

MINUTES OF THE REGULAR MEETING OF MAY 27, 1993

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 27, 1993, at 7:30 PM, in Room 106 of the Sussex County 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. Ralph, and carried unanimously to approve the minutes of May 13, 1993, as circulated.

II. PUBLIC HEARINGS

1. RE: C/U #1040 -- Van W. and Penny Milligan

Van W. Milligan was present on behalf of his application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Seaford Hundred for a Craft Shop with Consignment Sales lying on the northwest side of Route 535, 480 feet southwest of Road 534, and also southeast of Road 534, to be located on a parcel containing 32,162 square feet more or less.

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

Mr. Milligan advised the Commission that his business started out as a home occupation doing work for craft shows and expanded to sales from his shop/showroom, that the business is open on weekends, that sales have been so good that he cannot keep stock and needs to include items made by others, that the majority of the items sold are crafts and small furniture items, that he would like to add country accent items, crafts and candles, that he has heard of no negative comments related towards his business, that his shop and house compliment each other, that adequate parking is available on site, that presently they are open on Saturday only, that after September they will be open Friday nights, Saturdays, and Sundays, that a part-time employee may be hired when hours expand, that a VFW, a deli, and a locksmith are in close proximity to his site on Route 535, that no negative impact is anticipated on the neighborhood, that an unlighted 4' by 4' accent sign may be placed on the site, and that if any future additions are built the parking layout will be revised.

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 the Delaware Department of Transportation, DelDOT, that the proposed action will have no significant impact on traffic, that permission has been granted for the applicant to use the existing entrance off Road 534 and Road 535 as access to his business, and that no cars are to be parked on State right of way.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any on-site or off-site drainage improvements, that the soils have been mapped as Evesboro loamy sand and 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, and that the farmland rating of the soil types is considered of Statewide Importance.

The Commission found that the applicant was present and plans to utilize the site as an expansion of his home occupation for a craft shop by adding consignment sales, that his business started out as a home occupation doing work for craft shows and expanded to sales from his shop/showroom, that the business is open on weekends, that sales have been so good that he cannot keep stock and needs to include items made by others, that the majority of the items sold are crafts and small furniture items, that he would like to add country accent items, crafts and candles, that he has heard of no negative complaints related towards his business, that his shop and house compliment each other, that adequate parking is available on site, that presently they are open on Saturdays only, that after September they will be open Friday nights, Saturdays and Sundays, that a part-time employee may be hired when hours expand, that a VFW, a deli, and a locksmith are in close proximity to his site on Route 535, that no negative impact is anticipated on the neighborhood, that an unlighted 4' by 4' accent sign may be placed on the site, and that if any future additions are built the parking layout will be revised.

Motion by Mrs. Monaco, 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. One unlighted sign, not exceeding 4' by 4', may be permitted. The sign may be painted on both sides.

2. Ground lighting may be installed along walkways.

2. RE: C/Z #1195 -- Gregory W. Sizemore and Noel K. Sizemore

Gregory W. Sizemore and Noel K. Sizemore were present on behalf of their application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broad Creek Hundred, located on the north side of Route 20, 100 feet east of U.S. Route 13 to be located on a parcel containing 11,745 square feet more or less.

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

The applicants advised the Commission that the site is occupied by an old building which is an eyesore, that the building is to be removed from the site, that the lot is intended to be an addition to their existing commercial lands and will not be sold separately, and that the entrances to their existing commercial site is from Route 20 and from U.S. Route 13.

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 20 at this location will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any on-site or off-site drainage improvements, that the soils have been 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, and that the farmland rating of the soils, as mapped, is of Statewide Importance.

The Commission found that the applicants were present and plan to utilize the site as an extension to their existing C-1 General Commercial property which adjoins, that the old building on the site will be removed, that the lot is intended to be an addition to their existing lands and will not be sold as a separate parcel, and

that entrances to their existing commercial site are from Route 20 and U.S. Route 13.

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 it be approved since the site is an extension of an adjacent C-1 General Commercial District and property, and since no negative impact is anticipated by establishment of commercial zoning of this parcel.

3. RE: C/Z #1196 -- Linford P. Faucett, T/A Massey's Landing, Inc.

Linford P. Faucett, Scott Bradley, Attorney, and George B. Smith, Attorney, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to M Marine in Indian River Hundred, located at the easterly dead end of State Route 23 (a.k.a. Sussex Road 22 and Long Neck Road), to be located on a parcel containing 2.9 acres more or less.

