



# PLANNING & ZONING

## AGENDAS & MINUTES

### MINUTES OF THE REGULAR MEETING OF JANUARY 24, 2008

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, January 24, 2008 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Benjamin Gordy, Mr. Michael Johnson, Mr. Rodney Smith, and Mr. I. G. Burton III with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Revised Agenda as circulated and showing that C/Z #1614 had been withdrawn. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of January 10, 2008 as amended. Motion carried 5 – 0.

### OLD BUSINESS

**C/U #1707** – application of **THE KEITH CORPORATION** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a retail store and mini-storage to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 9.47 acres, more or less, lying west of U.S. Route 13, 450 feet north of Route 46 (Elks Road).

The Commission discussed this application which has been deferred since November 8, 2007.

Mr. Gordy stated that he would move that the Commission recommend approval of C/U #1707 for the Keith Corporation for a retail store and mini-storage based upon the record and for the following reasons:

1. The proposed use as a tractor supply company and mini-storage will benefit the residents of the area and the agricultural operations in the area.
2. The site is designated as a growth area under the current Sussex County Land Use Plan Update. The areas to the north, south and east of the site are zoned and used commercially and include automotive sales, boat sales, retail, a trucking company, a lumber company and other uses.
3. The proposed use will not adversely affect neighboring and adjacent properties.

4. This recommendation is subject to the following conditions:
  1. The proposed retail and self-storage facility shall substantially conform with the preliminary site plan submitted with the application.
  2. On site water wells and wastewater systems shall comply with all County and DNREC requirements.
  3. The Applicant shall comply with all DelDOT requirements concerning the project.
  4. Stormwater management shall meet or exceed all County and State requirements.
  5. Security and parking lot lighting shall be screened with downward illumination to avoid shining on neighboring properties.
  6. The self-storage facility shall be surrounded by a security fence and arrangements shall be made with the Seaford Fire Department to coordinate emergency access to the site.
  7. Access to the self-storage facility by tenants shall be only between 7:00 a.m. and 9:00 p.m. and no outside storage, including vehicles and boats, shall be permitted at the self-storage facility.
  8. A landscape plan shall be submitted as part of the final site plan review, showing all buffers, including the existing buffer along the westerly property line.
  9. The Applicant shall be allowed to erect signage as permitted in the CR-1 Zoning District of the County Zoning Code.
  10. The areas to be used for outside storage or display associated with the retail facility shall be clearly designated on the Final Site Plan.
  11. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

**C/U #1714** – application of **BERNARD DERA** to consider the Conditional Use of land in a GR General Residential District for a multi-family dwelling structure (4 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 32,653 square feet, more or less, lying west of Route 357 (Cedar Neck Road) and north of Assawoman Canal.

The Commission discussed this application which has been deferred since December 13, 2007.

Mr. Smith stated that he would move that the Commission recommend denial of Conditional Use #1714 for Bernard Dera for a multi-family dwelling structure based upon the record and for the following reasons:

1. The property that is the subject of this application is not suitable for the type of multi-family development that has been proposed under the Conditional Use. It is

- a pre-existing single-family lot with an irregular shape located immediately adjacent to the Assawoman Canal.
2. The surrounding properties in the immediate vicinity of the project consist primarily of single-family homes or lots. The multi-family project that is proposed would not be in character with the neighboring and adjacent single-family properties.
  3. The Sussex County Engineering Department has commented that the project is located in an area of residential single-family lots and that the proposed project exceeds System Design Assumptions for the area. According to the Engineering Department, the proposed project is a density of 5.33 units per acre which exceeds the System Design Assumption of 1 EDU for the property. For this reason, the Sussex County Engineering Department has recommended against approving the project that exceeds the design assumptions and capacity allocations for the sewer system.
  4. County Engineering has stated that there is not sewer capacity for 4 units and the Applicant has not provided a firm confirmation that central water is available from a water utility for the property to justify the increased density in this Zoning District.
  5. The Applicant did not provide an environmental impact study report by a credentialed environmental assessment professional.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be denied for the reasons stated. Motion carried 5 – 0.

