



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF FEBRUARY 10, 2011

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 10, 2011, in the County Council Chambers, County Administrative Office Building in 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. Rodney Smith, Mr. Michael Johnson, and Mr. Martin Ross with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. Shane Abbott – Assistant Director.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the agenda as amended by deleting Item #2 under Other Business. Motion carried 4 - 0.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of January 27, 2011 as amended. Motion carried 4 – 0.

EXECUTIVE SESSION

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to recess the Regular Session to go into Executive Session to discuss pending litigation. Motion carried 4 – 0.

The Commission recessed and held an Executive Session in the Caucus Room to discuss pending litigation.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to come out of Executive Session and to proceed with the Regular Session. Motion carried 4 – 0.

OLD BUSINESS

Subdivision #2010 – 6 – application of **CANNON ROAD INVESTMENTS, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 130.427 acres into 233 lots (Cluster Development), located southwest of Route 5, southeast of Road 303, south of Road 303A, and east and west of Road 307.

The Commission discussed this application which has been deferred since January 27, 2011.

Mr. Johnson stated that he would move that the Commission grant preliminary approval for Subdivision #2010 – 6 for Cannon Road Investments based upon the record and for the following reasons:

1. The site was previously approved for a subdivision plan with 20,000 square foot lots, very little open space, open section roadways and no sidewalks or street lights.
2. The Applicant is now seeking approval of a clustered subdivision within the AR-1 zone. The Applicant is seeking clustered lots with a minimum area of 7,500 square feet.
3. A cluster subdivision on this site will not have an adverse impact on neighboring properties or community, and it will be compatible with Pelican Point Phases 4 – 7, a cluster subdivision.
4. The subdivision will not adversely impact schools, public buildings, area roadways or public transportation.
5. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance, and it is in compliance with the County's Land Use Plan.
6. Mr. Johnson is satisfied that this project is a superior design to the previously approved subdivision under the subdivision ordinance. It preserves more open space, with 56.64 acres provided on the site. No lots contain wetlands, and the developer has voluntarily provided a buffer in excess of 100 feet along the non-tidal wetlands adjacent to the existing streams.
7. The design addresses the requirements of Section 99-9C of the Code.
8. The subdivision will have no more than 233 lots on 130.427 acres. This results in a density that is less than the maximum density permitted in the AR-1 zone.
9. The subdivision will be served by central water and sewer.
10. This preliminary approval is subject to the following:
 - A. There shall be no more than 233 lots within the subdivision.
 - B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, buffers, storm water management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The storm water management system shall meet or exceed the requirements of the State and County, and it shall be constructed using Best Management Practices.
 - D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all storm water management areas and erosion and sedimentation control facilities.
 - G. A Buffer as required by the Ordinance shall be shown along the perimeter of the subdivision. The Final Site Plan shall contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
 - H. The developer shall maintain as many existing trees as possible with the undisturbed forested areas shall be shown on the Final Site Plan.

- I. No wetlands shall be included within any lots.
- J. A system of street lighting shall be established.
- K. As proposed by the Applicant, sidewalks shall be located on both sides of all streets in the subdivision.
- L. The subdivision shall be served by a central sewer system as defined by Sussex County Ordinance, designed in accordance with Sussex County Engineering Department and DNREC specifications.
- M. As provided by the Applicant, there shall be a 100 foot buffer from the non-tidal wetlands, adjacent to the existing stream.
- N. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approval the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

C/Z #1699 – application of **OLDE TOWNE POINT, LLC** for an Ordinance to Modify Condition No. 21 imposed on Ordinance No. 1377 for Change of Zone No. 1400, the application of Olde Towne Point, LLC, for “The Village at Five Points”, a MR-RPC Medium Density Residential District – Residential Planned Community, so that the limitation with regard to community use is only on 2.52 acres, thereby enabling Olde Towne Point, LLC to use the remaining portion of property, 1.52 acres, for a proposed pharmacy or related use.

The Commission discussed this application which has been deferred since January 27, 2011.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

C/U #1868 – application of **OLDE TOWNE POINT, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a pharmacy and community service facility to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 4.04 acres, more or less, lying at the northwest corner of Savannah Road (Business Route 9) and North Village Main Boulevard, the entrance into The Village of Five Points.

