



# PLANNING & ZONING

## AGENDAS & MINUTES

### MINUTES OF THE REGULAR MEETING OF OCTOBER 11, 2012

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 11, 2012, 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. I.G. Burton, III, Mr. Martin Ross and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director and Mr. Shane Abbott – Assistant Director.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to move Item #8 under Other Business to the first Item under Other Business. Motion carried 5 – 0.

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

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve the Minutes of September 20, 2012 as amended. Motion carried 5 – 0.

### OLD BUSINESS

CU #1943 – application of **CHARLES L. WILLIAMS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an automotive repair shop/garage, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.565 acres, more or less, lying at the north end of Summer Place, a private Road, 265 feet north of Road 291 (Martins Farm Road) and being approximately 3,000 feet east of Route 5 (Tax Map I.D. 3-34-9.00-1.03).

The Chairman referred back to this application, which has been deferred since August 23, 2012.

Mr. Johnson opened the floor for a discussion of this application and advised the Commission that he is not sure that this is a Conditional Use needing approval; that a lot of individuals work on vehicles as a hobby, such as restoring antique vehicles, working on race cars, etc.; that if this is a business, he would oppose the use due to the location and the sharing of a driveway; that the applicant is not capable of working on vehicles due to a disability and is proposing to rent the

building to a mechanic; and that if this were a business, the use would have a negative impact on the area.

Mr. Wheatley agreed with Mr. Johnson and advised the Commission that a Conditional Use may solve the problem; that the building has access from a shared driveway; that the building was built as an accessory building only for the owner and not as a business.

Mr. Smith agreed and advised the Commission that the use of the property is in question and that the use exceeds a hobby.

Mr. Wheatley advised the Commission that this is a land use decision, not a neighbor versus neighbor popularity contest.

Mr. Burton advised the Commission that the Commission has to look at this application as a Conditional Use and determine if it is an appropriate use.

Mr. Ross advised the Commission that the applicant can continue using the property for his personal use.

Mr. Robertson advised the Commission that the applicant allows friends and neighbors to work on their vehicles in his garage, which is still a personal use and hobby.

Mr. Johnson advised the Commission that whether the application is approved or denied, some of the neighbors will continue to complain; and that he does not believe that the use should be approved.

Mr. Ross advised the Commission that if the application is approved with stiff restrictions, this may be more appropriate than denying the application.

Mr. Wheatley reminded the Commission that it is still a land use question that must be addressed.

Mr. Johnson advised the Commission that the Commission should not start a precedent and questioned how this project will impact the neighborhood and asked that this item be moved to the end of Old Business.

It was the consensus of the Commission to table this application to the end of Old Business.

At the conclusion of Old Business, the Chairman referred back to this application.

Mr. Johnson stated that he would move that the Commission recommend denial of Conditional Use No. 1943 for Charles L. Williams, based on the record made at the public hearing, and because he feels that the property's location in an AR-1 district is not appropriate for an automotive repair shop and that he bases this motion on the following reasons:

1. Mr. Johnson does not want to establish a precedent that a homeowner, who invites friends to his property to work on cars, street rods, race cars, etc., should require some zoning approval from Sussex County. This type of use is incidental to the primary use of the property as Mr. William's home, and he does not believe there is anything in the Code which prohibits friends and neighbors getting together to socialize and work on their cars.
2. Mr. Johnson does not want to establish the precedent that a Conditional Use is appropriate for this neighborhood. If the County approves this use as a conditional use, Mr. Johnson is concerned that some later applicant would argue that it creates a valid precedent for some type of intensive conditional use or rezoning in the area. If this applicant is not operating a business, Mr. Johnson does not want to create a conditional use just to regulate him and then run the risk of an unintended consequence that an actual business use would seek zoning approval in this area.
3. Mr. Johnson is satisfied that the applicant understands the position he is in, and the limitations that exist as to what he can do and not do on his property without further approvals from Sussex County. Mr. Johnson is also satisfied that both neighbors and Code Enforcement Officials will be monitoring the use to ensure that it does not exceed what is currently happening there.
4. The property does not have direct access to Martin's Farm Road and uses a road which is essentially a shared driveway with a residence.
5. In summary, this motion for denial should not be seen as putting a stop to what Mr. Williams and his friends can do on the property. Instead, Mr. Johnson feels that their current activities do not necessarily require County regulation in the form of a Conditional Use, so the Commission should not impose one upon them, unless the character and nature of these that can occur on the property by the property owner and his friends.

