

MINUTES OF THE REGULAR MEETING OF MAY 10, 2018

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, May 10, 2018 in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Ross presiding. The following members of the Commission were present: Mr. Martin Ross, Ms. Kim Hoey-Stevenson, Mr. Doug Hudson, Mr. Keller Hopkins, Mr. Robert Wheatley, with Mr. Vince Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mr. Jamie Whitehouse - Planner III, and Samantha Bulkilvish – Planner I.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the Agenda as amended. Motion carried 5-0.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to approve the Minutes for April 26, 2018 as submitted. Motion carried 5-0.

OLD BUSINESS

2018-2 Outer Banks North & Outer Banks South – Edge Marine, LLC

This is a cluster subdivision to divide 32.68 +/- acres into 49 single family lots to be located on a certain parcel of land lying and being in Lewes and Rehoboth River Hundred, Sussex County. The property is lying on the southwest corner of intersection Jimtown Road and Robinsonville Road. Tax Parcel: 334-11.00-5.02 and 334-11.00-5.03 Zoning District. AR-1 (Agricultural Residential District).

The Planning Commission discussed the application which had been deferred since April 26, 2018.

Mr. Wheatley moved that the Commission grant Preliminary Approval for Subdivision 2018-2 for EDGE MARINE, LLC based upon the record made during the Public Hearing and for the following reasons:

1. This subdivision is the location of a previously approved subdivision and an equestrian center. Both of those prior approvals have expired.
2. The Applicant is seeking approval of a subdivision within the Environmentally Sensitive Developing Area and the AR-1 Zoning District. Minimum lot sizes are 7,500 square feet. The Applicant is seeking clustered lots with a minimum area 10,000 square feet.
3. The proposed subdivision will have no more than 49 lots on approximately 32.677 acres. This results in a density that is well within the maximum density permitted in the AR-1 zone for a project within the Environmentally Sensitive Developing Area.
4. This subdivision will not have a significant impact on the neighboring properties or area roadways.
5. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the applicant has addressed the requirements of Section 99-9C of the Code.
6. The project will be served by central water and sewer.
7. The development complies with the Sussex County Comprehensive Plan as a low density, single family dwelling subdivision.
8. The development will not impact any wetlands and a 30 foot buffer is provided between

- non-tidal wetland lines and any lot lines.
9. The development will include approximately 16.48 acres of open space. Part of this open space includes 7.38 acres of wetlands and the buffers that the applicant is installing around the wetland areas.
 10. The subdivision consists of two separate areas of uplands. They will be connected by a walking and bike path.
 11. No parties appeared in opposition to this application.
 12. This preliminary approval is subject to the following:
 - A. There shall be no more than 49 lots within the subdivision.
 - B. The developer shall establish a homeowner's association responsible for the maintenance of streets, roads, buffers, stormwater management facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - D. A forested or landscaped buffer of at least 30 feet in depth shall be installed along the entire perimeter of the project. The Final Site Plan shall contain a landscaped plan for all of these areas.
 - E. As stated by the applicant, there shall be a wetland buffer of at least 30 feet from all non-tidal wetlands. The required 50 foot buffer from all tidal wetlands and perennial streams shall also be met or exceeded in all cases.
 - F. The subdivision shall be served by Sussex County for sewer service.
 - G. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
 - H. Street design shall meet or exceed Sussex County standards.
 - I. The development shall be served by on-site active amenities such as a pool and pool house with restroom facilities. The developer shall complete all amenities prior to the issuance of the 25th residential building permit.
 - J. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - K. Deliveries of dirt, fill or other similar materials shall only be made to or from the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday.
 - L. The Final Site Plan shall indicate all forested area that will be preserved.
 - M. Kitty Hawk Drive shall be stubbed to the western boundary line for possible future interconnection.
 - N. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
 - O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Wheatley, seconded by Mr. Hopkins and carried unanimously to grant Preliminary Approval with Final Site Plan approval by Planning and Zoning Commission. Motion carried 5-0.

