

## MINUTES OF THE REGULAR MEETING OF OCTOBER 23, 2014

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 23, 2014 in the County Council Chambers, Sussex 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. Robert Wheatley, Mr. Michael Johnson, Mr. I.G. Burton, III, and Mr. Marty Ross with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence B. Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Mr. Lank advised the Commission that CZ #1759 Osprey Point D, LLC was removed from the Agenda on October 22, 2014, and that the application would be re-scheduled and re-advertised.

Mr. Lank suggested that the order of the public hearings be changed to consider Conditional Use #1998 for Todd Fisher at the end of the public hearing schedule since it is anticipated that the other public hearings should take less time.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Agenda as amended by moving Conditional Use #1998 for Todd Fisher to the end of the public hearings. Motion carried 4 – 0.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the Minutes of October 9, 2014 as corrected. Motion carried 4 – 0.

### PUBLIC HEARINGS

#### **Subdivision #2014-5 – Everett C. Lathbury, III**

Application of **EVERETT C. LATHBURY, III** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred, Sussex County, by dividing 19.16 acres into 6 lots, and a waiver from the forested buffer requirements, located north of Road 54 (Omar Road) 657 feet east of Road 342 (Gray Road) and east of Road 342 (Gray Road) 764 feet north of Road 54 (Omar Road) (911 Address: None Available) (Tax Map I.D. #1-34-11.00-40.00).

Mr. Abbott advised the Commission that the Technical Advisory Committee's review of October 3, 2014 is a part of the record for this application and that the Commission was previously provided a copy of the report and a copy of the preliminary plan.

Mr. Abbott advised the Commission that the Subdivision Code requires a forested buffer for subdivisions containing more than 4 lots; that this application is basically two subdivisions, a 4 lot subdivision and 2 strip lots located along a numbered road; and that the staff advertised for a waiver from the buffer requirements to be on the cautious side.

Everett Lathbury and Maxwell Morris, Surveyor, were present on behalf of this application and stated in their presentation and in response to questions raised by the Commission that 6 lots are proposed; that the site is zoned AR-1 and is located near the intersection of Gray Road and Omar Road; that 4 lots will have access from a private street and 2 strip lots are proposed; that they are requesting a waiver from the buffer requirements since the lots are large; that there is an existing

hedgerow between Lot 12 and the lands to the east that serves as a buffer; that they agree with the Technical Advisory Committee comments and will not have any problems complying with the requirements and recommendations; that DelDOT has approved a joint entrance for Lots 7 and 8 off of Gray Road; that Lot 12 will have access from the private subdivision street; that Lot 12 is mostly wooded and selective clearing will occur; that the soils are suitable for on-site septic systems; that a wetland delineation has not been performed at this time; that the adjoining lands to the east and north are agricultural lands; that the proposed homes will be located away from the agricultural uses; that Lots 1 through 6 are approved strip lots; that the restrictive covenants have not been submitted yet; that covenants will be submitted for review and approval; that the on-site septic systems will be located close to Ida Jane Lane since that is where the best soils are located; that Lots 9 through 11 will be marketed as small farmettes; that the applicant is willing to prohibit any further subdivision of the property; that certain uses could be restricted; that there is not a tax ditch located on the site; that tax ditch easements may be on the site and that they will verify; that there is a ditch along Lots 6 through 9; that any easements will be shown on the final site plan; and that Lot 3 may be required to have access from Ida Jane Lane.

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

Jim Sparks an adjoining property owner advised the Commission that he owns Lot 3 and does not want to have to relocate his driveway; that he has a paved driveway off of Omar Road; that there is a lot of traffic along Omar Road; that brush has been cleared on the site; that he has concerns about further development of the property; that he could incur additional expenses if he is required to connect to central sewer and water; and that he is concerned about setback distances.

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

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action pending receipt of a septic feasibility statement from DNREC or approved site evaluations, and for receipt of the proposed restrictive covenants. Motion carried 4 – 0.

