



## *Planning & Zoning*

Agendas & Minutes

### MINUTES OF THE REGULAR MEETING OF OCTOBER 14, 2004

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 14, 2004 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Vice Chairman Wheatley presiding. The following members of the Commission were present: Mr. Gordy, Mr. Johnson and Mr. Wheatley with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director, and Mr. Abbott – Assistant Director.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as amended by deletion of Item #5 under Other Business.

Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried unanimously to approve the Minutes of September 16, 2004 and September 23, 2004 as circulated.

### OLD BUSINESS

C/U #1555 – application of **PAUL ROBINO AND ROBINO-SANIBEL VILLAGE, L.L.C.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwelling structures (122 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 15.29 acres, more or less, lying southeast of Route 54 (Lighthouse Road) and 100 feet northeast of Route 394.

The Commission discussed this application which has been deferred since September 16, 2004.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to defer action. Motion carried 3 – 0.

C/U #1563 – application of **GEORGE AND EDITH WANDA CANAKIS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a gift shop/art gallery to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 36,109 square feet, more or less, lying northwest of Route 9 (Savannah Road), 327 feet southwest of Ritter Road.

The Commission discussed this application which has been deferred since September 23, 2004.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to defer action since Mr. Allen was not present. Motion carried 3 – 0.

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Subdivision #2003-35 – application of **ELAINE A. MUNCY** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 73.78 acres into 25 lots, located northwest of Route 224, 550 feet northeast of Road 433.

Mr. Abbott advised the Commission that the final record plan is for 25 lots; that preliminary approval was granted on February 13, 2003; that a time extension was granted on February 26, 2004; that the final record plan is the same as the preliminary plan; and that all agency approvals have been obtained.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve this application as a final. Motion carried 3 – 0.

Subdivision #2003-01 – application of **DONALD COLLINS** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 27.65 acres into 28 lots, located west of Road 412, 1.703 feet south of Road 433.

Mr. Abbott advised the Commission that the final record plan is for 28 lots; that preliminary approval was granted on June 26, 2003; that a time extension was granted on June 24, 2004; that the final record plan is the same as the preliminary plan; and that all agency approvals have been obtained.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve this application as a final. Motion carried 3 – 0.

#### PUBLIC HEARINGS

Mr. Robertson described how the public hearings would be conducted.

Subdivision #2004-4 – application of **WILMA HOWETT** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 41.90 acres into 44 lots, and a variance from the maximum allowed cul-de-

sac length of 1,000 feet, located east and west of Road 258, 1,650 feet south of Delaware Route One.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on March 17, 2004 and that the report will be made a part of the record for this application.

Mr. Abbott advised the Commission that the applicants have submitted a revised preliminary plan that incorporates the recommendations of the Technical Advisory

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Committee; that the applicants have submitted an Exhibit Booklet that contains Site Data, Site Information, Water Service, Sanitary Sewer Service, Stormwater Management, and Appendices; and that letters of opposition have been received from Joseph R. Hudson, Joe Larrimore, Howard Teal, Andrew Mugno, Linda Larrimore, George Hindall, Garrett and Elaine Dernoga, Charles and Shirley McKeown, Dr. Barney Vincelette, and Joseph Melchiorre and that they all will be made a part of the record for this application.

The Commission found that John Tarburton; Attorney, Gary Cuppels; Engineer with ECI Corporation, and Tony Dougherty; Engineer with Traffic Planning and Design were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the site has been revised to comply with the recommendations of the Technical Advisory Committee; that the property on the east side has been sold to Joe Larrimore and is not a part of this application now; that the plan has been reduced to 39 lots instead of the 44 originally applied for; that a portion of the site has been taken out of the flight path for the airport; that the airport overlay zone will remain; that Wilma Howett is the developer and owner of the property; that the cul-de-sac has been revised to be under 1,000 feet and a variance is not needed now; that no wetlands are included within any lot lines; that sidewalks are proposed on one side of the streets; that the wetlands located near lot 15 will have a buffer and will be restricted so that there is no disturbance to the wetlands; that lots 14 and 16 are odd shaped lots; that there is farming in the area; that the development will have no adverse impact to traffic; that a central sewer and water system are proposed; that DNREC has approved the proposed septic design and submitted a letter of septic feasibility from DNREC; that the existing airport has been protected in the design of this project; that the project will not negatively impact the airport; that landscaping will be provided to enhance property values; that there will not be any impacts to the wetlands or flood plain; that the wooded areas will remain on the site; that there are not any historical features on the site; that buffers will be provided; that the project will not create any objectionable features; that the stormwater management system will meet the requirements of the State and County; that the project will enhance surrounding property values; that there will not be any negative impacts to area schools, transportation or roadways; that there are other developments in the area; that there will not be any effect on area waterways; that street lights are proposed and shown on the preliminary plan; that they are not aware of any

plans to donate money to the local fire department; that approximately 25 to 30 percent of the site is wooded; that there are not any State Tidal Wetlands on the site; that the developer will dedicate 60-feet of right of way to the State; that a traffic impact study has been performed and that the Level of Service "A" will remain as a result of this application; and that the restrictive covenants will include a paragraph for the existing adjoining airport.

