



Planning & Zoning

Agendas & Minutes

MINUTES OF THE SPECIAL MEETING OF DECEMBER 14, 2006

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, December 7, 2006 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

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

OLD BUSINESS

C/U #1669 – application of **DAVID A. PETERSON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for auto restoration to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 2.223 acres, more or less, lying northeast of Woods Lane, a private road, 411.5 feet southeast of Route 9 and 1,600 feet southwest of Road 474 (Dukes Lumber Road).

The Commission discussed this application, which has been deferred since November 16, 2006.

Mr. Gordy stated that he would move that the Commission recommend denial of C/U #1669 for David A. Peterson to operate an automotive restoration business based on the record made at the public hearing and for the following reasons:

1. Mr. Gordy does not believe that the application is consistent with the character of the surrounding property.
2. This proposed use, as an automotive restoration facility, will have an adverse impact on the area due to the existence of traffic and noise generated by the use. The commercial restoration work also involves solvents, primers, paints and other materials that are incompatible with permitted and existing uses in the area.
3. Although the Applicant stated that there would not be many vehicles on site and that scrap metals and salvage would be neatly stored and hauled away, the current

condition of the site, with junked and abandoned vehicles, would only get worse if this is approved.

4. Although the Applicant stated that the intended use is limited, Mr. Gordy believes that there are other locations that are currently zoned for commercial use that are available and better suited for the intended use.
5. The application does not promote the health, safety, convenience and general welfare of the neighborhood or community.
6. The proposed use as an automotive restoration facility is not consistent with the purposes of the AR-1 District as set forth in the County Zoning Code.

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Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 4 – 0.

Subdivision #2005-44 – application of **PAF, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 25.27 acres into 7 lots, located at the northeast corner of the intersection of Road 329 and Road 469.

Mr. Abbott advised the Commission that this application has been deferred since June 8, 2006; that the applicants have provided approved site evaluations for on-site septic systems; that DelDOT has issued a letter of no objection for the entrance locations; and that preliminary and final approval could be considered since the lots are along a county road and that no improvements are required.

Mr. Gordy stated that he would move that the Commission grant preliminary and final site plan approval to Subdivision #2005 – 44 for PAF, L.L.C. based upon the record and for the following reasons:

1. This subdivision complies with the requirements of the Subdivision Ordinance and the Comprehensive Land Use Plan. And, it is the final extension of an existing 6-lot subdivision.
2. There will not be any adverse impacts on traffic or area roadways.
3. The subdivision is integrated into the existing terrain and landscape.
4. The subdivision will not adversely affect neighboring properties or property values.
5. The Applicants have provided approved site evaluations from DNREC and a letter of no objection from DelDOT. Also, since the lots front on a County Road, preliminary and final site plan approval should be granted.
6. This approval is subject to the following conditions:
 - The subdivision shall be governed by the same Restrictions governing lots 1 through 6.

- The lots shall be served by individual wells and septic systems.
- These lots shall not be resubdivided.
- Addressing shall be coordinated through the Sussex County Addressing Department.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to grant preliminary and final approval for the reasons, and with the conditions stated. Motion carried 4 – 0.

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Subdivision #2005-72 – application of **BAYWOOD, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 311.93 acres into 679 lots, (Environmentally Sensitive Developing District Overlay Zone), located northeast of Road 298, 3,950 feet southeast of Route 24.

Mr. Abbott advised the Commission that this application has been deferred since October 12, 2006; that the record was left open for 15 days after receipt of comments from DelDOT in reference to the traffic impact study; that the record closed on December 1, 2006; and that the Commission has been provided a copy of the comments from DelDOT and comments received from the opposition.

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to defer action so that Mr. Johnson can participate in the discussion of this application. Motion carried 4 – 0.

Subdivision #2005-74 – application of **DELMARVA WOODLANDS ALLIANCE 4, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District and a GR General Residential District in Indian River Hundred, Sussex County, by dividing 172.12 acres into 296 lots, (Cluster Development), located south of Road 48, east and west of Road 305, and south of Road 302.

Mr. Abbott advised the Commission that this application has been deferred since October 26, 2006.

