

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 14, 2022**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 14, 2022, at 12:30 p.m., in Council Chambers, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Douglas B. Hudson</b>	<b>Vice President</b>
<b>Cynthia C. Green</b>	<b>Councilwoman</b>
<b>John L. Rieley</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 261 22  
Approve  
Agenda**

Mr. Lawson reported that the Second Quarter Employee Recognition Awards can be removed from the agenda. A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, 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 the June 7, 2022 meeting were approved by consensus.

**Corres-  
pondence**

There was no correspondence.

There were no public comments.

**Public  
Comment**

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

**Adminis-  
trator's  
Report**

1. **Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Peninsula Lakes – Phase 1B (Construction Record) received Substantial Completion effective June 2<sup>nd</sup>.

2. **Delaware Animal Services Performance Report – First Quarter**

The Delaware Animal Services Performance Report for the first

**Administrator's  
Report  
(continued)**

quarter of 2022 is attached listing the total number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 1,351 calls for service in the first quarter for Sussex County.

**3. Holiday and Council Meeting Schedule**

A reminder that County offices will be closed on Monday, June 20<sup>th</sup>, to observe the Juneteenth holiday.

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

**Bulk  
Delivery/  
Project  
M19-31/  
FY23  
Funding**

Hans Medlarz, County Engineer presented FY 2023 funding approval for bulk delivery of seed and chemical, project M19-31 for Council's consideration. Mr. Medlarz shared that next year, this project will go to an annual bid.

Mrs. Green questioned what the income has been for the year or an income of this farming that the County has been doing. Mr. Medlarz stated that he would look into it further to provide a number.

**M 262 22  
Approval  
Bulk  
Delivery/  
Project  
M19-31**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that be it moved, based upon the recommendation of the Sussex County Engineering Department, that Contract M19-31, Delivery of Seed and Chemical Funding be reauthorized to Growmark FS, LLC, for FY23 in the amount of \$188,979.30.

**Motion Adopted: 4 Yeas, 1 Nay**

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

**Ellendale  
Water  
District  
Agreement**

Hans Medlarz, County Engineer presented Amendment No. 2 for the Ellendale Water District Agreement with Artesian Water Company, LLC for Council's consideration.

**M 263 22  
Approval of  
Ellendale  
Water  
District  
Agreement**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson that be it moved, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve Amendment No. 2 to the Ellendale Water District Agreement between Sussex County and Artesian Water Company, 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**

**Old  
Business/  
CZ1954**

**Mr. Jamie Whitehouse, Planning and Zoning Director presented 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 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS” filed on behalf of American Storage of Delaware, LLC. Mr. Whitehouse reminded Council that a public hearing was held before them on May 10, 2022. At the conclusion of that hearing, action on the application was deferred for further consideration.**

**M 264 22  
Adopt  
Ordinance  
No. 2859/  
CZ1954**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2859 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 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-7 as follows:**

- 1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices, and vehicle service stations. Although a number of uses are permitted, this Applicant intends to construct a mini-storage facility on this site.**
- 2. Route 24 is considered to be a Major Collector roadway according to DelDOT’s roadway classification. Major Collector roads are appropriate locations for C-3 Zoning.**
- 3. The parcel is in a section of Route 24 where there are commercial districts and business and commercial uses that have developed. This includes a shopping center with a large grocery store, a smaller strip mall, and other similar uses. This location along this part of Route 24 is appropriate for this type of zoning.**
- 4. This property is located in the Coastal Area according to the current Sussex County Land Use Plan. This proposed commercial zoning is appropriate in this Area according to the Plan.**
- 5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**
- 6. No parties appeared in opposition to this rezoning application.**
- 7. 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**

**Old  
Business/  
CZ1955**

**Mr. Moore presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” filed on behalf of American Storage of Delaware, LLC.**

**M 265 22  
Adopt  
Ordinance  
No. 2860/  
CZ1955**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2860 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-8 as follows:**

- 1. This application seeks a Change of Zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area that is expected to become urban in character and where central water and sewer is available.**
- 2. Both central water and central sewer are available at this site.**
- 3. This site is situated along Route 24 near the Route 24 and Bay Farm Road intersection. Route 24 is considered a Major Collector roadway by DeIDOT. Given its location along Route 24, MR zoning is appropriate for this property.**
- 4. The property is adjacent to a property that is zoned CR-1 and it is generally across from properties that are zoned C-1. These uses include a shopping center with a large grocery store. There are also other properties in the area being used for business or commercial uses. MR zoning is appropriate in this location where these other uses exist.**
- 5. There is extensive GR-zoned property and there is a townhome development across Route 24 from this site. MR zoning is consistent with these nearby residential zoning districts and uses.**
- 6. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.**
- 7. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan.**
- 8. For all these reasons, MR zoning is appropriate for this site.**

**M 265 22  
Adopt  
Ordinance  
No. 2860/  
CZ1955  
(continued)**

**Motion Adopted: 5 Yeas**  
**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Old  
Business/  
CU2315**

**Mr. Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” filed on behalf of American Storage of Delaware, LLC. Mr. Whitehouse reminded Council that a public hearing was held before them on May 10, 2022. At the conclusion of that hearing, action on the application was deferred for further consideration.**

**M 266 22  
Adopt  
Ordinance  
No. 2861/  
CU2315**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2861 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-6 with conditions 7 A-P as follows:**

- 1. According to the Sussex County Zoning Code, the purpose of the MR District is to provide for medium-density residential uses with central water and sewer that are considered more urban in character than other parts of Sussex County. The permitted density within the MR District is 4 units per acre. This application complies with the purpose and density of the MR Zoning District.**
- 2. The property is in the vicinity of a mixture of commercially and residentially zoned properties, including GR properties, C-1 properties, and CR-1 properties. There is also a townhouse development that is across Route 24 from this site. The use as multi-family residential is consistent with these other zoning classifications and uses.**
- 3. The proposed Conditional Use is appropriate for this site because residential development of this type is appropriate where central sewer and water are available. Sewer will be provided by Sussex County and water will be provided by Tidewater Utilities.**
- 4. The proposed use is consistent with the County’s Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing**

**M 266 22  
Adopt  
Ordinance  
No. 2861/  
CU2315  
(continued)**

- types should be permitted in the Coastal Area, including single-family homes, townhouses, and multi-family units.
5. **DelDOT has reviewed the proposed project and has determined development's traffic impact will be Minor. When DelDOT determines that traffic impact will be Minor, a developer is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer's obligation to construct or pay for offsite road improvements that are required by DelDOT.**
  6. **With the conditions placed upon this recommendation, there will be no adverse impact upon traffic or the neighboring area.**
  7. **This recommendation is subject to the following conditions:**
    - A. **There shall be no more than 140 units within the development.**
    - B. **All entrances, intersections, roadways, and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.**
    - C. **Recreational Amenities shall be completed on or before the issuance of the 84th Building Permit. These amenities shall include a community center/clubhouse and an outdoor pool.**
    - D. **Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.**
    - E. **The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.**
    - F. **Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
    - G. **Interior street design shall comply with or exceed Sussex County standards and shall include sidewalks or multi modal pathways on one side of all streets with street lighting.**
    - H. **Road naming and addressing shall be subject to the review and approval of the Sussex County Geographic Information Office.**
    - I. **The applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.**
    - J. **Construction, site work, excavation, grading, and deliveries to or from the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday. A 24-inch by 36-inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
    - K. **There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the perimeter of this development. This buffer shall utilize existing forest or similar vegetation where it exists in the**

