

MINUTES OF THE REGULAR MEETING OF JULY 22, 1993

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 22, 1993, at 7:30 P.M., in Room 115, County Council Chambers, the Courthouse, Georgetown, Delaware, with the following present:

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

Motion made by Mrs. Monaco, seconded by Mr. Magee, and carried unanimously to approve the minutes of July 8, 1993, as amended.

II. PUBLIC HEARINGS

1. RE: C/U #1047 -- Bridgeville Flea Market

Arthur Savard was present on behalf of the application of Bridgeville Flea Market to consider the Conditional Use of Land in a C-1 General Commercial District in Northwest Fork Hundred for a Flea Market (Outside) lying on the west side of U.S. Route 13, north of Cannon Road, 0.7 miles south of Route 40, to be located on a parcel containing 5.34 acres more or less.

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

Mr. Savard advised the Commission that he intends to locate spaces for lease for outside vendors to display their wares on tables on the north side of the existing building, that all parking for the project will be to the rear of the existing building, that no vehicles will be utilized for sales, only tables, that the business will be open from 8:00 A.M. to 6:00 P.M. five (5) days per week, that the business will be closed on Tuesday and Wednesday, that access to the site is provided from Cannon Road, that the display area will not encroach the existing setback established by the front and rear of the existing building, and that no parking is planned along the south side of the existing building.

No parties appeared in opposition.

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 mapped for the intended use may vary from none to slight limitations, that the evaluation of the soils with respect to erosion and sedimentation 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 soil type is Prime, that no storm flood hazard area or tax ditch is affected, that it may not be necessary for any off-site drainage improvements, and that it may be necessary for some on-site drainage improvements.

The Commission found that the application was represented by one of the owners of the business who advised the Commission that they presently have an indoor flea market on the site and propose to create an area for outside sales, that all parking will be to the rear of the existing building, that the only proposed outside display area will be north of the existing building, that sales will be from tables only, that no vehicles will be utilized for sales or display, that the business will be open from 8:00 A.M. to 6:00 P.M. five (5) days per week, that the business will be closed Tuesdays and Wednesdays, that access to the site is provided from Cannon Road, that the display area will not encroach the existing setback established by the front and rear of the existing building, and that no parking is planned along the south side of the existing building.

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 stipulation:

- A. No parking shall be permitted along the south side of the existing building.
- B. Only tables shall be utilized for sales and display of items for sale, no vehicles.
- C. All display tables shall be located so as not to encroach the front or rear setbacks, already established, of the existing building.
- D. No parking shall be permitted along U.S. Route 13. "No Parking" signs shall be placed along U.S. Route 13 at the site if required by DelDOT.
- E. No outside storage shall be created in the area behind the existing building.

2. RE: C/U #1048 -- John Hamstead

John Hamstead was present on behalf of his application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Nanticoke Hundred for Expansion of an Existing Produce Market for Additional Off-Street Parking and Food Sales lying on the northeast side of Route 18, 0.7 mile southeast of Route 527, to be located on a parcel containing 3.15 acres more or less.

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

Mr. Hamstead, owner of Elmer's Markets, advised the Commission that the purpose of his application is to create additional off-street parking for patrons utilizing the business, that the additional parking will provide adequate parking space to get customer parking off of the shoulders of Route 18, that no additional buildings are proposed, that the expansion of food sales will permit sales of hamburgers and hotdogs, and that the County Board of Adjustment recently approved the use of a mobile concession.

Norris Givens, an area land owner, spoke in support of this application and agreed that there is a need for additional parking.

No parties spoke in opposition.

At the inclusion 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 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 Woodstown sandy loam and Kenansville loamy sand, that the Woodstown soils may have moderate limitations for the intended use and the Kenansville soils may have slight limitations, that the applicant may be required 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 soil type is Prime, that no storm flood hazard area or tax ditch 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.

The Commission found that the applicant was present and plans to utilize the site for expansion of his produce market business by creation of additional off-street parking for patrons utilizing the business, that the additional parking will provide adequate parking space to get customers parking off of the shoulders of Route 18, that no additional buildings are proposed, that the expansion of food sales will permit sales of hamburgers and hotdogs, and that the County Board of Adjustment recently approved the use of a mobile concession unit on the site.

The Commission found that one person, an area land owner, spoke in support of the application and confirmed the need for additional parking.

