

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 8, 2000

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 8, 2000, 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
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 390 00 A Motion was made by Mr. Phillips, seconded by Mr. Jones, to amend Amend and Approve Agenda the Agenda to delete "Betty Collins, Assistant Director of Emergency Operations – Flood Mitigation Plan for Sussex County" and to approve the Agenda, as amended.

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 00 A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve Approve Minutes the minutes of the August 1, 2000 meeting, as distributed.

Motion Adopted: 5 Yea.

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

Correspondence Mr. Bayard read the following correspondence:

U.S. ARMY CORP OF ENGINEERS, BROOKLYN, NEW YORK.
RE: Notice of Completion of Final Feasibility Report and Final Environment Impact Statement on Delaware Coast from Cape Henlopen to Fenwick Island – Fenwick Island Feasibility Study.

Laurel Auction Market Mr. Ed Kee was introduced and discussed the book he authored entitled “Where Buyer and Seller Meet “Sixty Years of the Laurel Auction Market: 1940 to 2000.”

M 392 00 Adopt Proclamation A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled “HONORING THE 60TH ANNIVERSARY OF THE LAUREL AUCTION MARKET (1940 – 2000)”.

Motion Adopted: 5 Yea.

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

M 393 00 Adopt Proclamation A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled “PROCLAIMING THURSDAY, AUGUST 10, 2000, AS A DAY TO HONOR THELMA D. MONROE”.

Motion Adopted: 5 Yea.

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

M 394 00 Adopt Proclamation A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt the Proclamation entitled “PROCLAIMING THURSDAY, AUGUST 10, 2000, AS A DAY TO HONOR ALICE HUDSON”.

Motion Adopted: 5 Yea.

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

Prime Hook National Wildlife Refuge Mr. Baker, Finance Director, reported that a check in the amount of \$42,478.00 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. The check represents payment under the Refuge Revenue Sharing Act covering Fiscal Year 1999. The funds may be used by Sussex County for any governmental purpose. Mr. Baker presented, for Council’s authorization, the distribution of the Refuge Revenue Sharing Funds, as follows: Vocational School District - \$3,486.28; Cape Henlopen School District - \$21,317.32; Milford School District - \$10,475.37; Sussex County - \$6,498.54; Library - \$700.49.

M 395 00
Authorize
Distribution
of the
Refuge
Revenue
Sharing
Funds

A Motion was made by Mr. Dukes, seconded by Mr. Cole, that the Sussex County Council authorizes the distribution of the Refuge Revenue Sharing Funds, as follows: Vocational School District - \$3,486.28; Cape Henlopen School District - \$21,317.32; Milford School District - \$10,475.37; Sussex County - \$6,498.54; Library - \$700.49.

Motion Adopted: 5 Yea.

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

Proposed
Ordinance/
Realty
Transfer
Tax

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103 OF THE CODE OF SUSSEX COUNTY IN ORDER TO CONFORM TRANSFER TAX EXEMPTIONS TO STATE LAW". This Ordinance conforms the County Realty Transfer Tax law to the Delaware Realty Transfer Tax law, as recently amended by the General Assembly, so as to exempt transfers between siblings from transfer tax. The Proposed Ordinance will be advertised for Public Hearing.

Adminis-
trator's
Report

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

1. Meeting Schedule

The Sussex County Council will not meet on Tuesday, August 15, 2000. Council will take a summer recess. The next regularly scheduled Council meeting will be Tuesday, August 22, 2000. All County government offices will be open regular hours on August 15, 2000 even though the Council is not meeting.

2. Conditional Use Application No. 1345 – Glenwood Aviation, L.L.C.

Please be advised that Robert V. Witsil, Jr., representing Steven Walker and Glenwood Aviation, L.L.C., has withdrawn their application. Glenwood Aviation, L.L.C. had applied to construct a helicopter pad in West Rehoboth. The Planning and Zoning Commission had made a recommendation to deny. Under County policy, the applicant can withdraw their application within a 48-hour notice prior to the hearing. The County Council had been scheduled to hear this application on Tuesday, August 22, 2000, at 1:30 p.m.

3. Paramedic Recognition

I am pleased to inform the Council that on Thursday, July 27, 2000, the Veterans of Foreign War Mason-Dixon Post 7234 recognized several of the County's paramedics during an awards presentation

Adminis-
trator's
Report
(continued)

that was held at Station 105, Clarksville. The paramedics that were recognized for outstanding public contributions were:

Andrew Fitzkee	Graig Temple
Timothy Cooper	Brent Hudson
John Kinsley	Lee Foxwell
Robert Stuart	Robert Murray

Also honored, but unable to attend, were:

Charles Daisey	Holly Cox
Allen Barnes	Eric Huovinen
Larry Rock	Robert Magee
Harvey Ryan	Kellie Phillips
William Matthews	George Torbert
Debbie Holding	

Ellendale
Sanitary
Sewer
District/
Resolution
and
Proposed
Ordinance

Mr. Baker discussed the three funding sources for the Ellendale Sanitary Sewer District. One of the funding sources for this project is Rural Development, an agency of USDA. Rural Development is providing a loan in the amount of \$1,250,000 and a grant in the amount of \$750,000. Mr. Baker presented a Loan Resolution which pertains to the Rural Development loan. The Loan Resolution is a requirement of Rural Development and expresses the County's intent to issue bonds in the principal amount of \$1,250,000 pursuant to the provisions of an Ordinance to be adopted. The Rural Development loan is a 40-year General Obligation loan at a maximum interest rate of 4 1/2 percent.