**M 266 22  
Adopt  
Ordinance  
No. 2861/  
CU2315  
(continued)**

**buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area.**

- L. The developer shall preserve as many existing trees as possible on the site. These areas of non-disturbance shall be clearly shown on the Final Site Plan.**
- M. The Final Site Plan shall include a landscape plan for the development, including all buffer areas.**
- N. The Applicant shall form a condominium association to be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities, and open space.**
- O. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- P. The Final Site Plan shall be subject to the review and approval of the Sussex Planning & 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**

**Grant  
Requests**

**Mrs. Jennings presented grant requests for Council’s consideration.**

**M 267 22  
Pop Warner  
Little  
Scholars,  
Inc.**

**A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$1,000 (\$1,000 from Mrs. Green’s Councilmanic Grant Account) to Pop Warner Little Scholars, Inc. for a concession trailer upgrade.**

**Motion Adopted: 5 Yeas**

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

**M 268 22  
DE  
Women’s  
Multisport  
Club**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000 (\$2,000 from Mr. Hudson’s Councilmanic Grant account) to Southern Delaware Women’s Multisport Club for uniforms.**

**Motion Adopted: 5 Yeas**

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

**M 269 22  
True Blue  
Jazz, Inc.**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give \$7,500 (\$5,000 from Countywide Youth Grant, \$1,000 from Mr. Schaeffer's Councilmanic Grant Account, \$1,000 from Mr. Vincent's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant account) to True Blue Jazz, Inc. for festival expenses.**

**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**

**Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, BY AMENDING SECTION 115-77.1 (LARGE SCALE USES) TO CLARIFY HOW FLOOR AREA IS CALCULATED"**

**Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BUSINESS PARK CONTAINING MIXED-USE BUILDINGS FOR OFFICE AND RETAIL PURPOSES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.15 ACRES, MORE OR LESS"**

**Mr. Vincent 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.247 ACRES, MORE OR LESS"**

**The Proposed Ordinances will be advertised for Public Hearings.**

**Council  
Member  
Comments'**

**Mr. Schaeffer discussed HB252, the reassessment bill which would mandate the County to do reassessments no more than five years out.**

**Mr. Rieley expressed support for those in the police service and offered his condolences to Sheriff Glenn Hilliard's family and the department. Sheriff Hilliard was recently killed in the line of duty.**

**M 270 22  
Go Into  
Executive  
Session**

**At 1:06 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation, land acquisition and collective bargaining.**

**Motion Adopted: 5 Yeas.**

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



**Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Executive Session**      **At 1:10 p.m., an Executive session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to potential/pending litigation, land acquisition, and collective bargaining. The Executive Session concluded at 1:28 p.m.**

**M 271 22 Reconvene**      **At 1:32 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to come out of Executive Session and into Regular Session.**

**Motion Adopted:      4 Yeas, 1 Absent**

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

**E/S Action**      **There was no action on Executive Session items.**

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

**Public Hearing/  
CZ1946 &  
CU2293**      **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 B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.564 ACRES, MORE OR LESS” (property is lying on the west side of Roxana Road [Rt. 17], approximately 0.69 mile northeast of the intersection of Roxana Road and Daisey Road [S.C.R. 370]) (911 Address: N/A) (Tax Parcel: 134-15.00-20.12)**

**The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2022, and on June 9, 2022, the Commission recommended approval of the application for the seven reasons stated.**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR 703 STORAGE UNITS AND OUTDOOR STORAGE FOR BOATS AND RV’S TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.424 ACRES, MORE OR LESS” (property lying on the west side of Roxana Road [Rt. 17] approximately 0.68 mile northeast of the intersection of Roxana Road and Daisey Road [S.C.R. 370]) (911 Address: N/A) (Tax Parcel: 134-15.00-20.06)**

**The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2022 and on June 9, 2022, the Commission recommended approval of the application for the seven reasons stated and**

**Public  
Hearing/  
CZ1946 &  
CU2293  
(continued)**

**subject to the thirteen recommended conditions.**

**(See the minutes of the Planning and Zoning Commission dated May 26 and June 9, 2022.)**

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

**The Council found that Ms. Shannon Carmean Burton, Esq. spoke on behalf of both Applications, CZ 1946 and CU 2293 for Ronald & Candice Gray; that she is an attorney with Sergovic, Carmean Weidman McCartney & Owens, P.A.; that also present were Mr. Tim Metzner with Davis, Bowen & Friedel, Mr. Ron Gray, the Applicant and Mr. Edward Launay, with Environmental Resources, Inc., that there are two applications being present to the Commission; that the first request to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential) Zoning District to B-2 (Business Community) Zoning District; that the other Application is for a Conditional Use of land within an AR-1 (Agricultural Residential) Zoning District for purposes of constructing 703 storage units, with outdoor storage for boats, boat trailers and RVs; that they have submitted exhibit booklets for review; that the exhibit booklet for the Conditional Use does contain proposed Findings of Fact and Conditions of Approval; that both properties are located in the AR-1 (Agricultural Residential); that the land has historically been used for farming or agricultural purposes; that the proposed Conditional Use and Change of Zone will allow the Applicant's to make better use of the property and provide essential services to meet the growing storage and office needs in this rapidly expanding area.**

**The Council found that Mr. Ronald Gray spoke on behalf of his Application; that he has owned the property with his wife; that he had previously been before the Council to request rezoning of a 10-acre parcel with the same proposed use of storage units; that he is now proposing the same use again, but on two properties, one being of one and a half acre property and one 8.5-acre property; that there were several complaints raised at the County Council public hearing; that due to the several complaints, he decided to pull the request for complete rezoning; that a Conditional Use approval would assure anyone concerned that the specific portion of the property would only be used for the proposed use of storage buildings, RVs and boat storage; that there has been an increased demand for storage units throughout the area, being from Fenwick Island to Millsboro in the last two years; that this project will serve that need; that it will not bring new people to the area but will allow those that are nearby to have a convenient place to store their things; that there was a lot of discussion about visibility of the storage area from neighboring properties at the last hearing; that the Parler Family's property is not very visible to the north; that he currently has the property under contract; that there is 30-ft. to 40-ft. of vegetation which he intends to leave in place; that the view to the west is a farmhouse building that is planned to buffer with**

