

MINUTES OF THE REGULAR MEETING OF FEBRUARY 11, 2016

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, February 11, 2016 in the County Council Chambers, Sussex County Administrative 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, Mr. Michael Johnson, Mr. Rodney Smith, Mr. I.G. Burton, and Mr. Marty Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Ms. Janelle Cornwell – Planning and Zoning Manager and Mr. Daniel Brandewie – Planner II.

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 January 28, 2016 as circulated. Motion carried 5 – 0.

OLD BUSINESS

C/Z #1790 – Carillon Square Apartments, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a C-1 (General Commercial District) to an AR-1 (Agricultural Residential District) for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 8.66 acres, more or less. The property is located 520 feet west of John J. Williams Highway (Route 24) and 1,200 feet south of Indian Mission Road (Route 5). (911 Address: None Available) Tax Map I.D. 234-23.00-269.13 (part of) and 269.15 (part of).

The Commission discussed this application which has been deferred since January 14, 2016.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1790 for Carillon Square Apartments, LLC for a change in zone from C-1 General Commercial to AR-1 Agricultural Residential based upon the record made during the public hearing and for the following reasons:

- 1) This application was heard in conjunction with C/Z #1791 for an assemblage of properties consisting of 27.02 acres located on the north side of Route 24 and just west of the Route 24/Route 5 intersection. Currently, approximately 14 acres of the property is zoned C-1 General Commercial and CR-1 Commercial Residential and approximately 13 acres is zoned AR-1 Agricultural Residential.
- 2) The two (2) applications together seek to rezone 17.2 acres to HR-1 High Density Residential, leaving the balance as AR-1 Agricultural Residential so that an age restricted development can occur on the property.
- 3) This application will be a down zoning from C-1 General Commercial, with more intensive uses, to AR-1 Agricultural Residential, which permits less intensive and lower intensity uses.

- 4) Both this rezoning and C/Z #1791 will establish zoning lines that are uniform and that clearly follow development and property line boundaries.
- 5) By rezoning the property that is the subject of this application to AR-1 Agricultural Residential, the developer has stated that it will insure that this area will remain as open space and not be developed.
- 6) The rezoning to AR-1 Agricultural Residential will not have an adverse impact on neighboring roadways or communities. In fact, the down zoning to AR-1 Agricultural Residential for use as open space will have a positive impact on neighboring properties and the area in general.
- 7) The down zoning to AR-1 Agricultural Residential is consistent with surrounding zoning, which includes a variety of different zoning classifications, including C-1 General Commercial and CR-1 Commercial Residential and existing AR-1 Agricultural Residential zones.
- 8) No parties appeared in opposition to the rezoning.
- 9) For these reasons, it is my motion that it is appropriate to rezone the subject property from C-1 General Commercial to AR-1 Agricultural Residential.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried with four (4) votes to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons stated. Motion carried 4 – 0, with Mr. Ross not participating since he did not participate in the public hearing.

C/Z #1791 – Carillon Square Apartments, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) and a C-1 (General Commercial District) to a HR-1 (High Density Residential District) for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 17.19 acres, more or less. The property is located southwest of Indian Mission Road (Route 5) and 500 feet west of John J. Williams Highway (Route 24). (911 Address: None Available). Tax Map I.D. 234-23.00-260.00 & 269.18 (part of).

The Commission discussed this application which has been deferred since January 14, 2016.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1791 for Carillon Square Apartments, LLC for a change in zone from AR-1 Agricultural Residential and C-1 General Commercial to HR-1 High Density Residential based upon the record made during the public hearing and for the following reasons:

- 1) This application was heard in conjunction with C/Z #1790 for an assemblage of properties consisting of 27.02 acres located on the north side of Route 24 and just west of the Route 24/Route 5 intersection. Currently, approximately 14 acres of the property is zoned C-1 General Commercial and CR-1 Commercial Residential and approximately 13 acres is zoned AR-1 Agricultural Residential.
- 2) The two (2) applications together seek to rezone 17.2 acres to HR-1 High Density Residential, leaving the balance as AR-1 Agricultural Residential so that an age restricted development can occur on the property.

