



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF APRIL 15, 2004

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, April 15, 2004 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00pm with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, Mr. Lynch, and Mr. Wheatley with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director, Mr. Abbott – Assistant Director, and Mr. Kautz – Land Use Planner.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as amended by removing Subdivision #2003-33 from Old Business and Tidewater Utilities, Inc. from Other Business.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve the Minutes of March 25, 2004 as amended.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the Minutes of April 1, 2004 as amended.

OLD BUSINESS

C/U #1526 – application of **ROBINO-SANIBEL VILLAGE, L.L.C.** 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 38.23 acres, more or less, lying west of Route 269A (Old Orchard Road), south of Railroad and north of Dutch Acres Subdivision off of Route One.

The Commission discussed this application which has been deferred since March 4, 2004.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to defer action pending receipt of an entrance agreement between the Applicant and Atlantic Concrete. Motion carried 5 – 0.

C/U #1529 – application of **BART AND BRENDA DONAWAY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for automotive

repairs to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 1.54 acres, more or less, lying at the northeast corner of Route 24 and Route 409.

The Commission discussed this application which has been deferred since March 11, 2004.

Minutes
April 15, 2004
Page 2

Mr. Gordy stated that he would move that the Commission recommend denial of C/U #1529 for Bart and Brenda Donaway to operate an automotive repair business based on the record made at the public hearing and for the following reasons:

- 1) I do not believe that the application is consistent with the character of the surrounding property.
- 2) The purpose of this application is to allow a Conditional Use to operate an automotive repair facility on an otherwise residential property. While there are some limited industrial, business or commercial zoning or uses along this area of Route 24, a majority of the area is residential. This use would be out of character with the adjacent and surrounding properties.
- 3) Although the Applicants stated that the intended uses are limited and would occur while the property is also used as a residence, I believe that there are other locations that are currently zoned for business or commercial use that are available and better-suited for the intended use.
- 4) The application does not promote the health, safety, convenience and general welfare of the neighborhood or community.
- 5) The proposed use as an automotive repair facility is not consistent with the purposes of the AR-1 District as set forth in the County Zoning Code.

Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated. Motion carried 5 – 0.

C/U #1545 – application of **CHRISTOPHER VALENTI** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a landscaping business office, greenhouses, and material and supply storage to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 5.61 acres, more or less, lying southwest of Route One, 0.9 mile northwest of Route 16.

The Commission discussed this application which has been deferred since March 25, 2004.

Mr. Wheatley stated that he would move that the Commission approve C/U #1545 for Christopher Valenti to operate a landscaping business, wholesale greenhouses and

material and supply storage based upon the record made at the public hearing and for the following reasons:

- 1) Part of this application is for greenhouses, which are a permitted use in an AR-1 District.
- 2) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.

Minutes
April 15, 2004
Page 3

- 3) The operation of a wholesale landscaping business will not generate a significant increase in traffic or noise, since the majority of the work will be conducted off-site.
- 4) This recommendation for approval is subject to the following conditions and stipulations:
 - 1) This Conditional Use shall be restricted to greenhouses and a landscaping business per the site plan.
 - 2) There shall be no retail sales activity on site, all sales shall be wholesale only. This shall be clearly indicated on permitted signage on the property.
 - 3) The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approval.
 - 4) Department of Transportation entrance approval shall be obtained. The north entrance shall be abandoned.
 - 5) All natural perimeter buffers will be preserved. A natural buffer will be planted on the north property line to screen it entirely from neighbors and Route One. This buffer shall be started immediately, if the Conditional Use is approved by County Council.
 - 6) All necessary directional and security lighting shall be installed and directed off of surrounding properties and Route One.
 - 7) One sign identifying the business shall be located and lighted roadside. Other signs shall be located on buildings only identifying the buildings purpose (i.e. office, garage).
 - 8) The hours of operation will be six days a week Monday through Friday, 7:00am to 6:00pm, and Saturday 7:00am to 3:00pm. All deliveries shall occur during hours of operation.
 - 9) No hazardous chemical materials shall be used or stored in contradiction with any government or regulatory requirements.
 - 10) The property shall not be rented for residential housing or used for employee housing.
 - 11) All greenhouses shall be located to the rear of the property.
 - 12) All landscaping materials such as dirt, mulch, etc. shall be stored either inside of buildings or within storage bins, not over six (6) feet in height.

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

Motion carried 5 – 0.

C/U #1530 – application of **MOOR DISPOSAL SERVICE, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a trash disposal business to be located on a certain parcel of land lying and being in Indian River

Minutes
April 15, 2004
Page 4

Hundred, Sussex County, containing 2.94 acres, more or less, lying south of Route 24 (John J. Williams Highway), 550 feet west of Route 309.

Mr. Wheatley stated that he would be abstaining from any participation in the review and consideration of this application.

The Commission discussed this application which has been deferred since March 25, 2004.

Mr. Johnson stated that he would move that the Commission recommend approval of this application and asked Mr. Robertson to read Mr. Johnson's recommendation.