### **Conditional Use #1999 – Hopkins Farm Creamery, Inc.**

Application of **Hopkins Farm Creamery, Inc.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a BBQ vendor to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 73 acres, more or less, land lying southwest corner of U.S. Route 9 (Lewes Georgetown Highway, aka Seashore Highway) and Road 261 (Dairy Farm Road) (911 Address: 18186 Dairy Farm Road, Lewes, DE) (Tax Map I.D. #3-34-10.00-51.00).

The Commission found that DelDOT had provided comments in the form of a Support Facilities Report, dated July 15, 2014, referencing that a traffic impact study was not recommended; and that the current Level of Service “B” of Sweetbriar Road from Beaver Dam Road to U.S. Route 9 may change to a Level of Service “C”.

The Commission found that the Sussex Conservation District had provided comments in the form of a memorandum, dated October 15, 2014, referencing that the site has five soil types; that

the applicants will be required to following recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that no off-site drainage improvements will be necessary; that it is not likely that any on-site drainage improvements will be necessary; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division had provided comments in the form of a memorandum, dated October 20, 2014, referencing that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that there was not anyone present on behalf of this application.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to table this application to the end of the public hearings. Motion carried 4 – 0.

At the conclusion of the public hearings, the Chairman again announced this application.

The Commission again found that there was not anyone present on behalf of this application.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward a recommendation to the Sussex County Council that this application be denied due to the lack of a record of support, since no one appeared on behalf of the application. Motion carried 4 – 0.

#### **Change of Zone #1759 – Osprey Point D, LLC**

Application of **OSPREY POINT D, LLC** to amend the Comprehensive Zoning Map of Sussex County 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 Lewes and Rehoboth Hundred, Sussex County, containing 126.8795 acres, more or less, land lying west of Old Landing Road (Road 274) 1.2 mile south of Warrington Road (Road 275) (911 Address: 20836 Old Landing Road, Rehoboth Beach, DE) (Tax Map I.D. #3-34-18.00-83.00).

Mr. Lank advised the Commission that this application had been removed from the agenda on October 22, 2014, and that the application will be re-scheduled and re-advertised.

#### **Change of Zone #1761 – Elizabeth A. Brinton**

Application of **ELIZABETH A. BRINTON** to amend the Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District to an AR-1 Agricultural Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 21,923 square feet, more or less, land lying north of Janus Court, 150 feet west of Road 384 (Bayard Road) being 550 feet north of Road 370 (Daisey Road) at Bayard (911 Address: 33540 Janus Court, Frankford, DE) (Tax Map I.D. #1-34-18.00-85.00).

Mr. Lank advised the Commission that DelDOT comments were not requested since this is an existing lot on the interior street of a subdivision, and since the application is considered a down

zoning; and that the adjacent parcel, Lot #1 within the subdivision was downzoned to AR-1 (C/Z #1696) on November 16, 2010 after recommendation from the Planning and Zoning Commission on October 28, 2010.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on October 16, 2014 referencing that there are three soil types on this parcel; that the applicant would be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that off-site drainage improvements will not be necessary; that on-site drainage improvements are not likely; and that no tax ditches are affected.

The Commission found that the Engineering Department Utility Planning Division provided comments in the form of a memorandum on October 20, 2014 referencing that the site is located in the Roxana Planning Area; that the use of an on-site septic system is proposed; that conformity to the South Coastal Area Planning Study 2005 Update will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; that when the County provides sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer service; and that a concept plan is not required.

The Commission found that Elizabeth A. Brinton was present and stated in her presentation that she had purchased the property with the dwelling not knowing that the property was zoned C-1 General Commercial; and that she is requesting that the property be rezoned from C-1 General Commercial to AR-1 Agricultural Residential.

Mr. Lank confirmed that the adjacent lot #1 was downzoned from C-1 General Commercial to AR-1 Agricultural Residential in 2010.

