



Sussex County Council Public/Media Packet

**MEETING:
December 10, 2019**

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
IRWIN G. BURTON III, VICE PRESIDENT
DOUGLAS B. HUDSON
JOHN L. RIELEY
SAMUEL R. WILSON JR.



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743 T
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SUSSEX COUNTY COUNCIL

A G E N D A

DECEMBER 10, 2019

10:00 A.M.

Call to Order

Approval of Agenda

Amend Minutes - October 8, 2019

Approval of Minutes – November 19, 2019

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

- 1. Library Advisory Board Appointment**
- 2. Administrator’s Report**

William Pfaff, Economic Development Director

- 1. Delaware Coastal Business Park Lease Approvals**

Robbie Murray, Deputy Director of EMS Administration

- 1. Memorandum of Understanding with the State of Delaware – Technical Assistance to First Responder and Community Groups**



Hans Medlarz, County Engineer

1. Delaware Coastal Airport
 - A. Cancellation of Leases A & B
 - B. Authorization to issue Request for Proposals (RFP)

John Ashman, Director of Utility Planning

1. Use of Existing Infrastructure Agreements
 - A. Royal Farms (Dagsboro #316) – Two Farms, Inc.
 - B. Stingray Harbor – Double DP, LP

Janelle Cornwell, Planning and Zoning Director

1. Conditional Use No. 2186 filed on behalf of Mountaire Farms of Delaware, Inc. - report receipt of agency and staff responses and open the record for a 5 day period for public written comments to those responses to the Office of Planning and Zoning, in and for Sussex County (ending on December 16, 2019 at 4:30 p.m.)
2. Conditional Use No. 2176 filed on behalf of KH Sussex, LLC – report receipt of agency and staff responses and open the record for a 5 day period for public written comments to those responses to the Office of Planning and Zoning, in and for Sussex County (ending on December 16, 2019 at 4:30 p.m.)

Old Business

1. **Conditional Use No. 2194 filed on behalf of Imagination – Renovation, LLC**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FURNITURE MAKING AND REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Tax I.D. No. 234-4.00-10.32) (911 Address: 20601 Rust Road, Harbeson)

2. **Change of Zone No. 1893 filed on behalf of Lisa Horsey**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.474 ACRE, MORE OR LESS” (Tax I.D. No. 132-12.00-113.00) (911 Address: 28537 Sussex Highway, Laurel)

3. Change of Zone No. 1894 filed on behalf of Howard Pepper, Jr.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.368 ACRES, MORE OR LESS” (Tax I.D. No. 533-4.00-61.00) (911 Address: 35029 DuPont Boulevard, Frankford)

Grant Requests

- 1. International Association of Lions Clubs for Fenwick Island Lions Club for Lions Selbyville Halloween Parade**
- 2. Delaware Botanic Gardens for ADA accessible and environmentally sustainable restrooms**
- 3. Rehoboth Beach Historical Society for their annual exhibit**
- 4. Town of Delmar for tree lighting ceremony**
- 5. Diocesan Council for Camp Arrowhead office septic connection**
- 6. Sussex County Music Educators’ Association for Sussex County Junior and Senior Honor Bands**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Executive Session – Pending Litigation, Land Acquisition and Personnel pursuant to 29 Del.C.§10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1895 filed on behalf of Gulfstream Development, LLC (Kent Apartments)

“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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS” (property lying on the northwest corner of Parker House Road and Muddy Neck Road) (Tax I.D. No. 134-16.00-382.00) (911 Address: None Available)

1:30 p.m. Public Hearings (continued)

Conditional Use No. 2195 filed on behalf of Gulfstream Development, LLC (Kent Apartments)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (45 APARTMENT UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS” (property lying on the northwest corner of Parker House Road and Muddy Neck Road) (Tax I.D. No. 134-16.00-382.00) (911 Address: None Available)

Adjourn

Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on December 3, 2019 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items may be considered out of sequence.

###

Amend minutes of 10/8/19 as noted below.

October 8, 2019 - Page 9

Old *353 Single Family Lots*
Business/ *388 Single Family Detached Condominiums*
CZ 1883 *270 Single Family Attached Town Houses*
(continued) *378 Multi-Family Units”*

The Council held a Public Hearing on this application on July 30, 2019 at which time action was deferred.

M 508 19 Adopt Ordinance No. 2690/ CZ 1883 A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2690, entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 787.787 ACRES, MORE OR LESS” (Change of Zone No. 1883) filed on behalf of OA-BP Marina Bay-Lakeside, LLC (Tax I.D. No. 234-30.00-1.00 through 430.00) (911 Address: None Available), with the following condition:

Deleted: 2684

Deleted: 2684

Condition No. 1 of Change of Zone No. 1475 and Ordinance No. 1573 is hereby amended as follows:

“The maximum number of units shall not exceed 1,394 units comprised, as follows:

358 Single Family Lots
388 Single Family Detached Condominiums
270 Single Family Attached Town Houses
378 Multi-Family Units”

Deleted: 353

Motion Adopted: 5 Years.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

Grant Requests Mrs. Jennings presented grant requests for the Council’s consideration.

M 509 19 Councilmanic Grant A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Marine Corps League for Delaware Devil Dogs Detachment #780 for Birthday Ball Fundraiser.

Motion Adopted: 5 Years.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 19, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 19, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Irwin G. Burton III	Vice President
Douglas B. Hudson	Councilman
John L. Rieley	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 025 19
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Hudson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of November 12, 2019 were approved by consent.

**Public
Comments**

A public comment period was held and the following spoke: Paul Reiger, Dan Kramer, and Rich Holtkamp (representing SARG).

**Fourth
Quarter
Employee
Recognition
Awards**

Mrs. Jennings reported that the County instituted a new customer service award program; the new program is called Shining Star Program. The program recognizes and celebrates employees who demonstrate exceptional performance, service and/or accomplishments. Mrs. Jennings announced the three Honorable Mention winners for the Fourth Quarter: Lindsay Behney (Register of Wills Office), Robbin Workman (Mapping and Addressing Department), and Richard Johnson (Mapping and Addressing Department).

**Henlopen
TID
Presenta-
tion**

DelDOT Secretary Jennifer Cohan and Drew Boyce, DelDOT Director of Planning, gave a presentation on the Proposed Henlopen Transportation Improvement District (TID). The Henlopen TID boundary is 24 square miles; 62 intersections, 9 with traffic signals, were studied and 43 roadway

**Henlopen
TID
Presentation
(continued)**

segments totaling approximately 66 miles were studied. The Secretary reported that the build-out was modeled identifying future land use anticipated by 2045 which includes an estimated 12,867 additional housing units and an estimated 1.5 million square feet of commercial development. The Secretary discussed what Level of Service means and she reviewed the six (6) categories (Levels A through F); DelDOT is proposing that, within the TID, the Level of Service D will be the standard for peak times. The Secretary reviewed some of the improvements being considered and she reported that, in addition to conducting the Level of Service Analysis, they considered potential service standards to define what should be considered adequate transportation facilities. The Secretary reviewed service standards for the identification of needed improvements.

The Secretary reviewed all of the locations recommended for improvements including new connectors, proposed widenings, traffic signals, roundabouts, turn lanes, and other improvements. She noted that for all of these projects, DelDOT did concept plans and cost estimates; the total estimated cost of the recommended improvements in the TID is \$283.5 million. Projects recommended for the FY2021 CTP total approximately \$95 million.

The Secretary stated that the next step would be to establish the Infrastructure Fee Program and she reviewed two alternatives for proposed fee schedules.

The Secretary discussed reasons for creating a TID: comprehensive infrastructure planning, TID projects advance in DelDOT's CTP, TID fees stay local, equitable treatment of competing developers, known costs for developers, and expedited development reviews.

The next steps are public involvement and formalization of the TID Agreement by DelDOT and the County. The Secretary noted that their regulations require that there will be some type of public involvement regarding the TID and the recommended improvements. The Secretary recommended a joint public workshop (DelDOT and the County) to present all of the TID information to the public. Thereafter, DelDOT will have to go through the public hearing process.

**Public
Hearing/
Milo's
Haven
Expansion**

A Public Hearing was held on the Milo's Haven Proposed Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area). John Ashman, Director of Utility Planning, reported that the expansion was requested by Davis, Bowen & Friedel on behalf of their clients, Norman Stephen Price Revocable Trust for Parcels 134-19.00-13.03 and 134-18.00-38.00. Mr. Ashman also reported that the Engineering Department has received a request to add another parcel (No. 134-16.00-1212.00) to the boundary; the project will be obtaining an easement from this parcel for infrastructure installation and providing a connection point for them. The Engineering Department recommends including Parcel 1211 also.

