

MINUTES OF THE REGULAR MEETING OF MAY 13, 1993

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 13, 1993, at 7:30 PM, in Room 115 of the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Magee, Mrs. Monaco, Mr. Ralph, Mr. Smith, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planner I.

Motion made by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve the minutes of April 29, 1993, as circulated.

II. OLD BUSINESS

1. RE: C/U #1034--Tunnell Companies, L. P.

The Chairman referred back to this application that has been deferred since the April 15, 1993 meeting.

Mr. Magee advised the Commission that he has reviewed all the material submitted by the applicant, that the site is zoned AR-1 Agricultural Residential, that the site will be developed someday, that if the conditional use is denied the developer could file and obtain approval for a subdivision with no stipulations imposed, and that when conditional uses are granted stipulations can be placed on the application.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to forward this application to the County Council with the recommendation that it be approved with the following stipulations:

1. The developer shall meet all DelDOT and other agency request.
2. The entire golf course shall be a part of the first phase.
3. The developer shall maintain a minimum of 50% open space.
4. The preliminary site plan shall include a phasing schedule and a timetable.
5. Central sewer and water systems shall be installed.
6. The maximum number of lots shall not exceed 726.

2. RE: C/Z #1190--Tunnell Companies, L. P.

The Chairman referred back to this application that has been deferred since the April 15, 1993, meeting.

Mr. Magee advised the Commission that during the public hearing, he asked one question on the proposed use, and stated that the area needs a medical center.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to forward this application to the County Council with the recommendation that it be approved.

3. RE: C/Z #1190 -- L & L Properties, Inc.

The Chairman referred back to this application that has been deferred since the April 29, 1993, meeting.

Mr. Lank read a letter from the Town of Laurel in opposition to this property being rezoned to Heavy Industrial. The letter stated that the rezoning would be detrimental to the residential development proposed on an adjoining parcel in the Town of Laurel, and that the rezoning could hamper future annexation in the area.

Motion by Mrs. Monaco, seconded by Mr. Ralph, to recommend that 5 acres of the site at the northerly end be rezoned LI-2 Light Industrial, rather than HI-1 Heavy Industrial.

After much discussion Mrs. Monaco withdrew her motion and Mr. Ralph withdrew his second.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action.

### III. Public Hearings

1. RE: C/U #1036 -- Padula Construction

Frank Padula and Mark Vegrinec were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred for a Construction Storage Yard lying on the southeast side of Route 265A, 1,135 feet northeast of Route One, to be located on a parcel containing 1.07 acres more or less.

Mr. Lank summarized comments received from the Delaware Department of Transportation, a.k.a. DelDOT, and the Sussex Conservation District.



Mr. Padula advised the Commission that he has stored construction equipment on the site for approximately 10 years, that the one building on the site is a garage utilized for small equipment storage, that the site is utilized year round for the construction company, that the company presently has eight (8) pieces of equipment which includes a dozer, a backhoe, 2 dump trucks, a tar distributor, and a trailer, that no other companies store equipment on the site, that no tanks are buried on the site, that no utilities exist on the site, that some stone, top soil, and clam shells are stored on the site, that no buffer is intended, that access is from an existing hard surface road and a 30 foot wide private right of way, and that the lease on the property is for a five (5) year term.

Harry Wright and Joseph Marini were present in opposition and expressed concerns in reference to a Conditional Use for the Construction Storage Yard since the use runs with the land and is not restricted to the present user, that the area is residential, that the DelDOT report is based on old information, not present counts, that the DelDOT report does not reference the two (2) new subdivisions recently approved on the north side of Road 265A, that construction equipment will deteriorate the roadways faster than normal automotive vehicles, noise, groundwater contamination, questioning the hours, the size of equipment, the access to the yard, and that the use is not compatible with the residential character of the area.

At the conclusion of the public hearing, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found, based on comments received from DelDOT, that the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Sassafras sandy loam, that the suitability of the soils for the intended use may vary from none to slight limitations, that the evaluation of the soils with respect to erosion and sediment control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, that the farmland rating of the soils is Prime, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.



