

SUMNER COUNTY PLANNING COMMISSION MINUTES

APRIL 28, 2020

5:00 P.M

**MEETING WAS CONDUCTED VIA ZOOM VIDEOCONFERENCE &
LIVE STREAMED VIA YOUTUBE AT THE FOLLOWING LINK:**

<https://www.youtube.com/channel/UCY2-NkxIyUCUnli4fRYmlxw>

MEMBERS PRESENT:

**LUTHER BRATTON, CHAIRMAN
BILLY GEMINDEN, VICE-CHAIRMAN
JERRY KIRBY
GENE RHODES
TOM TUCKER
MIKE HONEYCUTT
CHRIS TAYLOR**

MEMBERS ABSENT:

JIM WILLIAMS

STAFF PRESENT:

**JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR
LEAH MAY DENNEN, COUNTY ATTORNEY
BEN ALLEN, STAFF ATTORNEY**

Mr. Suddath announced that the ZOOM meeting was recording and live streaming on YouTube.

At this point, Mr. Bratton called the meeting to order and asked Mr. Suddath to read a statement allowing this meeting to be held via ZOOM and live streamed via YouTube.

Mr. Suddath stated that the County Attorney has requested the following be entered into the record of any public meetings:

“The April 28, 2020 meeting of the Sumner County Regional Planning Commission is being held pursuant to the numerous executive orders issued by the Governor which allow for meetings to be held by electronic means. The agenda has been posted fully on-line on the County website and citizens were asked to submit comments by email. Any comments received were reported to all committee members prior to the meeting. A recording of this meeting will be posted on the County website within the statutory timeframe.”

Mr. Bratton asked Ms. Young for an attendance roll call which showed all Planning Commission members were in attendance, except Jim Williams.

Mr. Bratton declared there was a quorum present.

MOTION FOR THE APPROVAL OF FEBRUARY 2020 MEETING MINUTES BY MR. GEMINDEN, SECONDED BY MR. HONEYCUTT. MOTION PASSED UNANIMOUSLY

Mr. Bratton stated that Agenda Item #1, Gregory Real Estate, LLC Sketch Plat has been withdrawn by the applicant.

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Mr. Suddath confirmed the withdrawal, stating they will have to reapply in the future, if they wish to proceed.

MOTION FOR THE APPROVAL OF APRIL 2020 AGENDA, WITH ITEM #1 WITHDRAWN MADE BY MR. GEMINDEN, SECONDED BY MR KIRBY. MOTION PASSED UNANIMOUSLY.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

1. GREGORY REAL ESTATE, LLC– SKETCH PLAT (Major) – Represented by Jim Carman – 3rd Commission Voting District (Alan Driver and Steve Graves) - Applicant is requesting Sketch Plat approval for a 146-lot subdivision located on Barry Lane and Hartsville Pike, Gallatin, TN, 37066. Subject property is P/O Tax Map 111, Parcel 026.00, contains 187.54 acres, and is zoned Residential 1A (R1A).

WITHDRAWN BY THE REPRESENTATIVE

2. COOK 76 ACRES – SKETCH PLAT (Major) – Represented by Richard Graves - 12th Commission Voting District (Michael Guthrie and Justin Nipper) - Applicant is requesting Sketch Plat approval for a 5-lot subdivision located on TN Hwy. 76, Portland, TN, 37148. Subject property is P/O Tax Map 053, Parcel 073.00, contains 5.06 acres, and is zoned Agricultural (A).

After confirming that all members could see the presentation, Mr. Suddath provided an overview of the item, displaying the Sketch Plat, and photos of aerial and street views of the property. Mr. Suddath pointed out the presence of a creek on the northeast part of the property, explaining that there is a considerable portion of this property that is in the flood plain.

Mr. Suddath explained the following:

- Utilities and Fire Protection: No hydrants depicted upon the Sketch Plat. Mr. Suddath stated that WHUD is utility provider. They state that a 6 inch line is present along the north side of State Route 76.

A fire hydrant will be necessary for this development. If one cannot be installed, then the applicant will need to make equivalent dedication to further the goal of fire protection in the County.