Mr. Burton stated that he would move that the Commission grant preliminary approval to Delmarva Woodlands Alliance 4, L.L.C. for Subdivision #2005 – 74, based upon the record and for the following reasons:

1. The development is designed in accordance with both the Subdivision Ordinance and the Clustered Development Ordinance.
2. The proposed cluster design is superior to a standard subdivision with significant amounts of open space. Under the clustered design, all of the lots back up to open space instead of the back yards of other lots.

3. The land is zoned AR-1 and GR, which permits single-family residential development of this type.
4. The development will contain 296 single family detached residential lots on 172 acres of land, which is significantly less than what the current zoning permits.
5. The development is consistent with the uses permitted in the “low density area” of the 2002 County Comprehensive Land Use Plan.
6. The development is consistent with the trend of low-density development in the area, which is an existing crossroads community that has formed from strip subdivisions and other residential projects that have been approved.

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7. The development will be served by central water and sewer systems built in accordance with the requirements of DNREC and other Federal, State and County agencies.
8. The items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed:
 - a. The clustered subdivision is integrated into the existing terrain and landscape with the maintenance of large areas of open space, trees and buffers.
 - b. There will not be an adverse impact on wetlands, and no lots will contain any wetlands. Also, there are buffers from all wetlands.
 - c. Existing natural features will be largely preserved through the use of conservation areas, buffers and open space.
 - d. The clustered design has allowed the preservation of open space and will allow for scenic views within the subdivision.
 - e. The Applicant has stated that tree, vegetation and soil removal will be minimal on the project.
 - f. Objectionable features will be screened from neighboring property and roadways. Also, homes next to neighboring properties will be avoided.
 - g. Central water and sewer will be provided.
 - h. Through the establishment of a storm water management plan, erosion and sedimentation will be minimized on the site.
 - i. Subject to DelDOT’s approval, the Applicant has provided for safe vehicular and pedestrian movement within the site and onto connecting roadways.
 - j. The area property values will not be decreased.
 - k. The project will have a positive effect on the schools by generating economic benefits in the form of property taxes for the school district where the project is located.
 - l. There will not be an adverse effect on area roadways and the upgrades to the area roadways will be at the developer’s expense in accordance with DelDOT’s requirements.

- m. The project will be compatible with other area land uses, including other residential developments in the general vicinity.
 - n. The project will not adversely affect area waterways.
9. The project, with the stipulations and conditions placed upon it, will not adversely impact the County, the neighborhood or adjacent properties.
10. This preliminary approval is subject to the following conditions.
- The maximum number of single-family lots shall not exceed 296.
 - Final Site Plan review by the Planning and Zoning Commission shall be

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required. The Final Site Plan shall show all forested areas and shall include a landscape plan. It must also show in detail for the Commissioner's review at Final Site Plan approval the planned amenities for the project sufficient to serve its future residents.

- The interior street design shall be in accordance with or exceed Sussex County street design requirements. Street design shall include curbs, sidewalks on both sides of all streets, and street lighting.
- All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the applicant as required by DelDOT.
- The amenities shall be constructed and open to use by the residents within two years of the issuance of the first residential building permit. The amenities shall include sport courts, trails, tot lots and active open space areas, on both sides of Hollyville Road.
- The subdivision shall be served by a central sewer system as defined by the Sussex County Zoning Ordinance, designed in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations.
- The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations.
- Storm water management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. The Applicant, its successors and assigns shall operate the storm water management facilities utilizing Best Management Practices to provide groundwater recharge.
- No wetlands shall be included within any individual lots.
- The Applicant shall form a homeowners' association to be responsible for the maintenance of the streets, roads, buffers, storm water management facilities, recreational areas and other common areas.
- Road naming and addressing shall be subject to the approval of the Sussex County and Addressing Department.
- The Applicant will provide agricultural buffers in accordance with applicable State and County requirements.

- The Applicant shall include the Agricultural Use Protection and the Wetlands Notice in the Restrictive Covenants. In addition, the covenants shall include a similar notice stating that hunting occurs on neighboring and adjacent properties.
- Bus stop areas shall be located as necessary within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop areas. The locations of these bus stops, with the approval of the local school district, shall be shown on the Final Site Plan.

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

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carried 4 – 0.

