



Sussex County Council Public/Media Packet

**MEETING:
July 22, 2014**

****DISCLAIMER****

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
GEORGE B. COLE
JOAN R. DEAVER
VANCE PHILLIPS



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Sussex County Council

AGENDA

JULY 22, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Bishop Foster, CEO, Delmarva Clergy United in Social Action Foundation - Presentation

Deborah J. Moreau, Esq., Public Integrity Commission – Presentation and Discussion on State of Delaware Code of Ethics

Todd Lawson, County Administrator

1. Administrator's Report

Gina Jennings, Finance Director

1. Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended June 30, 2013

Andrea Wall, Accounting Manager

1. Federal Payment in Lieu of Taxes

Juel Gibbons, Project Engineer

1. Pump Station 207 and Force Main
 - A. Bid Award



Bob Jones, Project Engineer

1. Sussex County Airport, Concrete Apron Repairs Phase 2, Contract No. 13-13
 - A. Balancing Change Order and Substantial Completion
2. Lochwood Subdivision, Contract No. 12-21
 - A. Balancing Change Order and Substantial Completion

Old Business

Change of Zone No. 1746
Castaways Bethany Beach, LLC

Change of Zone No. 1747
Castaways Bethany Beach, LLC

Conditional Use No. 1986
Castaways Bethany Beach, LLC

Grant Requests

1. Lewes Public Library for the Annual Lewes Creative Writers' Conference.
2. Chamber of Commerce for Greater Milford for the Riverwalk "Freedom" Festival.
3. West Side New Beginnings for anti-bullying program.
4. Rehoboth Beach Film Society for the Film Festival.
5. Delaware Seashore Preservation Foundation to restore historical tower.
6. Town of Millsboro for welcome signs.

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

Executive Session – Job Applicants' Qualifications, Pending/Potential Litigation, and Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearing

Conditional Use No. 1991 filed on behalf of Cool Spring, LLC / Highway One

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FACILITY FOR OUTDOOR ENTERTAINMENT EVENTS WITH TEMPORARY CAMPING FACILITIES DURING EVENTS ONLY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING APPROXIMATELY 500 ACRES, MORE OR LESS, OF TWO PARCELS CONTAINING 1,057.6 ACRES” (land lying north of Road 302A (Avalon Road), west of Road 48 (Hollyville Road), south of Road 47 (Johnson Road), and east of Road 296 (Lawson Road)

Tax Map I.D. 234-15.00-22.00 and 234-9.00-34.00

911 Address: 23430 Hollyville Road, Harbeson

Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 15, 2014 at 4:25 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

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GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR


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Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM:

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Vance Phillips

FROM: Gina A. Jennings 
Finance Director

RE: **CERTIFICATE OF ACHIEVEMENT FOR
EXCELLENCE IN FINANCIAL REPORTING**

DATE: July 18, 2014

I am pleased to announce that the Sussex County Government has been awarded, for the twelfth consecutive year, the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for its Comprehensive Annual Financial Report (CAFR). This award is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive “spirit of full disclosure” to clearly communicate its financial story. The award reflects the collaboration of efforts from many County employees.

Our staff, on a day-to-day basis, ensures that County finances remain strong. Kathy Roth, Jeff James, Sylwia Wisniewska, Traci Burton, and the rest of the Accounting Division deserve special thanks for their extra efforts in achieving this award.

GAJ/nc

pc: Mr. Todd F. Lawson



**The Government Finance Officers Association
of the United States and Canada**

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Finance Department
Sussex County, Delaware



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Date June 23, 2014

FINANCE DEPARTMENT
ACCOUNTING DIVISION

ANDREA M. WALL
MANAGER
awall@sussexcountyde.gov



Sussex County

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MEMORANDUM

TO: The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable Joan R. Deaver
The Honorable George B. Cole
The Honorable Vance C. Phillips

FROM: Andrea Wall, Manager of Accounting

DATE: July 17, 2014

RE: Federal Payments in Lieu of Taxes

A check in the amount of \$38,898 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2013. This is the same amount as last year.

The amount is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment. This check is funded through revenues generated from the Prime Hook National Wildlife Refuge and from a supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose.

The County does not collect property taxes from the Federal Government for the Prime Hook National Wildlife Refuge. In return, the Federal Government gives the County this payment in lieu of taxes. In the past, these funds have been allocated in the same percentage as the other County tax collections. The attached spreadsheet shows the recommended allocation of these funds based on assessed value of the Prime Hook Refuge. I will be presenting this allocation for Council's authorization on July 22, 2014.

Please feel free to call me if you have any questions.

TAXING AUTHORITY	TAX RATE	% OF TOTAL	GRANT AMOUNT	
MILFORD SCHOOL DISTRICT				
Sussex County	0.3983%	9.5014%	\$853.38	\$8,981.54
Library	0.0467%	1.1140%	\$100.05	
Sussex Tech	0.2811%	6.7056%	\$602.27	
Milford School	3.4659%	82.6789%	\$7,425.84	
	4.1920%	100.0000%	\$8,981.54	
CAPE HENLOPEN DISTRICT				
Sussex County	0.3983%	10.7559%	\$3,217.78	\$29,916.45
Library	0.0467%	1.2611%	\$377.28	
Sussex Tech	0.2811%	7.5909%	\$2,270.94	
Cape School District	2.9770%	80.3921%	\$24,050.47	
	3.7031%	100.0000%	\$29,916.45	<u>\$38,898.00</u>
SUMMARY				
Sussex County			\$4,071.16	
Library			\$477.32	
Vocational School			\$2,873.21	
Milford School			\$7,425.84	
Cape School District			\$24,050.47	
			<u>\$38,898.00</u>	

NOTE:

Per Chris Keeler, Director of Assessment, 23.09% of the Primehook National Wildlife Refuge land assessed value in Sussex County is within the Milford School District and 76.91% is within the Cape Henlopen School District. Appropriate shares have been determined based on these percentages

A deposit from US Dept of Interior for \$38,898 was deposited to the general fund on 7/9/2014

CHANGE ORDER

SUSSEX COUNTY CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

- | | | |
|----|--|----------------------|
| 1. | Project Name: CONCRETE APRON REPAIRS, PHASE 2 | |
| 2. | Sussex County Contract No. | <u>13-13</u> |
| 3. | Change Order No. | <u>1</u> |
| 4. | Date Change Order Initiated - | <u>6/19/14</u> |
| 5. | a. Original Contract Sum | <u>\$ 170,245.00</u> |
| | b. Net Change by Previous
Change Orders | <u>-0-</u> |
| | c. Contract Sum Prior to
Change Order | <u>\$ 170,245.00</u> |
| | d. Requested Change | <u>- \$ 5,045.35</u> |
| | e. Net Change (No. of days) | <u>-0-</u> |
| | f. New Contract Amount | <u>\$ 165,199.65</u> |
| 6. | Contact Person <u>Michael A. Izzo, P.E.</u> | |
| | Telephone No. <u>(302) 855-7718</u> | |

B. REASON(S) FOR CHANGE ORDER

- 1. Differing Site Conditions
- 2. Errors and Omissions in Construction
Drawings and Specifications
- 3. Changes Instituted by Regulatory
Requirements
- 4. Design Change
- 5. Overrun/Underrun in Quantity

CHANGE ORDER

6. Factors Affecting Time of Completion

7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Balancing change order to adjust bid quantities to actual final quantities incorporated into the project. Added Catch Basin repair item.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?:

Yes _____ No _____

E. APPROVALS

1. *Perry K Mitten Sr* *3 July 2014*
Mitten Construction Co. Date

2. _____
County Engineer Date

CONCRETE APRON REPAIRS, PHASE 2
 CONTRACT NO. 13-13
 MITTEN CONSTRUCTION CO.

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	CONTRACT UNIT PRICE	CONTRACT TOTAL VALUE	FINAL UNIT QUANTITY	FINAL TOTAL VALUE	OVER/UNDER AMOUNT
Part A: Quantity Adjustments								
P-152-A	Undercut Excavation	CY	50	\$ 30.00	\$ 1,500.00	0	\$ -	(1,500.00)
P-152B	Borrow, Type C	CY	50	\$ 30.00	\$ 1,500.00	0	\$ -	(1,500.00)
P-156	Erosion & Sediment Control	LS	1	\$ 250.00	\$ 250.00	1	\$ 250.00	0.00
P-620	Runway and Taxiway Painting	SF	1000	\$ 1.00	\$ 1,000.00	866	\$ 866.00	(134.00)
M-361A	Crack Sealing	LF	1500	\$ 4.85	\$ 7,275.00	1118	\$ 5,422.30	(1,852.70)
M-361B	Joint Sealing	LF	8100	\$ 4.70	\$ 38,070.00	8673	\$ 40,763.10	2,693.10
M-564A	Type 1 Patching Rigid Pavement	SY	730	\$ 140.00	\$ 102,200.00	774.61	\$ 108,445.40	6,245.40
M-564B	Type 1A Patching Rigid Pavement	SY	50	\$ 165.00	\$ 8,250.00	21.29	\$ 3,512.85	(4,737.15)
M-564C	Portland Cement Concrete	SYIN	1200	\$ 4.00	\$ 4,800.00	0	\$ -	(4,800.00)
X-101	Aircraft Tie-down Anchors	EA	5	\$ 60.00	\$ 300.00	9	\$ 540.00	240.00
X-102	DEL DOT # 57 Stone	TON	10	\$ 40.00	\$ 400.00	0	\$ -	(400.00)
M-110	MAINTENANCE	LS	1	\$ 2,900.00	\$ 2,900.00	1	\$ 2,900.00	0.00
M-120	MOBILIZATION	LS	1	\$ 1,800.00	\$ 1,800.00	1	\$ 1,800.00	0.00
TOTAL VALUE					\$ 170,245.00		\$ 164,499.65	(\$5,745.35)
Part B: Added Items								
C O # 1	Repair Catch Basin	EA		\$ 700.00		1	\$ 700.00	
TOTAL PROJECT FINAL VALUE							\$ 165,199.65	

CHANGE ORDER

SUSSEX COUNTY CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: **LOCHWOOD SUBDIVISION**
2. Sussex County Contract No. 12-21
3. Change Order No. 1
4. Date Change Order Initiated - 6/5/14
5.
 - a. Original Contract Sum \$ 693,351.00
 - b. Net Change by Previous Change Orders -0-
 - c. Contract Sum Prior to Change Order \$ 693,351.00
 - d. Requested Change - \$ 78,682.11
 - e. Net Change (No. of days) -8-
 - f. New Contract Amount \$ 614,668.89
6. Contact Person Michael A. Izzo, P.E.
Telephone No. (302) 855-7718

B. REASON(S) FOR CHANGE ORDER

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

Lochwood Subdivision
Sussex County Project No. 12-21
Chapter 96-Sussex Community Improvement Project

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	CONTRACT UNIT PRICE	CONTRACT TOTAL VALUE	FINAL UNIT QUANTITIES	FINAL TOTAL VALUE	OVER/UNDER
Part A: Quantity Adjustments								
1	Clearing & Grubbing	LS	1	\$ 4,000.00	\$ 4,000.00	1.00	\$ 4,000.00	\$0.00
2	Excavation & Embankment	LS	1	\$ 37,896.00	\$ 37,896.00	1.00	\$ 37,896.00	\$0.00
3	Borrow, Type C	CY	30	\$ 50.00	\$ 1,500.00	0.00	\$ -	(\$1,500.00)
4	Undercut Excavation	CY	30	\$ 50.00	\$ 1,500.00	0.00	\$ -	(\$1,500.00)
5	Erosion & Sediment Control	LS	1	\$ 3,000.00	\$ 3,000.00	1.00	\$ 3,000.00	\$0.00
6	R-4 Rip Rap	SY	10	\$ 200.00	\$ 2,000.00	9.00	\$ 1,800.00	(\$200.00)
7	Graded Aggregate Base Course, Ty B	Ton	350	\$ 35.00	\$ 12,250.00	342.32	\$ 11,981.20	(\$268.80)
8	GABC, Ty B, Patching	SYIN	200	\$ 1.75	\$ 350.00	0.00	\$ -	(\$350.00)
9	WMA, SP Ty B Patching	SYIN	300	\$ 17.00	\$ 5,100.00	0.00	\$ -	(\$5,100.00)
10	WMA, SP B or C, Wedge/Level	Ton	3000	\$ 71.40	\$ 214,200.00	2447.30	\$ 174,737.22	(\$39,462.78)
11	WMA, SP, Ty C	Ton	3700	\$ 71.40	\$ 264,180.00	3644.87	\$ 260,243.72	(\$3,936.28)
12	Remove Speed Bumps	EA	10	\$ 150.00	\$ 1,500.00	10.00	\$ 1,500.00	\$0.00
13	Hot Mix Patching	SYIN	300	\$ 6.00	\$ 1,800.00	0.00	\$ -	(\$1,800.00)
14	PCC Valley Gutter	SF	150	\$ 40.00	\$ 6,000.00	135.00	\$ 5,400.00	(\$600.00)
15	PCC (Stipulated Price)	CY	3	\$ 350.00	\$ 1,050.00	0.00	\$ -	(\$1,050.00)
16	Swale Regrading	LF	2900	\$ 5.70	\$ 16,530.00	1348.00	\$ 7,683.60	(\$8,846.40)
17	Topsoil	SY	11400	\$ 2.15	\$ 24,510.00	5943.00	\$ 12,777.45	(\$11,732.55)
18	Seeding	SY	11400	\$ 0.42	\$ 4,788.00	5943.00	\$ 2,496.06	(\$2,291.94)
19	Mulching	SY	11400	\$ 0.23	\$ 2,622.00	5943.00	\$ 1,366.89	(\$1,255.11)
20	Soil Stabilization Matting	SY	700	\$ 1.75	\$ 1,225.00	495.00	\$ 866.25	(\$358.75)
21	Adjust Water Valve boxes	EA	17	\$ 200.00	\$ 3,400.00	8.00	\$ 1,600.00	(\$1,800.00)
22	Butt Joints	SY	600	\$ 5.00	\$ 3,000.00	391.70	\$ 1,958.50	(\$1,041.50)
23	Saw cut Hot Mix	LF	250	\$ 6.00	\$ 1,500.00	190.00	\$ 1,140.00	(\$360.00)
24	Saw cut Concrete	LF	150	\$ 6.00	\$ 900.00	140.00	\$ 840.00	(\$60.00)
25	MAINTENANCE	LS	1	\$ 14,500.00	\$ 14,500.00	1.00	\$ 14,500.00	\$0.00
26	MOBILIZATION	LS	1	\$ 30,000.00	\$ 30,000.00	1.00	\$ 30,000.00	\$0.00
	Total Base Bid				\$ 659,301.00		\$ 575,786.89	(\$83,514.11)
A-1	New Speed Bumps	LF	200	\$ 20.00	\$ 4,000.00	0.00	\$ -	(\$4,000.00)
A-2	R&R Valley Gutters	SF	720	\$ 40.00	\$ 28,800.00	759.80	\$ 30,392.00	\$1,592.00
A-3	Painting Symbol/Legend	SF	250	\$ 5.00	\$ 1,250.00	210.00	\$ 1,050.00	(\$200.00)
	Total Add Alternates				\$ 34,050.00		\$ 31,442.00	(\$2,608.00)
	TOTAL VALUE				\$ 693,351.00		\$ 607,228.89	(\$86,122.11)
Part B: Added Items								
CO # 1	Driveway Pipes	EA		\$ 1,240.00		6	\$ 7,440.00	
	TOTAL PROJECT FINAL VALUE						\$ 614,668.89	



