

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 16, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 16, 2021, 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, 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 490 21
Amend
and
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to amend the Agenda by striking the Public Hearing on Conditional Use No. 2272 filed on behalf of Charles Stanley, which has been withdrawn, and to approve the Agenda, as amended.

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 of November 9, 2021 were approved by consent.

**Corre-
spondence**

Mr. Moore reported that correspondence was received from West Side New Beginnings, Inc. in appreciation of the Human Service Grant.

Comments

There were no public comments.

**M 491 21
Approve
Consent
Agenda
Item**

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

- 1. Existing Sewer Infrastructure Use Agreement, IUA-867-1
Assawoman Lakes (Evergreen RPC) (Miller Creek Area)**

Motion Adopted: 5 Yeas.

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

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

2022 Schedules Mr. Lawson presented the proposed 2022 Meeting and Holiday Schedule for the Council's consideration.

M 492 21 Approve 2022 Holiday Schedule and Council Meeting Schedule A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Council approves the 2022 Holiday Schedule and the 2022 County Council Meeting Schedule, as follows:

Holiday Schedule

New Year's Day	December 31 (Friday)
Martin Luther King, Jr. Day	January 17 (Monday)
Good Friday	April 15 (Friday)
Memorial Day	May 30 (Monday)
Juneteenth	June 20 (Monday)
Independence Day	July 4 (Monday)
Labor Day	September 5 (Monday)
Election Day	November 8 (Tuesday)
Return Day	November 10 (Thursday)
Veterans Day	November 11 (Friday)
Thanksgiving	November 24 (Thursday)
	November 25 (Friday)
Christmas	December 23 (Friday)
	December 26 (Monday)

Sussex County Council Meeting Schedule

The Sussex County Council will not meet on the following dates in the Year 2022:

JANUARY 18
FEBRUARY 15
MARCH 15
APRIL 12
APRIL 19
MAY 3 (no regular meeting – budget workshop)
MAY 31
JULY 5

**M 492 21
Approve
2022
Holiday
Schedule
and
Council
Meeting
Schedule
(continued)**

**JULY 19
AUGUST 2
AUGUST 16
SEPTEMBER 6
SEPTEMBER 13
OCTOBER 4
NOVEMBER 8
NOVEMBER 22
NOVEMBER 29
DECEMBER 20
DECEMBER 27**

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Indian River Acres Public Hearing

The Sussex County Engineering Department will be conducting a public hearing on the proposed boundary for the Indian River Acres Area of the Sussex County Unified Sanitary Sewer District on Saturday, November 20th, starting at 9:00 a.m. at the Community Lutheran Church, 30897 Omar Road, Frankford.

2. Council Meeting/Holiday Schedule

Council will not meet on Tuesday, November 23, during the week of Thanksgiving. County offices will be closed on Thursday, November 25th, and Friday, November 26th, for the Thanksgiving holiday and will reopen on Monday, November 29th, at 8:30 a.m. The next regularly scheduled Council meeting will be held on Tuesday, November 30th at 10:00 a.m.

**Housing
Trust
Fund
Update**

Brandy Nauman, Director of Community Development and Housing, gave an update on the Housing Trust Fund initiative. She reported that, at the July 27, 2021, Council meeting, she discussed how a Housing Trust Fund will help create new affordable housing opportunities in the County and she presented an outline of the basic goals and objectives for the Fund. At that time, the next step identified was to obtain feedback on the Housing Trust Fund outline from affordable housing advocates and potential applicants.

Mrs. Nauman reported that the Housing Trust Fund Initiative was approved as part of the Fiscal Year 2022 Budget in the amount of \$500,000.00. The proposed uses, as presented in July 2021, were:

**Housing
Trust
Fund
Update
(continued)**

- **Objective #1 – Development Loan Fund - \$400,000**
- **Objective #2 – Direct Homebuyer Assistance - \$100,000**
- **Create Advisory Board to oversee funding approvals**

Since the July 27, 2021 meeting, a meeting has been held with the stakeholders and Mrs. Nauman shared some of their feedback:

