



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF JULY 26, 2007

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 26, 2007 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:05 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Benjamin Gordy, Mr. I.G. Burton, III, and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director and Mr. Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Agenda as circulated. Motion carried 3 – 0. Mr. Burton was not present.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of July 12, 2007 as circulated. Motion carried 3 – 0. Mr. Burton was not present.

Mr. Robertson explained how the meeting and public hearings would be conducted.

OLD BUSINESS

Subdivision #2004-17 – application of **NATELLI COMMUNITIES, LTD. PARTNERSHIP** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 250.13 acres into 544 lots, located north of Route 9, 0.25 mile east of Road 261.

Mr. Lank advised the Commission that this is a final record plan for The Villages at Red Mill Pond – North; that the Commission granted preliminary approval for 544 lots on June 10, 2004 and granted one-year time extensions on May 25, 2005, April 13, 2006 and July 18, 2007; that Phase I is on the northeast side of Road 261 and the railroad; that Phase I contains 343 lots; that the record plan meets the requirements of the Subdivision Code and Zoning Code and the conditions of the preliminary approval; that the setbacks are 30-feet from the front and 10-feet from the sides and rear; that Lots 1 and 2 are through lots and have a 40-foot setback from Road 261; and that all agency approvals have been received.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve Subdivision #2004-17, the application of Natelli Communities, Ltd., as a final. Motion carried 4 – 0.

Subdivision #2004-52 – application of **HOLLAND MILLS DELAWARE, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 68.29 acres into 136 lots, (Cluster Development), located south of Road 260 (Walker Road), approximately 1 mile west of Road 258 (Hudson Road).

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Mr. Lank advised the Commission that this is a final record plan for Holland Mills; that the Commission granted preliminary approval for 136 lots on November 9, 2005 and granted a one-year time extension on December 14, 2006; that the final record plan contains 136 lots and a future clubhouse and pool; that the final plan meets the requirements of the Subdivision Code and the Zoning Code and the conditions of the preliminary approval; that a 30-foot forested buffer is required along the southern and western boundary lines and is provided; that at the southwest corner of the site the stormwater management pond has been shifted to be located outside of the forested buffer and needs to be re-approved by the Sussex Conservation District; that all agency approvals have been received; and that final approval could be subject to a revised approval from the Sussex Conservation District.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve Subdivision #2004-52, the application of Holland Mills Delaware, L.L.C., as a final subject to receipt of a revised approval from the Sussex Conservation District. Motion carried 4 – 0.

Subdivision #2007-19 -- application of **AMERI-STAR HOMES** to consider the Subdivision of land in a MR Medium Density Residential District in Cedar Creek Hundred, Sussex County, by dividing 34.32 acres into 80 lots, located on the northwest side of Road 619, approximately 900 feet north of Shawnee Road (Route 36).

The Commission discussed this application which has been deferred since June 28, 2007.

Mr. Burton stated that he would move that the Commission approve Subdivision #2007-19 for AMERI-STAR HOMES based upon the record made at the public hearing and for the following reasons:

1. The project is located in a Developing Area according to the County's 2002 Land Use Plan Update. It is also located about 1-mile from the Milford City Limits.
2. The applicant has proposed 80 lots on 34.32 acres, which is significantly less than the allowable density for a MR subdivision on this land.
3. The project is consistent with neighboring and adjacent properties and will not have an adverse impact on the neighboring properties or community.
4. Central sewer will be provided to the project by the City of Milford.
5. Central water will be provided to the project by the City of Milford.
6. The subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County. In addition, the site's design has a

minimal impact on wetlands and no wetlands are included within any lots. The applicant has also favorably addressed the items described in Section 99-9C of the Subdivision Code.

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7. This recommendation is subject to the following conditions:
 1. There shall be no more than 80 lots within the subdivision.
 2. The applicant shall form a homeowners' association to be responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas.
 3. The stormwater management system shall meet or exceed the requirements of the State and County. The stormwater management system shall maximize ground water recharge and erosion and sediment control measures and shall comply with all State and County requirements.
 4. All entrances shall comply with all of DelDOT's requirements. In addition, subject to DelDOT's approval, the entrance shall be relocated to where the dead-end cul-de-sac is shown on the Preliminary Site Plan. In the event DelDOT does not approve the relocation of the entrance, a bermed landscape buffer shall be constructed between the entrance and the Greenlee property.
 5. A system of street lighting shall be provided by the applicant, and the location of the street lights shall be shown on the Final Site Plan.
 6. Sidewalks shall be installed on both sides of all streets within the subdivision.
 7. No wetlands shall be included within any lot lines.
 8. As shown on the Preliminary Site Plan, there shall be a 50-foot buffer from Bowman's Branch.
 9. The development shall be served by central water and sewer provided by the City of Milford.
 10. Street naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 11. A school bus stop shall be established at the entrance to the subdivision with parking for at least 4 vehicles. The specific location of the bus stop shall be coordinated with the local school district and shall be shown on the Final Site Plan.
 12. As stated by the applicant, the existing trees shall be maintained as much as possible, with additional reforestation areas. Also, the area to the rear of Lot 1 shall be forested. The location of all forested and reforested areas shall be shown on the Final Site Plan.