- Roads: Adequate ROW is shown along State Route 76.
- Proposed lot widths meet all requirements.

Then, Mr. Suddath explained that the next Steps for this development which include:

- Will need to receive Preliminary and then Final Plat approval from the Planning Commission

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- Will need to submit Drainage Calculations and Erosion Prevention & Sediment Control Plan and meet other requirements related to Stormwater Management.

Next, Mr. Suddath stated that due to their proximity to approximate flood zones, where actual flood elevations are not known, staff has requested that all lots be shown as “Critical Lots” on the upcoming Preliminary Plat:

- This will require submittal of an individual building plan with application for a building permit
- Due to possible floodability, finished floor elevation needs to be 3 feet above highest adjacent grade, and no basements will be allowed.
- A surveyor or engineer must prepare a specific plan for each lot
- Critical Lot designation was added to the County Subdivision Regulations in February 2019 in order to ensure that lots with site specific challenges are properly designed in order to protect future homeowners.

Mr. Suddath added that the applicant requests Planning Commission to reconsider staff’s recommendation to label the lots as “Critical” due to it impacting their marketability to future homeowners. Mr. Suddath explained that staff feels the “Critical Lot” designation is required.

Mr. Suddath completed his presentation with example motions.

Mr. Bratton asked Mr. Richard Graves if he had any comments.

Mr. Graves stated that he is in agreement that he will add the following notes to the plat: “Critical Lot”, “No basements” and “Three (3) feet above the highest adjacent grade”.

Mr. Graves added that because these lots are not located in the flood plain, he does not feel this will be a deterrent to future homeowners.

Upon confirming that no one wished to speak, Mr. Bratton stated his desire to entertain a motion.

Mr. Honeycutt made a motion to approve a Sketch Plat for Cook 76 Acres, with the following conditions:

a) Applicant shall submit Construction Plans depicting all drainage improvements, as well as drainage calculations and Erosion Prevention and Sediment Control plans concurrent with submittal of a Preliminary Plat for this development, in accordance with the County’s Subdivision Regulations.

b) Applicant shall depict lots 1-5 as “Critical Lots” in accordance with County Subdivision Regulations, seconded by Mr. Geminden.

Motion passed unanimously.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

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- 3. FERN VALLEY SPRINGS (formerly Light Property) – FINAL PLAT (Major) – Represented by Richard Graves – 12th Commission Voting District (Michael Guthrie and Justin Nipper)** - Applicant is requesting Preliminary Plat approval for a 4-lot subdivision located at **Fern Valley Road and Shun Pike, Cottontown, TN, 37047**. Subject property is located on Tax Map 078, Parcel 031.08, contains 4.96 acres, and is zoned Residential A (RA).

Mr. Suddath provided an overview of the property, stating that this plat was originally submitted as “The Light Property”, but has since been changed to “Fern Valley Springs”. Mr. Suddath displayed an aerial photo of the property, the Sketch Plat, Preliminary Plat and Final Plat.

Next, Mr. Suddath stated that regarding Drainage, Construction Plans have been approved by the County Engineer at this time. Mr. Suddath explained that the required EPSC Plan and Drainage Calculations have been submitted per County Subdivision Regulations, which showed that Onside Drainage Improvements are not required for this development, as the area generally drains to existing pond to the rear of the lots.

Mr. Suddath added that the applicant is proposing to utilize “sheet flow” method to satisfy County water quality requirements rather than installing treatment ponds, thereby keeping the front of yards in grass, designated as green space and not to be disturbed.

Further explaining the Final Plat, Mr. Suddath explained the following:

- Utilities and Fire Protection: Existing fire hydrant in place along Fern Valley Road. Will serve all proposed lots.
- Roads: Adequate ROW shown dedicated on Plat. Shun Pike is classified as an Urban Minor Collector along this segment per the County Major Thoroughfare Plan.
- Lot widths meet requirements.
- Property is within the “Suburban” Place-Type within the County’s Comprehensive Plan.
- Sidewalks, or a Payment In-Lieu-Of sidewalks along Shun Pike required per the County’s Comprehensive Plan and per the County’s Subdivision Regulations.
- Applicant has agreed to do so, payment due upon application for Final Plat approval at rate of \$10 per linear foot.
- 350 feet of frontage along Shun Pike X \$10 = \$3,500 due.