**ORDINANCE AMENDMENT – AN ORDINANCE TO REPEAL CHAPTER 80, RELATING TO LOT MAINTENANCE AND TO AMEND CHAPTER 115, ZONING, ARTICLE, XXV, SECTION 115-191 RELATING TO THE PARKING, STORING AND MAINTENANCE OF VEHICLES AND BOATS AND PROHIBITED GROWTHS AND ACCUMULATIONS ON NON-AGRICULTURAL LANDS, WASTE MATERIALS OUTSIDE COMMERCIAL PREMISES, ENFORCEMENT METHODS AND THE VIOLATIONS AND PENALTIES RESULTING THEREFROM.**

The Commission discussed this Ordinance Amendment which has been deferred since November 8, 2007.

Mr. Burton stated that he would move that the Commission recommend a denial of the proposed ordinance to repeal Chapter 80 relating to lot maintenance and to amend Chapter 115 relating to the parking, storing and maintenance of vehicles and boats for the following reasons:

1. While the purpose of the proposed ordinance makes sense, how it is currently drafted is of concern.
2. Lot maintenance and prohibited growths should be addressed in an ordinance separate from issues regarding the parking, storing and maintenance of vehicles, boats and trailers. The ordinance concerning vehicles should be separated since

- many concerns are different from the lot maintenance and growth proposal. With some fairly minor revisions, a separate vehicle ordinance could be acted on favorably.
3. An ordinance relating to the parking, storing and maintenance of vehicles and boats on lots is a good idea. However, County Council should consider limiting its effect to areas designated under the Comprehensive Development Plan as either developing areas or town centers. And it should only apply to vehicles unregistered for more than 1 year.
  4. The proposed language concerning prohibited growth and accumulations is the same as what previously existed in Chapter 80 of the Code for many years. However, the wording should be clarified. The proposed wording is too broad to distinguish between ornamental grasses or landscaping and it does not address some growth that may be appropriate for environmental reasons or rural areas of the County that are sparsely populated. As with the ordinance relating to vehicles and boats, perhaps the ordinance should be directed towards developing areas and town centers.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be denied with the reasons stated. Motion carried 5 – 0.

**C/Z #1630** – application of **L. T. ASSOCIATES, LLC** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying at the southeast corner of the intersection of Road 267 (Gills Neck Road) and Road 268, to be located on 68.30 acres, more or less.

Mr. Lank provided the Commission with copies of the DelDOT Traffic Impact Study as requested on January 10, 2008 and advised the Commission that the record will be left open for 20 days so that anyone can submit written comments only on the DelDOT information for the Commission's future consideration.

Mr. Robertson advised the Commission that a motion was not necessary since the Traffic Impact Study was requested and that no action was required at this time on the application since the record still remains open for comments on the DelDOT information.

**C/U #1772** - application of **L. T. ASSOCIATES, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwelling structures (472 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 186.56 acres, more or less, lying south of Road 267 (Gills Neck Road) approximately 1,000 feet southeast of Road 268 (Kings Highway).

Mr. Lank provided the Commission with copies of the DelDOT Traffic Impact Study as requested on January 10, 2008 and advised the Commission that the record will be left

open for 20 days so that anyone can submit written comments only on the DelDOT information for the Commission's future consideration.

Mr. Robertson advised the Commission that a motion was not necessary since the Traffic Impact Study was requested and that no action was required at this time on the application since the record still remains open for comments on the DelDOT information.

## PUBLIC HEARINGS

Mr. Robertson advised those present on how the public hearings are conducted.

**C/U #1715** – application of **GOOD EARTH MARKET, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an office, professional space, café restaurant, and meeting space to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 9.2509 acres, more or less, lying south of Route 26, approximately 1,500 feet west of Route 17.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service "E" of Route 26 will not change as a result of this application.

