

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 27, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 27, 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 419 20
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to amend the agenda by deleting “Executive Session – Land Acquisition pursuant to 29 Del.C.§10004(b)” and “Possible action on Executive Session items” and to approve the Agenda, as amended.

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 October 20, 2020 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke: Robert Lawson.

**Update/UD
Carvel
Research
and
Education
Center
Program**

Mark Isaacs, Director, University of Delaware Carvel Research and Education Center, thanked Council for its continued support of the research and extension programs at the College of Agriculture and Natural Resources and the Carvel Research and Education Center. Dr. Isaacs gave an overview of how the County’s funding is used by the Center in Sussex County: 4-H Program, Family Consumer Science Program, Field Research, Crops Research, Poultry Research, Lasher Lab Poultry Research, Safety Program, and Student Work-Based Learning Internship Program.

**Public
Hearing/
Friendship
Hall
Proposed
Annexation**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Miller Creek Area, to include the Friendship Hall subdivision. John Ashman, Director of Utility Planning, reported that the proposed expansion includes Parcel 134-16.00-39.00 and would consist of 47.72 acres, more or less. The request was received from Solutions IPEM on behalf of their client RH Orr, LLC, the owners/developers of the proposed Friendship Hall project. Friendship Hall is proposing 133 condos with a clubhouse, located south of the Forest Landing community along Central Avenue, and is contiguous to an existing district boundary. Mr. Ashman reported that, to date, one request was received from an adjacent property owner to be included in the annexation. No other calls in support or opposition have been received. The Engineering Department supports the inclusion of this additional parcel.

There were no public comments.

The Public Hearing and public record were closed.

**M 420 20
Adopt
R 014 20**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Resolution No. R 014 20 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), MILLER CREEK AREA, TO INCLUDE THE FRIENDSHIP HALL SUBDIVISION AND THE ADJACENT PARCEL 134-16.00-15.01 ON CENTRAL AVENUE LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

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/
Countryside
Hamlet
Proposed
Annexation**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Dagsboro/Frankford Area, to include Countryside Hamlet. John Ashman, Director of Utility Planning, reported that the proposed expansion includes Parcel 533-4.00-20.00 and that the expansion would consist of 10.98 acres, more or less. The request was received from Matthew Davis, Manager of the Countryside Hamlet. Countryside Hamlet Mobile Home Park is an existing 47 lot subdivision located south of Frankford on Lazy Lagoon Road, and is contiguous to an existing district boundary. Mr. Ashman reported that, to date, no correspondence has been received in support of or in opposition to the annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 421 20
Adopt
R 015 20**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to Adopt Resolution No. R 015 20 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), DAGSBORO – FRANKFORD AREA, TO INCLUDE COUNTRYSIDE HAMLET MHP ON THE NORTH SIDE OF LAZY LAGOON ROAD AND SOUTH OF THE TOWN OF FRANKFORD AND IS LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

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

**DelDOT/
Henlopen
TID**

Mr. Lawson presented for Council’s consideration an Agreement establishing the Henlopen Transportation Improvement District (TID). Mr. Lawson noted that no substantive changes have been made since the final review and discussion on this matter during the October 6, 2020 Council meeting.

Mr. Lawson recognized DelDOT Secretary Jennifer Cohan and representatives of DelDOT who were in attendance.

**M 422 20
Approve
Agreement
to Establish
Henlopen
TID**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the Agreement and the terms therein establishing the Henlopen Transportation Improvement District (TID) between the State of Delaware Department of Transportation and Sussex County, as presented, effective immediately.

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, Americana Bayside – Village A – Phase 1 (Construction Record), Americana Bayside – Village A – Pump Station and Ocean View Beach Club – Phase 4A received Substantial Completion effective October 19th.

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

2. Holiday and County Council Meeting Schedule

County offices will be closed on Tuesday, November 3rd, for Election Day and Thursday, November 5th, for Return Day.

The Sussex County Council will not meet on November 3rd. The next regularly scheduled Council meeting will be held on November 10th at 10:00 a.m.

3. Caroling on the Circle

Due to concerns related to COVID, the annual Caroling on the Circle event for 2020 is suspended.

The decision was made out of an abundance of caution to ensure the well-being of the public, as the event usually draws several hundred people, many of them families with school-age children and senior citizens.

And while the annual gathering of singers, musicians and community members is suspended, our annual 'Pack the Pod' food drive will still take place as our mission to help those less fortunate remains the same.

Beginning in mid-November and lasting through Dec. 31, the County will collect donated non-perishable items to distribute among nearly 20 pantries serving the public here in Sussex County. To make donations convenient for the public, this year's campaign includes two different options for citizens to lend their support.

