

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 29, 1999

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 29, 1999, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

| | |
|----------------------|---------------------------|
| Finley B. Jones, Jr. | President |
| Lynn J. Rogers | Vice President |
| Dale R. Dukes | Member |
| George B. Cole | Member |
| Vance Phillips | Member |
| Robert L. Stickels | County Administrator |
| Dennis L. Schrader | Assistant County Attorney |

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

M 321 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve
Approve the Agenda, as presented.
Agenda

Motion Adopted: 5 Yea.

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

M 322 99 A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to approve
Approve the minutes of the previous meeting, dated June 22, 1999.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Schrader, Assistant County Attorney, read the following
spondence correspondence:

MICHAEL N. CASTLE, CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.
RE: Letter in response to Council's Proclamation supporting prayer in
school.

Corre-
spondence
(continued)

DIVISION OF AIR & WASTE MANAGEMENT, DEPARTMENT OF
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,
DOVER, DELAWARE

RE: Legal Notice of a Public Hearing on proposed amendments to the State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standard for Ozone.

RE: Legal Notice of two Public Hearings on two proposed amendments to Regulation No. 38 "Emission Standards for Hazardous Air Pollutants by Source Categories" of the State of Delaware Regulations Governing the Control of Air Pollution.

Library
Advisory
Board
Vacancy

Mr. Stickels advised that the appointment of Doris C. Mills to the Library Advisory Board expires on June 30, 1999. Mrs. Mills cannot be reappointed due to the fact that she has served two terms and no appointed member of the Board can be appointed for more than two consecutive three-years terms.

M 323 99
Appointment
to Library
Advisory
Board

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to appoint Lester Beachy to the Library Advisory Board for a term of three years.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. FY '99 Community Development Block Grant Allocations

I have received notification from Susan A. Frank, Director, Delaware State Housing Authority, that the allocations by the Delaware State Housing Authority to the Sussex County Council for the new budget year will total \$1,094,500. This funding will be used for the following activities:

| | |
|---------------------------------------|-----------|
| Administration | \$ 99,000 |
| Coverdale Crossroads (3) | 30,000 |
| Rural Millsboro – Rehabilitation (4) | 44,000 |
| Rural Selbyville – Rehabilitation (2) | 25,000 |
| Rural Middleford (2) | 30,000 |

Adminis-
trator's
Report
(continued)

| | |
|--|---------------------------|
| Scattered Site Rehabilitation (16) | \$225,000 |
| West Rehoboth – Rehabilitation (2) | 28,000 |
| Water Hookups (10) | 15,000 |
| Blades – Demolition (1) | 15,000 |
| Water Treatment Plant (371) | 140,000 |
| Bridgeville – Housing Rehabilitation (2) | 30,000 |
| Dagsboro – Housing Rehabilitation (2) | 30,000 |
| Ellendale – Housing Rehabilitation (3) | 45,000 |
| Frankford – Housing Rehabilitation (3) | 45,000 |
| Georgetown – Code Enforcement (149) | 13,000 |
| Street Repair (16) | 5,000 |
| Greenwood – Housing Rehabilitation (2) | 30,000 |
| Demolition (1) | 7,500 |
| Water Line (6) | 22,000 |
| Laurel – Housing Rehabilitation (4) | 60,000 |
| Milford – Housing Rehabilitation (2) | 30,000 |
| Milton – Housing Rehabilitation (2) | 28,000 |
| Fire Hydrants (51) | 14,000 |
| Seaford – Rehabilitation (4) | 60,000 |
| Selbyville – Rehabilitation (2) | <u>24,000</u> |
| | <u>\$1,094,500</u> |

Recommendations for funding were made by an independent review panel whose members evaluate each application's potential benefit to low-income persons, the management capacity of the applicant, and the cost-benefit of the proposed activities, including the severity of need, impact, cost reasonableness, and feasibility.

