

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 23, 1999

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 23, 1999 at 7:30 PM, in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware, with the following present: Mr. Allen, Mr. Hastings, Mr. Johnson, Mr. Lynch, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

The meeting was called to order by Chairman Allen.

Motion by Mr. Wheatley, seconded by Mr. Hastings, and carried unanimously to approve the agenda as amended.

Motion by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to approve the minutes of September 9, 1999 as amended.

Mr. Schrader explained how the meeting would be conducted.

PUBLIC HEARINGS

Subdivision #99-17 -- Robert W. Durham

Robert Durham, developer, and Roger Gross, engineer, were present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred by dividing 35.61 acres into 35 lots, located east of Road 463, 1,760 feet south of Road 74.

Mr. Abbott advised the Commission that the Technical Advisory Committee reviewed this application on September 15, 1999; that the Commission and the developer and the developer's representatives have received a copy of the report; that a copy of the report was in the application file; and requested that the report be made a part of the record.

Chairman Allen stated that the Technical Advisory Committee Report of September 15, 1999 would be made a part of the record.

Mr. Durham and Mr. Gross advised the Commission in their presentations and in response to questions raised by the Commission that Meridian Consulting Engineers have been hired to do the stormwater management and road construction design for this application; that Miller - Lewis, Inc. was responsible for preparing the subdivision plan; that two entrances are proposed to the subdivision; that Don Miller has received a verbal approval from DelDOT for the two entrances and has requested a letter from DelDOT; that the soils work has been performed for the septic design; that the ditch to the north and east of the site is a tax ditch; that the developer is not sure how the tax ditch will be assessed; that there is a forested buffer adjacent to the Whaley lands; that there is an irrigation system on the Whaley lands and that the future lot owners will have knowledge that farming operations are in the area; that a Homeowners Association will be

responsible for the maintenance of the streets; that if DelDOT does not allow two entrances, the plan will have to be reconfigured; that the Warrington lands are used for agricultural purposes; and that the permitted dwellings will be required to be stick-built on site dwellings.

Roland Whaley, an adjoining property owner, advised the Commission that he farms the property to the north of the site and stated that he has an irrigation system close to the property line and questioned if there would be a deed restriction notifying potential buyers that the irrigation system has noise when associated with it when in use.

Mr. Schrader advised Mr. Whaley that since the property is adjacent to farmland, the developer would have to include the agricultural use protection deed restriction in the final restrictive covenants.

Mr. Abbott advised the Commission that since the lands of Warrington are agricultural, a thirty-foot forested landscaped buffer will be required.

At the conclusion of the Public Hearings, the Chairman referred back to this application.

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

Motion by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to defer action until the entrance issue is settled with DelDOT and receipt of a septic feasibility statement from DNREC.

Subdivision #99-18 -- application of JOSEPH R. HUDSON, SR. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broadkill Hundred, by dividing 78.55 acres into 57 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located northwest of Road 264, 1,450 feet southwest of Delaware Route One.

Mr. Lank advised the Commission that this application was withdrawn on September 23, 1999.

Ordinance Amendment - Conservation Zone -- an Ordinance to amend Chapter 115 of the Code of Sussex County, entitled "Zoning", to amend provisions relative to the Conservation Zone, to amend provisions relating to the minimum lot size within the Conservation Zone, to amend provisions relating to revising and clarifying the location of the Conservation Zone, and to generally clarify the Ordinance.

Mr. Lank summarized the text of the proposed Ordinance and read the synopsis.

Mr. Abbott summarized the comments received from the Land Use Advisory Committee.

The Commission found that Rich Collins, Chairman of the Land Use Advisory Committee, stated that some of the members of the committee expressed concerns about the 2-acre lot size being too large; that 1-acre should be adequate; that he reviewed the flood maps and it appears that the majority of the County would be impacted if the entire flood plain is established as a conservation zone; that there is no evidence available that smaller lot sizes are a hazard to the environment; that the larger lot size could cause a negative impact on property values; and that even though the Comprehensive Plan references that 2-acre lots are recommended, it does not make it mandatory to change the Ordinance.

