

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 9, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 9, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	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 567 14
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to amend the Agenda by striking “Approval of Minutes” and by striking “Records Management Roof Replacement – Change Order No. 1 – Substantial Completion” under John Ashman, Director of Utility Planning, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Corre-
spondence**

Mr. Moore read the following correspondence:

**READING ASSIST INSTITUTE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**LAUREL COMMUNITY FOUNDATION, LAUREL, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**LA ESPERENZA, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**CLOTHING OUR KIDS, MILLSBORO, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**Corre-
spondence
(continued)**

LA RED HEALTH CENTER, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

INDIAN RIVER SENIOR CENTER, MILLSBORO, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

ITN SOUTHERN DELAWARE, REHOBOTH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

EASTER SEALS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

THE ARC OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**DELAWARE FOUNDATION REACHING CITIZENS WITH
INTELLECTUAL DISABILITIES, NEWARK, DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

**Election
Year
Scholarship
Contest
Winners**

Mr. Lawson reported on the 2014 Election Year Scholarship Contest. Students ages 18 and younger were eligible to participate in the contest for chances to win \$200 and \$100 scholarships. Participants predicted the winners of the 22 national, state and local races in the November 4th general election. To break a tie, each entrant was asked to predict the total number of votes the winner of the State Treasurer's race would receive from Sussex County.

One winner and five runners-up were declared, based on their predictions and the tie-breaking question, from a field of 165 participants. The following students were recognized by the County Council:

- Trevor Beachboard, 16, a junior at Sussex Central High School (Winner)**
- David Lisiewski, 13, an eighth grader at Millsboro Middle School (First runner-up)**
- Ethan Ward 13, an eighth grader at Sussex Academy (Second runner-up)**
- Chase Monigle, 11, a fifth grader at Richard Shields Elementary School (Third runner-up)**
- Devan Hudson, 13, an eighth grader at Millsboro Middle School (Fourth runner-up)**
- Ethan Shuttleworth, 10, a fifth grader at Richard Shields Elementary School (Fifth runner-up)**

The winner of the contest won a \$200 scholarship and each of the five runners-up won a \$100 scholarship. Funding came from Councilmanic Grants, as well as from the law firm of Moore & Rutt.

**Adminis-
trator's
Report**

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

1. Caroling on The Circle

The Sussex County Council would like to thank the community for participating in the 31st annual Caroling on The Circle last night. We had a very successful night with hundreds of carolers and thus far have collected approximately 31,000 canned goods and nonperishable food items for our less fortunate neighbors. We would like to remind everyone that we are continuing to collect items until the end of the year, and will continue to distribute these goods to our local food pantries. We would like to thank all of our volunteers, local businesses, and schools for helping to collect the food over the last month and for making this year's Caroling on The Circle a huge success!

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Millville by the Sea – Summerwind Village, Phase 1, and Bay Forest Club – Phase 3.1 received Substantial Completion effective December 4 and December 5, 2014, respectively.

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

**Dog
Control
Contract
Amendment**

Mrs. Jennings reported that staff is recommending an amendment to the County's Dog Control Contract with First State Animal Center and SPCA (formerly known as Kent County SPCA). The amendment extends the contract for a one-year period, January 1, 2015 to December 31, 2015. The amendment keeps both the service level and the price consistent with 2014. The annual cost is \$682,616. First State Animal Center requested to hire two additional staff to decrease response time; this would add \$80,000 to the contract. The current contract provides four full-time officers and one supervisor working from 8:00 a.m. to 8:00 p.m. seven days a week. Both Administration and the Constable's Office feel that the level of service is sufficient; therefore, no increase in the contract is recommended by County staff.

**M 568 14
Amend
Dog
Control
Contract**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council amends its contract with First State Animal Center and SPCA to extend services through December 31, 2015 in the amount of \$682,616.00.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

**Master
Facilities
Agreement
for Fiber
Service**

Tom Glenn, Director of Information Technology, discussed a proposed fiber project that was budgeted for in the current fiscal year. He stated that a fully redundant/diverse fiber ring connecting core Sussex County facilities is needed. Mr. Glenn reported that, on this date, he had hoped to present the selection of a vendor for the proposed project; however, during a legal review, the County's attorneys requested that the County do a RFP (Request for Proposals). For this reason, on this date, Mr. Glenn presented information on why the fiber project is needed. Mr. Glenn noted that other agencies, such as the Town of Georgetown and companies along the fiber ring could benefit from the fiber once it is constructed; it could offer other broadband options to businesses inside the Industrial Park; also, the fiber ring could act as a backbone for other wireless internet technologies to operate from. Additionally, the fiber ring could also be a launching board for other wired or wireless providers to provide service to surrounding communities. Mr. Glenn advised that the Department will be moving forward with a RFP in 2015.