Subdivision #2005-77 – application of **CHESAPEAKE CONSTRUCTION** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Seaford Hundred, Sussex County, by dividing 13.01 acres into 13 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located west of Road 535 and as a extension to Foxtail Drive in Clearbrooke Acres.

Mr. Abbott advised the Commission that this application has been deferred since October 26, 2006; and that DNREC has issued a septic feasibility statement indicating that the site is suitable for individual on-site septic systems.

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2005 – 77 for Chesapeake Construction, 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. The application also complies with the items in Section 99-9C of the Subdivision Ordinance.
2. The land is zoned AR-1 which permits low-density single-family residential development. The proposed subdivision density of 13 lots on 13.01 acres of land is less than the allowable maximum density.
3. The proposed subdivision will be a restricted residential development consistent with the area and will not adversely affect nearby uses or property values. The subdivision is also adjacent to existing developments including Indian Village and Clearbrooke Acres.
4. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. A variance from the maximum cul-de-sac length of 1,000 feet is not required since the applicant has stated that the road is only 982 feet long.

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

- The maximum number of lots shall be 13.
- Agricultural buffers shall be provided in accordance with the Subdivision Ordinance along any property lines adjacent to lands used for agricultural purposes.
- The Applicant shall form a homeowners' association to be responsible for the maintenance of streets, roads, buffers, storm water management facilities, and other common areas.
- The storm water management system shall meet or exceed the requirements of the State and County.

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- All entrances shall comply with all of DelDOT's requirements.
- The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.
- Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department,

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 4 – 0.

Subdivision #2005-78 – application of **DELMARVA WOODLANDS ALLIANCE, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District and a GR General Residential District in Indian River Hundred, Sussex County, by dividing 215.23 acres into 226 lots, (Cluster Development), located north and south of Road 280, 2,900 feet east of Road 292.

Mr. Abbott advised the Commission that this application has been deferred since November 30, 2006.

Mr. Burton stated that he would move that the Commission grant preliminary approval to Delmarva Woodlands Alliance, L.L.C. for Subdivision #2005 – 78, based upon the record and for the following reasons:

1. The development is designed in accordance with both the Subdivision Ordinance and the Clustered Development Ordinance.
2. The proposed cluster design is superior to a standard subdivision with significant amounts of open space. Under the clustered design, all of the lots back up to open space.
3. The development will contain 226 single family detached residential lots on 215 acres of land, which is significantly less than what the current zoning permits.

4. The development is consistent with the uses permitted in the “low density area” of the 2002 County Comprehensive Land Use Plan.
5. The development will be served by central water and sewer systems built in accordance with the requirements of DNREC and other Federal, State and County agencies.
6. The items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed:
 - a. The clustered subdivision is integrated into the existing terrain and landscape with the maintenance of about 67% of the site as open space and buffers. Many trees are preserved within these areas. And the site was

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previously a tree farm, which led to clear cutting. This practice will no longer exist if the property is developed.

- b. There will not be an adverse impact on wetlands, and no lots will contain any wetlands. Also, there are buffers from all wetlands.
- c. Existing natural features will be largely preserved through the use of conservation areas, buffers and open space.
- d. The clustered design has allowed the preservation of open space and will allow for scenic views within the subdivision.
- e. The Applicant has stated that tree, vegetation and soil removal will be minimal on the project.
- f. Objectionable features will be screened from neighboring property and roadways.
- g. Central water and sewer will be provided.
- h. Through the establishment of a storm water management plan, erosion and sedimentation will be minimized on the site.
- i. Subject to DelDOT’s approval, the Applicant has provided for safe vehicular and pedestrian movement within the site and onto connecting roadways.
- j. The area property values will not be decreased.
- k. The project will have a positive effect on the schools by generating economic benefits in the form of property taxes for the school district where the project is located.
- l. There will not be an adverse effect on area roadways and the upgrades to the area roadways will be at the developer’s expense in accordance with DelDOT’s requirements.
- m. The project will be compatible with other area land uses, including other residential developments in the general area.
- n. The project will not adversely affect area waterways.