- 3) Both this rezoning and C/Z #1790 will establish zoning lines that are uniform and that clearly follow development and property line boundaries.
- 4) This site is part of an assemblage of properties that were previously zoned commercial as part of a larger development. Part of that development, on property adjacent to this application site, included development as a Rite-Aid Drug Store and a WAWA Convenience Market.
- 5) Under the Sussex County Comprehensive Plan, the property adjoins a highway commercial area and substantial commercial development has occurred on the Route 5/Route 24 corridor over the past decade.
- 6) HR-1 High Density Residential zoning is consistent with the surrounding zonings and uses. There is existing C-1 General Commercial zoning which permits residential development at a maximum density of 12 units/acre which is the same as HR-1 High Density Residential. Other uses and densities include CR-1 Commercial Residential and GR zoning, the WAWA and Rite Aid, a manufactured home community and a shopping center.
- 7) The rezoning will not materially increase the permissible density that existed prior to this application and the C/Z #1790 application.
- 8) The rezoning to HR-1 High Density Residential will not have an adverse impact on neighboring roadways or communities.
- 9) No parties appeared in opposition to this application.
- 10) For all these reasons, it is my motion that it is appropriate to rezone the subject property to HR-1 High Density Residential.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried with four (4) votes to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons stated. Motion carried 4 – 0, with Mr. Ross not participating since he did not participate in the public hearing.

C/U #2041 – Scott Randall Witzke

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a retail auto sales to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 10.0 acres, more or less. The property is located north of Delmar Road (Route 54) 0.5 mile west of Horsey Church Road (Road 510) (911 Address: 8137 Delmar Road, Delmar) Tax Map I.D. 532-19.00-7.00.

The Commission discussed this application which has been deferred since January 28, 2016.

Mr. Ross stated that he would move that the Commission recommend approval of Conditional Use No. 2041 for Scott Randall Witzke for a conditional use to allow retail auto sales based upon the record made during the public hearing and for the following reasons:

- 1) The use is primarily for automobile auctions via the internet. Although there may be some vehicles displayed on the site, most of the sales will be off-site via the internet.
- 2) The 10 acre parcel that is the subject of this application is part of a larger 43 acre farm and there are no immediate neighbors to the proposed area for vehicle display. And, the applicant will only occasionally display vehicles for sale on the site.

- 3) The project, with the conditions and stipulations placed upon it will not have an adverse impact on neighboring properties or the community.
- 4) But for an occasional display of vehicles for sale, the use would not be evident to anyone on the roadway or adjacent properties. Since the actual sales typically occurs via the internet, it is nearly a home occupation.
- 5) No parties appeared in opposition to the application.
- 6) This recommendation for approval is subject to the following conditions:
 - a. No more than five (5) vehicles shall be displayed for sale on the site at any one time, and as stated by the applicant the vehicles shall be displayed only daylight hours.
 - b. The vehicles shall be displayed no closer than fifty (50) feet from the front property line. The display area location shall be shown on the Final Site Plan.
 - c. There shall be no more than 15 vehicles stored on the site for sale at any one time.
 - d. No auto repair work shall be performed on the vehicles at the site.
 - e. As stated by the applicant, no automotive parts shall be sold from the site.
 - f. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - g. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site. In addition, no automotive parts shall be stored outside on the site.
 - h. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster location shall be shown on the Final Site Plan.
 - i. Any security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

C/U #2042 – Beachfire Brewing Company, LLC

An Ordinance to grant a Conditional Use of land in a C-1 (General Commercial District) for a microbrewery to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 5,000 square feet, more or less. The property is located at the southeast corner of Central Avenue and Johnston Street (911 Address: 19841 Central Avenue, Rehoboth Beach) Tax Map I.D. 334-13.20-24.00.

The Commission discussed this application which has been deferred since January 28, 2016.

Mr. Smith stated that he is prepared to make a motion on this application and asked the Commissioners if they had any comments prior to his motion; that the Commission holds public hearings so that they can make a recommendation to the Sussex County Council; and that the Delaware ABC (Alcoholic Beverage Commission) also has jurisdiction.

Mr. Robertson added that Federal regulations also exist for breweries.

Mr. Johnson stated that the site is already zoned C-1 General Commercial and could permit a bar or restaurant without the necessity of a public hearing.