The Commission found that Wolfgang von Baumgart stated that flood plain maps would radically change as sea level changes by 4-foot in the 21st century.

The Commission found that Til Purnell stated that this Ordinance is desperately needed due to development impacts on the Inland Bays; that the County would not be creating sewer districts for the areas around the Inland Bays if there was not a concern; and that the flood plain maps are a wise way to go, since the Federal Government periodically updates the maps.

The Commission found that Marty Ross stated the creation of 2-acre lots would be a hardship; that there would be no financial recourse for landowners with no reward for conserving land; that the flood maps should not be utilized since they cover a large area of the County; and that the Comprehensive Plan references that the Nanticoke River and the Inland Bays should be preserved, not that the majority of the County should only be divided with 2-acre lots.

At the conclusion of the public hearings, the Commission discussed the Ordinance. There was some support for the 2-acre lot size; there was some concern expressed that a 2-acre lot with 150-foot of frontage would require approximately 600-foot of depth, creating more land to maintain and cut; and there were suggestions that a compromise may be appropriate, and a suggestion that 1.5 acres may be appropriate.

Motion by Mr. Wheatley, seconded by Mr. Hastings, and carried unanimously to defer action so that the Commission could review the flood maps. The staff was asked to verify if the Office of State Planning Coordination forwarded request to agencies for comments on the Ordinance.

Ordinance Amendment - Mobile Homes for Emergency or Hardship -- an Ordinance to amend Chapter 115 of the Code of Sussex County, entitled "Zoning", to amend provisions relating to placement of mobile homes for emergency or hardship situations.

Mr. Lank summarized the text of the Ordinance and read the synopsis.

The Commission found that there were no parties present in support of or in opposition to the Ordinance.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to forward a recommendation to the Sussex County Council that this Ordinance be approved as circulated.

Ordinance Amendment - Street Design Standards -- an Ordinance to amend Chapter 99, the Code of Sussex County, relating to street design standards.

Mr. Lank summarized the text of the Ordinance and read the synopsis.

Mr. Lank advised the Commission that the Public Works Department of the County Engineering Department and the Sussex Conservation District have no objection to the proposed use of crusher-run, and that subgrades for streets shall be required to be tested and approved by the Public Works Department.

The Commission found that there were no parties present in support of or in opposition to the Ordinance.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to forward this Ordinance to the Sussex County Council with the recommendation that it be approved as circulated.

Ordinance Amendment - Notice to Owners for Alteration to a Subdivision -- An Ordinance amending Chapter 99, Section 13, of the Sussex County Code, relating to the notice requirements to be given owners within subdivisions prior to alteration or addition.

Mr. Lank summarized the text of the Ordinance and read the synopsis, and added that the Ordinance does not eliminate the public hearing process.

Mr. Schrader stated that questions came up at a public hearing several months ago that created a concern about the text of the present Code; that if an applicant can't prove that all property owners have been made aware of the amendment or alteration to a subdivision and that the property owners have no objection, then the applicant would not be permitted to proceed with the public hearing process; and that private restrictions are not affected by this Ordinance.

