

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 5, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 5, 2022, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Douglas B. Hudson	Vice President
Cynthia C. Green	Councilwoman
John L. Rieley	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 148 22
Approve
Agenda**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to approve the Agenda as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of the March 29, 2022 meeting were approved by consensus.

**Corres-
pondence**

There was no correspondence.

**Public
Comment**

There were no public comments.

**M 149 22
Approve
Consent
Agenda Item**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to approve the following item listed under the Consent Agenda:

**Use of Existing Wastewater Infrastructure Agreement, IUA-1150
Tupelo Sands, Millville Area**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Proclamation/Fair Housing Month

A Proclamation entitled “PROCLAIMING THE MONTH OF APRIL AS FAIR HOUSING MONTH IN SUSSEX COUNTY” was presented to Mrs. Stephanie Moody from the Sussex County Association of Realtors and Mrs. Brandy Nauman, Community Development & Housing Director.

Administrator’s Report

Mr. Lawson read the following information in his Administrator’s Report:

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Marsh Island – Phase 3A (Construction Record) received Substantial Completion effective March 18th.

2. County Government Day – Wednesday, April 13th

The County is pleased to again sponsor the annual County Government Day on Wednesday, April 13th. At 9:30 a.m., high school juniors from Sussex County Girls and Boys State will meet in the Council Chambers. A mock County Council session will occur, with the representatives assuming leadership roles. It is always an interesting experience to watch student representatives tackle County issues as presented by department heads. This program can be seen and heard on the County’s website.

3. Holiday and Council Meeting Schedule

A reminder that Council will not meet on Tuesday, April 12th, or Tuesday, April 19th. In addition, County Offices will be closed on Friday, April 15th, to observe the Good Friday holiday. The next regularly scheduled Council meeting will be held on Tuesday, April 26th at 10:00 a.m.

Proposed Ordinance/ Building Code

Mr. Moore, County Attorney presented for consideration a Proposed Ordinance relating to the International Building Code 2021 Edition and the International Residential Code 2021 Edition.

Mr. Moore explained that Mr. Wright, Chief Code Official provided a presentation regarding the Proposed Ordinance at a previous meeting. During that presentation, there were discussions relating to possible exemptions to remain. These exemptions include deleting landings because they will not be required and riser heights. In addition, the exemption for automatic fire sprinkler systems and farm buildings would remain.

Mr. Wright explained that this would update the code to the 2021

version. He explained the exemptions that are already in place, the plan is to withdraw the older landing, tread depths, and stair risers. Therefore, what is exactly in the code is what will be enforced. It has also been requested to keep the exemption for the single-family fire suppression sprinkler system and carports under 400 square feet would be exempt from building code inspection.

Ordinance Introduction /Building Code Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 52, § 52-1 OF THE CODE OF SUSSEX COUNTY TO ADOPT THE BUILDING CONSTRUCTION STANDARDS IN THE INTERNATIONAL BUILDING CODE 2021 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION”

Vacuum Truck Recommendation Mr. Hans Medlarz, County Engineer presented an award recommendation for a Vacuum Truck for Council’s consideration. Mr. Medlarz explained that an open-source bid based on specific criteria would exclude certain, if not all but one manufacturer. Therefore, the Department solicited a price quotation based on “similar but not equal” criteria based on the individual manufacturer’s option. An identical request was sent to all five leading manufacturers of this type of equipment. In addition, a delivery schedule and a summary of maintenance options were requested.

M 150 22 Vacuum Truck Award A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that the Environmental Services Vacuum Truck procurement be awarded to Mid-Atlantic Waste Systems – Division of THC Enterprises, Inc., for the best value offer of \$453,408.84.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

PZ Sign Demonstration Mr. Jamie Whitehouse, Planning and Zoning Director demonstrated the new Planning and Zoning Notice Signs. Mr. Whitehouse noted that the new signs are larger which allows for more information to be displayed. In addition, the sign has a QR code that links to the County’s website to find out more information regarding the application.