Motion by Mr. Johnson, seconded by Mr. Smith and carried 4 votes to 1, with Mr. Ross opposed, to forward this application to the Sussex County Council with the recommendation that it be denied for the reasons stated. Motion carried 4 – 1.

In reference to CZ #1719, CZ #1720 and CU #1944:

Mr. Smith advised the Commission and the audience that the Commission held a public hearing on CZ #1719, CZ #1720 and CU #1944 on September 6, 2012; that the 3 applications were heard under one hearing and that the Commission must act on the three applications separately; that on September 6, 2012 the Commission deferred action on these applications pending receipt of the PLUS comments and the applicants response to the PLUS comments; that on September 20, 2012, Mr. Abbott provided the Commission with the PLUS comments and the applicant's response to these comments; that on September 20, 2012, the Commission deferred action and left the record open for two weeks for written comments in reference to the PLUS comments and the applicant's response to these comments; that the record was closed at the end of business on October 5, 2012; that the Commission has received two letters and a copy of the CD that was presented at the public hearing; that if the Commission were to act on these application this evening, it would be unfair to the writers of the letters to act without reviewing the letters and the material submitted prior to making a motion.

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Mr. Wheatley advised the Commission that a recommendation must be made within 45 days of October 6, 2012.

Mr. Robertson advised the Commission that the County's IT Department has copied the CD that was presented on September 6, 2012 and that each Commission member and County Council member has received a copy of it for their review.

CZ #1719 – application of **CASTAWAYS BETHANY LLC** to amend the Comprehensive Zoning Map from a MR Medium Density Residential District to an AR-1 Agricultural Residential District to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.00 acres, more or less, on two (2) parcels, lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) (part of Tax Map I.D. 1-34-9.00-21.00/24.00).

The Chairman referred back to this application, which has been deferred since September 6, 2012.

Mr. Smith made a statement in reference to this application. See above.

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

CZ #1720 – application of **CASTAWAYS BETHANY LLC** to amend the Comprehensive Zoning Map from a MR Medium Density Residential District to a CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.02 acres, more or less, lying east of Cedar Neck Road (Road 357) across from Candy Cove Road (Road 358) (part of Tax Map I.D. 1-34-9.00-21.00).

The Chairman referred back to this application, which has been deferred since September 6, 2012.

The Chairman referred back to this application, which has been deferred since the September 6, 2012 meeting.

Mr. Smith made a statement in reference to this application. See above.

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

CU #1944 – application of **CASTAWAYS BETHANY LLC** to consider the Conditional Use of land in a C-1 General Commercial District, a CR-1 Commercial Residential District, a MR Medium Density Residential District, and an AR-1 Agricultural Residential District for multi-family dwelling structures, a campground, and an outdoor amusement place, where permitted as conditional uses, to be located on a certain parcel of land lying and being in Baltimore Hundred,

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Sussex County, containing 38.53 acres, more or less, lying east of Cedar Neck Road (Road 357) and across from Sandy Cove Road (Road 358) (Tax Map I.D. 1-34-9.00-21.00 and 24.00).

The Chairman referred back to this application, which has been deferred since September 6, 2012.

The Chairman referred back to this application, which has been deferred since September 6, 2012.

Mr. Smith made a statement in reference to this application. See above.

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

CU #1945 – application of **ALFONSO MATOS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a small storage facility, to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 14,964 square feet, more or less, lying southwest of Route 20 (Concord Road) 392 feet southeast of Haven Drive, the entry into Broad Acres Subdivision, approximately 1.0 mile east of U.S. Route 13 (Tax Map I.D. 1-32-2.00-133.00).

The Chairman referred back to this application, which has been deferred since September 20, 2012.

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

CZ #1721 – application of **CAPTAIN’S WAY DEVELOPMENT LLC** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a GR/RPC General Residential District/Residential Planned Community to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 154.90 acres, more or less, lying north of Route 16, south of Road 231 (Reynolds Pond Road) and 2,400 feet east of Road 226 (Holly Tree Road) (Tax Map I.D. 2-35-5.00-5.00 and 2-35-13.00-2.00).

The Chairman referred back to this application, which has been deferred since September 20, 2012.

Mr. Wheatley advised the Commission that this application addresses affordable housing, which is referenced in the Comprehensive Land Use Plan.

Mr. Johnson advised the Commission that the application addresses transit accessibility.