(continued) **There were no public comments.**

The Public Hearing and public record were closed.

M 026 19
Adopt
R 021 19

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Resolution No. R 021 19 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLVILLE AREA, TO INCLUDE THE MILO’S HAVEN SUBDIVISION LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Public Hearing/
Chase Oaks
Expansion**

A Public Hearing was held on the Chase Oaks Subdivision Proposed Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area). John Ashman, Director of Utility Planning, reported that the expansion was requested by Solutions IPEM on behalf of their client, Charter Oak Investment, LLC, for Parcels 234-6.00-96.00, 97.00 and 98.00.

There were no public comments.

The Public Hearing and public record were closed.

M 027 19
Adopt
R 022 19

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt Resolution No. R 022 19 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE CHASE OAKS SUBDIVISION LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Chapel Branch
Assessment
Method/
Proposed**

John Ashman, Director of Utility Planning, reported that in November 2016, the Council established the Chapel Branch Area of the Sussex County Unified Sanitary Sewer District with the repayment of capital expenses based on a front foot assessment. The Engineering Department received a letter from the Chapel Green Homeowners Association in March 2019

**Chapel
Branch
Assessment
Method/
Proposed
(continued)**

requesting annual billing using the EDU formula, not the quarterly front-footage formula as previously approved by referendum. In addition, the Department received a letter from Oak Crest Farms Property Owners Association stating the Board of Directors are in support of an EDU based assessment. On September 7, 2019, the Engineering Department held a public hearing on revising the assessment method; the revised assessment method presented would revise the assessment to a uniform \$680.00 per EDU. The Engineering Department held a second referendum on October 26, 2019; the results of the referendum were 220 for the uniform \$680.00 per EDU assessment rate and 28 against the \$680.00 per EDU assessment rate. These results include the 51 absentee ballots received.

**M 028 19
Adopt
R 023 19**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Resolution No. R 023 19 entitled "A RESOLUTION TO ADJUST THE ASSESSMENT METHOD FOR THE RE-PAYMENT OF CAPITAL EXPENSES ASSOCIATED WITH THE CHAPEL BRANCH AREA SEWER INFRASTRUCTURE INSTALLATION".

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Proposed
2020
Schedule**

Mr. Lawson presented the proposed Sussex County 2020 Schedule for the Council's consideration.

**M 029 19
Approve
2020
Schedule**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Council approves the 2020 Holiday Schedule and the 2020 County Council Meeting Schedule, as follows:

HOLIDAY SCHEDULE

New Year's Day	January 1 (Wednesday)
Martin Luther King, Jr. Day	January 20 (Monday)
Good Friday	April 10 (Friday)
Memorial Day	May 25 (Monday)
Independence Day	July 3 (Friday)
Labor Day	September 7 (Monday)
Election Day	November 3 (Tuesday)
Return Day	November 5 (Thursday)
Veterans Day	November 11 (Wednesday)
Thanksgiving	November 26 (Thursday)
	November 27 (Friday)
Christmas	December 24 (Thursday)
	December 25 (Friday)

(The County grants two floating holidays to eligible employees per calendar year in accordance with the Floating Holiday Policy.)

M 029 19
Approve
2020
Schedule
(continued)

COUNCIL NO MEETING DATES

JANUARY 21
FEBRUARY 11
MARCH 3
MARCH 24
APRIL 14
APRIL 21
MAY 26
JULY 7
JULY 21
AUGUST 4
AUGUST 18
SEPTEMBER 8
SEPTEMBER 15
OCTOBER 13
NOVEMBER 3
NOVEMBER 24
DECEMBER 22
DECEMBER 29

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

Adminis-
trator's
Report

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, The Estuary – Phase 2-5 (Construction Record) received Substantial Completion effective November 4th.

2. Council Meeting/Holiday Schedule

Council will not meet on Tuesday, November 26th, during the week of Thanksgiving. County offices will be closed on Thursday, November 28th, and Friday, November 29th, for the Thanksgiving holiday and will reopen on Monday, December 2nd, at 8:30 a.m.

Please also note that Council will not meet on Tuesday, December 3rd. The next regularly scheduled Council meeting will be held on December 10th at 10:00 a.m.

3. County Holiday and Employee Appreciation Luncheon

Administrator's Report (continued)

The County's Holiday and Employee Appreciation Luncheon will take place on Friday, December 6, 2019, at the Crossroads Conference Center. County offices will close at 12:00 p.m. on December 6th and will reopen on Monday, December 9th, at 8:30 a.m. The public is asked to plan accordingly during this time, and we appreciate the public's understanding.

[Attachments to the Administrator's Report are not attachments to the minutes.]

Herring Creek SSD/ Contract Amendment

Hans Medlarz, County Engineer, presented Amendment No. 2 to the EJCDC Base Agreement with Whitman, Requardt and Associates for the Herring Creek Sanitary Sewer District Construction Administration and Project Inspection Contract (Project S20-06).

M 030 19 Approve EJCDC Base Engineering Contract Amendment/ Herring Creek SSD/ WR&A

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 2 to the EJCDC Base Engineering Contract for Herring Creek Sanitary Sewer District with Whitman Requardt & Associates be approved in the amount not to exceed \$307,304.00 for Construction Administration and Inspection of the Herring Creek Sanitary Sewer District Pump Stations, Force Main, and Gravity Sewer Systems.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Professional Services Agreement with GMB/ Wolfe Runne Sewer Expansion

Hans Medlarz, County Engineer, presented a Standalone USDA Engineering Agreement with George Miles & Buhr (GMB) for the Wolfe Runne Sewer Expansion. The Engineering Department has reviewed the scope of services and estimated fee provided by GMB and recommends that Council authorize approval of the Professional Services Agreement at a not-to-exceed value of \$204,003.00, for design and bidding of the Wolfe Runne Sewer Expansion, Sussex County Project S20-13, contingent upon USDA approval.

M 031 19 Approve Engineering Services Agreement/ Wolfe Runne Sewer Expansion

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Engineering Services Agreement with George Miles & Buhr be approved in the amount not to exceed \$204,003.00 for design and bidding phases of Sussex County Project S20-13, Wolfe Runne Sewer Expansion, contingent upon approval by the USDA.

Motion Adopted: 5 Yeas.

M 031 19
(continued)
Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

Grant

Request

Mrs. Jennings presented a grant request for the Council's consideration.

M 032 19
Countywide
Youth
Grant
A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$1,000.00 from Countywide Youth Grants to Ducks Unlimited, Inc. for the Delaware Ducks Unlimited Greenwing Event.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

M 033 19
Go Into
Executive
Session
At 11:24 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session to discuss matters relating to potential/pending litigation and land acquisition.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

Executive
Session
At 11:32 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to potential/pending litigation and land acquisition. The Executive Session concluded at 11:57 a.m.

M 034 19
Reconvene
Regular
Session
At 11:59 a.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Wilson, Absent; Mr. Burton, Yea;
Mr. Vincent, Yea

E/S Action There was no action on Executive Session matters.

M 035 19
Recess
At 11:59 a.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to recess until 1:30 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

(continued) customer would visit the site; that all work will occur indoors and all storage would be indoors; that the hours proposed are 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 2:00 p.m. on Saturdays. Mr. Hutt stated that the Conditional Use is consistent with the Comprehensive Plan and is a low impact Conditional Use.

There were no public comments.

The Public Hearing and public record were closed.

**M 037 19
Defer
Action/
CU 2194**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to defer action on Conditional Use No. 2194 filed on behalf of Imagination-Renovation, LLC.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ 1893**

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-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.474 ACRE, MORE OR LESS" (Change of Zone No. 1893) filed on behalf of Lisa Horsey (Tax I.D. No. 132-12.00-113.00) (911 Address: 28537 Sussex Highway, Laurel).

The Planning and Zoning Commission held a Public Hearing on this application on October 17, 2019 at which time action was deferred.

(See the minutes of the Planning and Zoning Commission dated October 17, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that Kevin Smith of the Kercher Group was present with Sam Connors of LBG Homes, owner of the property. Mr. Smith stated that the property is zoned AR-1 but has been operated as a commercial-type business for the past few decades; that the property is located on Route 13 in Laurel; that the property was formerly known as Bayside Seafood; that many commercial uses are located in the area; that the client does not wish to expand the building nor improve the property at this time; and that they only want to bring the use of the building and the property into the same zoning (commercial).

