

MINUTES OF THE REGULAR MEETING OF MARCH 27, 2014

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 27, 2014, in the County Council Chambers, County Administrative Office Building in 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. Rodney Smith, Mr. I.G. Burton III, Mr. Michael Johnson, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Mr. Lank advised the Commission that Harbeson Mini Storage, under Other Business, was removed from the Agenda on March 18, 2014.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as amended. Motion carried 5 – 0.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of March 13, 2014 as circulated. Motion carried 5 – 0.

OLD BUSINESS

Change of Zone #1742 Seaside Communities, RDC, LLC

Application of **SEASIDE COMMUNITIES, RDC, LLC** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR/RPC Medium Density Residential/Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 37.516 acres, more or less, land lying at the northeast corner of Route 24 (John J. Williams Highway) and Tanglewood Drive, a private street providing access to Briarwood Estates Subdivision. (Tax Map I.D. 3-34-18.00-40.00).

The Chairman referred back to this application, which was deferred at the February 13, 2014 meeting.

Mr. Robertson advised the Commission that action was deferred on March 13, 2014 after the public hearing for receipt of the Technical Advisory Committee (TAC) comments.

Mr. Abbott reminded the Commission that the TAC comments were mailed to the Commission on March 20, 2014.

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

Conditional Use #1980 Eastern Shore Auto Exchange

Application of **EASTERN SHORE AUTO EXCHANGE** to consider the Conditional Use of land in a B-1 Neighborhood Business District for a used car sales facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 14,295 square feet, more or less, land lying southwest of Route 5 (Harbeson Road) 0.5 mile south of Road 292A (Rust Road). (Tax Map I.D. 2-34-4.00-11.00).

The Chairman referred back to this application, which was deferred at the March 13, 2014 meeting.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1980 for Eastern Shore Auto Exchange for a used car sales facility based upon the record made at the public hearing and for the following reasons:

- 1) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
- 2) The site has a history of commercial uses, and this is a redevelopment of the site for a used car sales facility.
- 3) There are other small business and commercial uses in the area and this will be consistent with these existing uses.
- 4) This recommendation for approval is subject to the following conditions and stipulations:
 - A. The hours of operation shall be from 10:00 a.m. to 7:00 p.m., Monday through Friday, with weekend hours by appointment only.
 - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - E. No automobile repairs shall be performed on the site. No automobile parts shall be stored outside. Automobile detailing shall be permitted on the site.
 - F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the facility.
 - G. No more than 10 cars shall be displayed for sale on the site at any one time.
 - H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.
 - I. The site shall be subject to all DelDOT entrance and roadway requirements.
 - J. 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 forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated. Motion carried 5 – 0.

Conditional Use #1981 Robert & Julie Norwood

Application of **ROBERT & JULIE NORWOOD** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an office for cleaning service business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,205 square feet, more or less, land lying at the northeast corner of Route 24 and Retz Lane (a private street) 280 feet southwest of Road 284 (Mulberry Knoll Road). (Tax Map I.D. 3-34-12.00-25.00 & 26.00).

The Chairman referred back to this application, which was deferred at the March 13, 2014 meeting.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1981 for Robert and Julie Norwood for a cleaning service business based on the record made at the public hearing and for the following reasons:

- 1) This business will have little or no impact on neighboring or adjacent properties.
- 2) There are other small business uses in the area, including doctor's offices, a screen printing business, a lamp store, a small seafood business, and others. Most of these are conditional uses, as well.
- 3) The use will involve use of the existing garage as an office to coordinate the cleaning service. The actual business activities consisting of cleaning and window cleaning occur off site.
- 4) This location along Route 24 is appropriate for a small business use such as this.
- 5) No parties appeared in opposition to this Conditional Use application and one neighbor supports it.
- 6) Although this property is located in a subdivision the deeded documents reference commercial use of the parcel.
- 7) This recommendation is subject to the following conditions:
 - A. The use shall be limited to a cleaning service business and the offices for such a business.
 - B. The hours of operation shall be 8:00 a.m. through 7:00 p.m.
 - C. The entrance, subject to any DelDOT requirements and/or approvals, shall be from Retz Lane as it currently exists.
 - D. One lighted sign shall be permitted. The sign shall not exceed 32 square feet in size per side.
 - E. All parking areas for company vehicles and employee vehicles shall be shown on the Final Site Plan and clearly marked on the site.
 - F. No mechanical work on any vehicles shall occur on site.
 - G. Any storage of equipment, cleaning supplies, chemicals and other items associated with the business shall be located inside of buildings.
 - H. 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 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.

