

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 27, 2021**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 27, 2021, at 10:00 a.m., in the Carter Partnership Center at Delaware Technical Community College, Georgetown, with the following present:**

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

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 149 21  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to amend the Agenda by deleting “Executive Session – Land Acquisition pursuant to 29 Del.C. §10004(b)” and “Possible action on Executive Session items”, and to approve the Agenda, as amended.**

**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 April 20, 2021 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore reported that correspondence was received from Girl Scouts of the Chesapeake Bay in appreciation of a grant.**

**Public  
Comments**

**Under public comments, Eul Lee commented on Bioenergy Development Group’s history and plans for the processing and handling of poultry waste.**

**M 150 21  
Approve  
Consent  
Agenda  
Items**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the following items listed under the Consent Agenda:**

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA-808 Maritima (Red Clover Walk) Project, West Rehoboth Area**
- 2. Use of Existing Wastewater Infrastructure Agreement, IUA-1083 Welches Pond (Fieldstone) Project, West Rehoboth Area**

**M 150 21  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator's  
Report**

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

**1. Sussex County Council FY 2022 Budget Workshop**

**On Tuesday, May 4th, the Sussex County Council will meet for its annual budget workshop. The Fiscal Year 2022 Budget Workshop will be held at 8:30 a.m. at the Sussex County Emergency Operations Center. The next regularly scheduled Council meeting will be held on Tuesday, May 11th, at 10:00 a.m.**

**BDG DE,  
LLC  
Bioenergy  
Innovation  
Center  
Project  
Application/  
Bond  
Issuance**

**Mrs. Jennings reported that the Industrial Revenue Bond (IRB) Committee met on March 17th at which time a public hearing was held to meet federal tax requirements on the BDG DE, LLC Bioenergy Innovation Center project application requesting the issuance of up to \$60,000,000 of solid waste revenue bonds. Mrs. Jennings presented for Council's consideration, a project resolution authorizing the issuance of the bonds for the Bioenergy Innovation Center project. The IRB Committee recommends that the Council adopt the resolution. The bonds will be payable solely from the revenues received by the applicant and neither the full faith and credit nor the taxing power of the County will be pledged to pay this debt. As required by the IRS, BDG DE, LLC goes through the County's process in order for the bonds to be issued as tax-exempt. BDG DE, LLC has agreed to pay all costs of the County including fees of its bond counsel in connection with the issuance of the bonds. They will also pay the one-half of a percent of the bonds to the County. Emilie Ninan, Esq., a partner at Ballard Spahr, LLP, the County's bond counsel, was present and gave a brief background of the process.**

**M 151 21  
Adopt  
R 007 21**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to Adopt Resolution No. R 007 21 entitled "A PROJECT RESOLUTION AUTHORIZING ISSUANCE OF UP TO \$60,000,000 SOLID WASTE REVENUE BONDS (BDG DE, LLC BIOENERGY INNOVATION CENTER PROJECT) SERIES 2021".**

**Motion Adopted: 5 Yeas.**

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

**Proposed North Georgetown Area of the SCUSSD/ Request to Post Notices**

**John Ashman, Director of Utility Planning and Design Review, presented a request to prepare and post notices for a public hearing to establish a final boundary for the North Georgetown Area Annexation into the Sussex County Unified Sanitary Sewer District. The Engineering Department received a request from Beacon Engineering for their client, Sussex Pain Relief Center. The Center desires to expand their existing facility with a surgery center. There are limitations associated with the formal variance permitted by DNREC and Secretary O'Mara that prohibits this economic expansion. The County has received interest in the past from this parcel and a few others in the area. DNREC has sent them a letter of no objection to them connecting to County sewer. The County does have a pressure line in front of the parcel coming from Ellendale to Georgetown where the waste is treated and disposed per an agreement with the Town of Georgetown. The County and Beacon Engineering have reached out to several of the surrounding parcels to gauge interest in being included in the proposed area. At the public hearing, the Engineering Department will present a proposed boundary and explain the County's rate structure. The Engineering Department will evaluate any requested revisions to the boundary and a final boundary recommendation will be presented to Council for approval at a future meeting. Hans Medlarz, County Engineer, stated that the Engineering Department supports the request for posting notices.**

**M 152 21 Approve Request to Post Notices/ Proposed North Georgetown Area of the SCUSSD**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based on the request of County Engineering, pursuant to Title 9 Del.C. §6502, the Sussex County Council hereby grants permission for the Sussex County Engineering Department to prepare and post notices for a public hearing to establish a boundary for the Proposed North Georgetown Area of the Sussex County Unified Sanitary Sewer District.**