Motion by Mr. Magee, seconded by Mrs. Monaco, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since the use will be a benefit to the travelling public by establishing off-street parking, and with the stipulation that the site plan be reviewed and approved by the Planning and Zoning Commission.

3. RE: C/U #1049 -- Myralon S. Webb

Myralon S. Webb was present on behalf of her application to consider the Conditional Use of land in a AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred for a Gift Shop lying on the south side of Route 9, 500 feet east of Road 281, and east of Road 281, 1,100 feet south of Route 9, to be located on a parcel containing 21.36 acres more or less.

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

Mr. Lank read a letter in support from R.A. Raley.

Mrs. Webb advised the Commission that she presently has a home occupation for homemade craft sales and would like to expand into gift shop sales of flower arrangements, crafts, ornamental baskets, jams and jellies, produce, herbs, and bedding plants, that she has approximately two (2) customers per day, and that she would have no objection to limiting her driveways to one way during business hours.

Dorothy Lee and Harriett Ritter spoke in support of the application.

Mrs. Webb submitted letters in support from Ollie and Alvin Thorp, Denise and Jeffrey Irwin, Jerry and Cathie Stratton, William and Dorothy Lee, and Barbara Lee.

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 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, Rumford loamy sand, Evesboro loamy sand, Woodstown sandy loam, and Fallsington sandy loam, that the Sassafras, Rumford and Evesboro soils may have slight limitations for the intended use, the Woodstown soils may have moderate limitations, and the Fallsington soils may have severe limitations, that the applicant may be required to follow an Erosion and Sedimentation Control Plan for any construction and to maintain vegetative cover after completion of any construction, 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, that it may not be necessary for any off-site drainage improvements and that it may be necessary for some on-site drainage improvements.

The Commission found that a letter was received from an neighboring land owner in support and recommending approval of the application since the use would be compatible to the neighborhood which has several business uses.

The Commission found that the applicant was present and plans to utilize the site for a gift shop for the sale of gifts, flower arrangements, crafts, ornamental baskets, jams and jellies, produce, herbs, and bedding plants, that she has approximately two (2) customers vehicles per day, and that she would have no objection to limiting her driveways to one way traffic during business hours.

The Commission found that two area residents spoke in support of the application.

The Commission found that five (5) letters expressing support from area residents were submitted by the applicant.

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 stipulations:

- A. The existing driveway shall be restricted to one way traffic during business hours with the entrance being on Route 9 and the exit being on Road 281.
- B. An entrance sign shall be placed at the entrance on Route 9.
- C. An Exit sign shall be placed at the exit on Road 281.
- D. Business hours shall be posted on the business sign.
- E. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.

4. RE: C/Z #1202 -- Simpson's Log Homes, Inc.

David Simpson and his father were present on behalf of their application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Northwest Fork Hundred, located on the east side of Route 13, 972 feet south of Route 612 to be located on a parcel containing 2.41 acres more or less.

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

David Simpson advised the Commission that they have acquired the site, that the Conservation District has approved tentative plans for stormwater management subject to the appropriate zoning approval, that septic approval has been granted by the State DNREC, that an entrance approval has been granted by DelDOT subject to appropriate zoning approval, that immediate plans propose a model home, that future plans propose an additional model home and two warehouses, that the warehouses will be utilized for storage of materials related to the log home business, that the warehouses will measure approximately 45' by 150', that no milling will be done on the site, that the business has to relocate due to the highway by-pass around Dover, that they picked this site due to its close proximity to another home manufacturing plant site, that the first model home may be occupied as a residence to permit showing of the dwelling, that typical business hours are 8:00 A.M. to 5:00 P.M. Weekdays with hours on weekends by appointment only, and that all spoil material from the stormwater ponds will remain on the site.

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 U.S. Route 13 will not change as a result of this application, that it is not the Department's policy to formally assist applicants in rezoning applications, but that Simpson's Log Homes, Inc. is a displaced business due to acquisition of a portion of their property required for reconstruction of the Relief Route, that the Department encourages all displaced businesses to relocate and continue in business, and that the granting of this business would allow their continuance as an asset to Kent and Sussex Counties.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Woodstown sandy loam and Sassafras sandy loam, that the Woodstown soils may have moderate limitations, that the Sassafras soils may have slight limitations, that the farmland rating of the soil types are considered Prime and of Statewide Importance, that no storm flood hazard areas or tax ditches are affected, and that it may not be necessary for any off-site or on-site drainage improvements.

