



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF AUGUST 26, 2004

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

The meeting was called to order at 7:00 p.m. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson 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. Wheatley, and carried unanimously to approve the Minutes of August 12, 2004 as corrected.

OLD BUSINESS

C/Z #1546 – application of **3 SEASONS, L.L.C.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a HR-1/RPC High Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying west of Route 273 (Country Club Road), 200 feet north of the cul-de-sac at the entrance to Rehoboth Beach Yacht and Country Club Development, to be located on 26.76 acres, more or less.

Mr. Lank noted that the Commission received copies of the Technical Advisory Committee Report for August 18, 2004 and copies of the Office of State Planning Coordination Report on the Preliminary Land Use Service meeting of August 4, 2004.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to defer action to give the Commission time to review the documents from the Technical Advisory Committee and the Preliminary Land Use Service.

Motion carried 4 – 0.

C/Z #1548 – application of **GARY L. THOMAS AND SHIRLEY M. THOMAS** 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

Seaford Hundred, Sussex County, land lying west of Road 532, 1,725 feet south of Route 18, to be located on 8.1714 acres of a 13.0414 acre tract, more or less.

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

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Mr. Wheatley stated that he would move that the Commission deny this application since he felt that the intent of the commercial area along U.S. Route 13 was conceived to be limited to the frontage along U.S. Route 13 and not back to County Road 532; that visiting the area indicates that there are some small business activities that have taken place; that the rezoning and use is not conducive to the area along County Road 532; and that he does not want to see a precedent established in the area.

Motion by Mr. Wheatley, seconded by Mr. Johnson, 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 4 – 0.

C/Z #1549 – application of **DMR PROPERTIES, L.L.C.** to amend the Comprehensive Zoning Map from a GR General 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, 2,500 feet south of Route 5 and Route 22 (Long Neck Road), to be located on 0.78 acres, more or less.

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

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1549 for DMR Properties, LLC to amend the Comprehensive Zoning Map from a GR-General Residential District to C-1 General Commercial 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 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 General Commercial zoned properties. These include a shopping center across Route 24 with various uses that were recently approved. Other uses in the area include another shopping center,

- real estate offices, service stations, a bank, automotive sales, a carpet business and other business uses.
- 4) The Applicant has stated that it will meet or exceed all DelDOT requirements.
 - 5) 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 activities now exists. In this case, the project along Route 24 falls within the stated purposes of the C-1 District.

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

Motion carried 4 – 0.

Subdivision #2002-24 – application of **KUHN FAMILY SUSSEX PARTNERSHIP** 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 138.80 acres into 120 lots, located southwest of Road 279, approximately 580 feet southeast of Road 277.

Mr. Abbott advised the Commission that the final record plan is for 120 lots; that preliminary approval was granted on November 14, 2002; that a one-year time extension was granted on November 6, 2003; that the final record plan meets the requirements of the subdivision code; and that all agency approvals have been received.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve this application as a final.

Motion carried 4 – 0.

Subdivision #2003-10 – application of **WOODGATE ENTERPRISES, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 50.09 acres into 30 lots and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located south of Road 280, 1,715 feet east of Road 290.

Mr. Abbott advised the Commission that the final record plan is for 30 lots; that preliminary approval was granted on August 14, 2003; that a one-year time extension was granted on August 12, 2004; that the final record plan meets the requirements of the subdivision code; and that all agency approvals have been received.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve this application as a final.

Motion carried 4 – 0.

PUBLIC HEARINGS

Subdivision #2003-52 – application of **NORRIS L. NIBLETT** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred,

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Sussex County, by dividing 38.71 acres into 42 lots, located south of Road 46, 1,125 feet east of Road 526A.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on January 14, 2004 and that the report will be made a part of the record for this application; and that the applicants have submitted a petition stating that 51% of the lot owners from the previous subdivision are aware of the proposed alteration and have no objection.

The Commission found that Debbie Brittingham of Laurel Realty and Don Miller, Surveyor, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the proposed lots are approved for standard septic systems; that 42 lots are proposed; that some of the lots have been revised to meet the minimum lot size requirement; that the developer will comply with all agency requirements; that one entrance is proposed; that the owners of the existing lots have supported this application; and that as many trees will be saved as possible and will be referenced in the restrictive covenants.

