

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 11, 2014

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 11, 2014, in the County Council Chambers, County Administrative Office Building in Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Michael Johnson, Mr. Rodney Smith, Mr. I.G. Burton, III, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank, Director, and Mr. C. Shane Abbott – Assistant Director.

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

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of August 21, 2014 as circulated. Motion carried 5 – 0.

The Commission held a moment of silence in remembrance of those lost on September 11, 2001.

OLD BUSINESS

**Conditional Use #1994 – Robert Wilkerson**

Application of **ROBERT WILKERSON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an automobile repair shop to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.5 acres, more or less, land lying north of Route 88 (Cave Neck Road) 340 feet east of Road 261 (Sweetbriar Road) (911 Address – None Available) (Tax Map I.D. #2-35-22.00-18.09).

The Chairman referred back to this application, which has been deferred since August 21, 2014.

Mr. Johnson stated that he was prepared to make a motion, but asked if the other Commissioners had any comments.

Mr. Smith stated that the site is an appropriate location for an auto repair shop to serve the area based on some of the support heard during the public hearing.

Mr. Ross agreed with Mr. Smith's comments.

Mr. Burton stated that he would be abstaining from participating in the discussion and vote since he was not present during the public hearing.

Mr. Johnson stated that he would move that the Commission recommend approval of Conditional Use No. 1994 for Robert Wilkerson for an automobile repair shop based on the record made during the public hearing and for the following reasons:

- 1) Contrary to some of the statements made during the public hearing, this is not a conversion to a commercial or business zoning district. The use will be specific, with conditions and limitations placed upon it. Like any conditional use, if these requirements are violated, the conditional use can be terminated.
- 2) The use is relatively small in scope. If there was a home on this property, it is a small enough of a use with no employees that it is similar to a home occupation.
- 3) While there are some relatively new developments in this area, it is still a predominantly rural agricultural/residential area.
- 4) The use is adjacent to a much larger parcel owned by the applicant's family.
- 5) Although there was some opposition to this application, I am satisfied that these issues can be addressed through appropriate conditions.
- 6) I do not believe this use adversely affects traffic in the area.
- 7) With the conditions and limitations placed upon this use, it will not adversely affect neighboring properties or the community.
- 8) The use provides a benefit to Sussex County residents by providing a convenient location for automobile services.
- 9) This recommendation is subject to the following conditions:
  - A. The use shall be limited to the existing structure on the property. No additional structures will be permitted.
  - B. The use shall be operated solely by the applicant. As stated by the applicant, there shall not be any other employees associated with the business.
  - C. No outside repairs shall be permitted.
  - D. No junked, unlicensed or unregistered vehicles, trucks or trailers shall remain on the property for longer than six (6) months.
  - E. No more than ten (10) vehicles, trucks or trailers shall be located outside at any one time.
  - F. The use shall include porta-toilet facilities. The nature and location of these facilities shall be shown on the Final Site Plan and shall be screened from neighboring properties.
  - G. There shall not be any outside storage of vehicle parts, equipment, scrap, or similar materials.
  - H. There shall not be any vehicle sales occurring on the site.
  - I. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.
  - J. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - K. One unlighted sign, not to exceed 32 square feet in size per side, shall be permitted.
  - L. The areas for outside vehicles shall be shown on the Final Site Plan and clearly marked on the site itself.
  - M. All oils, hazardous substances, fluids and similar substances shall be stored inside in accordance with all applicable laws and regulations and shall be disposed of the same way.
  - N. The hours of operation shall be between 8:30 am and 5:00 pm, Monday through Saturday.
  - O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried with four (4) votes 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 4 – 0, with Mr. Burton abstaining since he was not present during the public hearing.

**Conditional Use #1995 – Adele H. Fluharty**

Application of **ADELE H. FLUHARTY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an excavating company storage of equipment and office to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 5.34 acres, more or less, land lying east of Road 279 (Camp Arrowhead Road), 260 feet south of Road 279A (Waterview Road) (911 Address: 22379 Camp Arrowhead Road, Lewes, DE) (Tax Map I.D. # 2-34-12.00-84.00).

The Chairman referred back to this application, which has been deferred since August 21, 2014.