**Public  
Hearing/  
CZ1946 &  
CU2293  
(continued)**

landscaping; that there is a commercial area to the south that may be wished to have landscaped; that the area to the east is wooded and limits visibility from neighboring properties; that all lighting on the project would be down lighting and not spill over into adjacent parcels; that the facility will be gated and accessible with individual codes assigned to those that have storage units; that access has been given at his other facilities starting at 6:00 a.m. until 10:00 p.m. with exceptions allowed on a case by case basis; that it is planned to place cameras around the site and buildings to ensure security; that the facility will have fencing; that pictures were shown of his Millsboro facility; that it is being proposed to do a 8,000 sq. ft. and 5,000 sq. ft. building; that the building will be enclosed and secured; that it is anticipated that these two office buildings will be placed on this parcel only after central sewer and water are available; that landscaping will be placed in the storage area in the interim to buffer the view from Route 17 until two office buildings are built; that the two proposed office buildings will house business in a more rural setting than found along Route 26; that the type of businesses that would be interested in space here would be family and specialty doctor offices to support the nearby Beebe emergency facility, financial services like Edward Jones, a dental office, an eye office, a physical therapy office, a hair salon or other similar service businesses; that these businesses would be operated during the day; that the businesses would have limited noises associated with their operation; that the parking lot for the buildings would be lighted from dusk to dawn with professionally designed lighting to ensure no carry over of lighting to adjacent properties; that this is a compatible use for this property as there is commercial area to the south; that stormwater management facilities for this parcel and the proposed storage facility behind it will be designed to ensure that stormwater runoff with no greater post development than today will occur; that he is increasing storage capacity at his Route 54 facility; that existing storage facilities are full and have been since the middle of 2020; that he had spoken with Ms. Deborah Botchie, Town Manager for Town of Millville, about the existing planned housing; that Bishop Landing is an existing development with 800 homes; that Millville by the Sea has 540 existing homes within a mile and half of this site; that Millville by the Sea has an additional 391 approved residential homes and 508 that are in the approval process; that the town has recently approved Egret Shores with 135 units a mile away and Hudson's Reserve, which is 124 residential units that is 1/2 mile from the site; that there is a 216 unit apartment complex planned near the hospital; that this project is being proposed to serve the current needs and anticipated needs of the new residents coming to this area.

The Council found that Mr. Tim Metzner spoke on behalf of the Application; that the site is located on Roxana Road which is classified by DelDOT as an arterial road; that coming south from Route 26, there are multiple residential developments, commercial, religious, self-storage and office buildings which continue to head south closer to the property; that Beebe campus and the 200+ apartment units are less than an acre to the north; that the uses proposed are needed in this area; that directly to the

**Public  
Hearing/  
CZ1946 &  
CU2293  
(continued)**

**south is bordered by a private road that serves the commercial piece; that to the west is residential which the private drive also serves; that on the west side of the property there is a tax ditch which borders the property; that along the north side there is an agricultural ditch which borders the property; that when they presented the project a few years ago, the site was classified within Investment Level 4 according to the State Strategies Map; that the State has since revised the site to Investment Level 2 and Level 3; that Level 2 and Level 3 do support future growth; that within the PLUS comments no objection was given to the proposed use and development of the property; that they do understand they are requesting a Change of Zone and not site plan approval; that the B-2 zoning has many uses; that this is similar to what they own in another location; that the Conditional Use application is also the same as presented to this body back in 2020; that under Tab A in both booklets are the conceptual site plans for this parcel; that in the front parcel, there are two office buildings shown; that one building is 8,000 sq. ft. and the other is 5,000 sq. ft.; that in the rear parcel, there are 40 total storage buildings proposed; that the spacing for those buildings are set for Fire Marshal requirements; that both parcels will share access off of Route 17 on the northern portion; that stormwater management is proposed along the southern property line that will be shared by both parcels; that existing vegetation along the property line will not be removed and will provide an immediate visual buffer for the adjacent property to the north; that within Tabs C&D, it shows the closest central sewer and water tie-ins are approximately 4,250 feet away to the north; that the owners intent is to wait to construct the office buildings until the sewer and water are closer to the site; that per the design, the storage buildings do not require any water or sewer service; that they are proposing a layout that will not require sprinklers; that the layout will meet the Fire Code; that in Tab K of the Exhibit Booklet, is the DelDOT Service Level Evaluation Response; that the DelDOT response stated the projects will generate less than 50 vehicle trips in any hour, or fewer than 50 vehicle trips per day; that due to this a TIS is not required by DelDOT; that the site is classified as AB and AD soils per the Natural Resources Conservation District (NRCS) Soils Map; that AB is the better, well-draining soils; that AD soils are known to be poorly-draining soils; that the project will be designed to meet the current DNREC sediment and stormwater regulations which would provide positive drainage; that there would be less discharge off the site in the post development than the predevelopment site; that the development would not create a negative impact on surroundings properties.**

**The Council found that Mr. Edward Laundry spoke on behalf of the application; that he has reviewed the combined 10 acres piece of property and provided an assessment of environmental condition; that the site as it stands now is primarily agricultural land; that there is a small strip of forest on the north boundary of the site; that along that forest edge, there is a drainage channel that provides drainage to the site that goes to a tax ditch; that the tax ditch is located at the west end of the site; that it is the Beaver Dam tax ditch main; that it is a very effective and deeply dug tax**

**Public  
Hearing/  
CZ1946 &  
CU2293  
(continued)**

**ditch; that there would be a County 50-foot buffer that is incorporated into the site plan where no development would occur; that he consulted with the DNREC drainage section in terms of the tax ditch right-of-way; that it set by DNREC currently at a distance 50 feet from the top of the bank; that the buffer from the waters of the tax ditch would be within the tax ditch right-of-way; that there are no record of rare or endangered species according to the US Fish and Wildlife Service and DNREC; that the topography of the site is up near the road it runs about elevation 22 and then in the back towards the tax ditch, it runs about elevation 17; that most of the site lies between 18-19 feet in elevation; that the texture of the soils on the property are extremely sandy; that they can be very effectively drained; that this land is like a lot of other agricultural land where ditching and agricultural practices have drained the land; that when he conducted some soil borings; that in his reports, there are photographs that show that only towards the tax ditch the soils are darker; that this represents a hydric soil; that because these soils are so sandy, the drainage features that are there are effective; that Beebe hospital, the apartment complexes and the Catholic Church south of this site are all built on a similar circumstances; that these are developed and can be drained effectively.**

**The Council found that Ms. Shannon Carmean Burton spoke on behalf of the application; that the proposed conditional use and Change of Zone are appropriate and compatible with the goals and direction of the 2018 Sussex County Comprehensive Plan Update; that the Future Land Use Map indicates that the properties have a land use designation of Coastal Area; that Coastal Area is a growth area; that the proposed storage and office uses are permitted uses in the Coastal Area; that B2 District is an applicable zoning district in the Coastal Area according to the Comprehensive Plan; that the proposed Conditional Use and permitted uses in the B2 Zoning District will serve the needs of the expanding population in this area; that it will reduce the need for property owners and business owners to travel to Routes 26 and 54 for such services; that the proposed use and Change of Zone will not have an adverse impact on neighboring properties or the community; that the surrounding properties are zoned AR-1; that the proposed Conditional Use is a permitted Conditional Use in the AR-1 district; that there are other Conditional Uses that have been approved within a one mile radius of the properties; that the neighboring property has a Conditional Use for a cabinet shop and storage; that there is a natural buffer of mature trees along the boundary line of the neighboring property; that the trees will serve as a natural buffer and screening from the proposed uses on the property; that the applicants are committed to maintaining that existing natural buffer to minimize any impact for the neighboring properties; that the proposed Conditional Use and Change of Zone will have no significant impact upon traffic in the area; that DeIDOT did not require a traffic impact study; that the properties are now located in Investment Levels 2 and 3 according to the Strategies for State Polices and Spending; that the proposed storage use is of a public or semi-public character; that any lighting for the storage facility shall be directed towards the interior of the property and shall be face downwards; that there shall**

**Public  
Hearing/  
CZ1946 &  
CU2293  
(continued)**

not be any storage of any hazardous materials; that the property shall be fenced and gated; that the Office of State Planning has no objection to the development of either of these properties provided that it meets the codes and criteria of Sussex County.

