

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 12, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 12, 2022, at 1:15 p.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Cynthia C. Green	Councilwoman
John L. Rieley	Councilman
Mark G. Schaeffer	Councilman
Gina A. Jennings	Finance Director
Vince Robertson	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 315 22
Approve
Agenda**

Mrs. Jennings recommended the removal of Item #3 under Grant Requests, a request from New Coverdale Outreach Mission, Inc for a new HVAC system. A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to approve the Agenda as amended.

Motion Adopted: 4 Yeas, 1 Absent

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

Minutes

The minutes of the June 28, 2022 meeting were approved by consensus.

**Corres-
pondence**

There was no correspondence.

Public comments were heard.

**Public
Comments**

Mr. William Kinnick discussed stewardship, water and sewer issues in Sussex County.

Mr. Leonard Sears spoke about sewage problems within Sussex County and communication issues with DNREC.

**M 316 22
Approve
Consent
Agenda
Items**

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

1. Use of Existing Sewer Infrastructure Agreement, IUA CU2207
OA Marlin Chase, Cedar Neck Area

2. **Use of Existing Sewer Infrastructure Agreement, IUA 1159
Gulfstream Development, Johnson's Corner Area**
3. **Use of Existing Sewer Infrastructure Agreement, IUA 439-2
Baylis Estates Investments, LLC, Oak Orchard Area**

Motion Adopted: 4 Yeas, 1 Absent

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

**Adminis-
trator's
Report**

Mrs. Jennings read the following information for the 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 July 18th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

2. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, July 19th. The next regularly scheduled Council meeting will be held on Tuesday, July 26th at 10:00 a.m.

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

**Second
Quarter
Employee
Recognition
Awards**

Karen Brewington, Human Resources Director, announced the Second Quarter recipients of the Shining Star Employee Recognition Program. Second Quarter recipients are Andrew Knestaut, Library Assistant from the Greenwood Library, David Rittenhouse, GIS Specialist in the Geographic Information Department and Deborah Shields, Senior Exemption Coordinator in the Finance Department. Mrs. Brewington noted that these individuals were selected out of 63 submissions.

**WS
Contract
5/Segment
D/CO No.
1 & 2**

Hans Medlarz, County Engineer presented Change Orders 1 & 2 for Segment D for the Western Sussex Contract 5, Project S19-29 for Council's consideration.

Mr. Medlarz explained that for Segment D, the first Change Order

consists of additional unit rate costs for camera work beyond the main for lateral locates. The second Change Order is a request for contingent unit rate approval for heavy cleaning services prior to camera work, in certain circumstances of heavy debris.

M 317 22
Approve CO
No. 1/
Segment D A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley that based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for contract S19-29, Western Sussex Transmission Facilities Segment D, be approved, for an increase to the contract of \$52,500.

Motion Adopted: 4 Yeas, 1 Absent

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

M 318 22
Approve CO
No. 2/
Segment D A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley that based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for contract S19-29, Western Sussex Transmission Facilities Segment D, be approved, for an increase to the contract not to exceed \$33,900.

Motion Adopted: 4 Yeas, 1 Absent

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

WS
Contract/
Segment A Mr. Medlarz reported that for Segment A, Change Order No. 1, there was a small amount of additional chemicals that were not part of the original inventory sheets. For Change Order No. 2, removal of residual liquids, solids, and sludger resulted in a surplus. In addition, substantial completion is being requested effective June 23, 2022.

M 319 22
Approve CO
No. 1/
Segment A A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley that based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for contract S19-29, Western Sussex Transmission Facilities Segment A, be approved, for an increase to the contract of \$2,628.88.

Motion Adopted: 4 Yeas, 1 Absent

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

M 320 22 A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley that based

Approve CO No.2/ Segment A/ Substantial Completion upon the recommendation of the Sussex County Engineering Department, that balancing Change Order No. 2 for contract S19-29, Western Sussex Transmission Facilities Segment A, be approved, for a decrease of \$216,097.35 and the substantial completion be granted effective June 23, 2022, with any held retainage released in accordance with the contract documents.

