



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF APRIL 6, 2006

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, April 6, 2006 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Wheatley, Mr. Gordy, Mr. Johnson, and Mr. Smith with Mr. Robertson – Assistant County Attorney, Mr. Abbott – Assistant Director, and Mr. Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as circulated. Motion carried 4 – 0.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of March 23, 2006 as circulated.

PUBLIC HEARINGS

Subdivision #2005 – 27 – application of **BURCAP PARTNERS** to consider the subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 29.37 acres into 30 lots, located at the southeast corner of the intersection of Route 5 and Road 234B.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on August 17, 2005 and that the report will be made a part of the record for this application.

The Commission found that Jeff Clark of Land Tech Land Planning and Bob Burns; one of the developers, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the project is a standard agricultural residential subdivision containing 30, 0.75-acre lots; that the site is located west of Route One and Route 5; that there are several single family residential subdivisions including Starlight Meadows and Waples Acres in the immediate area; that the site contains 29.37 acres; that the site is cleared and wood lands; that approximately 1/3 of the site is cleared; that the site is adjacent to a Delmarva Power line easement; that the site falls towards Deep Branch; that the streets will be private and built to Sussex

County specifications; that the street terminates with a "T" turn-around; that the storm water management facility will be located adjacent to Deep Branch; that the wetlands have been delineated and no wetlands exist on any individual lot; that the drainage will follow the contour of the land; that there are single-family homes in the immediate area; that tree removal will be minimal; that the wetlands will remain undisturbed; that none of the dwellings will be built in a flood zone; that there are no none historical features on the site; that the existing dwelling on the site will be relocated; that scenic views will be created for lots 15 through 18 along Deep Branch; that there is a forested buffer along lots 1 through 7; that individual on-site wells and septic are proposed; that the storm

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water management facility will comply with the regulations of the Sussex Conservation District; that the entrance will comply with DelDOT regulations; that sidewalks are not proposed due to the size of the lots; that the residents will be able to walk along the shoulders in the grassed area; that the project will not cause any negative impacts to the area; that the site is not economically feasible to farm; that subdivisions of this size typically average about 12 school-aged children; that the project will not cause any negative impacts to traffic; that there will not be any negative impacts to Deep Branch; that the developers will comply with the recommendations of the Technical Advisory Committee; that a forested buffer will be provided along the western property line adjacent to the agricultural field; that at this time there is no provisions for a bus stop; that the proposed common area at the front of the project could be used for a bus stop; that since the lots are greater than 0.65-acres, no community or recreational features are proposed; that approximately 20 acres of the site is wooded; that the dwellings will be stick built and start in the \$300,000.00 price range; that the developers are finalizing the restrictive covenants and will submit them for review and approval; that the Sussex Conservation District will require check dams in the storm water management design; that the storm water management system will be maintained by the homeowners' association and that the restrictive covenants will require that a professional be hired to maintain the system; and that most of the vehicles in the development will utilize Route One.

Mr. Burton entered the meeting.

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

The Commission found that Suzanne Pierson and Jim Reed; area residents, were present in opposition to this application and advised the Commission that the project will cause environmental impacts to ground water; increase traffic in the area; have negative impacts to the wildlife habitat in the area; that the proposed buffers are not wide enough; that there would be negative impacts to the school district; that the area floods and there will be run-off problems; that a paving company exist in the area and that new residents will complain about truck traffic.

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

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried 4 votes to none, with Mr. Burton not voting, to defer action pending receipt of a septic feasibility statement from DNREC. Motion carried 4 – 0 – 1.

Subdivision #2005 – 28 – application of **JOHN W. ALLEN** to consider the subdivision of land in an AR-1 Agricultural Residential District in Seaford Hundred, Sussex County,

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by dividing 23.66 acres into 5 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located north of Road 77, 650 feet east of Road 540.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on August 17, 2005 and that the report will be made a part of the record for this application; and that a letter was received from George Quillen questioning who the developer is; questioning the accuracy of the property markers; possible wetland issues; and a drainage ditch running across the property.

The Commission found that John Allen was present and stated in his presentation and in response to questions raised by the Commission that 5 parcels are proposed; that parcels A, B, C and the residual lands will be given to family members and will remain in agricultural use; that parcel D is being sold to pay off debts of his grandmother's estate; that DNREC has issued a septic approval for parcel D; that parcels A and B have an existing entrance off of Road 77; that the proposed right of way will serve as access for lot D and the remaining residual lands; that the applicant's family will also use the new road; that they have no plans for any further subdivision of the land and that it will remain farmland and wooded for hunting purposes; that the survey markers are in place; that a stick built home will be required on parcel D; and that DNREC has approved a sand mound system for parcel D.