13. Forested buffers shall be provided along every boundary of the site adjacent to lands used for any agricultural purposes. The location of these buffers and the proposed vegetation shall be shown on the Final Site Plan.
14. Because the front of the property is considered an excellent recharge area, there shall be no more than one lot within the first 200 feet adjacent to Road 619.

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15. The proposed fencing and landscaping adjacent to Road 619 as depicted on the Preliminary Site Plan shall extend around the perimeter of the Greenlee property, and for the entire frontage of the project along Road 619.
16. A 20-foot wide access shall be provided to stormwater management area #2 located between Lots 66 through 80. The access shall be a part of stormwater management area #2 and shall not be provided by easement.
17. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to grant preliminary approval of Subdivision #2007-19 for AMERI-STAR HOMES based on the reasons and with the conditions stated. Motion carried 4 – 0.

Subdivision #2006-20 – application of **STELLA J. MITCHELL, TRUSTEE** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 59.89 acres into 35 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located south and east of Road 242, 1,074 feet west of Road 319.

The Commission discussed this application which has been deferred since July 12, 2007.

Mr. Lank advised the Commission that the State DNREC issued a septic feasibility statement and that the site is suitable for on-site septic systems.

Mr. Burton stated that he would move that the Commission grant preliminary approval of Subdivision #2006-20 for Stella J. Mitchell, Trustee, 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 of $\frac{3}{4}$ acre lots conforms with the density permitted by the existing AR-1 zoning, and it is consistent with other residential subdivisions and lots in the area.
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. The applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Ordinance.

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7. This recommendation is subject to the following conditions:
 1. Only 35 single-family lots shall be permitted.
 2. The applicant shall prepare and record formal Restrictive Covenants governing the development and form a homeowners' association to be responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 3. The stormwater management system shall meet or exceed the requirements of the State and County. There shall be a landscaped buffer between the entrance and the stormwater management ponds on either side of the entrance.
 4. All entrances shall comply with all of DelDOT's requirements.
 5. The Restrictive Covenants shall include the Agricultural Use Protection Notice.
 6. A variance shall be granted to allow a cul-de-sac exceeding 1,000 feet. The variance is appropriate given the configuration of the property and the traffic-calming design of the streets.
 7. There shall be a 25-foot wide buffer along Donovan Road. The landscape plan for this buffer shall be contained within the Final Site Plan.
 8. There shall be a 30-foot side forested buffer along any portion of the project that is adjacent to lands used for any agricultural purposes. The landscape plan for this buffer shall be contained within the Final Site Plan.
 9. The location of a school bus stop shall be coordinated with the local school district, and the bus stop area shall be shown on the Final Site Plan.
 10. Street naming and addressing shall be coordinated with the Sussex County Mapping and Addressing Departments.
 11. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to grant preliminary approval of Subdivision #2006-20 for Stella J. Mitchell, Trustee based on the reasons and with the conditions stated. Motion carried 4 – 0.

PUBLIC HEARINGS

C/U #1756 – application of **ARTESIAN WATER COMPANY, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a regional water utility facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.49 acres, more or less, lying northeast of Clamshell Lane, 60 feet northwest of Alligator Alley within Heron Bay Subdivision being southwest of Road 286 (Hopkins Road).

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The Commission found that the applicants had submitted an Exhibit Booklet which included references to the application, a copy of the deed to the property, site plans, an Office of Drinking Water approval, copies of DNREC well permits, a wellfield allocation application, photographs, a system map, a listing of sites to be served, and proposed findings and conditions of approval.