The Commission discussed this application which has been deferred since January 27, 2011.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

PUBLIC HEARINGS

C/Z #1685 – application of **SHELAH BRANCH FARMS, LLC** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, land lying north of Route 20 (Hardscrabble Road) and 1,200 feet west of Road 431 (Shortly Road), to be located on 9.024 acres, more or less.

The Commission found that the Applicants provided an Exhibit Booklet on December 6, 2010 and that the Exhibit Booklet contains a color rendering of the Site Plan, qualifications of Mark Davidson of DC Group and Design Consultants Group, a copy of the application form, a Site Plan, copies of portions of the 2008 Comprehensive Land Use Plan, a copy of the deed to the property and a survey of the site, a Soil Site Evaluation Report, a copy of the PLUS application, a copy of the PLUS comments, dated August 19, 2010, a copy of the Applicants response to the PLUS comments, dated September 30, 2010, a copy of an E-mail from the Office of State Planning Coordination relating to the PLUS comments, proposed suggested Findings of Facts, copies of letters from Davis, Bowen & Friedel, Inc. and DelDOT relating to a Traffic Impact Study, and a series of maps and aerials.

The Commission found that the Applicants provided an update for the Exhibit Booklet in reference to the qualifications of Mark Davidson and Douglas D. Barry, P.E. with Pennoni Associates, Inc., and qualifications/references to Pennoni Associates, Inc.

The Commission found that the County Engineering Department Utility Planning Division provided comments on December 16, 2010 in reference to this site and advise that the site is located in the Western Sussex Planning Area #5; that an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments on December 29, 2010 in reference to this site and advise that the site contains six soil types; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that there are no storm flood hazard areas affected; that it is not likely that off-site drainage improvements will be required; that on-site drainage improvements will be required; and that no tax ditches will be affected.

The Commission found that Chuck Workman and Mark Workman were present on behalf of Shelah Branch Farms, LLC with Dennis Schrader, Attorney with Wilson, Halbrook and Bayard, P.A., and Mark Davidson of Pennoni Associates, Inc. and that the stated in their presentations and in response to questions raised by the Commission that the site is located in an active agricultural area and is being farmed by the Applicants and their families; that the site is a focal point of where they work; that they hope to provide the community with retail shopping to serve the residents and farm operations in the area; that there is no intention to build a big-box store on the site; that the existing buildings on the site are used for an office, storage and workshops; that they did process their application through the PLUS process; that the agencies looked at the site as a potential of 50,000 square foot of retail; that they are intending much less, more in the range

of 20,000 square feet over and above the existing buildings; that the site is located in a Low Density Area according to the 2008 Comprehensive Land Use Plan where neighborhood business uses are supported; that the site is located in an Investment Level 4 area according to the State Strategies; that a Traffic Impact Study was prepared and is a part of the Exhibit Booklet; that on-site septic and on-site water are proposed; that the site is a part of the Workman family farm; that the site is in close proximity to other B-1 Neighborhood Business Districts at the intersection of Route 20 and Road 431; that the existing buildings on the site contain office space, storage, farm equipment storage for the farm operation, feed storage, and fuel storage; that they are intending agricultural related uses and retail, i.e. small grocery, deli, feed sales, and a farmers market; that the Traffic Impact Study referenced 28,000 square foot under roof and a 5,000 square foot outside market with access from a single entrance; that the site will be buffered with landscape berms and landscaping; that DelDOT may require a contribution to a future intersection improvement at the intersection of Route 20 and Road 431; that the stormwater management will be designed and built to State regulations; that water supply will be on-site within a silo for above ground water storage and fire protection; that there have been no leaking underground storage tanks found on or near the site; that adequate space is available on the site for septic; that there should be no negative impact on traffic on Route 20 or the neighborhood; that they applied for B-1 Neighborhood Business since other B-1 zoning exist in the immediate area; that the private ditch to the rear of the site is a farm ditch, not a tax ditch; that adequate space is available on the site for parking; that the site may be moderate to fair for groundwater recharge; that DelDOT may grant approval temporary use for the existing storage buildings to utilize the existing pavement for access until the proposed entrance is built; and that there will be no parking within the front yard setback.

The Commission found that there were no parties present in support of or in opposition to this application.

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

Motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

C/U #1869 – application of **JOHN AND NICOLE SCOTT** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwelling structure (5 units) to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 5.09 acres, more or less, lying northeast of Road 494 (Airport Road) 1,400 feet east of Road 497 (Old Hickory Road).