Mr. Robertson added that the primary use intended is the brewery.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 2042 for Beachfire Brewing Company, LLC for a conditional use for a micro-brewery based upon the record made during the public hearing and for the following reasons:

- 1) This is an application for a micro-brewery in a C-1 General Commercial District.
- 2) In the C-1 General Commercial District, taverns, restaurants with alcoholic beverage services, bars and other commercial uses are permitted by right. This Conditional Use, except for the fact that the applicant is manufacturing the beer on the premises as a primary use, is similar to permitted uses under the C-1 General Commercial regulations.
- 3) The conditional use is limited by the size of the property, the building already situated upon it and parking requirements. These factors limit the size and scope of the use and the applicants have stated that they have no intentions of expanding the use.
- 4) Aside from the brewing operations, the tasting area will be very small, with very few seats. Again, this is a smaller public space for the consumption of alcohol than would be permitted within a restaurant under the property's C-1 General Commercial zoning.
- 5) The brewing operations will not have an adverse effect on the neighboring properties or the community. The applicants have stated that all the brewery operations will occur within the building, and there are not any sounds or smells that will come from the building during these operations.
- 6) The tasting area of the micro-brewery will not adversely affect neighboring properties, roadways or the community. Again, it is small in scope and no different than other uses permitted under the C-1 General Commercial zoning.
- 7) This recommendation is, however, subject to the following conditions:
 - a. The applicant must comply with all State and Federal requirements for the brewery and tasting room operations.
 - b. There shall not be any outside storage of materials associated with the brewing operation. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.
 - c. Any dumpster associated with the use shall be screened from view of neighboring properties and roadways.
 - d. The use shall comply with all parking requirements that are contained in the Sussex County Zoning Ordinance.
 - e. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

PUBLIC HEARING

Mr. Robertson described how the public hearings are processed.

Ocean Way Estates

The installation of gates within the Ocean Way Estates development. The development is located north of Muddy Neck Road and south of Atlantic Avenue (911 Address: None Available). The property is zoned MR (Medium Density Residential District) Tax Map I.D. 134-13.00-49.01.

Mr. Lank summarized the documentation in the Exhibit Packet provided by Tim Willard, Esquire, on behalf of the developers of Ocean Way Estates. The Packet includes a copy of the application for a major subdivision; a survey and plot locating and describing the three gates; manufacturer's specifications for the gates; the Millville Volunteer Fire Company's specifications for subdivision gates; a letter to the Office of the State Fire Marshal indicating that the developer and the Millville Volunteer Fire Company's Fire Chief have come to an agreement for the construction of the gates; a Fire Protection Plan Review Report and Approval; petitions with 204 signatures approving the location and use of gates in the project; a December 17, 2014 letter from Shane Abbott, Assistant Director; a copy of the Minutes of the Planning and Zoning Commission for December 11, 2014; and photographs of the gates.

Mr. Lank provided a copy of the letters and emails that have been received to date in reference to the gates. There were approximately 32 letters and emails in support of the gates remaining at their present location, and approximately 10 letters and emails in opposition to the present location of the gates. Several of the letters and emails were duplications of the same documents, i.e. a mailed letter duplicated by an email correspondence, or emails from the same writer.

Mr. Robertson stated that the gates are already existing; that there is no record of any approval of the gates on any site plan or subdivision plan approved by the County; that the County had notified the developer that the gates had never been approved to be placed in the subdivision; that because the developer never provided a satisfactory response litigation became necessary; that the litigation was put on hold while the applicant sought appropriate revisions to the approved plans as they are permitted to do under the Code; and therefore the public hearing was scheduled.

The Commission found that Tim Willard, Esquire of Fuqua, Yori and Willard, P.A., was present on behalf of Berzins Enterprises, the developers of Ocean Way Estates, with Ken Christenbury, Professional Engineer with Axiom Engineering, LLC, and stated in their presentations and in response to questions raised by the Commission that Ocean Way Estates was developed in four phases: Section 1 containing 181 lots was established in 1974; Section 2 containing 18 lots was approved in 1983; Section 3 containing 150 lots was approved in 1987; and Section 4 containing 43 lots was approved in 1991; that the gates were established in 1994; that the Chancery Court is in stay pending a County decision on the gates and the locations; that the Planning and Zoning Commission approved the concept of the gates in December 2014; that the Office of the State Fire Marshal reviewed the gate locations in 2015; that it was determined that an amendment to a major subdivision was required; that when the streets were improved in 1994 non-residents started traveling through the subdivision from Muddy Neck Road to Route 26 without any permission; that they met with the Fire Chief of the Millville Volunteer Fire Company and the Office of the State Fire Marshal and established an agreement between Berzins Enterprises and the Millville Volunteer Fire Company; that the proposed electronic gates have been approved by

the Office of the State Fire Marshal; and that the record includes petitions containing 204 signatures in support of the gates.

