



## *Planning & Zoning*

### Agendas & Minutes

#### MINUTES OF THE SPECIAL MEETING OF NOVEMBER 9, 2005

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday afternoon, November 9, 2005 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Acting Chairman Wheatley presiding. The following members of the Commission were present: Mr. Gordy, Mr. Johnson, Mr. Smith, and Mr. Wheatley, with Miss Trifillis – Assistant County Attorney, Mr. Lank – Director, Mr. Abbott – Assistant Director, and Mr. Kautz – Land Use Planner.

Mr. Abbott advised the Commission that item number 14 under Other Business was removed from the agenda on November 8, 2005.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve the agenda as amended.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the Minutes of October 27, 2005 as circulated.

#### OLD BUSINESS

Subdivision #2004 – 30 - - application of **WILLIAM H. GRAVES** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 3.44 acres into 2 lots, located east of Road 48, 1,500 feet northeast of Road 297.

Mr. Abbott advised the Commission that this application received preliminary approval on August 11, 2005; that the record plan meets the requirements of the subdivision and zoning codes; 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 #2004 – 52 - - application of **HOLLAND MILLS DELAWARE, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill

Hundred, Sussex County, by dividing 68.29 acres into 136 lots (cluster development), located south of Road 260 (Walker Road), approximately 1 mile west of Road 258 (Hudson Road).

Mr. Abbott advised the Commission that this application has been deferred since September 22, 2005; that DNREC has indicated that the site is suitable for a community wastewater disposal treatment system; and that DelDOT has issued a letter of no objection in reference to the entrance location.

Minutes  
November 9, 2005  
Page 2

Mr. Johnson stated that he would not be participating in this discussion since he was absent when the public hearing was held.

Mr. Smith stated that he would move that the Commission grant preliminary approval of Subdivision #2004 – 52 for Holland Mills Delaware, L.L.C. based upon the record and for the following reasons:

1. The project is located with the AR-1 Development Area.
2. The development is designed in accordance with the Cluster Development Ordinance. The proposed Cluster design is superior to a standard subdivision with 24.06 acres of open space protecting forested areas on the site. Also, the items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed.
3. The applicant has proposed 136 lots within the project, which is less than the allowable density for an AR-1 subdivision on this land.
4. The project will not have an adverse impact on the neighboring properties or community. Along Road 260 (Walker Road) there are several projects on neighboring or adjacent parcels.
5. The Subdivision will include amenities such as the following: walking paths, community center, and a swimming pool.
6. Central water and sewer will be provided to the project by Tidewater Utilities.
7. The site's design has a minimal impact on wetlands and no wetlands are included within any lots.
8. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.
9. This motion for approval is subject to the following conditions:
  1. There shall be no more than 136 lots within the subdivision.
  2. The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, any buffers, storm water management facilities, and other common areas.
  3. The storm water management system shall meet or exceed the requirements of the State and County.

4. The use of a central community sewer system and storm water management system shall maximize ground water recharge and erosion and sediment control measures and shall comply with all State and County requirements.
5. All entrances shall comply with all of DelDOT's requirements.
6. Street lighting shall be provided, and the location of the streetlights shall be shown on the final site plan.
7. The Applicant shall maintain as many existing trees as possible. The undisturbed forested areas shall be shown on the Final Site Plan.

Minutes  
November 9, 2005  
Page 3

8. No wetlands shall be included within any lot lines.
9. A note on the final site plan shall clarify and notify all parties that the ongoing and future operating costs as pertaining to safe and efficient operation of the on-site wastewater treatment plant and facilities shall be the responsibility of Holland Mills and Anthem subdivisions.
10. The final site plan shall reflect at least 2 access areas to the multi-modal walking paths within the areas of lots 15 through 58.
11. The final site plan shall be subject to review and approval by the Commission.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried 3 votes to none, with Mr. Johnson not participating, to approve this application as a preliminary for the reasons, and with the conditions stated.

Motion carried 3 – 0 – 1.

Subdivision #2004 – 53 - - application of **ANTHEM DELAWARE, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 75.89 acres into 151 lots (cluster development), located north of Road 260 (Walker Road), approximately 1 mile west of Road 258 (Hudson Road).

Mr. Abbott advised the Commission that this application has been deferred since September 22, 2005; that DNREC has indicated that the site is suitable for a community wastewater treatment disposal system; and that DelDOT has issued a letter of no objection in reference to the entrance location.