November 8, 2013

Sussex County Engineering
2 The Circle
Georgetown, DE 19947
Attn: Bob Jones

**RE: Contract Time Extension Request
Lochwood Subdivision
Sussex County Project 12-21**

Dear Bob,

Jerry's Inc. hereby requests an extension of contract time to Friday November 22, 2013. The factors that contributed to the delays in the work included the following:

1. Layout: 2 days

There is a discrepancy in grades between what is shown in the construction documents and what was found in the field. The time involved in meeting onsite with the County, Jerry's Inc., and Atlantic Surveying and determining the corrective measure caused delay at the start of the project.

2. Existing Shallow Verizon Utilities: 4 days

The Verizon utilities were only a few inches below the existing grade in a substantial portion of the swale regrading areas. Our site work subcontractor had to grade the swales by hand, which caused a significant loss of production. At this point, Jerry's Inc. has not pursued monetary compensation for this item in the spirit of maintaining an effective "give and take" relationship with Sussex County.

3. Driveway Culvert Pipes: 2 days

Furnishing and installing five (5) driveway pipes were added to the scope of work. This added time in preparing the site prior to paving.

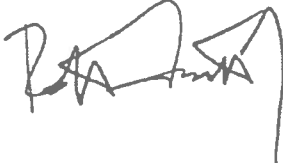
4. Weather: 7 days

There were an unusually high number of rain days during the contract period that Jerry's Inc.'s work was either stopped or canceled altogether. As per the NOAA weather data, the precipitation for Lewes, DE for the month of October was approximately double the normal for the period.

These items contributed to delays that were beyond our control. We have our subcontractors scheduled to finish the three (3) remaining items to achieve substantial completion by Thursday November 14, 2013. If there is additional inclement weather next week which is shown in the forecast, we will complete the items at the first opportunity that conditions are favorable.

Thank you for considering our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Faucett', with a stylized, sweeping flourish at the end.

Rob Faucett, Estimator/PM
Jerry's Inc.

OLD BUSINESS

July 22, 2014

This is to certify that on April 24, 2014 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:
COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

The applications are referenced as combined since the Planning and Zoning Commission held one public hearing on the combined applications. The Planning and Zoning Commission made separate decisions on the applications.

Change of Zone #1746 – Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to amend Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District to a MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 9.45 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of).

Change of Zone #1747 - Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to amend Comprehensive Zoning Map of Sussex County from a MR Medium Density Residential District to a MR-RPC Medium Density Residential – Residential Planned Community to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 17.80 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of).

Conditional Use #1986 - Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 11.56 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 Part of).

The Commission found that the Applicants provided an Exhibit Booklet on February 3, 2014 for review and consideration, and that the Booklet contains references to the Consulting Team; an application letter referencing the applications; copies of the application forms, copies of checks for payment of fees; a copy of the deed to the property; surveys and legal descriptions; preliminary site plans and zoning density plans; an Environmental Assessment and Public Facility Evaluation Report and Plan; Preliminary Land Use Service (PLUS) comments and responses; considerations and responses to Subdivision Code Section 99-9C; supporting documents; copy of the approved "Seasons at Bethany" site plan for the same site; a DeIDOT letter, dated January 6, 2014, with attached Support Facility Report, Service Level Evaluation Request, and traffic signal agreement; a letter from Sussex Shores Water Company; a letter from U.S. Army Corps. of Engineers; and a draft set of Restrictive Covenants.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on all three applications on April 23, 2014 referencing that the project site is located in a County operated and maintained Sanitary Sewer District, the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available for the proposed 45 single family lots and 30 multi-family units; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,935.00 per EDU (Equivalent Dwelling Unit); that the parcel has been served with one 8-inch stub located along the parcel's frontage on Cedar Neck Road and a sewer connection point is available at the southern property line of the County's pump station located on the north side of parcel 21; that conformity to the South Coastal Area Planning Study, 2005 Update, will be required; that connection to the sewer system will be mandatory; that the proposed project of 75 residential units is within system design assumptions; that the County requires design and construction of an on-site collection system to meet County Engineering Department requirements and procedures; that system connection charges will apply; and that a concept plan is required.

Mr. Lank advised the Commission that the Technical Advisory Committee comments received on or before March 24, 2014 are a part of the record and are the same or similar to the comments received in the PLUS report.

Mr. Lank advised the Commission that the Department has received 46 letters and emails in opposition to these applications and that a large number of these letters and emails make reference to opposition to a proposed campground and waterpark, which is not a part of these applications. Mr. Lank provided the Commission with copies of all of the letters and emails for their review and consideration.

Mr. Lank added that the applications include a downzoning from C-1 General Commercial to MR Medium Density Residential, a rezoning from MR Medium Density Residential to MR-RPC Medium Density Residential – Residential Planned Community for 45 single family detached dwelling lots, and a Conditional Use for multi-family use for 30 single-family attached dwelling units within ten (10) buildings.

The Commission found that Todd Burbage, a Principal in Castaways Bethany Beach, LLC, was present with James Fuqua, Jr., Esquire with Fuqua, Yori & Willard, P.A. and Jeff Clark of Land Tech Land Planning, LLC and that they stated in their presentations and in response to questions raised by the Commission that a recent news article in a local newspaper may have created some undue concerns to the area residents since the article referenced that a campground and waterpark were still proposed, when in actuality they were not proposed and that the developers are proposing only 75 residential units; that the 75 proposed units consist of 45 single family dwelling lots and 30 townhouse units; that the applications include a downzoning from C-1 General Commercial to MR Medium Density Residential, a rezoning from MR Medium Density Residential to MR-RPC Medium Density Residential – Residential Planned Community, and a Conditional Use for 30 townhouse type units; that to the east of the site is State lands with Federal and State wetlands; that to the north is a residential subdivision, The Reservation; that to the south is a C-1 General Commercial zoned mini-storage facility; that to the west is Cedar Neck Road and Hockers G & E general store; that the parcel contains 29.26 acres of land which currently is zoned C-1 General Commercial (1/3 of the site) and MR Medium Density Residential (2/3 of the site); that the site currently has a valid Conditional Use (C/U #1488) approved for 143 multi-family units; that the economic downturn impacted that proposal; that in July 2012 the Applicants filed an application for an RV campground and waterpark which included additional lands, including the adjacent mini-storage; that the mini-storage site is not now a part of this new application; that the Commission and the County Council both held public hearings on the RV campground and waterpark; that the Commission recommended denial of the request; that the Applicants withdrew the application for the RV campground and waterpark prior to the County Council taking any action in December 2012; that the proposed application should be consistent with the current development trend of the area; that approval of C/Z #1746 will reduce the permitted density from 12 units per acre to 4 units per acre; that Conditional Use #1986 will permit 30 single family townhouse units; that C/Z #1747 will permit 45 single family detached dwelling lots; that the applications are in accordance with the Sussex County Comprehensive Plan since they are located within an Environmentally Sensitive Developing Area, a growth area, which permits housing types of single family detached dwellings, townhouses, and multi-family units; that central sewer will be provided by the County; that central water will be provided by Sussex Shores Water Company; that a traffic impact study was not required by DelDOT since the project has been reduced to 1/2 of the original density; that the developer will comply with all of DelDOT entrance and roadway improvement requirements; that wetlands will not be disturbed; that the U.S. Army Corps of Engineers have approved the established wetlands boundaries; that the site plan depicts the lots and units, a pool facility, sidewalks, and street lighting; that the townhouses are designed with courtyard areas; that access to all lots shall be from internal streets and driveways; that the minimum lot size is 7,500 square feet with 60 feet minimum width; that the streets will have curb and gutter; that a minimum of two parking spaces will be provided for each unit with some overflow parking areas for guests; that evergreen and deciduous plantings will be included in the

landscaping plan with some berms; that the stormwater management facilities will include green technologies and designs including bio-retention, swales, and filter strips; that the central water system will include provisions for potable water and fire protection; that a County regional pump station is adjacent to Territory Trail, a street in The Reservations subdivision; that there are no records of any endangered or protected rare plant or animal species on the site; that all utilities will be provided; that TAB 6 of the Exhibit Booklet contains references to Subdivision Code 99-9C; that creating 45 single family dwellings and 30 townhouses is consistent with the Comprehensive Plan and consistent with and provides a response to the objections to the previous campground and waterpark applications, eliminates a C-1 General Commercial zoned parcel, and reduces the density from 143 residential units to 75 residential units, a reduction of 68 units; that the existing graded streets on the site are being totally revised based on the proposed site plan; that the stormwater management design has emergency outfalls that will be subject to agency approvals; that there are no open ponds proposed; that sidewalks are planned throughout the project; that all streets are curb and gutter with sidewalks on one side; that the traffic signal agreement has some history back to the original Conditional Use #1488 approved in 2003; that a 20 foot wide strip along Cedar Neck Road has already been dedicated to public use; and that there are no commercial activities proposed in this project.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Fact and suggested proposed Conditions of Approval for the Commission's consideration.

The Commission found that there were no parties present to speak in support of or in opposition to these applications.

At the conclusion of the public hearings on April 24, 2014 the Commission discussed these applications.

There was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action on C/Z #1746. Motion carried 5 – 0.

There was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action on C/Z #1747. Motion carried 5 – 0.

There was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action on C/U #1986. Motion carried 5 – 0.

On May 22, 2014 the Commission discussed these applications under Old Business.

The Commission recommendations that follow relate to each application individually.

Change of Zone #1746 – Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to amend Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District to a MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 9.45 acres, more or less, land lying east of Cedar Neck Road (Road 357)

across from Sandy Cove Road (Road 358) and being north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of).

The Commission discussed this application which has been deferred since April 24, 2014.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1746 for Castaways Bethany Beach, LLC for a change of zone from C-1 General Commercial to MR Medium Density Residential based upon the record made during the public hearing and for the following reasons:

- 1) This is a “down zoning” resulting in a significant reduction in the type of permitted uses for the land. The permitted residential density is also much lower under the MR zoning classification than it was under C-1 zoning, which permits up to 12 residential units per acre.
- 2) The rezoning is necessary for the Applicant to achieve MR zoning across the entire parcel so that a uniform development plan with a Residential Planned Community overlay can be achieved.
- 3) The rezoning will not adversely affect nearby uses or properties.
- 4) The rezoning will be consistent with other area zoning classifications and uses, which do include GR and MR zoned properties.
- 5) The site is located in the Environmentally Sensitive Developing Area under the County Code and the County Comprehensive Land Use Plan. The rezoning to MR is consistent with the purposes and goals of this area, and permitted housing types include single family, townhouse and multi-family type units.
- 6) MR zoning is appropriate since the site will be served by central water and it is a part of an existing Sussex County Sewer District.
- 7) The rezoning is consistent with the stated purposes of the MR zone.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons stated. Motion carried 5 – 0.

Change of Zone #1747 – Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to amend Comprehensive Zoning Map of Sussex County from a MR Medium Density Residential District to a MR/RPC Medium Density Residential District – Residential Planned Community to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 17.80 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of).

The Commission discussed this application which has been deferred since April 24, 2014.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1747 for Castaways Bethany Beach, LLC for a MR/RPC Medium Density Residential – Residential Planned Community based on the record made during the public hearing and for the following reasons:

- 1) The RPC permits the development of 45 single family lots to be part of a mixed use residential development.
- 2) The site currently is approved for 143 residential units. The total number of lots and units for the entire project will be limited to 75. This is a significant reduction in density.
- 3) The RPC designation will allow the development of this property in a way that is consistent with nearby communities.
- 4) The proposed MR/RPC project meets the purpose of the Zoning Ordinance by promoting the orderly growth of the County. It is also in the Environmentally Sensitive Developing District according to the Comprehensive Land Use Plan. This type of RPC residential use is permitted under this designation.
- 5) With the conditions placed upon this project, the RPC designation is appropriate for this parcel, since the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity while protecting existing and future uses.
- 6) The RPC will be served by central water and Sussex County sewer.
- 7) This recommendation is, however, subject to the following conditions:
 - A. There shall be no more than 45 lots within the RPC.
 - B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
 - D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 - F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - G. A 20 foot forested Agricultural buffer shall be shown along the perimeter of the entire residential development, including the area covered by Conditional Use #1986. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
 - H. No wetlands shall be included within any lots.
 - I. The subdivision shall be served by Sussex County sewer.
 - J. As proffered by the Applicant, the developer shall construct all of the recreational amenities no later than the issuance of the 50th residential building permit for the entire project, including Conditional Use #1986.
 - K. Construction, site work, grading and deliveries of construction materials, landscaping materials and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m.
 - L. This Preliminary Approval is contingent upon the Applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it.