Grant Requests Mrs. Jennings presented grant requests for Council’s consideration.

M 151 22 DE Community Foundation A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$1,000 (\$200 from each member’s Councilmanic Grant Account) to the Delaware Community Foundation for Flags for Heroes.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

**M 152 22
Developing
Artist
Collabora-
tion**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$2,500 (\$1,500 from Mr. Schaeffer's Councilmanic Grant Account and \$1,000 from Mr. Hudson's Councilmanic Grant Account) to Developing Artist Collaboration for the West Rehoboth Legacy Project.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

**Introduction
of Proposed
Ordinances**

Mrs. Green introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FARM TRACTOR AND TRUCK REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 20 ACRES, MORE OR LESS"

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.91 ACRES, MORE OR LESS"

Mr. Rieley re-introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-30.00-94.00"

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Member
Comments'**

There were no Council Member comments.

**M 153 22
Go Into
Executive
Session**

At 10:24 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation, and land acquisition.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;

Mr. Vincent, Yea

At 10:34 a.m., an Executive session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to potential/pending litigation, and land acquisition. The Executive Session concluded at 11:29 a.m.

M 154 22 Reconvene At 11:37 a.m., a Motion was made by Mr. Rieley, seconded by Mrs. Green to come out of Executive Session and into Regular Session.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 155 22 ES Action/
Parcel 2022-
C A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to move for the County Administrator to negotiate, enter into a contract and proceed to closing on a parcel identified as 2022-C.**

M 156 22 Recess A Motion was made by Mr. Rieley, seconded by Mrs. Green to recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 157 22 Reconvene A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to come out of recess back into Public Hearings.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Mr. Moore reported that a request has been received to withdraw Change of Zone No. 1952 Application filed on behalf of Samantha Broadhurst.

**M 158 22 Approval of
CZ1952
Withdraw A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to allow Samantha Broadhurst to withdraw Change of Zone No. 1952.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Rules

Mr. Moore read the procedure for public hearings on zoning matters.

**Public
Hearing/
CU2287**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CRAFT BUSINESS WITH OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS” (Conditional Use No. 2287) filed on behalf of Danielle Roach (property lying on the northwest side of Pine Road) (Tax I.D. 234-12.18-41.00) (911 Address: 22928 Pine Road, Lewes)

The Planning and Zoning Commission held a Public Hearing on this application on February 17, 2022 and on March 24, 2022, the Commission recommended approval of the application for the five reasons stated and subject to the seven recommended conditions.

(See the minutes of the Planning and Zoning Commission dated February 17, 2022 and March 24, 2022.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Ms. Danielle Roach spoke on behalf of her Application; that she along with her husband are seeking a Conditional Use to store barrels in their driveway; that her husband has worked extremely hard while working full time to start his dream job of owning a small business; that the business is called Crafty Couple; that they purchase empty wine and bourbon barrels from various sources; that some are local businesses such as Dogfish Head Brewery and The Painted Stave; that others come from neighboring states; that they sell the barrels as is, and at times the barrels are painted and sanded; that often the barrels are cut in half to make planters and planters with posts; that they have made furniture as well including tables, dog beds, and shelves; that her husband has a laser graver and is able to engrave the heads of the barrels; that many connections have been made with other small businesses and the community since they have opened this business; that they buy barrels from Dogfish Head that they no longer need; that they then resell them to other small businesses; that they organize the barrels nicely and the barrels are as close to the garage as possible; that the neighborhood that they reside in does not have HOA fees; that no dues are collected; that their road is not paved and does not have much traffic; that without this Conditional Use permit, the Crafty Couple business would not be possible at this time; that pictures were submitted showing what the barrels looked like as well as the organization of them; that the barrels are as far back as possible; that two letters of support were received from her neighbors; that she has the support of her neighbors; that they have adjacent neighbors to the right and left of the property and three neighbors across from the property; that they store about 30-50 barrels depending on the size of the load; that the

**Public
Hearing/
CU2287
(continued)**

hours of operation are not done very early in the morning or very late at night; that the work is done inside the garage; that her husband does multiple deliveries at one time so that he is not coming in and out multiple times.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 159 22
Amend
Conditions/
CU2287**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to amend the first sentence of Condition C to read “The barrels and other materials used in this business shall only be stored inside or if outside in an orderly fashion.”

