



Planning & Zoning

Agendas & Minutes

MINUTES OF THE SPECIAL MEETING OF MARCH 1, 2006

A special meeting on the Sussex County Planning and Zoning Commission was held Wednesday afternoon, March 1, 2006 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 were present: Mr. Burton, Mr. Gordy, Mr. Johnson, Mr. Smith, and Mr. Wheatley, with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director, Mr. Kautz – Land Use Planner, and Mr. Abbott – Assistant Director.

Mr. Lank advised the Commission that Item #4 under Other Business was removed from the Agenda on February 27, 2006.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the agenda as amended.

OLD BUSINESS

Subdivision #2004 – 3 - - application of **THOMAS L. MARKLE** to consider the Subdivision of land in an AR-1 Agricultural Residential in Broadkill Hundred, Sussex County, by dividing 8.31 acres into 5 lots, located north of Road 88 (Cave Neck Road), 791 feet west of Road 257.

Mr. Abbott advised the Commission that this application received preliminary approval for 5 lots on January 6, 2005; that the Commission granted a one-year time extension on January 4, 2006; that the final record plan is similar to the preliminary plan; that the final record plan meets the requirements of the subdivision and zoning codes; and that all agency approvals have been received.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve this application as a final. Motion carried 5 – 0.

Subdivision #2005 – 8 - - application of **BUNTING ROAD, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 6.00 acres into 8 lots (Cluster Development), located west of Road 335, 1,016.56 feet north of Road 336.

Mr. Abbott advised the Commission that this application was deferred on December 8, 2005 and the record was left open for the submittal of an Environmental Assessment Report; that the applicant's attorney submitted a letter from Kenneth Redinger of Environmental Services indicating that there are no State or Federally regulated wetlands on the site and there are not any rare State or Federally listed habitat species on the site; and that DNREC has indicated that the site is suitable for individual on-site septic systems.

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Mr. Smith stated that he would move that the Commission grant preliminary approval of Subdivision #2005 – 8 for Bunting Road, L.L.C., based upon the record and for the following reasons:

1. The proposed subdivision meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The proposed subdivision density conforms with the density permitted by the existing AR-1 zoning.
3. The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
5. DNREC has indicated that the site is suitable for individual on-site septic systems.
6. All storm water management will be handled on site through a retention pond without any outfall or runoff to neighboring or adjacent properties.
7. This recommendation is subject to the following conditions:
 1. Only 8 single-family lots shall be permitted.
 2. The Applicant shall prepare and record formal Restrictive Covenants governing the development and cause to be formed a homeowners' association to be responsible for the perpetual maintenance of streets, roads, any buffers, storm water management facilities, erosion and sedimentation control facilities and other common areas.
 3. The storm water management system shall meet or exceed the requirements of the State and County. No drainage or runoff from the land that is the subject of this Application shall flow onto adjacent properties.

4. All entrances shall comply with all of DelDOT's requirements.
5. The Restrictive Covenants shall include the Agricultural Use Protection Notice. Agricultural buffers shall be provided in accordance with the subdivision ordinance if necessary. Required buffers are to be shown on the final site plan.

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6. Notice shall be given in the Restrictive Covenants that hunting activities are on going on nearby properties including the State Wildlife Area. Notice shall also be given in the Restrictive Covenants that the CRP Program does controlled burns every 2 to 4 years.
7. The interior street design shall be in accordance with or exceed Sussex County street design requirements and or specifications. The street design shall include sidewalks on one side of the streets and street lighting and shall be shown on the final record plan.
8. Construction, site work, grading, and deliveries of construction materials, landscaping materials, and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
9. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
10. Pedestrian walkways and connections shall be constructed in accordance with the site plan.
11. Any existing trees and vegetative cover shall be maintained.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2005 – 14 - - application of **THE COMMUNITIES OF BEAVER CREEK, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 77.07 acres into 154 lots (Cluster Development), located east of Route 5, 1,700 feet north of Route 9.

Mr. Abbott advised the Commission that this application was deferred on February 9, 2006; and that DNREC has indicated that the site is suitable for a community wastewater treatment system.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2005 – 14 for The Communities of Beaver Creek L.L.C., based upon the record and for the following reasons:

1. This is a redesign of a project that was previously given preliminary site plan approval by the Commission. The redesigned plan with clustering is superior to the previously approved subdivision.

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2. The proposed subdivision will be a restricted residential development that will not adversely affect nearby uses or property values.