Development Fund

- **Support and enthusiasm for Fund creation**
- **Preference of grants vs. loan**
- **Pre-development costs help is most needed**
- **\$10,000 per unit / \$100,000 per project is insufficient for a multi-million development project**
- **Flexibility on when payments are to be repaid in the event there are delays or other issues with a project**
- **Future funding availability and funding source**
- **ARPA funds**

Homebuyer Assistance

- **Targeting lower income levels – 80% AMI or less**
- **\$10,000/homebuyer insufficient in this market**
- **Require homebuyer counseling**
- **ARPA funds**

Mrs. Nauman presented her recommendation for the Advisory Board and discussed next steps:

Development Fund

- **Maintain revolving fund, but revisit grants when / if it is determined that ARPA funds may be used for Trust Fund expansion**
- **Increase flexibility for applications to exceed \$100,000 with sufficient support and proven capacity**
- **Defer loan payments for one year after receipt of funds**
- **Align application with other funding cycles – ideally March / April**

Homebuyer Assistance

- **Recommend lowering target household income from 120% AMI to 80% AMI**
- **Maintain \$10,000 per household for pilot year**

Mrs. Nauman presented the recommended members of the Housing Trust Fund Advisory Board: Gina Jennings, Finance Director/COO; Brandy Nauman, Community Development and Housing Director; Bill Pfaff, Economic Development Director; Sarah Rhine, Policy Director, Housing Alliance Delaware; and Amy Walls, Principal, Community Reinvestment, Discover Bank.

No action was necessary.

**Public
Hearing/
Proposed
Ordinance/
Tax Credit
for Disabled
Veterans**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY CODE TO INCLUDE A NEW ARTICLE VII, REAL PROPERTY TAX CREDIT FOR DISABLED VETERANS, UNDER PART II, GENERAL LEGISLATION, TAXATION, §103-43 THROUGH §103-47, TO ESTABLISH A REAL PROPERTY VALUE-BASED TAX CREDIT FOR TOTALLY DISABLED VETERANS WHO ARE RESIDENTS OF SUSSEX COUNTY AND WHO MEET ELIGIBILITY CRITERIA UNDER THE STATE OF DELAWARE DISABLED VETERANS’ SCHOOL TAX CREDIT PURSUANT TO 14 DEL. C. 1917”.

This Ordinance amends the Sussex County Code by adopting a new Article VII, entitled, “Real Property Tax Credit for Disabled Veterans” under Part II, General Legislation, Taxation, §103-43 through §103-47, which grants a value-based real property tax credit to totally disabled veterans who are residents of Sussex County, own real property and reside in a dwelling which is a constituent part of said real property. The tax credit is subject to the applicant’s completion of the State of Delaware Disabled Veterans’ School Tax Credit application demonstrating applicant has met the parameters and has been approved therefor. The tax credit would remain in effect so long as the applicant or applicant’s surviving spouse owns the real property and the dwelling located thereon and continues to meet all of the conditions mandated by the State of Delaware Disabled Veterans’ School Tax Credit.

Mrs. Jennings reported that the ordinance will exempt veterans with a 100% disability rating from County property taxes if they qualify for the State’s veteran disability program. According to the National Center for Veterans Analysis & Statistics’ August 2021 report, there are 516 individuals who may qualify in Sussex County. It is estimated to cost the County \$44,000 annually.

This Ordinance complements House Bill 214 with House Amendment 1 that passed the General Assembly on June 30, 2021 and was signed by Governor Carney on August 10, 2021. The State’s legislation authorized school districts (not including vo-tech schools) to provide a 100% credit against school taxes for disabled veterans that meet the definition of a “qualified person” owning “qualified property”, as each term is defined in Section 1917(d)(1) of Title 14 of the Delaware Code, beginning with the 2022 property tax bill. The State’s legislation did not exempt veterans from the County portion of the property tax bill; therefore, this Ordinance would provide that exemption. If approved, qualifying individuals can apply for both the State and County portion of their property taxes on the County’s website or by contacting the County’s Billing Division at 302-855-7859. The deadline for applying is April 30, 2022.

There were no public comments.

The Public Hearing and public record were closed.

