CITY OF DOVER PLANNING COMMISSION
August 20, 2012

The Regular Meeting of the City of Dover Planning Commission was held on Monday, August 20, 2012 at 7:00 PM with Chairman Welsh presiding. Members present were Mr. Baldwin, Mr. Shomo, Mr. Tolbert, Mr. Holt, Mr. Ambruso, Colonel Welsh, Mrs. Still and Mr. Holden. Mr. Nichols was absent.

Staff members present were Mrs. Townshend, Ms. Cornwell, Mrs. Melson-Williams, Ms. Duca, and Ms. Metsch. Also present were Mr. Mark Dunkle, Mr. Phillip McGinnis, Mr. Kevin Minnich, Mr. William Boyles, and Mr. Conny Malmberg.

Mrs. Townshend stated that Staff would request that an amendment be made to the agenda to move Item #1 under New Business: MI-12-21 Garrison Energy Center, LLC to before New Development Applications following Old Business.

APPROVAL OF AGENDA

Mr. Tolbert moved to approve the agenda as amended, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Nichols absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 16, 2012

Mr. Shomo moved to approve the regular Planning Commission meeting minutes of July 16, 2012, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Nichols absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the Planning Commission Quarterly Workshop will be held tomorrow, August 21, 2012 at 4:00 PM in the City Hall Conference Room. There will be guest speakers to provide Fair Housing training. The next regularly scheduled Planning Commission meeting will be held on September 17, 2012 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend provided an update on the regular City Council meeting of July 23, 2012 and the regular City Council and the Parks, Recreation and Community Enhancement Committee meetings of August 13, 2012.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Townshend presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

C-10-02 The Arbors at 1051 College Road – Request for a one year extension of the Planning Commission approval granted August 16, 2010 with the one year extension of July 18, 2011 for the Conditional Use Site Plan to permit the construction of a 55,350 S.F. multi-family building with 48 total units (condominium style units) and associated site improvements. The project is located on one parcel of land totaling 4.32 acres ± and is zoned RG-2 (General Residence Zone). The subject area is located on the north side of College Road, just west of McKee Road. The owner of record is JNK, LLC. Tax Parcel: ED-05-067.00-01-35.03-000. Council District 1.

Representative: None

Mrs. Melson-Williams stated that the Planning Commission considered this application as a Conditional Use Site Plan application for a multi-family residential building in August of 2010. It was conditionally approved at that time giving them one year to finalize their plan and start construction; however, in July 2011, they sought and were successful in receiving a one (1) year extension from the Planning Commission which lengthened their conditional approval until August of 2012. They are in the process and have not finalized their plan at this point; therefore, construction has not commenced. They are eligible for the one year extension request due to the amendments to the *Zoning Ordinance* for Article 10 that occurred last summer which allowed any project that remained in good standing to be eligible for up to a total approval timeframe of three (3) years.

There were no questions raised from any of the Planning Commission members at this time.

Mr. Tolbert moved to approve a one year extension for C-10-02 The Arbors located at 1051 College Road, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Nichols absent.

C-08-01 House of Pride at Properties on North New Street and South New Street – Annual Review of the Conditional Use Permit for the House of Pride properties, a philanthropic use and social service agency, including a residential recovery program and transitional housing. The project is located on seven (7) properties on North New Street and South New Street. The application involved the establishment of a multi-use philanthropic use relating to substance abuse prevention, intervention, treatment, education, and aftercare. The buildings include office, recovery houses, and transitional houses. The properties are zoned RG-1 (General Residential Zone) with the exception of 105 South New Street which is zoned C-2 (Central Commercial Zone). The owner of record is The House of Pride, Inc. The property addresses and associated tax parcels numbers are listed below. Council District 4.