There were no public comments.

(continued) **The Public Hearing and public record were closed.**

M 038 19 **A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to defer action**
Defer **on Change of Zone No. 1893 filed on behalf of Lisa Horsey.**

Action/
CZ 1893 **Motion Adopted: 5 Yeas.**

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Wilson, Yea; Mr. Burton, Yea;
 Mr. Vincent, Yea

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**
CZ 1894 **SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**
 DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A
 CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE
 HUNDRED, SUSSEX COUNTY, CONTAINING 2.368 ACRES, MORE
 OR LESS” (Change of Zone No. 1894) filed on behalf of Howard Pepper,
 Jr. (Tax I.D. No. 533-4.00-61.00) (911 Address: 35029 DuPont Boulevard,
 Frankford).

The Planning and Zoning Commission held a Public Hearing on this
application on October 17, 2019 at which time action was deferred.

(See the minutes of the Planning and Zoning Commission dated October 17,
2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that Howard Pepper, Jr. was present on behalf of the
Pepper Family Trust. He stated that in 1973, this site was used for a mobile
homes sales park; that in the past year, the site has been used as a
commercial property and it was not known until only recently that the
property was zoned AR-1; that commercial uses surround the property
with the exception of property that is in Agriculture Preservation; and that
the Applicant’s son proposes to operate a hardscape business on the site.

There were no public comments.

The Public Hearing and public record were closed.

M 039 19 **A Motion was made by Mr. Rieley, seconded by Mr. Burton, to defer action**
Defer **on Change of Zone No. 1894 filed on behalf of Howard Pepper, Jr.**

Action/
CZ 1894 **Motion Adopted: 5 Yeas.**

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Wilson, Yea; Mr. Burton, Yea;
 Mr. Vincent, Yea

**M 040 19
Adjourn**

At 2:00 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to adjourn.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}

DRAFT

WILLIAM PFAFF
ECONOMIC DEVELOPMENT DIRECTOR
(302) 855-7700 T
(302) 854-5383 F
william.pfaff@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson Jr.

FROM: William Pfaff
Economic Development

RE: **Delaware Coastal Business Park Leases**

DATE: December 4, 2019

On the agenda Tuesday the following leases will be presented for approval, **JAYKAL LED SOLUTIONS, INC.** located on Lot 3 in the new section of the Delaware Coastal Business Park and **EASTERN SHORE NATURAL GAS COMPANY, INC.** located on Lot 28 in the old section of the Delaware Coastal Business Park. I am providing you this memorandum as background on the companies.

JAYKAL LED SOLUTIONS, INC.

WHO WE ARE:

FOUNDED IN FEBRUARY 2008

Jaykal LED Solutions, Inc. [JAYKAL] was founded in February 2008 to supply innovative LED lighting products to local, municipal and federal entities in developing Asian and Middle Eastern nations.

Early installations were conducted primarily in India, Yemen and China.



ENTERED THE NORTH AMERICAN MARKET IN JANUARY 2011

In 2011, JAYKAL moved aggressively into the U.S. market and quickly secured lucrative contracts with regional QSRs and CSFRs. Additionally, JAYKAL secured contracts with multi-national clients including Coca-Cola and the United Nations World Food Program.

ESTABLISHED PARALLEL MANUFACTURING WITH UNICOR IN NOVEMBER 2013

To serve the unique needs of the federal space, in late 2013 JAYKAL established domestic parallel manufacturing capability in Danbury, Connecticut through an agreement with UNICOR, a corporation wholly owned by the United States Department of Justice. United States federal space clients include the Washington, D.C. Navy Yard and the Walter Reed National Medical Center in Bethesda, MD.

RELOCATED U.S. OFFICE TO HARBESON, DE IN JANUARY 2014

ADDING APPROXIMATELY 10,000 SF OF EAST COAST WAREHOUSING

2014 was an expansion year for JAYKAL. The offices were relocated to Harbeson, DE in January of that year. With this move, the main office acquired approximately 10,000 SQ/FT of warehouse space. This allowed JAYKAL to shorten the lead times for DE, MD and PA projects.

In 2020 JAYKAL will relocate to the Delaware Coastal Business Park, Georgetown, DE.

EASTERN SHORE NATURAL GAS COMPANY, INC.

WHO WE ARE:

Eastern Shore Natural Gas Company is the interstate natural gas pipeline subsidiary of Chesapeake Utilities Corporation. Natural gas is transported through Eastern Shore's pipeline network canvassing the Delmarva Peninsula for distribution to residents and small commercial businesses via local distribution companies, and for direct use by industrial businesses and electric power generators.

Eastern Shore has been providing reliable, efficient and economical natural gas to the Delmarva Peninsula since 1959. Locally owned and operated (headquartered in Dover, DE), Eastern Shore Natural Gas is proud to live in the communities they serve.



SUSSEX COUNTY EMERGENCY MEDICAL SERVICES

22215 Dupont Blvd. • P.O. Box 589 • Georgetown, DE 19947 • 302-854-5050 • FAX 302-855-7780

Robert A. Stuart
Director

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

FROM: Robbie Murray, Deputy Director of Administration 

RE: Technical Assistance to First Responder and Community Groups MOU

DATE: December 10, 2019

As each of you are aware, we continue to experience widespread opioid use in our region. As paramedics we respond to calls for overdose many times per week and occasionally multiple times daily. As healthcare professionals we are looked at to not only respond to these emergencies but to provide education to both fellow first responders and citizens regarding the opioid crisis. This education can be in the form of discussing signs and symptoms of an overdose, identification and referral to substance abuse counselors, or training in the administration of Narcan.

In 2018 the Delaware Department of Health and Social Services, Division of Public Health and Sussex County entered a Memorandum of Understanding to provide "Technical Assistance to First Responder and Community Groups". This MOU originally went into effect July 1, 2018 and expired on September 24, 2019. During this fourteen-month period we participated in many meetings and trained hundreds of law enforcement officers, security guards, and citizens in the safe and effective use of Narcan. As a result of this MOU we were able to bill over \$6,000 in personnel costs and \$3,000 in equipment costs to the grant. This proposed MOU mimics the original in terms of reimbursement opportunities but extends for three years. If approved, it would begin December 15, 2019 and continue until September 29, 2022.

Approving this MOU will allow us to continue utilizing grant funding to offset both personnel costs and equipment costs when possible as we combat the opioid crisis with our partners.

**Caring People,
Quality Service**



Todd F. Lawson
Administrator



Technical Assistance to First Responder and Community Groups MOU

Motion: Be it moved that Sussex County Council through the EMS Department enter into the Technical Assistance to First Responder and Community Groups MOU with the State of Delaware, Division of Public Health and provide support as outlined in the MOU.



*DELAWARE HEALTH
AND SOCIAL SERVICES*

MEMORANDUM OF UNDERSTANDING # 20-321
BETWEEN
THE DIVISION OF PUBLIC HEALTH,
DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES,
STATE OF DELAWARE
AND
SUSSEX COUNTY EMERGENCY MEDICAL SERVICES
FOR
TECHNICAL ASSISTANCE TO FIRST RESPONDER AND COMMUNITY GROUPS

A. Introduction and Purpose:

1. This Agreement is entered into between Delaware Department of Health and Social Services (the Department), Division of Public Health (the Division), and **Sussex County Emergency Medical Services** (the Vendor).
2. The purpose of this Agreement is for Vendor to provide technical assistance to first responder and community groups through various training programs while receiving reimbursement from the Division for staffing, equipment and supplies through First Responder grant funds as more fully set forth herein.
3. The Agreement is entered into as of December 15, 2019 (Effective Date) and will end on September 29, 2022, unless modified by mutual agreement of both parties, or may be terminated as referenced in Section B. 2. of this Agreement.

B. Administrative Requirements.

1. The Vendor agrees to comply with all State and Federal licensing standards and all other applicable standards as required to provide services under this Agreement, to assure the quality of services provided under this Agreement. The Vendor shall immediately notify the Department in writing of any change in the status of any accreditations, licenses or certifications in any jurisdiction in which they provide services or conduct business. If this change in status regards the fact that its accreditation, licensure, or certification is suspended, revoked, or otherwise impaired in any jurisdiction, the Vendor understands that such action may be grounds for termination of the Agreement.
2. This Agreement may be terminated in whole or part upon thirty (30) calendar days written notice, with or without cause, by either the Department, Division or the Vendor to the other party.
3. In the event of amendments to current Federal or State laws which nullify any term(s) or provision(s) of this Agreement, the remainder of the Agreement will remain unaffected.
4. This Agreement shall not be altered, changed, modified or amended except by written consent of both parties to the Agreement.