2. Sussex County Airport Grant

I have received notification from the Federal Aviation Administration (FAA) that the Sussex County Airport will

Adminis-
trator's
Report
(continued)

receive a grant in the amount of \$200,000. Sixty Thousand Dollars (\$60,000) will be used for additional hard surface parking for airplanes adjacent to the proposed new terminal building. Construction is anticipated to start on the terminal during the year 2000. The remaining funding of \$140,000 will be used for an environmental assessment for future construction of Runway 10-28. Runway 10-28 was closed prior to the County taking ownership of the airport in 1973.

Upon completion of a successful environmental assessment, the County will apply for a \$3.2 million grant from the FAA to reopen the abandoned runway.

3. County Council Schedule

County offices will be closed Monday, July 5, 1999, to allow employees to observe the Independence Day holiday. There will not be a Council meeting on Tuesday, July 6, 1999. The next regularly scheduled Council meeting is Tuesday, July 13, 1999.

4. Bond Anticipation Notes

Bids are being accepted today, June 29, 1999, until 11:00 a.m. for Sussex County General Obligation Bond Anticipation Notes. The notes will be issued for a total of \$16,900,000. Bids will be received at the offices of Fairmount Capital Advisors, the County's bond financial advisors, in Philadelphia. These notes will be for a two-year term. Funds raised from the sale of the notes will be used for interim short-term financing for the West Rehoboth Sewer Phase III Project, the Cedar Neck Sewer Project, the Ocean View Sewer Project, and the Holts Landing Sewer Project.

Proposed
Process
and
Schedule
for
Road
Name
Changes

Mr. Stickels and Mr. Norwood, Supervisor of Mapping and Addressing, discussed a proposed process and schedule for adopting administrative road name changes and procedures for road name change requests, as follows:

- Beginning on June 29, 1999, through July 12, 1999, the County will accept requests for road name changes for administrative purposes only.
- On July 13, 1999, a list of suggested administrative road name changes will be prepared and presented to the Sussex County Council by the Mapping and Addressing Department.
- On July 13, 1999, suggested procedures and charges for requesting road name changes will be available to the general public.

Proposed
Process
and
Schedule
(continued)

- On July 20, 1999, the County Council will vote on the suggested administrative changes and the adoption of the procedure and fees associated with road name changes.
- From August 13, 1999 through August 27, 1999, the County will accept applications to modify existing road names.
- On August 31, 1999, County Council will receive for review a list of the proposed road name changes.
- On September 21, 1999, at 1:30 p.m., there will be a public hearing to adopt the newly requested road names changes.
- There will be no more road name changes after September 21, 1999, until the following year. There will be a period each year from August 1 through September 30 for people to request road name changes. These changes will be presented to the County Council on the first Tuesday of October each year. The County Council will vote on the proposed names on the third Tuesday of October each year.
- Exceptions will only be made in the case of any found unnamed road or unnamed private road.

Ms. Margaret Foulke addressed Council regarding plans to rename County Road 291 to Bundick Road. Ms. Foulke advised that County Road 287 is named Bundicks Drive. Ms. Foulke expressed her opinion that the names of these two roads are very similar and would cause confusion in emergency dispatching. Mr. Norwood advised that he would research this information.

M 324 99
Adopt
Road
Naming
Process
and
Schedule

A Motion was made by Mr. Dukes, seconded by Mr. Cole, that the Sussex County Council adopts the process and schedule for (1) the adoption of administrative road name changes and (2) the adoption of the procedures for road name change requests.

Motion Adopted: 5 Yea.

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

Bethany
Beach
Sanitary
Sewer
District
Extension

Mr. Archut, Assistant County Engineer, advised Council that a request has been received from the developers of the Southampton subdivision (a new project) and Green Acres subdivision (an existing subdivision) to be included in the Bethany Beach Sanitary Sewer District. The Southampton subdivision is a 64-acre parcel that is contiguous to the Bethany Beach Sanitary Sewer District. The Green Acres subdivision is located south of the Southampton subdivision. Mr. Archut advised that

Bethany
Beach
Sanitary
Sewer
District
Extension
(continued)

he is also recommending the inclusion of three additional parcels in this annexation request due to their close proximity to the Southampton and Green Acres subdivisions.