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

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

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2005 – 28 for John W. Allen based upon the record and for the following reasons:

1. The proposed subdivision is for only 5 lots. Only one of the lots is proposed to be developed and the other 4 lots are for the applicant's family.
2. The proposed subdivision will have no adverse impact on neighboring properties.

3. The lot that will be built on is suitable for an on-site septic system.
4. The items in Section 99-9C will not be adversely affected.
5. This preliminary approval is subject to the following conditions:
 - a. Restrictive covenants will be established to govern the maintenance of the road, and any other common areas.
 - b. That the restrictive covenants contain the following statement:

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“ This property is in the vicinity of lands used by hunters. It is anticipated that such hunting uses may now or in the future involve or cause noise. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal use.”

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to approve this application as a preliminary, for the reasons, and with the conditions stated. Motion carried 5 – 0.

Subdivision #2005 – 30 – application of **SALVATORE CANGIANO** to consider the subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 81.05 acres into 60 lots, located west of Road 258, 1,250 feet northwest of Road 264.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on August 17, 2005 and that the report will be made a part of the record for this application; that the applicant’s attorney has submitted a septic feasibility statement from DNREC indicating that the site is suitable for individual on-site septic systems; that the applicant’s attorney submitted an Exhibit Booklet with a revised preliminary plan on April 3, 2006 and that the booklet and revised preliminary plan will be made a part of the record for this application; and that letters in opposition to this application have been received from Garrett and Elaine Dernoga, John D. Floyd, Jr., Linda D. Larrimore, and Joseph K. Larrimore and that the letters will be made a part of the record.

The Commission found that Jim Fuqua; Attorney, Ramesh Batta; Surveyor, and Steve Rayne with Ramesh Batta Associates, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the applicant is requesting preliminary approval to create a 60-lot single family subdivision on agricultural residential lands; that the property is located on the west side of Hudson Road and north of Eagles Crest Road; that the proposed project consists of 2 parcels; that the property contains 81.05 acres and is zoned AR-1; that the proposed lots have an average size of 0.84 acres; that 22.84 acres of the site will be open space which

will be active and passive recreation area; that the site contains 7.90 acres of wetlands; that a 50-foot wide riparian buffer is provided from the federal wetlands; that the project was designed to provide open space, which will not only protect the wetlands but also the natural habitat that lives in the wetlands and wooded areas; that a 30-foot forested buffer to separate residential from agricultural uses is not required as there are no agricultural operations adjacent to the property; that there are several dwellings adjacent to the northern property line which is heavily wooded and Cripple Creek Development borders the southern property line; that to assure a satisfactory screen between the community and unforeseen changes in land use to the north, a natural 30-foot buffer will be retained;

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That amenities and recreational areas are located for convenient access to the property owners and will promote a sense of community for the residents; that a natural open space and recreational area that are isolated from the adjacent developments; that active recreational area may include such items as a gazebo, park benches, basketball or multi-purpose court and tot lot; that street lighting will be provided; that the storm water management system will meet and exceed State and County requirements and will utilize Best Management Practices; that green technologies will be used to control run-off; that bio-retention swales will be used for quantity and quality for storm water management controls; that the streets will be private and built to Sussex County specifications; that the streets will be maintained by a homeowners' association; that on-site septic will be used; that Artesian Water Company will provide central water to the site; that fire protection is provided by the Milton Fire Department; that Verizon will provide telephone service; that electric will be supplied by Delaware Electric Cooperative; that DelDOT did not require a traffic impact study; that the site is located in the Cape Henlopen School District; that the wetlands have been delineated and will remain undisturbed; that no lots will contain any wetlands; that there is a small cemetery located between lots 32 and 33 that will be preserved and maintained and access will be provided to; that there will be a 15-foot to 20-foot landscaped buffer between the lots and Hudson Road; that a bus stop could be placed along the entrance if required to do so; that the proposed density is 0.74 lots per acre; that the recreational area is located between Anchor Way and Nautical Way; that walking trails will be provided; that a homeowners' association will be established and dues will be collected for the maintenance of streets, common areas, buffers and storm water management facilities; that an architectural review committee will be established; that the developer will maintain and preserve as many trees as possible; that the project is in character with the area; that there are other developments along Hudson Road and Eagle Crest Road; that approximately 29 acres of trees will be preserved; that 28 percent of the site is open space; that no objectionable features are proposed; that the entrance will comply with DelDOT's requirements; that the project will increase property values in the area; that the project will be sold as lot/home packages; that there are no negative impacts to farming; that there will be a deed disclosure notice referencing the Eagle Crest Airport; that the recreation area will have limited parking for vehicles; that the project has been submitted for PLUS review and is scheduled to be reviewed on May 3, 2006; that a

landscaped buffer could be provided along lots 43, 44 and 45; and submitted a map of the area, proposed findings for approval, and proposed conditions of approval.

