

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 14, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 14, 2020, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Irwin G. Burton III	Vice President
Douglas B. Hudson	Councilman
John L. Rieley	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 264 20
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to approve the Agenda, as amended and posted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of June 30, 2020 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke: Paul Reiger and Dan Kramer (both by phone).

**Appoint-
ments**

Mr. Lawson reported on several Board and Commission appointments that need to be addressed.

**M 265 20
Approve
Board of
Adjustment
Appoint-
ment**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of John Williamson to the Sussex County Board of Adjustment, effective immediately, until such time as the term expires in June 2023.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

M 266 20
Approve
P&Z
Commission
Appoint-
ment

A Motion was made by Mr. Wilson, seconded by Mr. Burton, that the Sussex County Council approves the reappointment of Keller Hopkins to the Sussex County Planning and Zoning Commission, effective immediately, until such time as the term expires in June 2023.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

M 267 20
Approve
P&Z
Commission
Appoint-
ment

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Kim Hoey Stevenson to the Sussex County Planning and Zoning Commission, effective immediately, until such time as the term expires in June 2023.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

M 268 20
Approve
P&Z
Commission
Appoint-
ment

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Bruce Mears to the Sussex County Planning and Zoning Commission, effective immediately, until such time as the term expires in June 2023.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

DelDOT
MOU
Update

Vince Robertson, Assistant County Attorney, and Jamie Whitehouse, Planning and Zoning Director, discussed the Delaware Department of Transportation (DelDOT) Memorandum of Understanding. Previously, the Planning and Zoning Commission held a Public Hearing on the MOU and the Commission recommended approval with several revisions. On January 28, 2020, the Council held a Public Hearing on the MOU, as revised by the Commission. At the conclusion of the Public Hearing, the public record and public hearing were closed and the Council deferred action. Subsequent to the January 28, 2020 public hearing, staff began to edit the MOU based on the feedback and direction given by the Council. Then the COVID-19 pandemic happened and the MOU effort was put on hold. The latest revision of the MOU, entitled the July 7, 2020 Revision, was made a part of the Council Packet for this meeting. This document has been updated from the January 28, 2020 version. DelDOT staff has reviewed and signed off on the changes to the MOU. Mr. Robertson and Mr. Whitehouse gave a brief overview of the updated MOU and responded

**DelDOT
MOU
Update
(continued)**

to questions raised by Council members. Mr. Vincent questioned if the updated MOU could be placed on the County's website and questioned if the public would be allowed to comment on the MOU since the record was previously closed. Mr. Moore and Mr. Robertson agreed that the public would be permitted to comment (verbally or in writing) since the MOU is not an ordinance, with the approval of Council by Motion.

**M 269 20
Place
Updated
DelDOT
MOU on
Website
and allow
Public
Comments**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the DelDOT Memorandum of Understanding (MOU) be placed back on the agenda of a future Council meeting; that the MOU be posted on the County's website so that the public can submit written comments to be considered by Council at its open meeting, and that the public could make comment at that time also.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Arbor-Lyn – Phases 1 & 2 (Construction Record), The Villas at Walden – Phase 2 (formerly Burton's Pond & Walden II) (Construction Record) Royal Farms No. 316 (Dagsboro), Bishop's Landing (formerly Dove Landing) – Phases 2A & 2B – received Substantial Completion effective June 29th, June 30th, July 2nd, and July 7th respectively.

2. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, July 21st. The next regularly scheduled Council meeting will be held on July 28th at 10:00 a.m.

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

**Independent
Library
Agreements**

Kathy Graybeal, County Librarian, reported that a year-long collaboration between the Department of Libraries and the Independent Library Group has resulted in the first-ever official grant agreement between the eleven (11) independent libraries and the County. The Agreement was created to document best practices in service and accountability.

**M 270 20
Approve
Agreements**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the Grant Agreements with the eleven (11) independent libraries, as presented.

