

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 15, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 15, 2024, at 10:00 a.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	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 526 24
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the agenda as presented.

Motion Adopted: 4 Yeas, 1 Absent

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

Minutes

The minutes of the October 1, 2024, meeting were approved by consent.

Correspondence

Mr. Moore reported that correspondence was received from Unique Minds Changing Lives, Inc. thanking Council for their donation.

**Public
Comments**

There were no public comments.

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Ashton Oaks effective September 26th; Plover Point (FKA Oak Landing) – Phase 3 (Construction Record) effective September 27th, Peninsula Lakes – Phase 15 (Construction Record) effective October 1st, Peninsula Lakes Phase 20 & Park & Ride Facility (Construction Record) effective October 1st, and The Knoll effective October 3rd.

**Adminis-
trator's
Report
(continued)**

2. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, October 22nd. The next regularly scheduled Council meeting will be held on Tuesday, October 29th at 10:00 a.m.

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

**Reassess-
ment Update
& Discussion**

Gina Jennings, Finance Director and Chris Keeler, Director of Assessment provided Council with an update regarding the tax reassessment. Mrs. Jennings reminded Council that this reassessment project started back in 2021 when the court mandated that we must move forward with reassessment. Mrs. Jennings reported that data mailers have been sent out to improved residential properties. There has been 198,771 images uploaded into the CAMA system. There has been 4,500 income and expense forms sent to improved commercial properties with a 21% response rate. Currently, Tyler is working on their review and value analysis that will be on the tentative value notices that will be mailed next month. There is a series of three short videos that will be shared to aid property owners in understanding what is reassessment; why is it being done, how the reassessment process works and how it may or may not impact your taxes and steps of the appeals process.

Mr. Keeler provided Council with a future timeline of the reassessment project as follows:

- **Tentative notices will be mailed in November 2024**
- **Informal appeals process with Tyler Technologies will be from November 2024 – January 2025**
- **Assessment Rolls will be finalized in February 2025**
- **Formal Appeals Process will be March – May 2025**
- **Tax bills with the new assessed values and the new tax rate will be distributed in August 2025**

Mr. Keeler showed examples of the tentative value notices; three separate notices will be mailed: Residential/Commercial, Farmland in an agricultural program and farmland not in an Agricultural program. Mr. Keeler reported that the new tentative assessment is based on 100% of the current assessed value of your property as of July 1, 2023. The assessed values have been developed using recent valid market sales and economic data. The tax rates will change therefore, do not multiply your new tentative value by the current tax rate. Informal hearings are available to any property owner who desires to have their property value reviewed by Tyler Technologies.

**Reassess-
ment Update
& Discussion
(continued)**

Mr. Keeler reviewed the appeal process. Procedures and guidelines for the informal review process will be included on the back of each notice. The informal review process will be handled by Tyler Technologies which will be held at the West Complex starting on November 11, 2024, through January 31, 2025. He noted that scheduling does not begin until November 7th and notice must be received before scheduling an appointment. Any errors and omissions identified during the informal process will be resolved by Tyler Technologies before the formal assessment rolls are established on February 15th.

If an agreement cannot be reached during the informal appeal process, property owners have the opportunity for a formal appeal. To enter the formal appeal process, property owners must file an application with the Board of Assessment Review. Once filed, the process will have two steps. First, referees will meet one-on-one with property owner and second, a public hearing with the Board of Assessment review will be held. During the referee meeting, they will meet one-on-one with the appellant and review supporting evidence provided by appellant. A recommendation will then be made to the Board of Assessment Review. If an agreement is reached, a stipulation form is completed and forwarded to the Board of Assessment Review for review and decision. If an agreement cannot be reached, property owners will have the opportunity to participate in formal hearings regarding the assessed value of their property. The Board of Assessment Review will preside over the formal appeal hearings. These hearings will include a County attorney, County staff and board members that will be held in Council Chambers and open to the public. The Board will review recommendations from the Referee meetings as well as hear Formal Appeal from property owners. If an agreement cannot be reached property owners can appeal the Board of Assessment Review decision to Superior Court per State Code Title 9 §8312(c).

Mrs. Jennings reviewed the next steps for the project. Currently, the County is seeking Referees to review formal appeals with property owners appealing their value from Tyler Technologies. In addition, Council will need to appoint the members of the Board of Assessment Review.

**M 527 24
Approve
Board of
Assessment
Review
criteria**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved that the Sussex County Council establish the following criteria for the Board of Assessment Review: members shall serve a term of 2 or 3 years, be residents of Sussex County, preferably have knowledge of assessment, real estate and/or the appraisal process, be generally available to sit on the board from March 1st through May 31st and not be an incumbent candidate or candidate elect for County, State or Federal office.