**Public Comments were heard.**

Ms. Sandra Curcy of 34269 Roxana Road, spoke in opposition of the application. Ms. Curcy expressed concerns about the property; she believes that she will be affected as a neighboring property owner. She added that she is concerned about the drainage, water and traffic. Ms. Curcy questioned how the rezoning would affect her property.

Mr. Dick Curcy of 34269 Roxana Road, spoke in opposition of the application. Mr. Curcy expressed concerns about the volume of traffic for the road.

**The Public Hearing and Public Record were closed on both applications.**

**M 272 22  
Adopt  
Ordinance  
No. 2862/  
CZ1946**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 2862 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.564 ACRES, MORE OR LESS" for the reasons given by Planning and Zoning numbered 1-7 as follows:

1. B-2 Business Community Zoning is designed to allow office, retail shopping and personal service uses that serve a relatively small area, including low density and medium density neighborhoods.
2. This location is along Roxana Road. B-2 zoning is appropriate in this area because it will provide a convenient location for office, retail, and personal uses in a location that will eliminate the need for nearby residents to travel to Route 54 and Route 26.
3. The rezoning will not adversely affect area roadways or traffic.
4. The rezoning will also not adversely affect nearby properties or property values.
5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
6. No parties appeared in objection to the application.
7. 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;**



**M 274 22  
Adopt  
Ordinance  
No. 2863  
/CU2293  
(continued)**

- C. The perimeter of the Storage area shall be fenced and gated. The location and type of fencing shall be shown on the Final Site Plan.**
- D. There shall be only one lighted sign allowed on the site. It shall be no larger than 32 square feet per side.**
- E. Stormwater management shall be maintained on site using Best Management Practices.**
- F. There shall be a landscaping buffer between the outside of the fence and the adjacent residential properties to screen the use and the fence from those adjacent homes. The Final Site Plan for this use shall include a landscaping plan for this buffer area.**
- G. No sales or maintenance of boats or RVs shall occur on the site.**
- H. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.**
- I. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and RVs located on the site.**
- J. No junked or unregistered boats, boat trailers or RVs shall be stored on the site.**
- K. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.**
- L. The Final Site Plan shall be subject to the approval of the Planning and Zoning Commission.**

**Public  
Hearing/  
CU2294**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF C/U 1741 (ORDINANCE 2021) FOR THE EXPANSION OF A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 62.204 ACRES, MORE OR LESS. (property lying on the east side of Asbury Road [S.C.R. 446], approximately 0.35 mile south of County Seat Highway [Rt. 9] (911 Address: N/A) (Tax Parcel: 231-21.00-21.00)**

**The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2022 and on June 9, 2022, the Commission recommended approval of the application for the eight reasons stated and subject to the seventeen recommended conditions.**

**(See the minutes of the Planning and Zoning Commission dated May 26 and June 9, 2022.)**

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

**The Council found that David Hutt, Esq. was present on behalf of the of the Application, that also present was Bobby Horsey representing the Horsey Family, LLC, and Clifford Mumford, Professional Engineer with Davis, Bowen and Friedel; that this Application deals with a 62 acre tract of land**



**Public  
Hearing/  
CU2294  
(continued)**

off of Route 9 on Asbury Road; that there about 37 wooded acres on the property; that the additional approximately 25 acres is used for agricultural purposes; that this is located in an Agricultural and Woodland area of Sussex County with single-family homes dispersed throughout; that the property is zoned AR-1; that the 2020 State Strategies Map designate this as a Level IV area; that Ordinance 2021 Approval in 2008 of CU 1741 for a 199.5 acre borrow pit that is currently under operation; that Vulcan is mining at this site and have asked the owner to extend to the north; that DelDOT responded that the traffic impact is a diminutive impact; that no new entrance is being proposed and the expansion area would use the existing entrance located on Hardscrabble Road; that a Borrow Pit has special requirements per Sussex County Code found in Section 115-172B; that the first being that no materials are brought to the site for processing or mixing; that the second is that excavation be controlled to offer reasonable protection to surrounding properties with respect to odor and dust; that the proposed hours of operation are Monday through Friday from 6:00 a.m. – 6:00 p.m. and Saturday from 6:00 a.m.–2:00 p.m. with no Sunday hours for trucking activities; that the third special requirement is that the location of the excavation is done in a way that is in respect to the water table with appropriate slopes; that the dredge is set at 96 ft. and side slopes of 4:1 which will be shown on the site plan; that there are wetlands on the property that will be formally delineated on the final site plan and shall have a 100 ft. buffer; that the fourth special requirement is that the borrow pit be surrounded by a landscaped unexcavated buffer strip of open space with a minimum of 100 ft from any street lines and a minimum of 50 ft from all property lines; that the Applicant proposes to double those requirements; that the fifth special requirement is that the borrow pit be at least 200 ft. from any dwelling on property of other ownership and no excavation shall occur within 200 feet; that this application exceeds those requirements; that the sixth requirement is that the site plan be submitted with various requirements for existing conditions, excavation area; reclamation area; that approvals from other agencies and typical site plan considerations which is essentially the Planning and Zoning Commission’s typical site plan process; that the ultimate reclamation plan is for it to be a wildlife pond for fish and fowl when it is no longer being used as a borrow pit; that the general Conditional Use requirements are that the use would promote the orderly growth and prosperity of the County; that the aggregates removed from the borrow pit will be used by the residents of Sussex County as records show that most aggregates are used within a 30–50 mile radius from where they were extracted from the earth; that pictures were shown explaining the number of minerals, metals and fuels consumed by American’s in their lifetime.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 275 22  
Defer**

A Motion was made by Mr. Vincent, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A

**Action/  
CU2294**

**CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF C/U 1741 (ORDINANCE 2021) FOR THE EXPANSION OF A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 62.204 ACRES, MORE OR LESS”.**

**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/  
CU2298**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT, A GR GENERAL RESIDENTIAL DISTRICT, AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 75 MEGAWATT SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 350.96 ACRES, MORE OR LESS” (property lying on the east and west side of Calhoun Road [S.C.R. 621] and South Shawnee Road [Route 36], approximately 1,267 feet south of Shawnee Road [Route 36]) (911 Address: N/A) (Tax Parcels: 130-3.00-246.00-247.00 & 247.02, 130-6.00-75.00, 76.00, 92.00, 94.00, 95.00, 96.00 & 97.00)**

**The Planning and Zoning Commission held a Public Hearing on this application on May 12, 2022 and on May 26, 2022, the Commission recommended approval of the application for the eight reasons stated and subject to the eleven recommended conditions.**

