

MINUTES OF THE REGULAR MEETING OF NOVEMBER 13, 1997

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, November 13, 1997, at 7:30 P.M., in the County Council Chambers, Sussex County Administrative Building, Georgetown, Delaware, with the following members present;

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Wheatley, Mr. Schrader - Assistant County Attorney, Mr. Abbott - Assistant Director, and Ms. Mowbray - Zoning Inspector III.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve the minutes of October 23, 1997 as circulated.

II. Public Hearings

1. C/U #1209--Jeffrey A. & Suzanne M. Balthaser

Jeffrey Balthaser and David Rutt, Attorney, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Indian River Hundred for a Contractor's Office, Storage of Materials, and Parking on the north side of a private road, 750 feet north of Road 306A, 1/4 mile west of Road 299, located on 1.0 acre more or less.

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

Mr. Rutt advised the Commission that this application is for a Contractor's Office in a dwelling, storage shed for construction materials and parking, that the applicant will reside on the site, that there are residential lots to the east, north and south and a tree farm to the west, and submitted photographs and a deed to the property.

Mr. Balthaser advised the Commission that access to the property is from a recorded private fifty foot road, that the road is twelve to fifteen feet in width, that a 30' x 50' pole shed was built approximately three years ago, that the dwelling is currently under construction, that the pole shed has a 12' x 50' lean-to which is used for storage of construction materials, that there are not any restroom facilities, that all materials could be put inside the pole shed, that the lean to could be used to store equipment, that there is existing parking for three vehicles, that the parking lot is presently stoned, that the site is served by an individual on site septic and well, that there is a dumpster located on the site, that the office would be inside the dwelling, that the office would be 15' x 21', that the office would be used for answering phones, administrative work and doing estimates, that no customers would come to the site, that there would not be any retail sales at the site, that all materials

would be delivered to the job sites, that the business has four vehicles, that there are seven employees, that the employees usually meet at this site, that the hours of business are from 7:00 A.M. to 4:30 P.M. with no Sunday hours, that no signs are proposed, that the site has a security light, and that the use will not have any negative impacts on the neighbors or traffic.

Bill Hartzel, an adjoining property owner, spoke in support of this application.

David Shepherd, an adjoining property owner, spoke in opposition to this application and advised the Commission that the area is residential, that the site is an eyesore, and that the business has been illegally operated for a few years.

Ms. Mowbray advised the Commission that the applicant was issued a zoning violation and was advised of the necessary steps for correcting the violation.

Jerry Martin, an adjoining property owner, advised the Commission that he has no objections to the use as long as the site is neatly maintained and that there not be any pre-fabrication done on the site.

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 306A will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand, that the suitability of the soils for the intended use are slight and relatively free of limitations or limitations are easily overcome, that with respect to erosion and sedimentation control the applicant will be required to follow recommended erosion and sediment control practices and to maintain vegetation after completion of any construction, that the farmland rating of the soil is of Statewide Importance, that no storm flood hazard area or tax ditch is affected, and that it will not be necessary for any off-site or on-site drainage improvements.

The Commission found, based on comments made by the applicant and the applicant's attorney, that this application is

for a Contractor's Office in a dwelling, storage shed for construction materials and parking, that the applicant will reside on the site, that there are residential lots to the east, north and south and a tree farm to the west, that the applicant's attorney submitted photographs and a deed to the property, that access to the property is from a recorded private fifty foot road, that the road is twelve to fifteen foot in width, that a 30' x 50' pole shed was built approximately three years ago, that the dwelling is currently under construction, that the pole shed has a 12' x 50' lean-to which is used for storage of construction materials, that there are not any restroom facilities, that all materials could be stored in the pole shed, that the lean-to could be used for storing vehicles, that there is existing parking for three vehicles, that the parking lot is presently stoned, that the site is served by an individual on site septic system and well, that a dumpster is located on the site, that the office would be inside the dwelling in a 15' x 21' room, that the office would be used for answering phones, administrative work and estimates, that no customers would come to the site, that there will not be any retail sales at the site, that all materials would be delivered to the job sites, that the business has four vehicles, that there are seven employees, that the employees usually meet at this site, that the hours of business are from 7:00 A.M. to 4:30 P.M. with no Sunday hours, that no signage is proposed, that the site has a security light, and that the use will not have any negative impacts on the neighbors or traffic.

The Commission found that one person spoke in support of this application.

