



Planning & Zoning

Agendas & Minutes

MINUTES OF THE SPECIAL MEETING OF MAY 16, 2007

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday afternoon, May 16, 2007 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Benjamin Gordy, Mr. Michael Johnson, Mr. Rodney Smith, and Mr. I. G. Burton III with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Agenda as amended by removal of Item 6 and Item 18 from the agenda. Motion carried 5 – 0.

OLD BUSINESS

C/U #1686 – application of **MALONE ENTERPRISES, L.L.C.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 12.77 acres, more or less, lying north of Long Neck Road (Route 23), 2.3 miles east from Route 22C (Pot Nets Road).

The Commission discussed this application, which has been deferred since April 26, 2007.

Mr. Gordy stated that he would move that the Commission recommend approval of C/U #1686 for Malone Enterprises, L.L.C. based upon the record made at the public hearing and for the following reasons:

1. The proposed Conditional Use project meets the purpose of the Zoning Ordinance because it promotes the orderly growth of the County. The proposed project is in a development district as established by the Comprehensive Plan Update, and it is the redevelopment of a property from 43 mobile home sites and 42 campsites to a lower density of just 41 residential units.

2. The proposed Conditional Use is appropriate for the site because such residential development is appropriate in areas where central water and center sewer are available. In this case, there will be central sewer provided by the Long Neck Sanitary Sewer District and central water will be provided.
3. The property is in an area that has developed with residential properties similar to the proposed project.
4. DelDOT has advised that the project should generate less traffic than the current use of the property.
5. This recommendation for approval is subject to the following conditions:
 1. The maximum number of residential units shall not exceed 41.

Minutes
May 16, 2007
Page 2

2. The boat slips shall not be leased to anyone other than an owner or occupant of the residential units.
3. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
4. The development shall be served as part of the Sussex County Long Neck Sanitary Sewer District.
5. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
6. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.
7. The site plan shall be subject to approval of the Planning and Zoning Commission.
8. The interior street design shall be in accordance with or exceed Sussex County street design requirements.
9. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
10. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 am and 7:00 pm.
11. No wetlands shall be located within any areas of disturbance or construction.
12. There shall not be any portable toilets on site, except those associated with the construction of this project once Final Site Plan approval has been granted. As required on numerous occasions by County Engineering, there shall be no portable toilets permitted as part of the current use of this property as a marina or under this Conditional Use.
13. Street naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.

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

C/Z #1611 – application of **B & M PROPERTY DEVELOPMENT, LLC** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying at the southeast end of Route 58B, 0.50 mile north and east of Route 54, to be located on 146.68 acres, more or less.

Minutes
May 16, 2007
Page 3

The Commission discussed this application, which has been deferred since April 26, 2007.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1611 for B and M Property Development, LLC based upon the information contained in the record and for the following reasons:

1. The project meets the purpose of the Zoning Ordinance because it promotes the orderly growth of the County. The proposed project is in a development district as established by the Comprehensive Plan Update.
2. MR zoning is appropriate for the site because medium density development is appropriate in areas where central water and central sewer are available. In this case, sewer service will be provided as part of a County operated sanitary sewer district, and adequate wastewater capacity is available for the project. Water service will be provided by Artesian.
3. With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land because the purpose of an RPC District is to encourage large scale development as a means to create superior living environments and the use of design ingenuity while protecting existing and future uses.
4. The project is in an area that already has similar development, and this development is consistent with other uses in the area, including Mallard Lakes, Bayville Shores, and Bayview Landing.
5. The property consists of approximately 146.68 acres. The applicant proposes to develop 55.54 net acres and proposes to restrict 83.73 acres by conservation easement.
6. The project will have a density of 3.11 units per acre. The density for the uplands area is 3.86 units per acre.
7. The MR-RPC District is in accordance with Goals of the Comprehensive Plan Update because it represents growth directed to an area with public infrastructure and services are available and is designed to protect the existing natural environment's ability to accept the development. Also, through amenities, environmental areas, multi-modal pathways and by other means, it provides

passive and active recreational facilities for benefit of the residents of the development and Sussex County.