The Commission found, based on comments made by the applicant, that he has stored construction equipment on the site for approximately 10 years, that the one building on the site is a garage utilized for small equipment storage, that the site is utilized year round for the construction company, that the company presently has eight (8) pieces of equipment which includes a dozer, a backhoe, 2 dump trucks, a tar distributor, and a trailer, that no other companies store equipment on the site, that no tanks are buried on the site, that no utilities exist on the site, that some stone, top soil, and clam shells are stored on the site, that no buffer is intended, that access is from an existing hard surface road and a 30 foot wide private right of way, and that the lease on the property is for a five (5) year term.

The Commission found that two (2) people spoke in opposition and expressed concerns in reference to a Conditional Use for the Construction Storage Yard since the use runs with the land and is not restricted to the present user, that the area is residential, that the DelDOT report is based on old data, not present traffic counts, that the DelDOT report does not reference the two (2) new subdivisions approved on the north side of Road 265A, that construction equipment will deteriorate the roadways faster than normal automotive vehicles, noise, groundwater contamination, questioning the hours, the size of the equipment, the access to the storage yard, and that the use is not compatible with the residential character of the area.

Motion by Mr. Smith, seconded by Mr. Magee, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied since the area is predominantly residential and since the business is out of character with the residential neighborhood.

2. RE: C/U #1037 -- Salt Pond Associates

James Fuqua, Attorney, was present on behalf of this application to consider the Conditional Use of land in an MR-RPC Medium Density Residential - Residential Planned Community District in Baltimore Hundred for Miniature Golf lying on the southeast side of the intersection of Route 360 and Route 357, to be located on a parcel containing 2.07 acres more or less.

Mr. Lank submitted a brochure prepared by the applicants to the Commission.

Mr. Lank summarized comments received from the Indian River School District, the Sussex County Engineering Department, and the Sussex Conservation District.



Mr. Fuqua advised the Commission that the Conditional Use is intended to include the miniature golf course, an office, a snack bar, and a game room, that the site is behind the existing sales office for the Salt Pond Development, that the miniature golf course is natural grass with no artificial hazards, that the course will contain 27 holes - 40 feet to 125 feet in length, that there is no intent to fence the course, except with an ornamental fencing, that the only intended sign will be a sign similar to the entrance sign at the Salt Pond Development on Route 360, that the intended building will measure 52 feet by 24 feet, that the course will be lighted with directional lights over the course, the all play will be supervised, that the course may be open year round, that they request that the hours be permitted from 8:00 AM to Midnight, that 26 parking spaces are proposed, that lands across the street from the site are proposed for utility uses and a lot for the Millville Fire Company, that the site is located in an area designated for B-1 Neighborhood Business uses within the RPC District, that the miniature golf use was a permitted B-1 Neighborhood Business use until August 1992 when regulations were adopted to restrict bungee operations, and that the course will create less noise and less traffic than other permitted business uses.

Mr. Fuqua introduced Chris Adkins, the contractor for the project, and Ken Simpler, one of the Developers.

Mr. Magee questioned the hours intended since the presentation references that the course is intended to be family oriented, and questioned why construction has already begun.

Mr. Fuqua stated that the hours requested are appropriate for restrictions, that he anticipates that the course may close by 10:00 PM on weekdays and 11:00 PM on weekends, that no construction has taken place, and that fill dirt has been placed on the parcel.

Rodney Short was present in opposition and expressed concerns in reference to the change of use, increases in well water use from the golf course, questioning if existing well water has been found to be contaminated, questioning if health problems are impacted by the application, questioning if the developers have complied with all requirements and agreements with DelDOT which referenced bike paths and signalization of the intersection, expressing a concern in reference to increases in traffic and traffic accidents, questioning the daily consumption of water by the miniature golf course, the impact on the health of the residents, the increased traffic flow on roads in the area, the impact by lighting and noise on homes in the area, and traffic impacts.

