



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF APRIL 13, 2006

A special meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, April 13, 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 of the Commission were present: Mr. Wheatley, Mr. Gordy, Mr. Johnson, Mr. Smith, and Mr. Burton with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director, Mr. Abbott – Assistant Director, and Mr. Kautz – Land Use Planner.

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

OLD BUSINESS

Subdivision #2004-35 – application of **MCRYAN PROPERTIES, 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 37.84 acres into 41 lots, located at the northeast corner of Route 225 and Route 224.

Mr. Abbott advised the Commission that this is the final record plan for a 38-lot cluster subdivision; that the Commission granted preliminary approval for 39 lots on August 11, 2005; that the record plan meets the conditions of the preliminary approval, the requirements of the subdivision and zoning codes; and that all agency approvals have been received.

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

Subdivision #2005-13 – application of **LYNN AND KAREN MCCOLLEY** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek

Hundred, Sussex County, by dividing 39.60 acres into 46 lots (Cluster Development), located southwest of Road 202, 1,000 feet northwest of Road 206.

Mr. Abbott advised the Commission that this is a preliminary plan for a 45-lot cluster subdivision; that the Commission granted conceptual approval for 46 lots on February 9, 2006 with 6 conditions; that one of the conditions was that a revised preliminary plan must be submitted and must reflect a design that is superior to a standard subdivision, including the provision for more open space and provide a bus stop at the entrance and a playground; that the revised plan deletes the original lot 1 and makes it open space with a tot lot; that this area contains 22,047 square feet; and that a bus stop has also been to this site.

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

Subdivision #2005-26 – application of **IVY BRANCH ASSOCIATES** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 200.60 acres into 360 lots (Cluster Development), located on both sides of Road 303, 520 feet southwest of Road 303A.

Mr. Abbott advised the Commission that this application was deferred on March 23, 2006.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2005 – 26 for Ivy Branch Associates, for Phases 10 through 13 of the Stonwater Creek Development, based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County, and is an extension of an approved subdivision.
2. The land is zoned AR-1 which permits low-density single-family residential development at a density of approximately 2 lots per acre. The proposed subdivision density of 360 lots on 200 acres of land is less than the maximum density that is permitted.
3. The proposed phases of the existing subdivision are generally in character with other residential developments in the area, including an expansion of the Baywoods Development. It is also consistent with the historical trend of development in the area.
4. This application is for a clustered subdivision. The design is superior to a standard subdivision, including the other phases of this development, based upon the creation of substantial open space and greater conservation of forested and natural

areas. The clustering also allows greater buffering from wetlands, with more lots adjoining open space.

5. The proposed subdivision is adjacent to, and will be part of Subdivisions #2002 – 49 and #2203 – 32, which have been approved.
6. The site is in the vicinity of the intersection of Long Neck Road and Route 24, which contains a concentration of business and services for the Long Neck area and the proposed subdivision. This area includes a neighborhood-type residential shopping center.
7. The proposed subdivision will be a restricted residential development consistent with the area and will not adversely affect nearby uses or property values.
8. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
9. This recommendation is subject to the following conditions:

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1. Agricultural buffers shall be provided in accordance with the Subdivision Ordinance, if necessary. On the final site plan, all buffers shall be indicated.
2. The Applicant shall integrate these phases into the homeowners' association serving the prior phases to be responsible for the maintenance of streets, roads, any forested buffers, storm water management facilities, and other common areas.
3. On the final site plan, all existing and preserved woodlands shall be clearly delineated. The Applicant shall use every effort to protect and maintain any mature trees outside of the roadway and house site areas.
4. Central water and a central community sewer system will be constructed as permitted by the County Zoning Ordinance and as regulated by DNREC.
5. The wetland notice shall be included in the Restrictive Covenants. No lots shall include any wetlands and there shall be a buffer of at least 50 feet from all wetlands.
6. The storm water management system shall meet or exceed the requirements of the State and County.
7. The use of a central community sewer system and storm water management system shall maximize ground water recharge and erosion and sediment control measures and shall comply with all State and County requirements.
8. All entrances and multi-modal paths shall comply with all of DelDOT's requirements, and a stub street shall be provided to Double Eagle for inter-connectivity between developments.
9. A system of street lighting shall be provided by the Applicant, and the location of the streetlights shall be shown on the final site plan.
10. Sidewalks shall be constructed along both sides of all streets. The sidewalks shall connect to the multi-modal paved pathway constructed along Townsend Road.
11. The Applicant shall comply with all restrictions required by the State Historic Preservation Office regarding the cemetery that is on the site.
12. An area shall be set-aside at the entrance to the project for a school bus stop with parking for parents.