The Commission found that one person spoke in opposition to this application since the area is mostly residential, that the site has been an eyesore, and that the business has been operated illegally for a few years.

The Commission found that one person stated that they would not have any objections as long as the site was neatly maintained and that there not be any prefabrication be permitted at the site.

The Commission found that the applicant was issued a zoning violation by the zoning inspector.

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

1. No prefabrication of construction may take place on site except for the applicants dwelling which is under construction.
2. A solid fence be erected along the northern and eastern boundaries of the property.
3. No signage shall be permitted.
4. The site shall be limited to the existing security light.
5. No Sunday activity shall be permitted.
6. The final site plan shall be subject to the review and approval of the Planning and Zoning Commission upon receipt of all required agency approvals and or permits.

2. C/U #1210--Virgil F. & Marguerite Davis

Virgil and Marguerite Davis were present on behalf of their application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Gumboro Hundred for a Used Car Sales Lot and Repair Garage on the north side of Route 26, approximately 150 feet south of Road 415A, located on 1.33 acres more or less.

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

Mr. and Mrs. Davis advised the Commission that this application is for a used car sales lot, that they do not need the repair garage, that the business would be for their sons, that the hours of business would be 8:00 A.M. to 4:00 P.M., Monday through Saturday, that there is existing lighting on site, that the Division of Motor Vehicles requires signage, that there would not be more than twenty cars on site at any one time, that the neighbors have not voiced any objections, and that the sales lot will be in a fenced in area.

There were no parties present in support of or in opposition to this application.

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 made by DelDOT, that a traffic impact study was not recommended, and that the level of service "C" of Route 26 will not change as a result of this

application.

The Commission found, based on comments made by the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand and Klej loamy sand, that the suitability of the soils for the intended use have slight limitations and that these limitations are easily overcome, that with respect to erosion and sedimentation control, the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after completion of any construction, that the farmland rating of the soils is of Statewide Importance, that no storm flood hazard area or tax ditch is affected, and it would not be necessary for any off-site or on-site drainage improvements.

The Commission found, based on comments made by the applicants, that they propose a used car sales lot, that they do not need a repair garage, that the business would be for their sons, that the business hours would be from 8:00 A.M. to 4:00 P.M., Monday through Saturday, that there is existing lighting on site, that the Division of Motor Vehicles requires signage, that there would not be more than twenty vehicles on site at any one time, that the neighbors have not voiced any objections, and that the sales lot will be in a fenced in area.

The Commission found that no parties appeared in support of or in opposition to this application.

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

1. The use shall be limited to a used car sales lot. No repair garage shall be permitted.
2. The sales lot shall not exceed ten vehicles at all times.
3. Signage shall be limited to one un-lit ground sign not exceeding 32 square feet per side or facing.
4. Security lighting shall be limited to the existing light.
5. Hours of business will be from 8:00 A.M. to 4:00 P.M., Monday through Saturday. No Sunday hours shall be permitted.
6. The final site plan shall be subject to review and approval of the Planning and Zoning Commission upon receipt of all required agency approvals and or permits.

3. C/U #1211--Milford School District

Dan McGinnis, Assistant Superintendent of Milford School District, and James Griffin, Attorney, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for Expansion to Conditional Use No. 1014 for Play and Recreation Area and Future Building Expansion on the north side of Small Avenue (unimproved), 200 feet east of Third Street (Road 225), in the unincorporated area of Lincoln, located on 0.589 acre more or less.

Mr. Abbott advised the Commission that comments were not requested from DelDOT since the application was for expansion to Conditional Use No. 1014.

Mr. Abbott summarized comments received from the Sussex Conservation District.

Mr. Griffin advised the Commission that the site is a landlocked parcel, that it is for expansion to Conditional Use No. 1014 for a play area and drain field for future expansion and advised the Commission that Mr. and Mrs. Keen have agreed to the stipulations of Conditional Use No. 1205 and submitted two signed agreements between the Keen's and the Milford School District.

Mr. McGinnis advised the Commission that there would not be any negative impacts to the surrounding properties.

There were no parties present in support of or in opposition to this application.

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 that comments were not requested from DelDOT since the application is for an Expansion to Conditional Use. No. 1014.

The Commission found, based on comments made by the Sussex Conservation District, that the soil mapped on site is Sassafras sandy loam, that the suitability of the soil for the intended use has slight limitations and that these limitations are easily overcome, that with respect to erosion and sedimentation control, that applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after completion of any construction, that

the farmland rating of the soil is Prime Farmland, that no storm flood hazard area or tax ditch is affected, and it would not be necessary for any off-site or on-site drainage improvements.