**Old
Business/
CZ 1729**

Under Old Business, the Council discussed Change of Zone No. 1729 filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc. The Planning and Zoning Commission held a Public Hearing on this application on May 23, 2013 at which time action was deferred. On June 27, 2013 the Commission recommended approval of the application. The County Council held a Public Hearing on this application on June 18, 2013 at which time action was deferred.

Mr. Moore read proposed Findings of Fact and he noted that Findings are read in the affirmative:

- A. Based on the record, Sussex County Engineering Department, Utility Planning Division, stated that the site is located in the Long Neck Sanitary Sewer District; that the site will be served by central water and central sewer; and that the Sussex County Engineering Department has no objection to the rezoning to AR-1.
- B. The record reflects that Delaware Department of Transportation (DelDOT) had provided comments on January 28, 2013 in reference to the Traffic Impact Study and that DelDOT has not objected to the project or the traffic generated by it on area roadways.
- C. This is a downzoning and it will allow the Applicants to obtain approvals to construct a RV campground on the subject property; that the AR-1 zoning is necessary because a Conditional Use for a campground is not available in the MR zoning district; that both MR and AR-1 zonings are appropriate for this area under the County's Comprehensive Land Use Plan and the maps contained in the Plan since both districts permit residential use; that if the proposed Conditional Use for the property should be denied or should expire, the permitted residential density for the property would be less than what is currently permitted under the MR zoning classification; that the

**Old
Business/
CZ 1729
(continued)**

property is also surrounded by AR-1 zones; that AR-1 zoning is consistent with much of the zoning in the Long Neck and Massey's Landing area; that the proposed use as a campground is consistent with other uses in the Long Neck Road and Massey's Landing area; and that there are other campgrounds in the area that have been in existence for many years.

- D. The property was previously rezoned from AR-1 to MR-RPC in 2007 for a 120 unit residential development and this rezoning will void that approval and return the property to its prior AR-1 zoning.**
- E. The proposed use as a RV campground will be subject to the conditions and limitations established by that approval and also site plan review by the Sussex County Planning and Zoning Commission.**
- F. There is no basis in the record for a denial of this re-zoning application, and the Applicant has created a substantial record in support of the application.**
- G. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Council approves this Application.**

**M 569 14
Adopt
Ordinance
No. 2377/
CZ 1729**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to Adopt Ordinance No. 2377 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS" (Tax Map I.D. 2-34-25.00-31.01, 31.02 & 31.04) (Change of Zone No. 1729) filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc., based on the recommendation of the Planning and Zoning Commission and the Findings of Fact as read by County Attorney Everett Moore.

Motion Adopted: 4 Yeas, 1 Nay.

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Old
Business/
CU 1963**

Under Old Business, the Council discussed Conditional Use No. 1963 filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc. The Planning and Zoning Commission held a Public Hearing on this application on May 23, 2013 at which time action was deferred. On June 27, 2013 the Commission recommended approval of the application, with 20 condition (A-T). The County Council held a Public Hearing on this application on June 18, 2013 at which time action was deferred.

**Old
Business/
CU 1963
(continued)**

Mr. Moore read proposed Findings of Fact and Proposed Conditions, and he noted that Findings are read in the affirmative:

- A. Based on the record, the site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available; that Ordinance 38 construction is required; that conformity to the North Coastal Planning Study will be required; that connection to the sewer system is mandatory; that the County reserves the right to alter or provide additional comments upon submittal of information regarding flood zones; that the County requires design and construction of an on-site collection system to meet County Engineering Department Standards and Procedures; that coordination of existing public sewer with the project's design is required; that the County Engineer must approve connection points, and requires that a Sewer Concept Plan be submitted for review and approval; and that System Connection Charges will apply.**
- B. The record reflects that Delaware Department of Transportation (DelDOT) provided comments on January 28, 2013 in reference to the Traffic Impact Study (TIS), on April 10, 2013 on the Preliminary Site Plan, and on May 13, 2013 provided an Entrance Location Approval Only letter; that, while there were concerns expressed about traffic, DelDOT has not objected to the project or the traffic generated by it on area roadways; that a TIS was completed in 2005 and has been reviewed and accepted by DelDOT subject to certain recommendations in terms of improvements that the Applicant will be responsible for; that DelDOT found that conditions in the study area have not changed substantially since the 2005 TIS was done, that the development now proposed will be similar in its trip generation and therefore "our findings and recommendations based on the TIS contained in a letter dated November 4, 2005, are applicable to the current development proposals as well and a new TIS is not necessary"; and that the State considered Long Neck Road to be a Major Collector Road, which is an appropriate location for this type of use.**
- C. Based on the record, Applicant intends to develop the site with a campground/RV park; that the project is planned on both sides of Long Neck Road and is adjacent to State land, the boat ramp site, the existing Massey's Landing Manufactured Home Park and the existing Pot Nets Seaside Manufactured Home Park; and that the site contains 50.83 acres of land and does not include Mrs. Faucett's home.**
- D. Based on the record, all of the lands around the site have AR-1 Agricultural Residential zoning and are improved with manufactured home communities or water bodies; that the project will have 322 campsites with sewer, water, and electric hookups, bathhouses, laundry, general store, café, snack bar, and recreational and maintenance facilities, pavilions, an aquatic rental center (no motorized**

