



*Sussex County Council*  
*Agendas & Minutes*

SUSSEX COUNTY COUNCIL  
GEORGETOWN, DELAWARE, FEBRUARY 10, 2004

**Call to  
Order**

The regular meeting of the Sussex County Council was held Tuesday, February 10, 2004, at 6:30 p.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>Alix K. Robinson</b>	<b>Assistant County Attorney</b>

**M 108 04**  
**Approve**  
**Agenda**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to amend the Agenda by deleting "Approval of Minutes" and to approve the Agenda, as amended.

**Motion Adopted:** 5 Yea.

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

**Corre-  
spondence**

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

Mr. Dukes, Yea

Ms. Robinson read the following correspondence:

**SUSSEX COUNTY HABITAT FOR HUMANITY, NASSAU, DELAWARE.**

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

**CHEER, SUSSEX COUNTY SENIOR SERVICES, INC., GEORGETOWN,  
DELAWARE.**

**Corre-  
spondence  
(continued)**

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

**M 109 04  
Adopt  
Procla-  
mation**

**GEORGE HOWARD BUNTING, JR., STATE SENATOR, DOVER, DELAWARE.**

**RE: Letter regarding the County's possible allocation of \$500,000 toward the cost of a  
veteran's home in Sussex County.**

**DORIS BOSTY, ELLENDALE, DELAWARE.**

**RE: Letter in appreciation of improvements made to her home, which were made possible  
by the County's Community Development Office.**

**M 110 04  
Adopt  
Procla-  
mation**

**ALICE TAYLOR.**

**RE: Letter in appreciation of improvements made to her home, which were made possible  
by the County's Community Development Office.**

**M 111 04  
Adopt  
Procla-  
mation**

**A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt the Proclamation  
entitled "PROCLAIMING SATURDAY, FEBRUARY 21, 2004 AS A DAY TO HONOR  
THE ELLENDALE COMMUNITY CIVIC IMPROVEMENT ASSOCIATION, INC."**

**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**

**Mr. Rogers presented the Proclamation to Harold Truxon, President of the Ellendale  
Community Civic Improvement Association, Inc.**

**A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt the Proclamation  
entitled “PROCLAIMING THE MONTH OF FEBRUARY AS NATIONAL PARENT  
LEADERSHIP MONTH IN DELAWARE”.**

**M 112 04  
Authorize  
Sale of  
Land to  
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**

**Mr. Dukes presented the Proclamation to David Herr who was in attendance on behalf of  
the Delaware Ecumenical Council on Children and Families.**

**Adminis-  
trator's  
Report**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING FEBRUARY 7, 2004 AS NATIONAL BLACK HIV/AIDS AWARENESS DAY".

Motion Adopted: 5 Yea.

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

**Adminis-  
trator's  
Report  
(continued)**

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

Mr. Dukes, Yea

Mr. Dukes presented the Proclamation to Anna Gonzalez who was in attendance on behalf of Kent and Sussex Counseling Services.

Safe Kids Day recognition was postponed until the February 17th meeting.

Ms. Wendy Baker, President and Chief Executive Officer of the Sussex County Land Trust, was present on behalf of the Board of Trustees. 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 37.68 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.

Ms. Baker stated that the Land Trust is interested in purchasing the 37.68 acre parcel at a price of \$35,000 per acre. The Board unanimously approved a motion to proceed with making an offer to the County for this purchase. Ms. Baker noted that the purchase would require the use of funds that the County Council previously made available to the Land Trust for the purchase of land.

**Proposal/  
New Bank  
Accounts**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council authorizes the sale of 37.68 acres more or less, known as the Jay Cannon tract, to the Sussex County Land Trust and that the Sussex County Council authorizes the expenditure of Sussex County's contributions to the organization for this purchase, with settlement to take place after July 1, 2004 and before September 1, 2004.

**M 113 04  
Adopt  
R 011 04**

Motion Adopted: 5 Yea.