20 North New Street	ED-05-076.08-05-20.00-000
29 South New Street	ED-05-077.05-03-10.00-000
37 South New Street	ED-05-077.05-03-08.00-000
38 South New Street	ED-05-076.08-05-84.00-000
55-57 South New Street	ED-05-077.05-03-02.00-000
105 South New Street	ED-05-077.09-01-37.00-000
110 South New Street	ED-05-077.09-01-31.00-000

****Initial approval of the Conditional Use by the Planning Commission on January 22, 2008. At the January 18, 2011 meeting, the Planning Commission acted to provisionally continue the Conditional Use Permit and required that it be subject to annual review by the Planning Commission. At the September 19, 2011 the Planning Commission acted to provisionally continue the Conditional Use Permit and directed the Annual Review to occur in July 2012. The Annual Review by the Planning Commission was rescheduled from the July meeting to the August meeting to allow for completion of property inspections. However, after review of the Inspection Reports the Planning Office is initiating the Process for Revocation of the Conditional Use Permit with a Public Hearing to be scheduled for the September meeting.*

Representatives: None

Mrs. Townshend stated that the Annual Review of the Conditional Use for the House of Pride properties was to be scheduled every year in July so that June inspections could be conducted and

be able to come back to the Planning Commission in July. Due to a number of issues, inspections were scheduled in July; therefore, it was pushed to this month. Following the inspections, Code Enforcement, Fire Marshal, and Planning Staff met to determine how to proceed with regards to the properties.

Mrs. Townshend further stated that at this point, what you have in your packet is a letter that was sent to the House of Pride last week dated August 10, 2012 letting them know that Staff is intending to initiate the process for revocation of the Conditional Use permits. There are Conditional Use permits on seven (7) properties so the City will complete the public notice process for those properties. Of the seven (7) properties that are a part of the Conditional Use, there are two (2) that are pending before City Council for various actions. 38 S. New Street was the subject of a fire in January. The Planning Department took that forward to City Council for dangerous building declaration in the Spring and that action was tabled pending changes to the Clean Hands Ordinance. The changes to the Clean Hands Ordinance were approved in July and at this point, the House of Pride has picked up the Building Permit for the repairs that need to be made to 38 S. New Street. An update status report to City Council regarding 38 S. New Street will occur on August 27, 2012.

Mrs. Townshend further stated that the other action that will be reviewed by City Council next week is with response to the inspections that were performed in July. The Planning Office issued a notice to vacate and close the property located at 110 S. New Street due to chronic fire code regulations. This matter will be taken up by City Council on August 27, 2012 as the House of Pride has appealed that decision. When this comes before you in September, with the public hearing, Staff will have the outcome of those various actions as well as updates on any of the compliance efforts that have been made by the House of Pride since the July inspections.

Mrs. Townshend stated that this is an informational item and there is no action to be taken at this time.

NEW BUSINESS

MI-12-21 Garrison Energy Center, LLC Performance Standards Review Application – Review of the Performance Standards Review Application associated with the Site Plan for Garrison Energy Center (Site Development Master Plan S-12-03) to determine if the proposed use will conform to the applicable performance standards as outlined in *Zoning Ordinance*, Article 5 §8 Performance Standards. The Garrison Energy Center is a combined cycle electric generating facility proposed for location on Lot 7 in the Garrison Oak Technical Park located on the north side of White Oak Road east of State Route 1. The owner of the property is the City of Dover and the lessee is Garrison Energy Center, LLC (Calpine Corporation). Address 1499 White Oak Road. Tax Parcel: Part of LC-05-068.00-01-03.00-000. Council District 3.

Mr. Holden recused himself from this application stating that his employer has worked on this project.

Representative: Mr. Mark Dunkle, Parkowski, Guerke and Swayze on behalf of Calpine.

Mrs. Melson-Williams stated that the Planning Commission this evening is here to consider the Performance Standards Review Application for the Garrison Energy Center. The Garrison Energy Center project is proposed for Lot #7 in the Garrison Oak Technical Park which is located off of

White Oak Road. The Technical Park itself has been the subject of a Subdivision Plan that was reviewed beginning in 2009 with Preliminary Subdivision Plan approval in September of 2010. The Technical Park Record Plan to establish the lots was recorded in May 2012 and they are continuing to work on the construction plans for the infrastructure in the overall Technical Park. Specifically, the Garrison Energy project is a project that involves the construction of a combined cycle, electric generating facility that utilizes natural gas as its primary fuel. The City of Dover Planning Commission granted conditional approval of the Site Development Master Plan for the Garrison Energy Center Project in April of 2012. At that meeting, the Commission saw the two phases of the project specifically on Lot #7 that included various equipment, one building, and various site improvements for that project.

