



*Sussex County Council  
Agendas & Minutes*

SUSSEX COUNTY COUNCIL  
GEORGETOWN, DELAWARE  
JANUARY 27, 2004

**Call to  
Order**

The regular meeting of the Sussex County Council was held Tuesday, January 27, 2004, at 10:30 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Dale R. Dukes</b>	<b>President</b>
<b>Finley B. Jones, Jr.</b>	<b>Vice President</b>
<b>Lynn J. Rogers</b>	<b>Member</b>
<b>George B. Cole</b>	<b>Member</b>
<b>Vance Phillips</b>	<b>Member</b>
<b>Robert L. Stickels</b>	<b>County Administrator</b>
<b>David Baker</b>	<b>Finance Director</b>
<b>James D. Griffin</b>	<b>County Attorney</b>

**M 075 04  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to amend the Agenda by deleting "Building Code Update" and "Request to Withdraw Zoning Application – Change of Zone No. 1512 filed on behalf of Percy, Inc." and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

**M 076 04  
Approve  
Minutes**

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

**M 077 04  
Approve  
Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of January 13, 2004.

**Motion Adopted: 5 Yea.**

**Corre-  
spondence**

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

**A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of  
January 20, 2004.**

**Motion Adopted: 5 Yea.**

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

**Mr. Griffin read the following correspondence:**

**CHRISTIAN STOREHOUSE, MILLSBORO, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**MEALS ON WHEELS OF LEWES AND REHOBOTH, INC., LEWES, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**UNITED WAY OF DELAWARE, SUSSEX COUNTY OFFICE, GEORGETOWN,  
DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**KENT-SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.**

**Corre-  
spondence  
(continued)**

**RE: Letter in appreciation of Human Service Grant.**

**Adopt  
Tribute**

**SUSSEX PREGNANCY CARE CENTER, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**SUSSEX COMMUNITY CRISIS HOUSING SERVICES, INC., GEORGETOWN,  
DELAWARE.**

**Independent  
Libraries  
Funding  
Request**

**RE: Letter in appreciation of the County's donation of a turkey for the Crisis House  
Christmas Dinner.**

**LA ESPERANZA, INC., GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**LAUREL COMMUNITY FOUNDATION, INC., LAUREL, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**REHOBOTH ART LEAGUE, INC., REHOBOTH BEACH, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**DELAWARE NATURE SOCIETY, ABBOTT'S MILL NATURE CENTER, MILFORD,  
DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**FOOD BANK OF DELAWARE, NEWARK, DELAWARE.**

**Independent  
Libraries  
Funding  
Request  
(continued)**

**RE: Letter in appreciation of Human Service Grant.**

**DELAWARE STATE HOUSING AUTHORITY, DOVER, DELAWARE.**

**RE: Letter thanking County staff in the Community Development Office for their  
cooperation and assistance during the DRI monitoring visit and during the rehabilitation  
site inspections.**

**THE NATURE CONSERVANCY, DELAWARE CHAPTER, WILMINGTON,  
DELAWARE.**

**M 078 04  
Authorize  
Allocation  
of  
Capitation  
Tax to  
Local  
Libraries**

**RE: Letter thanking the County Council for giving its approval for income tax exemption  
of the TEFRA bonds that the Delaware Chapter intends to use to finance its proposed  
acquisition of the Ponders tract, currently owned by the Glatfelter Pulp Wood Company.**

**A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt the Tribute  
commending Dennard F. Quillen, Jr. for 50 years of service to the Rehoboth Beach  
Volunteer Fire Company where he served as Past President and Chief.**

**Sussex  
County  
Land  
Trust/  
Land  
Acquisition  
Proposal**

**Motion Adopted: 5 Yea.**

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

**Mr. Rogers, Yea; Mr. Jones, Yea;**

**Mr. Dukes, Yea**

**Land  
Acquisition  
Proposal  
(continued)**

**Mr. Dennis Forney presented a funding request on behalf of the independent libraries of Sussex County. He stated that additional funds would help sustain the fine library system that exists in Sussex County.**