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

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

Mr. Dukes, Yea

**The  
Greens/  
Ellis  
Point  
Expansion  
Request**

Mr. Dukes told Ms. Baker that Secretary Hughes (or his representative) is interested in looking at the property and offering suggestions on the use of the property. Mr. Dukes also told Ms. Baker that he has received a letter from Dr. Bruce Richards of the Center for the Inland Bays, expressing an interest in a partnership between the Sussex County Land Trust and the Center for the Inland Bays.

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

1. Delaware American Institute of Architects Traveling Awards Exhibit

The 2004 Delaware American Institute of Architects (AIA) Awards Exhibit, consisting of approximately 60 different projects by Delaware architects, is currently being displayed in the lobby area of the County Administrative Office Building on The Circle in Georgetown, Delaware. This exhibit depicts numerous projects designed by Delaware architects both in Delaware and out-of-state. There are over 60 panels representing all of the AIA members from the State of Delaware. This display will remain in the Administrative Building until the end of February.

2. Implementation of Medic 107 and EMS 200 Units

The  
Greens/  
Ellis  
Point  
Expansion  
Request  
(continued)

I am pleased to inform the Council that the Paramedic Department has made significant progress toward hiring and training sufficient staff to place into service the additional medic and supervisory units approved in the FY '04 budget. At this time we have two vacancies remaining in our authorized strength for Fiscal Year 2004. The five recently hired medics will complete their orientation between now and the beginning of June.

Medic Unit 107 is currently being placed into service in western Sussex County as sufficient personnel are available for staffing. In accordance with the agreement with the State of Delaware, we are not using overtime personnel to staff this unit. We have been provided temporary facilities at the Laurel Fire Station for this unit while a permanent facility is under construction on the site. The unit is currently in service approximately 58 percent of the time, but we anticipate the in-service time to increase as the new paramedics complete their orientation and become a part of regular staffing. Medic Unit 107 should be fully operational no later than July 1, 2004.

M 114 04  
Authorize  
Escrow  
Agreement  
with  
Ellis  
Point LLC

EMS 200 is a new supervisory unit. It is currently being placed into service as personnel are available, staffed by senior Paramedic III's. Once the promotional process for District Supervisors has been completed, the unit will be placed in service on a full-time basis. We anticipate this will take place on or about April 1, 2004. With the start of this new unit, we will adopt a configuration that places

**M 115 04  
Authorize  
Preparation  
and Posting  
of Notices/  
The  
Greens/  
Ellis  
Point  
Expansion**

one District Supervisor on the eastern side of the County and another on the western side. In addition to supervisory duties, these units and individuals carry a full compliment of medical equipment and will provide an increased response capability in their respective districts. EMS 200 will be assigned the western district, Stations 101,102, and 107, while the current EMS 100 will supervise the eastern district, Stations 103, 104, 105, and 106.

The implementation of these new units represents a significant improvement in our ability to respond to emergencies, particularly in western Sussex County, as well as improving our supervision capabilities.

**M 116 04  
Youth  
Activity  
Grant**

Mr. Baker presented a Proposed Resolution which will authorize two new bank accounts.

The accounts are for the Long Neck and Dagsboro-Frankford land purchase projects.

**M 117 04  
Council-  
manic  
Grant**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Resolution No. R 011 04 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE CITIZENS BANK BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

**M 118 04  
Youth  
Activity  
Grant**

Motion Adopted: 5 Yea.

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

**M 119 04**

**Youth  
Activity  
Grant**

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

**Mr. Dukes, Yea**

Mr. Archut, Assistant County Engineer, discussed The Greens/Ellis Point Expansion Request. He noted that the request pertains to two communities which are adjacent to the Holts Landing Sanitary Sewer District.

