

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 24, 2003

**Call to
Order**

The regular meeting of the Sussex County Council was held Tuesday, June 24, 2003, at 10:00 a.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
James D. Griffin	County Attorney

**M 372 03
Approve
Agenda**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the Agenda of June 24, 2003.

Motion Adopted: 5 Yea.

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

**M 373 03
Approve
Minutes**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve the minutes of June 17, 2003.

Motion Adopted: 5 Yea.

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

**Adminis-
trator's
Report**

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

1. **The Village at Kings Creek**

Please be advised that Beneficial Acceptance was issued by the Engineering Department on June 13, 2003, for The Village at Kings Creek. This project is located within the Dewey Beach Sanitary Sewer District, and a fact sheet is included with this report.

2. **Council Meeting Schedule**

The Sussex County Council will take a summer recess on Tuesday, July 1, and Tuesday, July 8, 2003. The next regularly scheduled

**Report
(continued)**

Council meeting will be at 10:00 a.m. in the Council Chambers on Tuesday, July 15, 2003.

County government offices will be closed on Friday, July 4, 2003, to allow employees to observe Independence Day. County offices will reopen at 8:30 a.m. on Monday, July 7, 2003.

**Gumboro
Fire
Company/
Radio
Tower
Agreement**

Mr. Thomas, Director of the Emergency Operations Center, presented a Proposed Agreement between the Gumboro Fire Company and Sussex County for the construction of a radio tower on the Gumboro Fire Company property. The County will pay for the construction of the tower, the foundation of the tower (pad), fencing, and the installation of stone on the access road and at the tower site. The total cost of the project is estimated at \$80,000. The tower will be owned and maintained by the County. In accordance with the agreement, the County will be allowed to place an unlimited number of antennas on the tower; the Gumboro Fire Company will be permitted to install its fire siren and their base station radio antenna on the tower; and tower space may be leased to third parties with the approval of the County. The County and the Fire Company will share the cost of a generator.

**M 374 03
Proceed
with Radio
Tower
Agreement/
Gumboro
Fire
Company**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to authorize the Emergency Operations Center to proceed with the Radio Tower Agreement and Easement/Right-of-Way for Vehicular Access with the Gumboro Fire Company for the construction of a radio tower.

Motion Adopted: 5 Yea.

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

**Old
Business
(C/U
No. 1485)**

The County Council discussed Conditional Use No. 1485 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO SELL ANTIQUES, PRODUCE, GLASSWARE, FLOWERS, USED TOOLS, AND FARM SUPPLIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" filed on behalf of Jay R. Donovan.

The Planning and Zoning Commission held a Public Hearing on this application on March 20, 2003. On April 10, 2003 the Commission recommended that the application be denied.

The County Council held a Public Hearing on this application on April 8, 2003 at which time action was deferred.

Council discussed the application and the Planning and Zoning Commission's recommendation. It was noted that since the Commission

(C/U
No. 1485)
(continued)

recommended that the application be denied, there were no proposed stipulations prepared. Council discussed stipulations that should be attached to the application, if approved.

M 375 03
Adopt
Proposed
Ordinance
(C/U
No. 1485)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO SELL ANTIQUES, PRODUCE, GLASSWARE, FLOWERS, USED TOOLS, AND FARM SUPPLIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (Conditional Use No. 1485) filed on behalf of Jay R. Donovan.

Motion Denied: 3 Nay, 2 Yea.

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

Old
Business
(C/U
No. 1489)

The County Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (52 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 13.0 ACRES, MORE OR LESS" (Conditional Use No. 1489) filed on behalf of Rehoboth Home Builders, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on April 10, 2003. On May 8, 2003 the Commission recommended that the application be approved with conditions.

The County Council held a Public Hearing on this application on April 29, 2003 at which time action was deferred.

M 376 03
Adopt
Ordinance
No. 1619
(C/U
No. 1489)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1619 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF AND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (52 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 13.0 ACRES, MORE OR LESS" (Conditional Use No. 1489) filed on behalf of Rehoboth Home Builders, Inc., with the following conditions:

1. The maximum number of residential units shall not exceed 52.
2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.

**M 376 03
(continued)**

3. The development shall be served as part of the Sussex County West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. All costs associated with the connection to or expansion of the sewer district to serve this development shall be paid by the Applicant.
4. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations and approvals, including DNREC, the State Fire Marshal, and the Public Service Commission.
5. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.
6. The interior street design shall be in accordance with or exceed Sussex County street design requirements.
7. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design, and shall provide proof that landscaping will be permanently maintained by either the applicant or a homeowners association.
8. No site preparation, site disturbance, site excavation or other site construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded, except site work for which a permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submission of copies of the application for permits from the Sussex County Engineering Department and DelDOT to the Director of Planning and Zoning and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District permit and in a form acceptable to the County Attorney. The bond shall be released upon the issuance of all other permits and the filing of an approved master plan or final site plan.
9. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur during the hours of 7:00 a.m. and 6:00 p.m.
10. Sidewalks shall be installed on both sides of all streets within the project.
11. The project will utilize the same Restrictive Covenants or Restrictions as Eagle Point.
12. Road naming and addressing shall be submitted to the County Mapping and Addressing Division for review and approval.