**(See the minutes of the Planning and Zoning Commission dated May 12 and May 26, 2022.)**

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

**The Council found that Mr. David Hutt, Esq., with Morris James, spoke on behalf of the Application; that also present were Mr. Mark Davidson with Pennoni and Mr. John Soininen with Brookfield Renewable US; that Freeman Solar, LLC is a subsidiary of Brookfield Renewable US; that a safe, reliable and renewal production of electricity is a primary focus of local, state and national government; that in 2021, Governor Carney signed Senate Bill 33 to raise Delaware’s Renewable Portfolio Standard to 40% by 2035; that the Bill states by 2035 at least 40% of Delaware’s electricity must come from renewable sources; that in addition to the governmental programs and mandates, commercial business are also making similar significant pledges to shareholders and customers, in the desire to modify their environmental footprint; that in 2021 Google committed to run all**

**Public  
Hearing/  
CU2298  
(continued)**

**operations on carbon-free energy by 2030; that in order for Governmental agencies, commercial businesses and private individuals to accomplish those renewable source goals, applications much like the subject Application, are necessary under the Zoning Code to allow for those goals to be achieved; that over the past several years the Council has seen several similar Applications for local utility level solar fields; that these past solar applications have ranged in size from 40-acres to 142-acres; that the current Application is for a transmission level facility on approximately 350-acres; that the Application does consist of 10 individual tax parcels, which are located on both sides of Calhoun Rd.; that Ms. Donna Calhoun is one of the property owners of the 10-acres; that Ms. Calhoun is present today; that she lives along Rt. 113; that other members of the family reside within the proposed solar field itself; that Mr. Donnie Calhoun lives on the northern end of the proposed solar field; that the property has been farmed by the Calhoun Family for multiple generations; that the property is presently being farmed, as the total acreage is being used for agricultural use; that according to the Sussex County Zoning Map, there are six different zoning classifications within the area, being MR (Medium-Density Residential), C-1 (General Commercial), B-1 (Neighborhood Business), GR (General Residential), AR-1 (Agricultural Residential) and HI-1 (Heavy Industrial); that according to the Future Land Use Map, the majority of the property is shown in the Developing Area, which is listed as a growth area for Sussex County; that the Future Land Use Map also shows Low Density Area and Industrial Area, as well as the municipal boundaries of the City of Milford; that according to the City of Milford's Zoning map the property is in the vicinity to their C-3 (Highway Commercial District) and R-3 (Garden, Apartment and Townhouse District); that shown on the City of Milford's Future Land Use Map in the dark green color were areas that are proposed to be annexed into the municipal limits of the City of Milford; that the subject property does back up to the Fitzgerald's Salvage Yard; that when traveling north from that site, there are residential homes, some of which belong to members of the Calhoun Family; that there is an electrical substation located on an adjacent property, being within the municipal boundaries of the City of Milford; that there is also a Delaware Solid Waste Authority Transfer Station in that area; that further north on Rt. 113 is the location and current construction of the Cypress Hall townhomes and apartments; that the Milford Grain Company is also adjacent to the property; that the northern part of the property is located along Shawnee Rd.; that according to the State Strategies Map, the 10 properties are located within Investment Level 2 and Level 3; that all the properties are located within Flood Zone X according to the FEMA Map, reflecting the properties to not be within a flood plain; that there are wetlands located on the property; that wetlands are located on the property; that all of the wetland areas have been delineated; that submitted within the project materials, is reference to the proposed 25-ft. setback from the panels from the wetland areas; that the project does not require water, sewer or gas services; that other than when construction occurs, the site is rarely visited, other than for routine maintenance; that solar farms do not tax the traffic systems or road networks; that DelDOT described the traffic impact as**

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(continued)

diminutive, which stands for less than 50 vehicle trips per day; that on most days, the number of vehicle trips to and from the site will be zero; that the site will require very little grading; that the gravel roadways, to access the each inverter station, may require some slight grading; that the project is proposed to be a 75-megawatt facility; that the facility will produce 150,000 megawatt hours of energy per year; that the project will be comprised of 166,500 solar panels; that the solar panels are installed to withstand hurricane force winds; that the arrays would be aligned in a way to track the sunlight throughout the day; that proposed are 25 inverters located on the site; that the inverters collect the solar energy; that there is a proposed substation located on the site, which will be adjacent to the substation located within the City of Milford; that the life of the solar project is a little greater than 20 years; that the Freeman Solar, LLC has a long term lease in place with the Calhoun Family; that Freeman Solar, LLC is a LLC is a subsidiary of Brookfield Renewable US; that Brookfield Renewable of the United States is the oldest and larger owner/operators of renewable energy producers within the United States; that Brookfield Renewables has projects which include hydroelectric projects, wind farms and solar farms; that as the operator of the site, they are responsible for all operations, insurance and similar issues; that they would also be responsible to decommission the site when the solar panels reach the end of their usefulness; that the decommission process consists of them coming to the property to remove the panels, infrastructure and wiring; that the farmland would then be handed back to the Calhoun Family to continue to use for agricultural purposes; that with respect to solar farms, the three general concerns are the impact on adjacent property values, sound issues generated by equipment and the visual appearance of the solar panels; that Freeman Solar, LLC did a commission study from a nationwide firm, which performed a study regarding the impact of solar farms within various locations; that there is also a site specific supplemental report which references the potential impact of the solar farm located along Calhoun Rd.; that the conclusion of the report is that there is no consistent negative impact that has occurred to adjacent property, which could be attributed to the adjacent solar farm; that sunlight, nor the solar panel collecting the sunlight generate any sound; that there are invertors and transformers located on the site as part of the process which do generate noise; that there was an active sound study performed on the site by an engineering group; that the noise level, located directly next to the invertors themselves is 60 decibels; that 60 decibels can be compared to a normal conversational tone; that slightly further away from the invertors, the decibels drop to 45 decibels; that 45 decibels can be compared to a normal home appliance; that the project has been designed to ensure no residential uses located where there is more than 45.8 decibels; that the equipment operates during the daytime; that the noise from the inverters will only exist during the daylight hours; that there is no local sound ordinance within Sussex County; that DeIDOT and DNREC do have noise regulations as it is generated by industries and business; that when looking at their noise ordinance, it separates the day into two time periods; that daytime is referenced as 7:00 a.m. to 10:00 p.m.; that nighttime is referenced as 10:00

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(continued)**

**p.m. to 7:00 a.m.; that the Ordinance states 65 decibels cannot be exceeded at the residential use; that the nighttime standard for the Ordinance states noise must be lower than 55 decibels; that generally a major concern for adjacent neighbors is the visual impact of the solar field; that the entire proposed area, pursuant to the National Electric Code, would be surrounded by a seven foot tall fence; that Freeman Solar, LLC proposes to screen in all locations adjacent to residential properties; that the vegetative plantings are approved by DelDOT to be located close to roadways; that the plantings are not tall-growing plants, as it would interfere with the access to sunlight; that he did show photo examples of what the plants would look like upon installation along Calhoun Rd., as well as, what the planting would look like after five years of growth; that the Applicant did send out an invitation to nearby properties, to help inform them about the proposed project; that the meeting was held the week before the public hearing; that the Applicant did invite a greater number of residents along the Calhoun Rd. corridor; that the Applicant has added landscape buffering to adjacent neighbors to the north of the site and neighbors located along Rt. 113; that the Applicant is adding 2,600 linear feet of buffer to the project.**