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

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

Mr. Johnson stated that he would move that the Commission recommend approval of Change of Zone No. 1761 for Elizabeth A. Brinton for a change of zone from C-1 General Commercial to AR-1 Agricultural Residential based upon the record made during the public hearing and for the following reasons:

- 1) This downzoning is appropriate for this property, which is presently used for residential purposes.
- 2) The AR-1 zoning is consistent with adjacent properties, including Lot #1 next door, which was also rezoned from C-1 to AR-1 in 2010.
- 3) The downzoning will not adversely affect neighboring properties or roadways.
- 4) No parties appeared in opposition to the downzoning.

Motion by Mr. Johnson, seconded by Mr. Ross, 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 4 – 0.

## **Conditional Use #1998 – Todd Fisher**

Application of **TODD FISHER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a self-storage facility to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 3.74 acres, more or less, land lying northwest of Old Mill Road (Road 265-A) 300 feet northeast of Route One (911 Address: 16542 Old Mill Road, Lewes, DE) (Tax Map I.D. #3-34-1.00-15.02/15.04).

The Commission found that the Applicant had submitted an Exhibit Booklet, a Conditional Use site plan, a boundary and topographic survey plan for Fisher Warehouse, and a boundary and topographic survey plan for Red Mill Storage. The Exhibit Booklet included references to an Executive Summary; site data; suggested proposed Findings of Fact and Conditions of Approval for consideration; a cover letter; a copy of the application form; reduced copies of the referenced survey/site plans; copies of the contract of sale for the properties; a copy of the Service Level Evaluation Request; a DelDOT Support Facilities Report; a copy of the site evaluation; a location map; an existing land use map; an aerial photograph; a copy of the Tax Map of the area; a copy of the zoning of the area; a copy of the Future Land Use map from the Comprehensive Land Use Plan of the area; a Public Water Systems map for the area; a copy of the Strategies for State Policies and Spending map of the area; a map of the West Rehoboth Sanitary Sewer District; a copy of the Flood Insurance Rate Map of the area; an Illustrative Site Plan; references to compliance with the standards of the Subdivision Ordinance Section 99-9C; references to the criteria for consideration in the Environmentally Sensitive Developing District Overlay Zone; a series of portfolio on multi-story self-storage systems; photographs to and from the site; a report of subsurface exploration and geotechnical engineering recommendations; and comments from Bradley Cate on wetlands.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated February 6, 2014 and July 15, 2014, which reference that a traffic impact study was not recommended, and that the current Level of Service “A” of Old Mill Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on October 15, 2014, referencing that there are two soil types on this site; that the applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it may not be necessary for any off-site drainage improvements; that it is not likely that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on October 20, 2014 referencing that the site is located in the North Coastal Planning Area for the West Rehoboth Expansion; that central sewer is not available to the parcel at this time; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the parcel is located within a sewer planning area of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer

District; that the County does not have a schedule to provide central sewer service to the parcel at this time; that when the County provides sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a concept plan is not required.

Mr. Lank provided the Commission with copies of original letters, sample form letters and petitions in opposition to the application. The signed petition contains 50 signatures in opposition. A total of 55 form and individual letters were received in opposition referencing the size of the facility, the inappropriateness of the use proposed, the inconsistency with the homes in the community, the unsafe volume of traffic, traffic safety, personal safety, the violation of the zoning requirements, the financial impact on the residents in the area by possible devaluation, the impact on quality of life, the loss of the agricultural setting of Old Mill Road, additional traffic caused by this application on the already impacted intersection of Old Mill Road and Route One, placing a business/commercial activity in a residential area, traffic accidents at the intersection, and questioning the need for additional storage facilities. All of the letters and petitions are available for review in the application file.

