

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-OCTOBER 1, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, October 1, 1991, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	Member
William D. Stevenson, Sr.	Member

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

M 415 91  
Approval  
of Minutes

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

Corre-  
spondence

Mr. Bayard, County Attorney, read the following correspondence:

CATHERINE P. AND E. R. FREDERICK, 2206 CIDER MILL ROAD, BALTIMORE, MARYLAND

RE: Supporting the rezoning of the existing zoning map of Sussex County in order to remove some of the basis for projected population growth, which would have an impact on the need for construction of a Route 404/9 east-west expressway.

HORACE E. PEPPER, P. O. BOX 207, LAUREL

RE: Seeking financial support for Laurel Little League. They are in the process of purchasing 16 acres of land (purchase price \$60,000) for a new little league complex; an additional \$25,000 will be needed to construct a concession stand, restrooms, dugouts, fences, lights, press boxes, and other miscellaneous items.

ROBERT V. WITSIL, JR., ATTORNEY AT LAW, GEORGETOWN

RE: Notice that Bayville Shores Development Corp. v. Sussex County Council, Chancery Action No. 1320, has been dismissed. The Memorandum Opinion states that Bayville failed to show that the County Council acted arbitrarily or capriciously in denying the Marine application and Council's denial did not constitute a "taking" without compensation to the landowner.

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Corre-  
spondence  
(Con't.)

Mr. Bayard, County Attorney, will prepare a summary of the Memorandum Opinion for the Bayville Shores Development Corp. for Council.

ROBERT V. WITSIL, JR., ATTORNEY AT LAW, GEORGETOWN  
RE: Notice concerning the decision for Beaston v. Sussex County, Civil Action No. 89A-0C2. In summation, the Superior Court finds substantial evidence for supporting the decision made by the Board of Adjustment and finds the Board's decision to be free from legal error.

LYNN LAMBERTSON, LEWES  
RE: Thanking members of Sussex County Council for their support in discouraging the development of an East/West expressway. Expressing support also for Council's willingness to begin controlling development by "down-zoning" many properties.

Proposed  
Proclama-  
tion

Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation proclaiming the month of October 1991, as a month to honor those adults in Sussex County for whom the achievement of literacy for themselves and others has become a primary goal.

M 416 91  
Adopt  
Proclama-  
tion

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF OCTOBER 1991 AS A MONTH IN SUSSEX COUNTY, DELAWARE, TO HONOR LITERACY PROGRAMS." Motion Adopted: 5 Yea.

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

Greenwood  
Library

The Greenwood Public Library will be closed this week due to excavating for the sewer in the parking lot.

Fall  
Harvest  
Festival  
Funding  
Request

Mr. Smallwood, Delaware Department of Agriculture, and Mr. G. Timothy Kavel, Delaware Tech Southern Campus, were present to request funding for the 1991 Fall Harvest Festival - Salute to Delaware Agriculture being held Saturday, October 12, 1991, at Delaware Tech Southern Campus, Georgetown, from 10:00 a.m. until 4:00 p.m. Many interesting events including an open horse show, petting zoo, antique tools and tractors, bluegrass music, crafts, and numerous contests are scheduled. The public is invited.

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M 417 91  
Harvest  
Festival  
Grant  
Funding

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$1,000 to the 1991 Fall Harvest Festival - Salute to Delaware Agriculture from the Grant Fund. Motion Adopted: 5 Yea.

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

Proposed  
Ordinance

Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO MAXIMUM LENGTHS OF CUL-DE-SAC STREETS." The Proposed Ordinance will be advertised for Public Hearing.

Building  
Code  
Procedure

Mr. Stickels, County Administrator, discussed a letter from the Delaware State Board of Architects concerning the enforcement of Senate Bill No. 24 signed by Governor Castle on July 9, 1991.

Senate Bill No. 24 allows builders, draftsmen, developers and contractors to provide services for single and two-family dwellings and farm buildings, provided the dwellings are not occupied by more than ten persons, without an architect's seal. All other design and building activities in connection with any new construction, remodeling or repair of a building, requires a Delaware-registered architect's seal on plans and specifications.