**M 270 20
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**South
Coastal
RWF and
Rehoboth
Beach WTP
Electrical
Con-
struction
Project/
Stand
Alone
Purchase
Order**

Hans Medlarz, County Engineer, presented a request for the award of a Stand-Alone Purchase Order for Electrical Construction Project C19-17 (South Coastal RWF Treatment Process Upgrade No. 3 and Rehoboth Beach WTP Capital Improvement Program, Phase 2. Mr. Medlarz reported that the Rehoboth Beach WTP was built on a municipal landfill. Therefore, all construction including concrete duct banks are supported on piles. The encounter of landfill debris was anticipated, and the bid contained a contingency unit price bid item "Disposing of contaminated soil at an approved DSWA landfill". This cost covers the excavation, loading and hauling but not the DSWA tipping fee. The actual amount of trash encountered exceeded all expectations and triggered evaluation of alternate solutions. The Engineering Department researched the availability of large shaker style screens for separating the material reducing the DSWA disposal costs. The only such device is owned and operated by Melvin L. Joseph Construction Company, Inc. The Engineering Department solicited a proposal and compared it against the as-bid pricing by the only two bidders on the electrical contract. This approach represents a 75% reduction in cost. Therefore, the Engineering Department recommends a Stand-Alone Purchase Order to Melvin L. Joseph Construction Company, Inc. in the not to exceed amount of \$33,000.00 and an allocation to pay the associated DSWA tipping fee in the not to exceed amount of \$33,000.00.

**M 271 20
Approve
Stand
Alone
Purchase
Order**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Stand-Alone Purchase Order for Melvin L. Joseph Construction Co., Inc. as part of Contract C19-17 for the South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, for Electrical Construction, be approved in the amount not to exceed \$33,000.00 for screening of material and hauling and in the amount not to exceed \$33,000.00 for DSWA disposal.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Discussion/
Forested
Buffer
Require-
ments**

Mr. Hudson discussed forested buffer requirements. He stated that, presently, a 20 foot forested buffer on all sides of a new community is required. He noted that, instead of cutting that buffer and replanting it with saplings which would take several generations to mature, mature trees should be retained. Mr. Hudson stated that he would like to see stricter

**Discussion/
Forested
Buffer
Require-
ments
(continued)**

rules/conditions where a tree of a certain size/maturity/diameter/circumference cannot be touched if it is within that 20 foot forested buffer. Mature forests provide many benefits: wildlife habitat, production of oxygen, consumes stormwater, etc. Mr. Hudson stated that his reason for this is to help preserve the way of life in Sussex County. Mr. Hudson asked Mr. Moore and Jamie Whitehouse, Planning and Zoning Director, for input on how to make forested buffer requirements stronger and more reasonable for everyone. Mr. Robertson commented on extensive buffer requirements contained in County Code, Chapter 99. Mr. Robertson suggested that the first step should be to make sure that the current ordinance regarding mature trees be carried out. He stated that the Commission should pay close attention to existing site conditions and to clearly spell out in the conditions of approval the requirement of preserving mature trees. Also, through the Commission's review of the Final Site Plan and staff's review of plans to make sure that the conditions match what is done on the site. Mr. Whitehouse stated that, for all major subdivisions, there is a requirement that the Applicant meet with staff before the application is received and staff can continue to use that process to emphasize the need to retain mature woodlands. Mr. Whitehouse stated that a further step that can be taken relates to the Limits of Disturbance (LOD) whereby the Sussex Conservation District specifies no disturbance of the soil; there can be further discussion with applicants to emphasize that the County does not wish to see LOD lines within areas where trees are to be retained as part of the design. Mr. Whitehouse explained that there is discretion that the County can have before an application goes to public hearing to try and increase the quality of designs for better tree retention. Mr. Whitehouse stated that this can be done now as part of existing processes.

**Grant
Requests**

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

**M 272 20
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$2,000.00 (\$1,500.00 from Mr. Wilson's Councilmanic Grant Account and \$500.00 from Mr. Burton's Councilmanic Grant Account) to the Friends of Milford Museum for operating expenses.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 273 20
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to Primeros Pasos for playground equipment.

Motion Adopted: 5 Yeas.

**M 273 20
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 274 20
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$3,000.00 (\$1,500.00 from Mr. Vincent’s Councilmanic Grant Account and \$1,500.00 from Mr. Wilson’s Councilmanic Grant Account) to Woodbridge High School Marine Corps JROTC Booster Club for 5K Fun Run/Walk fundraiser.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinances**

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 (NEIGHBORHOOD BUSINESS DISTRICT), C-1 (GENERAL COMMERCIAL DISTRICT) AND CR-1 (COMMERCIAL RESIDENTIAL DISTRICT) TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.38 ACRES, MORE OR LESS” (Change of Zone No. 1922) filed on behalf of Baywood, LLC (Tax I.D. No. 234-23.00-270.00, 273.01, 273.02, 273.03, & 273.05) (911 Address: 32147 Long Neck Road, Millsboro).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 67.31 ACRES, MORE OR LESS” (Change of Zone No. 1923) filed on behalf of Reed Farms, LLC (Tax I.D. No. 235-13.00-29.00, 29.01 and 235-14.00-570.00) (911 Address: 14888, 14866 & 14742 Gravel Hill Road, Milton).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-5 SERVICE/LIMITED MANUFACTURING DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.4653 ACRES, MORE OR LESS” (Change of Zone No. 1924) filed on behalf of Ryan Lehmann (Tax I.D. No. 235-30.00-58.02 (portion of) (911 Address: 26822 Lewes Georgetown Highway).

