



## *Planning & Zoning*

Agendas & Minutes

### MINUTES OF THE REGULAR MEETING OF APRIL 14, 2005

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, April 14, 2005 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. Johnson, Mr. Smith, and Mr. Wheatley with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director, and Mr. Abbott – Assistant Director.

Motion by Mr. Wheatley, seconded by Mr. Johnson and carried unanimously to approve the Agenda as amended. C/Z #1573 was withdrawn on April 11, 2005.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of March 31, 2005 as amended.

### OLD BUSINESS

C/Z #1568 - application of **HAROLD E. DUKES, JR.** 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 Indian River Hundred, Sussex County, land lying southwest of Route 5, 1,600 feet northwest of Route 48, to be located on 4.61 acres, more or less.

The Commission discussed this application which has been deferred since March 31, 2005.

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1568 for Harold E. Dukes, Jr. to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential to B-1 Neighborhood Business based upon the record made at the public hearing and for the following reasons:

- 1) The project will not have an adverse impact on the neighboring properties or community. The change in zone will benefit this area of Route 5 since the project is adjacent to C-1 zoned properties.



- 2) The project is located in an area where other properties are zoned C-1 with varying types of commercial activities on them and that a Conditional Use was recently approved for the parcel immediately adjacent to the north
- 3) The Applicant has stated their intention to address all PLUS comments on the site plan.

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

Motion carried 5 – 0.

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C/Z #1572 – application of **RIVERVIEW, LLC.** to amend the Comprehensive Zoning Map from a MR Medium Density 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, land lying southeast of Road 346A, 3,100 feet east of Road 346, to be located on 79.432 acres, more or less.

The Commission discussed this application which has been deferred since March 31, 2005.

Mr. Gordy stated that this is a unique application due to the bridge concept.

Mr. Wheatley agreed and stated that he would like to look at the site again.

Mr. Johnson agreed and stated that he is concerned about precedents.

Mr. Allen agreed and stated that he would like more time to study the application.

Mr. Smith agreed and stated that he has the same thoughts and concerns.

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

Motion carried 5 – 0.

Subdivision #2003-27 – application of **MAIN STREET HOMES, L.L.C.** to consider the Subdivision of land in a MR Medium Density Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 24.40 acres into 35 lots, located at the end of Fairway Drive within Old Landing Development, approximately 1,950 feet west of Road 274 (Old Landing Road).

Mr. Abbott advised the Commission that this application has been deferred since January 8, 2004 pending review and approval of the easement across the lands of Old Landing



Woods; that the easement has been submitted and reviewed and approved by Mr. Robertson.

Mr. Gordy stated that he would move that the Commission grants preliminary approval for Subdivision #2003 – 27 for Main Street Homes, L.L.C. based upon the record made at the public hearing and for the following reasons:

1. The project is located in a Development District according to the County's 1997 Land Use Plan, and is located within the Environmentally Sensitive Development Area according to the 2002 Update.

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2. The applicant has proposed 35 lots within the project, which is less than the allowable density for a MR subdivision on this land.
3. The project is consistent with neighboring and adjacent properties and will not have an adverse impact on the neighboring properties or community. In the Old Landing Road area, there are already similar projects on neighboring or adjacent parcels. These include the adjacent Old Landing Woods, The Villages of Old Landing, Breezewood, Cedar Valley and others.
4. The project is located within the West Rehoboth Sanitary Sewer District.
5. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
6. The project will have access via the existing roadways known as Fairway Drive and Club House Drive. Pursuant to a recorded easement Agreement the Developer and the new homeowners' association will share in the costs of maintaining those roadways.
7. This approval is subject to the following conditions:
  1. There shall be no more than 35 lots within the subdivision.
  2. The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, any buffers, storm water management facilities, and other common areas.
  3. The storm water management system shall meet or exceed the requirements of the State and County.
  4. All entrances shall comply with all of DelDOT's requirements.
  5. A system of street lighting shall be provided by the Applicant, and the location of the streetlights shall be shown on the final site plan.
  6. No wetlands shall be included within any lot lines.
  7. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with Sussex County Engineering Department specifications and regulations.



Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried 3 votes to none, with Mr. Johnson and Mr. Smith not participating, to approve this application as a preliminary for the reasons and with the conditions stated.

Motion carried 3 – 0 – 2.

Subdivision #2003-45 – application of **DIRICKSON LANDING ASSOCIATES** to consider the Subdivision of land in a MR Medium Density Residential District in Baltimore Hundred, Sussex County, by dividing 20.04 acres into 19 lots, located north of Road 54, 450 feet east of Road 346.