13. Tot lots and recreation areas shall be installed on both sides of Townsend Road. The location of these amenities shall be shown on the final site plan.
14. If the wastewater treatment area is not needed within Phases 10 through 13, this area shall revert to open space for active or passive recreation.
15. Road naming shall be subject to the review and approval of the County's Addressing and Mapping Department.
16. Final site plan approval shall be subject to approval of the Planning and Zoning Commission.

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

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C/U #1639 – application of **BETHANY COURT, LLC** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures (proposing 6 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.2873 acres, more or less, lying east of Route One, 900 feet north of Dune Road within Tower Shores.

The Commission discussed this application, which has been deferred since March 9, 2006.

Mr. Smith stated that this site is a very environmentally sensitive site with scattered small wetlands and that it is located adjacent to Indian Harbor Villas.

Mr. Smith stated that he would move that the Commission recommend approval of C/U #1639 for Bethany Court, LLC based upon the record made at the public hearing and for the following reasons:

- 1) The proposed Conditional Use project meets the purpose of the zoning ordinance in that it promotes the orderly growth of the County because the proposed project is in a development district as established by the 2002 Sussex County Comprehensive Plan Update.
- 2) The proposed Conditional Use is appropriate for the site because residential development of this type is appropriate in areas where central water and sewer are available. In this case, there will be central sewer provided by Sussex County and water provided by Sussex Shores Water Company.
- 3) The property is in an area that has developed with other residential properties, including single family developments and multi-family developments.
- 4) DelDOT has advised that the project will have no significant impact on traffic.
- 5) The recommendation for approval is subject to the following conditions:
 1. The maximum number of residential units shall not exceed five (5).

2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT" determination.
3. The development shall be served as part of a Sussex County Sanitary Sewer District, and the Applicant shall pay for any upgrades required for service to the project.
4. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
5. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.
6. The only access to the beach shall be one crossover broad-walk or walkway as may be permitted by DNREC.

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7. A sidewalk shall be installed to connect the project to the State Park beach access at 3Rs Road.
8. The interior street design for this development shall be subject to approval of the Planning and Zoning Commission.
9. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
10. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.
11. A construction fence shall be erected so as to be high enough to act as a sufficient shield against blown or discarded construction materials and debris from impacting the State Park and neighboring properties.
12. Notices to be given as to hunting activities are permitted and ongoing on nearby State Park lands.
13. Site plan review for this development shall be subject to approval of the Planning and Zoning Commission.

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

Ordinance Amendment – AN ORDINANCE TO AMEND CHAPTER 115 SECTION 162, RELATING TO THE NUMBER OF OFF STREET PARKING SPACES REQUIRED FOR MULTIFAMILY DWELLINGS AND TOWNHOUSES.

Mr. Kautz stated that the presentation made at the public hearings included that the word “development” should replace “unit”.

Mr. Wheatley expressed concerns about the use of a formula since it may create conflict in interpretations and that he would prefer a specific number of spaces per unit.

Mr. Kautz stated that there is no definition of a “bedroom” in the Ocean City regulations, and that the Ocean City regulations reference “accessory rooms” which includes bedrooms.

Mr. Wheatley added that the Ordinance needs to be clear.

Mr. Gordy stated that he was not present during the public hearing and that he has not listened to the tape recording.

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Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to defer action to allow Mr. Gordy time to review the record and listen to the tape recording. Motion carried 5 – 0.

Ordinance Amendment – AN ORDINANCE TO AMEND CHAPTER 115, ZONING, ARTICLE XI, PART ONE, RELATING TO PERMITTED USES AND TO CLOSE THE EXISTING C-1 DISTRICT; PART TWO, SECTION 3, TO CREATE A NEW CR-1 DISTRICT; PART THREE, ARTICLE X, TO AMEND THE B-1 DISTRICT RELATING TO CONDITIONAL USES; AND PART FOUR, ARTICLE XX TO AMEND THE HEIGHT, AREA AND BULK REQUIREMENTS.

It was noted that Mr. Gordy was not present during the public hearing.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to defer action to allow Mr. Gordy time to review the record and listen to the tape recording. Motion carried 5 – 0.

