

THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 26, 2019

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, September 26, 2019, in the County Council Chamber, Sussex County Administration Office Building, 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, Ms. Kim Hoey-Stevenson, Mr. Keller Hopkins, Ms. Holly Wingate, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director of Planning & Zoning, and Mr. Jamie Whitehouse – Planning & Zoning Manager.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Agenda as posted and circulated. Motion carried 5-0.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Minutes of August 8, 2019, and the Minutes of August 22, 2019, Planning and Zoning meeting as revised. Motion carried 5-0.

OLD BUSINESS

2019-5 Chase Oaks

A cluster/Coastal Area subdivision to divide 145.3 acres +/- into 253 single-family lots to be located on certain parcels of land lying and being in Indian River Hundred, Sussex County. The property is located on the north and south sides of Robinsonville Road, approximately 320 feet northeast of the intersection of Robinsonville Road and Webb Landing Road. Tax Parcels: 234-6.00-96.00, 97.00, and 98.00. Zoning District. AR-1 (Agricultural Residential District).

The Planning Commission discussed the application which has been deferred since July 11, 2019.

Ms. Stevenson moved that the Commission grant Preliminary Approval for Subdivision **2019-5** for **CHASE OAKS** based upon the record made during the Public Hearing and for the following reasons:

1. The Applicant is seeking approval of a subdivision within the Coastal Area and the AR-1 Zoning District. The Applicant is seeking clustered lots with a minimum area of 7,500 square feet.
2. The proposed subdivision will have no more than 253 lots on 145.34 acres. This density is permitted in the AR-1 zone.
3. Based upon the record and with the conditions of approval, this subdivision will not have an adverse impact on neighboring properties or area roadways.
4. The subdivision and its density are consistent with other developments in the area, including the recently-approved Tanager Woods development with 168 single-family lots.
5. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the Applicant has addressed the requirements of Section 99-9C of the Code.

6. The Subdivision contains approximately 77-acres of some form of open space, which represents nearly 53% of the site. Almost all the lots are next to some type of open space.
7. The project will be served by central water and sewer.
8. The development complies with the Sussex County Comprehensive Plan as a low-density, single-family dwelling subdivision.
9. During the public hearing, the site design showed 22 lots on the west side of Robinsonville Road, but no amenities. This created a concern about the dangers of pedestrians crossing the heavily traveled roadway to get to the pool and clubhouse. In response, the Applicant proposed the construction of a second pool and clubhouse or pool building among the 22 lots. The same concerns remain that pedestrians would now cross Robinsonville Road in the opposite direction to use the less crowded pool than the one built in the midst of the other 231 lots. Neither situation is a good one, and both create safety concerns. For this reason, this approval is conditioned upon no lots nor amenities being located on the west side of Robinsonville Road. This area of land can still be used for density calculations, and this does not reduce the maximum number of lots permitted in this subdivision at 253.
10. The Preliminary Approval is subject to the following:
 - A. There shall be no more than 253 lots within the subdivision.
 - B. There shall not be any lots or amenities on the west side of Robinsonville Road.
 - C. The developer shall establish a Homeowners Association responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas.
 - D. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - E. A forested or landscaped buffer of at least 20-feet in depth shall be installed along the entire perimeter of the project. As proffered by the Applicant, a buffer of at least 50-feet in depth shall be provided where the development borders any land that is in the Agricultural Use. As also stated by the Applicant, there shall be a buffer of at least 50-feet from the stream on the north side of the site, and a buffer of at least 35-feet from all other wetlands on the site. The Final Site Plan shall contain a Landscaped Plan for all of these areas.
 - F. The development shall comply with all DeIDOT entrance and roadway improvement requirements.
 - G. As proffered by the Applicant, sidewalks shall be installed on both sides of all internal streets.
 - H. As proffered by the Applicant, streetlights shall also be provided. Lighting shall be fully shielded to reduce the light on adjacent properties.
 - I. The subdivision shall be served by a central sewer system.
 - J. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
 - K. Street design shall meet or exceed Sussex County standards.

- L. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- M. Construction site work and deliveries shall only occur on the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Saturday.
- N. The Applicant shall coordinate with the local School District regarding the location of a covered school bus stop within the subdivision if required by the District.
- O. The development shall be served by its own on-site amenities including a pool, clubhouse and a multi-use court. As stated by the Applicant during the public hearing, the clubhouse shall be at least 2,000 square feet in size.
- P. All amenities shall be completed and open for use prior to the issuance of the 120th residential Building Permit.
- Q. The Final Site Plan shall depict all forested areas that will be preserved.
- R. As proffered by the Applicant, the Vessel Family Cemetery will be delineated, and a fence will be erected around the perimeter. The cemetery area will be cleaned and cleared of dead and dying vegetation, trees will remain so as not to disturb gravesites and headstones will be reset where feasible. Public access will be permitted for family members and the public. The cemetery area will be made subject to a permanent preservation easement and the community Homeowners Association will be responsible for the perpetual maintenance of the cemetery.
- S. Interconnectivity shall be provided to allow for emergency access. The interconnectivity shall meet the standard established by Sussex County Engineering.
- T. The Final Site Plan and the Restrictive Covenants for this development shall include the Agricultural Use Protection Notice, modified to identify the existence of nearby poultry operations and traffic, odors and noises that are part of such farming operations.
- U. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- V. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to grant Preliminary Subdivision Plan Approval for the reasons stated and with the conditions stated in the motion. Motion carried 5-0.

C/U 2183 - Brent & Lisa Hershey

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a storage facility with outdoor storage to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 9.167 acres. The property is lying on the south side of Broadkill Road (Route 16), approximately 0.33 mile west of Reynolds Road. 911 Address: 14374 Clyde's Drive, Milton. Tax Parcel: 235-15.00-26.07.