Discussion ensued as to why other parcels in the area are not proposed to be included in the annexation request. Mr. Archut advised that these other areas would be a County project and are not proposed at this time; however, the developer will be required to install sewer lines at a depth sufficient to accommodate future sewer lines to these other areas. Mr. Archut and Mr. Schrader advised that developers cannot be required to pay for the extension of sewer lines beyond their own developments.

M 325 99
Authorize
Posting
of Notices
for the
Bethany
Beach
SSD
Extension

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, that the Sussex County Engineering Department is authorized to post notices for the extension of the Bethany Beach Sanitary Sewer District Boundary to include Southampton and Green Acres Subdivisions, as presented.

Motion Adopted: 5 Yea.

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

Wastewater
Facilities
Plan/
Ellendale
Sanitary
Sewer
District

Mr. Archut, Assistant County Engineer, presented for Council's consideration, the Wastewater Facilities Plan for the Ellendale Sanitary Sewer District. The Wastewater Facilities Plan is a document that is required in order to receive financing from the EPA. The EPA will be contributing approximately \$1.7 Million in grant money for this project; approximately 25 percent of the total project cost. To receive this funding, the County must adopt and submit the Wastewater Facilities Plan by July 1, 1999. The Plan, as prepared by Whitman, Requardt and Associates, does not include any significant changes from the facts previously presented to Council. The County is still looking at the same preferred alternatives which is a combination gravity and pressure sewer system; Georgetown is the preferred treatment option; and no changes have been made in the proposed rates.

M 326 99
Adopt
Resolution
No.
R 018 99

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Resolution No. R 018 99 entitled "A RESOLUTION ADOPTING THE 201 WASTEWATER FACILITIES PLAN FOR THE ELLENDALE SANITARY SEWER DISTRICT".

Motion Adopted: 5 Yea.

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

Proposed
Suburban
Community
Improvements
Projects

Mr. McCabe, Director of Public Works, discussed two proposed Suburban Community Improvements Projects. The first proposed project is the Cedar Landing Subdivision. Residents in this subdivision have expressed a desire to have their streets taken over by the Delaware Department of Transportation. In order for this to take place, the streets need to be improved to meet DelDOT's standards. The second proposed project is the Indian River Subdivision. Roads in this subdivision are currently unpaved.

Mr. Cole expressed concern over DelDOT accepting additional roads to be maintained by the State when they are currently unable to maintain all the roads now. Mr. Cole requested that a letter be written to DelDOT advising them that the Sussex County Council opposes DelDOT taking over additional private roads to be maintained by the State. There was no consensus to Mr. Cole's request.

M 327 99
Authorize
Election
for
Suburban
Community
Improvements/
Cedar
Landing
Subdivision

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department that the Sussex County Council authorizes an election to be held at the South Coastal Library, Bethany Beach, Delaware, between the hours of 9:00 a.m. and 6:00 p.m. on Saturday, July 24, 1999, for the purpose of allowing property owners and residents of Cedar Landing Subdivision, Baltimore Hundred, to consider the financing of Suburban Community Improvements as regulated under Title 9, Chapter 5, of the Delaware Code, and having an estimated total cost of \$259,323.61 and an estimated annual front footage cost of \$2.05/F.F.

Motion Adopted: 5 Yea.

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

M 328 99
Authorize
Election
for
Suburban
Community
Improvements/
Indian
River Acres
Subdivision

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes an election to be held at the South Coastal Library, Bethany Beach, Delaware, between the hours of 9:00 a.m. and 6:00 p.m. on Saturday, July 24, 1999, for the purposes of allowing property owners and residents of Indian River Acres Subdivision, Baltimore Hundred, to consider the financing of Suburban Community Improvements as regulated under Title 9, Chapter 5, of the Delaware Code, and having an estimated total cost of \$141,927.57 and an estimated annual front footage cost of \$3.24/F.F.

Motion Adopted: 5 Yea.