Mr. Johnson stated that he would move that the Commission recommend approval of Conditional Use No. 1995 for Adele H. Fluharty for an excavating company storage of equipment and office based upon the record made during the public hearing and for the following reasons:

- 1) The use is an existing one that has grown from a very small business on the applicant's property where the applicant's family resides. Based on this growth, a conditional use is required.
- 2) The property is well-maintained, and the area of the business is screened from view.
- 3) Although there was some opposition to this application, the issues can be resolved through conditions placed on the approval.
- 4) I do not believe this use adversely affects traffic in the area.
- 5) The use is generally across the road from a similar, yet more visible, conditional use for a well drilling operation.
- 6) With the conditions and limitations placed upon this use, it will not adversely affect neighboring properties or the community.
- 7) The use provides a benefit to Sussex County residents by providing a convenient but screened location for excavating services on a property owned by the applicant.
- 8) This recommendation is subject to the following conditions:
  - A. The use shall be limited to the existing structures on the property. No additional structures shall be permitted.
  - B. All entrances and roadway improvements shall be subject to DeIDOT approvals.
  - C. There shall not be any permanent outside storage of junked or inoperable vehicles, equipment, parts, or similar items.
  - D. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.
  - E. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - F. The areas for parking vehicles and equipment shall be shown on the Final Site Plan and clearly marked on the site itself.

- G. All oils, hazardous substances, fluids, and similar substances shall be stored inside in accordance with all applicable laws and regulations and shall be disposed of the same way.
- H. The hours of operation shall be from 7:00 am to 6:00 pm, Monday through Saturday.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried with four (4) votes 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 4 – 1, with Mr. Burton abstaining since he was not present during the public hearing.

**Subdivision #2014-4 – David L. Banks**

Application of **DAVID L. BANKS** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred, Sussex County, by dividing 20.044 acres into 16 lots, located at the northeast corner of the intersection of Armory Road (Road 382) and Townsend Road (Road 340) (Tax Map I.D. #4-33-2.00-6.10).

The Chairman referred back to this application, which has been deferred since August 21, 2014.

Mr. Ross stated that no one was opposed to this application, however there were concerns raised about the drainage of the site, and he noted that a jurisdictional determination for the wetlands should be required.

Mr. Smith stated that he would move that the Commission grant preliminary approval of Subdivision #2014 – 4 for David L. Banks, based upon the record and for the following reasons:

1. The proposed subdivision meets the purpose of the Subdivision Code in that it protects the orderly growth of the County. It also meets the requirements of the Subdivision Code, and the items listed in Section 99-9C of the Code, which have been favorably addressed.
2. The proposed subdivision density is less than the density that would be permitted by the existing AR-1 zoning.
3. The proposed subdivision will be a restricted residential development and will not adversely affect nearby uses or property values.
4. The subdivision is consistent with other developments in the area.
5. The proposed subdivision will not adversely impact any schools, public buildings and community facilities, or area roadways and public transportation.
6. Department of Natural Resources and Environmental Control has indicated that the site is suitable for individual on-site septic systems.
7. This motion is subject to the following conditions, with them being:
  - A. There shall be no more than 16 lots within the subdivision.
  - B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.

- C. The stormwater management system shall meet or exceed the requirements of the State and County. The system shall be constructed and maintained using Best Management Practices.
- D. All entrances shall comply with all of DelDOT's requirements.
- E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- F. 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.
- G. A 20 foot Buffer shall be shown along all boundaries as required by the Subdivision Code. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- H. Prior to Final Site Plan approval, the applicant shall obtain a Jurisdictional Determination to identify and locate any wetlands on the site. The results of this Determination shall be provided as part of the Final Site Plan review process.
- I. No wetlands shall be included within any lots.
- J. A system of street lighting shall be established.
- K. As so stated by the applicant, sidewalks shall be located on both sides of all streets in the subdivision.
- L. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff of the Planning and Zoning Department shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
- M. The Final Site Plan shall be subject to the review and approval of this Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross and carried 4 votes to none, to approve this application as a preliminary, for the reasons and with the conditions stated, with Mr. Burton abstaining since he was not present during the public hearing. Motion carried 4 – 0.

**AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLING, SINGLE FAMILY”, DWELLING, MULTI-FAMILY”, AND “FAMILY”.**

The Chairman referred back to this Ordinance Amendment, which has been deferred since August 7, 2014.