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

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The Commission found that Mary Ann K. Ryan, Pete Reed, and Joe Melchiorre were present and spoke in opposition and referenced the location of the proposed sewer plant; that there are farming operations in the area; that traffic is bad in the area; drainage concerns into Beaver Dam; and that airplanes will be flying over the new dwellings.

Joe Larrimore advised the Commission that he has agreed to purchase the property on the east side and would like to withdraw his letter of opposition.

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

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to defer this application. Motion carried 3 – 0.

Subdivision #2004-5 – application of **RITTER FARM, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 218.45 acres into 225 lots, located northeast of Road 286 (Hopkins Road), 2,319.82 feet northwest of Road 285 (Beaver Dam Road).

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on March 17, 2004 and that the report will be made a part of the record for this application.

Mr. Abbott advised the Commission that the applicants submitted an Exhibit Book that contains the Project Team, Executive Summary, Site Data, Site Information, Utility Services, Stormwater Management / Nutrient Removal System, Appendices that contain Utility Commitment Letters, Boundary Survey and Legal Description, Preliminary Subdivision Plan, US Department of the Army Wetland Approval Letter, Cultural Resources Evaluation Report, Phase 1 Environmental Site Assessments and a Traffic Impact Study; that a letter has been received from Jim Fuqua, Attorney, in reference to supporting statements, and a letter from the Lewes Fire Department and that these items will be made a part of the record for this application.

The Commission found that James Fuqua; Attorney, and Frank Kea; Developer, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that 225 single family lots are proposed; that there is frontage on both Roads 285 and 286; that the proposed development is a low density single family development which is permitted; that a central sewer system is proposed; that the project complies with the Land Use Plan; that 20,000 square foot lots are proposed; that the density is 1 lot per acre; that Tidewater Utilities will provide central water; that a septic feasibility statement has been issued by DNREC; that telephone service will be provided by Verizon; that cable will be provided by Media Com; that electric will be provided by Conectiv; that private streets with streetlighting and side

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walks on both sides of the streets are proposed; that there will not be any adverse impacts to the Cape Henlopen School District; that the developer will comply with the request of the Lewes Fire Department; that there are other low density developments in the area; that there is a 50-foot buffer from the wetlands and Bundicks Branch; that large trees on the site will be preserved; that the development minimizes wildlife habitat; that the site's natural resources have been protected; that there are not any historical features on the site; that there are approximately 45 acres of open space not including ponds or buffers on the site; that a recreation and community center with standard amenities will be provided; that there will be a positive effect on neighboring property values; that the developer will comply with all recommendations made by DelDOT; that the land design features drove the density; that the developer could obtain more lots if the cluster ordinance were used; that the project complies with smart growth concepts; and submitted copies of the Land Use Plan, Subdivision and Zoning Codes, and proposed Findings of Fact and Conditions of approval and requested that the Commission defer action until DelDOT comments on the traffic impact study.

The Commission found that Jackie Ritter, seller, was present in support of this application.

The Commission found that no parties appeared 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 pending receipt of comments from DelDOT in reference to the traffic impact study.  
Motion carried 3 – 0.

C/U #1562 – application of **PATRICK SWIER, M.D.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a doctors office to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 3.601 acres, more or less, lying north of Route 9 (Savannah Road), 700 feet east of Ritter Road.