Mr. Suddath explained that the \$3,500 In-Lieu-Of sidewalks payment will be used to improve future walkability projects in the county, as stated in the County Subdivision Regulations.

Mr. Suddath concluded his presentation with example motions.

Mr. Bratton addressed Mr. Graves, asking if he had any comments.

Mr. Graves stated that the soil scientist visited the site to look at the wetland area, which is about 500 square feet, adding that they will add a buffer around that area.

Mr. Taylor made a motion to approve a Final Plat for Fern Valley Springs, with the following condition:

- **Applicant shall make in-lieu-of payment for sidewalks in the amount of \$3,500 prior to signature by Planning Commission Secretary, seconded by Mr. Honeycutt.**

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Motion passed unanimously.

Mr. Bratton turned the meeting over to Mr., Suddath for staff presentation.

4. BLACKBERRY TRACE – PHASE TWO – PRELIMINARY PLAT (MAJOR) and REQUEST FOR A LOT WIDTH VARIANCE – Represented by Steve Bridges – 6th Commission Voting District (Deanne Dewitt and Luke Tinsley) - Applicant is requesting Preliminary Plat approval for a 3-lot subdivision located at **Douglas Bend Road. Applicant is also requesting a Variance from Lot Width requirements along a Collector Street Subject property is located on Tax Map 157, Parcel 018.00 P/O, contains 2.76 acres, and is zoned Residential A (RA).**

Mr. Suddath provided an overview of the property, stating that this is the second subdivision, continuing down Douglas Bend Road from this parent tract since August 2017. Mr. Suddath explained that a Sketch Plat was prepared some years ago for the property, but it is unclear if it was ever approved. Mr. Suddath explained that while the applicant states that no additional subdivisions of the parent tract are forthcoming, the property owner admits that it may happen in the future.

Mr. Suddath added that this item appeared before the Planning Commission at the February, 2020 meeting and was deferred.

At this time, Mr. Suddath explained that the minimum lot width requirement along a Collector Street is 150'. Mr. Suddath then displayed an aerial photo of the property and the Preliminary Plat, pointing out a proposed road stub and the three proposed lot widths as between 100'-130. Further explaining the plat, Mr. Suddath stated that regarding drainage, the applicant has provided an Erosion Prevention and Sediment Control Plan and Drainage Calculations per the County's Stormwater Management Resolution, but the applicant will need to provide additional information to the County Engineer related to water quality measures before EPSC plan can be approved.

Mr. Suddath provided the following information regarding the plat:

- Utilities and Fire Protection: Existing fire hydrant in place along Douglas Bend Road. Will serve all proposed lots.
- Roads: Adequate ROW shown dedicated on Plat. Douglas Bend is classified as an Urban Minor Collector along this segment per the County Major Thoroughfare Plan.
- Lot widths do not meet requirements, which are for 150 foot lot widths along Urban Minor Collectors.
 - Proposed lots are approximately 130 feet wide
 - Applicant has proposed to depict a proposed future right of way upon the plat that will align with Beacon Court to the East.

Mr. Suddath displayed a map depicting Douglas Bend as part of the County Major Thoroughfare Plan.

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Next, Mr. Suddath displayed wording form new Subdivision Regulations at Article III, Section L, Part 2, which states that “In no case shall lots deriving sole access from an Arterial or Collector street have widths of less than 200 and 150 feet respectively.”

Mr. Suddath explained that The County Subdivision Regulations state that a waiver or variance may be granted by the Planning Commission:

- “If the Planning Commission finds that compliance with certain subdivision regulations will increase the difficulty of development of a particular property without significant benefit (result in practical difficulties), a waiver of these regulations may be granted provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations.”
- The applicant could eliminate the proposed road stub and meet requirements; keeping the road stub helps the County achieve other objectives over the longer term for the parent tract.