Motion Adopted: 5 Yea.

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

**Old
Business**

The County Council discussed the Proposed Ordinance entitled “AN ORIDNANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL

**Old
Business
(C/U
No. 1491)
(continued)**

OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.24 ACRES, MORE OR LESS” (Conditional Use No. 1491) filed on behalf of Quakertown Medical Group, L.L.C.

The Planning and Zoning Commission held a Public Hearing on this application on April 17, 2003. On May 8, 2003 the Commission recommended that the application be approved with conditions.

The County Council held a Public Hearing on this application on May 6, 2003 at which time action was deferred.

**M 377 03
Adopt
Ordinance
No. 1620
(C/U
No. 1491)**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Ordinance No. 1620 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.24 ACRES, MORE OR LESS” (Conditional Use No. 1491) filed on behalf of Quakertown Medical Group, L.L.C., with the following conditions:

- 1. Landscaping of the property shall save as many existing trees as possible.**
- 2. Since the septic is proposed to be in the front portion of the property, the applicants shall save as many existing trees as possible.**
- 3. Parking for employees and patients shall be to the rear of the building and shall provide for future connections to adjoining properties.**
- 4. The building shall maintain a residential character similar to the neighborhood.**
- 5. One ground sign, not exceeding 32 square feet per side or facing, may be permitted.**
- 6. The site plan shall be subject to review and approval by 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**

**Appeal/
Subdivision
Application
of Sussex
Ventures**

The County Council discussed an appeal of the Sussex County Planning and Zoning Commission’s decision to deny an application of Sussex Ventures for the subdivision of land in an AR-1 Agricultural Residential Zoning District in Indian River Hundred, Sussex County, by dividing 76.44 acres into 64 lots, located south of Road 297, 2,930 feet west of Route 30.

A Public Hearing was held on June 3, 2003 at which time Council deferred action and left the record open until Tuesday, June 10, 2003 at 4:30 p.m. for additional information from the opposition (in writing) and thereafter, the

**Appeal/
Subdivision
Application
of Sussex
Ventures
(continued)**

record remained open until Tuesday, June 17, 2003 at 4:30 p.m. for the applicant to review and respond to any written comments received.

Mr. Abbott, Assistant Director of Planning and Zoning, reported on the correspondence received from the opposition and the applicant during the two-week period from June 3 – June 17, 2003. The following was received from the opposition: a petition containing 60 signatures in opposition to the application, 33 letters of opposition, photographs and a videotape. A letter reviewing comments made by the opposition was submitted by the applicant. On June 19th, Mr. Abbott distributed the information to the Councilmembers for their review.

Council reviewed the reasons the Planning and Zoning Commission denied the subdivision application:

1. The proposed subdivision does not meet the purposes of the Subdivision Ordinance in that it does not protect the orderly growth of the County because the proposed site is not in a Development District as established by the 1997 Land Use Plan.
2. The proposed subdivision does not meet the purpose of the Subdivision Ordinance in that it does not encourage the preservation and conservation of farmland.
3. The proposed subdivision does not provide safe vehicular and pedestrian traffic within the site because of the extreme length of the cul-de-sac interior street, with access from only one roadway, causing accessibility concerns for emergency vehicles.
4. According to the Subdivision Ordinance, land should not be subdivided if it is unsuitable for subdivision or development because of flooding, poor drainage, or other adverse features which are reasonable harmful to the safety, health, and general welfare of the present and future inhabitants of the proposed subdivision. The Commission believes that flooding, poor drainage, erosion and sedimentation, increased rate of run-off and the potential for pollution of surface water and groundwater will likely occur if the subdivision is approved. The Commission is not satisfied that these areas of concern have been satisfactorily addressed by the applicants such that future inhabitants of the proposed subdivision would be protected from the effects of erosion, increased run-off, poor drainage and the flooding that occurs on the property.

Council commented that many subdivisions are located outside of the Development District; that many subdivisions take up farmland; that most subdivisions have only one entrance; and that the drainage problems originate from two culverts off-site and according to professional studies, the drainage problems can be corrected.

