



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF MAY 27, 2004

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 27, 2004 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, and Mr. Lynch, 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 circulated.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve the minutes of May 13, 2004 as corrected.

OLD BUSINESS

Subdivision #2003 – 39 - - application of **JAMES D. AND MARY BETH PARKER** to consider the Subdivision of land in an AR-1 Agricultural Residential District and GR General Residential District in Indian River Hundred, Sussex County, by dividing 101.67 acres into 88 lots, located east of Route 30, approximately 2,984 feet north of Road 314.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2003 – 39 for James D. and Mary Beth Parker, based upon the record made at the public hearing and asked Mr. Robertson to read his motion.

Mr. Robertson read that Mr. Johnson moves that the Commission grant preliminary approval of Subdivision #2003 – 39 for the following reasons:

- 1) The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
- 2) The land is zoned AR-1 and GR, which permits low-density single-family residential development at a density of approximately 2 acres per lot. The proposed subdivision density of 88 lots on 101.67 acres of land results in a gross density significantly less than what is permitted.

3) The proposed subdivision will be a restricted residential development consistent with the area and will not adversely affect nearby uses or property values.

4) The proposed subdivision will not adversely impact schools, public buildings and community facilities.

5) This recommendation is subject to the following conditions:

Minutes
May 27, 2004
Page 2

- Agricultural buffers shall be provided in accordance with the Subdivision Ordinance, if necessary.
- The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, any forested buffers, stormwater management facilities, and other common areas.
- No significant grade changes shall be made, and the Applicant shall use every effort to protect and maintain any mature trees outside of the roadway and house site areas.
- The stormwater management system shall meet or exceed the requirements of the State and County.
- All entrances shall comply with all of DelDOT's requirements.
- On the final site plan, all buffers shall be indicated.
- A system of street lighting shall be provided by the Applicant, and the location of the street lights shall be shown on the final site plan. The streetlights shall be maintained by the Applicant or a successor Homeowners' Association as part of the common elements of the subdivision.
- The Applicant shall consult with the State Historic Preservation Office concerning the possible existence of a pauper's cemetery on the site. If the cemetery can be located, it shall be shown on the final site plan, along with a means of access and a provision for its maintenance.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to grant preliminary approval of Subdivision #2003 – 39 for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2003 – 37 - - application of **GARY WATSON** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex

County, by dividing 41.86 acres into 40 lots, located north of Road 465, 2,318 feet west of Road 479.

Mr. Gordy stated that he would move that the Commission grant preliminary approval for Subdivision #2003 – 37 for Gary Watson, based upon the record and for the following reasons:

Minutes
May 27, 2004
Page 3

- 1) The proposed subdivision meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
- 2) The proposed subdivision density is less than the density permitted by the existing AR-1 zoning.
- 3) The proposed subdivision is integrated into the existing terrain and surroundings.
- 4) The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values. In addition, the project is in the vicinity of other existing developments, including Chipman Chase, Shiloh Farms, Shiloh Woods and Old Church Landing Subdivisions.
- 5) The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
- 6) The Applicant has indicated that central water will be provided by Tidewater Utilities.
- 7) The project will be served by a private, community on-site Central Sewer.
- 8) A homeowners' association will be created to maintain streets, open space, stormwater management areas and street lighting.
- 9) This recommendation is subject to the following conditions:
 - The Applicant shall prepare and record Restrictive Covenants governing the development and cause to be formed a homeowners' association to be responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - The stormwater management system shall meet or exceed the requirements of the State and County. No portions of the stormwater management ponds shall be included within any lot lines.

- All entrances shall comply with all of DelDOT's requirements.
- 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.
- The Restrictive Covenants shall include the Agricultural Use Protection Notice.

Minutes
May 27, 2004
Page 4

- The Final Site Plan shall show forested buffers long all boundaries of the project, including the boundary adjacent to the Atkins property. The Restrictive Covenants shall include a provision for the maintenance of these buffers.
- No Wetlands shall be included within any lots. The Wetlands Disclosure required by Section 99-6H of the Subdivision Ordinance shall be included in the Restrictive Covenants.
- The Central Sewer System shall meet or exceed all State and County requirements. In addition, it shall be constructed to Sussex County Ordinance 38 standards.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to grant preliminary approval for Subdivision #2003 – 37 for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2003 – 24 - - application of **SMALL WONDER, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 32.72 acres into 34 lots, located south of Road 207, 600 feet east of Road 214.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve Subdivision #2003 – 24 as a final. Motion carried 5 – 0.

