



## *Planning & Zoning*

Agendas & Minutes

### MINUTES OF THE REGULAR MEETING OF JUNE 24, 2004

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, June 24, 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, 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 circulated.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve the Minutes of June 10, 2004 as amended.

### OLD BUSINESS

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.

The Commission discussed this application which has been deferred since May 13, 2004.

Mr. Lynch stated that he would move that the Commission recommend a denial of C/U #1539 for Russell Banks, for a recycling and storage facility for concrete, blacktop and soils based on the record made at the public hearing and for the following reasons:

- 1) The Applicant has not demonstrated that there is a public need for the proposed use, and this area is not well suited for the proposed use.
- 2) I do not believe that the application is consistent with the character of the surrounding properties.
- 3) The property is zoned AR-1. The purpose of this district is to protect agricultural land from objectionable, hazardous and unsightly uses. The Applicant has been storing the broken concrete and blacktop without approval, and I believe that the

- crushing and recycling of the concrete and blacktop would be hazardous and unsightly, and would be objectionable to the other surrounding properties.
- 4) Approval of this application would lead to increased noise in the area. The Applicant has stated that the proposed large crushers create noise, dust and vibrations.
  - 5) This application is not of a public or semi-public character, and it is not essential for the general convenience and welfare of the community. No more concrete, blacktop or similar materials should be brought to the site.

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- 6) It is also my recommendation that County Council require the Applicant to remove all of the materials stored on the site within 120 days. Crusher machines should not be used to remove the materials.

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

The Commission discussed this application which has been deferred since May 13, 2004.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1540 for James R. Gibson for a multi-family dwelling structure of 3 units based upon the record made at the public hearing and for the following reasons:

- 1) It is a permitted Conditional Use in a MR zone and complies with the stated purpose of the MR zone.
- 2) The proposed Conditional Use will have no significant impact upon traffic.
- 3) There are other multi-family structures with similar density and characteristics in the vicinity of the project.
- 4) The project will not have an adverse impact on the neighboring properties or community.
- 5) There is no evidence that Lake Comegys will be harmed by the proposed structure.
- 6) This recommendation for approval is subject to the following conditions and stipulations:
  - 1) Only 3 units shall be constructed upon the property.

- 2) The project shall be subject to the approval of the Sussex County Engineering Department. The Applicant shall be required to design; fund and construct any upgrades to the County sewer system that are necessary to serve the 3 units.
- 3) Construction, site work, grading and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur during the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday.

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- 4) There shall be at least 3 parking spaces per unit.
- 5) The project shall not exceed the County's height and setback requirements.
- 6) The site plan shall be subject to approval of the Planning and Zoning Commission.

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 and with the conditions stated. Motion carried 5 – 0.

C/U #1541 – application of **JAMES B. WALSH** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for boat storage to be located on a certain parcel of land lying and being Broadkill Hundred, Sussex County, containing 6.44 acres of a 26.13 acre tract, more or less, lying 500 feet west of Route 290 and 350 feet north of Route 262.

The Commission discussed this application which has been deferred since June 10, 2004.

Mr. Johnson stated that he would move that the Commission recommend denial of C/U #1541 for James B. Walsh based on the record and for the following reasons:

- 1) The orderly growth of the County does not justify permitting the requested Conditional Use in the location proposed by the Applicant.
- 2) I believe that this project would adversely impact traffic, since it would generate traffic to the site during the summer season, including vehicles with large trailers entering and exiting the site onto a County Road. The proposed entrance would also negatively affect adjacent property owners.
- 3) I do not believe that the proposed Conditional Use is in accordance with the 2002 Sussex County Comprehensive Plan Update, since it does not promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

- 4) 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.
- 5) The proposed use, which is commercial in nature, is not compatible with the stated Purposes of the AR-1 District, and these purposes are not more fully met by granting a Conditional Use for this project.

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

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Subdivision #2003-44 – application of **MICHAEL AND KATHY MIXON** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 13.51 acres into 10 lots, located west of Road 258, 1,790 feet south of Road 257.

The Commission discussed this Subdivision which was deferred on June 10, 2004.

