

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 9, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 9, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
David N. Rutt	Assistant County Attorney

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

Call to
Order

Mr. Vincent called the meeting to order.

M 201 17
Amend
and
Approve
Agenda

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the Agenda by deleting “Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)” and by deleting “Possible Action on Executive Session Items”, and to approve the agenda, as amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Minutes

The minutes of April 25, 2017 were approved by consent.

Public
Comments

Public Comments

John Matyjewicz, Tom Schultz, and Charlie Pollard talked about a new citizens group that has been formed, called Long Neck Strong. They talked about the escalating crime problem in the Long Neck area and their efforts to get a greater police presence in the area.

M 202 17
Approve
Consent
Agenda

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to approve the following items listed under the Consent Agenda:

1. Wastewater Agreement No. 889-2
Sussex County Project No. 81-04
The Woods at Johnsons’s Corner
AKA Fenwick Hamlet, AKA Fox Haven – Phase 2
Johnson’s Corner Sanitary Sewer District

**M 202 17
(continued)**

- 2. Wastewater Agreement No. 889-3
Sussex County Project No. 81-04
The Woods at Johnson's Corner
AKA Fenwick Hamlet, AKA Fox Haven – Phase 4
Johnson's Corner Sanitary Sewer District**
- 3. Wastewater Agreement No. 1011-1
Sussex County Project No. 81-04
Saddle Ridge – Phase 1A
Goslee Creek Planning Area**
- 4. Wastewater Agreement 990-3
Sussex County Project No. 81-04
Ocean View Beach Club – Phase 2B
Bethany Beach Sanitary Sewer District**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Procla-
mation/
Community
Action
Month**

The Council presented the Proclamation entitled “PROCLAIMING THE MONTH OF MAY AS “COMMUNITY ACTION MONTH” to Kaneisha Trott who was in attendance representing First State Community Action Agency.

**E/D
Director**

Mr. Lawson announced the selection of William F. Pfaff as Sussex County's next Economic Development Director.

**M 203 17
Approve
Selection
of New
Economic
Develop-
ment
Director/
William
Pfaff**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that Sussex County Council approves the selection of Mr. William F. Pfaff to the position of Economic Development Director for Sussex County, with a start date of May 22, 2017.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Mr. Pfaff was in attendance and addressed Council.

**Public
Hearing/
Proposed
Annexation
Public
Hearing/**

A Public Hearing was held on the Proposed Annexation of Lewes Crossing, Phase 8, Sussex County Unified Sanitary Sewer District, West Rehoboth Area. John Ashman, Director of Utility Planning, reported that the expansion was requested by Lewes Crossing Capital Partners LLC for a project known as Lewes Crossing, Phase 8, West Rehoboth Area of the Sussex County Unified Sanitary Sewer District. He reported that there is

Proposed Annexation of Lewes Crossing Phase 8 an existing connection available for the parcel, however, a prior phase of Lewes Crossing will provide an alternate connection point for this phase; that the expansion will include Parcel #334-5.00-222.01 and will consist of 19.53 acres, more or less; and that the project is proposed for 42 lots and will be responsible for System Connection Charges of \$5,775.00 per EDU based on current rates. Mr. Ashman reported that the annexation was advertised and posted; no comments have been received either in support of or in opposition to the expansion.

The Public Hearing and public record were closed.

M 204 17 Adopt R 011 17 A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 011 17 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) WEST REHOBOTH AREA, TO INCLUDE A PROPERTY SITUATED ON THE SOUTH SIDE OF COUNTY ROAD 23 (BEAVER DAM ROAD). THE PARCEL (334-5.00-222.01) IS LOCATED IN THE LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” (LEWES CROSSING, PHASE 8).

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Board of Adjustment Mr. Lawson reported that Mr. Vincent would like to reappoint Mr. John Mills to the Board of Adjustment (District 1 appointment).

M 205 17 Reappoint-ment to Board of Adjustment A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council approves the appointment of Mr. John Mills to the Sussex County Board of Adjustment, effective immediately, until such time as the term expires in June 2019.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Advertise-ment of Property/Route 113 Mr. Lawson reported that the County has been approached regarding its interest in selling the property it owns on Route 113 in Georgetown. Sussex County Council purchased parcel number 135-19.00-63.00 in 2008. The parcel is nearly 30 acres total in which the County paid \$2,410,557. The parcel fronts Route 113 and East Trap Pond Road. Also, the County Council purchased parcel number 135-19.00-59.03 in 2015. The parcel is 15 acres total in which the County paid \$198,612.00. This parcel is located on

Advertisement of Property/Route 113 (continued)

Parker Road and is contiguous to the Route 113 parcel.