Mr. Robertson read that Mr. Johnson moves that the Commission recommend approval of C/U #1530 for Moor Disposal Service, Inc. for a Conditional Use to operate a trash disposal business based upon the record made at the public hearing and for the following reasons:

- 1) The project is located within the Environmentally Sensitive Developing Area according to the 2002 Comprehensive Plan Update.
- 2) The project is for the relocation of an existing business from another property in the immediate vicinity along Route 24. So, no new traffic along Route 24 will be generated by this Conditional Use.
- 3) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
- 4) The use as a trash disposal service is of a public or semi-public character and is desirable for the general convenience and welfare of the area and the County.
- 5) This recommendation for approval is subject to the following conditions and stipulations:
 - 1) On-site water and septic shall be provided.
 - 2) The hours of operation for the trucking operation shall be from 6:00am until 4:00pm, Monday through Saturday. Office hours shall be from 8:30am until 5:00pm, Monday through Saturday.
 - 3) Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring properties.

- 4) The site plan shall be subject to approval of the Planning and Zoning Commission.
- 5) There shall be no cleaning of portable toilets on-site.
- 6) All trash loads shall be hauled to the State Landfill or similar destination: no trash or other debris shall be dumped or stored on-site.
- 7) An unlighted sign shall be permitted on-site, not to exceed 32 square feet in size.
- 8) All toilets and empty dumpsters on-site shall be stored in a location that is screened from view of Route 24 and neighboring and adjacent properties.

Minutes
April 15, 2004
Page 5

- 9) A vinyl clad fence screening the parking area and buildings should be installed along Route 24.
- 10) A thirty (30) foot vegetated buffer shall be established around the entire perimeter of the property, and no existing trees within the buffer area shall be disturbed.
- 11) No parking shall be within five (5) feet of any property line.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried with 4 votes 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. Mr. Wheatley did not participate in the vote.

C/Z #1533 – application of **HAILEY/RIBERA DEVELOPMENT, LLC.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to an AR-1/RPC Agricultural Residential District – Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying northwest of Route 24, east of Love Creek, and west of Tanglewood Drive, the entrance to Briarwood Estates Subdivision, to be located on 83.74 acres, more or less.

The Commission discussed this application which has been deferred since March 25, 2004.

Mr. Johnson stated that he would move that the Commission recommend approval of this application and asked Mr. Robertson to read Mr. Johnson's recommendation.

Mr. Robertson read that Mr. Johnson moves that the Commission recommend approval of C/Z #1533 for Hailey/Ribera Development, LLC based upon the record made at the public hearing and for the following reasons:

- 1) The proposed AR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the project is in a Development District as established by the 2002 Comprehensive Plan Update.
- 2) In this case, central community sewer will be provided and water service will be provided by Tidewater Utilities, Inc.

- 3) The current zoning classification is AR-1, which will not change.
- 4) The RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity while protecting existing and future uses.
- 5) The subject property is in an area that has developed with residential projects similar to the proposed project.
- 6) This application seeks the approval of 144 single family lots. Under the current AR-1 zoning, approximately 2 dwelling units per acre are permitted. The

Minutes
April 15, 2004
Page 6

Applicant's proposed density is 1.72 dwelling units per acre, which is less than what is permitted under the AR-1 zoning.

- 7) With the RPC designation, the project maintains approximately 1/3 of the land (25.18 acres) as open space.
- 8) This recommendation is subject to the following conditions:
 - 1) The maximum number of lots shall not exceed 144. These shall all be single family detached homes.
 - 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) Recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit. These amenities shall include a swimming pool, community center, sidewalks, street lighting (including street lights at all intersections), gazebos and landscaping.
 - 4) The development shall be served by a private on-site central sewer system as defined by Sussex County Ordinance, designed in accordance with Sussex County Engineering Department (Ordinance No. 38) specifications and regulations so that it can be connected and tied into the County Sewer System as the system expands. The system shall also be constructed in conformity with all DNREC regulations.
 - 5) The RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
 - 6) Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. Best Management Practices shall be utilized with regard to the construction and maintenance of these features. Stormwater Management areas shall be relocated to areas that are not adjacent to any Briarwood lots.
 - 7) Site plan review for the development shall be subject to approval of the Planning and Zoning Commission.

- 8) The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications.
- 9) The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
- 10) Construction, site work, grading, and deliveries of construction materials, landscape materials and fill on, off or to the property shall only occur between the hours of 7:00am and 6:00pm, Monday through Saturday.
- 11) State and Federal wetlands shall be maintained as non-disturbance areas, except for disturbance authorized by a valid Federal or State permit. There shall be no construction in any wetlands without a valid permit.

Minutes
April 15, 2004
Page 7

- 12) No individual boat docks, piers, boardwalks or boat launching facilities for motorized boats shall be permitted.
- 13) The propane tanks shall be relocated for the current location as shown on the preliminary site plan to an interior location in the vicinity of the pool and community center and away from the boundary of this site and the adjacent Briarwood properties. In addition, the propane tanks shall be screened from view by landscaping.

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 approve for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2003-33 – application of **JOHN A. MAST** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Seaford Hundred, Sussex County, by dividing 30.65 acres into 13 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located north of Route 78, 375 feet northwest of Route 80.