Mrs. Melson-Williams further stated that with the Site Development Master Plan that was reviewed by the Planning Commission and then upon its conditional approval, the project then moves into an Administrative Site Plan review process for each phase as they are readying for construction activity. On August 17, 2012 the Planning Office received the first Administrative Site Plan filing for the Garrison Energy Center for Phase I and will begin the review process for that Administrative Site Plan. This is a Staff and agency review process and does not involve the Planning Commission specifically with that aspect.

Mrs. Melson-Williams further stated that as part of the process for Site Plan review, this project is subject to the Performance Standards Review requirement. The uses in the IPM-2 Zone are subject to the Performance Standards that are outlined in the *Zoning Ordinance* in Article 5, Section 8. Included in the Staff Report on the Performance Standards Review Application are some Code citations that describe the Performance Standards Review procedure and the appropriate Code references. Specifically, there is an application that is filed and is to be reviewed by the Planning Commission to determine if the proposed use of the Garrison Energy Center conforms with the applicable Performance Standards. The review process with the Planning Commission does not require a public hearing.

Mrs. Melson-Williams further stated moving onto the Performance Standards Regulations, the project has to exhibit compliance with the Performance Standards for what are a series of dangerous and objectionable elements. These elements are listed and include items such as fire and explosion hazards, radioactivity, electromagnetic disturbance, noise, vibrations, smoke, odors, fly ash, dust, fumes, vapors, gases and other forms of air pollution, glare from lighting or high temperature processes, liquid, or solid waste, and traffic congestion. A project being reviewed cannot cause any of the above additions to exist so that they adversely affect the surrounding areas or adjoining properties. The Ordinance more greatly details the limits of each of the Performance Standards. It is also noted that in the case where other regulations specifically State or Federal are more restrictive then those more restrictive regulations apply over and above what is listed in the *Zoning Ordinance.*

Mrs. Melson-Williams further stated that the Performance Standards Review Application that was submitted by the Garrison Energy Center was presented in a format of a narrative report that was included for the Planning Commission along with a reference copy of the preliminary Site Development Master Plan so that you can be familiar with the project. The report itself, that was prepared by the applicant, notes a series of activities and actions with regards to each of the

Performance Standards. They range from design considerations to required permits and plan activities that will be necessary at the Garrison Energy facility.

Mrs. Melson-Williams further stated that in addition to the report that Planning Commissioners received, there is a reference binder that was submitted to the Planning Office. The reference binder included a number of greater exhibits, full copies of some of the permit information, and more detailed information as referenced in their report.

Mrs. Melson-Williams further stated that in preparation for the Planning Commissioners review of the Performance Standards Review Application submission, Staff completed a review report that was submitted to the Planning Commissioners. Staff finds that the application as submitted by the Garrison Energy Center contains adequate information in order to confirm the project's compliance of the *Zoning Ordinance.* In a number of cases, especially related to air quality, there are a number of State and Federal permits that well exceed the requirements of the City's own *Zoning Ordinance.* In other instances, some of the Performance Standards are enforced by regulations with other City Departments and those would relate to items such as fire protection needs and water/waste water regulations for the City.

Mrs. Melson-Williams further stated that the Planning Office provided a series of review comments for the application that are listed as Items 1-13 beginning on Page 5 of the Staff's summary report. The Planning Staff makes note that there is an Administrative Site Plan process that must be completed for the project overall. Staff notes that there are Draft Air Emission Construction Permits that have been issued by DNREC and they continue to move through that regulatory process for air pollution permitting aspects. There are several plans that will be developed as part of the facility to ensure on-going compliance. These include items such as a Fire Risk Evaluation Plan and a Risk Management Plan.

Mrs. Melson-Williams further stated that the facility itself is making use of advanced and best available control technologies. They are addressing lighting for the site to ensure that while it adequately lights the subject area, it does not reflect onto adjacent properties. Specifically, with the design of water service and wastewater service for the facility, the project is subject to the review and approval of the City's Public Works Department. They have been working with the City with regards to conducting analysis of the effects of the Energy Center project on the City's water and wastewater systems.

Mrs. Melson-Williams further stated with regards to transportation, the facility takes access from Garrison Oak Drive which is proposed as a City street. Garrison Oak Drive itself has two (2) intersections with White Oak Road which is a DelDOT State maintained road that will be dealing with entrance plans and entrance permitting as the City continues to develop the overall Technical Park. There is not a Traffic Impact Study that is required for the development of this facility and that is noted in the report.