The Staff shall approve the revised Plan upon confirmation that the Conditions of Approval have been depicted or noted on it.

- M. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

Conditional Use #1986 – Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 11.56 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of)).

The Commission discussed this application which has been deferred since April 24, 2014.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 1986 for Castaways Bethany Beach, LLC for Multi-Family Dwelling Structures based on the record made during the public hearing and for the following reasons:

- 1) This Conditional Use permits the development of 30 multi-family units to be part of a mixed use residential development.
- 2) The site currently is approved for 143 residential units. The total number of lots and units for the entire project will be limited to 75. This is a significant reduction in density.
- 3) The Conditional Use will allow the development of this property in a way that is consistent with nearby residential communities and it is consistent with the prior approvals for multi-family units on this parcel.
- 4) The Conditional Use will be served by central water and Sussex County sewer.
- 5) The Conditional Use will not adversely affect adjacent properties, roadways or other public facilities.
- 6) This recommendation is, however, subject to the following conditions:
 - A. There shall be no more than 30 units within the Conditional Use area.
 - B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
 - D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.

- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire residential development, including the area covered by Change of Zone #1747 for the RPC portion of the development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
- H. The project shall be served by Sussex County sewer.
- I. As proffered by the Applicant, the developer shall construct all of the recreational amenities no later than the issuance of the 50th residential building permit for the entire project, including the RPC portion of the development covered by C/Z #1747.
- J. Construction, site work, grading and deliveries of construction materials, landscaping materials and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m.
- K. This Preliminary Approval is contingent upon the Applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. The Staff shall approve the revised Plan upon confirmation that the Conditions of Approval have been depicted or noted on it.
- L. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

911 Address: Unavailable due to multiple numbers.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.45 ACRES, MORE OR LESS (Tax Map I.D. No. 134-9.00-21.00) (part of)

WHEREAS, on the 3rd day of February 2014, a zoning application, denominated Change of Zone No. 1746 was filed on behalf of Castaways Bethany Beach, LLC; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1746 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [C-1 General Commercial District] and adding in lieu thereof the designation MR Medium Density Residential District as it applies to the property hereinafter described.

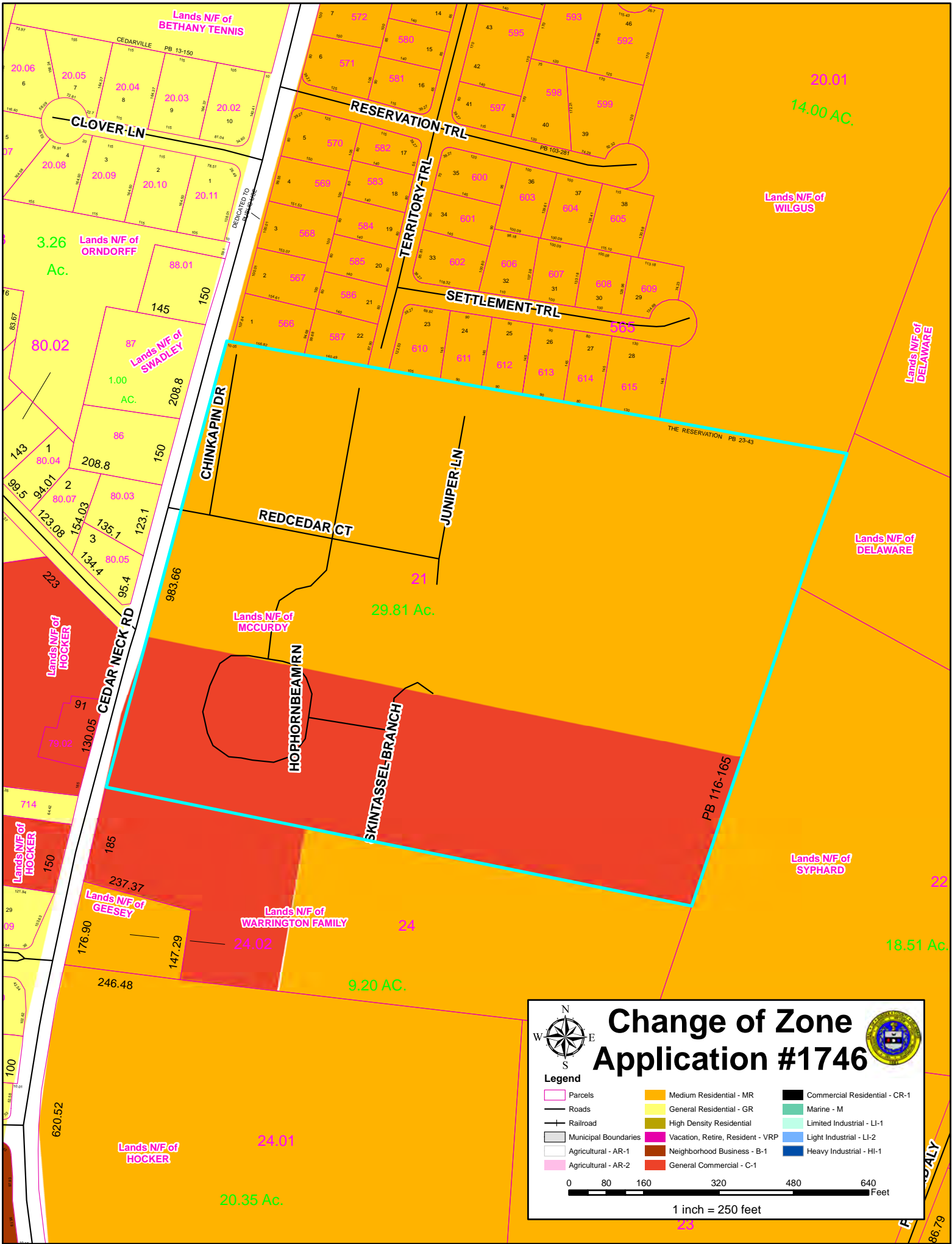
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View and being more particularly described per the attached legal description prepared by Land Tech Land Planning, LLC, said parcel containing 9.45 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

THE PRESERVE AT CEDAR PINES
EXISTING C-1 (GENERAL COMMERCIAL)
PROPOSED REZONING TO MR
(MEDIUM DENSITY RESIDENTIAL)

BEGINNING at a point located on the easterly Right of Way of County Road 357 (Cedar Neck Road), said point being a corner for this parcel and lands N/F Bethany Mini Storage, LLC; thence by and with the easterly Right of Way of County Road 357 (Cedar Neck Road) North 15°10'23" East a distance of 326.16 feet to a point; thence by and with other lands of Castaways Bethany Beach, LLC South 79°59'53" East a distance of 1,277.78 feet to a point; thence by and with lands N/F James E. Syphard, Jr., South 19°05'37" West a distance of 329.53 feet to a point; thence by and with lands N/F Bethany Mini Storage, LLC, North 79°58'21" West a distance of 1,255.10 feet to the Point of Beginning.



20.01
14.00 AC.

