

**Town of Milton
Planning and Zoning Commission
Minutes
December 15, 2005**

Members Present:

Linda Rogers	Mike Filicko	Denny Hughes	Dean Sherman
Dick Greig	Carol Bruce		

Others Present:

Eric Evans	Tim Willard, Fuqua & Yori , P.A.
	Bob Kerr, Cabe Associates

Chairwoman Mrs. Rogers opened the meeting and introduced the first item on the agenda:

Review recommendation letter to be sent to the Town Council, review State Planning Office Comments for the Annexation and Zoning for the applications received by:

James and Mary Beth Parker for the annexation and zoning of Sussex County Tax Map 2-35-14.11 Parcels 57.00, 58.00 and 60.00 located along County Road 228 (Morris Avenue Ext.).

The public hearing has been held and the State Planning office has provided their comments. Mrs. Rogers asked the commission members if they have reviewed the State Planning office comments. Mr. Evans stated if the property is annexed into Town limits, the Comprehensive Plan and the future land use map will have to be updated. The State Planning office said these were minor changes. Mr. Willard stated there was no annexation agreement with this parcel; the charter only states the Town may have an annexation agreement. Mr. Willard also stated annexing the property will not create an impact on the water and wastewater plant. Mrs. Rogers said one of the reasons the Commission agreed to the zoning change is because the parcel has commercial zoning on three sides already so it would not be out of character to give it commercial zoning as well. Mr. Evans will add that fact into the recommendation. There was decision on changing the zoning to commercial.

Mr. Sherman made a ***motion*** for Planning and Zoning to send a recommendation to Town Council to approve the annexation and change the zoning to C1. The motion was seconded by Mr. Filicko. All members in favor.

Sue G Raley and BAR H-R LLC for the annexation and zoning of Sussex County Tax Map 2-35-14.16 Parcel 4.00 located along Bay Avenue the north side.

Mr. Evans stated Mr. John Clark is still working on the annexation agreement. The application was deferred because the applicant hasn't filled the requirement of completing the annexation agreement.

North Milton Development Group, 1630 Ventures LLC and Wayne and Bonnie Hudson for the annexation of the following lands identified by Sussex County Tax Map 2-35-14.00 Parcels 1.00, 2.00, 3.00, 4.00, 6.00, 60.00 and 77.00 located north of Route 16 and west of Cedar Creek Road to the east side of Route 30 also the land south east of the intersection of Route 30 and Route 16

Mr. Willard sent a draft annexation agreement to attorney Mr. Gene Byard on October 11th. Mr. Willard sent a follow up letter on November 17th, informing Mr. Byard the

PLUS review comments had been received and to remind him the Planning and Zoning Commission would be meeting in December to discuss the application. Mr. Willard does not feel the Commission has all of the information they need to make a decision.

Tim Willard and the Planning and Zoning Commission would like Town Council to be aware of the following information: John Barwick, on behalf of the applicant, informed the Commission the applicant is working on a revised master plan as well as responses to the PLUS review. The Town is currently waiting on a response from the applicant's attorney regarding the annexation agreement.

Due to this update, no action took place in regards to the application.

Change use request from River Basin Engineering for the Milton Business Park. Property is located behind Milton Park Center further identified by Sussex County Tax Map 2-35-14.15 Parcels 68.05.

Mrs. Rogers introduced the application. The area was to be used for contractor bays. The applicant would like to have a retail carpet store at the location. This is a permitted use and parking is available. The applicant has two retail businesses interested in occupying the space. One is a retail carpet store that would have a low volume of traffic and a karate school that would have low traffic in the evenings. The request is for Building 100 only, the carpet business would occupy three bays and the karate school would occupy two bays, that leaves two bays empty. Building 200 would stay as contractor bays.

Shawna Hammond stated the carpet business would be open weekdays from 8:30 a.m. to 5:00 p.m. and possibly Saturdays. Ms. Hammond said she currently sells to contractors but would like to give the option to the local homeowners so they did not have to travel to shop for flooring. Unit C will serve as the showroom/office, the remaining 2400 square feet will be storage for carpets and tile. Mr. Sherman said he felt the karate school is not the type of operation the commission originally had in mind for the area. They were looking more towards contactors that would be closing the business for the day around 5:00 p.m. Mrs. Rogers felt the karate business would have more traffic then the carpet business. Mr. Filicko would like to speak to Mr. Keller at their next meeting to have him answer questions in regards to the karate school; he feels it would be very good for the community.

Mr. Evans wanted to clarify what the commission agrees to, if a business is associated with a contractor bay (i.e. carpet business) they are contractors going out servicing the community however they have a showroom at the location and can provide a retail business at the location is permitted. Anything that varies from that will have to come before the commission.

Ms. Hammond stated a small sign above the door would be beneficial for deliveries and customers since the sign along the road does not have business names listed. A sign is allowed above the door; Mr. Evans will give her the codes for sizes and types of signs permitted.

Mr. Hughes made a **motion** to allow building 100 to be used as a contractor/retail type store and any other use must come back before the commission. The sign currently advertising the contractor bays can not be changed at this time. The motion was seconded by Dr. Greig. All members in favor.

Mr. Hughes made a motion to adjourn the meeting, seconded by Ms. Bruce.

Meeting adjourned.