The Commission found that the application was represented by the owners of Simpson's Log Homes, Inc., and that they have recently acquired the site, that the Conservation district has approved tentative plans for stormwater management subject to appropriate zoning approval, that septic approval has been granted by the State DNREC, that an entrance approval has been granted by the DelDOT subject to appropriate zoning approval, that immediate plans propose a model log home, that future plans propose an additional model home and two warehouses, that the warehouse will be utilized for storage of materials related to the log home business, that the warehouses will measure approximately 45' by 150', that no milling will be done on the site, that the business has to relocate due to the highway bypass around Dover, that they picked this site due to its close proximity to another home manufacturing plant site, that the first model home may be occupied as a residence to permit showing of the dwelling, that typical business hours are 8:00 A.M. to 5:00 P.M. weekdays with hours on weekends by appointment only, and that all spoil material removed from the stormwater ponds will remain on the site.

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

5. RE: C/Z #1203 -- Maplewood Industries, Inc.

Eleanor Kelly of Maplewood Industries, Inc. and John Sergovic, Esquire, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Lewes and Rehoboth hundred, located on the northwest side of Route 24, 581 feet southwest of Route One to be located on a parcel containing 5.03 acres more or less.

Mr. Lank summarized comments received from the Office of the Secretary of the State DNREC, DelDOT, and the Sussex Conservation District.

Mr. Sergovic advised the Commission that a similar application was denied in 1991 for the same site, that the owners have worked with the residents of Maplewood Subdivision to resolve any objection, that private deed restrictions are proposed with jurisdiction controlled by the Maplewood Home Owners Association, that Route 24 is being dualized making the site less suitable for residential use due to traffic, traffic patterns and the location of the site, that originally DelDOT wanted to close Bryn Maur Drive, the entrance to the subdivision, and to split the business district, that it is now proposed to create a new entrance across from the entrance to Rehoboth Mall at Route 24 to interconnect with Bryn Maur Drive, that it is also proposed to participate in the cost of the traffic light at the referenced location, that lots 70, 71, and 72 are now utilized as a recreation area for the subdivision, that the recreation area buffers the bulk of the residential lots from the business area, and that the business area buffers the subdivision from Route 24.

Mrs. Kelly advised the Commission that dry sewer is being installed in Phase II of the subdivision, that the business area is proposed to be developed with holding tanks until sewer hookup is available, that dry sewer will also be installed in the business area, that the business area will be developed as the market dictates, that a hardware and lumber company are immediately adjacent, and that the commercial zoning will have a positive influence on the area.

Jim Kearnen, a realtor from Coldwell Banker Realty, advised the Commission that the widening of Route 24 has made traffic patterns more difficult at Bryn Maur Drive, and that business zoning would be appropriate at this site.

Mr. Sergovic submitted a brochure of information for the Commission's review.

Mr. Sergovic advised the Commission that the Coastal Sussex Land Use Plan states that small cluster shopping is desirable, that the private deed restrictions will be recorded prior to the public hearing for the Sussex County Council, and that a restaurant may be proposed, but not a fast food restaurant, and that the C-1 General Commercial zoning was requested since C-1 zoning exist immediately adjacent.

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 Office of the Secretary of the State DNREC, that comments have been requested from the DNREC Division of Air and Waste Management - Waste Management Section - Underground Storage Tank Branch, the DNREC Division of Parks and Recreation, the DNREC Division of Water Resources - Watershed Assessment Branch, Wetlands & Aquatic Protection Branch, Water Supply Branch, and Pollution Control Branch, the Delaware State Historic Preservation Office, the Department of Transportation, the Office of the State Fire Marshal, the State Police Headquarters Communication, and the Sussex Conservation District.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service "B" of Route 24 could change to a Level of Service "C" if the site is utilized for an equivalent in per acre trip generation to discount shopping.

The Commission found, based on comments received from the Sussex Conservation District, that soils on the site are mapped as Sassafras loam, that the soils may have slight limitations, that the developer will be required 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 soil type is Prime, that no storm flood hazard area or tax ditch 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.