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

Mr. Bradley advised the Commission that the site has been used for its current uses for approximately 30 years, that the improvements on the property include a bait and tackle shop, a boat ramp and related parking lot, a marina store, and marine fuel sales, that the State Division of Fish and Wildlife have placed an option on the property for purchase, that the State intends to utilize the site for a public boat ramp with accessory uses similar to the uses of the existing improvements on the site, that the State intends to upgrade the site in conformance to all regulations, that the location supports water based activities, that the closest public boat ramp is approximately 7 miles away, that the site is not suitable for agricultural use and may be marginal for residential use, that no practical impact or negative impact is anticipated since there is no change in the use proposed, and that the State will not purchase the site unless the zoning is in compliance with the use.

Mr. Faucett advised the Commission that the use has been closed less than 2 years.

Mr. George Smith described the negotiations between the State and the owners.

Ed Perry of the Long Neck Business Association spoke in support of the rezoning, supported the State's purchase of the site, and added that the State's purchase of the site will ultimately open the site and ramp for access to the bays by residents of the Long Neck Area.

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 "D" of Route 23 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that a storm flood hazard area may be affected, that it may not be necessary for any on-site or off-site drainage improvements, that no tax ditches are affected, that the soils are mapped as Filled land, that no suitability interpretation is provided since materials are variable, that the evaluation of the soils with respect to erosion and sediment control may require the owners to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, and that the soils are not rated as farmland.

The Commission found, based on comments received from the Sussex County Engineering Department, that the site is located in the Long Neck Sanitary Sewer District, and that sewer capacity is available is densities do not exceed those outlined in the Coastal Sussex Land Use Plan.

The Commission found that the applicant was present with two (2) Attorneys.

The Commission found, based on comments made by representatives of the application, that the site has been used for its current uses for approximately 30 years, that the improvements on the property include a bait and tackle shop, a boat ramp and related parking lot, a marina store, and marine fuel sales, that the State Division of Fish and Wildlife have placed an option on the property for purchase, that the State intends to utilize the site for a public boat ramp with accessory uses similar to the uses of the existing improvements on the site, that the State intends to upgrade the site in conformance to all regulations, that

the location supports water based activities, that the closest public boat ramp is approximately 7 miles away, that the site is not suitable for agricultural use and may be marginal for residential use, that no practical impact or negative impact is anticipated since there is no change in the use proposed, that the State will not purchase the site unless the zoning is in compliance with the use, and that the use has been closed for less than 2 years.

The Commission found that a representative of the Long Neck Business Association was present in support of the rezoning, the State's purchase of the site, and public use of the boat ramp.

Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried 4-0 with Mr. Magee not voting, to forward this application to the Sussex County Council with the recommendation that it be approved since the site is supportive of M - Marine uses.

4. RE: C/Z #1197 -- Robert Hickman, T/A Hickman Sales

Robert Hickman was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential To GR General Residential in Little Creek Hundred, located on the east side of Road 461, 2,000 feet south of Route 24, to be located on a parcel containing 1.725 acres more or less.

Mr. Lank summarized comments received from DelDOT, the Department of Natural Resources and Environmental Control, DNREC, and the Sussex Conservation District.

Mr. Hickman advised the Commission that he proposes to sell the lots for manufactured homes, that individuals have contacted him on numerous occasions for the lots but did not want to apply to the Board of Adjustment for special exceptions for manufactured homes, that no adverse impact is anticipated on the neighborhood or property values.

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 461 will not change as a result of this application.

The Commission found, based on comments received from the DNREC Underground Discharges Branch, that wastewater disposal is proposed via individual on-site septic systems, that the Woodstown soils are suitable for on-site wastewater disposal, that a pressurized system may be required, that a site evaluation must be conducted by a licensed Class D soil scientist, that a site evaluation report must be submitted to the Soils Group of the Branch with appropriate fees for review, and that the maximum siting density will be one dwelling per 1/2 acres.

The Commission found, based on comments received from the Office of the Secretary of the State DNREC, for the purpose of land use review and coordination, that comments have been requested from the DNREC Division of Water Resources Watershed Assessment Branch, Wetlands and Aquatic Protection Branch, Underground Discharges Branch, and Water Supply Branch, the Department of Agriculture, and the Sussex Conservation District.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any on-site or off-site drainage improvements, that the soils are mapped as Evesboro loamy sand and Woodstown sandy loam, that the suitability of the Evesboro soils for the intended use may vary from none to slight limitations, that the Woodstown soils may vary from slight to moderate 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, and that the farmland rating of the soil types, as mapped, is Prime and of Statewide Importance.