Mr. Fuqua advised the Commission that the Conditional Use will permit the miniature golf course, that any other use, not permitted in a B-1 Neighborhood Business District, will require a Conditional Use, that central water will be provided by the Town of Bethany Beach, that traffic may increase over a vacant parcel, but will be less than a retail use.

Mr. Simpler stated that quartz lights are proposed to be placed on 12 foot high poles, that the lights will be directed toward the miniature golf course and away from any dwellings, and that the lighting will not impair the vision of any travelling motorist.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found, based on comments received from the Indian River School District, that at this time it does not appear that the proposed change will have a significant impact on the District.

The Commission found, based on comments received from the Sussex County Engineering Department, that the Conditional Use is located within the Bethany Beach Sanitary Sewer District, and that the Department has no objection to the application if it conforms with the densities outlined in the Coastal Sussex Land Use Plan.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Rumford loamy sand, that the suitability of the soils for the intended use may vary from none to slight limitations, that the evaluation of the soils with respect to erosion and sediment control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, that the farmland rating of the soils, as mapped, are considered of Statewide Importance, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that the applicant was represented by an attorney, one of the developers, and the proposed contractor for the project.



The Commission found, based on comments made by representatives of the application, that the Conditional Use is intended to include the miniature golf course, an office, a snack bar, and a game room, that the site is behind the existing sales office for the Salt Pond Development, that the miniature golf course is natural grass with no artificial hazards, that the course will contain 27 holes - 40 feet to 125 feet in length, that there is no intent to fence the course, except with an ornamental fencing, that the only intended sign will be a sign similar to the entrance sign at the Salt Pond Development on Route 360, that the intended building will measure 52 feet by 24 feet, that the course will be lighted with directional lighting over the course, that all play will be supervised, that the course may be open year round, that they request that the hours of operation be permitted from 8:00 AM to Midnight, that 26 parking spaces are proposed, that lands across the street from the site are proposed for utilities and the Millville Fire Company, that the site is located in an area designated for B-1 Neighborhood Business uses within the RPC District, that the miniature golf use was a permitted B-1 Neighborhood Business use until August 1992 when regulations were adopted to restrict bungle operations, that the course will create less noise and less traffic than other permitted business uses, that the hours requested are appropriate as restrictions, that it is anticipated that the course will close by 10:00 PM on weekdays and 11:00 PM on weekends, that no construction has taken place on the site, that fill dirt has been placed on the site, that the Conditional Use will permit the miniature golf course, that any other use, not permitted in a B-1 Neighborhood Business, will require a Conditional Use application, that central water will be provided by the Town of Bethany Beach, that traffic may increase over a vacant parcel use, but will be less than a retail use, that quartz lights are proposed to be placed on 12 foot high poles, that the lights will be directed toward the miniature golf course and away from any dwellings, and that lighting will not impair the vision of any travelling motorist.

The Commission found that one person appeared in opposition and expressed concerns in reference to the change of use, increases in well water use from the golf course, questioning if existing well water has been found to be contaminated, questioning if health problems are impacted by the application, questioning if the developers have complied with all requirements and agreements with DelDOT which reference bike paths and signalization of the intersection, expressed concerns in reference to increases in traffic and traffic accidents, questioning the daily consumption of water by the miniature golf course, the impact on the health of the residents of the area, the increased traffic flow on roads in the area, and the impact by lighting and noise on homes in the area.

Motion by Mr. Magee, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following conditions:

1. Signage shall be no larger than the entrance sign at the Salt Pond Development per pictures submitted by the applicant.
2. The hours of operation shall be from 10:00 AM to 10:00 PM.
3. There shall be no amplified sound or music.

3. RE: C/U #1039 -- William J. & Delores E. Hudson

William J. Hudson and Robert Hudson were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Baltimore Hundred for a Minor Automotive Repair Shop lying on the south side of Route 54, approximately 985 feet northeast of Route 387A, to be located on a parcel containing 1.30 acres more or less.