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

#### PUBLIC HEARINGS

C/U #1542 – application of **REEDWOOD DEVELOPMENT, L.L.C.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a showroom, shop, and warehouse for a millwork business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 5.9 acres, more or less, lying south of Route 9 (Georgetown-Lewes Highway) and 0.25 mile west of Route 282.

Mr. Lank advised the Commission that this application was withdrawn.

C/U #1543 – application of **HERITAGE OPERATING, L.P.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a propane service and refilling center with an office and showroom to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 3.0 acres, more or less, lying south of Route 24 and 370 feet west of Route 309.

The Commission found that the Applicants has provided, prior to the meeting, an exhibit booklet and site plan for the application, and that the exhibit booklet contained an introduction, references to Paradee Gas locations, photographs of similar sites, a property layout, and a photograph of a typical underground propane bulk storage tank installation.

The Commission found, based on comments received from DelDOT, that the Department does not recommend a traffic impact study, but are concerned about this application site, and see this application as contributing to traffic in an area that the Department has identified as operating at unacceptable levels of service.

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 sedimentation control practices during construction and to maintain vegetation after completion of construction; that the Evesboro soils are considered of

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Statewide Importance and a Hydric soil 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 a letter received from the Mayor and Council of the Town of Millsboro, that the Town of Millsboro has no objection to this application.

The Commission found that James F. Waehler, Attorney, William L. Smith and Andrew T. Smith were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that four (4) parcels across Route 24 are commercial zoned; that other commercial uses exists in the area; that there are no nearby residential uses; that the site is located in the Environmentally Sensitive Developing Area according to the Comprehensive Plan Update; that the use complies with the Update since it serves the general area, a growth area that is growing rapidly and there is a need to serve the present and future customer base; that DelDOT did not require a traffic impact study; that the site has clear sight lines in both directions; that Paradee has a stellar safety record; that delivery trucks will spend less time traveling on County roads; that the use is a benefit to the County tax base; that the use will be a mounded underground storage tank; that a sign will be painted on a propane storage tank and that a sign on the building may be illuminated; that perimeter fencing will be erected around the storage yard; that the fence will be at least 6-feet high with security barbs on top; that the fenced area will be gated; that there may be one truck parked on the site over night; that employees will park within the fenced area; that the storage area will be downward illuminated and that the lighting will not be directed toward Route 24 or neighboring properties; that office hours are from 8:00 a.m. to 5:00 p.m.; that the drivers may be leaving the site from 6:30 a.m. until all deliveries are completed for the day; that the drivers are on call 24-hours per day; that the repair shop will service tanks, and repair, paint and refinish tanks; that the tanks will be setback approximately 500-feet from Route 24; that presently the company has limited bulk storage near Lewes and near Dagsboro; that water supply holding pond will hold from 30,000 to 70,000 gallons of water; that the tanks will be completely covered with dirt and stone; that presently the company utilizes

two drivers and plans to add at least one more driver, and will add another service representative, a service technician and a site manager; that the site will serve this area better than the other two existing sites; that the company serves mostly retail, commercial and residential users, and some poultry farms; that the Lewes office will close and be relocated to this site; that the Lewes and Dagsboro bulk operations will continue; that in recent years most retail and commercial users stay open year round; that the design will meet all State Fire Marshal regulations for buildings, tanks and the site plan; that safety devices will be installed within the piping network; that the project will meet all National Fire Regulations; and that access to the water supply holding pond will be made available to the local fire company.

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

C/U #1544 – application of **CHARLES D. MURPHY ASSOCIATES, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for doctors offices to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 7.3 acres, more or less, lying at the northeast corner of Road 288A and Route 24.

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 Conservation District, that the soils are mapped as Evesboro loamy sand and Sassafras sandy loam which have slight limitations for development; that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that the Rumford soils are considered of Statewide Importance; that the Sassafras soils are considered Prime Farmland; 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 Pryor, Attorney, Dr. Robert Verapoppa, and Rob Ament of Charles D. Murphy Associates, Inc. were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that there is a shortage of doctors in the County; that it is hard to recruit doctors; that they propose to build the Center for Neurology at this site; that there will be one primary

doctor at this facility and two part-time doctors using the facility; that each doctor will have approximately three employees in the offices; that the proposed building contains 7,000 square feet; that on-site water and septic will be located on the site; that the entrance is proposed from Dorman Road (Road 288A) rather than Route 24; that they have no proposal for use of the front portion of the parcel at this time and realize that they must come back to the Commission for review; that they will be utilizing a mobile MRI trailer; that the trailer travels from office to office on different days; that the trailer is currently leased; that they plan on building an MRI unit within the building once the lease runs out; that typical office hours are from 8:00 a.m. to 4:00 p.m. for patient care weekdays only; that they have no weekend hours; that they would like to erect an illuminated sign on the site that will turn off at 9:00 p.m.; that trees and shrubs will be

