

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 1, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 1, 2023, at 1:00 p.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	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 371 23
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the Agenda 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**

Minutes

The minutes from July 18, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore reported a letter was received from Milton Community Food Pantry thanking Council for a donation.

**Public
Comments**

Public comments were heard.

Mr. Paul Reiger commented about the Planning and Zoning Commission appointments.

**Adminis-
trator's
Report**

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

1. Sussex County EMS earns Simulation Accreditation

Sussex County Emergency Medical Services has recently earned

**Administrator's
Report
(continued)**

accreditation from the Society for Simulation in Healthcare for its educational training program. They are the first EMS agency in the world to achieve the designation typically reserved for hospitals and medical schools. The certification means Sussex County Emergency Medical Services' high-fidelity training program meets or exceeds various standards established by the third-party Society for Simulation in Healthcare.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for June 2023 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 190 troopers assigned to Sussex County for the month of June.

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Baylis Estates – Phase 1C (Construction Record) effective June 23rd; Welches Pond (FKA – Fieldstone – The Grove at Love Creek) Phase 4A (Construction Record) and Phase 4B (Construction Record) effective July 12th; Heritage Shores – Phase 4F – (Q) (Construction Record) effective July 17th; Inland Bays Community effective July 21st and Osprey Point – Phase 6B (Construction Record) effective July 21st.

4. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, August 8th. The next regularly scheduled Council meeting will be held on Tuesday, August 15th at 10:00 a.m.

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

**Lochwood
Expansion
of SCUSSD**

Hans Medlarz, County Engineer presented an award recommendation for construction contract A and a recommendation to reject construction contract B for Lochwood Community area expansion of the SCUSSD for Council's consideration.

**M 372 23
Approve
Contract A/**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it moved based upon the recommendation of the Sussex County Engineering

Lochwood Expansion of SCUSSD Department that contract S22-07 for the Lochwood Community area expansion, contract A, be awarded to Lindstrom Excavating, Inc. for their total bid of \$5,749,640.00, contingent upon USDA approval.

Motion Adopted: 5 Yeas

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

M 373 23 A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it
Approve moved based upon the recommendation of the Sussex County Engineering
Revised Department, that the revised services agreement with Davis, Bowen &
Service Friedel be approved in the amount not to exceed \$554,000.00 for services
Agreement/ associated with Sussex County project S22-07, Lochwood Area Expansion,
DBF contingent upon approval by the USDA.

Motion Adopted: 5 Yeas

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

M 374 23 A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it
Approve to moved based upon the recommendation of the Sussex County Engineering
Reject and Finance Department, that the bid for contract S22-07 for the Lockwood
Contract B/ community area expansion, contract B, be rejected and Council approve the
Lochwood advance sole source equipment procurement associated with contract B,
Expansion and re-bid said equipment installation.
of SCUSSD

Motion Adopted: 5 Yeas

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

SC WRF/ Hans Medlarz, County Engineer presented change order no. 24 for South
Project C19- Coastal WRF treatment process upgrade no. 3 and Rehoboth Beach WTP
17/CO No. capital improvement program, phase 2 for Council's consideration.
24

M 375 23 A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it
Approve CO moved based upon the recommendation of the Sussex County Engineering
No. 24/ Department, that change order no. 24 for contract C19-17, SCRWF
Project treatment process upgrade no. 3 & RBWTP capital improvement program,
C19-17 phase 2 – electrical construction, be approved, for an aggregate increase of
\$66,523.68.

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 376 23
Millsboro
Little
League**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Rieley's Councilmanic Grant Account) to Millsboro Little League for Senior Boys Eastern Regional Tournament.

Motion Adopted: 5 Yeas

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

**M 377 23
Nanticoke
River Arts
Council**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$1,000 (\$1,000 from Mr. Vincent's Councilmanic Grant Account) to Nanticoke River Arts Council for general operation support.

Motion Adopted: 5 Yeas

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

Mr. Hudson requested to defer action on the Lower Sussex Little League, Inc. for the Lower Sussex Junior Softball regionals in Connecticut grant application.