PUBLIC HEARINGS

Conditional Use #1982 Gary L. Ennis – Southern Delaware Classic Cars, LLC

Application of **GARY L. ENNIS – SOUTHERN DELAWARE CLASSIC CARS, LLC** to consider the Conditional Use of land in a GR General Residential District for antique auto sales to be located in a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 2.18 acres, more or less, land lying southeast of Road 502 (Old Racetrack Road) 290.4 feet southwest of Route 54 (a.k.a. Route 76 and Delmar Road). (Tax Map I.D. 5-32-19.00-54-07).

The Commission found that DelDOT provided a letter on May 2, 2013 stating that there shall be no parking within the State's Right-of-Way; that if parking becomes an issue, the permit shall be revoked; that no vehicles are to be displayed within the Right-of-Way or in a manner that would hinder site clearances; that all Planning and Zoning conditions must be met; and that if in the future the site proposes to change zoning use, ownership, existing use or adds a new use that increases the existing site ADT, the property owner shall submit information to DelDOT and the entrance be re-evaluated by the Department to determine if any improvements are warranted based on the proposed site or usage changes.

The Commission found that the County Engineering Department Utility Planning Division provided comments on March 25, 2014 referencing that that site is located in the Delmar Future Growth and Annexation Area; that an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Gary L. Ennis was present with Blake Carey, Esquire, of the Smith Firm, LLC, and that they stated in their presentation and in response to questions raised by the Commission that Mr. Ennis is proposing an antique/classic car sales facility; that all sales will be by appointment only; that he anticipates being open from 9:00 a.m. to 7:00 p.m. on Monday through Friday; that a 50-foot wide right-of-way provides access to the property; that on site water and septic exists on the property; that he will be utilizing an existing 9,500 square foot building for storage and display of the vehicles; that a gravel pad exists for customer vehicle parking; that he lives on the premises; that the site is not in a flood zone; that there should be no impact on the area or the community; that the use is for the general convenience of the residents of Sussex County; that vehicles being sold are ready for sale and are 25 years old or older; that he currently owns approximately 20 vehicles that could be sold; that the maximum number of vehicles that he will maintain for sale will not exceed 40 vehicles; that all vehicles will be displayed indoors; that there will not be any auto repair work performed on the site; that he may erect an unlighted sign; that there are no employees; that he owns approximately 13 acres, but

the Conditional Use is only intended for 2.18 acres; that he hauls his vehicles in an enclosed trailer; and that the site will have security cameras and alarms systems.

The Commission found that the Applicant provided an Exhibit Booklet which includes a copy of the proposed site plan; a Google aerial of the property; a copy of the DelDOT letter of No Contention; a copy of the deed to the property; suggested proposed Findings of Fact; and suggested Conditions of Approval.

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

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

Mr. Ross stated that he would move that the Commission recommend approval of C/U #1982 for Gary L. Ennis for antique auto sales based on the record made during the public hearing and for the following reasons:

- 1) The use is the redevelopment of existing buildings on this site. The Applicant has stated that the existing buildings will be used, and that no new buildings will be constructed.
- 2) There will not be any adverse impacts on neighboring properties, the community, or roadways.
- 3) The Conditional Use is requested by the Applicant to obtain a dealer's license from the Department of Motor Vehicles.
- 4) No parties appeared in opposition to this application.
- 5) This recommendation is subject to the following conditions:
 - A. The hours of operation shall be by appointment only between the hours of 9:00 a.m. and 7:00 p.m.
 - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - C. All automobiles shall be stored within the building on the site.
 - D. Security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - E. No automobile repair shall be performed on the site.
 - F. No junked, unregistered or permanently inoperable vehicles shall be stored outside on the site.
 - G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

Conditional Use #1983 Gerald W. and Emily W. Hocker

Application of **GERALD W. AND EMILY W. HOCKER** to consider the Conditional Use of land in a C-1 General Commercial District for a food vendor to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 9.6 acres, more or less,

land lying at the southeast corner of the intersection of Route 17 and Route 26. (Tax Map I.D. 1-34-12.00-330.01).