Mr. Lawson reported that, per the County's policy for disposition of real property, Council must approve the advertisement of real property.

The Council discussed whether or not to advertise the property.

**M 206 17
Defer
Action on
Readvertise-
ment of
Property**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action on the advertisement of property (Route 113, Georgetown).

Motion Adopted: 4 Yeas, 1 Abstention.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Abstained; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Adminis-
trator's
Report**

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

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet May 15th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. Gary and Amy Feger, Certified Senior Advisors, CarePatrol of Delaware & Maryland Eastern Shore, will be speaking on "*CarePatrol's Free Services in Sussex County.*" The Conference Planning Subcommittee will also meet at 11:30 a.m. to discuss the 2017 conference which will be held on October 18th. A copy of the agenda for each meeting is attached.

2. Mulberry Knoll Area Referendum

The Sussex County Engineering Department will be conducting a referendum at Metropolitan Community Church, Rehoboth Beach, Delaware, on Saturday, May 13th, from 9:00 a.m. until 1:00 p.m. The purpose of the referendum is to establish the Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District.

3. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Tidewaters received Substantial Completion effective May 4th.

[Attachments to the Administrator's Report are not attachments to the minutes.]

Request for Time Extension/ Subdivision Application No. 2007-28

Janelle Cornwell, Director of Planning and Zoning, reported that the Planning and Zoning Department received a request for an extension for Subdivision Application 2007-28, an application of Plantation Park Marina, Phase 2. This Subdivision Application was originally approved in 2007 and recorded on June 18, 2012 for the construction of single family dwellings; the expiration date is June 2017. Ms. Cornwell reported on the status of agency approvals for this application and noted that in accordance with Ordinance No. 2428, the Council may grant a time extension for up to six months.

M 207 17 Approve Time Extension/ Subdivision Application No. 2007-28

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council approves a 6-month time extension for Subdivision Application 2007-28, Plantation Park Marina, Phase 2.

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Nay;
Mr. Wilson, Yea; Mr. Cole, Absent;
Mr. Vincent, Yea

(Mr. Cole was out of the room during the vote.)

Sussex Aero Roof Replacement Project

Hans Medlarz, County Engineer, reported on the bids received for the Sussex Aero Maintenance Roof Replacement Project, Project 17-22. Mr. Medlarz reported that due to the age of the building, deterioration of the roof has been an ongoing issue; attempts to repair sections of the roof were unsuccessful. Funds to replace the roof were requested and approved in the FY 2017 Budget. Mr. Medlarz reported that the lowest responsive bidder for the base bid and all alternate bids was J.O.B. Construction Co., Inc. with a total bid of \$41,879.00.

M 208 17 Bid Award/ Sussex Aero Roof Replacement Project

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Contract 17-22, Sussex Aero Maintenance Roof Replacement, be awarded to J.O.B. Construction Co., Inc. of Bridgeville, DE, at the total bid amount of \$41,879.00.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Presentation/ Trash Violation & Enforcement

Ryan Stuart, County Constable, and Michael Costello, Government Affairs Manager, provided a presentation on property maintenance complaints and enforcement. Their presentation included information on Code requirements relating to lot maintenance, parking and storing of vehicles, and prohibited accumulations. Also discussed were violation notices, service of violations notices, compliance timeline, and abatement. Their

- (continued) presentation also included information on roadside littering and dumping including investigation and enforcement, clean-up responsibility, and clean-up assistance and volunteer programs. Also discussed was the role of State partners and how other jurisdictions are handling similar issues.
- Grant Requests** Mrs. Jennings presented grant requests for the Council's consideration.
- M 209 17 County-wide Youth Grant** A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$1,000.00 from Countywide Youth Grants to Big Brothers Big Sisters of Delaware for the Sussex County Bowl for Kids' Sake fundraiser.
- Motion Adopted: 4 Yeas, 1 Absent.
- Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea
- M 210 17 Councilmanic Grant** A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$1,500.00 from Mr. Burton's Councilmanic Grant Account to the Milton Historical Society for the purchase of the David Atkins House.
- Motion Adopted: 4 Yeas, 1 Absent.
- Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea
- M 211 17 Councilmanic Grant** A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$1,200.00 (\$600.00 each from Mr. Burton's and Mr. Cole's Councilmanic Grant Accounts) to the Greater Lewes Foundation for festival expenses.
- Motion Adopted: 5 Yeas.
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea
- M 212 17 Councilmanic Grant** A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$2,000.00 (\$1,000.00 each from Mr. Burton's and Mr. Wilson's Councilmanic Grant Accounts) to the Milton Little League for a field lighting project.
- Motion Adopted: 5 Yeas.
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