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

The Commission found that Wayne Keller, Serinda Connor, and George Horneck, area residents, were present in opposition to this application and advised the Commission that they have concerns about the width of the proposed buffers; that most of the lots in the area are greater than an acre in size; that the project will result in a loss of wildlife in the area; that larger lots should be required; that there will be problems with traffic on

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Hudson Road; that there are no shoulders on the roads; that the project should be redesigned; that the trees in the area should be preserved; that the preliminary plan needs to show where the central water system and hydrants will be located; and that Mrs. Connor read and submitted 2 letters into the record.

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

Motion by Mr. Burton, seconded by Mr. Gordy, and carried unanimously to defer action and to leave the record open for 2 weeks after receipt of the PLUS comments. Motion carried 5 – 0.

Subdivision #2005 – 31 – application of **KOLLOCK FARMS, INC.** to consider the subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 51.22 acres into 43 lots, located northwest of Road 333, 825 feet northeast of Road 264.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on August 17, 2005 and that the report will be made a part of the record for this application; and that a letter has been received from Thoro-Goods Concrete Co., Inc. expressing concerns that future property owners are aware that they operate an industrial use on the adjoining parcel and would like for the Commission to require a deed disclosure notice that they operate an industrial use on their property.

The Commission found that John Murray of Kercher Engineering and Joe Kollock, Developer were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the site contains 51.22 acres; that 43, $\frac{3}{4}$ acre lots are proposed; that the average lot size is 0.84 acres; that the site is located on the west side of Road 333 north of Road 334; that on-site wells and septic are proposed; that there are 6.32 acres of wetlands along Wharton's Branch, that there are not any wetlands on the individual lots; that storm water management will clean the run-off before it enters Wharton's Branch; that a 15-foot multi-modal path will be dedicated along the frontage on Road 333; that a landscaped buffer will be created along the

boundary line with the Thoro-Goods Concrete site; that they will include a deed restriction requested by the Thoro-Goods; that the site is adjacent to the Town of Millsboro lands; that the site is located in a study area for central sewer and water; that the site is located in a Town Center Area and Developing Area; that restrictive covenants will be submitted for review and approval; that the minimum lot width and depth is 100 feet; that the streets will be private and built to Sussex County specifications; that no central infrastructure is available to the site; that there are not any plans for sidewalks and streetlights; that a mulch or gravel walking trail could be provided; that the lots will be offered to home builders and start in the \$250,000.00 to \$300,000.00 price range; that growth is occurring in the Millsboro and Dagsboro areas; that the soils report has been

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submitted to DNREC and that they are awaiting the septic feasibility statement; that the site should be able to handle standard and LPP systems; that the applicants did not consider the cluster option since they prefer the larger size lots; that the site cannot be annexed into Millsboro since the branch separates the site and the Town Limits; that the wetlands have been delineated and that they are awaiting a jurisdictional determination from the Corps of Engineers.

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

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

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to defer action pending receipt of a septic feasibility statement from DNREC and for further consideration. Motion carried 5 – 0.

CU #1646 – application of **CAROLYN A. DESILVA** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a small business selling antiques and gifts to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 1.49 acres, more or less, lying south of Route 18, 300 feet east of Road 521.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not required.

The Commission found, based on comments received from the Sussex Conservation District, that the soils mapped on-site are Evesboro loamy sand, Fallington sandy loam, Klej loamy sand, and Pocomoke sandy loam; that the suitability of the soils for the intended use range from slight to severe; that with respect to erosion and sedimentation control, the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after any construction; that the farmland rating of the soils are of Statewide Importance; that no

storm flood hazard area is affected; that it will not be necessary for any off-site or on-site drainage improvements; that no tax ditch is affected; and that all landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right of ways along tax ditches.