Motion Adopted: 4 Yeas, 1 Absent

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

WS Contract/ Segment B CO Mr. Medlarz presented Change Order No. 1 for Segment B for Council's consideration. He further explained that during the process of demolition, it was found that the existing pipeline would not be sustainable in its current location and condition.

M 321 22 Approve CO No. 1/ Segment B A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley that based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for contract S19-29, Western Sussex Transmission Facilities Segment B, be approved, for an increase to the contract of \$27,743.89.

Motion Adopted: 4 Yeas, 1 Absent

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

Runway 4-22 Pavement Assessment Mark Parker, Assistant County Engineer presented an assessment of runway 4-22 pavement for Council's consideration. Mr. Parker explained the history of the pavement and the concerns of what was observed last year. In addition, an assessment is being recommended to be completed by our Aeronautical Design Consultant, Delta Airport Consultants, Inc.

M 322 22 Approve Runway 4-22 Pavement Assessment A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley that based upon the recommendation of the Sussex County Engineering Department and Delaware Coastal Airport Manager, that concurrence for approval be provided for Delta Airport Consultants, Inc. to perform a full runway 4-22 pavement assessment in the amount not to exceed \$125,000.

Motion Adopted: 4 Yeas, 1 Absent

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

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

**Public
Hearing/
CU2295**

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 INDOOR AND OUTDOOR STORAGE OF HEATING AND COOLING EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.03 ACRES, MORE OR LESS” (property lying on the east side of Conrail Road [S.C.R. 546], approximately 606 feet south of the intersection of Hearn's Pond Rd. [S.C.R. 544]) (911 Address: 22135 Conrail Road, Seaford) (Tax Parcel: 331-3.00-129.07)

The Planning and Zoning Commission held a Public Hearing on this application on June 9, 2022, and on June 23, 2022, the Commission recommended approval of the application for the seven reasons stated and subject to the nine recommended conditions.

(See the minutes of the Planning and Zoning Commission dated June 9, and June 23, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mrs. Tiffany Bone and Mr. Carl Bone were present on behalf of their Application; that they approve of the recommended conditions given by the Planning and Zoning Commission.

There were no public comments.

The Public Hearing and Public Record was closed.

**M 323 22
Adopt
Ordinance
No. 2870
/CU2295**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Ordinance No. 2870 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR STORAGE OF HEATING AND COOLING EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.03 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-7 with conditions 8 A-I as follows:

- 1. The applicant operates an HVAC repair business on the site. It evolved from a home occupation to the point where a Conditional Use is now required. This Conditional Use will bring the use into compliance with the zoning code.**
- 2. As part of the HVAC repair business, the Applicant keeps damaged, replaced, and worn-out HVAC equipment on the site to recycle the various metal parts contained in them.**
- 3. The use will not have an adverse impact upon neighboring properties or area roadways.**

**M 323 22
Adopt
Ordinance
No. 2870
/CU2295
(continued)**

- 4. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.**
- 5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.**
- 6. The Applicant has stated that they reside at the property and will continue to do so as part of this Conditional Use.**
- 7. No parties appeared in opposition to the application.**
- 8. This recommendation is subject to the following conditions:**
 - A. The property shall be used for a HVAC repair business in addition to the Applicant's residence. As part of that Business, the temporary storage of used HVAC equipment shall be allowed so that it can be recycled.**
 - B. There shall be no retail sales of HVAC equipment from the property.**
 - C. The site shall not be permitted to become a junkyard, which requires separate zoning and other approvals. The used HVAC equipment shall be kept within a fenced and screened area, and none of it shall be permanently stored. The Applicant shall only store HVAC equipment it obtains as part of its repair and installation business. No HVAC equipment shall be brought to the site by other contractors, businesses, or individuals other than the Applicant and its employees.**
 - D. No more than 1,600 square feet on the site shall be set aside for this temporary storage area. This area shall be shown on the Final Site Plan.**
 - E. Any outdoor lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - F. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster location shall be shown on the Final Site Plan.**
 - G. The Applicant shall comply with any DelDOT requirements for entrance and roadway improvements.**
 - H. Any violation of these conditions of approval may result in the termination of this Conditional Use.**
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
CU2296**

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 A TOWING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.078 ACRES, MORE OR LESS" (property

**Public
Hearing/
CU2296
(continued)**

lying on the east side of Jestice Farm Road [S.C.R. 449A] approximately 0.31 mile south of Johnson Road [S.C.R. 447]) (911 Address: 31531 Jestice Farm Road, Laurel) (Tax Parcel: 232-19.00-12.02)

The Planning and Zoning Commission held a Public Hearing on this application on June 9, 2022, and on June 23, 2022, the Commission recommended approval of the application for the five reasons stated and subject to the eleven recommended conditions.