M 328 99
(continued)

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

C/U
No. 1277

Conditional Use No. 1277 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.23 ACRES, MORE OR LESS", filed on behalf of Billy C. Jones, Jr., was discussed. A Public Hearing was held on this application on April 27, 1999, at which time action was deferred for a period of time not to exceed sixty days to allow time for the applicant to clean up the area and to receive a report from an Inspector from the Planning & Zoning Department. On June 16, 1999, a memo was written by Don Hastings, Zoning Inspector, that all junk cars have been removed from the property of Billy Jones. Council members then inspected the property and agreed with Mr. Hastings' findings.

Zoning
Regulations
Violations

Mr. Cole expressed his belief that the County needs to establish a policy to penalize violators of zoning regulations.

Concern was expressed that it is difficult to police situations like this conditional use application.

Mr. Stickels advised that more efforts are being made to police zoning regulations and conditions; the County plans to input information in a data file that will "flag" the County every thirty days to check on certain situations. Mr. Stickels also advised that violators are issued a summons.

Mr. Cole requested that the Council be provided with an update on the County's policy in dealing with violators of zoning regulations.

M 329 99
Adopt
Ordinance
No. 1321
(C/U
No. 1277)

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt Ordinance No. 1321 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.23 ACRES, MORE OR LESS" (Conditional Use No. 1277) filed on behalf of Billy C. Jones, Jr., with the following conditions:

1. Business hours shall be within the hours of 7:00 a.m. to 6:00 p.m.
2. No untitled vehicles shall be stored on the site.
3. The front of the shop area shall be landscaped with Leyland Cypress or Cedars to be spaced no more than 8' apart.

M 329 99
(continued)

4. This conditional use is for an auto repair shop. No bodywork or painting shall be performed.
5. One unlighted sign, not exceeding 2' by 2' per side or facing may be permitted.
6. No vehicles repaired shall be larger than 3/4 ton.
7. The maximum number of vehicles stored outside shall be six (6).
8. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals and/or permits.
9. No junk vehicles shall be stored on site for salvage or parts.

Motion Adopted: 4 Yea, 1 Nay.

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

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use is corrective in nature; with the nine conditions controlling the proposed use, the use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment. In fact, the nine conditions serve to protect neighborhood concerns and promote safety.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
3. The change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Proposed
Ordinance

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A CREMATORIUM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.2 ACRES, MORE OR LESS" (Conditional Use No. 1301) filed on behalf of Independent Associates, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BAIT AND TACKLE SHOP IN AN ACCESSORY BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 39,176 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1302) filed on behalf of Rick A. Willman. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.4 ACRES, MORE OR LESS, OF A 12.6 ACRE PARCEL" (Conditional Use No. 1303) filed on behalf of David R. Briggs. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.18 ACRES, MORE OR LESS, OF A 38.8 ACRE TRACT" (Conditional Use No. 1304) filed on behalf of Curtis W. Steen, Jr. and Arleen Q. Steen. The Proposed Ordinance will be advertised for Public Hearing.

Update Mr. Stickels provided a brief legislative update.

Reassessment Council discussed its position on reassessment. Mr. Stickels noted that, in the past, Council has taken a position in opposition to reassessment unless (1) the State is going to pay for it and (2) one vendor is used for all three counties.

Mr. Phillips advised that he opposes reassessment.

M 330 99 Recess At 11:55 a.m., a Motion was made by Mr. Rogers, seconded by Mr. Dukes, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Jones called Council back into session at 1:30 p.m.

Public Hearing 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 AN

Public
Hearing
(C/U
No. 1289)

ANTIQUe AND COLLECTIBLE GIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31,980 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1289) filed on behalf of Dorothy A. Theriault. The Planning and Zoning Commission recommended that this application be approved with stipulations. There were no public comments; letters in support of the application were received. The Public Hearing was closed.

M 331 99
Adopt
Ordinance
No. 1322
(C/U
No. 1289)

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1322 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ANTIQUe AND COLLECTIBLE GIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31,980 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1289) filed on behalf of Dorothy A. Theriault, with the following conditions:

1. Business hours shall be from 10:00 a.m. to 5:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sunday.
2. One lighted sign, not exceeding 32 square feet per side or facing, may be permitted.
3. No outdoor displays shall be permitted.
4. The use shall be limited to the sale of gifts, antiques, and collectibles.
5. Business display activities shall be limited to the first floor and porch.
6. No parking shall be permitted in the front yard.
7. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of appropriate agency approvals.