**Mr. John Soininen with Brookfield Renewable U.S., spoke on behalf of the Application; that solar technology has been around since the 1950s; that solar technology is becoming more popular as it has become more cost effective; that in the 1950s the only people who could afford solar technology was NASA; that now solar technology is a very economically viable form of electrical generation; that the technology is simple; that sunlight is an energy wave; that the direct current is placed through an inverter, which converts the current to an alternating current; that the alternating current can then be used for the typical household uses; that the proposed use is essentially the same idea, just at a much higher level; that the project proposed is approximately 350 acres; that the facility will be broken down into about 25 circuits; that each solar array will generate electricity in direct current; that the direct current would go through an inverter; that the inverter is about five feet wide, nine feet long and eight feet high; that the inverter will convert the direct current into alternating current; that the alternating current will go into a step-up transformer; that the step-up transformer will take the alternating current of approximately 680 volts to about 34,000 volts; that the step-up transformer will then go through the collector system and then into the project substation; that the project substation is a larger transformer; that the project substation will convert the 34,000 volts up to the transmission voltage to interconnect to the existing system; that all of the equipment is wired together by the Supervisory Control and Data Acquisition System (SCADA System); that the SCADA System is the brains behind the solar panel system; that the SCADA System is wired into a remote operation system; that all of the electricity production and generation can be monitored remotely to ensure the system is operating properly; that they have submitted an application in 2020 to the Reginal Transmission Operator, PJM, which provided them a position in the PJM que; that they have proceeded through the interconnection process; that the interconnection processes is a multistep**

**Public  
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(continued)**

**and multiyear process; that the project typically goes through three levels of studies being the Feasibility Study, a System Impact Study and a Facilities Study; that the Facilities Study is where the upgrades are designed to allow for interconnection; that if everything goes well, an Interconnection Agreement is received, which allows permission to place electricity into the wholesale system under very controlled circumstances; that they have been working through that process for a couple years; that PJM currently has a backlog, of 2,000 projects, across the network; that PJM is currently working through a que reform process; that decommissioning is always a concern; that 80% of a solar panel by weight is glass and aluminum; that they are readily recyclable materials; that all of the structural elements are steel; that there is an obligation in the lease agreement with the property owner to deliver the property back to them in the condition that it was received in; that a letter of credit or bond must be posted; that the term limit in the lease is 35 years; that solar panels degrade about a half percent per year.**

**Mr. Hutt stated that this is a Conditional Use application; that Section 115-171 describes the purpose of a Conditional Use in Sussex County; that it is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties; that a utility type use such as a solar farm is of a public character; that this encourages the use of renewable energy options like solar farms; that the Office of State Planning has no objection to the project; that in addition, the OSP stated that this project will bring more renewable energy to Sussex County and will have minimal land use and environmental impacts; that a proposed revision to Condition I was given to Mr. Moore; that it is being proposed to insert the words “existing, non-family residences uses” to the first sentence of Condition I; that the Calhoun family is not looking for the same screening as all of the other individuals that live along Calhoun Road; that it is being proposed to add the following phrase be inserted in the second sentence “these areas were shown on the Preliminary Site Plan presented during the Public Hearings and”.**

**Public comments were heard.**

**Ms. Donna Calhoun spoke in favor of the application. Ms. Calhoun explained that her family was approached about three years ago for this project. Her family had a legal counsel that worked through all of the legal details for them. There are bonds and escrow accounts set up for different circumstances. She added that this is a good opportunity to use the land for a use other than farming or housing.**

**The Public Hearing and Public Record were closed.**

**M 276 22  
Amend  
Conditions**

**A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to amend I to read the “Site boundaries that are immediately adjacent to existing, non-family residential uses will have a buffer planted and maintained in such a**

**CU2298**

manner as to screen the view of the solar farm from the residential properties while allowing the solar array to function properly. These areas were shown on the Preliminary Site Plan presented during the Public Hearing and this buffer and landscaping within it shall be shown on the Final Site Plan”.

**Motion Adopted: 5 Yeas.**

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

**M 277 22  
Adopt  
Ordinance  
No. 2864/  
CU2298**

**A Motion was made by Mrs. Green, seconded by Mr. Rieley to Adopt Ordinance No. 2864 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT, A GR GENERAL RESIDENTIAL DISTRICT, AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 75 MEGAWATT SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 350.96 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-8 with conditions 9 A-K as amended by this Council:**

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The Property is currently GR, MR, and AR-1. The surrounding properties in Sussex County contain these same three zoning classifications as well as HI (Heavy Industrial District). The adjacent properties within the municipal limits of the City of Milford are within the City’s C-3 (Highway Commercial District) and R-3 (Garden Apartment and Townhouse District). The adjacent properties are used for agricultural purposes, residential purposes, utilities (substation), refuse/recycling (DWSA Milford Transfer Station and Fitzgerald’s Salvage & Recycling), and other agricultural commercial uses (Milford Grain Company). These zonings and uses are consistent with the proposed solar farm.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms.**
- 4. With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighboring or adjacent properties.**
- 5. The proposed solar generation facility will not result in any noticeable increase in traffic on adjacent and neighboring roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels. As a result, DelDOT has determined that the traffic impact of this use will be**

**M 277 22  
Adopt  
Ordinance**

No. 2864/  
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“diminutive”.

6. No significant noise, dust, or odor will be generated by the facility.
7. There will be a buffer to screen the view of the solar farm from the nearby residential properties while allowing the solar arrays to function properly.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the following conditions:
  - A. No storage facilities shall be constructed on the site.
  - B. Lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - C. One unlighted sign, not to exceed 32 square feet in size, shall be permitted.
  - D. The site shall be secured by fencing with a gate with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown in the Final Site Plan.
  - E. Any transformers or similar equipment other than the proposed substation adjacent to Delaware DP&L’s substation shall be centrally located on the site away from any nearby residential uses.
  - F. All of the grounds, including the area outside of the fence, shall be maintained so that they do not become overgrown.
  - G. 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.
  - H. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
  - I. Site boundaries that are immediately adjacent to existing, non-family residential uses will have a buffer planted and maintained in such a manner as to screen the view of the solar farm from the residential properties while allowing the solar array to function properly. These areas were shown on the Preliminary Site Plan presented during the Public Hearing and this buffer and landscaping within it shall be shown on the Final Site Plan”.
  - J. There are wetlands located on the property which have been delineated. The solar field shall stay a minimum of twenty-five feet (25’) from the delineated wetlands.
  - K. The Final Site Plan shall be subject to the review and approval of 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**

**Public  
Hearing/  
CU2363**

**A Public Hearing was held for a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.03 ACRES, MORE OR LESS” (property lying on the west side of Seaford Road [Rt. 13A] approximately 0.53 mile northwest of Discount Land Road [S.C.R. 468]) (911 Address: 30186 Seaford Road, Laurel) (Tax Parcel: 232-12.10-3.00)**