(See the minutes of the Planning and Zoning Commission dated June 9, 2022, and June 23, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Michael Milligan was present on behalf of his Application; that he agreed with the conditions placed by the Planning and Zoning Commission.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 324 22
Adopt
Ordinance
No. 2871/
CU2296**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2871 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOWING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.078 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning Commission numbered 1-5 with conditions 6 A-K as follows:

- 1. Although characterized as a towing business, the Applicant operates an impound yard on this property. As a result, it does not generate customer traffic in the way that a typical towing operation would. Cars are brought in, stored for a short time, and then hauled out. No maintenance or repairs occur onsite.**
- 2. The towing business is small, and with the conditions and stipulations placed upon it, it will not have an adverse impact on the neighboring properties or nearby roadways.**
- 3. The Applicant resides on the property and the impound yard is screened from view. The Applicant intends to keep this primarily residential appearance.**
- 4. The use as a towing business and impound yard is of a public or semi-public character and it is a service that is relied upon by banks, financing companies, and other businesses that require the towing and impounding of vehicles.**
- 5. No parties appeared in opposition to this application.**
- 6. This recommendation for approval is subject to the following**

M 324 22

**Adopt
Ordinance
No. 2871/
CU2296**

conditions and stipulations:

- A. The Applicant has stated that no sign is required or needed.**
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. Any dumpsters shall be screened from the view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- D. No repairs shall be performed on the site.**
- E. No junked, unregistered, or permanently inoperable vehicles or trailers shall be stored on the site.**
- F. There shall not be any parking in the front yard setback.**
- G. The impound and parking areas shall be shown on the Final Site Plan and marked on the site itself. Vehicles shall only be parked within these designated areas.**
- H. The perimeter of the impound area shall be screened from the view of neighboring properties with a fence or vegetation. This screening shall be shown on the Final Site Plan.**
- I. No cars shall be sold from the property.**
- J. Any violation of these conditions may be grounds for termination of this Conditional Use.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
CZ1957**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRES, MORE OR LESS” (property lying on the east side of Front Street [S.C.R. 38B] approximately 200 feet south of Washington St. [S.C.R. 225C]) (911 Address: 8465 Front Street, Lincoln) (Tax Parcel: 230-6.17-19.00)

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

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

Public

Jamie Whitehouse, Planning and Zoning Director presented the application.

**Hearing/
CZ1957
(continued)**

The Council found that Ronicca Payton was present on behalf of her Application; that she lives at the subject property and operates a hair salon from this building; that she wants to be a good steward for the neighborhood; that it is an old general store and old Post Office of Lincoln.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 325 22
Adopt
Ordinance
No. 2872/
CZ1957**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to Adopt Ordinance No. 2872 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRES, MORE OR LESS" for the reasons given by Planning and Zoning numbered 1-7 as follows:

1. This property currently is located at the corner of Front Street and Butler Avenue in Lincoln. It is zoned B-1. There are no other properties around it that are zoned B-1. All of the properties on this block and the east side of Front Street in the vicinity of this property are zoned AR-1.
2. This rezoning as requested by the Applicant will make this property consistent with the zoning of all the other properties around it.
3. Downzoning this property to AR-1 is consistent with the Sussex County Comprehensive Plan and its Future Land Use Map.
4. The Applicant does not conduct any business from this property and has no plans to do so.
5. The property is currently used for residential purposes, which actually makes it nonconforming under the existing B-1 Zoning. Rezoning this property to AR-1 will bring the use of the property into conformity with the requirements of the Sussex County Zoning Code.
6. There were several letters in support of this downzoning to AR-1. There was no opposition to it.
7. For all of these reasons, the rezoning of this property from B-1 to AR-1 is appropriate.