**Motion Adopted: 5 Yeas.**

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

**Grant Requests**

**Mrs. Jennings presented grant requests for the Council's consideration.**

**M 153 21 Councilmanic Grant**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to give \$1,000.00 from Mr. Schaeffer's Councilmanic Grant Account to the Slaughter Neck Community Action Organization, Inc. for Senior Center program expenses.**

**Motion Adopted: 5 Yeas.**

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

**M 154 21 Councilmanic Grant**      **A Motion was made by Mrs. Green, seconded by Mr. Rieley, to give \$1,000.00 from Mrs. Green’s Councilmanic Grant Account to CHEER, Inc. for the 50th Anniversary Gala fundraiser.**

**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 21 Councilmanic Grant**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$1,000.00 from Mr. Hudson’s Councilmanic Grant Account to the Rehoboth Beach Lions Club Service Foundation, Inc. for program expenses.**

**Motion Adopted:      5 Yeas.**

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

**M 156 21 Councilmanic Grant**      **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to give \$1,100.00 (\$1,000.00 from Mr. Hudson’s Councilmanic Grant Account and \$100.00 from Mr. Schaeffer’s Councilmanic Grant Account) to Developing Artist Collaboration for a mural project in West Rehoboth.**

**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 21 Councilmanic Grant**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$2,500.00 from Mr. Rieley’s Councilmanic Grant Account to First State Pickleball Club, Inc. for Light Up the Courts at Clayton Elementary.**

**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 Ordinance**      **Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS” (Conditional**

**Introduction (continued)** Use No. 2280) filed on behalf of Covered Bridge Inn, LLC (Tax I.D. No. 334-10.00-69.01) (911 Address: None Available).

**The Proposed Ordinance will be advertised for Public Hearing.**

**Rules** Mr. Moore read the rules of procedure for public hearings.

**Public Hearing/  
Pintail  
Pointe  
Expansion  
of the  
SCUSSD** A Public Hearing was held on the Proposed Pintail Pointe Area of the Sussex County Unified Sanitary Sewer District. John Ashman, Director of Utility Planning & Design, reported that, on March 23, 2021, the Council granted permission for the Engineering Department to post notices for a public hearing on the boundary for this proposed expansion. The County has received a list of petitioners requesting that the County government establish a sanitary sewer district not limited to but including all lands known as Pintail Pointe in Milton for the preservation of public health. The County had been receiving interest from residents and had an inquiry from Council members. The distance to existing County infrastructure prompted the Engineering Department to direct them to a nearby private wastewater utility. A private wastewater utility was contacted and provided an estimated cost of the project. DNREC has stated that a notice of violation in the Pintail Pointe Homeowners Association was being considered and a sufficient number of valid petitions were received (59). The Engineering Department posted the notices and advertised the public hearing. Mr. Ashman reviewed the proposed boundary, which encompasses everything in Pintail Pointe.

Hans Medlarz, County Engineer, reported that the notice of violation has been issued and the Engineering Department has made a request to modify the system. The Engineering Department believes that a modification permit will be issued in May.

Mr. Ashman presented the rate structure and service charges. He noted there would be a one-time system connection charge (impact fee), and there would be a one-time permit fee. He also noted that the estimated service rate is currently at \$296.00 per year per equivalent dwelling unit; the estimated annual assessment charge will be \$954.00 per year per equivalent dwelling unit; and the system connection charge will be \$0 for homes existing at the time of substantial completion of the project. The one-time charge will be included in the financing and any future connections will be charged that system connection charge in effect at the time of the connection. The total estimated annual service charges are estimated at \$1,250.00 per year. Mr. Ashman stated that a referendum will need to be held.

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 158 21  
Adopt  
R 008 21**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to Adopt Resolution No. R 008 21 entitled “BOUNDARIES FOR THE PROPOSED PINTAIL POINTE AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT”.**

**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 rules of procedure for zoning hearings.**

**Public  
Hearing/  
CZ 1921**

**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 A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Change of Zone No. 1921) filed on behalf of Stephen M. Sprogell (Tax I.D. No. 134-8.00-17.01) (911 Address: 30261 Sprogell Lane., Dagsboro).**

**The Planning and Zoning Commission held a Public Hearing on this application on March 25, 2021 at which time action was deferred. On April 8, 2021, the Commission recommended approval of the application, with conditions.**

**(See the minutes of the meeting dated March 25 and April 8, 2021.)**

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

**Mr. Whitehouse reported that ninety letters of support and three letters of opposition have been received (there may be some duplication of letters). The letters have been circulated to Council.**