Mr. Burton stated that he would move that the Commission recommend approval of C/Z #1721 for Captain’s Way Development, LLC for a change in zone from AR-1 to GR/RPC based upon the record made at the public hearing and for the following reasons:

1. This project represents the same site plan that received preliminary subdivision approval from the Commission on March 23, 2006.
2. GR Zoning is appropriate for this site, since the purpose of the GR Zone is to provide for medium density residential use, including manufactured housing. This site, with the RPC overlay and proposed infrastructure, meets these purposes.
3. With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land. The purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity while protecting existing and future uses.
4. This project promotes affordable housing in Sussex County, and the Applicants have explained that it is in an area where suitable infrastructure for such housing exists or will be constructed, such as public transportation routes and central water and sewer.
5. The project is in close proximity to a Developing Area according to the Sussex County Land Use Plan and is near the Towns of Milton and Ellendale.
6. As this Commission determined in 2006, the project will not have an adverse impact on the neighboring properties or the community, and substantial buffers have been established along the Nature Conservancy boundary and other adjacent properties.
7. The project promotes the Housing Element of the County's Comprehensive Plan. One of the Plan's goals is to provide housing for all Sussex County residents and particularly workforce housing and housing for lower and moderate income County Residents. The Plan also supports manufactured housing as proposed by the applicant as an affordable housing alternative.
8. The project is located along Route 16, which is recognized by DelDOT as a major collector road. It also is close by an existing mobile home park and gas station, which are compatible with the GR Zoning and the proposed RPC development.
9. Although this is a change in zone application, the proposed use remains a subdivision. Mr. Burton is satisfied that the applicant has addressed all of the items in Section 99-9C of the Subdivision Code.
10. The reduced setbacks proposed by the applicant are appropriate for this project. They will permit alternating home placements within the project and promote design ingenuity.
11. This recommendation is subject to the following conditions:
  - A. The maximum number of lots shall not exceed 301 lots.
  - B. The interior street design shall be in accordance with or exceed Sussex County street design requirements.
  - C. A multi-modal path shall be included on at least one side of all streets.
  - D. Street lighting shall be included throughout the subdivision. The location of all streetlights shall be shown on the Final Site Plan.
  - E. All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT.
  - F. All amenities shall be clearly shown on the Final Site Plan and they shall be open and available to use by residents prior to the construction of the second phase of the development.

- G. The project shall be served by a publicly regulated central sewer system defined by the County Ordinance and shall be incorporated into a regional wastewater treatment system if at all possible. The operation of the sewer system shall be subject to the Delaware Public Service Commission and all applicable State and County regulations.
- H. The project shall be served by central water.
- I. Storm water management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements and shall be operated using Best Management Practices to provide ground water recharge.
- J. No wetlands shall be included within any lots. Wetlands shall be maintained as non-disturbance areas, except where authorized by a Federal or State Permit.
- K. All reforestation areas shall be shown on a landscape plan submitted as part of the Final Site Plan review process. In addition, as required by the approvals for Subdivision #2005 – 24 on this site, the proposed conservation easement areas shall specifically be referenced on the Final Site Plan.
- L. The Applicant shall form a Homeowners' Association to be responsible for the maintenance of the streets, roads, buffers, storm water management facilities and other common areas.
- M. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
- N. Because the project will be for moderate income families, additional tot lots shall be included within the site. The location of these tot lots shall be spread throughout the project and shown on the Final Site Plan.
- O. The commercial areas associated with this RPC approval shall be clearly shown on the Final Site Plan. The proposed uses for these areas shall be limited to the Permitted Uses identified for B-1 Zoning Districts and for the display and sale of manufactured homes.
- P. Areas to be used as a DART bus stop and school bus shelter with parking for 5 vehicles shall be set aside near the entrance to the project. The areas for the bus stops shall be constructed at the time the DelDOT entrance is also constructed.
- Q. As required by the approval for Subdivision #2005 – 24 on this site, a fence shall be installed on the east side of the project as stated by the Applicant and shown on the Final Site Plan.
- R. The buffer areas shall be clearly marked on the site, with the location and type of marker shown on the Final Site Plan. In addition, the Restrictive Covenants and any lot leases must contain a notice describing the buffers and prohibiting any disturbance of them.
- S. The setbacks for lots with single-wide manufactured homes shall be 12 feet for the front yard, 10 feet for the side yards, and 5 feet for the rear yard. The setbacks for lots with double-wide manufactured homes or stick built homes shall be 25 feet for the front yards, 5 feet for the side yards, and 10 feet for the rear yard. In addition, the project must comply with any more stringent setback or separation requirements established by the Delaware State Fire Marshal.
- T. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- U. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