The Commission found that Robert Christian, President of the Ocean Way Estates Home Owners Association for Sections 1 and 2 verified that the comments made by Mr. Willard were accurate.

The Commission found that, in response to questions raised by the Commission, Mr. Willard and Mr. Christenbury responded that the gate locations work and that the majority of the residents in Ocean Way Estates support the gates; that the developer is proposing one electric gate and two swing gates; that the streets have a 50 foot right-of-way with a 20 foot wide roadway; that turn-arounds could be established at the gates; and that "No Outlet" signs have been erected at the entrances on Route 26 and Muddy Neck Road.

The Commission found that Richard Campbell, Sam Fava, David Kline, Robert Christian, Christine and Terry Thomas, Debbie Pilega and Bridget Bognanni, Fran O'Beirne, David Hoffmaster, Jeffrey Smith, Terry Harris, Delores Dunnigan, Jeff Helke, Cheryl Christian, and Susan Myers, all residents of Ocean Way Estates, were present and spoke in support of controlling access through the project; stating that some of the streets in the project were dirt and gravel until the County provided sewer through the project; that non-residents began traveling through the subdivision; that "No Outlet" signs were installed; that speeding vehicles have been an issue, both by residents and non-residents; that motorists are using the streets in the subdivision as a short-cut from Muddy Neck Road to Route 26; that children's safety is a concern since the children in the area ride their bikes and play in and around the streets; that the gates were installed due to safety concerns and help with security issues; that Sections 1 and 2 have access to Route 26; that Sections 3 and 4 have access to Muddy Neck Road; that the streets in Section 1 and 2 are maintained by the Home Owners Association; that the original complaint related to concrete barriers being placed in the street right-of-ways; that multiple accesses exist for the residents living in the subdivision; that one gate is activated with a gate card; that the other gates are swing gates; that some type of gating has been in existence for 20 years in this subdivision; that trash trucks, UPS and FedEx, utility vehicles and emergency services have access to open the gates; that residents chose to live in the subdivision since it is quiet, but still close to the beach; that the gates keep non-residents from traveling through the subdivision; that some of the residents purchased their lots knowing that the gates exist; that the majority of the residents in Sections 1 and 2 support the gates; that some of the residents acknowledge that the gates could have been placed at the entrances from Route 26 and Muddy Neck Road; that the Postal Service could not get into the subdivision until they received a gate card; that the gates have been broken on several occasions; that there should be three electronic gates, rather than swing gates; that there are 61 occupied homes in Section 3 where the gates are located; that the residents instruct their guest on how to get to their homes; that if the gates are removed traffic speeding will increase; questioning who will maintain the streets if the gates are removed; that gates slow down traffic; that the streets are private streets maintained by the Home Owners Association and the developer; and that some residents don't want gates at all, but would prefer that the roads be completely blocked.

The Commission found that Steven Norman, Esquire of the Norman Law Firm, was present on behalf of the Cole family, and stated that he had submitted a letter and emails for the record and stated that there are three different gates placed at random locations and should be located at the

entrances to the subdivision; that currently residents have to get out of their vehicles and manually open or close the swing gates; that the community was created with interconnectivity and through streets from Route 26 to Muddy Neck Road; that a gate at each entrance to the subdivision would improve access for the residents, emergency personnel, and utility and service providers; that the standard location for a gate in a subdivision is at the entrance; that the gates should be of the same type; that EMS, police, delivery companies, and contractors working in the subdivision should have access; that locating manual gates in the middle of the subdivision may be an ADA violation, and is a difficult requirement for elderly or disabled residents; that the Commission needs to address the standards in the Subdivision Code Section 99-9C which questions: 1) are property values impacted; 2) do the gates affect different people differently; 3) do the gates impact the local schools; and 4) do the gates have any effect on area roadways.

The Commission found that George Cole, Jr. and Joseph Cole were present in opposition to the gates, submitted pictures; and stated that the swing gates can be locked by anyone; that even though the gates are currently supposed to be open and unlocked, the gates are frequently locked; that they have to open and close the swing gates to get out to Route 26; and that the gates should be located at the entrances to the subdivision.

The Commission found that Joseph Cole read a letter in opposition to the gates from their Grandmother, Katherine T. Cole, an owner of property in the subdivision. The letter is a part of the record previously received.