Lands N/F of
WILGUS

3.26
Ac.
Lands N/F of
ORNDORFF

87
Lands N/F of
SWADLEY

Lands N/F of
DELAWARE

29.81 AC.

Lands N/F of
MCCURDY

Lands N/F of
SYPHARD

18.51 AC.

Lands N/F of
WARRINGTON FAMILY

9.20 AC.

Lands N/F of
HOCKER

20.35 AC.

Change of Zone Application #1746

Legend

Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	

1 inch = 250 feet

Lands N/F of
DELAWARE

22

Lands N/F of
SWADLEY

86.79



Change of Zone Application #1746

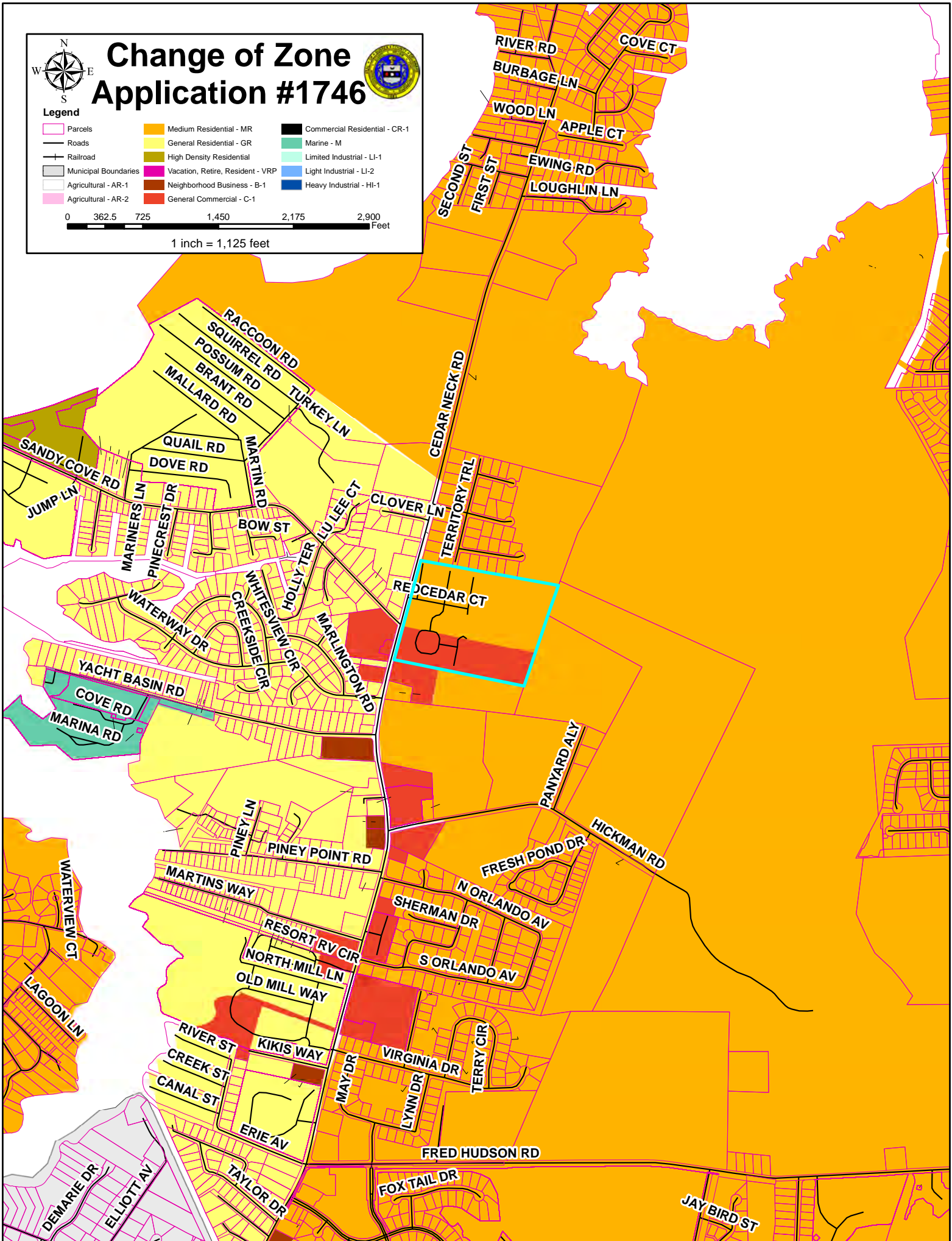


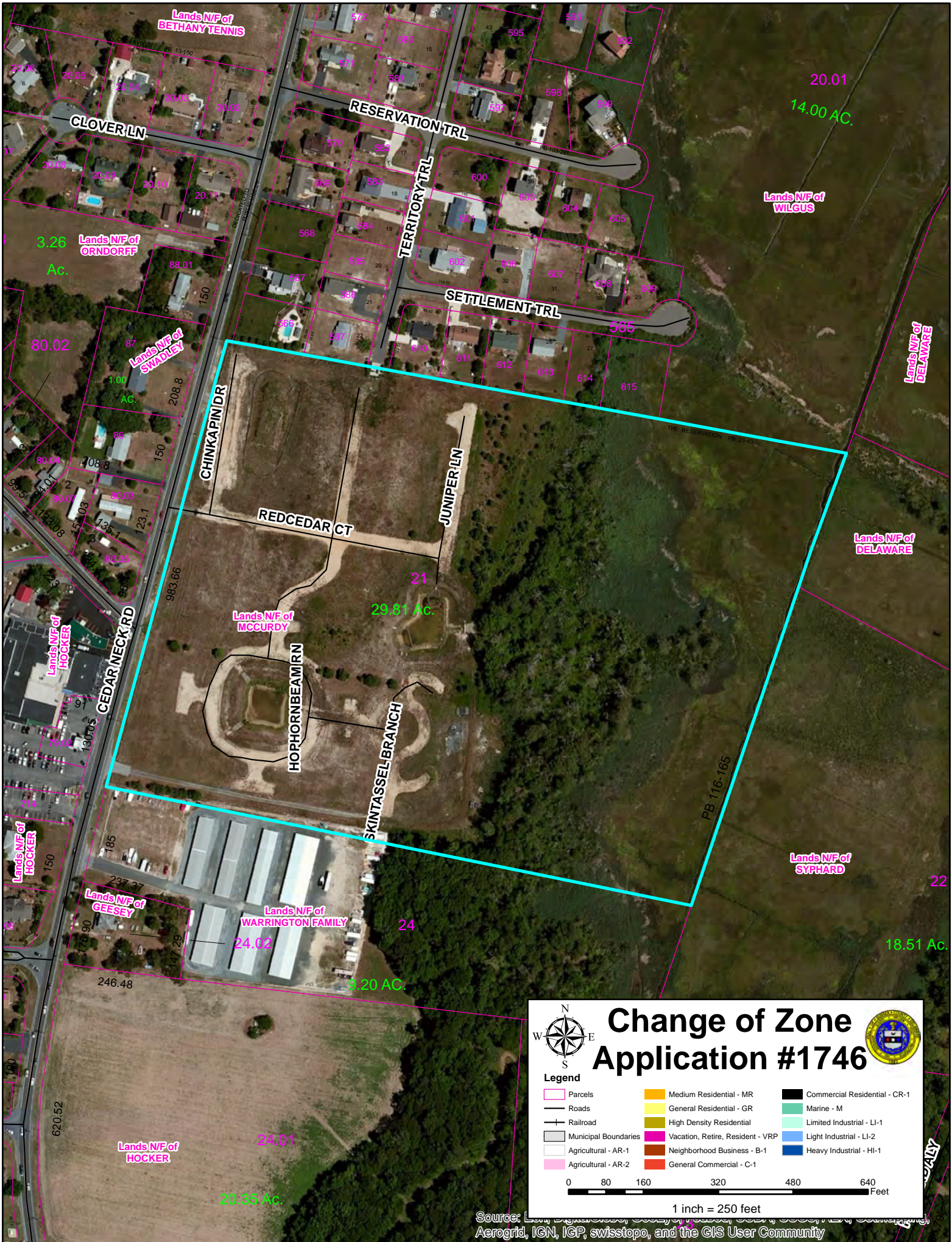
Legend

- | | | |
|----------------------|----------------------------------|-------------------------------|
| Parcels | Medium Residential - MR | Commercial Residential - CR-1 |
| Roads | General Residential - GR | Marine - M |
| Railroad | High Density Residential | Limited Industrial - LI-1 |
| Municipal Boundaries | Vacation, Retire, Resident - VRP | Light Industrial - LI-2 |
| Agricultural - AR-1 | Neighborhood Business - B-1 | Heavy Industrial - HI-1 |
| Agricultural - AR-2 | General Commercial - C-1 | |

0 362.5 725 1,450 2,175 2,900 Feet

1 inch = 1,125 feet



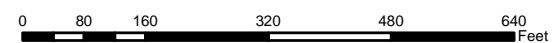


Change of Zone Application #1746



Legend

- Parcels
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



Source: LID, Esri, DeLorme, GeoEye, IGN, IGP, swisstopo, and the GIS User Community

911 Address: Unavailable due to multiple numbers.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17.80 ACRES, MORE OR LESS (Tax Map I.D. No. 134-9.00-21.00) (part of)

WHEREAS, on the 3rd day of February 2014, a zoning application, denominated Change of Zone No. 1747 was filed on behalf of Castaways Bethany Beach, LLC; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1747 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [MR Medium Density Residential District] and adding in lieu thereof the designation MR-RPC Medium Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

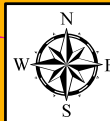
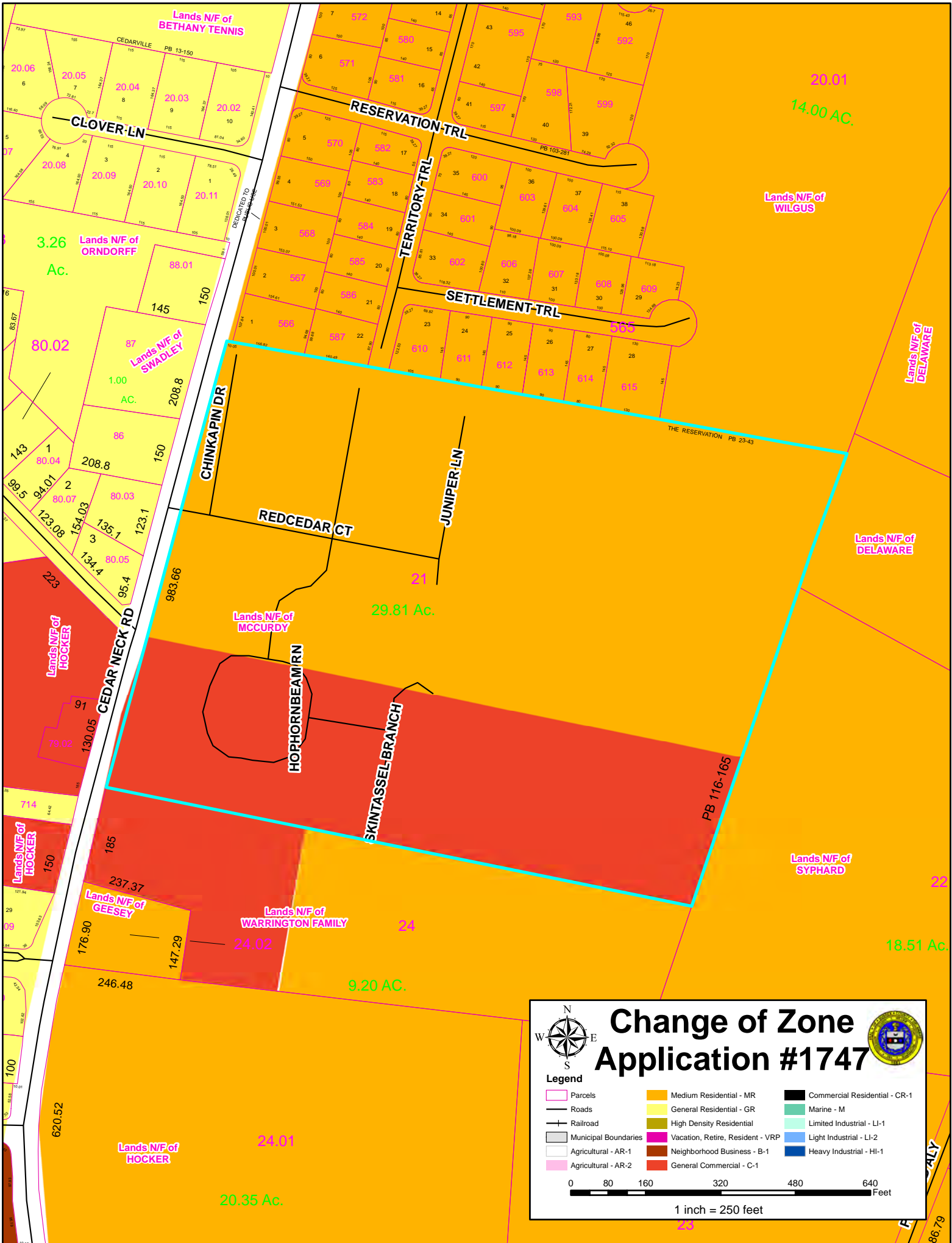
ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View and being more particularly described per the attached legal description prepared by Land Tech Land Planning, LLC, said parcel containing 17.80 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

THE PRESERVE AT CEDAR PINES

PROPOSED MR-RPC

BEGINNING at a point located on the easterly Right of Way of County Road 357 (Cedar Neck Road), said point being a corner for this parcel and lands N/F Bethany Mini Storage, LLC; thence by and with the easterly Right of Way of County Road 357 (Cedar Neck Road), North 15°10'23" East a distance of 326.16 feet to a point; thence North 15°09'08" East a distance of 92.42 feet to a point; thence by and with other lands of Castaways Bethany Beach, LLC, South 80°48'07" East a distance of 137.76 feet to a point; thence North 09°11'53" East a distance of 24.40 feet to a point; thence South 80°48'07" East a distance of 266.71 feet to a point; thence North 09°11'53" East a distance of 214.40 feet to a point; thence South 80°48'07" East a distance of 75.32 feet to a point; thence North 09°11'53" East a distance of 303.52 feet to a point; thence South 80°48'07" East a distance of 191.37 feet to a point; thence South 09°11'53" West a distance of 213.60 feet to a point; thence South 80°48'07" East a distance of 169.21 feet to a point; thence South 12°37'58" East a distance of 28.02 feet to a point; thence South 29°42'22" West a distance of 97.97 feet to a point; thence South 27°35'29" West a distance of 21.46 feet to a point; thence South 45°06'06" West a distance of 37.21 feet to a point; thence south 09°44'06" East a distance of 41.79 feet to a point; thence South 19°11'59" West a distance of 2.23 feet to a point; thence South 80°48'07" East a distance of 506.89 feet to a point; thence by and with lands N/F James E. Syphard, Jr., South 19°05'37" West a distance of 561.56 feet to a point; thence by and with lands N/F Bethany Mini Storage, LLC North 79°58'21" West a distance of 1,255.10 feet to the Point of Beginning, said parcel contains 17.80 acres of land, being the same more or less.