#### OTHER BUSINESS

##### Greater Lewes Community Village Discussion

Barbara Vaughn, Mike Lynn and Doug Warner were present on behalf of the Greater Lewes Community Village and advised the Commission that 70 % of the people residing in Lewes are over 50 years of age; that the Greater Lewes Community Village encompasses Census Tract #509; that this tract contains over 10,000 residents; that their group is creating a survey for information; that their group has concerns about the lack of homes for residents to age in; that they have concerns about 2 story homes not being suitable for residents to age in; that co-housing exists in 23 states with more than 125 of these types of communities; that the group encourages high density residential homes with connectivity and social ability; that the County attracts senior citizens to the area; that there are already over 40,000 senior citizens residing in the area; that by the year 2015, an additional 20 % of senior citizens is anticipated; that aging in place is their main goal; that these types of projects would be small projects with 40 plus units; that some representatives on the group have been involved with numerous housing and assisted living projects; that health and mobility issues are a concern for the group; that homes are becoming too large for residents to care for them; that the proposed homes would be small homes, approximately 1,200 square feet in size; that these homes could be on slab or at grade; that the group wants to work with the County in developing a program; that co-housing is basically cluster housing; that the projects would create open space; that in most cases, these projects would be in-fill; that some aspects of this design would be minimum square areas, density, setbacks, lot sizes, categories and materials; that these projects could have fees waived; that this would be an opportunity to provide affordable housing to County residents; and asked the Commission for permission to present a concept plan so that they could suggest amendments to the Comprehensive Plan and have a more formal presentation and discussion with the Commission.

It was the consensus of the Commission that the group contacts the staff to set up a meeting with various groups.

##### CU #1716 – Andrew Lubin Determination of Substantially Underway – Route 24

Mr. Abbott advised the Commission that this item has been deferred since August 9, 2012; that this is a Conditional Use application for an office park with medical, professional and retail buildings that was approved on January 16, 2007; that the Commission has granted time extensions and granted preliminary site plan approval for an Artisan's Bank on April 22, 2009 and that the staff granted final site plan approval on April 8, 2011; that the approval is still valid until January 1, 2013 by Ordinance No. 2208, which was adopted by the County Council on

August 9, 2011; that the developers are requesting that the Commission determines that the approved use be considered substantially underway even though no actual construction or permitting of the buildings have taken place; that the developers constructed the service road from the bank site across the rear of the property; and that the Commission was previously provided a copy of the request and a copy of an email from Mr. Robertson in response to the developer's request.

Mr. Robertson advised the Commission that the Zoning Code includes a definition for being substantially underway and there is also an abandonment clause in the Code; and that the street has been put in and sewer and water lines are installed and capped.

Mr. Johnson questioned when the time period would commence for the abandonment clause.

Mr. Abbott advised the Commission that time period could begin from the date that the Public Works Department released the street.

Motion by Mr. Johnson, seconded by Mr. Burton. and carried unanimously to consider the project substantially underway and that time period for abandonment commenced when the Public Works Department released the project. Motion carried 5 – 0.

Subdivision #2005 – 78 – Delmarva Woodlands Alliance, LLC  
Cool Spring Meadows – Amended Conditions

Mr. Abbott advised the Commission that this is a request to amend 2 conditions of the preliminary approval that was granted by the Planning and Zoning Commission on November 14, 2007; that this request has been deferred since the April 26, 2012 meeting; that the developers are requesting to amend the condition requiring sidewalks on both sides of all streets to requiring them on one side of all streets and to delete the condition requiring trails; that by eliminating the trails, the developers feel that this will help to eliminate encroachments into the natural areas, which border portions of the project and keep the active open areas as undisturbed; that this application has not received final approval therefore no lots have been conveyed or transferred; and that the Commission was previously provided a copy of the letter from the developer's engineer detailing this request.

Mr. Johnson expressed concerns that the Commission will be receiving numerous requests for this type of request; that he knows that the applicants proffered these items; and that the Subdivision Code does not require sidewalks.

Motion by Mr. Johnson, seconded by Mr. Burton and carried 4 votes to 1, with Mr. Smith opposed, to approve the request as submitted. Motion carried 4 – 1.

