

MINUTES OF THE REGULAR MEETING OF July 10, 2014

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 10, 2014, in the County Council Chambers, County Administrative Office Building in 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. Rodney Smith, Mr. I.G. Burton III, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of June 26, 2014 as amended. Motion carried 5 – 0.

PUBLIC HEARINGS

Mr. Robertson announced the process for the public hearings.

Subdivision #2014-3 – Adam Doughty

Application of **ADAM DOUGHTY** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 11.97 acres into 2 lots, located at the end of Snow Road within Kawan Acres Subdivision east of Route 30 (Tax Map I.D. #2-34-15.00-3.07).

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the site is not located in a County operated and maintained sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that conformity to the North Coastal Planning Study or undertaking an amendment will be required; that the proposed 2 lot subdivision is not in an area where Sussex County has a schedule to provide sewer service; and that a concept plan is not required.

Mr. Abbott advised the Commission that they were previously provided a copy of the proposed subdivision; that this application was not reviewed by the Technical Advisory Committee since it is a proposed lot at the end of an existing street; that if the Commission is favorable toward this request, only conceptual approval should be considered since the applicants have also filed a variance application from the minimum lot width requirement; that the proposed Lot A contains the minimum lot width of 100 feet at the required 30-foot front yard setback; that the residual lands only contain 71.42 feet at the required 30-foot front yard setback; that the variance request is scheduled to be heard on August 4, 2014; that the applicants have provided documentation that 14 out of the 20 property owners in the subdivision are aware of and consent to this application; and that this application is similar to Subdivision #2005 – 47 which was approved by the Commission, and was granted a variance for lot width by the Board of Adjustment.

The Commission found that Adam Doughty was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that they are proposing to purchase a 2.0 acre lot from Robert Jewett with access from Snow Road within Kawan Acres just off of Route 30; that his family has lived in the area for many years; that he has not yet obtained a septic feasibility; that the lot is wooded; that over 70% of the home owners in the subdivision support the application; and that he has also applied for a variance in the lot width from the Board of Adjustment.

The Commission found that Robert Jewett was present and stated that he has known the Doughty family for many years and that he supports the request.

The Commission found that Keith Doughty, the applicant's father, was present and stated that he and his family reside in the subdivision; that the subdivision is a development of single family homes; and that the proposed lot fits in with the neighborhood.

The Commission found that there were no parties present in opposition.

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

Mr. Johnson stated that he would move that the Commission grant conceptual approval of this application, acknowledging that a variance in the lot width is subject to the review and approval of the County Board of Adjustment; since over 50% of the residents in the subdivision are in support of the application; and since there should be no negative impact on the neighborhood or the community.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to grant conceptual approval of the subdivision for the reasons stated. Motion carried 5 – 0.

Conditional Use #1989 – Bruce Sentman, Jr.

Application of **BRUCE SENTMAN, JR.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a small engine and lawn mower repair shop to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 42,961 square feet, more or less, land lying southeast of Road 328 (Sheep Pen Road) 250 feet northeast of Road 410 (Godwin School Road) (911 Address – 24230 Sheep Pen Road, Millsboro, Delaware) (Tax Map I.D. 1-33-16.00-73.03).

Mr. Lank advised the Commission that the Applicant provided a survey/site plan with his application.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on April 8, 2014 referencing that a traffic impact study was not recommended, and that the current Level of Service "A" of Sheep Pen Road will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on July 7, 2014 referencing that the project is not located in a proposed or current County operated and maintained sanitary sewer and/or water

district; that the site is located in a Town of Millsboro growth area; that an onsite septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the site is not located in an area where the County will provide sewer service; that the Applicant can contact the Town of Millsboro for information relating to sewer service; and that a concept plan is not required.

The Commission found that a letter in support was received from Brian McManus, Director of Operations for Lennar Homes at Plantation Lakes, a residential planned community in the Town of Millsboro.