The Commission found that DelDOT provided a No Contention letter on March 13, 2014 referencing that the letter is being issued to act as a waiver thereby permitting use of the existing entrances; that shrubbery, plantings, trees and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited; that if this becomes an issue it will be the responsibility of the owner to establish a clear sight distance; that if in the future the site changes zoning, ownership and existing use or adds a new use that increases the existing site ADT, the entrance shall be re-evaluated by the Department to determine if any improvements are warranted; and that if traffic operational issues are observed then additional entrance upgrades may be required by the Department.

The Commission found that the County Engineering Department Utility Planning Division provided comments on March 25, 2014 in the form of a memorandum referencing that the site is located in the Millville Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available; that Ordinance 38 construction will not be required; that the proposed food cart will not be connected to central sewer; that sewer service has not been extended to the parcel at this time; that the County is coordinating with DelDOT and the project has been bid and a contractor identified; that sewer service could become available as early as Spring of 2015; that a sanitary sewer lateral is proposed to be installed to each parcel's property line along Route 26; that conformity to the South Coastal Area Planning Study – 2005 Update and Route 26 West Technical Memorandum will be required; that the parcel is in the North Millville Expansion of the Bethany Beach Sanitary Sewer District and connection to the sewer system is mandatory; that improvements on parcels are required to connect within one year of sewer service becoming available; and that a concept plan is not required.

The Commission found that on March 17, 2014 the Applicant provided an Exhibit Booklet containing a copy of the application form; a copy of the deed to the property; a copy of a letter from the Planning and Zoning Department referencing the need for a Conditional Use; a series of photographs of the mobile vending trailer; a Google Map of the site; a Sussex County Tax Map Aerial photograph; a Sussex County Tax Map depicting the zoning in the area; a site plan; a Delaware Health and Social Services Division of Public Health Food Establishment Permit; suggested proposed Findings of Fact; and suggested proposed Conditions of Approval.

The Commission found that Harold Dukes, Jr. Esquire, of Tunnell & Raysor, P.A. and owner of the Creative Concepts building had submitted a letter in support of the application referencing that the Applicants have created many jobs in the community and have been great neighbors; that their business premises are always clean and well kept; that their buildings are always well maintained; and that the Hocker family has shown leadership and a genuine concern for their community.

The Commission found that Jerry Hocker was present with David Hutt, Esquire, of Morris James Wilson Halbbrook & Bayard LLP and that they stated in their presentation and in response to questions raised by the Commission that the intent is to park a concession trailer for a food

vendor in the front of the parking lot on the site; that they will be selling pit beef, pulled pork, ribs, hot dogs, and more; that the Planning and Zoning Department staff did advise them that they needed a Conditional Use; that the site is surrounded by commercial activities and zoning; that the site is zoned C-1 General Commercial; that the site has been owned by the Hocker family for 30 years; that the site is improved with a grocery, pharmacy, garden center, car wash, office space, and a deli; that the food is prepared in the deli for sale in the concession trailer; that there will be no significant change to the site, only the parking for sales of the BBQ; that the location for the concession trailer was chosen to be more visible and out of the way of traffic flow and the parking lot; that the area for parking the concession trailer is curbed; that they have already obtained a food vending license from the Division of Public Health; that the concession trailer will also be used at off-site events; that the use will primarily be seasonal; that the normal hours on the site for the concession trailer will be from 10:00 a.m. to 8:00 p.m.; that trash cans will be available near the concession trailer and that the trash will be moved daily to the dumpster area near the grocery on site; that there is no need for additional lighting; that the use meets the broad purpose of the Conditional Use section for a C-1 General Commercial District; that the Route 26 roadway improvement project will not impact the location; that the Hocker family has already dedicated 25 feet to the State for right-of-way expansion for future Route 26 improvements; that they are aware that they will need to go before the Board of Adjustment for a variance for the setback of the concession trailer; that the concession trailer is equipped with storage facilities for water and wastewater; that the wastewater will be dumped at an approved dumping location; and that the concession trailer has access at the proposed location for 50 amp electric service connection and is equipped with generator service.