The Commission found that Todd Fisher and Michael Long, Partners in this project, were present with David Kuklish, Professional Engineer with Bohler Engineering, and Betty Tustin, Professional Engineer (Traffic Engineer), and stated in their presentation and in response to questions raised by the Commission that the site contains two vacant parcels totaling 3.6 acres; that they are dedicating 15 foot of the property to DelDOT for right-of-way; that a portion of the site was previously approved for a tennis facility; that several business/commercial activities exist in close proximity along Route One, referencing a furniture store, a restaurant, marine services, a lighting business, and an auto repair and service facility; that the site is not in a flood plain; that four storage buildings are proposed with one being one story and the other three being three story; that security fencing will be provided around the facility and that a central security gate will be provided; that landscaping will be provided along the front of the property based on the Highway Corridor Overlay Zone requirements; that a septic system will be located in the northeast corner of the site; that septic feasibility has been approved; that on-site well water will be provided; that stormwater can be addressed per State regulations; that security lighting will be installed on the buildings; that DelDOT did not require a Traffic Impact Study; that the entrance and any roadway improvements will be constructed per DelDOT requirements; that the facility will be open from 6:00 a.m. to 10:00 p.m. seven days per week; that once full build-out is completed, an on-site manager will be present; that the site plan depicts an office building with an apartment above for the on-site manager; that a minimal amount of traffic is anticipated; that there should not be any on-site traffic passing the site into the residential area to the east; that traffic reports indicate that from October 2011 through October 2014 there have been two traffic accidents, neither of which had fatalities; that no safety concerns are anticipated since this is a storage facility; that the security system will include lighting and cameras, inside and outside; that access to the storage facility will be some type of entry card access; that the three story buildings will have elevators; that the number of units could range from 350 to 1,000 units depending on the size of the units; that buffering along the sides and rear will be natural grasses with fencing; that portions of the northeast, south and southeast of the site are intended for

stormwater management; that the closest building will be at least 50 feet from the DelDOT dedicated right-of-way; that parking is planned to be within the 40 foot setback, but outside of the 20 foot landscaping buffering required by the Highway Corridor Overlay Zone; that private users, not businesses, will utilize the facility; that the security fencing will be at least 6 feet high; that the only retail sales will be for accessory storage products, i.e. boxes, locks, etc.; that the project will meet all State Fire Marshal regulations; and that no outside storage is intended.

The Commission found that Suzanne Hain, Mary Groom, Jim Wright, Bill Landon, Vince Brady, David Williams, Vicki Head, George Dellinger, Maggie Bowden, Christina Abramowicz, Mark Nyden, George Nason, Carole Pizzilla, Marie Mayor, and Ruth Shiffleth, of the 30 parties present in opposition spoke expressing concerns that the most dangerous part of Old Mill Road is crossing Route One to go southbound; that there are approximately 80 homes with access to Old Mill Road; that over the years the farmland and woodlands have changed to residential development; that the business/commercial activities along Route One do not impact Old Mill Road since they are north of Old Mill Road; that the residents have a fear that a precedent will be set by approval of this application bringing additional commercial activities to this residential area; that this application will have no positive benefit to the community; that there do not appear to be any safety benefits for the residents of the community; that the residents only anticipate negative impacts on the community by development of this project; that the residents are concerned about traffic and pedestrian safety; that the only C-1 General Commercial zoning along Old Mill Road is at the corner with Route One; that residents purchased their properties because the area along Old Mill Road is residentially zoned and for residential purposes; that the homes in the area range from 1,500 to 3,000 square feet; that the downslope of the Nassau Bridge is used by motorists as an acceleration zone; that the residents have a fear of accidents involving slow moving box trucks and pulled trailers leaving the storage facility pulling into the heavy traffic coming off of the Nassau Bridge; that the property directly across from the site is intended for residential development which will be impacted by this proposal; that this application does not meet the purpose of the AR-1 Agricultural Residential District or the purpose of the Conditional Use section of the AR-1 Agricultural Residential District; that the use should be agricultural related; questioning how a 30 plus foot high storage facility meets that criteria; that the residents are concerned about the storage of hazardous waste; that the residents are concerned about the attraction of strangers and crime increasing; that the size of the project is not an amenity to the neighborhood, it will be a nuisance; that the building design is a warehouse, not a building maintaining a residential character; that the businesses in the area face Route One, not Old Mill Road; that Old Mill Road is primarily residential; that the average customer at a storage facility only maintains the unit for seven months; that the parking on the site plan appears to be inadequate; that emptying out abandoned units is a problem, with trash, litter and debris issues; that the site plan does not depict a location for a dumpster; that the Comprehensive Plan depicts this area as residential; that there are a large number of storage facilities in the area, most of which are on major highways, not on residential roadways, and questioning the need for additional storage facilities; that the farmland at the end of Old Mill Road is a hunting club which causes additional traffic along Old Mill Road; that one of the major concerns of the residents is traffic; that the merge lane on Route One, close to Old Mill Road, creates traffic issues; that the signage for Old Mill Road is missing; that this request is a

