

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-MARCH 27, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, March 27, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

|                           |                |
|---------------------------|----------------|
| William D. Stevenson, Sr. | President      |
| R. James Mariner          | Vice-President |
| Ralph E. Benson           | Member         |
| George B. Cole            | Member         |
| Dale R. Dukes             | Member         |

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 157 90  
Approval  
of Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Benson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-  
spondence

Mr. Jones, Assistant County Attorney, read the following correspondence:

DELAWARE NATURE SOCIETY, HOCKESSIN, DELAWARE

RE: Invitation for Council to attend the Delaware Nature Society's 25th Annual Meeting on Tuesday, April 17, 1990, at the Wilmington Country Club. The business meeting will begin at 8:00 p.m., with dinner at 6:30 p.m.

NATIONAL FEDERATION OF THE BLIND OF DELAWARE, SUSSEX COUNTY CHAPTER, GEORGETOWN, DELAWARE

RE: Letter requesting County Council's financial assistance in sending delegates to the Annual Convention of the National Federation of the Blind being held in Dallas, Texas, during the first week in July, 1990.

This correspondence was referred to Mr. Purpur, Finance Director, to research what assistance was provided in the previous year.

Councilman Dukes informed Council that an editorial appeared in the Monday, March 26, 1990, issue of The Daily Times which praised the County for its recycling efforts.

Family  
Literacy  
Program

Mr. Stickels, County Administrator, reported to Council that the County's application for a \$5,000 grant from Bell Atlantic/ALA has been approved. This funding will be used for a "Family Literacy Program" at the Milton Public Library.

March 27, 1990

Family  
Literacy  
Program  
(Cont.)

The start-up for this program is expected during the first week in May. The program will develop parent/child literacy workshops which will focus on teaching parents how to read to their children, which, hopefully, will encourage the children to develop the desire to want to learn to read. The Family Literacy Project intends to reach low income families with preschool and elementary age children residing within the Milton Library service area. Twenty-four (24) bookcases will be purchased to be given to each family participating in the workshops. In addition, a magazine subscription for the parent and one for the child will be provided. Forty-eight (48) children's books will also be divided among the families participating. With the funding received for the Family Literacy Program, the County now has two (2) Literacy Programs in place, the first being an Adult Literacy Program which serves the entire County.

Local  
Emergency  
Planning  
Committee

Mr. Stickels, County Administrator, reviewed with Council a March 26, 1990 letter from Lynn Bullock, Coordinator of the Sussex County Local Emergency Planning Committee, which summarizes the Committee's accomplishments. To meet one of the requirements set forth under the Superfund Amendment Reauthorization Act (SARA), the County is required to inventory all County businesses which either manufacture, store, or use hazardous materials. Last year, monies were received from the State's Department of Public Safety to fund the County's Local Emergency Planning Committee. Mr. Stickels reported that due to cutbacks in State revenues, the County may be required to bear the burden of future funding. House Bill No. 448, which provides for the establishment of fees to fund the Local Emergency Planning Committees, has been sponsored by Representatives Bruce Ennis, David Ennis, and Senator William Torbert. Mr. Stickels will send letters in support of the passage of this Bill.

State of  
Delaware/  
Request for  
Borrow Pit

Mr. Stickels, County Administrator, reported to Council that a letter had been received from Allan Redden, South District Engineer for the Department of Transportation, regarding an agreement for the right to purchase land from Curtis Steen, on Road 331, to be used for the purpose of a borrow pit. This agreement would be contingent on County zoning concurrence. Mr. Lank, Director of Planning and Zoning, informed Council that Mr. Steen had previously filed a conditional use application (C/U #917) for a borrow pit to be located on his land. This application was heard by the Planning and Zoning Commission on September 14, 1989, which resulted in their recommendation to deny the application. County Council was to have held a Public Hearing on this application, however, Mr. Steen withdrew his conditional use application on October 3, 1989, prior to the Council's scheduled Public Hearing.

March 27, 1990

M 158 90  
Require  
State to  
Follow  
County's  
Zoning  
Process

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to require the State of Delaware to go through the County's established zoning process in obtaining approval for a borrow pit. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

Mr. Stickels will inform Mr. Redden of the Council's decision in regards to the State's request to locate a borrow pit on lands of Curtis Steen on Road 331.