It was announced that this Subdivision was removed from the Agenda at the beginning of the meeting since a current septic feasibility statement from DNREC had not been received.

C/U #1531 – application of **DEAN W. SHERMAN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a borrow pit for the creation of two (2) ponds to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 78.48 acres, more or less, lying east of Route 5, ½ mile south of Road 257 and approximately 1.0 mile north of Route 9.

The Commission discussed this application which has been deferred since April 1, 2004.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1531 for Dean W. Sherman for excavation of a borrow pit based upon the record made at the public hearing and for the following reasons:

- 1) The proposed Conditional Use is in an area that is largely surrounded by properties owned by the Applicant.
- 2) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on traffic or the neighboring properties or community.
- 3) The Applicants have indicated that this is a short-term project to create a pond near where they will be building a new home.
- 4) This recommendation for approval is subject to the following conditions and stipulations:

- 1) The excavation and operation of the borrow pit shall be limited to 12 months. If necessary, the Applicant shall be allowed a reasonable amount

Minutes

April 15, 2004

Page 8

of additional time to complete reclamation activities subject to the approval of the Director.

- 2) The borrow pit shall not exceed 15-feet in depth.
- 3) No materials shall be brought from off the site for processing, mixing or similar purposes.
- 4) Water or a water truck shall be available to control dust from road traffic when conditions require.
- 5) Any entrance improvements required by DelDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.
- 6) The hours of operation for the business on this site shall only occur between the hours of 7:30am to 6:00pm Monday through Friday and 7:30am until 12:30pm on Saturdays. There shall not be any borrow pit activity on Sundays.
- 7) No fuel shall be stored on-site for borrow pit operations.
- 8) No stumps, branches, debris or similar items shall be buried on the site of the borrow pit.
- 9) A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations.
- 10) The Applicants shall comply with all State and County erosion and sediment control regulations.
- 11) Markers and signs shall be placed at appropriate locations to designate pit areas.
- 12) Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance.
- 13) The Applicant shall also comply with all of the requirements set forth in Section 115-72B of the Sussex County Zoning Ordinance that may apply, with the exception of items (c), (d) and (e) of Section 115-72B(6) concerning additional setbacks, TAC review, and performance guarantees.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated above. Motion carried 5 – 0.

C/Z #1534 – application of **H2E2, 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 west of Route 24, 1,800 feet south of Route 5 and Long Neck Road, to be located on 6.51 acres, more or less.

The Commission discussed this application which has been deferred since April 1, 2004.

Minutes

April 15, 2004

Page 9

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1534 for H2E2, LLC to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential to C-1 General Commercial based upon the record made at the public hearing and with reasons and asked Mr. Robertson to read Mr. Johnson's motion.

Mr. Robertson read that Mr. Johnson moves that the Commission recommend approval of this application for the following reasons:

- 1) The project is located within the Environmentally Sensitive Developing Area according to the 2002 Comprehensive Plan Update.
- 2) The rezoning will not have an adverse impact on the neighboring properties or community.
- 3) The project is in an area that contains other C-1 zoned properties. These include a shopping center nearly across Route 24 with various uses that was recently recommended for approval by this Commission. Other uses in the area include another shopping center, real estate offices, service stations, a bank, automotive sales, and a carpet business.
- 4) The Office of State Planning Coordination has stated that since the project is in compliance with the Comprehensive Plan Update, it has no objection to the application.
- 5) The Applicant has stated that it will meet or exceed all DelDOT requirements.
- 6) C-1 zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for retail shopping and personal and miscellaneous service activities, and that such uses should be located along arterial roadways where a general mixture of commercial and service activity now exists. In this case, the project along Route 24 falls within the stated purposes of the C-1 District.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons stated above. Motion carried 5 – 0.

C/Z #1535 – application of **FENWICK COMMONS, L.L.C.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying at the southwest corner of Route 54 and Route 394, and northeast of Route 394, 150 feet southeast of Route 43, to be located on 13.35 acres, more or less.

Mr. Lynch stated that he would be abstaining from any participation in the review and consideration of this application.

The Commission discussed this application which has been deferred since April 1, 2004.

Minutes

April 15, 2004

Page 10

Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried with 4 votes to defer action. Motion carried 4 – 0.

C/Z #1536 – application of **SANDY LANDING, L.L.C.** to amend the Comprehensive Zoning Map for an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying west of Route 341, across from Route 342, to be located on 27.21 acres, more or less.

The Commission discussed this application which has been deferred since April 1, 2004.

Motion by Mr. Lynch, seconded by Mr. Johnson, and carried unanimously to defer action. Motion carried 5 – 0.

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.

The Commission discussed this Ordinance amendment.

Mr. Kautz stated that he and Thomas Shafer of Shafer Consulting reviewed and considered the comments heard at the public hearings before the Planning and Zoning Commission and County Council and summarized the recommended revisions; that this is an implementing Ordinance recommended by the 2002 Comprehensive Plan Update; and that copies of the revised Ordinance were mailed to the Commission earlier this week..

Mr. Shafer stated that there were no major changes in the Amendment; that they did reduce the landscaping requirements; and referenced the DelDOT Corridor Preservation Program.