3. The improved design is superior to a standard subdivision, and is superior to the previously approved subdivision, for the following reasons:

(a) The Applicant has proposed an innovative redesign that integrated the land, existing vegetation and wetlands into the subdivision. It will also have even less of an impact on the wetlands.

(b) The redesign preserves more existing trees than the previous plan.

(c) More open space will be provided within the Development, along with recreational facilities including trails, pools and community buildings.

4. Private Central Sewer will be provided for the Project. The treatment plant that will serve this project is already under construction.

5. This recommendation is subject to the following conditions:

1. No more than 154 lots shall be permitted within this subdivision.

2. The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, any buffers, the central sewer system, storm water management facilities, recreational areas and other common areas.

3. The Applicant shall maintain as many existing trees as possible. The undisturbed forested areas shall be shown on the Final Site Plan.

4. The Development shall be served by a Private On-Site Central Sewer System, designed with sufficient capacity to allow nearby property owners to connect to it, if necessary. The sewer system shall be designed and constructed in accordance with Sussex County's Ordinance 38 standards.

5. The storm water management system shall meet or exceed the requirements of the State and County.

6. No wetlands shall be included within any lot lines.

7. All entrances and roadway improvements shall be constructed or funded in accordance with all of DelDOT's present and future requirements.

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8. A system of street lighting shall be provided throughout the project. The location of all streetlights shall be shown on the Final Site Plan.

9. The network of sidewalks, nature trails and bike paths shall be shown on the Final Site Plan. Sidewalks shall be constructed on both sides of the streets.

10. The Final Site Plan shall clearly show all recreational amenities.

11. The Restrictive Covenants for the Project shall include the following statement:

This property is located in the vicinity of land used for commercial purposes, including large truck maintenance and sandblasting, that may have noise associated with them. The use and enjoyment of this land is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such activities or uses.

12. This project shall be given a name to distinguish it from the other existing phases of the development along Route 9 to avoid emergency response delays.

13. Addressing and road naming shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.

14. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2005 – 16 - - application of **JOSEPH L. WARNELL** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 199.06 acres into 187 lots (Cluster Development), and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located south of the

intersection of Road 207 and Road 214, and north of Road 38, 3,385 feet north of Road 224.

Mr. Abbott advised the Commission that this application was deferred on February 9, 2006; and that DNREC has indicated that the site is suitable for individual on-site septic systems.

Mr. Burton stated that he would move that the Commission grant preliminary approval of Subdivision #2005 – 16 for Joseph L. Warnell based upon the record and for the following reasons:

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1. The Applicant is seeking approval of a clustered subdivision within the AR-1 zoning. The Applicant is seeking clustered lots with a minimum area of ½ acre.

2. A subdivision on this site is consistent with neighboring and adjacent properties and will not have an adverse impact on the neighboring properties or community and there are other residential developments in the area.

3. The lots will be served by individual wells and septic systems. A Statement of Feasibility has been presented for the septic systems. Through the DNREC permitting process for the individual septic systems, plus the buffers shown on the Site Plan, Cabbage Pond should be protected against any adverse impacts from the septic systems.

4. Clustering has allowed the Developer to achieve more open space than a standard subdivision. For instance, DNREC has stated that much steeper slopes, wetlands and areas leading into wetlands are left in open space. Also, the developer is able to establish more of a buffer between the lots and Cabbage Pond. Finally, clustering allows the preservation of a greater number of trees within the project.

5. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.

6. The Applicant has proposed that tree removal will be minimized through the Restrictive Covenants governing the project.

7. This preliminary approval is subject to the following conditions:

1. There shall be no more than 187 lots within the Subdivision. The proposed density is significantly less than what is permitted under the AR-1 zoning for the property.

2. The Final Site Plan shall provide for a bus stop at the entrances to the project from Clendaniel Road and Johnson or Cabbage Roads. Areas for parent parking will also be set-aside at each bus stop location.

3. The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, buffers, storm water management facilities, and other common areas.

4. The storm water management system shall meet or exceed the requirements of the State and County. Best Management Practices shall be used in the construction and maintenance of the system.

5. All entrances shall comply with all of DelDOT's requirements.

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6. No lots shall contain any wetlands. In addition, there shall be a buffer of at least 50 feet from any lot to the nearest wetland area.