The Commission found that Ron Ray, a resident in Dove Knoll, Dick Diskis, a resident in Dove Knoll, Linda Topeka, a resident of Ocean Farms, Nancy Jordan, a resident of Ocean Farms, Robert Witsil, Attorney on behalf of Richard Osbourne, a resident near Middleford, Mable Granke, a resident of Rehoboth Beach, Rich Collins, a resident near Lewes, William Wright, Attorney on behalf of a developer, Steven Wagner of County Life Homes, Ed Brink, a resident of Ocean Farms, and John Carney, a resident of Ocean Farms spoke in reference to the proposed Ordinance. There were some concerns relating to a request that a percentage of approval of property owners should be considered; that requiring 100% approval by property owners may not be democratic; that developer changes could double the size of a development; that there were as many concerns relating to the notification of property owners as there were toward a percentage; that a majority vote of the property owners may be appropriate; that property owners fear that they will end up with no protection; that the proposed Ordinance would completely change the intent of the Ordinance and would ignore home and lot owners who purchased property based on an approved plan; that notification should be in the form of certified mail with affidavit of receipts of notices sent; that lots on a plat for the re-subdivision of any parcel that is a part of a previously recorded subdivision should be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the subdivision; that 2/3 of the property owners, excluding the developer, should have no objection to an alteration or addition before the alteration or addition may proceed; that a developer purchased the remainder of a subdivision and found that he had to dedicate two lots to stormwater management and wants to divide two large lots into 4 lots to get his return; that a developer has a reserve area within an approved subdivision and can't process the reserve area for development since he cannot get 100% approval from the property owners; that approvals are regularly granted over the counter for conversion of two lots into one parcel; that property owners proposing to combine two lots into one parcel should be required to notify the developer; and that taking the vote from the property owners gives more power to the developer.

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. Wheatley, seconded by Mr. Johnson, and carried unanimously to defer action so that Mr. Schrader could consider the comments and present a revised draft of the Ordinance for discussion.

OLD BUSINESS

C/U #1304 -- application of CURTIS W. STEEN, JR. AND ARLEEN Q. STEEN to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a borrow pit to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 3.18 acres, more or less, of a 38.8 acre tract, lying east of Road 331, 1,100 feet south of Road 332.

The Chairman referred back to this application which was deferred on September 9, 1999.

Mr. Lynch abstained from participating in the discussion.

Mr. Wheatley stated that it is the mission of the Commission to address land use; that presentations in support of and in opposition to the application were heard; that the history of the property is not an issue; that the request should be given consideration as proposed since the proposal is not a large borrow operation, and since the applicant proposes to use some of the borrow around the poultry operation and for drainage; that the use is not a typical quarry as addressed by the opposition; and that some of the objections are valid and need to be addressed in terms of land use.

Motion by Mr. Wheatley, seconded by Mr. Hastings, and carried with 4 votes, with Mr. Lynch not participating, to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations:

1. The area of the property to be set aside for the Conditional Use shall be limited to 3.18 acres of the applicant's 38.8 acre tract, of which 2.0 acres shall be utilized for the borrow pit and 1.18 acres shall be utilized for an access roadway.
2. The location of the 2.0 acres borrow pit and 1.18 acres access roadway shall be exactly where the survey submitted with the application has them located.
3. The notes entitled "General Specifications, Construction Sequence & Conditions" on the survey are conditions that must be followed by the applicant.
4. Hours of operation of excavating, extracting of soil and trucking activities shall be from 7:30 A.M. until 4:40 P.M. Monday through Friday, and on Saturday from 7:30 A.M. until 12:00 Noon. There shall be no Sunday hours.
5. Only one operator shall be allowed to work the site at one time.
6. There shall be no more than 14 loads hauled from the site daily.
7. There shall be no identifying signs posted at the entrance.
8. The maximum term of this Conditional Use shall be 3-years.

9. The owners must comply with all County and State erosion and sedimentation control, and stormwater management regulations.
10. Final site plans, including all pit side slopes, excavation phasing and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to commencement of operations.
11. No materials may be brought from off the site for processing, mixing or similar purposes.
12. All County, State, and Federal required permits shall be obtained.
13. The maximum depth at the center of the borrow pit shall be 20-feet.
14. The borrow pit area shall be secured with security fencing, not less than 8-feet tall, topped with barbed wire or ribbon wire. Danger and warning signs shall be installed on the fence spaced every 100-feet.
15. The first 50-feet of the access road from Road 331 into the site shall have a crusher run topping to the specification of the Sussex Conservation District for construction entrances.
16. A water truck shall be utilized to control dust when necessary.