**M 378 03
Reverse
Decision
M 378 03**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to reverse the decision of the Planning and Zoning Commission on Subdivision No. 2002-31 (Country Meadows) filed on behalf of Sussex Ventures and to approve the application.

**Reverse
Decision
of P&Z
Commission
(continued)**

Motion Adopted: 3 Yea, 2 Nay.

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

**Proposed
Escrow
Agreement/
Americana
Bayside**

Mr. Izzo, County Engineer, presented a Proposed Escrow Agreement with Carl M. Freeman Communities, LLC for the design and construction of regional sewer infrastructure improvements for the Fenwick Island Sanitary Sewer District. Mr. Izzo explained that the improvements are necessary to accommodate the Americana Bayside Development. He noted that the Planning Study calls for improvements to Pump Station No. 30, the regional pump station that serves the entire Fenwick Island Sanitary Sewer District. At the time the Planning Study was performed, the improvements were estimated to be valued at \$750,000. Improvements will be paid for by the developer and the developer will receive credit on connection fees for any oversizing that occurs as a result of the improvements being constructed.

**M 379 03
Execute
Escrow
Agreement/
Carl M.
Freeman
Com-
munities/
Americana
Bayside**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes its President to execute an Agreement with Carl M. Freeman Communities, L.L.C. to fund the design and construction of regional sewer infrastructure for the Fenwick Island Sanitary Sewer District to accommodate the Americana Bayside Development.

Motion Adopted: 5 Yea.

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

**South
Bethany
SSD/
Proposed
Expansion**

Mr. Archut, Assistant County Engineer, presented a request for the South Bethany Sanitary Sewer District boundary to be extended to include Lord Baltimore Landing. The expansion would incorporate 41 acres with 85 single-family residences. Mr. Archut noted that one additional property is being included in the request.

**M 380 03
Prepare
and Post
Notices/
South
Bethany
SSD
Expansion**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the South Bethany Sanitary Sewer District boundary to include the Lord Baltimore Landing Subdivision area.

Motion Adopted: 5 Yea.

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

Wastewater Facilities **Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

M 381 03 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the**
Execute **recommendation of the Sussex County Engineering Department, for Sussex**
Agreements/ **County Project No. 81-04, Agreement No. 303, that the Sussex County**
The Tides **Council execute a Construction Administration and Construction**
 Inspection Agreement between Sussex County Council and The Tides, LLC,
 for wastewater facilities to be constructed in The Tides, located in the West
 Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 382 03 **A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the**
Execute **recommendation of the Sussex County Engineering Department, for Sussex**
Agreements/ **County Project No. 81-04, Agreement No. 237-1, that the Sussex County**
Paynter's **Council execute a Construction Administration and Construction**
Mill **Inspection Agreement between Sussex County Council and Ocean Atlantic**
Phase IV **Associates V, LLC for wastewater facilities to be constructed in Paynter's**
 Mill – Phase IV, located in the West Rehoboth Expansion of the Dewey
 Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Requests **Mr. Stickels presented grant requests for Council's consideration.**

M 383 03 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$500.00**
Council- **from Mr. Rogers' Councilmanic Account to New Hope Recreation and**
manic **Development Center, Inc. for pre-construction costs for enlarging their**
Grant **building.**

Motion Adopted: 5 Yea.

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

Community **Mr. Stickles advised Council that the Sussex County Constable's Office has**
Clean-up **funds available for the request from the First State Community Action**
Funding **Agency for funds for a community clean-up.**

**M 384 03
Council-
manic
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 from Mr. Dukes' Councilmanic Account to the City of Seaford Police Department for Seaford's Annual Community Night Out Against Crime and Drugs.

Motion Adopted: 5 Yea.

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

**M 385 03
Youth
Activity
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 (\$300.00 from Mr. Dukes' Youth Activity Grant Account, \$100.00 from Mr. Jones' Youth Activity Grant Account, and \$100.00 from Mr. Phillips' Youth Activity Grant Account) to the Sussex West Patriots for tournament expenses.

Motion Adopted: 5 Yea.

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

**M 386 03
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$250.00 from Mr. Rogers' Councilmanic Account to the Ellendale Community Civic Improvement Association, Inc. for expenses associated with a community informational meeting.

Motion Adopted: 5 Yea.

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

**House
Bill
No. 225**

Mr. Stickels apprised Council of House Bill No. 225 which would exempt all agricultural activities from county zoning regulations including lands, buildings, greenhouses, and other structures dedicated to agricultural use, including agri-tourism operations.