West  
Rehoboth  
Sewer  
District/  
MOU

Mr. Gerard Esposito, Director of the Division of Water Resources, was present to review the proposed Memorandum of Understanding between DNREC and the Sussex County Council, which would govern the West Rehoboth Sewer District. The MOU would commit the Council to a time schedule of five years for installation of the sewer system. Mr. Esposito presented Council with copies of a Press Release concerning a Public Hearing to be held on April 10, 1990 at 7:00 p.m. on proposed amendments to DNREC's Order regarding the moratorium on on-site wastewater treatment and disposal systems along the Route 1 corridor. These revisions are expected to remedy the controversy regarding the present voucher system for new septic permits along the Route 1 Corridor. Copies of the Proposed Amendments to DNREC's Order were also submitted to Council. Council is to review the MOU with action to be taken in the next two (2) weeks. Mr. Esposito also announced that a Press Conference is scheduled for Thursday, March 29, 1990, at 1:00 p.m. at the Rehoboth Country Club, for the purpose of announcing major inland bays initiatives and marina regulations.

CDBG/  
FmHA  
Applica-  
tions

Mr. Stickels, County Administrator, presented Council with a listing of applications that have been submitted by the County's Department of Community Development and Housing for Community Development Block Grants and FmHA (HPG) Grants.

Volunteer  
Firemen's  
Associa-  
tion/  
Meeting

Mr. Stickels, County Administrator, informed Council that the monthly meeting of the Sussex County Volunteer Firemen's Association will be held on Tuesday, March 27, 1990, beginning at 7:30 p.m. at the Milton Fire Hall, Milton, Delaware. Lieutenant Governor Dale Wolf will be the guest speaker.

Public  
Hearing/  
Impact  
Fees

Mr. Stickels, County Administrator, reported to Council that the House Land Use Committee will hold a Public Hearing on Wednesday, April 4, 1990, commencing at 7:00 p.m. at Rehoboth City Hall, Convention Center, Rehoboth Beach,

March 27, 1990

(Cont.)

Delaware, regarding impact fees and proposed legislation. Mr. Stickels informed Council that the County will have a representative present at this Public Hearing.

Proposed Ordinance/  
Line of Credit

Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING A FIFTY MILLION DOLLAR (\$50,000,000) LINE OF CREDIT, IN ANTICIPATION OF ISSUING BONDS, FOR THE CONSTRUCTION OF AND/OR IMPROVEMENTS TO VARIOUS SEWER AND/OR WATER SYSTEMS SERVING SUSSEX COUNTY, DELAWARE AND THE PAYMENT OF COSTS ASSOCIATED THEREWITH, AUTHORIZING THE ISSUANCE OF SUSSEX COUNTY, DELAWARE PROMISSORY NOTES FOR AMOUNTS BORROWED PURSUANT TO SUCH LINE OF CREDIT, AUTHORIZING A PLEDGE OF THE COUNTY'S FULL FAITH AND CREDIT AND TAXING POWER THEREFOR, AND AUTHORIZING ALL OTHER ACTION NECESSARY OR DESIRABLE IN CONNECTION THEREWITH". This Proposed Ordinance will be advertised for a Public Hearing.

C/Z #1056

Change of Zone No. 1056, filed on behalf of Margaret L. Isaac, was discussed. The Public Hearing was held on March 13, 1990 and action was deferred.

M 159 90  
Adopt Ordinance  
No. 668  
(C/Z #1056)

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to adopt Ordinance No. 668 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.70 ACRE, MORE OR LESS" (C/Z #1056) filed on behalf of Margaret L. Isaac. Motion Adopted: 4 Yea; 1 Nay.

Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Nay; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

Findings  
of Facts  
C/Z #1056

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County in that the change of zone will not have a significant impact on the surrounding area, given the current existing property uses in the area. Insufficient evidence was submitted by the opposition that this rezoning would negatively impact traffic or environmental matters.

March 27, 1990

Findings  
of Facts  
C/Z #1056  
(Cont.)

2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that the parcel is located in an area where there are numerous other commercial uses and commercially zoned parcels. The County Council has approved other commercial rezonings in the vicinity in the recent past. The area is mixed commercial/residential.
3. Congestion of roads or streets shall be controlled or lessened by Department of Transportation limitations, which will require an entrance off less-traveled Route 350, rather than heavily-traveled Route 26. The Department of Transportation has no objection to the rezoning, as long as property along Route 26 is donated by the developer in order to provide 30 feet from centerline, and as long as all parking is to the rear of the parcel.
4. Adequate light and air are provided and adequate protection and security from fire, flood, and other dangers is present.

Ordinance  
No. 39/  
Postponed

Action was postponed on the next item on the agenda under "Old Business", a proposed Ordinance entitled "AN ORDINANCE AMENDING ORDINANCE NO. 39, ARTICLE III BY STRIKING ARTICLE III IN ITS ENTIRETY AND CREATING A REVISED ARTICLE III PROVIDING FOR ANNUAL ASSESSMENT FEES, PLANT CONNECTION CHARGES AND TRANSMISSION CONNECTION CHARGES", due to the absence of Russell Archut, Chief of Planning and Permits. This item will be placed back on the Agenda for next week.