The Commission found, based on comments received from the Sussex County Engineering Department Utility Planning Division, that the site is located in the Beaver Dam Planning Area; that the proposed Conditional Use will use an on-site septic system; that the County will be extending sewer to this area in concert with the Route 26 widening and sewer service will be available at some future time; that the County does not have a schedule for providing sewer service at this time; that the County has no objection to the project developing with an on-site septic system; that when the County provides sewer service, it is required that the on-site system be abandoned and a direct connection made to the County system at the property owners expense; and that a concept plan is not required.

Mr. Lank submitted site plans and advised the Commission that this application is a separate application on the same site for expansion of a previously approved Conditional Use for a retail produce market for the sale of organic produce and health foods.

The Commission found that David and Susan Ryan were present on behalf of Good Earth Market, LLC and stated in their presentations and in response to questions raised by the Commission that they propose to expand their health food store; that they propose to create professional office space, a café, a meeting place, and possibly a yoga studio; that the site is adjacent to the proposed Beebe Medical Center property; that the foods provided are organic and diet foods; that if all proposals are successful they may expand their number of employees by 10; that their immediate neighbors, the Schroecks, have written a letter in support; that they are open for business 7-days per week typically from 9:00 a.m. to 9:00 p.m. except during winter months when they are open from 9:00 a.m. to 6:00 p.m.; that they would like to erect a separate lighted sign for this project; that

security lighting is proposed; that they propose to install gravel parking, rather than pavement, since the gravel is less impervious; that the number of deliveries would be the same since this project will utilize the same organic/diet food service companies; that deliveries are received from fixed-body trucks, not tractor trailers; that they live on the site; that the building proposed will have a similar architecture design to the existing market; and that they sell more local honey and local eggs than anyone in the area.

The Commission found that Mr. Ryan submitted a letter in support from Julie and Joseph Schroeck, pictures of the existing health food store and organic farm, and a rendering of their site location and the proposed Beebe Medical Center location.

The Commission found that Donna Streletzky, Vice President of Operations for Beebe Medical Center, Inc., was present and stated that the Center is in support of this application on the neighboring property to the proposed Center.

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

At the conclusion of the public hearing on C/U #1719 the Commission discussed this application.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried with 4 votes to defer action for further consideration and for the staff to provide Mr. Robertson will a copy of the Ordinance that approved the original Conditional Use on this parcel. Motion carried 4 – 0. Mr. Burton was absent during the vote.

**C/U #1719** – application of **DANIEL D. RUPPERT, JR.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for professional office space to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.62 acre, more or less, lying southwest of Route 24, 315 feet south of Road 289.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service “E” of Route 24 will not change as a result of this application.

The Commission found, based on comments received from the Sussex County Engineering Department Utility Planning Division, that the site is located in the North Coastal Planning Area; that the proposed Conditional Use will use an on-site septic system; that the County is currently conducting a planning study for this area; that the study is scheduled for completion in 2008; that the County has no schedule to provide service to this project; and that; and that a concept plan is not required.

The Commission found that Daniel D. Ruppert, Jr. was present and stated in his presentation and in response to questions raised by the Commission that he proposes to open a general contractors type business within the dwelling to prepare plans, meet with

clients, and to show materials; that his wife is a bookkeeper that will be serving other small businesses; that they recently completed the dwelling and plan to retire from their present jobs; that approximately 1,000 square feet of the dwelling will be utilized for office space for his contracting business and his wife's bookkeeping business; that they will be residing in the dwelling; that his contractor work will include remodeling, building decks, laying carpet, with some plumbing, and possibly some minor heat and air repairs; that they do not plan on having any employees, but that he may need an employee on occasional jobs; that the dwelling contains 2,800 square feet and that they propose to utilize 1,800 square foot for living space; that no material storage is planned; that no signage is intended; that there are no known deed restrictions; that he will not be doing any manufacturing; that his one (1) work vehicle will probably be a van; that dwellings exist on both sides of his property; that the area to the rear is wooded; that a boat storage facility exists to the east; that a church exists to the west; and that a fire station exists across Route 24.

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

Motion by Mr. Johnson, seconded by Mr. Smith and carried with 4 votes to defer action for further consideration and to verify if any deed restrictions exist. Motion carried 4 – 0. Mr. Burton was absent for the vote.