OTHER BUSINESS

Breakwater MR/RPC
Final Record Plan – Road 267

Mr. Abbott advised the Commission that this is the final record plan for a 185-unit residential planned community; that the Commission granted preliminary approval on October 21, 2004; that there are 80 single-family lots and 105 townhouse and duplex units; that the final record plan is the same as the preliminary plan; that the record plan complies with the conditions of approval and the subdivision and zoning codes; and that all agency approvals have been received.

Motion the Mr. Gordy, 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 11 – Route 54

Mr. Abbott advised the Commission that this is the final record plan for Phase 11, which includes 25 units; that the Commission granted preliminary approval on September 8, 2005; that the final record plan is the same as the preliminary plan; and that all agency approvals have been received.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the record plan as a final. Motion carried 5 – 0.

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Americana Bayside MR/RPC
Signage and Landscaping Features – Route 54

Mr. Abbott advised the Commission that this is a request to permit 12 subdivision and or village identifying signs, brick walls that exceed the 3 ½ foot height requirement and a 25-foot tall ornamental feature; and discussed the letter that was submitted by the applicant's engineers.

Jim Fuqua; Attorney, and Jim Willey; Engineer with George, Miles and Buhr, and Doug Brown with Carl Freeman Associates were present and advised the Commission that they are requesting that the Commission allow the developers to utilize the design ingenuity section of the RPC ordinance; that they are requesting an identifying sign at each section of the development; that the brick wall runs along Americana Boulevard; that the wall ranges in height from 3 feet to 7 feet; that the wall is approximately 800 feet in length; that the wall will have street lights and urns; that an 8-foot multi-modal path is located outside of the proposed walls; that inter-connectivity will not be interrupted; that the proposed tower is approximately 25-feet in height and is an ornamental feature only; that there are no doors to the tower so that no one can be inside the building; and that the wall is setback 25-feet from Route 54.

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

Americana Bayside MR/RPC
Revised Recreation Area – Route 54

Mr. Abbott advised the Commission that this is a revised site plan for the recreation area located within Phase 4; that the site plan was previously approved by the Commission on

March 31, 2005; that the revised site plan switches the location of the swimming pool and clubhouse; that a 5th tennis court has been added; and that there is a pool house 18-feet from Forsythia Drive.

Jim Willey; Engineer with George, Miles and Buhr advised the Commission that the clubhouse has been moved away from the pool so that guests of the clubhouse have a better view of the tennis courts; and that the building and tennis courts have been relocated.

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

Heritage Village MR/RPC
Final Record Plan – Road 283

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Mr. Abbott advised the Commission that this is the final record plan for a 147-unit residential planned community; that the Commission granted preliminary approval on June 9, 2005; that the final record plan meets the requirements of the subdivision and zoning codes, complies with the conditions of approval; and that all agency approval have been received.

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

Fenwick Gateway
Preliminary Commercial Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary commercial site plan for a 3-story mixed use building located on 12,956 square feet; that the site is zoned C-1; that there will be 1,200 square feet of retail area on the first floor, 2,122 square feet of storage on the second floor, and 2 apartment units on the third floor; that 10 parking spaces are required and 12 are provided; that due to the size of the lot, 9 spaces are located within the front yard setback and would need a waiver from the Commission; that the setbacks meet the requirements of the zoning code; that ingress/egress to the site is off of Lighthouse Road; that there are two entrances off of Route One and DelDOT is requiring that one of them be closed; that Artesian Water Company will provide central water to the site and that Sussex County will provide central sewer; that there are not any wetlands located on the site; that the site is located in an AO Flood Zone; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Clinton Bunting; Developer, and Zach Crouch; Engineer with Davis, Bowen and Friedel, Inc. were present and advised the Commission that they have met with DelDOT on the

site and that an entrance off of Route One will be closed; that 6 inch curbing will be provided along Route One; and that DelDOT will require a 5-foot sidewalk along Route One.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a preliminary with the stipulation that parking bumpers be provided along the north end of the site and shown on the final site plan and to approve a waiver for the parking to be located within the front yard setback; and with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Long Neck McDonalds
Preliminary Commercial Site Plan – Route 24

Mr. Abbott advised the Commission that this is a preliminary commercial site plan for a