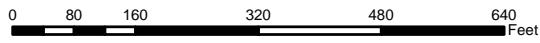


Change of Zone Application #1747



Legend

- Parcels
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



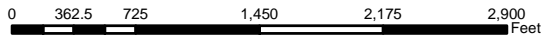


Change of Zone Application #1747

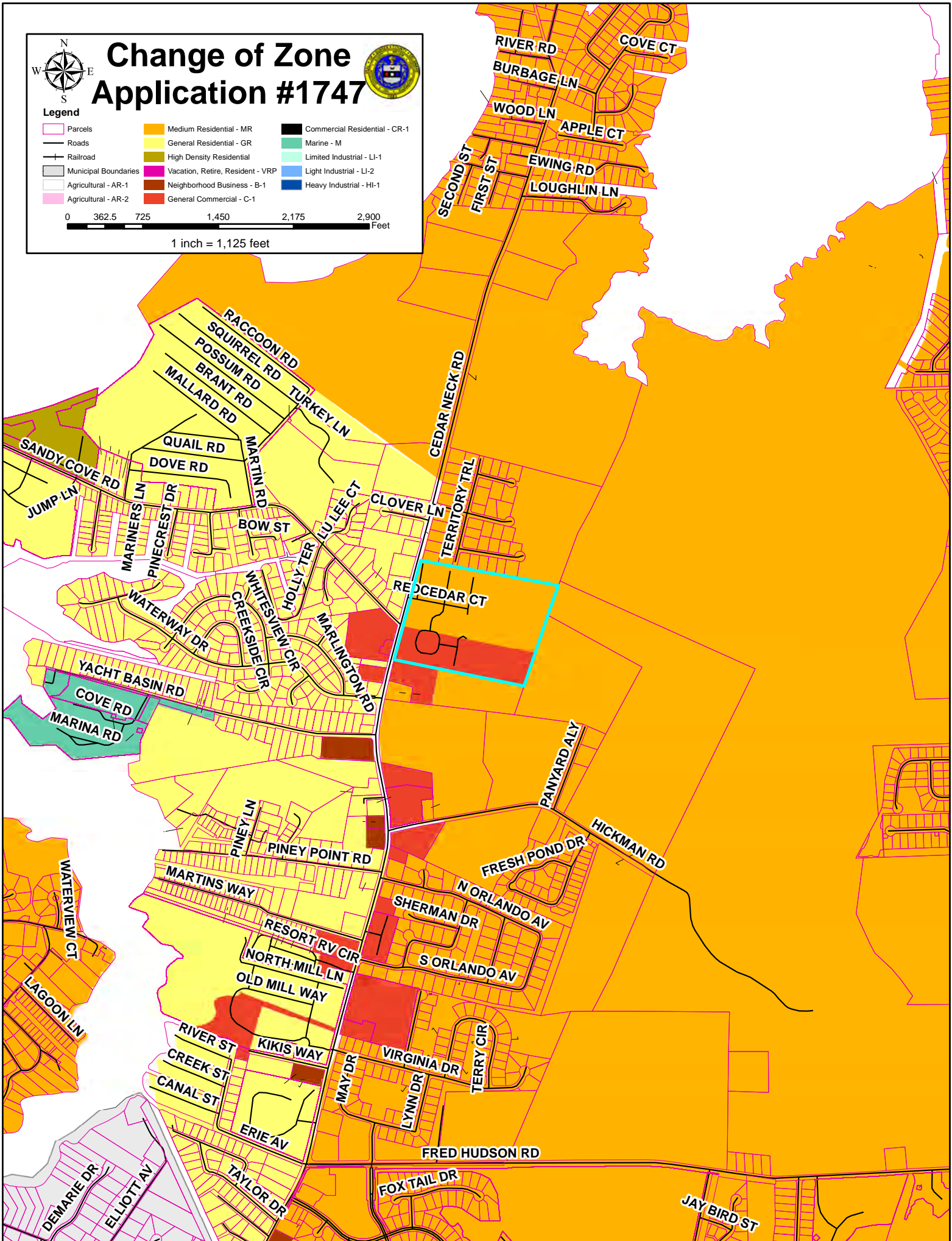


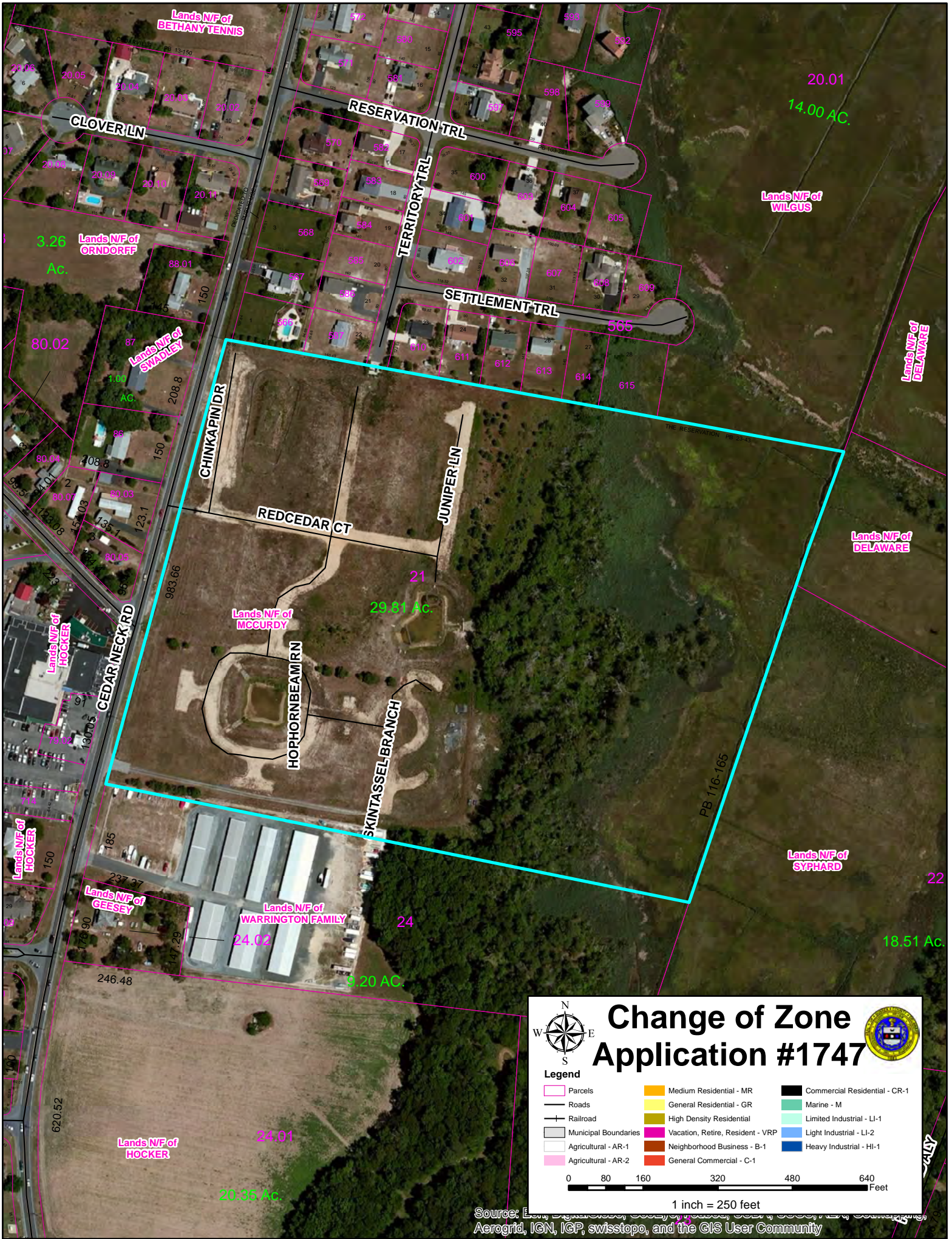
Legend

- Parcels
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



1 inch = 1,125 feet

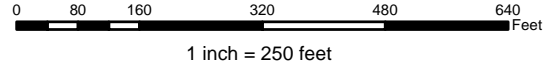




Change of Zone Application #1747



- Legend**
- Parcels
 - Roads
 - Railroad
 - Municipal Boundaries
 - Agricultural - AR-1
 - Agricultural - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - General Commercial - C-1
 - Commercial Residential - CR-1
 - Marine - M
 - Limited Industrial - LI-1
 - Light Industrial - LI-2
 - Heavy Industrial - HI-1



Source: Esri, DeLorme, GeoEye, IGN, IGP, swisstopo, and the GIS User Community

911 Address: Unavailable due to multiple numbers.

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.56 ACRES, MORE OR LESS (Tax Map I.D. 134-9.00-21.00) (Part of)

WHEREAS, on the 3rd day of February 2014, a conditional use application, denominated Conditional Use No. 1986 was filed on behalf of Castaways Bethany Beach, LLC; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1986 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1986 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

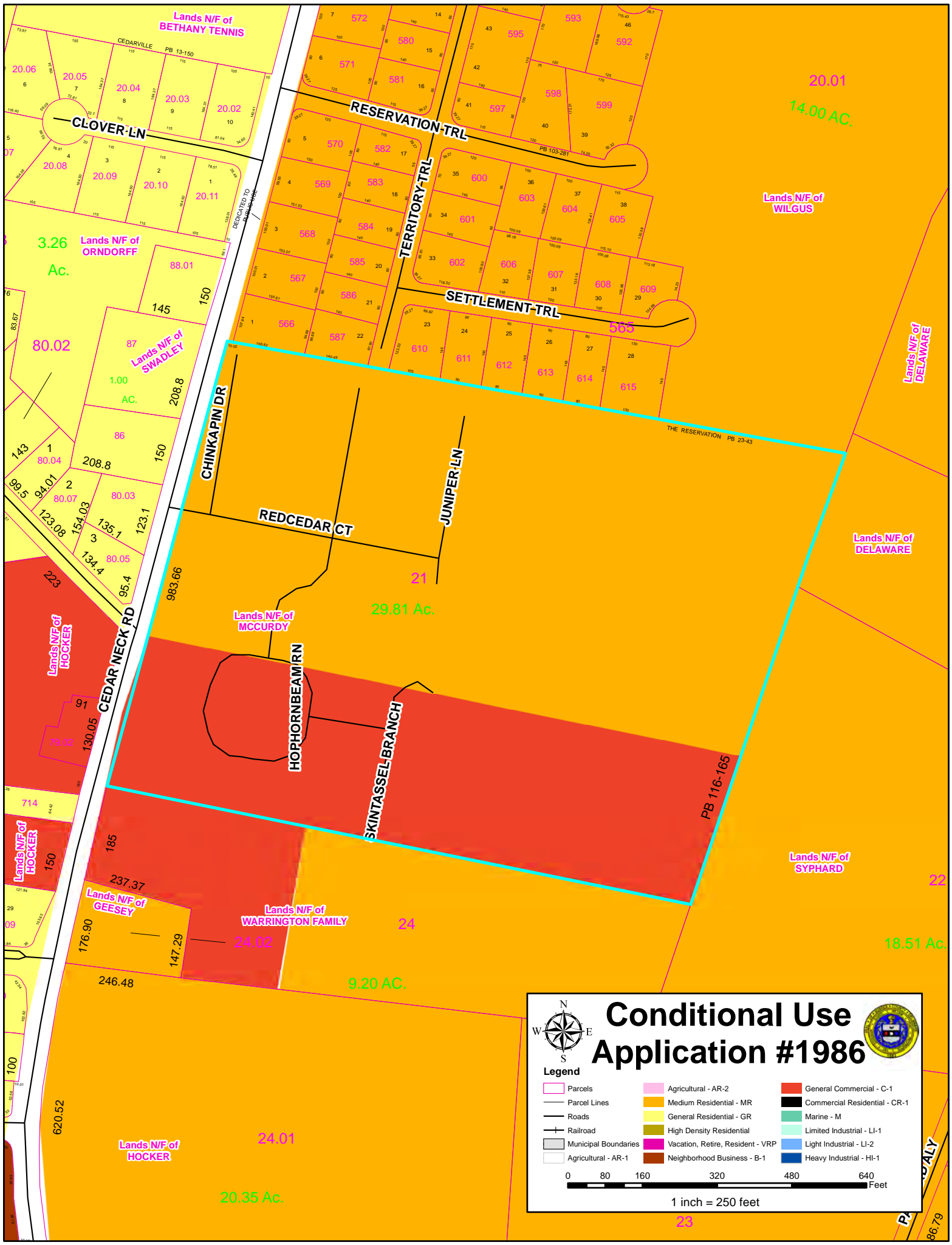
ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and north of Ocean View and being more particularly per the attached legal description prepared by Land Tech Planning, LLC, said parcel containing 11.56 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

THE PRESERVE AT CEDAR PINES

PROPOSED MR – MULTI-FAMILY

BEGINNING at a point located on the easterly Right of Way of County Road 357, (Cedar Neck Road), said point being a corner for this parcel and “The Reservation” subdivision; thence by and with “The Reservation” subdivision and lands N/F Wilgus Development, Corp., South 80°48’07” East a distance of 1,339.86 feet to a point; thence by and with lands N/F The State of Delaware South 18°39’50” West a distance of 61.86 feet to a point; thence South 21°39’50” West a distance of 300.00 feet to a point; thence by and with lands N/F James E. Syphard, Jr., South 19°05’37” West a distance of 91.01 feet to a point; thence by and with other lands of Castaways Bethany Beach, LLC, North 80°48’07” West a distance of 506.89 feet to a point; thence North 19°11’59” East a distance of 2.23 feet to a point; thence North 09°44’06” West a distance of 41.79 feet to a point; thence North 45°06’06” East a distance of 37.21 feet to a point; thence North 27°35’29” East a distance of 21.46 feet to a point; thence North 29°42’22” East a distance of 97.97 feet to a point; thence North 12°37’58” West a distance of 28.02 feet to a point; thence North 80°48’07” West a distance of 169.21 feet to a point; thence North 09°11’53” East a distance of 213.60 feet to a point; thence North 80°48’07” West a distance of 191.37 feet to a point; thence South 09°11’53” West a distance of 303.52 feet to a point; thence North 80°48’07” West a distance of 75.32 feet to a point; thence South 09°11’53” West a distance of 214.40 feet to a point; thence North 80°48’07” West a distance of 266.71 feet to a point; thence South 09°11’53” West a distance of 24.40 feet to a point; thence North 80°48’07” West a distance of 137.76 feet to a point; thence by and with the easterly Right of Way of County Road 357 (Cedar Neck Road), North 15°09’08” East a distance of 565.37 feet to the Point of Beginning, said parcel contains 11.56 acres of land, being the same more or less.



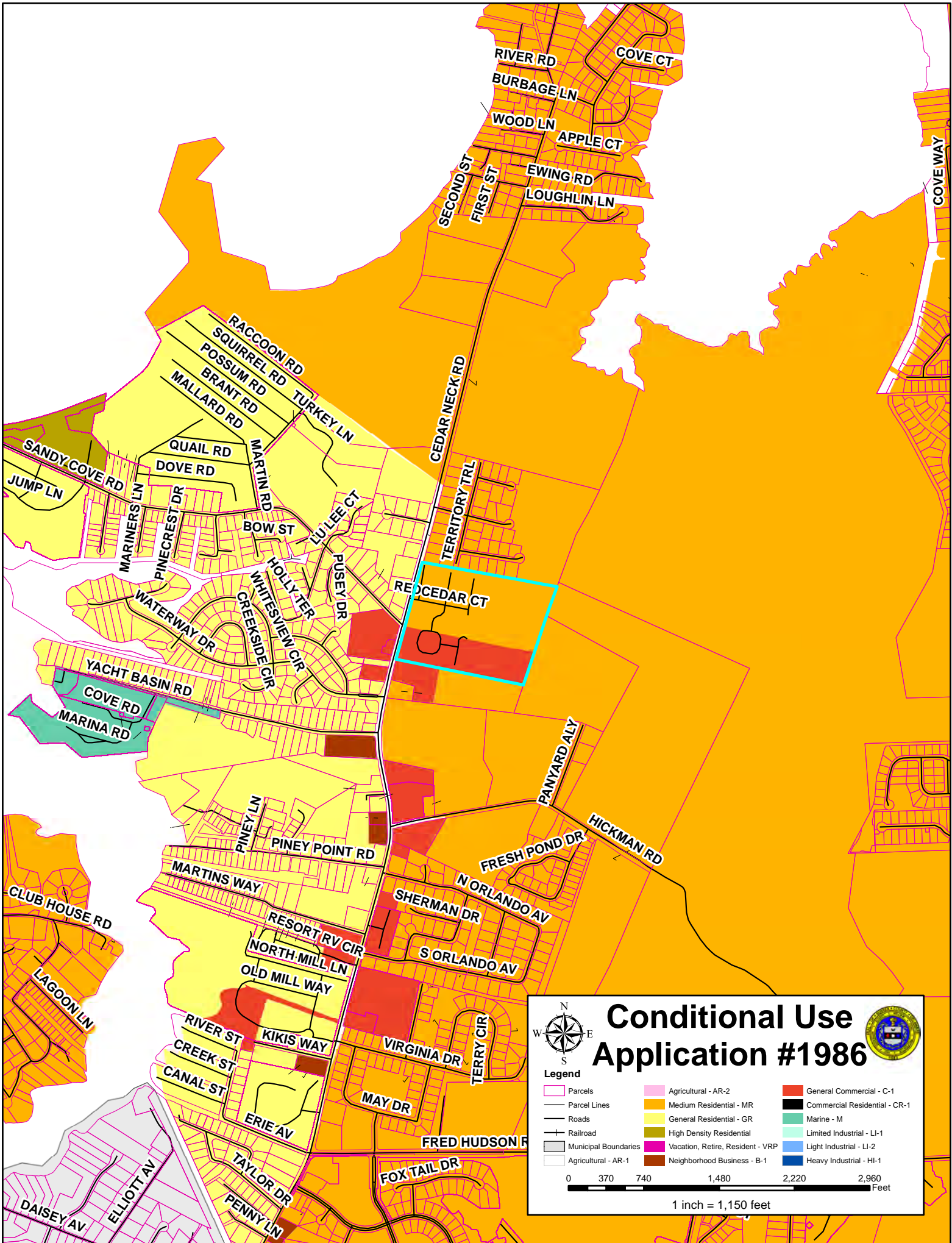
Conditional Use Application #1986

Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 80 160 320 480 640 Feet

1 inch = 250 feet

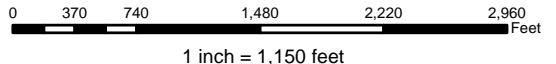


Conditional Use Application #1986



Legend

Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1





Conditional Use Application #1986

Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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1 inch = 250 feet

Source: Esri, DigitalGlobe, GeoEye, IGN, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



June 9, 2014

The Honorable Joan Deaver
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Councilwoman Deaver:


The Lewes Public Library has a long history of providing free arts programming for adults and children in our community. In FY2013 over 12,000 people attended 679 programs at the Library, including our Annual Lewes Creative Writers' Conference, which drew over 100 participants and presenters.