The Commission found that Brian Carbaugh of Artesian Water Co., Inc. was present with Dennis Schrader, Attorney, and that they stated in their presentations and in response to questions raised by the Commission that a regional water utility facility is proposed to serve the communities of Heron Bay, Woodridge, Spring Breeze, Independence, Stonewater Creek, Pelican Point, Welsh Run, Wetherby, Avebury, and the Keen and Cordrey properties; that capacity is available to serve other projects; that the Heron Bay facility is improved by a pressure tank and generator; that the facility is proposed to be expanded by creation of a 30,000 gallon underground water storage facility with a building above; that the building will resemble a dwelling; that there will be no major change in the existing facility; that chemicals will be stored in the building; that the only noise generated on the site will be the generator during power outages or testing of the generator; that the testing of the generator will occur approximately once per week; that they plan on interconnecting water systems to provide better flow for drinking water and fire protection; that they have CPCNs to serve the projects listed; that other areas could be served; that any expansions to the system will require additional CPCNs; that there will be no additional above ground tanks; that they presently have an office off of Route 9; that there are employees on 24-hour call for emergencies and that they can response to any site within 30 minutes; that the site could be visited by staff a couple of times per day; that landscaping will be provided; that they would prefer not to have to fence the area since fencing may be objectionable to the neighborhood; that the facility is designed to be a secure facility; that well head protection areas have not yet been established; and that they will comply with all agency regulations.

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. Smith stated that he would move that the Commission recommend approval of C/U #1756 for Artesian Water Company, Inc. based upon the record and for the following reasons:

1. This project benefits the health, safety and welfare of the residents in the area, and will not have an adverse impact on the neighboring properties or community.
2. Artesian Water Company, Inc. has been issued a Certificate of Public Convenience and Necessity to serve the area by the Public Service Commission.

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3. This application is the expansion of a pre-existing approved use and will provide a water distribution system that will serve the existing and future communities of the applicant's certificated areas.
4. This approval is subject to the following conditions:
 1. There shall not be any elevated water towers constructed on the site.
 2. Landscaping shall be provided on the site. The landscaping shall be shown on the Final Site Plan.
 3. All structures shall have a residential appearance.
 4. All improvements for water distribution, including wells, treatment facilities, and storage facilities shall be maintained in accordance with the requirements of the Delaware Department of Health or any other governmental agency with jurisdiction over the use of the site, or any modification thereto.
 5. The final site plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Burton and carried with 3 votes 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 3 – 0. Mr. Wheatley was absent for the vote.

C/U #1757 – application of **ARTESIAN WATER COMPANY, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a regional water utility facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.52 acres, more or less, lying southeast of Shoreline Drive across from Longshore Drive within Stonewater Creek Subdivision east of Route 5.

The Commission found that the applicants had submitted an Exhibit Booklet which included references to the application, a copy of the deed to the property, site plans, an Office of Drinking Water approval, copies of DNREC well permits, a wellfield allocation application, photographs, a system map, a listing of sites to be served, and proposed findings and conditions of approval.

The Commission found that Brian Carbaugh of Artesian Water Co., Inc. was present with Dennis Schrader, Attorney, and that they stated in their presentations and in response to questions raised by the Commission that a regional water utility facility is proposed to serve the communities of Heron Bay, Woodridge, Spring Breeze, Independence, Stonewater Creek, Pelican Point, Welsh Run, Wetherby, Avebury, and the Keen and Cordrey properties; that capacity is available to serve other projects; that the Stonewater Creek facility has the capability of providing 400 gallons per minute and once interconnected to the Heron Bay facility will be capable of providing 1,400 gallons per

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minute; that the building on this site resembles a dwelling; that a nitrate removal system is in place on this project; that duplication of supply improves fire protection and water quality; that all chemicals are stored indoors; that emergency numbers are posted on all sites; and that they will comply with all agency regulations.

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. Smith stated that he would move that the Commission recommend approval of C/U #1757 for Artesian Water Company, Inc. based upon the record and for the following reasons:

1. This project benefits the health, safety and welfare of the residents in the area, and will not have an adverse impact on the neighboring properties or community.
2. Artesian Water Company, Inc. has been issued a Certificate of Public Convenience and Necessity to serve the area by the Public Service Commission.
3. This application is the expansion of a pre-existing approved use and will provide a water distribution system that will serve the existing and future communities of the applicant's certificated areas.
4. This approval is subject to the following conditions:
 1. There shall not be any elevated water towers constructed on the site.
 2. Landscaping shall be provided on the site. The landscaping shall be shown on the Final Site Plan.
 3. All structures shall have a residential appearance.
 4. All improvements for water distribution, including wells, treatment facilities, and storage facilities shall be maintained in accordance with the requirements of the Delaware Department of Health or any other governmental agency with jurisdiction over the use of the site, or any modification thereto.
 5. The final site plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Burton and carried with 3 votes 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 3 – 0. Mr. Wheatley was absent for the vote.

