

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 29, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 29, 1993, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 256 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated June 22, 1993. Minutes Motion Adopted by Voice Vote.

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence
DIVISION OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, UNDER-
GROUND STORAGE TANK BRANCH, NEW CASTLE.
RE: June edition of the newsletter entitled "Think Tank".

Agenda The agenda item entitled "Milford Chamber of Commerce" was Item tabled. There were no representatives from the Chamber in Tabled attendance.

Appoint- Mr. Stickels, County Administrator, advised Council of several ments committee appointments which will expire on June 30, 1993.

M 257 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that Appoint- Mr. James C. Phillips of Georgetown, Delaware, be appointed to ment the Sussex County Planning and Zoning Commission for a three year term commencing July 1, 1993.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Absent

M 258 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that Appoint- Mrs. Doris C. Mills of Greenwood, Delaware, be appointed to the ment Sussex County Library Advisory Board for a three year term commencing July 1, 1993.

Motion Adopted: 4 Yea, 1 Absent.

M 258 93 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Absent

Legis- Mr. Stickels, County Administrator, provided the following
lative legislative update:
Update

1. House Bill No. 255

An Act to Amend Chapter 70, Title 9 of the Delaware Code
Relating to Sussex County Procedure.

This Bill would delete the requirement that the Sussex County Council meet on a weekly basis to make Sussex County's ordinance conform with that of Kent County and New Castle County.

This Bill has passed the House.

2. House Bill No. 230

An Act to Amend Title 9, Chapter 69 of the Delaware Code
Relating to the Power of the Board of Adjustments of
Sussex County, to Hear Variances.

This Amendment adds "exceptional practical difficulty" as a standard in addition to "unnecessary hardship" for the Sussex County Board of Adjustment to grant a variance from the terms of the zoning Ordinance. This Amendment brings Sussex County's Board of Adjustment into conformity with similar statutes applicable to municipalities and the other Counties.

This Bill has passed the House.

3. House Bill No. 270

An Act to Amend Title 29, Delaware Code, Establishing a
Water Resource Facilities Advisory Council, Prescribing
its Duties and Responsibilities and Authorizing the
Imposition of a Fee for Funding.

This legislation would create a Water Resources Facility Advisory Council, comprised of seven members, appointed by the Governor with consent of the Senate. The Council would establish standards for obtaining financing for repair and expansion of water and wastewater services, prepare evaluations of current and long range requirements and make recommendations to the Governor for funding infrastructure

Legis-
lative
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improvements. This legislation would also create a Trust Fund, funded by 1/3 of 1% of the Delaware Realty Transfer Tax.

House Bill No. 321 was substituted for this Bill.

4. House Bill No. 321

An Act to Amend Title 29, Delaware Code, Establishing a Water Resource Facilities Advisory Council.

This legislation would create a Water Resource Facilities Advisory Council, comprised of seven members, appointed by the Governor with consent of the Senate. The Council would establish standards for obtaining financing for repair and expansion of water and wastewater services, prepare evaluations of current and long range requirements and make recommendations to the Governor for funding infrastructure improvements.

This Bill has only one sponsor, Representative Schroeder.

5. House Bill No. 293

An Act to Amend Title 16, Chapter 98 of the Delaware Code Relating to Paramedic Services.

This Act effectuates the transfer of the Office of Paramedic Administration from the Division of Public Health, Department of Health and Social Services to the Department of Public Safety.

It was the consensus of Council that Mr. Stickels, County Administrator, support the position that the Office of Paramedic Administration remain under the Division of Public Health.

6. Senate Joint Resolution No. 12

Establishing an Assessment Practice Review Committee to Further Develop a Recommendation of the Local Subcommittee of the Education Finance Reform Committee as Set Forth in the Report Provided by this Group.

This resolution would continue the work of the Education Finance Reform Committee by establishing a new committee to prepare legislation relating to standardized, periodic property assessment across all three counties.