The Planning Commission discussed the application which has been deferred since August 22, 2019.

Mr. Robertson stated that this site is located in an Agricultural Preservation District; that he had

talked with the Department of Agriculture about the two buildings that are involved; that one of the buildings is still in existence and is an Old Hog Barn and the other building was a former Dairy Barn that had collapsed; that the Department of Agriculture allows the re-use of Agricultural buildings for storage if they are no longer used for agricultural purposes and also for third party storage that is beyond ordinary farm uses; that this approach is similar to adaptive re-use of Agricultural buildings on a farm that is no longer used for farm buildings; that the Department of Agriculture, however, would not allow new buildings be built and would not allow reconstruction of buildings that have collapsed; and therefore the Applicant could not repair the Dairy Barn building but could be permitted to use the Old Hog Barn building, which still stands, for storage purposes.

Ms. Stevenson moved that the Commission recommend a partial approval of C/U 2183 for Brent and Lisa Hershey to operate a storage facility with outdoor storage based upon the record made at the public hearing and for the following reasons:

1. The property is located within an Agricultural Preservation District (“APD”). The Applicant is seeking to use an existing but out-of-service agricultural building for storage of equipment owned by others. The Applicant also seeks approval to reconstruct a collapsed barn for use as a building for equipment owned by others.
2. In an APD, Title 3, Section 909(g) of the Delaware Code allows buildings that are no longer used in farming operations to “be used for the enclosed storage of property belonging to others”. The Delaware Code does not permit a collapsed or demolished building to be rebuilt and then used for this purpose.
3. By law, only the building described as “The Existing Hog Barn” can be approved for the storage of equipment owned by others. The building described as “The Old Dairy Barn” may not be reconstructed and used for storage.
4. The use as a small, indoor storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area. It is also the adaptive re-use of an existing structure that is no longer used in farming operations.
5. The use is to be located along Route 16, which is an arterial road. This is an appropriate location for this small operation.
6. There is a need for convenient locations for small contractors and sub-contractors to store equipment in this part of Sussex County.
7. This type of small storage facility generates a relatively minor amount of traffic. It will not adversely affect traffic on area roadways.
8. The limited approval of this Conditional Use, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
9. No parties appeared in opposition to this application.
10. This recommendation for approval is subject to the following conditions and stipulations:
 - A. There shall not be any outside storage on the premises. This includes the prohibition against outside storage of building materials, construction materials, boats and RV’s within the site.

- B. The storage shall be limited to the structure that is identified as “The Existing Hog Barn” which is no longer used in farming operations. The collapsed Dairy Barn may not be rebuilt and used for storage purposes.
- C. As stated by the Applicant, no sign shall be permitted.
- D. The site shall be posted with hours of operation limited to 6:00 am until 9:00 pm, 7 days per week.
- E. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- F. The Final Site Plan shall be subject to the approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommended application be partially approved for the reasons and the stipulations stated in the motion. Motion carried 5-0.

C/U 2184 Linda Ann Yupco-Connors

An Ordinance to grant a Conditional Use of land in a GR General Residential District for equipment storage to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.91 acres. The property is lying on the west side of Jimtown Road, approximately 0.32 miles south of Beaver Dam Road. 911 Address: 32260 Jimtown Road, Lewes. Tax Parcel: 334-11.00-15.00.

The Planning Commission discussed the application which has been deferred since August 22, 2019.

Ms. Stevenson moved that the Commission recommend denial of C/U 2184 for Linda Ann Yupco-Connors for a Conditional Use for equipment storage based upon the record for the following reasons:

1. This application is for a Conditional Use for equipment storage on land that is zoned AR-1.
2. While the Applicant is seeking approval of equipment storage, the record suggested that there would be a contracting business operating from the site that required equipment storage as part of that use. Neither of the uses are compatible with the residential character of Jimtown.
3. The site is within the Jimtown community that has historically been a residential community with single-family homes. While there are some businesses along Jimtown Road, they are primarily home-occupation-type small businesses.
4. There was opposition from the owners and residents of neighboring properties within Jimtown that the use would be inconsistent with the residential nature of the neighborhood.
5. There was testimony from the neighbors opposing the application that it would adversely affect the use and enjoyment of their properties as a result of the additional traffic coming to and from the property by employees and the noise and traffic generated by the vehicles and equipment on the site.

6. There are other more appropriate locations for this use that are not within a residential neighborhood and where the proposed use would be more consistent with the surrounding area.
7. For all of these reasons, this Conditional Use application should be denied.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to forward this application to the Sussex County County with a recommendation that the application be denied for the reasons stated in the motion. Motion carried 5-0.

C/U 2185 Vincent Kinack

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for multi-family (2 units) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 3.4516 acres. The property is lying on the northeast corner of Short Road and Anderson Corner Road. 911 Address: 21167 Short Road, Harbeson. Tax Parcel: 234-4.00-42.00.

The Planning Commission discussed the application which has been deferred since August 22, 2019.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U 2187 Daniel Ostinvil

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for motor vehicle sales to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 0.1657 acres. The property is lying on the southwest corner of North Poplar Street and Old Sailor Road. 911 Address: 31016 North Poplar Street, Laurel. Tax Parcel: 232-12.18-51.00.

The Planning Commission discussed the application which has been deferred since August 22, 2019.

Ms. Wingate moved that the Commission recommend approval of C/U 2187 for Daniel Ostinvil for motor vehicle sales based upon the record made at the public hearing and for the following reasons:

1. This site has had a variety of different business uses over the years.
2. There are other small businesses and commercial uses in the area. This use is consistent with the area and will not have an adverse effect on it.
3. A car sales facility at this location is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
4. Given the small size of this site, parking in the front yard setback is permitted, provided that all parking shall be contained within a fenced-in area.
5. No Parties appeared in opposition to this application.
6. This recommendation for approval is subject to the following conditions and stipulations:
 - A. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.

- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
- C. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
- D. The site shall be subject to all DeIDOT entrance and roadway requirements.
- E. The cars shall be parked within the fenced area, and the fence and parking area shall be shown on the Final Site Plan.
- F. The automotive sales hours shall only be from 9:00 am through 3:30 pm, Monday through Friday, and 9:00 am until 2:30 pm on Saturday. There shall not be any Sunday hours.
- G. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- H. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to forward this application to the Sussex County Council with a recommendation the application be approved for the reasons and the stipulations stated in the motion. Motion carried 5-0.

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

C/U 2188 Donovan's Painting and Drywall, LLC c/o Jose Sandoval

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a contractor's office and storage to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.69 acres. The property is lying on the south side of Lewes Georgetown Highway (Route 9), approximately 187 feet west of Church Street. 911 Address: 32454 Lewes Georgetown Highway, Lewes. Tax Parcels: 334-5.00-205.01 and 208.00.

Ms. Cornwell advised the Commission that submitted into the record were staff analysis, and Exhibit Booklet, a Site Plan, results from the DeIDOT Service Level Evaluation request, and comments from the Sussex County Engineering Department of Utility Planning. One letter in opposition to the application was read by Ms. Cornwell into the record.

That the Commission found that Mrs. Shannon Carmean Burton, and Attorney with Sergovic, Carmean, Weidman, McCartney and Owens, Mr. Jose Sandoval, the Applicant and owner of Donovan's, and Mr. Ken Christenbury, with Axiom Engineering were present on behalf of the Applicant; that Mrs. Burton stated the Applicant is requesting a Conditional Use if land in an AR-1 (Agricultural Residential District) and it is for purpose of constructing a contractors office and storage building; that this is for an existing/established Sussex County painting and drywall business known as Donovan's Painting and Drywall, LLC; that Exhibit Booklets had been submitted into the record; that the business was established in 2007; that the current office is

located on Coastal Highway; that the Applicant purchased the two parcels in 2018; that the Applicant would like to relocate and expand his existing business and meet the needs in the area; that Mr. Christenbury stated the property is located near the Five Points intersection, Church Road, and is located in the vicinity of Stockley Materials; that the parcel is located in the State Spending Strategies Level 1; that the Land Use Classification per the 2019 Comprehensive Plan the land is in the “Coastal Area”; that light commercial uses are considered by the Comprehensive Plan as being appropriate in the “Coastal Area”; that the north side of Route 9 is zoned for commercial uses; that the parcel consists of 0.7 acres with the two parcels combined; that the property does have some vegetated cover on the property lines; that the Applicant would try to retain as much vegetation as possible; that the Applicant would not want a fence so that he would not have to remove the trees; that the house is encroaching into the site; that there are commercial uses in the area; that the proposal is for a 2,600 square foot contractors office and a 1,800 square foot storage building that requires 13 parking spaces; that the Applicant is going to provide 14 parking spaces; that central water is not provided and central sewer is provided by Sussex County; that one loading space is required and has been provided; that the existing trees would remain after construction; that Chairman Wheatley asked for clarification as to where the DelDOT Right-of-Way line is located; that Mr. Christenbury stated that there would be a 10-foot Right-of-Way dedication to DelDOT; that DelDOT is requiring 15-feet for a permanent easement; that there would be 40-foot front yard setback; that there would be no parking in the front yard setback; that they would try to use the existing entrance; that the existing sidewalk would remain; that most of the woods would remain; that the Applicant is trying to be sensitive of the ongoing transition in the area from residential to commercial use; that the objection letter is not from an occupier living adjacent to the site; that Mrs. Burton stated the proposed office use is a permitted Conditional Use under the Zoning Code and is consistent with the purposes and goals of the Comprehensive Land Use Plan; that the property is located on a major collector road; that the property is located west of the Five Points intersection; that the property is located in the AR-1 District; that the proposed use is similar to other commercial uses in the area; that there are a number of Conditional Uses in the area; that the Land Use Classification per the 2019 Comprehensive Plan is in the “Coastal Area”; that to the north of the property is also designated Coastal Area and highway commercial areas; that a mixture of uses is appropriate in the Coastal Area and this use is compatible; that an old single wide trailer was located on the site but has been removed; that the Applicant proposes to build buildings consisting of 2,600 square feet and 1,800 square feet; that the proposed use would enhance the character of the neighborhood; that the Applicant does have 18 employees and only three of the employees would be on-site; that the business hours are 7:00 am to 7:00 pm, Monday through Friday and 7:00 am to 12:00 pm on Saturday; that the Applicant proposes to provide 13 parking spaces and one handicapped accessible parking space; that the materials would be stored in the proposed storage building and served by a loading area; that sewer services would be provided by Sussex County; that a private well is proposed; that there are no wetlands on the property; that there is a natural forested buffer around most of the perimeter of the property and the Applicant would prefer to keep the remaining buffer; that lighting would be downward screened; and that DelDOT did not require a Traffic Impact Study (“TIS”).

Ms. Stevenson asked what the traffic movements would be like for the business; that Mr. Sandoval stated that the employees would meet in the morning and sometimes in the afternoon; that Ms. Stevenson asked if customers would be coming to the property; that Mr. Sandoval stated that customers would not be coming to the site and it would be the employees coming to the site to

pick-up the materials and then leaving to the work-site; that Ms. Stevenson asked if the parking spaces would be used by the employees; that Mr. Sandoval stated the parking spaces would be used by the employees; that Ms. Stevenson asked if the parking lot would be paved; that Mr. Sandoval stated the parking lot would be paved; that Ms. Cornwell stated the parking lot does not have to be paved if it is over 10 parking spaces, but the parking spaces would have to be delineated; and that Ms. Stevenson stated she was okay with the parking not being paved.