This year we will hold the 7th Annual Lewes Creative Writers' Conference on Saturday, August 16. This free, one day conference consists of a series of workshops with a focus on writing. Past topics included fiction, nonfiction, poetry and dramatic writing, applying for grants, getting published and continuing education, among other topics. Masters sessions allow for small group interaction with experts in the field. The fact we provide this Conference free of charge to those attending is seen as an exceptional offering.

The Council provided grants to support the August 2011, 2012 and 2013 conferences, for which we were very thankful. The conference was well attended and the feedback received was overwhelmingly positive. If there are any resources available to you at this time through the Community Investment Fund, we are requesting \$1,000 to help support this year's conference. As the conference continues, we are able to present workshops by well-regarded authors and educators. We would use the grant to offer small stipends to the artists presenting workshops.

We hope you will consider this request for \$1,000 favorably. This day of support for writing and writers is a unique opportunity to share resources, information and creative avenues with residents and visitors to our community. Thank you very much for your hard work and dedication to your constituents.

Appreciatively,



Beckie Healey
President, Board of Commissioners
Lewes Public Library

Chamber of Commerce for Greater Milford, Inc.



411 N. Rehoboth Blvd.
Milford, DE 19963
Phone: 302-422-3344
Fax: 302-422-7503
www.milfordchamber.com
Email: milford@milfordchamber.com or
Jschmeiser@milfordchamber.com

June 17, 2014

Sussex County Government
Attn: Susan Webb
P.O. Box 589
Georgetown, DE 19947

Dear Ms. Webb:

On behalf of the Chamber of Commerce for Greater Milford, thank you for your generous fireworks donation for the 2013 Riverwalk "Freedom" Festival. Once again we are working on the logistics of the festival.

Friday night, September 5th we will honor Current and Retired Military personnel with "Operation Giveback." This consists of a free dinner for the service member. We have 8 – 10 military related support groups there to answer questions or help them with free information. Also, on Friday night we have two (2) live bands on stage, children's entertainment, food vendors and a patriotic boat parade on the Mispillion River. Then at dusk we have the annual patriotic fireworks display. The crowd has grown over the years and we have approximately 5,000 to 7,000 people in the park. The festival fireworks are enjoyed by the whole City of Milford and the surrounding area.

Our committee is working very hard again this year to provide a great fireworks display for all our families, neighbors and businesses in the Milford area. We would appreciate any financial support the Sussex County Government would be able to assist us with and we invite you to visit the Riverwalk "Freedom" Festival on September 5th and 6th, 2014; we welcome the whole family.

Sincerely,

A handwritten signature in cursive script that reads 'Ruth Abbate'.

Ruth Abbate
Riverwalk "Freedom" Festival Sponsorship
And Fireworks Chairperson



July 5, 2014

Councilman George B. Cole
29271 Woods Edge Drive
Ocean View, Delaware 19970

Dear Councilman Cole,

The West Rehoboth Children and Youth Program are filling a vital need for school age children in a small community tucked in the outskirts of Rehoboth Beach. We are very proud of our program and the success of the children who participate. A manager of a public theater program to which the children were invited complimented the West Rehoboth Children and Youth Program staff for the children's attentiveness and politeness. Such recognition is not uncommon, and it makes our advisory committee very pleased.

However, we are most proud of the fact that these children are achieving in school. Because of the help they receive in doing homework and the self-esteem they gain in the program, 50% of our students are on the honor roll. The instructional program planned during the six week summer enrichment activities and after school two days a week emphasizes literacy, computer exploration, and cultural enrichment.

Our program is always in need of funds. Support comes from the Lewes-Rehoboth Association of Churches which provides about half of the budget. **We are requesting \$2,000 from Sussex County Council with our anti-bullying program for students 5 – 9 years old** (Kindergarten through fifth grade). The money will be used to purchase curriculums, materials, supplies, educational field trips. Our parents and children have informed us on several occasions their children have been bullied and this issued needs to be addressed immediately. Our current anti-bullying program only addresses youth 10 – 15 year olds.

The current after-school program for children has been a positive force for change but more support is needed to overcome the negative influences of poverty. The goal of the anti-bullying program is to provide a comprehensive approach to immunize at risk youth in West Rehoboth against delinquency and youth violence. This project will provide a cognitive approach that seeks to produce attitudinal and behavioral change through computer instruction, video and discussion, games, and supplemental pro social activities based on issues to reduce at risk behaviors such as anger and violence. The program will include a multimedia program "Children Can Tell", a parental involvement program; a partnership with school counselors; and collaboration with Troop 7 of the State Police.

West Rehoboth Children & Youth Program
19801 Norwood Street
Rehoboth, Delaware 19971
302-227-5442 302-645-2813

We will implement a bullying prevention curriculum for grades K – 5. The program will raise awareness of what cyber bullying is and why it is so harmful; equip students with the skills to treat people respectfully when using cyber technologies. Gives students information about how to get help if they or others are being bullied, and helps parents know what to do to keep their children safe from cyber bullying. The curriculum includes reproducible class room materials, accompany materials, posters, sample policies, teacher training resources, and more importantly it will include parent materials. By using these materials, the children will be equipped and reinforce the motto “Children Can Tell.”

Within the first 30 days of the program:

- Purchase software and materials.*Executive Director and Program Director will be the overseers of the program and meet with parents to explain the program.
- Develop a parent council that will meet quarterly or as needed.
- Select students for the program.
- Set up class time for instruction.
- Make contact with the elementary school counselors.

Please consider awarding the West Rehoboth Children and Youth Program \$2,000 to this outstanding program for a group of children from low-income families. The WRCYP is under the auspices of West Side New Beginnings, Inc., a 501© 3 organization under the Internal Revenue Code. Our tax exempt number is 51-0350410. **Please make check payable to: West Side New Beginnings Youth and mailed to WSNB, 19801 Norwood Street, Rehoboth, Delaware, 19971.**

Thank you for the time and the consideration we know you will give this request. Should you have any questions or need additional information feel free to contact us.

Respectfully,



Brenda C. Milbourne
Executive Director
(Cell) 302-362-0353



Diaz J. Bonville
Program Director
(H) 302-645-7544
(Cell) 302-528-2265
(Fax) 302-645-2813
(Email) Diaz122455@aol.com

“It’s easier to build strong children than to repair broken men and women.”



REHOBOTH BEACH
FILM SOCIETY

107 Truitt Avenue
Rehoboth Beach, DE 19971 P 302 645 9095 F 302 645 9460

July 10, 2014

Councilperson George Cole
Sussex County Council
PO Box 589, 2 The Circle
Georgetown, DE 19947

Dear Councilperson Cole,

The Rehoboth Beach Independent Film Festival will be celebrating its seventeenth year in 118 days (November 5-9, 2014)! As you probably heard, the Festival will be held at two locations, Movies at Midway Theater and the Cape Henlopen High School. Despite the reduction of theaters at Movies at Midway, this year's longer hours of operation and the addition of the large high school theater will provide more seats for the 5-day event than the 19,133 tickets sold last year.

The success of this event has always been attributable to generous sponsor support and volunteer work. This year we need your help even more as hosting operations at two locations will increase the Festival's production budget significantly. Remember, this Festival, the largest and oldest in the State of Delaware, attracts visitors from more than 25 states. It provides a boost to the local economy during the fall season with participants spending money on food and beverages, lodging, as well as shopping. In addition to generating immediate economic benefits, this quality event encourages repeat visitors, thereby benefitting the entire community beyond the Festival weekend.

Being a sponsor provides your business with marketing opportunities to access this large consumer group through a Festival program ad, tent exhibit, website link, or other promotional activities. Again this year, Sponsors will receive a Festival Sponsor icon which can be placed on your website and other promotional materials to signify your company's support. Attached is information on sponsorship levels and corresponding benefits for your review.

I hope that you will recognize the Film Festival as a cultural treasure in Sussex County and commit to being a sponsor, perhaps even upgrading to the next level of support. Administrative Coordinator Dave Ruffner or I will contact you during the next couple of weeks to confirm your participation.

Thank you in advance for your support.

Sincerely,

Susan E. Early
Executive Director

Enclosures



WWI Tower #3 Restoration Project

Councilmember George Cole
900 N. Pennsylvania Avenue
Bethany Beach, DE 19930

Dear Councilmember Cole:

In an effort to recognize veterans of World War II and all veterans who continue to serve this country in such an unselfish way, the Delaware Seashore Preservation Foundation (DSPF), in partnership with the Fort Miles Historical Association, has undertaken a capital campaign to restore Fire Control Tower #3, one of the structures that was used during the war as a first line of defense in the event of foreign invasion.

Upon its completion, Tower #3, located just south of Dewey Beach, will serve as a place for residents and visitors to view a piece of history and honor those who served. Visitors will be able to enter the Tower via an internal stairway and access the open air deck at the top. In addition to restoring the Tower, a simulated power station may be constructed that will have a planned interactive presentation program. This electronic program, complete with displays, will allow visitors to look up a sponsored veteran's name and his/her contribution to the war effort, and learn a great deal more about the rich history of our veterans from Delaware.

The Delaware Seashore Preservation Foundation is a non-profit Friends organization created to preserve, protect and enhance the Indian River Life Saving Station (IRLSS), which helped in rescue efforts of sailors and cargo from shipwrecks during World War II. The completion of the IRLSS project has shown us how preserving history and the sometimes hard lessons learned from our past peaks the interest of young and old alike, and serves to honor those who so bravely sacrificed as they protected our shores.

Renovation of Tower #3 will cost approximately \$500,000, and it is our goal to raise this money and begin the work in 2015. This is where we would like to ask for your help. The DSPF is approaching State agencies, local foundations, corporations, small businesses and individuals to raise the funds needed. We have developed tribute and memorial levels so that all contributions can be recognized when the restored Tower opens to the public. The DSPF is planning to hold a celebration at that time to acknowledge all of our partners in the project.

Delaware Seashore Preservation Foundation
P.O. Box 981
Ocean View, DE 19970
<http://savesthetower.org/>
Eric Felton, President
Shirley Price, Vice President

Accordingly, we would like to request a contribution in the amount of **\$1,500** from your discretionary council funds to support the Tower #3 capital campaign. Your gift will help build the bridge to Delaware's future while preserving its past, and will serve to support all of our veterans by remembering their selfless service to our country.

We will be contacting you soon in reference to this request. If you have any questions prior to this, please contact Mary Lou Tietz at (302) 539-0793, or by email at maryloutietz@yahoo.com. The DSPF is grateful for your support in helping us reach our goal. Thank you.

Sincerely,

Ernie Felici

Ernie Felici, President
Delaware Seashore Preservation Foundation

To read more about the Fire Control Tower #3 Restoration Project,
please see the following article at Delaware Online:

<http://www.delawareonline.com/article/20131217/NEWS12/312170044/>

**MAYOR and COUNCIL
TOWN OF MILLSBORO
322 Wilson Highway
Millsboro, Delaware 19966 - 1216**

OFFICE HOURS
MONDAY — FRIDAY
8:00 a.m. to 4:30 p.m.



**Phone: (302) 934-8171
Fax: (302) 934-7682**

TOWN OFFICE
PARKS/RECREATION
STREETS
WATER/SEWER

POLICE DEPT. 934-8174

June 9, 2014

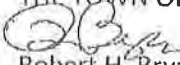
Vance Phillips
31479 Dogwood Lane
Laurel, DE 19956

Dear Councilman Phillips:

The Town of Millsboro has never had "Welcome to Millsboro" signs at the entrance of Town and is something the residents of Millsboro have asked for. The Town Council is busy trying to get this accomplished and are seeking help with the funding.

If it is possible would you or the Sussex County Council be able to contribute to this cause. We are planning to have two, one at each end of DuPont Boulevard as visitors enter town and we are still looking for funding to be able to accomplish this. We are hoping to receive a total of \$3,000.00 but anything you may be able to do is certainly appreciated. Thank you for your consideration.

Sincerely,

THE TOWN OF MILLSBORO

Robert H. Bryan,
Mayor

Cc: file

PUBLIC HEARING

July 22, 2014

This is to certify that on July 10, 2014 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Conditional Use. At the conclusion of the public hearing, the Commission moved and passed that the application be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearing are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearing.

Conditional Use #1991 – Coolspring, LLC/Highway One

Application of **COOLSPRING, LLC/HIGHWAY ONE** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a facility for outdoor entertainment events with temporary camping facilities during events only to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing approximately 500 acres, more or less, of two parcels containing 1,057.6 acres, land lying north of Road 302A (Avalon Road), west of Road 48 (Hollyville Road), south of Road 47 (Johnson Road), and east of Road 296 (Lawson Road) (911 Address – 23430 Hollyville Road, Harbeson, Delaware) (Tax Map I.D. #2-34-15.00-22.00 and 2-34-9.00-34.00).

The Commission found that the Applicant submitted copies of two surveys of the property, one of which contains 835.02 acres, and the other which contains 222.617 acres; a copy of the lease for approximately 500 acres of the property; a listing of property owners within 200 feet of the site intended; a conceptual layout of the buildings and parking areas, showing ingress/egress to public roads; and noting that they are not proposing any permanent buildings; that with respect to ingress/egress there is a dirt road entrance from Avalon Road and a dirt road from Lawson Road that will be expanded to connect to the Avalon Road access; and noting that due to the nature of the music festivals and overnight camping there could be parking throughout the 500 acres.