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 Office of State Planning Coordination, that the site is located in an Environmentally Sensitive Developing Area; that the State has no objections to this application; that if the owners intend to demolish the existing residence and build the doctors office, it is suggested that the new development be consistent with the surrounding area; that because there is a high probability for prehistoric and historic archaeological sites within the subject property, it

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is suggested that any new buildings stay as far away from the creek as possible; that site plans will be required to be submitted to the Fire Marshals Office; that an entrance permit will be required; that soils, wetlands, Total Maximum Daily Loads were referenced; and that the State strongly advocates the preservation of the existing natural forested buffer adjacent to Ebenezer Branch.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Johnston loam or silt loam; and Sassafras sandy loam and Sassafras loam; that the Johnston soils have severe limitations for development; that the Sassafras soils have slight limitations; that the Applicant will be required to follow recommended erosion and sediment control practices and to maintain vegetation; that the Johnston soils are considered Hydric; 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, based on comments received from the County Engineering Department Planning and Permits Division, that the site is located within the West Rehoboth Expansion Area; that capacity is available for an office building not to exceed 9,000 square feet following evaluation and possible upgrade of certain system components; that each parcel is currently served by one grinder pump and small diameter force mains designed to serve a single-family dwelling; that a letter is required from a licensed Delaware Professional Engineer stating that the existing grinder pump and grinder pump system is adequate for the proposed use and other parcels served by the same grinder pump system; that removal of existing grinder pumps and installation of a station and force main that is adequately sized for the proposed use maybe required; that the design and construction would be undertaken by the developer and approved by the County Engineer prior to a building permit being issued; that if the proposed building exceeds 9,000 square feet, it will be necessary for the developer to undertake a capacity evaluation of the downstream system to determine if there is adequate capacity; that additional upgrades could be required; that the current system connection charge rate is \$3,537.00 per EDU; and that conformity to the West Rehoboth Area Planning Study or undertaking an amendment will be required.

The Commission found that Mr. and Mrs. Patrick Swier were present with James Fuqua, Attorney, and stated in their presentations and in response to questions raised by the Commission that they propose to construct a doctors office; that their existing offices are currently directly across Route 9 from this site; that a two story building is proposed to contain 6,000 square feet with a future addition containing 1,000 square feet; that the site is presently two parcels; that Conditional Use applications were filled for both parcels for doctors offices and were rejected; that the Applicants are presently living in the dwelling on the site; that the two parcels will be combined into one buildable lot; that there will be no encroachments into setbacks; that the entrance is proposed to the westerly portion of

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the lot; that parking will be to the rear of the offices; that the offices are proposed to be setback 84 feet from the front and 60-feet or more from the westerly property line; that there is adequate space on the site for parking; that wetlands will be left in its natural state with conservation easements for non-disturbance; that they propose cedar siding with white or neutral trim; that the site will be landscaped; that they propose to erect a lighted ground sign similar to the existing sign on Dr. Swier's office across Route 9; that the site is located in the Environmentally Sensitive Developing Area and in close proximity to the Town Center Area around Lewes; that doctors office, a cemetery and a dwelling which is for sale exist to the east; that power lines, an electrical substation, doctors offices and dwellings exists across Route 9; that there are 17 Conditional Use or rezoning sites along Savannah Road: that the Beebe Hospital is in close proximity; that the site will be served by County sewer service and central water from the Town of Lewes; that DelDOT did not require a traffic impact study; that business hours are from 7:00 a.m. to 8:00 p.m.; that there will not be any Sunday hours; that the lighting on the parking lot may be on timers; that two associate partners may be hired in the future; that the State voiced no objections; that the use is similar to other uses in the area; that some Conditional Uses in the area are converted dwellings; that the site is across from an electrical substation and power lines and may not be conducive to residential use; that the Conditional Use will benefit the public health of residents in the County; and that they will have six employees.

The Commission found that Mr. Fuqua submitted some proposed conditions of approval for the Commissions review.

The Commission found that Barbara Hearn was present in opposition to this application and expressed concerns that she and her husband have owned the adjoining property for 6.5 years of which they spent 4 years renovating the dwelling; that they are opposed to lighting, the business hours, weekend activities, and the driveway location; that other Conditional Uses rejected on the site were rejected due to the size of the buildings proposed; that this building is larger than the other buildings proposed; and that the size of the building is out of character with the area.

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 3 – 0.

C/U #1591 – application of **LOUIS J. TRAVALINI, SR.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for model home display and offices to be located on a certain parcel of land lying and being in Baltimore Hundred,

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Sussex County, containing 1.02 acres, more or less, of a 2.90 acre tract, lying at the southwest corner of Route 26 and Road 346 near Clarksville.

Mr. Lank advised the Commission that this site had previously been considered for B-1 zoning; that the Commission had recommended that the rezoning be denied; and that if the Applicant had chosen to reapply for a Conditional Use the application fee could be waived.