Motion carried 4 - 0. Mr. Lynch abstained from participation in the decision.

C/U #1305 -- application of SHORT'S MARINE, INC. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for boat storage to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 9.97 acres, more or less, lying south of Road 299 approximately 600 feet west of Route 24.

The Chairman referred back to this application which was deferred on September 9, 1999.

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

1. The site plan shall be subject to all appropriate agency approvals prior to review and approval by the Commission.
2. The storage facility will be open during daylight hours only.
3. The perimeter of the site shall be fenced with a 7-foot high chain-linked type of fencing with rolled wire across the top.
4. No maintenance of boats or vehicles shall be performed on the site.
5. All persons visiting the site shall be accompanied by a Short's Marine employee.
6. The only structure to be located on the site will be a 10-foot by 14-foot shed.

7. Security lighting shall be provided on the site using mercury vapor lights that are directed away from neighboring properties.
8. Travel routes from the commercial location of Short's Marine, Inc. to the site shall be Route 24 and Route 23. Road 298 shall not be utilized due to the elementary school and the residential character of the area along Road 298 and Road 299 to Route 24.

Motion carried 5 - 0.

C/U #1306 -- application of DMV PARTNERSHIP to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures (26 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 28.57 acres, more or less, lying at the southwest corner of Route One and Road 360.

The Chairman referred back to this application which was deferred on September 9, 1999.

The Commission discussed the application and noted that 11 units encroach over wetlands, and that all units should be built on uplands only.

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

1. The maximum number of units shall not exceed 15 units.
2. Construction shall, to the extent possible, preserve the existing woodlands.
3. The project shall be served by a County sewer district.
4. The project shall be provided with central water from the Sussex Shores Water Company or other public water company.
5. No buildings shall be higher than 42-feet, nor longer than 165-feet, and the minimum setback between buildings shall be 40-feet.
6. Development of the property shall conform to all County and State erosion and sedimentation control, and stormwater management regulations.
7. All construction shall be limited to upland areas, not wetlands, except for the access drive to Road 360.
8. The final site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion carried 5 - 0.

C/U #1307 -- application of GULL POINT TRUST to consider the Conditional Use of land in a MR Medium Density Residential District for 24 multi-family residential units to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 2.99 acres, more or less, lying south of access road to State Boat Ramp, west of Road 312 at Indian River.

The Chairman referred back to this application which was deferred on September 9, 1999.

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

1. Central sewer service shall be provided in accordance with applicable regulations of the State DNREC and the County Engineering Department.
2. Central water service shall be provided in compliance with applicable regulations of the State DNREC, the Office of the State Fire Marshal, the Division of Public Health, and the County Engineering Department.
3. Stormwater management and erosion and sedimentation control plans shall be subject to all State and County regulations.
4. The maximum number of units shall not exceed 24 units.
5. All amenities, including the community pool and pool house, shall be completed prior to construction of the 13th residential unit.
6. The open space depicted on the site plan shall be subject to no future development.
7. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion carried 5 - 0.

C/Z #1374 -- application of C.L.H. DESIGN to consider a proposal to amend the zoning map from an AR-1 Agricultural Residential District to a HR-1/RPC High Density Residential District - Residential Planned Community in Lewes and Rehoboth Hundred, located 230 feet northeast of Road 275 and 1,600 feet north of Route 24, to be located on 23.01 acres, more or less.

C/Z #1375 -- application of C.L.H. DESIGN to consider a proposal to amend the zoning map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District in Lewes and Rehoboth Hundred, located northeast of Road 275 and 1,600 feet north of Route 24, to be located on 3.90 acres, more or less.

C/Z #1376 -- application of C.L.H. DESIGN to consider a proposal to amend the zoning map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District in Lewes and Rehoboth Hundred, located 1,390 feet northeast of Road 275 and 1,600 feet north of Route 24, to be located on 3.72 acres, more or less.