Public  
Hearing/  
Ordinance  
Requiring  
Dry  
Sanitary  
Sewer  
Collection  
Systems  
(Action  
Tabled)

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE REQUIRING DRY SANITARY SEWER COLLECTION SYSTEMS IN NEW DEVELOPMENT OR EXPANSION OF EXISTING DEVELOPMENT IN THE SOUTH COASTAL AREA". Mr. Michael Izzo, Assistant County Engineer, was present to review and discuss the proposed Ordinance with Council. The Ordinance would require the installation of dry sewer systems for any new development within the South Coastal Planning Area. The passage of this Ordinance would also reduce the County's overall costs in creating future sewer districts. Questions were raised concerning the effective date of this Ordinance and how this Ordinance would affect applicants who have developments in progress, but are not recorded in the Sussex County Recorder of Deeds Office. The Public Hearing was closed and action tabled. Mr. Izzo was instructed to bring this Ordinance back before Council in the next couple of weeks with revisions which would address the concerns raised during the Public Hearing.

March 27, 1990

Consultant  
Selection/  
West  
Rehoboth  
Sanitary  
Sewer  
District

Mr. Robert Wood, County Engineer, appeared before Council regarding the Consultant Selection Committee's recommendation for a consultant for the West Rehoboth Sanitary Sewer District. Committee members included Robert Wood, Peter Jones, Russell Archut, David Baker, and Michael Izzo. Mr. Wood explained that out of field of twelve (12) firms, five (5) firms were interviewed on March 21, 1990. Using certain criteria and statutory requirements to evaluate the five (5) firms during the interviews, the firms were then rated, the results of which were: 1. George, Miles and Buhr; 2. Roy F. Weston, Inc.; 3. Kidde Consultants, Inc.; 4. Whitman, Requardt and Associates; and 5. Gannett Fleming, Inc.

M 160 90  
Consultant  
Selection/  
West  
Rehoboth  
Sanitary  
Sewer  
District

A Motion was made by Mr. Benson, seconded by Mr. Dukes, that based on the recommendation of the Consultant Selection Committee that the Sussex County Council approve George, Miles and Buhr as the top ranked consultant for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District project, and authorize the department to enter into negotiations prior to the award of the design, and construction management contract. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

M 161 90  
Millville  
Fire Co./  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to grant \$500.00 from Mr. Cole's Councilmanic Account to the Millville Volunteer Fire Co., Inc. to be used in updating scuba diving and rescue equipment and in retraining members for rescues. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

M 162 90  
Rehoboth  
Little  
League/  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to grant \$500.00 from Mr. Cole's Councilmanic Account to the Rehoboth Beach Little League to help with expenses associated with their upcoming season which begins May 5, 1990. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

M 163 90  
Lower  
Sussex  
Little  
League/  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to grant \$500.00 from Mr. Cole's Councilmanic Account to the Lower Sussex Little League, Inc. to be used for operational expenses during their upcoming season. Motion Adopted: 5 Yea.

March 27, 1990

(Cont.) Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

M 164 90 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,  
Milton to grant \$300.00 from Mr. Benson's Councilmanic Account  
Little League/ to the Milton Little League to be used to purchase a bicycle  
Council- rack to be used at the ballpark. Motion Adopted: 5 Yea.

Grant Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

M 165 90 At 11:50 a.m., a Motion was made by Mr. Dukes, seconded  
Recess by Mr. Stevenson, to recess until 1:30 p.m. Motion Adopted  
by Voice Vote.

Reconvene Council reconvened at 1:30 p.m.

Public A Public Hearing was held on Proposed Ordinance entitled  
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN  
C/U #929 AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WOODWORKING  
SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND  
BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING  
39,374 SQUARE FEET, MORE OR LESS" (C/U #929) filed on behalf  
of Samuel J. Passwaters III.

M 166 90 A Motion was made by Mr. Benson, seconded by Mr. Dukes,  
Adopt to adopt Ordinance No. 669 entitled "AN ORDINANCE TO GRANT  
Ordinance A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
No. 669 DISTRICT FOR A WOODWORKING SHOP TO BE LOCATED ON A CERTAIN  
(C/U #929) PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED,  
SUSSEX COUNTY, CONTAINING 39,374 SQUARE FEET, MORE OR LESS"  
(C/U #929) filed on behalf of Samuel J. Passwaters III,  
subject to the following conditions:

1. There will be no Sunday hours.
2. Parking for work-related vehicles shall meet required construction setbacks.
3. There shall be no outside storage of materials.
4. Lights shall be shielded to reflect or direct light away from adjoining property or roadways.