C/U #1537 - - application of **JEFF SPRINGFIELD COMPUTER SERVICES** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a computer repair and training facility to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 1.033 acres, more or less, lying northeast of Route 326, 1,200 feet southeast of Route 432.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1537 for Jeff Springfield Computer Services based on the record made at the public hearing and for the following reasons:

- 1) This business will have little or no impact on neighboring or adjacent property.
- 2) The Applicant has stated that there will be no retail sales on the premises.
- 3) The Applicant has stated that the requested Conditional Use will be temporary in nature and that the Applicant hopes to relocate the business to another location in the future.

Minutes
May 27, 2004
Page 5

- 4) The Applicant currently resides on the property.
- 5) This recommendation is subject to the following conditions:
 - The facility shall be used for dropped-off computer repair work only. There shall be no computer training on this property.
 - There shall be no wholesale or retail sales of computers or computer equipment from this property.
 - There shall be no employees other than the President and office manager for this use.
 - The hours of operation shall be 10:00 a.m. through 5:30 p.m. Monday through Saturday. All drop-offs of computer equipment shall occur during these hours of operation.
 - The existing lighted signs shall be permitted.
 - There shall be no outside storage or dumping of computer equipment.
 - As stated by the Applicant, this Conditional Use shall be temporary only and shall expire 5 years from the date of County Council approval (if granted) for this Application. After 5 years the Applicant shall be required to reapply to continue the use.

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

C/U #1538 - - application of **KEVIN'S TRAILER SALES, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for storage of camping trailers and boats to be located on a certain parcel of land lying and being in

Dagsboro Hundred, Sussex County, containing 16.55 acres, more or less, lying north of Route 26 and 2,100 feet east of Route 20.

Mr. Lynch stated that he would move that the Commission recommend denial of C/U #1538 for Kevin's Trailer Sales, Inc. based on the record and for the following reasons:

1) While there may generally be a need for the use proposed by the Applicant, the orderly growth of the County does not justify permitting the requested Conditional Use in the location proposed by the Applicant.

Minutes
May 27, 2004
Page 6

2) I believe that this project will adversely impact traffic problems, since it will generate traffic to the site during high summer season, including vehicles with large trailer coming and going from the facility.

3) I do not believe that the proposed location will be adequately as secure as possible. No lighting is planned to be located on the site since no utilities are currently planned to be connected to the site, for security or controlled access.

4) I do not believe that the proposed Conditional Use is in accordance with the 2002 Sussex County Comprehensive Plan, since I do not believe that it promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

5) I am not satisfied that the Applicant can control access to and from the property, or enforce hours of operation or access to the property.

6) I do not believe that this is a suitable location for the Conditional Use, especially since it is within an easement area for overhead power lines. The storage of recreational vehicles and boats with gasoline and diesel fuel is not suitable for this location.

7) The proposed use is not compatible with the Stated Purpose of the AR-1 District, and these purposes are not more fully met by granting a Conditional Use for this project, which is commercial in nature.

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 denied for the reasons stated. Motion carried 5 – 0.

C/U #1539 - - application of **RUSSELL BANKS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a recycling and storage facility for recycling concrete, blacktop, and soils to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 4.45 acres, more or less, lying west of Route 348, 840 feet north of Route 349.

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

C/U #1540 - - application of **JAMES R. GIBSON** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures (3 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 11,850 square feet, more or less, lying southwest of

Minutes
May 27, 2004
Page 7

Pine Lane, 350 feet west of Lake Drive (Road 50) and north of Lake Comegy's, being Lot 3A of Silver Lake Heights.

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

C/Z #1538 - - application of **REBAY, L.L.C.** 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 Lewes and Rehoboth Hundred, Sussex County, land lying southeast of Route 271 (Holland Glade Road), 3,150 feet northeast of Route One, to be located on 180.60 acres, more or less.

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

PUBLIC HEARINGS

Subdivision #2004 – 17 - -application of **NATELLI COMMUNITIES, LTD. PARTNERSHIP** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 250.13 acres into 544 lots, located north of Route 9, 0.25 mile east of Road 261.

Mr. Abbott advised the Commission that this application was reviewed by the Sussex County Technical Advisory Committee on May 19, 2004 and that the report will be made a part of the record for this application; that the proposed restrictive covenants have been submitted and reviewed by Mr. Robertson and that Mr. Robertson's concerns in his May 14, 2004 letter have been addressed; that the representatives of this application have submitted a booklet on the General Plan of the Hopkins – Pettyjohn Neighborhood, a booklet of Appendices, and a copy of the Traffic Impact Study; and that a letter has been received from the Lewes Fire Department addressing different issues.

