



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF FEBRUARY 26, 2004

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 26, 2004 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Lynch, and Mr. Wheatley with Mr. Robertson, Assistant County Attorney, Richard Kautz – Land Use Planner, and Donna Mowbray – Zoning Inspector III.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to approve the Revised Agenda with amendments, noting that Subdivision #2003-31, the application of P & H Harmon Properties, L.L.C., has been withdrawn, and to move Subdivision #2003-34, the application of Palisades Land, LLC, to be the first public hearing.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the Minutes of February 12, 2004 as circulated.

OLD BUSINESS

C/U #1522 -- application of **SSEW, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 18.33 acres, more or less, lying northeast of Route 275 (Plantation Road), 700 feet southeast of Road 276 (Shady Road).

The Commission discussed this application which has been deferred since February 12, 2004.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to defer action.

Motion carried 4 – 0.

C/U #1523 -- application of **RAAB-FORD** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.48 acres, more or less, lying south of Route 54, 500 feet west of Lincoln

Drive, a private road within Cape Windsor Subdivision, and 0.5 mile west of The Ditch at Fenwick Island.

The Commission discussed this application which has been deferred since February 12, 2004.

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Mr. Lynch stated that he would move that the Commission recommend approval of C/U #1523 for RAAB-FORD based upon the record made at the public hearing and for the following reasons:

1. The proposed Conditional Use is appropriate for the site because residential development of this type is appropriate in areas where central water and sewer are available. In this case, there will be central sewer provided by Sussex County and water provided by Artesian Water.
2. The application is for a property that is zoned MR that is in an area that has developed with residential properties similar to the proposed project. The application is consistent with the purpose of permitted uses in the MR District.
3. This application is the same as one that was submitted by the same Applicant for the property and approved by County Council (C/U #1172). In the present application there are only 12 units proposed. The prior application was approved for 13 units.
4. With the stipulations/conditions placed upon this recommendation, there will be no adverse impact on neighboring or adjacent properties.
5. This recommendation for approval is subject to the following conditions:
 1. The maximum number of residential units shall not exceed 12 units.
 2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.
 3. The development shall be served as part of a Sussex County Sewer District.
 4. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
 5. A 50-foot wetland buffer shall be provided.
 6. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these features.
 7. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur

Monday through Saturday and only between the hours of 7:00am and 6:00pm.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated.

Motion carried 4 – 0.

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C/Z #1531 -- application of **LAKE PLACID PROPERTIES, LLC.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, land lying east of Route 24, 1,000 feet south of Route 5 and Route 22 (Long Neck Road), to be located on 14.23 acres, more or less.

The Commission discussed this application which has been deferred since February 12, 2004.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to defer action.

Motion carried 4 – 0.

Subdivision #2003-32 -- application of **HM PROPERTIES** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 136.20 acres into 201 lots, located south of Road 301, 1,820 feet east of Road 302.

The Commission discussed this application which has been deferred since February 12, 2004.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to defer action.

Motion carried 4 – 0.

Subdivision #2003-7 -- application of **STOVER HOMES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 47.04 acres into 35 lots, located southwest corner of the intersection of Route One and Road 38.

Mr. Kautz advised the Commission that this is a final record plan for 35 lots; that the application received preliminary approval on Jul 24, 2003 for 35 lots; that the record plan

complies with the Subdivision Code and the stipulations of approval; that all agency approval have been received; and that the record plan is suitable for final approval.

Mr. Kautz added that the staff requests that the Commission stipulate that the developer submit a digital version of the subdivision in a format consistent with a February 18, 2004 letter from Matt Laick, Supervisor of Mapping and Addressing, to Mr. Lank, Director.

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Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the 35 lot Subdivision as a final with the stipulation that the developer be required to submit a digital version of the subdivision in an format consistent with the February 18, 2004 letter from Mr. Laick, Supervisor of Mapping and Addressing.

Motion carried 4 – 0.

PUBLIC HEARINGS

Subdivision #2003-24 -- application of **PALISADES LAND, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred, Sussex County, by dividing 353.09 acres into 380 lots, located on both sides of Road 364, ½ mile southeast of Road 363, and on both sides of Road 364A, 2,000 feet south of Road 364.