**M 493 21
Adopt
Ordinance
No. 2811**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2811 entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY CODE TO INCLUDE A NEW ARTICLE VII, REAL PROPERTY TAX CREDIT FOR DISABLED VETERANS, UNDER PART II, GENERAL LEGISLATION, TAXATION, §103-43 THROUGH §103-47, TO ESTABLISH A REAL PROPERTY VALUE-BASED TAX CREDIT FOR TOTALLY DISABLED VETERANS WHO ARE RESIDENTS OF SUSSEX COUNTY AND WHO MEET ELIGIBILITY CRITERIA UNDER THE STATE OF DELAWARE DISABLED VETERANS’ SCHOOL TAX CREDIT PURSUANT TO 14 DEL.C. 1917”.

Motion Adopted: 5 Yeas.

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

**Ellendale
Sewer and
Water
Operations
Agreement**

Hans Medlarz, County Engineer, presented a Sewer & Water Operations Agreement between Sussex County and the Town of Ellendale. Mr. Medlarz reported that the Town recognizes growth in the area and the potential for development and annexation requests. The Town considers the most cost-effective solution for public water and sewer service requests by any new and annexed development, to be through expansion of the Sussex County Unified Sanitary Sewer District and the Ellendale Water District, unless already certified by Artesian Water Company, Inc. However, the Town is protective of its annexation area as outlined in the Town’s Comprehensive Plan and requested the following wording be included in the Agreement to read as follows: “If the property seeking inclusion in the Ellendale Water District or Sussex County Unified Sanitary Sewer District becomes contiguous to and eligible for annexation into the Town of Ellendale, said property shall annex.”

**M 494 21
Approve
Ellendale
Sewer and
Water
Operations
Agreement**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, based upon the recommendation of the Sussex County Engineering and Finance Departments, that the Sussex County Council approves the Ellendale Sewer & Water Operations Agreement between Sussex County and the Town of Ellendale, 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**

**Update/
Subdivision
Application
No. 2006-73/
The Vines
of Sand Hill**

Jamie Whitehouse, Planning and Zoning Director, provided an update on Subdivision Application 2006-73, The Vines of Sand Hill, and specifically, an update on the status of building permits and the construction of the clubhouse.

**Update/
Subdivision
Application
No. 2006-73/
The Vines
of Sand Hill
(continued)**

Mr. Whitehouse reported that this is an existing, previously approved, 400-lot subdivision located south of Huff Road. It was applied for in 2006 as a major subdivision application for a subdivision consisting of 261 acres. The subdivision went through the County’s process and in August 2008, the Commission approved the preliminary subdivision plats for the major subdivision, subject to fifteen (15) conditions of approval, which became part of the final site plan. Condition M of the conditions of approval stated that within two (2) years of the issuance of the first residential building permit, the developer shall construct all of the residential amenities. More than two (2) years after the commencement of the development, it was brought to staff’s attention that the amenities had still not been developed. The Applicant and the Developer contacted the County and requested that the Commission consider a request to revise the conditions of approval to change the trigger. This request was based upon a general note shown on the phasing plan stating that the construction of the amenities was intended to be completed by the issuance of the 136th building permit. Two (2) years from the issuance of the first building permit (approximately December 2018), the amenities had still not been delivered. Then, it was requested to change it to the 136th building permit. This was reported to the Planning and Zoning Commission and at the meeting of May 13, 2021, the Commission approved a revision to Condition M and Condition M now states, “Amenities shall commence within 6 months from the Planning and Zoning Commission date (5/13/2021) and shall be completed within 18 months of said Commission date (5/13/2021) or before the issuance of the 136th building permit, whichever occurs first.”

Mr. Whitehouse reported that 99 building permits have been applied for; of those 99 building permits, 96 have been issued and 3 are currently pending; of the 96 issued building permits, 63 of those have been issued Certificates of Occupancy. Therefore, the 136 building permit threshold has not been exceeded. However, as of this week, the six month threshold for commencement has been exceeded. Mr. Whitehouse stated that he reached out to the Developer and he received a response (email dated November 12, 2021) from Mr. Sposato who has offered to speak to Council at a future meeting should that be requested. Mr. Sposato stated that, as of last week, they have broken ground and that the implementation of a silt fence has been installed in the area to be disturbed and the Developer is looking to move dirt and trees within three weeks. Mr. Whitehouse stated that the County has not received a building permit application for the clubhouse as of this date.