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

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

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

Conditional Use #1984 Burton Realty Long Neck, LLC

Application of **BURTON REALTY LONG NECK, LLC** to consider the Conditional Use of land in a B-1 Neighborhood Business District for a landscaping business and supply area to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 1.17 acres, more or less, land lying west of Route 24 (John J. Williams Highway) 460 feet north of Route 5 (Indian Mission Road). (Tax Map I.D. 2-34-23.00-11.00).

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on April 25, 2013 referencing that a Traffic Impact Study was not recommended and that the current Level of Service “E” of Route 24 at this location will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on March 25, 2014 referencing that the site is

located in the Long Neck Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance 38 construction will not be required; that the office on the parcel is currently connected to a 6-inch lateral located on the parcel's frontage along Route 24; that additional building area is not proposed; that conformity to the North Coastal Planning Study will be required; and that a concept plan is not required.

The Commission found that Kevin and Kathy Lougheed were present on behalf of this application with Charles Adams, Surveyor of Adams-Kemp Associates, Inc. and stated in their presentation and in response to questions raised by the Commission that the site is zoned B-1 Neighborhood Business; that the adjoining property containing the Food Lion Shopping Center is zoned C-1 General Commercial; that there has been some confusion about the zoning of this parcel; that the Applicants are proposing to operate a landscaping business on the site to the rear of the existing office building; that the site will be used for the storage and display of mulch, aggregate, and stone for landscaping purposes; that they have been working with the Sussex Conservation District on stormwater management; that the building on the premises is used for a real estate office and a carpet dealership; that the site has access from both Route 24 and from the Food Lion Shopping Center; that a future pole building is proposed for an office and storage for vehicles and equipment; that the pole building is proposed where the current material storage is located; that the business is primarily pick-up and delivery; and that orders are accepted by telephone.

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

At the conclusion of the public hearings, the Commission discussed this application and it was questioned if there was a need for this application in a B-1 Neighborhood Business District.

Mr. Johnson stated that he would move that the application of Burton Realty Long Neck, LLC for a landscaping business and supply area in a B-1 Neighborhood Business District does not require a Conditional Use; that the conduct of retail business, including the sale of general merchandise, hardware and lumber, building materials and garden supplies is a permitted use in the B-1 Neighborhood Business District and this use falls under that description; and that if the Applicant withdraws the Conditional Use application, the site plan for this use can be reviewed by the Planning and Zoning Commission at a future meeting.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously that this application be considered withdrawn and that the fees paid be refunded. Motion carried 5 – 0.

Conditional Use #1985 Eugenia Athan

Application of **EUGENIA ATHAN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a storage facility to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 11.6327 acres, more or less, land lying southeast of Route 17 (Roxana Road) 3,200 feet northeast of Road 365 (Peppers Corner Road). (Tax Map I.D. 1-34-15.00-118.00 part of).

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on January 28, 2014 referencing that a Traffic Impact Study is not recommended, and that the current Level of Service “E” of Route 17 will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on March 25, 2014 referencing that the site is located in the Millville Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance 38 construction will not be required; that central sewer has not been extended to the area at this time; that conformity to the South Coastal Area Planning Study – 2005 Update will be required; that the Planning and Zoning Information Sheet indicates that the proposed use will connect to the County central sewer, but central sewer is not readily available at this time; that sewer service has not been extended to the area at this time; that the County does not have a schedule to provide sewer service to the area at this time; that the County is not aware of plans or schedules for others to extend sewer to the area in the near future; and that a concept plan is not required.

The Commission found that Steve Engle of Vista Design, Inc. was present on behalf of the Applicant and stated in his presentation that the original parcel contains approximately 36 acres and that the zoning is evenly split AR-1 Agricultural Residential and Medium Density Residential; that the Applicant proposed to develop the existing large stable buildings into three (3) storage units for the indoor storage of materials; that DelDOT has advised that it will not be necessary for any improvements to the entrance for the proposed use; that a dwelling exists on the property for the purpose of a care-taker or on-site manager; that there will not be any outside storage of vehicles, RVs or boats; that the closest fire station is either Roxana Volunteer Fire Company or Millville Volunteer Fire Company; that the site will remain in appearance as it now exists; that no signage is proposed; that he can only assume that the storage units will be utilized during daytime business hours from approximately 8:00 a.m. to 5:00 p.m.; that no contractor storage is proposed; and that the two larger buildings, one being 5,794 square feet, and one being 13,999 square feet, will be divided into a total of three (3) storage units.