C/U #2124 Jeri Berc

This is an Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an Agricultural Educational Facility with Commercial Kitchen to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing

3.9785 acres, more or less. The property is lying on the west side of Hudson Road approximately 400 feet south of Eagles Crest Road. 911 Address: 16040 Hudson Road, Milton. Tax Map I.D. 235-22.00-424.00

The Planning Commission discussed the application which has been deferred since April 26, 2018.

The Commission discussed the deed restrictions for Cripple Creek Subdivision; that this parcel is not part of the subdivision; that the parcel is subject to some but not all of Cripple Creek restricted covenants; that the restrictions do not restrict commercial uses; that Mr. Robertson read into the record the recorded covenants for Cripple Creek and this parcel; that the covenants stated *the property owners of Cripple Creek are aware of and agree to Cripple Creek's being a farm-type rural community where people have the freedom to grow crops, livestock, and fowl, and that in the normal course of these agricultural and rural activities, there may be some noise, odors, or dust that could be offensive to non-agricultural people or those not accustomed to a rural existence; therefore, the residents of Cripple Creek agree not to institute or be a party to any petitions or legal actions against any agricultural activities in Cripple Creek or the surrounding agricultural areas, as Cripple Creek residents are in favor of agricultural activities and are aware of the dust, noise, and odor that could occur on occasion*; that the covenants also stated that Ms. Berc is entitled to have twice the number of livestock as people within Cripple Creek; that Ms. Berc is entitled to have 20 livestock, including long eared mules; that people in Cripple Creek are only allowed to have 10 livestock including long eared mules; that there shall be no more than two pigs or hogs; that there shall be no more than 50 fowl; that in the recorded restricted covenants it also stated to help in choosing your desired livestock and or fowl the following is the maximum total of each livestock or fowl allowed on Ms. Berc property is 8 horses, 3 sheep, 8 goats, 8 cattle, 10 geese, 10 ducks, 25 chickens and 2 pigs or hogs; that the restricted covenants mention potential nuisance but does not go into great detail to define what is or what is not a nuisance; that there was discussion if the proposed use is permitted or if the Conditional Use is required; that if a Conditional Use is determined to be appropriate then conditions could be placed on the parcel; and that a Conditional Use on the property with the appropriate conditions would further define the situation and give Ms. Berc more protection regarding her plans for the property.

Motion by Ms. Stevenson, seconded by Mr. Wheatley and carried unanimously to defer action further consideration. Motion carried 5-0.

C/U #2125 RS CORDREY FARMS, LLC

This is an Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a Landscape Business, Sale and Storage (Extension of Conditional Use No. 1242) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 10.0011 acres, more or less. The property is lying on the northeast side of Cordrey Road, approximately 0.3 mile southeast of Mount Joy Road. 911 Address: Not Available. Tax Map I.D. 234-28.00-59.00 (portion of) and 234-28.00-60.00 (portion of)

The Planning Commission discussed the application which has been deferred since April 26, 2018.

Mr. Hopkins moved that the Commission recommend approval of CU #2125 for RS Cordrey Farms, LLC for a landscape business, sale and storage (extension of Conditional Use No. 1242)

based upon the record made during the public hearing and for the following reasons:

1. This is a 10 acre expansion of CU # 1242, which is the applicant's landscaping business located on 16 acres on the opposite side of Cordrey Road. The landscaping business has been in business for approximately 20 years at this location.
2. The proposed expansion is on land owned by the applicant, and is surrounded by other large tracts of land owned by the applicant.
3. This Conditional Use will allow the reasonable expansion of the applicant's existing business at an appropriate location for it.
4. The current landscaping business, like the expansion, is very much compatible with the underlying AR-1 Agricultural Residential zoning of the property.
5. The applicant is not seeking any additional signage for this expansion.
6. The use will not adversely affect neighboring properties or area roadways.
7. No parties appeared in opposition of the application.
8. Since there were no conditions imposed as part of Conditional Use # 1242, there are not any recommended conditions imposed as part of this expansion of that original approval. However, the expansion area covered by this Conditional Use #2125 shall be subject to Final Site Plan approval by the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Hudson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 5-0.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings are processed.

Mr. Robertson recused himself.