The Sussex County Code allows for the construction of any building under 5,000 square feet without an architect's seal. In addition, Sussex County's Code makes no stipulation that the architect must be licensed in Delaware. These two items are creating problems for building code enforcement. Changes are necessary to make the Sussex County Code and Senate Bill No. 24 compatible.

A recent memorandum from Mr. George E. Hale, Secretary, Department of Administrative Services, State of Delaware, indicates that it would be unfair to numerous private individuals in Sussex County to abruptly change their procedure on projects already in progress. He further indicates that the Board of Architects is willing to work with Sussex County over the next several months to begin the process of revising County procedures to conform with the new law. In conclusion, Secretary Hale states that he does not believe it is necessary for Sussex County to suspend the issuance of any building permits at this time.

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Building  
Code  
Procedure  
(Con't.)

In light of Secretary Hale's letter, we will continue to operate in accordance with the Sussex County Code for the issuance of building permits and will advise applicants that a change is imminent.

Rollback  
Taxes

Mr. Stickels, County Administrator, informed Council that he had been advised in the last few days that the rollback taxes subject to collection will now go into the Farmland Preservation Act Fund. There will be no distribution to the schools, libraries, ditch companies, or the County. Changes made since February 16, 1991, will be subject to the five year rollback in Sussex County.

Executive  
Session  
Request

Mr. Stickels, County Administrator, requested time for an Executive Session next week immediately following the regularly scheduled Council Meeting.

M 418 91  
Executive  
Session  
Authorized

A Motion was made by Mr. Cole, seconded by Mr. Collins, to hold an Executive Session, Tuesday, October 8, 1991, immediately following the regularly scheduled Council Meeting to discuss pending litigation. Motion Adopted: 5 Yea.

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

Adminis-  
trator's  
Report

Mr. Stickels, County Administrator, reviewed the following information included in his Administrator's Report:

1. Paramedic Dedication - On Tuesday, October 8, 1991 at 9:30 a.m., we will be dedicating the second full-time paramedic unit, "Medic 104". This unit will be staffed with a combination of experienced paramedics, plus our new recent graduates. Weather permitting, this ceremony will take place in the Courthouse parking lot.
2. The Orlando Sentinel - Tuesday, September 3, 1991 - A copy of a news article entitled "Incinerator Deal May Go Up In Smoke" outlines problems that Lake County, Florida, is experiencing with a recently constructed waste-to-energy incinerator. A copy of the article was given to each Councilman for review. The article also discussed interesting problems that can be experienced with privatization.

October 1, 1991

Adminis-  
trator's  
Report  
(Con't.)

The article states that after five months of nearly flawless operation, Lake County's \$79 million garbage incinerator is being threatened with abandonment. If they continue, incinerator fees are set for \$65 a ton this October. A copy of the article will be sent to Mr. Vasuki, General Manager, Delaware Solid Waste Authority.

3. Training Seminar - The University of Delaware Small Business Development Center and the Delaware Technical and Community College will be conducting a seminar entitled "Starting Out In Business Basics". The seminar will be held on October 23, 1991 from 6:30 to 9:30 p.m. at the Delaware Technical and Community College in Georgetown.
4. Recyclers of the Month - John Putnam of Lincoln and Eugene R. Hohman of Selbyville will be the recipients of the two \$50 U. S. Savings Bonds for participating in the County's Recycling Program during the month of September. Eight hundred eighty-two people participated in the program during the month of September. This compares to 1,188 for the month of August.
5. County Offices - Open House - On Tuesday, October 29, 1991, County offices will be open from 7:00 to 9:00 p.m. Department heads and key staff personnel will be available to answer questions and to explain their areas of responsibility. Notices will be sent to service organizations encouraging them to make this evening their meeting night. Individuals are welcome and children may be accompanied by their parents. The Administrator believes that providing this opportunity will enable Sussex County residents to have a better understanding of County Government.