Legis-
lative
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(con't)

7. House Bill (Not Numbered)

An Act to Amend Title 9, Chapters 3, 11 and 81 and Title 21, Chapter 23 of the Delaware Code Relating to the Power of County Governments to Impose and Collect a Tax Upon the Transfer of the Title of a Mobile Home or House Trailer.

This Act grants to the County governments the power and authority to impose and collect a tax upon the transfer of mobile homes or house trailers, which are otherwise subject to property taxes; prohibits transfer of the title by the Division of Motor Vehicles of the Department of Safety until all transfer taxes levied by the Counties have been paid in full; and provides for the County governments to adopt an ordinance or ordinances to administer and regulate the tax adopted pursuant to this Act.

Representative Lee has agreed to sponsor this Bill. Additional sponsors are needed.

8. House Bill No. 309

An Act to Amend Chapter 61, Title 30 of the Delaware Code Relating to State Taxes.

This Bill assesses a 1.8% Lodging Tax to be designated to an authorized organization for a convention or civic center in each county.

Correspondence from the Sussex County Chambers of Commerce was read. The Chambers of Commerce oppose this Bill. It was the consensus of Council to support the Chambers of Commerce in their opposition to this Bill.

9. House Bill No. 319

An Act to Redesignate Existing Chapter 74A of Title 16 of the Delaware Code as Chapter 100 of Title 16 of the Delaware Code, and to Add a New Chapter 101 to Chapter 16 of the Delaware Code to Provide for the Establishment and Operation of a Trust Fund to be Used to Reimburse Governmental Costs Associated With 911-Enhanced Emergency Reporting Systems.

This Bill replaces House Bill No. 239 and is constantly changing. Secretary of Public Safety Karen Johnson is opposed to this Bill; however, she would support enabling legislation for all three counties. A Bill will be prepared for introduction in September.

Legis-
lative
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(con't)

Mr. Stickels, County Administrator, advised Council that the following requests have been scratched from the Bond Bill:

1. A request for \$150,000 for a study on infrastructure that should be provided on the western side of the County, along Route 13.
2. Request for \$90,000 for a generator at the Sussex County Industrial Park.

Adminis-
trator's
Report

Mr. Stickels, County Administrator, reviewed the following information in his Administrator's Report:

1. County Government Closing

Sussex County offices will be closed Monday, July 5, 1993, in observance of Independence Day. Offices will reopen Tuesday, July 6, 1993, 8:30 a.m.

2. Transfer Station Closings

Effective Wednesday, June 30, 1993, 4:00 p.m., all Sussex County transfer stations will be closed on a permanent basis. Commencing Thursday, July 1, 1993, the Delaware Solid Waste Authority will be operating transfer stations in Sussex County. The three Solid Waste stations are located in the Ellendale area, Omar area, and Long Neck area. There will be a ribbon cutting ceremony at 9:00 a.m. at the Omar station, July 1, 1993.

The Delaware Solid Waste Authority has informed Mr. Stickels that they are finalizing negotiations for a Laurel site and are continuing to look in the Seaford-Bridgeville area for a fifth site. It is the goal of the Delaware Solid Waste Authority to have five transfer stations in place by fall of '93.

3. Fourth of July Celebration

Delaware Technical & Community College, Southern Campus, will once again be hosting the 12th Annual Olde Fashioned Sussex County July 4th Celebration on Sunday, July 4, 1993, from 8:00 a.m. until dark, followed by a fireworks exhibition. Festivities will be complete with music, games, picnicking, and various exhibits. Mr. Stickels reminded Council that Jack F. Owens, Campus Director, would like the Council to give consideration for assisting in funding after the new FY '94 budget takes place.