Mr. Hopkins asked if the employees would drive their own vans or vehicles; that Mr. Sandoval stated the employees drive their own cars and he provides the vans; that Mr. Hopkins asked how many vans the Applicant has; that Mr. Sandoval stated he has seven vans; that Mr. Hopkins asked how many employees the Applicant has; that Mr. Sandoval stated he has 18 employees; that Mr. Hopkins asked how many employees drive to the site; that Mr. Sandoval stated eight employees drive to site; that Mr. Hopkins asked the Applicant if he would like to grow his business in the future; that Mr. Sandoval stated he is not planning to grow his business; that Mr. Hopkins asked if the hours of operation on Saturday would be 7:00 am to 12:00 pm; that Mr. Sandoval stated he would like the hours of operation on Saturday to be 7:00 am to 1:00 pm; that Mr. Hopkins asked the Applicant how he handles the storage of his materials on site such as paint; that Mr. Sandoval stated the materials and stored in the office at his current location; that Mr. Hopkins asked if there was anything unique about how the materials are stored; that Mr. Sandoval stated there is no issue with the need for climate control for the materials; that Mr. Robertson asked if all the materials are stored inside; that Mr. Sandoval stated all the materials are stored within the building; that Mr. Mears stated he had concerns with use of the existing driveway; and asked whether there would be changes to the entrance to the site; that Mr. Christenbury stated if DeIDOT would approve it that one would be an entrance and one would be an exit; Mr. Mears noted that there was potential for confusion amongst motorists as to which was which; that Chairman Wheatley stated that the Commission could make it a stipulation that only one driveway could be used; that Mr. Hopkins asked if the Applicant would like a sign; that Mrs. Carmean stated the Applicant would like a sign; and that sign would be 32 square feet. Mr. Hopkins noted that a hard-surface, such as asphalt, within the entrance to the site, would be appropriate here.

That the Commission found that no one spoke in favor of or in opposition to the application.

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

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U 2190 Steven and Helene Falcone

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an office to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.26 acre. The property is lying on the northwest corner of Beaver Dam Road and Church Street. 911 Address: 17662 Beaver Dam Road, Lewes. Tax Parcels: 334-5.00-212.00 and 213.00.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, the results from the DeIDOT Service Level Evaluation request, comments from the Sussex County

Engineering Department of Utility Planning Division, and a Site Plan.

That the Commission found that Ms. Colette Monaghan an Attorney with Wolfe and Associates, Mr. Steven Falcone and Mrs. Helene Falcone the Applicants were present on behalf of the application; that Ms. Monaghan stated that the Applicants are requesting a Conditional Use in the AR-1 (Agricultural Residential District) for an office for an accounting firm; that the property does consist of 0.26-acres of land; that there were two separate parcels that have been consolidated together; that there is an existing 525 square foot dwelling on the property; that there is also low-quality vegetation; that there are a lot of dilapidated buildings in the area; that there is not agricultural use in the area; that there is agricultural use about 1/3 mile down the road; that Applicant would be able to connect to the Sussex County sewer; that the water is public; that there are residents across the street; that the Applicants would replace the dead trees and shrubs with new landscaping; that the Applicant's accounting firm has four employees; that the hours of operation are 8:00 am to 5:00 pm, Monday through Friday and Saturday 8:00 am to 12:00 pm by appointment during tax season; that the Applicants anticipate a de minimis volume of traffic between the employees and the clients; that most of the work between the clients is done via computer; that applicants would like to display a sign with a light; that there would be no impact on nearby farm land; that there would be minimal impact on traffic; that the accounting firm is of a public character; and that there would be minimal impact to the neighboring properties.

Ms. Stevenson asked if the proposed parking is in the setbacks for the parcel; that Ms. Monaghan stated the proposed parking is within the setbacks; that Mr. Falcone stated he would like parking as close to the street as possible; that Ms. Stevenson stated would not like to see parking in the setbacks because of possible road construction in the area in the future; that Ms. Stevenson asked Ms. Cornwell how many parking spaces are required; that Ms. Cornwell stated the Site Plan showing the proposed building is likely to require variances because the proposed building does not meet setback requirements; that Chairman Wheatley stated the Commission is not considering the Site Plan at this time and this application is not for Site Plan approval; that this meeting is for a proposed Conditional Use; that Ms. Cornwell stated the proposed office would need six parking spaces; that Chairman Wheatley stated that the Code's approach is to discourage parking in the setback but the Commission has permitted parking in the front yard setback in certain situations in the past; that typically this happens when there is already parking in the setback; that the Applicant does not have that situation; that he encourages the Applicant, should they be successful with their application to explore this further; that Mr. Hopkins asked about the size of the sign and if the Applicant would want a sign it could be up to 32 square feet; Mr. Hopkins asked if the Applicant would want the sign to be lighted; that Ms. Monaghan stated the Applicant would like the sign to be lit at night time; that Mr. Robertson asked if the proposed structure would overlap the footprint of the existing dwelling; that Ms. Cornwell stated the existing dwelling is 34' x 15' and the Applicant is going to expand it to be 30.5' x 34' and they appear to show another addition in the back which would be 26' x 42'; that Mr. Robertson asked if the parking would be paved; that Mr. Falcone stated that it would stone or black top or similar; and that Chairman Wheatley stated he feels that the Commission should disregard the Site Plan concerns at this stage of the process. Mr. Robertson suggested that the Applicant could look into this further with their engineer as a separate matter.

That the Commission found that no one spoke in favor of or in opposition to the application.