Mr. Johnson stated that he would not be participating in this discussion since he was absent during the public hearing.

Mr. Smith stated that he would move that the Commission grant preliminary approval of Subdivision #2004 – 53 for Anthem Delaware, L.L.C. based upon the record and for the following reasons:

1. The project is located within the AR-1 Development Area.

2. The development is designed in accordance with the Cluster Development Ordinance. The proposed Cluster design is superior to a standard subdivision with 26.36 acres of open space protecting the forested areas on the site. Also, the items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed.
3. The applicant has proposed 151 lots within the project, which is less than the allowable density for an AR-1 subdivision on this land.

Minutes  
November 9, 2005  
Page 4

4. The project will not have an adverse impact on the neighboring properties or community. Along Road 260 (Walker Road) are several projects on neighboring or adjacent parcels.
5. The Subdivision will include amenities such as the following: walking paths, community center, and a swimming pool.
6. Central water and sewer will be provided to the project by Tidewater Utilities.
7. The site's design has a minimal impact on wetlands and no wetlands are included within any lots.
8. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.
9. This motion for approval is subject to the following conditions:
  1. There shall be no more than 151 lots within the subdivision.
  2. The Applicant shall cause to be formed a homeowners' association to be responsible for the maintenance of streets, roads, any buffers, storm water management facilities, and other common areas.
  3. The storm water management system shall meet or exceed the requirements of the State and County.
  4. The use of a central community sewer system and storm water management system shall maximize ground water recharge and erosion and sediment control measures and shall comply with all State and County requirements.
  5. All entrances shall comply with all of DelDOT's requirements.
  6. Street lighting shall be provided, and the location of the streetlights shall be shown on the final site plan.
  7. The Applicant shall maintain as many existing trees as possible. The undisturbed forested areas shall be shown on the final site plan.
  8. No wetlands shall be included within any lot lines.
  9. A note on the final site plan shall clarify and notify all parties that the ongoing and future operating costs as pertaining to safe and efficient operation of the on-site wastewater treatment plant and facilities shall be the responsibility of Holland Mills and Anthem Subdivisions.
  10. The final site plan shall reflect at least 2 access areas to the multi-modal walking paths within the areas of lots 17 through 138.
  11. The final site plan shall be subject to the review and approval of the Commission.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried 3 votes to none, with Mr. Johnson not participating, to approve this application as a preliminary for the reasons, and with the conditions stated.

Motion carried 3 – 0 – 1.

Minutes  
November 9, 2005  
Page 5

CU #1625 - - application of **SAMUEL S. CONNORS** to consider the Conditional Use of land in a GR General Residential District and an AR-1 Agricultural Residential District for the storage of power washing equipment, landscaping supplies, and land clearing equipment to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 3.162 acres, more or less, lying southwest of Road 285A (Jintown Road), 0.4 mile southeast of Road 285 (Beaver Dam Road).

The Commission referred back to this application, which was deferred on October 27, 2005.

Mr. Johnson stated that he would move that the Commission recommend approval of CU #1625, application of Samuel S. Connors, for the storage of power washing equipment, landscaping supplies, and land clearing and landscaping equipment based upon the record made at the public hearing and for the following reasons:

1. The proposed Conditional Use is generally similar to other uses in the vicinity of the property. At least One (1) other landscaping/lawn service business is located on the same road and appears to have been in business for some time.
2. The project, with the conditions and stipulations placed on it, will not have an adverse impact on the neighboring properties and community.
3. The operation of a landscaping and power washing business will not generate a significant increase in traffic or noise, since the majority of the work will be conducted off-site.
4. This recommendation for approval is subject to the following conditions and stipulations:
  1. All equipment, trucks, and supplies shall be stored inside the building to be constructed on site.
  2. There shall be no outside storage on the site.
  3. There will be no outside storage of plant material on the site other than the materials used on the site itself.
  4. There will be only one (1) unlighted sign on the premises that shall not exceed 32 square feet on each side.

5. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties.
6. The hours of operation of the business on this site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. There will be no Sunday hours.
7. No retail sales shall be conducted on or from the site.
8. The proposed building will be located at least 200 feet from the road frontage.
9. The site plan shall be subject to the approval of the Planning and Zoning Commission.

Minutes  
November 9, 2005  
Page 6

Motion by Mr. Johnson, seconded by Mr. Smith, and carried with 3 votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated.