At this point, Mr. Suddath stated that the property is within the “Suburban” Place-Type per the County’s Comprehensive Plan. Because sidewalks, or a Payment In-Lieu-Of sidewalks along Douglas Bend Road is required per the County’s Comprehensive Plan and per the County’s Subdivision Regulations, Mr. Suddath explained that the applicant has agreed to payment due upon application for Final Plat approval at rate of \$10 per linear foot, and there being 370 feet of frontage along Douglas Bend, the fees are calculated as 370 feet X \$10 = \$3,700 due.

Mr. Suddath completed his presentation with example motions.

At this time, Mr. Bratton called upon Mr. Steve Bridges for comments.

Mr. Bridges stated that the purpose of asking for a variance is to line up with the road going across there.

Mr. Bratton entertained a motion.

Mr. Taylor stated that for discussion purposes, he would make a Motion to approve a Preliminary Plat and a Lot Width Variance for Blackberry Trace, Phase 2, with the following conditions:

- a) Applicant shall obtain stamped approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.
- b) Applicant shall pay applicable Construction Inspection fees in the amount of \$100 per lot to the County upon application for Final Plat approval.
- c) Applicant shall make in-lieu-of payment for sidewalks upon application for Final Plat approval in the amount of \$3,700.

Seconded by Mr. Kirby.

At this time, Mr. Bratton asked Mr. Suddath for the pros and cons of this variance and how this request varies from other requests that come before the board.

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Mr. Suddath stated that the 150' road frontage requirement has been in place within the Subdivision Regulations for several months now. Mr. Suddath pointed out the road stub being depicted adjacent to these lots, stating that it is up to the Board to determine if they will allow these variances.

Mr. Geminden requested to see the slide depicting the road stub. Upon reviewing the image, Mr. Geminden inquired as to the previous statement in which the developer had stated that there was no plans for further development behind these lots.

Mr. Suddath stated that he believes that it is acknowledged that the back property will be developed in the future, although no active plans have been submitted to develop it at this time.

Mr. Geminden stated that with the setback off the road stub, the buildable portion of the adjacent lot is narrower.

At this point, Mr. Kirby added that people have approached him with requests to change the 150' lot width requirement to 120' in rural Sumner County, adding that he therefore wonders if this is something that should be addressed.

Mr. Tucker commented that a lot of time was put into creating the new Subdivision Regulations, and if this variance is granted, the result will be more and more people asking for similar variances. Mr. Tucker further stated that he has nothing against this development, but is concerned of the precedent this would set.

Mike Honeycutt stated that he is in agreement with Mr. Tucker.

Mr. Bratton stated that there had been discussion in a previous work study that there was potential for classifying rural roads differently.

Mr. Suddath stated that there could be some changes drafted to the Subdivision Regulations if the Commission so wished.

At this point, Mr. Taylor withdrew his Motion for approval.

Mr. Kirby withdrew his 2nd to the motion.

Mr. Honeycutt made a motion to deny a Preliminary Plat for and a Lot Width Variance for Blackberry Trace Phase 2, seconded by Mr. Taylor.

Motion to deny was passed unanimously.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

5. 595 SHUN PIKE –LOT WIDTH VARIANCE – Represented Richard Graves –4th Commission Voting District (Jerry W. Foster and Leslie Schell) – Applicant is requesting

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a variance from County Requirement related to Minimum Lot Width requirements along a Collector Street related to approval for a 2-lot subdivision located at **595 Shun Pike, Cottontown, TN, 37048**. Subject property is located on Tax Map 078, Parcel 031.01, contains 2.14 acres, and is zoned Agricultural (A).

This item was deferred from the February, 2020 meeting.

Mr. Suddath presented an overview of the property, displaying the Sketch Plat and an aerial photo. Mr. Suddath explained the Plat's depiction of access to Shun Pike:

- At this location, Shun Pike is classified as a Rural Minor Collector per the County Major Thoroughfare Plan
- County Subdivision Regulations encourage developers to avoid direct cuts onto arterial and collector streets if other means of access is available.
- Proposed lot widths are approximately 172.5 feet for Lot 1 and 124.7 feet for Lot 2.
- A shared access driveway appears to be proposed on the Variance Exhibit
- Per Subdivision Regs, minimum lot width is 150 feet if sole access is derived from a Collector Street.