Mr. Kautz provided the Commission with copies of letters received from Bruce B. Bagley, Environmental Scientist with the Ground Water Discharges Section of the State DNREC, Heather L. Sheridan, Director of Operations with Sussex County Engineering; a copy of the Technical Advisory Committee Report for August 20, 2003 which referenced this application; and copies of nine (9) letters, expressing opposition or concerns related to this application, from Bessie Shockley, Daniel , Grace, and Theresa Fleetwood, Ann F. Hobbs, Carol Behrmann, John Verlaque, Jo Brown and Steve Cullen, Rob and Donella Cano, J.J. Nuttall, Corresponding Secretary for the Little Assawoman Bay Conservancy, and Keith D. Lawson. All of these correspondences and reports are made a part of the record for this application.

The Commission found that Robert Harris of Palisades Land, LLC, Mark Dunkel, Attorney, Steve Engel of Vista Design Group, Inc., and Robert Swartz of Applied Water Management were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that they propose 380 single family lots, a substantially lesser number than originally proposed in their RPC application; that DelDOT has voiced no major impacts; that Tidewater Utilities, Inc. is willing and able to provide water service; that the State DNREC has stated that the

project is feasible; that a County Engineering letter offers no negative comment; that the project will be phased with the first phase being limited to a maximum of 60,000 gallons per day; that the last sentence in the County Engineering letter is incorrect and that the permit from DNREC is for 380 lots; that they have a right to subdivide; that they have reviewed the opposition letters, which are generally against AR zoning and permitted uses and are not supported by any review agency comments; asked that all agency comments from the RPC application be made a part of the record for this application; and discussed the location, design, appearance, and operation of the treatment plant, odor and noise control, staffing, permitting, monitoring, and ownership of the treatment plant

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facility, the rate structure, and the qualification requirements of the treatment plant owner/operator.

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

The Commission found that David Kramer, Susan Wood, Richard Gobel, Richard Defanio, Robert Cresswell and Christina Cresswell, of the 18 people present in opposition, read and submitted written statements or stated that any large scale project within the Environmentally Sensitive Developing Area will forever change the character of the area and impact the Assawoman Wildlife Area; that the project lacks the elements of the Comprehensive Plan intended for the Environmentally Sensitive Developing Area; that if the Applicant choose to place fewer lots and increase common areas, the project would be more acceptable; that the area is relatively rural; that the project will have any impact on wildlife; that the project will either add or detract on the present and future nature of the existing quiet and rural neighborhood with the influx of 380 homes; that the project will affect this area that is a part of the Delaware Inland Bays Watershed and one of the last pristine areas in southeastern Sussex County; that the Commission recommended denial of the RPC application for the same site because: it was out of character with the surrounding area; because the project was not compatible with the existing roadways in the area and did not promote safe vehicular, bicycle and pedestrian traffic; because the project could have potentially harmful consequences on the Little Assawoman Bay, Dirickson Creek and Miller Creek, which are waters classified as "Prohibited" for shellfish harvesting by the State; because the project contains lands that are a part of the Inland Bays State Resource Area; and because the project contains forested wetlands and that destruction of these wetlands would negatively impact plant and animal species, and take away the forests' natural ability to minimize degradation of the Bays; that this project does not mitigate all of the concerns of the Commission in their denial of the RPC application; that according to DNREC ; that this plan is environmentally no better than the RPC application; that they oppose the sewer system; that the are concerned about the well location; that they are concerned about runoff into Williams Creek; that once the lots are cleared of trees for homes, driveways, etc. there will be no trees left on the lots; increased traffic; that the local roads will be damaged by

the construction equipment to and from the site; that they do not trust the approval system or the agencies; and that they are suspicious of the treatment plant location.

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

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to defer action.

Motion carried 4 – 0.

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Ordinance Amendment -- AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO REVISE AND REPLACE SECTION 194.1 WITH A NEW SECTION ENTITLED THE COMBINED HIGHWAY CORRIDOR OVERLAY ZONE.

Mr. Kautz provided the Commission with copies of comments received from the Office of State Planning Coordination, which referenced that the State offered some changes and that the State supports this Ordinance and ask that the County consider the State agency comments to strengthen the Ordinance.

The Commission found that Thomas Shafer of Shafer Consulting, a consultant for the County for the preparation of ordinances, was present and summarized the Ordinance.