Bid Award - Audit Proposal Mr. Baker, Finance Director, reported to Council on the bid opening which was held on Tuesday, June 22, 1993, for the "EXAMINATION AND AUDIT OF ALL FINANCIAL BOOKS, ALL ACCOUNTING BOOKS AND RECORDS OF SUSSEX COUNTY FOR THE YEARS BEGINNING JULY 1, 1992 AND ENDING JUNE 30, 1993; BEGINNING JULY 1, 1993 AND ENDING JUNE 30, 1994; AND BEGINNING JULY 1, 1994 AND ENDING JUNE 30, 1995 (YEAR-END ENGAGEMENTS). Of the three bids received, the low bidder was Wade & Santora of Newark, Delaware. After a thorough review of the bids and discussions with Wade & Santora, Mr. Baker recommended that the audit bid be awarded to the firm of Wade & Santora of Newark, Delaware.

M 259 93 Bid Award - Audit Proposal A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Audit Bid be awarded to the firm of Wade & Santora for the years ending June 30, 1993, 1994, and 1995, and for special work during July 1, 1993, through June 30, 1996, based on their low bid, and authorizing an Agreement with Wade & Santora in substantially the same form as the previous Audit Agreement.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Absent

Proposed Resolution Mr. Wood, County Engineer, reviewed a Proposed Resolution entitled "AUTHORIZING ROBERT W. WOOD, COUNTY ENGINEER, TO APPLY FOR, ACCEPT, AND RECEIVE GRANTS, REIMBURSEMENTS, FRANCHISES, AND OTHER LICENSES AND PERMITS AS REQUIRED FOR THE SUSSEX COUNTY PROJECTS".

M 260 93 Adopt Resolution No. R 012 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 012 93 entitled "AUTHORIZING ROBERT W. WOOD, COUNTY ENGINEER, TO APPLY FOR, ACCEPT, AND RECEIVE GRANTS, REIMBURSEMENTS, FRANCHISES, AND OTHER LICENSES AND PERMITS AS REQUIRED FOR THE SUSSEX COUNTY PROJECTS".

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Absent

Proposed Ordinance Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO CONDITIONAL USE NO. 1003 (BOAT STORAGE AND REPAIR) BY INCLUSION OF BOAT SALES AND RELATED PARTS SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY,

Proposed Ordinance (con't) CONTAINING 5.43 ACRES, MORE OR LESS" (C/U #1051) filed on behalf of John J. Marsh. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL SMALL ENGINE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.79 ACRES, MORE OR LESS" (C/U #1052) filed on behalf of John W. Lank. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 65.58 ACRES, MORE OR LESS" (C/Z #1204) filed on behalf of Clearwater Land, Ltd. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.10 ACRES, MORE OR LESS" (C/Z #1205) filed on behalf of Lawrence C. Kelly. The Proposed Ordinance will be advertised for Public Hearing.

DSWA's Multiple Use Tickets Council discussed the availability of the Delaware Solid Waste Authority's "Multiple Use Tickets" for the disposal of household waste. Mr. Stickels, County Administrator, will continue efforts to have these tickets made available for purchase in Sussex County.

M 261 93 Recess At 11:10 a.m., a Motion was made by Mr. Cole, seconded by Mr. Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Vice President Collins called Council back into session at 1:30 p.m.

Absence Mr. Cole was not in attendance for the afternoon session.

Public Hearing C/U No. 1041 A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR MOVIE THEATERS WITHIN AN EXISTING MALL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.10 ACRES, MORE OR LESS" (C/U #1041) filed on behalf of Rehoboth Mall Limited Partnership. The Public Hearing was closed.

M 262 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Adopt Ordinance No. 900 entitled "AN ORDINANCE TO GRANT A
CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR
No. 900 MOVIE THEATERS WITHIN AN EXISTING MALL TO BE LOCATED ON A CERTAIN
PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED,
SUSSEX COUNTY, CONTAINING 19.10 ACRES, MORE OR LESS" (C/U #1041)
filed on behalf of Rehoboth Mall Limited Partnership.