**The Planning and Zoning Commission held a Public Hearing on this application on May 12, 2022 and on May 26, 2022, the Commission recommended approval of the application for the six reasons stated and subject to the two recommended conditions.**

**(See the minutes of the Planning and Zoning Commission dated May 12 and May 26, 2022.)**

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

**The Council found that Reverend M. Scott Conn spoke on behalf of his Application; that he is the Pastor at Laurel Wesleyan Church; that they would like to upgrade their sign on the property to a LED sign; that the upgrade to an LED would allow them to relay information better to events of the church.**

**There were no public comments.**

**The Public Hearing and Public Record were closed.**

**M 278 22  
Adopt  
Ordinance  
No. 2865/  
CU2363**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2865 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.03 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-6 with conditions 7 A & B as follows:**

**M 278 22  
Adopt  
Ordinance  
No. 2865/**

- 1. This is an application for a Conditional Use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1 A. (3) of the Zoning Code.**
- 2. The sign will be used to display information about the Laurel Wesleyan Church and its activities. The Church occupies the site where the sign is located.**

**CU2363  
(continued)**

3. This sign will replace a prior static-display sign on the site.
4. The sign will be required to comply with all of the sign regulations in the Zoning Code, including brightness and motion.
5. The sign will not adversely affect neighboring properties or area roadways and traffic.
6. No parties appeared in opposition to this Application.
7. This recommendation is subject to the following conditions:
  - A. The Electronic Message Display area shall not exceed 32 feet per side.
  - B. A final site plan showing the location of the sign on the site shall be submitted to the Sussex County Planning & Zoning Commission for approval.

**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/  
CU2352**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL OF C/U 1845 (ORDINANCE NO. 2106) TO INCREASE THE NUMBER OF PERMITTED MULTIFAMILY UNITS FROM 168 TO 198 FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.08 ACRES, MORE OR LESS” (property lying on the northeast side of Plantations Road [Rt. 1D], 850 feet north west of Robinsonville Road [S.C.R. 271]) (911 Address: N/A) (Tax Parcel: 334-6.00-504.02)**

**The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2022 and on June 9, 2022, the Commission recommended approval of the application for the nine reasons stated and subject to the two recommended conditions.**

**(See the minutes of the Planning and Zoning Commission dated May 26 and June 9, 2022.)**

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

**Public  
Hearing/  
CU2352  
(continued)**

**The Council found that Mr. David Hutt, Esq. with Morris James spoke on behalf of the Application; that also present were Mr. Joseph Calabro with CB Lewes, LLC, and Mr. Alan Hill, Professional Engineer with Hillcrest Associates, Inc.; that members of the public and the Council have both raised concerns regarding providing additional opportunities of helping the affordable housing issues within Sussex County; that there is more which**

needs to be done regarding the affordable housing issues in Sussex County; that the proposed Application presents an opportunity for Sussex County to offer more within the SCR Program; that the Coastal Tide project originally presented and approved as The Arbors of Cottagedale; that the original approval was for 168 residential rental units; that of the 168 rental units, 26 units were designated to be part of the SCR Program; that the Application was previously approved through C/U 1845, which was adopted by County Council on February 23, 2010; that as part of the process with the rental program, and Applicant is required to enter into an agreement with Sussex County; that there is an agreement and a set a restrictive covenants which the Code refers to, which get recorded with the Recorder of Deeds, providing a permanent record of the agreement; that should the Application be approved, an amendment to the original document on record will be recorded that would update the document to add the additional proposed units; that the Application property is located on the block of land between Plantations Rd.; that the entrance to existing apartments is located off Plantations Rd. via Mackenzie Way; that all of buildings as part of the original approval are constructed; that six apartment buildings currently exist; that the existing amenities are constructed and in use; that two of the buildings on the site are not yet occupied; that prior to the 1960s the site was once the site of Jackson Pit, which was a borrow pit from which materials were excavated; that once the use of the borrow pit ceased, the area became a dump for household municipal waste; that this use occurred until the early 1980s; that in the early 1990s, DNREC issued a permit allowing certain types of debris to be placed at the site; that once that use ceased, sand and gravel were brought in and the site was leveled; that the site was not monitored very carefully which led to a lot of illegal dumping at the site; that from 1986 until 2014 there was a series of environmental studies performed on the property; that in 2015 the results of the studies were released; that there was a Brownfield investigation performed resulting in an action plan placed, which was approved by DNREC to remediate the site; that there are thousands of documents referencing the remediation and the Brownfield investigation; that they were required to excavate all of the debris, properly dispose of the waste and debris and fill the site clean fill; that the final report indicated 32,736 tons of debris that were removed from Jackson Pit during the process; that the expense of the debris removal and proper disposal was nearly six million dollars; that the site did receive a certificate of completion issued by DNREC, which is a recorded document within the Recorder of Deeds as of 2019; that the property is zoned MR (Medium-Density Residential) Zoning District; that on the County's Future Land Use Map, the property is shown within the Coastal Area; that the Coastal Area is part of the County's seven Growth Areas; that all properties between Plantations Rd. and Rt. 1 are located within the Coastal Area or zoned for commercial; that the 2020 State Strategies Map identifies the entire area between Plantation Rd. and Rt. 1 within an Investment Level 1; that Investment Level 1 areas are areas where the State promotes well designed, efficient new growth and new development; that these are active areas where the state anticipates growth and spends money on infrastructure;

Public  
Hearing/  
CU2352  
(continued)

that the property is not located within a flood plain, as it is designated Flood Zone X; that this is referenced on the FEMA Map as being outside of the 500 Year Flood Plain; that there are no wetlands located on the property; that all necessary utilities are available to the site; that sewer services are provided and currently utilized on site through the Sussex County Unified Sanitary Sewer System; that water services are currently provided by Tidewater Utilities, Inc.; that there are six existing apartment buildings; that five apartment building holds 30 units; that there is a smaller building, located near the front of the property, which contains 18 units; that those apartment buildings total 168 existing units; that on the proposed Preliminary Site Plan, is the proposed seventh apartment building; that the proposed seventh building has the same footprint as the other five existing buildings containing 30 units; that proposed is a three-story apartment building, consisting of 30 units; that if approved, it would bring the total number of units to 198; that six of the new 30 units will be utilized for the SCR Program; that as proposed, 20% of the new units would be part of the SCR Program; that the Code currently requires 12.5% of units to be part of the SCR Program; that the proposed Application is offering an additional 7.5% of units; that overall the total percentage of the number of units would be subject to the SCR Program would be 16% based upon the existing 26 units previously scheduled to be within the program, along with the addition of the six proposed; that one concern proposed within a letter submitted into the record was the density for the project and the area; that the density would change with the addition of the proposed building addition; that currently the density of the site is 9.29 units to the acre; that with addition of the proposed building, with 30 units, the density would increase to 10.95 units to the acre; that the densities within the area vary; that the Savannah West Apartments, which contains 48 units on a four acre site, have a density nearing 12 units to the acre; that Somerset Green has density of eight units to the acre; that within the Rolling Meadows Community, which are single-family homes, generally located on half-acre lots; that there is a mixture of housing styles and densities within the area; that multi-family living is common for the area and consistent to other communities within the area; that the multi-family uses are Plantations, Savannah West, Eagle Point Community, Sunset Glen, Somerset Green and the existing buildings of Coastal Tide; that another concern was regarding traffic; that DeDOT did provide a Service Level Evaluation Response which indicated the traffic generated by the additional 30 units would be negligible, which means less than 50 vehicle trips in any hour; that the property is located with the Henlopen Transportation Improvement District (Henlopen TID); that due to being within the TID, there will be a required fee to be paid into the TID for each of the 30 units; that there were concerns submitted by the Rolling Meadows Community; that there is a current landscape buffer between the community and the proposed site; that the recommendation from the Planning and Zoning Commission indicates that there will be a 30 foot buffer between Coastal Tide Apartments and Rolling Meadows; that the plantings would be in compliance with Chapter 99-5 requirements; that it is being requested to modify that condition; that another submitted concern, was in regards to the timing of the project; that