7. 2 Tot Lot playgrounds with playing fields shall be set aside within the project, with one area in the northern section and the other in the southern section of the project. The area set aside for tot lot playgrounds with playing fields shall be in addition to the open space area shown on the Preliminary Site Plan.

8. All entrances shall be constructed in accordance with all of DelDOT's requirements.

9. DelDOT has identified the area as the location for a possible US 113 North-South limited highway. The Developer shall cooperate with DelDOT to accommodate any potential plans that may develop in this regard, including phasing the project so that areas that may be affected by the realignment would be developed last.

10. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

11. Road naming shall be subject to the approval of Sussex County Addressing and Mapping Department.

12. Sidewalks shall be included on both sides of all of the streets, and street lighting shall be provided. The location of the sidewalks and streetlights shall be shown on the Final Site Plan.

Motion by Mr. Burton, seconded by Mr. Gordy and carried 4 votes to 1, with Mr. Johnson opposed, to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 4 – 1.

Subdivision #2005 – 56 - - application of **REYNOLDS POND, L.L.C.**, to consider the Subdivision (Cluster Development) of land in an AR-1 Agricultural Residential District

in Cedar Creek Hundred, Sussex County, by dividing 836.32 acres into 1,630 lots, located at the intersection of Route 30 and Road 227.

Mr. Abbott advised the Commission that this application was deferred on January 12, 2006; and that DNREC has indicated that the site is suitable for a community wastewater treatment system.

Mr. Burton stated that he would move that the Commission deny Subdivision #2005 – 56 for Reynolds Pond, L.L.C., based upon the record and for the following reasons:

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1. The proposed project does not meet the purpose of the Zoning Ordinance, since it does not promote the orderly growth of the County because the project is not in a Development District established by the 2002 Sussex County Land Use Plan Update.

2. The proposed project is not in accordance with the 2002 Sussex County Land Use Plan Update, as follows:

A. It does not represent growth in an area where public infrastructure and services are available.

B. The location of the proposed development is in an area where farmland preservation exists through Agricultural Preservation districts, and one of the goals of the Plan Update is to reduce pressure for development in agricultural areas and to promote the preservation of farmland.

C. The Low Density Area also seeks to prevent untimely scattering of uses such as what is proposed. Instead, the Plan directs these types of uses to areas planned for efficient extension of public services. Public services are not planned to be extended to this area.

3. The P.L.U.S. process does not transfer zoning authority from the County to the State, and the County makes the final decision on this application. But, the Commission must still consider the comments from the P.L.U.S. process, which are part of the record. These comments include the following:

A. The proposed project is located in an Investment Level 4 area according to the Strategies for State Policies and Spending. Because the project is outside of an area where the State and local governments have planned for growth, the State opposes the proposal.

B. The State estimates that the project would bring several thousand new residents to the area, and the State has no plans to invest in infrastructure upgrades or additional services such as schools, police and transportation for the area.

C. The State Department of Agriculture opposes the project because it is contrary to Liveable Delaware and would act as a catalyst for other residential and commercial development of the area.

D. DNREC has stated that the proposed development will have negative impacts on the streams and water bodies adjoining the project or downstream from it.

E. The Office of the State Planning Coordination is opposed to the project and is generally concerned that the project is out of character with the surrounding area.

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4. The project is in an area that has not developed with similar projects or residential density. There are no other developments that are similar in size or character to what has been proposed.

5. The proposed project surrounds Route 30, Hummingbird Road and Beideman Road. Route 30 is a Truck Route and all three roads are used regularly by large farm equipment. The project, with 1,630 residential lots and its proposal to alter Hummingbird and Beideman Road, is inconsistent with the existing traffic and agricultural use of these roads. The project would also lead to increased congestion on the adjacent and surrounding roads.

6. It would be premature to approve this subdivision at this time, since a significant part of it requires the relocation of Hummingbird and Beideman Roads. Since DelDOT has not approved the alteration of these roads, approval of the Preliminary Site Plan is not appropriate.

7. For the reasons in this motion, the Commission is not satisfied that the proposed clustered subdivision is superior to a standard subdivision. Instead, it appears that the main goal of the developer is the maximization of the number of residential home lots. The Developer is asking for approval of 1,630 homes, which is significantly more than the net density that would be achieved with a standard subdivision.

8. The Commission does not feel that the Items set forth in Section 99-9C of the Subdivision Ordinance have been favorably addressed. For example:

- The subdivision is not integrated into the existing terrain and surrounding landscape and will adversely effect natural areas while causing significant tree, vegetation and soil removal. If the subdivision was approved, it would require extensive grading for new roads, the relocation of existing roads, grading for the

proposed large storm water management areas with even more impervious areas caused by the homes, streets, amenities, driveways, etc.