The Commission found that no one was present in support of this application.

The Commission found that Mr. Shadland, Paul Hignutt, Paul Russell, Mrs. Coleman, Mrs. Griffiths, Clyde Mellin, Mr. Smalley, and Mary West, all residents of the area, spoke in opposition to this application and raised concerns about the petition that was submitted supporting this application; that the ones who did sign the petition do not live on Road 46; that they live on Road 526A; that there is only one entrance to the site; raised concerns about the number of proposed septic systems; that a previous application for this site was denied by the Commission; that the lots do not meet the minimum square footage requirement; that the proposed density is out of character with the area; that larger lots are needed; that wells will be negatively impacted; that there are large amounts of traffic that utilize Road 46; raised safety concerns for children in the area; questioned how far in advance the property has to be posted; and raised concerns about residents shooting guns in the area on Sundays.

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

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to deny this application since some of the lots do not meet the minimum lot size requirement of 0.75-acre.

Motion carried 4 – 0.

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Subdivision #2003-53 – application of **SUNLAND PROPERTIES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 36.77 acres into 35 lots, located at the northwest corner of the intersection of Road 231 and Route 5.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on January 14, 2004 and that the report will be made a part of the record for this application; and that DNREC has issued a non-binding septic feasibility statement indicating that the site is suitable for individual on site septic systems.

The Commission found that Jeff Harris, Developer, Bill Schab, Attorney, Chuck Adams, Surveyor, and Walt Bryan, Consultant, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the site is located off of Route 5 near Milton; that the proposed subdivision is made up of 3 parcels; that half of the site is cleared and the other half is wooded; that the wetlands on the site have been delineated; that 35 lots are proposed with the required buffers; that the stormwater management pond to the rear of the site will be a dry pond and the ponds near the front of the site will be wet ponds; that the stormwater management areas and buffer areas will be landscaped and fenced; that approximately 20% of the site will be open space; that the preliminary plan has been revised to meet the recommendations of the Technical Advisory Committee; that lots 18 through 24 contain wetlands; that the perimeter boundary line has been revised and that the adjoining property owner agrees with the boundary and proposed buffer; that one-story dwellings must have a minimum 1,800 square feet and two-story dwellings must contain a minimum of 2,200 square feet; that the dwellings will be on-site stick built homes or modular homes; that no HUD Code homes will be permitted; that the price of the homes will range from \$250,000 to \$325,000; that the developer will sell the lots but not build the homes; that lots 18 through 24 and lots 1 and 2 will be developed by the applicant; that ½ percent of lot sales will be donated to the Sussex County Land Trust; that stormwater runoff will not impact adjoining properties; that a 3 rail white vinyl fence will be erected around the stormwater management areas; and that interconnections could be provided to the Hall and Sapp properties.

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

The Commission found that Doug Ash, Richard Sapp, Judy Elmore, and Shelly Graybeal were present and expressed concerns about the entrance location; that the wetlands on lots 18 through 24 should not be disturbed and should be the building restriction line; that the stormwater management ponds need to be large enough to handle run-off; that more buffers need to be established; raised concerns about negative impacts to traffic in the area; impacts on water quality to the area; and that there are numerous farming operations in the area and that new residents often complain about farming operations.

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

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to defer action so that the Commission can consider the testimony presented.

Motion carried 4 – 0.

Subdivision #2003-54 – application of **OYSTER ROCK PROPERTIES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 33.60 acres into 7 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located approximately 1,950 feet north of Road 264 and approximately 2,900 feet northeast of Route One.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on February 18, 2004 and that the report will be made a part of the record for this application.

The Commission found that Ramesh Batta, Surveyor and Engineer, and Mary Schriber – Fox, Attorney, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the this application is for 7 additional lots to the 81-lot Oyster Rock Subdivision that is under construction; that the lots contain wetlands; that the developers purchased this parcel separately from the previous parcel; that the minimum lot size of the proposed 7 lots is 2 acres with 1 acre of uplands; that this subdivision will be an extension to Oyster Rock Subdivision and will be subject to the same set of restrictive covenants; that the homeowners' association will be the same for both sections; that some property owners want large parcels even if they have wetlands on them; and that the existing lots 18 and 19 in Oyster Rock Subdivision will need to be revised.