**M 378 23
Children's
Beach
House, Inc.**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$5,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account, \$1,000 from Mr. Hudson's Councilmanic Grant Account, \$500 from Mr. Vincent's Councilmanic Grant and \$2,500 from Countywide Youth Grant Account) to Children's Beach House, Inc. for their Youth Development program.

Motion Adopted: 5 Yeas

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

**M 379 23
Ron G.
Williams
Foundation,
Inc.**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$500 (\$500 from Mr. Schaeffer's Councilmanic Grant Account) to Ron G. Williams Foundation, Inc. for the Delaware Law Enforcement Thank You Ride.

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. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 ACRES, MORE OR LESS” filed on behalf of Lewes Saddle Ridge Solar 1, LLC.

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GREENHOUSES AND EMPLOYEE HOUSING BUILDINGS TO BE LOCATED ON A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 166.19 ACRES, MORE OR LESS” filed on behalf of Tijmen van den Bosch.

The Proposed Ordinances will be advertised for a Public Hearing.

Council Member Comments Mrs. Green followed up on Mr. Rieger’s previous comments. She commented that one thing mentioned by Mr. Rieger was that for the vote, there was a vacancy and a need to move the vote forward for Mr. Butler because there was a vacancy which she stated was not the case. She added that by law, Keller Hopkins would have been required to stay on there until the vote happened. In addition, Board of Adjustment, John Williamson in District 4 term is up. She added that it seems like there was a rush for one and the other is being delayed.

M 380 23 Go into Executive Session At 1:21 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to recess the Regular Session, and go into Executive Session to discuss matters relating to land acquisition.

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 1:25 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 1:29 p.m.

M 381 23 Reconvene At 1:33 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 5 Yeas

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

E/S Action There was no action relating to Executive Session matters.

Rules Mr. Moore read the rules and procedures for public hearings.

**Public Hearing/
CU2396** 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 PERSONAL TRAINING & MARTIAL ARTS SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.23 ACRES, MORE OR LESS” (property lying on the northeast side of Wilgus Cemetery Road [S.C.R. 381A], approximately 0.42 mile west of Bayard Road [S.C.R. 384]) (911 Address: 34615 Wilgus Cemetery Road, Frankford) (Tax Map Parcel: 533-6.00-115.08) filed on behalf of Noel Bowman

The Planning & Zoning Commission held a Public Hearing on the Proposed Ordinance on June 22, 2023. At the meeting of June 22, 2023, the Planning & Zoning Commission recommended approval of the Proposed Ordinance for the 8 reasons and the 5 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the Proposed Ordinance.

The Council found that Mr. Noel Bowman spoke on behalf of his Application. Mr. Bowman stated that he has retrofitted out a pole building behind the house with wrestling mats and bags; that there is also an apartment side that he made into a gym area for personal training; that he and his wife are both certified personal trainers; that his wife is also a licensed physical therapy assistant; that the big building is used for martial arts training for children; that once every quarter they do a free women’s self defense class for the community; that adult martial arts classes are offered as well; that he has a few law enforcement students; that a boxing class is offered for people with Parkinson’s disease by his wife; that his wife also offers a balance class; that it is desired to run a mixed martial arts school and personal training facility to suit the needs for the community; that he is trained in several styles.

There were no public comments.

The Public Hearing and public record were closed.

M 382 23 A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt
Adopt Ordinance No. 2944 entitled “AN ORDINANCE TO GRANT A