Food donations can be made anytime, 24 hours a day, outside the County Administrative Offices building, located at 2 The Circle, in downtown Georgetown. Receptacles, including a 14-foot-by-7-foot portable storage unit, will be placed outside the County complex, allowing the public to make 'no contact' drops throughout the holiday season. Staff will routinely collect items and 'Pack the Pod' before delivering food to the local pantries.

For those who prefer to limit their public travels to make a physical donation, the campaign will also accept monetary contributions as an alternative. Funds raised will be used to purchase food items through local suppliers to distribute among local pantries. Checks should be made payable to 'Sussex County Council' and mailed to Sussex County Government, c/o County Administration, PO Box 589, Georgetown, DE 19947. Donors should note 'Caroling on The Circle/Pack the Pod food drive' in the memo line. More information can be found on the County's website.

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

Draft Ordinance/ Coastal Area In accordance with the direction given at the October 20, 2020 Council meeting, Jamie Whitehouse, Planning and Zoning Director, presented for consideration a Draft Ordinance regarding subdivisions in the Coastal Area.

Introduction of Proposed Ordinance Regarding Coastal Area Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA”.

The Proposed Ordinance will be advertised for Public Hearing before the Planning and Zoning Commission and the Sussex County Council.

Robinsonville Road Project Patrick Brown, Project Engineer, presented a Final Balancing Change Order and request for granting Substantial Completion for the Robinsonville Road Core Infrastructure Project S19-16.

M 423 20 Approve Change Order and Granting of Substantial Completion/ Robinsonville Road Project A Motion was made by Mr. Hudson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that Final Balancing Change Order 2 for Contract S19-16, Robinsonville Road Core Infrastructure, be approved decreasing the Contract by \$34,285.99 and that Substantial Completion be granted October 1, 2020, with any held retainage released in accordance with contract documents.

Motion Adopted: 5 Yeas.

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

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

M 424 20 Councilmanic Grant A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$500.00 from Mr. Rieley’s Councilmanic Grant Account to the Town of Delmar for the tree lighting ceremony.

Motion Adopted: 5 Yeas.

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

M 425 20 Councilmanic Grant A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$1,000.00 from Mr. Hudson’s Councilmanic Grant Account to the Delaware Center for the Inland Bays for the James Farm Master Plan Implementation, Phase 2.

Motion Adopted: 5 Yeas.

**M 425 20
(continued)** **Vote by Roll Call:** **Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

M 426 20 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give**
Countywide **\$5,000.00 from Countywide Youth Grants to the Delaware Community**
Youth **Foundation for Sussex County Health Coalition's *Delaware Goes Purple***
Grant **substance abuse prevention project.**

Motion Adopted: **5 Yeas.**

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

Introduction **Mr. Burton introduced the Proposed Ordinance entitled "AN**
of Proposed **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
Zoning **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR**
Ordinances **BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN**
 PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED,
 SUSSEX COUNTY, CONTAINING 4.5 ACRES, MORE OR LESS"
 (Conditional Use No. 2245) filed on behalf of Jonathan Plump (Tax I.D. No.
 235-13.00-2.02 & 2.03) (911 Address: 20723 & 20715 Milton Ellendale
 Highway, Ellendale).

Mr. Rieley 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-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN
PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,
SUSSEX COUNTY, CONTAINING 3.18 ACRES, MORE OR LESS"
(Change of Zone No. 1934) filed on behalf of Bunting Holdings LLC (Tax I.D.
No. 533-18.00-58.00) (911 Address: None Available).

Mr. Rieley 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-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN
PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,
SUSSEX COUNTY, CONTAINING 1.62 ACRES, MORE OR LESS"
(Change of Zone No. 1933) filed on behalf of Route 54 Limited Partnership
(Tax I.D. No. 533-18.00-59.00) (911 Address: 33006 Lighthouse Road,
Selbyville).

The Proposed Ordinances will be advertised for Public Hearing.

M 427 20 **At 10:52 a.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson,**
Recess **to recess until 1:30 p.m.**

**M 427 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**

**M 428 20
Reconvene**

At 1:32 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Rieley, to reconvene.

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.

**Public
Hearing/
CZ 1906**

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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS” (Change of Zone No. 1906) filed on behalf of Eliud Samuel Ramirez-Mejia (Tax I.D. No. 233-5.00-172.00) (911 Address: 27436 Dagsboro Road, Dagsboro).

The Planning and Zoning Commission held a Public Hearing on this application on September 24, 2020 at which time action was deferred. On October 8, 2020, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated September 24 and October 8, 2020.)