There was no one present with any interest to this application.

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

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve this application as a preliminary based on the record of support and since it is an extension to an existing subdivision being built by the applicants.

Motion carried 4 – 0.

C/Z #1552 – application of **NASSAU GROVE, L.L.C.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land

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lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying southwest of the intersection of Route One and Route 265 (Minos Conaway Road), to be located on 112.28 acres, more or less.

The Commission found that the Applicants had submitted an exhibit booklet which contained an executive summary, a design summary, site context maps, site analysis maps and exhibits, a sketch plan, an analysis of required information, and technical reports.

Mr. Lank provided the Commission with copies of all correspondence received up to the close of business on August 26, 2004. The correspondence included a memorandum from the Sussex Conservation District, dated August 17, 2004; a letter from the Office of State Planning Coordination, dated August 12, 2004, with an attached copy of a letter from DelDOT to the Office of State Planning Coordination, dated August 10, 2004; a letter from the Office of State Planning Coordination, dated January 9, 2004, referencing the PLUS review; a letter from Caldera Properties, dated August 9, 2004, to the Office of State Planning Coordination, in response to the PLUS comments; a memorandum from the Sussex County Engineering Department Planning and Permits Division, dated August 25, 2004, with an attached copy of a letter from County Engineering to Becker Morgan Group, dated August 20, 2004; a letter from Nassau Grove, L.L.C. to DelDOT, dated August 23, 2004; and a letter from DelDOT, dated November 20, 2003.

Mr. Lank provided the Commission with a copy of a letter from the Citizens Coalition, Inc. in opposition to the application.

The Commission found that Dan McGreevy and Frank Kea of Nassau Grove, L.L.C. were present with James Fuqua, Attorney, and that Mr. Fuqua and Mr. Kea stated in their presentations and in response to questions raised by the Commission that they propose to create 351 units on 112 acres; that the type of units includes 189 single-family detached dwellings, 92 duplexes, and 70 multi-family units; that the density equals 3.13 units per acre gross and 3.46 units per acre net; that Minos Conaway Road is residential in character; that this project will be in-fill between projects; that the State Strategies map indicates that the site is in a Developing area; that the Comprehensive Plan Update

indicates that the site is in an Environmentally Sensitive Developing Area; that the Comprehensive Plan Update references that mixed housing and residential planned communities are appropriate and encouraged in the Environmentally Sensitive Developing Area; that the site is located in a Sanitary Sewer District and that sewer capacity is available for up to 4 EDUs per acre; that the Applicants will comply with all recommendations of the County Engineering Department; that Tidewater Utilities, Inc. will provide water service for drinking water and fire protection; that a traffic impact study was prepared for review by DelDOT; that they met with the Office of State Planning Coordination for a LUPA review in December of 2003; that DelDOT expects to

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respond to the traffic impact study by September 15, 2004; that DelDOT is exploring a concept to create a western parkway from Route One across to Route 9 and south; that the boundaries of the parkway have not yet been determined; that DelDOT has agreed with The Vinyards at Nassau Valley project to review the westerly portion of that project for a possible location for the parkway; that DelDOT is looking at the westerly portion of this site for a possible connection for the parkway; that the Applicants have agreed to reserve a 400-foot wide corridor on the westerly portion of the site for development as the last phase to allow DelDOT to review the parkway concept; that they understand that the Commission may defer action on this application until the traffic impact study is responded to; that the U.S. Fish and Wildlife Service has advised them that there are no endangered species on the site; that the stormwater management facilities will meet or exceed all State and County requirements; that there is a small area of wetlands with a wooded buffer already existing on the site and that this area will be left undisturbed; that a Phase I Environmental Assessment has been performed on the site; that a Historic Resource Assessment was performed and that there were no historic resources found in the project area; that the site is not in an area considered to be a large recharge area; that stores and services are in close proximity to the site; that medical facilities and a hospital are in close proximity in Lewes; that the developer plans on contributing \$250.00 per settlement to the Lewes Volunteer Fire Department; that they have received a letter from the Cape Henlopen School District stating that there will be little to no impact on the School District by the creation of this project; that the project will have a positive impact on the economics of the area and the County; that the project is designed around large ponds with a loop road system, landscaped court yards and small enclaves of clusters of homes; that the ponds are proposed where existing drainage takes place on the farm; that the edges of the ponds will include parkways and seating areas; that the recreational area proposes two tennis courts and a swimming pool and related facilities; that there are 10 acres set aside for active recreation; that three (3) phases are anticipated; that the multi-family buildings contain 10 units in each building and that the units include garages; that the open space has been located to provide views of the large ponds by motorists; that the single family area includes 22-foot drive aisles; that street trees will be provided; that they propose a 30-foot wide landscaped buffer around the perimeter and a 60-foot setback from Route One with screening; that in response to the comments of the Citizens Coalition, Inc., the project conforms to the ideas for creating more livable and prosperous