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Subdivision #2006-22 – application of **BETHANY WOODS, LLC** to consider the Subdivision of land in a MR Medium Density Residential District in Baltimore Hundred, Sussex County, by dividing 12.20 acres into 19 lots, (Environmentally Sensitive Developing District Overlay Zone), located south of Road 360, approximately ½ mile west of Route One.

The Commission found that the applicants had submitted a Data Book and an Appendix to the Data Book which included references to site data and preliminary site plans, site information, water service, sanitary sewer service, stormwater management systems, environmental data, entrance information, compliance with 99-9C of the Subdivision Ordinance, Technical Advisory Committee (TAC) and Preliminary Land Use Service (PLUS) comments and responses, resumes, utility commitment letters, Declaration of Covenants, Conditions and Restrictions, an Assessment of Cultural Resources, a Phase I ESA Report, an Environmental Assessment & Public Facility Evaluation & Sketch Plan Report, a summary of Endangered Species & Natural Heritage Assessments, a Characterization of Forested Areas, a Wetlands Investigation & Delineation, a study of school aged children residing in the project, and a notice of intent.

Mr. Lank advised the Commission that the TAC committee responded with comments until December 20, 2006; that a response to TAC was received on July 6, 2007; that the Environmental Assessment & Public Facility Evaluation was received on April 4, 2006; that the Data Book and Appendix, Revised Preliminary Site Plans, Boundary Survey, and proposed Findings and Conditions of Approval were received on July 23, 2007; that a Faxed copy of the Easement Agreement and a letter referencing the Conservation Easement were received on July 25, 2007; and that a letter of opposition from the Salt Pond Homeowners Association was received on July 23, 2007.

The Commission found that Rick Judge of Bethany Woods, LLC was present with Dennis Schrader, Attorney, and Gary Cuppels of ECI and that they stated in their presentations and in response to questions raised by the Commission that the site is located in an Environmentally Sensitive Developing Area; that they could have applied for 4-units per acre in the MR District, but chose to apply for 19 lots; that the site is located within a Level 3 Area according to the State Strategies; that 3 parcels exists and are proposed to be divided into the 19 lots; that Lot 19 already exist; that the wetlands

have been delineated by a wetlands specialist; that they will comply with or exceed the requirements of the Environmentally Sensitive Developing Area; that when the PLUS application was filed the agencies appeared to be concerned about building in the flood plain; that 80% of the general area is located within flood plains; that all of the projects fronting Fred Hudson Road are in the flood plain; that they comply with all of the items in Section 99-9C of the Subdivision Ordinance; that a Certified Arborist will be hired to review all construction; that sidewalks have not been proposed since they create additional impervious surfaces therefore creating more runoff; that the majority of the

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coastal projects do not have sidewalks; that it will be necessary that they bridge the large ditch along McCoy's Way, a street with the Salt Pond Community; that water will be provided by Sussex Shores Water Company; that sewer will be provided by Sussex County; that erosion and sediment control will be subject to the review and approval of the Sussex Conservation District; that they anticipate no impact on property values; that it has been estimated that one student will be generated by the project; that there should be no negative impact on area roadways; that there should be no negative impact on waterways; that the use is compatible with other area land uses; that access to the site is from McCoy's Way; that the DelDOT bikepath plans have been altered to utilize Fred Hudson Road, not McCoy's Way; that their goal is to create a nice single family development with short streets and cul-de-sacs; that sidewalks would have eliminated approximately 100 trees; that the ditch is not a tax ditch; that Lot 19 does contain some wetlands, but is an existing parcel; that there will not be any construction within any wetlands; that no amenities are proposed due to the number of lots in the project; that the project fits into the area properly as a private enclave; that no wetlands are proposed within Lots 1 through 18; that an upscale community is proposed with homes in the \$1,000,000 range; that the restrictions reference that one-story homes will contain at least 2,000 square feet and that two-story homes will contain at least 2,500 square feet; that the homes will be built on pilings; that the streets and homes will be elevated above Base Flood Elevation; that the only fill materials to be utilized will be for the road base; that the Covenants do not include a reference that hunting may occur in the area; that Federal wetlands markers will be installed along all wetlands lines; and that existing grades will not change.

The Commission found that the applicant submitted a copy of a map of the bike path.

The Commission found that David Clark, a resident of the Salt Pond Community, was present in support of the project and stated that he has no objections to single family homes; that the ditch is 8' to 10' from the paved roadway of McCoy's Way; that the proposed bridge may be a problem for trucks and service vehicles.