7. The project, with the stipulations and conditions placed upon it, will not adversely impact the County, the neighborhood or adjacent properties.
8. This preliminary approval is subject to the following conditions:
 - The maximum number of single-family lots shall not exceed 226.
 - Final Site Plan review by the Planning and Zoning Commission shall be required. The Final Site Plan shall show all forested areas and shall include a landscape plan. It must also show in detail for the Commissioner's review at Final Site Plan approval the planned amenities for the project sufficient to serve the future residents of it.
 - The interior street design shall be in accordance with or exceed Sussex County street design requirements. Street design shall include curbs, sidewalks on both sides of the streets, and street lighting.

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- All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the applicant as required by DelDOT.
- The amenities shall be constructed and open to use by residents within two years of the issuance of the first residential building permit. To avoid the need for residents and children to cross Stockley Road, the amenities shall include sport courts, trails, a tot lot and active open space areas, on both sides of Stockley Road.
- The subdivision shall be served by a central sewer system as defined by the Sussex County Zoning Ordinance, designed in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations.
- The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations.
- Storm water management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. The Applicant, its successors and assigns shall operate the storm water management facilities utilizing Best Management Practices to provide groundwater recharge.
- No wetlands shall be included within any individual lots.
- The Applicant shall form a homeowners' association to be responsible for the maintenance of streets, roads, buffers, storm water management facilities, recreational areas and other common areas.
- Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
- The Applicant will provide agricultural buffers in accordance with applicable State and County requirements.

- The Applicant shall include the Agricultural Use Protection and the Wetlands Notice in the Restrictive Covenants. In addition, the covenants shall include a similar notice stating that hunting occurs on neighboring and adjacent properties.
- Bus stop areas shall be located as necessary within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop areas. The locations of these bus stops, with the approval of the local district, shall be shown on the Final Site Plan.

Motion by Mr. Burton, seconded by Mr. Gordy and carried 3 votes to 1, with Mr. Smith opposed, to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 3 – 1.

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Subdivision #2005-80 – application of **JOHN SCHULTIES AND ALTON E. MAST** to consider the Subdivision of land in an AR-1 Agricultural Residential District and a GR General Residential District in Cedar Creek Hundred, Sussex County, by dividing 20.00 acres into 15 lots, located west of Road 225 (Greentop Road), 2,900 feet northwest of Road 225-D.

Mr. Abbott advised the Commission that this application has been deferred since November 30, 2006; and that DNREC has issued a septic feasibility statement indicating that the site is suitable for individual on-site septic systems.

Mr. Burton stated that he would move that the Commission grant preliminary approval of Subdivision #2005 – 80 for John Schulties and Alton E. Mast, based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance by protecting the orderly growth of the County. The application also complies with the items in Section 99-9C of the Subdivision Ordinance.
2. The land is zoned AR-1 which permits low-density single-family residential development. The proposed subdivision density of 15 lots on 20.00 acres of land is less than the allowable maximum density.
3. The proposed subdivision will be a restricted residential development consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. This preliminary approval is subject to the following conditions:

- The maximum number of lots shall be 15. Each lot shall be at least $\frac{3}{4}$ of an acre in size.
- Agricultural buffers shall be provided in accordance with the Subdivision Ordinance along any property lines adjacent to lands used for agricultural purposes.
- The Applicant shall form a homeowners' association to be responsible for the maintenance of streets, roads, buffers, storm water management facilities, and other common areas.
- The storm water management system shall meet or exceed the requirements of the State and County.
- All entrances shall comply with all of DelDOT's requirements, and the entrance area must be lighted.
- The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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- Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- Streetlights shall be shown on the Final Site Plan.
- A school bus stop shall be established within the entrance area with adequate parking.
- The Final Site Plan and the Restrictive Covenants to the Subdivision shall include a notice to all property owners as follows:

This property is located adjacent to an active borrow pit. Such use and activity may involve noise, dust, offensive odors, glare, and other annoyances associated with normal borrow pit operations. The use and enjoyment of the property is expressly conditioned on acceptance of any annoyance or inconvenience, which may result from such normal uses and activities.

Motion by Mr. Burton, seconded by Mr. Smith and carried unanimously to approve this application as a preliminary for the reasons and with the conditions stated. Motion carried 4 – 0.