Motion Adopted: 4 Yeas, 1 Absent

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

Mr. Robertson noted that he recused himself from the next application during the Planning and Zoning Commission meeting due to a conflict. For today's meeting, he will only participate in procedural matters due to Mr.

Moore's absence.

**Public
Hearing/
CZ1958**

A Public Hearing was held for a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.32 ACRES, MORE OR LESS” (property lying on the north and northeast side of Banks Road [S.C.R. 298], approximately 0.49 mile southeast of John J. Williams Highway [Rt. 24]) (911 Address: N/A) (Tax Parcel: 234-17.00-165.00)

The Planning and Zoning Commission held a Public Hearing on this application on June 9, 2022 and on June 23, 2022, the Commission recommended approval of the application for the nine reasons stated and subject to the seventeen recommended conditions.

(See the minutes of the Planning and Zoning Commission dated June 9, and 23, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Ken Christenbury, Axiom Engineering was present on behalf of the Application; that this Application was before the Council four years ago; that a question was raised from a neighbor if a Bald Eagle's nest was located on the property; that their environmental scientist agreed to meet with the DNREC Forrest Biologist; that they walked the site about a week ago and did not find any evidences of a Bald Eagle's nest; that a hard copy of the letter was distributed with that information; that Change of Zone No. 1844 was unanimously approved four years ago; that the project consists of 54 single-family lots with detached homes on approximately 21.32 acres with a density of 2.54 dwelling units per acre; that there is no change in density from the prior approval; that there is no changes in amenities or buffers; that the old request has expired while waiting for the County to bring sewer to the property and Tidewater Utilities to bring central water to the property; that the purpose of the application is to reestablish the RPC overlay zone on the current GR zoning to decrease front yard setbacks to 25', decrease side yard setbacks to 8' and decrease minimum lot size to 7,500 sf.; that the project includes nine acres of open space with only one acre being wet and six acres forested; that public utilities are underway for the area and sewer will be available by the time needed prior to pulling building permits and public water by the fall of 2023; that the property is now located in a Coastal Area; that the State Strategies Map was updated in 2020 and showing the property in a Level III area which is suitable for this type of development; that DelDOT Service Level Evaluation Request (SLER) was resubmitted and a Traffic Impact Study (TIS) is not required; that the Wetlands scientist verified that the

Public

**Hearing/
CZ1958**

information submitted five years ago has not changed; and that the proposed Findings of Fact have been updated; that the property is zoned GR which did not expire.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 326 22
Adopt
Ordinance
No. 2873
/CZ1958**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley Ordinance No. 2873 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.32 ACRES, MORE OR LESS" for the reasons given by Planning and Zoning numbered 1-9 with conditions 10 A-Q as follows:

1. The property is currently zoned GR. This would simply apply the RPC zoning overlay to the plan.
2. GR-RPC Zoning is also consistent with the adjoining Dogwood Lane development, which has a density of 9.32 units per acre.
3. The County Engineering Department has indicated that adequate wastewater capacity is available for the project as a GR-RPC. Central water will also be provided.
4. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. This project will maintain 43% open space, which includes 6.5 acres of existing forest. It also includes large, wooded buffers on both sides of the site. There will also be amenities along the water available to the entire community.
5. The project will not adversely affect the neighborhood or surrounding community. There are existing developments in the immediate area with similar characteristics. This is basically infill development, with a density similar to what exists in the immediate area.
6. The proposed development will have a density of 2.54 units per acre, which is less than the 2.67 units per acre to the north, and the 9.32 units per acre to the south.
7. According to the County's current Comprehensive Plan, the project is in a Developing Area.
8. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
9. No parties appeared in opposition to the application.
10. This recommendation is subject to the following conditions:
 - A. The maximum number of lots shall not exceed 54 single family lots.
 - B. A Homeowners Association shall be formed to provide for the