**Old
Business/
CU 1963
(continued)**

watercraft), concierge, golf cart rental center, welcome center/administrative offices, swimming pool, nature center/activity lodge, lodge meeting center/conference center, remote tenting area, DART bus stop, interior crabbing and fishing piers, and a dog park; that the recreational amenities support the use of the campground; that there will not be any lot sales; that employee parking will be provided; that Delaware Electric Cooperative will provide electricity; that the site is located in the Indian River Fire Company service area; that the streets within the project will be sized to accommodate the largest emergency vehicle of the Indian River Volunteer Fire Company; that they are proposing to install pervious pavement with filter strips, rather than impervious pavement; that they plan on utilizing green technologies and Best Management Practices; that there are no threatened/endangered species on site; and that the project will have controlled and gated access.

- E. The use as a campground is consistent with the other existing residential uses, campgrounds and manufactured housing communities that currently exist in the Long Neck Road and Massey's Landing areas; that campers and RVs are not something new in this neighborhood, so there is a reasonable expectation that RV and campground uses could be developed in the vicinity; and that the use is adjacent to developed Manufactured Home Parks on the west and south, and the bay and the State of Delaware boat launch on the north and east.
- F. Under the current Sussex County Comprehensive Plan, the site is located in the Environmentally Sensitive Developing Area, which is recognized as a development or growth area on the Future Land Use Map; that the area is almost fully developed and this project could be considered infill; that the development is consistent with the purposes and goals of the Sussex County Comprehensive Plan Update and is beneficial and desirable for the general convenience and welfare of Sussex County and its residents because it promotes tourism and related services, economic growth in a designated development area, full and part-time employment opportunities, significant economic benefits to area businesses, and is consistent with the character of the zoning and development in the area; that the site is an appropriate location for the proposed development since recreational and commercial uses exist in the Long Neck area; and that there will be no negative impact on schools or other similar public facilities since the development will operate only seasonally.
- G. The Applicant has created a sufficient record in support of the Conditional Use application.
- H. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use is approved subject to the following conditions which will serve to

**Old
Business/
CU 1963
(continued)**

minimize any potential impacts on the surrounding area and adjoining properties:

- 1. The maximum number of campground/RV sites shall be three hundred twenty-two (322).**
- 2. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT. This includes the Developer's agreement to comply with DelDOT's request to enter into an agreement with DelDOT to fund an equitable portion of the installation of a single-lane roundabout at the intersection of Route 23 and Pot-Nets Road, and other similar improvements.**
- 3. The Development shall be served by the County's Long Neck Sanitary Sewer District. The Applicant shall comply with all Sussex County Engineering Department requirements regarding connection to, and service by, the District.**
- 4. The Development shall be served water for domestic use and fire protection by the Long Neck Water Company.**
- 5. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- 6. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan.**
- 7. The Development shall be surrounded by a 50 foot landscaped buffer. This shall be installed as part of the 1st phase of the development's construction.**
- 8. The entire facility may open no earlier than April 1st each year and shall close no later than the first Sunday of November of each year.**
- 9. The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campsites during the period that the campground is closed.**
- 10. There shall be no accessory buildings located on individual campsites.**
- 11. Campground restrictions shall be submitted as part of the site plan review.**

**Old
Business/
CU 1963
(continued)**

12. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes.

13. The Developer shall plan the entrance design to accommodate a DART bus stop and turnabout in consultation and cooperation with DART.

14. One sign, not exceeding thirty-two (32) square feet per side with lighting, shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.

15. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.

16. All wetlands on the site shall be clearly marked on the site to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan.

17. The Applicant shall determine, after consulting with the County, whether there are any “dwellings” in the vicinity of the property that require a 400 foot buffer pursuant to Section 115-172H.(3) of the Sussex County Code (in effect at the time of the application). As part of the Final Site Plan review, the Developer shall include a note on the Plan describing its efforts to make this determination and show the location of any dwelling that would trigger the application of the 400 foot buffer.

18. All campsites must be 2,000 square feet in size according to the Sussex County Code. It does not appear that the campsites at the “Remote Tenting Area” shown on the Preliminary Site Plan comply with this size requirement, and this must be corrected on the Final Site Plan along with any other campsites that do not meet the appropriate dimensional requirements.

