



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE SPECIAL MEETING OF APRIL 16, 2008

A special meeting of the Sussex County Planning and Zoning Commission was held Wednesday afternoon, April 16, 2008 in the County Council Chambers, Sussex 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. I.G. Burton, III, Mr. Rodney Smith with Mr. James Griffin – County Attorney, Mr. Lawrence Lank – Director, Mr. Richard Kautz – Land Use Planner, and Mr. Shane Abbott – Assistant Director.

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

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

Consent Agenda

Subdivision #2005 – 1 - - application of **PINEWATER WOODS, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 18.96 acres into 23 lots (Cluster Development), located south of Road 49, 0.5 mile east of Route 24.

This is the final record plan for a 14-lot subdivision application. The Commission granted preliminary approval for 14 lots on January 4, 2006 and a one-year time extension on January 18, 2007. Another time extension, retroactive to the anniversary date of preliminary approval is needed prior to granting final approval. The final record plan is similar to the preliminary plan, meets the requirements of the subdivision and zoning codes and the conditions of the preliminary approval. All agency approvals have been received.

Subdivision #2006 – 2 - - application of **D. & N. PROPERTIES, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 11.88 acres into 11 lots, located south of Road 72, 1,500 feet east of Road 70.

This is the final record plan for a 10-lot subdivision application. The Commission granted preliminary approval for 10-lots on April 12, 2007. The final record plan is similar to the preliminary plan, meets the requirements of the subdivision and zoning codes and the

conditions of approval. A landscape plan for the required 30-foot forested buffer has been submitted. All agency approvals have been received.

3. Time Extensions

a. CU #1685 – Parker Block Co.

This is a request for a one-year time extension. The Conditional Use was approved on May 1, 2007. This is the first request for a time extension.

b. CU #1686 – Malone Enterprises

This is a request for a one-year time extension. The Conditional Use was approved on July 24, 2007. This is the first request for an extension.

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

This is a request for a one-year time extension. The Commission granted preliminary approval on April 14, 2005 and granted one-year time extensions on March 1, 2006 and May 24, 2007. Approvals have been received from all agencies except Sussex County Engineering Public Works Division. The Public Works Division has requested a new design practice be implemented with respect to storm water management and the approved storm water management design needs to be revised to meet the Public Works standards and resubmitted to Sussex Conservation District for their approval. The engineers for this project have a meeting scheduled with the County Engineer in hopes of having this matter settled.

d. Subdivision #2005 – 24 - - Cascade Properties, L.L.C.

This is a request for a one-year time extension. The Commission granted preliminary approval on March 23, 2006 and granted a one-year time extension on June 20, 2007. This is the second request for an extension.

e. Subdivision #2005 – 42 - - Wilkinson Development, L.L.C.

This is a request for a one-year time extension. The Commission granted preliminary approval on June 8, 2006 and granted a revised preliminary approval and a one-year time extension on April 19, 2007. This is the second request for an extension.

f. Subdivision #2006 – 6 - - Jeff Stoneberger

This is a request for a one-year time extension. The Commission granted preliminary approval on May 16, 2007. This is the first request for an extension.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the items on the Consent Agenda. Motion carried 4 – 0.

Mr. Michael Johnson joined the meeting.

OLD BUSINESS

Subdivision #2006 – 40 - - application of **REINERT, TIRINO, THORP, L.L.C.** to consider the subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 25.27 acres into 11 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located east of Road 458, 1,400 feet north of Road 464.

Mr. Abbott advised the Commission that this 11-lot subdivision application was deferred on October 26, 2007 pending receipt of septic feasibility statement from DNREC and to allow Mr. Robertson a chance to review any possible deed restrictions; that DNREC has issued a non-binding septic feasibility statement indicating that the site is suitable for individual on site septic systems; and that DelDOT has issued a Letter of No Objection for the entrance location.