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

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U 2192 Thomas and Judy Munce (Napolean Hernandez)

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District to amend Conditional Use No. 1979 to allow for nightclub type activities and an electronic message center sign to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 3.033 acres. The property is lying on the east side of DuPont Boulevard (Route 113), approximately 0.51 miles north of Beach Highway (Route 16). 911 Address: 12327 DuPont Boulevard (Route 113), Ellendale. Tax Parcel: 230-26.00-35.01.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, the result from the DelDOT Service Level Evaluation request, and comments from the Sussex County Engineering Department of Utility Planning Division. Two letters in opposition to the application were read by Ms. Cornwell into the record.

Mr. Robertson asked if Ms. Cornwell could clarify the status of the existing Conditional Use on the property; that Ms. Cornwell stated the current Conditional Use is for a tavern and a package store; that the use is part of the conditions from 1979; the Change of Zone had been applied for at this property and it was denied; that they wanted to amend the Condition to allow for food and the Applicant never came back to amend the Condition Use; that the condition prohibits the sale of food; that Mr. Robertson asked about the type of liquor license the Applicant has had and the type of approval they have had; and that the license was for a tavern and not a restaurant.

The Commission found that there was no one present to represent this Application.

Chairman Wheatley stated that, as no one was present on behalf of the Applicant, that the application normally would be denied for the lack of record. Mr. Robertson stated that it would therefore call for a motion for denial, based on a lack of a record.

Ms. Cornwell stated the Code was changed to allow for unforeseen circumstances and the Applicant could request a new public hearing, if such circumstances were met, instead of having to wait a full year for another public hearing.

Mr. Robertson and Ms. Cornwell confirmed that the property was posted, and the correct notices were mailed.

Chairman Wheatley noted that the Applicant could be running late, and announced that the Commission would move this public hearing to the end of the agenda and it would then be read into the record again; and that if no one is present on behalf of the application by the end of the Commission's hearings for the evening, then the Commission would then decide how to proceed.

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

Chairman Wheatley asked if anyone was present to represent C/U 2192 Thomas and Judy Munce (Napolean Hernandez) and no one was present; that the Rules require that the Commission recommend denial of the application for the lack of a record.

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously that the Planning Commission recommends denial of the application due to the lack of representation at the public hearing and the lack of a record. Motion carried 5-0.

Ord. 19-9 Administrative Approval of Manufactured Home Type Structures

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, VII, VIII, IX, X, XA, XB, XI, XIA, XIB, XIC, XID, XIE, XIF, XII, XIII, XIV, XV AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-29, 115-32, 115-40 115-48, 115-53, 115-56, 115-64, 115-69, 115-72, 115-75.2, 115-75.4, 115-75.9, 115-75.11, 115-80, 115-83.6, 115-83.11, 115-83.13, 115-83.18, 115-83.20, 115-83.26, 115-83.28, 115-83.33, 115-83.35, 115-83.40, 115-83.42, 115-88, 115-94, 115-97, 115-105, 115-114, 115-210 AND TABLE IV TO ESTABLISH ADMINISTRATIVE APPROVAL PROCESSES FOR THE USE OF A MANUFACTURED HOME-TYPE STRUCTURE FOR A BUSINESS, COMMERCIAL OR INDUSTRIAL USE, FOR GARAGE/STUDIO APARTMENTS AND MANUFACTURED HOME-TYPE STRUCTURES IN AN EMERGENCY OR HARDSHIP SITUATION.

Ms. Cornwell stated that currently the Code for manufactured home type structures, to be used as offices, garage/studio apartments, portable class rooms, and other similar uses requires an application for a Special Use Exception to be made to the Board of Adjustment; that the garage/studio apartments also require a Special Use Exception to the Board of Adjustment as do medical hardship applications; that a medical hardship is where a medical need to have a manufactured home on the property exists, and would allow two homes on the property until the second home is no longer needed; that Staff are looking to create an Administrative process that is similar to the existing Administrative Variance process; that it would allow for an Applicant to submit an application to the office of Planning and Zoning; that Planning and Zoning staff would notify the adjacent property owners of the application's receipt; that if the Planning and Zoning office does not receive any letters of opposition then the Planning and Zoning Office would be able to approve the application for those three specific uses; that if there is a letter in opposition to the application, the Applicant can pay the remaining fee and go before the Board of Adjustment for a full public hearing; that staff are trying to reduce the time needed to process applications that a typically less contentious; that Chairman Wheatley stated that if the application is not granted through an Administrative Process, an Applicant can still can solicit a public hearing before the Board of Adjustment; that Mr. Robertson stated that there is already an Administrative Process in place for Variances and this is designed to take some of the load off of the Board of Adjustment for applications that are minor or routine; and that Mr. Robertson clarified that the proposed Ordinance had an unusually long short title was because the same exact language has to appear in every Zoning District which requires multiple changes in different places of the Zoning Code.

Ms. Stevenson asked for clarification in relation to need for changes to Table V which relates to the new C-2, C-3, C-4, and C-5 Commercial Districts; that since the proposed Ordinance is adding

changes into those Zoning Districts, that Table V does need to be amended to allow this use to be permitted in the Commercial Zoning Districts; and that the other existing Tables did not change except to add the proposed Administrative Variance process for those Zoning Districts that would be affected.

The Commission found that no one wished to speak in favor or in opposition to this application.

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

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommendation the application be approved for the reasons and the conditions stated in the motion. Motion carried 5-0.