The Commission found that Martha Hunt, a resident in Section 2, was present in opposition to the gates and referenced that the swing gates are sometimes locked or chained even though they are supposed to be open; that she has opened the gates on several occasions for emergency services; that she has had vehicles turn around in her yard; that residents living in Section 3 do travel through Sections 1 and 2 to get to Route 26; and that she has been confronted and verbally challenged when trying to use the gates.

The Commission found that Chelsea Brown, a resident of the subdivision, needs access to Route 26 to get to her work location in Rehoboth Beach and has found that the gates have been locked or blocked on several occasions.

The Commission found that Mr. Willard and Mr. Christenbury responded to questions raised by the Commission and stated that the gates have existed for so long that the developer has not considered speed bumps; that Route 26 construction backups have caused the non-residents to use short-cuts; that the project is unique; that the purpose of the gates is to control traffic; that Phase 4 has been purchased by Ryan Homes; that Sections 1 and 2 are maintained by the Home Owners Association; and that Section 3 is maintained by Berzins Enterprises.

Mr. Ross stated that some residents are in support of gates, some residents want barriers, some residents do not want barriers or gates, but the Commission must consider whether it serves the health, safety, and welfare of the community; and that it needs to be the decision of the community, therefore the community should try to work it out.

At the conclusion of the public hearings, the Commission discussed this application. There was a consensus of the Commissioners that there is a need to study the record and the comments made; that a legal issue still exist; that through traffic and traffic calming is an issue; and that there are other traffic calming methods.

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

OTHER BUSINESS

Branson Smith – Subdivision #2015-6

Final Subdivision Plan

Ms. Cornwell advised that Commission that this is a Final Subdivision Plan for the creation of one (1) parcel of land with a residual parcel. The new lot will be 0.767+/- acres and the residual parcel will be 0.799+/- acres in size. The Planning Commission granted preliminary approval on November 12, 2015. The property is located off of Middleford Road and is zoned AR-1 (Agricultural Residential District). The tax parcel is 331-6.00-121.00. The Planning Office is in receipt of all agency approvals.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to grant final approval of the proposed subdivision. Motion carried 5 – 0.

Lands of Kenneth Simpler, formerly Lands of George Shockley

Final Site Plan

Ms. Cornwell advised that Commission that this is a Final Site Plan for the construction of a 2,600 square foot warehouse building. The property is zoned C-1 and the use is permitted. The property proposes a parking lot that will have two (2) parking spaces. The Planning Commission approved the preliminary site plan and the parking located within the front yard setback on September 24, 2015. The tax parcel number is 334-13.20-18.00 and 19.00. The plan indicates that the Site Plan is for both parcels and there are no structures proposed on parcel 19.00. The Planning Office is in receipt of all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to grant final site plan approval. Motion carried 5 – 0.

Americana Bayside – Town Center Phase 1B

Final Site Plan

Ms. Cornwell advised that Commission that this is a Final Site Plan for the construction of an 18,000 square foot recreational building, outdoor fitness/farmers market and site improvements to be located in Americana Bayside off Americana Parkway East and Signature Boulevard. The Planning Commission granted revised preliminary Site Plan approval on October 23, 2014. The plan complies with the revised site plan. The properties are zoned MR-RPC. Tax Parcels: 533-

19.00-862 (portion of), 533-19.00-865.00, 880 and 999 (portion of). The Planning Office is in receipt of all agency approvals.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to grant final site plan approval. Motion carried 5 – 0.

Cape Henlopen State Park
Preliminary Site Plan

Ms. Cornwell advised that Commission that this is a Preliminary Site Plan for the construction of six (6) cabins and site improvements to be located within Cape Henlopen State Park. There will be a total of twelve (12) cabins. There are six (6) existing cabins on the site. The property is zoned AR-1. The use as a park is permitted within the zoning district. The tax parcel number is 335-5.00-12.00. The Planning Office is awaiting agency approvals.

There was discussion regarding items that could be added to the site plan. There was discussion regarding rain barrels, charging stations for electric cars and bicycle racks.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to grant preliminary site plan approval with the requirement that bike racks be provided at each cabin and the final site plan come back to the Planning Commission for review and consideration. Motion carried 5-0.

Coastal Club – Land Bay 3
Preliminary Site Plan

Ms. Cornwell advised that Commission that this is a Preliminary Site Plan for the creation of 110 single family lots and roads within the Coastal Club development. The property is zoned MR-RPC. The amenities for the development were approved in a separate site plan. The tax parcel number is a portion of 334-11.00-5.00. The Planning Office is awaiting agency approvals.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the preliminary site plan with the final site plan to come back to the Planning Commission for review and consideration. Motion carried 5-0.