Mr. Lank summarized comments received from DelDOT, the Sussex Conservation District, and the Indian River School District.

The Hudsons advised the Commission that their intent is to operate a shop for wheel alignment, front-end alignments, brakes, and minor automotive repair, with no major engine or transmission overhaul work, that a 40 feet by 60 feet building is proposed, that the building will have three bays, that all work will be performed inside of the building, that no work will be performed outside of the building, that an antique store exist across Route 54, that the building will be constructed with pre-fab all steel materials, and that no restrooms are intended since their residence exist on the adjoining parcel.

No parties appeared in opposition.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, and that the level of service "C" of Route 54, at this location, will not be change as a result of this application.



The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Osier loamy sand, that the suitability of the soils for the intended use may have severe limitations due to wetness, if not adequately drained, that the evaluation of the soils with respect to erosion and sediment control may require the applicants to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, that the farmland rating of the soils, as mapped, is considered of Statewide Importance, that no storm flood hazard area is affected, that it may not be necessary for any off-site drainage improvements, that it may be necessary for some on-site drainage improvements, and that the Bunting Tax Ditch runs along the back of the property with a 25 foot wide right of way along the tax ditch.

The Commission found, based on comments received from the Indian River School District, that at this time it does not appear that the proposed change will have a significant impact on the District.

The Commission found that the applicant was present and plans to utilize the site for a shop for wheel alignment, front-end alignment, brakes, and minor automotive repair, with no major engine or transmission overhaul work, that a 40 feet by 60 feet building is proposed, that the building will have three bays, that all work will be performed inside of the building, that no work will be performed outside of the building, that an antique store exist across Route 54, that the building will be constructed with pre-fab all steel materials, and that no restrooms are intended since their residence exist on the adjoining parcel.

The Commission found that no parties appeared in opposition.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following conditions:

1. One unlighted sign, not exceeding 32 square feet per side or facing, may be permitted.
2. The approved use is for minor automotive repair. No major automotive engine or transmission overhaul work will be permitted.

4. RE: C/Z #1193 -- Merle L. Embleton

Merle Embleton was present on behalf of his application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Nanticoke Hundred, located on the west side of Route 631, 1,900 feet north of Route 16 to be located on a parcel containing 4.46 acres more or less.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Mr. Embleton advised the Commission that he is the owner of the "Marble Works" which he started on the site in 1983, that he is applying for a change in zoning since the use is strained with a Conditional Use since he is limited to one use, that he proposes to start processing another type of countertop, using a densified material, that the expansion to utilize the densified material will require an additional building for processing the material, that at one time he had 33 employees, that presently he has 18 employees, that banks loan money more readily if the property is zoned for commercial, not if the use has a Conditional Use, that the parcel size has been reduced from the original Conditional Use on the property to separate his residence from the business site, and that he has talked with all of his immediate neighbors and heard of no objections.

No parties appeared in opposition.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the level of service "A" of Road 631 could change to a level of service "B" assuming development as Discount Shopping.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Woodstown sandy loam, Fallsington sandy loam, and Sassafras sandy loam, that the suitability of the Woodstown soils for the intended use may vary from slight to moderate limitations, that the Fallsington soils may have severe limitations due to wetness if not adequately drained, that the Sassafras soils may have none to slight limitations, that the evaluation of the soils with respect to erosion and sediment control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and



to maintain a vegetative cover after completion of any construction, that the farmland rating of the soil types is considered Prime, that no storm flood hazard area or tax ditch is affected, and that off-site and on-site drainage improvements may be necessary.

The Commission found that the applicant was present and plans to utilize the site for expansion of the "Marble Works", a countertop and vanity business, that the applicant started the business in 1983 at the site with a Conditional Use, that he is applying for a change of zoning since the use has no flexibility under the Conditional Use provisions, that he is limited to the one use, that he proposes to start processing another type of countertop, using a densified material, that the expansion utilizing the densified material will require an additional building for processing the material, that at one time he had 33 employees, that presently he has 18 employees, that banks loan money more readily if the property is zoned for commercial, not if the use has a Conditional Use, that the parcel size has been reduced from the original parcel for the Conditional Use on the property to separate his residence from the business area, and that he has talked with all of his immediate neighbors and heard of no objections.