Mr. Archut provided the following information on the request:

**M 120 04  
Youth  
Activity  
Grant**

**Ellis Point contacted The Greens about routing their wastewater connection through their subdivision. Ellis Point is a new subdivision that will consist of about 56 units. The Greens is a fully developed subdivision with 94 lots. In return for this easement, Ellis Point would build and pay for pipelines that pass through The Greens. Ellis Point has also been asked to build the remaining pipelines in The Greens so all property owners would have access to sewer service. The cost of these pipelines would be financed through a loan from the County and repaid by all property owners through a front foot assessment charge. All pipelines would be designed and constructed to the County's specifications and the County would be responsible for maintenance.**

**Introduction  
of Proposed  
Ordinance**

**The project will consist of a conventional gravity collection system. Pipelines 8 inches in diameter will be placed within existing rights-of-way where possible. Individual connections will be provided for each home at the street right-of-way. The wastewater will be routed to the County's pumping station at Bay Colony and pumped to the County's existing South Coastal Regional Wastewater Facilities for treatment.**

**Proposed  
Ordinance  
(continued)**

**The total estimated cost of the project is \$2,330,000. Ellis Point's share of the cost would be \$930,000 with the remaining \$1,400,000 to be financed by Sussex County. The County loan would be for a term of 20 years at an interest rate of 2 percent.**

**Introduction  
of Proposed  
Ordinance**

**Mr. Archut reviewed an Escrow Agreement between Sussex County and Ellis Point, LLC. Under the Agreement, the developer would survey, design, permit, bond and construct all of the facilities for Ellis Point, including all lines within The Greens. The County would pay the developer for work as it is completed (with a 10 percent retainage). The maximum amount that the County will dedicate to this job is \$1,400,000. All work will go through the Ordinance 38 process. The developer has agreed to add a contribution of \$35,000, which represents the savings that will be realized by going through The Greens. It is anticipated that the work will be completed in six months. The Agreement will become effective pending approval of the annexation.**

**Introduction  
of Proposed  
Ordinance**

**Public  
Comments**

**Ms. Sandra DeChuch, President of the Homeowner's Association of The Greens, stated that, at a meeting of the Association, the proposal was passed by a 75 percent majority. She noted that the homeowners were informed of their front footage fees prior to the vote being taken. Ms. DeChurch stated that The Greens looks forward to being annexed as part of the Ellis Point project into the Holts Landing Sanitary Sewer District.**

**Recess**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council President is authorized to execute an Escrow Agreement with Ellis Point, LLC for the installation of sanitary sewer facilities to serve The Greens at Indian River.**

**Reconvene**

**Public  
Hearing  
(C/Z  
No. 1547  
and  
C/U  
No. 1548)**

**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. Rogers, seconded by Mr. Phillips, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Holts Landing Sanitary Sewer District boundary to include The Greens/Ellis Point Expansion.**

**Public  
Hearing  
(C/Z  
No. 1547  
and  
C/U  
No. 1548)  
(continued)**

**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. Rogers, to give \$700.00 to the Delaware State Police (\$140.00 from each Youth Activity Grant Account) for the Explorers Program field trip.**

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

**M 121 04**  
**Defer**  
**Action on**  
**C/Z**  
**No. 1547**  
**and**  
**C/U**  
**No. 1548**

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

**Public**  
**Hearing**  
**(C/U**  
**No. 1520)**

**A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$600.00 from Mr. Rogers' Councilmanic Account to the City of Lewes for Congressional City Conference expenses.**

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

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

**Public**  
**Hearing**  
**(C/U**  
**No. 1520)**  
**(continued)**

**A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$750.00 (\$500.00 from Mr. Jones' Youth Activity Grant Account, \$150.00 from Mr. Rogers' Youth Activity Grant Account and \$100.00 from Mr. Dukes' Youth Activity Grant Account) to the Georgetown Little League for the installation of safety fence.**

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

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

**M 122 04**

**Defer  
Action on  
C/U  
No. 1520**

**Mr. Dukes, Yea**

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 Delaware Storm Travel Teams, Inc. to sponsor the 11-year-old baseball team for the 2004 season.