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

The Commission found that Mable Granke of the Citizens Coalition, Inc. was present and submitted/read written comments into the record which referenced that this proposed expansion of the Highway Corridor Overlay Zone raises many questions and referenced:

- 1) The sections describing each Highway Corridor Overlay Zone north-south takes the zone from Kent County, Delaware to the Delaware/Maryland line and includes the 600-foot setback. Does the County anticipate establishing provisions for the commercial zone? This is the current situation for the existing Highway Corridor Overlay zone on Route One from the Nassau Bridge to the Canal Bridge. How does this correlate with the Highway Corridor Preservation Program as administered by DelDOT?
- 2) Section (4) Permitted uses within required buffer are so many that concern for safety and sight distance must be the prevailing factor.
- 3) (F) 1 and 5 and Gc establish the potential for conflict. The use of the word should makes a statement meaningless in terms of enforcement.
- 4) Enforcement is the key. Currently any planning for Route One mitigation projects must take the existing Highway Corridor Overlay Zone into account and careful coordination takes place. Ms. Granke expressed concerns over the Plantation Road comments by DelDOT in the Office of State Planning Coordination letter.

The Commission found that Wayne Baker was present and expressed concerns about property owner rights; that the AR-1 District cannot continue with restrictions; that the buffers and setbacks location are not clear; that and the possible taking of properties issues.

The Commission found that Rich Collins was present and expressed his opinion that the Ordinance was unconstitutional; that the Ordinance appears to take from the landowner and reduce the price of land for DelDOT; that the buffer locations need to be clarified; questioned the purpose of the 300-foot and 600-foot boundaries of the zone; that a no-rezoning provision will not provide any benefit to the County or landowners; that the

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suggested landscape requirements have no flexibility; that DelDOT has authority on access, not the County; and suggested that the Ordinance should give the Commission more flexibility on the requirements during site plan review. .

The Commission found that Rich Collins submitted/summarized comments from The Home Builders Association of Delaware which referenced that the Association is not taking a position on the Ordinance at this time, but would like to offer the following observations and questions for consideration: 1) 115-194.1 B – The use of the term “Generally” in Delineation of the zoning district leaves room for interpretation. 2) 115-194.1 B (1) & (3) – These sections designates a setback of 300-feet and 600-feet on each side of the designated routes. We question why the setback is different than that specified in Section E setting minimum buffer and setback requirements. Is Section E intended to further add to the overall setback? Is there a need for the overlay to be wider than the setback? 3) 115-194.1 E (3) – In addition to the above comment, we are uncertain if the Setback and the Buffer are cumulative or if the buffer is part of the setback. 4) 115-194.1 F (1) – The use of the term “Generally” leaves room for interpretation. In addition, the limitation to one access/property from the designated corridor is a safety issue concern. At least two entrances, specifically for larger projects will improve safety and allow or facilitate traffic mitigation. In commercial projects, there is often a need for a second access for circulation. 5) 115-194.1 F (2) – This section may be unnecessary as DelDOT usually makes this determination. 6) 115-194.1 F (5) – Please refer to comments made for F (1). 7) Revise Table 1, Note (7) – This note appears to be contradictory to the language proposed in 115-194.1 B (2).

The Commission found that Preston Dyer was present and stated that the 300-foot and 600-foot boundaries are not relative to the routes; that evacuation routes should be considered; that DelDOT controls access locations; that a 20-foot buffer can be eliminated by a DelDOT taking of right-of-way; that a 5-foot buffer may be appropriate; that access and service roads and the buffer should be included together; questioned the landscape requirements and safety; questioned why water features are permitted in a required buffer and a stormwater management structure is not; that new rezonings effect

property values and setbacks; and stated that he would submit written comments at a later date

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

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to defer action and to leave the record open for written comments only for fifteen (15) days. The deadline for receipt of written comments shall be the close of business on March 12, 2004.

Motion carried 4 – 0.

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Ordinance Amendment -- AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE IV “AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS”. TO ALLOW CLUSTER DEVELOPMENT OF RESIDENTIAL STRUCTURES AND TO DEFINE CLUSTER DEVELOPMENT.

Mr. Kautz provided the Commission with copies of comments received from the Office of State Planning Coordination, which referenced that the Office and other State agencies have expressed support for the concept of a cluster ordinance; that the proposed Ordinance is consistent with the Comprehensive Plan Update; that the State does have concerns about the Ordinance as written, specifically related to lot sizes, design standards, and water and wastewater; that it is their understanding that the County anticipates an amendment to this Ordinance that would further reduce the lot size which keeping the underlying density; that the State is eager to work with the County as they consider this Ordinance and develop standards for community design and open space management that will help to implement the goals of the Comprehensive Plan Update; and that they also recommend that in areas where public water and sewer are not available, that community water and wastewater systems be required.