Mrs. Melson-Williams further stated that the remaining items listed in Staff's comments are advisory and procedural in nature. Any major changes or revisions to the project may trigger re-review as part of the Development Advisory Committee process, the Planning Commission review, or other agencies.

Mrs. Melson-Williams further stated that the Development Advisory Committee provides comments in their specific areas of expertise and Code requirements. The process continues following the Site Development Master Plan with the Administrative Site Plan submissions that have just begun. Prior to any ground disturbing activities, there are a number of plan approvals, site inspections, and permits and licensing that would be required before any construction activity. It is also noted that any approval of the Performance Standards Review Application does not represent a Building Permit or any other construction activity permits in and of itself.

Mr. Dunkle stated that they agree with the Staff recommendations included in that the Application does meet all of the Performance Standards of Article 5, Section 8. We are asking for approval from the Planning Commission that this application does meet the Performance Standard requirements.

There were no questions raised from any Planning Commission members at this time.

Colonel Welsh stated that there is no public hearing required for this application.

Mr. Ambruso moved to approve MI-12-21 Garrison Energy Center, LLC Performance Standards Review Application and to accept the remarks and Staff review of the Performance Standard Requirements Report and are aware that they are currently meeting the standards that are required of them, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Nichols absent.

NEW DEVELOPMENT APPLICATIONS

Z-12-02 Lands of Bennie Smith at 870-872 Forest Street: Rezoning from CPO to C-1A –Public Hearing and Review and Recommendation for a rezoning application for one parcel of land consisting of 0.747 acres (32,532 S.F.) of area. The property is currently zoned CPO (Commercial/Professional Office Development District Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning classification is C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property known as 870-872 Forrest Street is situated on the south side of Forest Street and east of Gibbs Drive. The owner of record is Bennie Smith. Tax Parcel: ED-05-076.12-01-08.00-000. Council District 4.

Representative: Mr. Phillip McGinnis, McGinnis Commercial Real Estate Company, representing Mr. Bennie Smith.

Mrs. Townshend stated that the purpose of the rezoning application is to allow retail on this site. Their property is currently in the CPO zone and retail is not a permitted use. When Staff looked at the existing property, there are two (2) buildings on the property. The building to the rear is a daycare facility that is still in the licensing process and is not currently open. The daycare has operated on and off at this site for a number of years.

Mrs. Townshend further stated that the surrounding zoning in the immediate surroundings is RG-1; however, there is also I/O, C-1 and C-1A in the general vicinity. What the applicant is looking to do is take the vacant property (building) located at the front and be able to use it for retail. The rezoning request is consistent with the *Comprehensive Plan* and in looking at the surrounding zoning Staff

believes that it is compatible with the surrounding zoning and would therefore recommend in favor of the rezoning. Other agencies have provided their comments regarding a zoning application and they are advisory only comments.

Colonel Welsh opened the public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Holt questioned what type of retail was planned for the site? Responding to Mr. Holt, Mr. McGinnis stated that across the street is the funeral home that has photographers and a florist in that building. He would be able to move those over into this building and get better use of his funeral home space and they would be open to the public.

Mr. Tolbert moved to forward to City Council a recommendation of approval of Z-12-02 Lands of Bennie Smith at 870-872 Forest Street: (Rezoning from CPO to C-1A and subject to the COZ-1), seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Nichols absent.

S-12-13 Serenity Place Dover at 327 Martin Street — Public Hearing and Review of a Site Development Plan to allow for the construction of a two story 2,940 S.F. building as a residential treatment facility and associated site improvements. The subject property consists of 0.2696 acres and is zoned IO (Institutional and Office Zone). The property is located on the east side of Martin Street south of Court Street. The owner of the property is EBJ Inc. Address: 327 Martin Street. Tax Parcel: ED-05-077.10-01-48.00-000. Council District 2. *Associated with Board of Adjustment application V-12-04.Waiver Request: Elimination of Connection Sidewalk.*

Representatives: Mr. Kevin Minnich, Minnich Engineering; and Mr. William Boyles, Executive Director, Serenity Place.