Mr. Kautz summarized comments received from DelDOT and added that the County Council left their record open for a final draft of the Ordinance.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to defer action until the April 29, 2004 meeting. Motion carried 5 – 0.

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.

Minutes
April 15, 2004
Page 11

The Commission discussed this Ordinance Amendment.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to defer action until the April 29, 2004 meeting. Motion carried 5 – 0.

PUBLIC HEARINGS

C/U #1550 – application of **MICHAEL R. EMMETT, SR.** 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 39,600 square feet, more or less, lying south of Dune Road, 117.69 feet east of Route One and north of Cove Road, 190 feet east of Route One, and being Lots 54 and 55 and Lots 64 through 67 within Tower Shores Subdivision.

Mr. Lank advised the Commission that comments were not requested from DelDOT since the site is within Tower Shores Subdivision, a private subdivision.

Mr. Lank advised the Commission that this application was originally proposed to be submitted to the Board of Adjustment for consideration as an expansion to a non-conforming use and that since they are proposing to demolish the A-frame dwellings down to their foundation and then replace the units with new construction the Assistant County Attorney determined that they were starting new construction and need to apply for a Conditional Use.

The Commission found, based on comments received from the Sussex County Engineering Department Planning and Permits Division, that the site is located within the North Bethany Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance No. 38 construction will not be required; that Parcel 54 is served with one six-inch lateral; that Parcels 65 and 67 are served by eight-inch laterals; that the units must be disconnected from the sanitary sewer,

by permit, prior to demolition, to preserve the integrity of the system; and that permits must be obtained from the Engineering Department.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Coastal beach and dune land which has severe 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 soils are considered Hydric; that there are no storm flood hazard areas or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

Minutes
April 15, 2004
Page 12

The Commission found that Michael Emmett was present with Fred Townsend, Attorney, and stated in their presentations and in response to questions raised by the Commission that Mr. Emmett and five other home owners within Nomad Village Condominium propose to demolish and replace their existing A-frame units with 3-story modern units; that Mr. Emmett will be building the improvements; that the majority of Tower Shores Subdivision is multi-family dwellings; that they do not propose to increase the density, only replace the units; that there will be no change in the use; that the units are single-family units; that Mr. Emmett has the consent of the owners to do the renovations and the support of the Homeowners Association; that they have received two letters of support from the owners; that they are aware that it may be necessary to apply to the Board of Adjustment for variances and that building permits are required; that the A-frame units are very limited in space; that parking will not change; that utilities will not be changed; and that the existing units contain approximately 700 square feet and that the proposed units will contain approximately 2000 square feet.

The Commission found that the Applicant submitted two (2) letters in support of the application from the Towers Shores Beach Association and the Villas of Tower Shores, three (3) photographs of the existing units, and added that site plans and building plans were submitted with the application.

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.

Mr. Lynch stated that he would move that the Commission recommend approval of C/U #1550 for Michael R. Emmett, Sr. for multi-family dwelling structures based upon the record made at the public hearing and asked Mr. Robertson to read Mr. Lynch's motion.

Mr. Robertson read that Mr. Lynch recommends approval for the following reasons:

- 1) The proposed Conditional Use will have no significant impact upon traffic.
- 2) County sewer is available and there is sufficient capacity for the project.
- 3) There are other similar multi-family dwelling structures with similar characteristics in the immediate vicinity.
- 4) The project will not create additional buildings, but will instead allow the renovation and modernization of existing buildings.
- 5) The project will not have an adverse impact on the neighboring properties or community.
- 6) The project will not result in any increased density.
- 7) This recommendation for approval is subject to the following conditions and stipulations:

Minutes
April 15, 2004
Page 13

- 1) The six (6) existing A-frame dwellings shall be replaced with only six (6) dwellings.
- 2) The project shall be served as part of a Sussex County Sanitary Sewer District.
- 3) Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 8:00am and 6:00pm, Monday through Saturday.
- 4) The site plan shall be subject to approval of the Planning and Zoning Commission.

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 5 – 0.

C/U #1532 – application of **TRIANGLE ELECTRIC SERVICE CO.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an electrical contractors office and storage to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 1.0 acre, more or less, lying south of Route 9, 1,600 feet east of Route 319.

The Commission found, based on comments received from DelDOT, that the Department does not recommend a traffic impact study and that the Department is concerned about this Conditional Use application because the proposed use would add more traffic to an area with existing poor levels of service (E) during the summer peak hour.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Evesboro loamy sand which has slight limitations for development; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that the Evesboro soils are considered of Statewide Importance; that there are

no storm flood hazard areas or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that David George was present on behalf of Triangle Electric Service Co. and stated in his presentation and in response to questions raised by the Commission that they plan to use the existing shop building on the rear of the site for storage of materials; that all work is performed at job sites; that the building was originally used for a craft shop and had a Conditional Use approval; that they have 8 to 10 employees; that most of the employees go directly to job sites from their homes and do not visit this site except for picking up materials; that they have deliveries to the site approximately twice per week; that they would like to have a small unlighted sign for the site; that security lighting will be provided; that a dumpster will be placed on the site; that

Minutes

April 15, 2004

Page 14

their main office is located in Newark; that they will establish a small office in the shop building; that the small house on the front of the site is a rental; that there may be some occasional morning activities of employees picking up materials; that there should not be more than two (2) trucks on the site at any one time; and that they have been using the site and were violated by a Zoning Inspector.