The Commission found that Jim Fuqua; Attorney, Tom Natelli; President and CEO of Natelli Communities, Dane Bauer of George Miles and Buhr, Gerald Esposito of Tidewater Utilities, and Wes Guckert of the Traffic Group were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission and staff that 544 single family lots on 250 acres are proposed; that the site is made up of two acreage tracts; that the Pettyjohn tract fronts on Route 9 and is separated by the railroad right of way; that the Hopkins tract fronts on Road 261 and is also separated by the railroad right of way; that the Hopkins site adjoins Red Mill Pond and Sweetbriar manufactured home park is located across the pond; that approximately two-thirds of the site is cleared and was previously used for agriculture; that one-third of

Minutes

May 27, 2004

Page 8

the site is forested; that the design and layout of the subdivision is consistent with the State of Delaware's State Strategies Plan and the Sussex County Comprehensive Land Use Plan Update; that the project is located in an Environmentally Sensitive Developing Area and has been designed with this in mind; that the subdivision complies with the Sussex County Comprehensive Land Use Plan Update; that the subdivision has been designed to protect Red Mill Pond; that the site is in a designated growth area; that only single family lots are proposed; that the single family lots have been designed to be cluster in 7,500 square foot lots and that the design conforms to the Environmentally Sensitive Ordinance; that an Environmental Assessment Report was submitted with the application on March 29, 2004; that central water will be provided by Tidewater Utilities and central sewer will be provided by the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the Sussex County Engineering Department is going to require a force main be built along Route 9; that an application for an MR/RPC with 750 units was originally filed for this site but the applicants withdrew that application since there would have been numerous variances requested so that the project could have been developed similar to a project located in Gaithersburg, Maryland; that the RPC was designed for both single family and multi-family units; that the proposed density for this project is permitted by the Environmentally Sensitive Ordinance; that there has been a 28% reduction in the number of units for this application from the proposed RPC; that low density residential developments are permitted by both the Comprehensive Land Use Plan and the Zoning Code; that with central sewer, 20,000 square foot lots are permitted in the AR-1 District; that the Environmentally Sensitive Ordinance permits 7,500 square foot lots but does not change the density in the underlying zoning district, therefore 544 lots are still permitted; that a Traffic Impact Study was prepared based on 800 total units and that DelDOT responded to this; that DelDOT is currently reviewing a Traffic Impact Study for 544 lots and that the developers are expecting revised comments from DelDOT; that the developers are willing to comply with all of DelDOT's recommendations once their comments are available; that they anticipate improvements that will be required for the Route 9 and Road 261 intersection; that sidewalks and bike paths will probably be required along these two roads; that DelDOT will also probably want the developers to install fencing along the railroad right of way; that a bus stop will probably be warranted along Route 9 and that the developer has no objections to this; that

electric will be provided by Delaware Electric Cooperative, that Verizon will provide phone service to the site; that cable will be provided by Comcast; and that gas will be provided by Sharp Energy; that the site is located in the Cape Henlopen School District; that the District has been contacted but has not commented; that they do not anticipate any significant impacts on the school district; that the site is under the jurisdiction of the Delaware State Police Troop 7; that fire protection will be provided by the Lewes Fire Department and that the fire department has sent a letter with some concerns that will be addressed by the developer; that the developers are going to donate \$250 from each initial settlement to the Lewes Fire Department; that the developers are going to encourage the Homeowners' Association to pay an annual fee to the Lewes Fire Department; that an