**C/U #1774** – application of **ROBINO SEA CHASE, LLC** to consider an ordinance to delete and/or modify the conditions imposed in Ordinance No. 1455 for Conditional Use No. 1379, the application of Robino Sea Chase, LLC to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, lying at the northwest corner of the intersection of Road 275 and Road 274.

The Commission found that the Applicants had submitted an Exhibit Booklet on January 14, 2008 and that the Booklet contains a cover letter from Mark Dunkle, Attorney; a notice letter to the Applicant from the County Administrator; an explanatory letter from Mr. Dunkle; a copy of the preliminary site plan, dated July 13, 2001; a pool area detail from the preliminary site plan; an entrance detail from the final site plan recorded August 19, 2002; a pool area detail from the final site plan; an as-built plan showing conditions dated 2008 of the pool area detail with a recorded declaration plan comparison; a requested amendment approval for the pool area; and a full size print of the recorded final site plan.

Mr. Lank provided the Commission with copies of the full size recorded final site plan, and copies of the recorded "Fourteenth Amended Condominium Declaration Plan approved on October 28, 2004 as an example of the typical recordation of a declaration plan.

The Commission found, based on comments received from the Sussex County Engineering Department Utility Planning Division, that the site is located in the North Coastal Planning Area and that conformity to the Planning Area Study will be required;

that the Engineering Department has no comments since the Conditional Use relates to not constructing the community building; and that a concept plan is not required.

Mr. Lank advised the Commission that a letter with attachments was received from Richard Diesinger and Larissa Gusahov in opposition; submitted copies of the letters and attachments to the Commission, and advised the Commission that Mr. Diesinger was present and could address his concerns.

The Commission found that a letter had been received from Judith A. Pollock, a resident of the Estates of Sea Chase, which referenced that at the time she purchased her home in the project there was no indication that there was supposed to be a pool house in the community; that it is distressing to learn that the developer failed to follow the original plan; that after living in the project for years the homeowners may face inconvenience and expense due to a possible mistake by others; that the community pool is very small and these does not appear to be any place for a pool house to be built without some type of major redesign; that she would not like the pool to be made smaller in order to build a structure adjacent to it; that since the community is only about forty homes, it doesn't seem practical to add a building now; that there is really no need for even a storage shed as the community has successfully covered pool furniture during the winters, with little expense and maintenance needed; that any building would surely be an annoyance to those who live adjacent to the pool area; and that she thinks that the community would not benefit from having a pool house installed now.

The Commission found that Paul Robino was present with Mark Dunkle, Attorney, and Roger Gross, Professional Engineer, from Merestone Consultants, and that they stated in their presentations and in response to questions raised by the Commission that there is no community building within the Estates of Sea Chase; that they are requesting that Conditions 6 and 7 of the conditions imposed by Sussex County Council for Conditional Use #1379 be amended; that Condition 6 referenced that the "Applicant will construct the clubhouse and swimming pool by completion of 24 residential units"; that Condition 7 referenced that "The development will utilize a combined entrance to Sea Chase I and Sea Chase II for ingress and egress to County Road 274"; that the final site plan indicated 5 parking spaces in front of the pool area which have not been provided; that the building on the site plan was labeled as a community building, not a clubhouse; that the record plan shows a pool only; that there is no room to build a structure at the location intended due to the existing enlarged swimming pool, a shed, an underground propane storage facility and underground propane lines and irrigation lines; that that they are asking that Condition 7 be deleted since DelDOT has agreed that the entrances to Sea Chase I and the Estates of Sea Chase may remain open per the Department's letter of October 13, 2006; that the 5 parking spaces are a site plan issue and that the majority of the residents do not see a need for the parking spaces; that the pool and patio are three times as large as the original pool intended; that the residents do not want to reduce the size of the pool; that it appears that the clubhouse is the issue; the pool, as originally planned, was too small; that the propane facility took up more space; that they acknowledge that they should have requested these changes a couple of years ago; that the developer was in close contact with the residents living in the project as the project developed; that extra