8. This recommendation is subject to the following conditions:

1. The maximum number of residential lots shall not exceed 173 units, consisting of 74 townhome units and 99 single-family lots.
2. No more than 60 residential building permits shall be issued in any given calendar year.
3. Site plan review shall be required for each phase of development.
4. All entrance, intersection, roadway and multi-modal improvements shall be constructed as required by DelDOT.

Minutes

May 16, 2007

Page 4

5. The pool and clubhouse shall be constructed and open to use by the 60th Certificate of Occupancy issued for a residential unit within the project. The remainder of the recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit. These additional recreational facilities shall include play courts, pocket parks, gazebos, a pier and the pathways and trails.
6. The development shall be served as part of an existing or extended Sussex County Sanitary Sewer District in accordance with Sussex County Engineering Department specifications and regulations.
7. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
8. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.
9. The applicant, its successors and/or assigns, including a homeowners or condominium association that will be formed, shall operate the stormwater management facilities in a manner that is consistent with Best Management Practices (BMPs).
10. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. Street design shall include sidewalks on both sides of the streets and street lighting.
11. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design, including the proposed reforestation program.
12. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 am and 6:00 pm.

13. The applicant shall form a homeowner's or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
14. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
15. The applicant shall coordinate with the State, County and other local emergency planning offices in the development and implementation of an emergency evacuation procedure for the project.
16. No wetlands shall be included in any individual lots. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permit. As stated by the applicant, the State wetlands of 86.31 acres shall also be restricted as a nature preserve in

Minutes
May 16, 2007
Page 5

- favor of an outside agency, if acceptable to such agency, or in favor of the community association.
17. A notice that hunting activities may occur on neighboring and adjacent properties or waterways shall be included within the condominium documents or restrictive covenants for the project.
 18. The applicant shall coordinate with the local school districts' transportation manager to establish school bus stop areas. The location of these areas shall be shown on the Final Site Plan.
 19. Aside from the community pier, no other piers shall be permitted.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously 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 5 - 0.

Subdivision #2005 – 97 - - application of **JAMES D. PARKER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 4.32 acres into 3 lots, located west of Road 409, 705.22 feet south of Road 410.

The Commission discussed this application, which received conceptual approval on February 22, 2007.

Mr. Gordy stated that he would move that the Commission grant preliminary and final approval of Subdivision #2005 – 97 for James D. Parker based on the record and for the following reasons:

1. The Applicant is seeking approval of 3 new lots fronting on County Road 409.
2. The proposed lots are consistent with the other existing residential lots in Parker's Point and along Road 409.

3. The lots will be served by wells and septic systems on individual lots.
4. The lots will not adversely affect adjacent properties, roads, traffic, schools or the environment.
5. The County Board of Adjustment has granted a variance from the lot width requirement for Lot #16.
6. This approval is subject to the Applicant's compliance with all of DelDOT's requirements.

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

Subdivision #2006 – 5 - - application of **SHIP BUILDERS, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred,

Minutes

May 16, 2007

Page 6

Sussex County, by dividing 61.808 acres into 47 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located east of Road 432, 400 feet south of Road 471.

The Commission discussed this application, which has been deferred since April 26, 2007.

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2006 – 5 for Ship Builders, L.L.C., based upon the record and for the following reasons:

1. The proposed subdivision meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The proposed subdivision is less than the density permitted by the existing AR-1 zoning.
3. The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values. There is an existing subdivision to the southwest of this site and there are strip lots in the area.
4. The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
5. DNREC has indicated that the site is suitable for septic.
6. The proposed Restrictive Covenants address the maintenance of streets, open space, and storm water management areas.
7. This recommendation is subject to the following conditions:
 - A. The number of lots shall not exceed 47. All lots shall be at least $\frac{3}{4}$ of an acre in size.
 - B. The Applicant shall record Restrictive Covenants governing the development and form a homeowners' association to be responsible for the maintenance of

streets, roads, agricultural buffers, storm water management facilities, erosion and sedimentation control facilities and other common areas.

- C. The storm water management system shall meet or exceed the requirements of the State and County.
- D. All entrances shall comply with all of DelDOT's requirements.
- E. The Restrictive Covenants shall include the Agricultural Use Protection Notice.
- F. There shall be sidewalks on at least one side of all streets within the Subdivision. The location of the sidewalks shall be shown on the Final Site Plan.
- G. As stated by the Applicant, the existing trees shall be preserved as much as possible on each individual lot.

