

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 14, 1997

Executive Session An Executive Session of the Sussex County Council was held Tuesday, October 14, 1997, at 9:00 a.m., in the Caucus Room, Sussex County Administrative Office Building, Georgetown, Delaware, for the purpose of discussing personnel. The Executive Session concluded at 9:55 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 14, 1997, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

M 507 97 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 508 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Minutes approve the minutes of the previous meeting, dated October 7, 1997.

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence  
DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
RE: Notice of Commission Meeting and Public Hearings.

OFFICE OF THE COUNTY COMMISSIONERS, WORCESTER COUNTY, SNOW HILL, MARYLAND.  
RE: Special "Joint 6-County Summit on Pfiesteria" scheduled for Wednesday, October 29, 1997, at 4:00 p.m. at Wor-Wic Community College.

LAUREL SCHOOL DISTRICT, LAUREL, DELAWARE.  
RE: Invitation to attend a meeting regarding establishing a Poultry Management curriculum.

U of D Research and Education Center Mr. Mark Isaacs, Director of the University of Delaware Research and Education Center in Georgetown, was in attendance to accept a grant from Council in the amount of \$110,318.00. These funds will be used by the University of Delaware Extension Service Center for various programs, research, and salary appropriations.

Sussex Conservation District Mr. Buehl, District Coordinator of the Sussex Conservation District, and Mr. Dean Belk, Representative of the Sussex Conservation District Board of Supervisors, were in attendance to accept a grant from Council in the amount of \$75,000.00. These funds will be used by the Sussex Conservation District to pay or assist in paying all costs (including personnel) required for the planning, construction, maintenance and installation of tax ditches, public group ditches, highway ditches and resource conservation projects. This \$75,000 grant will be matched by the State of Delaware.

Vacation of Public Alley/Masten's Heights Mr. Stickels, County Administrator, discussed a letter received from Gregory Williams of Hudson, Jones, Jaywork, Williams & Liguori informing Council that several Petitioners will be filing a request in the Superior Court in and for Sussex County, Delaware, to vacate or abandon a certain public alley way. The property which the Petitioners seek to vacate or abandon is a portion of that property known as the Masten's Heights public alley in Lewes and Rehoboth Hundred, Sussex County, State of Delaware. Based on comments received from various County departments, Mr. Stickels advised that the County does not object to the public alley way vacation. Mr. Cole stated that he does not support the public alley way vacation based on the fact that this alley way could be used in the future as a service road to access commercial properties fronting Route 1 in the Corridor Overlay Zone.

M 509 97 Deny Support of Vacation of Public Alley/Masten's Heights A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council does not support the vacation of the Masten's Heights public alley.

Motion Adopted: 5 Yea.

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

Land Acquisition/Milton Civic Center Mr. Stickels, County Administrator, advised Council of an offer by the Town of Milton to sell to the County Council property known as the Milton Civic Center at a purchase price of \$25,000.00, subject to the following conditions:

1. The property shall/will be used to expand the current County library located adjacent to the Civic Center.
2. The Town Council and other not for profit groups continue to have free use of the Library meeting rooms subject to the availability.

Land Acquisition (con't)

- 3. That a 15 foot wide right of way from Union Street to the Town Park area be preserved for the Towns Governors Walk. The walk will provide park access from Union Street.
- 4. Should the County propose to sell the property in the future, the Town of Milton will have right of first refusal on the property at the price of \$25,000.00 plus actual costs of any improvements made by the County.
- 5. The Town Council will have input on the architectural design of the building.

Mr. Stickels recommended that the County Council accept this offer contingent on an amendment to Condition No. 3 permitting the right of way to be relocated to the northern side of the property.

M 510 97 Execute Agreement with Town of Milton/ Milton Civic Center Acquisition

A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the President of the Sussex County Council be authorized to execute an agreement with the Town of Milton for the acquisition of the Milton Civic Center, at a purchase price of \$25,000.00, contingent on the County being permitted to relocate the right of way to the northern side of the property.