Motion Adopted: 3 Yea, 2 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Absent

Findings of Fact The Council found that the conditional use was appropriate
legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed use would serve a public need and would redevelop an existing commercial location.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The proposed use fully conforms with the Comprehensive Land Use Plan and the Comprehensive Zoning Ordinance.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/U No. 1042 A Public Hearing was held on a Proposed Ordinance entitled "AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINOR AUTOMOTIVE REPAIR TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.88 ACRE, MORE OR LESS"
(C/U #1042) filed on behalf of Richard W. and Susan M. Baker.
The Public Hearing was closed.

M 263 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to
Adopt Ordinance No. 901 entitled "AN ORDINANCE TO GRANT A
CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 901 DISTRICT FOR MINOR AUTOMOTIVE REPAIR TO BE LOCATED ON A CERTAIN
PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY,
CONTAINING 0.88 ACRE, MORE OR LESS" (C/U #1042) filed on behalf of
Richard W. and Susan M. Baker, with the following conditions:

1. The maximum number of vehicles, on the site, shall not exceed ten.

M 263 93
(con't)

2. There shall be no Sunday hours.
3. One unlighted sign, not exceeding 32 square feet per side or facing, may be permitted.

Motion Adopted: 3 Yea, 2 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Absent

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that a clear need exists in the local community for the proposed use.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The proposed use is in conformity with the Comprehensive Land Use Plan and the Comprehensive Zoning Ordinance.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
C/U No.
1043

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.22 ACRES, MORE OR LESS" (C/U #1043) filed on behalf of the Indian River School District. The Public Hearing was closed.

M 264 93
Adopt
Ordinance
No. 902

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 902 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.22 ACRES, MORE OR LESS" (C/U #1043) filed on behalf of the Indian River School District, with the following condition:

1. The proposed use shall be subject to final site plan review and approval by the Planning and Zoning Commission.

Motion Adopted: 3 Yea, 2 Absent.

M 264 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Absent

Findings of Fact The Council found that the conditional use was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that a clear need exists for additional, new public school facilities in the Indian River School District and in the Long Neck area.
2. The applicant established by substantial evidence that the proposed use will have a substantial positive impact on the character of the neighborhood, property values therein, educational opportunities for Sussex County children and employment, social and recreational opportunities for Sussex County residents. There will be no adverse impact on traffic or the environment in the area.
3. The proposed use promotes the purposes of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/Z No. 1198 A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.0189 ACRES, MORE OR LESS" (C/Z #1198) filed on behalf of Best Drywall, Inc. The Public Hearing was closed.

M 265 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Adopt Ordinance No. 903 entitled "AN ORDINANCE TO AMEND THE
COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-
CULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL
DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.0189 ACRES,
MORE OR LESS" (C/Z #1198) filed on behalf of Best Drywall, Inc.

Motion Adopted: 3 Yea, 2 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Absent

Findings of Fact The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

Findings
of Fact
(con't)

1. The applicant established by substantial evidence that its expanding business has outgrown the existing conditional use controlling the site. The proposed change of zone is necessary to permit the applicant's business to continue to expand.
2. The applicant established by substantial evidence that the change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The change of zone meets the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Recess At 2:20 p.m., Vice President Collins declared a five minute recess.

Reconvene Vice President Collins called Council back into session at 2:25 p.m.

Public
Hearing
C/Z No.
1199

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS" (C/Z #1199) filed on behalf of Oak Orchard - Riverdale American Legion Post No. 28. The Public Hearing was closed.

M 266 93
Adopt
Ordinance
No. 904

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 904 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS" (C/Z #1199) filed on behalf of Oak Orchard - Riverdale American Legion Post No. 28.

Motion Adopted: 3 Yea, 2 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Absent

Findings
of Fact

The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed change of zone is necessary to bring the project into conformity with the Comprehensive Zoning Ordinance and

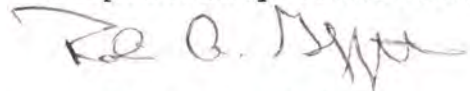
Findings
of Fact
(con't)

permit expansion of parking and other improvements to serve the property.

2. The change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The change of zone is consistent with the purposes of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 267 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Adjourn adjourn at 2:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council