OTHER BUSINESS

Planned Poultry Renovations

Revised Site Plan

Mr. Whitehouse advised the Commission that this is a Revised Site Plan for the replacement of a building that was damaged by a tornado and associated parking and other site improvements. The proposed building will measure 13,738 square feet and be used as a combination of office space and some manufacturing. The Revised Site Plan is in compliance with the Zoning Code. Tax Parcel: 132-12.00-111.00. Zoning: C-1 (General Commercial District). Staff are awaiting agency approvals.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to approve the Preliminary Site Plan with final approval by staff subject to receipt of all agency approvals. Motion carried 5-0.

Olsen Enterprises (CU 1990)

Preliminary Site Plan

Mr. Whitehouse advised the Commission that this is a Preliminary Site Plan for a nursery and landscaping business located on a 5.436 ac. parcel of land accessed from Shortly Road, Georgetown. Conditional Use #1990 was approved by County Council at its meeting of September 16, 2014, subject to 6 conditions of approval. The Preliminary Site Plan was not subsequently submitted to the Planning & Zoning Consideration for review and approval. The extensive landscaping, as required by Condition 'D' is shown on the plan. Tax Parcel: 133-5.00-26.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all Agency Approvals and the Preliminary Site Plan is therefore eligible for approval as both Preliminary and Final.

Motion by Ms. Hopkins, seconded by Ms. Stevenson and carried unanimously to approve the Preliminary Site Plan and a Final Site Plan. Motion carried 5-0.

Lands of Mark E. Robinson

Minor Subdivision off 50' easement

Mr. Whitehouse advised the Commission that this is a Preliminary Subdivision Plan for a minor subdivision off a 50' easement over an existing driveway to create Lot 1 measuring 3.8608-acres

+/-, Lot 2 measuring 4-acres +/-, with the residual lot measuring 4.088-acres +/- located off of Governor Stockley Road. The Planning Commission approved Tax Parcel: 133-6.00-33.10 as a minor subdivision on January 26, 2017, this lot will be reconfigured and become part of the proposed Lot 1. The Preliminary Subdivision Plan is in compliance with the Sussex County Subdivision Code and the Zoning Code. Tax Parcel: 133-6.00-33.10 and 133-6.00-33.00. Zoning: AR-1 (Agricultural Residential Zoning District). The staff is awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to approve the Minor Subdivision off a 50' easement with final by staff subject to receipt of all agency approvals. Motion carried 5-0.

Lands of Albert J. Bierman

Minor Subdivision off 50' easement

Mr. Whitehouse advised the Commission that this is a Preliminary Subdivision Plan for a minor subdivision off a 50' easement over an existing driveway to create Lot 1 measuring 1.013-acres +/-, Lot 2 measuring 1.129-acres +/- from an existing 52.80-acre +/- parcel. The Preliminary Subdivision Plan is in compliance with the Sussex County Subdivision Code and Zoning Code. Tax Parcel: 133-5.00-37.00. Zoning: AR-1 (Agricultural Residential Zoning District). The staff is awaiting agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, carried unanimously to approve the Minor Subdivision off a 50' easement with final by staff subject to receipt of all agency approvals. Motion carried 5-0.

Americana Bayside MR-RPC (CZ 1393) – Point Amenity

Request for Clarification of Conditions of Approval

Mr. Whitehouse advised the Commission that this is a request for clarification of conditions of approval for the Americana Bayside Medium Density Residential Planned Community (MR-RPC) accessed from Lighthouse Road (Route 54). The 1,700-unit RPC was approved by County Council at its meeting of February 6, 2001, subject to 24 conditions, some of which were subsequently revised in 2003 and 2010. Following a series of discussions with staff, the Applicant is requesting clarification of the following matters:

- 1) Condition 22 – This condition requires that “*Public Access shall be permitted at the end of State Route 394. Access shall include sufficient parking for eight vehicles*”. In 2018 a set of bollards was installed to allow pedestrian access but to deny vehicular access. These bollards were subsequently removed on April 15, 2019, following a complaint being received by the Planning & Zoning Office, and action by Staff. The Applicant is now requesting clarification from the Commission as to the interpretation of this condition and whether the intent is to only require pedestrian access to the end of State Route 394, as it is the Applicant’s intention to install bollards and a gate along the existing route.
- 2) Condition 24 – This condition requires that “*All commercial activities shall be limited to the south side of Route 54, except for a 1.27 acre parcel designated Tax Map 5-33-19.00 Parcel 17.01, located on the north side of Route 54 on which commercial use shall be permitted subject to commercial entrance approval from DelDOT, Entrance to the commercial area located on the south side of Route 54 shall be a minimum of 300 feet from*

Route 54, except for a single right-in/right-out commercial entrance to a parcel designated as Tax Map 5-33-19.00- Parcel 16.00 which is subject to Approval from DelDOT". Following discussions between Staff and the Applicant, the Applicant has requested clarification from the Commission as to whether the pool house building, previously approved by the Commission on August 24, 2017, as part of the Point Amenities Site Plan, is permitted to be used as a restaurant to serve both residents of the RPC and non-residents.