M 396 00
Approve
Loan
Resolution/
Ellendale
Sanitary
Sewer
District

A Motion was made by Mr. Jones, seconded by Mr. Cole, that the Sussex County Council approves the Loan Resolution authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, and improving and/or extending its Ellendale sewer facility to serve an area lawfully within its jurisdiction to serve.

Motion Adopted: 5 Yea.

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

Draft
Ordinance/
Ellendale
SSD

Mr. Baker discussed a draft ordinance which would authorize the Rural Development loan in the amount of \$1,250,000 and the State of Delaware SRF loan in an amount up to \$1,726,000. The SRF loan is a 20-year loan at a maximum interest rate of 3 percent.

Proposed
Ordinance

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL

Proposed
Ordinance
(continued)

OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE ELLENDALE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

Old
Business/
C/U
No. 1341

Conditional Use No. 1341 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR 8 MULTI-FAMILY DWELLING UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 26,042 SQUARE FEET, MORE OR LESS" filed on behalf of Buchanan Builders was discussed. The Planning and Zoning Commission held a Public Hearing on this application on July 13, 2000, at which time they recommended approval with stipulations. The Sussex County Council held a Public Hearing on this application on August 1, 2000, at which time they deferred action to obtain an opinion on the Green vs. Sussex County out-of-court settlement. Mr. Lank reported that it was determined through research that there was an Ordinance to control sanitary sewer connections in the North Bethany Sanitary Sewer Expansion District to no more than four equivalent dwelling units per gross acre. This Ordinance pertains to all presently undeveloped land in the district; it was noted that the Ordinance does not pertain to this application.

M 397 00
Adopt
Ordinance
No. 1387
(C/U
No. 1341)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1387 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR 8 MULTI-FAMILY DWELLING UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 26,042 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1341) filed on behalf of Buchanan Builders, with the following conditions:

1. The density of the project shall be subject to review and approval by the Sussex County Board of Adjustment.
2. Once a decision is made by the Sussex County Board of Adjustment, the site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.
3. No site preparations, site disturbance, excavation, or other construction shall be commenced until all other permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded.

M 397 00
(continued)

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Abstained;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, 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 that the proposed use is consistent with the character of residential development in the neighborhood and consistent with the Comprehensive Land Use Plan. The proposed use will have no adverse impact of any sort.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 398 00
Grant
Beneficial
Acceptance/
Proposed
North
Millville
SSD

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in The Pavilions II, located in the Proposed North Millville Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Reintroduc-
tion of
Proposed
Ordinances

Mr. Bayard explained that it was necessary to reintroduce two Proposed Ordinances that were originally introduced on August 1, 2000 due to the fact that the applicant has asked that the requested zoning classification be changed from AR-1 Agricultural Residential District to LI-2 Light Industrial District for each application. The two Proposed Ordinances were reintroduced.

Proposed
Ordinance

Mr. Dukes 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 LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 15.9487 ACRES, MORE OR LESS" (Change of Zone No. 1412) filed on behalf of L. A. Williams. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.9314 ACRES, MORE OR LESS" (Change of Zone No. 1413) filed on behalf of L. A. Williams. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A SALES CART PROGRAM FOR THE SALES OF SOFT AND HARD GOODS FROM CARTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 14.86 ACRES, MORE OR LESS" (Conditional Use No. 1357) filed on behalf of Super Fresh Food Market. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A PUBLIC UTILITY WATER PLANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (Conditional Use No. 1358) filed on behalf of Artesian Water Co., Inc. 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 AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.17 ACRES, MORE OR LESS" (Conditional Use No. 1359) filed on behalf of Norman C. Jackson, Jr. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.34 ACRES, MORE OR LESS" (Conditional Use No. 1360) filed on behalf of Raymond Michitti. 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.80 ACRES, MORE OR LESS (Change of Zone No. 1415) filed on behalf of James and Martha Turner. The Proposed Ordinance will be advertised for Public Hearing.

M 399 00 Youth Activity Grant A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$750.00, \$500.00 from Mr. Jones’ Youth Activity Grant Account and \$250.00 from Mr. Rogers’ Youth Activity Grant Account, to the Georgetown Little League for expenses associated with attending the Eastern Regional Tournament in Marlboro, New Jersey.

Motion Adopted: 5 Yea.