The Commission found that the applicant was present and plans to sell the lots for manufactured homes, that individuals have contacted him on numerous occasions for the lots but did not want to apply to the Board of Adjustment for special exceptions for manufactured homes, and that no adverse impact is anticipated on the neighborhood or property values.

Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved.

5. RE: Subdiv. #93-9 -- Horace A. Sagers

Horace A. Sager, Owner/Developer and Jeff Clark of Land Tech, Inc. were present on behalf of this application to consider the Subdivision of land in an MR Medium Density Residential Zoning District in Baltimore Hundred by dividing 2.13 acres into 3 lots, located on the west side of Katie Street, 120 feet south of North Orlando Avenue of Murray's Estates Subdivision, and as an extension to Murray's Estates Subdivision.

Mr. Abbott summarized the Technical Advisory Committee Report of May 20, 1993 and additional comments received from the Sussex Conservation District and the DNREC Division of Parks and Recreation in reference to this application.

Mr. Clark advised the Commission that they are not aware of any opposition from the Home Owners Association of Murray's Estates, and asked the Commission for a variance of the right of way width as recommended by the County Engineering Department.

Mr. Lank advised the commission that many of the subdivisions located near the beach create planting strips to reduce setback requirements.

Mr. Clark advised the Commission that the proposed street is to be private.

Bill Bass, President of the Murray's Estates Home Owners Association spoke in support of this application and stated that the proposal fits into the existing community, that there would not be any impacts on the existing lots, and that these lots would be under the deed restrictions of the existing subdivision.

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.

Motion by Mr. Magee, seconded by Mrs. Monaco, and carried unanimously to defer action pending receipt of a septic feasibility.

6. RE: APD #93-2 -- Arthur & Pauline Messick, Cecil A. Pepper, M & T Farms, Inc., Roland & Myrthle Mumford and John Craig and Connie M. Truitt.

Arthur & Pauline Messick were present on behalf of this application to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Nanticoke and Broad Creek Hundreds for nine (9) parcels totalling 683.54 acres more or less, located northeast of Route 483, on both sides of Route 20, on both sides of Route 483A and east of Route 484 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

Mr. Lank summarized comments received from the Office of the Secretary of the State DNREC, for the purpose of land use review and coordination, which has requested comments from the DNREC Division of Fish and Wildlife, the DNREC Division of Parks and Recreation, the DNREC Division of Water Resources Watershed Assessment Branch and Wetlands & Aquatic Protection Branch, and the Department of Agriculture.

Mr. Lank read a letter from the State Department of Agriculture Division of Resource Management which confirmed that once an Agricultural Preservation District is created by a landowner, the land in that District may not be subdivided for a minimum of 10 years, that landowners may not withdraw from a District simply by paying back-taxes, that landowners may sell their property at anytime, and that the District Agreement signed by landowners is a covenant which runs with the land, not the landowner, for 10 years.

Mr. Lank summarized comments received from the Sussex Conservation District which established that the soils on the sites are mapped as Evesboro, Rumford, Kenansville, Matawan, Klej, Fallsington, Pocomoke, and Johnston, that the suitability of the soils for the intended use are good, that the farmland rating of the soil types are considered Prime and of Statewide Importance, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any drainage improvements.

Mr. Messick advised the Commission that they propose to continue farming, and added that another neighbor may join the District once the district is established.

Mr. and Mrs. Mitch Bramble questioned how the 50' buffer effects their property, and added that they may propose to subdivide their property at some future date.

Mr. Lank advised the Brambles that the 50' buffer is a setback from a property line to any residential structure, and that the deed restriction required is the same as a deed restriction presently required by the County for any lot created which adjoins active agricultural farmland.

James Bennett, a member of the Agricultural Lands Preservation Foundation representing Sussex county, explained how the district works, and added that the deed restriction is the same as restriction presently in effect.

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.

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

7. RE: ORDINANCE TO AMEND CHAPTER 115 (farmland of five acres).

Mr. Lank summarized the proposed Ordinance to amend Chapter 115 of the Code of Sussex County relating to agricultural farmland of five (5) acres more or less.

Mr. Vance Phillips questioned the impact on assessments.

Mr. James Bennett, Vice President of the Delaware Forestry Association stated that the proposed Ordinance will have no impact on assessment, that he and the Association support the amendment, and that tree farming should be included as an active farm use.

Mr. Jeff Clark questioned if aquaculture should not be included in the reference.

Mr. Lank advised the Commission that aquaculture is already included with the reference.