Minutes

May 27, 2004

Page 9

economic analysis is contained in the Appendices booklet; that a 5,000 square foot community center with a swimming pool is proposed; that paths and trails will be located throughout the development; that there will be gazebos erected in the small parks within the development; that tot lots will be provided; that open space will be created; that use of Red Mill Pond will be restricted to non-motorized boats except for approximately eight boats that will be maintained by the homeowners' association; that Mr. Hopkins has an existing boat ramp and dock that he will continue to be able to utilize; that street lights and sidewalks will be installed along both sides of all streets within the development; that a homeowners' association will be created; that there are approximately eighty acres of forest land and that approximately 70% of the forest land will be retained; that there will be a minimum 25-foot buffer from all non-tidal wetlands; that the project was designed using the Olmstead community design layout; that there will be a minimum 100-foot buffer from Red Mill Pond; that Tidewater Utilities has issued a letter that they are willing and able to serve central water to the site; that bio-retention stormwater management areas will be scattered throughout the project; that a railroad crossing is not proposed and that DelDOT does not want a crossing; that the two tracts will be connected by bike and walking paths; that there are 2 entrances proposed off of Route 9; that the 17 items referenced in Subsection 99-10 of the Code of Sussex County have been adequately addressed; that the site is located in a development district that is served by central sewer; that the recreational facilities will be completed within two years of the issuance of the first building permit; that if required, a fence will be erected along the railroad right of way; that the railroad is not used much; that a wooden dock and pier will be for the use of residents in the development and not for public use; that 2 entrances are proposed off of Road 261; that if the developer can acquire additional land, one of the entrances off of Route 9 will probably be deleted; that the Office of the State Fire Marshal requires fire protection after 49 units have been built; that Tidewater Utilities is hoping to have fire protection available before the first dwelling is built but if not, a temporary water system will be available; that single family detached dwellings with attached garages are proposed; that the developers will create design requirements that will have to be followed by area builders; that the proposed flag lots will share a common entrance; that the developers have responded to all environmental issues; that they will mitigate forest re-plantings; that they are not sure of the absorption rate but hope to erect 125 to 150

units per year and have the project built out within 4 to 5 years; that the Pettyjohn site (Route 9 side) has 180 lots; that the engineers have met with DelDOT and they are comfortable with 2 entrances off of Route 9; that DelDOT is currently reviewing the final traffic impact study and should be commenting soon; that Tidewater could erect a water storage tank in the Red Mill Pond area but that is not necessary at this point; that the developer will have a contract with Tidewater Utilities for the treatment of the water for the project; that Oyster Rock subdivision has a temporary pumphouse and that this project could also have one if needed; that 3 permanent pump stations are planned; that the developer is required to pay for all infrastructure on the site; that the original Hopkins home site will be a part of the subdivision and will retain the private dock and pier;

Minutes

May 27, 2004

Page 10

that the applicants submitted proposed conditions of approval that contained:

1. The Applicant shall prepare and record Restrictive Covenants governing the development and cause to be formed a homeowners' association to be responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
2. The stormwater management system shall meet or exceed the requirements of the State and County.
3. An environmental buffer shall be established as shown on Figure 8.1 of the applicants exhibit book.
4. No wetlands shall be included within any lot lines.
5. All entrances and roadway improvements shall be constructed or funded by the applicant in accordance with the requirements of DelDOT.
6. 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. The streetlights shall be maintained by the Applicant or a successor Homeowners' Association as part of the common elements of the subdivision.
7. The development shall be served by Central Water and by the Sussex County Sewer System.
8. The development's resident's use of Red Mill Pond shall be limited to non-motorized water craft, such as canoes and kayaks, and no more than eight (8) boats with electric motors owned and operated by the Homeowners Association for the residents use.
9. The pedestrian circulation network of sidewalks, natural trails, boardwalks, pond walks, and bike paths shall be completed as shown on Figure 9.1 of the applicant's exhibit book.

and submitted proposed Findings of Fact that include:

A. The subdivision's location is appropriate for the proposed development:

1. The land is zoned AR-1, which permits low-density single-family residential development at a density of 2.178 lots per acre. The developments density of 544 lots is in accordance with the permitted density.

2. The subdivision is in character with other residential developments in the area and meets the purpose of the subdivision ordinance in that it protects the orderly growth of the County.
3. The subdivision will be a restricted residential development consistent with the area and will not adversely affect nearby uses or property values.
4. The subdivision is consistent with the historical trend of the residential development in the area.
5. The subdivision will be governed by a Homeowners' Association responsible for the maintenance of streets, buffers, stormwater management areas and other common areas.

B. The subdivision is in compliance with the Sussex County Subdivision Ordinance:

1. The site design integrates the development's location on the site so as to have a

Minutes

May 27, 2004

Page 11

minimal impact on wetlands. No wetlands are included within any lot lines.

2. Due to the existing nature of the site, no significant grade changes are anticipated and the developer intends to protect a large area of forest outside of the roadway and house site areas.
3. Central water will be provided by Tidewater Utilities, Inc.
4. Central sewer will be provided by Sussex County, and a central community sewer system will be constructed.
5. The stormwater management system will meet or exceed the requirements of the State and County.
6. The use of the county sewer system and the stormwater management system will maximize ground water recharge and erosion and sediment control measures will comply with the State and County requirements.
7. Entrances will comply with the requirements of DelDOT.
8. The subdivision will contribute significant revenue to the local School District through school taxes.
9. The development will not adversely affect area waterways or other natural features.