**M 079 04  
Defer  
Action  
on Land  
Acquisition  
Proposal**

**Mr. Forney commented that Sussex County's rapid growth is placing increasing demands on the libraries and its personnel; that the retirement population is rapidly growing and retirees are among the strongest users of the libraries; that expenses continue to rise; that to keep quality staff, programs, and facilities, needs must be met; and that many building programs have been underway or are underway.**

**Adminis-  
trator's  
Report**

**Mr. Forney asked the County Council to consider dedicating the County's Capitation Tax to the libraries. He noted that this additional funding would help narrow the gap in library funding in Sussex County – not only between County-owned libraries and independent libraries, but also between the independent libraries themselves. Mr. Forney stated that this would be accomplished by a formula that has been developed and is supported by the libraries.**

**Old**

**Several representatives of the independent libraries addressed Council and stated that operational costs are growing; that money for libraries should be thought of as an investment and not an expense; that there are growing technology needs in the libraries; that more staffing is needed; and that a lot of the personnel in the independent libraries do**

**Business** not have health benefits.

**M 080 04  
Adopt  
Ordinance  
No. 1658  
(Allow  
Agriculture  
Related  
Industry  
as a  
Conditional  
Use)**

Mr. Stickels noted that the individual library boards make the decision on employee benefits for staff. He further noted that years ago, library funding was allocated expense-by-expense per the County's budget; however, it is now given in a lump sum to the libraries for them to spend as they see fit.

Mr. Phillips expressed concern that pornography filters have not been installed on the computers in the libraries.

**M 081 04  
Adopt  
Ordinance  
No. 1659  
(Allow  
Biotech  
Industry  
as a  
Conditional  
Use)**

Mr. Dukes emphasized that the libraries should seek funding from the municipalities and the State. It was noted that as municipalities approve new developments, the resulting number of new residents impacts the libraries.

**Ellendale  
SSD  
Contract/  
Change  
Order**

Mr. Stickels reviewed Sussex County library funding amounts over the past ten years. He pointed out that each of the libraries has received approximately a 200 percent increase in funding over that time period.

**M 082 04  
Approve  
Change  
Order/  
Ellendale  
SSD  
Contract**

The County Council discussed whether the funding should be perpetual or whether it should be considered each year. Mr. Cole supported the permanent concept. The other Councilmembers expressed that they believe the funding would be allocated annually, however, they thought it would be wise to make that decision during the budget process each year, based on the County's economic growth and financial condition.

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to authorize the Budget

Committee to allocate the Capitation Tax to the local libraries for Fiscal Year 2005.

**M 083 04  
Council-  
manic  
Grant**

**Motion Adopted:** 4 Yea, 1 Nay.

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

**M 084 04  
Youth  
Activity  
Grant**

Mr. Phillips stated that he was voting “Nay” because the libraries have not yet installed pornography filters on their computers with internet access.

**M 084 04  
(continued)**

**Public  
Comments**

Ms. Wendy Baker, President and Chief Executive Officer, was present on behalf of the Board of Trustees of the Sussex County Land Trust. She asked the County Council to consider selling to the Land Trust a portion of the Jay Cannon lands recently purchased by the County for the Dagsboro – Frankford Sanitary Sewer District. The lands purchased are contiguous with the exception of the 37.65 acre parcel, which is divided by a road. The owner of the land has expressed that he did not wish to see the property developed and he did not want to fragment the sale.

**Public  
Hearing  
Schedule**

**M 085 04  
Recess**

**Reconvene**

**Public  
Hearing  
on C/U  
No. 1518**

Ms. Baker stated that the Land Trust is interested in purchasing the 37.65 acre parcel at a price of \$35,000 per acre. She further stated that the Board met on this date and unanimously approved a motion to proceed with making an offer to the County for this purchase.

It was noted that the property is currently being farmed. Ms. Baker stated that the Land Trust has not determined how the property will be used; however, she noted that they are looking into future programs with the possibility of public access. It was emphasized that the property will remain as open space.