**Proposed
Ordinance**

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL CAR SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.24 ACRES, MORE OR LESS" (Conditional Use No. 1514) filed on behalf of Tanya Lewis. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN

**Proposed
Ordinance
(continued)**

AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CLASSROOM/STUDIO TO TEACH POTTERY AND OTHER CRAFTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 13,789 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1515) filed on behalf of Robin David Reifsnnyder. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Dukes introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO DETAILING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 20,095 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1516) filed on behalf of Michael and Heather Kirby. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 32.75 ACRES, MORE OR LESS” (Change of Zone No. 1525) filed on behalf of Anderson Homes, LLC. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 385.161 ACRES, MORE OR LESS” (Change of Zone No. 1526) filed on behalf of Bay Forest, LLC. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 385.161 ACRES, MORE OR LESS” (Change of Zone No. 1527) filed on behalf of Bay Forest LLC. The Proposed Ordinance will be advertised for Public Hearing.

Citizen's Comments	Mr. Dan Kramer, Citizen, requested permission to meet with the County's auditors. Mr. Kramer was advised that he can meet with the auditors; however, he would have to pay for any costs resulting from that meeting.
Phillips' Position on HB 225	Mr. Phillips went on record that he is neither in favor of nor in opposition to House Bill No. 225. He noted that his reasoning for this is that he has not received nor reviewed the legislation.
M 387 03 Recess	At 11:37 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote.
Reconvene	Mr. Rogers called Council back into session at 1:35 p.m.
Public Hearing (C/Z No. 1508)	<p>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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.488 ACRES, MORE OR LESS" (Change of Zone No. 1508) filed on behalf of Wheatley Ventures, Inc.</p> <p>The Planning and Zoning Commission held a Public Hearing on this application on June 12, 2003 at which time they recommended that the application be approved. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary and the findings and recommendations of the Commission were admitted as part of the record of this Public Hearing.</p> <p>The Council found that Diane Wheatley was present on behalf of the application. Ms. Wheatley stated that the site has been occupied by a Southern States store with fertilizer and chemical storage; that Wheatley Ventures, Inc. recently purchased the site and rented the site to a tenant that sells fertilizer and chemicals; and that they are requesting that the site be rezoned to bring the use into conformity to the zoning.</p> <p>There were no public comments and the Public Hearing was closed.</p>
M 388 03 Adopt Ordinance No. 1621 (C/Z No. 1508)	<p>A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt Ordinance No. 1621 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.488 ACRES, MORE OR LESS" (Change of Zone No. 1508) filed on behalf of Wheatley Ventures, Inc.</p> <p>Motion Adopted: 5 Yea.</p>

**M 388 03
(continued)**

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

**Public
Hearing
(C/U
No. 1494)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (7 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.61 ACRE, MORE OR LESS” (Conditional Use No. 1494) filed on behalf of Buchanan Builders, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on June 12, 2003 at which time they deferred action pending receipt of comments from the County Engineering Department referencing sewer capacity. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary and the findings and recommendations of the Commission were admitted as part of the record of this Public Hearing.

Mr. Lank reported that he has not yet received the comments on sewer capacity.

The Council found that Bill Buchanan was present with James Fuqua, Jr., Attorney. Mr. Fuqua stated the application is for the construction of three multi-family buildings containing seven units.

Mr. Fuqua submitted a revised site plan showing that there is a 40 foot separation between the buildings.

**M 389 03
Defer
Action
on C/U
No. 1494**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to defer action on Conditional Use No. 1494 filed on behalf of Buchanan Builders, Inc.

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/U
No. 1495)**

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 BORROW PIT/POND RECLAMATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 19.189 ACRES, MORE OR LESS, OF 107.973 ACRES” (Conditional Use No. 1495) filed on behalf of J. Everett Moore, Jr. and Deborah J. Moore.

**Public
Hearing
(C/U
No. 1495)
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on June 12, 2003 at which time they deferred action so that they could compare this application to the conditions placed on other borrow pit applications. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary and the findings and recommendations of the Commission were admitted as part of the record of this Public Hearing.

The Council found that J. Everett Moore was present on behalf of his application. Mr. Moore stated that this is a short-term project to create a pond on the site where he plans to construct a home and that he would like to be limited to a maximum of one year to complete the borrow pit activities.

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

**M 390 03
Defer
Action
on C/U
No. 1495**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to defer action on Conditional Use No. 1495 filed on behalf of J. Everett Moore, Jr. and Deborah J. Moore.

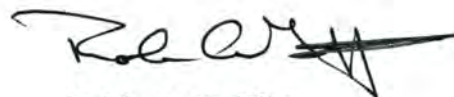
Motion Adopted: 5 Yea.

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

**M 391 03
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 2:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



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