2018-1 Acadia – Carlton O. Dorman, Michael A. Hazzard, Linda Hazzard, Linda Wardup and Steven Hazzard

This is a cluster subdivision. The cluster subdivision is to divide 117.21 +/- acres into 234 single family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The property is lying on the southeast corner of Conley's Chapel Rd. and Dorman Rd. and on the northwest side of Robinsonville Rd. south of Conley's Chapel Rd. Tax Parcels: 234-11.00-60.00, 234-11.00-62.03, and 234-11.00-64.00 Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were a subdivision plan, an exhibit booklet, TAC, comments from Sussex Conservation District, Sussex County Engineering Utility and Planning Division and Public Works Department, DelDOT, the USDA NRCS, DNREC Divisions of Air Quality and Groundwater Discharges, Delaware Electric Co-op and Office of State Fire Marshal.

The Commission found Tim Willard, Attorney with Fuqua, Willard, Stevens and Schab, Jack Hayes, with Insight Homes, Brock Parker, with Parker Associates and Betty Tustin, with The Traffic Group were present on behalf of the application; that Mr. Willard stated this is an application for an AR-1 cluster subdivision; that the development will be 234 single family lots on three parcels of land containing 117.2 acres; that the land is located north of Route 24 and has

road frontage on Robinsonville Road on the east side; that Dorman Road and Conley's Chapel Road is on the west side of the parcel; that there are no wetlands on this property; that there are other residential developments in the area; that it is zoned AR-1 with a minimum lot size of 7,500 square feet if the development is served by central water and sewer; that the water will be provided by Tidewater Utilities; that the sewer will be provided by Sussex County Sewer District and a portion of the property is located within the sewer planning area and an application was made to annex the rest into the County Sewer District; that they will help build a new pump station and the cost will be shared by multiple developers; that there was an Environmental Phase 1 Assessment completed and no hazardous substances were found on the site; that in accordance with DelDOT and the TIS, DelDOT will require access on Robinsonville Road and widening to tie into Route 24; that access on Dorman Road will require the widening of the road with shoulders along the site's frontage; that the applicant will improve Robinsonville Road, Dorman Road and Conley's Chapel Road to provide 11 foot travel lanes and five foot shoulders each way; that DelDOT may require contribution to other projects and will be required to contribute to one project; that there will also be bicycle lanes adjacent to the right turn lane on Robinsonville Road and a 15ft easement along site frontage; that there were be shared use paths on Robinsonville Road; that the Sediment and Stormwater Management facility will be designed and constructed in accordance with DNREC regulations and will be reviewed; that they will use Best Management Practices including infiltration; that a portion of area is in a Wellhead Protection Area and a letter from Tidewater having no objections; that they are looking into stormwater management issue on Wil-King Road; that the County is assessing the problem so they can determine the best solution and the applicant has agreed to dedicate an area for the County to install Best Management Practices so the run-off can be better managed; that the applicant has also provide capacity in their stormwater management system; that they are still working on details; that the site is located in the Cape Henlopen School District; that the minimum lot size is 8,750 square feet and the average lot size is 10,272 square feet; that the overall density is 1.9 and under 2; that there is a 50 foot buffer between the boundary of the property, any lot lines and of that 50 feet, 30 feet will be landscaped or forested; that 50.45 acres of this site will be open space which is 43 % of this site; that majority of the lots are adjacent to open space; that minimum of 35,000 square feet clubhouse will be required to be built when 90 permits are completed; that they will have pocket parks with benches in the open space; that all the open space will have access to the roads; that the lots will be energy efficient; that the development will use solar for the streetlights and etc.; that there will be sidewalks on both sides of the street; that the streets will be curb and guttered; that there will be two entrances; that the project will be constructed in four phases and an HOA will be formed; that they have sent HOA documents to the attorney; that the exhibit book includes the response to 99-9C; that Mr. Parker stated all ponds are accessible to pedestrians; that Mr. Hayes stated they will collect solar energy, there is ability for credits and will have battery backup storage and backup conventional use; Mr. Willard stated that they will consider a pull off area for dropping off kids for school busses; that they will look into a cluster mailbox per the Post Office; that Mr. Parker stated they have been working with Mr. Hans to have a two to three acres of the site with a pond to help with the Wil-King stormwater issues and cleaning the water; that they have not looked at the hours of construction, some of the subs like to do some works on Saturday; that they typically do not work on Sunday and will comply with the Codes; that the dirt, fill and etc., will be delivered Monday through Friday from 8:00 a.m. to 5:00 p.m.; that they will try to build with the least impact to the subdivision; that they will have a bus shelter; that Mr. Hayes stated the some of the solar inverters will be on the site and some will be off site; and that the intent is for the HOA to have no electric bill.