19. There shall be a notice at the entrance to the campground stating that it is located within a Flood Prone Area and that certain evacuation and/or relocation procedures are in place and must be followed by all campground visitors in the event of a weather emergency.

20. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Mr. Vincent turned over the gavel to Mr. Wilson for the purpose of making a Motion.

**M 570 14
Add
Condition**

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to amend the Proposed Conditions for Conditional Use No. 1963 by adding a new Condition (No. 20) to state: There shall be a buffer of 200 feet from any

M 570 14 structure used for living space on property of lands other than the
Add Applicants; no activities or structures of this use shall be permitted in the
Condition/ 200 foot buffer. (The previous Condition No. 20 becomes Condition No. 21.)
CU 1963
(continued) **Motion Adopted: 5 Yeas.**

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Recommend Mr. Cole recommended a new proposed condition: during the site plan
New approval process, the Planning and Zoning Commission shall determine the
Conditions/ number of (the percentage of) park models, cabins, RV sites, and
CU 1963 campground sites. Mr. Cole stated that his reasoning for this is because
campgrounds can change ownership and because he wants to make sure
there are transient sites available.

Vince Robertson, Assistant County Attorney, stated that he did not see a
problem with a breakdown of the percentages on the site plan.

Mr. Lank suggested the following wording for Mr. Cole's proposed
condition: The Planning and Zoning Commission shall determine the
number of park models, RVs, travel trailers and tent camping sites to be
established on the site; the number of transient sites shall also be
determined by the Planning and Zoning Commission.

Mr. Cole recommended another proposed condition, as proposed by the
Applicants: no sales of camping units or RV vehicles and no lot sales; lots
are for lease only.

Mr. Lank suggested the following wording for Mr. Cole's proposed
condition: There shall be no sales of campsites or camping units, i.e., park
models, RVs, travel trailers or cabins.

Mr. Cole recommended another proposed condition, as proposed by the
Applicants: no motorized watercraft available onsite.

Mr. Lank suggested the following wording for Mr. Cole's proposed
condition: There shall be no motorized watercraft for sale or lease from the
site and there shall be no launching of motorized watercraft from the site.

A discussion was held regarding (1) the Planning and Zoning Commission
determining the percentages and whether or not there is an appeal process
if the Applicant wishes to appeal the Commission's decision; (2) cabins; and
(3) the fact that the campground/RV park is to be vacant in the off-season.
In regards to cabins, Mr. Lank stated that no cabins (stick-built) are
proposed in this application; however, there are park models that look like
cabins.

M 571 14
Add
Condition/
CU 1963

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to add a condition which states that: The Planning and Zoning Commission shall determine the number of park models, RVs, travel trailers, and tent camping sites to be established on the site. The number of transient sites shall also be determined by the Commission.

Motion Adopted: 3 Yeas, 2 Nays.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Nay; Mr. Wilson, Nay;
Mr. Vincent, Yea**

M 572 14
Add
Condition/
CU 1963

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to add a condition which states that: There shall be no sales of campsites or camping units, i.e., park models, RVs, travel trailers or cabins.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 573 14
Add
Condition/
CU 1963

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to add a condition which states that: There shall be no motorized watercraft for sale or lease from the site and there shall be no launching of motorized watercraft from the site.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Mr. Lank referenced a question about Condition No. 9 which states that: The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campsites during the period that the campground is closed. He noted that a suggestion was made to delete the word “campsites” and replace it with “campground”.

M 574 14
Amend
Condition/
CU 1963

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Condition No. 9 to read as follows: The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campground during the period the campground is closed.”

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 575 14
Renumber
Conditions/
CU 1963**

A Motion was made to renumber the conditions.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 576 14
Adopt
Ordinance
No. 2378/
CU 1963**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 2378 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS” (Conditional Use No. 1963) filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey’s Landing Park, Inc., with the following conditions, as amended:

- 1. The maximum number of campground/RV sites shall be three hundred twenty-two (322).**
- 2. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT. This includes the Developer’s agreement to comply with DelDOT’s request to enter into an agreement with DelDOT to fund an equitable portion of the installation of a single-lane roundabout at the intersection of Route 23 and Pot-Nets Road, and other similar improvements.**
- 3. The Development shall be served by the County’s Long Neck Sanitary Sewer District. The Applicant shall comply with all Sussex County Engineering Department requirements regarding connection to, and service by, the District.**
- 4. The Development shall be served water for domestic use and fire protection by the Long Neck Water Company.**
- 5. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- 6. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan.**
- 7. The Development shall be surrounded by a 50 foot landscaped buffer. This shall be installed as part of the 1st phase of the development’s construction.**

**M 576 14
Adopt
Ordinance
No. 2378
CU 1963
(continued)**

8. The entire facility may open no earlier than April 1st each year and shall close no later than the first Sunday of November of each year.

