mr. Abbott advised the Commission that this is a request for reconsideration of the preliminary approval granted by the Commission on November 14, 2007. The Applicant's attorney is requesting that the Commission give reconsideration of Condition #2 that eliminated Lots 11 through 16.

Mr. Abbott added that the letter from Timothy G. Willard, Attorney, is attached to the Information Report provided.

The Commission found that Jim Fuqua, Attorney, was present on behalf of Mr. Willard, who is a legislative attorney in session with the legislators, and that Mr. Willard's letter seems self-explanatory.

The Commission found that John Murray, Project Manager for Kercher Engineering, was present and stated that the original subdivision plan contained 24 lots; that Lots 11 through 16 were eliminated since they crossed a water feature; that the DNREC letter was cited and referenced that the lots were disconnected and would result in forest loss, wetlands filling, and inadequate wetlands buffers; that they are asking for reconsideration based on 99-9C of the Subdivision Code which relate to integration of terrain and landscape, minimal use of wetlands, minimization of tree vegetation and soil removal, and preservation of natural features; that wetlands has been delineated; and that trails can be installed throughout the community.

The Commission found that Joseph DeFrancisco of South Shores Builders was present and stated that there are alternatives to installing septic systems in wooded areas and that the site is suitable for mostly standard gravity systems and some LPP systems.

The Commission found that Mr. Murray added that a question was asked if any consideration was given to the cluster option and that the Applicants preferred the standard subdivision; that the Corp. of Engineers have not yet responded to the delineation; and that conservatively 1/4 or 1/3 of the trees could be lost.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Subdivision #2004-17 – Hopkins-Pettyjohn
Revised Condition – Route 9

This item was removed from the Agenda.

Jordan Reynolds
2 Parcels and 50' Easement – Route 30

Mr. Abbott advised the Commission that this is a request to create a parcel with access from a 50-foot easement. The owner proposes to subdivide a 5.58-acre parcel into 2 parcels. Parcel 1 will contain 1.52 acres. Parcel 2 will contain 4.06 acres. The parcel has an existing dwelling located on it. The owner proposes to create the 50-foot easement over an existing driveway across parcel 1. The driveway is referred to as Splinter Lane and has a 911 addressing sign. The Commission can approve the subdivision as submitted or require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve this request to subdivide. Motion carried 5 – 0.

Anthony D. and Barbara E. Palmer
Lot and 50' Right-of-Way – Road 451

Mr. Abbott advised the Commission that this is a request to create a minimum 0.75-acre lot with access from an existing 50-foot right-of-way. If approved, this would be the third lot having access from the right-of-way. If approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this request to subdivide with the stipulation that any further subdivision of the property shall require an application for a major subdivision. Motion carried 5 – 0.

Danny Pham
3 Lots and 50' Right-of-Way – Road 494

Mr. Abbott advised the Commission that this is a request to subdivide 4.16 acres into 3 lots and to create a 50-foot right-of-way to serve as access to the 3 lots. Lot 2 will contain 0.75 acre, Lot 3 will contain 1.34 acres and has an existing dwelling and shed located on it, and the residual lands will contain 2.17 acres. DelDOT has issued a Letter of No Objection to the entrance location. All three lots will have access from the proposed 50-foot right-of-way. DelDOT is requiring that the existing entrance on Lot 2 be closed. The Commission can approve the request as submitted or require an application for a major subdivision. If approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried unanimously to approve this request to subdivide with the stipulation that any further subdivision of the property shall require an application for a major subdivision. Motion carried 5 – 0.

Benjamin Chad Jenkins
3 Lots and 50' Right-of-Way – Road 589A

Mr. Abbott advised the Commission that this is a request to create 3 lots and residual lands with access from a 50-foot right-of-way. Lot 1 will contain 2.20 acres. Lot 2 will contain 1.99 acres. Lot 3 will contain 1.85 acres. The residual lands will contain 5.18 acres. All of the lots will have access from a proposed right-of-way. The aerial photograph does not depict a lane or driveway where the proposed right-of-way will be located. This request should be required to go through a major subdivision process since there would be 4 lots with access from the right-of-way, and that there is not a lane or driveway located where the right-of-way will be.

The Commission discussed this request to subdivide.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to deny this request to subdivide. The Applicant shall be advised that an application for a major subdivision shall be required. Motion carried 5 – 0.

Dennis M. and Candice Clayton
2 Lots and 50' Right-of-Way – Route 46

Mr. Abbott advised the Commission that this is a request to create a 1.19-acre lot and a 2.06-acre lot with access from a 50-foot right-of-way. The right-of-way is located in an area where a secondary access was approved for this parcel during a minor subdivision approval. The Commission can approve this request as submitted or require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the request to subdivide. Motion carried 5 – 0.

Richard Miller
2 Lots and 50' Right-of-Way – Road 54

Mr. Abbott advised the Commission that this is a request to subdivide a 4.0-acre parcel into 2 lots with access from an existing 50-foot easement. The easement was approved by the Commission in 1989. If approved, there would be a total of 3 lots having access from the easement. If approved, it should be stipulated that any further subdivision will require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve this request to subdivide with the stipulation that any further subdivision shall require an application for a major subdivision. Motion carried 5 – 0.