The Commission found that Bruce Sentman, Jr. was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that he lives on the property; that he just completed the erection of a pole building; that he plans on being open for business Monday through Friday after 5:30 p.m. and on Saturday from 8:00 a.m. to 5:00 p.m.; that he will not have any employees; that the only repair work that will be performed outside will be testing the engines; that he has no intent to get into lawnmower sales; that he will be working on small engines, lawn equipment, and generators; that waste oils and fluids will be taken to the State Recycling Center; that he would like to erect a lighted sign, not to exceed 32 square feet per side; that if he installs a dumpster it will be screened; that he purchased the lot from Richard Smith and advised Mr. Smith of his intent; that the neighboring property owner no longer has horses; that he does not feel that his business would affect horses if they were present; and that the landscaping trees to the rear of his lot are on the neighbor's property.

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

The Commission found that Thomas Delizio was present, not in opposition, but questioning what was considered the size of a small engine.

Mr. Robertson advised Mr. Delizio that there was no definition in the Code.

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

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

Conditional Use #1990 – Olsen Enterprises, Inc.

Application of **OLSEN ENTERPRISES, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a nursery and landscaping business to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 5.436 acres, more or less, land lying northwest of Road 431 (Shortly Road) 600 feet south of Road 471 (Paradise Road) (911 Address – 26250 Shortly Road, Georgetown, Delaware) (Tax Map I.D. #1-33-5.00-26.00).

The Commission found that the Applicants had provided: a survey/site plan; an Exhibit Booklet; a consent letter from Lawrence F. King, the owner of the property; and a description of the proposed use for a nursery to include commercial greenhouses, cultivation and on-site sales of

plants, trees, and shrubs with displays, and a landscaping business to include an office, customer consultation, vehicle and equipment parking and related activities.

The Commission found that the Exhibit Booklet submitted by the Applicant contains a copy of the application form and a description of the use intended; a copy of a portion of the Tax Map for the area near the parcel; an aerial photograph; a copy of the above referenced Support Facilities Report from DelDOT; a conceptual site plan; a copy of the deed to the property to Lawrence F. King; suggested proposed Findings of Fact; and suggested proposed Conditions of Approval.

The Commission found that DelDOT had provided comments on April 24, 2014 in the form of a Support Facilities Report referencing that a traffic impact study was not recommended and that the current Level of Service “A” of Road 431 will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments on July 7, 2014 in the form of a memorandum referencing that the project is not in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the Western Sussex Planning Area #5; that use of an onsite septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that Patrick Olsen was present with Dennis Schrader, Esquire with Morris James Wilson Halbrook & Bayard, LLP, and that they stated in their presentations and in response to questions raised by the Commission that Mr. Olsen lives on the premises and proposes to operate a landscaping business with future greenhouses and nursery stock; that the site was previously used for a beauty shop; that the use is compatible with other agricultural uses in the area; that the State Strategies reference that this site is located in an Investment Level 4 area which supports agricultural uses; that an on-site mound septic system and on-site well already exists; that there are no wetlands on the site; that Mr. Olsen has been in this type of business since 2008 and has been working in this industry since 2002; that the company provides contracting services in Delaware and Maryland, and provides full service for landscaping, hardscaping, and irrigation; that they do some snow removal in the winter months; that he normally has 8 to 12 employees, but less in the winter months; that their work season runs from April through November; that the mound septic system is screened; that a new DelDOT entrance is proposed to serve the business; that there are existing storage containers on the site; that the only other storage outside will be vehicles and work trailers; that material and equipment storage will be in the pole building; that Mr. Olsen hopes to start a nursery stock area in front of the pond to benefit his business and the appearance of the property; that they would like to erect a lighted sign to advertise the business; that the Exhibit Booklet contains suggested Findings of Fact and Conditions of Approval for consideration; that the applicant is hoping that the landscaping for his dwelling is good advertising; that the entire area around the pole building is planned for landscape screening; that the gas tanks referenced on the site plan are for diesel fuel for the company trucks; and that he is not sure if the ditch on the property is a tax ditch or a field ditch.

The Commission found that there were no parties present in support of the application.

The Commission found that Winnie Spicer was present, not in opposition, but with some concerns about noise since she has a rental property across from the site; that her tenants moved out because of the truck activities; that she has hired a contractor to clean up the landscaping on her property; that she credits the applicant with the improvements that he has done to the site; that she questions the number of trucks; and that her primary concern is truck noise.