Motion carried 3 – 1 with Mr. Wheatley opposing the motion.

CZ #1581 - - application of **GEORGE C. COVERDALE** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying northeast of Route One, 700 feet northerly of Road 265A (Old Mill Road), to be located on 40,000 square feet, more or less.

The Chairman referred back to this application, which has been deferred since October 27, 2005.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to defer action for further consideration.

Motion carried 4 – 0.

#### OTHER BUSINESS

Americana Bayside MR/RPC  
Amended Master Plan – Route 54

Mr. Abbott advised the Commission that the amended site plan is for the location of 32 dumpsters within Americana Bayside; that none of the dumpsters will be located within sixty feet of an exterior facing front yard; that the dumpster locations are primarily situated to serve the town homes and duplex areas and will be located within thirty feet of an interior side or rear yard; that the zoning code stipulates the height of screening fences for dumpsters by being a six-foot high sight tight fence or wall; that the Code does not specify if this is the maximum or minimum height; that the dumpsters that will be provided by Waste Management will be eight feet tall; that the developers are requesting

the height of the fencing to be ten feet in height; and that Mr. Lank can approve this height of fences.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to approve the Master Plan as amended.

Motion carried 4 – 0.

Minutes  
November 9, 2005  
Page 7

Bayshore Plaza II  
Parcel 4 Preliminary Site Plan – Route 24

Mr. Abbott advised the Commission that this is a preliminary site plan for 31,875 square feet of retail area located on 5.92 acres; that the site is zoned C-1; that one of the buildings is 9,375 square feet and the other is 22,500 square feet; that the setbacks meet the requirements of the zoning code; that 160 parking spaces are required and 253 spaces are proposed; that there are 11 spaces located in the front yard setback that would need a waiver from the Commission; that 6 loading spaces are provided; that cross access easements have been provided to the adjoining parcels; that access to this site is from Route 24; that Sussex County will provide central sewer and Tidewater Utilities will provide central water; that there are not any wetlands located on the site and the site is not located in a flood plain; that the site plan is suitable for preliminary approval; and that final approval could be subject to the staff receiving all agency approvals.

Pret Dyer was present on behalf of the item and advised the Commission that the parking spaces will serve two parcels that are adjacent to one another; that the subdivision was created due to financing; that the adjoining parcel is the subject of a pending special use exception for off-site parking; that the zoning ordinance prohibits parking in the front yard setback for home occupations; that parking in the front yard setback has not been an issue in the past; that he has sent a letter to Mr. Robertson for a legal opinion on the parking issue; and that the parcel is presently vacant.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to defer action for further consideration.

Motion carried 4 – 0.

84 Lumber  
CU #1601 Site Plan – Route 26

Mr. Abbott advised the Commission that this is a site plan for a wholesale building materials sales and storage facility located on 23.10 acres; that the County Council

approved this conditional use on August 16, 2005 with 17 conditions; that the 17 conditions are referenced on the site plan and all of them have been addressed; that a 10,000 square foot retail building, 2, 10,000 square foot storage buildings, and a 6,800 square foot storage shed are proposed; that the setbacks meet the requirements of the zoning code; that 31 parking spaces are provided; that on site sewer and water are proposed; that the site plan is suitable for preliminary approval and that final approval could be subject to the staff receiving all agency approvals.

Minutes  
November 9, 2005  
Page 8

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals.

Motion carried 4 – 0.

Sonic Drive In Restaurant  
Preliminary Site Plan – U.S. Route 13

Mr. Abbott advised the Commission that this is a site plan for a drive-in restaurant on 39,241 square feet; that the site is zoned C-1; that the setbacks meet the requirements of the zoning code; that the patron area contains 906 square feet; that 25 parking spaces are required and 33 spaces are provided; that there is no direct ingress/egress to U.S. Route 13; that access to the site is from an existing service road off of U.S. Route 13; that there are 12 parking spaces that are located within the front yard setback and need a waiver from the Commission; 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. Gordy, seconded by Mr. Smith, 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 and to approve the parking within the front yard setback since the adjoining sites have parking within the setback.

Motion carried 4 – 0.