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

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

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

OTHER BUSINESS

Harbeson Mini Storage Commercial Site Plan – Route 9

This item was removed from the Agenda on March 19, 2014.

Peninsula Hospitality Commercial Site Plan – Dartmouth Drive

Mr. Abbott advised the Commission that this is a preliminary site plan for a 34,875 square foot building for family entertainment located on 4.875 acres; that the site is zoned C-1; that the setbacks meet the requirements of the zoning code; that 98 parking spaces are required and 172 spaces are proposed; that a parking note needs to be revised on the final site plan; that central sewer will be provided by Sussex County and central water will be provided by Tidewater Utilities; that the site is not located in a flood zone; that the final site plan needs to include the appropriate wetlands statement; that final site plan approval could be subject to the staff receiving all agency approvals and the noted revisions being included on the final site plan; and that the Commission was previously provided a copy of the preliminary site plan.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the site plan as a preliminary with the stipulations that the final site plan be revised to indicate the correct parking spaces provided and to contain the required wetlands statement, and that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

**Refuge Plaza East
CU #1487 Revised Site Plan – Route 54**

Mr. Abbott advised the Commission that this is a revised preliminary site plan for 12,300 square feet of storage buildings; that the square footage will be contained in 6 separate buildings which are depicted as buildings G through I; that the previously approved plan was for 13,200 feet of storage located in 3 buildings; that the plan was last revised on November 11, 2011; that the setbacks meet the requirements of the zoning code; that the site is not located in a flood zone; that if revised preliminary approval is granted, final site plan approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provide a copy of the revised preliminary plan.

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

**GLM Investment Group, LLC
3 Lots & 50' Right of Way – Road 88**

Mr. Abbott advised the Commission that this is a request to subdivide a 3.118 acres parcel into 3 lots with access from a 50-foot right of way; that the owner is proposing to create the 50-foot right of way over an existing driveway; that Lot 1 will contain 0.82 acres, Lot 2 1.062 acres and Lot 3 0.788 acres; that the request may be approved as submitted, or an application for a major subdivision can be required; 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; and that the Commission was previously provided a copy of the request.

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

**Bay Forest Club MR/RPC
Sub- Phases 3.2, 4.1 and 4.2
Preliminary**

Mr. Abbott advised the Commission that this is a revised master plan for an 892 residential planned community; that the original RPC was approved for 808 units and the recent expansion was approved for an additional 84 units; that one of the stipulations of approval was that the 2 applications be required to provide an amended master plan incorporating the 2 approvals into 1; that the intent of the master plan is to show the overall development and each phase will be subject to the Commission's review and approval; and that the Commission was previously provided a copy of the revised master plan.

Mr. Abbott advised the Commission that this is the preliminary site plan for sub-phases 3.2, 4.1 and 4.2; that this area contains 109 total units consisting of 19, 70' by 120' lots, 2 cottages, 69 attached townhome villas and 19 detached villas; that the proposed setbacks for the single-family lots are 10 feet from the front and rear yards and 5 feet from the side yards; that the setbacks for the villas and townhomes are 20 feet from all lot lines with a 40-foot aggregate for front and rear yards; that the setbacks for the detached cottages is 10 feet front yard; that these setbacks are consistent with the previously approved phases; that central sewer will be provided by Sussex County and central water will be provided by Tidewater Utilities; that the conditions of approval for both rezonings are referenced on the site plan; that the site plan is suitable for preliminary approval; that final approval shall be subject to the review and approval of the Commission upon receipt of all agency approvals; and that the Commission was previously provided a copy of the preliminary plan.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to approve the amended master plan as submitted. Motion carried 5 – 0.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to approve Sub-Phases 3.2, 4.1 and 4.2 as a preliminary. Motion carried 5 – 0.

ADDITIONAL BUSINESS

Mr. Lank reminded that Commission that there was a workshop meeting with the Sussex County Council and the Board of Adjustment on Tuesday afternoon at 1:30 p.m. at the County Annex Building on U. S. Route 113 to discuss building heights.

Meeting adjourned at 7:45 p.m.