The Commission found that Mr. Olsen responded that the company has seven (7) diesel trucks; that there is very limited business activity on the site; that the employees come in to the site to pick up the trucks to go to job sites; and that normal business hours are from 6:00 a.m. to 6:00 p.m.

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

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

Conditional Use #1991 – Coolspring, LLC/Highway One

Application of **COOLSPRING, LLC/HIGHWAY ONE** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a facility for outdoor entertainment events with temporary camping facilities during events only to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing approximately 500 acres, more or less, of two parcels containing 1,057.6 acres, land lying north of Road 302A (Avalon Road), west of Road 48 (Hollyville Road), south of Road 47 (Johnson Road), and east of Road 296 (Lawson Road) (911 Address – 23430 Hollyville Road, Harbeson, Delaware) (Tax Map I.D. #2-34-15.00-22.00 and 2-34-9.00-34.00).

The Commission found that the Applicant submitted copies of two surveys of the property, one of which contains 835.02 acres, and the other which contains 222.617 acres; a copy of the lease for approximately 500 acres of the property; a listing of property owners within 200 feet of the site intended; a conceptual layout of the buildings and parking areas, showing ingress/egress to public roads; and noting that they are not proposing any permanent buildings; that with respect to ingress/egress there is a dirt road entrance from Avalon Road and a dirt road from Lawson Road that will be expanded to connect to the Avalon Road access; and noting that due to the nature of the music festivals and overnight camping there could be parking throughout the 500 acres.

The Commission found that the Applicant provided a second letter which had attached two different versions of the plan for the site, labeled A and B, and that they are inclined to use plan A. Plan A is a rendering showing areas of the property intended for a stage, the main arena, camping areas, parking areas, intended drive locations, and intended entrance locations. Plan B is a rendering showing the same information in different locations on the site.

The Commission found that DelDOT provided comments on April 24, 2014 in the form of a Support Facilities Report referencing that a traffic impact study was not recommended.

The Commission found that the County Engineering Department provided comments on July 7, 2014 in the form of a memorandum referencing that the site is not located in a proposed or

current County operated and maintained sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that conformity to the North Coastal Planning Study will be required; that the parcels for the proposed use are not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

Mr. Lank advised the Commission that, to date, the Department has received 5 letters/emails in support of the application.

Mr. Lank advised the Commission that, to date, the Department has received 51 letters/emails and 462 signatures on petitions in opposition to the application.

Mr. Lank provided the Commission with copies of all letters/emails received to date.

The Commission found that Alex Pires were present with Steve Spence, Esquire, and stated in his presentation and in response to questions raised by the Commission that they own eight (8) businesses in the area; that he and his wife have researched music festivals for two years throughout the United States; that he has signed a lease for 500 acres on the farm; that he has spoken to the Harrington State Fair for a possible backup site, if this application fails; that he spoke to the County and was asked not to seek a three day special event permit under the Code and to apply for a Conditional Use; that country music festivals can be family events, with less people than most state fair events; that he would like to see 20,000 attendees; that he hopes that 80% of the attendees come in RVs and anticipates 20% of the attendees to be day trippers; that he anticipates that the first year budget will be in the range of \$5,000,000 to \$6,000,000; that these are family based events; that low traffic impact is anticipated since the majority of the attendees will stay on the site once their RVs are setup; that the Punkin' Chunkin' event is almost totally day trippers; that the parking area plans on no more than 2,000 day tripper vehicles daily: that every facet of the event is either State or County regulated, referencing DelDOT, the Office of the State Fire Marshal, State Police, State Health, Delaware ABC, etc.; that he prefers Rendering A provided by Starr Hill showing three entrance locations, one for RVs on Hollyville Road, one for day tripper parking on Avalon Road, and one for artist and production access; that it should take approximately 2 weeks to setup an event, and approximately a couple of days to breakdown an event; that they are hoping to set up stages near wooded areas to reduce noise; that the property is a beautiful 1,200 acre farm and that they plan on utilizing 500 acres of which 200 acres are wooded; that the State Fairgrounds contain 190 acres; that the Punkin' Chunkin' site in Bridgeville contained 600 acres; that the Firefly site contains 350 acres; that a couple of small cemeteries exists on the site which will be protected with fencing; that there are 31 country music festivals in the United States and Canada, most of which are in rural areas; that a typical country music camping festival generates 20,000 or more attendees; that Highway One, LLC will be responsible for the events as the majority owner of Coolspring, LLC, the operator of the festival; that they are hoping to partner with Redlight Management/Starr Hill and Live Nation, some of the largest country music promoters; that they are hoping to have the first music festival on the first or second weekend of August 2015; that they are offering the following suggested proposed voluntary conditions of approval for consideration if the requested conditional use is approved: 1) Number of Events: a. No more than 5 events may be held on the site in any 12-month period. Two of the events can be as long as four (4) days and four (4) nights, including