Mr. Stickels advised that this matter would take two separate approvals from the County Council: (1) approval of a motion to sell the property and (2) approval of the allocation of funding that the County Council made available to the Land Trust for the purchase of land.

Mr. Phillips requested that action be deferred on this matter. He made this request since there had been no opportunity for public disclosure.

**Public  
Hearing  
on C/U  
No. 1518  
(continued)**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to defer action on the land acquisition proposal of the Sussex County Land Trust.

**Motion Adopted:            5 Yea.**

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

**Mr. Rogers, Yea; Mr. Jones, Yea;**

**Mr. Dukes, Yea**

**M 086 04  
Adopt  
Ordinance  
No. 1660  
(C/U  
No. 1518)**

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

**1.        Delaware State Housing Authority – Public Hearing**



**The County Council discussed two pending Proposed Ordinances, which relate to the Land Use Plan.**

**A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1658 entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ALLOW AGRICULTURAL RELATED INDUSTRY AS A CONDITIONAL USE IN THE AGRICULTURAL RESIDENTIAL ZONING DISTRICT, TO DEFINE AGRICULTURAL RELATED INDUSTRY, AND TO DELETE CONFLICTING LANGUAGE”.**

**Motion Adopted:** **5 Yea.**

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

**Mr. Dukes, Yea**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1659 entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ALLOW A BIOTECH INDUSTRY AND A BIOTECH CAMPUS AS A CONDITIONAL USE IN THE AGRICULTURAL RESIDENTIAL ZONING DISTRICT AND TO DEFINE BIOTECH INDUSTRY AND BIOTECH CAMPUS”.**

**Motion Adopted: 5 Yea.**

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

**Mr. Rogers, Yea; Mr. Jones, Yea;**

**Mr. Dukes, Yea**

**Public  
Hearing  
on C/U  
No. 1519  
(continued)**

**Mr. Izzo, County Engineer, reviewed Change Order No. 1 to Contract No. 89-16D for the Ellendale Sanitary Sewer District. Mr. Izzo explained that the contract was for the installation of grinder pump systems to residences located in the District. He noted that the change order, in the credit amount of \$20,601.50, is the balancing change order since there were no change orders for the scope of work during the actual construction.**

**M 087 04  
Adopt  
Ordinance  
No. 1661  
(C/U  
No. 1519)**

**A Motion was made Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that Change Order No. 1 for Sussex County Project No. 89-16D, Ellendale Sanitary Sewer District, Grinder Pump System, be approved in the credit amount of \$20,601.50, which establishes the final contract total as \$336,638.50.**

**Motion Adopted: 5 Yea.**

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

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Account) to (MADD) Mothers Against Drunk Driving, Delaware Chapter, for the purchase of a victim display board.**

**Motion Adopted: 5 Yea.**

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

**M 087 04**  
**(continued)**

**A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$200.00 (\$100.00 each from Mr. Dukes' and Mr. Phillips' Youth Activity Grant Accounts) to the Sussex Storm Softball Team for operating expenses.**

**Motion Adopted: 5 Yea.**

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

**Public**

**Hearing  
on C/Z  
No. 1529**

**Mr. Rogers, Yea; Mr. Jones, Yea;**

**Mr. Dukes, Yea**

**Mr. Dan Kramer addressed the Council regarding its decision to give the capitation tax funding to the libraries for Fiscal Year 2005.**

**Mr. Stickels noted that although the Public Hearings were advertised by the Planning and Zoning Department for 1:00 p.m., they were scheduled on the County Council Agenda for 1:30 p.m. For this reason, he recommended that the County Council should wait until 1:30 p.m. to hold the hearings.**

**At 12:05 p.m., a Motion was made by Mr. Cole, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

**M 088 04  
Adopt  
Proposed  
Ordinance  
(C/Z  
No. 1529)  
M 088 04  
(continued)**

**At 1:30 p.m., Mr. Dukes called Council back into session.**

**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 SELF-STORAGE AND A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.799 ACRES, MORE OR LESS” (Conditional Use No. 1518) filed on behalf of Atlantic Auction Co., Inc.**

**The Planning and Zoning Commission held a Public Hearing on this application on**

**M 089 04  
Adjourn**

January 8, 2004 at which time they deferred action. On January 22, 2004 the Commission recommended that the application be approved with nine stipulations.