- The preservation of open space and scenic views would be adversely affected by 1,630 lots. What is now wide open space will become congested with home and other buildings, streets and other structures typically part of a residential subdivision.
- The project will adversely affect area roadways and does not provide for the safe vehicular and pedestrian movement within the site and along adjacent roads. There will be many cars per day added to the roadways in and around the project, which DelDOT has commented negatively upon. Route 30 is a truck

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route, and state roads in the area, including those within the proposed subdivision are frequently used by large pieces of farm equipment.

- The project does not preserve and conserve farmland. Instead, it eliminates a large area of farmland in an area where the State has spent a great deal of money to preserve farmland.
- The project is not compatible with other area land uses, which are primarily agricultural, as stated above. There was even testimony to the effect that the project would adversely effect industries that are incidental to agricultural uses, such as crop dusting. The property subdivision will also hinder farmer's ability to transport large pieces of agricultural equipment along the state roads that the developer plans to integrate into the residential subdivision.

Motion by Mr. Burton, seconded by Mr. Johnson and carried 4 votes to 1, with Mr. Gordy opposed, to deny this application for the reasons stated. Motion carried 4 – 1.

Vote by Roll Call: Mr. Burton – yea, Mr. Johnson – yea, Mr. Smith – yea, Mr. Gordy – nay, and Mr. Wheatley – yea.

OTHER BUSINESS

Cadbury at Lewes MR/RPC
Final Record Plan – Road 267

Mr. Abbott advised the Commission that this is the final record plan for a 21-unit residential planned community; that the Commission granted preliminary approval on June 24, 2004; that the final record plan is the same as the preliminary plan; that there are 80 skilled nursing/assisted living rooms, 84 apartment units and 48 single and duplex

units proposed; that the record plan complies with the zoning code and the conditions of approval; and that all agency approvals have been received.

Motion by Mr. Johnson, seconded by Mr. Smith and carried 4 votes to none, with Mr. Burton not voting, to approve the record plan as a final. Motion carried 4 – 0 – 1.

Americana Bayside MR/RPC

Final Record Plan Phase 7A/9A, 7B/9B, & 10A/10B – Route 54

Mr. Abbott advised the Commission that this is the final record plan for 164 units within the aforementioned phases; that the Commission granted preliminary approval for these phases on July 28, 2005; that the final record plans are the same as the preliminary plans;

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that the record plan complies with the subdivision and zoning codes and the conditions of approval; and that all agency approvals have been received.

Motion by Mr. Smith, seconded by Mr. Gordy and carried 4 votes to none, with Mr. Burton not voting, to approve the record plans as a final. Motion carried 4 – 0 – 1.

Seagrass Plantation MR/RPC

Final Record Plan – Road 348

Mr. Abbott advised the Commission that this is the final record plan for a 208-lot single-family residential planned community; that the Commission granted preliminary approval on August 12, 2004 and a revised preliminary approval on December 9, 2004; that the final record plan is the same as the revised preliminary plan; that the record plan meets the requirements of the subdivision and zoning codes and conditions of approval; and that all agency approvals have been received.

Motion by Mr. Smith, seconded by Mr. Gordy and carried 4 votes to none, with Mr. Burton not voting, to approve the record plan as a final. Motion carried 4 – 0 – 1.

Bill's Sports Shop and Atlantic Cellular

Commercial Site Plan – Route One

This item was removed from the Agenda on February 27, 2006.

Bayshore Plaza III

Commercial Site Plan – Route 24

Mr. Abbott advised the Commission that this is a preliminary site plan for a 3-story, 15,120 square foot medical/general office building located on 1.00 acres; that the site is

zoned C-1; that DelDOT has issued a letter of no objection in reference to the entrance; that ingress/egress to the site is from the adjoining parcel to the east of this site; that the setbacks meet the requirements of the zoning code; that 68 parking spaces are required and provided; that 19 spaces are located within the 60-foot front yard setback; that one loading spaces is required and provided; that Sussex County will provide central sewer and Tidewater Utilities will provide central water; that there are not any wetlands located on the site and the site is not located in a flood plain; and that if preliminary is granted, final approval could be subject to the staff receiving all agency approvals.