The Commission found that Carolyn DeSilva was present on behalf of this application and stated in her presentation and in response to questions raised by the Commission that no additional construction or buildings are proposed; that there are not any deliveries to the site; that she sells antiques and small gifts from the outbuildings located on the site; that she would like to be open 7 days per week from 9 a.m to 6 p.m.; that some hours are

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by appointment; that she would like a 2-sided illuminated sign; that a dumpster is not needed on the site; that there is not any outside storage for goods; that there are not any outside displays; that she sells antiques and small gifts; that she is the only employee and there is no need for any additional employees; that the antiques are displayed in the 2 sheds and garage; that there is no striping of antiques done on the site; and that there are no plans for any public auctions.

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

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

Mr. Smith stated that he would move that the Commission recommend approval of CU #1646 for Carolyn DeSilva based upon the record and for the following reasons:

1. The nature of the business is of a semi public nature that will be beneficial to the general welfare of the County.
2. This recommendation of approval is subject to the following conditions:
 - a. The hours of operation shall be limited to 9 a.m. to 6 p.m., seven days per week.
 - b. Only one illuminated sign, not to exceed 32 square feet per side, may be permitted on the site.
 - c. No employees other than the applicant shall be permitted.
 - d. No public auctions shall be permitted on the site.
 - e. There shall be no dumpster on the site.
 - f. There shall be no outside storage or displays permitted.
 - g. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

CU #1647 - - application of **BDP INVESTMENTS, L.L.C.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a warehouse facility to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 10.0 acres, more or less, lying southeast of Route 9, 960 feet southwest of Route 329 and Route 46.

Mr. Abbott advised the Commission that the applicant's attorney submitted an Exhibit Booklet containing Nature of the Area – Aerial and Tax Map, Photos of the Area,

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DelDOT – No TIS Letter, DNREC – On-site septic approval, and a Site Plan and that the booklet will be made a part of the record; and that letters in opposition to this application were received from Ronald and Melissa Williamson, John E. Tarburton, and Lee and Phyllis Waterman and that the letters will be made a part of the record for this application.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not required.

The Commission found, based on comments received from the Sussex Conservation District, that the soils mapped on site are Berryland loamy sand, Fallingston sandy loam and Pocomoke sandy loam; that the suitability of the soils for the intended use are severe; that with respect to erosion and sedimentation control the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after completion of any construction; that the farmland rating of the soils are Hydric, of Statewide Importance, and Prime Farmland; that no storm flood hazard area is affected; that it will be necessary for off-site and on-site drainage improvements; that there may be regulated wetlands on the site; that the applicants need to verify this with the Army Corps of Engineers and State Agencies; and that there is a mitigation site on this parcel.

The Commission found, based on comments received from the DNREC, that the Department has reviewed and advertised a request for a Formal Variance for the site; that the advertisement period expired as of close of business on April 11, 2005; that the Department has received no objections; that the Department has approved the request to allow an on-site wastewater treatment and disposal system to be installed on soils that do not meet the limiting zoning requirements of the current regulations; and that the system will serve a warehouse and will have a design flow rate limited of 480 gallons per day.

The Commission found that Tim Willard; Attorney, and Ken Towers were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the proposed warehouses are for an insulation business; that the insulation business serves new single family and poultry construction in the Delmarva region; that the site is located on Route 9 west of Road 329; that the area contains agricultural lands, a sporting goods store, a home occupation, a high school, single family homes, and a church; that DelDOT did not require a traffic impact study; that DNREC has approved the septic system for the site; that the applicants own an insulation business; that they currently have 24 service trucks; that they have approximately 60 employees; that the service trucks will be parked behind the warehouses; that 2 60-foot by 160-foot warehouses are proposed; that the service vehicles are similar to box trucks; that the employees arrive at the site to pick up the supplies and leave in the service trucks; that the hours of operation are from 6 a.m. to 6 p.m.; that there

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is usually one delivery per day at the site; that the deliveries are by tractor trailers; that there are not any weekend deliveries; that there are no weekend hours; that the fiberglass insulation is packaged in air tight bags; that there is no storage of chemicals, contaminants; or other hazardous materials; that this application is not for a change of zone; that the proposed use services the agricultural industry; that the applicants have tried to address the neighbors concerns; that there is a new traffic light in the area that helps control traffic; that the applicants bought the site two years ago; that the site is a central location; that there is no outside storage of any materials; that there is no retail sales at the site; that the parking in front of the warehouses is for employees and builders who drop off blueprints for estimates; that the applicants would like to have a sign erected on the site and on the building; that approximately 75% of their work is done in Sussex County; that a fence will be erected on the east side of the property line; that the adjoining parcel is a rental unit; that the proposed warehouses are 9,600 square feet; that the area in the front will be landscaped; that no buffers are required; that no parking will be allowed in the front yard setback and that the site plan will be revised; that 90% of the refuse is left at the job site; that the applicants will have a small dumpster; that the remaining land will be undisturbed; that the septic area will be in the cleared area; that the site is not farmed; that no odors are anticipated; that no further expansion is proposed; that the applicants consider building in the industrial park but they would not own the property; and submitted a brochure and proposed conditions of approval.