C. The subdivision is in compliance with the Sussex County Subdivision Ordinance:

1. The subdivision will be integrated into the existing terrain by preserving considerable areas of forest and providing buffers from wetland areas.
2. A minimum buffer of 50' shall be provided from the stream channels and from Red Mill Pond. A minimum buffer of 25' shall be provided from non-tidal wetlands.
3. Forest and wetland areas are protected and no historical features are known to exist on site.
4. Considerable open space will be provided within the development and along Red Mill Pond by the use of clustered 7,500 square foot lots.
5. No significant grade change will occur and large areas of forest will be preserved.
6. There are no objectionable features within the development.
7. Central water will be provided by Tidewater Utilities.
8. Central sewer will be provided by Sussex County.

9. Stormwater facilities will meet or exceed State and County requirements.
10. The site design of the development will minimize erosion, changes in general water levels, and runoff and maximize ground water recharge.
11. Internal roads and pedestrian paths will provide safe areas.
12. The development will not adversely affect area property values.
13. Farmland in the County will be preserved by locating this development in a development district.
14. There will be no adverse affect on schools, public buildings or community facilities. Taxes generated by the development will support these activities.
15. Road improvements will be constructed as requested by DelDOT.
16. The development is in a designated development district under the Sussex County Comprehensive Plan and is compatible with other residential developments in the areas.

Minutes

May 27, 2004

Page 12

17. Use of motorized boats in Red Mill Pond will be limited.

Mr. Lank advised the Commission that the application complies with the Environmentally Sensitive Development District Overlay Zone Ordinance.

The Commission found that David Truitt of Lewes was present in support of this application and advised the Commission that he has reviewed the plans; that he has no objections to the development; that the design was well thought out and carefully designed; and that development is coming to the area.

The Commission found that Gordon Davis, Chief of the Lewes Fire Department, was present and advised the Commission that he is not in support of or against this application but has concerns about the location of the development with respect to emergency response time; that since the project is separated by the railroad tracks, the development should also include a North, South, East and West to be able to better determine the location in case of an emergency; that all dwellings should be required to be marked with a minimum 3-inch tall numbers for location; and questioned if the project will be sprinklered.

Mr. Natelli advised the Commission that a sprinkler system is not required since the dwellings are for single family; and that the developers will comply with Mr. Davis' request in the name and 3-inch tall numbers on dwellings.

The Commission found that Henry Glowiak, a resident of the Lewes area, was present in opposition to this application and advised the Commission that this is another example of sprawl; that the County's Land Use Plan is flawed and leads to this type of development; that growth and development can be stopped by the County; that surrounding counties limit development; that the County is destroying all agricultural operations on the eastern side of the County by approving all developments; that there is a dairy farm directly

across from this development; and that Route 9 will eventually become Route One with gridlock.

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

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

OTHER BUSINESS

Rehoboth Beach Associates, LLC
Multi-Family Site Plan – Route One

Minutes
May 27, 2004
Page 13

Mr. Abbott advised the Commission that this is a revised site plan from the one that the Commission denied in April 2004; that there are still the same number of units proposed; that the parking layout and stormwater management areas have been redesigned; that when the Commission denied the previous submittal, there were concerns about stormwater management not being shown and concerns about the location of the parking areas.

Kevin Crosby of Charles D. Murphy Associates was present and advised the Commission that the existing parking lot will be torn up and replanted; that the proposed units are 20-feet by 40-feet each; that the maximum building length is 160-feet; that this is only a preliminary plan; and that a landscaping plan will be submitted with the final site plan.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried 4 votes to 1, with Mr. Lynch opposed, to approve the site plan as a preliminary only with the stipulation that a landscape plan be submitted with the final site plan for review and approval by the Commission. Motion carried 4 – 1.

B/Z Builders
Parcel and 50' Right of Way – Road 381

Mr. Abbott advised the Commission that this is a request to create a 1.13-acre lot off of Road 381 and that the owner is proposing to leave 50-feet as access for the residual acreage; that the survey does not show an existing culvert or old farm lane; that the right of way would have to cross a tax ditch; and that this request should be required to go through the major subdivision process or obtain a variance from the Board of Adjustment.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to deny the request as submitted. Motion carried 5 – 0.

Meeting adjourned at 9:20 P.M.