Mr. Robertson stated that this Ordinance Amendment was reviewed several weeks ago through public hearing and that some concerns were expressed about foster children, and added that foster children are already governed by State Codes.

Mr. Robertson added that a need exist for the Commission to take action on this Ordinance so that the Sussex County Council can proceed with a public hearing this year.

At the request of the Commission, Mr. Robertson read a suggested motion stating that “the Commission recommends that the Ordinance to amend Chapter 115, Article I amending the

definitions of “Dwelling”, “Dwelling, Single Family”, “Dwelling, Multi-Family”, and “Family” be approved”.

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that this Ordinance Amendment be approved as circulated. Motion carried 5 – 0.

## PUBLIC HEARING

### **Change of Zone #1757 BLN, LLC**

Application of **BLN, LLC** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 14,400 square feet, more or less, land lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) (911 Address: 22440 Lewes Georgetown Highway, Georgetown, DE) (Tax Map I.D. # 1-35-15.00-93.00).

Mr. Lank advised the Commission that this application was filed on July 15, 2014, and that the application included a site plan/survey showing the existing improvements on the site.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated January 29, 2014, referencing that a traffic impact study was not recommended and that the current Level of Service “E” of Seashore Highway (Route 9) will not change as a result of this application.

Mr. Lank reminded the Commission that a previous application was reviewed on this site a few months ago for a rezoning from AR-1 to CR-1, and that the Commission had recommended that the application be denied and that the applicant should consider applying for a conditional use.

The Commission found that Leon Ware was present on behalf of BLN, LLC and stated in his presentation and in response to questions raised by the Commission that he had applied previously for CR-1 zoning and that when he went to the Sussex County Council public hearing it was suggested that he withdraw his application and reapply for either a B-1 Neighborhood Business zoning or a conditional Use; that he chose to apply for the rezoning to B-1 Neighborhood Business since the property has historically been used in ways that would conform to B-1 zoning; that historically the property has been used for a gas station, convenience store, construction company office, and an office for a computer shop; that the area has a mix of residential with some business activities; that the Sports at the Beach facility is located on two sides of the property; that the property has been for sale for four years and that the zoning has been the reason stated for the lack of being able to sell the property; that the building is small and contains three offices, a conference room, a bathroom and small kitchenette; that another office type of use exists four doors down to the west and is utilized for a computer sales business; and that there are other commercial and business uses towards Georgetown.

Mr. Smith referenced that Route 9 is either a Major Arterial Roadway or a Major Collector Roadway.

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

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

Mr. Johnson stated that he would move that the Commission recommend approval of Change of Zone No. 1757 for BLN, LLC for a change of zone from AR-1 Agricultural Residential to B-1 Neighborhood Business based on the record made during the public hearing and for the following reasons:

- 1) This site has historically been used for business uses, going back before a zoning code was adopted in Sussex County. This rezoning will apply a zoning classification that is consistent with the property's uses.
- 2) There are other business uses in the vicinity. The site is also adjacent to the Sports at the Beach sports complex on two sides.
- 3) Route 9 is an appropriate location for B-1 Neighborhood Business zoning.
- 4) The applicant has stated that the existing building will remain in use on the property. Given the small size of the site, additional development will be difficult.
- 5) No parties appeared in opposition to the application.
- 6) B-1 Neighborhood Business zoning, which is designed to serve small areas in rural, low-density or medium-density residential neighborhoods, is appropriate for this location.

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

#### OTHER BUSINESS

##### **The Preserves at Cedar Pines**

##### **CZ #1747 MR/RPC Preliminary Site Plan – Road 357**

##### **CU #1986 Preliminary Site Plan – Road 357**

Mr. Abbott advised the Commission that this is a preliminary site plan for 45 single family lots and 30 multi-family units located on 29.36 acres; that the site is zoned MR/RPC and there is also an approved conditional use for the multi-family units; that both applications were approved on July 22, 2014 with 13 and 12 conditions of approval respectfully; that the conditions of approval are noted and depicted on the site plan; that the minimum lot size for the single family lots is 7,500 square feet; that the applicants are requesting 20-foot front yard and 10-foot side and rear yard setbacks; that the multi-family units contain 30 units in 10 buildings (3 per building); that 5, 165-foot by 165-foot building envelopes are proposed; that the length of each building is 84.3 feet with an 8 foot separation from one building to the next; that there is a 40-foot separation between the building envelopes; that sidewalks are provided on at least one side of all streets; that a swimming pool is proposed; that central sewer will be provided by Sussex County and central water will be provided by Sussex Shores Water Company; and that the Commission was previously provided a copy of the site plan.