Monthly  
Press  
Releases  
Begin

Mr. Stickels, County Administrator, also discussed a new procedure starting today to help residents become more aware of the activities and responsibilities of all County departments in the Courthouse. A monthly press release will be distributed to the media by one of the County Government department heads explaining their areas of responsibility. Mr. Stickels, County Administrator, released the first article and it includes information concerning the legislative and administrative branch of the County Government.

It was suggested by the Councilmen that news releases should include photographs of each department head.

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Paramedic  
Contract  
Request

Mr. Stevenson, Paramedic Director, reviewed the specifics of the Sussex County/State of Delaware Paramedic Contract for the term July 1, 1991 - June 30, 1992. The contract is basically the same as last year, only dates and amounts have been changed. Contract payments are made by the State on a quarterly basis and our first quarter reimbursement request (\$170,000±) will not be processed until we provide a signed contract.

Mr. Stevenson, Paramedic Director, advised that the Sussex County/State of Delaware Paramedic Contract has been reviewed by the County Attorney and found to be in order for approval. Director Stevenson suggested that the County Attorney begin working with the Kent, New Castle, and State attorneys to prepare a contract for FY-93 which more closely meets the needs of both parties.

M 419 91  
Approve  
Paramedic  
Contract  
FY-92

A Motion was made by Mr. Cole, seconded by Mr. Collins, to approve the Sussex County/State of Delaware Paramedic Contract for the term July 1, 1991 through June 30, 1992. Motion Adopted: 5 Yea.

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

Paramedic  
Update

Mr. Stevenson, Paramedic Director, gave a brief status report on the following items:

1. The dedication of the Five Points Paramedic Station "Medic 104" will be Tuesday, October 8, 1991 at 9:30 a.m. in the Courthouse parking lot.
2. The Stockley Paramedic Station is expected to be dedicated sometime in October.
3. The progress of the Paramedic students - 10 new graduates.
4. Paramedic vehicles - design change and maintenance problems; County expects to bid their on vehicles this year.
5. A letter to the editor of all local newspapers prepared by Director Stevenson is being distributed to explain how the pre-hospital Emergency Medical System (EMS) operates in the County. It is hoped the letter will help clarify the actual duties of the Paramedics and provide answers to some perceived problems that surround the local County Paramedic Units today.

October 1, 1991

Long Neck  
Sanitary  
Sewer  
District

Mr. Green, Utility Construction Division Director, reviewed a recapitulation to date for Contract No. 2 for the Long Neck Sanitary Sewer District. Mr. Green noted that Contract No. 2 for the Long Neck Sanitary Sewer District would not have recorded Change Order No. 3 since it was declared void

M 420 91  
Change  
Order No. 4,  
Contract  
No. 2  
Long Neck  
Sanitary  
Sewer  
District

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc., and the Sussex County Engineering Department, that the Sussex County Council authorize the President of the Sussex County Council to issue Change Order No. 4 for the Long Neck Sanitary Sewer District, Contract No. 2, to R. E. Pierson Construction Company, Inc., for replacement of unsuitable material as deemed necessary by the Engineer for the amount of \$17,906.58, increasing this contract amount to \$5,334,836.46. Motion Adopted: 5 Yea.

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

Proposed  
Ellendale  
Sanitary  
Sewer  
District  
Citizens  
Advisory  
Committee

Mr. Archut, Planning & Permits Division Director, discussed the Proposed Ellendale Sanitary Sewer District. A Preliminary Planning Study of Alternative Wastewater Treatment Systems to serve the proposed district was authorized August 20, 1991, and is being done by Whitman, Requardt, and Associates. The study requires the formation of a Citizens Advisory Committee which will meet routinely to review the projects progress; provide the primary conduit for on-going communications between the community and the County; respond to engineering aspects of the proposed district, through review of technical data and proposals; assist in disseminating information; and help develop plans that reflect the needs and values of the community.

It is proposed that the first meeting of the Citizens Advisory Committee for the Proposed Ellendale Sanitary Sewer District be held in the next two weeks, with routine monthly meetings thereafter. Mr. Archut reviewed the recommendations submitted by Mr. Harold Truxon, local resident within the proposed sewer district, Mr. Sherwood Morgan, Program Coordinator, First State Resource Conservation and Development Council, and Mr. Bill Coleman, Representative, Sussex County Community Action Agency, for the Citizens Advisory Committee.