5. The Vendor agrees that no information obtained pursuant to this Agreement may be released in any form except in compliance with applicable laws and policies on the confidentiality of information and except as necessary for the proper discharge of the Vendor's obligations under this Agreement.
6. Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of the Agreement unless stated to be such in writing, signed by an authorized representative of the Department and attached to the original Agreement.

C. **Sussex County Emergency Medical Services** and the Division mutually agree that:

1. Each assures that no person shall, on the basis of race, color, creed, sex, national origin, age or handicap, be subjected to any discrimination prohibited by the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, as amended, American with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title IX of the Educational Amendments of 1972, and other applicable laws, regulations and Executive Orders.
2. Nothing in this Agreement shall be deemed a waiver of the doctrine of sovereign immunity on the part of the State of Delaware.

D. **Sussex County Emergency Medical Services** agrees to:

1. Have on file the proof of state registration, current licensure, certification, and/or appropriate credentials of any participants requiring those licenses, certifications, or credentials.
2. The Vendor shall be solely responsible for any wages and/or stipends paid to the Vendor's employees, and/or staff participating under the terms of this Agreement.
3. The Vendor shall be solely responsible for ensuring that participating employees, and/or staff are covered by appropriate health and liability insurance, Workers Compensation, and any other appropriate insurance while working in any Division facility and shall provide evidence of such prior to the placement of any employee, and/or staff.
4. The Vendor agrees to save and hold harmless the Division from any liability which may arise as a result of the Vendor's negligent performance, and/or the negligent performance of the Vendor's employees and/or staff, under this Agreement.
5. Nothing contained herein is intended to waive, alter, or otherwise amend Sussex County's immunity under the Delaware Code or otherwise, including but not limited to the County and Municipal Tort Claims Act. Additionally, nothing contained herein is intended to violate any constitutional principles of the State of Delaware or United States. To the extent that any obligations contained in this Agreement are determined by court or other judicial action to waive, alter, or otherwise amend such immunity or to be constitutionally prohibited or otherwise not in accordance with the laws in effect at the time of any such claim, liability, cost or expense, the offending language shall be stricken from this Agreement by such authority and considered invalid and unenforceable to the extent necessary to allow the application of such immunity to any claims, losses, damages, or suits asserted against either party or to the extent necessary to correct such violation of the law. The parties agree that any claims, liabilities, damages, costs and expenses shall be subject to the provisions of the County and Municipal Tort Claims Act, including the limitations on damages.

6. Assure employees, and/or staff adherence to the Division's policies regarding client confidentiality.
7. The Vendor agrees to provide the services described and outlined below:

a. TRAINING

- 1) Assist the Office of Emergency Medical Services (OEMS) with development of training programs based on local jurisdictional need.
- 2) All training programs will be reviewed and approved by EMS Medical Director prior to presentation to first responders and/or community groups
- 3) At a minimum Vendor will provide the following training to first responders:
 - i. 2 Naloxone trainings per year
 - ii. 2 Back to the Basics trainings per year
- 4) Trainings may take place in formal and/or informal settings as determined by the requestor.
- 5) Remain current with drug abuse issues throughout the state of DE through participation in state System of Care meetings and conference calls with grants manager.

b. COMMUNICATIONS/REPORTS

- 1) Prepare a monthly written report on current status of project. (Template will be developed in conjunction with OEMS)
- 2) Conduct regular communications, as appropriate, with Division of Public Health (DPH). At a minimum, Vendor shall participate in monthly phone/conference calls with DPH staff to provide updates on progress.
- 3) The agency may be requested to provide presentations on behalf of EMSPS to provide information to communities and county leaders.

c. PLANNING

- 1) Conduct phone or in-person meetings with Division of Public Health (DPH) staff to discuss the parameters of the project and specifics on the division of labor for executing the project plan.
- 2) Participate in an assessment/planning meeting with DE stakeholders/community partners, arranged by DPH (i.e., System of Care meetings).

d. LOGISTICAL ARRANGEMENTS

- 1) Prepare communications and make necessary contacts to schedule training dates;
 - i. Send emails to first responder agencies explaining the effort and determine training needs (in conjunction with DPH/OEMS).
 - ii. Follow-up with the identified agency POC at the various training sites (prior to and after the trainings)

E. The Division of Public Health agrees to:

1. The Division shall ensure available First Responder grant funds are identified for each grant year. Available funds are not to exceed the amount specified on the Purchase Order for the current fiscal year. If available, additional funds may be added by

amendment to the Purchase Order. The Division shall ensure these identified funds are available for reimbursement for the following:

- a. **Staffing:** Allow staffing to complete all tasks identified in the MOU, as assigned by the County, with approval from the Division.
 - b. **Equipment and Supplies:** All purchases of equipment and supplies upon agreement of both parties.
2. Payments will be made upon presentation of invoice(s) with supporting documentation that verifies the completed, acceptable deliverable(s). Invoice must contain period of service, Vendor Invoice Number, Vendor EI Number, MOU Number, DPH Purchase Order Number and itemized description of the services provided to coincide with the MOU deliverables.
 3. The Division will collaborate with Vendor to minimize any challenges and/or barriers to ensure description of services are met.

Remainder of this page intentionally left blank.

Certification:

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Kara Odom Walker, MD, MPH, MSHS
Cabinet Secretary
Department of Health & Social Services

Date

DIVISION OF PUBLIC HEALTH

Karyl T. Rattay, MD, MS
Director
Division of Public Health

Date

VENDOR

(Name)

(Title)

Date

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

MEMORANDUM

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

FROM: Hans Medlarz, P.E., County Engineer

RE: *Delaware Coastal Airport*
A. Cancellation of Leases A & B
B. Authorization to Issue Request for Proposals (RFP)

DATE: December 10, 2019

The Coastal Airport team has well documented demand of hangar space housing larger corporate jets along the Eastern Seaboard, including from locally-based aircraft operators. Lot A & B provide an ideal location for redevelopment due to existing apron access, minimal stormwater management issues, and few permitting requirements. Redevelopment of the area is the highest and best use of aeronautical property improving an underutilized tract.

This redevelopment project would replace two (2) aging hangars totaling 5,000 square feet of existing space with at least 20,000 square feet of new space, capable of accommodating large corporate jet aircraft. Since the area in question can accommodate larger hangars, continuation of the existing leases is not representative of the best use of aeronautical property. The leases will end January 31 and February 18, 2020 respectively. Lease for Lot A has two (2) one-year options while lease for Lot B has one (1) two-year option. Both leases are below market rate and in addition Lot B's lease for a partial area only further reducing market rate.

The Engineering Department has sent the required 60-day notice of intent to not exercise either optional extensions coupled with a transition offer for a month to month informal arrangement to aid the tenants' relocation. We are requesting Council's affirmation of the cancellation.