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1,525 square foot patron area fast food restaurant located on 1.23 acres; that the site is zoned C-1; that ingress/egress to the site is off of Bayshore Boulevard and cross access easements from the adjoining parcels; that DelDOT has approved the entrance and cross access easements; that the setbacks meet the requirements of the zoning code; that 37 parking spaces are required and that 48 spaces are provided; that 17 spaces are located within the front yard 60-foot setback and need a waiver from the Commission; that adjoining parcels have had parking in the front yard setback approved; 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 zone; 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 and to grant a waiver for the parking in the front yard setback and with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Bill's Sports Shop and Atlantic Cellular
Preliminary Commercial Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary commercial site plan for a 1-story, 18,000 square foot retail building located on 1.60 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 will be right ins and outs only; that the rear yard setback needs to be 30 feet from the adjoining property since it is zoned residential; that there appears to be room to correct this issue; that 90 parking spaces are required and provided; that 12 spaces are located within the front yard setback and will need a waiver; that the required 20-foot landscaped buffer along Route One is provided; that 2 loading spaces are

provided; that Sussex County will provide central sewer and Tidewater Utilities will provide central water; that there are not any wetlands on the site and the site is not located in a flood zone; and that if preliminary approval is granted, final approval could be subject to the rear yard setback being corrected and subject to the staff receiving all agency approvals.

Roger Gross; Engineer with Merestone Consultants, advised the Commission that the rear yard setback was an oversight and will be corrected; and that a fence will be erected to screen the parking area from the residential district.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals provided the rear yard setback is corrected, and to

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grant a waiver for the parking to be located within the front yard setback. Motion carried 5 – 0.

Chad Hall
Preliminary Commercial Site Plan – Road 361

Mr. Abbott advised the Commission that this is a preliminary commercial site plan for a commercial nursery located on 1.45 acres; that the site is zoned B-1; that a 12-foot by 16-foot shed is proposed; that the setbacks meet the requirements of the zoning code; that 12 parking spaces are provided; that there is a 100-foot by 125-foot nursery area; that the site originally received preliminary approval for a convenience store; that the owner is not ready to construct it yet; that this use will be temporary; 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 with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

A-1 Fence Company
CU #1598 Site Plan – Route 9

Mr. Abbott advised the Commission that this is a site plan for a fence company; that the Conditional Use was approved by the County Council on October 4, 2005 with 11 conditions; that the conditions of approval are referenced on the site plan and the plan complies with the conditions; that a 30-foot by 60-foot building is proposed; that the setbacks meet the requirements of the zoning code; that the parking area is stone; and that

if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Mr. Lank noted that the existing shed needs to be moved to meet the minimum required side yard setback of 5 feet.

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

Scott and Monica Shubert
CU #1610 Site Plan – Road 68

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Mr. Abbott advised the Commission that this is a site plan for a garden and produce center located on 5.09 acres; that the Conditional Use was approved by the County Council on June 14, 2005 with 4 conditions; that a 32-foot by 90-foot storage building, a 20-foot by 40-foot planting shed, and a 50-foot by 70-foot greenhouse are proposed; the setbacks meet the requirements of the zoning code; that 10 parking spaces are provided; that on-site septic and well are existing; that the site plan complies with the conditions of approval; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

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

Subdivision #2004 – 29 - - Harley W. Tull and Jerry C. Dukes
Revised Preliminary – Old Furnace Estates

Mr. Abbott advised the Commission that this is a revised preliminary plan to create a 50-foot right of way on the eastern most side of the subdivision to serve as access to land owned by McMullen; that McMullen's property has an old grease pit located on it and that access to the site would be through the subdivision; that the proposed right of way will serve as access to the site and that there would not be any trucks going through the subdivision street; and questioned if the Commission would approve the plan as revised or require another public hearing since this is an alteration to a previously approved plan.

Zach Crouch; Engineer with Davis, Bowen and Friedel, Inc. advised the Commission that it is the developers intent to eliminate truck traffic through the subdivision; that the plan will also have a positive discharge; that if the pit is ever abandoned, the right of way will

be eliminated; that no additional lots are proposed; and that the adjoining property owner has no problems with the revision.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to defer action pending verification that the Perdue Family is aware of the revision and has no objections. Motion carried 5 – 0.

Bayfront at Rehoboth
Recreation Area Site Plan – Road 279

Mr. Abbott advised the Commission that this is a conceptual site plan for the recreational area for the Bayfront Subdivision; that a tot lot, clubhouse, swimming pool and 25 parking spaces are proposed; and that if approval is granted, it should be conceptual approval only since dimensions and setbacks need to be shown on the site plan.

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Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the site plan as a concept. Motion carried 5 – 0.