M 421 91  
Appointments  
Advisory  
Committee

A Motion was made by Mr. Benson, seconded by Mr. Collins, based upon the recommendation of the Engineering Department,

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M 421 91  
(Con't.)  
Advisory  
Committee  
Appoint-  
ments

to appoint the following persons to serve on the Proposed Ellendale Sanitary Sewer District Citizens Advisory Committee:

Thomas Welch, Sr.  
Kathryn Plummer  
Jean Neibert  
Dorothy Oliver  
Delores Drummond  
Bishop M. Foster  
Rev. E. L. Coleman  
Elliott White  
Harold Truxon  
Rev. Andrew Spellman  
Sherwood Morgan  
Bill Coleman

Motion Adopted: 5 Yea.

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

The following information was given in response to two specific inquiries by Council.

Dagsboro-  
Frankford  
Sanitary  
Sewer  
District

1. Mr. Archut, Planning & Permits Division Director, reported that a pre-bid meeting for construction bids for the Dagsboro-Frankford Sanitary Sewer District is scheduled for October 16, 1991. Bids will be opened for the project Tuesday, October 29, 1991, beginning at 8:00 a.m. in the Council Chambers.

Town of  
Selbyville

2. A memorandum describing a misunderstanding with the Town of Selbyville concerning payment due the South Coastal Regional Wastewater Facility has been resolved. Mr. Stickels, County Administrator, reported that meetings had been held with the Town Mayor and Manager and they now understand the billing process.

M 422 91  
Council-  
manic  
Grant

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to give \$1,000, from Mr. Dukes' Councilmanic Account, to Laurel Little League to help with expenses to purchase property and build their new complex. Motion Adopted: 5 Yea.

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

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Bethany Bay

President Dukes asked for clarification on the violations in Bethany Bay. Mr. Lank, Planning and Zoning Director, reported that the violations are with the site plan. Bethany Bay is not in violation of the Code of Sussex County.

M 423 91  
Recess

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to recess at 11:35 a.m. Motion Adopted by Voice Vote.

Reconvene

President Dukes called the Council back into session at 1:30 p.m.

Public Hearing  
C/Z #1137

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 41,335 SQUARE FEET, MORE OR LESS" (C/Z #1137) filed on behalf of Robert N. Bayly. The Public Hearing was closed.

M 424 91  
Adopt Ordinance  
No. 788  
C/Z #1137

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 788 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 41,335 SQUARE FEET, MORE OR LESS" (C/Z #1137) filed on behalf of Robert N. Bayly. Motion Adopted: 5 Yea.

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

Findings  
of Fact  
C/Z #1137

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

1. The applicant established by substantial evidence that the site has been the subject of pre-existing nonconforming commercial uses since 1959, including truck and auto repair, vehicle sales and storage. The site has also been the subject of pre-existing nonconforming heavy industrial use (vehicle salvage) since 1959.
2. The applicant established by substantial evidence that the neighborhood is predominantly industrial and commercial, including an auto race track.

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Findings  
of Fact  
(Con't.)  
C/Z #1137

3. The change of zone will have no adverse impact on the neighborhood, property values therein, traffic or on the condition of the environment in the immediate area
4. The change of zone is in conformity with the Western Sussex Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
C/U #981

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCK AND AUTO SALVAGE YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 41,335 SQUARE FEET, MORE OR LESS" (C/U #981) filed on behalf of Robert N. Bayly. The Public Hearing was closed.