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 160 22
Adopt
Ordinance
No. 2845
/CU2287**

A Motion was made by Mr. Schaeffer. seconded by Mr. Hudson to Adopt Ordinance No. 2845 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CRAFT BUSINESS WITH OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS” (Conditional Use No. 2287) filed on behalf of Danielle Roach, for the following reasons and conditions given by the Planning and Zoning Commission and as amended by this Council:

- 1. The Applicant seeks this Conditional Use so that she and her husband can continue to operate their small home-based business converting used wooden barrels into furniture and other household-type uses.**
- 2. Based on the testimony given during the hearing, this use is very nearly a home occupation. It could possibly be considered a home occupation under the Sussex County Zoning Code if not for the outside storage of barrels that is proposed.**
- 3. The location is within an existing, but older, subdivision. It does not appear that there are any restrictive covenants that would prohibit this small business use in this location. However, the Commission is reluctant to establish conditional uses to operate a business in an otherwise residential subdivision. As a result, it is appropriate to include limitations on this recommendation.**
- 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.**
- 5. No parties appeared in opposition to this Application.**
- 6. This recommendation is subject to the following conditions:**

- A. The use shall be limited to the Applicant's intended use of converting used wooden barrels into household furnishings and other similar items. No other types of manufacturing shall occur on the site.
- B. No retail sales shall occur from the site.
- C. The barrels and other materials used in this business shall only be stored inside or if outside, in an orderly fashion. Any new structures must comply with all setbacks and their location must be shown on the Final Site Plan.
- D. All work associated with this use shall occur indoors.
- E. Because this use is located in a residential subdivision and because no retail sales are permitted from the site, there shall not be any signage advertising the business on the site.
- F. The failure to comply with any of these conditions may result in a termination of this Conditional Use.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Committee.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ1950**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS" (Change of Zone No. 1950) filed on behalf of Roxana Volunteer Fire Company (property lying on the northeast side of Lighthouse Road [Rt.54] approximately 0.53 mile northwest of Bayville Road [S.C.R. 58B]) (Tax I.D.: 533-12.00-93.00, 93.01 & 93.02) (911 Address: 36843, 36855, & 36873 Lighthouse Road)

The Planning and Zoning Commission held a Public Hearing on this application on February 17, 2022, and recommended approval of the application subject to the seven reasons outlined.

(See the minutes of the Planning and Zoning Commission dated February 17, 2022.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Mr. Russell Hooper, Jr. spoke on behalf of the Application; that he is the current President of Roxanna Volunteer Fire Company; that the Roxanna Volunteer Fire Company requests to change

**Public
Hearing/
CZ1950
(continued)**

the subject parcels from AR-1 Agricultural Residential Zoning District to I-1 Institutional District; that they currently operate their substation on the middle parcel; that the substation covers the Rt. 54 corridor; that the substation has been operating under a previously approved Conditional Use permit since inception in 1989; that over the past year the Roxanna Volunteer Fire Company purchased the other three parcels to provide a block of property on the Rt. 54 corridor, where they feel a new fire station could be constructed; that the Rt. 54 corridor is experiencing massive growth; that the current substation cannot house career staff, volunteer duty crews and does not provide the opportunity to establish a live-in program; that all these issues could be resolved with the construction of a new fire station; that the Roxanna Fire Company ran roughly 1,700 combined EMS and fire calls in 2021; that of those calls 80% or more are located within the main response district of the substation; that having their career staff and the ability to house volunteer duty crews at the proposed station would cut their response time by more than 50% for more than 80% of service calls; that to build a proper fire station, they request to rezone the properties to I-1 Institutional Zoning District; that this will allow for better outline standards and guidelines for the design and engineering phase of the project; will allow for better outline standards and guidelines for the design and engineering phase of the project; that public safety facilities, including ambulance, fire, police, rescue and national security are permitted uses within Section 24 of the I-1 Zoning in the County Code.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 161 22
Adopt
Ordinance
No. 2846
/CZ1950**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2846 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” (Change of Zone No. 1950) filed on behalf of Roxana Volunteer Fire Company for the following reasons given by the Planning and Zoning Commission:

- 1. This is a change of zone for the new I-1 Zoning District to allow the fire company to expand its existing site. The I-1 Zoning District has permitted uses that focus on healthcare and institutional uses, and this use for a fire company is a permitted use.**
- 2. The rezoning is consistent with the stated purpose of the I-1 District, which is to allow public, quasi-public, and institutional uses to occur on the properties that are compatible with surrounding districts and uses.**
- 3. The rezoning will not adversely affect neighboring properties, public facilities, traffic, or area roadways.**
- 4. The site is located along Route 54, which will provide convenient access to the public uses permitted under the I-1 Zone. This is an appropriate**

**M 161 22
Adopt
Ordinance
No. 2846
/CZ1950
(continued)**

location for an expansion of the fire company's existing station adjacent to this site.

5. The use as a fire station is of a public nature, and it will promote the health, safety, and welfare of the residents of Sussex County.
6. No parties appeared in opposition to this application.
7. Any further development of the site shall be subject to the site plan review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ1951**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.17 ACRES, MORE OR LESS" (Change of Zone No. 1951) filed on behalf of Shiloh Investments, LLC (property lying on the south side of Lewes Georgetown Highway [Rt.9] approximately 0.15 mile east of the intersection of Hudson Road [S.C.R. 258] and Fisher Road [S.C.R. 262])(Tax I.D. 235-30.00-50.01) (911 Address: N/A)

The Planning and Zoning Commission held a Public Hearing on this application on February 17, and on March 24, 2022, the Commission recommended approval of the application subject to the nine reasons outlined.

(See the minutes of the Planning and Zoning Commission dated February 17, and March 24, 2022.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Mr. Mark Davidson, Principal Land Planner with Pennoni Associates spoke on behalf of the Application; that the Application is a request for a Change of Zone of 4.17 acres from AR-1 Agricultural Residential to C-2 Medium Commercial District and the Application is an infill of existing commercial zoning in the area; that the property is located on Rt. 9, also known as Lewes-Georgetown Hwy.; that they are requesting the C-2 Medium Commercial Zoning designation; that also present was Mr. Pret Dyer, a managing member; that Rt. 9 is a principal arterial roadway; that located on southside of the property is Delaware's new Rails to Trails Path; that on the west side of the property is an existing commercial property, known as the Dollar General; that to the east of the property is a vacant property which is currently zoned C-1; that in Ordinance 2550 the