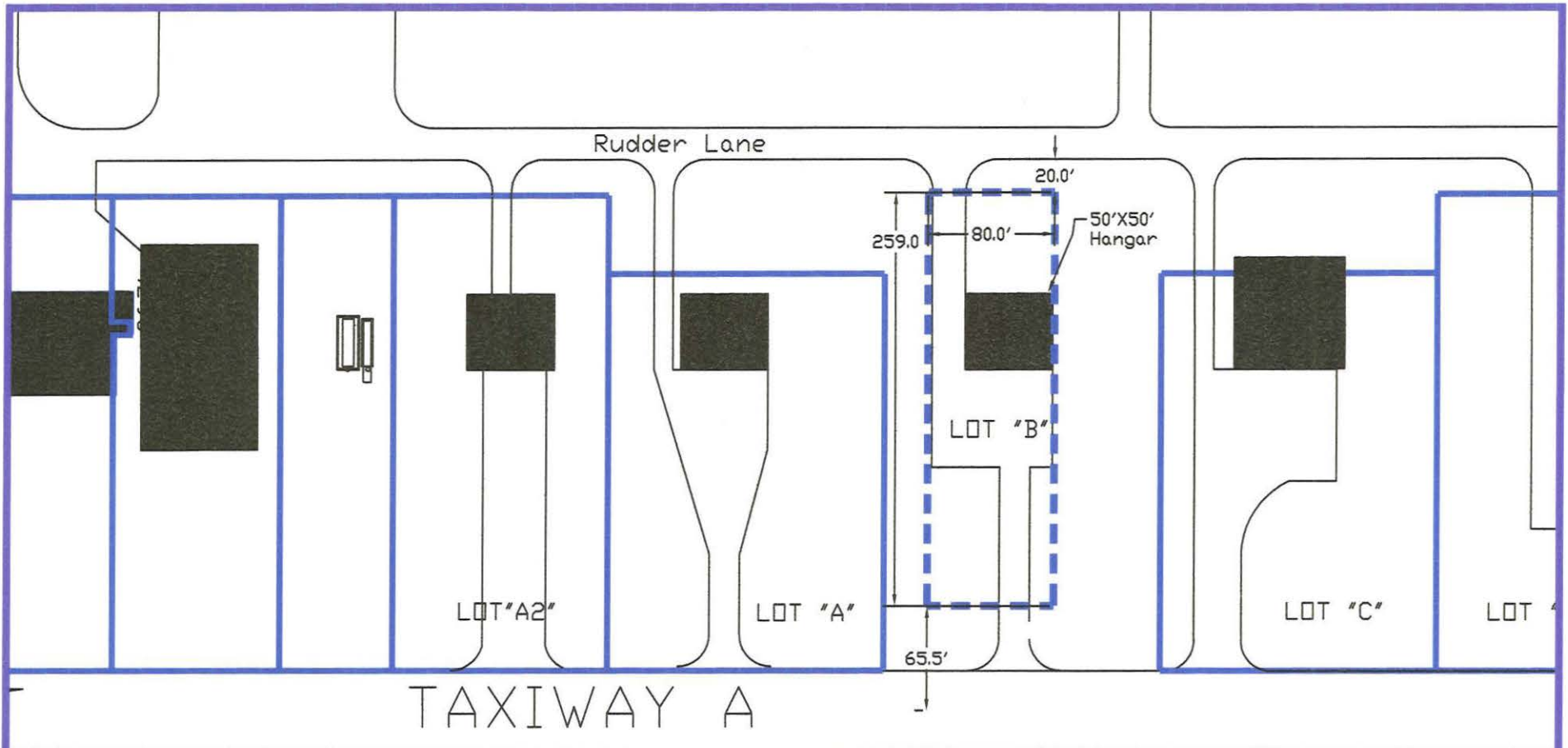
Furthermore, we request Council's approval to release a Request for Proposal for the following land lease options upon the lands encompassing Lots A & B:

- Proposal for large single hangar development for the purpose of constructing a 20,000 to 30,000 square foot hangar on Lots A & B.



- Proposals for mid-size hangar development for the purpose of constructing a 10,000 to 15,000 square foot hangar on either Lot A or B or both lots.

In addition, we will poll the local aviation community for interest in partial hangar space leases at market rates in a new hangar to be constructed by the County. This option only to be pursued if no suitable offer is received under the request for ground lease proposals. In that some survey we will affirm interest for construction of a second T-hangar identical to the project completed two (2) years ago.



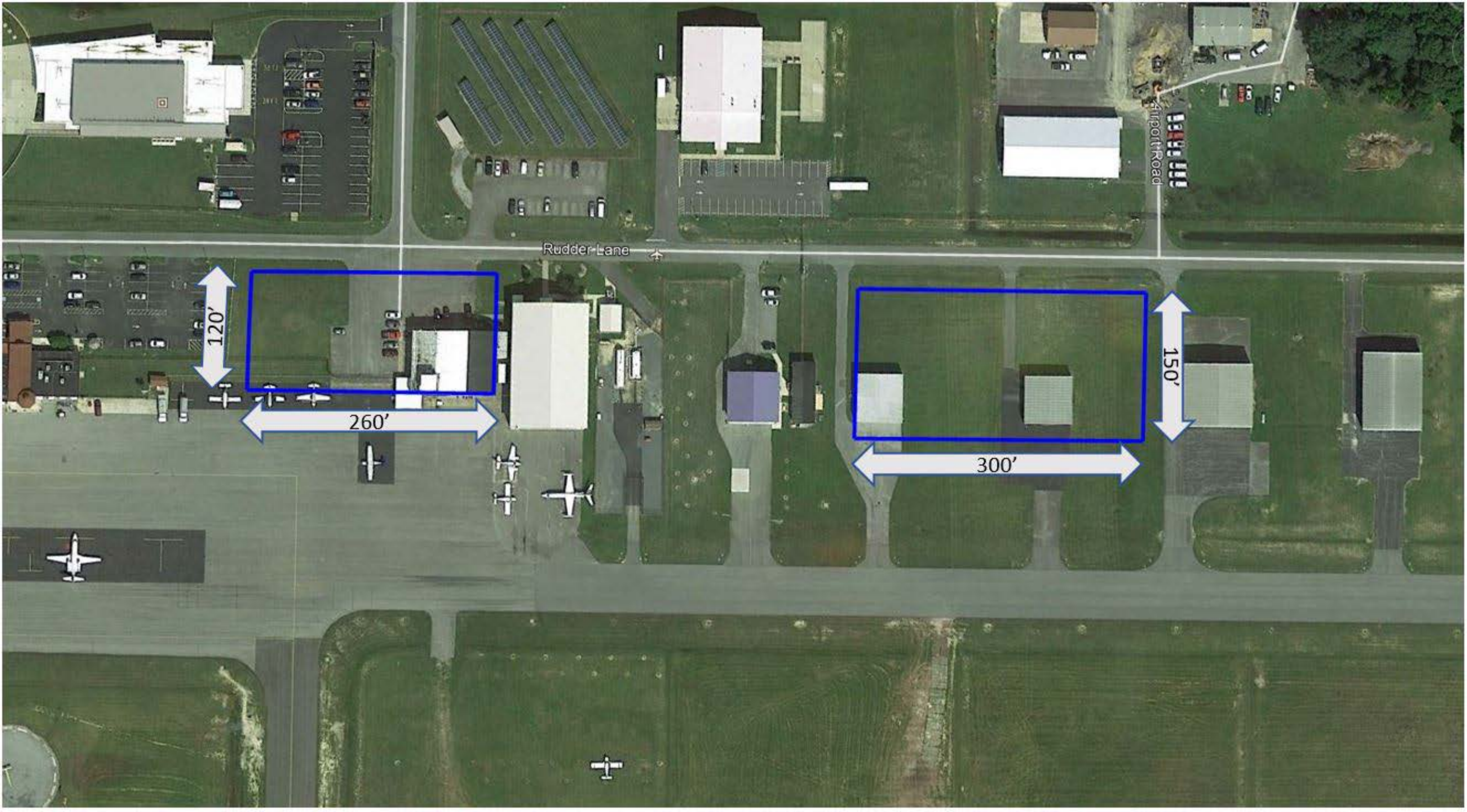
----- Lot B

_____ Other Airport Lots

Lot B lot line is 65.5' from Taxiway A centerline to remain outside Taxiway Object Free Area

Note: Lot lines have not been verified by a Professional Land Surveyor. Lot dimensions are approximate.

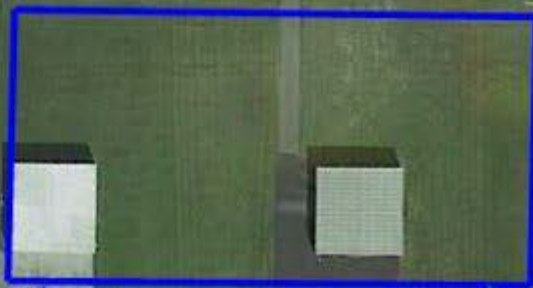
Lot B	
Sussex County Airport Georgetown, DE	
Sussex County Engineering Department	EXHIBIT A
DRAWN BY: JAH	SCALE: 1"=100'
CHECKED BY:	DATE: March 2011



120'



260'



150'

300'

Rudder Lane

Airport Road

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable Douglas B. Hudson
The Honorable John L. Rieley

FROM: John J. Ashman
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement
Royal Farms Dagsboro (#316)
File: OM 9.01*

DATE: December 10, 2019

The Use of Existing Infrastructure Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Two Farms, Inc.** for the **Royal Farms Dagsboro (#316)** project in the Dagsboro/Frankford Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Royal Farms Dagsboro (#316)** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Two Farms, Inc.** will contribute **\$8,025.00** for the financial catch-up contribution of the existing infrastructure to serve **6.18** additional Equivalent Dwelling Units. Payment will be required prior to receiving a building permit. System Connection Charges in place at the time of building permit request will still apply.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Royal Farms Dagsboro IUA1222

THIS AGREEMENT ("Agreement"), made this _____ day of _____ 2019, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the "County," and;

TWO FARMS INC., a Maryland Corporation and developer of a project known as **Royal Farms Dagsboro (#316)**, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 233-10.00-39.00, 41.00 & 42.00 to be known as **Royal Farms Dagsboro (#316)** ("Project") and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **6.18** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$8,025.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving a sewer connection permit.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

USE OF EXISTING INFRASTRUCTURE AGREEMENT

Royal Farms Dagsboro IUA1222

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2019, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

TWO FARMS INC., a Maryland Corporation and developer of a project known as **Royal Farms Dagsboro (#316)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 233-10.00-39.00, 41.00 & 42.00 to be known as **Royal Farms Dagsboro (#316)** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **6.18** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$8,025.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving a sewer connection permit.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **3611 Roland Avenue, Baltimore Maryland 21211.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

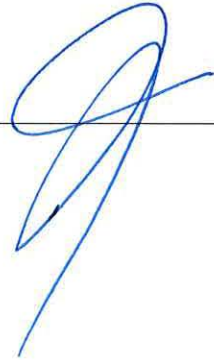
Robin A. Griffith
Clerk of the County Council

FOR TWO FARMS INC.