The Commission found that the application was represented by one of the owners of the business, an attorney, and a realtor and that the owners plan to utilize the site for offices, retail and a restaurant, that a similar application was denied in 1991, that the owners have worked with the residents of Maplewood Subdivision to resolve any objections, that private deed restrictions are proposed with jurisdiction controlled by the Maplewood Home Owners Association, that the deed restrictions will be recorded prior to the public hearing for the Sussex County Council, that Route 24 is being dualized making the site less desirable for residential use due to traffic, traffic patterns and the location of the site, that originally DelDOT wanted to close Bryn Maur Drive, the entrance to the subdivision, and to split the business district, that it is now proposed to create a new entrance across from the entrance to Rehoboth Mall at Route 24 and to interconnect with Bryn Maur Drive across the business site, it is also proposed to participate in the cost of the traffic light at the referenced location, that lots 70, 71, and 72 are now utilized as a recreational area for the subdivision, that the recreation area buffers the bulk of the residential lots from the business area, that the business buffers the subdivision from Route 24, that dry sewer is being installed in Phase II of the subdivision, that the business area is proposed to be developed with holding tanks until sewer hookup is available, that dry sewer will also be installed in the business area, that the business area will be developed as the market dictates, that a hardware and lumber company are immediately adjacent, that the widening of Route 24 has made traffic patterns more difficult at Bryn Maur Drive, that the commercial zoning will have a positive influence on the area, that the Coastal Sussex Land Use Plan states that small cluster shopping is desirable, that the restaurant will not be a fast food restaurant, and that the C-1 General Commercial zoning was requested since C-1 zoning exist immediate adjacent..

The Commission found that no parties appeared in opposition.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action to review the documents submitted.

III. OTHER BUSINESS

1. RE: Hickory Tree

The Commission reviewed a site plan for a multi family project located on the western side of Route 60, approximately 350 feet north of Route 377 near Selbyville.

Mr. Abbott advised the Commission that the property is zoned AR-1 Agricultural Residential, that this is a project being developed by the Delaware State Housing Authority and was started prior to the zoning code being amended, that the project consists of 35 units located in eighteen buildings, that this plan has been designed using a pod concept, that the pods are a minimum of forty feet apart, that the setbacks and parking requirements of the code have been met, that the staff has not received any agency approvals or permits, and that if the Commission is receptive to this, only preliminary approval should be considered.

Mr. Magee and Mr. Ralph raised questions in reference to receiving any agency approvals, a wetlands delineation being performed, the type of water and sewer that is proposed, and if the developer would revise the site plan to include a thirty foot landscaped buffer from any agricultural lands.

Kevin Minnich of Karins and Associates, Inc. was present and advised the Commission that the site plan was designed as permitted by the zoning code, that a wetlands delineation has been performed and are depicted on the site plan, that central sewer and water are proposed, and stated that he could not answer whether the developers would agree to a thirty foot landscaped buffer.

Mr. Abbott and Mr. Lank advised the Commission that a landscaped buffer is not required for site plans, only Subdivisions.

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

2. RE: Rehoboth Shores MHP

The Commission reviewed a concept to divide the Rehoboth Shores Manufactured Home Park into two sections.

Mr. Lank advised the Commission that the developers have contacted the staff and would like to divide the park into two sections using the old and new sections as the dividing line, that each section would have its own legal description, that this is a request so that each section could be under a different corporation name, and questioned if the two sections would be required to have the fifty foot buffers around the perimeter, and if so would the streets be permitted to be located in the buffer zones.

It was the feelings of the Commission that Mr. Schrader review this request.

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

3. RE: Garciel G. Street

The Commission reviewed a concept to subdivide a half acre lot on the south side of Route 287.

Mr. Abbott advised the Commission that the proposed lot meets the requirements of the subdivision and zoning codes, but added that the remaining road frontage to the east is only seventy-five feet and the remaining road frontage to the west is six hundred and ninety feet.

Mr. Abbott advised the Commission that a letter from an attorney representing a buyer has been received and that the letter makes reference to a conversation with Mr. Schrader, and that the letter states that the attorney has tried to contact Mr. Street without success about not being able to sell a lot with seventy-five feet road frontage and that it could be restricted to access only.

Mr. Schrader advised the commission that the lot and remaining lands could be approved and that the seventy-five foot frontage would have to be as access only to the remaining lands, and that Mr. Street would not be able to sell this as a separate lot.