Mr. Whitehouse stated that, according to the triggers, the Developer had 18 months from commencement on site (or the implementation of 136 building permits) to deliver the clubhouse.

Mr. Whitehouse commented on the design and size of the subdivision, stating that the siting of the clubhouse has not changed throughout the review process. The siting and location of the clubhouse went through the Planning and Zoning Commission and was approved at their meeting of

**Update/
Subdivision
Application
No. 2006-73/
The Vines
of Sand Hill
(continued)**

December 14, 2017. Subsequent to that, the Commission saw a separate site plan for the amenities which showed a two-story clubhouse with 9,987 square feet of floor area, which was reviewed and approved by the Commission in February 2018. Subsequent to that, County staff issued a final site plan in October 2018 for the 9,987 square feet floor area. Since that time, Planning and Zoning received a request to revise plan approval; the request was to administratively approve a reduction down to 6,685 square feet. The reason given for that is that they have removed a walk-out in the lower level. The Developer has stated that this change was requested due to financial reasons. As the plan does not change the clubhouse siting of the building, and there are no other changes to the proposed amenities, Planning and Zoning staff could not find a conflict with the Zoning Code for the change in the plan; the parking, lighting, building siting, etc., still comply with the Code. Mr. Whitehouse stated the footprint is the same, everything is the same, except for the clubhouse which went from two-story to one-story and the removal of the walk-out, and the floor area has been reduced. Mr. Whitehouse stated that he understands there are concerns in relation to the change between occupiers of the subdivision and the developer in relation to what the residents were expecting when they bought into the subdivision, which appears to be a contractual dispute. However, the question before staff is whether the revised site plan conflicts with the Zoning Code, which it does not.

Mr. Vincent asked Mr. Moore to research if the County has any legal standing in this matter. Additionally, Mr. Whitehouse will meet with the Developer in the very near future and will report back to Council and to the homeowners.

**Old
Business/
CU 2262**

Under Old Business, the Council considered Conditional Use No. 2262 filed on behalf of Matthew Hete.

The Planning and Zoning Commission held a Public Hearing on this application on September 9, 2021 at which time action was deferred. On October 13, 2021, the Commission recommended approval with conditions.

The Sussex County Council held a Public Hearing on this application on October 11, 2021 at which time action was deferred and the record was left open for the receipt of the Planning and Zoning Commission's recommendation. At the Council meeting on October 19, 2021, an update was provided on the recommendation of the Planning and Zoning Commission. Council left the record open until the close of business at 4:30 p.m. on Monday, October 25, 2021 for the receipt of any additional public comments. There were no public comments received and the record was closed.

**M 495 21
Adopt
Ordinance
No. 2812**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2812 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (4

**M 495 21
Adopt
Ordinance
No. 2812/
CU 2262
(continued)**

UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS” (Conditional Use No. 2262) filed on behalf of Matthew Hete (Tax I.D. No. 334-6.00-686.00) (911 Address: 34360 Postal Lane, Lewes), with the following conditions:

- a. **The maximum number of residential units shall be 4.**
- b. **All entrance, intersection, roadway and multi-modal improvements shall be completed by the Developer in accordance with all DeIDOT requirements.**
- c. **There shall be a 75-foot buffer along the road frontage that complies with the requirements of Section 115-22 of the Zoning Code for multi-family dwellings in the AR-1 District.**
- d. **The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas.**
- e. **The project shall be served by Sussex County Sewer. The Developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.**
- f. **The project shall be served by central water to provide drinking water and fire protection.**
- g. **Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 a.m. and 5:00 p.m. Monday through Friday. There shall be no construction activities at the site on Saturdays or Sundays. A 24 inch by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- h. **Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.**
- i. **The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- j. **All streetlights shall be downward screened so that they do not shine on neighboring properties or roadways.**
- k. **The Applicant must pay the bonus density fee required by Chapter 62, Section 62-7 of the Code of Sussex County for the two additional units in excess of two units per acre.**
- l. **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**

Grant Requests

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

M 496 21 Councilmanic Grant

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, to give \$2,000.00 (\$1,000.00 each from Mrs. Green's and Mr. Schaeffer's Councilmanic Grant Accounts) to Grace-N-Mercy Ministries for Community Thanksgiving Dinner.