OTHER BUSINESS

Selbyville Medical Office
Commercial Site Plan – U.S. Route 113

Mr. Abbott advised the Commission that this is a preliminary site plan for an office complex; that the project is located on two parcels; that both parcels are zoned C-1; that the northern parcel proposes a 2-story 4,982 square feet per floor office building on 1.38 acres; that the setbacks meet the requirements of the zoning code; that 45 parking spaces

are required and 69 are provided; that 17 spaces are located within the front yard setback and are subject to site plan review; that the other parcel proposes a 3-story 3,000 square feet per floor office building on 0.54 acres; that 45 parking spaces are required and 30 are provided; that 23 spaces are located within the front yard setback and are subject to site plan review; that the two parcels will have shared parking and 90 total spaces are required and 99 are provided; that the site plan needs to be revised to include the required 20-foot landscaped buffer since it is located in the Combined Highway Corridor Overlay Zone; that the two parcels will have a joint entrance with cross access easements; that on site sewer and water are proposed; that the site is not located in a flood zone and does not reference whether there are any wetlands on the site; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals and the site plan being revised to show the 20-foot landscaped buffer and the required wetlands verification.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the
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site plan as a preliminary with the stipulations that final approval shall be subject to the staff receiving all required agency approvals and with the site plan being revised to show the required landscaped buffer and the location of any wetlands. Motion carried 4 – 0.

The Seasons at Bethany
CU #1488 Site Plan – Road 357

Mr. Abbott advised the Commission that this is a site plan for a 143-unit multi-family project located on 29.81 acres; that the site is zoned MR and C-1; that the conditional use was approved on June 2, 2003; that the Commission granted two one year time extensions; that the County Council granted a one year time extension on April 27, 2006 that is valid until June 3, 2007; that 5, 16-unit condominium buildings and 8 townhouse buildings are proposed; that the setbacks, building separation and building lengths meet the requirements of the zoning code; that a clubhouse and swimming pool are also proposed; that 363 parking spaces are provided; that the 14 conditions of approval are referenced on the site plan; that Sussex County will provide central sewer and central water will be provided by Sussex Shores Water Company; that there is no disturbance to the wetlands on the site; 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 4 – 0.

Bayshore Plaza II Parcel 1
Commercial Site Plan – Route 24

Mr. Abbott advised the Commission that this is a site plan for an 11,248 square foot retail building located on 0.63 acres; that the site is zoned C-1; that the setbacks meet the requirements of the zoning code; that 22 parking spaces are provided on this site; that 18 spaces are located within the front yard setback and are subject to site plan review; that previously approved site plans in this area were approved with parking in the front yard setback; that access to this site is from cross access easements provided off of Shore Plaza Boulevard; that Sussex County will provide central sewer to the site and central water will be provided by Tidewater Utilities; that there are no wetlands on the site; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals and an approved shared parking agreement.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the site plan as a preliminary with the stipulations that final approval shall be subject to the staff receiving all agency approvals and a copy of an approved shared parking agreement. Motion carried 4 – 0.

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Bayshore Plaza I Parcel C Commercial Site Plan – Route 24

Mr. Abbott advised the Commission that this is a site plan for a 12,072 square foot retail building located on 1.76 acres; that the site is zoned C-1; that the setbacks meet the requirements of the zoning code; that 61 parking spaces are provided; that 26 spaces are located within the front yard setback and are subject to site plan review; that previously approved site plans in this area have parking located within the front yard setback; that access to this site is from cross access easements off of Shore Plaza Boulevard; that Sussex County will provide central sewer and central water will be provided by Tidewater Utilities; that there are no wetlands on the site; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals and an approved shared parking agreement.

Motion by Mr. Smith, seconded by Mr. Burton and carried unanimously to approve the site plan as a preliminary with the stipulations that final approval shall be subject to the staff receiving all agency approvals and an approved shared parking agreement. Motion carried 4 – 0.

Atlantic Deeley Commercial Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary site plan for a 2-story, 4,200 square foot commercial building located on 0.33 acres; that the site is zoned C-1; that the setbacks meet the requirements of the zoning code; that 15 parking spaces are provided; that 6 spaces are located within the front yard setback and are subject to site plan review; that Sussex County will provide central sewer and central water will be

provided by Tidewater Utilities; that there are no wetlands on the site; that the required 20-foot landscaped buffer is provided but does not show the landscaping plan; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals and a landscape plan.