The Chairman referred back to these application deferred on April 8, 1999, and again on April 22, 1999 until the engineering study, being prepared for the County Engineering Department, is completed, and the Commission has an opportunity to review the study.

The Commission discussed the applications and found, based on comments received from the County Engineering Department, that the Department has completed its review of the referenced Change of Zones (C/Zs); that the review was done as a part of the West Rehoboth Capacity Evaluation and Planning Study; that the Study reviewed the wastewater needs of the West Rehoboth Expansion Area, including the adjacent Development District; that the Study assumed that the non-commercial portion of the Development District would be developed at an overall average of 4-units per acre; that requests for densities exceeding this amount must therefore be balanced with requests for lower densities; that the Study concludes that adequate wastewater transmission capacity is not available for the project; that improvements are needed to provide adequate capacity for the project, and that this project will have to participate in these improvements; that this should be included as a requirement for approval, if the Commission determines that this is the best use of the land; that the project will be responsible for system connection charges; that the current system connection charge rate for the period 7/1/99 to 6/30/99 is \$2,954/EDU; and that it will be the responsibility of the developer to install all wastewater facilities for the project in accordance with Sussex County standards and procedures.

The Commission found that E. Scott Bradley, Attorney on behalf of C.L.H. Design, corresponded with Russell Archut of the County Engineering Department on August 26, 1999 and in referencing his review of the Study felt that it appears that the project can be served by the existing sewer system and advised the Department that the applicants are ready to move forward with development.

The Commission found that Mr. Archut of the County Engineering Department corresponded with E. Scott Bradley on September 13, 1999, and advised Mr. Bradley that his memorandum to the Planning and Zoning Department, dated August 5, 1999, stands as written; that although capacity is immediately available for the project, there are concerns regarding the wastewater transmission system; that there are capacity deficiencies in a 2200 feet section of 27-inch sewer main in the Route One Corridor; that the Department feels there is an obligation to maintain adequate sewer capacity for the users within the current West Rehoboth Expansion area, and that property owners requesting expansions beyond the district must be responsible for these types of

improvements; and that it is unknown whether the impact fee to be paid by the project would be sufficient to cover the projects share of the costs.

The Commission found that Mable M. Granke corresponded with Mr. Archut on August 20, 1999 in reference to his memorandum to the Planning and Zoning Department, dated August 5, 1999, and referenced that the report raises serious concerns and questions in relation that no decision should be made with regard to any expansion until the Engineering Department has completed its full evaluation due in October, 1999; that no expansion should be determined until the capacity demand of the existing district is known based on existing allowed zoning and factoring in unexpected re-zonings and increased densities already granted; that the question that must be answered is, if capacity is not an issue, why is the County seeking additional land from the Department of Parks and Recreation, and why did the County meet with the City of Lewes seeking capacity expansion potentials; and it would seem to be logical that until the capacity issue is realistically and accurately determined and priorities established, any expansion of the District for any reason is not a responsible action on the part of County officials.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried with 4 votes to forward the application for C/Z #1374 to the Sussex County Council with the recommendation that it be denied.

Motion carried 4 - 0. Mr. Johnson did not participate in the decision.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried with 4 votes to forward the application for C/Z #1375 to the Sussex County Council with the recommendation that it be denied.

Motion carried 4 - 0. Mr. Johnson did not participate in the decision.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried with 4 votes to forward the application for C/Z #1376 to the Sussex County Council with the recommendation that it be denied.

Motion carried 4 - 0. Mr. Johnson did not participate in the decision.

OTHER BUSINESS

Savannah Animal Hospital
Revised Commercial Site Plan
Route One and Road 12

The Commission reviewed a revised site plan for an animal hospital located near Midway.

