

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 30, 1997

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, December 30, 1997, at 12:00 noon, in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

M 626 97      A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Agenda      approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 627 97      A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes      approve the minutes of the previous meeting, dated December 16, 1997.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Corre-      Mr. Bayard, County Attorney, read the following correspondence: spondence

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Notice of Public Hearing Time Change on the 1999-Rate-of-Progress Plan.

MOLLY STUMPF, DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION, DOVER, DELAWARE.

RE: Letter announcing formal approval of the County's Agricultural Preservation District.

Adminis-      Mr. Stickels, County Administrator, read the following informa- trator's Report      tion in his County Administrator's Report:

1. DelDOT Capital Improvements Hearing

The Delaware Department of Transportation will be conducting a public hearing and workshop beginning at 6:00 p.m. in the Auditorium of Delaware Technical & Community College, Jack F. Owens Campus, Georgetown, on Thursday, January 15, 1998. I will provide Council with a copy of Sussex County projects and a full report at the next Council meeting.

Adminis-  
trator's  
Report  
(con't)

2. Extended County Hours

Starting Wednesday, January 7, 1998, County offices will be open until 6:00 p.m. on Wednesdays. Because of the lack of activity when offices were open until 7:30 p.m., we will remain open until 6:00 p.m. Hopefully, this will be sufficient to allow people to conduct County business during the extra hour-and-a-half. Wedding licenses will be issued and weddings performed after hours based on pre-appointments. The County Engineer, Finance Director, and County Administrator are also available after hours on an appointment basis.

3. Troop 4 Status Report - Month of November

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, Delaware, during the month of November 1997:

Total Hours on Duty		4,189.0
Hours Assisted Other Agencies		61.5
Total Traffic Arrests		790
Total DUI Arrests		27
Accident Reports:	Property Damage	66
	Personal Injury	<u>24</u>
	Total Accident Reports	90
Criminal Arrests:	Felony	28
	Misdemeanor	<u>97</u>
	Total Criminal Arrests	125
Total 10-29 P's (wanted persons)		69
Total Number of Complaints		795

4. County Government Closings

Sussex County government offices will close at 4:30 p.m. on Wednesday, December 31, 1997, and reopen Friday, January 2, 1998, at 8:30 a.m. The South Coastal and Milton libraries will be closing at 6:00 p.m. on Wednesday, December 31, instead of their normal 8:00 p.m. closings. All libraries will reopen their normal hours on Friday, January 2, 1998.

Bethany  
Meadows/  
Phase  
II

Mr. Green, Director of Utility Construction, discussed a Construction Administration and Construction Inspection Agreement between Sussex County Council and Murray Enterprises, Inc./ Bethany Beach Development, L.L.C.

M 628 97  
Execute  
Agree-  
ments

A Motion was made by Mr. Collins, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction

M 628 97 Inspection Agreement between Sussex County Council and Murray  
(con't) Enterprises, Inc./Bethany Beach Development, L.L.C., for waste-  
water facilities to be constructed in Bethany Meadows - Phase II,  
located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Savannahs Mr. Green, Director of Utility Construction, discussed a Con-  
Landing/ struction Administration and Construction Inspection Agreement  
Phase III between Sussex County Council and RDM, Inc.

M 629 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, based  
Execute upon the recommendation of the Sussex County Engineering Depart-  
Agree- ment, for Sussex County Project No. 81-04, that the Sussex County  
ments Council execute a Construction Administration and Construction  
Inspection Agreement between Sussex County Council and RDM, Inc.,  
for wastewater facilities to be constructed in Savannah's  
Landing - Phase III, located in the Bethany Beach Sanitary Sewer  
District.