Mike Priola questioned if christmas trees are included.

Robert Jaden of the Department of Agriculture described tree farming as an agricultural activity and advised the Commission that a tree farm is not just a piece of woods, but a forest with a management plan on record with the Department of Agriculture.

Allen Jones, a tree farmer, spoke in support of the Ordinance.

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

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

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

8. RE: ORDINANCE TO AMEND CHAPTER 99 (forested buffer strips).

Mr. Lank summarized the proposed Ordinance to amend Chapter 99 of the Code of Sussex County relating to the establishment of forested buffer strips adjacent to agricultural farmland.

Mr. Lank read a letter from the Donald F. Crossan, Chairman of the Delaware Agricultural Lands Preservation Foundation, which referenced that some critics may question the definition of agricultural land and advised that the best approach may be utilization of the definitions and requirements contained in the Farmland Assessment Act of 1968 (Del.Code Chapter 83, Title 9), that many Sussex County farms are enrolled in the program, that the definition is already utilized by the County for tax assessments on farmland, that it will help to consistently determine which farms should be protected by the Ordinance, that he supports the Council's efforts to buffer production agriculture from residential development, that he is sensitive to the additional expense that the Ordinance may cost developers, but feel it justified that the buffers protect the County's multi-million dollar agricultural industry, and that the health, safety and orderly growth of the County will be served best by requiring buffers around subdivisions.

Doug Corey, Vice President of the Sussex County Farm Bureau, submitted a letter in support of the Ordinance from Donald V. Collins, President of the Bureau.

Mr. Lank advised the Commission that the letter referenced that the Sussex County Farm Bureau Board of Directors and on behalf of its 1,200 members support the Ordinance, and that forested buffer strips would not only enhance the compatibility of residential and agricultural land uses, but would increase the value of the environment for the citizens of the County.

Joseph Calhoun, President of the Delaware Farm Bureau, spoke in support of the Ordinance and advised the Commission that both farms and developments will benefit by creation of buffers, that buffers will reduce dust, odor, and some noise, and that the buffers will be a benefit to all.

Mike Priola of the Delmarva Agricultural Chemical Association spoke in support of the Ordinance since buffers will benefit agricultural lands and home owners, and should help protect ground water.

Ron Annett, Government Affairs Chairman of the Sussex County Association of Realtors, submitted and read a letter from the Association which addressed numerous concerns in the manner in which this proposed ordinance is drafted, questioned the benefit of limiting the use of proposed forested buffers in relationship to subdivisions only, questioned why aren't all future uses abutting agricultural practices encompassed, agreed that some people not accustomed to farming practices could find them offensive, that many owners buy adjacent to open farm fields for the benefit and perception of open space, that the proposal would deny an individual the benefit of enjoyment of the view of active farming practices, that future subdivisions would become green-walled estates, ostracized from the rural character of the County, that nothing presently prohibits a land owner from completely tree-lining their property as a choice, questioning if the intent for the 30' to be inclusive in the square footage of a proposed parcel, questioning ownership of the buffer, questioning setbacks from the buffer, reminding that Ordinance #862, adopted November 10, 1992, provides for setbacks and deed restrictions from agricultural practices, questioning if the 30' buffer is an addition to the current 50' setback for residential structures, advising that any land unduly confiscated by government action is subject to compensation by the condemning authority, advising that the Association believes that the Ordinance is unnecessary at this time and that it may be more appropriate to amend Ordinance #862, questioning what protections are offered to the developer/subdivider or future lot owner as to the continued farming operation, advising that support of the buffer concept may be appropriate when the adjoining agricultural use is part of the Agricultural Lands Preservation Foundation, advising that the proposal is ill-timed due to proposed amendments to the current RPC Residential Planned Community ordinance, and stating that the real losers may be the agricultural land owners of the County.

Al McMasters, a resident of Gosling Creek Purchase Subdivision, spoke in support of the Ordinance and advised that he purchased his lot since it had a buffer around it, and referenced several developments that have berms and buffers.

Robert Hickman questioned the definition and expressed concern about maintenance.

Mr. Magee stated that once growth is established there should be none to low maintenance.

Robert Jaden of the Department of Agriculture stated that maintenance may be required the first or second year and that after growth no maintenance is necessary.

Vance Phillips questioned why minor subdivision or strip developments were not included in the Ordinance, that lot owners in minor subdivisions should also be protected, that everytime a new regulation is imposed on major subdivision another strip subdivision is created, and that the Ordinance should only reference lands adjoining Agricultural Preservation District .