**Ordinance
No. 2944/
CU2396**

CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PERSONAL TRAINING & MARTIAL ARTS SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.23 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The use is for a personal training and martial arts school located on the property where the applicant resides.**
- 2. The use is small in nature and is very nearly a home occupation which would be a permitted use on this property.**
- 3. The Applicant has stated that he provides personal training and self-defense training to the public. In addition, the Applicant provides training to state and local police officers as well as local seasonal police officers.**
- 4. There is no excess noise generated by this use.**
- 5. The use will not adversely affect neighboring properties or roadways.**
- 6. The Applicant has stated that there will not be a firing range located on the premises and firearms will not be discharged on the premises.**
- 7. The use provides a needed service for residents of Sussex County, as well as local police departments. As a result, the use has a public or semi-public character.**
- 8. No parties appeared in opposition to the application.**
- 9. This recommendation is subject to the following conditions:**
 - a. The use shall be limited to a personal training and martial arts school on the property.**
 - b. As stated by the Applicant, no firearms shall be discharged on the site as part of the school.**
 - c. All personal training and martial arts training shall conclude no later than 9:00 p.m. each evening.**
 - d. One lighted sign, no larger than 32 square feet in size on each side shall be permitted.**
 - e. 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/
CU2400**

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 FOR MULTI-FAMILY DWELLINGS (5 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX

Public
Hearing/
CU2400
(continued)

COUNTY, CONTAINING 1.4 ACRES, MORE OR LESS” (property lying on the east side of Kent Avenue [S.C.R. 361], approximately 350 feet north of Jefferson Bridge Road [S.C.R. 361A]) (911 Address: N/A) (Tax Map Parcel: 134-17.07-173.02) filed on behalf of Kent Walston, LLC

The Planning & Zoning Commission held a Public Hearing on the application on June 22, 2023. At the meeting of July 13, 2023, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 16 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Chris Pfeifer, P.E., with George, Miles & Buhr, LLC (GMB) spoke on behalf of the Applicant, Mr. Paul McCabe; that Mr. McCabe was also present along with Ms. Katja Kalinski, a Land Planner with George, Miles & Buhr, LLC. Mr. Pfeifer stated the site consists of a 1.37 acre parcel, located on Kent Avenue, adjacent to Bethany Beach; that the project seeks a Conditional Use for five townhome units; that the site is currently zoned MR (Medium Density Residential) and is located within the Coastal Area; that the Application went through the PLUS process; that they received the PLUS comments which are included in the packet; that the site is located within State Investment Level I, which are areas developed in an urban or suburban fashion, where infrastructure is existing and readily available, and future redevelopment and infill projects are expected and encouraged by State policy; that the project would be considered an infill project; that the site is surrounded by existing residential units; that the area to the north is within the Town of Bethany Beach, and zoned R2; that R2 zoning permits for one, two, three and four standard dwelling unit buildings; that directly adjacent to the north is the Bethany Proper community, which includes townhomes; that the 126 unit townhome community is located on a 14.28 acre parcel, which results in a density of approximately 8.5 units per acre; the area to the south is located within Sussex County, being mostly zoned MR (Medium-Density Residential); however, there is one parcel directly adjacent that is zoned HR (High Density Residential); that the Application seeks five townhome units with garages, to be located on the 1.37 acre parcel; that this would result in a density of 3.67 units per acre; that the project would have a shared driveway off Kent Avenue; that stormwater management will be designed to meet the requirements of Sussex Conservation District; that they did hold a pre-application meeting with Sussex Conservation District on July 21st, 2021; that there is public water readily available from Bethany Beach; that public sewer is provided by Sussex County; that an entrance is proposed off Kent Avenue, which is a DelDOT major collector road; that the entrance design would be coordinated with all DelDOT rules, regulations, review and approval; that a Traffic Impact Study (TIS) was not required because it is anticipated that less than 500 vehicle trips would be generated per day; that an environmental assessment report was prepared and submitted; that an Environmental Assessment was completed by Environmental Resources, Inc.; that a Public Facilities Evaluation Report was prepared by GMB, LLC; that there were no threatened or endangered species found on the site; the

**Public
Hearing/
CU2400
(continued)**

Environmental Resources, Inc. (ERI) also preformed site investigations in early 2022, and no State regulated or title wetlands are located on the property; that there are no anticipated impacts to federally regulated wetlands; that the open space would be under the proposed condominium regime; that there is public sewer and water available at the entrance of the site; that the condominium would maintain the ownership of all the interior utilities as well as the shared driveway; that some of the economic benefits of the site is the proposed use would be an infill development for a parcel that is currently vacant; that per the Sussex County Comprehensive Plan, the site is located within State Investment Level 1, falling within the Coastal Area, which is a designated growth area, and the proposed project is consistent with the Comprehensive Plan.