communities concepts of the Booklet titled “Better Models for Development in Delaware” in that they propose to: conserve open space and scenic vistas; that it is an in-fill project; that they propose a livable community in close proximity to commercial and service areas; that the project includes mixed housing types with single family homes next to existing single family homes; that buffers are proposed; and that they are creating a walkable neighborhood with pathways and sidewalks that will help reduce vehicle trips; that the proposed entrance on Minos Conaway Road should be adequate since it will be a divided entrance where emergency vehicles can use either travelway for access to and from the site in emergencies; that relocating the entrance to create an intersection with an

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entrance to Mill Pond Acres may create a sight distance problem; that some of the stormwater management facilities consist of bio-swales which are low areas with grasses; the site is planned to be developed as a condominium which will have a homeowners association; and that the homeowners association will employ a maintenance service company to maintain the stormwater management facilities.

The Commission found that Mr. Fuqua submitted proposed condition of approval for consideration, and that Mr. Fuqua added that the Applicants have no objection if the Commission waits until September 15, 2004 for DelDOT comments or if the Commission decides to delay its decision is excess of 45 days.

The Commission found that Steve Hanner of Nesbitt’s Station, Mr. and Mrs. Tom Savage Of Edgewater Estates, and Jane Nicholson of Mill Pond Acres of the ten (10) parties present in opposition to the application expressed concerns about the proposed density, traffic, traffic accidents, the need for a traffic signal at Minos Conaway Road and Route One and Route 9; possible impacts on the School District; sewer capacity; water quantity and quality; phasing; maintenance of the ponds; disturbance of the wetlands; setbacks from wetlands; the entrance location; multi-family use in a single family residential area; the location of a future parkway; children safety; the impact on this size development on a local road; that the project is out of character with the area; concerns about Tidewater Utilities, Inc. ability to provide service and pressure for the water system; and that the project should be delayed until the Route One study is completed.

The Commission found that there were 2 parties present in support and 10 parties present 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. The record shall be left open until receipt of reports from DelDOT relating to the Traffic Impact Study until September 15, 2004.

Motion carried 4 – 0.

OTHER BUSINESS

Americana Bayside MR/RPC

Preliminary Site Plan – Phases 4, 5 and 8 – Route 54

Mr. Abbott advised the Commission that Phase 4 contains 25 townhouse units located in 5 different buildings with 5 units in each building; and 4, 12-plex buildings for a total of

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48 units; that all of these buildings have the minimum 40-foot separation distance between buildings; that 6 tennis courts, a swimming pool and pool house are proposed; that Phase 5 contains 30 patio homes, 8 village homes, 1 custom home, 33 townhouse units, and 1 building with 30 units for a total of 102 units; that Phase 8 contains 6 patio homes, 21 village homes, 1 custom home, and 26 courtyard homes (duplexes) for a total of 54 units; that each phase has the required parking; that the preliminary plan is the same as the approved master plan; that these phases are suitable for preliminary approval and that final approval is subject to the review and approval by the Commission upon receipt of all required agency approvals since this is a residential planned community.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a preliminary.