Motion Adopted: 5 Yeas

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

Mr. Vincent, Yea

Stormwater BMP CO 1 Mark Parker, Assistant County Engineer presented change order no. 1 for stormwater BMP O&M on-call contract for Council's consideration.

M 528 24 Approve CO No. 1/ Stormwater BMP A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department that the unit price of \$400.00 per hour for a three-person crew and change order no. 1 for contract G24-03, Stormwater BMP on-call contract be approved in the not to exceed amount of \$64,000.00.

Motion Adopted: 5 Yeas

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

MOT Services Award Mark Parker, Assistant County Engineer presented a recommendation of award for maintenance of traffic services for Council's consideration.

M 529 24 Approve MOT Services Recommendation A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department that maintenance of traffic services contract G25-05 be awarded to Atlas Flasher & Supply Co. in the amount of \$419,725.00 for a three-year term with an optional one-year contract renewal and further that a fee may be negotiated and approved for custom MOT services to be provided in accordance with contract revisions by Atlas Flasher & Supply if deemed necessary by the Engineering Department.

Motion Adopted: 5 Yeas

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

Inland Bays CO No. 1 & 2 Patrick Brown, Project Engineer presented change order nos. 1 & 2 for the Inland Bays loop project for Council's consideration. Mr. Brown reviewed the items included in the change orders.

M 530 24 Approve CO Nos. 1 & 2/ Inland Bays A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department that change order nos. 1 & 2 for contract S24-01, Inland Bays Regional Wastewater facility be approved increasing the contract amount by \$2,179,674.00 and \$136,460.00 respectively.

Motion Adopted: 5 Yeas

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

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

**Proposed Ordinance/
Amend Chapter 99-9C** Mr. Lawson presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS” for Council’s consideration.

Jamie Whitehouse, Planning & Zoning Director provided an overview of the Proposed Ordinance.

Introduction of Proposed Ordinance Mr. Hudson introduced an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS”.

**Proposed Ordinance/
Amend Chapter 99 & 115** Mr. Lawson presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III & IV, SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND OPEN SPACES”, §99-23 “PRELIMINARY PLAT REQUIREMENTS” AND CHAPTER 115, ARTICLES I & XXVIII, SECTION 115-4 “DEFINITIONS AND WORD USAGE” AND §115-220 “PRELIMINARY SITE PLAN REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE”.

Jamie Whitehouse, Planning & Zoning Director provided an overview of the Proposed Ordinance.

Introduction of Proposed Ordinance Mr. Rieley introduced an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III & IV, SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND OPEN SPACES”, §99-23 “PRELIMINARY PLAT REQUIREMENTS” AND CHAPTER 115, ARTICLES I & XXVIII, SECTION 115-4 “DEFINITIONS AND WORD USAGE” AND §115-220 “PRELIMINARY SITE PLAN REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE”.

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

M 531 24 Friends of the Laurel Library A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,900 (\$1,900 from Mr. Vincent’s Councilmanic Grant Account) to the Friends of the Laurel Library for their youth services 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 532 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,500**
Selbyville **(\$1,500 from Mr. Hudson's Councilmanic Grant Account) to Selbyville**
Historical **Historical Society for the Townsend Building.**
Society

Motion Adopted: 5 Yeas

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

M 533 24 **A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$2,000**
Coastal **(\$1,000 from Mr. Schaeffer's Councilmanic Grant Account and \$1,000 from**
Concerts, **Mrs. Green's Councilmanic Grant Account) to Coastal Concerts, Inc. for**
Inc. **their 2024-2025 student scholarship 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 534 24 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give**
Cape **\$2,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account and**
Henlopen **\$1,000 from Mr. Hudson's Councilmanic Grant Account) to Cape Henlopen**
Educational **Educational Foundation for their teacher grant program.**
Foundation

Motion Adopted: 5 Yeas

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

M 535 24 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$1,500**
Better **(\$1,500 from Mr. Vincent's Councilmanic Grant Account) to Better Homes**
Homes of **of Seaford, Inc. for their senior resource, activity and vendor events.**
Seaford, Inc.

Motion Adopted: 5 Yeas

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

M 536 24 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give**
Good Ole **\$10,000 (\$2,000 from each Councilmanic Grant Account) to the Good Ole**
Boy **Boy Foundation, Inc. for Hurricane Helene relief.**

Foundation, Inc. **Motion Adopted: 5 Yeas**

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

Proposed Ordinance Introduction

Mr. Schaeffer 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-4 PLANNED COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS” filed by Mulberry Knoll Associates, LLC.

Mr. Hudson introduced 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 CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.171 ACRES, MORE OR LESS” filed on behalf of Melson Funeral Services, LTD.