9. The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campground during the period that the campground is closed.

10. There shall be no accessory buildings located on individual campsites.

11. Campground restrictions shall be submitted as part of the site plan review.

12. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes.

13. The Developer shall plan the entrance design to accommodate a DART bus stop and turnabout in consultation and cooperation with DART.

14. One sign, not exceeding thirty-two (32) square feet per side with lighting, shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.

15. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.

16. All wetlands on the site shall be clearly marked on the site to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan.

17. The Applicant shall determine, after consulting with the County, whether there are any “dwellings” in the vicinity of the property that require a 400 foot buffer pursuant to Section 115-172H.(3) of the Sussex County Code (in effect at the time of this application). As part of the Final Site Plan review, the Developer shall include a note on the Plan describing its efforts to make this determination and show the location of any dwelling that would trigger the application of the 400 foot buffer.

18. All campsites must be 2,000 square feet in size according to the Sussex County Code. It does not appear that the campsites at the “Remote Tenting Area” shown on the Preliminary Site Plan comply with this size requirement, and this must be corrected on the Final Site Plan along with any other campsites that do not meet the appropriate dimensional requirements.

**M 576 14
Adopt
Ordinance
No. 2378/
CU 1963
(continued)**

19. There shall be a notice at the entrance to the campground stating that it is located within a Flood Prone Area and that certain evacuation and/or relocation procedures are in place and must be followed by all campground visitors in the event of a weather emergency.

20. There shall be a buffer of 200 feet from any structure used for living space on property of lands other than the Applicants; no activities or structures of this use shall be permitted in the 200 foot buffer.

21. The Planning and Zoning Commission shall determine the number of park models, RVs, travel trailers, and tent camping to be established on the site; the number of transient sites shall also be determined by the Commission.

22. There shall be no sales of campsites or camping units, i.e., park models, RVs, travel trailers or cabins.

23. There shall be no motorized watercraft for sale or lease from the site and there shall be no launching of motorized watercraft from the site.

24. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 4 Yeas, 1 Nay.

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Recess

Mr. Vincent declared a short recess.

**Old
Business/
CZ 1725**

Under Old Business, the Council discussed Change of Zone No. 1725 filed on behalf of Jack Lingo Asset Management, LLC

The Planning and Zoning Commission held a Public Hearing on this application on January 24, 2013. On August 22, 2013, the Commission recommended that the application be approved.

The County Council held a Public Hearing on this application on February 19, 2013 at which time action was deferred.

Mr. Moore read proposed Findings of Fact and he noted that Findings are read in the affirmative:

A. This is an application to amend the Comprehensive Zoning Map from GR General Residential District to AR-1 Agricultural Residential District, to be located on a certain parcel of land lying and being in

**Old
Business/
CZ 1725
(continued)**

Lewes and Rehoboth Hundred, Sussex County, containing 74 acres, more or less, lying southwest of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283), 2,400 feet southwest of Mulberry Knoll Road (Road 284) (Tax Map I.D. 3-34-12.00-16.00 Part of).

- B. The record reflects that, while not required, a Traffic Impact Study was submitted on January 11, 2013 and that DelDOT has not stated any objections to the project or the traffic generated by it on local roadways.**
- C. The Sussex County Engineering Department has no objection to the rezoning to AR-1 and that the site will be served by central water and central sewer.**
- D. Based on the record, this is a down-zoning and it will allow the Applicants to obtain approvals to construct a RV campground on the subject property; that the property is partly AR-1 Agricultural Residential and partly GR General Residential and this will bring the entire parcel under one common zoning classification; that the AR-1 zoning is necessary because a conditional use for a campground is not available in the GR General Residential Zoning District; that both GR General Residential and AR-1 Agricultural Residential zoning are appropriate for this area under the County's Comprehensive Land Use Plan and the maps contained in the Plan, since both districts permit residential use; that, if the proposed Conditional Use for the property should be denied or should expire, the permitted residential density for the property would be less than what is currently permitted under the GR General Residential Zoning classification; and that, under the Plan, it is in an area appropriate for development, the Environmentally Sensitive Developing District.**
- E. The proposed use as a RV campground will be subject to the conditions and limitations established by that approval, and also site plan review by the Sussex County Planning and Zoning Commission.**
- F. There is no basis in the record for a denial of this rezoning application, and the Applicant has created a substantial record in support of the application.**
- G. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Council approves this Application.**

**M 577 14
Adopt
Proposed
Ordinance/
CZ 1725

DENIED**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 74 ACRES, MORE OR LESS" (Change of Zone No. 1725) filed on behalf of Jack Lingo Asset Management, LLC.

Motion Denied: 3 Nays, 2 Yeas.