By: John K. Kemp (Seal)
John Kemp

10/21/19 (DATE)

WITNESS: _____

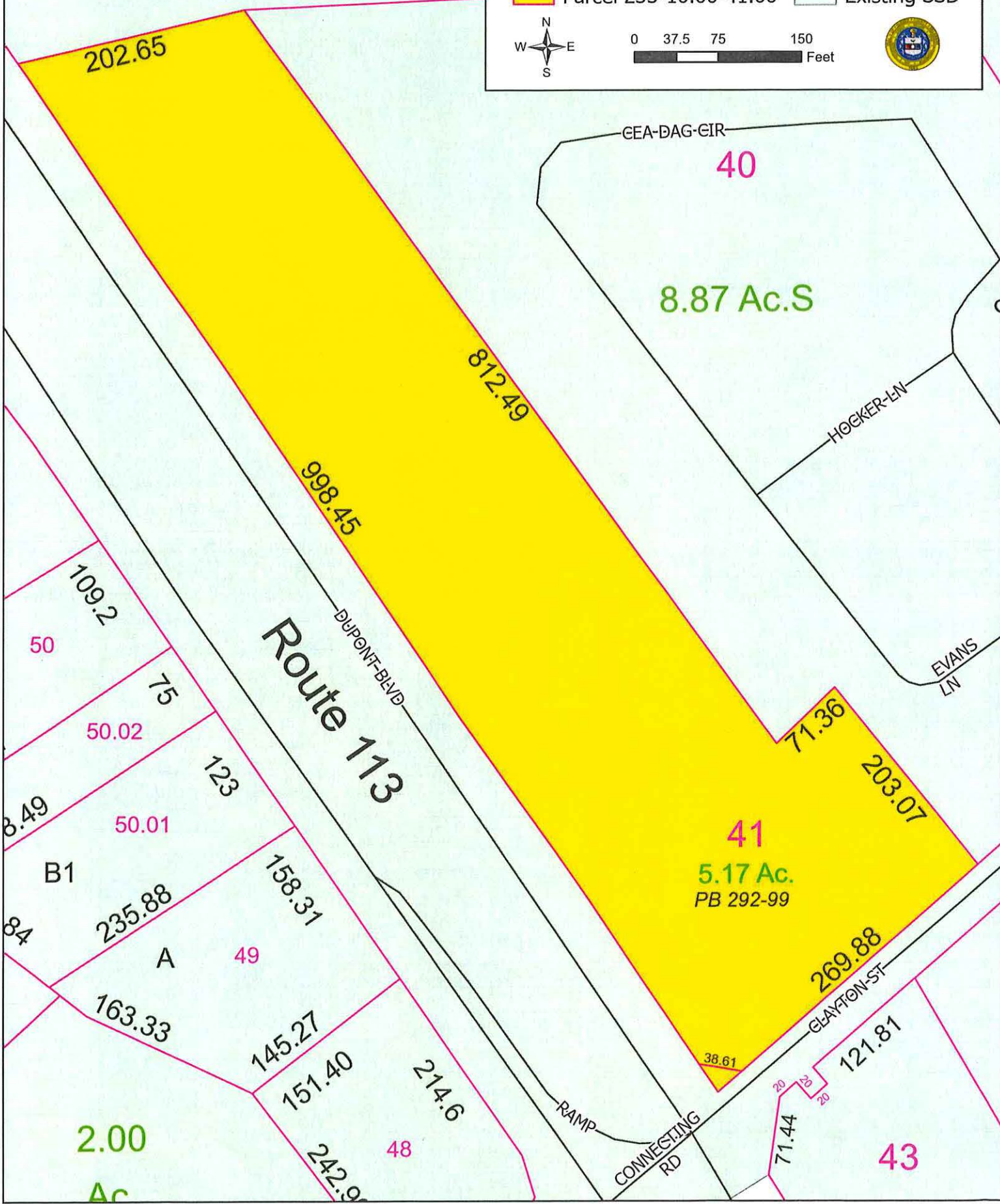


Parcel 233-10.00-41.00
Use of Existing Infrastructure

Parcel 233-10.00-41.00 Existing SSD



0 37.5 75 150 Feet



ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

DELAWARE


sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable Douglas B. Hudson
The Honorable John L. Rieley

FROM: John J. Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Stingray Harbor
File: OM 9.01

DATE: December 10, 2019

The Use of Existing Infrastructure Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Double DP, LP** for the **Stingray Harbor** project in the Ocean View Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **the Stingray Harbor** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Double DP, LP** will contribute **\$20,127.00** for the financial catch-up contribution of the existing infrastructure to serve **36.00** additional Equivalent Dwelling Units. Payment will be required prior to receiving beneficial acceptance of the project's on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Stingray Harbor – IUA 1125

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2019, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

DOUBLE DP LP, a Limited Partnership and developer of a project known as **Stingray Harbor**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 134-13.00-13.00 to be known as **Stingray Harbor** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **36.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$20,127.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving beneficial acceptance of the on-site collection system.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **507 North York Street, Suite 2d, Mechanicsburg Pennsylvania 17055.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:


Robin A. Griffith
Clerk of the County Council

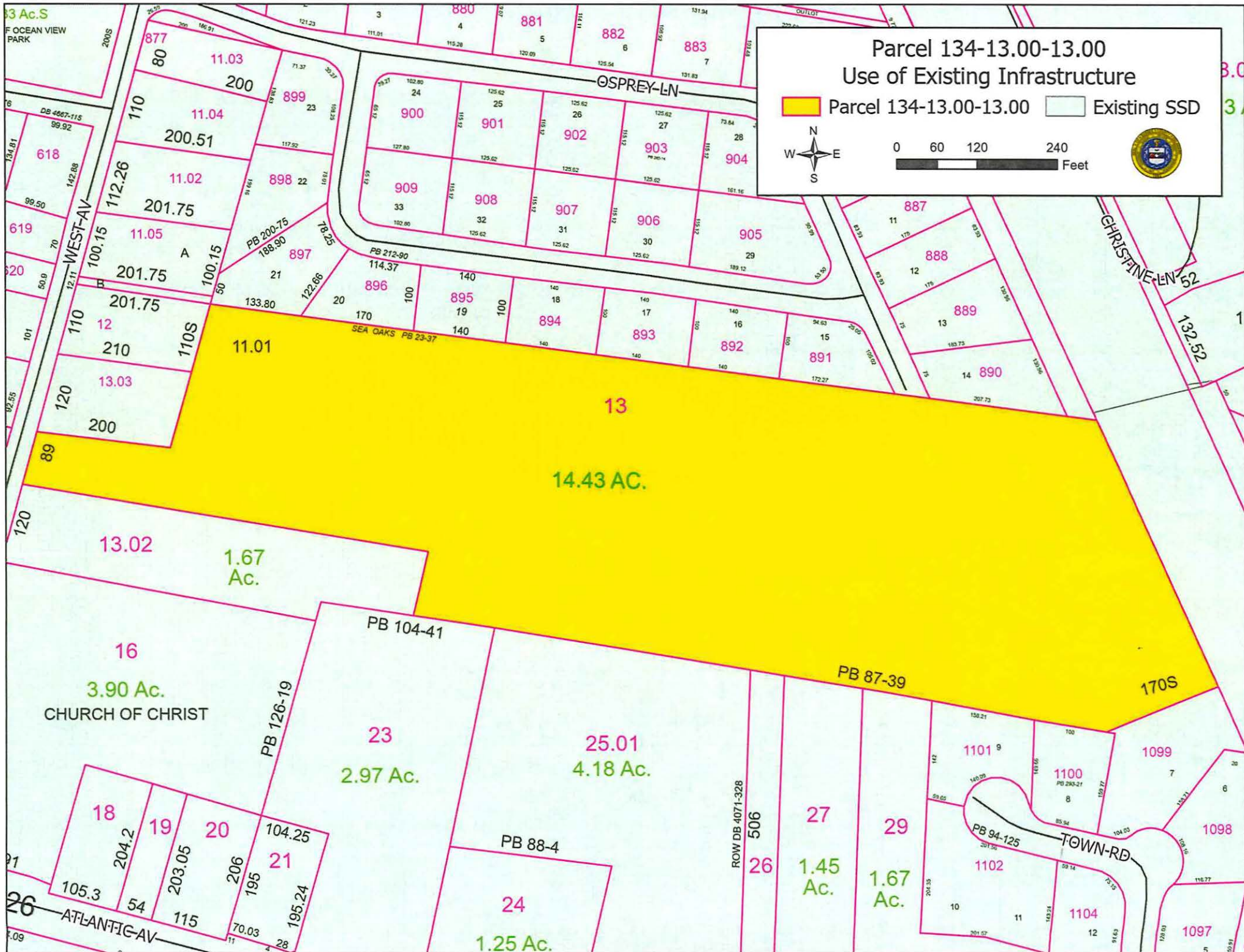
FOR DOUBLE DP LP

By:  _____ (Seal)
Joshua Gray - Authorized Signatory



10/28/19 (DATE)

WITNESS:



 _____



Parcel 134-13.00-13.00
Use of Existing Infrastructure

 Parcel 134-13.00-13.00  Existing SSD

0 60 120 240
Feet



13
14.43 AC.

11.01
1.67 Ac.

16
3.90 Ac.
CHURCH OF CHRIST

23
2.97 Ac.

25.01
4.18 Ac.

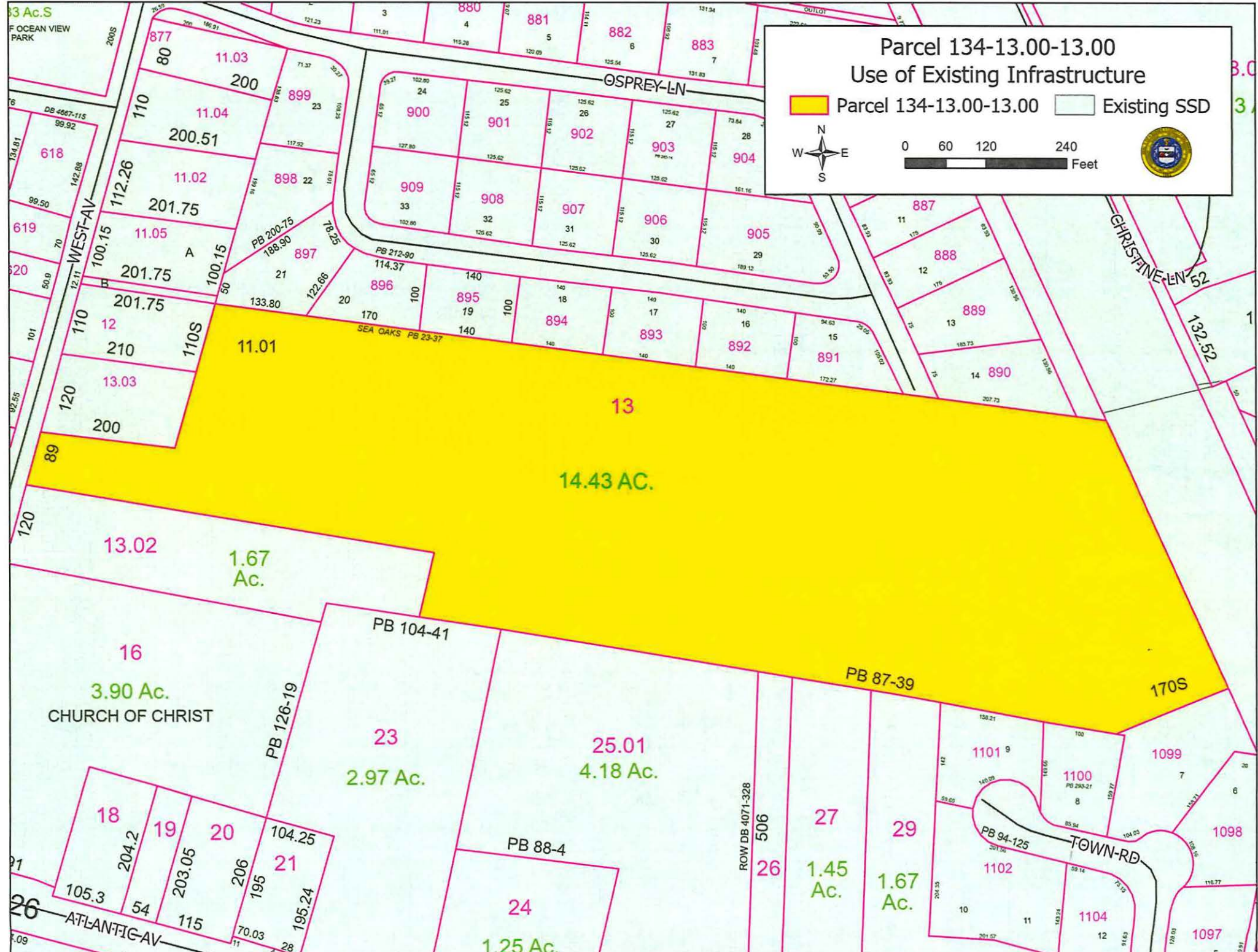
24
1.25 Ac.

27
1.45 Ac.

29
1.67 Ac.

1101
1100
1102
1104

1099
1098
1097



Introduced 06/04/19

**Council District Nos. 3 and 4 – Burton and Hudson
Tax I.D. No. 234-28.00-1.00, 2.00, and 3.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT FOR SLUDGE AND WASTEWATER SPRAY IRRIGATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 351.86 ACRES, MORE OR LESS

WHEREAS, on the 13th day of May 2019, a conditional use application, denominated Conditional Use No. 2186, was filed on behalf of Mountaire Farms of Delaware, Inc.; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2186 be _____; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Articles IV and VI, Subsections 115-22 and 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2186 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on both sides of Mount Joy Road approximately 52 feet west of Townsend Road, and being on both sides of Townsend Road approximately 157 feet south of Mount Joy Road, and being on the southeast corner of Mount Joy Road and Townsend Road, the northeast corner of Maryland Camp Road and Townsend Road, and the southwest corner of Maryland Camp Road and William Street Road, and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A., said parcel containing 351.86 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

PROPOSED

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator
Everett Moore, County Attorney

Date: December 3, 2019

RE: Agency Responses to Council Questions for CU 2176 KH Sussex

At the meeting of September 17, 2019 County Council left the record open for Council to ask questions of staff and agencies and to allow for the public five days to provide written comments regarding the response to the responses provided by the applicants. At the December 10, 2019 County Council meeting the responses will be reported to Council. The 5 day period will begin when the comments are reported in open session to Council.

Attached are the responses received from the agencies to your specific questions. Per the County's legal staff, to the extent that any of the information is non responsive to the questions posed, that information is not to be used in your deliberative process and decision.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF CLIMATE, COASTAL, & ENERGY

CLIMATE & SUSTAINABILITY
PROGRAMS

100 WEST WATER STREET, SUITE 5A
DOVER, DELAWARE 19904

PHONE: (302) 735-3480

November 8, 2019

Janell Cornwell
Director, Sussex County Planning and Zoning Office
2 The Circle
PO Box 417
Georgetown, DE 19947

**Re: SCPZ 2019 CU 2176 KH – Gas Station; Tax Parcel #234-11.00-56.02, 56.03, 56.06,
& 56.09**

Dear Ms. Cornwell:

This letter is provided on behalf of the Department of Natural Resources and Environmental Control's (DNREC) Planning Technical Advisory Committee (PTAC). DNREC received your letters, dated October 10th, seeking advice on the conditional use application for the construction of a gas station, with convenience store, at the intersection of John J. Williams Highway (Route 24) and Angola Road. Specifically, you requested information regarding: (1) if sufficient mitigation steps and procedures were in place if a large spill occurs at the proposed gas station, (2) if DNREC studies or tests for runoff of rain and fuel, and (3) concerns with the location/distance of gas station tanks and their proximity to wellheads, wetlands, and streams. The comments below provide information on these topics, as well as information about the wellhead protection area, and natural resources on site that are part of a larger contiguous tract of ecologically important wetlands and forests.