The Commission found that no parties appeared in opposition.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be denied since the rezoning would be spot zoning, and since the rezoning would not be compatible with the surrounding residential area.

5. RE: C/Z #1194 -- Donald J. Adder

Donald Adder and Jackson Dunlap, Attorney, were present on behalf of this application to amend the zoning map from GR General Residential to B-1 Neighborhood Business in Dagsboro Hundred, located on the east side of Route 331, 0.13 miles south of Route 331A to be located on a parcel containing 3.1989 acres more or less.

Mr. Lank summarized comments received from DelDOT, the Sussex Conservation District, and the Indian River School District.

Mr. Dunlap advised the Commission that the survey depicts the structures on the site, that the site is limited due to the slopes along the rear, that historically the site has been utilized for commercial business uses for approximately 40 years, that the site has been utilized as a service station, a convenience store, a

deli, and for auto restoration, that the applicant is requesting conforming zoning, that the applicant lives on the premises, that the Vlastic industrial site is across Route 331, that residential development exist to the rear and north of the site, and that the rezoning will allow for a service to the community.

Mr. Adder advised the Commission that he proposes to create a small grocery store and deli, including sandwich sales, to serve the community, that no gas sales are proposed, and that no additions are proposed to the building.

Pat Lewis, Georganna Davis, and Emory Wright spoke in support of the application and stated that a local retail store is needed, and that the use would be an asset to the community and a service to the area.

Ruth Lewis spoke in opposition and expressed concerns in reference to placement of outside vending machines and a possible telephone booth, which generate late hour pedestrian traffic, foul language, vandalism, trash, and undesirable customers, and expressing concerns to traffic, traffic safety, and children safety, and the loss of the neighborhood setting.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, and that the service level "B" of Route 331 may change to a level of service "C" assuming development as Discount Shopping.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Evesboro loamy sand, that the suitability of the soils for the intended use may vary from none to slight limitations, that the evaluation of the soils with respect to erosion and sediment control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found, based on comments received from the Indian River School District, that at this time it does not appear that the proposed change will have a significant impact on the District.



The Commission found that the applicant was present with an attorney and that the applicant plans to utilize the site for a small grocery store and deli with sandwich sales, that the survey filed with the application depicts the structures on the site, that the site is limited due to the slopes along the rear, that historically the site has been utilized for commercial business uses for approximately 40 years, that the site has been utilized as a service station, a convenience store, a deli, and for auto restoration, that the applicant is requesting conforming zoning, that the applicant lives on the site, that the Vlasic industrial site is across Route 331, that residential development exist to the rear and north of the site, that the rezoning will allow for a service to the community, that no gasoline sales are proposed, and that no additions to the existing buildings are proposed.

The Commission found that three (3) people spoke in support of this application and stated that a local retail store is needed, and that the use would be an asset to the community and a service to the area.

The Commission found that one (1) person spoke in opposition and expressed concerns in reference to placement of outside vending machines and a possible telephone booth, which may generate late hour pedestrian traffic, foul language, vandalism, trash, and undesirable customers, and expressing concerns to traffic, traffic safety, children safety, and the loss of the neighborhood setting.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to defer action.

6. RE:       APD #93-1 -- J. Marshall Phillips  
                      Woodrow & Mary Belle Phillips  
                      Vance & Lisa Phillips

Vance Phillips and J. Marshall Phillips were present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential District in Little Creek Hundred for seven (7) parcels totalling 368.2 acres more or less, located east of Route 495, on both sides of Route 492, on both sides of Route 497, and north of Route 494 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized comments received from the Sussex Conservation District, which referenced that the soils on the site are mapped as Evesboro, Woodstown, Rumford, Klej, Fallsington, and Osier, that the suitability of all of the soils for the intended use are good, that the farmland rating of the soil types are either Prime or of Statewide Importance, that no storm flood hazard area or tax ditch is affected, and that it is not necessary

for any on-site or off-site drainage improvements.