Mr. Johnson questioned the reason for parking spaces being located within the front yard setback.

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Pret Dyer was present and advised the Commission that this project is similar to other projects in the area that have parking located in the front yard setbacks; that this has never been an issue until recently; that it is difficult for developers to design projects based on models for better development if parking is not permitted within the front yard setback; that if this is an issue then the setbacks should be changed; that DelDOT has approved the entrance location and that they have to provide a line of sight in order to received their approval; that DelDOT has taken additional right of way along Route 24; that a landscaping buffer has been provided; that parking is located in the front yard to provide easier access to the entrances to the buildings; that a 5-foot walkway is also provided along the right of way; and that the other shopping centers in the area all have parking located within the front yard setback.

Mr. Johnson stated that in the future, developers may need to consider purchasing additional property or to reduce the size of proposed buildings.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the site plan as a preliminary and to allow a waiver for the parking located in the front yard setback with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Peninsula Nursing Home
Site Plan – Route 24

Mr. Abbott advised the Commission that this is a preliminary site plan for a 1-story, 66,458 square foot nursing home located on 5.51 acres; that the site is zoned C-1; that DelDOT has issued a letter of no objection in reference to the entrance location; that ingress/egress to the site is off of Route 24; that the Board of Adjustment granted a special use exception for the nursing home on December 5, 2003; that the setbacks meet the requirements of the zoning code; that 40 parking spaces are required and that 108

spaces are proposed; that there are 6 spaces located within the front yard setback; that Sussex County will provide central sewer and Tidewater Utilities will provide central water; that there are not any wetlands located on the site and the site is not located in a flood plain; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the site plan as a preliminary with the stipulations that the 6 parking spaces located in the front yard setback be removed from or relocated on the final record plan and that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Atlantic Coastal Inn
Multi-Family Site Plan – Route 54

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Mr. Abbott advised the Commission that this is a preliminary multi-family site plan for 17 units located on 1.48 acres; that the site is zoned C-1; that 17 units are permitted by the zoning code; that there are 2 buildings with 6 units each and 1 building with 5 units proposed; that there is an existing swimming pool on the site that will be retained; that 51 parking spaces are required and 68 are proposed; that approximately 2-feet of 12 of the spaces are located within the 40-foot front yard setback; that the building setbacks, building separation distances and building lengths meet the requirements of the zoning code; that Sussex County will provide central sewer to the project; that there are not any wetlands on the site; that the site is located in an AE flood plain; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

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

Route 24 Self-Storage, L.L.C.
CU #1602 Site Plan – Route 24

Mr. Abbott advised the Commission that this is a preliminary site plan for a mini-storage facility located on 5.76 acres; that the Conditional Use was approved by the County Council on April 26, 2005; that 82,400 square feet of storage area is proposed in 12 buildings; that there are 2 phases of the project; that phase 1 contains 38,400 square feet in 6 buildings and phase 2 contains 44,000 square feet in 6 buildings and a caretaker's dwelling; that the setbacks meet the requirements of the zoning code; that the site plan complies with the conditions of approval and are referenced on the site plan; that 2 parking spaces are located within the front yard setback; that individual on-site septic and

well are proposed; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the site plan as a preliminary with the stipulations that the 2 parking spaces located within the front yard setback be relocated on the final site plan out of the setback and that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Good Earth Market
CU #1484 Revised Site Plan – Route 26

Mr. Abbott advised the Commission that this is a revised site plan to be able to add a 3,054 square foot building; that the setbacks meet the requirements of the zoning code; that the conditions of approval do not prohibit any additional buildings; and questioned if

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the Commission will approve the revised plan as submitted or require an application for an amended conditional use application.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the revised site plan as submitted. Motion carried 5 – 0.

Michael and Carolyn Biggs
CU #1427 Revised Site Plan – Road 32

Mr. Abbott advised the Commission that this is a revised site plan to add a 66-foot by 44-foot showroom and a 16-foot by 24-foot shed; that the setbacks meet the requirements of the zoning code; that the conditions of approval do not prohibit any additional buildings; and questioned if the Commission will approve the revised site plan as submitted or require an application for an amended conditional use application.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the revised site plan as submitted. Motion carried 5 – 0.

Sea Air Village
Revised Lots – Route One

Mr. Abbott advised the Commission that this is a request to delete some of the existing travel trailer lots and convert them into lots for manufactured homes.