(continued) The Proposed Ordinances will be advertised for Public Hearing.

Council Members' Comments **Mr. Rieley commented on the Law Enforcement Appreciation Event held in Georgetown on July 13, 2020.**

Mr. Vincent commented on the County's "Keep Sussex Strong" campaign.

M 275 20 **At 11:03 a.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to**
Go Into **recess the Regular Session and go into Executive Session for the purpose of**
Executive **discussing a matter relating to Job Applicants' Qualifications.**
Session

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

Executive **At 11:05 a.m., an Executive Session of the Sussex County Council was held in**
Session **the Council Chambers for the purpose of discussing matters relating to Job**
Applicants' Qualifications. The Executive Session concluded at 11:25 a.m.

M 276 20 **At 11:27 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson,**
Reconvene **to come out of Executive Session and to reconvene the Regular Session.**
Regular

Session **Motion Adopted: 5 Yeas.**

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

M 277 20 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex**
Approve **County Council approves the appointment of Robert W. Murray, Jr. as the**
Appoint- **new EMS Director, effective July 26, 2020.**
ment of

new EMS
Director

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

M 278 20 **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to recess until**
Recess **1:30 p.m.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

Rules

Mr. Moore read the rules of procedure for zoning hearings.

**Request to
Withdraw/
CU 2189**

Mr. Moore reported that written communication was received from Legal Counsel for Grace Malone asking that they be permitted to withdraw the application (Conditional Use No. 2189). (Mr. Moore stated that this would require affirmative action on behalf of Council.) Thereafter, the County notified Legal Counsel (Rob Witsil) for the opposition, who submitted a letter opposing the withdraw of the application. Mr. Moore read Mr. Witsil's letter into the record.

It was noted that it is a long standing practice of the Council to approve requests to withdraw applications.

**M 279 20
Allow
Withdrawal
of CU 2189**

A Motion was made by Mr. Rieley, seconded by Mr. Burton, to allow the withdrawal of Conditional Use No. 2189 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS" filed on behalf of Grace Malone (Tax I.D. No. 332-2.00-75.00) (911 Address: None Available).

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2219**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 (GENERAL COMMERCIAL DISTRICT) FOR STONE & GRANITE RETAIL, FABRICATION, CUTTING, DISPLAYING & SELLING OF GRANITE, STONE & QUARTZ TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.80 ACRES, MORE OR LESS" (Conditional Use No. 2219) filed on behalf of 32630 DuPont Boulevard, LLC (Tax I.D. No. 233-16.00-27.00 (portion of) (911 Address 32630 DuPont Blvd., Dagsboro).

The Planning and Zoning Commission held a Public Hearing on this application on June 11, 2020 at which time action was deferred. On June 25, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission meetings dated June 11 and 25, 2020.)

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

**Public
Hearing/
CU 2219
(continued)**

The Council found that Enes Celik, Applicant, was present. He stated that he is looking to obtain property in Dagsboro and to move his business to that location; that his business consists of stone and granite retail, fabrication and installation; and that he will only be using the commercial portion of the property (11 of the 22 acres).

The Council found that Victoria Hodgins was also present and stated that she works for the business. She stated that they are requesting the hours of operation to be 8:00 a.m. to 5:00 p.m., seven days per week.

There were no public comments in support of or in opposition to the application (by phone or in person).

The Public Hearing and public record were closed.