benefits were provided to the project by increasing the size of the pool and patio area and adding the propane service; that State Health does not require bath facilities for the pool area since the farthest home from the pool is less than 1,000 feet away; that Mr. Gross did not prepare the original site plans, but did prepare the condominium documents and did prepare an as-built survey and the exhibit renderings; that swales exist between some of the homes and around the pool area and drain to a catch basin; that there are irrigation and underground piping throughout the project; that when the Commission held it's public hearing on this project in 2001 it was proposed that the project contain 76 condominium units; that the Commission did not recommend favorably for the approval of this project; that the County Council reduced the size of the project from 76 multi-family condominium units to 45 single-family condominium units; that the elimination of the 5 parking spaces is a result of dealing with a transition group of residents in the process of turning the project over to the residents; that the transition group accepted the lack of the 5 parking spaces, the community building, and the entrance issues; that a retaining wall was built at the end of the patio area around the pool; that stormwater drainage was installed; that the propane facility serves the project allows the units to have propane heat and propane appliance use; that a Condominium Council now exists; that the homes are separated by 20-foot of spacing; that there is an approximately area of 40-feet by 90-feet between the units and the pool area; that the small building next to the pool is for a well and pump for the irrigation system; and that there is a recorded agreement between the Condominium Association and Sharp Energy for the propane service.

The Commission found that there were no parties present in support of this application.

The Commission found that Michael Gordon, a resident in the project, was present in opposition and expressed concerns that when he contracted to purchase his unit in 2003 he was presented with forms, pictures and renderings of a clubhouse; that he admits that building a clubhouse now would be inconvenient at this time; that he feels that the cost of the clubhouse was included in his fees; that he feels that this was a act of false advertising; that he feels that there may be environmental issues since the preliminary plans called for several more ponds on the site that built; that the Robino staff have addressed drainage problems; that some trees have been removed; and questions why all of the trees on the site plan were not planted.

The Commission found that Mr. Gross responded that he is 98% sure that the Sussex Conservation District has granted final approval of the stormwater management and erosion and sediment control plans.

The Commission found that Elizabeth Misichronis, President of the Condominium Council, was present in opposition and expressed concerns that she was the second buyer in this project; that the previous Board did not oppose the removal of the entrance condition and the 5 parking spaces and that the entrance and parking should not be controversial; that the site plan was changed; that the plans included 7 ponds and now there are only 4 ponds; and that the residents want a refund since the poolhouse was never built.

The Commission found that Richard Diesinger, a resident in the project, was present in opposition and expressed concerns that he purchased one of the last three homes in the project; that his letter and attachments show his objections; that the site plan showed trees, shrubs, 45 homes, parking spaces, a pool and clubhouse; that in April 2005 the condominium owners took over the project; that from 2001 to 2005 there was no condominium association; that it now requires that 67 owners have to vote on any changes; that trees have not been installed; that he did not vote on the deletion of anything; that he is retired and has health issues; that he wants to see the clubhouse built with bath facilities and the parking spaces; that the lack of a clubhouse lowered the property values; that he loves the community; that his home is well built; that he wants to live in a development that is built to the approved plan; and that there is adequate space near the pool area to build a 1,280 square foot clubhouse.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to defer action for further consideration and to leave the record open for Mr. Gross to provide verification that the Sussex Conservation District did approve the project as built. Motion carried 5 – 0.

**C/U #1777** – application of **BEEBE MEDICAL CENTER, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a medical center to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 23.471 acres, more or less, lying south of Route 26, 0.25 mile west of Route 17.

The Commission found, based on comments received from DelDOT, that the Level of Service “E” of Route 26 will not change as a result of this application; that the proposed medical facility is planned to be developed in two phases; that the first phase will consist of a 60,000 square foot medical office building, while the second phase will consist of an addition of 27,000 square feet to the medical office building; that a Traffic Impact Study is currently be performed assuming full build-out of the 87,000 square foot facility; that a Traffic Impact Study would not be required for the first phase alone under the Department’s current Traffic Impact Study warrants; and that the Department does not recommend a Traffic Impact Study for approval of this application for the first phase..