Motion Adopted: 5 Yea.

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

Administrator's Report

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

- 1. The following activities took place on Wednesday, October 1, 1997:
  - (a) Recorder of Deeds - One telephone inquiry from 4:30 to 7:30 p.m.;
  - (b) Assessment/Planning and Zoning - One building permit issued from 7:30 to 8:30 a.m., two building permits issued from 4:30 to 7:30 p.m.;
  - (c) Treasury Division - No activity from 7:30 to 8:30 a.m., two tax bills paid from 4:30 to 7:30 p.m.;
  - (d) Utility Division - No activity from 7:30 to 8:30 a.m., one telephone inquiry from 4:30 to 7:30 p.m.;
  - (e) Clerk of the Peace - Four wedding licenses issued and two weddings performed between 4:30 and 7:30 p.m.

Adminis-  
trator's  
Report  
(con't)

(Mr. Stickels noted that, in the future, wedding licenses will be issued by appointment only on Wednesday evenings.)

2. Hugh Powell Smith

It is with sadness that I inform Council that Mr. Hugh Powell Smith passed away on Friday, October 10, 1997, at the Harrison House in Georgetown. Mr. Smith was a member of the Planning and Zoning Commission for 18 years. Mr. Smith had worked for 34 years for Georgetown Trust Company, which later merged with Wilmington Trust Company. In addition to his activities on the Planning and Zoning Commission, he was past commander of Sussex County American Legion Post No. 8, Georgetown; past treasurer of the Salvation Army in Sussex County; and a 32nd Degree Mason at the Franklin Lodge, Georgetown. He was also active in Adult Plus at Delaware Technical & Community College, and instrumental in preserving the old Sussex County Courthouse.

Proposed  
Resolu-  
tion/  
PATS,  
Inc.

Mr. Baker, Finance Director, discussed a Proposed Resolution entitled "A PROJECT RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,000,000 VARIABLE RATE DEMAND INDUSTRIAL DEVELOPMENT REVENUE BONDS (PATS, INC. PROJECT) SERIES 1997". Mr. Baker explained that this is the final authorization request; bond closing is tentatively scheduled for October 16, 1997.

M 511 97  
Adopt  
Resolu-  
tion No.  
R 032 97

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution R 032 97 entitled "A PROJECT RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,000,000 VARIABLE RATE DEMAND INDUSTRIAL DEVELOPMENT REVENUE BONDS (PATS, INC. PROJECT) SERIES 1997".

Motion Adopted: 5 Yea.

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

Bid  
Results  
on  
1997  
Suburban

Mr. Torbert, Paramedic Director, reported on bid results for a 1997 Suburban, as follows:

First State Chevrolet	\$33,365.00
Townsend Brothers	\$34,983.00
Sansomo Chevrolet	\$33,998.00
Pete Hondru Group	\$34,475.00

M 512 97  
Award  
Bid/  
Suburban

A Motion was made by Mr. Collins, seconded by Mr. Jones, to award the bid for a 1997 Suburban to First State Chevrolet in the amount of \$33,365.00, contingent on review by the Finance Director.

M 512 97 Motion Adopted: 5 Yea.  
(con't)

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

Six T-Hangars Project/ Change Order Mr. Sapp, Project Engineer, discussed Change Order No. 1 to Sussex County Project No. 97-02, Six T-Hangars at Sussex County Airport. Mr. Sapp explained that the change order is for a time extension; there will be no change in the contract price. The original contract called for a contract time of ninety calendar days; this change order changes the contract time to read "ninety calendar days or six weeks after T-Hangar delivery".

M 513 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, Grant based on the recommendation of the Sussex County Engineering Change Order/ No. 1 for Sussex County Project No. 97-02, Six T-Hangars at Six Sussex County Airport, to allow for a time extension of up to T-Hangars six weeks after T-Hangar materials have been delivered, with no change in the Contract price, contingent on the approval of Rural Development Association of Delaware.

Motion Adopted: 5 Yea.