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary and the findings and recommendations of the Commission were admitted as part of the record of the County Council's record.

Mr. Lank reported that no additional comments had been received since January 8th, the date of the Commission's Public Hearing.

Mr. Lank distributed a copy of the proposed site plan, which was unchanged and in the same form as the one distributed to the Planning and Zoning Commission.

The County Council found that Robert Kauffman of Atlantic Auction Co., Inc. and Mark Davidson of Design Consultants Group were present on behalf of the application. Mr. Davidson stated that they are proposing an eight-unit mini-storage facility and a professional use building; that surrounding uses include commercial warehousing (zoned C-1), a food storage facility (zoned C-1), and a residence (zoned AR-1); that a house, shed, and horse stall exist on the site; that the house will be converted into a professional office, the horse stall will be removed; and the shed will be relocated; that an existing septic system and well exist on the site and are adequate and subject to DNREC requirements; that the office building will be utilized as a real estate office and for management of the mini-storage facility; that they plan on fencing the perimeter of the mini-storage area; that the hours of operation are proposed to be 6:00 a.m. to 9:00 p.m. daily; that they propose two signs on the site; that the mini-storage area will have two gates; that landscaping will be provided between the parcel and the historical site; and that there are no wetlands on

the site.

The County Council discussed the conditions as recommended by the Commission.

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

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1660 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SELF-STORAGE AND A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.799 ACRES, MORE OR LESS” (Conditional Use No. 1518) filed on behalf of Atlantic Auction Co., Inc. with the following conditions:

1. There shall not be any building contractor’s or subcontractor’s offices or workshops within the project.
2. There shall not be any storage of building materials or other construction materials within the project.
3. Any security lights shall only be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties.
4. No outside storage shall be allowed on the premises.
5. A landscape buffer of Leyland Cypress or similar vegetation shall be installed and planted along the border of the project adjacent to any residential properties so that the self storage facility is screened from view from any adjacent residential property. Landscaping shall be provided around the stormwater management pond. Landscaping around the stormwater management pond shall be subject to site plan review.
6. The site plan shall be subject to the approval of the Planning and Zoning Commission.
7. The perimeter of the storage area shall be fenced with two gates as shown on the site plan. Access to the gates by tenants of the self-storage facility shall only be between 6:00 a.m. and 9:00 p.m.
8. The driveway and parking areas outside of the storage area shall be paved.
9. Stormwater management shall be maintained on-site.
10. The use shall be limited to self-storage and professional offices, excluding medical offices, not to exceed three offices or 2,500 square feet of office space.

**Motion Adopted: 5 Yea.**

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

**Mr. Rogers, Yea; Mr . Jones, Yea;**

**Mr. Dukes, Yea**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.96 ACRES, MORE OR LESS” (Conditional Use No. 1519) filed on behalf of Inland Bays, LLC.**

**The Planning and Zoning Commission held a Public Hearing on this application on January 8, 2004 at which time they deferred action. On January 22, 2004 the Commission recommended that the application be approved with twelve stipulations.**

**Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary and the findings and recommendations of the Commission were admitted as part of the County Council’s record.**

**An exhibit booklet was distributed to the County Council and made a part of the record.**

**Mr. Lank reported that no additional comments had been received since January 8th, the**

**date of the Commission's Public Hearing.**

**Mr. Lank distributed a copy of the proposed site plan, which was amended to reflect the recommendations of the Planning and Zoning Commission.**