The Commission found that no one spoke in favor to the application.

The Commission found that James Mayfield, Susan Morissette, Carlos Centeno, Frank Geno, Todd Williams, Harry Farrey, Gail Geno, and Joe O' Hara spoke in opposition to the application; that Mr. Mayfield stated he doesn't want five houses behind his 1-acre lot; that he has concerns with traffic; that most lots in the area are large and has concerns with the smaller lots and the value to the property; Ms. Morissette stated she bought her house on Holly Lake Lane because of it being a farm; that she has concerns with the value; that she has concerns with the number of ponds; that she has concerns with having to tap into the public water; Mr. Centeno stated there is a pipe that dumps water towards his property; that the pond behind his property floods his pool; that Mr. Parker stated they will resolve his issue and capture all the water; Mr. Geno stated he has concerns with flooding in the Holly Oak Development, that they have water problems; that Mr. Williams stated he has concerns with water that drops off into Holly Oak; that who is looking out for the owners or builders; that Mr. Farrey asked if the stormwater management was going to be dry or wet ponds; that what kind of buffer will there be between the development and a 50 foot buffer between the development; that Ms. Geno asked when did DeDOT do the TIS, the TIS findings were submitted DeDOT on March 20, 2018; that Wyndham was pumping water across to the field; that where are they going to put in some more roads; that Mr. O' Hara stated he has concerns with flooding; that Mr. Parker stated the wet ponds are designed to capture and hold the water; that Mr. Hayes stated they have acquired a 50 foot easement for stormwater management from the adjacent property.

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

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.

2018-3 Fox Haven II - Earl J. and Eula Mae Savage, Trustees

This is a cluster/ESDDOZ subdivision. The cluster/ESDDOZ subdivision is to divide 49.57 +/- acres into 99 single family lots to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County. The property is lying on the southwest side of Johnson Rd approximately 680 ft. south of Zion Church Rd. Tax Parcel: 533-11.00-48.00 Zoning District. GR (General Residential District).

Ms. Cornwell advised the Commission that submitted into the record were a subdivision plan, an exhibit booklet, PLUS, TAC, comments Sussex County Engineering Utility and Planning Division, Sussex Conservation District, Department of Agricultural, DNREC Division of Waste and Hazardous Substances, DNREC Divisions of Groundwater Discharges and Air Quality, Office of State Fire Marshal, Delaware Electric Co-op, Office of Drinking Water. This is an extension to an existing Subdivision and they had than 51% of the neighbors agreeing with the extension to the subdivision.

The Commission found Gene Bayard, Attorney with Morris, James, LLP, Steve Marsh with George, Miles and Buhr, Doug Brown, President of Fox Heaven HOA, and Jay Murray, Principal of Savage Farm, LLC were present on behalf of the application; that Mr. Bayard stated this an extension to Fox Haven; that it access will be provided thru Fox Haven and a separate access from Johnson Road; that the project will have the same restrictive covenants as Fox Haven; that there will be one unified HOA; that Fox Haven II was presented to Fox Haven HOA and they approved the extension of the subdivision; that Mr. Marsh stated he submitted and