**M 280 20
Amend
Condition/
CU 2219**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to amend the Planning and Zoning Commission's recommended Condition A to read as follows: "The hours of operation shall be from 8:00 a.m. until 5:00 p.m., seven days per week.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 281 20
Adopt
Ordinance
No. 2723/
CU 2219**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2723 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 (GENERAL COMMERCIAL DISTRICT) FOR STONE & GRANITE RETAIL, FABRICATION, CUTTING, DISPLAYING & SELLING OF GRANITE, STONE & QUARTZ TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.80 ACRES, MORE OR LESS" (Conditional Use No. 2219) filed on behalf of 32630 DuPont Boulevard, LLC, with the following conditions, as amended:

- A. The hours of operation shall be from 8:00 a.m. until 5:00 p.m., seven days per week.**
- B. Since this property is located within the C-1 General Commercial District, it shall comply with the signage requirements of the C-1 District.**
- C. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- D. The Final Site Plan shall designate the areas set aside for outside display of the stone materials, and this area shall be clearly marked on the site itself.**
- E. All grinding and fabrication operations shall occur indoors.**
- F. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways.**

**M 281 20
Adopt
Ordinance
No. 2723/
CU 2219
(continued)**

G. Any violation of these conditions may be grounds for termination of this Conditional Use.

H. 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: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Proceed
to Next
Public
Hearing**

It was noted that no one was present on behalf of Conditional Use No. 2223 filed on behalf of A&W Burbage, LLC.

The Council proceeded with the next scheduled public hearing.

**Public
Hearing/
CZ 1908**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 37.08 ACRES, MORE OR LESS” (Change of Zone No. 1908) filed on behalf of W & B Hudson Family LTD. (Tax I.D. No. 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, and 72.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on June 11, 2020 at which time action was deferred. On June 25, 2020, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission meetings dated June 11 and 25, 2020.)

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

The Council found that Mark Davidson of Pennoni Associates was present on behalf of the application with Wayne Hudson. Mr. Davidson discussed the history of the property, the uses and zonings of the surrounding area, the Delaware rails to trails program, a pedestrian/bicycle path, the proposed use for a small shopping center with storage and warehousing in the back of the property, the existing easements on the property and the adjacent Royal Farms property, future transportation improvements required by DelDOT, setbacks along Route 9, the availability of utilities, the application’s compliance with the Comprehensive Plan and the Zoning Ordinance, the convenience this project will provide for area residents which will reduce traffic, and the Strategies for State Policies and Spending identifying this property as a Level 3 Area.

**Public
Hearing/
CZ 1908
(continued)**

Mr. Davidson commented on two (2) letters received, one in opposition and one with comments only.

There were no public comments in support of or in opposition to the application (by phone or in person).

The Public Hearing and public record were closed.

**M 282 20
Adopt
Ordinance
No. 2724/
CZ 1908**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2724 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 37.08 ACRES, MORE OR LESS” (Change of Zone No. 1908) filed on behalf of W & B Hudson Family LTD.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ 1912**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.92 ACRE, MORE OR LESS” (Change of Zone No. 1912) filed on behalf of Kyle Norwood and Katie Davidson (Beach and Bay, LLC) (Tax I.D. No. 334-6.00-58.00) (911 Address: 16816 and 16820 Kings Highway, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on June 11, 2020 at which time action was deferred. On June 25, 2020, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission meetings dated June 11 and 25, 2020.)

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

The Council found that David Hutt, Attorney, was present with Katie Davidson and Kyle Norwood (Applicants). Mr. Hutt discussed the uses and zonings in the surrounding area as well as the housing options in the area, the site’s close proximity to Route 1, the layout of the site, the availability of utilities, the intended use of the property for professional offices, and the application’s compliance with the Comprehensive Plan and the Zoning

(continued) Ordinance.

There were no public comments in support of or in opposition to the application (by phone or in person).

The Public Hearing and public record were closed.

**M 283 20
Adopt
Ordinance
No. 2725/
CZ 1912**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2725 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.92 ACRE, MORE OR LESS” (Change of Zone No. 1912) filed on behalf of Kyle Norwood and Katie Davidson (Beach and Bay, LLC).

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**CU 2223/
Applicant
Not
Present**

The Council found that no one was present on behalf of Conditional Use No. 2223 filed on behalf of A&W Burbage, LLC. It was noted that Planning and Zoning staff had made attempts to contact the Applicant with no success.

It was determined that there was no one present who wished to speak in regard to this application.

It was determined that there was no one who wished to speak by phone in regard to this application.

(It was noted that one person called in to speak; however, that person wished to speak in reference to the Public Hearing on Change of Zone No. 1912 and that that Public Hearing and public record were closed.)

**M 284 20
Adopt
Proposed
Ordinance/
CU 2223**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT & RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS” (Conditional Use No. 2223) filed on behalf of A&W Burbage, LLC

Denied

Motion Denied: 5 Nays.