Public comments were heard.

Mr. Bill Lindlaw, President of Bethany Proper Townhomes Association came forward to speak in opposition of the application. Mr. Lindlaw stated that the buildings are built exactly on the property line; that they were built 40 years ago; that they are right on the property line as it was determined when this project first started; that there is no buffer on the property line; that Wilgus developed the property; that there is a bad water problem for the four units behind this site; that the runoff runs directly into the houses crawlspaces; that the buffer that was approved is 20 feet; that most of the buffer along the edge is shrubs; that the trees further are planned to be removed; that it is believed that the water issue will become worse; that he does not like the fact that the buffer is only 20 feet away; that he would like to see the buffer moved back; that it was thought that the buffer was going to be 30 feet; that the drawings show the houses right on the property line; that they would like to see more of a buffer and they believe that it can be moved more towards the front of the property.

Mr. Thomas Fise spoke in opposition of the application; that he owns property near the proposed development; that he is speaking in opposition on behalf of his family, himself and 28 residents of Argyle and Ocean Pines Lane community; that he submitted a written statement and photos; that there are three concerns; that he worked with the Commission in the past in regards to CU2279; that the CU in that case was not granted; that the proposed property has similar road frontage on Kent Avenue; that the frontage requirements are in Section 115-34; that during previous hearings for the prior CU, five long-term residents of Argyle Lane and Ocean Pine Lane presented testimony addressing traffic on Jefferson Bridge Road; that the traffic often stretches all the way to Ocean Highway; that within the past two weeks, he has witnessed traffic backed up to Garfield; that south to north traffic has been backed up extending over one mile; that there are continuous drainage issues; that he has submitted some photos from a recent storm showing the issue; that he requests denial of the proposed application.

The Public Hearing and public record were closed.

**M 383 23
Defer
Action/
CU2400**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (5 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.4 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/
CU2403**

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 TO AMEND CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1492 (ORDINANCE NO. 1653), RELATING TO CONTRACTING WORK, OFFICE WORK, AND GENERAL BUSINESS TO BE CONDUCTED ON THE SITE, AND ALSO RELATING TO OCCUPANCY OF THE UNITS AS A PRINCIPAL PLACE OF BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.80 ACRES, MORE OR LESS” (property lying on the south side of Lighthouse Road [Rt. 54], approximately 0.41-miles northwest of Dickerson Road [S.C.R. 389]) (911 Address: 38288 London Avenue Unit 51, Selbyville) (Tax Map Parcel: 533-18.00-61.01 [p/o]) filed on behalf of Beach Buggies, LLC

The Planning & Zoning Commission held a Public Hearing on the application on June 22, 2023. At the meeting of July 13, 2023, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 2 recommended revised conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Joseph Tribull spoke on behalf of his Application. Mr. Tribull stated he represented his family business, Beach Buggies, LLC; that their business buys, sells, and services golf carts; that they are located in the Williamsville Industrial Park; that they sell golf carts and help fix golf carts for residents in the area; that the area is a commercial-type setting, with commercial properties around it; that there are multiple businesses located at the industrial park; that the business does reside within Williamsville Industrial Park at 3288 London Avenue, Selbyville, Units 50 through 53; that Unit 51 is the main unit and entrance; that they are all connected inside; that it is 4,000 square feet; that other businesses in the area include Sweet Disposition Bakery and a thrift shop.

There were no public comments.

The Public Hearing and public hearing were closed.