Mr. Robertson stated that there are two issues; that the road had existed in a different location; that the Applicant was previously allowed to move the road; that the condition does talk about public access being permitted at the end of Route 394 and access shall include parking for eight vehicles; that the relocation of the road was important to make the Bayside project work; that there was concern about whether the public would always have access to that point; that the road needed to be maintained; that the key question is whether the condition relates to public access by vehicle or on-foot; that Chairman Wheatley stated that it was his recollection was that people would still have the same access as they had before because it is a public street at the time of the original hearing; that the assumption with a public street, is that it is there to accommodate vehicular traffic; Mr. Robertson stated that part of the road had since been vacated; that Chairman Wheatley asked how the road was vacated; that Ms. Cornwell stated the Applicant had to go through the DelDOT public process hearing to vacate the road; that Chairman Wheatley stated that the Planning and Zoning Commission cannot approve the vacation of a road; that DelDOT is the agency that has to give its approval to vacate a road; that Ms. Cornwell stated that the section of road that is in concern would have a gate and a bollard and would it still allow for public access and what type of public access is required by the condition; that would the access be a pedestrian access or a vehicular access; that the pedestrians can still get through the bollards and not the gate to access the water; that Chairman Wheatley ask if the road on the other side of the bollards had been vacated; that Mr. Robertson stated it had been vacated as a State Road but it still existed as a physical road; that Ms. Cornwell stated the road would exist as a walking path and the Applicant would have a boardwalk path; that there is supposed to be a water taxi at the end of the point; that Chairman Wheatley asked whether pedestrian access is still permitted; that Ms. Cornwell stated that the question is whether the condition meant to allow just pedestrian access or vehicular access also to the end of the Point; that Chairman Wheatley stated that, in his view, the Planning and Zoning Commission may not have the authority to require either pedestrian or vehicular access in the circumstances; that the road has now been vacated; that Ms. Stevenson asked whether the road was vacated because the bollards were installed; that Mr. Robertson stated the word vacated is a legal term and the Applicant had to go through DelDOT's process to have the road vacated; that Ms. Cornwell stated that the roads were vacated, then the bollards where installed afterwards; that Chairman Wheatley stated he would assume that the bollards where likely installed to stop vehicular traffic going down the vacated road; that Ms. Cornwell stated a complaint was made in early 2018 that there was no longer public access beyond where the original bollards where installed; that the bollards did create some difficulty trying to get a canoe or a kayak down to the water; that Chairman Wheatley asked when a road is vacated, what happens to the land the road was on; that Mr. Robertson stated the land is typically taken over by whomever owns the land; that Chairman Wheatley asked if this would then result in the land being private property; that Mr. Robertson stated it is true that it is private land but because of the overlay RPC, the conditions require that they have to continue to allow public access; that Chairman Wheatley stated, in his view, public access would have to be looked at in light of practical conditions which, for him, would mean pedestrian access; that there

is no longer a street to drive a vehicle on; that Ms. Stevenson asked why the conditions of approval would then require them to have parking for eight vehicles if that were the case; that Chairman Wheatley stated that it was not a vacated street at the time that the conditions were imposed; that Ms. Cornwell stated it was also allowed for recreational amenities or equipment to the site at the Point; that Mr. Robertson asked about the proposed gate; that Ms. Cornwell stated that there is a proposed gate and this was also a matter before the Commission; that the bollards are located before the Point amenity.

The Commission found that Mr. Steve Marsh, an engineer with GMB was present to answer the Commission's questions. Mr. Marsh stated that Route 394 ends at the magnolia tree, further back into the Residential Planned Community; that DelDOT did not want any other part of the street; that DelDOT did not want to maintain what is now being used by Bayside residents; that DelDOT did agree to vacate to the magnolia tree and this is further west than the Point Amenity; that there was a condition imposed by DelDOT that there would be an easement over the top of the road that was built to the Point amenities; that State Route 394 now ends further west; that Ms. Cornwell asked where the easement ended; that Mr. Marsh stated the easement continues all the way out to the beach; that there is a boardwalk for a pedestrian access and this connects to the beach; that Mr. Marsh stated that the parking area shown on the site plan was for access by everyone.

Mr. Robertson commented that the bollards treat the public the same way as the residents. Ms. Cornwell asked about the parking lot shown on the Site Plan, that is located west of the Point and whether these spaces would be available for everyone or just the residents; that Mr. Marsh stated the parking is available for everyone. Ms. Cornwell explained that, because there is little information within the records; and members of the public have informed Planning and Zoning Staff that they were supposed to be permitted to access the site by vehicle, the Planning and Zoning Commission have been asked to verify that the proposed permanent easement with a walking path and the boardwalk satisfies the condition of approval.

In relation to the second matter, and the use of the previously approved pool house, Mr. Robertson stated that he had concerns with the proposed amendments and the different plans within the drawing set, and different sets, stating different things; that Ms. Cornwell stated that when the Site Plan came through for approval, it was identified as a pool house or a building adjacent to the pool house and it is now being used as a restaurant with a pool house; that the Planning and Zoning Commission is looking to provide clarification as to whether or not the Commission has any concerns with the use of a restaurant in the amenities area; that Mr. Robertson asked if the Applicants have exceeded the amount of commercial space they are allowed in an RPC; that in the RPC Zoning, there is a cap which is a certain amount of acres per 100 dwelling units; that Ms. Cornwell stated they would not exceed the cap; that if the Planning and Zoning Commission decided to allow the site plan showing the restaurant, they should place a limitation on the restaurant; that Chairman Wheatley asked if the Commission had the ability to place a limitation on the restaurant; that Mr. Robertson stated the Commission could place a limitation on the restaurant and the Commission may want to obtain clarification from the Sussex County Council; that Ms. Cornwell asked the Commission if they would consider the restaurant as an amenity and part of a development; that Chairman Wheatley stated that it is zoned as an RPC, it could have a certain amount of commercial use and the principle of restaurant use in this location appeared acceptable to him; that there could be a need for a Public Hearing to enable the Public to have