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

Birthday A birthday cake was enjoyed by all in celebration of Mr. Vance Phillips’ birthday on August 4, 2000.

2000 Mar-Del Watermelon Queen Ms. Sherry Vincent, Mar-Del Watermelon Association, Promotions Coordinator, introduced the 2000 Mar-Del Watermelon Queen, Miss Julie Harper. Miss Harper spoke on the 60th anniversary of the Laurel Auction Market.

M 400 00 Recess A Motion was made by Mr. Dukes, seconded by Mr. Jones, to recess at 11:55 a.m. Motion Adopted by Voice Vote.

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

Public Hearing (C/U No. 1344) 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 FLORIST SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.9908 ACRES, MORE OR LESS” (Conditional Use No. 1344) filed on behalf of Brent M. Adams, Jr. The Planning and Zoning Commission held a Public Hearing on this application on July 20, 2000, at which time they recommended approval with stipulations. There were no public comments and the Public Hearing was closed.

M 401 00
Adopt
Ordinance
No. 1388
(C/U
No. 1344)

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Ordinance No. 1388 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FLORIST SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.9908 ACRES, MORE OR LESS" (Conditional Use No. 1344) filed on behalf of Brent M. Adams, Jr., with the following conditions:

1. There shall be no outside storage.
2. 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

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 will enable an existing local business to relocate.
2. The applicant established by substantial evidence that the proposed use will serve a public need, without adverse impact of any sort.
3. The conditional use is in accordance with the Comprehensive Land Use Plan and 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. 1406)

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 GEORGETOWN HUNDRED SUSSEX COUNTY, CONTAINING 14,976 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1406) filed on behalf of Daniel E. Fink, Sr. The Planning and Zoning Commission held a Public Hearing on this application on July 20, 2000, at which time they deferred action.

Public Hearing

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

Public Hearing (C/Z No. 1408)

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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39,883 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1408) filed on behalf of AAA Storage Limited Partnership. The Planning and Zoning Commission held a Public Hearing on this application on July 20, 2000, at which time they recommended approval. There were no public comments and the Public Hearing was closed.

M 402 00 Adopt Ordinance No. 1389 (C/Z No. 1408)

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Ordinance No. 1389 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39,883 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1408) filed on behalf of AAA Storage Limited Partnership.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, 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 applicant established that the zoning is an extension of commercial zoning on adjacent land.
2. The applicant established that the site is located within a Development District in the Comprehensive Land Use Plan.
3. The change of zone is in accordance with the Comprehensive Land Use Plan and 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. 1342)

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 AMENDMENT TO CONDITIONAL USE NO. 1325 TO ALLOW FOR ANOTHER RENTAL ROOM FOR A TOTAL OF 3 MULTI-FAMILY UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 28,393 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1342) filed on behalf of Mark Wolfe.

Mr. Lank, Director of Planning and Zoning, reported that a Public Hearing was scheduled for this application before the Planning and Zoning Commission on July 20, 2000, at which time the Commission found that no one was present on behalf of the application. The Commission recommended denial since there was no record of support.

Mr. Wolfe was present on this date and advised Council that he could not attend the Planning and Zoning Commission meeting due to the fact that his keys were locked inside his car and that by the time he was able to have his car unlocked, it was too late to attend the meeting. Mr. Wolfe presented receipts that provided documented evidence of his statement to Council.

It was the consensus of Council to consider the application and the Public Hearing continued.

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

M 403 00
Adopt
Ordinance
No. 1390
(C/U
No. 1342)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1390 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO CONDITIONAL USE NO. 1325 TO ALLOW FOR ANOTHER RENTAL ROOM FOR A TOTAL OF 3 MULTI-FAMILY UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 28,393 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1342) filed on behalf of Mark Wolfe, with the following condition:

1. 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

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 that the application is for an extension of an existing use.
2. The applicant established that the proposed use will have no adverse impact of any sort and will be consistent with the character of the neighborhood as developed and consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1343)

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 LANDSCAPING BUSINESS WITH RELATED STORAGE OF MATERIALS AND EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.78 ACRES, MORE OR LESS (Conditional Use No. 1343) filed on behalf of Frederick J. Winward. The Planning and Zoning Commission held a Public Hearing on this application on July 20, 2000, at which time they recommended approval with stipulations.

The Council found that no one was present on behalf of this application and therefore there was no record of support. There were no public comments and the Public Hearing was closed.

M 404 00
Adopt
Proposed
Ordinance
(C/U
No. 1343)


A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH RELATED STORAGE OF MATERIALS AND EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.78 ACRES, MORE OR LESS (Conditional Use No. 1343) filed on behalf of Frederick J. Winward.

Motion Denied: 5 Nay.

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

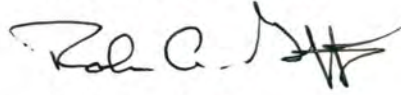
M 405 00
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Jones, to adjourn at 2:58 p.m. Motion Adopted by Voice Vote.



M 405 00
(continued)

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council