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2006 – 40 for Reinert, Tirino, Thorp, L.L.C., based upon the record and for the following reasons:

1. The proposed subdivision meets the purpose of the Subdivision Code in that it protects the orderly growth of the County. It also meets the requirements of the Subdivision Code, and the items listed in Section 99-9C of the Code have been favorably addressed.
2. The proposed subdivision density is significantly 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.
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 individual on-site septic systems.
6. This approval is subject to the following conditions:
 - A. There shall be no more than 11 lots within the subdivision.
 - B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any 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 and an area for a school bus stop shall be established. The location for the school bus stop shall be coordinated with the local school district.
- E. A 30 foot forested Agricultural Buffer shall be shown along boundaries bordering on any land used primarily for any agricultural purpose. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- F. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- G. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all storm water management areas and erosion and sedimentation control facilities.
- H. Given the shape of the parcel, a variance from the maximum allowed cul-de-sac length of 1,000 feet is appropriate, since there is no other way to design a roadway through the site.
- I. Access shall be established on the Final Site Plan to the 81,000 square foot storm water management/open space area.
- J. 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 – 51 - - application of **WOLFE PROPERTIES, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 155.00 acres into 184 lots, and a waiver from the forested buffer requirements, located north and south of Route 24, 1,200 feet east of Road 493 and Road 514.

Mr. Abbott advised the Commission that this 184-lot cluster subdivision was deferred on December 20, 2007 pending receipt of a septic feasibility statement from DNREC; and

that DNREC has issued a non-binding septic feasibility statement indicating that the site is suitable for a community wastewater treatment disposal system.

Mr. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2006 – 51 for Wolfe Properties, Inc., based upon the record and for the following reasons:

1. The proposed Subdivision meets the purpose of the Subdivision Code in that it protects the orderly growth of the County. It also meets the requirements of the Subdivision Code, and the items listed in Section 99-9C of the Code have been favorably addressed.
2. The proposed subdivision density 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.
4. The proposed subdivision will not adversely impact schools, public buildings and community facilities or area roadways and public transportation.
5. The project will be served by a central community sewer system.
6. This approval is subject to the following conditions:
 - A. There shall be no more than 181 lots within the subdivision.
 - B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any 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, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. A 30 foot forested Agricultural Buffer shall be shown along the boundaries bordering on any land used primarily for any agricultural purpose. No waiver from the forested buffer requirement shall be granted, and the buffer area shall be outside of the individual lots. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.

- F. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- G. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all storm water management areas and erosion and sedimentation control facilities.
- H. The project shall be served by a community central system. The location of the sewer treatment plant and disposed areas shall be relocated into the interior of the subdivision on the south side of Sharptown Road where it can be integrated into the project and will have less of an impact on existing homes than currently shown on the Preliminary Site Plan.
- I. No lots shall contain any tax ditch easements or maintenance areas. These areas shall be shown on the Final Site Plan.
- J. All amenities including the clubhouse and pool shall be open to residents within 2 years of the issuance of the first residential Building Permit.
- K. 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 – 62 - - application of **JOSEPH A. BLACK** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 43.52 acres into 37 lots, located west of Road 249, 1,895 feet north of Road 248A.

Mr. Abbott advised the Commission that this 35-lot subdivision plus a residual parcel was deferred on March 27, 2008; and that DNREC has issued a non-binding septic feasibility statement indicating that the site is suitable for individual on-site septic systems.

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2006 – 62 for Joseph A. Black, based upon the record and for the following reasons:

1. The proposed subdivision meets the purpose of the Subdivision Code in that it protects the orderly growth of the County. It also meets the requirements of the Subdivision Code, and the items listed in Section 99-9C of the Code have been favorably addressed.

2. The proposed subdivision density is significantly 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.
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 individual on-site septic systems.
6. This approval is subject to the following conditions:
 - A. There shall be no more than 36 lots with the subdivision.
 - B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any 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, and an area for a school bus stop shall be established. The location for the school bus stop shall be coordinated with the local school district.
 - E. A 30 foot forested Agricultural Buffer shall be shown along boundaries bordering on any land used primarily for any agricultural purpose. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
 - F. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - G. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all storm water management areas and erosion and sedimentation control facilities.
 - H. A minimum 50 foot setback from all wetlands shall be established. This setback shall be shown on the Final Site Plan. The setback shall also be marked on the site through signage or other monuments.