**M 577 14
(continued)**

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Nay**

**Reasons
for Denial/
CZ 1725**

Reasons for denial stated by Mrs. Deaver, Mr. Cole and Mr. Vincent included the following: this rezoning is part of an overall project to allow an RV campground. The rezoning is necessary to accomplish this goal, since an RV campground is not permitted as a residential use in a GR Zone; the proposed change in zone and the overall project do not promote the overall health, safety, convenience and general welfare of the neighborhood or community; Council received petitions containing 814 signatures in opposition to the project along with 252 letters and emails, some of which may be duplicates, expressing opposition to the project. These communications have come from parties who live in the surrounding communities. Finally, there were over 110 people present at the Planning and Zoning Commission public hearing and over 116 people present at the Council public hearing in opposition to the Application; the Applicant did not proffer any evidence to support why this land should be zoned AR-1, other than because it needs to be that way for the proposed project. However, the rezoning must stand on its own merits, and the AR-1 zoning would survive whether the proposed C/U project is approved or expires. There is no basis in the record or in the County Comprehensive Plan for the rezoning to AR-1; GR zoning allows a variety of housing types, including manufactured homes on smaller lots. The County seeks to promote affordable housing opportunities, and a change of zone to AR-1 would decrease the land zoned available for that type of use. The current amount of land zoned GR in Sussex County is limited. As a result, the GR zoning should be preserved. Additionally, the County does seek to promote affordable housing and the Change of Zone would decrease the amount of GR land that is available; that development trends in this area have been primarily for single family homes planned communities; and that the proposal is not consistent with the area.

**Old
Business/
CU 1951**

Under Old Business, the Council considered Conditional Use No. 1951 filed on behalf of Jack Lingo Asset Management, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on January 24, 2013. On August 22, 2013, the Commission recommended that the application be approved, with conditions.

The County Council held a Public Hearing on this application on February 19, 2013 at which time action was deferred.

Mr. Vincent referenced the denial of Change of Zone 1725 and he stated that the Conditional Use application cannot be approved because the land is not zoned properly.

M 578 14
Adopt
Proposed
Ordinance/
CU 1951

DENIED

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV RESORT AND CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 162.424 ACRES, MORE OR LESS” (Conditional Use No. 1951) filed on behalf of Jack Lingo Asset Management, LLC.

Motion Denied: 5 Nays.

Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay;
Mr. Phillips, Nay; Mr. Wilson, Nay;
Mr. Vincent, Nay

Reasons
for Denial

Reasons for denial were that the proposed use is not a permitted use in a GR District and that the underlying Change of Zone was denied.

Grant
Requests

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

M 579 14
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$600.00 (\$400.00 from Mr. Vincent’s Councilmanic Grant Account, \$100.00 from Mr. Wilson’s Councilmanic Grant Account and \$100.00 from Mr. Phillips’ Councilmanic Grant Account) to the Eastern Shore AFRAM Festival for the MLK Day of Celebration.

Motion Approved: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

M 580 14
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$2,000.00 (\$1,000.00 each from Mr. Phillips’ and Mr. Vincent’s Councilmanic Grant Accounts) to the Laurel Fire Department to upgrade the handicap entrance.

Motion Approved: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

M 581 14
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$3,500.00 (\$2,500.00 from Mr. Cole’s Councilmanic Grant Account and \$1,000.00 from Mrs. Deaver’s Councilmanic Grant Account) to the West Rehoboth Community Land Trust for the purchase of property.

Motion Approved: 5 Yeas.

M 581 14
(continued)

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

M 582 14
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,500.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Beach Historical Society Museum for building improvements.

Motion Approved: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Introduction
of Proposed
Ordinances

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS" (Conditional Use No. 2007) filed on behalf of Delaware Electric Cooperative, Inc. (Tax I.D. No. 532-11.00-25.00 (Part of) (911 Address: None Available).

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE A TRUCKING BUSINESS AND PARKING OF VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 35,011 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2008) filed on behalf of John Martin (Tax I.D. No. 133-20.00-17.17) (911 Address: 30102 Millsboro Highway, Millsboro).

The Proposed Ordinances will be advertised for Public Hearing.

Comment/
Grants

Mrs. Deaver commented on the councilmanic grant program.

M 583 14
Recess/
Go Into
Executive
Session

At 12:15 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to recess and go into Executive Session.