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

4. RE: Ronald E. Jernigan

The Commission reviewed a concept to subdivide a parcel on an existing fifty foot right of way along Conrail Railroad off of Route 490.

Mr. Lank advised the Commission that the right of way is existing and serves two acreage tracts, that the owner would like to create a five acre tract with access from the right of way, that this would be the third lot under the old policy, and that any future subdivision of the property would require a public hearing.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve as a concept.

5. RE: Gus Volkman

The Commission reviewed a concept to subdivide 9.25 acres into two tracts with access from a fifty foot right of way off of Route 347.

Mr. Abbott advised the Commission that the parcel is presently served by a twelve foot road, that the owner is going to widen the width to fifty feet and create a 2.85 and 6.40 acre tract.

Motion made by Mr. Magee, seconded by Mr. Ralph, and carried unanimously to approve as a concept.

6. RE: John Floyd Lingo, Jr.

The Commission reviewed a concept to create two 1 acre lots on the north side of Route 9 near Harbeson.

Mr. Abbott advised the Commission that the proposed lots are located on a major arterial roadway which requires the approval of the Commission and that the Department of Transportation has approved an entrance location for each lot.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve as a concept.

7. RE: D.P. & L.

The Commission reviewed a concept for the expansion of Conditional Use #312 for expansion of an electrical substation located on Route 361.

Mr. Lank advised the Commission that the site was approved and included the entire 3 acres on December 22, 1975, that the owners would like to expand within the approved 3 acres for additional transformers, that the fence will be relocated and that if the Commission is receptive to this request, a revised site plan and all agency approvals should be submitted for review and approval.

It was the consensus of the Commission that the applicant be allowed to expand within the approved 3 acres and a revised plan be submitted.

8. RE: Delmarva Rural Ministries, Inc.

The Commission reviewed a 34 unit multi family project located on the western side of Route 13 near Bridgeville.

Mr. Abbott advised the Commission that preliminary approval was granted on October 10, 1991, that the site plan meets all requirements of the zoning code, and that all agency approvals and or permits have been received.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve as a final site plan.

IV. OLD BUSINESS

1. RE: Subd. #93-1--College Fund, Inc.

Mike Makowski, developer, was present on behalf of the application of College Fund, Inc. to consider the Subdivision of land in a GR General Residential Zoning District in Cedar Creek Hundred by dividing 48 acres into 71 lots, located on the north side of Route 38, 1,120 feet east of Route 228-A, and the east side of Route 228, 920 feet north of Route 38.

Mr. Abbott advised the Commission that this application received preliminary approval on March 25, 1993, for 70 lots, that the developer has agreed to a thirty foot setback along the existing lots, that the record plat meets the requirements of the subdivision and zoning codes, that all final agency approvals and or permits have been received, that Mr. Schrader has reviewed the deed restrictions and that the Agricultural Use Protection deed restriction needs to be included prior to recording the record plat.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve as a final.

2. RE: Subd. #89-23--George Marshall

Mr. Abbott advised the Commission that this item was placed on the agenda for the purpose of discussion.

Mr. Abbott advised the Commission that on January 25, 1990, preliminary approval was granted for a 70 lot subdivision, that on April 25, 1991, a one year time extension was granted, that the preliminary approval expired on April 25, 1992, that on October 8, 1992, the Commission reviewed pending subdivision applications and at this meeting the Commission voted to void this application since the staff has not received any

correspondence from the developer, and that on July 6, 1993, the staff received a letter from the developer requesting a one year time extension and for this application to be returned to an active status.

Mr. Abbott advised the Commission, that according to the developer, he has had problems obtaining approvals from other agencies and this is the reason for the delay.

Mr. Allen discussed the letters that were sent to the developer by the staff.

Mr. Lank advised the Commission that the developer has new partners in this project.

Clyde Jensen, one of the partners was present and advised the Commission of his role in this project and stated that they have received agency approvals and that they have a contractor ready to begin the street construction.

Mr. Allen and Mrs. Monaco felt that a new application should be filed.

Mr. Magee and Mr. Ralph felt that the application could be returned to an active status if the developers would agree to any amendments that have been added such as buffer zones from agricultural lands.

Mr. Jensen advised the Commission that he and his partner would like to review any amendments that have been added before agreeing to this request.

It was the consensus of the Commission that the developers be allowed to review the amendments before making a decision on this application.

Meeting adjourned at 10:30 P.M.