- I. There shall be a sidewalk or multi-modal paved pathway on at least one side of all streets.
- J. No lots shall have entrances directly onto Shingle Point Road. The Final Site Plan shall also designate the front and rear yards of all double-frontage lots.
- K. The residual lot shall be part of the subdivision and shall be governed by the homeowners' association.
- L. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

Subdivision #2006 – 63 - - application of **DEEP BRANCH ROAD, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 202.37 acres into 303 lots (Cluster Development), located at the northwest corner of the intersection of Road 317 and Road 315.

Mr. Abbott advised the Commission that this 303-lot cluster subdivision was deferred on March 27, 2008; and that DNREC has issued a non-binding septic feasibility statement indicating that the site is suitable for a community wastewater disposal system.

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

CZ #1652 - - application of **PENINSULA SQUARE, L.L.C.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, land lying at the southwest corner of Route 24 (John J. Williams Highway) and Road 299 (Autumn Road), to be located on 30.00 acres, more or less.

The Chairman referred back to this application, which was deferred on March 27, 2008.

Mr. Johnson stated that he would move that the Commission recommend approval of CZ #1654 for Peninsula Square, L.L.C. to amend the Comprehensive Zoning Map from AR-1 to CR-1 Commercial based upon the record made at the public hearing and for the following reasons:

- 1. The project is located in an area of existing residential communities that have developed and continue to be developed, including strip lots and larger subdivisions.

2. The project is at an intersection that contains other large and small commercially zoned properties. These include shopping centers with various retail and commercial uses.
3. The rezoning will not have an adverse impact on the neighboring properties or community and will be in character with the area.
4. The site is currently developed as a boat storage facility permitted through a conditional use. The applicant has stated that this use will not change in the immediate future.
5. The applicant has stated that it will meet or exceed all DelDOT requirements.
6. The project will be served by central water and County sewer.
7. CR-1 zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for commercial and miscellaneous service activities, generally serving a wide area and that such uses should be located along major thoroughfares where a general mixture of service activity now exists. In this case, the proposed location along Route 24 falls within the stated purposes of the CR-1 District, since
 - a) Route 24 is a major thoroughfare that serves the Lewes, Long and Millsboro areas and all the residents in between.
 - b) A general mixture of commercial and service activities now exist in the area of the Route 24 corridor.
 - c) The proposed uses will benefit the neighboring subdivisions and residents, and will provide neighborhoods and village scale shopping.
8. The proposed commercial area meets the general purpose of the Zoning Ordinance by promoting the orderly growth, convenience, order and welfare of the County.

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

OTHER BUSINESS

1. Nentego MR/RPC CZ #1605 Site Plan – Route 24

Mr. Abbott advised the Commission that this is a preliminary site plan for 367 townhouse-style units located on 93.67 acres; that the approved ordinance permits 373 townhouse-style units; that there are 30, 7-unit buildings, 12, 6-unit buildings and 17, 5-unit buildings proposed; that the 6-unit buildings are duplexes in a pod-type setting; that

the building lengths, separation distances and setbacks meet the requirements of the zoning code; that 734 parking spaces are required and 740 spaces are provided that a community center and a swimming pool with 11 parking spaces are proposed; that the 17 conditions of approval need to be addressed and referenced on the site plan; and that the applicants are seeking conceptual approval since there are items that need to be addressed.

Mr. Kautz questioned if the interior streets are named and raised concerns about backing into the interior streets.

Dennis Schrader, Esquire, and Jason Palkewicz, P.E. with McCrone were present and stated that the interior streets will be named for addressing purposes; that the woods on the site have been saved, that the storm water ponds have been relocated, and that the parking design will be reconsidered to have the spaces located near the proposed units.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the site plan as a concept. Preliminary approval shall be subject to the review and approval of the Planning and Zoning Commission. Motion carried 5 – 0.

2. Seaford Tractor Supply CU #1707 Site Plan – U.S. Route 13

Mr. Abbott advised the Commission that this is a site plan for a retail sale and mini-storage facility located on 9.47 acres; that the site is zoned AR-1; that the conditional use was approved on February 5, 2008 with 11 conditions; that a 19,097 square foot retail building with 21,150 square feet of outside storage, a 5,000 square foot display area and 56,300 square feet of mini-storage is proposed; that the mini-storage also has a 1,200 square foot office proposed; that the setbacks meet the requirements of the zoning code; that 77 parking spaces are required for the retail site and 79 are provided; that there are no parking spaces within the front yard setback; that all of the conditions have been addressed or are referenced on the site plan except for a landscaping plan being submitted; that this needs to be done with the final site plan; that on-site septic and well are proposed; that there are no wetlands on the site; and that the site plan is suitable for preliminary approval only.