received comments from PLUS; that there was nothing noteworthy from PLUS, TAC or the ESDDOZ report; that there is a minimum 30 foot buffer around the perimeter as well as a 50 foot buffer along drainage ways; that there are no wetland impacts on the site; that there will be a tax ditch re-routing and will require an Army Corp of Engineers permit; that they will enhance the floodplain; that 23 acres will remain open space, there are 21 acres of woodlands on site and over 12 acres will remain with no objectional features; that water will be provided by Artesian Water Company; that the sewer will be provided by Sussex County; that stormwater management design will meet the requirements of DNREC and Sussex Conservation District; that DelDOT did not require a TIS or TOA and will require a contribution into a signal fund; that they are adding an entrance on Johnson Road and provides interconnectivity with Fox Haven; that the project is in a Developing Area and zoned GR; that it will be a similar demographic to Fox Haven and will incorporate a bus stop if needed; that there will be 95 units on 49 acres with a 1.93 density; that it is zoned for four units; that Fox Haven has 2.2 units per acre; that the minimum lot size is 7,500 square feet with a 75 foot lot width; that they are proposing an average 8,500 square foot a lot; that there are no wetlands on the lots; that there will be a 1,800 square foot pool and clubhouse with on street parking with a boat storage facility and will not impact view sheds; that the amenities will be constructed by the 30th Certificate of Occupancy and completed by the 60th Certificate of Occupancy; that Mr. Brown stated the HOA supports the development as it will provide several benefits to the community with interconnectivity, economies of scale and access to the new amenities; that it will be the same builder and it is less dense.

The Commission found that no one spoke in favor to the application.

The Commission found Darin Shartzter and Patricia Hoffmann spoke in opposition to the application; that Mr. Shartzter stated he is surrounded by development; that he has concerns with buffers; that he is willing to sell his parcel to the developer; that he has concerns with traffic; that Ms. Hoffmann requested the trees behind her house be saved; and that Mr. Marsh stated they will try to maintain the existing trees.

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

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U #2126 Nikolajas Lituinenkous

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for Commercial Vehicle Storage and Car Sales to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 9.54 acres, more or less. The property is lying on the south side of Vines Creek Rd., approximately 0.44 mile east of Armory Rd. 911 Address: 30028 Vines Creek Rd., Dagsboro. Tax Map I.D. 233-11.00-172.00

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, DelDOT Service Level Evaluation, comments from the Sussex Conservation District.

The Commission found Nikolajas Lituinenkous was present on behalf of the application; that Mr. Lituinenkous stated he already has car sales at front of property and wants to remove some trees in middle of property to use rear parking and middle parking to store construction vehicles, boats, tractors and etc. as commercial vehicle storage; that the site has been used for vehicle sales

for about 5 years; that the repairs and parking are pre-existing prior to zoning; that he has two employees in sales, four owners, three mechanics, and one secretary; that all repairs are all inside with appropriate disposal of waste and only cleaning the cars are outside; that the hours are 9:00 a.m. to 7:00 p.m. for sales, Monday through Saturday, the garage hours are Monday through Friday 9:00 am to 6:00 p.m. and Saturday 9:00 a.m. to 3:00 p.m.; that they have a sign for the repair shop and for sales on-site; that a 32 square foot will be ok; and that they will store the equipment behind the ditch and in front of the cars.

The Commission found that no one spoke in favor or in opposition to the application.

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

Motion by Mr. Wheatley, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U #2127 Wine Worx, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an Event Venue to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 25.60 acres, more or less. The property is lying on the west side of Blackwater Rd., approximately 1,007 feet north of Burbage Rd. 911 Address: 32512 Blackwater Rd., Frankford. Tax Map I.D. 134-11.00-53.00

Ms. Cornwell advised the Commission that submitted into the record were a site plan, staff analysis and DelDOT Service Level Evaluation.

The Commission found Adrian Mobilia was present on behalf of the application; that Mr. Mobilia stated he is requesting a Conditional Use for an event venue at a farm winery in order to continue planned activities; that they have provided live entertainment indoors and outdoors, wedding and bridal showers, weddings, food trucks, etc at the request of customers; that they have an oversized septic system to accommodate weddings; that they have 54 dedicated parking spaces with additional overflow; that they plan to hold events for 20-150 people; internal limit is 200 people for outdoor events; legally permitted to be open until 1am; however their internal policy is to leave by 11pm and cut off events by 10:30pm for events; and normally close by 6pm or 7pm; that they have three full time employees and 10 part-time employees; that they have paid over \$7,300 in excise tax and \$2,200 to date to local charities; that they would like to continue what they are doing; that live outdoor entertainment does use amplified sound on the patio.

The Commission found that no one spoke in favor or in opposition to the application.