Mr. Hudson introduced 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 (181 DWELLING UNITS) DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 63.28 ACRES, MORE OR LESS” filed on behalf of ELU DeLuca Mid-Atlantic, LLC.

The Proposed Ordinances will be advertised for a public hearing.

CM

Comments

There were no Council Member comments.

**M 537 24
Go Into
Executive
Session**

At 11:20 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley 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 11:25 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session concluded at 11:39 a.m.

M 538 24 Reconvene At 11:42 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to come out of Executive Session back into 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 related to Executive Session items.

M 539 24 Recess A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas

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

M 540 24 Reconvene At 1:30 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to reconvene.

Motion Adopted: 5 Yeas

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

Rules Mr. Moore read the rules of procedure for public hearings.

**Public Hearing/
CU2547** 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 AN AMENDMENT OF CONDITION “C” CONTAINED WITHIN CONDITIONAL USE NO. 2414 (ORDINANCE NO. 3031) REGARDING THE ALLOWANCE OF MAINTENANCE/REPAIR ON COMPANY EQUIPMENT/VEHICLES AND THE INCLUSION OF FUEL TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.72 ACRES, MORE OR LESS” (property lying on the east side of Millsboro Highway [Rt. 30] approximately 0.89 mile south of Laurel Road [Rt. 24]) (911 Address: 32605 Millsboro Highway, Lewes) (Tax Map Parcel: 233-13.00-1.04) filed on behalf of Justice Boyz Properties, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on September 11, 2024. At the meeting of September 11, 2024, the Planning &

**Public
Hearing/
CU2547
(continued)**

Zoning Commission recommended approval of the application for the reasons as outlined.

The Council found that Mr. Travis Justice spoke on behalf of the application; that they would like to Amend Condition “C” in C/U 2414 regarding the allowance of maintenance and repair on the company equipment and vehicles and for the inclusion of fuel tanks to be located on the property; that a final site plan was submitted to show where the fuel tanks will be located; that the work will be done inside.

There were no public comments.

The Public Hearing and public record were closed.

**M 541 24
Adopt
Ordinance
No. 3050/
CU2547**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3050 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION “C” CONTAINED WITHIN CONDITIONAL USE NO. 2414 (ORDINANCE NO. 3031) REGARDING THE ALLOWANCE OF MAINTENANCE/REPAIR ON COMPANY EQUIPMENT/VEHICLES AND THE INCLUSION OF FUEL TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.72 ACRES, MORE OR LESS” for the reason given by the Planning & Zoning Commission as follows:

- 1. Delete Condition “C” of Conditional Use #2414 Justice Boyz Properties, LLC, and replace it with any vehicle or equipment repair shall occur indoors and all fuels, chemicals and oils shall be properly stored and disposed of.**

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/
CZ2030**

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 C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.080 ACRES, MORE OR LESS” (property and lying on the northeast side of Zoar Road [S.C.R. 48], approximately 0.238 of a mile south of Sussex Pines Road [S.C.R. 324]) (911 Address: 22035 Zoar Road, Georgetown) (Tax Map Parcel: 135-23.00-24.00) filed on behalf of ACR Auto Center, LLC.

**Public
Hearing/
CZ2030
(continued)**

The Planning & Zoning Commission held a Public Hearing on the application on September 11, 2024. At the meeting of September 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons as outlined.

The Council found that Mr. Ken Christenberry, of AXIOM Engineering, spoke on behalf of the application; that the application is for an auto collision repair shop about half mile north at 43 North St.; that the applicant has run out of room at his current space and there is about a half-acre at the new location so he will be able to do more body work; that it is an old commercial building that was used for a contractors business prior; that there is currently a 6-foot privacy fence around the property that is in good condition that they plan to keep; that the zoning is in character with zoning in the area; that the staff analysis document indicates that portions of the developing areas with good road access and few nearby homes should allow for businesses and industrial; that there is one neighborhood comment that does not express opposition.

There were no public comments.

The Public Hearing and public record were closed.

**M 542 24
Adopt
Ordinance
No. 3051/
CZ2030**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3051 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.080 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. The property has a prior history of commercial uses. According to the testimony in the record, this property was previously the site of an electrical business under Conditional Use # 1598. The proposed C-3 zoning is consistent with the prior use of the property.**
- 2. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations. Although a number of uses are permitted, this Applicant intends to use the site for auto repair and auto body work.**
- 3. This property has frontage along Zoar Road and it directly across for approximately 45 acres of land that has a C-1 Zoning. This is an appropriate location for C-3 Zoning.**
- 4. This property is located in the Developing Area according to the current Sussex County Land Use Plan. This proposed commercial zoning is appropriate in this Area according to the Plan.**

**M 542 24
Adopt
Ordinance
No. 3051/
CZ2030**

- 5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.**
- 6. No parties appeared in opposition to this rezoning application and one letter of support was received with regard to the Application.**
- 7. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Years

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

**Public
Hearing/
Ord. 23-08
& CZ1976**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-82.00” (property lying on the northeast side of Gravel Hill Road [Rt. 30], approximately 0.14 mile southeast of Lewes Georgetown Highway [Rt. 9]) (911 Address: 20093 Gravel Hill Road, Georgetown) (Tax Map Parcel: 135-11.00-82.00)

The Planning & Zoning Commission held a Public Hearing on the application on September 11, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended the adoption of the Ordinance for the 6 reasons as outlined.