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Mr. Wheatley stated that he would move that the Commission grants preliminary approval for Subdivision #2003 – 55 for Dirickson Landing Associates based upon the record made at the public hearing and for the following reasons:

Mr. Abbott advised the Commission that this application has been deferred since September 9, 2004; that a septic feasibility statement has been issued by DNREC; and that the site is suitable for individual on-site septic systems.

1. The applicant has proposed 19 lots within the project, which is less than the allowable density for a MR subdivision on this land.
2. Individual on-site septic systems will be installed, and DNREC has stated that the project is suitable for such septic systems.
3. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
4. This approval is subject to the following conditions:
  1. There shall be no more than 19 lots within the subdivision.
  2. The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, any buffers, storm water management facilities, and other common areas.
  3. The storm water management system shall meet or exceed the requirements of the State and County.
  4. All entrances shall comply with all of DelDOT's requirements.
  5. A system of street lighting shall be provided by the Applicant, and the location of the streetlights shall be shown on the final site plan.
  6. The Applicant shall maintain as many trees as possible. The undisturbed-forested areas shall be shown on the Final Site Plan.



Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried 3 votes to none, with Mr. Johnson and Mr. Smith not participating, to approve this application as a preliminary for the reasons and with the conditions stated.

Motion carried 3 – 0 – 2.

Subdivision #2004-21 – application of **SPRINGFIELD SELF STORAGE, L.P.** to consider the Subdivision (Cluster Development) of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 17.27 acres into 34 lots, located north of Route 48, 1,750 feet southwest of Route 5.

Mr. Abbott advised the Commission that this application has been deferred since January 20, 2005; that a septic feasibility statement has been received; and that DNREC has

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indicated that the site is suitable for septic provided a community wastewater treatment and disposal system is utilized.

Mr. Gordy stated that he would move that the Commission grant preliminary approval for Subdivision #2004 – 21 for Springfield Self Storage, L.P. based upon the record and for the following reasons:

1. The Development is designed in accordance with the Cluster Development Ordinance. The proposed Cluster design is superior to a standard subdivision with 54% of the Project remaining as open space. This includes 44% of the site used as common areas or recreational areas.
2. The items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed.
3. The applicant has proposed 34 lots within the project, which is within the allowable density for an AR-1 subdivision on this land.
4. The project will not have an adverse impact on the neighboring properties or community. There is an adjacent subdivision, and other subdivisions and a mixture of other uses existing in the general vicinity of the project.
5. The Subdivision will include sidewalks and streetlights.
6. Central Water and Sewer will be provided to the project.
7. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.
8. This approval is subject to the following conditions:
  1. There shall be no more than 34 lots within the subdivision.
  2. The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, any buffers, storm water management facilities, and other common areas.



3. The storm water management system shall meet or exceed the requirements of the State and County.
4. The use of a central community sewer system and storm water management system shall maximize ground water recharge and erosion and sediment control measures and shall comply with all State and County requirements.
5. All entrances shall comply with all of DelDOT's requirements.
6. Street lighting shall be provided, and the location of the streetlights shall be shown on the final site plan.
7. Sidewalks shall be installed on both sides of all streets within the subdivision.
8. A fence shall be constructed along the project's common boundary with the existing horse farm to prevent trespassing on the horse farm. The location and type of fencing shall be shown on the Final Site Plan.
9. The sewer disposal area shall be relocated to an interior location within the development or to a location that is not adjacent to any existing residential properties.

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Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried 4 votes to none, with Mr. Johnson not participating, to approve the application as a preliminary for the reasons and with the conditions stated.

Motion carried 4 – 0 – 1.

## PUBLIC HEARINGS

C/U #1606 – application of **WILLIAM F. MASSEY, JR., KEVIN ROGERS, AND JAMES BROADHURST** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for retail sales and a multi-family dwelling structure (4 units) to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.58 acres, more or less, lying at the southwest corner of Routes 88 and 261, and 150 feet east of Route 258.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is not located in a County operated or maintained sanitary sewer and/or water district; that an individual on-site system is proposed; that central sewer is not available at this time; that the site is adjacent to a County operated sanitary sewer district, the West Rehoboth Expansion Area; that conformity to the North Coastal Planning Study or undertaking an amendment will be required; that the Study is expected to be completed by April 2006; that the proposed project is outside of the Expansion Area and cannot receive central sewer service at this time; that sewer capacity was not included in the design of the West Rehoboth Expansion System; that the County has recently undertaken the North Coastal Planning Study to consider wastewater needs of the area, but the County does not have a schedule to extend sewer service to the parcel at this time; that if the County provides sewer service in the future, it is required that the on-site system be abandoned and a



direct connection made to the County system at the developers and/or owners expense; and that a sewer concept plan is not required.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Sassafras sandy loam which has slight limitations for development; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the Sassafras soils are considered Prime Farmland soils; that no storm flood hazard areas or tax ditches are affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service of Route 88 and Road 261 will not change as a result of this application.