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(continued)

the comments stated the process has taken years; that the comments are true, as before the construction of the infrastructure, the site was first required to be remediated as it was designated a Brownfield site; that it was hoped that by removing the 32,736 tons of debris from the site; that located on the proposed site plan there are additional parking spaces, which exceed the parking requirements found within the County Code; that a concern submitted was regarding an existing stormwater management pond; that the stormwater management pond has been difficult to manage; that within, Sussex Conservation District approved the plan of action to address the stormwater management pond issues and concerns; that the Applicant has ordered the materials necessary; that when the items are delivered, they will be installed, addressing the issues of the stormwater management pond; that another concern was regarding fencing; that if the Applicant were to place the fencing, the contractor would not be able to access the stormwater management pond; that as soon as the stormwater management remedial work is completed, receiving approval Sussex Conservation District, the fencing will then be installed and completed, which was required for the original Conditional Use; that at that time, there will be fencing placed around the dumpsters located in various locations around the site; that there was a meeting held the day before the public hearing, with members from Eagles Point and the management company for Coastal Tide Apartments, where a number of the issues were explained and discussed; that this addresses two relevant chapters within the Comprehensive Plan Chapter 4 on land use and Chapter 8 on housing; that within Section 8.2.1.3 it states Sussex County should explore ways for private developers to provide multi-family and affordable housing opportunities; that the project, as proposed, provides that exact opportunity to Sussex County; that the proposed project infill, where there is existing infrastructure; that the Applicant can simply add a building onto the site, which would provide multi-family housing, with six units being subject to the SCRP Program; that the six units will provide affordable housing in an area of Sussex County which needs it; that within Chapter 4 of the Comprehensive Plan, it stated when medium and higher density, four to 12 units per acre, can be appropriate in certain locations; that Chapter 4 states, medium and higher densities could be supported where there is central water and sewer, where located near sufficient commercial uses and employment centers, where it is in keeping with the character of the area, where it is located along a main road and/or near a major intersection, where there is adequate level of service, or where other considerations existing which are relevant to the requested project and density; that the proposed project would offer affordable housing opportunities in an area in Sussex County which desperately needs it; that the area is served by Sussex County central sewer; that central water is provided by Tidewater Utilities, that it is located near a significant amount of commercial uses and employment centers being near Rt. 1; that the project does keep in character with the area, as there are a number of multi-family units nearby; that the property is situated along a major roadway, Plantations Rd. which DelDOT classifies as a major collector roadway; that the project is consistent with the multi-family unit section within the MR (Medium-Density Residential) section of County

**Code; that photos were shown of the existing apartment units; that within the SCRCP the price points are set for the units; that he provided a chart listing the SCRCP unit pricing within Coastal Tide, as well as the market rate pricing, which proves the SCRCP program works; that Sussex County is able to ensure these numbers through an Annual Compliance Report provided and reviewed by Sussex County; that this review, allows review of all applications, the units and how the rent is being administered.**

**There were no public comments.**

**The Public Hearing and Public Record were closed.**

**M 279 22  
Amended  
Conditions/  
CU2352**

**A Motion was made by Mrs. Green, seconded by Mr. Hudson to amend Condition 10. 17. to change word from thirty to twenty.**

**Motion Adopted: 5 Yeas.**

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

**M 280 22  
Adopt  
Ordinance  
No. 2866/  
CU2352**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Ordinance No. 2866 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL OF C/U 1845 (ORDINANCE NO. 2106) TO INCREASE THE NUMBER OF PERMITTED MULTIFAMILY UNITS FROM 168 TO 198 FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.08 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-9 with Conditions 10 1 and 17 as amended by this Council:**

- 1. This Application is for an expansion to allow 30 additional units within the Coastal Tide apartment project. This project was originally approved as Conditional Use # 1845 through Ordinance #2106 to allow 168 apartment units. As part of that approval, the project included 26 units set aside as part of the Sussex County Rental Program (SCRCP).**
- 2. The Coastal Tide development is partially developed. While all 6 of the approved apartment buildings are constructed, the last two were awaiting Certificates of Occupancy at the time of the public hearing. All available units, including the SCRCP units, have been leased.**
- 3. There was testimony that a need exists in this area of Sussex County for market-rate and SCRCP apartments. This expansion of the existing approval will address that need. As part of the additional thirty units, there will be six additional SCRCP units.**
- 4. The property is within the MR Medium Density Residential Zoning District. It is also in the Coastal Area according to the County’s Comprehensive Plan. These are appropriate areas for this expansion**

**M 280 22  
Adopt  
Ordinance  
No. 2866/**

**CU2352**

**of the existing conditional use.**

- 5. The property is in an area that contains a mixture of commercially and residentially zoned properties. There is also a mixture of densities in the area. For example, there are properties zoned MR, HR, AR-1, and C-1 in the immediate area. The nearby residential projects include similar multi-family projects such as The Plantations, Sunset Glen, Eagle Point, Somerset Glen, and Savannah West. This expansion of Coastal Tide will remain consistent with these other nearby developments.**
- 6. There are no wetlands located on this property.**
- 7. The existing development and the expansion of it is served by central water and central sewer.**
- 8. DelDOT has reviewed this proposed expansion of the existing Conditional Use and has determined that the traffic impact of the thirty additional units is “negligible”.**
- 9. This application is in furtherance of the Housing Element of the Sussex County Comprehensive Plan by providing six additional SCRPs units in Sussex County.**
- 10. This recommendation is subject to the conditions imposed by Conditional Use #1845 and Ordinance #2106 for the existing development, with the exception that Conditions 1 and 17 shall be modified to state as follows:**
  - 1. The maximum number of residential units shall not exceed 198.**
  - 17. There shall be a fifty-foot landscaped buffer from the delineated boundary of Eagle Point Development. In addition, there shall be a twenty-foot-wide landscaped buffer between this development and the common boundary with Rolling Meadows. The buffer shall be designed in accordance with the planting requirements of Section 99-5 of the Subdivision Code for the Forested and/or Landscaped Buffer Strip so that homes in Rolling Meadows are screened from headlights facing outward from the Coastal Tide parking areas. The location and design of this landscaped area shall be shown on the Final Site Plan.**

**Motion Adopted: 5 Yeas**

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

**M 281 22  
Adjourn**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to adjourn at 4:43 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.}*