The Commission found, based on comments received from the Sussex County Engineering Department Utility Planning Division, that the site is located in the Beaver Dam Planning Area; that the proposed Conditional Use will use an on-site septic system; that the County will be extending sewer to this area in concert with the Route 26 widening and sewer service will be available at some future time; that the County does not have a schedule for providing sewer service at this time; that the County has no objection to the project developing with an on-site septic system; that when the County provides sewer service, it is required that the on-site system be abandoned and a direct connection made to the County system at the property owners expense; and that a concept plan is not required.

The Commission found that this application was reviewed by PLUS on September 26, 2007 and that a copy of the PLUS Report is a part of the record for this application.

The Commission found that Donna Streletzky, Vice President of Operations for Beebe Medical Center, Inc. was present with Bryan Luoma, Professional Engineer, and that they stated in their presentations and in response to questions raised by the Commission that the Center presently has facilities in Millville in separate locations; that they would like to consolidate their facilities into one center; that the Center will be called the South Coastal Health Campus; that they are presently open full time for the summer season only; that the new facility will be capable of providing out-patient services in addition to imaging facilities and services, laboratory services, physical rehabilitation, aquatic rehabilitation, and speech therapy; that the facility is designed for future growth; that they are proposing a green facility to preserve the natural features of the site; that the present plans intend construction of a two story facility designed to allow for future construction of a third floor; that their immediate plans are to finish the first floor (35,000 square feet), and to complete the shell of the second floor (22,000 square feet); that the cost of the facility is estimated at 28.2 million dollars; that if they were a neighbor they might be concerned about the proposed future helicopter pad; that the helicopter pad will not require high usage since the Sussex County EMS works directly with the existing facilities when deciding what patients go directly to hospital facilities or if the patients can be care for at this facility; that they purchased this large acreage to blend in with the natural features; that they are licensed by the State to provide out-patient services weekdays and on Saturday mornings; that they would like the flexibility of time; that the Tax Ditch maintenance easements have been established and that they may ask for a reduction in the width of the easement; that they have no intention of relocating the Tax Ditch; that the facility will have security alarm systems and automatic contacts with responders; that they may bring community health events to the site; that the existing facilities in Millville are 23 miles from Beebe Medical in Lewes; that they will combine all existing services in the area for convenience and accessibility to the residents in the area; that a formal response to the PLUS comments has not yet been sent to the Office of State Planning Coordination; that 84 additional parking spaces are proposed for Phase 3; that stormwater management facilities are proposed near the 84 spaces; that a soils investigation has been performed; that they found the site to have less wetlands than mapped; that no wetlands will be disturbed; that they are in active conversation with Tidewater Utilities, Inc. for central water; that they are investigating a drip septic system in the wooded area near the parking lot; that they have no short term plans to develop the easterly portion of the site; that they purchased this larger acreage now, rather than pay higher prices in the future; that they will be dedicating additional lands to DelDOT for right-of-way expansion; that they have added weekend services year round due to request from residents in the area; and that they will not let the existing buildings on the site deteriorate.

Mr. Lank advised the applicants that the helicopter landing area would require Board of Adjustment approval.

The Commission found that David Ryan, an immediate neighbor, was present in support of the application; that he and his wife were originally concerned about the helicopter pad use and the number of ambulances to and from the site; that after listening to the presentation they realize that the need outweighs the impact of some noise from the helicopters and ambulances; and that they realize that Beebe will be a good neighbor.

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

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to defer action for further consideration and to leave the record open for a copy of the Applicant's response to the Plus comments, and for a copy of the PLUS response to the Applicant's response. Motion carried 5 – 0.

**C/Z #1614** – application of **CARILLON SQUARE HOMES, LLC** to amend the Comprehensive Zoning Map from a C-1 General Commercial District and an AR-1 Agricultural Residential District to a HR-RPC High Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, land lying south of Route 5, 485 feet west of Route 24, to be located on 28.75 acres, more or less.

Mr. Lank advised the Commission that this application was withdrawn on January 9, 2008.

Meeting adjourned at 8:35 p.m.