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planted along the perimeter of the site as indicated on the site plan and will be professionally landscaped; that the large open area along Route 24 will be grassed and maintained; that they have no objections to a berm being built and maintained along the Wyndam Subdivision; that parking is designed to the rear of the building for employees and to the front for patients; that rather than apply for too large of a building or buildings, they have proposed a building that will meet the needs of the Center; that the Dover site is located in a semi-residential and commercial area; that the Milford site is located in a business park; that they chose this site because it is centered to serve their patient base; and that Route 24 is a perfect location and will provide for less driving time for a lot of their patients.

The Commission found that Carlton Dorman and Cheryl Schrimmer were present, not in opposition to the doctors offices, but expressing concerns that the site is located in a farming area, expressing concerns about traffic and traffic congestion, expressing concerns about drainage; and stated that buffer plantings need to be further away from property lines so that adjoining property owners do not cut off limbs, that there is a need for a traffic signal at this location; and that the entrance should be as far away from Route 24 as possible.

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

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

C/Z #1541 - - application of **CHRISTINA MELCHIORRE** to amend the Comprehensive Zoning Map from a MR Medium Density Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying southwest of Tulip Drive, 630 feet north of Route One, and being Lot 25 within Dutch Acres Subdivision near Five Points, to be located on 12,500 square feet, more or less.

Mr. Lank advised the Commission that this application was withdrawn.

Subdivision #2003 – 46 - - application of **GEORGELAS GROUP** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 210.342 acres into 272 lots, located north of Route 9, 1,860 feet east of Route 5, and east of Route 5, 1,700 feet north of Route 9.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on December 17, 2003 and that the report will be made a part of the record for this application; that the staff has received a non-binding septic feasibility statement from DNREC; that the staff has received a letter from the Sussex County

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Addressing stating that the street names have all been approved; that a letter was received from Harbeson Land, Inc. requesting a deed restriction similar to the agricultural use protection deed restriction except it would be for commercial uses and noises associated with trucking operations; that the applicant's engineers have submitted an information booklet; and revised site plans that addressed comments made by the Technical Advisory Committee.

The Commission found that Rick Clendaniel of the Georgelas Group, John Sergovic; Attorney, Kevin Burdette of McCrone, Inc., and Brian Carbaugh of WWES Associates were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that 272 lots on 210.34 acres are proposed; that central sewer and water are proposed; that the proposed subdivision is a low-density project; that the Comprehensive Land Use Plan allows for this type of development; that the development is for single family lots; that the site was previously approved for a residential planned community; that the project complies with the subdivision code; that 20,000 square foot lots with sewer are proposed; that DNREC has issued a septic feasibility statement; that the natural contours of the land enhance the design of the project; that the wetlands and floodplains have been delineated; that the areas along the wetlands have been preserved; that a multi-modal covered bridge is proposed across the wetlands to join the sites; that scenic views have been preserved; that the plans are being engineered to be submitted to the agencies for approval; that the central wastewater disposal system will be located near the entrance on Route 9; that the project will have open space; that DNREC requires a licensed operator for the septic treatment; that the septic treatment is regulated by the Public Service Commission; that the developers have met with the area residents; that multi-modal walking trails are provided throughout the development; that the developers have met with DelDOT and that there will probably be a bus stop off of Route 9; that the project will increase property values in the area; that the Indian River and Cape Henlopen School Districts have been contacted and do not seem to have any problems with the project; that DelDOT is in the process of reviewing the traffic impact study; that the project is compatible to adjoining properties in the area; that the conditions of subsection 99-9 have been addressed; that the developers have met