Minutes
May 16, 2007
Page 7

- H. The location of a school bus stop shall be coordinated with the local school district. The area set aside for the bus stop shall be shown on the Final Site Plan.
- I. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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 #2006 – 6 - - application of **JEFF STONEBERGER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 18.742 acres into 24 lots (Cluster Development), located north of Route One, 500 feet southwest of Road 14E.

The Commission discussed this application, which has been deferred since April 26, 2007.

Mr. Burton stated that he would move that the Commission grant preliminary approval of Subdivision #2006 – 6 for Jeff Stoneberger, based upon the record and for the following reasons:

1. The Development is designed in accordance with the Cluster Development Ordinance. The proposed Cluster design with ½ acre lots is superior to a standard subdivision.
2. The items listed in Section 99-9C of the Subdivision Ordinance have been favorably addressed.
3. The applicant has proposed 24 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.
5. DNREC has approved the site for individual septic systems.
6. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.
7. This approval is subject to the following conditions:
 - A. There shall be no more than 24 lots within the Subdivision.
 - B. The Applicant shall form a homeowners' association to be responsible for the maintenance of buffers, storm water management facilities, and other common areas.
 - C. The storm water management system shall meet or exceed the requirements of the State and County.

Minutes
May 16, 2007
Page 8

- D. All entrances shall comply with all of DelDOT's requirements.
- E. A fence shall be constructed along the project's boundary with Route One. The location and type of fencing shall be shown on the Final Site Plan.
- F. The location of a school bus stop shall be coordinated with the local school district. The area set aside for the bus stop shall be shown on the Final Site Plan.
- G. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- H. The Restrictive Covenants for the Project shall include the following statement:

“ This property is located in the vicinity of land used for commercial purposes including a bus business, that may have noise associated with them. The use and enjoyment of this land is expressly conditioned on acceptance of any annoyance or inconvenience, which may result from such activities or uses. “

- I. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

OTHER BUSINESS

Sunrise

CU #1639 – Final Site and Amended Condition – Route One

Mr. Abbott advised the Commission that this is a final site plan for 6 detached single-family dwellings; that the Conditional Use was approved on July 25, 2006; that the Commission granted preliminary site plan approval on November 20, 2006; that the final site plan has been revised to add a custom designed 6-foot high fence within the landscaped area; that landscaping is provided on both sides of the fence; that the final site plan complies with the zoning ordinance and the 14 conditions of approval; and that all agency approvals have been received.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve the site plan as a final. Motion carried 5 – 0.

Salt Pond Plaza
Preliminary Commercial Site Plan – Roads 357 and 360

Minutes
May 16, 2007
Page 9

Mr. Abbott advised the Commission that this is a preliminary site plan for the neighborhood business area of the Salt Pond Residential Planned Community; that the development is permitted 6.39 acres of commercial area based on the approved Ordinance; that the proposed development contains 5.46 acres of commercial area; that a 48,775 square foot Harris Teeter, a 12,900 square foot CVS Pharmacy, and a 3,800 square foot bank are proposed; that the setbacks meet the requirements of the zoning code; that 328 parking spaces are required and provided; that 20% of the parking is for compact vehicles which meets the requirements of the parking ordinance; that the parking around the perimeter of the site (119 spaces) utilize turf pavers; that none of the parking is located within the front setback; that the entire perimeter of the site is landscaped and that a landscaping plan has been provided; that ingress/egress to the site is from Bethany Loop; that there is no direct access to Roads 357 or 360; that Sussex County will provide central sewer; that Sussex Shores Water Company will provide central water; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Mr. Smith stated that all agency regulations will have to be met and that it is not necessary for the site plan to be reviewed by the Technical Advisory Committee.

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 5 – 0.