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

3. Oakwood Homes Delmar Commercial Site Plan – U.S. Route 13

Mr. Abbott advised the Commission that this is a preliminary site plan for a manufactured home sales facility located on 14.73 acres; that the site is zoned LI-2, Light Industrial; that 10 model homes are proposed with a sales office and shed; that the setbacks meet the requirements of the zoning code; that 20 parking spaces are proposed; that on-site septic and well are proposed; that DeIDOT has issued a Letter of No

Objection for the entrance location; that the entrance is a right in and right out only and is temporary until such a time as a service road is built and then access will be from the service road; that the temporary entrance is at the northern end of the site; and that only preliminary approval should be considered since the required 20-foot landscape buffer is not shown on the plan and a landscaping plan for the buffer has not been provided.

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

4. Dansk, L.L.C. CU #1697 Site Plan – Route 54

Mr. Abbott advised the Commission that this is a site plan for the expansion of a water park; that the Conditional Use was approved on December 18, 2007 with 10 conditions; that the Commission granted a conceptual site plan approval on March 19, 2008; that a lazy river, wet play area and expansion of the existing restrooms are proposed; that the setbacks meet the requirements of the zoning code; that attached is a letter from the park owners requesting a modification to condition number 5; that this condition reads “There shall be a boardwalk/pathway/sidewalk along the entire length of the project adjacent to Virginia Avenue for safe pedestrian access into the project and off of the Virginia Avenue right of way”.

Tor Anderson was present on behalf of this request and explained that they have concerns about patrons using the crosswalk to cross Route 54, that the majority of the patrons come from the rear of the site; and that railing and fencing could be added.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the site plan as a preliminary with the stipulation that Condition Number 5 be revised to read “There shall be an elevated boardwalk/pathway/sidewalk along the length of Virginia Avenue from the north side of the proposed storm water management pond to the north end of the site. The boardwalk/pathway/sidewalk shall be elevated a minimum of 6-inches above grade”. Motion carried 5 – 0.

5. Jungle Jim’s Amusement Park Revised Site Plan – Road 273

Mr. Abbott advised the Commission that this is a revised site plan for an expansion to an existing water park; that the proposed expansion is for a new water feature within the existing water slide portion of the project; that this request was deferred at the February 20, 2008 meeting; that the height of the proposed slide is 24 feet; that the setbacks meet the requirements of the zoning code; and that the staff is questioning if the addition is permitted or if a conditional use application would be required since when this project was built and revised, amusement places were permitted in the C-1 district.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the site plan as revised. Motion carried 5 – 0.

6. Lucian Szczepanski
3 Lots and 50' Right of Way – Road 436

Mr. Abbott advised the Commission that this is a request to create 3 lots with access from a 50-foot right of way; that the owner proposes to create the right of way over an existing stone driveway; that each of the lots will contain 1.37 acres; that this request was deferred at the March 19, 2008 meeting for information about the existing structures on the site; that the applicant's engineer has sent a letter advising that the existing structures will be removed from the site or demolished; that the request may be approved as submitted or an application for a major subdivision can be required; and that if the request is approved as submitted, it should be stipulated that any further subdivision of the site shall require an application for a major subdivision and a note placed on the survey that the structures will be removed or demolished.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this request as submitted as concept with the stipulations that any further subdivision of the property will require an application for a major subdivision; that note shall be provided on the survey that the existing structures will be removed or demolished, and that a cul-de-sac shall be provided for a turn around on lot 3. Motion carried 5 – 0.