Charles P. West II
Lot on a 50' Right of Way – Road 424

Mr. Abbott advised the Commission that this is a request to create a 1.0-acre lot with access from a 50-foot right of way; and that the owner proposes to create the 50-foot right of way over an existing farm lane.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve the request as a concept. Motion carried 5 – 0.

Robert L. and Peggy L. Layton, Trust
2 Parcels and a 50' Right of Way – Route 54

Mr. Abbott advised the Commission that this is a request to subdivide a 10.04-acre parcel into 2, 5.0-acre parcels with access from a 50-foot right of way; and that the owner proposes to create the right of way over an existing dirt lane.

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

Chester M. and Agnes M. Porches
2 Parcels and a 50' Right of Way – Road 79

Mr. Abbott advised the Commission that this is a request to subdivide a 6.58-acre parcel into a 4.56-acre tract and a 2.29-acre tract with access from a 50-foot right of way; that the 50-foot right of way will be extended off of an existing 20-foot right of way; and that each parcel has an existing dwelling located on it.

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

Gregory A. Myer
Parcel and a 50' Easement – Road 567A

Mr. Abbott advised the Commission that this is a request to create a lot with access from a 50-foot easement; that the owner is creating 4 lots and residual land; that all of the lots have the minimum 150 feet of road frontage; that DelDOT will only permit access to lot 4 from the easement; and that the easement tapers off to 25 feet at the end of it.

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

Gerald Nocks
2 Parcels and a 50' Easement – Road 393

Mr. Abbott advised the Commission that this is a request to create an 11.81-acre tract with access from a 50-foot easement across a 5.0-acre tract; and that the owner proposes to create the 50-foot easement over an existing driveway.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve this request as a concept. Motion carried 5 – 0.

Crystal Beach
2 Lots and a 50' Right of Way – Road 224

Mr. Abbott advised the Commission that this is a request to subdivide a 2.0-acre parcel into 2, 1.0-acre lots with access from a 50-foot right of way; and that the right of way currently exists.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to approve this request as a concept with the stipulation that the applicant provides written proof that the Kings are not opposed to the request. Motion carried 5 – 0.

Ruth Ann Gray
Lot and Easement – Road 583

Mr. Abbott advised the Commission that this is a request to create a 0.97-acre lot with access from a 50-foot easement; that the parcel has 200-feet of road frontage along Road 583; and that DelDOT will only permit access to the lot from a 50-foot easement on the western side of the lot.

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

John D. Mills
Lot and 50' Right of Way – Road 213

Mr. Abbott advised the Commission that this is a request to create a 0.75-acre lot with access from a 50-foot right of way; and that the owner proposes to create the right of way over an existing paved driveway.

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

Elmer Fannin
CU #1510 – Time Extension

Mr. Abbott advised the Commission that this is a request for a one-year time extension; that the conditional use was approved on April 6, 2004; that the Commission granted preliminary site plan approval on December 16, 2004 and granted a one-year time extension on March 3, 2005; that this is the second request for an extension; and that this is the last extension that the Commission has the authority to grant.

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

James R. and Jane H. Gibson
CU #1540 – Time Extension

Mr. Abbott advised the Commission that this is a request for a one-year time extension; that the conditional use was approved by the Court of Chancery on July 29, 2005; that the Commission granted preliminary site plan approval on February 1, 2006; and that this is the first request for an extension.

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

Subdivision #2003 – 53 - - Sunland Properties, L.L.C.
Time Extension

Mr. Abbott advised the Commission that this is a request for a one-year 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. Burton, seconded by Mr. Johnson, and carried unanimously to approve a one-year time extension. Motion carried 5 – 0.

Subdivision #2004 – 13 - - Double Eagle Farms, L.L.C.
Time Extension

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

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

Subdivision #2004 – 17 - - Natelli Communities, Ltd.
Time Extension

Mr. Abbott advised the Commission that this is a request for a one-year time extension; that the Commission granted preliminary approval on June 10, 2004; and that the Commission granted a one-year time extension on May 26, 2005.

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

State of Delaware/Savage
3 Parcels and a 50' Right of Way – Road 633

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 stone driveway; that DeIDOT will only permit access to the lots from the right of way; that 2 of the lots have existing dwellings located on them; and that the residual land is being given to the State of Delaware as an extension to lands owned by the Abbott's Mill Nature Conservancy.

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

ADDITIONAL BUSINESS

It was noted that a Special Meeting of the Commission will be held on May 17, 2006 at 3:00 p.m.

The Commission was provided some information on future educational seminars.

Meeting adjourned at 5:20 p.m.