large project on a small site; that light pollution is a concern for any residential area; that a needs assessment was not provided; that abandoned units create auction sales, causing more traffic; that some of the residents have expressed major concerns about the activities on the site from 6:00 a.m. to 8:00 a.m. and 7:00 p.m. to 8:00 p.m.; that concerns have been expressed about equipment noises; that the existing yield sign on New Road should be a stop sign; and that this application is totally out of character with the neighborhood.

The Commission found that Mr. Dellinger provided a Booklet in opposition to the application with facts and concerns supporting the denial of this application. The Booklet contains photographs of the vacant site and then a site depicting a similar self-storage building; a listing of those residents opposed to the application and a copy of the petition; a copy of the Existing Land Use Map from the Comprehensive Land Use Plan; statements disputing that the application is not consistent with nearby businesses; a map depicting the location of several self-storage facilities and photographs of some of those storage facilities; a listing of self-storage facilities in the County; additional facts and concerns referencing problems with self-storage facilities in other jurisdictions; copies of portions of manuals prepared for the Self-Storage Association in reference to a Self-Storage Entitlement Manual, Self-Storage Standards and the Modern Community, a Self-Storage Demand Study 2005, a 2004 Self-Storage Almanac, a 2003 Development Handbook, and a photograph questioning the location for a dumpster.

By a show of hands it was found that there were 30 parties present in opposition to this application.

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

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

#### OTHER BUSINESS

##### **Bay Forest Club MR/RPC**

##### **Phases 3.2, 4.1 and 4.2 – Final Record Plan**

Mr. Abbott advised the Commission that this is the final record plan for 109 units containing 19, 70' x 120' lots, 2 cottages, 69 attached townhome villas and 19 detached villas; that the entire project is permitted 892 units; that the Commission granted preliminary approval on March 27, 2014; that the final record plan is the same as the preliminary plan and the approved revised master plan; that the final record plan complies with the subdivision and zoning codes and the conditions of approval; that all agency approvals have been received; and that the Commission was previously provided a copy of the final record plan.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried unanimously to approve the site plan as a final. Motion carried 4 – 0.

##### **Americana Bayside MR/RPC**

##### **Town Center Phase 1A & 1B – Revised Site Plan**



Mr. Abbott advised the Commission that this is a revised preliminary plan for the Town Center of Americana Bayside; that the revisions for this area will turn Americana Parkway East into a two way street; that the current Americana Parkway West will be eliminated and will be incorporated into area for the development of a permanent Welcome Center, Community Post Office, the Main Recreation and Health Center and Future Office/Retail Space; that any residential component has been removed from Americana Parkway; that the Welcome Center contains 2,600 square feet, the Retail/Post Office contains 1,800 square feet, the Retail/Office Building contains 4,000 square feet, the Recreation Center/Health Club contains 17,000 square feet and a future Retail/Office Building contains 6,200 square feet; that 186 parking spaces are required and 299 spaces are proposed; that if the Commission is favorable towards this request, only preliminary approval should be considered; that since the project is a residential planned community, final site plan approval is subject to the review and approval of the Commission upon receipt of all agency approvals; and that the Commission was previously provided a copy of the site plan.