**Public  
Hearing  
(C/U  
No. 1521)**

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

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

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$100.00 (\$50.00 each from Mr. Cole's and Mr. Phillips' Youth Activity Grant Accounts) to the Lower Sussex Little League for maintaining and upgrading facilities.

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

**Public  
Hearing  
(continued)**

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

**M 123 04  
Defer  
Action**

**Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND**

**on C/U  
No. 1521**

**THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY  
RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A  
CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH  
HUNDRED, SUSSEX COUNTY, CONTAINING 373.82 ACRES, MORE OR LESS”**

**Public  
Hearing  
(C/Z  
No. 1530)**

**(Change of Zone No. 1554) filed on behalf of Marine Farm, LLC. The Proposed Ordinance  
will be advertised for Public Hearing.**

**Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND  
THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL  
RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A  
CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED,  
SUSSEX COUNTY, CONTAINING 335.48 ACRES, MORE OR LESS” (Change of Zone  
No. 1555) filed on behalf of Tamari Properties. The Proposed Ordinance will be advertised  
for Public Hearing.**

**Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND  
CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ALLOW RESIDENTIAL,  
BUSINESS, COMMERCIAL OR INDUSTRIAL USES AS CONDITIONAL USES IN  
THE AGRICULTURAL RESIDENTIAL AND GENERAL RESIDENTIAL ZONING  
DISTRICTS”. The Proposed Ordinance will be advertised for Public Hearing.**

**Public  
Hearing  
(C/Z  
No. 1530)  
(continued)**

**Mr. Dan Kramer of Greenwood questioned Council on the amount of tax dollars that are  
being used to fund the purchase of land by the Sussex County Land Trust.**

At 7:40 p.m., Mr. Dukes declared a five -minute recess.

Mr. Dukes called Council back into session at 7:47 p.m.

**M 124 04  
Defer  
Action on  
C/Z  
No. 1530**

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 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 19,500 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1547) filed on behalf of Robert G. Sando, Jr. and the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMPUTER REPAIR AND SALES OF COMPUTERS AND PARTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 19,500 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1548) filed on behalf of Robert G. Sando, Jr.

**M 125 04  
Adjourn**

The Planning and Zoning Commission conducted public hearings on these two applications on January 22, 2004 at which time they deferred action.

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearings. The summary was admitted as part of the County Council’s record.

The County Council found that Robert G. Sando, Jr. and Kevin Burdette of McCrone were present on behalf of the applications and stated that the property needs to be down-zoned prior to a conditional use application being considered; that the conditional use application is for a computer repair and sales business; that C-1 zonings surround the parcel; that the use falls within the nature of the neighborhood; that the business will be a home-based business; that business hours are proposed to be Monday through Saturday; that one-two visitors are anticipated daily; that most of the applicant’s business is conducted off-site; and that signage will be erected, if approved.

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

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to defer action on Change of Zone No. 1547 and Conditional Use No. 1548, filed on

**behalf of Robert G. Sando, Jr.**

**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 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WELLS AND A CONTROL BUILDING FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4,676 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1520) filed on behalf of Tidewater Utilities, Inc.**

**The Planning and Zoning Commission conducted a public hearing on this application on January 22, 2004 at which time they deferred action.**

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

**Mr. Lank advised the Council that he did not request comments from DelDOT since the access to the site is from an interior street.**

**Gerard Esposito, President of Tidewater Utilities, Inc., was present and stated that the application is for a 13 foot by 20 foot pump house with adjacent wells to serve it; that the major purpose of the pump house is to enhance service to Greystone Manor Subdivision and Mill Pond Acres; that the specific goal of enhancement is to provide fire protection to Greystone Manor Subdivision; that they currently serve central water to Greystone Manor Subdivision; that the Homeowners Association has already granted an easement to Tidewater Utilities for the wells and the control building; and that the community will be served by the elevated storage tank**