Charles and Sandra Steele  
Preliminary Site Plan – Route One

Mr. Abbott advised the Commission that this is a preliminary site plan for a 1-story, 26,000 square foot retail building located on 2.44 acres; that the site is zoned C-1; that DelDOT has issued a letter of no objection for the entrance; that the existing entrance to the site from Route One is to be removed; that access to the site will be from a cross access easement from the Midway Shopping Center and Brian Drive; that the setbacks



meet the requirements of the zoning code; that 108 parking spaces are required and 111 spaces are provided; that there are 30 spaces located within the front yard setback and need a waiver from the Commission; that 3 loading are required and provided; that central sewer will be provided by Sussex County; that central water will be provided by Tidewater Utilities; that there are not any wetlands located on the site and 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 agency approvals.

Minutes  
November 9, 2005  
Page 9

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals and to approve the parking within the front yard setback since the adjoining sites have parking within the setback.

Motion carried 4 – 0.

Catholic Diocese St. Ann's Parish  
Preliminary Site Plan – Route 17

Mr. Abbott advised the Commission that this is a preliminary site plan for a 17,020 square foot church with future expansion buildings (social hall, administrative offices, and classrooms) located on 24 acres; that the site is zoned AR-1; that churches are permitted in all zoning districts; that 600 seats are proposed; that 150 parking spaces are required and 151 spaces are provided; that the setbacks meet the requirements of the zoning code; that on-site sewer and water are proposed; 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. Smith, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all agency approvals.

Motion carried 4 – 0.

Quality Upholstery and Canvas Shop  
CU #1579 Site Plan – Road 370

Mr. Abbott advised the Commission that this is a site plan for a canvas and upholstery shop located on 3.03 acres; that the County Council approved the Conditional Use on January 18, 2005 with 10 conditions; that the 10 conditions have been addressed and are referenced on the site plan; 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. Smith, 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 4 – 0.

Alan and Karen Bradley  
Preliminary Site Plan – U.S. Route 13A

Minutes  
November 9, 2005  
Page 10

Mr. Abbott advised the Commission that this is a preliminary site plan for a 4,800 square foot commercial building located on 40,562 square feet; that the site is zoned C-1; that the setbacks meet the requirements of the zoning code; that 14 parking spaces are proposed and that 12 spaces are located within the front yard setback and need a waiver from the Commission; that on-site sewer and water are proposed; 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. Gordy, seconded by Mr. Smith, 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 and to approve the parking within the front yard setback need to the shape of the parcel and the required setbacks.

Motion carried 4 – 0.

Thomas Ream  
Preliminary Site Plan – Route 9

Mr. Abbott advised the Commission that this is an amended site plan to convert warehouse units into commercial uses located on 0.96 acres; that the site is zoned C-1; that the setbacks meet the requirements of the zoning code; that the 3 existing buildings comprise 5,552 square feet; that 28 parking spaces are required and provided; that 11 spaces are located within the front yard setback and need a waiver from the Commission; 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. 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 and to approve the parking within the front yard setback since the adjoining sites have parking within the setback.

Motion carried 4 – 0.

R. Enterprises, Inc.  
4 Lots and a 50' Right of Way – U.S. Route 113

Mr. Abbott advised the Commission that this is a request to create 4 lots with access from a 50-foot right of way; that there is an old entrance with a culvert on the site; that an inspection of the site found a large tree in the middle of the proposed entrance; that an aerial photograph of the site shows that the site is wooded; and that this request should be required to go through the major subdivision process.

Minutes  
November 9, 2005  
Page 11

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to deny the request as submitted since there is not an existing road on the site and that the request is for 4 lots.

Motion carried 4 – 0.

Michael Purnell  
Parcel and a 50' Easement – Water Street Extended

Mr. Abbott advised the Commission that this is a request to create a 2.97-acre lot with access from a 50-foot easement; and that a public hearing for a major subdivision should be required since the easement is an extension of an existing street.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to deny the request as submitted and require an application for a major subdivision.

Motion carried 4 – 0.

Bryan Dattilo  
3 Lots and a 50' Right of Way – Ralph's Road

Mr. Abbott advised the Commission that this is a request to create 3 lots with access from a 50-foot right of way; that the right of way is being created; that an aerial photograph of the site does not show any land, road, etc.; and that an application for a major subdivision should be required.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to deny the request as submitted and require an application for a major subdivision.

Motion carried 4 – 0.

WDP Ventures, L.L.C.  
Lot and a 50' Right of Way – Road 285

Mr. Abbott advised the Commission that this is a request to create 2, 0.964 acre lots with access from an existing approved and recorded 50-foot right of way; that if the request is approved, it would be a total of 3 lots with access from the right of way; and that any further subdivision of the property will require an application for a major subdivision.

