



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 11, 2006

Call to Order A regular meeting of the Sussex County Council was held on Tuesday, April 11, 2006 at 6:30 p.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Vince Robertson	Assistant County Attorney

M 271 06 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the
Approve Agenda, as distributed.
Agenda

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

M 272 06 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to approve the
Approve minutes of March 21, 2006.
Minutes

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

**Corre-
spondence**

Mr. Robertson read the following correspondence:

**BECKY KING, PRINCIPAL, WOODBRIDGE ELEMENTARY SCHOOL,
GREENWOOD, DELAWARE.**
RE: Letter in appreciation of grant funding for the Accelerated Reading

Program.

**Adminis-
trator's
Report**

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

1. Source Water Protection Area Study Committee Workshop

The Source Water Protection Area Study Committee will hold an organizational meeting on April 26, 2006, at 3:00 p.m. The meeting will be held at the Sussex County West Complex Conference Room. The building is located on North DuPont Highway, Georgetown, Delaware. The agenda will allow for public comments.

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

2. Beneficial Acceptance

The Engineering Department has granted Beneficial Acceptance for the following projects:

- Bayview Landing – Phase II, Agreement No. 366, was granted Beneficial Acceptance on March 31, 2006. The developer is Bayview Ventures I, Inc., and the project is located on the north side of Route 54, east of Swann Keys, in the Fenwick Island Sanitary Sewer District, consisting of 28 townhouses and 34 single-family lots.
- Americana Bayside – Phase 5, Agreement No. 396, was granted Beneficial Acceptance on March 31, 2006. The developer is Carl M. Freeman Communities, and the project is located on the south side of the Route 54 intersection of County Road 381 in the Fenwick Island Sanitary Sewer District, consisting of 102 multiple-type buildings (single-family, townhouses, and multi-family).
- Americana Bayside – Phase 8, Agreement No. 500, was granted Beneficial Acceptance on April 3, 2006. The developer is Carl M. Freeman Communities, and the project is located on the south side of Route 54 at the intersection of County Road 381 in the Fenwick Island Sanitary Sewer District, consisting of 29 single-family lots and 13 duplexes.

**M 273 06
Adopt
Procla-
mation**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING APRIL 9 – 15, 2006 as *NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK*".

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

Wastewater Agreements **Hal Godwin presented wastewater agreements for the Council's consideration.**

M 274 06 **A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the**
Execute **recommendation of the Sussex County Engineering Department, for Sussex**
Agreement **County Project No. 81-04, Agreement No. 322, that the Sussex County**
 Council execute a Construction Administration and Construction
 Inspection Agreement between Sussex County Council and West Fenwick
 Plaza, LLC, for wastewater facilities to be constructed in Fenwick Plaza,
 Parcel A, located in the Fenwick Island Sanitary Sewer District.

M 274 06
Execute
Agreement/
Fenwick
Plaza
(continued)

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

M 275 06 **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon**
Execute **the recommendation of the Sussex County Engineering Department, for**
Agreement/ **Sussex County Project No. 81-04, Agreement No. 376, that the Sussex**
Hudson **County Council execute a Construction Administration and Construction**
Homes **Inspection Agreement between Sussex County Council and Hudson Homes,**
Force **for wastewater facilities to be constructed in Hudson Homes Force Main,**
Main **located in the West Rehoboth Expansion of the Dewey Beach Sanitary**
 Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

Local Law **Mr. Godwin presented a request for funding through the Revenue Sharing**
Enforce- **for Local Law Enforcement Program, as follows:**
ment Fund-

ing Request **Selbyville \$3,794.20 Four (4) Dell Computers**

M 276 06 **A Motion was made Mr. Phillips, seconded by Mr. Dukes, to approve a**
Approve **Local Law Enforcement Grant in the amount of \$3,794.20 for the Town of**
Local **Selbyville, as presented.**

Law
Enforce-
ment
Grant

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

Draft **Mr. Phillips presented a Draft Ordinance entitled "AN ORDINANCE TO**
Ordinance **AMEND CHAPTER 115 SECTION 216 OF THE CODE OF SUSSEX**

**Discussion/
Increase in
Density in
Districts in
Growth
Areas**

COUNTY ALLOWING FOR AN INCREASE OF DENSITY IN DISTRICTS WITHIN COMPREHENSIVE PLAN GROWTH AREAS, PROVIDING FOR SPECIFIC CIRCUMSTANCES, FEES AND/OR CONDITIONS FOR OBTAINING SUCH AN INCREASE IN DENSITY AND PROVIDING AN INCENTIVE FOR THE PRESERVATION OF OPEN SPACE AND/OR INFRASTRUCTURE EXPANSION IN SUSSEX COUNTY”.