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

The Commission found that John Tarburton; Attorney representing Ronald and Melissa Williamson, Melissa Williamson, Robert Turpin, Jeff Clausen, Virginia Williams and Phyllis Waterman were present in opposition to this application and advised the Commission that the area is rural; that the proposed use is out of character with the area; that the use will create more traffic in an already bad area; that the property owners do not want warehouses next to their dwellings; that the use will cause noise and odors; that

they are concerned about the large septic system; that there will be numerous deliveries of materials; that the use could set a precedence for the area for more commercial uses; that truck traffic will cause safety concerns for children and school buses in the area; that the proposed use will negatively affect property values; that the septic system could negatively affect the ground water in the area; and that the site should stay residential.

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

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

CU #1648 - - application of **TERRI L. MARTIN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for retail sales of birds, supplies, and

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related items to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.17 acres, more or less, lying south of Route 9, 0.5 mile east of Route 5 at Harbeson.

The Commission found, based on comments received from DelDOT, that a traffic impact study is not required, however they see this conditional use application as encouraging more traffic in an area they have identified as operating at unacceptable levels of service; and that this segment of Route 9 (from Road 261 to State Route 5) operates at level of service E during the summer peak hour.

The Commission found, based on comments received from the Sussex Conservation District, that the soils mapped on site are Rumford loamy sand; that the suitability of the soil for the intended use has slight limitations; that with respect to erosion and sedimentation control, the applicant will be required to follow recommended erosion and sediment control practices and to maintain vegetation after completion of any construction; that the farmland rating of the soil is of Statewide Importance; that no storm flood hazard area is affected; that it may not be necessary for any off-site or on-site drainage improvements; and that no tax ditch is affected.

The Commission found that Terri Martin was present on behalf of this application and stated in her presentation and in response to questions raised by the Commission that she resides on the adjoining parcel; that the site was originally approved as a conditional use for antique sales; that she was not aware that she needed a conditional use for the retail sale of birds and supplies; that a zoning inspector advised her that she was in violation of the zoning code; that the hours of operation are from 10 a.m. to 6 p.m. seven days per week; that she would like an illuminated sign; that the building has existing security lights that do not impact Route 9 or adjoining properties; that she sells birds, supplies such as cages, food, and toys; that the use will not cause any negative impacts to traffic;

that no additional construction is proposed; that there is a 6 cubic yard dumpster on the site; that she also performs bird grooming; and that there is no toxic waste.

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

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

Mr. Johnson stated that he would move that the Commission recommend approval of CU #1648 for Terri L. Martin to operate retail sales of birds, supplies and related items and services to birds based on the record made at the public hearing and for the following reasons:

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1. The proposed conditional use is generally similar to other uses in the vicinity of the property.
2. The project, with the conditions and stipulations places upon it, will not have an adverse impact on the neighboring properties or community.
3. The operation of retail sales of birds and related items and services will not generate a significant increase in traffic or noise.
4. This recommendation for approval is subject to the following conditions and stipulations:
 - a. There will only be one illuminated sign on the premises that shall not exceed 32 square feet on each side.
 - b. Any security lights shall only be installed on the building and shall be screened so that they do not shine on neighboring properties or towards Route 9.
 - c. No outside storage shall be allowed on the premises.
 - d. The hours of operation for the business on this site shall be limited to 10 a.m. to 6 p.m. seven days per week.
 - e. There shall be no unrelated sales on the site such as barbeques.
 - f. The 6 cubic yard dumpster shall be screened from Route 9 and neighboring properties.
 - g. The site plan shall be subject to approval of the Planning and Zoning Commission.

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

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to recess the regular meeting and go into Executive Session for the purpose of discussing pending litigation. Motion carried 5 – 0.

9:35 p.m.

An Executive Session was held for the purpose of discussing pending litigation.

9:55 p.m.

Motion by Mr. Smith, seconded by Mr. Gordy, and carried unanimously to return to the regular meeting. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith, and carried unanimously to adjourn. Motion carried 5 – 0.

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Meeting adjourned at 10:00 p.m.