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

Minutes  
November 9, 2005  
Page 12

Motion carried 4 – 0.

Patrick Watts  
Parcel and a 50' Right of Way – Road 285

Mr. Abbott advised the Commission that this item was removed from the Agenda on November 8, 2005 since it was a part of the request in Item 13.

James A. and Ovida D. Martin  
3 Parcels and a 50' Right of Way – U.S. Route 13

Mr. Abbott advised the Commission that this is a request to create 3 parcels with access from a 50-foot right of way; that the owner proposes to create a 50-foot right of way over an existing paved driveway to serve as access to the proposed parcels; that the parcels would be 5.25 acres, 3.47 acres, and 4.29 acres; that the site is zoned C-1; and that if approved, any further subdivision of the property will require an application for a major subdivision.

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

Motion carried 4 – 0.

Lynette Daniels  
2 Lots on a 50' Right of Way – Route 30

Mr. Abbott advised the Commission that this is a request to create 2 lots with access from an existing 50-foot right of way; that the proposed lots would be 1.0 acres and 2.0 acres; that an aerial photograph of the site shows the existing right of way; and that if the request is approved, any further subdivision of the property will require an application for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the request as submitted with the stipulation that any further subdivision of the property will require an application for a major subdivision.

Motion carried 4 – 0.

Bill Riggs

3 Lots and a 50' Right of Way – Road 34

Minutes

November 9, 2005

Page 13

Mr. Abbott advised the Commission that this is a request to create 3 lots with access from a 50-foot right of way; that the owner proposes to widen an existing driveway to a 50-foot right of way; and that if the request is approved, any further subdivision of the property will require an application for a major subdivision.

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

Motion carried 4 – 0.

Sharon Hastings Davis

Lot on a 50' Right of Way – U.S. Route 13A

Mr. Abbott advised the Commission that this is a request to create a  $\frac{3}{4}$  acre lot with access from an existing 50-foot right of way; and that an aerial photograph of the site shows the existing right of way.

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

Motion carried 4 – 0.

Mary Catherine Hopkins

Parcel and a 50' Right of Way – Road 257

Mr. Abbott advised the Commission that this is a request to create a 2.0 acre parcel out of a 26 acre tract with access from a proposed 50-foot easement; that this request was denied by the Commission on October 20, 2005; that the request is on the agenda since the staff was advised that there is an existing old road that leads to the site; that an inspection was done and the staff did not find an existing road on this parcel; that an aerial photograph of the site shows that there is not an old road on this site and that the

site is entirely wooded; and that an application for a major subdivision should be required since the right of way is being created.

Mary Hopkins advised the Commission that the parcel is owned by her, her mother, and her son; that the proposed lot would be for her son; and that there is an old road that leads to the proposed site but it is located on other lands not owned by the applicant and that the owner of the land will not give them permission to use the road.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to defer action for further consideration.

Minutes  
November 9, 2005  
Page 14

Motion carried 4 – 0.

Elton and Donna Murray  
CU #1503 Time Extension

Mr. Abbott advised the Commission that this is a request for a one-year time extension; that the conditional use was approved on September 26, 2003 for a self storage facility; that the Commission granted a time extension on October 14, 2004; that if an extension is granted, it should be retroactive to the anniversary date of approval; and that this is the last request that the Commission has the authority to grant.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve a one-year time extension retroactive to the anniversary date of the approval. The extension is valid until October 14, 2006.

Motion carried 4 – 0.

Moor Disposal Service, Inc.  
CU #1530 Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the conditional use for a trash disposal business was approved on August 10, 2004; that Mr. Lank sent a letter dated October 8, 2005 voiding the application; that a revised entrance was approved by the Commission on December 9, 2004; that the adjoining site has a joint entrance with this site; that the same engineering firm is working on both sites; and that if an extension is approved, it should be retroactive to the anniversary of the approval date.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve a one-year time extension retroactive to the anniversary date of approval. The extension is valid until August 10, 2006.

Motion carried 4 – 0,

### ADDITIONAL BUSINESS

It was the consensus of the Commission to hold a special meeting for Old Business and Other Business items only on November 30, 2005 at 3:00 p.m. The Commission will only meet twice in December.

Meeting adjourned at 4:25 p.m.