Motion Adopted: 5 Yeas.

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

M 497 21 Councilmanic Grant

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to give \$1,000.00 from Mr. Vincent's Councilmanic Grant Account to the Western Sussex Chamber of Commerce for Downtown Seaford Association's Christmas parade expenses.

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. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FOOD TRUCK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.235 ACRES, MORE OR LESS" (Conditional Use No. 2302) filed on behalf of Carlos M. Batres (Tax I.D. No. 234-17.00-117.01) (911 Address 24562 Shady Lane Annex, Millsboro).

The Proposed Ordinance will be advertised for Public Hearing.

M 498 21 Go Into Executive Session

At 11:07 a.m., a Motion was made by Mr. Hudson, seconded by Mrs. Green, to recess the Regular Session and go into Executive Session to discuss matters relating to pending/potential litigation, land acquisition and personnel.

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 11:10 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to pending/potential litigation, land acquisition and personnel. The Executive Session concluded at 11:34 a.m.**

M 499 21 Reconvene Regular Session **At 11:37 a.m., a Motion was made by Mr. Schaeffer, seconded by Mrs. Green, 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 on Executive Session matters.**

M 500 21 Recess **At 11:38 a.m., a Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to recess until 1:30 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**

M 501 21 Reconvene **At 1:30 p.m., a Motion was made by Mr. Rieley, 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/
CU 2264** **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 PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRES, MORE OR LESS” (Conditional Use No. 2264) filed on behalf of Laudan Investments, LLC (Tax I.D. No. 335-8.18-15.00 & 335-8.18-16.00) (911 Addresses: 1302 and 1304 Savannah Road, Lewes).**

The Planning and Zoning Commission held a Public Hearing on this application on October 28, 2021 at which time action was deferred. On November 4, 2021, the Commission recommended approval with the

**Public
Hearing/
CU 2264
(continued)**

following conditions:

- A. The buildings shall be used for office use only. No retail sales or other commercial uses shall occur on the site.**
- B. Each building shall be permitted to have one unlighted sign. The signs shall not exceed 32 square feet in size on each side.**
- C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- D. As proffered by the Applicant, the business hours shall be limited to 8:00 a.m. until 5:00 p.m., Monday through Friday, with the exception of emergency services that may be required.**
- E. The two existing office buildings shall share an entrance as approved by DeIDOT.**
- F. With the exception of handicapped parking spaces, all parking areas shall be located at the rear of the properties. The Final Site Plan shall designate all parking areas.**
- G. As stated by the Applicant during the public hearing, the residential appearance of the existing structures shall be maintained while in use as offices.**
- H. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated October 28 and November 4, 2021.)

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

Tim Willard, Attorney, was present with the Applicant, Dr. Aponte, who is the Principal of Laudan Investments, LLC. Mr. Willard stated that the application is for professional offices to be located on two adjacent parcels of land (335-8.18-15.00 and 335-8.18-16.00; that both parcels have existing Conditional Uses (Conditional Use No. 1549 and Conditional Use No. 1744); that the Applicant, owner of Parcel 15.00, purchased Parcel 16.00; that the Conditional Use for Parcel 16.00 is for offices for architectural services and the Applicant would like it to be for general office uses, and not limited to offices for architectural services; that the parcels are served by a common entrance, as approved by DeIDOT; that the Applicant occupies Parcel 15.00 where her office is located and that she may expand her practice into Parcel 16.00 or lease it for professional office uses; that the Applicant is renovating the building on Parcel 16.00; that the Applicant is requesting both Conditional Uses be for General Business use to allow some flexibility in leasing or selling the properties; that general office uses in residential looking buildings are common on Savannah Road; that Savannah Road has become a corridor for doctor offices; that the Applicant will maintain the residential appearance of the buildings; and that the proposed Conditional Use is in accordance with the Comprehensive Plan.