**The County Council found that Lauren Alberti was present on behalf of Inland Bays, LLC with Tim Willard, Attorney, and Gerald Friedel of Davis, Bowen & Friedel, Inc., Consulting Engineers. They stated that zoning in the area is predominantly MR and GR residential with some conditional uses for multi-family, that MR zoning permits approximately four units per acre; that the proposed project is for 48 units on 12 acres; that the site contains 11.96 acres which includes 2.23 acres of Federal wetlands; that the wetlands have been delineated; that there are no State wetlands on the site; that multi-family use exists in the area with similar densities; that recreational amenities will be provided including a swimming pool, community building, and a tennis court; that buildings will contain 4 to 8 units each; that sewer capacity is available from the County; that the existing Poplar trees along the westerly property line will be retained as part of a buffer from Bethany Lakes; that DelDOT did not require a traffic impact study since rezoning was not proposed and since the density is not being increased; and that the site is consistent with the development that is taking place in the area.**

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

**A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1661 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN 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  
11.96 ACRES, MORE OR LESS” (Conditional Use No. 1519) filed on behalf of Inland  
Bays, LLC., with the following conditions:’**

- 1. The maximum number of residential units shall not exceed 48 units.**
- 2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination.**
- 3. Recreational facilities and amenities including a swimming pool, tennis courts and community center, shall be constructed and open to use by residents of the project within 2 years of issuance of the first building permit for the project.**
- 4. The project shall be served as part of the Sussex County Cedar Neck Sewer District in accordance with Sussex County Engineering Department standards.**
- 5. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- 6. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures.**
- 7. Site plan review for each phase of development shall be subject to approval of the Planning and Zoning Commission. Site plan review shall include a landscape plan showing the proposed tree and shrub landscape plan.**
- 8. The existing Poplar trees along the westerly property line shall be retained as part of a buffer from Bethany Lakes.**
- 9. The interior street design shall be in accordance with or exceed Sussex County Street design requirements. Rolled curbs and sidewalks shall be installed along all streets.**
- 10. Construction, site work, grading, and deliveries of construction materials, landscape materials and fill, on, off, or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.**
- 11. Landscape and lawn maintenance shall be the responsibility of the Condominium Association. Best Management Practices shall be utilized to minimize any environmental impact.**
- 12. The roadway shown on the Preliminary Plan shall be relocated and redesigned to loop around the development and also to minimize or eliminate any roadway along Bethany Lakes.**
- 13. Addressing and street naming shall be reviewed and approved by the Sussex County Mapping and Addressing Division.**

**Motion Adopted: 5 Yea.**

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

**Mr. Rogers, Yea; Mr. Jones, Yea;**

**Mr. Dukes, Yea**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.67 ACRES, MORE OR LESS” (Change of Zone No. 1529) filed on behalf of Douglas W. Brockway.**

**The Planning and Zoning Commission held a Public Hearing on this application on January 8, 2004 at which time they deferred action. On January 22, 2004 the Commission recommended that the application be denied since the application is not consistent with the character of the surrounding area and since a change of zone to C-1 would potentially allow more intensive uses that are not compatible with the surrounding area.**

**Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary and the findings and recommendations of the Commission were admitted as part of the County Council’s record.**

**Mr. Lank reported that no additional comments had been received since January 8th, the date of the Commission’s Public Hearing.**

**The County Council found that there were no parties present on behalf of the application.**

**The Public Hearing was closed.**

**A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.67 ACRES, MORE OR LESS” (Change of Zone No. 1529) filed on behalf of Douglas W. Brockway.**

**Motion Denied:                    5 Nay.**

**Vote by Roll Call:                Mr. Phillips, Nay; Mr. Cole, Nay;**

**Mr. Rogers, Nay; Mr. Jones, Nay;**

**Mr. Dukes, Nay**

**The County Council denied this application since there were no parties present on behalf of the application and since there was no record of support.**

**A Motion was made by Mr. Cole, seconded by Mr. Jones, to adjourn at 2:27 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

**Robin A. Griffith**

**Clerk of the Council**