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

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

OTHER BUSINESS

Bay Forest Club Phase 5.2 – RPC

Final Site Plan

Mr. Whitehouse advised the Commission that this is a Final Site Plan for the construction of 60

residential units with improvements within the Bay Forest Club Residential Planned Community (MR-RPC). Phase 5.2 includes 60 attached/detached villas. The submission states that this is the final phase of the 913-unit Bay Forest Club Residential Planned Community. Planning & Zoning Commission granted approval of the Preliminary Site Plan at its meeting of December 22, 2016. The Final Site Plan complies with the Zoning and Subdivision Code and all conditions of approval. Staff are in receipt of all required agency approvals. Tax Parcel ID: 134-8.00-15.02. Zoning District is MR (Medium Density Residential).

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to approve the final site plan. Motion carried 5-0.

John W. Davidson (S-18-38)

Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Site Plan for the construction of a 6,300 SF pole barn for an office and contractor storage to be used as part of CU 2118 which was heard by Commission on March 8, 2018. County Council approved the Conditional Use for a professional office with contractor storage on March 20, 2018. Tax parcel ID: 234-10.00-70.16 Zoning District is Agricultural Residential (AR-1). Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to approve the preliminary and final site plan. Motion carried 5-0.

Route 24 CJ, LLC (S-18-39)

Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Site Plan for the construction of a 104 room hotel measuring approximately 82, 329 SF with parking, a pool, and other site improvements. A waiver has been requested to allow parking in the front yard setback. Tax parcel ID: 334-12.00-57.07, 57.08, 57.09, 57.10 & 57.03 Zoning District is C-1 (General Commercial District). Staff are awaiting agency approvals.

The Commission held a discussion about parking in the front yard setback; that parking is discouraged in the front yard setbacks; that it is part of a site plan review by the Commission; and that there is no requirement for a waiver for parking in the front yard setback.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to approve the preliminary site plan with parking in the front yard setback to be reserved and constructed when deemed necessary by the owner with final approval subject to staff upon receipt of all agency approvals. Motion carried 5-0.

Lands of Criswell

Minor Subdivision off 50 ft. easement

this is a minor subdivision of land to create one lot measuring 0.85 acres +/- off a 50' easement leaving a residual parcel measuring 6.007 ac. +/- located off Deer Run Rd. Tax parcel ID: 533-11.00-27.00. Zoning District is AR-1 (Agricultural Residential). Staff are awaiting agency approvals.

Motion by Mr. Hudson seconded by Ms. Stevenson, and carried unanimously to approve the minor subdivision off 50 ft. easement with final site plan subject to staff upon receipt of all agency approvals. Motion carried 5-0.

Lands of Sander

Minor Subdivision off 50 ft. easement

This is a minor subdivision of a parcel of land measuring 7.924 ac.+/- to create one new lot measuring 0.75 ac.+/- off of a 50' easement over an existing driveway off of Martins Farm Rd. Tax Parcel ID: 235-32.00-3.01. Zoning District is AR-1 (Agricultural Residential). Staff are awaiting agency approvals.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to approve the minor subdivision off 50 ft. easement with final site plan subject to staff upon receipt of all agency approvals. Motion carried 5-0.

ADDITIONAL BUSINESS

The Commission held a discussion about the Planning Commissioner areas of responsibility; that the Planning Commission moved the district to include Mr. Wheatley from Route 24 to it connects with the first Councilmatic district and for the rest to follow the County Council districts.

Motion by Mr. Wheatley, seconded by Ms. Stevenson, and carried unanimously to approve the new Planning Commission areas map with the amended line from the Town limits of Laurel following Route 24 crosses the Councilmatic district 1, lying on Route 24, east of Town. Motion carried 5-0.

The Commission held a discussion about the Rules of Procedure; that they will look at the district within six months of adoption of the new changes to the Council District; that the consent agenda will remain in the Rules but not used only as a last resort; and that they will not delete 1.1 and 4.A.

Motion by Ms. Stevenson, seconded by Ms. Wheatley, and carried unanimously to approve the Rules of Procedure as amended with the exception of deleting the amendments in Section 1.1 regarding consent agenda and deleting the proposed amendment to delete Rule 4.A regarding the consent agenda. Motion carried 5-0.

Meeting adjourned at 8:41 p.m.