input on this matter, especially as the restaurant would be open for Public use; that Ms. Stevenson stated the Commission has not heard from the Homeowners' whether they want the restaurant or not; that Ms. Cornwell stated that the building in question is a 1,500 square foot building and they would like to increase the size to pool building, restroom, and kitchen; that the building does exist and the restaurant is open for business; that the Planning and Zoning Staff did receive a complaint about the restaurant; that the Staff did review the Site Plan and it was not labeled as a restaurant and the Staff had been operating under the impression it was some type of a building for the use of the pool only; that she had concern with the small restaurant to be located along with the rest of the amenities; that the Applicant wanted to know if they could use the existing pool house as a restaurant and it is only part of the building; that Mr. Robertson explained the existing condition relating to commercial uses and that commercial activities were to be located on specific parts of the project and this is in a different part than what was originally approved; that Mr. Marsh stated it would not be a restaurant, that there is a kitchen which provides food to the Tiki Bar that is already existing and is part of the amenity; that on the original Master Plan and every revision of the Master Plan since, there is reference to commercial activity at the Point; that it is not a change of the condition; that Mr. Robertson stated it is different if it is just for the residents of the RPC versus a Tiki Bar that is open to public and then it becomes a commercial use; that Ms. Cornwell stated that the Master Plan for the RPC did reference commercial activity on the Plan; that Chairman Wheatley recommended to defer action and give the Applicant the opportunity to submit something that is more comprehensive than what the Planning and Zoning Commission currently has before them, that Mr. Robertson stated the Planning and Zoning Commission should be concerned as to the capabilities of the building proposed, and whether it would be a restaurant, and whether it would just serve the existing Tiki Bar; that Ms. Cornwell clarified that it is in an adjacent building and is not connected to the Tiki Bar; that Mr. Marsh stated that there is no indoor sitting and the kitchen is located inside the building; that all the food is served at the Tiki Bar; that Mr. Robertson asked if there is a liquor license for the Tiki Bar; that Mr. Marsh stated they do have a liquor license; that Mr. Robertson had a concern as to whether the expansion of the restaurant would turn the Point into a destination that would have a lot of people that are not Bayside residents coming through and whether this expands the use beyond what is already there now; that it is a Site Plan issue as far as what was approved on the Site Plan and the areas and the approval of the buildings are shown; that Chairman Wheatley asked if this came before the Planning and Zoning Commission as some form of an application and what form would it come in as; that Mr. Robertson stated it would likely come in as an amendment to the condition(s) of approval; Chairman Wheatley asked if the Planning and Zoning Commission would then have the authority to place additional conditions should they wish; that Mr. Robertson stated if it is an amendment, the Planning and Zoning Commission and the Sussex County Council would have the authority to approve the revision to the Conditions and could add additional conditions if they considered it necessary; that the Planning and Zoning Commission has the ability through Site Plan review to make sure the Plan states what was shown on the Master Plan; and that if the Applicant is going to expand beyond the Tiki Bar, they would have to come back in and show that expansion to the Planning and Zoning Commission and obtain the necessary approval.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration, and to allow the Applicant to submit additional information. Motion carried 4-0. Ms. Wingate abstained.

Americana Bayside MR-RPC (CZ 1393) – Point Amenity

Revised Amenities Site Plan

Mr. Whitehouse advised the Commission that this is a Revised Site Plan for the Point Amenity located in the south-eastern corner of the Americana Bayside Medium Density Residential Planned Community (MR-RPC). The Residential Planned Community was approved by County Council on February 6, 2001, subject to planning conditions. The Planning & Zoning Commission approved the Amenities Site plan for the Point Amenity at its meeting of August 24, 2017. Bollards were subsequently installed in 2018 and then removed following a complaint being received as to a violation of Conditions of Approval. The Revised Amenities Site Plan includes a request for the re-installation of six (6) bollards between the car park and the existing dock, new entrance gates are also shown on the plan across the access easement between the car park and the dock. The revisions have shown also include the increase in the floor area of the original “*Pool Building, restroom, and kitchen*” from 1,560 square feet to 2,090 square feet (an increase of 530 square feet). The purpose of this building is still stated to be “*Pool Building, Restroom, and Kitchen*”, however the applicant has confirmed that they wish to use this building as a restaurant for public use. Approval is also sought for the removal of the existing 1,400 square feet on-site cemetery and installation of hard surfacing of this area to provide a pool deck expansion for the existing pool. The original number of parking spaces approved on August 24, 2017, was 53 spaces including 2 handicapped spaces. The revised site plan now shows 61 car parking spaces including 2 handicapped spaces. Staff are awaiting Agency Approvals for the proposed changes. Tax Parcel: 533-19.00-304.01.

Mr. Whitehouse noted that the requested revisions to the site plan were connected to the previous item discussed by the Commission in relation to the clarification of conditions of approval for the RPC. Mr. Whitehouse outlined that the Commission may, however, wish to discuss the requested removal of the grave site from the site plan, as this was separate to the proposed gates, bollards, and building expansion.

The Commission expressed concern regarding the request for removal of the grave site. Chairman Wheatley noted that the Commission were likely to defer their consideration of the revised Amenities Site Plan and requested that the Applicant submit additional information explaining the background to the Applicant’s request.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to defer action for further consideration and request for additional information be submitted. Motion carried 4-0. Ms. Wingate abstained.

Americana Bayside MR-RPC (CZ 1393) – Lot 90

Revised Site Plan

This is a Revised Preliminary Site Plan for Lot 90 within the Americana Bayside MR-RPC. At its meeting of June 28, 2018, the Commission approved a Final Site Plan for Lot 90, which included 5 single-family lots. The layout of Lot 90 was then subsequently redesigned to include 12 duplex units and 2 “Grand Estate” single-family lot units. The Revised Site Plan was approved by the Commission at its meeting of December 20, 2018. The Site Plan has now been further revised to increase the width and length of some of the 12 units proposed. The Site Plan complies with the Zoning and Subdivision Code, and all conditions of approval. As the number of units proposed is

unchanged, a Revision to the Americana Bayside Masterplan is not required. Staff are in receipt of all required agency approvals for the revised layout. Tax Parcel: 533-19.00-39.00.

Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to approve the Revised Site Plan for Lot 90. Motion carried 4-0. Ms. Wingate abstained.

Meeting adjourned at 8:01 p.m.