Long Neck Back Bay Center
Preliminary Commercial Site Plan – Route 24

Mr. Abbott advised the Commission that this is a preliminary site plan for a 9,900 square foot retail building and a 3,562 square foot bank located on 2.12 acres; that the site is

zoned C-1; that the setbacks meet the requirements of the zoning code; that 68 parking spaces are required and provided; that a portion of 13 spaces are located within the front yard setback and are subject to site plan review; that the average setback for these parking spaces is 55.1 feet; that the closest space is 39.5 feet from the right of way of Route 24; that Sussex County will provide central sewer and Tidewater Utilities will provide central water; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Mr. Johnson stated that the parking is more in character with the adjoining sites than what was previously submitted.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the site plan as a preliminary as submitted, with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Minutes
May 16, 2007
Page 10

Thomas J. Tennefoss
CU #1611 – Site Plan – Road 582

Mr. Abbott advised the Commission that this is a preliminary site plan for repairs and manufacturing of shipping containers (pallets) located on 4.23 acres; that the Conditional Use was approved on June 28, 2005; that the use was in operation prior to conditional use being approved and has remained in operation; that the conditions of approval are referenced on the site plan; that the only new structure proposed is a 16-foot high stockade fence; that the pallets are not permitted to be stored higher than the fence; and that if preliminary approval is granted, 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 submitted as a preliminary and with the stipulation that final approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

G – H Investments, L.L.C.
Preliminary Commercial Site Plan – Savannah Road

Mr. Abbott advised the Commission that this is a preliminary site plan for a 2-story, 9,900 square foot office building located on 0.89-acres; that the site is zoned C-1; that 7,400 square feet is for actual office space; that the setbacks meet the requirements of the zoning code; that 37 parking spaces are required and provided; that all of the parking is located to the rear of the building; that a 20-foot landscaped buffer is provided along Savannah Road; that access to the site is from a cross access easement from the adjoining property to the east of this site; that there is no direct access to Savannah Road; that Sussex County will provide central sewer and Tidewater Utilities will provide central

water; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Burton, 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 5 – 0.

New Covenant Presbyterian Church
Preliminary Site Plan – Road 268

This item was removed from the agenda at the beginning of the meeting.

Guy M. and Elaine C. Couchman
3 Lots on an Existing 50' Right of Way – Road 290

Minutes
May 16, 2007
Page 11

Mr. Abbott advised the Commission that this is a request to subdivide 20.38-acres into 3 lots and residual land; that lot 1 will contain 3.63-acres, that lots 2 and 3 will contain 3.00-acres; that the residual land will contain 9.08-acres; that the owner proposes to extend the existing right of way to serve as access to the 4 parcels; that the request can be approved as submitted or require an application for a major subdivision; that if the request is approved as submitted, it should be stipulated that a cul-de-sac be required at the end of lot 3 and that any further subdivision of the property will require an application for a major subdivision; and that DelDOT has issued a Letter of No Objection.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the request as a concept with the stipulation that a cul-de-sac be provided at the end of lot 3 and that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

Art Marvel
3 Lots and a 50' Right of Way – Road 553

Mr. Abbott advised the Commission that this is a request to subdivide a parcel into 3 lots and create a 50-foot right of way over an existing driveway; that each lot will contain a minimum of 1.00-acre; that the residual land will contain over 5.00-acres; that the request can be approved as submitted or require an application for a major subdivision; and that if the request is approved as submitted, it should be stipulated that 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 this request as a concept with the stipulation that any further subdivision will require an application for a major subdivision. Motion carried 5 – 0.

Jana Hood

Lot and a 50' Right of Way – Road 620

Mr. Abbott advised the Commission that this is a request to create a lot with access from a 50-foot right of way; that the right of way was approved by the Commission on March 13, 2003; that this would be the third lot with access off of the right of way; and that if the request is approved, it should be stipulated that any further subdivision of the site will require an application for a major subdivision.

Motion by Mr. Burton, seconded by Mr. Smith and carried unanimously to approve this request as a concept with the stipulation that any further subdivision will require an application for a major subdivision. Motion carried 5 – 0.

Minutes

May 16, 2007

Page 12

John Ingram

2 Lots and a 50' Right of Way – Road 207

Mr. Abbott advised the Commission that this is a request to subdivide a parcel into 2 lots and to extend an existing 50-foot right of way to serve as access to a 0.910-acre parcel; that the right of way will be extended over an existing paved driveway; that the residual land contains 1.2328-acres and could be accessed by either the right of way or the existing road frontage along Road 207; that the Board of Adjustment granted a variance for the existing frontage along Road 207 and also granted a special use exception for the double wide manufactured home on the residual lands; and that this request can be approved as submitted or require an application for a major subdivision.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to approve this request as a concept with the stipulation that any further subdivision will require an application for a major subdivision. Motion carried 5 – 0.