David Hutt, Attorney with Wilson, Halbrook and Bayard advised the Commission that the park is a non-conforming park; that the owners propose to eliminate 5 travel trailer lots and to convert it into a manufactured home lot; that there would still be 12 travel trailer lots along this section; that the proposed manufactured home lot would contain

5,558 square feet; and questioned if a variance for the buffer requirements will be necessary.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the request as a concept with the stipulation that the applicants be required to apply for and obtain a variance from the buffer requirements. Motion carried 5 – 0.

Horace Jackson

3 Lots and a 50' Right of Way – Route 22 (5)

Mr. Abbott advised the Commission that this is a request to create 3 lots with access from a 50-foot right of way; that the owner proposes to create the right of way over an existing farm lane to serve as access for the 3 lots; that each lot would be a minimum of 0.75-acres; that the request can be approved as submitted or that an application for a major

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subdivision may be required; and that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve the request as submitted with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

Mark and Debbie Miller

Lot on an Existing 50' Right of Way – Road 306

Mr. Abbott advised the Commission that this is a request to subdivide an existing 2.91-acre parcel into 2 lots with access from an existing 50-foot right of way; that 1 lot will contain 0.75-acres and has an existing dwelling located on it; that the other lot will contain 2.16 acres; that if approved, this request would make 3 lots having access from the existing 50-foot right of way; and that if the request is approved, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

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

William W. and Ellen Ann Vanderwende

Parcel and a 50' Right of Way – Route 404

Mr. Abbott advised the Commission that this is a request to create a 14.60-acre parcel with access from a 50-foot right of way; that the owner proposes to create the right of

way over an existing road that is recorded in deed book 707 page 700; that the proposed parcel is part of an existing agricultural preservation district; and that the Delaware Agricultural Lands Preservation Foundation has issued a letter of no objection to the proposed subdivision.

Robert Robinson, Attorney with Wilson, Halbrook and Bayard advised the Commission that the proposed parcel will be for the owner's grandson for a poultry operation.

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

Gerry Wink
Parcel and a 50' Right of Way – Road 611

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Mr. Abbott advised the Commission that this is a request to create a 50-foot right of way over an existing 12-foot paved driveway to serve as access to a 14.07-acre parcel; and that the request can be approved as submitted or an application for a major subdivision may be required.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to approve the request as submitted with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

Joe B. and Deborah G. Pyles
Parcel and a 50' Right of Way – Route 18

Mr. Abbott advised the Commission that this is a request to create a 4.25-acre parcel with access off of an existing 50-foot right of way; that if approved, this would make 3 lots having access from the right of way; and that if the request is approved, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

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

Michael and Vicki Evick
Lot and a 50' Right of way – Route 5

Mr. Abbott advised the Commission that this is a request to extend an existing 50-foot right of way to serve as access to a 0.75-acre lot; and that if the request is approved, it

should be stipulated that any further subdivision of the property will require an application for a major subdivision.

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

Subdivision #2002 – 44 - - Junior Armiger
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on May 22, 2003 and granted a time extension on June 10, 2004; that if an extension is granted, it should be retroactive to the anniversary date of approval and shall expire on May 22, 2006; and that the applicant's

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letter indicates that they have changed engineers and the final record plan will be submitted in the very near future.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to grant a time extension until May 22, 2006 with the stipulation that this will be the last extension granted by the Commission. Motion carried 5 – 0.

Subdivision #2003 – 36 - - Beach Homes, Inc.
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on February 12, 2004 and granted a time extension on May 26, 2005; that this is the second request for an extension; that the developers have submitted a redesigned preliminary plan using the cluster option that requires a public hearing; and that a date has not yet been set for the public hearing.

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

Subdivision #2004 – 2 - - Brooks – Palmer Custom Homes, Inc.
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on March 31, 2005; and that this is the first request for an extension.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve a one-year time extension. Motion carried 5 – 0.

Subdivision #2004 – 10 - - Windsor Farm, L.L.C.
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on April 7, 2005; and that this is the first request for an extension.

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

Subdivision #2004 – 21 - - Springfield Self-Storage, L.P.
Time Extension

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Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on April 14, 2005; and that this is the first request for an extension.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve a one-year time extension. Motion carried 5 – 0.

ADDITIONAL BUSINESS

The Commission discussed dates for a special meeting for old and other business for April. It was the consensus of the Commission that a special meeting will be held Wednesday, April 12, 2006 at 3:00 p.m.

Meeting adjourned at 4:50 p.m.