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 LI-1 LIMITED INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14.426 ACRES, MORE OR LESS” (properties lying on the northeast side of Gravel Hill Road [Rt. 30], approximately 0.14 mile southeast of Lewes Georgetown Highway [Rt. 9]) (911 Address: 20093 Gravel Hill Road, Georgetown) (Tax Map Parcel: 135-11.00-82.00) filed on behalf of John H. Legg

The Planning & Zoning Commission held a Public Hearing on the application on September 11, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons as outlined.

The Council found that Mr. Hal Dukes, of Tunnell & Raysor, PA, spoke on behalf of the applicant that the site in question has been used in its present state for almost 100 years; that in the late 1920’s and 1930’s it was a concrete yard and the Federal government took control during World War II because it was located along the rail line; that when the site came back the

**Public
Hearing/
Ord. 23-08
& CZ1976
(continued)**

rail line was recorded with the County, but the concrete site was not and we are trying to correct the situation now; that a presentation was given a year or two ago concerning this case and it is requested that all of those documents be added to this case as reference.

There were no public comments.

The Public Hearing and public record were closed.

**M 543 24
Adopt
Ordinance
No. 3052/
Ord. 23-08**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3052 entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-82.00” for the reasons given by the Planning & Zoning Commission as follows:

- 1. The parcel is currently designated as being within the “Low Density Area” according to the Sussex County Future Land Use Map contained within the Comprehensive Plan. This application seeks to convert the property to the “Industrial Area” designation.**
- 2. The site has been used for heavy commercial and industrial purposes for decades. There was testimony in the record that this type of use relates back as far as World War Two and the buildup of Fort Miles. It was an oversight to omit this property from the Industrial Area designation within the current Future Land Use Map given the longstanding use of the property. This amendment corrects that oversight.**
- 3. According to the County’s Comprehensive Plan, the “Industrial Area” is intended for “lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporates a combination of light industry and other business uses.” The change in the Future Land Use Map to recognize the ongoing use of the property is appropriate.**
- 4. The property is also located along Route 30, in close proximity to the intersection with Route 9. The Industrial Area designation is appropriate at this location.**
- 5. Because this Map Amendment simply reflects the longstanding use of this particular property, this revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways, or future land-use planning in the area.**
- 6. This revision of the Future Land Use Map is appropriate given the particular circumstances involved at this location. When several factors like these exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.**

Motion Adopted: 5 Yeas

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

**M 544 24
Adopt
Ordinance
No. 3053/
CZ1976**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3053 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-1 LIMITED INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14.426 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. The Commission has just made a recommendation to Sussex County Council that the County’s Future Land Use Map designation for this property should be corrected to the “Industrial Area” designation to reflect its undisputed historical use for commercial and industrial purposes. The LI-1 Zoning District is an appropriate zoning designation within the “Industrial Area” according to the County’s Future Land Use Map and the Comprehensive Plan.**
- 2. The property is also located along Route 30 in close proximity to the intersection with Route 9. This location, near two significant Sussex County roadways, is appropriate for LI-1 Zoning.**
- 3. The site is across Route 30 from the State of Delaware Department of Transportation’s Gravel Hill storage and staging facility. This facility utilizes rail and truck access and provides parking for DelDOT equipment and materials used in road maintenance and construction. LI-1 zoning at the Applicant’s property is similar to, and compatible with, the intensive uses at the DelDOT yard across the road.**
- 4. The site has been used for heavy commercial and industrial purposes for decades. There was testimony in the record that this type of use relates back as far as World War Two and the buildup of Fort Miles. Other commercial and industrial uses have continued without interruption on this site since then. This rezoning will bring the property’s zoning into conformity with its longstanding use.**
- 5. The proposed LI-1 Zoning at this location is consistent with the purposes of that zoning district as stated in Section 115-92 of the Sussex County Zoning Code.**
- 6. The rezoning will promote the local economy and will create and preserve jobs in the area for Sussex County residents.**
- 7. Any future use and development of the property will be subject to site plan review by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

**M 545 24
Adjourn**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to adjourn at
1:53 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.}