Robert Hickman questioned the cost figures per footage.

Robert Jaden recommended container tree stock rather than seedlings.

Skip Valliant, President of SeaCoast Realty, spoke in opposition to the Ordinance and stated that he has never heard complaints from land owners except for odors from poultry houses and placement of manure near property lines, that the 30' buffer will not provide any benefit from farming activities, and advised that Ordinance #862 already provides 50' setback from farmland.

Alden Hopkins supported any Ordinance that protects farmland and advised the Commission that complaints and harassment against farmers has increased.

James Bennett, Vice President of the Delaware Forestry Association, stated that tree farmers who harvest trees receive complaints from neighbors due to the harvesting, that is a subdivision is buffered, and the neighboring farmer harvest his trees, a buffer is still established and undisturbed, that a buffer is needed to protect any type of farm, and that some agricultural chemicals cannot be sprayed within certain footages of properties and residences.

Larry Tull of the Delaware Department of Agriculture - Pesticide Section, spoke in support of the Ordinance and added that the Ordinance benefits both agricultural and residential communities.

Mike Priola of the Delaware Agricultural Chemicals Association stated that some sprays are required at least a 50' setback.

Mr. Magee stated that he has seen a dramatic change in the agricultural industry and that farms produce more crops on less acreage, that the Ordinance will benefit the farmer and residents, that chemicals can cause some problems, that buffers will separate some of the concerns expressed, and that the Ordinance is supported by the Farm Bureau, the Grange, and the Conservation Service.

Mrs. Pat Campbell-White questioned if the buffer is inclusive or exclusive of the square footage of a lot.

Mr. Lank stated that the buffer is interpreted to be exclusive.

Mr. Schrader stated that the buffer may be considered inclusive.

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

III. OTHER BUSINESS

1. RE: Bethany Bay AR-1 / RPC

The Commission reviewed a revised Master Record Plan for Bethany Bay AR-1 / RPC.

Mr. Abbott advised the Commission that the revised Master Record Plan was recently approved as a concept, that this plan references the same number of units approved by the County Council, that none of the units are encroaching into wetlands, and questioned if the setbacks from the Delaware State Wetlands can remain at twenty feet since this project was started when the Ordinance required a twenty foot setback.

It was the consensus of the Commission that the project can still be developed with a twenty foot setback from the Delaware State Wetlands.

Jeff Clark, of Land Tech Inc., advised the Commission that each phase will be submitted for review and approval by the Commission as has been done in the past.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the Revised Master Record Plan as submitted.

2. RE: C/U #1004--Nicholas P. Del Campo

Mr. Abbott advised the Commission that a request for a one year time extension to begin construction has been received since

the developer has not been able to obtain all agency approvals by June 16, 1993.

Motion made by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve a one year time extension.

IV. OLD BUSINESS

1. RE: C/Z #1190--L & L Properties

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

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to forward this application to the County Council with the recommendation that the northern five (5) acres be approved and that the remaining acreage be denied.

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

The Chairman referred back to this application that was deferred at the May 13, 1993 meeting.

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 since a need exist for a neighborhood business use in the area to serve both the residential and an industrial activity in the area, since the rezoning will be compatible to the area, and since the rezoning will provide conforming zoning for a building with a history of uses permitted in B-1 Neighborhood Business Districts.

3. RE: Subd. #93-5--Ingram - Hudson Properties

Jeff Clark, of Land Tech Inc., was present on behalf of the application of Ingram - Hudson Properties to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred by dividing 76.40 acres into 86 lots, located on the north side of Route 24, 1,210 feet east of Route 313.

The chairman referred back to this application that has been deferred since the meeting of February 25, 1993.

Mr. Abbott advised the Commission that a septic feasibility statement has been received from DNREC, and that the site is suitable for individual on site septic systems.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve as a preliminary.

4. RE: Subd. #93-8--Fine Home Builders Inc. &
Pegasus Construction Co. Inc.

No one was present on behalf of the application of Fine Home Builders Inc. and Pegasus Construction Co. Inc. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred by dividing 17.70 acres into 26 lots, located on the south side of Route 277, 2,550 feet southwest of Route 275, and across from Gosling Creek Road in Gosling Creek Subdivision.

The Chairman referred back to this application that was deferred at the April 29, 1993 meeting.

Mr. Abbott advised the Commission that a septic feasibility statement has been received from DNREC, and that the site is suitable for individual on site septic systems.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried unanimously to approve as a preliminary.

Meeting adjourned at 10:45 PM