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The Commission found that 15 letters had been received to date in opposition to the application and that the letters expressed concerns about the proposed retail center and multi-family housing; that the proposal will forever and irreversibly alter the character of the surrounding area; that the property is zoned AR-1 in an area of single-family homes and working farms; that there is no need for nearly 10,000 square feet of retail in the area; that there is already neighborhood retail approved less than 2 miles east at Paynter's Mill and to the west in Milton; that the intersections around the site have seen dramatic increases in traffic and accidents in the last 5 years; that the 600 plus homes recently approved in the area already increases traffic; that adding retail and 4 multi-family units will only make this dangerous 3-way intersection more dangerous; that the developers have planned nothing to mitigate the negative impact on the surrounding area since there is no landscaping, no berms, no fencing, nothing to make the project blend in with the area; that the project does not meet the intent or purpose of AR-1 zoning; that the project is unnecessary, unsightly, and unsafe as proposed; that the use will alter the character of the area; that retail does not belong in residential or agricultural areas; that the use could attract additional crime, pollution, loitering, and trash; that pedestrian safety should be a concern; that a restaurant is not desired; that septic is a concern; that DelDOT should restudy the site since the last report was prepared in 2002; that the number of proposed entrances is a concern; that the site design is not adequate for turning of delivery trucks; that trucks parking along the shoulders of the Roads in the area will create a potentially fatal traffic hazard; that a dumpster location has not been depicted on the site plan; that the intersection is confusing enough; and that the residents in this area have moved here to be away from the traffic, congestion, and other problems associated with the retail and multi-family areas.

The Commission found that William Massey was present on behalf of the application and stated in his presentation and in response to questions raised by the Commission that they propose to build one (1) building on the site with retail space on the first floor and four



(4) residential units on the second floor; that they reviewed the area and how it has been developing; that the site plan shows the proposed building, parking and septic area; that the area has substantially been developed and referenced Creek Falls Farm, Red Fox Run, Overbrook Shores, Paynters Mill and other projects in the area; that the Governor's Livable Delaware document suggest that there is a need to provide services for communities; that residents need to drive 6 to 7 miles to get milk, bread, etc.; that approval of this proposal would provide services and conveniences to the residents of the area without a need for them to travel out to and on Route One; that there is adequate space on the site for parking; that DelDOT stated that there was no need for a traffic impact study; that they propose to provide multiple access to the site; that there should be no adverse impact on the community; that they hope to attract a deli convenience store and retail services that will be a benefit to the area residents; that there is a need in the area for convenience and services; that they have not submitted an entrance plan to DelDOT; that a dumpster will be located to the rear of the building and will be enclosed

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with fencing; that off-loading will be provided to the side of the building; that they propose to install soft lighting in the parking area; and that the proposed retail area contains 9,824 square feet.

Mr. Lank advised Mr. Massey that the parking may have to be re-calculated.

The Commission found that Jackie King, a resident of Lewes, spoke in support and stated that there is a need for service and convenience uses for people travelling Route 88.

The Commission found that Mr. Massey presented eight (8) photographs of area projects.

The Commission found that Fran Cardaci, Ben Capalari, Geri Ludham, Connie Heindel, Bill Brooks, and Joseph Kratz, of the 19 people present in opposition, spoke and expressed concerns that there is no need for a retail use and four (4) apartment units in this agricultural residential area; that the development in the area is single family residential; that retail services are proposed in Paynters Mill and existing in Milton; that traffic and traffic accidents are a major concern; that at least 600 new homes are proposed in the area; that this 3-way intersection is dangerous; that no landscaping is proposed; that the use will no blend in with the area; that the use does not meet the purpose of the AR-1 District; that the use does not conform to the intent of a Conditional Use; that this use will be permanent, not temporary or of a public convenience; that tractor trailers delivering supplies will not be able to turn within the site; that the property is not presently well maintained; that the use will forever change the character of the area; that residents do not object to travelling 2 minutes to Paynters Mill or 7 minutes to Milton; that trash and rodents should be a concern; that increases in crime is a concern of the residents; that business hours have not been addressed; that lighting will disrupt the neighborhood; that the residents are also concerned about trash, dumpsters, noise, two entrances and the location of the stormwater management pond; and that they are



concerned about safety due to the confusing intersection of Route 88, Road 258 and Road 261.