David West
2 Lots and 50' Right-of-Way – Road 42

Mr. Abbott advised the Commission that this is a request to subdivide a 5.0-acre parcel into 2 lots and to create a 50-foot right-of-way. The owner proposes to create a 2.00-acre lot with access from the proposed 50-foot right-of-way. The right-of-way will be created over an existing driveway. The adjacent parcel was approved by the Commission in November of 2006. The Commission can approved the request as submitted or require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve this request to subdivide. Motion carried 5 – 0.

Joseph V. and Virginia S. Mangone
2 Lots and 50' Easement – Road 531

Mr. Abbott advised the Commission that this is a request to subdivide a 3.07-acre parcel into 2 lots and to create a 50-foot easement. Lot 1 will contain 1.6175 acres and be accessed from the 50-foot easement. The residual lands will contain 1.4450 acres and have an easement crossing it. The owner proposes to create the 50-foot easement over an existing paved driveway. This request was approved by the Commission in 2006 but the access was to be from the 50-foot private road. DelDOT has issued a Letter of No Objection. The request can be approved as submitted or the Commission can require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried unanimously to approve this request to subdivide. Motion carried 5 – 0.

John D. Mills
Lot and 50' Right-of-Way – Route 9

Mr. Abbott advised the Commission that this is a request to create a 0.75-acre parcel with access from a 50-foot easement. The Commission approved Lot 1 in May 2006. If approved, there would be a total of 3 lots having access from the easement. If approved as submitted, it should be stipulated that any further subdivision will require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve this request to subdivide with the stipulation that any further subdivision shall require an application for a major subdivision. Motion carried 5 – 0.

Jeffrey W. and Denise J. Irwin
3 Lots and 50' Right-of-Way – Route 9

Mr. Abbott advised the Commission that this is a request to subdivide a 10.00-acre parcel into 3 lots and to create a 50-foot right-of-way over an existing gravel driveway to serve as access to the 3 lots. Lot 1 will contain 2.00 acres. Lot 2 will contain 2.00 acres. The residual lands will contain 4.655 acres. The Commission can approve the request as submitted or require an application for a major subdivision. If approved as submitted, it should be stipulated that any further subdivision will require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the request to subdivide with the stipulation that any further subdivision shall require an application for a major subdivision. Motion carried 5 – 0.

Mary Lou Dickson, and Barbara A. Dorman and Donald W. Dorman
2 Parcels and 50' Easement – Route 24

Mr. Abbott advised the Commission that this is a request to create a 13.23-acre parcel and an 18.86-acre parcel with access to both parcels from a 50-foot easement. This subdivision is for settlement of an estate. DeIDOT originally approved a shared entrance for the two parcels, however the owners prefer a perpetual easement. The Commission can approve this request as submitted or require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the request to subdivide with the stipulation that any further subdivision shall require an application for a major subdivision. Motion carried 5 – 0.

Daniel J. Gordy
Lot and 50' Easement – Road 479

Mr. Abbott advised the Commission that this is a request to create a 0.75-acre lot with access from a 50-foot easement out of a 3.747-acre tract. The owner proposes to create the 50-foot easement over an existing gravel driveway. The Commission can approve the request as submitted or require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this request to subdivide with the stipulation that all existing structures located within the easement be removed. Motion carried 5 – 0.

Millard F. and Sylvia J. Vannoy
2 Parcels and 50' Right-of-Way – Road 492

Mr. Abbott advised the Commission that this is a request to create a 2.705-acre parcel out of an 8.235-acre tract. The residual 5.530-acre tract will have access from a 50-foot right-of-way. The Commission can approve the request as submitted or require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this request to subdivide. Motion carried 5 – 0.

Gary L. Davis
Parcel and 50' Easement – Road 585

Mr. Abbott advised the Commission that this is a request to create an 8.641-acre tract with access from a 50-foot easement. 3 poultry houses improve the 8.641-acre tract and manure shed. The easement crosses a 6.379-acre parcel. The Commission can approve the request as submitted or require an application for a major subdivision.

The Commission discussed this request to subdivide.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this request to subdivide with the stipulation that any further subdivision shall require an application for a major subdivision. Motion carried 5 – 0.

ADDITIONAL BUSINESS

The Commission discussed the scheduling for Special Meetings in February and March 2008.

There was a consensus of the Commission to hold a Special Meeting on February 20, 2008 at 3:00 p.m. for the purpose of reviewing Old Business and Other Business items.

There was a consensus of the Commission to hold a Special Meeting on March 5, 2008 at 3:00 p.m. for the purpose of holding public hearings for scheduled Change of Zone, Conditional Use, and/or Subdivision applications.

There was a consensus of the Commission to hold a Special Meeting on March 19, 2008 at 3:00 p.m. for the purpose of reviewing Old Business and Other Business items.

Meeting adjourned at 5:25 p.m.