Subdivision #2005 – 74 – Delmarva Woodlands Alliance, IV, LLC  
Welsh Run – Amended Conditions

Mr. Abbott advised the Commission that this item was deferred at the September 13, 2012 meeting; that this is a request to amend conditions of the preliminary approval granted by the Planning and Zoning Commission on December 14, 2006; that the developers are requesting that sidewalks only be required to be installed on one side of all streets within the subdivision instead of being required on both sides of all streets; the developers are also requesting that walking trails be eliminated; that the walking trails were not shown on the preliminary plan; that the developers are requesting that the amenities be built prior to the issuance of the 108<sup>th</sup> building permit on the east side of the project and prior to the issuance of the 225<sup>th</sup> building permit on the west side of the project; that the project may not exceed 296 lots total; that the current condition requires that the amenities be constructed within 2 years of the issuance of the first residential building permit; that this application has not received final approval therefore no lots have been conveyed or transferred; and that the Commission was previously provided a copy of a letter from the developers detailing this request.

Ben Gordy of Ocean Atlantic Agency advised the Commission that Phase 1 contains 108 lots; that both sides of the road will contain amenities; that additional recreation areas and tot lots will be added; that the street design will include curb and gutter; and that there will be additional room for sidewalks if future residents would want them.

Mr. Johnson expressed the same concerns as the previous item.

Motion by Mr. Johnson, seconded by Mr. Burton and carried 4 votes to 1, with Mr. Smith opposed, to approve the request as submitted. Motion carried 4 – 1.

Richard Poppleton and Anthony Crivella  
Commercial Site Plan – Central Avenue

Mr. Abbott advised the Commission that this is a preliminary commercial site plan for 2, 1,500 square foot warehouses on 2, 5,000 square foot lots; that Lot 24 is zoned CR-1 and that Lot 45 is zoned C-1; that 2 parking spaces are proposed on each lot; that the setbacks meet the minimum requirements of the zoning code; that water will be provided by the City of Rehoboth Beach and sewer will be provided by Sussex County; that there are no wetlands on the site and the lots are not located in a floodplain; that if preliminary approval is granted, final site plan 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.

West Rehoboth Community Land Trust  
CU #1722 Site Plan – Burton Avenue

Mr. Lank advised the Commission that this item was removed from the Agenda on October 2, 2012; and that it will be on the October 25, 2012 Agenda under a different name.

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Tower Shores Realty, LLC  
CU #1918 Site Plan – Ocean Road

Mr. Abbott advised the Commission that this is a site plan for a duplex located on a 6,000 square foot lot zoned MR Medium Density Residential; that this Conditional Use was approved on January 10, 2012 with 8 conditions of approval; that the conditions of approval are noted on the site plan; that the Board of Adjustment granted a variance for the front yard setback and the number of units on January 23, 2012; that the setbacks meet the requirements of the variance and the zoning code; that 4 parking spaces are located within the front yard setback; that central sewer will be provided by Sussex County and central water will be provided by Sussex Shores Water Company; that all agency approvals have been received 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 final. Motion carried 5 – 0.

Pelican Point Phase 4 – 7  
Revised Preliminary Plan

Mr. Abbott advised the Commission that this is a revised preliminary plan for a cluster subdivision; that the previous Pelican Point Phases 4 through 7 received final approval for 360 lots on 200.61 acres; that since the final approval, a portion of the approved site plan was sold to a third party and is not intended to be developed; that the proposed plan is now to develop 177 lots on 88.98 acres; that this is a reduction of 183 lots; that with the proposed plan, Townsend Road will not be realigned and there will be no direct access to Townsend Road; that the staff is questioning if the revised plan can be approved as submitted or if a new subdivision application is required for a public hearing; and that the Commission was previously provided a copy of the revised plan.

Mr. Johnson advised the Commission that the Commission has approved reductions in the past and that he does not feel that the revised plan needs to go through the public hearing process again as the revised plan is for less lots, that Townsend Road will not be impacted; and that there will be amenities on both sides of the project.

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

Delaware Electric Cooperative  
CU #1941 Site Plan – Road 62

Mr. Abbott advised the Commission that this is the site plan for a solar farm; that this Conditional Use was approved by the County Council on September 18, 2012 with 6 conditions; that the conditions of approval are noted on the site plan; that one of the conditions of approval requires a 38 foot wide gate; that a 25 foot wide gate is proposed; that since this condition

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originated with the Commission, the Commission may amend this condition; that the County Council added a condition requiring landscaping to screen the site from neighboring dwellings; that the proposed landscaping is located on the southern boundary of the site; that the landscaping/screening will consist of a mix of perennial grasses; that the proposed height of the screening is 7 feet; that the setbacks meet the minimum requirements of the zoning code; and that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals.

Motion by Mr. Ross, seconded by Mr. Smith 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 and to amend the condition requiring a 38-foot wide access gate to a 25-foot access gate. Motion carried 5 – 0.

Meeting adjourned at 7:55 p.m.