**The Council found that Jim Fuqua, Attorney, was present on behalf of the Applicant, Natelli Communities. Also present were Tom Natelli, Jr. on behalf of Natelli Communities and Ken Usab with Morris Ritchie Associates. Mr. Fuqua stated that this is an application to rezone a five-acre parcel of land from AR-1 to MR with a RPC overlay; that this request would be an addition to the existing Bay Forest Club MR Residential Planned Community; that the application site is totally surrounded by the existing Bay Forest Club development and has access from Sprogell Lane; that this site is a rectangular parcel of land with a panhandle for access; that Bay Forest Club was originally approved in 2004 as a MR-RPC containing a mixture of 808 residential units consisting of single family lots, villas and townhouses; that this new section of the development will contain 23 units and will be made up of 15 single-family**

**Public  
Hearing/  
CZ 1921  
(continued)**

detached condos and eight villa townhouse units; that Bay Forest Club was approved by the County in March 2004 as a MR zoned Residential Planned Community to contain 808 single family lots, villas, and townhouses; that over the years, there have been several additions to the RPC; in 2008, the plan was amended to provide a street interconnection to an existing approved but undeveloped subdivision and that subdivision became a part of Bay Forest Club; that in 2014, the County approved an additional 30-acre parcel as part of the RPC and added an additional 84 units to the RPC, increasing the total number of approved units to 892; that in 2016, the RPC was again amended to permit an additional 21 units on vacant land that was already part of the RPC, increasing the permitted density to 913 units; that the current application is requesting the rezoning of a 5-acre parcel to MR-RPC as an extension of the RPC and this land and some of the existing land in the development will be the site of an additional 23 units in the development (15 single family condominiums and 8 townhouse villa units similar to other units that have been built or are being built in the development); that the additional 23 units would increase the permitted number of units to 936 units; that, overall, the gross density per acre of the RPC will have a very insignificant increase by the addition of the five acres and the 23 units – it actually increases the density from 2.19 to 2.22 units per acre; that the actual permitted density in MR is 4 units per acre; that according to the Land Use Plan, this site is in the Coastal Area which is a growth area; that the entrance will be from the existing Sanderling Road and will have an internal connection to Flycatcher Way, so there will be two points in ingress and egress to this section; that the existing access (panhandle road) to the parcel from Sprogell Lane will be eliminated and most of the panhandle area will be incorporated into the existing stormwater management system as an extension of the existing pond; that the townhome villas will be located on the eastern portion of the site and will have two buildings each with four units; that the 15 single-family condo units would be located on the remainder of the land; that 69 parking spaces are required and 87 parking spaces will be provided; that there will be a village green area of open space and the single family condo units will be located around the village green area; that over 40% of this site will be in open space; that there will be a 6 foot wide concrete walkway in this section which will link up with other walkways throughout the development for pedestrian access throughout the community; that there are no wetlands located on the site; that the stormwater management facilities will meet State regulations and will be a continuation of the existing system in the development; that Tidewater will provide water to this section as with the rest of the development and will have an existing water tower within the development; that sewer service will be provided by Sussex County; that a Traffic Impact Study was not required by DelDOT; that DelDOT did not require additional roadway improvements as the Developer has already provided improvements as part of the existing development; and that the purchasers of the 23 units in this section will be subject to the same restrictions and benefits as the owners in the rest of the development and that includes the use of the existing recreational amenities.

**Public  
Hearing  
(continued)**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 159 21  
Adopt  
Ordinance  
No. 2771/  
CZ 1921**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2771 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Change of Zone No. 1921) filed on behalf of Stephen M. Sprogel, with the following conditions:**

- a. The conditions imposed by Ordinance No. 1670 for Change of Zone No. 1526 shall apply to this application, with the exception that this application shall add 23 additional units to the total number of permitted units.**
- b. The property that is the subject of this application shall be integrated into the overall development scheme of the Bay Forest project.**
- c. The number of units associated with this application shall be 23 units consisting of 15 single-family detached units and 8 townhouse units.**
- d. As a result of this application, the total number of units approved for the Bay Forest Club MR-RPC shall be 936 units.**
- e. Before proceeding with any construction involving land that is the subject of this application, the Applicant or Developer shall submit a revised Master Plan integrating this land into the Bay Forest Club MR-RPC.**