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

The Council found that Tim Willard, Attorney, was present along with the Applicant. Mr. Willard stated that the Applicant owns Coastal Painting and Renovations; that the application site is adjacent to a business park; that there is an old house on the site currently and the site will be cleaned up; that the site will be improved with some pole buildings which could be used for the Applicant’s contractor’s business; that a Traffic Impact Study was not required; that other commercial zonings exist in the area and along Route 113; that residential uses are becoming less viable in the area; and that C-2 zoning would be consistent with the area.

There were no public comments.

(continued) **The Public Hearing and public record were closed.**

**M 429 20
Adopt
Ordinance
No. 2748/
CZ 1906**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to Adopt Ordinance No. 2748 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS” (Change of Zone No. 1906) filed on behalf of Eliud Samuel Ramirez-Mejia.

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 2237**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS” (Conditional Use No. 2237) filed on behalf of Samuel C. Warrington II (Tax I.D. No. 334-12.00-55.01 (Portion of) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on September 24, 2020 at which time action was deferred. The Commission deferred action again on October 8, 2020. On October 22, 2020, the Commission recommended approval with the following conditions:

- A. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.**
- B. The facility shall only be accessible during daylight hours, and the access gate shall be locked to prevent after-hours access to the site.**
- C. The perimeter of the site shall be fenced with a 6-foot high fence that screens the property from neighboring and adjacent properties and roadways.**
- D. There shall be a landscaping buffer between the outside of the fence and Bethpage Drive to screen the use and the fence from Bethpage Drive and the adjacent golf course. The Final Site Plan for this use shall include a landscaping plan for this buffer area.**
- E. No maintenance of boats or RVs shall occur on the site.**
- F. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- G. No more than 60 boats and RVs shall be permitted on the site.**
- H. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the Final Site**

**Public
Hearing/
CU 2237
(continued)**

Plan.

- I. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site. It is anticipated that DelDOT will require sufficient right-of-way dedication from the Applicant to accommodate the entrance.**
- J. The entrance drive from Postal Lane to this site shall have a paved width of at least 24 feet to accommodate vehicles with boat trailers and RVs and to allow sufficient space for such vehicles to safely wait to exit the premises onto Postal Lane.**
- K. No hazardous materials or fuel shall be stored on the property.**
- L. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.**
- M. No sales shall occur on the site.**
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated September 24, October 8 and October 22, 2020.)

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

Mr. Whitehouse noted that 108 letters in opposition to the application have been received.

Mr. Burton questioned the timeline of the application coming from the Planning and Zoning Commission to the County Council. Mr. Whitehouse noted that the Commission did take one extra meeting (than it would normally take) to make a recommendation. It was noted that the schedule was already set; that the public hearing for this date was part of the original legal advertisement; and that the recommendation from the Commission was delayed.

The Council found that Tim Willard, Attorney, was present along with the Applicant. Mr. Willard stated that the property consists of 50 acres and the Warrington family has owned the property for some time; that the family owns the two houses that front on Postal Lane; that the application is only for 2.5 acres in the front; that the proposed use is not oriented near residential property; that there will be no buildings on the property; that the Applicant and his son live on Postal Lane; that tourism is a big part of Sussex County which is encouraged and that includes boating; that the Conditional Use application is for boat and RV storage in an area where it is needed; that the property is identified as being in the Coastal Area which is a growth area and allows for light commercial; that the property is surrounded by MR and HR which are medium and high density; that this use would not generate a lot of traffic as people would come periodically to pick up or drop off their RVs or boats; that the entrance to the storage area would be on Postal Lane adjacent to the Warrington (father) residence; that the use is semi-public in nature as it supports tourism in the area; that the

**Public
Hearing/
CU 2237
(continued)**

Future Land Use Plan encourages recreation and the County is famous for beaches, boat launches with access to the ocean and the Inland Bays; that the site is a transitional property from heavy commercial on the highway to residential and other development on Plantation Road; that the proposed use is public / semi-public in nature; that they offer conditions including security, landscaping, fencing, etc.; and that the Applicant has no objection to the conditions recommended by the Commission.

Mr. Willard addressed the comments in the letter received from Robert Valihura, Jr. and stated that he does not believe anything unusual happened in regard to the timing of the application coming to the Council.

Public comments were heard.

There were no comments in support of the application.