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

M 514 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Council- give \$250.00 from Mr. Cole's Councilmanic Account to Inter- manic faith Mission of Sussex County, Inc. for "Make A Difference Grant Day".

Motion Adopted: 5 Yea.

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

M 515 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Council- give \$250.00 from Mr. Rogers' Councilmanic Account to Milton manic Lions Club for the Lions Low Vision Research Foundation. Grant

Motion Adopted: 5 Yea.

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

M 516 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Council- give \$300.00 from Mr. Collins' Councilmanic Account to Frank-  
manic ford Elementary School P.T.O. for the purchase of bicycle  
Grant helmets and water bottles.

Motion Adopted: 5 Yea.

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

M 517 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, to  
Council- give \$500.00 from Mr. Dukes' Councilmanic Account to Laurel  
manic Pop Warner Football and Cheerleading for operating expenses.  
Grant

Motion Adopted: 5 Yea.

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

M 518 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, to  
Council- give \$250.00 from Mr. Dukes' Councilmanic Account to Bethel  
manic Historical Society for the purchase of signs for Heritage  
Grant Day in Bethel.

Motion Adopted: 5 Yea.

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

M 519 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Recess recess at 11:22 a.m. Motion Adopted by Voice Vote.

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

Public A Public Hearing was held on the Proposed Ordinance entitled  
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
(C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR A FOUR UNIT MULTI-FAMILY  
No. 1204) DWELLING STRUCTURE TO BE LOCATED ON A CERTAIN PARCEL OF LAND  
LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY,  
CONTAINING 27,035 SQUARE FEET, MORE OR LESS" (Conditional Use  
No. 1204) filed on behalf of Mary A. Bensinger. The Public  
Hearing was closed.

M 520 97 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to  
Adopt Adopt Ordinance No. 1182 entitled "AN ORDINANCE TO GRANT A  
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
No. 1182 DISTRICT FOR A FOUR UNIT MULTI-FAMILY DWELLING STRUCTURE TO  
(C/U BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN  
No. 1204) LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 27,035  
SQUARE FEET, MORE OR LESS", with the following conditions:

M 520 97  
(con't)

1. All exterior lighting shall be directed away from any roadways and residential properties.
2. Signage shall be limited to one eight (8) square feet unlighted sign to help maintain the residential character of the neighborhood.
3. The site plan and final building plan shall be subject to review and approval by the Planning and Zoning Commission after receipt of all agency approvals and permits.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, 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 have no adverse impact on the character of the neighborhood, property values, traffic or the environment in the area. The conditional use simply brings the site into zoning conformity with its historic use.
2. The proposed use is 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. 1205)

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 EXPANSION TO CONDITIONAL USE NO. 1014 (PUBLIC SCHOOL) FOR PLAY AND RECREATION AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES, MORE OR LESS" (Conditional Use No. 1205) filed on behalf of Milford School District. The Public Hearing was closed.

M 521 97  
Adopt  
Ordinance  
No. 1183  
(C/U  
No. 1205)

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1183 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDITIONAL USE NO. 1014 (PUBLIC SCHOOL) FOR PLAY AND RECREATION AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES, MORE OR LESS" (Conditional Use No. 1205) filed on behalf of Milford School District, with the following conditions:

M 521 97  
(con't)

1. The Milford School District shall confirm that the Keen family has agreed to the blocking off of Butler Avenue.
2. The Milford School District shall confirm that the District will create a private driveway, with a minimum width of ten (10) feet, to serve the Keen property via an easement across 4th Street, an unopened street, to Road 38.
3. The Milford School District shall confirm that Butler Avenue may be blocked off even with the rear of the Doughen house lot.
4. Chain-link fencing shall be installed along the sides and rear of the site. The existing fencing along Butler Avenue may remain as constructed.
5. The 0.13 acre portion of Small Avenue shall not be a part of this application since it has not yet been officially abandoned. Therefore, the site being approved shall contain 1.01 acres as described on survey by AKS Associates, Inc.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, 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 confer a neighborhood and public benefit to the area by enhancing an existing public school facility, thereby promoting 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.