The Commission found that the Applicant provided an Exhibit Booklet on December 6, 2010 and that the Exhibit Booklet contains a copy of the deed to the property, an aerial photograph of the site and surrounding area, a survey/site plan depicting the building and driveway, DelDOT comments in the form of a Support Facilities Report, a copy of the application form, statements by Sergovic & Carmean, P.A. explaining the Application and its compliance with the Zoning Ordinance and the 2008 Comprehensive Land Use Plan, proposed suggested Findings of Fact, and photographs of the property.

The Commission found that the County Engineering Department provided comments on December 10, 2010 relating to this application since the site is located near the Sussex County Landfill #5 – Laurel and advising that the site is located in Groundwater Management Zones; that the County has entered into two Memorandum of Understandings with the State DNREC establishing the Groundwater Management Zones around the landfill site and the surrounding properties; that the Groundwater Management Zones consists of three concentric zones where wells are restricted and/or limited; that this parcel lies within the “No Well”, the “A” Zone, and the “B” Zone portions of the Groundwater Management Zones; that the property is served by the central water system owned and operated by Tidewater Utilities, Inc., located approximately 4,000 feet to the north of Road 497 and Road 494; that all units will be required to connect into the central water system; that if the five units are proposed to be conveyed to new owners, the deed to each unit shall be required to have the following notation placed within it: “The property identified herein is located within the Sussex County Landfill #5 – Laurel Groundwater Management Zone (GMZ), and has certain regulations placed upon it concerning any proposed land and/or groundwater use. Contact the Sussex County Engineering Department for additional information.”; that excavations, including residential basement construction, on the property will not be allowed without additional studies being performed to determine if it will be environmentally compatible with the landfill property; and that any activity that alters the current groundwater flow direction or lowers the water table on the adjacent Sussex County property shall be prohibited.

The Commission found that the County Engineering Department Utility Planning Division provided comments on December 13, 2010 and advised that the site is located in the Western Sussex Planning Area #4; that an on-site septic system is proposed; that the site is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments on December 29, 2010 in reference to this site and advise that the site contains two soil types; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that there are no storm flood hazard areas affected; that it is not likely that off-site drainage improvements will be required; that it is not likely that on-site drainage improvements will be required; and that no tax ditches will be affected.

Mr. Lank advised that Commission that this application is the result of a notice of violations for the multi-family dwelling structure use and other Code violations.

The Commission found that John Scott was present with Shannon Carmean, Attorney with Sergovic & Carmean, and Ken Christenbury, Professional Engineer with Axiom Engineering, and that they stated in their presentations and in response to questions raised by the Commission that the Applicant filed his application after receiving of notice of violation for the five units; that the property has been cleaned up; that the density is approximately one unit per acre; that 10% of the site has been developed for the structure, related parking and access; that 90% of the site remains undisturbed; that sight distances at the entrance is not an issue; that the property is now well maintained; that the use complies with the Zoning Code and the 2008 Comprehensive Land

Use Plan; that two parking spaces are provided per unit; that there are no private wells on the site; that the structure was renovated in 2005 for residential use and five units; that all five units are occupied; that the site is primarily wooded; that there are no basements; that the use provides affordable housing; that the Comprehensive Land Use Plan references that the site is in a Low Density Area; that the use conforms to the Zoning Code in that it provides needed affordable housing; that septic is on-site; that water is provided by Tidewater Utilities; that there should be no adverse impact on neighboring properties, property values, or traffic; that a Traffic Impact Study was not required; that there are no wetlands on the site; that the Applicant is aware of the landfill and the requirements of the County Engineering Department and will comply with those requirements; that the prior use of the property was housing for farm workers for seasonal activities; that building permits were not obtained; that there are no other multi-family units in the immediate area; that two of the families qualify for Section 8 housing; that the driveway is shared with the adjacent landowner; that two of the families have rented units since 2006; that all five units are occupied; that the septic system is a permitted system and was inspected by DNREC; that the septic system was approved for single family use about 20 years ago; that the structure was gutted when purchased and then improvements and additions were added on the second floor; that there are five separate electric meters; that the five units did not exist when the property was purchased; that originally there were three mobile homes on the site and that they have been removed; and that the property has been used historically for the housing of multi-family migrant workers.

The Commission found that there were no parties present in support of this application.