**Draft
Ordinance
Discussion
(continued)**

Mr. Phillips stated that the proposal is a continuation of the concept approved at the April 4th Council meeting with respect to an increase in density in Cluster Subdivisions (Ordinance No. 1842). Mr. Phillips noted that the proposal was placed on the Agenda for discussion purposes only.

Mr. Phillips explained that the Ordinance requires that developers pay into a conservation fund a certain amount set by the Council on an annual basis for an increase in density. He noted that the proposal before Council on this date is an extension of that principle for conditional use and change of zone applications in which additional residential density is requested and approved by the Council.

It was the consensus of the Council to table the proposal. It was noted that Ordinance No. 1842 was only recently adopted and that the Council should wait and see how effective and successful it is before broadening the scope of the program.

Requests

Mr. Baker presented grant requests for the Council’s consideration.

**M 277 06
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$500.00 from Mr. Jones’ Councilmanic Grant Account to the Georgetown Fire Company for their Golf Tournament Fundraiser.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**M 278 06
Youth
Activity
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$1,000.00 (\$200.00 from each Youth Activity Grant Account) to the Delaware 4-H Foundation for the Palmer Endowment to sponsor a National 4-H Conference Attendee.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give

M 279 06
Council-
manic
Grant

\$600.00 (\$300.00 each from Mr. Dukes' and Mr. Phillips' Councilmanic Grant Accounts to the Laurel Chamber of Commerce for the Town of Laurel's Independence Day Celebration.

Motion Adopted: 5 Yea.

M 279 06
(continued)

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

Additional Business

Additional
Business

Members of the Rehoboth Beach Historical Society (RBHS) were present to give a brief overview of their current project – the Rehoboth Beach Museum - and to request the County's financial support in the amount of \$100,000. They stated that they plan to renovate and convert the Old Ice House, which is located at the entrance to the City, to a museum. The museum will house all post-1891 collections relating to the development of the community, plus it will have space available for research and archives, displays, and receptions. The City of Rehoboth Beach has given the organization a 50-year lease on the building. The estimated cost of the project is \$1.7 million; to date, the RBHS has raised \$1 million, \$253,000 from the State and \$12,000 (to date) from the County. It was decided that the request would be considered as a part of the Fiscal Year 2007 Budget.

Mr. Stickels cautioned that, due to the increase in electrical rates, the County's grant funding will have to be reduced in Fiscal Year 2007.

Dan Kramer told the Council that a sign which is located across from his residence is illegal; that it is an off-premise sign situated in a tax ditch; and that it exceeds County Ordinance specifications. Mr. Kramer questioned why the sign has not been removed from the premises.

M 280 06
Recess

At 7:22 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess until 7:30 p.m. Motion Adopted by Voice Vote.

Mr. Rogers called the Council back into session at 7:35 p.m.

Reconvene

Public
Hearing/
Proposed
Ordinance/
Off-Street
Parking
Spaces

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, SECTION 162, RELATING TO THE NUMBER OF OFF STREET PARKING SPACES REQUIRED FOR MULTIFAMILY DWELLINGS AND TOWNHOUSES".

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on March 23, 2006 at which time they deferred action. As of April 11, 2006, the Commission had not yet made a recommendation on the Proposed Ordinance.

(See the minutes of the meeting of the Planning and Zoning Commission dated March 23, 2006 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary was admitted as part of the Council's record.

Public
Hearing/
Proposed
Ordinance/
Off-Street
Parking
Spaces
(continued)

Mr. Lank explained that the proposed ordinance amendment changes the number of parking spaces required for multifamily dwellings and townhouses from three (3) per unit to a bedroom based formula per "dwelling unit", as defined in Section 115-4B of the ordinance. The new basis follows the Ocean City, Maryland model. The total requirement is modified on the assumed economies of scale for large developments as used in Virginia Beach, Virginia.