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Cole, Abstained; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Old Conditional Use No. 1186 entitled "AN ORDINANCE TO GRANT A CON-  
Business DITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DIS-  
(C/U TRICT AND A C-1 GENERAL COMMERCIAL DISTRICT FOR A 450 FOOT HIGH  
No. 1186) RADIO COMMUNICATION TOWER TO BE LOCATED ON A CERTAIN PARCEL OF  
LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CON-  
TAINING 5.24 ACRES, MORE OR LESS", filed on behalf of the State  
of Delaware, Office of Telecommunications Management, was dis-  
cussed. A Public Hearing was held on this application on July  
15, 1997, at which time the Public Hearing was recessed and  
action tabled for a period not to exceed six months. Since  
the Public Hearing date, the State of Delaware has found an  
alternative site and reached an agreement with the Town of  
Seaford to locate the tower on Virginia Avenue. The Public  
Hearing was closed.

M 630 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Approve approve the Proposed Ordinance entitled "AN ORDINANCE TO GRANT  
Proposed A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
Ordinance DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT FOR A 450 FOOT  
(C/U HIGH RADIO COMMUNICATION TOWER TO BE LOCATED ON A CERTAIN PARCEL  
No. 1186) OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CON-  
TAINING 5.24 ACRES, MORE OR LESS" (Conditional Use No. 1186),  
filed on behalf of the State of Delaware, Office of Telecommuni-  
cations Management.

M 630 97 Motion Denied: 5 Nay.  
(con't)

Vote by Roll Call: Mr. Cole, Nay; Mr. Rogers, Nay;  
Mr. Jones, Nay; Mr. Collins, Nay;  
Mr. Dukes, Nay

Old Business (C/U No. 1211) Conditional Use No. 1211 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDITIONAL USE NO. 1014 FOR PLAY AND RECREATION AREA AND FUTURE BUILDING EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.589 ACRES, MORE OR LESS", filed on behalf of Milford School District, was discussed. A Public Hearing was held on this application on December 2, 1997 at which time action was deferred.

M 631 97 Adopt Ordinance No. 1197 (C/U No. 1211) A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1197 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDITIONAL USE NO. 1014 FOR PLAY AND RECREATION AREA AND FUTURE BUILDING EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.589 ACRES, MORE OR LESS" (Conditional Use No. 1211) filed on behalf of Milford School District, with the following conditions:

1. The applicant shall conform the use of the site to the conditions attached to Conditional Use No. 1205, as follows:
  - a. The Milford School District shall confirm that the Keen family has agreed to the blocking off of Butler Avenue.
  - b. The Milford School District shall confirm that the District will create a private driveway, with a minimum width of ten (10) feet, to serve the Keen property via an easement across 4th Street, an unopened street, to Road 38.
  - c. The Milford School District shall confirm that Butler Avenue may be blocked off even with the rear of the Doughten house lot.
  - d. Chain-link fencing shall be installed along the sides and rear of the site. The existing fencing along Butler Avenue may remain as constructed.
  - e. The 0.13 acre portion of Small Avenue shall not be a part of this application since it has not yet been officially abandoned. Therefore, the site being approved shall contain 1.01 acres as described on survey by AKS Associates, Inc.

M 631 97  
(con't)

2. The 5,261 square foot portion of Small Avenue shall not be a part of this application since it has not yet been officially abandoned. Therefore, the site being approved shall contain 20,393 square feet.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Findings  
of Fact

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

1. The applicant established by substantial evidence that the proposed use will confer a neighborhood and public benefit to the area by enhancing an existing public school facility, thereby promoting the purposes and goals of the Comprehensive Land Use Plan.
2. Council finds that the square footage of the parcel has been reduced to 20,393 square feet since 5,261 square feet of Small Avenue, an unimproved road, has not yet been officially abandoned.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Old  
Business  
(C/Z No.  
1320)

Change of Zone No. 1320 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.00 ACRES, MORE OR LESS, filed on behalf of Avian Aquatics, Inc., was discussed. A Public Hearing was held on this Proposed Ordinance on December 9, 1997, at which time the Public Hearing was closed and action was deferred. It was noted that Mr. Cole was not in attendance during the Public Hearing and as of this date, has not listened to the proceedings of the Public Hearing. It was recommended that the Proposed Ordinance be amended to extend C-1 zoning to a depth of 300' south of Route 9 only.