Mr. Kautz provided the Commission with copies of a letter from Mark H. Davidson of DC Group, which referenced support of a cluster ordinance and some concerns that the amount of density may be reduced because of the proposed calculation method; that in reference to Paragraph A, the density to date is 1.33 lots per acre for lots with septic, and that in theory, for every 4 lots that are planned, you will have approximately 1-acre of open space allocated for the development; that in reference to Paragraph B, the density to date is 2.178 lots per acre for lots using central sewer, he recommends that the lot size be decreased to 7,500 square feet in order to cluster lots and achieve more open space; and that decreasing the lot sizes, while leaving the density as is, will achieve the open space requirement and protect the environment and natural areas in accordance with the goals set forth in the Comprehensive Plan Update.

The Commission found that Mable Granke of the Citizens Coalition, Inc. submitted written comments which referenced that the intent of the Low Density Area in the Comprehensive Plan Update has been completely mis-interpreted; that the second Whereas of the Ordinance takes liberty with both the purpose and guidelines for density; that Page 19 of the Update states "Upon the adoption of the amendment to the zoning ordinance, the developer will have the option of clustering the homes using a minimum of one-half acre..." that the word "option" is important since it means a choice and such choice must mean approval through the public process; that 115-4 Definition drastically alters the intent of the Low Density Area by the phrase "type of dwelling"; that Page 19 of the Update states "Housing types appropriate for the Agricultural Residential District are generally limited to single-family detached homes, and manufactured homes, where permitted by ordinance."; that this phrase must be omitted since it implies that change in

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type of dwelling is invited and other than single family detached would be allowed; that because the basis of the cluster concept is to achieve maximized open space, it is the Coalitions belief that the proposed section of the Ordinance which states, "... and open space from that which is normally required as further described in the applicable residential districts" is ambiguous and requires clarification; that the Ordinance must be carefully reviewed and revised as necessary to protect the Purpose of the Low Density Area as defined and described in the Comprehensive Plan Update.

The Commission found that Thomas Shafer of Shafer Consulting, a consultant for the County for the preparation of ordinances, was present and summarized the Ordinance and some amendment which revised the WHEREAS statements; suggested offering 7,500 square foot cluster lots; deleted churches, schools, and commercial use from the net development calculation; offered standard and cluster development options; altered setbacks; and added design requirements and review procedures into the Ordinance.

The Commission found that Rich Collins of the Positive Growth Alliance submitted/summarized written comments and four (4) site plan comparisons of a parcel being developed with 20,000 square foot lots versus 7,500 square foot lots and noting the amount of open space and street lengths, and added that Section G.3.a. could be revised to read "The cluster development plan and the preliminary plan of subdivision provides for a total environment and design which are superior in terms of increased open space in the reasonable judgement of the Planning Commission, to that which would be allowed under the regulations for the standard option".

The Commission found that Rich Collins submitted/summarized comments from The Home Builders Association of Delaware which referenced that the Association is in support of the principle of cluster development allowing the incorporation of new home groupings onto smaller parcels so that more land may be preserved as open space; that it is their belief that this approach will save a significant portion of open space and provide an attractive living environment for homeowners; that the Comprehensive Plan Update

has identified that a large number of retirees are moving into the County; that their buyer research shows that a large portion of demand is for retirement or second homes; that the buyer prefers smaller lot size for single family homes and there is a good market for attached homes; that the buyer preference is for little or no exterior or yard maintenance; that they would like to suggest that the Commission consider the possibility of further reducing the lot size in the Cluster Development Option; that the density will not change and the developer and the buyer will have greater option and choice; that 115-25B (1) is proposed with a lot size of 20,000 square feet; that since on-site sewer and water infrastructure exists they would suggest reducing the minimum lot size to 7,500 square feet allowing for more variety in lot size for the buyer and a greater flexibility for the developer with no change in density and increasing open space; that they would also suggest considering allowing attached housing in growth areas to add additional open

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space and resource protection; and that in reference to 115-25C, they suggest that depths be adjusted to allow 25-foot setbacks for front yards and 10-foot setbacks for side yards.

The Commission found that Preston Dyer stated that the net calculation method still needs to be reviewed and expressed concerns about density calculations.

The Commission found that Kevin Burdette submitted/summarized written comments which referenced that the one-half acre lot size could be changed to 25,000 square feet for lots with septic; that the total number of lots allowed should not exceed the standard lot option or that allowed by DNREC; that the number of dwelling units permitted should be determined by dividing the net development area by the minimum lot area per single family dwelling unit required by the district which the area is located; that commercial use should not be a deduction; that 75-foot lot width is adequate, rather than 100-feet; that the Cluster Development Option should be revised; questioned the referenced to "numbered road"; and added that lots meeting the 7,500 square feet minimum area requirement should have a minimum lot width of 75-feet.