The Commission found that Ms. Cardaci submitted four (4) photographs of the site and the lack of maintenance of the site.

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

Mr. Johnson stated that he would move that the Commission recommend denial of C/U #1606 for William F. Massey, Jr., Kevin Rogers and James Broadhurst based upon the record made at the public hearing and for the following reasons:

- 1) The property that is the subject of this application is not suitable for the type of multi-family and retail sales that has been proposed under this Conditional Use.

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- 2) I do not believe that this project is essential or desirable for the general convenience and welfare of the area where it is located or the County in general.
- 3) The surrounding properties in the immediate vicinity of the project consist primarily of single-family homes or lots. The multi-family dwelling structure and retail sales that is proposed would not be in character with neighboring and adjacent single-family properties.

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

Motion carried 5 – 0.

C/Z #1573 – application of **DARIN WINDSOR** 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 Northwest Fork Hundred, Sussex County, land lying west of U.S. Route 13, 0.80 mile north of Road 584, to be located on 4.74 acres, more or less.

This application was withdrawn on April 11, 2005.

C/Z #1574 – application of **RICHARD WYATT** 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 Georgetown Hundred, Sussex County, land lying northeast of U.S. Route 113 and across from the southerly end of Route 213, to be located on 7.5736 acres, more or less.



Mr. Lank provided copies of the aerial photographs of the site and area.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

The Commission found that Mr. Wyatt was present and advised the Commission that, after hearing the comments from the agencies, he would like to withdraw his application.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to accept Mr. Wyatt's withdrawal.

Motion carried 5 – 0.

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Subdivision #2004-27 – application of **TIMOTHY S. ELDER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred, Sussex County, by dividing 10.94 acres into 3 lots, located south of Road 367-B, ½ mile west of Road 365.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on October 20, 2004 and that the report will be made a part of the record for this application; and provided copies of the aerial photograph of the site and area.

The Commission found that Tim Elder and Paul Westelle of DC Group were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that 3 lots are proposed; that the proposed lot sizes are 0.81-acres, 1.67-acres, and 6.86-acres; that the street will be private and built to county specifications of crusher run; that land has been set aside for the storm water management area; that on-site stick built dwellings are proposed; that individual on-site wells and septic are proposed; that the applicant is not a contractor; that he purchased half of a 20-acre parcel; that restrictive covenants have been submitted; that the soils work has been done by Atlantic Resource Management; and that the ditch that runs along the property line is not a tax ditch but a private farm ditch.

The Commission found that no parties appeared in support of or in opposition to this application.

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

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to defer action pending receipt of a septic feasibility statement from DNREC.



Motion carried 5 – 0.

Subdivision #2004-28 – application of **THOMAS BROWN** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 10.88 acres into 4 lots, located north of Road 608, 2,740 feet west of Route 607.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on October 20, 2004 and that the report will be made a part of the record for this application; and provided copies of the aerial photograph for the site and area.

The Commission found that Thomas Brown was present on behalf of this application and

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stated in his presentation and in response to questions raised by the Commission that he has owned the land since 1977; that 4 lots are proposed; that one of the lots will be for a church to be built on it and that the other 3 lots will be for his children; that he resides down the street; that he is aware that the land across the street is used for hunting; that the seating capacity of the church will be for 300 people; that the road will be crusher run; and that he will maintain as many trees as possible.

The Commission found that no parties appeared in support of or in opposition to this application.

Gary McCrea, a property owner across the street, advised the Commission that he is not opposed to this application but wants the applicant and future owners to be aware that he and his son hunt the site across the street and also shoot skeet and trap; and requested that a notice be included in the restrictive covenants that these activities take place on his property.

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

Motion by Mr. Wheatley, seconded by Mr. Smith, and carried unanimously to defer action pending receipt of a septic feasibility statement form DNREC.

Motion carried 5 – 0.