The Commission found, based on comments made by representatives of the application, that the site is a landlocked parcel, that the site is for expansion to Conditional Use Nos. 1014 and 1205 for a play area and drainfield for future expansion, that the Keen's have agreed to the stipulations of Conditional Use No. 1205, that two signed agreements were submitted between the Milford School District and the Keen's, and that there would not be any negative impacts to the surrounding properties.

The Commission found that no parties appeared in support of or in opposition to this application.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to defer action.

4. C/Z #1318--Sirman D. & Anna M. McAllister, Trustee

Sirman and Anna McAllister were present on behalf of this application to amend the zoning map from C-1 General Commercial to AR-1 Agricultural Residential in Dagsboro Hundred, located on the east side of U.S. Route 113, approximately 1,400 feet north of Road 405, to be located on 6.75 acres more or less.

Mr. Abbott advised the Commission that comments were not requested from DelDOT since this application is for a downzoning.

Mr. Abbott summarized comments made by the Sussex Conservation District.

Mr. McAllister advised the Commission that this land has been zoned C-1 General Commercial since the adoption of the Zoning Map, that the land is used for agricultural purposes, that they reside on the property, that soy beans are grown on the site, and that they have no intentions to develop the site for commercial uses.

There were no parties present in support of or in opposition to this application.

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, that comments were not requested from DelDOT, since this application is for a downzoning.

The Commission found, based on comments made by the Sussex Conservation District, that the soils are mapped as Evesboro loamy sand, Fallsington loam, Pocomoke sandy loam, and Woodstown sandy loam, that the suitability of the soils for the intended use have slight to severe limitations, that with respect to erosion and sedimentation control, the applicant would be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after completion of any construction, that the farmland rating of the Evesboro soils are of Statewide Importance and Hydric soil in depressions, the Fallinston loam soils are Prime Farmland where drained and of Statewide Importance, the Pocomoke soils are Prime Farmland where drained and of Statewide Importance, and the Woodstown soils are Prime Farmland and Hydric soil in depressions, that no storm flood hazard area or tax ditch is affected, and no off-site or on-site drainage improvements are required.

The Commission found, based on comments made by the applicant, that this land has been zoned C-1 General Commercial since the adoption of the Zoning Map, that the land is used for agricultural purposes, that the applicants reside on the site, that soy beans are grown on the site, and that they have no intentions to develop the site for commercial uses.

The Commission found that no parties appeared in support of or in opposition to this application.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to forward this application to the County Council with the recommendation that it be approved since this application is a downzoning.

5. C/Z #1319--Quaker Medical Assoc., L.L.C.

Dr. Kirk Beebe and James Fuqua, Attorney, and Bill Lingo, Real Estate Agent, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to B-1 Neighborhood Business in Lewes and Rehoboth Hundred, located on the northwest side of Road 18 (Savannah Road), 300 feet from the Town Limits of Lewes, to be located on 18,750 square feet more or less.

Mr. Abbott summarized comments made by DelDOT and the Sussex Conservation District.

Mr. Fuqua advised the Commission that the lot is 75' x 250',

that there is an existing dwelling and garage on the property, that this site is adjacent to a medical facility that has ten doctors and twenty two employees, that the adjacent medical facility needs to relocate their administrative offices and add additional parking, that the immediate area is mixed use of residential and commercial uses, that the site is across from the entrance to Cape Henlopen High School, that water and sewer exist on site, that the site drains toward the existing medical facility and stormwater management is provided on this site, that there are no wetlands on site, that the site is served by the Lewes Fire Department and Delaware State Police, that the existing medical facility has a cross access easement to this site, that the dwelling will be used for administrative offices and at this time only interior renovations will be made, that the site is in a growth area, and that the site is in the Development District based on the Comprehensive Land Use Plan.

No parties appeared in support of or in opposition to this application.

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 made by DelDOT, that a traffic impact study was originally recommended, and that this requirement has been waived only if the access to this site is from the adjacent medical facility property.

The Commission found, based on comments made by the Sussex Conservation District, that the soil mapped on site is Sassafras loam, that the suitability of the soil for the intended use has slight limitations and that these limitations are easily overcome, that with respect to erosion and sedimentation control, the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after completion of any construction, that the farmland rating of the soil is Prime Farmland, that no storm flood hazard area or tax ditch is affected, and that it would not be necessary for any off-site or on-site drainage improvements.