Robert Valihura, Jr., Attorney, stated that he represents the Heritage Village Condominium Association and that the Association and all of the residential homeowners object to the “lightning speed in which this Ordinance has come before you, and respectfully requests, in the interest of justice and during this unprecedented pandemic time, that Council postpone consideration of this Ordinance until the next public meeting of Council, or, at the very least, that Council keep the record open for thirty days, before Council undertakes the final consideration of this Ordinance”. Mr. Valihura stated the Board of Directors of the Association requests the deferral of the application and if this request cannot be granted, then the Board opposes this ordinance and requests that the Council vote to deny approval. Mr. Valihura listed reasons for opposition: the proposed use is inconsistent with neighboring and adjacent uses; the proposed use will adversely affect the neighboring properties, communities, roadways and traffic; the influx of expensive targets of opportunity on the property will drive up crime; and the proposed use is unnecessary and there has been no established need.

Kathy Davison (representing Sandy Brae Homeowners Association), Ron Scala (Board President of Heritage Village), Barbara Goldberg, Joy Strieby, Ingrid Callmann, Valerie Kohles, and Peter Keeble spoke in opposition to the proposed use. They stated that Postal Lane is extremely narrow and that the proposed entrance would never be safe enough; that a blind curve already exists on Postal Lane and fencing will make it more of a blind curve; that the number of accidents on Postal Lane will increase as a result of the proposed use; that traffic is diverted into the Sandy Brae community when problems happen on Postal Lane; that traffic could stack up on Postal Lane to access the entrance to the Proposed Use; that a bus stop is located across the road from the site and the safety of school buses and school children is a concern; and that home values will be negatively affected. It was noted that there has been no misunderstanding about the size of the proposed use and that they are opposed even though it is only 2.5 acres of the 50 acre site. A question was raised regarding the type of sign

**Public
Hearing/
CU 2237
(continued)**

that would be permitted and it was noted that LED lighting will be too bright in a residential area. The Opposition requested more time to review the record and to submit comments to the Council.

There were no additional public comments.

The Public Hearing and public record were closed; action was deferred.

**M 430 20
Defer
Action and
Leave
Record
Open/
CU 2237**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the record shall remain open (on Conditional Use No. 2237) until the close of business (4:30 p.m.) on November 9, 2020 so that the public, including the Applicant, may make additional comments, in writing only, to the Planning and Zoning Office; at that time (November 9, 2020 at 4:30 p.m.) the record shall be closed; Jamie Whitehouse, Director of Planning and Zoning, shall report to Council at the next meeting on November 10, 2020 and make those comments available to the Council and the public.

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 2239**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS" (Conditional Use No. 2239) filed on behalf of Coastal Services, LLC (Tax I.D. No. 134-9.00-67.00) (911 Address: 30430 & 30432 Cedar Neck Rd., Ocean View).

The Planning and Zoning Commission held a Public Hearing on this application on September 24, 2020 at which time action was deferred. On October 8, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated September 24 and October 8, 2020.)

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

The Council found that Mackenzie Peet, Attorney, was present on behalf of the Applicant (George Elliott). She stated that Mr. Elliott is the founder, owner, and operator of Coastal Services, LLC, a full service general contracting business; that Mr. Elliott purchased land (GR zoned) behind his business and combined the lots – so the B-1 lot was combined with the GR lot creating a split-zoned property; that the business is a permitted use

**Public
Hearing/
CU 2239
(continued)**

in the B-1 zoned area of the property; that the request is for the GR zoned portion of the property; that a pole barn of over 6,000 square feet is being proposed; that an application for a side yard variance has been submitted to the Board of Adjustment; that the Applicant has spoken with adjacent landowners and has their support; that one property has requested that a fence be installed on the perimeter of the property and the Applicant will comply with that request; that business hours are from 7:00 a.m. to 5:00 p.m.; that employees do not generally come to the site as they typically go directly to the work site; that there would be no impact on traffic; that large equipment will be stored in the pole barn; and that the location of this business is compatible with surrounding uses and zonings.

There were no public comments.

**M 431 20
Adopt
Ordinance
No. 2749/
CU 2239**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2749 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS” (Conditional Use No. 2239) filed on behalf of Coastal Services, LLC, with the following conditions:

- A. The project shall be used for a general contracting business.**
- B. There shall be no retail sales from the GR portion of the property.**
- C. There shall be no manufacturing on the site.**
- D. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- F. The Applicant shall comply with all DeIDOT requirements for entrance and roadway improvements.**
- G. Because the front portion of the Conditional Use area is currently zoned B-1, the use shall comply with the B-1 District’s sign requirements.**
- H. As stated by the Applicant, pursuant to an agreement with the neighbors, the boundaries of the property with GR zoning shall be fenced with 6-foot vinyl fencing to screen it from view of neighboring residential properties. The location and type of fencing shall be shown on the Final Site Plan.**
- I. 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**

**M 432 20
Adjourn**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to adjourn at 2:57 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**

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}