7. Tim Cooper
2 Lots and 50' Right of Way – Road 557

Mr. Abbott advised the Commission that this is a request to subdivide 10.14 acres into 2 parcels and a 50-foot right of way; that Lot 1 will contain 1.28 acres and the residual land will contain 8.86 acres and have access from a 50-foot right of way; that the owner proposes to create the right of way over an existing lane; and that the request may be approved as submitted or require an application for a major subdivision.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

8. Phillip S. and Ada A. Messia
2 Lots and 50' Right of Way – Road 307

Mr. Abbott advised the Commission that this is a request to subdivide 5.26 acres into 2 lots and a 50-foot right of way; that one of the parcels will contain 2.79 acres and has an existing dwelling located on it; that the residual parcel will contain 2.47 acres; that the owner is proposing to create the 50-foot right of way over an existing driveway; and that the request may be approved as submitted or require an application for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

9. Myra Huff

Parcel and 50' Right of Way – Route 20

Mr. Abbott advised the Commission that this is a request to create a 5.00-acre parcel with access from a 50-foot right of way; that the 50-foot right of way is existing frontage; and that the remaining 23 acres has 280 feet of road frontage along Route 20.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

10. Clarence M. Gardner, III

2 Parcels and 50' Right of Way – Road 531

Mr. Abbott advised the Commission that this is a request to subdivide 8.97 acres into 2 lots with access from an existing 50-foot private road; that Lot 1 will contain 3.97 acres; and that the residual land will contain 5.00 acres and has an existing dwelling, swimming pool and pool house and 3 sheds located on it.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

11. John W. Skinner

2 Lots and 50' Right of Way – Road 207

Mr. Abbott advised the Commission that this is a request to subdivide a 4.50-acre parcel into 2 lots and create a 50-foot easement to serve as access to Lot 2; that Lot 1 will contain 2.0 acres; that Lot 2 will contain 2.50 acres; that the owner proposes to create a 50-foot easement over an existing driveway across lot 1 to serve as access to lot 2; that the proposed easement is an extension of an existing 50-foot easement; and that if the request is approved as submitted, this would make 2 parcels having access from the easement.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

12. George W., III and Tricia Ellen Wingate

2 Parcels and 50' Right of Way – Route 26

Mr. Abbott advised the Commission that this is a request to subdivide 11.08 acres into 2 parcels and a 50-foot right of way; that Parcel 1 will contain 4.85 acres and have access from the 50-foot right of way; that the residual parcel will contain 6.23 acres; that the owner proposes to create the right of way over an existing lane; and that the request may be approved as submitted or require an application for a major subdivision.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

13. Mitchell Thompson
3 Lots – Apple Orchard Lane

Mr. Abbott advised the Commission that this is a request to subdivide 3.38 acres into 3 lots along Apple Orchard Lane; that Lot 1 will contain 0.78 acres, Lot 2 will contain 1.84 acres and Lot 3 will contain 0.75 acres; that an additional 20-feet of right of way is being dedicated to Apple Orchard Lane to make it a 50-foot road; that Lot 2 has an existing dwelling located on it; that there is a dwelling located on lot 3 that is noted that to be removed; and that if the request is approved as submitted, it should be stipulated that any further subdivision will require an application for a major subdivision.

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

14. Ed's Mobile Home Park, L.L.C.
3 Parcels and 50' Right of Way – Road 207

Mr. Abbott advised the Commission that this is a request to subdivide 11.57 acres into 3 parcels and extend an existing 50-foot easement to serve as access to the parcels; that Lot B-1 will contain 5.62 acres and have access from the 50-foot easement; that the easement will be extended 100 feet for this parcel; that Lot B-2 will contain 0.55 acres; that this parcel will need a variance since central sewer is not available; that the residual land will contain 5.40 acres; that all of the parcels will have access from the easement; that the request may be approved as a concept subject to Lot B-2 meeting the size requirement; and if approved as a concept, it should also be stipulated that any further subdivision of the property will require an application for a major subdivision.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as a concept subject to a variance in lot size being granted for the proposed Lot B-2 or Lot B-2 being revised to meet the square footage requirement, and with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

15. Charles E., Jr. and Eleanor Adams
2 Parcels and 50' Right of Way – Road 231

Mr. Abbott advised the Commission that this is a request to create a 1.06-acre parcel with access from a 50-foot easement; that the remaining lands will be combined into a 10.24-acre parcel; and that both parcels will have access from the 50-foot easement.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

16. Curtis Carey
Lot on 50' Right of Way – Road 42

Mr. Abbott advised the Commission that this is a request to create a third lot with access from an existing 50-foot right of way; that the Commission approved the 50-foot right and 2 lots on January 17, 2008; 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. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

Meeting adjourned at 4:30 p.m.