#### OTHER BUSINESS

Nassau Grove MR/RPC

CZ #1552 Master Record Plan – Road 265



Mr. Abbott advised the Commission that the master record plan is for 244 single-family lots; that the application was approved by the County Council on March 1, 2005 with 15 conditions; that the conditions of approval are referenced on the site plan; that the developer is requesting 20-foot front yard setbacks and a 10-foot separation between units; that the recreational amenities include a clubhouse, swimming pool and tennis courts; that access to the site is off of Road 265 and that there is no direct access to Route One; that Sussex County will provide central sewer and Tidewater Utilities will provide central water; that the intent of the master plan is to show how the project will be developed; and that final approval shall be subject to the review and approval by the Commission upon receipt of all agency approvals.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to approve the master plan as a concept.

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Motion carried 5 – 0.

Bayard Road Mini-Storage  
CU #1590 Site Plan – Road 384

Mr. Abbott advised the Commission that this is a site plan for a 19,650 square foot storage facility; that the County Council approved the Conditional Use on March 15, 2005 with 10 conditions; that the site plan meets and addresses the conditions of approval; that a 9,850 and 9,800 square foot buildings are proposed; that the setbacks meet the requirements of the zoning code; that the stormwater management area has been relocated to the southwest corner of the site; that the proposed height of the buildings is 12 feet; and that the site plan is suitable for preliminary approval and that final approval could be subject to the staff receiving all agency approvals.

The Commission discussed the proposed entrance and expressed the same concerns as those during the public hearing.

Mr. Lank advised the Commission that the entrance location will be subject to DelDOT's review and approval and that those concerns will be addressed by DelDOT in its' review.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried 4 votes to none, with Mr. Wheatley not participating, to approve the site plan as a preliminary. Final approval shall be subject to the review and approval by the Commission upon receipt of all agency approvals.

Motion carried 4 – 0 – 1.

Dagsboro Dental



## Commercial Site Plan – U.S. Route 113

Mr. Abbott advised the Commission that this is a commercial site plan for a dentist office located on 1.98 acres; that the site is zoned C-1; that an existing 2,379 square foot building is being converted into a dentist office; that a 590 square foot addition is proposed; that the setbacks meet the requirements of the zoning code; that Phase 1 will have 1 dentist and 4 employees; that 6 parking spaces are required and provided; that the 6 spaces are located within the front yard setback and need a waiver from the Commission; that Phase 2 will have 2 dentist and 10 employees; that 13 parking spaces are required and that 15 are provided; that on-site septic and well exist; that all agency approvals have been obtained; and that the site plan is suitable for final approval.

Ken Christenbury of River Basin Engineering advised the Commission that the parking for Phase 1 would be removed once Phase 2 is completed.

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Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve Phase 1 as a final and to grant the waiver for the parking located in the front yard setback; and Phase 2 as a preliminary. Final approval for Phase 2 shall be subject to the staff receiving all agency approvals.

Motion carried 5 – 0.

## Long Neck Shores AR-1/RPC Recreation Area Site Plan – Road 299

Mr. Abbott advised the Commission that the site plan is for a 3,525 square foot clubhouse, a 1,200 square foot pavilion with restrooms and a mechanical room and swimming pool; that the height of the proposed buildings is 38 feet; that the setbacks meet the requirements of the zoning code; that 109 parking spaces are provided; that the site plan is suitable for preliminary approval; and that final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals.

Motion carried 5 – 0.

## Robin Callahan Parcel and 50' Right of Way – Route 404

Mr. Abbott advised the Commission that this is a request to create a 27.50 acre parcel with access from a 50-foot right of way; that the aerial photograph shows a dirt lane and



that the applicant proposes to make it a 50-foot right of way; that the request can be approved as submitted or that the Commission can require an application for a major subdivision.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the request as a concept.

Motion carried 5 – 0.

Ronald E. Gray  
CU #1487 Time Extension – Route 54

Mr. Abbott advised the Commission that this is a request for a time extension; that the application was approved by the County Council on May 6, 2003; that the Commission

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granted a time extension on April 29, 2004; that this is the second request for an extension; and that if the extension is approved, it is the last one that the Commission may grant.

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

Motion carried 5 – 0.

The Arbors at Cottage Dale  
CU #1522 – Model Home – Road 275

Mr. Abbott advised the Commission that this is a request to place a model home on the site; that the request was deferred on March 10, 2005 so that the developers could submit a site plan showing the location of the model home; that the site plan has been submitted and that the model home will be located next to the swimming pool and will probably be converted to a clubhouse once the units are completed.

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

Motion carried 5 – 0.

Meeting adjourned at 8:55 p.m.