with the Milton Fire Department and that the Fire Department has issued a letter that they have sufficient capacity and is ready, willing and able to serve the residents of the development; that there will be two clubhouses in the project; that recreational facilities will be provided; that sidewalks and streetlights will be shown on the final site plan; that the residents of Harbeson will be able to hook into the central sewer if they wish to; that a bridge for motor vehicles is not proposed; that as many trees as possible will be maintained; that the homes will be in the \$300,000 to \$350,000 range; that the developers want to begin the development as soon as possible; that the development will be built out within 4 to 5 years; that there will be 3 different home builders; that the wastewater treatment facility will be built right away; that a pump station is proposed near lot 78; and the density is 1.3 lots per acre.

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The Commission found that no one was 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.

#### OTHER BUSINESS

Americana Bayside MR/RPC  
Final Site Plan Phases 1A, 1B, 2, and 3 Route 54

Mr. Abbott advised the Commission that this item received preliminary approval on November 6, 2003 and April 15, 2004; that the final plans are the same; that all agency approvals have been obtained; and that the plans are suitable for final approval.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the site plans as a final. Motion carried 5 – 0.

The Preserves at Iron's Landing MR/RPC  
C/Z #1504 Preliminary Site Plan Road 348

Mr. Abbott advised the Commission that this is the preliminary site plan for a 75 lot single family residential planned community; that the conditions of approval are referenced on the site plan; that the smallest lot is 7,500 square feet; that the largest lot is 13,584 square feet; that the average lot size is 9,077 square feet; that since this is a residential planned community, the developer is requesting 10-foot front yard setbacks with 5-foot rear and side yard setbacks; that central sewer and water are proposed; that the streets are private; that there are not any wetlands on the site; that the plan is similar to the one that was submitted for the public hearing; that the Sussex Conservation District

has approved the site plan; and that the site plan meets the requirements of the zoning code.

Jim Fuqua, Attorney, advised the Commission that the setbacks were discussed at the public hearing for the rezoning.

Gerry Friedel of Davis, Bowen & Friedel advised the Commission that there will not be any parking within the street right of ways.

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

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Windmill Townhomes  
C/U #1502 Multi-Family Site Plan Road 352

Mr. Abbott advised the Commission that the site plan is for 104 multi-family units in 18 buildings; that the approved ordinance permits 106 units; that the buildings are 3 stories in height; that the setbacks, building lengths and separations meet the requirements of the zoning code; that sidewalks and streetlights are proposed; that central sewer and water are proposed; that 312 parking spaces are required and 332 spaces are provided; that the site plan meets the requirements of the zoning code and approved ordinance; 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. Lynch, 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.

Mallard Cove  
Preliminary Multi-Family Site Plan Route 54

Mr. Abbott advised the Commission that the site plan is for 16 units on 1.35 acres; that the site is zoned C-1 General Commercial; that 16 units are permitted; that central sewer and water are proposed; that there are 2 buildings; that the setbacks, building lengths and separation distances meet the requirements of the zoning code; that 43 parking spaces are shown and that 48 spaces are required; that 5 more spaces are required or a variance will be needed; that the Commission could approve the site plan as a concept and that final approval shall be subject to the review and approval by the Commission upon receipt of all agency approvals being obtained and the parking issue being resolved.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried 4 votes to none, with Mr. Lynch not participating, to approve the site plan as a concept. Motion carried 4 – 0 – 1.

A & A Companies  
C/U #1383 Revised Site Plan Road 371

Mr. Abbott advised the Commission that the revised site plan is for a 30-foot by 60-foot storage building for a heating and air conditioning business and a plumbing and electrical business; that the conditional use was approved by the County Council on March 21, 2001; that one of the conditions of approval limits the use of the property to offices, warehousing and storage for the businesses; that the Office of the State Fire Marshal and Sussex County Building Code have approved the plans; that the Commission can approve the site plan as submitted; or require an amended conditional use application.