Mr. Lank distributed photographs submitted by Preston Schell, taken of some residential developments early in the morning, showing a large number of vacant parking areas.

Public comments were heard.

Preston Schell pointed out that Section 2 of the Proposed Ordinance addresses the issue of guest parking. He stated that he believes the proposed ordinance amendment would lead to the correct number of parking spaces in a multifamily development as compared to the existing ordinance, particularly when it relates to developments with a high number of bedrooms. He stated that when three parking spaces are required per unit, there is an over-abundance of parking spaces and therefore, a bedroom based model is superior to a one size fits all model.

Mr. Lank read into the record the wording in Section 2 of the amended Proposed Ordinance, as follows:

Required off-street parking space [of three spaces] per family dwelling unit shall be provided on the lot of each dwelling unit or within an on-site parking area within the common area, or a combination of both, with approval subject to site plan review. Required off-street parking space of two spaces per apartment shall be provided on the premises of an apartment building.

Wendy Baker stated that her comments were included in the record of the Public Hearing before the Planning and Zoning Commission. She noted that the proposal stipulates that, if there were two parking spaces accounted for in a garage, there would be one additional parking space required outside the garage and that the additional space could be in a guest parking area. She referred to the requirement included in the Proposed Ordinance that "A minimum of one space per dwelling unit must be outside of a private enclosed garage and accessible to guests."

Mr. Cole stated that he believes there should be one parking space required

in front of each home/unit for guests.

The Public Hearing was closed.

M 281 06 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to defer action
Defer on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND
Action CHAPTER 115 SECTION 162, RELATING TO THE NUMBER OF OFF
M 281 06 STREET PARKING SPACES REQUIRED FOR MULTIFAMILY
DWELLINGS AND TOWNHOUSES”.

Defer Action
on Proposed
Ordinance/
Off-Street
Parking
Spaces
(continued)

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

Public
Hearing/
CR-1
District

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ZONING, ARTICLE XI, PART ONE, RELATING TO PERMITTED USES AND TO CLOSE THE EXISTING C-1 DISTRICT; PART TWO, SECTION 3, TO CREATE A NEW CR-1 DISTRICT; PART THREE, ARTICLE X, TO AMEND THE B-1 DISTRICT RELATING TO CONDITIONAL USES; AND PART FOUR, ARTICLE XX TO AMEND THE HEIGHT, AREA AND BULK REQUIREMENTS”.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on March 23, 2006 at which time they deferred action. As of April 11, 2006, the Commission had not yet made a recommendation on the Proposed Ordinance.

(See the minutes of the meeting of the Planning and Zoning Commission dated March 23, 2006 for additional information on the proposed ordinance, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.

Mr. Lank reported that a Memorandum was received from John J. Ashman, Director of Utility Planning for the County Engineering Department, stating that the Engineering Department has concerns regarding the ordinance amendment; that the South Coastal Area Planning Study has cost \$388,959.00; that the North Coastal Area Planning Study has cost \$671,366.00; that numerous hours and dollars have been spent preparing these planning studies to provide sufficient sewer capacity for many areas of the County; that none of these plans have been prepared using the 20 units per acre densities that are mentioned in the ordinance amendment; that if the ordinance amendment is approved as proposed, it

Public
Hearing/
CR-1
District
(continued)

would render all of the studies which have been in process obsolete; that the Engineering Department would need to know where the areas would be and how many there could be to even start work to study the impacts that could be caused by the increased capacities; that the Engineering Department believes that a decision to approve this type of change would be more appropriately addressed in the next update of the County's Comprehensive Land Use Plan so that the overall impacts could be assessed properly; that approval of this ordinance amendment would seriously affect existing wastewater collection, transmission and treatment facilities; that this would also cause the County to spend more time and money revisiting these planning areas and delay important planning decisions; and that several important projects being funded by the development community would be delayed pending the incorporation of higher densities.

Mr. Lank reported that on this date, a faxed letter was received from Preston Dyer of Dyer McCrea Ventures. Mr. Lank read the letter into the record. A copy of the letter will be distributed to each Councilman and will be made available to the public upon request. Mr. Lank noted that he would like to review Mr. Dyer's comments and compare them to the sections of the proposed ordinance amendment that he references.

Public comments were heard.