Ms. Cornwell stated that Serenity Place has been in existence at this location since 1991. In June, 2011 a fire destroyed the former building. The use was a non-conforming use with the former zoning of C-4 (Highway Commercial Zone). The property was rezoned in 2011 to IO (Institutional/Office zone).

Ms. Cornwell further stated that the Board of Adjustment on June 20, 2012 granted a number of variances with regards to allowing parking within the front yard setback, parking to be located between the street and the principle structure, and reduction of the overall number of off-street parking spaces from a requirement of nine (9) spaces to seven (7). The site currently provides the required seven (7) parking spaces.

Ms. Cornwell further stated that the site consists of an existing office building and residential treatment center. The site is required to provide one bicycle parking space. The site will provide the required dumpster, curbing, and trees. There is a waiver request for the application which is for the elimination of a sidewalk connection from the sidewalk along the street into the site. They are asking to eliminate that connection. Staff's recommendation regarding that waiver request is in the DAC Report.
Ms. Cornwell further stated that the architecture of the building is a metal siding with a watertable feature along the front of the building and along a portion of the left side elevation. The building is proposing windows along most sides of the building. Staff notes; however, that the windows along the back of the building may not be permitted due to Building Code as they are currently located within a

stairwell. There are no proposed changes to the office building. The other agencies reviewing this application have provided their comments and they include the Public Works Department, the Fire Marshal's Office, and the Kent Conservation District.

Mrs. Townshend stated that Colonel Welsh had a concern regarding not allowing windows on the rear of the building. There may be other options and we would work with them; however, it is possible that we would end up with a blank wall if that is all we can do because of the Building Code.

Mr. Boyles stated that we continue in this process as we were before you a year ago to start the rezoning process and received approval. We have gone through the Board of Adjustment for off-street parking variances that were approved. We are moving forward with the Site Plan and are anxious and eager to get a shovel in the ground. Staff's recommendations and analysis is very accurate.

Colonel Welsh opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mrs. Still questioned with regards for an area for dining, will there be a kitchen area associated with the dining area? Responding to Mrs. Still, Mr. Boyles stated that on the floor plan on the first floor, there is space for a rather large kitchen and then outside of that area is a dining seating area.

Mr. Baldwin stated that he would like some clarification regarding the windows and the lack of them. Responding to Mr. Baldwin, Ms. Cornwell stated that the back of the building is proposing windows. Some of these windows are in stairwells and the Building Code does not allow windows to be located within stairwells. The Fire Marshal is looking into possibly a smaller size that would be permitted; however, typically, windows are not permitted in stairwells.

Mr. Boyles stated that the four (4) windows to the left on the plan are what are in question as it is a stairwell.

Colonel Welsh questioned if dummy windows would be a possibility? Responding to Colonel Welsh, Mr. Boyles stated that yes, it would be a possibility and would be something they can look into. They are using Advanced Construction as their builder and apparently, this is something that they have done in the past.

Mr. Tolbert questioned what kind of treatment the clients would be receiving? Responding to Mr. Tolbert, Mr. Boyles stated that Serenity Place is licensed by the State of Delaware for substance abuse treatment. We are an adult male facility and have been here since 1991. The fire last year knocked us out of that location and we have been operating at a different location until we are able to get this building back up.

Mr. Holden questioned if they have discussed with their builder or given any thought to the Staff recommendations for screening the exterior HVAC equipment? Responding to Mr. Holden, Mr. Boyles stated that his builder and engineer felt that this was very doable.
Colonel Welsh stated that one of his concerns is the design and construction of the building. He is very supportive of things architecturally tying into the community. He recognizes that the type of service you provide is very valuable for the community and that your funds are somewhat limited.

This is not what he would like to personally see for the community; however, it serves a need. He would like to see a pitched roof and brick; that is a logical expectation.

Mr. Tolbert moved to approve S-12-13 Serenity Place Dover located at 327 Martin Street as submitted. The approval is also contingent upon the applicant complying with all DAC comments of record and recommendations of the Planning Commission. To also include approval of the waiver request for elimination of the connection of sidewalk, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Nichols absent.

