

Planning Commission Meeting  
January 23, 2014  
Verbatim Excerpt

RZ/FDP 2013-SU-010 – CHRISTOPHER LAND, LLC

During Commission Matters

Commissioner Litzenberger: Mr. Gorney and Mr. Regan, come down please. Last time I was here, we had a hearing on a proposal in the Sully District. And there were some legal questions concerning easements, road dedications, road abandonments, and everything. And a particular question I asked staff was to please find out for me from the County Attorney's office or from looking through the Ordinances themselves – if a road is abandoned after it was proffered 25 years ago and the sidewalk that went with that road was proffered also, is the sidewalk still a part of the trail system? Or is that easement gone when the road is abandoned?

Joseph Gorney, Staff coordinator, Zoning Evaluation Division, Department of Planning and Zoning: We did a little bit of research. This is Joe Gorney from DPZ. We did a little bit of research of the proffers and it does speak to public street purposes and a public street to be constructed by others. So based on the initial view, it would appear that it would have to be used as a road. However, we have not completely discussed that matter with the County Attorney's office yet. We're still doing a little bit of research regarding the ownership, actually, of the two parcels – the two out-lots that are in question for this particular ingress/egress easement.

Commissioner Litzenberger: Okay, thank you, Mr. Gorney. With that, Mr. Chairman, I'm going to go ahead and move that we defer it a second time. I MOVE THE PLANNING COMMISSION TO DEFER THE DECISION ONLY FOR RZ 2013-SU-010 AND FDP 2013-SU-010 TO A DATE CERTAIN OF FEBRUARY 5<sup>TH</sup>, 2014.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by – yes, okay. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing [sic] on RZ/FDP 2013-SU-010 to a date certain of February 5<sup>th</sup>, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And that was Mr. Flanagan who seconded the motion.

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(The motion carried by a vote of 12-0.)

JLC