Dan Kramer questioned if the Proposed Ordinance is legal; that according to State Law, it is not written in legal form; that every ordinance is supposed to state clearly that "Sussex County Hereby Ordains..."; and that the synopsis refers to a maximum density of 20 units, which he supports.

Mr. Robertson, Assistant County Attorney, stated that Mr. Kramer's comments would be taken under advisement and that he would make sure the ordinance is in legal form.

Mabel Granke commented on and discussed concerns she has about the proposal; that she questions how it conforms with the Highway Corridor Overlay Zone; that the commercial/residential aspect is a wonderful concept which could provide affordable housing; that it would require careful design in terms of livability and attractiveness; that Council needs to consider how this will coordinate with the Land Use Plan Update; that increased density is proposed to be around town centers and developing zones; that some towns cannot sustain any increased density; that the Council needs to follow the Engineering Department's advice in regards to sewer capacity; that she questions how material storage yards should function, how they should look, and how restrictions would be enforced; that the term "parkways" (on Page 7 of the Proposed Ordinance) usually refers to landscaped two-lane roads; that if the Council is going to consider any kind of TDR program, they need to look at what they are going to allow in terms of the number of units on a farm in relationship to the development rights that the farmer would be able to sell; and that she asks Council to closely consider these things in their deliberations.

Public
Hearing/
CR-1
District
(continued)

Mike Tyler, President of Citizens Coalition, stated that he believes it would be premature to move forward with the Proposed Ordinance without a closer evaluation of the implications and ramifications that it might create. Mr. Tyler referred to the publication *Better Models for Development* and stated that this “flies in the face” of the principles for development, especially when it comes to maintaining a clear edge between town and countryside and how land is used; that this is not in line with what will probably happen with the Land Use Plan Update; that the proposal should be put on the back burner until it is determined how it will fit into the Land Use Plan Update and accompanying ordinances; that conditional uses are abused by a lot of developers and often times, do not serve the need of a community; that conditional uses need to be carefully enforced; and that he requests that the record be left open until a decision is made by the Planning and Zoning Commission.

Kevin Burdette referred to Section 115-83.1 (Closed District) on Page 1, recommending that the words “shall not apply to” be replaced with “no additional applications shall be accepted for”. Mr. Burdette also referred to Section 115-83.3 (Large Scale Uses) on Page 5, recommending that the maximum height requirement be changed from “42 feet” to “100 feet” to accommodate hotels such as the Hyatt Regency. He noted that a 42-foot, 4-story or less hotel, would not promote a quality hotel to compliment the lodging requirements of a convention center.

Mr. Dukes noted that the Council needs to consider on-premise signs prior to any action being taken on the Proposed Ordinance.

Mr. Lank stated that the majority of the Proposed Ordinance is exactly the same as the existing C-1 District; that it was converted to create the CR-1 District with the provisions that were proposed and the elimination of the multi-family, conditional use, etc.; that the ordinance permits one - 100 square foot wall sign with no stipulation on the size of the building. Mr. Lank noted that variances requests can be submitted to the Board of Adjustment. Mr. Dukes stated that therein is the problem; that the maximum permitted size of a sign is the same, no matter the size of the building; and that 100 square feet is too small for larger commercial establishments. Mr. Dukes suggested that the size of sign should be based on a percentage of the size of a building.

Mr. Lank noted that to consider a change all districts would have to be looked at – C-1, B-1, the proposed CR-1, conditional uses and special exceptions - anything that permits a sign. Mr. Lank noted that other sign-related issues need to be addressed in addition to the square footage requirement of on-premise wall signs, i.e. flashing signs.

It was the consensus of the Council that the County’s sign ordinance should be reviewed.

There were no additional comments and the Public Hearing was closed.

**M 282 06
Defer
Action**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ZONING, ARTICLE XI, PART ONE, RELATING TO PERMITTED USES AND TO CLOSE THE EXISTING C-1 DISTRICT; PART TWO, SECTION 3, TO CREATE A NEW CR-1 DISTRICT; PART THREE, ARTICLE X, TO AMEND THE B-1 DISTRICT RELATING TO CONDITIONAL USES; AND PART FOUR, ARTICLE XX TO AMEND THE HEIGHT, AREA AND BULK REQUIREMENTS” and to leave the record open for written comments for thirty (30) days after the submission of the Planning and Zoning Commission’s report on their decision.