M 213 17 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 from Mr. Cole's Councilmanic Grant Account to True Blue Jazz for festival expenses.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

M 214 17 County-wide Youth Grant **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$2,000.00 from Countywide Youth Grants to Del-Mar-Va Council, BSA for camp scholarships (restricted to Sussex County youth).**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Introduction of Proposed Zoning Ordinances **Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS WITH EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.740 ACRES, MORE OR LESS" (Conditional Use No. 2093) filed on behalf of John Huss (Tax I.D. No. 235-30.00-6.20) (911 Address: Not Available).**

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.7774 ACRE, MORE OR LESS" (Conditional Use No. 2094) filed on behalf of Robert Downs (Tax I.D. No. 235-21.00-163.01 (portion of) (911 Address: 15584 Walkabout Lane, Milton).

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GAZEBO AND SHED BUSINESS WITH OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.040 ACRES, MORE OR LESS" (Conditional Use No. 2096) filed on behalf of Capitol Buildings Shed Outlet.

Introduction of Proposed Zoning Ordinances (continued) **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL FLOWER SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS” (Conditional Use No. 2100) filed on behalf of Catherine Schultz.**

The Proposed Ordinances will be advertised for Public Hearing.

Council Members’ Comments **Council Members’ Comments**

Council Members’ Comments **Mr. Arlett commented on the County’s participation in Mel’s Race For A Cure that took place on Friday, May 5th, during the Live for Chocolate event hosted by Nanticoke Health Services in Seaford.**

M 215 17 Recess **At 12:17 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess until 1:30 p.m.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

M 216 17 Reconvene **At 1:36 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to reconvene.**

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Absent;
Mr. Vincent, Yea**

Rules **Mr. Rutt read the Rules of Procedure for public hearings.**

**Public Hearing/
CZ 1815** **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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.8573 ACRES, MORE OR LESS” (Change of Zone No. 1815) filed on behalf of Two Farms, Inc. (Tax I.D. No. 135-11.00-78.00) (911 Address: 24616 Lewes Georgetown Highway, Georgetown).**

The Planning and Zoning Commission held a Public Hearing on this application on March 9, 2017 at which time action was deferred. On March 23, 2017, the Commission recommended approval of the application.

**Public
Hearing/
CZ 1815
(continued)**

(See the minutes of the Planning and Zoning Commission dated March 9 and 23, 2017.)

Janelle Cornwell, Director of Planning and Zoning, provided a summary of the Commission's Public Hearing and recommendation of approval.

It was noted that an Exhibit Book was previously submitted and distributed to the Council.

The Council found that William Scott, Attorney for the Applicant, and Mike Reimann with Becker, Morgan Group, were in attendance and reported on the Traffic Impact Study that was completed, the infrastructure available for the project, landscaping proposed, additional screening that would be provided per the request of a nearby property owner, entrances, surrounding zonings and uses; stormwater improvements, and the proposed use of the site for a retail center consisting of 15,000 square feet. They stated that the proposed rezoning would have no adverse impact to neighboring or adjacent properties.

Mr. Reimann referenced a letter from DelDOT which was included in the Exhibit Book.

Mr. Burton commented on the proposed use of the property and the uses that are permitted in CR-1 zoning. He also raised questions regarding the traffic study and the entrance to the property.

In response to Mr. Burton's questions, it was stated that a retail center is proposed; however, it is possible it could be a Royal Farms store.

There were no public comments.

The Public Hearing and public record were closed.

**M 217 17
Adopt
Proposed
Ordinance/
CZ 1815

DENIED**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.8573 ACRES, MORE OR LESS" (Change of Zone No. 1815) filed on behalf of Two Farms, Inc.

Motion Denied: 3 Nays, 1 Yea, 1 Abstention.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Nay;
Mr. Wilson, Nay; Mr. Cole, Abstained;
Mr. Vincent, Nay

**Public
Hearing/
CZ 1816**

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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.71 ACRES, MORE OR LESS” (Change of Zone No. 1816) filed on behalf of Bruce Fisher. (Tax I.D. No. 131-19.00-10.01) (911 Address: 20446 Camp Road, Bridgeville).

The Planning and Zoning Commission held a Public Hearing on this application on March 23, 2017 at which time the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated March 23, 2017.)

Janelle Cornwell, Director of Planning and Zoning, provided a summary of the Planning and Zoning Commission’s Public Hearing and recommendation of approval.