**Public
Hearing/
CZ1951
(continued)**

Sussex County Council desired to create a more specific C-2 Medium Commercial Zoning District with smaller, more related uses within the district to promote better planning and predictability within Sussex County; that the purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer sales; that the zoning permits a variety of retail professional service businesses; that the Ordinance states the C-2 District should be primarily located near arterial roadways and collector streets; that the zoning accommodates community commercial uses which do not have outside storage or sales; that the proposed C-2 zoning for the property would be in the vicinity of other commercially-zoned properties and commercial uses; that the proposed Change of Zone will not diminish or impair property values within the neighborhood; that the Change of Zone will not create a public nuisance, or result in any increase to public infrastructure; that there were maps submitted into the record which show all the commercial properties and uses within the area; that across the street from the subject site is zoned Institutional for the new Bayhealth facility which is currently under construction; that there is a variety of commercial uses to the east of the property; that the 2019 Comprehensive Plan identifies the subject site in the low density area; that the majority of area surrounding the property is located within the existing development area; that the Comprehensive Plan suggested each Application should be reviewed on its own merit; that the request will not have a negative impact on surrounding area, as the property is adjacent to multiple existing commercial areas; that the Comprehensive Plan mentions goals towards promoting growth and development in capital facilities and infrastructure that are already available and adequate to support the growth; that Artesian has the CPCN for both the water and sanitary sewer for the subject property; that Artesian already had infrastructure in the area; that Shiloh Investments, LLC desires to provide a commercial development, which is part of the community, providing goods and services as part of the community in scale; that nearby residential developments will benefit, in the fact the subject property is not adjacent to their development, but close enough to serve nearby residences with future services without requiring further distances to travel; that the property is located on Rt. 9 where there is current water and sewer services available; that the property is located on a principal arterial; that permanent easements are typically granted to DelDOT for their future use for utility and drainage upgrades; that the project did not require a Traffic Impact Study (TIS); that the focus of retail and office use within a low density area, is to provide for convenience, goods and services; that the request is appropriate, based off the surrounding commercial uses; that the request is consistent with the Future Land Use Plan, Sussex County has considered the development along Rt. 9 as a business corridor, with a mix of residential and commercial uses which provide local residences with access to services they need; that supplying local services will reduce traffic to SR-1 for basic needs; that the plan promotes the Rt. 9 vision to be tied to efforts to make the corridor multimodal; that Table 4.5-2 shows C-2 Commercial Zoning is an applicable zoning district in a low density area; that the property is located within the Level 4 Investment Area according to

**Public
Hearing/
CZ1951
(continued)**

the 2015 Strategies for State Policies and Spending; that there are currently four non-tidal wetlands located on the property; that the current wetlands serve as a stormwater management system for the Dollar General; that the property is located with Flood Zone X unshaded; that the property is not located within any groundwater protection zones; that Delmarva Power Light Company will provide sufficient energy to the property; that Eastern Shore Natural Gas has a current gas line available for the property; that Verizon and Comcast are the main telecommunication providers for the area; that all of these utilities ensure quality growth and development, by development of infrastructure and services in Sussex County to compliment State and local planning efforts; that they feel the requested Change of Zone meets the general purpose of the Zoning Ordinance as it is located within an appropriate location; that the request meets the purpose of the C-2 District in the Future Land Use Plan; that the request promotes the growth and development through community design, mobility, utilities, transportation and economic development in an area with a general mixture of commercial and service activities currently exist and this is essential and desirable for the general convenience, orderly growth, prosperity and welfare of Sussex County.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 162 22
Adopt
Ordinance
No. 2847
/CZ1951**

A Motion was made by Mr. Schaeffer. seconded by Mr. Rieley to Adopt Ordinance No. 2847 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.17 ACRES, MORE OR LESS” (Change of Zone No. 1951) filed on behalf of Shiloh Investments, LLC for the following reasons given by the Planning and Zoning Commission:

- 1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.**
- 2. The Applicant’s property is currently zoned AR-1, but it is in the Cool Spring area along Route 9 where other commercial zonings and commercial uses exist. It is surrounded on both sides by commercially zoned property, and it is next to the future extension of the Lewes-to-Georgetown rail path. This is an appropriate location for the C-2 zoning.**
- 3. C-2 Zoning at this location along Route 9 will benefit nearby residents of Sussex County by providing a commercial location for local shopping and similar uses without having to travel to Lewes, Milton, Long Neck, or Georgetown.**
- 4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**

**M 162 22
Adopt
Ordinance
No. 2847
/CZ1951
(continued)**

- 5. The Sussex County Land Use Plan and Future Land Use Map supports this location for C-2 Zoning.**
- 6. It is anticipated that the site will have central water and sewer service.**
- 7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.**
- 8. No parties appeared in opposition to the rezoning application.**
- 9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 163 22
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at 2:12 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}