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/CZ1958
(continued)**

- perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities, and other common areas.
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements.**
 - D. The RPC 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. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
 - G. Interior street design shall meet or exceed Sussex County’s Street design requirements. There shall also be sidewalks on both sides of all streets within the RPC.**
 - H. No wetlands shall be included within any individual lots. Any wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan. There shall be minimum disturbance of trees and other vegetation within these buffer areas. Required silt fencing shall be installed upland of these buffer areas (using the edge of the buffer nearest the interior development) to avoid disturbance. Construction activities within the buffer area shall be minimum. Any disturbance in the buffer area shall be indicated on the Final Site Plan and the “Limits of Disturbance” shall be indicated on the Final Site Plan.**
 - I. As stated by the Applicant in the previously approved RPC for this property that was the same as this application, all amenities shall be completed prior to the issuance of the 27th Building Permit.**
 - J. A 20-foot-wide vegetated buffer shall be established along the perimeter of the site. This buffer shall utilize existing forest or similar vegetation that exists in the 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.**
 - K. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
 - L. Road naming and addressing shall be subject to the review and approval of Sussex County Geographic Information Office (F.K.A. Mapping and Addressing Department).**
 - M. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in all the buffer areas. The Landscape Plan shall also clearly show all forested areas that will be**

**Adopt
Ordinance
No. 2873
/CZ1958
(continued)**

preserved. The Landscape Plan shall also identify all “Limits of Disturbance” within the site.

- N. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a Lot Grading Certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.**
- O. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Saturday. No Sunday hours are permitted. A 24-inch by 36-inch “NOTICE” sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.**
- P. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.**
- Q. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**Grant
Requests**

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

**M 327 22
Boomerang
Community
Outreach**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$500 (\$500 from Mr. Vincent’s Councilmanic Grant Account) to Boomerang Community Outreach for Summer Youth Camp.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 328 22
Girls Scouts
of the
Chesapeake
Bay Council**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give \$1,500 (\$1,500 from Countywide Youth Grant account) to Girls Scouts of the Chesapeake Bay Council for Summer Camp.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 329 22
Big Brothers**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$2,000 (\$2,00 from Countywide Youth Grant Account) to Big Brothers Big

**Big Sisters
of DE**

Sisters of Delaware Inc. for Summer Youth Mentoring Program.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 330 22
La
Esperanza**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$1,000 (\$500 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. Schaeffer's Councilmanic Grant Account) to La Esperanza Inc. for Emergency Housing Services.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 331 22
Primeros
Pasos Inc.**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$1,000 (\$500 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. Schaeffer's Councilmanic Grant Account) to Primeros Pasos Inc. for Educational Field Trips and Early Learning.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 332 22
American
Legion Post
8 Inc.**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$2,000 (\$2,000 from Mr. Rieley's Councilmanic Grant Account) to American Legion Post 8 Inc. for Ballistic Vests.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 333 22
Make-A-
Wish
Foundation**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give \$8,000 (\$2,000 from Mr. Rieley's Councilmanic Grant Account, \$2,000 from Mr. Schaeffer's Councilmanic Grant Account, \$1,000 from Countywide Youth Grant Account, \$2,000 from Mr. Vincent's Councilmanic Grant Account and \$1,000 from Mrs. Green's Councilmanic Grant Account) to Make-A-Wish Foundation of Philadelphia, Delaware & Susquehanna Valley for wishes for children with critical illnesses.

Motion Adopted: 4 Yeas, 1 Absent

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

**Introduction
of Proposed
Ordinances**

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1759 (ORDINANCE NO. 2475) TO INCLUDE A 1.85 ACRE MARINA & RESTAURANT AMENITY AREA FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 126.8795 ACRES, MORE OR LESS”

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS”

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO OPERATE FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRES, MORE OR LESS”

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AMENDMENTS TO CONDITIONAL USE NO. 1334 (ORDINANCE NO. 1383) TO ALLOW FOR AN ADDITIONAL COMMERCIAL BUILDING FOR STORAGE AND OPERATIONS OF A CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS”

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR LESS”

The Proposed Ordinances will be advertised for Public Hearings.

**Council
Member
Comments'**

There were no Council members comments.

**M 334 22
Adjourn**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to adjourn at 2:25 p.m.

Motion Adopted: 4 Yeas, 1 Absent

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