Motion Approved: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Executive Session	At 12:21 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 12:35 p.m.
M 584 14 Reconvene Regular Session	At 12:38 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session. Motion Approved: 4 Yeas, 1 Absent. Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea Mr. Phillips, Absent; Mr. Wilson, Yea; Mr. Vincent, Yea
Action	There was no action on Executive Session matters.
Additional Business	There was no Additional Business.
M 585 14 Recess	At 12:39 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to recess until 1:30 p.m. Motion Approved: 5 Yeas. Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
M 586 14 Reconvene	A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reconvene at 1:34 p.m. Motion Approved: 5 Yeas. Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
Rules	Mr. Moore read the rules of procedure of public hearings. Mr. Phillips joined the meeting during the first Public Hearing.
Public Hearing/ CU 2002	A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A DISTILLERY WITH TOURS/TASTING/RETAIL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,523 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2002) filed on behalf of Beach Bum Distilling, c/o I3A (Tax Map I.D. No. 334-5.00-74.01) (911 Address 32191 Nassau Road, Lewes).

**Public
Hearing/
CU 2002
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on November 20, 2014 at which time action was deferred.

(See the minutes of the Planning and Zoning Commission dated November 20, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing.

Mr. Lank distributed the survey/site plan for the proposed project.

The Council found that Dominick Schiavoni, an Associate of i3A Engineering Consultants, was present on behalf of Beach Bum Distilling (BBD). He stated in his presentation that BBD will operate as a Delaware Craft Distillery manufacturing a handcrafted product on premises; that the manufacturing process includes fermentation, distillation, barrel aging, and bottling; that fermentation and distillation will be done in small 50 gallon batches; that the distilled product will be hand bottled in batches of 30 gallons or smaller; that the distillery's products will be offered for sale exclusively in the retail space where tastings and limited tours will be available to the public; that their flagship product will be a family of rum spirits inspired by the area's maritime history and beaches; that BBD hopes to collaborate with other local businesses to create unique products; that the planned receiving hours are 8:00 a.m. to 4:00 p.m.; that small package deliveries are expected to increase by 2 or 3 per week from providers such as UPS and FedEx in their standard residential delivery vehicles; that pallet sized deliveries are expected to increase by no more than 2 per month by common carrier with lift gate service; that there are no plans for out-bound shipments; that their planned operating hours for the retail space are Monday through Thursday from Noon to 6:00 p.m., Friday from Noon to 7:00 p.m., Saturday from 11:00 a.m. to 7:00 p.m., and Sunday from 1:00 p.m. to 6:00 p.m.; that operating hours could be reduced seasonally; that there are no plans to extend hours; that they anticipate that the number of visitors to the distillery will be from 10 to 15 per day on Monday through Friday and 20 to 40 per day on Saturday and Sunday; that due to the size of the retail area, they anticipate that a maximum of 25 persons could be reasonably accommodated during any private function or event; that their three year business model projects the generation of approximately \$31,000 in State excise tax revenue and \$71,000 in Federal excise revenue; that the distillery is expected to create two full-time manufacturing jobs and two part-time retail jobs; that they received a Federal Distilled Spirits Plant permit on October 7, 2014; that they are in the process of creating a fire protection plan to submit for approval by the State Fire Marshal which will dictate how the operations are laid out and isolated within their space; that once conditional use for the distillery is approved then they can proceed to apply for a Delaware Craft Distillery license from the Delaware Alcoholic Beverage Control Commission; that they have secured a three-year lease for Unit No. 5, a 19,000 square foot space; that there are 4 different uses available in the building; that currently there are 2 vacant areas, an area

**Public
Hearing/
CU 2002
(continued)**

being used by an engineering firm, and an area being used by a bakery; that they propose to use one area and the other vacant area is to be used by DelDOT contractors; that there is an existing shared parking arrangement; and that in regards to the parking, 18 spaces will be needed and there are currently 19 spaces available

Mr. Schiavoni distributed two plans showing the parking layout and the floorplan of the building.

There were no public comments.

The Public Hearing and public record were closed.

**M 587 14
Defer
Action/
CU 2002**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to defer action on Conditional Use No. 2002 filed on behalf of Beach Bum Distilling, C/O I3A.

Motion Approved: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

**Public
Hearing/
CU 2003**

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 A RETAIL STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 32,829 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2003) filed on behalf of Thomas E. Lowe.

The Planning and Zoning Commission held a Public Hearing on this application on November 20, 2014 at which time the Commission recommended approval with the following conditions:

- A. Although the conditional use is for retail sales in general, a majority of the products sold on the premises must be related to home and garden and baked goods, as proposed by the Applicant.
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted on the premises.
- C. There shall be adequate parking on the site and the parking shall comply with the Sussex County Zoning Code parking requirements.
- D. Any and all dumpsters shall be screened from view of neighboring properties and roadways.
- E. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- F. The Applicant shall comply with all DelDOT requirements regarding entrances to the property.

**Public
Hearing/
CU 2003
(continued)**

- G. The hours of operation shall be from 9:00 a.m. until 5:00 p.m. Monday through Saturday, and Noon until 4:00 p.m. on Sundays.**
- H. The use shall be seasonal, open between April 1 and December 31 of each year.**
- 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 Planning and Zoning Commission dated November 20, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing.