Mr. Abbott advised the Commission that a letter of no objection has been received

from DelDOT; that the existing entrance along Route One needs to be upgraded to DelDOT's current standards; that an addition and grooming and boarding area totaling 8,458 square feet is proposed; that 26 parking spaces are required and 32 spaces are provided; that the setbacks meet the requirements of the zoning code; that a 20 foot landscaped buffer is proposed along Route One; and that approvals are required from the Sussex Conservation, Office of the State Fire Marshal, and Sussex County Engineering Department.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to the staff receiving all required agency approvals.

Lighthouse Cove
Preliminary Commercial Site Plan
Route 54

The Commission reviewed a commercial site plan for a pharmacy located on Route 54 west of Fenwick Island.

Mr. Abbott advised the Commission that the proposed pharmacy is 14,000 square feet; that 70 parking spaces are required and that 76 are proposed; that 25 spaces are located within the 40 foot front yard setback and need a waiver from the Commission; that 2 loading spaces are required and proposed; that the site is located in an AE 6' flood plane; that the setbacks meet the requirements of the zoning code; that there are no encroachments into the wetlands; and that all required agency approvals are needed.

Mr. Lank advised the Commission that the wetland delineation should be verified by the Corps of Engineers since they are mapped from 1985.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve the site plan as a concept. Preliminary approval shall be subject to receipt of all required agency approvals and review by the Commission.

Sea Esta IV
Preliminary Commercial Site Plan
Route One

The Commission reviewed a commercial site plan for a 36-unit motel located on Route One between Rehoboth Beach and Dewey Beach.

Mr. Abbott advised the Commission that the hotel is proposed to be 3 stories with an elevator, laundry service, pool and office facilities; that the proposed building is 21' x

209'; that 54 parking spaces are required and 56 are proposed; that 22 spaces are located within the front yard setback and require a waiver from the Commission; that 1 loading space is required and proposed; that sewer will be provided by Sussex County; that central water is proposed; and that all agency approvals will be required.

Roger Gross, engineer from Meridian Consulting Engineers, was present and advised the Commission that soils work and the wetland delineation has been performed; that the rooms will be single rooms with a bathroom; that the swimming pool is located on the first floor and will be an indoor pool; that there will not be any kitchens in the units; and that the stormwater run-off will discharge into DelDOT's system.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve the site plan as a concept. Preliminary and final approval shall be subject to receipt of all required agency approvals and review by the Commission.

Ralph Smith
2 lots on an existing 50' right-of-way
Smith Way

The Commission reviewed a concept to create 2 lots off of an existing right-of-way off of Smith Way located near Milton.

Motion by Mr. Wheatley, seconded by Mr. Hastings, and carried unanimously to approve this request as a concept.

Rehoboth Mall Redevelopment
Preliminary Commercial Site Plan
Route One and Road 274 and Route 24

John Sergovic, Attorney, Glen Weinberger of Rehoboth Mall Limited Partnership, and Randy Duplechain, engineer from Davis, Bowen and Friedel were present as the Commission reviewed a revised site plan for the redevelopment of Rehoboth Mall located on Route One near Midway.

Mr. Abbott summarized letters received from DelDOT, Mr. Sergovic, and Mr. Schrader.

Mr. Sergovic, Mr. Weinberger, and Mr. Duplechain advised the Commission that the revised site plan has less square footage than what currently exist; that the site is non-conforming in reference to the Big-Box Ordinance; that most of the plan meets the intent of the Big-Box Ordinance; that the existing Superfresh will be demolished and a 95,850 square foot Wal-Mart will be built in its location; that the Eckerd and another retail store will be relocated to where the existing Rose's is located; that the existing entrances are

suitable based on DelDOT's letters; and that the developers will meet the requirements of DelDOT.

Mabel Granke, a member of the Citizens Coalition from Rehoboth Beach was present in opposition to this site plan and advised the Commission that DelDOT should have required a traffic impact study, that traffic will increase in the area and cause grid lock; that the site plan does not conform to the Big Box Ordinance or Ordinance No. 768; and questioned the cumulative impacts to the quality of life in the area.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve the revised site plan as a preliminary.

Meeting adjourned at 11:35 PM.