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

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to defer action and to leave the record open for written comments only for fifteen (15) days. The deadline for receipt of written comments shall be the close of business on March 12, 2004.

Motion carried 4 – 0.

Subdivision #2003-31 -- application of **P & H HARMON PROPERTIES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 125.91 acres into 115 lots, located south of Road 297, 1,300 feet east of Road 305.

This application was withdrawn on February 23, 2004.

OTHER BUSINESS

Bayview Landing -- HR-1/RPC
Final Record Plan – Route 54

Mr. Kautz advised the Commission that this site plan is a final record plan for a 220 unit residential planned community; that the project received preliminary approval on August 21, 2003; that 124 single family lots and 96 multi-family units are proposed and permitted; that the site plan meets the requirements of the zoning code and the

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stipulations of approval; that all agency approvals have been received; and that the record plan is suitable for final approval.

Mr. Kautz added that the staff requests that the Commission stipulate that the developer submit a digital version of the project in a format consistent with a February 18, 2004 letter from Matt Laick, Supervisor of Mapping and Addressing, to Mr. Lank, Director.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the final record plan with the stipulation that the developer be required to submit a digital version of the subdivision in a format consistent with the February 18, 2004 letter from Mr. Laick, Supervisor of Mapping and Addressing.

Motion carried 4 – 0.

Subdivision #2003-35 -- Elaine Muncy
Time Extension

Mr. Kautz advised the Commission that the developer has requested a one-year time extension to obtain all agency approvals; that the application received preliminary approval on February 13, 2003 for 25 lots; that the Office received the request on February 11, 2004 and that this is the first available agenda that the request could be considered; that the only approval that the Office has received is from the Department of Agriculture; and that this is the first request for a time extension.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to grant a one-year time extension.

Motion carried 4 – 0.

Kenneth W. and Bernice M. Wilson

2 Parcels and 50' Easement – Route 546

Mr. Kautz advised the Commission that the Wilson's are requesting to split a 210.394 acre tract into 2 tracts and to create a 50-foot easement; that Tract #1 would contain 140.558 acres and have access from a 50-foot easement; that Tract #2 would contain 69.836 acres and has the required road frontage along Road 546; that the parcels will remain in an Agricultural Preservation District and are scheduled to be annexed into the Town of Bridgeville next month.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the request.

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Motion carried 4 – 0.

Henry J. and Rosa Evans

2 Lots and 50' Easement – Road 319

Mr. Kautz advised the Commission that the Evan's are requesting to create 2 lots with access from an existing 50-foot easement; that the easement was created when Lot #1 was approved; that the 2 new lots will contain 2.38 acres and 3.28 acres; that the residual acreage contains 15 acres; that if approved, the 2 lots would be the maximum permitted; and that any further subdivision of the property would require a public hearing for a major subdivision.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to defer action.

Motion carried 4 – 0.

Charles H. Guy, IV and David W. Green

Parcel and 50' Easement – Road 543

Mr. Kautz advised the Commission that the applicants are requesting to subdivide a 32,854 square foot lot off of Road 543 and to create a 50-foot easement to serve as access to the rear parcel; that the 32,854 square foot lot currently exists along a numbered road and that there is currently a 40-foot frontage to the east of the parcel that serves as access to the rear property; that the applicants are proposing to relocate the right-of-way to the west of the site; and that there is an existing dwelling located on the 32,854 square foot lot.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to approve the request.

Motion carried 4 – 0.

Wade William Smith

Lot and 50' Easement – Road 48

Mr. Kautz advised the Commission that Mr. Smith is requesting to create a 1.0 acre lot and a 50-foot right-of-way to serve as access to the residual lands; that since the easement is being created, it should be required to apply for a major subdivision or apply for a variance from the road frontage requirements.

Motion by Mr. Wheatley, seconded by Gordy, and carried unanimously to defer action.

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Motion carried 4 – 0.

James H. and Dorothy M. Bailey

2 Lots and 50' Right-of-way – Route 54

Mr. Kautz advised the Commission that the Bailey's are requesting to create 2 lots and a 50-foot right-of-way; that they propose to create 2 lots with road frontage along Route 54 and the 50-foot right-of-way where an existing driveway exists to serve as access to the residual lands; that the residual land contains 8.16 acres; that the Commission may approve the request as submitted, require a public hearing for a major subdivision, or the owners could apply for a variance for the lot frontages.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the request.

Motion carried 4 – 0.

Meeting adjourned at 10:55pm.