**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/  
CU 2207**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR (MEDIUM DENSITY RESIDENTIAL DISTRICT) FOR MULTI-FAMILY (75 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29.34 ACRES, MORE OR LESS” (Conditional Use No. 2207) filed on behalf of CBB Cedar Pines, LLC (Marlin Chase F.K.A. Marlin Run) (Tax I.D. No. 134-9.00-21.00, 21.03, 21.04, 21.05 & 1227.00 – 1269.00) (911 Address: None Available).**



**Public  
Hearing/  
CU 2207  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on March 25, 2021 at which time action was deferred. On April 8, 2021, the Commission recommended approval of the application with conditions.**

**(See the minutes of the Planning and Zoning Commission dated March 25 and April 8, 2021.)**

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

**The Council found that Jim Fuqua, Attorney, was present with Preston Schell and Ben Gordy on behalf of the Applicant and with Zac Crouch of Davis Bowen & Friedel. Mr. Fuqua stated that this application seeks a Conditional Use approval for 75 multi-family units which would be 75 single-family detached condo units; that the name of this development would be Marlin Chase; that the property contains 29.36 acres of uplands and wetlands; that the site is located on the east side of Cedar Neck Road across from the intersection of Cedar Neck Road and Sandy Cove Road; that there are residences located to the north, a mini-storage and boat storage to the south, and tidal and non-tidal wetlands to the east; that several previous conditional use applications for the site were approved but the approvals expired for various reasons; that as of this date, the site does have valid approval for 75 residential units; that this Conditional Use application proposes to maintain the approved density for 75 units and change the unit types based on the current market to all single-family detached condominium units; that central water will be served to the site by Sussex Shores Water Company; that sewer service will be provided by Sussex County; that stormwater management facilities will be designed and constructed in accordance with DNREC's regulations; that the Condominium Association will follow Best Management Practices; that tidal and non-tidal wetlands exist on the site; that a 100 foot setback from the tidal wetlands and a 20 foot setback from the non-tidal wetlands is proposed; that all proposed buildings located on the eastern portion of the site will be located well in excess of the 50 foot buffer required by County Code; that a 20 foot right-of way on the east side of Cedar Neck Road has been dedicated to DelDOT as part of prior approvals; that there will be an additional 15 foot wide easement adjacent to the State right-of-way for a public shared use path; that the previously approved entrance on Cedar Neck Road will remain; that recreational facilities will include an outdoor pool and deck area, an outdoor fire and grilling area, a tot lot playground, pickleball courts, etc.; that each unit will have two off-street parking spaces; and that the application is consistent with the Comprehensive Plan.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 160 21  
Adopt  
Ordinance  
No. 2772/  
CU 2207**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2772 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR (MEDIUM DENSITY RESIDENTIAL DISTRICT) FOR MULTI-FAMILY (75 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29.34 ACRES, MORE OR LESS” (Conditional Use No. 2207) filed on behalf of CBB Cedar Pines, LLC (Marlin Chase F.K.A. Marlin Run), with the following conditions:**

- a. There shall be no more than 75 units within the Conditional Use area.**
- b. The Applicant shall form a homeowners’ or condominium association responsible for the perpetual maintenance of streets, roads, 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. 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.**
- e. 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.**
- f. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- g. As proffered by the Applicant, the Final Site Plan and the recorded Declaration for the property shall prohibit the application of fertilizers or similar soil additives on the property by individual property owners. All such applications shall be managed by the HOA and a contractor of its designation using the Best Management Practices to seek to minimize the risk of runoff into the stormwater management system and the Inland Bays.**
- h. As proffered by the Applicant, all buildings shall maintain a 20-foot setback from the non-tidal wetland line and a 100-foot setback from the tidal wetland line. These setback areas shall be shown on the Final Site Plan.**
- i. The project 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 40th residential building permit for the project. The amenities shall include a pool, tot lot, pickleball courts, community garden and dog park.**
- k. There shall be sidewalks on the interior side of the street within the development.**
- l. There shall be a buffer of at least 20 feet from the southern and western boundaries of the site. There shall also be a 35-foot setback from the northern boundary which shall include a 20-foot buffer. The Final Site**

**M 160 21  
Adopt  
Ordinance  
No. 2772/  
CU 2207  
(continued)**

- Plan shall continue a landscape plan for all of those buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.**
- m. Construction, sitework, grading and deliveries shall only occur from Monday through Saturday, between the hours of 7:00 a.m. and 6:00 p.m.**
  - n. 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. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.**
  - o. The Final Site Plan shall be subject to the 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**

**M 161 21  
Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn at 11:08 a.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,**

**Robin A. Griffith  
Clerk of the Council**

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