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. Wheatley, and carried unanimously to defer action. Motion carried 5 – 0.

C/U #1533 – application of **KYUNG CHO-MILLER** to consider the Conditional Use of land in an MR Medium Density Residential District for a multi-family dwelling structure (2 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 6,000 square feet, more or less, lying south of Admiral Road, 260 feet east of Route One and 300 feet west of Ocean Road, and being Lot 5 within Tower Shores Subdivision.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Coastal beach and dune land which has severe 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 soils are considered Hydric; 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 the Sussex County Engineering Department Planning and Permits Division, that the site is located in the North Bethany Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available for the project; that there is currently one EDU on this parcel; that there will be a credit when the existing EDU is disconnected; that the current system connection charge rate is \$3,066.00 per ECU; that there is currently one six-inch lateral on Admiral Road; and that conformity to the South Coastal Area Planning Study will be required.

The Commission found that a letter of no objection was received from the Towers Shores Beach Association.

Minutes
April 15, 2004
Page 15

The Commission found that Darrel Miller was present on behalf of the Applicant and stated in his presentation and in response to questions raised by the Commission that they plan to remove the existing dwelling and build a duplex on the site; that the duplex will be elevated on pilings; that parking will be below and beside the units; that six parking spaces will be provided; and that the homeowners association supports the application.

The Commission found that Mr. Miller submitted a photograph of a duplex in the subdivision that is similar to the proposed building and two duplex building in close proximity to the site within the subdivision.

The Commission found that Pauline Swann, a landowner living across Admiral Road, questioned what the building would look like and that after seeing the picture of the proposed building voiced no objections to the use if kept within the required setbacks.

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

Mr. Lynch stated that he would move that the Commission recommend approval of this application and asked Mr. Robertson to read Mr. Lynch's motion.

Mr. Robertson read that Mr. Lynch recommends that the Commission recommend approval of C/U #1533 for Kyung Cho-Miller for a multi-family dwelling structure for 2 units based upon the record made at the public hearing and for the following reasons;

- 1) The proposed Conditional Use will have no significant impact upon traffic.
- 2) There are other similar 2-unit multi-family dwelling structures with similar characteristics in the immediate vicinity.
- 3) The project will not have an adverse impact on the neighboring properties or community.
- 4) This recommendation for approval is subject to the following conditions and stipulations:

- 1) This approval is subject to the review and approval of the Board of Adjustment since the parcel only contains 6,000 square feet.
- 2) Only two (2) units shall be constructed upon the property.
- 3) The project shall be served as part of a Sussex County Sanitary Sewer District.
- 4) Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 8:00am and 6:00pm.
- 5) The site plan shall be subject to the approval of the Planning and Zoning Commission.

Minutes
April 15, 2004
Page 16

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

C/Z #1532 – application of **E.F. AND MARTHA QUILLEN** 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 Baltimore Hundred, Sussex County, land lying west of Route 17, 1,195 feet south of Route 26, to be located on 22,497 square feet, more or less.

Mr. Lynch stated that he will abstain from any participation in reference to this application.

The Commission found, based on comments received from DelDOT, that the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex County Engineering Department Planning and Permits Division, that the site is not located within a County operated or maintained sanitary sewer and/or water district; that conformity to the South Coastal Area Planning Study or undertaking an amendment will be required; that the parcel is within the Beaver Dam Planning Area; and that the Sussex County Engineering Department has no schedule for providing service to this area at the present time.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Evesboro loamy sand which has slight limitations; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the

Evesboro soils are considered of Statewide Importance and Hydric in small depressions; that there are no storm flood hazard areas or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that letters of support for the application were received from Commercial Corner Joint Venture, Ormil Savage, Sr., and Harold Marvel.

The Commission found that E. F. Quillen and Martha Quillen were present with David Weidman, Attorney, and stated in their presentations and in response to questions raised by the Commission that they propose rezoning of the ½ acre parcel to allow for Mrs. Quillen to open and operate a gift or antique shop on the site; that they propose to build a 2,800 square foot building with adequate parking; that the use would conform to the purpose of a B-1 District since it will serve the needs of a small area; that the zoning map

Minutes

April 15, 2004

Page 17

depicts C-1 zoning near by and subdivision in the area; that recent contract purchasers of parcels nearby indicate the possibility of future subdivision applications nearby; that the lot is vacant; that horse pastures exists to the west and south; that DNREC has approved septic for a three bedroom dwelling and that it may be necessary to upgrade that permit for the use; that on-site drainage may not be necessary; that DelDOT did not require a traffic impact study; that there should be no significant impact on traffic; that the use will be consistent with the Comprehensive Plan Update; that the use will be consistent with the character of the area; that B-1 zoning was chosen since it is more restrictive than C-1 and since it minimizes the impact on the neighbors; that B-1 zoning was chosen rather than a Conditional Use since the process takes so long and since amendments to a Conditional Use may require additional applications.