The Commission found, based on comments received from DelDOT, that the Department had reviewed the site for the rezoning and commented that they would not require a traffic impact study; that they see rezoning of the site as encouraging more traffic in an area that has been identified as operating at unacceptable levels of service; and that the site is located in the Environmentally Sensitive Developing Areas of the State Strategies and the Comprehensive Plan Update.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand and Swamp; that the Evesboro soils have slight limitations for development; that the Swamp soils have severe limitations; that the Application will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the Evesboro soils are considered of Statewide Importance; that there are no storm flood hazard areas or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found, based on comments received from the Sussex County Engineering Department Planning and Permits Division, that the site is not located in a County operated or maintained sanitary sewer district; that the site is located within the Vines Creek Planning Area; and that the County currently has no schedule to serve the Vines Creek Planning Area.

The Commission found that Louis J. Travalini, Jr. was present and stated in his presentation and in response to questions raised by the Commission that he spoke to



William Brockenbrough of DelDOT and advised him that he would be reducing the size of the parcel by eliminating the wetlands from the application and that he would be applying for a Conditional Use, rather than a rezoning; that he heard no objections from DelDOT in reference to changing from a rezoning to a Conditional Use; that the wetlands were identified and the Conditional Use boundaries became the wetlands line reducing the application site to 1.02 acres; that the model home on Route 26 will be utilized as a model and as an office; that the model homes on Road 346 will be models; that he may convert the models to professional offices in the future; that the offices would be limited to professional offices, i.e. surveyor, consultant, realtor, attorney, etc., and not retail; that business hours would be from 9:00 a.m. to 5:00 p.m. seven days per week; that he would

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like to erect two 4' x 8' two-sided lighted signs on the premises; that he realizes that the site plan is only conceptual and may need corrections; and that three septic systems have been approved by DNREC for the site.

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. Gordy, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved since it will not create a negative impact on the area; since the model homes are compatible to the residential homes in the area; and with the following conditions:

- 1) The Conditional Use shall be limited to model homes or professional offices.
- 2) Business hours shall be from 9:00 a.m. to 7:00 p.m.
- 3) One 4' x 8' two-sided lighted sign may be erected along each road.
- 4) The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion carried 3 – 0.

C/U #1596 – application of **CAROLE A. LEVITSKY AND SARA TAMMANY** to consider the Conditional Use of land in a GR General Residential District for an office building to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 12,591 square feet, more or less, lying at the northwest corner of Route 273 (Hebron Road) and Burton Avenue, 650 feet north of Route One, and being Lots 2 and 3 within West Rehoboth Subdivision.

Mr. Lank advised the Commission that this site had previously been considered for C-1 zoning; that the Commission had recommended that the rezoning be approved; that the County Council rejected the rezoning; and that if the Applicant had chosen to reapply for a Conditional Use the application fee could be waived.

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

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Sassafras sandy loam which has slight limitations for development; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the Sassafras soils are considered Prime Farmland; that there are no storm flood hazard areas

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or tax ditches affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found, based on comments received from the Office of State Planning Coordination, that the site is located in the Environmentally Sensitive Developing Area according to the Comprehensive Plan Update; that the State has no objections to this application; that any expansion of natural gas or installation of a closed propane system must comply with Pipeline Safety guidelines; that a site plan shall be required to be submitted to the State Fire Marshal's Office; that an entrance permit will be required by DelDOT; that soils, ERES waters, and Total Maximum Daily Loads (TMDL) were referenced; that the project is proposed within the low nutrient reduction zone; and that in order for the Applicant to verify compliance with the TMDL mandate, a full nutrient accounting process known as nutrient budget should be prepared.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is located in the West Rehoboth Expansion Area; that the Planning Study assumption for the parcel is 2.0 EDUs reflecting one EDU for each existing lot; that if the proposed use is expected to exceed 2000 square feet of office space; additional information should be provided and a capacity review completed before approval; that the current system connection charge rate is \$3,537.00 per EDU; that one 6-inch lateral has been provided to each lot along Hebron Road; that the existing single-family dwelling on lot 2 was connected to the sewer system on November 18, 1996; that if the existing dwelling is to be removed, a disconnection permit and inspection is required prior to a building permit being approved; and that conformity to the West Rehoboth Planning Study or undertaking an amendment will be required.

The Commission found that Steve While, a partner with the Applicants, was present and stated in his presentation and in response to questions raised by the Commission that the site plan has been revised since the rezoning request; that the garage will be used for file storage since they have to retain all files for at least 5 years; that the only sign on the site will be on the front door; that security lighting will be installed with motion detectors; that the majority of their business comes by phone, FAX or e-mail; that privacy fencing

will be installed to the north and to the west; and that business hours are from 9:00 a.m. to 5:00 p.m. seven days per week.