Mr. Lank distributed the survey/site plan for the proposed project.

The Council found that Thomas Lowe was present and he stated that he would like to establish a small home and garden store as an expansion to his small greenhouse and nursery business on Omar Road; that he has owned the business for 8 years; that he proposes a seasonal home and garden retail store from April 1 through Christmas; that he also sells nursery and plant stock; that his business hours are seasonally from 9:00 a.m. to 5:00 p.m. Monday through Saturday, and from 10:00 a.m. to 4:00 p.m. on Sundays; that he is flexible with the hours; that a small parking area would be dedicated for the store; that he currently has one full-time employee as well as part-time help as needed for the nursery; that he proposes to hire at least one more full-time employee and some part-time help; that he has received positive feedback from his neighbors; that the store would be 1,200 square feet; that there will be no negative impact on traffic; that he would like to add pottery, small yard art, Amish cakes and pies; garden furniture, silk flowers, gifts, wreaths, and similar items.

There were no public comments.

The Public Hearing and public record were closed.

**M 588 14
Modify
Conditions/
CU 2003**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to modify the conditions recommended by the Planning and Zoning Commission by deleting Conditions G and H, and to renumber the conditions.

Motion Approved: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 589 14
Adopt
Ordinance
No. 2379**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to Adopt Ordinance No. 2379 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL STORE TO BE LOCATED

**M 589 14
Adopt
Ordinance
No. 2379/
CU 2003
(continued)**

ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 32,829 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2003) filed on behalf of Thomas E. Lowe, with the following conditions, as amended:

- A. Although the conditional use is for retail sales in general, a majority of the products sold on the premises must be related to home and garden and baked goods, as proposed by the Applicant.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted on the premises.**
- C. There shall be adequate parking on the site and the parking shall comply with the Sussex County Zoning Code parking requirements.**
- D. Any and all dumpsters shall be screened from view of neighboring properties and roadways.**
- E. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. The applicant shall comply with all DelDOT requirements regarding entrances to the property.**
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Approved: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ 1762**

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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.37 ACRES, MORE OR LESS” (Change of Zone No. 1762) filed on behalf of Hale Trailer Brake & Wheel (Tax I.D. No. 532-13.00-78.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on November 20, 2014 at which time the Commission recommended approval.

(See the minutes of the meeting of the Planning and Zoning commission dated November 20, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing.

Mr. Lank distributed an Exhibit Book previously provided by the Applicant.

**Public
Hearing/
CZ 1762
(continued)**

The Council found that Jeff Finney, Manager for Hale Trailer Brake and Wheel, was present with Dennis Schrader, Esq., and Ken Christenbury, Professional Engineer with Axiom Engineering, LLC. Mr. Schrader and Mr. Christenbury stated that the site is adjacent to U.S. Route 13 (Sussex Highway) and the already developed site of Hale Trailer Brake and Wheel; that the application is for the purpose of an expansion of a currently existing business; that this site is currently vacant; that a portion of the site has been cleared to allow for three phase electricity provided to the existing site where a new shop has been built; that three phase electricity install was not done in anticipation of any granting of a change of zone; that the intent of this application is to allow for the expansion of the adjacent facility; that the existing facility has 14 employees; that the site is located in a Low Density Area and a Level 4 Area according to the State Strategies; that the application did not require a PLUS review; that no structures are currently planned for this property, only the display of trailers, containers and related equipment for the expansion of the adjacent facility; that if the rezoning is approved, they will be submitting site plans for the display area and related features of the property; that the southerly third of the property contains wetlands; that they are not proposing any new entrances; that DelDOT is only going to allow entrance to the site from the adjacent facility; that no traffic studies were required; that the area for the displays will be graveled; that they are working with the Sussex Conservation District on the stormwater management plans; that there is a need for the expansion of the existing use; that the new building on the adjacent facility is almost completed creating a need for the additional display area; that there is ample area on this site to create a crossing over the ditch to provide the necessary access for the interconnection of the two parcels; that the rezoning would be an infill as everything south of the site is zoned Light Industrial; that there is no need for water or sewer as no buildings are proposed; and that the Exhibit Booklet contains some suggested Findings of Fact for consideration.

There were no public comments.

The Public Hearing and public record were closed.

**M 590 14
Adopt
Ordinance
No. 2380
CZ 1762**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2380 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.37 ACRES, MORE OR LESS” (Change of Zone No. 1762) filed on behalf of Hale Trailer Brake & Wheel.

Motion Approved: 5 Yeas.

**M 590 14
(continued)**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea**

**M 591 14
Adjourn**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to adjourn at
2:19 p.m.**

Motion Approved: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea**

Respectfully submitted,

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