The Commission found that Mr. Weidman submitted a tax map of the area high-lighted with commercial sites.

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

The Commission found that Brenda Bove, Cheryl Hammond, Diane King, and John Gaffney, area residents were present in opposition to the application and expressed concerns about the impact on the residential/agricultural character of the area; that the application is not consistent with surrounding properties; that the application is not consistent with the Comprehensive Plan Update which indicates that the site is located in an Environmentally Sensitive Developing Area which states that village scale shopping centers are preferred; that traffic is a concern to the neighbors; that Route 17 has already been determined to be a problem area; that the Route 26 problems will spread to Route 17; that septic and stormwater run-off is a concern; that the neighbors oppose some of the permitted uses listed in a B-1 district; that there may be impacts on the tax ditch system in the area; that trash and noise are concerns; that the use will disturb the horses on the adjacent parcels; that rezoning the parcel will destroy the rural agricultural character of

the area; concerns about the impact on the community by expansion of the uses and more applications; concerns about the loss of control of the residents in the area; and that the residents have expressed concerns about all of the annexations that have been taking place in the area towns.

The Commission found that Ms. Bove submitted her comments in writing, written comments from Preston and Brenda Brasure and James and Nancy Caddell, a map of the area high-lighted to show the neighbors in opposition, a copy of a septic system for the site, photographs of the site with water standing on the ground, a copy of the Environmentally Sensitive Developing Area text from the Comprehensive Plan Update, and a copy of the Anticipated Problems Areas map from the Update.

Minutes
April 15, 2004
Page 18

The Commission found that Ms. King submitted her written comments and letters of opposition from Kenny and Chrissy Hudson, Aaron King, Stuart A. Townsend, and Peggy Oakley.

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

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried with 4 votes to forward this application to the Sussex County Council with the recommendation that the application be approved since B-1 zoning is appropriate with the character of the area, and since B-1 zoning is more restrictive than C-1 zoning which is in close proximity to the site. Motion carried 4 – 0 with Mr. Lynch abstaining from participating in the vote.

C/Z #1537 – application of **CHARLOTTE L. WHEATLEY** to amend the Comprehensive Zoning Map from a MR Medium Density Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying north of Route 26, 900 feet east of Route 349A and 180 feet west of Grant's Avenue within Murray's Haven Subdivision, to be located on 27,000 square feet, more or less.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Evesboro loamy sand which has slight limitations; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the Evesboro soils are considered of Statewide Importance and Hydric in small depressions; that there are no storm flood hazard areas or tax ditches 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 the Department does not recommend a traffic impact study for this rezoning; that the Department is

concerned about this rezoning because they see it as encouraging more traffic in an area that has been identified as operating at unacceptable levels of service.

The Commission found that a letter was received from Grant W. Murray in opposition to the application expressing concerns that Route 26 is not able to handle all of the heavy traffic; that it is very difficult for homeowners in Murray's Haven Subdivision to get out onto Route 26; that traffic backs up from the traffic light on Route 26 in Ocean View to the Post Office across from the entrance to Murray's Haven; that the Post Office, a bank, and an eye institute under construction are across from this entrance; that a precedent may be established for additional applications for rezoning if this application is approved; and that additional commercial uses will impact emergency services trying to get into Murray's Haven.

Minutes
April 15, 2004
Page 19

The Commission found that Thomas Crowley, Realtor, was present on behalf of the Applicant and stated in his presentation and in response to questions raised by the Commission that there is an existing home on the site; that the home has been a rental for several years; that Mr. Wheatley is a writer and wants to move his publishing business into the home; that the Applicant presently lives in Florida and plans on moving back to the area; that the change of zoning will not impact traffic on Route 26 any more than the existing dwelling; and that a need does exist for a traffic signal in the general area.

The Commission found that Mary Robin Schriber, Attorney, was present on behalf of the Murray's Haven Homeowners Association with John Betters, President of the Association, and Catherine Guidoni, a neighbor, in opposition to the application and expressed concerns about traffic and traffic congestion; that traffic is becoming more of a year round problem; opposing the type of uses permitted in a C-1 district; that commercial uses should be limited in this area; that rezoning of this parcel creates an isolated commercial uses between residential uses; that DelDOT concerns should be considered; that any increase in traffic will impact the area; that a safety concern exists due to the difficulty of emergency vehicles access into Murray's Haven; that the two adjacent properties are also for sale and that approval of this rezoning could establish a precedent for more rezoning applications in the area; and that the site may be a difficult site for the loading and unloading of delivery vehicles.

The Commission found by a show of hands that there were five (5) parties present in opposition to this application.

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 on this application. Motion carried 5 – 0.

Subdivision #2003-38 – application of **BPG PROPERTIES, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 20.52 acres into 15 lots, located south of Road 252 (Huff Road), 1 mile east of Road 319 (Sand Hill Road).

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on October 15, 2003 and that the report will be made a part of the record for this application; that the applicant's engineer has submitted revised plans with the recommendations of the Technical Advisory Committee comments; that a septic feasibility statement has been received from DNREC and that the site is suitable for individual on site septic systems; and that an entrance plan approval has been received from DelDOT.