Motion Adopted: 4 Yea; 1 Nay.

March 27, 1990

(Con't.)

Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Nay; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

Findings  
of Facts  
C/U #929

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the conditional use is of a public or semi-public character and is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County in that no adverse impact is anticipated on the neighborhood or property values.
2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that adjacent parcels have commercial and industrial uses. A railroad track is adjacent to the parcel.
3. A traffic impact study was not recommended to the Department of Transportation.

Public  
Hearing  
C/Z #1057  
**(Action  
Deferred)**

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.42 ACRES, MORE OR LESS" (C/Z #1057) filed on behalf of Carolyn A. Truitt and Robert J. Truitt. The Public Hearing was closed and action was deferred.

Public  
Hearing  
C/Z #1058

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.65 ACRE, MORE OR LESS" (C/Z #1058) filed on behalf of Earl E. Davis, Anna M. Davis, and Helen M. Burton.

M 167 90  
Adopt  
Ordinance  
No. 670  
(C/Z #1058)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adopt Ordinance No. 670 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN

March 27, 1990

(Con't.)

BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.65 ACRE, MORE OR LESS" (C/Z #1058) filed on behalf of Earl E. Davis, Anna M. Davis, and Helen M. Burton. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

Findings  
of Facts  
C/Z #1058

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes the health, safety, and morale and the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that commercial uses exist in close proximity.
2. A traffic impact study was not recommended by the Department of Transportation.
3. Sufficient aquifer water exists to allow individual wells.
4. Individual sewage treatment is acceptable in this area and will not harm the environment; DNREC permits must be received and their regulations shall be followed.

Public  
Hearing  
C/Z #1059

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 24,230.5 SQUARE FEET, MORE OR LESS" (C/Z #1059) filed on behalf of Atlantic Screen, Inc.

M 168 90  
Proposed  
Ordinance  
(C/Z #1059)  
DENIED

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adopt Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 24,230.5 SQUARE FEET, MORE OR LESS" (C/Z #1059) filed on behalf of Atlantic Screen, Inc. Motion Denied: 3 Nay; 2 Yea.

March 27, 1990

(Con't)

Vote by Roll Call: Mr. Benson, Nay; Mr. Dukes, Nay;  
Mr. Cole, Nay; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

Findings  
of Facts  
C/Z #1059

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the following findings of facts of the Council:

1. The proposed land use does not promote the health, safety, and morale of the present and future inhabitants of Sussex County in that the proposed rezoning is totally out of character with surrounding zoning classifications.
2. The proposed land use does not promote the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County.

M 169 90  
Approve  
C/Z #1059  
to Reapply  
as a  
C/U

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the applicant for Change of Zone No. 1059, Atlantic Screen, Inc., be permitted to reapply for a Conditional Use and that the filing fee be waived. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

Public  
Hearing  
C/Z #1060

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.72 ACRES, MORE OR LESS" (C/Z #1060) filed on behalf of Coolsprings Partners.

M 170 90  
Adopt  
Ordinance  
No. 671  
(C/Z #1060)

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to adopt Ordinance No. 671 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.72 ACRES, MORE OR LESS" (C/Z #1060) filed on behalf of Coolsprings Partners. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Dukes, Yea;  
Mr. Cole, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

March 27, 1990

Findings  
of Facts  
C/Z #1060

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes the health, safety, and morale and the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that the parcel is adjacent to commercially zoned parcels and is part of a commercial development fronting on Route 9.
2. Congestion of roads or streets shall be controlled or lessened by one entrance serving several lots, as required by DelDOT.

Applicants  
for Change  
of Zone  
Deferred  
Back to  
Planning  
and  
Zoning

Council President Stevenson expressed concern regarding applicants who have filed for a Change of Zone being deferred back to Planning and Zoning to reapply for a Conditional Use in an effort to avoid rezoning parcels on which the needs of the applicant can be met as well with a Conditional Use. Although the filing fee is waived, it is very time-consuming for the applicant in that the public hearing process must be repeated in order to follow-through with the Conditional Use application. To prevent the applicant from experiencing undue delay in cases of this nature, a review of the current procedure is warranted.

Adjournment Council President Stevenson declared the meeting adjourned at 2:55 p.m.

Respectfully submitted,

*Nancy Cordrey*

Nancy J. Cordrey  
Acting Clerk of the County Council