**M 282 06
Defer
Action on
Proposed
Ordinance/
CR-1
District
(continued)**

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Phillips, Absent; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

Mr. Phillips was out of the room during the vote.

**Public
Hearing/
C/U
No. 1645**

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 PLUMBING, HEATING, AND AIR CONDITIONING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 1645) filed on behalf of Michael and Michele Mears.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on March 23, 2006 at which time they recommended that the application be approved with stipulations.

(See the minutes of the meeting of the Planning and Zoning Commission dated March 23, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and their recommendation of approval.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.

The Council found that Michael and Michele Mears were present on behalf of the application. They stated that they are requesting permission to operate a plumbing business from their home; that they originally applied for a plumbing, heating, and air conditioning business but they only plan to operate a plumbing business.

There were no public comments and the Public Hearing was closed.

**M 283 06
Adopt
Ordinance
No. 1843**

**M 283 06
Adopt
Ordinance
No. 1843
(C/U
No. 1645)
(continued)**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1843 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PLUMBING, HEATING, AND AIR CONDITIONING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 1645) filed on behalf of Michael and Michele Mears, subject to the following conditions:

- 1. All trucks and trailers associated with the business shall only be parked in the designated parking area as shown on the site plan. There shall be no more than two (2) business vehicles or trailers parked in this area at any one time.**
- 2. There will only be one unlighted sign on the premises that shall not exceed six (6) square feet in size.**
- 3. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or toward Road 471.**
- 4. No outside storage, except for the trailers, shall be allowed on the premises.**
- 5. The hours of operation for the business on this site shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday.**
- 6. All trash dumpsters on the site shall be screened from neighboring properties.**
- 7. There shall be no more than two (2) non-relative employees.**
- 8. The site plan shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**Public
Hearing
(C/Z
No. 1586)**

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.002 ACRES, MORE OR LESS” (Change of Zone No. 1586) filed on behalf of Eugene D. Bookhammer.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on March 23, 2006 at which time they recommended that the application be denied since (1) the orderly growth of the County

does not justify creating the requested additional B-1 zoning of the property and the permitted uses available under such zoning classification in the area where the property is located and (2) approval of the application may lead to increased congestion on Route 24.

(See the minutes of the meeting of the Planning and Zoning Commission dated March 23, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and their recommendation of denial.)

**Public
Hearing
(C/Z
No. 1586)
(continued)**

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary was admitted as part of the Council's record.

The Council found that Eugene Bookhammer was present with Cathy Chong, contract purchaser of the property. They stated that Cathy Chong wishes to live and have a small neighborhood business on the site; that she is unsure what type of business she wants to open, but possibly a florist shop, drycleaners, or beauty parlor; that she would like to operate the business in the garage or possibly, attach additional space to the house; and that B-1 zoning is not out of character with the area since there are other C-1 and B-1 sites in the area.

**M 284 06
Adopt
Ordinance
No. 1844
(C/Z
No. 1586)**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Ordinance No. 1844 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.002 ACRES, MORE OR LESS" (Change of Zone No. 1586) filed on behalf of Eugene D. Bookhammer.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**Public
Hearing
(C/Z
No. 1593)**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.9458 ACRES, MORE OR LESS" (Change of Zone No. 1593) filed on behalf of Donald J. Warrington.

The Planning and Zoning Commission held a Public Hearing on the

Proposed Ordinance on March 23, 2006 at which time they recommended that the application be approved.

(See the minutes of the meeting of the Planning and Zoning Commission dated March 23, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and their recommendation of approval.)

**Public
Hearing
(C/Z**

**No. 1593)
(continued)**

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary was admitted as part of the Council's record.

The Council found that Donald Warrington was present with David Rutt, Attorney. They stated that this is a fill-in since commercial and business uses surround the site; that the only possible use for the property is as an extension of the Route 13 Outlet Market; and that the applicant has a contract to sell the property to the owners of the Route 13 Outlet Market.

**M 285 06
Adopt
Ordinance
No. 1845
(C/Z
No. 1593)**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Ordinance No. 1845 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 5.9458 ACRES, MORE OR LESS" (Change of Zone No. 1593) filed on behalf of Donald J. Warrington.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**M 286 06
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 9:12 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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