Motion carried 4 – 0.

Warren Truss Company

Commercial Site Plan – Road 584

Mr. Abbott advised the Commission that this site plan is for a one-story, 19,200 square foot warehouse with an attached 1,500 square foot, one-story office; that the site is zoned C-1 General Commercial; that ingress/egress to the site is off of an existing private subdivision street off of Road 584; that the setbacks meet the requirements of the zoning code; that 20 parking spaces are proposed and are located within the front yard setback and need a waiver from the Commission; that on-site septic and well are proposed; that the wetlands on the site will remain undisturbed; that the site is not located in a flood zone; that the site plan is suitable for preliminary approval; and that final approval could be subject to the staff receiving all required agency approvals.

Motion by Mr. Wheatley, 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 required agency approvals.

Motion carried 4 – 0.

Canal Point MR/RPC
CZ #1538 Preliminary Site Plan – Road 271

Mr. Abbott advised the Commission that this is a preliminary site plan for a residential planned community; that the approved ordinance permits a total of 617 units of which 310 single-family lots and 307 townhouse or multi-family units are permitted; there were 20 conditions of approval attached to the approved ordinance and are referenced on the site plan and have been addressed; that 294 single-family lots are proposed; that 115

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townhouse units are proposed; that there are 13 buildings with 7 units each and 4 buildings with 6 units each proposed; that 162 multi-family units are proposed; that there are 9 buildings with 18 units each proposed; that the total number of units proposed is 571; that the townhouse and multi-family buildings will be 3-stories each; that the maximum length of these buildings will be 160 feet; that all of the buildings have the minimum 40-foot separation distance between buildings; that the townhouse units will have an attached 2 car garage; that 831 parking spaces are required for the multi-family units and that 832 spaces are provided; that in the single-family section, the developers are requesting a front yard setback of 25-feet; that the side and rear yard setbacks will be 10-feet; that since the project is a residential planned community, the developer may request different setbacks for design ingenuity; that the proposed Senior Center is approximately 15,000 square feet and located on the minimum allowed 6.0-acre parcel; that 271 parking spaces are proposed for the Senior Center; that separate swimming pools and clubhouses are proposed for the multi-family and single-family sections; that central sewer will be provided by Sussex County and central water will be provided by the City of Rehoboth Beach; that the wetlands and flood plains have been delineated on the site plan; that the required landscaping plan has been submitted for review and approval; that the site plan is suitable for preliminary approval; and that final approval shall be subject to the review and approval by the Planning and Zoning Commission upon receipt of all required agency approvals since the project is a residential planned community.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary.

Motion carried 4 – 0.

Nardo Inc.
CU #1504 – Site Plan – Route9

Mr. Abbott advised the Commission that this is the preliminary site plan for offices and storage; that the Conditional Use was approved by the County on November 12, 2003 with 4 conditions; that a one-story, 7,200 square foot building, a one-story, 9,000 square foot building, and a one-story, 7,500 square foot building are proposed; that the total

square footage is 23,700 square feet; that 60% of the buildings will be used for offices with the remaining used for storage; that 72 parking spaces are required and that 74 spaces are proposed; that 3 loading spaces are required and provided; that the site will have on-site septic and water; that there are not any wetlands located on the site and the property is not located in a flood zone; that the site plan is suitable for preliminary approval and that final approval could be subject to the office receiving all required agency approvals.

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

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the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all required agency approvals.

Motion carried 4 – 0.

Lighthouse Plaza, Parcel D
Commercial Site Plan – Route One

Mr. Abbott advised the Commission that this is a commercial site plan for a 3-story building with a basement; that the site is zoned C-1 General Commercial; that the setbacks meet the requirements of the zoning code; that the parking meets the requirements of the zoning code; that central sewer and water already exist on the site; that all agency approvals have been received; that the proposed height of the building is 50-feet; that the maximum allowed height is 42-feet; that the applicant needs to revise the site plan or obtain a variance from the Board of Adjustment; and that final approval could be subject to the height issue being resolved.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to deny the site plan as submitted since the proposed height does not meet the requirements of the zoning code.

Motion carried 4 – 0.