The Commission found that Mr. Cuppels responded that the bridge will comply with the necessary radii for turning into the project and that a gravel road already exists on the east side of the ditch.

The Commission found that Judy Melson, one of the property owners, was present in support and stated that the property has been in her family for years and that she hopes to see a development that they can be proud of.

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The Commission found that James R. Henry, Sr., James R. Henry, Jr., and John Gilseman, a member of the Salt Pond Homeowners Association were present in opposition to this application and stated that Fred Hudson Road is too narrow for a bike path; that the speed limit is 40 mph, but that most people travels 50 mph; that McCoy's Way and Fred Hudson Road intersection is very unsafe; that McCoy's Way does not comply with State entrance construction standards; that they are concerned about the proposed bridge over the ditch; that a 20-foot wide deeded easement exists to the Henry property from McCoy's Way; that they have drainage concerns; that the deeded easement goes through some of the lots within the subdivision; that they are not opposed to building homes; that they do not want to relocate their access; that Fred Hudson Road floods approximately 10 times per year; that McCoy's Way is a private road and a major entrance to the Salt Pond Community; that DelDOT has identified the ditch along McCoy's Way as a tax ditch; that the Salt Pond Homeowners Association has been working with DelDOT for 4 years on the bike path; that DelDOT informed the Association that the bike path would go through McCoy's Way; that 50% of the forest on the site will be lost; that the project will increase the impacts on streets within the Salt Pond Community; that DelDOT and DNREC should be contacted due to the differences in the bike path plans; that they questioned the status of a Conservation Easement; and that they request that the Commission defer action so that the Association can meet with the applicant.

The Commission found that Mr. Schrader responded that they have an agreement for access from the developers of the Salt Pond Community from the property to McCoy's Way, and that there is not any Conservation Easement on this property.

The Commission found that Charlie Miller of Environmental Consulting Services, Inc. stated that the ditch is a farm ditch created by Mr. Phillip Short years ago, and is not a tax ditch; and that the ditch is a part of the Conservation Easement.

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

Motion by Mr. Smith, seconded by Mr. Burton and carried with 3 votes to defer action for further consideration. Motion carried 3 – 0. Mr. Wheatley was absent for the vote.

Mr. Wheatley excused himself from the meeting and turned the gavel over to Mr. Gordy, Vice Chairman.

Subdivision #2006-23 – application of **GORDON WINEGAR** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex County, by dividing 6.62 acres into 4 lots, located at the end of a 50' right of way, 1,600 feet south of Road 78A and north of Broad Creek.

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Mr. Lank advised the Commission that the Technical Advisory Committee commented on the application through December 20, 2006.

The Commission found that Gordon Winegar was present and stated in his presentation and in response to questions raised by the Commission that he now proposes to amend the subdivision from 4 lots to 3 lots; that Lots 1 and 2 may be combined due to wetlands on the site; that a wetlands delineation has not been completed; that septic feasibility can be obtained for 3 lots; that he is concerned about the cost for improving the roads and obtaining a wetlands delineation; that the property is surrounded by the Town of Laurel; that he did contact the Town of Laurel about annexation and that he was advised that he would have to build the roads to Town specification and that the Town would prefer a multi-family type use.

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. Burton and carried unanimously to defer action for further consideration. Motion carried 3 – 0.

Subdivision #2006-24 – application of **HERMAN AND BETTY STAATS** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 8.09 acres into 2 lots, located southwest of Road 410, 935 feet northwest of Road 433.

The Commission found that Herman and Betty Staats were present and propose to create a lot along Road 410 (Godwin School Road).

Mr. Lank advised the Commission that earlier today the staff found that the lots could be approved without a public hearing since the property has not been subdivided to the maximum number of minor lots; that a Special Use Exception (public hearing) will be necessary to retain a manufactured home that exist on one of the lots; and that the fee collected for this application can be utilized for the Special Use Exception application;

that the application was filed in April 2006; and that a revised survey was received from DelDOT in November 2006.

There was a consensus of the Commission that this application be considered withdrawn.

Mr. Lank advised the Staats' that they could meet him in the office to discuss what else is needed for the Special Use Exception application and approval of their survey.

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ADDITIONAL BUSINESS

Mr. Lank reminded the Commission that they have a meeting with the Sussex County Council on Tuesday evening at 5:00 p.m. at the West Annex Building to discuss the Land Use Element of the proposed Comprehensive Plan Update.

Meeting adjourned at 9:00 p.m.