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to approve the site plan as a preliminary with the stipulations that final approval shall be subject to the staff receiving all agency approvals and a landscaping plan being submitted. Motion carried 4 – 0.

Hickman Beach Plaza, L.L.C.
Commercial Site Plan – Route One and Pennsylvania Avenue

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Mr. Abbott advised the Commission that this is a site plan for a 25,000 square foot retail and office complex located on 3.06 acres; that the site is zoned C-1; that 3, 2 to 3 story, 8,000 square feet buildings are proposed; that the setbacks meet the requirements of the zoning code; that 125 parking spaces are required and provided; that 43 spaces are located within the front yard setback and are subject to site plan review; that the required 20-foot landscaped buffer is provided along Route One but the plan does not reference the proposed landscaping; that Sussex County will provide central sewer to the site and central water will be provided by Artesian Water Company; that there are not any wetlands on the site; that 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 and a landscape plan.

Tom Ford of Land Design, Inc. advised the Commission that the storm water management pond will be a wet pond and be landscaped with native plants similar to the one at the Market Place.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the site plan as a preliminary with the stipulations that final approval shall be subject to the staff receiving all agency approvals and a landscaping plan being submitted. Motion carried 4 – 0.

Masten Realty
Commercial Site Plan – U.S. Route 113

Mr. Abbott advised the Commission that this is a preliminary site plan for a 1-story, 9,500 square foot office building located on 1.92 acres; that the site is zoned B-1; that the setbacks meet the requirements of the zoning code; that ingress/egress to the site is

located off of U.S. Route 113; that the entrance is right ins and right outs only; that DelDOT has issued a letter of no objection; that 48 parking spaces are required and provided; that 26 spaces are located within the front yard setback and are subject to site plan review; that on-site septic and well are proposed; that there are not any wetlands on the site and the site is not located in a flood zone; that the required 20-foot landscaped buffer is provided along Route 113 but does not show the landscaping plan; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals and a landscape plan.

Motion by Mr. Burton, seconded by Mr. Smith and carried unanimously to approve the site plan as a preliminary with the stipulations that final approval shall be subject to the staff receiving all agency approvals and a landscaping plan being submitted. Motion carried 4 – 0.

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Jonathan Offen
Lot and 50' Right of Way – Road 431

Mr. Abbott advised the Commission that this is a request to subdivide a 0.80 acre parcel out of a 7.10 acre parcel; that this request was deferred on November 20, 2006 pending receipt of a survey verifying that 50-feet is the minimum width of the right of way to serve the remaining 6.30 acres; the surveyor has verified that the 50-feet exists; and that the request can be approved as submitted or require an application for a major subdivision.

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to approve the request as submitted with the stipulation that any further subdivision will require an application for a major subdivision. Motion carried 4 – 0.

Carlos and Debra Russell
3 Lots and 50' Right of Way – Road 592
2 Lots and 50' Right of Way – Road 592

Mr. Abbott advised the Commission that this is a request to subdivide 24.18 acres into 3 parcels with each parcel having access from a 50-foot right of way; that the owner proposes to create the right of way over an existing 20-foot wide road; that the parcel would be 1.65 acres, 10.27 acres and 10.78 acres; that the second request is to subdivide 24.70 acres into 2 parcels with access from a 50-foot right of way; that the owner proposes to create the right of way over an existing driveway; that the parcels will be 12.22 acres and 11.03 acres; that the request can be approved as submitted or require an application for a major subdivision; and that if the request is approved as submitted, it

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

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the request as submitted with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

David and Latisha Lewis
Lot and 50' Right of Way – Route 30

Mr. Abbott advised the Commission that this is a request to create a 1.00 acre parcel with access from a 50-foot right of way out of a 15.60 acre parcel; that if the request is approved, it would be the third lot having access from the right of way; that the request can be approved as submitted or require an application for a major subdivision; and that if the request is approved as submitted, it should be stipulated that any further subdivision will require an application for a major subdivision.