Public  
Hearing  
(C/Z  
No. 1315)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7,822 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1315) filed on behalf of Joseph Balsamo. The Public Hearing was closed.

M 522 97  
Adopt  
Ordinance  
No. 1184

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1184 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

M 522 97  
(con't)

DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7,822 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1315) filed on behalf of Joseph Balsamo.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, 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 by substantial evidence that the change of zone will be consistent with the character of the neighborhood as developed and will serve to improve traffic conditions in the area by closing six entrances on Route 54 and by providing substantial additional parking and better entrance design and control.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
3. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.

Public  
Hearing  
(C/Z  
No. 1316)

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (Change of Zone No. 1316) filed on behalf of Robert Littleton. It was noted that the applicant/applicant's representative was not in attendance.

M 523 97  
Recess  
Public  
Hearing  
(C/Z  
No. 1316)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to recess the Public Hearing 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (Change of Zone No. 1316) filed on behalf of Robert Littleton.

Motion Adopted: 5 Yea.

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

Attorney

Mr. Jones, Assistant County Attorney, replaced Mr. Bayard, County Attorney.

Public Hearing (C/Z No. 1317) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.11 ACRES, MORE OR LESS" (Change of Zone No. 1317) filed on behalf of Diane L. Breeding. It was noted that the applicant intends to restrict the use of the land which will be binding on the grantee, her heirs, successors and assigns. The Public Hearing was closed.

M 524 97 Adopt Ordinance No. 1185 (C/Z No. 1317) A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1185 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.11 ACRES, MORE OR LESS" (Change of Zone No. 1317) filed on behalf of Diane L. Breeding.

Motion Adopted: 4 Yea, 1 Nay.

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

Findings of Fact The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council recognized that even though the proposed B-1 Neighborhood Business District zoning is not specifically referenced at the site in the Comprehensive Land use Plan, the property is located within a development district. The proposed rezoning does not violate the principles and goals of the Land use Plan. Further, the Council found that the proposed zoning and the proposed use is not substantially different from what currently exists on the parcel, and will not have a greater impact on surrounding land uses than the existing use.

Recognizing that the County owns a substantial amount of land in the area, that a municipal warehouse is located in the immediate area, and that a nearby site was previously rezoned B-1 Neighborhood Business to permit the building of a gas station, the Council found that the site and the surrounding area is not suitable for residential development. The Council also found that a commercial use has been operated on the site since 1981, with minimal effect on the surrounding area,

Findings  
of Fact  
(con't)

indicating that a commercial zoning of the parcel would not be out of character with the surrounding area and would not negatively affect the area. The Council found that the rezoning will not set a precedent for other rezonings, due to the large amount of State and County owned properties in the area, and that there is very little other property in the area which would be subject to development.

The Council recognized that the rezoning will have little impact on traffic, due to restrictions which will be placed on the site by DelDOT.

Attorney

Mr. Bayard, County Attorney, replaced Mr. Jones, Assistant County Attorney.

Public  
Hearing  
(C/Z

No. 1316)

The Public Hearing 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (Change of Zone No. 1316) filed on behalf of Robert Littleton, was reopened and continued. A representative for the applicant was present. The Public Hearing was closed.

M 525 97  
Adopt

Ordinance

No. 1186

(C/Z

No. 1316)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1186 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (Change of Zone No. 1316) filed on behalf of Robert Littleton.

Motion Adopted: 4 Yea, 1 Abstention.

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

Findings  
of Fact

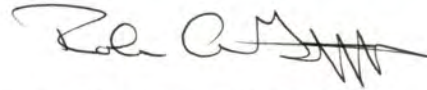
The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the change of zone will have no adverse impact of any sort and will enable the applicant to expand a growing and successful business.
2. The change of zone is 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.

October 14, 1997 - Page 12

M 526 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Adjourn adjourn at 3:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council