Additionally, Mr. Suddath displayed the map of the County Major Thoroughfare Plan classifying Shun Pike as a Minor Collector Road.

Mr. Suddath completed his presentation with example motions stating that if the variance is approved, the next steps would be the submittal of a subdivision plat by the applicant's representative and then staff may approve the plat administratively.

Mr. Bratton asked Mr. Graves if he had anything to add.

Mr. Graves stated that Lot #2B would be forbidden to have their own driveway onto Shun Pike, as they will be required to share the existing driveway on the 174' lot.

Mr. Suddath explained that Mr. Graves' previously stated condition is a way to minimize curb cuts on a Collector Road.

At this point, Mr. Honeycutt asked how the shared driveway would work.

Mr. Graves explained that Lot 2C will have a shared driveway and, specified by deed and plat, there will not be allowed another curb cut onto Shun Pike. Mr. Graves added that there will be a perpetual maintenance agreement over that one existing driveway.

Mr. Honeycutt inquired as to the surface of the existing driveway.

Mr. Graves stated that it is gravel, but he feels the landowners would be willing to concrete the first 30' of the driveway.

Ms. Dennen asked Mr. Graves if wording of the shared driveway could be added to the plat so that landowners would have obvious knowledge of the shared driveway.

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Mr. Graves stated that such wording could be added to the face of the plat and even placed within a box, if desired, and it could be added to the deed.

Ms. Dennen stated that such labeling is desired.

Mr. Graves agreed to make this addition to the plat and deed by making such wording very evident in size of print and wording boxed.

Discussion ensued regarding shared driveways. Mr. Geminden stated that shared drives often cause problems.

Mr. Taylor suggested that if shared driveways are allowed, there needs to be a recognition of who is responsible for the maintenance.

Mr. Tucker added his concern that if we relinquish to allow this, it will set precedent for more shared drives.

Mr. Rhodes stated his agreement with Mr. Tucker's concern.

Mr. Taylor made a motion to deny a request for a variance from County Subdivision Requirements related to lot widths on a collector roadway for the 595 Shun Pike, seconded by Mr. Tucker. Motion to deny was passed unanimously.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

- 6. RESUB OF LOT ONE OF KING ACRES: ROAD FRONTAGE VARIANCE REQUEST** – Represented by Steven Bridges –7th Commission Voting District (Gene Rhodes and Loren Echols) – Applicant is requesting a variance from County Requirement related to Road Frontage requirements along a Collector Street related to approval for a 2-lot subdivision located at **1111 Jenkins Lane, Hendersonville, TN, 37075**. Subject property is located on Tax Map 124, Parcel 054.00, contains 4.68 acres, and is zoned Residential A (RA).

Mr. Suddath provided an overview of the property stating that the proposed variance would allow the applicant to create a new lot that does not have road frontage in order to build a single family home. Mr. Suddath displayed the Plat, an aerial photo and the wording from County Subdivision Regulations at Article III, Section L, Part 2 which states:

“No new lot shall be created which does not continuously abut at least one public street for at least fifty (50) feet. An easement shall not satisfy this requirement.

No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet. An easement shall not satisfy this requirement.”

Mr. Suddath added that this rule has been in place and rigorously enforced since the 1990's.

Mr., Suddath explained that The County Subdivision Regulations state that a waiver or

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variance may be granted by the Planning Commission:

“If the Planning Commission finds that compliance with certain subdivision regulations will increase the difficulty of development of a particular property without significant benefit (result in practical difficulties), a waiver of these regulations may be granted provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations.”

Mr. Suddath stated that it would be staff’s recommendation that the approval of this variance would undermine the ability of the County to fairly enforce these key road frontage provisions, and could lead to a proliferation of land locked parcels.

Mr. Suddath completed his presentation with next steps and example motions.