The Council found that Bruce Fisher was present on behalf of his application. He stated that he previously received Conditional Use approval for this site for offices; however, the Conditional Use approval has expired. He stated that, since that time, he has obtained a commercial entrance approval; that he will use the existing structure; and that he proposes the use to be for a professional office/retail business.

There were no public comments.

The Public Hearing and public record were closed.

**M 218 17
Adopt
Ordinance
No. 2495/
CZ 1816**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2495 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.71 ACRES, MORE OR LESS” (Change of Zone No. 1816) filed on behalf of Bruce Fisher.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ 1817**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 141.086 ACRES, MORE OR LESS” (Change of Zone No. 1817) filed on behalf of Liborio Ellendale, LLC. (Tax I.D. No. 230-26.00-115.00, 115.04, 122.00; and 230-31.00-33.00, 33.01) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on March 9, 2017 at which time the Commission deferred action. On March 23, 2017, the Commission recommended approval, with conditions A-Q.

(See the minutes of the Planning and Zoning Commission dated March 9 and 23, 2017.)

Janelle Cornwell, Director of Planning and Zoning, provided a summary of the Planning and Zoning Commission’s Public Hearing and recommendation of approval.

It was noted that an Exhibit Book was previously submitted and distributed to the Council.

The Council found that Zachary Crouch of Davis Bowen & Friedel, Inc. was present on behalf of the application. He stated that an application for this project was originally approved in 2009; however, due to the economic downturn, the RPC designation lapsed and there are new property owners. He noted, however, that the zoning for the site was previously approved and the subject parcels are zoned MR Medium Residential. Mr. Crouch reported that all agency approvals have been received; that the site plan is the same site plan as the one approved in 2009; that they went through the PLUS process again and that information is included in the Exhibit Book; and that 224 single family lots and 72 townhouses are proposed. Mr. Crouch presented information on phasing of the project, infrastructure, stormwater/tax ditch, amenities, landscape plan, open space including woodlands and parkland, sidewalks, and streetlighting,

Public comments were heard.

There were no public comments in support of the application.

Patrick Smith spoke in opposition to the project, expressing concerns about traffic and the lack of traffic lights, streetlights, sidewalks, shoulders, and fire hydrants. Mr. Smith stated that the Town of Ellendale cannot support 300 additional homes and that the project will not create jobs for the area.

**Public
Hearing
(continued)**

It was clarified that the site is already zoned MR and therefore, 4 units per acre are permitted.

The Public Hearing and public record were closed.

**M 219 17
Adopt
Ordinance
No. 2496/
CZ 1817**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2496 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 141.086 ACRES, MORE OR LESS" (Change of Zone No. 1817) filed on behalf of Liborio Ellendale, LLC, with the following conditions:

- A. The maximum number of lots or units shall not exceed 296. There shall be 224 single family lots and 72 townhouses.
- B. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
- C. A traffic calming device shall be installed for Joseph Court Road and shall be shown on the Final Site Plan.
- D. The Development shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.
- E. The RPC shall be served by central water.
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- G. Sidewalks, street lighting and roadside trees shall be provided for the internal streets and their locations shall be shown on the Final Site Plan.
- H. The Park Area shown on the preliminary site plan shall be created for the community and the Town of Ellendale, with details provided as part of the Final Site Plan. The Final Site Plan shall also include at least 10 parking spaces for this Area.
- I. The Developer shall form a homeowner's association responsible for the maintenance of the streets, road, buffers, open space, stormwater management facilities and other common areas.
- J. There shall be active and passive recreational amenities provided. The active amenities shall include a centralized recreational area including a tot lot, clubhouse and swimming pool open to use by residents by the issuance of the 72nd Building Permit. All the amenities shall be shown on the Final Site Plan.
- K. The developer shall minimize tree removal. Conservation Easements shall be created as non-disturbance areas for the northerly and southerly upland forested areas with these areas shown on the Final Site Plan.

**M 219 17
(continued)**

- L. A school bus stop and DART bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
- M. A 20-foot wide forested or landscaped buffers shall be installed along the entire perimeter of the site.**
- N. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.**
- O. The Final Site Plan shall contain the approval of the Sussex Conservation District for design and location of all stormwater management areas and erosion and sediment control facilities.**
- P. The Final Site Plan shall include a landscape plan for all of the open space and buffer area, showing all of the landscaping and vegetation to be included in those areas.**
- Q. The Final Site Plan shall include a phasing plan and shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 220 17
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 2:39 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, 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.}