Motion Adopted: 5 Yea.

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

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

Findings
of Fact
(continued)

1. The applicant established that the conditional use will have no adverse impact on the character of the neighborhood; in fact, neighbors spoke in support of the application.
2. The applicant established by substantial evidence that the proposed use is consistent with other uses in the area.
3. The change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No.1290)

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 AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Conditional Use No. 1290) filed on behalf of Nardo, Inc. The Planning and Zoning Commission recommended that this application be adopted with stipulations. There were no public comments and the Public Hearing was closed.

M 332 99
Adopt
Ordinance
No. 1323
(C/U
No. 1290)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1323 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Conditional Use No. 1290) filed on behalf of Nardo, Inc., with the following conditions:

1. The conditional use area shall be restricted to building offices and storage buildings for commercial use only in the B-1 Neighborhood Business District portion of the site.
2. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion Adopted: 5 Yea.

M 332 99
(continued)

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

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use is consistent with other uses in the area.
2. The change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
3. The change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1379)

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 HR/RPC HIGH DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 76.69 ACRES, MORE OR LESS" (Change of Zone No. 1379) filed on behalf of Dyer McCrea Ventures, L.L.C. The Planning and Zoning Commission recommended approval of this application. Public comment was heard in support of this application. There were no public comments in opposition to this application. The Public Hearing was closed.

M 333 99
Adopt
Ordinance
No. 1324
(C/Z
No. 1379)

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Ordinance No. 1324 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR/RPC HIGH DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 76.69 ACRES, MORE OR LESS" (Change of Zone No. 1379) filed on behalf of Dyer McCrea Ventures, L.L.C., with the following stipulations:

M 333 99
(continued)

1. The use must comply with all appropriate agency regulations.
2. Parking requirements are subject to review and approval by the Planning and Zoning Commission.
3. Number of units and site amenities shall conform to conceptual site plan submitted.
4. 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. Rogers, Yea;
Mr. Jones, Yea

Findings
of Fact

The Council found that the change of zone is appropriate legislative action based on the following findings of fact:

1. The change of zone is consistent with the purposes and goals of the Comprehensive Land use Plan.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
3. The change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Public
Hearing
(C/Z
No. 1380)

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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.65 ACRES, MORE OR LESS" (Change of Zone No. 1380) filed on behalf of David B. Webb, Jr. The Planning and Zoning Commission recommended approval of this application. There were no public comments and the Public Hearing was closed.

M 334 99
Adopt
Ordinance
No. 1325
(C/Z
No. 1380)

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt Ordinance No. 1325 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.65 ACRES, MORE OR LESS" (Change of Zone No. 1380) filed on behalf of David B. Webb, Jr.

M 334 99
(continued)

Motion Adopted: 4 Yea, 1 Abstention.

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

Findings
of Fact

The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

1. The property is located on Route 13, a major arterial road through the State, and therefore situated for business use.
2. The applicant established that the zoning is an extension of commercial zoning on adjacent lands; established that the change of zone proposed is an appropriate change; and established that the zoning and use will conform to the general use of the area.
3. The applicant established that the site is located within a Development District in the Comprehensive Land Use Plan.
4. The change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Attorney

Mr. Schrader left the meeting at this time.

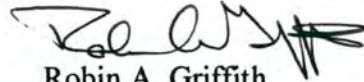
Public
Hearing
(C/Z
No. 1381)

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 HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 40.00 ACRES, MORE OR LESS" (Change of Zone 1381) filed on behalf of Waste Management of Delaware, Inc. The Planning and Zoning Commission has deferred action on this application. Public comments were heard in opposition to this application. Concern was expressed relating to traffic, noise, odor, and safety. Remarks were heard that this type of business is not needed in the area and that the use is not compatible with the area. The Public Hearing was closed and action was deferred.

M 335 99
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to adjourn at 4:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council