The Commission found that Michael Short and Toby Walker were present in opposition to this application and expressed concerns about the wording on the public notice since it references to be located on, not that it already exist; that the Applicant did not follow the proper procedures, that the site is not in compliance with County Codes; that building plans are required, and were not submitted; that building permits are required, and were not obtained; that inspections are required and were not performed; that an electrical inspection was performed; that Fire Marshal inspections are also required; that approval of this project creates a precedent; that the site plan has been reviewed and shows a 2,780 square foot footprint of the structure; that the building being two story and containing over 5,000 square feet should have required an architectural design and review; that the septic system should have been reviewed and inspected; that there is no record on file exhibiting a septic permit for five units on this site; that the only record of a septic system on the site has been for a three bedroom dwelling in 1991; that the area is rural in nature and agricultural; that the use is not compatible with the neighborhood; that crime is a major concern; that no trespassing signs have been posted on the adjacent farm and that the signs have been removed or destroyed by trespassers; that trash dumping has occurred on the farm from the site; that firearms have been discharged on the site; that there has been open burning of construction and demolition debris on the site; that loud music has been heard on the site at all hours of the day and night; that there is traffic to and from the site at all hours of the day and night; that the State Police have been called to the site multiple times; that there are no known neighbors in support of this application; that the area was quiet prior to the improvements being built; and that the area is predominantly single family homes and agricultural.

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

Motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

C/U #1877 – application of **TIDEWATER UTILITIES, INC.** to consider the Conditional Use of land in a GR-RPC General Residential District – Residential Planned Community for an elevated water storage tank/public utility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 24,177 square feet, more or less, lying south of Angola Road (Road 277), approximately 710 feet west of Angola Beach Road (Road 278).

The Commission found that the Applicant provided an Exhibit Booklet on December 6, 2010 and that the Exhibit Booklet contains a copy of Ordinance No. 1875 which approved this type of use on the site on September 19, 2006, a copy of the Commission Minutes for September 14, 2006 whereby the Commission recommended approval of the use, a copy of the Purpose of a Conditional Use from the Code, a copy of Delaware Code Section 6904, a copy of portions of the 2008 Comprehensive Land Use Plan relating to the Environmentally Sensitive Developing Areas relating to permitted uses and infrastructure, an Introductory Summary, a copy of a map of the area to be served by the utility, a copy of the Site Plan for the tower, a photographic rendering of a tower, a map of water tower locations in the County, a copy of an article on Structural Stability of Elevated Water Reservoirs under Hurricane Force Wind Conditions, copies of letters of support from the Delaware Health and Social Services, a copy of a Federal Aviation Administration approval letter, a copy of a DelDOT approval letter for the entrance, a copy of the Fire Protection Plan Review Report, a copy of the approval letter from the Sussex Conservation District, proposed suggested Conditions of Approval prepared by the Applicant, and proposed suggested Findings of Fact prepared by the Applicant.

The Commission found that the County Engineering Department Utility Planning Division provided comments on December 13, 2010 and advise that the site is located in the Angola Neck Sanitary Sewer District; that wastewater capacity is available to serve the site; that Ordinance 38 construction will not be required; that the location and size of laterals or connections points shall be subject to the approval of the County Engineer; that there is no service to the site at this time; that the sewer district is currently under construction and is scheduled to become operational as early as the summer of 2011; that if the proposed or future use generates domestic type wastewater, a connection to the sewer system is required; that if filtration backwash or other treatment plant operations will discharge to the wastewater system, additional information is required prior to receiving connection approval from the County Engineering Department; that the County will require pretreatment or may not approve connection to the sewer system; and that a concept plan is not required.

The Commission found that Brad Richardson was present on behalf of Tidewater Utilities, Inc. with Tim Willard, Attorney, with Fuqua, Yori & Willard, P.A., and Scott Atkinson of Davis, Bowen & Friedel, Inc. and that they stated in their presentations and in response to questions raised by the Commission that Tidewater Utilities, Inc. has an easement from the property owner, Howntown Angola, to locate a water storage tank on the site; that the site was approved on September 16, 2006 by the County Council for the installation of a water storage tank to serve the area; that the water storage tank was never built; that they are reapplying for the facility; that