camping for each event. The remaining three (3) events can be one (1) day and one (1) night of camping. There will be no events in 2014. b. Beginning in 2015, there may be no more than two (2) music festivals in a given year, one of which would be a country music event. c. No vehicle road races, dirt bike races, monster truck events or similar activities will be permitted. 2) Hours of Operation: a) The applicant shall be required to terminate live music performances by the performing artists by 12:00 Midnight. b) All stage lighting (except security lighting) shall be shut down by 12:30 a.m. each night. 3) Location of Staging, Vendors, Camping, Medical Tents, Bathroom and Shower Facilities and Parking: a) The location of the staging, vendors, camping, medical tents, and bathroom and shower facilities shall be designed by a professional festival planner and a Delaware licensed Engineer or Architect, and approved by the Delaware State Fire Marshal. b) The location of all internal roads and parking shall be approved by DelDOT. 4) Traffic, Camping, Parking: a) The applicant has and will continue to meet with DelDOT and comply with DelDOT's master traffic plans for all events. b) Camping: Motor homes, RV's, travel trailers, tents and related camping equipment will be permitted. Temporary gravel and stone roadways will be constructed and the layout and dimensions of individual lots for camping shall be prepared by a Delaware Registered Engineer or Architect and shall be approved by the Delaware State Fire Marshal's Office. c) Accordingly, as these multi-day events will primarily be composed of campers, parking for one day-trippers on any given day of a music festival will be limited to 2,000 cars on-site, exclusive of overnight campers. 5) Fencing/Location of Temporary Structures: a) Prior to any events being held at the site, the area of the site to be used for the event shall be fenced by temporary fencing. The temporary fencing will be removed by August 31st each year and erected again prior to each event. b) No temporary structures, except fencing, shall be erected within 100 feet of any adjacent property border and no stage area shall be located within 100 feet of any public road passing the site. 6) Safety/Vehicle Inspections: a) The Sussex County Public Safety Services Special Events Administration Procedures will be followed and if the expected attendance for any event will exceed 25,000 persons, the applicant will pay for all required services. b) At all events, the applicant shall employ a professional security company which must submit a security plan to the Delaware State Police at least thirty (30) days prior to each event. This plan shall include crisis management, radio support, State Police communications and shall include an anti-drug detail. c) The security company shall provide, at the point of access of all vehicles to the campground areas, staff to conduct inspections of all vehicles for drugs, alcohol exceeding the ticketed limits, weapons, or other unsafe items. 7) Medical Services: a) Medical Services shall be provided on-site throughout any event consistent with County and State standards. 8) Fire Safety: a) Access and presence by local volunteer fire departments shall be approved by the State Fire Marshal. 9) Food and Beverages: a) All food and beverage purveyors shall be required to obtain Delaware Business Licenses. b) Food, beverage and supply vendors will be onsite to minimize the number of vehicle trips required by attendees to maintain their food and beverage supplies. 10) Trash, Water, Bathroom Facilities: a) All refuse and trash will be removed from the site daily during any events. The final cleanup shall be completed within two (2) days after the end of the event. b) All water distribution systems shall be temporary, and if any modifications are required, they must be approved by the County. Bathroom facilities shall be provided in accordance with applicable State and local public health standards; that it is estimated that most RVs, motor homes and

