

**Re: Charles R. Underwood – con't**

It was the consensus of the Board that if the applicant proposes to add additional uses to the property in the future he may request a revision to his Conditional Use Permit.

- C. Request by Jack Michenfelder on behalf of Mitch Gardens for a B-1 Business Conditional Use District with a Conditional Use Permit for a landscape business, specifically for the growing, displaying and retail & wholesale sales of plants and other garden center / landscaping supply items and specialized horticulture, on approximately 4 acres, off S.R. 1008 [Beaver Creek Road], in New Hope Township.

Ms. Richardson reviewed the Agenda notes for this request.

Discussion among the Board followed. Some factors noted were:

- combining the two tracts into one
- feasibility of enforcing condition #2 which states "The tracts of land may not be sold as separate tracts without revisions to this permit since the tracts are considered as one for zoning purposes".
- conditional use permit runs with the property

Jack Michenfelder, applicant, was present. He stated that combining the two parcels would probably not be a problem.

Mr. Edwards made a motion; seconded by Mr. Lucier to grant approval of the request as submitted and as recommended by the Planning Department with changes to staff's proposed conditions as follows:

- condition #1 – change wording, "shall be obtained" to "shall be applied for"
- condition #2 – add language, "notice of such condition shall be recorded as a restrictive covenant on the two parcels in the office of Register of Deeds.

The motion passed unanimously to grant approval of the request with the following seven [7] conditions:

1. A building permit shall be applied for on or before March 31, 2003 or the conditional use permit shall be null and void.
2. The tracts of land, parcel #62092, consisting of 3.00 acres and parcel #17707, consisting of 2.14 acres may not be sold as separate tracts without revisions to this permit since the tracts are considered as one for zoning purposes and notice of such condition shall be recorded as a restrictive covenant on the two parcels in the office of Register of Deeds.