the only change from the original site plan is a drainage easement for the Sussex Conservation District; that Tidewater Utilities, Inc. proposes to construct a new elevated water storage tank to serve their Angola District; that elevated water storage tanks are the most effective and reliable means of maintaining adequate flow and pressure in order to meet water supply needs for fire flows, emergency outages, and peak demands; that the Angola District does not currently have any water storage tanks in the system; that Tidewater Utilities, Inc. solely relies upon several wells to provide adequate pressure and flow to the area; that Tidewater is currently constructing a water main to connect the Lochwood and Chapel Green communities with the Angola District; that the storage facility will contain 400,000 gallons of water and will be built to a height of approximately 160-feet; that the existing communities that will be served will be Angola-by-the-Bay, Angola Estates, Bay Ridge Woods, Chapel Green, Lochwood, Village at Herring Creek, Bay Front, Cove on Herring Creek, West Bay Park, and the Woods on Herring Creek; that the proposed communities that may be served include Burtons Bray, Herring Point, Richfield, and Oakwood Village; that the site is located on a main collector roadway serving the area; that the Applicants have no objection to the conditions imposed on the original project by Ordinance No. 1875; that the records show that the Commission recommended approval of the original application; that this application meets the criteria for a Conditional Use since the use is of a public character and will serve the community with potable water and fire protection capability; that the site is located in an Environmentally Sensitive Developing Area according to the 2008 Comprehensive Land Use Plan which are areas that can accommodate developments with central water; that the site will be enclosed by an eight (8) foot high fence; that the use should not have any adverse impact on the area; that it should take approximately one month to construct the water storage tank and that the tank will be painted with a neutral color to blend in with the sky; that approvals have been received from Delaware Health and Social Services, the Federal Aviation Administration (FAA), DelDOT, the Office of the State Fire Marshal, and the Sussex Conservation District; that the use of the site will create little to no traffic after completion of construction of the project; and that emergency contact numbers can be placed on the site in cases of emergency.

The Commission found that there were no parties present in support of or in opposition to this application.

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

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

OTHER BUSINESS

Old Stage Auto Sales
CU #1875 – Site Plan – Route 24 and Road 461

Mr. Abbott advised the Commission that this is a site plan for a used car sales facility located on 2.73 acres; that the site is zoned AR-1 and the conditional use was approved on January 4, 2011 with 8 conditions; that the 8 conditions of approval are referenced on the site plan and the site plan complies with the conditions of approval; that DelDOT has issued a letter indicating that the

existing entrance is suitable for the intended use and that no improvements are required; that final site plan approval can be granted; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to approve the site plan as a final. Motion carried 4 – 0.

Perdue – Bridgeville
Site Plan – Road 584 (Route 404 By Pass)

This Site Plan was removed from the agenda since the Applicants have not provided revised site plans requested or a letter referencing that the intended use will only be serving the Perdue facility.

Subdivision #2007 – 28 – George G. Keen
Time Extension

Mr. Abbott advised that Commission that this is a request for a one-year time extension; that the Commission granted preliminary approval on March 26, 2009 and granted a one-year time extension on April 14, 2010; that this is the second request for an extension; that to date, the file does not contain any correspondence from any regulatory agencies; that if an extension is granted, preliminary approval will be valid until March 26, 2012; and that the Commission was previously provided a copy of the request.

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

Joyce M. Chovan
4 Lots on 50' Easement – Road 490

This is a request to subdivide a 6.59-acre parcel into 4 lots with access from an existing 50-foot easement; Lot 1 will contain 1.39 acres, Lot 2 1.26 acres, Lot 3 1.18 acres and the residual lands will contain 2.76 acres; that this is the first time that this parcel has been subdivided; that the easement currently serves as access for 7 parcels; that the request can be approved as submitted or an application for a major subdivision can be required; that if the request is approved as submitted, it should be stipulated that the applicant provide verification that the other owners who use the easement have no objections; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to deny the request as submitted. Motion carried 4 – 0.

Robert Lee and Verna J. Tribbitt
2 Parcels and 50' Easement – Road 376

Mr. Abbott advised the Commission that this is a request to subdivide a 30.36-acre parcel into 2 lots with access from a 50-foot easement; that the owner is proposing to create the 50-foot easement over an existing gravel driveway; that one parcel will contain 1.0-acre and the residual lands will contain 29.36 acres; that the request can be approved as submitted or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the request as submitted as a concept. Motion carried 4 – 0.

ADDITIONAL BUSINESS

The Commission discussed having a discussion for extending the approvals for subdivisions and conditional uses at a future meeting.

Meeting adjourned at 8:50 p.m.