Mr. Lank read a letter from Thomas R. Mullen, D.M.D. in opposition since the site is near Broad Creek Estates, since the area around Broad Creek Estates has developed primarily in a residential fashion, and since the request will adversely effect the property values of the areas already established as primarily residential and the value of heavily wooded tracts of land in the area, which are prime areas for residential neighborhoods.

Vance Phillips advised the Commission that they are giving up some of their rights by creating the District, that agricultural uses have a place in the community, that he has no objection to development in an appropriate area, that they have no intent to subdivide their property, and that by creating the District no lot sales are permitted for a period of at least 10 years.

Karen Walls, an owner of 16 acres on Route 495, stated that she had no objection to the creation of the District.

Motion by Mr. Ralph, seconded by Mr. Magee, and carried unanimously to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that it be approved.

#### IV. OTHER BUSINESS

##### 1. RE: William H. & Rebecca Prettyman

The Commission reviewed a concept to create a parcel off of an existing public subdivision street in the John C. Hudson #2 Subdivision off of Route 82.

Mr. Ralph stated that he did not see how the Commission could approve this request since the proposed parcel does not have the minimum required frontage of thirty feet along the cul-de-sac.

Mr. Lank advised the Commission that the staff brought this to the attention of the Commission to determine if this would be considered an extension to an existing Subdivision which would require a public hearing, and that if the owner has to apply for a public hearing, he will have to get the consent of the lot owners in the existing Subdivision.

Mr. Abbott advised the Commission that the staff received a petition and letter in opposition to this request from an attorney representing the lot owners, and that the staff contacted DelDOT and found that DelDOT would be reluctant to approve this request without the consent of all the property owners in the Subdivision,



and that the developer would have to finish constructing the cul-de-sac to State specifications.

It was the consensus of the Commission that this concept cannot be approved since it does not meet the requirements of the Subdivision Code.

2. RE: Salt Pond Associates

Mr. Abbott advised the Commission that this item has been removed from the agenda.

3. RE: Vincent G. Simmons

The Commission reviewed a commercial site plan for a proposed butcher shop on Route 9 east of Georgetown.

Mr. Abbott advised the Commission that the site plan meets the requirements of the zoning code, however there is some parking spaces located in the front yard setback that will require a waiver from the Commission, and that as of this date, one agency approval has been received.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve the site plan as submitted. Final approval shall be subject to the staff receiving all required agency approvals and permits.

4. RE: White Stag Forest Campground

The Commission reviewed a site plan for Phase One of White Stag Forest Campground, located on the north side of Route 9, approximately 1/2 mile west of Route 30.

Mr. Lank advised the Commission that this was approved as a conditional use application a few years ago, that the developer has been working on obtaining agency approvals, that the developer came to the office to obtain a building permit and was advised that the site plan had not been approved by the Commission.

Mr. Abbott advised the Commission that Phase One is for 93 sites and that agency approvals have been received.

Motion made by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve Phase One as submitted.

5. RE: Wetlands Discussion

The Commission discussed a letter received from William F. Moyer, Program Manager of the Wetlands and Aquatic Protection Branch of the Department of Natural Resources and Environmental Control, dated February 11, 1993, and a meeting, held prior to receipt of the letter, between the Commission and representatives of the Wetlands and Aquatic Protection Branch, the Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Army Corps. of Engineers.

There was a consensus of the Commission that a notice should be provided in deeds for new parcels advising the buyer that the site contains regulated wetlands, and that activities within these wetlands may require a permit from the U.S. Army Corps. of Engineers or the State of Delaware.

There was also a consensus of the Commission that subdivision plats should depict regulated wetlands.

The Commission asked the staff to prepare appropriate ordinances.

Meeting adjourned at 10:30 P.M.