travel trailers will contain 4 to 5 attendees; that there may be a total of six (6) areas set aside for camping; that 200 acres of woodlands are available for camping purposes; that the woodland areas already have trails, originally established for horseback riding and carriages; that he does not want to limit the number of campers; that most festivals have from 20,000 to 25,000 campers; that he does not want to limit the number of camping spaces because they do not want attendees to have to come and go from the site; that there are three (3) lowland areas on the site which will be fenced; that the site is an irrigated farm; that a wetlands report can be made available; that shuttle services will be available; that shuttle services usually sell out for carrying day trippers; that he is willing to accept a condition requiring that shuttle services be available; that the events are primarily Friday, Saturday and Sunday; that access to the sites are normally a day before the event and exiting a day after the event; that the economic benefit could be tax support by creating \$10,000,000 or more based on gas sales, motel/hotels, restaurants, jobs, etc...; and that typically there will be three (3) stage areas, one for the main event, one being a smaller stage, and one being for local artist.

The Commission found that Marc Cote' of DelDOT was present and stated that the Department provided a Support Facilities Report; that a traffic impact study was not warranted since the proposal is a temporary event, which requires a specialized analysis; that the Department works with other agencies; and that the Traffic Section of DelDOT works with the applicant and other agencies to establish a traffic control plan, similar to the plans created for the Firefly Festival, Nascar races, and the Harrington State Fair.

The Commission found that Jim Allen, Pat Wright, Dan McCann, Tom Diluzio, Dale McAllister, Cindy Issel, and John DePlant were present and spoke in support of the application and stated that the use will be an economic benefit to Sussex County; that traffic control will be assisted by shuttle services; that within a few days of an event, the property will again be a farm; that development of the property would create more daily traffic than this event; that the property will continue to be farmed when there are no events on the site; that Sussex County needs an event of this type similar to the State Fair; that all events of this type seem to be held in Dover or Kent County; that the County is centralized with a large population of people within a four (4) hour range from Richmond, Washington D.C., Baltimore, Wilmington, and Philadelphia areas; that local civic groups will benefit by providing volunteer services; that only a portion of this farm will be utilized for the event, and the remainder of the farm will continue to be farmed; and that there would be support for any business benefit for small businesses.

The Commission found, by a show of hands in support, that 116 people were present in support.

The Commission took a five (5) minute recess.

The Commission reopened the public record and continued the public hearing.

The Commission found that Trudy Belotti, Gary Simone, Willie Nelson, Nikke Zangriech, Peter Lucuk, Tim Raile, Beverly Morgan, Margaret Foulke, Stan Schultheis, Richard Coyne, Peter Zoll, Steve Friend, Evan Bush, Nathan Wise, Richard Belotti, and Bill Ryan were present and spoke in opposition to this application and expressed concerns about the impact on the residential area in close proximity to the site; concerns about the poor condition of some of the local roads