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Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to approve the request as submitted with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

Gary White
2 Lots and 50' Right of Way – Route 30

Mr. Abbott advised the Commission that this is a request to subdivide a 6.18 acre parcel into 3 lots with access from a 50-foot right of way; that the owner proposes to create the right of way over an existing driveway; that the lots would be 2.50 acres, 1.75 acres and 1.25 acres; and that this should be deferred and have the applicants provide the staff with a survey verifying the lot sizes and show the 50-foot right of way or denied as submitted and required to go through the major subdivision process.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to defer action. Motion carried 4 – 0.

Charles L. Williams
2 Lots and 50' Right of Way – Road 291

Mr. Abbott advised the Commission that this is a request to subdivide 5.01 acres into 2 lots with access from a 50-foot right of way; that the lots would be 1.56 and 0.95 acres; that the remaining lands will be an extension to an adjoining parcel; that the owner proposes to create the right of way over an existing driveway; and that the request can be approved as submitted or require an application for a major subdivision.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to approve the request as submitted with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

Loretta M. Murray
3 Parcels and 50' Right of Way – Route 16

Mr. Abbott advised the Commission that this is a request to subdivide 77.05 acres into 3 parcels with access from a 50-foot right of way; that the parcels will be 19.27, 18.41, and 19.26 acres; that the residual land will contain 20.11 acres; that the entrance to the site is located in Kent County; that the request can be approved as submitted or require an application for a major subdivision; and that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to approve the
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Request as submitted with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

Iris Cove
3 Lots and 50' Right of Way – Route 26

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 lots would be 3.18, 3.00 and 10.13 acres; that the request can be approved as submitted or require an application for a major subdivision; and that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the request as submitted with the stipulations that access to the cemetery be shown on the final site plan and that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

Subdivision #2004 – 11 - - Urquhart and Company
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 January 13, 2005 and a time extension on November 30, 2005; that this is the second request for an extension; and that the only agency approval received to date is from DelDOT.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension with the stipulation that this will be the last extension granted by the Commission. Motion carried 4 – 0.

Subdivision #2004 – 34 - - Dagsboro Trace, 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 November 17, 2005; that this is the first request for an extension; and that the staff has not received any agency approvals to date.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension retroactive to the anniversary date of approval. Motion carried 4 – 0.

Subdivision #2004 – 49 - - Oak Crest Farms, Inc.
Time Extension

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Mr. Abbott advised the Commission that this is a request for a one-year time extension; that the Commission granted preliminary approval on October 13, 2005; that this is the first request for an extension; and that approvals have been received from the Sussex County Engineering Department and Mapping and Addressing.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension retroactive to the anniversary date of approval. Motion carried 4 – 0.

Subdivision #2004 – 52 - - Holland Mills Delaware, 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 November 9, 2005; that this is the first request for an extension; and that no agency approvals have been received to date.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension retroactive to the anniversary date of approval. Motion carried 4 – 0.

Subdivision #2004 – 53 - - Anthem Delaware, 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 November 9, 2005; that this is the first request for an extension; and that no agency approvals have been received to date.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension retroactive to the anniversary date of approval. Motion carried 4 – 0.

Subdivision #2005 – 2 - - Carriage Springs Run, 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 November 17, 2005; that this is the first request for an extension; and that no agency approvals have been received to date.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension retroactive to the anniversary date of approval. Motion carried 4 – 0.

CU #1579 - - Jody A. Sweetman
Time Extension

Mr. Abbott advised the Commission that this is a request for a one-year time extension;

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that the Conditional Use was approved on January 18, 2005; that the Commission granted a one-year time extension on January 4, 2006 and granted preliminary site plan approval on November 9, 2005; that this is the second and last request that the Commission has the authority to grant; and that all agency approvals have been received except DelDOT's.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension with the stipulation that this is the last time extension the Commission can grant. Motion carried 4 – 0.

CU #1642 - - Sunrise Ventures
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 March 21, 2006; that this is the first request for an extension; and that no agency approvals have been received to date.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension. Motion carried 4 – 0.

ADDITIONAL BUSINESS

Mr. Lank reminded the Commission that the next regularly scheduled meeting is on December 21, 2006 at 6:00 P.M.

The Commission discussed the number of public hearings on the agenda for regularly scheduled meetings and possibly meeting 4 times per month.

Meeting adjourned at 4:35 P.M.