C-11-03 Revised Governors Club Café at 144 Kings Highway – Public Hearing and Review of a Revised Conditional Use Site Development Plan to permit the establishment of a café/sandwich shop (restaurant use) serving alcohol in a portion of the first floor of an existing building. The property is zoned RGO (General Residence and Office Zone) and H (Historic District Zone). The property is located at the southernmost intersection of American Avenue and Kings Highway. The owner of record is Governors Club Professional Center, LLC and the lessee is Coffee Shop, LLC. Property Address: 144 Kings Highway SW. Tax Parcel: ED05-077.05-04-40.00-000. Council District 2. *The Planning Commission previously granted approval of the café/sandwich shop (restaurant use) with the condition of no serving of alcohol in June 2011.*

Representative: Mr. Conny Malmberg, Attorney for the applicant.

Ms. Cornwell stated that the Planning Commission previously approved the Conditional Use for a restaurant located within the RGO (General Residents Zone) and the Historic District in June 2011. The final Conditional Use Plan approval was granted on August 24, 2011. The site is currently in operation as a restaurant.

Ms. Cornwell further stated that the application before the Planning Commission this evening is to consider the use of the restaurant to serve alcohol. A text amendment was approved by the City Council at their meeting of August 13, 2012 removing the language "with no alcohol beverages" from the Conditional Use provisions regarding restaurants and properties zoned RGO and within the Historic District.

Ms. Cornwell further stated that Staff has made several recommendations if the Planning Commission decides to approve this request for the sale of alcohol for this restaurant.

Mr. Malmberg stated that they have been before you before and in fact his client sponsored the text amendment that allowed restaurants; however prohibited the sale of alcoholic beverages in those restaurants within the RGO and Historic District. The concept here is to allow people to have a place where they can sit out on the deck and have a glass of wine and relax after work or in conjunction with coffee drinks after the Schwartz Center performances. This is a great use for an old property like this to have Christmas parties and political fundraisers and other things that his client would like to cater. There are lots of towns where we can all think of where the historic buildings that have been turned into restaurants that make the town such as Lewes for an example and Georgetown that has the "Brick Hotel." This is the mold that we are trying to follow here. We are not interested in restrictions regarding time because we want to keep the ability to have private parties and not have a curfew time limit. The ABC allows these types of establishments to stay open until 11:00 PM and while his client does not expect to do that, he does not want the time limit requirement. The City of Dover does have

Noise Ordinances so that if there are any issues they can be addressed. We do not anticipate having this problem.

There were no questions raised from any Planning Commission members at this time.

Colonel Welsh opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Ambruso moved to approve C-11-03 Revised Governors Club Café located at 144 Kings Highway to remove the language to allow the Conditional Use provisions allowing the application to operate as a restaurant with the capacity to serve alcoholic beverages.

Mr. Ambruso stated that he was unsure about the comment regarding Staff's recommendation that the Conditional Use be re-evaluated in one year. Responding to Mr. Ambruso, Mrs. Townshend stated that they were not recommending that it be re-evaluated every year. Staff figured that if it was evaluated after a year, the idea is that there would not be a public hearing; however, an update to the Planning Commission members. If there were any questions or concerns, they could then be addressed. She does not anticipate that there would be any.

Mr. Ambruso further stated that it is the sentence "The Planning Commission may require this to be an annual review of the Conditional Use." Responding to Mr. Ambruso, Mrs. Townshend stated that this is in the Code that you can require it. The idea is that you would schedule it for next August and if there is an issue you could require it every year. There have been a couple of Conditional Uses where after a year it has been proven that it has not been problematic at all; they are released at that point.

Colonel Welsh stated that the way he sees the application and the direction that we could go as the Planning Commission is that we can approve it with a Conditional Use and continue that to see how it works out serving alcohol as a one year probation period. This gives us the opportunity to come back at the end of one year to see if it is not working out or if there are changes that need to be made. We could also approve it unconditionally where we say you can go ahead and serve alcohol without any further approval. The downside to that if there is something unforeseen that occurs we have no recourse and then becomes an enforcement issue. While he does not anticipate any problems, he would suggest that a one year condition be approved and then we can eliminate that provision next year. We can eliminate that condition at any time as it is not something that lives with the Conditional Use approval.

Mr. Ambruso stated that he would like to add a one year conditional review into the motion.

Mr. Ambruso moved to approve Conditional Use for the service of alcohol, seconded by Mrs. Still and the motion unanimously carried 8-0 with Mr. Nichols absent.

Meeting Adjourned at 7:54 PM

Sincerely,
Diane Metsch
Secretary