Mr. Smith questioned the staff how the 165 foot building envelopes are impacting projects and stated that he does not mean to cause alarm for this project.

Mr. Lank and Mr. Abbott advised the Commission that the intent of the building envelopes was for buildings that did not exceed 165 feet in length; that it has been the Commission's practice to allow the 165 foot building envelopes for some time now; that recently staff has found buildings that appear to exceed the 165 maximum length, however they still fit within the 165 foot building envelope because they have been placed diagonally; and that in this case, the actual buildings do not exceed 165 feet in length.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve this project as a preliminary. Motion carried 5 – 0.

Mr. Johnson questioned staff if the 165 foot building envelope could be placed on a future agenda for discussion by the Commission; and was advised that it can be done in the future.

**Americana Bayside MR/RPC  
CZ #1748 Preliminary Site Plan – Road 395**

Mr. Abbott advised the Commission that this is a preliminary site plan for 93 units on 27.896 acres; that the site is zoned MR/RPC and was approved on July 15, 2014 with 13 conditions; that the conditions of approval need to be included on the final site plan; that the approved Ordinance allows 33 townhouse units, 30 duplex units and 30 single family lots; that the developer is proposing 45 single family lots, 26 duplex units at 40 feet wide and 22 duplex units at 33 feet wide; that the applicants are requesting 20 foot front yard, 10 foot rear yard and 5 foot side yard setbacks; that sidewalks are provided on both sides of all streets; that the final site plan needs to include a landscape plan; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the site plan as a preliminary. Motion carried 5 – 0.

**Cadbury at Lewes  
CZ #1753 Preliminary Site Plan – Road 267**

Mr. Abbott advised the Commission that this is a preliminary site plan for the expansion of 32 units located on 5.01 acres; that the site is zoned MR/RPC and was approved on August 5, 2014 with 5 conditions; that the conditions of approval are noted on the site plan; that 3, 7 unit buildings and an 8 unit building are proposed for a total of 29 units; that the other 3 units are constructed within the original RPC area; that the setbacks meet the requirements of the zoning code; that central sewer will be provided by Sussex County and central water will be provided by Tidewater Utilities; that the final site plan needs to include a landscape plan; and that the Commission was previously provided a copy of the site plan.

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



**Peninsula Lakes MR/RPC  
Phase 1 Record Plan – Road 299**

Mr. Abbott advised the Commission that this is the final site plan for Peninsula Lakes Phase 1 single family section; that this area includes 383 single family lots; that the final site plan is the same as the previously approved revised master plan which was approved on March 13, 2014; that all agency approval have been received; and that the Commission was previously provided a copy of the site plan.

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

**Purus, LLC  
Preliminary Commercial Site Plan – Route 26**

Mr. Abbott advised the Commission that this is a preliminary commercial site plan for 16,100 square feet of retail space located on 2.49 acres; that the site is zoned CR-1; that one building contains 8,100 square feet of gross leasable area and the other building contains 8,000 square feet of gross leasable area; that the setbacks meet the minimum requirements of the zoning code; that 81 parking spaces are required and provided; that 21 spaces are within the front yard setback and are subject to site plan review; that other commercial uses in the immediate area have parking within the front yard setback and the adjoining parcel to the east was approved by the Commission on April 11, 2013 with parking in the front yard setback; that 2 loading spaces are provided; that there are 2 proposed interconnections to the adjoining parcel to the east; that Sussex County will provide central sewer and central water will be provided by Tidewater Utilities; that a fence is proposed along the western boundary line to shield the parking area from a residential use; that the proposed building height is 24 feet; that there are no wetlands on the site and the property is not located in a flood plain; that if preliminary approval is granted, final approval shall be subject to review and approval by the Planning and Zoning Commission after the staff receives all agency approvals; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the site plan as a preliminary. Motion carried 5 – 0.