Minutes
April 15, 2004
Page 20

The Commission found that Pret Dyer was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that the site is zoned AR-1; that 15 lots on 20 acres is proposed; that the lots will have standard septic systems and on site wells; that the comments from the Technical Advisory Committee have been addressed; that a conservation easement is proposed for the wetlands that are located on lots 5 through 11; that there will not be any disturbance to the wetlands; that a 10 foot buffer is proposed from the wetlands; that there will be limited clearing in the buffer; that the site plan has been submitted to the Fire Marshal Office, Sussex Conservation District and Sussex County Engineering for approval; that an environmental assessment of the site was conducted and 10 swamp pink plants were found on the site and that they will be protected; that a community building is not proposed; and that the subdivision will have private streets.

The Commission found that Edward, Jane and Kate Kieger were present and raised questions about the square footage of the homes; that the area is a rural area; that there are other vacant lots available in the area; that public water and sewer are not available to the area; that the wildlife habitat will be negatively impacted; that there are concerns with emergency response times; and that Sussex County is lacking in EMS protection.

Mr. Dyer responded that the dwellings would be stick built and have a minimum square footage requirement of 2,000 square feet.

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

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to defer action. Motion carried 5 – 0.

OTHER BUSINESS

Ellis Point AR-1/RPC
Final Site Plan – Road 346B

Mr. Abbott advised the Commission that the final site plan is for 56 detached units; that the Commission approved the master plan on August 28, 2003; that all agency approvals have been received and that the site plan is suitable for final approval.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a final and for recordation. Motion carried 5 – 0.

Warrington Creek MR/RPC
Revised Master Record Plan – Road 275

Minutes
April 15, 2004
Page 21

Mr. Abbott advised the Commission that the master plan was approved by the Commission on September 25, 2003 for 282 units; that the revised plan is still for 282 units; that all of the townhomes will now be the same size; that the internal units will have an attached 1 car garage and the end units will have an attached 2 car garage; that all wetland disturbances have been eliminated on the revised plan; that the original master plan had 3 wetland crossings; that all of the stormwater outfalls have been removed from the wetlands; that there is a minor revision in the layout of the townhouse area; that there is an increase in wooded open space along the east side of the townhomes; that the open space in the entire project has been increased; and that each phase will be subject to the review and approval by the Planning and Zoning Commission upon receipt of all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the revised master plan as submitted. Motion carried 5 – 0.

Savannah Park, L.L.C.
Preliminary Multi-Family Site Plan – Route 9

Mr. Abbott advised the Commission that this is a preliminary plan for 10 units on 0.89 acres; that the site is zoned C-1 and 10 units are permitted; that 1 building is 30-feet by 80-feet and contains 4 units; that the other building is 34-feet by 120-feet and contains 6 units; that 30 parking spaces are required and provided including an attached garage with each unit; that the setbacks and building separations meet the requirements of the zoning code; that Sussex County will provide central sewer and Tidewater Utilities will provide central water; that the site plan meets the requirements for preliminary approval and that final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Wheatley, seconded by Mr. Johnson, 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.

L.T.L. Acres, L.P.

Preliminary Commercial Site Plan – U.S. Route 13 and Road 462

Mr. Abbott advised the Commission that this is a site plan for 223,950 square foot retail buildings for furniture with offices and storage areas; that 492 parking spaces are required and provided based on a variance granted by the Board of Adjustment; that the site plan complies with the Large Scale Use ordinance; that landscaping is provided in the parking lot and in the buffers along the 2 roads; that the entrance to the site is off of Road 462 and a private street in a commercial subdivision located east of the site; that there is no direct ingress/egress to Route 13; that the site is zoned C-1 and LI-2; that on site septic and wells are proposed; that the site plan meets the requirements for preliminary approval

Minutes

April 15, 2004

Page 22

and that final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Gordy, seconded by Mr. Lynch, with Mr. Wheatley not participating, 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 4 – 0 – 1.

Lawrence A. Brown

Preliminary Commercial Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary commercial site plan for a 3-story 2,746 square foot retail building on the first floor with 5 apartment units on the second and third floors; that the front yard setback is 12.3-feet and the rear yard setback is 10-feet based on a variance granted by the Board of Adjustment; that 20 parking spaces are required and provided; that Sussex County will provide central sewer and water; 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 found that Lawrence Brown and Chuck Howser of Davis, Bowen and Friedel, Inc. were present and advised the Commission that the existing structure has been removed; that new construction has not yet commenced; that the entrance to the site is off of Bay Road; and that DelDOT is putting in curbing and sidewalks along Route One.

Motion by Mr. Johnson, seconded by Mr. Gordy, 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.

Royal Farms Market

Preliminary Commercial Site Plan – Route 24 and Road 297

Mr. Abbott advised the Commission that this is a commercial site plan for a convenience store with gas pumps; that the store is 5,227 square feet; that the setbacks meet the requirements of the zoning code; that 29 parking spaces are required and 52 are provided; that 3 gas canopies are proposed; that on site sewer is proposed and Tidewater Utilities will provide central water; 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.