**presently under construction on Route One behind Home Depot.**

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

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, to defer action on Conditional Use No. 1520 filed on behalf of Tidewater Utilities, Inc.**

**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 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS” (Conditional Use No. 1521) filed on behalf of Storage Equity Partners, LP, II.**

**The Planning and Zoning Commission conducted a public hearing on this application on January 22, 2004 at which time they deferred action.**

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

**The County Council found that Robert Witsil, Attorney; Jeff Clark of Land Tech; Henry Mac Walker, Manager Partner; and Judy Schurmer, Resident Manager, were present and stated they would like to expand the existing storage facility; that the purpose of the application is to add two storage buildings on the 1.17 acre parcel; that one building will be 60 feet by 210 feet and one building will be 50 feet by 240 feet; that two-thirds of the storage buildings will be climate-controlled; that existing fencing will be expanded to contain this site; that the existing home on the parcel is not intended to be a part of the facility; that security lighting will be directed toward the buildings; that no additional signage is proposed; that gate access hours will be from 7:00 a.m. to 9:00 p.m.; that office hours will be from 9:00 a.m. to 5:00 p.m.; and that the site is surrounded on three sides**

**by mobile home parks.**

**The applicant agreed that there would be no exterior storage in the expansion area.**

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

**A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to defer action on Conditional Use No. 1521 filed on behalf of Storage Equity Partners, LP, II.**

**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 AN AR-1 AGRICULTURAL 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 3.66 ACRES, MORE OR LESS” (Change of Zone No. 1530) filed on behalf of Cloverland Farms Dairy, Inc.**

**The Planning and Zoning Commission conducted a public hearing on this application on January 22, 2004 at which time they deferred action.**

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

**An Exhibit Booklet was distributed by the Applicant. The booklet was identical to the one distributed to the Planning and Zoning Commission with the exception of a change in the landscape plan. Mr. Zach Crouch of Davis, Bowen & Friedel, Inc. stated that the change in the landscape plan reflects what was requested by area residents in reference to buffering between the requested C-1 zoning and the AR-1 zoning.**

**The County Council found that Kitty Fields was present representing Royal Farm Stores.**

Also present were John Tarburton, Attorney and Zach Crouch and Dawn Riggi of Davis, Bowen & Friedel, Inc. who stated that they are requesting the rezoning of 3.66 acres, not the entire 7.5 acre site; that the remaining acreage will be used for open space and sanitary sewer disposal; that the site is compatible with the area since C-1 already exists on the same side of the road; that they are proposing the construction of a Royal Farms convenience store; that the tract of land consists of four parcels which will be combined into one parcel; that a new plan will be recorded if the project is approved showing an access easement to Mr. Wright's property and additional buffering (trees) to reduce lighting and noise; that a traffic impact study was not required by DelDOT; that DelDOT is currently planning improvements along this section of Route 24; that DelDOT has approved the entrance locations; that the applicant is dedicating 25 feet of right-of-way on each of the frontage roads to accommodate DelDOT's improvements; and that the applicant has positively addressed the neighbor's concerns.

Public comments were heard. Tee Norwood and Charles Wright, residents of the area, asked questions to clarify the dedication of the 25 foot of right-of-way, the buffer, and the access easement.

It was noted that if the application is approved, conditions could not be placed on the approval since the application is for a change of zone; however, concerns can be addressed during the site plan approval process.

The Public Hearing was closed.

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to defer action on Change of

**Zone No. 1530 filed on behalf of Cloverland Farms Dairy, Inc.**

**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. Rogers, seconded by Mr. Jones, to adjourn at 9:00 p.m.**

**Motion Adopted by Voice Vote.**

**Respectfully submitted,**

**Robin A. Griffith**

**Clerk of the Council**