Dick Appel

Lot and 50' Right of Way – Road 626

Mr. Abbott advised the Commission that this is a request to create a 0.75-acre parcel and a 50-foot right of way; that the owner proposes to create the right of way over an existing dirt driveway to serve as access to the lot; and that this request can be approved as submitted or require an application for a major subdivision.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve this request as a concept with the stipulation that any further subdivision will require an application for a major subdivision. Motion carried 5 – 0.

Subdivision #2004 – 10 – Windsor Farm, L.L.C.
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on April 7, 2005 and granted a one-year time extension on March 1, 2006; that this is the second request for an extension; and that if the request is approved, it should be retroactive to the anniversary date of the preliminary approval.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried unanimously to grant a one-year time extension retroactive to the anniversary date of the preliminary approval. Preliminary approval is now valid until April 7, 2008. Motion carried 5 – 0.

Minutes
May 16, 2007
Page 13

Subdivision #2004 – 21 – Springfield Self-Storage, L.P.
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on April 14, 2005 and granted a one-year time extension on March 1, 2006; that this is the second request for a time extension; and that if an extension is granted, it should be retroactive to the anniversary date of the preliminary approval.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to grant a one-year time extension with the stipulations that the time extension is retroactive to the anniversary date of the preliminary approval and that this will be the last extension granted by the Commission. Preliminary approval is now valid until April 14, 2008. Motion carried 5 – 0.

Subdivision #2004 – 46 – Caldera Properties – Long Neck, L.L.C.
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on November 19, 2005; that this is the first request for an extension; and that if an extension is granted, it should be retroactive to the anniversary date of the preliminary approval.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to grant a one-year time extension with the stipulations that the time extension is retroactive to the anniversary date of the preliminary and that any future requests for an extension be filed

in a timely manner. Preliminary approval is now valid until November 19, 2007. Motion carried 5 – 0.

Subdivision #2005 – 18 – JKC, L.L.C.
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on February 23, 2006; that this is the first request for an extension; and that if an extension is granted, it should be retroactive to the anniversary date of the preliminary approval.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to grant a one-year time extension retroactive to the anniversary date of the preliminary approval. Preliminary approval is now valid until February 23, 2008. Motion carried 5 – 0.

Minutes
May 16, 2007
Page 14

Subdivision #2005 – 36 – Betty D. Black
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Commission granted preliminary approval on May 11, 2006; that this is the first request for an extension; and that if an extension is granted, it should be retroactive to the anniversary date of the preliminary approval.

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to grant a one-year time extension retroactive to the anniversary date of the preliminary approval. Preliminary approval is now valid until May 11, 2008. Motion carried 5 – 0.

CU #1540 – James R. and Jane H. Gibson
Time Extension

Mr. Abbott advised the Commission that this is a request for a time extension; that the Chancery Court approved this application on July 29, 2005; that the Commission granted preliminary site approval on February 1, 2006 and granted a one-year time extension on April 13, 2006; and that this is the last time extension that the Commission has the authority to grant.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to grant a one-year time extension. Preliminary approval is valid until July 29, 2008. Motion carried 5 – 0.

CU #1602 –Route 24 Self Storage

Time Extension

This item was removed from the agenda on May 3, 2007.

Rules and Procedures

Discussion

The Commission discussed the 72-hour provision required for applicants to submit additional information, documents, revisions to plans, etc. There was a consensus of the Commission that the Rules and Procedures should be amended to require a specified time for the applicants to submit additional information so that the Commission has more time to review the documents. Mr. Robertson shall prepare amended Rules and Procedures for consideration at a future meeting.

ADDITIONAL BUSINESS

Minutes

May 16, 2007

Page 15

There was a consensus of the Commission that the next Special Meeting for review of Old Business and Other Business will be held on June 20, 2007 at 3:00 pm.

Meeting adjourned at 4:12 p.m.