Mr. Bratton asked Mr. Bridges if he had any comments.

Mr. Bridges stated that the family requested that this be brought before the Planning Commission.

**Mr. Taylor made a motion to deny a request for a variance from County Subdivision Requirements related to related to access to a public road for the Resubdivision of Lot One of King Acres, seconded by Mr. Honeycutt.
Motion passed unanimously.**

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

- 7. JAKE LINK FARMS – PRELIMINARY PLAT (Major) – Represented by Richard Graves - 12th Commission Voting District (Michael Guthrie and Justin Nipper) -**
Applicant is requesting Preliminary Plat approval for a 5-lot subdivision located on Jake Link Road, Cottontown, TN 37048. Subject property is P/O Tax Map 054, Parcel 054.00, contains 9.19 acres, and is zoned Agricultural (A).

Mr. Suddath began his presentation by providing a brief history of this request, stating that this submittal is a revision from the original Sketch Plat, which contained 9 lots, however, due to septic soils, is now a preliminary plat depicting 7 lots which was submitted to the Planning Commission in September 2019.

At this time, Mr. Graves requested to defer this request.

Confirming the deferral request, Mr. Bratton stated that the presentation could be stopped and the Planning Commission could act on the request.

**Mr. Honeycutt made a motion to defer for 30 days, seconded by Mr. Rhodes.
Motion passed unanimously.**

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Mr. Suddath stated that if the applicant voluntarily requests a deferral, this can be deferred indefinitely with the property owners consent.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

- 8. LEATH EVENT VENUE– SITE PLAN – Represented by GreenLID Design – 1st Commission Voting District (Moe Taylor and Terry Wright) - Applicant is requesting Site Plan approval for an event venue located at 5595 Coleytown Road, Westmoreland, TN, 37186. Subject property is Tax Map 044, Parcel 050.01, contains 47.86 acres, and is zoned Agricultural (A).**

Mr. Suddath provided a brief history of this request, stating that access for this property is off of Coleytown Road, which is a City of Westmoreland road. Therefore, this item was heard by the Westmoreland Planning Commission on February 27, 2020 and a letter was provided by the Westmoreland City Fire Chief indicating that the city was agreeable to the facility gaining access via a city street.

Explaining the request, Mr. Suddath stated that the current zoning resolution requires that the Planning Commission hear requests of this type to approve the Site Plan and to evaluate them for adequacy of ingress and egress.

Mr. Suddath displayed an aerial photo showing the existing structure. Providing an image of the Site Plan, Mr. Suddath provided the following information of that plan:

- Roads: No required improvements; street in jurisdiction of the City of Westmoreland
- Drainage: Applicant states that since this project involves the conversion of an existing agricultural use, no stormwater improvements should be required.
- Existing landscaping and tree cover to be preserved.
- Parking as indicated appears to meet requirements
 - Parking area to be treated with a spray application in order to make it “dust free”
 - 124 parking spots proposed; 52 of them located in grassed overflow parking area depicted on site plan
- Next Steps:
 - Following site plan approval, County Zoning Resolution requires this item to obtain a Conditional Use Permit from the County Board of Zoning Appeals.
 - Will then need to obtain any applicable land disturbance and building permits from the County.
 - Building plans will need to be submitted to County Building Codes office for review and approval.

Mr. Suddath completed his presentation with example motions.

Mr. Andy Leath, representative for the Leath Venue, stated that he was available to answer any questions.

Mr. Honeycutt made a motion to approve a Site Plan for Leath Event Venue, with the following conditions:

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- a) **Applicant shall obtain a Conditional Use Permit from the County Board of Zoning Appeals prior to obtaining any additional permits from the County**
- a) **Following approval of a Conditional Use Permit, applicant shall obtain required building and zoning permits from the County Building Codes office following submittal and approval of building and floor plans,
Seconded by Mr. Kirby.
Motion passed unanimously.**

There being no further business before the Commission,

Mr. Tucker made a motion to adjourn, seconded by Mr. Geminden. Motion passed unanimously.

Meeting adjourned at 5:56 pm.