M 425 91  
Adopt  
Ordinance  
No. 789  
C/U #981

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 789 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCK AND AUTO SALVAGE YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 41,335 SQUARE FEET, MORE OR LESS" (C/U #981) filed on behalf of Robert N. Bayly, with the following stipulations:

1. A seven foot slatted chain link fence topped with barbed wire will be erected around the perimeter of the salvage yard to screen salvage vehicles. No stacking of vehicles is permitted.
2. There shall be no underground storage of petroleum products.
3. The storage yard shall operate six days per week, with no Sunday hours.
4. The salvage yard shall be subject to final site plan review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

October 1, 1991

Findings  
of Fact  
C/U #981

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

1. The applicant established by substantial evidence that the site has been the subject of commercial and heavy-industrial nonconforming uses since 1959.
2. The immediate area is predominantly developed as heavy industrial and commercial.
3. There will be no adverse impact on the neighborhood, property values therein, traffic in the area, or the environment.
4. The proposed use is in conformity with the Western Sussex Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
C/U #982

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR DOCTOR'S OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25,000 SQUARE FEET, MORE OR LESS" (C/U #982) filed on behalf of Ronald G. Ritthaler. The Public Hearing was closed.

M 426 91  
Adopt  
Ordinance  
No. 790  
C/U #982

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 790 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR DOCTOR'S OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25,000 SQUARE FEET, MORE OR LESS" (C/U #982) filed on behalf of Ronald G. Ritthaler, with the following stipulations:

1. The site is limited to three medical offices.
2. Signage shall not exceed 32 square feet per side or facing.
3. A landscaped buffer 20 feet in width shall be created along Savannah Road.
4. The site plan shall be subject to final review and approval by the Planning and Zoning Commission.

October 1, 1991

M 426 91  
(Con't.)

Motion Adopted: 4 Yea; 1 Nay.

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

Findings  
of Fact  
C/U #982

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

1. The applicant established by substantial evidence that the area nearby the site is a mix of neighborhood business and residential uses, including various physicians' offices.
2. The applicant established that a continuing need exists for additional physician office space in the Beebe Hospital service area.
3. The applicant established that the proposed use will cause no adverse impact on the neighborhood, property values therein, traffic or the environment.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
5. The proposed land use is in conformity with the Coastal Sussex Land Use Plan.

Public  
Hearing  
C/Z #1135

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-2 LIGHT INDUSTRIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12.51 ACRES, MORE OR LESS" (C/Z #1135) filed on behalf of P & A Engineering Company, Inc. The Public Hearing was closed.

M 427 91  
Adopt  
Ordinance  
No. 791  
C/Z #1135

A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Ordinance No. 791 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-2 LIGHT INDUSTRIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12.51 ACRES, MORE OR LESS" (C/Z #1135) filed on behalf of P & A Engineering Company, Inc. Motion Adopted: 5 Yea.

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

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Findings  
of Fact  
C/Z #1135

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

1. The applicant established by substantial evidence that the proposed use serves a public purpose, since it recycles road materials for road construction, thereby eliminating deposit of used road materials at County landfills.
2. The site is in a mixed commercial industrial area and the proposed use will not adversely impact the neighborhood property values therein, traffic or the environment.
3. Any development of the proposed use is subject to a Special Use Exception permit from the Sussex County Board of Adjustment.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
5. The proposed use does not conflict with the Western Sussex Land Use Plan.

Public  
Hearing  
C/Z #1136

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.91 ACRES, MORE OR LESS" (C/Z #1136) filed on behalf of Jack E. Mears and William R. Mears. The Public Hearing was closed.

M 428 91  
Adopt  
Ordinance  
No. 792  
C/Z #1136

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 792 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.91 ACRES, MORE OR LESS" (C/Z #1136) filed on behalf of Jack E. Mears and William R. Mears. Motion Adopted: 5 Yea.

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

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Findings  
of Fact  
C/Z #1136

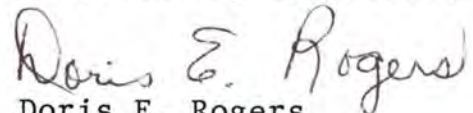
The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the site is an existing subdivision in a predominantly GR General Residential area and the proposed zoning change will bring the site into conformity with development in the area.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the neighborhood, property values therein, traffic, or the environment in the area.
3. The proposed change is in conformity with the Western Sussex Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 429 91  
Adjourn

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to adjourn at 3:25 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council