The Commission found, based on comments made by representative of the application, that the size of the property is 75' x 250', that there is an existing dwelling and garage on the property, that this site is adjacent to a medical facility that has ten doctors and twenty two employees, that the adjacent medical facility needs to relocate their administrative offices and add additional parking, that the immediate area is a mixture

of residential and commercial uses, that this site is across from the entrance to Cape Henlopen High School, that water and sewer exist on site, that the site drains towards the medical facility which has stormwater control practices, that there are no wetlands on site, that the site is served by the Lewes Fire Department and Delaware State Police, that an inter-connection will be provided to this site from the medical facility site, that the dwelling will be used for administrative offices and at this time only interior renovations will be made, that the site is in a growth area, and that the site is located within the Development District based on the Comprehensive Land Use Plan.

The Commission found that no parties appeared in support of or in opposition to this application.

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to forward this application to the County Council with the recommendation that it be approved since it is an expansion of an existing Neighborhood Business District.

III. Other Business

1. Pelican Square

James Fuqua, Attorney, Bernie Robbins of Talles Construction Company, Inc., and Gordon Mead of Davis, Bowen and Friedel, were present as the Commission reviewed a commercial site plan for a retail sales shopping center on Route One and Road 283 (Postal Lane) near Midway.

Mr. Abbott advised the Commission that the site plan proposes 143,348 square feet of gross leasable area for retail sales, a fast food restaurant and a bank, that 717 parking spaces are required by the zoning code and that 737 spaces are provided, that all of the spaces are 10' x 20' except diagonal spaces which are 14' x 28', that all of the interior drives are a minimum of 25' in width, that there are parking spaces located within the front and side corner yard setbacks that would require a waiver from the Commission, that five loading spaces are required by the zoning code and that seven loading spaces are provided, that there are two inter-connections to the adjoining Rehoboth Beach Outlets Shopping Center, that the site is located within the Highway Corridor Overlay Zone, that a minimum front yard setback of sixty feet is required and that eighty feet has been provided, that there is a landscaped buffer required along Route One, that the site plan references a landscaped buffer along Route One, Road 283, and that landscaping screening has been provided along the adjacent and rear property lines, that a Pylon sign is located at the corner of Route One and Road 283, that right ins and right outs are proposed onto Route One,

that the main entrance to the site is located off of Road 283, that DelDOT has issued a letter of no objection to the entrance location which is on file, that bicycle racks are provided on the site plan, that the site is not located within a flood plain, that there are no wetlands on site, that transit accommodations are required since the site is greater than 80,000 square feet and that this is at the discretion of the Planning and Zoning Commission and DelDOT, and that as of this date, the staff has not received any agency approvals or permits.

Mr. Fuqua advised the Commission that the adjacent site, the Rehoboth Beach Outlets, has a bus stop and that there will be sidewalks from this site to the bus stop for the transit accommodations, and that this plan has met the requirements of DelDOT and that the site plan complies with the zoning code.

Don Roeseler, representing the Citizens Coalition questioned why a service road could not run from Road 283 to the Rehoboth Beach Outlets site.

Mr. Mead advised the Commission that the two inter-connections act as the service road from this site to the Rehoboth Beach Outlet site.

Motion made by Mr. Phillips, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all required agency approvals and permits.

2. Rehoboth Market Place Plaza

The Commission reviewed a revised commercial site plan for retail sales on Route One, Road 270-A, and Road 275-A near Rehoboth.

Mr. Abbott advised the Commission that the revised site plan is for a 5,000 square foot addition for retail sales, that DelDOT has approved a relocated entrance location on Road 275-A, that the Fire Marshal Office has approved the revised plan, and questioned if the twenty foot landscaped buffer will be required since the County has a pumping station located within the twenty feet.

Mr. Schrader advised the Commission that the County has a twenty foot easement along the front of this property and that if a landscaped buffer were put in, the developer would be responsible for removing and restoring the buffer should the County ever be required to perform work within the twenty foot easement.

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

3. William C. Holloway

The Commission reviewed the final site plan for Conditional Use No. 1189 for automotive, truck, and bus repair with an impound yard on the east side of Road 38.

Mr. Abbott advised the Commission that the site plan has been revised to meet the stipulations of the County Council, and that all agency approvals and permits have been submitted to the staff except Sussex County Building Code.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a final. Building permits are not to be issued until the applicant has received approval from the Sussex County Building Code Office.