Mr. Robertson questioned if any sewer lines will need to be relocated.

Lawton Myrick with Carl M. Freeman Companies advised the Commission that sewer lines will need to be relocated and that they have been in contact with the County Engineering Department.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a revised preliminary with the stipulation that final approval shall be subject to the review and approval of the Planning and Zoning Commission upon receipt of all agency approvals. Motion carried 4 – 0.

**Ruth Rayne**  
**2 Lots & 50' Easement – Road 381**

Mr. Abbott advised the Commission that this is a request to subdivide a 2.00 acre parcel into 2 lots with access from a 50-foot easement; that the owner is proposing to create the 50-foot easement over an existing driveway; that one of the lots will contain 0.75 acre; that there is an existing dwelling located on it that will be removed and replaced with a new dwelling; that the residual lands will contain 1.25 acre and that there is an existing manufactured home (single wide) located on it that will remain; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was provided a sketch drawing of the request.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried unanimously to approve the request as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

**Don Wagner**  
**2, 3 Lots & 50' Easements – Road 290**

Mr. Abbott advised the Commission that this is a request to create 2 - 3 lot subdivisions and 2 - 50-foot easements; that in the first case, this is a request to subdivide a 4.16 acre parcel into 3

lots with access from a 50-foot easement; that the owner is proposing to create the 50-foot easement over an existing entrance; that in the second case, this is a request to subdivide a 3.10 acre parcel into 3 lots with access from a 50-foot easement; that the owner is proposing to create this 50-foot easement over an existing entrance; that the requests may be approved as submitted, or applications for a major subdivision can be required; that if the requests are approved as submitted, it should be stipulated that any further subdivision of the sites will require an application for a major subdivision; and that the Commission was previously provided a sketch drawing of the requests.

Mr. Johnson questioned the ownership of the parcel of land located between the two requests.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action to allow the staff to verify the ownership of the adjoining parcels. Motion carried 4 – 0.

### **Savannah Road Professional Center CU #1801 Amended Condition**

Mr. Abbott advised the Commission that this request has been deferred since the September 25, 2014 meeting; that this is a request to amend the condition of approval limiting the size of the sign from 32 square feet per side to 80 square feet per side; that this request is based on the size of the buildings under construction; and that the Commission was previously provided a copy of a letter from the applicant's sign company and a sketch drawing of the proposed request.

Mr. Robertson advised the Commission that he has spoken to the applicant; that the application was approved by the Court; that the applicant feels that since the Commission recommended approval of the application, the Commission may modify the conditions; that Mr. Robertson does not agree with this; and that the applicant states that he has taken pictures of signs along Savannah Road and that he should provide them to the Commission for their review for consistency with other signs in the area if the Commission desires.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

### **Douglas L. Boozer CU #1942 Site Plan – Road 252**

Mr. Abbott advised the Commission that this is a site plan for Conditional Use #1942 for storage, maintenance and general office space for a contracting/excavating company located on 10.56 acres; that the site is zoned AR-1 and this conditional use was approved on September 18, 2012 with 8 conditions of approval; that the 8 conditions of approval are noted and depicted on the site plan; that there is an existing 50' by 60' foot storage maintenance building located on the site; that a 40' by 80' pole building is proposed; that the setbacks meet the minimum requirements of the zoning code; that 9 employee parking spaces are proposed; that on-site septic and well will be utilized; that the plan meets the requirements of the code and the conditions of approval; that all agency approvals have been received; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the site plan as a final. Motion carried 4 – 0.

Meeting adjourned at 8:52 p.m.