Marvel Glass Company
CU #667 – Revised Site Plan – Road 470

Mr. Abbott advised the Commission that this is a request to add a 504 square foot (14 x 36) unattached shed for an existing glass company; that the setbacks meet the requirements of the zoning code; and that the Commission can approve the site plan as amended or require another conditional use application.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to approve the site plan as amended.

Motion carried 4 – 0.

Milford Grain

CU #183 – Revised Site Plan – Route 36

Mr. Abbott advised the Commission that this is a request to add another grain bin to an approved conditional use; that the setbacks meet the requirements of the zoning code; and that the Commission can approve the site plan as amended or require another conditional

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use application.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to approve the site plan as amended.

Motion carried 4 – 0.

William Barney

3 Lots and a 50' Right of Way – Road 88

Mr. Abbott advised the Commission that this is a concept to extend an existing 50-foot right of way and create 3 lots; that lot A will contain 0.95-acre and has an existing dwelling located on it, that lot B will contain 0.95-acre; and that lot C will contain 0.75-acre; that the 50-feet of frontage currently exist; and that if the Commission is favorable to this request, any further subdivision will require an application for a major subdivision.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the 3 lots and 50-foot right of way as a concept with the stipulation that any further subdivision will require an application for a major subdivision.

Motion carried 4 – 0.

Donald Downes

Lot on 50' Right of Way – Road 224

Mr. Abbott advised the Commission that this is a concept to create a 5.0-acre parcel with access from an existing 50-foot right of way; that there is a dirt lane within the existing right of way; that under the old policy of 3 lots and a 50-foot right of way, this would be the first parcel with access from the right of way; and that the Commission can approve this request as submitted or require an application for a major subdivision.

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

Motion carried 4 – 0.

Roschen Hill

Lot on 50' Right of Way – Route 13A

Mr. Abbott advised the Commission that this is a request to create a 0.80-acre lot with access off of an existing 50-foot right of way; that under the old policy of 3 lots and a 50-foot right of way, this would be the third lot; and that any further subdivision of the

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property will require an application for a major subdivision.

Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried unanimously to approve the lot as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision.

Motion carried 4 – 0.

Charles Guy

Lot and 50' Right of Way – Road 225

Mr. Abbott advised the Commission that this is a concept to create a 33,030 square foot lot and leave a 50-foot right of way to serve as access to the remaining 6.92 acre tract; that the right of way does not exist; and that the applicant should have to apply for a major subdivision application or obtain a variance from the Board of Adjustment.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to deny the request as submitted.

Motion carried 4 – 0.

Alfred and Vaughn Melson

CU #1488 – Time Extension – Road 357

Mr. Abbott advised the Commission that a request for a time extension has been received; that the application was approved for 143 multi-family units on June 3, 2003; that this is the first request for an extension; and that if the Commission grants an extension, it should be retroactive to the original approval date.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to grant a one-year time extension retroactive to the original approval date of June 3, 2003. The application is now valid until June 2, 2005.

Motion carried 4 – 0.

North Beach, L.L.C.
CU #1507 – Time Extension – Road 360

Mr. Abbott advised the Commission that a request for a time extension has been received; that the application was approved for 40 multi-family units on December 16, 2003; and that this is the first request for an extension.

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Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to approve a one-year time extension. The application is now valid until December 16, 2005.

Motion carried 4 – 0.

Country Grove
Subdivision #96 – 2 – Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on February 22, 1996; that the Commission granted time extensions on February 13, 1997, February 12, 1998, and February 11, 1999; that the Commission granted final record plan approval on August 12, 1999; that under the sunset provisions of the subdivision code, this project was to have been substantially under construction by August 17, 2004; that on December 18, 2003, the Commission approved a revised final record plan for a lesser number of lots; and that the applicants have submitted a letter detailing what has been done with the project.

It was the consensus of the Commission that the applicants can't obtain the necessary agency approvals; that the staff has not received any agency approvals for the revised plan; that the applicants do not seem to be in a hurry to commence this project; and that if the Commission were to grant an extension, it would set a precedence.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to deny this request.

Motion carried 4 – 0.

Meeting adjourned at 10:38 p.m.