4. Pep-Up, Inc.

The Commission reviewed the site plan for Conditional Use No. 1194 off of Road 376 for propane storage tanks.

Mr. Abbott advised the Commission that the plan is the same as what was submitted during the public hearing, that the Fire Marshal Office has approved the site plan, and at this time, the applicant wishes to obtain a permit to install two 30,000 gallon tanks.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve the site plan as submitted.

5. Sea Colony West Phase 19B

The Commission reviewed a multi family site plan for Phase 19B at the Sea Colony West HR/RPC.

Mr. Abbott advised the Commission that this phase is for 95 units, that seven buildings have eight units each and are two stories, that seven buildings have five units each and are one story, that one building has four units and is one story, that there is a minimum of forty feet between buildings, that the maximum length is one hundred sixty five feet, that 190 parking spaces are required and that 224 have been provided, and at this time the staff has not received any agency approvals.

Motion made by Mr. Lynch, seconded by Mr. Wheatley, and

carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to receipt of all required agency approvals and permits.

6. Bethany Bay Phase 1 Sections 1.7 and 1.8

The Commission reviewed a revised site plan for Phase 1 Sections 1.7 and 1.8 of the Bethany Bay AR-1/RPC.

Mr. Abbott advised the Commission that the site plan is for three additional single family cluster dwelling units, that there is a minimum of twenty feet between units, and that the dwellings are setback fifteen feet from the curbing along the interior driveways.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve the site plan as revised.

7. Donald Warrington

The Commission reviewed a concept to create two parcels with access from an existing 50' right of way off of Road 70, northwest of U.S. Route 13.

Motion made by Mr. Wheatley, seconded by Mr. Phillips, and carried unanimously to approve the two lots as a concept.

8. Salt Pond Associates

The Commission reviewed a request for a waiver from the ten foot setback from the '404' wetlands for lot 166 in the Salt Pond MR/RPC.

Mr. Abbott advised the Commission that the developers agreed to a ten foot setback during the approval process, that the developers have written a letter of no objection so that the owners can build within ten feet of the wetlands, and that the '404' wetlands line will be the building restriction line.

Motion made by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the waiver request.

9. C/U #1087--David L. Wilson

The Commission reviewed a request for a one year time extension for Conditional Use No. 1087.

Mr. Abbott advised the Commission that this application was approved by the County Council on December 20, 1994, that the approval was challenged in the Court of Chancery, that the Court

upheld the decision of the County Council on September 20, 1996 and that on October 15, 1997, the staff received a letter from Mr. Wilson asking for a time extension.

Mr. Abbott advised the Commission that a zoning inspector inspected the site and that work has not been started nor has the site plan been approved by the Planning and Zoning Commission.

The Commission discussed whether it is legal to grant a time extension for this application.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to deny the requested time extension.

IV. Old Business

1. C/U #1208--Gene Wildonger

The Chairman referred back to this application which was deferred at the meeting of October 23, 1997.

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

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to defer action on this application.

2. Subdiv. #96-32--Dirickson Landing Associates

No one was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Baltimore Hundred by dividing 48.23 acres into 7 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, and a waiver from the street construction requirements, located on the south side of Road 381, 2,200 feet southeast of Road 384.

Mr. Abbott advised the Commission that this application received preliminary approval on December 5, 1996, that the final record plan has the same design, that the plan meets the requirements of the subdivision code, that all required agency approvals and permits have been received, and that recordation should be withheld until the final deed restrictions have been submitted and approved by the Assistant County Attorney.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve this application as a final. Recordation shall be subject to deed restrictions being submitted and approved.

3. Subdiv. #96-32--Robert M. Bocek

No one was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred by dividing 9.58 acres into 11 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located on the north side of Route 24, 291.41 feet southwest of Road 409.

Mr. Abbott advised the Commission that this application received preliminary approval on January 9, 1997, that the final record plan has the same design, that the plan meets the requirements of the subdivision code, that all required agency approvals and permits have been received, and that recordation should be withheld until the final deed restrictions have been submitted and approved by the Assistant County Attorney.

Motion made by Mr. Wheatley, seconded by Mr. Lynch, and carried unanimously to approve this application as a final. Recordation shall be subject to deed restrictions being submitted and approved.

4. Subdiv. #97-6--John J. Stryholuk, Sr.

Mr. Abbott advised the Commission that this application was removed from the agenda on November 12, 1997.

Meeting adjourned at 9:55 P.M.