**Public
Hearing
(continued)**

There were no public comments.

The Public Hearing and public record were closed.

**M 502 21
Amend
Condition**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to amend Condition B recommended by the Planning and Zoning Commission to state that “Each building shall be permitted to have one lighted sign. The signs shall not exceed 32 square feet in size on each side.”

Motion Adopted: 5 Yeas.

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

**M 503 21
Adopt
Ordinance
No. 2813/
CU 2264**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2813 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRES, MORE OR LESS” (Conditional Use No. 2264) filed on behalf of Laudan Investments, LLC, with the following conditions, as amended:

- A. The buildings shall be used for office use only. No retail sales or other commercial uses shall occur on the site.**
- B. Each building shall be permitted to have one lighted sign. The signs shall not exceed 32 square feet in size on each side.**
- C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- D. As proffered by the Applicant, the business hours shall be limited to 8:00 a.m. until 5:00 p.m., Monday through Friday, with the exception of emergency services that may be required.**
- E. The two existing office buildings shall share an entrance as approved by DeIDOT.**
- F. With the exception of handicapped parking spaces, all parking areas shall be located at the rear of the properties. The Final Site Plan shall designate all parking areas.**
- G. As stated by the Applicant during the public hearing, the residential appearance of the existing structures shall be maintained while in use as offices.**
- H. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**M 503 21
(continued)**

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

**Public
Hearing/
CU 2271**

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 TO AMEND CONDITIONAL USE NO. 1920 (ORDINANCE NO. 2240) TO ALLOW FOR OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS” (Conditional Use No. 2271) filed on behalf of Chris Brasure (Tax I.D. No. 533-18.00-25.00) (911 Address: 33095 and 33113 Lighthouse Road, Selbyville).

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on October 28, 2021 at which time action was deferred. On November 4, 2021, the Commission recommended approval with the following conditions:

- A. The buildings shall be used for office use only.**
- B. One lighted sign shall be permitted on this site. The sign shall not exceed 32 square feet in size on each side.**
- C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- D. As stated by the Applicant, access shall be via the existing entrance to Brasure’s Pest Control from S.C.R. 389 with an internal driveway to this site.**
- E. The Final Site Plan shall designate all parking areas associated with this use.**
- F. Any dumpsters or trash receptacles shall be screened from view of neighboring properties and roadways.**
- G. Failure to abide by any of these conditions of approval may result in the revocation 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.**

(See the minutes of the Planning and Zoning Commission dated October 28 and November 4, 2021.)

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

Tim Willard, Attorney, was present with the Applicant, Chris Brasure. Mr. Willard stated that the application is for an office and a parking area; that Brasure Pest Control, Inc. occupies Parcel 25.00 and adjacent Parcel 24.00; that the long building on the site had a Conditional Use for parking vehicles in an existing barn and they want to convert it to an office building; that they propose to keep the footprint of the building; that the façade will be improved; that the entrance to Parcel 25.00 is through Parcel 24.00; that a

**Public
Hearing/
CU 2271
(continued)**

Traffic Impact Study was not required; and that that the proposed use is an appropriate extension of the Applicant's business operations that have existed on the adjacent property for many years.

There were no public comments.

The Public Hearing and public record were closed.

**M 504 21
Adopt
Ordinance
No. 2814/
CU 2271**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2814 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1920 (ORDINANCE NO. 2240) TO ALLOW FOR OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS" (Conditional Use No. 2271) filed on behalf of Chris Brasure, with the following conditions:

- A. The buildings shall be used for office use only.**
- B. One lighted sign shall be permitted on this site. The sign shall not exceed 32 square feet in size on each side.**
- C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- D. As stated by the Applicant, access shall be via the existing entrance to Brasure's Pest Control from S.C.R. 389 with an internal driveway to this site.**
- E. The Final Site Plan shall designate all parking areas associated with this use.**
- F. Any dumpsters or trash receptacles shall be screened from view of neighboring properties and roadways.**
- G. Failure to abide by any of these conditions of approval may result in the revocation 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: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 505 21
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, 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,

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

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