and that the local roads will not be able to handle to impact of the number of vehicles anticipated for the festival; that the area is agricultural and residential; that there are concerns about noise, trash, and traffic; that there are concerns about the impact on response time for emergency services in an emergency situation; that there are concerns about property damage; that insurance should be guaranteed; that the Harrington State Fairgrounds is a more appropriate location for this type of event; that the file lacks any record of a site plan that can be reviewed ; that trees will be removed to locate campsites in the wooded areas causing a loss of forest land; that the site will have to be re-graded; that there are cemeteries on the site that will need to be protected; that wellheads in the area need to be protected; that the project will impact the environment, wetlands, groundwater recharge, and endangered species; that the file does not contain an Environmental Assessment; that the use is not in compliance with the requirements to establish a Conditional Use; that the use is not in compliance with the Comprehensive Land Use Plan; that bonding and insurance should be a mandatory requirement to protect the site and the adjacent properties; that there will be dust, air quality, trash and sanitary issues by approval of this application; that Avalon Woods Subdivision will be directly impacted by this proposal since the subdivisions entrance is within 540 feet of one of the main entrances to the project site; that the residents of Avalon Woods are concerned about emergency services, both for the residents of Avalon Woods and the attendees at the event, since the roads in the area may be in gridlock due to the traffic to and from the project; that to date, neither DelDOT, the Emergency Operations Center, nor the State Police have any plans for the area based on the proposed events; that area residents are concerned about security, trespass, and possible crime increasing; that the use does not promote the health, safety, morals, convenience, order, prosperity and welfare of the residents of the area, it only benefits the developers; that there is no clear proposal in the file that depicts exactly how the site will be developed; that if the project is approved and becomes successful it will increase in size in the future and create even more impacts on the area, especially traffic; that the roads in the area are local roads, not major roads; that the Punkin' Chunkin' event is just off of U.S. Route 13; that the Harrington State Fair faces U.S. Route 13; and that the Dover Downs Nascar events and the Firefly Festival access U.S. Route 13 and Route One; that if the use is approved, 1) the number of attendees should be limited; 2) the permitted vehicle trips per day should be based on recommendations from DelDOT based on the ability of the roads to support the traffic; that the applicant should be responsible for all costs related to road improvements recommended by DelDOT; 3) that the applicant should be responsible for all costs for police and emergency services that affect residents on boundary roads; 4) that setup times for each event should be limited to no more than two (2) days; that the applicant should be required to provide \$10,000,000 bond/insurance for each of the referenced suggested conditions 1 through 4 above; that farm equipment will be traveling these same local roads; that the use does not benefit the residents of the area, but is an infringement placed upon each resident; that some area residents feel that there will be a lack of enforcement; that neighbors do not want to see a field full of porta-toilets; that there are too many inconsistencies in comparison of the statements made by the applicant and the minimal documentation in the record/file; that the roadways are not the best and will probably get worse based on the amount of traffic anticipated; that this type of temporary project will create erosion and run-off issues if the weather is not cooperative during the time of the events; that the speed limit on Hollyville Road is 50 MPH and

a main entrance to the events is intended on Hollyville Road which could be considered an accident waiting to happen; that this site is not appropriate for the use; that the Harrington Fairgrounds site is more suitable for such an event; that some of the local roads in the area are improved with surface treatment (tar and chip) which will fall apart after heavy usage; that no preliminary site plan was submitted and that the applicant, if approved, can submit for final site plan approval without a public hearing; that if the use is approved, a few individuals will make a lot of money, but questioning how much money will go back into the community; and that the area is generally quiet most of the time, and that they can only imagine the change during an event.

The Commission found, by a show of hands in opposition, that 79 people were present in opposition.

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

There was some consensus of the Commission that it is the applicant's duty to present a record in compliance with the Zoning Ordinance and the Comprehensive Land Use Plan; that members of the Commission noted that they are making a land use decision; that while a good business plan may have been submitted, they questioned whether sufficient land use and information required by the Zoning Code were supplied; and that more information should be presented at the next hearing on the application.

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

Reorganization

Mr. Wheatley appointed Mr. Lank as Acting Chairman for the purpose of holding an Election of Officers.

Mr. Lank opened nominations for Chairman.

Motion by Mr. Smith, seconded by Mr. Johnson, to nominate Mr. Wheatley as Chairman.

Motion by Mr. Johnson, seconded by Mr. Smith, that the nominations for Chairman be closed.

Motion was adopted to nominate Mr. Wheatley as Chairman with 5 years.

Vote for Mr. Wheatley, as Chairman, by roll call:

Mr. Burton – yea, Mr. Johnson – yea, Mr. Ross – yea, Mr. Smith – yea, Mr. Wheatley – yea.

Mr. Lank opened nominations for Vice-Chairman.

Motion by Mr. Johnson, seconded by Mr. Wheatley, to nominate Mr. Smith as Vice-Chairman.

Motion by Mr. Johnson, seconded by Mr. Burton, that the nominations for Vice-Chairman be closed.

Motion was adopted to nominate Mr. Smith as Vice-Chairman with 5 years.

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Vote for Mr. Smith, as Vice-Chairman, by roll call:

Mr. Burton – yea, Mr. Johnson – yea, Mr. Ross – yea, Mr. Smith – yea, Mr. Wheatley – yea.

The meeting was turned over to Mr. Wheatley, the reelected Chairman with congratulations.

Mr. Wheatley appointed Mr. Lank as Secretary for the Commission, and authorized Mr. Lank and Mr. Abbott to sign record plots for recordation on behalf of the Commission.

Meeting adjourned at 9:55 p.m.