**M 384 23
Adopt
Ordinance
No. 2945
/CU2403**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 2945 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1492 (ORDINANCE NO. 1653), RELATING TO CONTRACTING WORK, OFFICE WORK, AND GENERAL BUSINESS TO BE CONDUCTED ON THE SITE, AND ALSO RELATING TO OCCUPANCY OF THE UNITS AS A PRINCIPAL PLACE OF BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.80 ACRES, MORE OR LESS” for the reasons and amended conditions given by the Planning and Zoning Commission as follows:

- 1. Ordinance No. 1653 for Conditional Use No. 1492 was approved by Sussex County Council on January 6, 2004, to allow warehousing on the subject property along Route 54.**
- 2. At the time the original Conditional Use was approved, Condition No. 1 stated that “The Project shall be used for indoor storage purposes only. There shall not be any outside storage, including boats or RVs, within the project.” In addition, Condition No. 2 stated that “There shall be no contracting work, office work or general business conducted on the site, and none of the units shall be occupied as the principal place of business by tenants, or owners of the units.”**
- 3. This area of Sussex County has evolved since the original Conditional Use was approved in 2004. Since then, the Bayside project has been approved and is nearly built out, along with other large residential projects in the area. In addition, there are other commercially zoned properties adjacent to this site and in the immediate area. The limitations on the use contained in Conditions 1 and 4 of the Ordinance no longer apply with respect to this site.**
- 4. The Conditional Use has developed on this site with several warehouse buildings. It is appropriate to eliminate Conditions 1 and 4 of the Ordinance to allow retail and commercial sales to occur throughout the entire area of the Conditional Use.**
- 5. No parties appeared in opposition to this application, and several people testified in favor of it. The owner of the entire Conditional Use site also appeared and testified in support of the request.**
- 6. Revising the Conditions of Approval to permit retail sales is appropriate given the way in which this project has developed and the way in which the surrounding area has developed since 2004. For all of these reasons, these two conditions should be revised so that they now state:**

Condition No. 1: “This project shall be used for warehousing,

**M 384 23
Adopt
Ordinance
No. 2945
/CU2403
(continued)**

**wholesale, and retail sales purposes only. Outdoor storage shall be limited to the retail or wholesale uses occurring within the project. There shall not be any other outside storage within the project.”
Condition No. 4: “There shall be no contracting or construction work conducted on the site.”**

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/
CZ1988**

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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRE, MORE OR LESS” (property lying on the west side of Delaware Drive [S.C.R. 16C], approximately 566 feet south of Hickman Road [Rt. 16]) (911 Address: N/A) (Tax Map Parcel: 530-9.00-57.03) filed on behalf of Jeffrey and Linda Babinski

The Planning & Zoning Commission held a Public Hearing on the application on June 22, 2023. At the meeting of June 22, 2023, the Planning & Zoning Commission recommended approval of the application for the 6 reasons as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Jeffery Babinski spoke on behalf of his Application. Mr. Babinski stated he resides on a property adjacent to the site; that the property is located along a short, dead-end road, just outside the Town of Greenwood; that he and his wife purchased the property, to allow their daughter to live adjacent to them, and their daughter wants to place a single-wide manufactured home to live in.

There were no public comments.

The Public Hearing and public record were closed.

**M 385 23
Adopt
Ordinance
No. 2946/
CZ1988**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Ordinance No. 2946 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRE, MORE OR LESS” for the reasons given by the

**M 385 23
Adopt
Ordinance
No. 2946/
CZ1988
(continued)**

Planning and Zoning Commission as follows:

- 1. Given the small size of the property, the Change in Zone to GR will not allow for any expansive or intensive uses on the property.**
- 2. The site is very close to the municipal boundaries of the Town of Greenwood.**
- 3. The Applicant seeks to rezone this property to place a single-wide manufactured home on the property.**
- 4. The Change of Zone to GR will not adversely affect neighboring properties or area roadways. The Applicant has stated that the roadway currently does not have a lot of traffic, and any development of this property will not generate significant additional traffic.**
- 5. Several neighbors appeared and testified in favor of this rezoning.**
- 6. No parties appeared in opposition to the Application.**

Motion Adopted: 5 Yeas

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

**M 386 23
Adjourn**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 2:16 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.}