Minutes
April 15, 2004
Page 23

Tidewater Utilities

C/U #1477 Revised Site Plan – Route 54

Removed from the agenda on April 15, 2004 at the request of the engineer for the project.

Americana Bayside MR/RPC

Phase 1 Town Center Site Plan – Route 54

Mr. Abbott advised the Commission that Phase 1 received preliminary approval on September 23, 2003; that the revised plan changes the number of units and the use; that building 1 contains 27,000 square feet with 9,000 square feet of retail on the first floor and 4 apartments each on the second and third floors; that building 2 contains 48,750 square feet with a 3,000 square foot restaurant and 22,750 square feet of retail on the first floor, 5 apartments on the second floor and 7 apartments on the third floor; that building 3 contains 43,520 square feet with 9,000 square feet of office space and 8,070 square feet of retail on the first floor, 5 apartments on the second floor and 7 apartments on the third floor; that building 4 contains 21,600 square feet of office space with 7,200 square feet of office space each on 3 floors; that building 5 contains 34,800 square feet with 9,600 square feet of office space and 2,400 square feet of retail area on the first floor, and 5 apartments each on the second and third floors; that building 6 contains 8 townhouse units; that building 7 contains 43,520 square feet with 9,000 square feet of office space and 8,070 square feet of retail area on the first floor, 5 multi-family units on the second floor and 7 multi-family units on the third floor; that building 8 contains 27,000 square feet with 9,000 square feet of retail on the first floor and 4 multi-family units each on the second and third floors; that building 9 contains 48,750 square feet with a 3,000 square foot restaurant and 22,750 square feet of retail on the first floor, 5 multi-family units on the second floor and 3 multi-family units on the third floor; that building 10 is a 2-story

10,625 square foot library; that building 11 is a 16,165 square foot theater; that building 12 is a 1-story 2,515 square foot post office; that a 55,000 square foot grocery store, a 14,000 square foot retail building, and a 3,000 square foot bank or fast food restaurant is also proposed; that the revised site plan is suitable for preliminary approval and that final approval is subject to the review and approval by the Planning and Zoning Commission upon receipt of all agency approvals.

Jim Willey of George, Miles and Buhr advised the Commission that Phase 1 is approximately 27 acres in size.

Steve Smith of Freeman Communities advised the Commission that this phase contains 100,000 square feet of commercial use and that Phase 1C will contain the remaining 70,000 square feet of commercial uses.

Minutes
April 15, 2004
Page 24

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the revised site plan as a preliminary. Motion carried 5 – 0.

Rehoboth Beach Associates, L.L.C.
Preliminary Multi-Family Site Plan – Route One

Mr. Abbott advised the Commission that this is the same site plan for a 147 unit multi-family project that was deferred on March 25, 2003.

The Commission again expressed concerns about the lack of stormwater management structures being shown and the layout of the proposed parking lot.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to deny the preliminary site plan as submitted. Motion carried 5 – 0.

Bobby R. Jones
C/U #1497 Site Plan – Road 611

Mr. Abbott advised the Commission that this is a site plan for a pallet repair business; that the site plan is the same as what was submitted for the public hearing; that the applicant has written a letter referencing all of the stipulations of approval; and that all agency approvals have been submitted.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a concept. Motion carried 5 – 0.

Indian River Inlet Marina

Revised Site Plan – Route One

Mr. Abbott advised the Commission that the office has received a letter from the State DNREC Division of Parks and Recreation requesting that they be able to build a dry boat stack storage building; that the location of the building will be in the area currently used as land storage; that the proposed building will be 140-feet by 285-feet and will house 174 boats.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the revised site plan as submitted. Motion carried 5 – 0.

Subdivision #2002 – 50 – Gary Hitch Time Extension

Minutes
April 15, 2004
Page 25

Mr. Abbott advised the Commission that this application received preliminary approval on March 13, 2003 for 5 lots; and that this is the first request for an extension.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve a one-year time extension. Motion carried 5 – 0.

Erwin and Diana Bradford Lot on 50' Right of Way – Road 298

Mr. Abbott advised the Commission that this is a concept to create a 0.75-acre lot with access from an existing 50-foot right of way; that the Commission approved the 50-foot right of way on August 21, 2003; that the residual land will be 1.50 acres; and that any further subdivision of the property would require a public hearing for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the lot as a concept. Motion carried 5 – 0.

Michael D. Herholdt Parcel and 50' Easement – Road 42

Mr. Abbott advised the Commission that this is a concept to create a 50-foot easement to serve as access to a 2.83-acre tract.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the parcel and 50-foot easement as a concept. Motion carried 5 – 0.

Thoro – Goods Concrete Co., Inc.
3 Parcels and 50' Easement – Road 333

Mr. Abbott advised the Commission that this is a concept to extend an existing 50-foot easement and to create 3 parcels; that Parcel A will be 27 acres; that Parcel B will be 6 acres and the Board of Adjustment recently approved a special use exception to operate a stone plant on this parcel; and that Parcel C will be 10 acres and has an existing concrete plant/business located on it; and that any further subdivision of the property will require a public hearing for a major subdivision.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the 3 parcels as a concept. Motion carried 5 – 0.

Meeting adjourned at 10:45 P.M.