The Commission found that Sara Tammany stated that the two buildings that exists on the site are in poor condition, and that they propose to erect a modular home designed building which should appreciate property values.

The Commission found that there were no parties present in support of or in opposition to this application.

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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 3 – 0.

#### OTHER BUSINESS

Canal Point MR/RPC  
Final Record Plan – Road 271

Mr. Abbott advised the Commission that this is the final record plan for a 571 unit residential planned community; that preliminary approval was granted on August 26, 2004; that the final record plan is the same as the preliminary plan; and that all final agency approvals have been obtained.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the record plan as a final.

Motion carried 3 – 0.

Mid – Atlantic Property Ventures, L.L.C.  
CU #1571 Site Plan – Route 24

Mr. Abbott advised the Commission that this is a site plan for a 2 – story, 9,474 square foot doctor's office; that the setbacks meet the requirements of the zoning code; that 24 parking spaces are required and 58 are proposed; that on-site water and septic are proposed; that there are not any wetlands on the site; that a landscape buffer has been provided as required by the approved ordinance; that the site plan complies with all conditions of approval; and that all agency approvals have been obtained.

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

Motion carried 3 – 0.

Atlantic Auction Co., Inc.  
CU #1518 Site Plan – Road 353

Mr. Abbott advised the Commission that this is a site plan for an office and mini storage facility; that 8 mini storage buildings are proposed; that the setbacks meet the

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requirements of the zoning code; that 25 parking spaces are provided; that 7 parking spaces are located within the front yard setback and need a waiver from the Commission; that the site plan complies with all of the conditions of approval; and that all agency approvals have been obtained.

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

Motion carried 3 – 0.

Stone Creek  
Commercial Site Plan – Road 482

Mr. Abbott advised the Commission that this is a commercial site plan for retail and warehouses; that a furniture store, a carpet store, and 18 warehouses are proposed; that the retail stores are 75' x 130' and the warehouses are 75' x 100'; that the project will be built in 5 phases; that the setbacks meet the requirements of the zoning code; that 103 parking spaces are required and 122 spaces are provided; that access to the site is off of Road 482; that there is no direct access to Route 13; and that all agency approvals have been obtained.

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

Motion carried 3 – 0.

Lawn Maintenance Services  
Commercial Site Plan – Road 273-C

This site plan was removed from the Agenda on October 12, 2004

Holly Lake Campground

Revised Site Plan – Route 24

Mr. Abbott advised the Commission that this is a request to add 15 cabins to an existing campground; that the cabins will be placed on existing camp sites; that 5 cabins will be 13' x 20' and 10 cabins will be 13' x 24'; that the cabins will not have restrooms or kitchens; and that the Commission approved 15 other cabins on May 13, 2004.

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

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Motion carried 3 – 0.

Elton and Donna Murray  
CU #1503 Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the application was approved on September 16, 2003 for a self storage facility; that the request was received on September 13, 2004; and that if the extension is granted, it should be retroactive to the original approval date.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve a one year time extension retroactive to the original approval date.

Motion carried 3 – 0.

Nardo, Inc.  
CU #1504 Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the application was approved on November 4, 2003 for a storage facility and office complex; that the Commission granted preliminary site plan approval on August 26, 2004; and that this is the first request for an extension.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve a one year time extension.

Motion carried 3 – 0.

George B. Slater  
Lot and 50' Easement – Road 553

Mr. Abbott advised the Commission that this is a concept to create a 1.0-acre lot with access from an existing 50-foot easement; and that the Commission can approve the lot as submitted or require a public hearing for a major subdivision.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve the 1.0-acre as submitted.

Motion carried 3 – 0.

Preserves at Iron's Landing MR/RPC  
Final Record Plan – Road 348

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Mr. Abbott advised the Commission that this is the final record plan for a 75-lot single family residential planned community; that preliminary approval was granted on June 24, 2004; that the final record plan is the same as the preliminary; and that all agency approvals have been obtained.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve the record plan as a final.

Motion carried 3 – 0.

Mr. Robertson advised the Commission that the Cugno/Reece application has been referred back to the Commission from Chancery Court and can be readvertised.

Mr. Robertson advised the Commission that the Gibson's have filed an appeal of the County Council decision to reject their Conditional Use application for three units.

Mr. Wheatley stated that the Commission extends good wishes and a speedy recovery to Mr. Allen.

Meeting adjourned at 10:03 p.m.