**Ray Baker  
CU #1968 Site Plan – Road 506**

Mr. Abbott advised the Commission that this is a site plan for a micro-distillery operation located on 4.06 acres of land that is zoned AR-1; that this conditional use was approved on February 18, 2014 with 7 conditions; that the conditions of approval are noted on the site plan; that no new buildings are proposed; that all agency approvals have been received; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to approve the site plan as a final. Motion carried 5 – 0.

**Batson Creek Estates  
Recreation Area Site Plan – Grady Lane**

Mr. Abbott advised the Commission that this is a site plan for the recreation/amenity area for this subdivision; that a 2,626 square foot 1-story clubhouse, a pool, a pool equipment building, and a proposed arbor and food preparation area are proposed; that the clubhouse is setback 18 feet from the front property line; that the setbacks are to be determined by the Commission subject to site plan review; that 9 parking spaces are proposed; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve the site plan as a preliminary with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

**Saw grass North Phase 1  
Recreation Area Site Plan – Creekside Lane**

Mr. Abbott advised the Commission that this is a site plan for the recreation/amenity area for this residential planned community; that a 4,465 square foot clubhouse, an 8,777 square foot pool and a 2,297 square foot court yard are proposed; that the clubhouse is setback 20.9 feet from the front property line; that setbacks are to be determined by the Commission subject to site plan review; that 31 parking spaces are proposed; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the site plan as a preliminary with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

**Lynn and Karen McCauley  
3 Parcels and 50' Right of Way – Road 201**

Mr. Abbott advised the Commission that this is a request to subdivide a 112.83 parcel into 3 parcels with access from a 50-foot right of way; that the owners are proposing to create the right-of-way over an existing lane, known as Lynn's Lane; that Lot 2 will contain 29.98 acres, Lot 3 29.22 acres and Lot 4 53.52 acres; that the request may be approved as submitted, or an application for a major subdivision can be required; that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision; that the Commission was previously provided a sketch drawing of the request; that this site is the subject site of the Clean Delaware Conditional Use application for the land application of sludge and bio-solids; that in speaking with representatives of Clean Delaware, they are still in the process of trying to obtain all approvals from DNREC; that they

would like to have the opportunity to review the proposed subdivision plan; and that the conditions of approval for the conditional use application could be impacted by the proposed subdivision, and that this item should be deferred so that the Commission and staff can review the conditions of approval for the conditional use.

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

**David L. Banks**  
**50' Easement – Road 365**

Mr. Abbott advised the Commission that this is a request to create a 50-foot easement across the applicant's land for the future subdivision of the adjoining land and the applicant's land; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the request as a concept. Motion carried 5 – 0.

**Helen Street & Others**  
**Topography Waiver Request – Road 308**

Mr. Abbott advised that the Commission that on June 26, 2014 and July 17, 2014 the Commission reviewed a request to create 3 lots with access from a 50 foot easement; the Commission denied this request since there was not a lane, driveway, etc., where the proposed easement is going to be located; the Commission determined that a major subdivision application would be required; that the owner intends to apply for a major subdivision application, however their surveyor is requesting a waiver from the topography requirements since they will be applying for a waiver from the street design requirements; and that the Commission was previously provided a copy of the request and the sketch drawing that was previously submitted.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to approve the request since the applicant will be applying for a waiver from the street design requirements during the public hearing process. Motion carried 5 – 0.

**ADDITIONAL BUSINESS**

Mr. Smith advised the Commission that he had received an invitation from Carl M. Freeman Companies offering a tour of the Americana Bayside development off of Route 54 for the Commission, Mr. Robertson, Mr. Lank, and Mr. Abbott; that the invitation was for Friday October 3, 2014 from 10:00 am to 1:00 pm; and that he is asking if there was any interest in such a tour.

The Commission discussed the invitation. Mr. Robertson advised the Commission that since the invitation includes all of the members of the Commission it will require that a public notice be

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placed on the bulletin board in the Planning and Zoning Department and that it be announced that the Commission is attending the tour referencing the date and the time.

There was a consensus of the Commission that the date and time is acceptable and that Mr. Lank can respond to the invitation on the Commission's behalf.

Meeting adjourned at 7:20 pm