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

Cadbury at Lewes MR/RPC  
C/Z #1528 Preliminary Site Plan Road 267

Mr. Abbott advised the Commission that the preliminary site plan is for 317 units; that Phase 1 is for a health care center with 80 skilled nursing rooms, 84 apartments, and 48 cottages; that Phase 2 is for 80 single family lots and 105 multi-family units; that Phase 1 contains one building with 40 assisted living rooms and 40 skilled nursing rooms; two, 2-story apartment buildings with 42 units each, 22 duplex buildings and 4 detached cottages and a 20,000 square foot community center; that a 30-foot landscaped buffer is proposed along Road 267; that a 30-foot landscaped berm is proposed and required along the Mitchell lands; that 246 parking spaces are required and that 249 are proposed including 48 garage spaces; that 5-foot sidewalks are proposed and required; that streetlights are proposed and required; that the setbacks meet the requirements of the zoning code; that Phase 2 contains 80 single family lots and 105 multi-family units within 33 buildings; that 6 and 7 unit buildings and duplexes are proposed; sidewalks and streetlights are provided; that a clubhouse, swimming pool and 2 tennis courts are provided; that the setbacks, building lengths and building separations meet the requirements of the zoning code; that central water will be provided by Tidewater Utilities and central sewer will be provided by Sussex County; and that the site plan is suitable for preliminary approval.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried 4 votes to none, with Mr. Lynch not voting, to approve the site plan as a preliminary. Motion carried 4 – 0 – 1.

Woods Cove HR/RPC  
C/Z #1454 Revised Site Plan Road 275

Mr. Abbott advised the Commission that this project received preliminary approval on December 19, 2002; that the revised plan depicts the location of the temporary sales office and temporary construction trailer.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried 4 votes to none, with Mr. Lynch not voting, to approve the revised site plan as a preliminary. Motion carried 4 – 0 – 1.

Deborah J. and J. Everett Moore, Jr.  
C/U #1495 Site Plan Road 292

Mr. Abbott advised the Commission that the site plan is for a 12.98 acre borrow pit that will be converted to a pond after the digging ends; that the use is approved for one year;

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that the depth of the pit will be 14-feet; that the site plan complies with the zoning code; 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 4 votes to none, with Mr. Lynch not voting, to approve the site plan as a preliminary and to grant a one year time extension with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 4 – 0 – 1.

Subdivision #2002 – 31 - - Sussex Ventures  
Time Extension

Mr. Abbott advised the Commission that a request for an extension has been received so that the developers can obtain all agency approvals; that the County Council granted preliminary approval for this application on June 24, 2003; and that this is the first request for an extension.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried 4 votes to none, with Mr. Lynch not voting, to grant a one year time extension. Motion carried 4 – 0 – 1.

Francis Prettyman  
Lot on 50' Right of Way Road 254

Mr. Abbott advised the Commission that this is a request to create a 1.0-acre lot with access from a 50-foot right of way; that the Commission approved 1 lot in 2003 and another lot in the spring of 2004; that this lot would be the third lot with access from the right of way and that any further subdivision will require an application for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried 4 votes to none, with Mr. Lynch not voting, to approve the lot as submitted with the stipulation that any further subdivision will require an application for a major subdivision. Motion carried 4 – 0 – 1.

William Prettyman  
3 Lots on 50' Right of Way Road 254

Mr. Abbott advised the Commission that this is a request to create 3, 1-acre lots with access from an existing 50-foot right of way; that the 3 lots are directly across from the Francis Prettyman subdivision that was just approved; that this is the first time that this parcel has been subdivided; and that any further subdivision of the property will require a public hearing for a major subdivision.

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Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the 3 lots with access from the 50-foot right of way with the stipulation that any further subdivision will require a public hearing for a major subdivision. Motion carried 5 – 0.

Lynn Moore  
Lot and 50' Right of Way Road 295

Mr. Abbott advised the Commission that the applicant would like to widen an existing farm lane to a 50-foot right of way and create a 1.0-acre lot for his daughter.

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

Ronald E. and Carolyn E. Jernigan  
2 Lots on 50' Easement Road 490 and 13A

Mr. Abbott advised the Commission that this is a request to create a 3.21-acre parcel and a 10.25-acre parcel with access from an existing 50-foot easement; that this would be the second and third lots with access from the easement and that any further subdivision will require a public hearing for a major subdivision.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the 2 parcels with the stipulation that any further subdivision will require a public hearing for a major subdivision. Motion carried 5 – 0.

Meeting adjourned at 9:40 P.M.