The Commission found that the Applicant provided a second letter which had attached two different versions of the plan for the site, labeled A and B, and that they are inclined to use plan A. Plan A is a rendering showing areas of the property intended for a stage, the main arena, camping areas, parking areas, intended drive locations, and intended entrance locations. Plan B is a rendering showing the same information in different locations on the site.

The Commission found that DelDOT provided comments on April 24, 2014 in the form of a Support Facilities Report referencing that a traffic impact study was not recommended.

The Commission found that the County Engineering Department provided comments on July 7, 2014 in the form of a memorandum referencing that the site is not located in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that conformity to the North Coastal Planning Study will be required; that the parcels for the proposed use are not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

Mr. Lank advised the Commission that, to date, the Department has received 5 letters/emails in support of the application.

Mr. Lank advised the Commission that, to date, the Department has received 51 letters/emails and 462 signatures on petitions in opposition to the application.

Mr. Lank provided the Commission with copies of all letters/emails received to date.

The Commission found that Alex Pires were present with Steve Spence, Esquire, and stated in his presentation and in response to questions raised by the Commission that they own eight (8) businesses in the area; that he and his wife have researched music festivals for two years throughout the United States; that he has signed a lease for 500 acres on the farm; that he has spoken to the Harrington State Fair for a possible backup site, if this application fails; that he spoke to the County and was asked not to seek a three day special event permit under the Code and to apply for a Conditional Use; that country music festivals can be family events, with less people than most state fair events; that he would like to see 20,000 attendees; that he hopes that 80% of the attendees come in RVs and anticipates 20% of the attendees to be day trippers; that he anticipates that the first year budget will be in the range of \$5,000,000 to \$6,000,000; that these are family based events; that low traffic impact is anticipated since the majority of the attendees will stay on the site once their RVs are setup; that the Punkin' Chunkin' event is almost totally day trippers; that the parking area plans on no more than 2,000 day tripper vehicles daily; that every facet of the event is either State or County regulated, referencing DelDOT, the Office of the State Fire Marshal, State Police, State Health, Delaware ABC, etc.; that he prefers Rendering A provided by Starr Hill showing three entrance locations, one for RVs on Hollyville Road, one for day tripper parking on Avalon Road, and one for artist and production access; that it should take approximately 2 weeks to setup an event, and approximately a couple of days to breakdown an event; that they are hoping to set up stages near wooded areas to reduce noise; that the property is a beautiful 1,200 acre farm and that they plan on utilizing 500 acres of which 200 acres are wooded; that the State Fairgrounds contain 190 acres; that the Punkin' Chunkin' site in Bridgeville contained 600 acres; that the Firefly site contains 350 acres; that a couple of

small cemeteries exists on the site which will be protected with fencing; that there are 31 country music festivals in the United States and Canada, most of which are in rural areas; that a typical country music camping festival generates 20,000 or more attendees; that Highway One, LLC will be responsible for the events as the majority owner of Coolspring, LLC, the operator of the festival; that they are hoping to partner with Redlight Management/Starr Hill and Live Nation, some of the largest country music promoters; that they are hoping to have the first music festival on the first or second weekend of August 2015; that they are offering the following suggested proposed voluntary conditions of approval for consideration if the requested conditional use is approved:

- 1) Number of Events:
 - a. No more than 5 events may be held on the site in any 12-month period. Two of the events can be as long as four (4) days and four (4) nights, including camping for each event. The remaining three (3) events can be one (1) day and one (1) night of camping. There will be no events in 2014.
 - b. Beginning in 2015, there may be no more than two (2) music festivals in a given year, one of which would be a country music event.
 - c. No vehicle road races, dirt bike races, monster truck events or similar activities will be permitted.
- 2) Hours of Operation:
 - a) The applicant shall be required to terminate live music performances by the performing artists by 12:00 Midnight.
 - b) All stage lighting (except security lighting) shall be shut down by 12:30 a.m. each night.
- 3) Location of Staging, Vendors, Camping, Medical Tents, Bathroom and Shower Facilities and Parking:
 - a) The location of the staging, vendors, camping, medical tents, and bathroom and shower facilities shall be designed by a professional festival planner and a Delaware licensed Engineer or Architect, and approved by the Delaware State Fire Marshal.
 - b) The location of all internal roads and parking shall be approved by DeIDOT.
- 4) Traffic, Camping, Parking:
 - a) The applicant has and will continue to meet with DeIDOT and comply with DeIDOT's master traffic plans for all events.
 - b) Camping: Motor homes, RV's, travel trailers, tents and related camping equipment will be permitted. Temporary gravel and stone roadways will be constructed and the layout and dimensions of individual lots for camping shall be prepared by a Delaware Registered Engineer or Architect and shall be approved by the Delaware State Fire Marshal's Office.
 - c) Accordingly, as these multi-day events will primarily be composed of campers, parking for one day-trippers on any given day of a music festival will be limited to 2,000 cars on-site, exclusive of overnight campers.
- 5) Fencing/Location of Temporary Structures:
 - a) Prior to any events being held at the site, the area of the site to be used for the event shall be fenced by temporary fencing. The temporary fencing will be removed by August 31st each year and erected again prior to each event.
 - b) No temporary structures, except fencing, shall be erected within 100 feet of any adjacent property border and no stage area shall be located within 100 feet of any public road passing the site.
- 6) Safety/Vehicle Inspections:
 - a) The Sussex County Public Safety Services Special Events Administration Procedures will be followed and if the expected attendance for any event will exceed 25,000 persons, the applicant will pay for all required services.
 - b) At all events, the applicant shall employ a professional security company which must submit a security plan to the Delaware State Police at least thirty (30) days prior to each event. This plan shall include crisis management, radio support, State Police communications and shall include an anti-drug detail.
 - c) The security company shall provide, at the point of access of all vehicles to the campground areas, staff to conduct inspections of all vehicles for drugs, alcohol exceeding the ticketed limits, weapons, or other unsafe items.
- 7) Medical Services:
 - a) Medical Services shall be provided on-site throughout any

event consistent with County and State standards. 8) Fire Safety: a) Access and presence by local volunteer fire departments shall be approved by the State Fire Marshal. 9) Food and Beverages: a) All food and beverage purveyors shall be required to obtain Delaware Business Licenses. b) Food, beverage and supply vendors will be onsite to minimize the number of vehicle trips required by attendees to maintain their food and beverage supplies. 10) Trash, Water, Bathroom Facilities: a) All refuse and trash will be removed from the site daily during any events. The final cleanup shall be completed within two (2) days after the end of the event. b) All water distribution systems shall be temporary, and if any modifications are required, they must be approved by the County. Bathroom facilities shall be provided in accordance with applicable State and local public health standards; that it is estimated that most RVs, motor homes and travel trailers will contain 4 to 5 attendees; that there may be a total of six (6) areas set aside for camping; that 200 acres of woodlands are available for camping purposes; that the woodland areas already have trails, originally established for horseback riding and carriages; that he does not want to limit the number of campers; that most festivals have from 20,000 to 25,000 campers; that he does not want to limit the number of camping spaces because they do not want attendees to have to come and go from the site; that there are three (3) lowland areas on the site which will be fenced; that the site is an irrigated farm; that a wetlands report can be made available; that shuttle services will be available; that shuttle services usually sell out for carrying day trippers; that he is willing to accept a condition requiring that shuttle services be available; that the events are primarily Friday, Saturday and Sunday; that access to the sites are normally a day before the event and exiting a day after the event; that the economic benefit could be tax support by creating \$10,000,000 or more based on gas sales, motel/hotels, restaurants, jobs, etc...; and that typically there will be three (3) stage areas, one for the main event, one being a smaller stage, and one being for local artist.

The Commission found that Marc Cote' of DeIDOT was present and stated that the Department provided a Support Facilities Report; that a traffic impact study was not warranted since the proposal is a temporary event, which requires a specialized analysis; that the Department works with other agencies; and that the Traffic Section of DeIDOT works with the applicant and other agencies to establish a traffic control plan, similar to the plans created for the Firefly Festival, Nascar races, and the Harrington State Fair.

The Commission found that Jim Allen, Pat Wright, Dan McCann, Tom Diluzio, Dale McAllister, Cindy Issel, and John DePlant were present and spoke in support of the application and stated that the use will be an economic benefit to Sussex County; that traffic control will be assisted by shuttle services; that within a few days of an event, the property will again be a farm; that development of the property would create more daily traffic than this event; that the property will continue to be farmed when there are no events on the site; that Sussex County needs an event of this type similar to the State Fair; that all events of this type seem to be held in Dover or Kent County; that the County is centralized with a large population of people within a four (4) hour range from Richmond, Washington D.C., Baltimore, Wilmington, and Philadelphia areas; that local civic groups will benefit by providing volunteer services; that only a portion of this farm will be utilized for the event, and the remainder of the farm will continue to be farmed; and that there would be support for any business benefit for small businesses.

The Commission found, by a show of hands in support, that 116 people were present in support.

The Commission took a five (5) minute recess.

The Commission reopened the public record and continued the public hearing.

The Commission found that Trudy Belotti, Gary Simone, Willie Nelson, Nikke Zangriech, Peter Lucuk, Tim Raile, Beverly Morgan, Margaret Foulke, Stan Schultheis, Richard Coyne, Peter Zoll, Steve Friend, Evan Bush, Nathan Wise, Richard Belotti, and Bill Ryan were present and spoke in opposition to this application and expressed concerns about the impact on the residential area in close proximity to the site; concerns about the poor condition of some of the local roads and that the local roads will not be able to handle to impact of the number of vehicles anticipated for the festival; that the area is agricultural and residential; that there are concerns about noise, trash, and traffic; that there are concerns about the impact on response time for emergency services in an emergency situation; that there are concerns about property damage; that insurance should be guaranteed; that the Harrington State Fairgrounds is a more appropriate location for this type of event; that the file lacks any record of a site plan that can be reviewed ; that trees will be removed to locate campsites in the wooded areas causing a loss of forest land; that the site will have to be re-graded; that there are cemeteries on the site that will need to be protected; that wellheads in the area need to be protected; that the project will impact the environment, wetlands, groundwater recharge, and endangered species; that the file does not contain an Environmental Assessment; that the use is not in compliance with the requirements to establish a Conditional Use; that the use is not in compliance with the Comprehensive Land Use Plan; that bonding and insurance should be a mandatory requirement to protect the site and the adjacent properties; that there will be dust, air quality, trash and sanitary issues by approval of this application; that Avalon Woods Subdivision will be directly impacted by this proposal since the subdivisions entrance is within 540 feet of one of the main entrances to the project site; that the residents of Avalon Woods are concerned about emergency services, both for the residents of Avalon Woods and the attendees at the event, since the roads in the area may be in gridlock due to the traffic to and from the project; that to date, neither DeIDOT, the Emergency Operations Center, nor the State Police have any plans for the area based on the proposed events; that area residents are concerned about security, trespass, and possible crime increasing; that the use does not promote the health, safety, morals, convenience, order, prosperity and welfare of the residents of the area, it only benefits the developers; that there is no clear proposal in the file that depicts exactly how the site will be developed; that if the project is approved and becomes successful it will increase in size in the future and create even more impacts on the area, especially traffic; that the roads in the area are local roads, not major roads; that the Punkin' Chunkin' event is just off of U.S. Route 13; that the Harrington State Fair faces U.S. Route 13; and that the Dover Downs Nascar events and the Firefly Festival access U.S. Route 13 and Route One; that if the use is approved, 1) the number of attendees should be limited; 2) the permitted vehicle trips per day should be based on recommendations from DeIDOT based on the ability of the roads to support the traffic; that the applicant should be responsible for all costs related to road improvements recommended by DeIDOT; 3) that the applicant should be responsible for all costs for police and emergency services that affect residents on boundary roads; 4) that setup

times for each event should be limited to no more than two (2) days; that the applicant should be required to provide \$10,000,000 bond/insurance for each of the referenced suggested conditions 1 through 4 above; that farm equipment will be traveling these same local roads; that the use does not benefit the residents of the area, but is an infringement placed upon each resident; that some area residents feel that there will be a lack of enforcement; that neighbors do not want to see a field full of porta-toilets; that there are too many inconsistencies in comparison of the statements made by the applicant and the minimal documentation in the record/file; that the roadways are not the best and will probably get worse based on the amount of traffic anticipated; that this type of temporary project will create erosion and run-off issues if the weather is not cooperative during the time of the events; that the speed limit on Hollyville Road is 50 MPH and a main entrance to the events is intended on Hollyville Road which could be considered an accident waiting to happen; that this site is not appropriate for the use; that the Harrington Fairgrounds site is more suitable for such an event; that some of the local roads in the area are improved with surface treatment (tar and chip) which will fall apart after heavy usage; that no preliminary site plan was submitted and that the applicant, if approved, can submit for final site plan approval without a public hearing; that if the use is approved, a few individuals will make a lot of money, but questioning how much money will go back into the community; and that the area is generally quiet most of the time, and that they can only imagine the change during an event.

The Commission found, by a show of hands in opposition, that 79 people were present in opposition.

At the conclusion of the public hearings, the Commission discussed this application.