SLC Homestead, LLC – C/U #2027
Preliminary Site Plan

Ms. Cornwell advised that Commission that this is a Preliminary Site Plan for the establishment of a retail gun shop and gunsmithing (CU #2027) to be located off of Iron Branch Road. The County Council approved the Conditional Use on September 29, 2015. The preliminary plan complies with the conditions of approval. The property is zoned AR-1. The tax parcel number is a portion of 233-11.00-17.00. The Planning Office is awaiting agency approvals.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to approve the preliminary site plan with final site plan approval subject to the staff upon receipt of all agency approvals. Motion carried 5-0.

The Marina at Peppers Creek – Amenities
Preliminary Site Plan

Ms. Cornwell advised that Commission that this is a Preliminary Site Plan for the construction of the recreation center and site improvements to be located in the Marina at Peppers Creek Subdivision off Anchor Watch Loop. The amenities include two clubhouse buildings, a pool, and a parking lot for both cars and trailers. The property is zoned AR-1. The tax parcel numbers are 233-7.00-206.00 & 30.00. The Planning Office is in receipt of the Fire Marshal approval and is awaiting agency approvals.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to approve the preliminary site plan with final site plan approval subject to staff upon receipt of all agency approvals. Motion carried 5-0.

Big Oyster Brewery
Preliminary Site Plan

Ms. Cornwell advised that Commission that this is a Preliminary Site Plan for the construction of a 6,500 square foot restaurant and brewery with site improvements to be located off of Kings Highway. The property is zoned C-1. The use as a restaurant with brewery is a permitted use within the C-1 Zoning District. The plan complies with the requirements of the zoning code. The tax parcel number is 335-8.00-39.00. The Planning Office is awaiting agency approvals and response to the planning review letter.

There was discussion regarding the difference of the process and use between this and Beachfire brewery that required a Conditional Use. Mr. Robertson stated that this site is a permitted restaurant with a small brewery component (a brewpub) while the Beachfire brewery is a microbrewery with no food service, a use that is not specifically listed as a permitted use under the Code.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the preliminary site plan with final site plan approval subject to staff upon receipt of all agency approvals and response to the planning review letter. Motion carried 5-0.

Love Creek Elementary School - C/U #2016
Preliminary Site Plan

Ms. Cornwell advised that Commission that this is a Preliminary Site Plan for the construction of 95,620 square foot school with site improvements to be located off of John J. Williams Highway. (Rt. 24). County Council approved the Conditional Use for the establishment of an elementary school on June 16, 2015. The plan complies with all conditions of approval. The property is zoned AR-1. The tax parcel number is 334-12.00-45.01. The Planning Office is in receipt of all

agency approvals. The Planning Commission could approve the plan as both a preliminary and final site plan since the Planning Office has received all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the site plan as both a preliminary site plan and a final site plan. Motion carried 5-0.

The Farm at Truitt Homestead - CZ #1785 & CU #2029
Preliminary Site Plan

Ms. Cornwell advised that Commission that this is a Preliminary Site Plan for the construction of 90 single family age restricted dwellings under condominium ownership. The County Council approved the Change of Zone and Conditional Use application on November 17, 2015. The plan complies with the conditions of approval. The property is zoned MR. The tax parcel number is 334-19.00-3.00. The Planning Office is awaiting agency approvals and response to the planning review letter.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the preliminary site plan with final site plan approval subject to the staff upon receipt of all agency approvals and respond to the planning review letter. Motion carried 5-0.

ADDITIONAL BUSINESS

Discussion regarding Planning Commission Districts

There was discussion that the Planning Commissioners by Code do not have a specific district or represent a specific Council member. The reason for the districts was to ensure that at least one Planning Commissioner would take the lead on the application. Over the last few years more and more applications have been located in Mr. Johnson's area, while he doesn't mind taking the lead it was discussed that it may be better to more evenly spread the responsibility of taking the lead of applications throughout the Commission members. Staff will assign the lead for applications based on geography and districts and will ensure one Commissioner does not have too many applications on the agenda. Staff will remove the initials from the agenda as there was concern by some of the public that the initials represented something other than which commissioner would take the lead on the application. The initials will be placed on the info sheets and memo regarding other business.

Meeting adjourned at 9:40 p.m.