M 632 97  
Adopt  
Ordinance  
No. 1198  
(C/Z No.  
1320)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1198 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.00 ACRES, MORE OR LESS" (Change of Zone No. 1320) filed on behalf of Avian Aquatics, Inc., as amended, to contain 2.07 acres, extending C-1 zoning to a depth of 300' south of Route 9 only.

M 632 97 Motion Adopted: 4 Yea, 1 Abstention.  
(con't)

Vote by Roll Call: Mr. Cole, Abstained; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

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

1. The applicant established by substantial evidence that his growing business requires a substantial commercial site to enable his business to grow.
2. The change of zone is consistent with the character of the development in the immediate neighborhood and will have no adverse impact of any sort, particularly in light of the restrictive covenants advanced by the applicant.
3. Council finds that the applicant does not now need the entire site zoned C-1 and finds, accordingly, that the recommendation of the Planning and Zoning Commission extending C-1 zoning 300' south of Route 9 only is sufficient to meet the applicant's present needs and will provide the same commercial property depth as the neighboring properties.

Voting Policy

Council discussed whether a policy exists regarding the ability of a Councilman to vote on a change of zone or conditional use application if (1) he was not present during the public hearing and (2) has not listened to the taped proceedings of the public hearing. Mr. Bayard, County Attorney, advised Council on this matter.

There were no Proposed Zoning Ordinances for introduction.

Agriculture Preservation

Mr. Collins, after talking briefly about the Delaware Agricultural Land Preservation Foundation's approval of the County's Agricultural Preservation District (Williamsville District), recommended that a sign be erected on Route 54 proclaiming the County Council's support of agriculture preservation. It was the consensus of Council that a sign be erected, contingent on the approval of the Foundation.

M 633 97 Councilmanic Grant

A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$350.00, \$250.00 from Mr. Dukes' Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to the Laurel Chamber of Commerce and \$350.00, \$250.00 from Mr. Dukes' Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to the Laurel Fire Department to help defray the cost of the Laurel Christmas Parade.

Motion Adopted: 5 Yea.

M 633 97 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
(con't) Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

M 634 97 At 12:47 p.m., a Motion was made by Mr. Cole, seconded by Mr.  
Recess Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:30 p.m.

Public Hearing (C/U No. 1215) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.06 ACRES, MORE OR LESS" (Conditional Use No. 1215) filed on behalf of Delaware Department of Transportation. There were no public comments and the public hearing was closed.

M 635 97 Adopt Ordinance No. 1199 (C/U No. 1215) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1199 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.06 ACRES, MORE OR LESS" (Conditional Use No. 1215) filed on behalf of Delaware Department of Transportation, with the following conditions:

1. The borrow pit shall only be utilized by the Delaware Department of Transportation Division of Highways.
2. All handling and hauling will be performed on weekdays, during daytime hours, unless there is an emergency.
3. Dust control shall be implemented when needed.
4. The State will maintain the roadway serving the site from Road 633.
5. As digging is completed in an area, that area will be reclaimed.
6. No material will be stored on any access roads or buffer areas.
7. Markers will be placed at all borrow pit corners.
8. No fuel shall be stored on site.
9. No stumps, branches, or debris will be buried on site.
10. No dredging or pumping of materials will be allowed.

M 635 97  
(con't)

11. The site shall be fenced, type and style at the discretion of the Department of Transportation. The entrance shall have a secured gate when pit is not in use.
12. Materials removed from the site shall be utilized principally in Sussex County.
13. All side slopes will be on a 2 to 1 slope and planted with either grass or small trees.
14. The borrow pit shall be surrounded by a landscaped unexcavated buffer strip or open space a minimum distance of fifty (50) feet from all property lines.
15. The borrow pit shall be at least two hundred (200) feet from any dwelling on property of other ownership.
16. The Planning and Zoning Commission shall review, comment, and approve or disapprove the site plan.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Findings  
of Fact

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

1. The applicant established that a clear need for select and common borrow to be used in ongoing highway construction projects exists and that the site is an appropriate location for excavating activities.
2. With the seventeen conditions in place, 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 consistent with the purposes and goals of the Comprehensive Land Use Plan.