There was some consensus of the Commission that it is the applicant's duty to present a record in compliance with the Zoning Ordinance and the Comprehensive Land Use Plan; that members of the Commission noted that they are making a land use decision; that while a good business plan may have been submitted, they questioned whether sufficient land use and information required by the Zoning Code were supplied; and that more information should be presented at the next hearing on the application.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

911 Address: 23430 Hollyville Road, Harbeson, DE

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FACILITY FOR OUTDOOR ENTERTAINMENT EVENTS WITH TEMPORARY CAMPING FACILITIES DURING EVENTS ONLY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING APPROXIMATELY 500 ACRES, MORE OR LESS, OF TWO PARCELS CONTAINING 1,057.6 ACRES (Tax Map I.D. 234-15.00-22.00 and 234-9.00-34.00)

WHEREAS, on the 24th day of April 2014, a conditional use application, denominated Conditional Use No. 1991 was filed on behalf of Cool Spring, LLC / Highway One; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1991 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

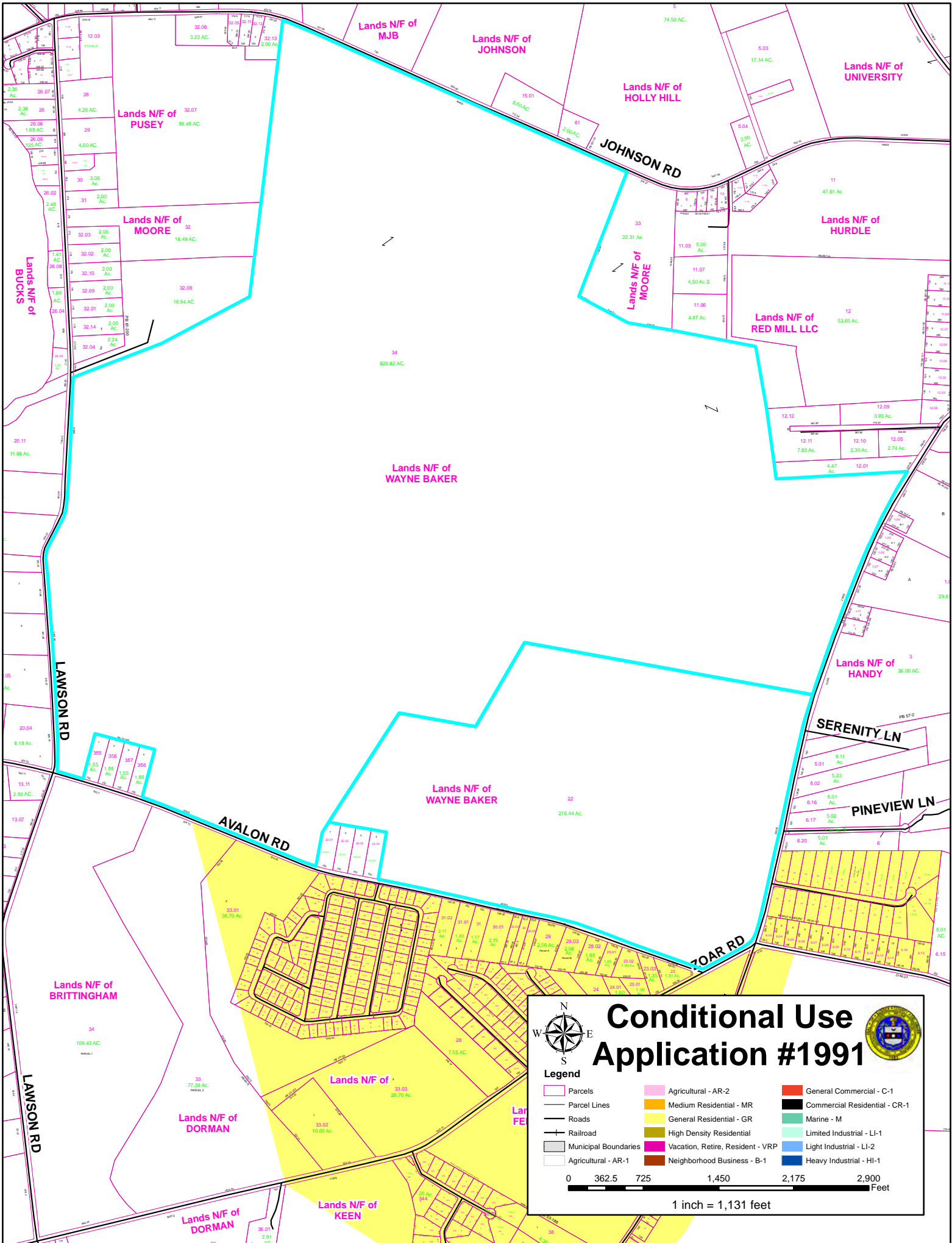
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1991 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying north of Road 302A (Avalon Road), west of Road 48 (Hollyville Road), south of Road 47 (Johnson Road), and east of Road 296 (Lawson Road) with the acreage being more particularly described in Plot Book 48, Page 254 and Plot Book 63, Page 96, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing approximately 500 acres of the described 1,057.6 acres referenced in the referenced Plot Books.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

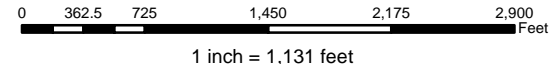


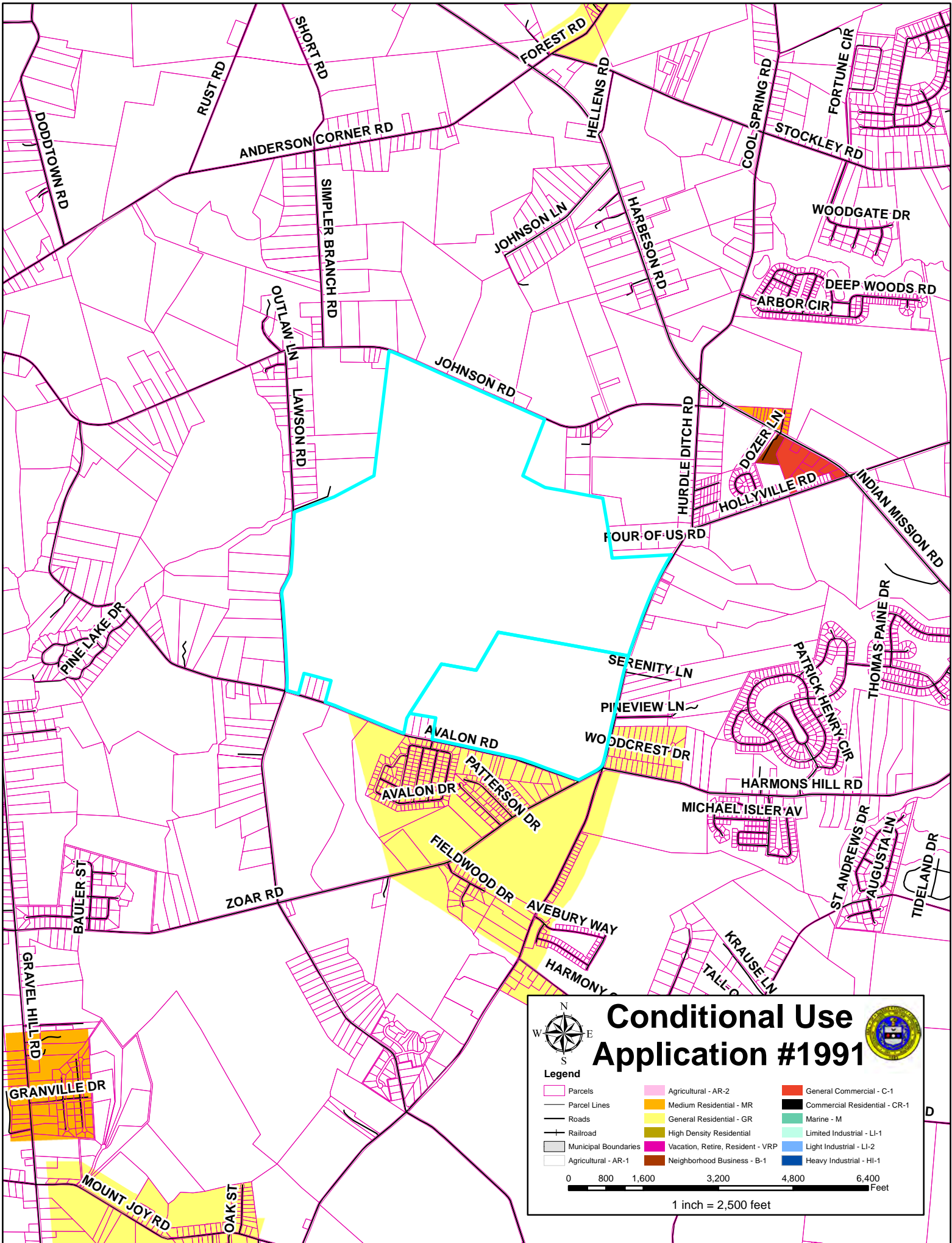
Conditional Use Application #1991



Legend


Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1






DODD TOWN RD
 RUST RD
 SHORT RD
 FOREST RD
 HELLENS RD
 ANDERSON CORNER RD
 SIMPLER BRANCH RD
 JOHNSON LN
 HARBESON RD
 COOL SPRING RD
 FORTUNE CIR
 STOCKLEY RD
 WOODGATE DR
 DEEP WOODS RD
 ARBOR CIR
 OUTLAW LN
 LAWSON RD
 JOHNSON RD
 HURDLE DITCH RD
 DOZER LN
 HOLLYVILLE RD
 INDIAN MISSION RD
 PINE LAKE DR
 FOUR OF US RD
 SERENITY LN
 PATRICK HENRY CIR
 THOMAS PAINE DR
 PINEVIEW LN
 WOODCREST DR
 HARMONS HILL RD
 MICHAEL ISLER AV
 AVALON RD
 PATTERSON DR
 FIELDWOOD DR
 AVEBURY WAY
 HARMONY
 ST ANDREWS DR
 AUGUSTA LN
 TIDELAND DR
 ZOAR RD
 BAULER ST
 GRAVEL HILL RD
 GRANVILLE DR
 MOUNT JOY RD
 OAK ST
 KRAUSE LN
 TALLEY

Conditional Use Application #1991



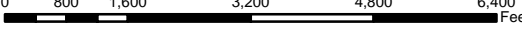
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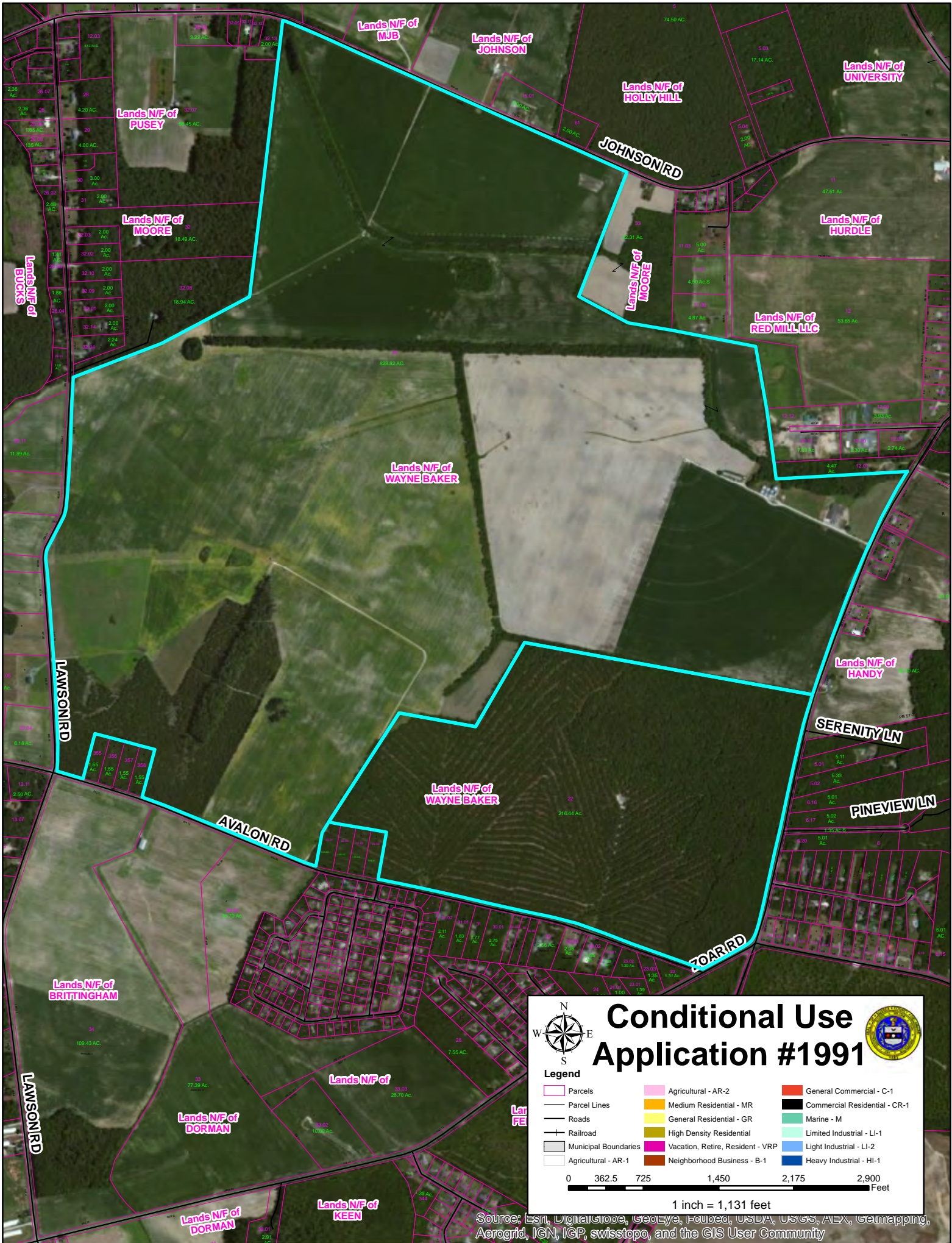
Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 800 1,600 3,200 4,800 6,400




1 inch = 2,500 feet



Conditional Use Application #1991



W N E
S



Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 362.5 725 1,450 2,175 2,900

Feet

1 inch = 1,131 feet

Source: Esri, DigitalGlobe, GeoEye, IGN, Aerogrid, IGN, ICP, swisstopo, and the GIS User Community