Public  
Hearing  
(C/U No.  
1216)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 12.91 ACRES, MORE OR LESS" (Conditional Use No. 1216) filed on behalf of Briggs Family Enterprises, Inc. There were no public comments; one letter of opposition was read into the record. The Public Hearing was closed.

M 636 97  
Adopt  
Ordinance  
No. 1200  
(C/U No.  
1216)

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1200 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 12.91 ACRES, MORE OR LESS" (Conditional Use No. 1216) filed on behalf of Briggs Family Enterprises, Inc., with the following conditions:

1. This expansion shall be limited to no more than 25 sites for lease.
2. The expansion area shall have access through the existing park streets.
3. No additional ingress/egress locations shall be created from Road 318 for the existing park or the expansion area.
4. The buffer zone in the expansion area shall be landscaped for the purpose of creating screening. The plantings for screening shall be subject to the approval of the State Forester and the Planning and Zoning Commission. The buffer area shall remain free of any buildings or streets.
5. The minimum lot size per lot shall be 8,000 square feet as submitted by the applicant. All lot corners shall be visably marked by permanent markers.
6. Off street parking spaces shall be provided at a ratio of two (2) spaces, 10' by 20', per lot.
7. Streets shall be built to Subdivision Street Standards of Chapter 99 of the Code of Sussex County.
8. The site plan shall be subject to review and approval of the Planning and Zoning Commission upon receipt of all appropriate agency approvals.
9. The project shall be substantially underway within one year.
10. Manufactured homes shall be a minimum of 924 square feet.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Findings  
of Fact

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

Findings  
of Fact  
(con't)

1. The applicant established by substantial evidence that a clear need exists for additional mobile home sites for lease in the area. The proposed use will be an internal expansion of an existing mobile home park, with no new highway entrances required.
2. The proposed use will have no adverse impact of any sort on the immediate area, particularly in light of the ten conditions hereinafter proposed.
3. The proposed use is consistent with 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.

Public  
Hearing  
(C/Z No.  
1322)

A Public Hearing was held on the 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.17 ACRES, MORE OR LESS" (Change of Zone No. 1322) filed on behalf of Wilson M. and Alberta M. Cullum, Trustees. It was noted that the applicants were not present and have requested that that their application be withdrawn. The Public Hearing was closed.

M 637 97  
Adopt  
Proposed  
Ordinance

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.17 ACRES, MORE OR LESS" (Change of Zone No. 1322) filed on behalf of Wilson M. and Alberta M. Cullum, Trustees.

Motion Denied: 5 Nay.

Vote by Roll Call: Mr. Cole, Nay; Mr. Rogers, Nay;  
Mr. Jones, Nay; Mr. Collins, Nay;  
Mr. Dukes, Nay

Public  
Hearing  
(C/Z No.  
1323)

A Public Hearing was held on the 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 14,403 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1323) filed on behalf of S. Keith Parsell. There were no public comments and the Public Hearing was closed.

M 638 97 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to  
Adopt Ordinance No. 1201 entitled "AN ORDINANCE TO AMEND THE  
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-  
No. 1201 CULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DIS-  
(C/Z No. TRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES  
1323) AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 14,403 SQUARE  
FEET, MORE OR LESS" (Change of Zone No. 1323) filed on behalf  
of S. Keith Parsell.

Motion Adopted: 5 Yea.

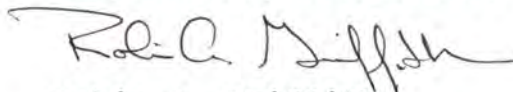
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

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

1. The applicant established by substantial evidence that the change of zone will enable his rapidly growing business to expand and since the site adjoins C-1 property, there will be no adverse impact of any sort on neighboring properties.
2. The findings of fact and recommendation of the Planning and Zoning Commission are incorporated herein.
3. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.

M 639 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Adjourn adjourn at 2:44 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council