First, to address County Council's question regarding sufficient mitigation steps and procedures if a large spill occurs at the proposed gas station, the *Regulations Governing Underground Storage Tank Systems* (Title 7 DE Administrative Code 1351) provide the regulatory requirements for the installation, operation, and closure of underground storage tank (UST) systems including those found at gasoline stations. Spill prevention and detection practices include requirements for double walled tanks, fill line protection, spill buckets, overflow protection and prevention, cathodic (corrosion) protection, and spill release detection systems. Owners and operators of underground storage tanks are required to perform daily, weekly, and monthly inspections and maintain inspection records for tank release detection systems,

inventory, fuel deliveries, and water checks. The various leak detection systems are also required to be tested on a regular basis to ensure that they are functioning. Depending on the system, regular testing occurs annually to once every 36-months as specified in the regulations. Owners and operators are required to have an individual on site who has successfully completed UST operator training, which details the regulatory requirements for the operation of a UST system in the State of Delaware. Also, owners and operators of all regulated UST systems shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of UST systems. They are also required to notify DNREC within 24-hours of any failed test or evidence of a suspected leak. Financial responsibility requirements are located in Part F of the *Regulations Governing Underground Storage Tank Systems*. DNREC has the authority to inspect UST systems at any time including during construction and will complete a thorough compliance inspection of all tank systems on a 3-year rotation. For more information, please contact Mindy Anthony, DNREC Division of Waste and Hazardous Substances, at Mindy.Anthony@Delaware.gov.

In addition, DNREC has an Emergency Response Team, which maintains a rapid, comprehensive, statewide, 24/7 response to emergency and non-emergency petroleum and hazardous substance incidents for the protection of human health, safety, and the environment. DNREC's Emergency Response Team is a member of the State Emergency Response Team which includes the Delaware Emergency Management Agency, the Delaware State Fire School, the Delaware State Police, the Division of Public Health, local and county government agencies, and local fire companies. More information about DNREC's emergency, prevention and response can be found here: <http://www.dnrec.delaware.gov/dwhs/EPR/Pages/RespGroup.aspx>.

The second question posed by County Council concerned runoff of rain and fuel. DNREC does not actively study or test water for fuel related products as it relates to stormwater runoff onto the ground surface or into surface water bodies. However, several divisions within DNREC work collaboratively to recommend stormwater best management practices during construction, and provide advice about public and private wellhead locations and potential groundwater flow paths. With this information, DNREC has advance notice in identifying the closest receptors to potential contamination if a spill were to occur. For more information, please contact Doug Rambo, DNREC Division of Water, Water Supply Section, at Douglas.Rambo@Delaware.gov.

Tidewater Utilities provides drinking water to local residents from the Columbia aquifer. Tidewater Utilities and the Delaware Department of Health and Social Services Office of Drinking Water are responsible for testing and analyzing drinking water. Tidewater Utilities is required to publish a Consumer Confidence Report (CCR) indicating the quality of the water delivered to their customers on an annual basis. This report lists any water quality exceedances or violations to State of Delaware and U.S. EPA established drinking water standards. A copy of the Angola District CCR can be found here: https://www.middlesexwater.com/wp-content/uploads/2019/06/Tidewater_CCR_2019_E-copy.pdf. Local customers of Tidewater Utilities are generally supplied a copy or a web link to access the CCR in June of each year.

Finally, to address the question regarding proximity of tanks to natural resources, there are no DNREC regulations or County ordinances that prohibit the construction of a UST facility in or adjacent to a wellhead protection area. UST systems can operate effectively as long as they are constructed properly and operated and maintained in an efficient manner. If a spill were to occur at the tanks and DNREC was notified (as required by law), steps would be taken to clean-up and remediate the spill and implement monitoring of surface and groundwater sources.

PTAC members would also like to take this opportunity to provide general recommendations to improve development on the parcel. The forest on site is part of a larger contiguous tract that is ecologically important, high quality, and supports rare species according to the Division of Fish and Wildlife. Therefore, measures should be taken to mitigate tree removal on site. Trees act as natural sponges and help reduce surface runoff, absorb pollutants, and lower surface and air temperatures. PTAC reviewers encourage the use of trees as assets to be included in project design. The Division of Fish and Wildlife would like to work with the County and DelDOT to minimize potential wildlife impacts and improve wildlife road crossings. For more information, please contact Brian Galvez, DNREC Division of Fish and Wildlife, Species Conservation and Research Program, at Brian.Galvez@Delaware.gov.

Thank you for seeking DNREC's technical advice on this conditional use application. If the start of the project is delayed more than a year past the date of this letter, please contact DNREC again for the latest information. If you require additional assistance, data, or other support, please do not hesitate to reach out to me for at Marcia.Fox@Delaware.gov or by phone at (302) 735-3495.

Sincerely,

A handwritten signature in black ink that reads "Marcia A. Fox". The signature is written in a cursive, flowing style.

Marcia A. Fox
Principal Planner

cc: Mindy Anthony, DNREC, Division of Waste and Hazardous Substances
Brian Galvez, DNREC, Division of Fish and Wildlife
Matthew Grabowski, DNREC, Division of Water
Doug Rambo, DNREC, Division of Water



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

November 8, 2019

Ms. Janelle M. Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

Thank you for your letter of October 10, 2019, regarding Conditional Use application CU 2176 KH Sussex and the additional questions asked by County Council. Those questions, and DelDOT's answers are as follows:

- Question 1: Has DelDOT contacted the neighbor across Route 24 (parcel 234-11.00-60.01 – Carlton Dorman) to discuss the construction of the barrier that will limit their access to go east on Route 24?
 - Answer: No, DelDOT has not contacted the neighbor in this regard.
- Question 2: How far south off Route 24 along Angola Road is the entrance to the site? Could this make it very difficult for vehicles wanting to turn left into the 7-Eleven due to the turn lane onto Route 24 west?
 - Answer: The site entrance on Angola Road, like the rest of the site, has yet to be designed. DelDOT estimates that the entrance would be about 300 feet from the current centerline of Route 24. While DelDOT does anticipate that the queue of westbound vehicles waiting to turn left at Route 24 would back up past the proposed entrance during average weekday and summer Saturday peak hours, a separate left turn lane could be designed for traffic turning into that entrance and, once store patrons reach that lane, DelDOT anticipates a delay of no more than 9.5 seconds (still Level of Service A) for them to complete their turn into the site.
- Question 3: When was the most recent traffic count/study completed for northbound traffic on Angola Road to the Route 24 intersection?

- Answer: The most recent traffic count that DelDOT has for the intersection of Route 24, Angola Road and Robinsonville Road is dated November 1, 2017. The most recent summer Saturday traffic count that DelDOT has is dated June 25, 2016.

- Question 4: Has DelDOT considered widening Route 24, in the proximity of Angola Road, including acquiring the required right-of-way?
 - Answer: In the Land Use and Transportation Study for the Henlopen Transportation Improvement District (TID), which looked at projected conditions in 2030, DelDOT has identified a need to widen Route 24 to provide four through lanes, two each way, on Route 24 through the intersection with Angola Road and Robinsonville Road. DelDOT does not have a project in its current Capital Transportation Program (CTP) to do that work but intends to add such a project. Until DelDOT has planned and designed a project to widen the road, DelDOT cannot acquire the needed right-of-way through its normal process. If a developer is required to widen the road and cannot acquire right-of-way by negotiation, DelDOT can use its condemnation powers to assist the developer but cannot fund the purchase. The developer would need to pay the acquisition costs. Information on this process is available in Section 2308 of the Delaware Administrative Code. If DelDOT has a project in its CTP and a property owner wishes to have their property purchased early, they may request that through the Advance Acquisition Committee.

- Question 5: Is there consideration for the future total widening of Route 24 and/or Angola Road?
 - Answer: See our answer to Question 4 above. Similarly, in the Land Use and Transportation Study for the Henlopen TID, DelDOT has identified a need to widen Angola Road to provide 11-foot lanes and 5-foot shoulders. Again, DelDOT does not have a project in its current Capital Transportation Program (CTP) to do that work but intends to add one.

- Question 6: What is the dollar contribution and the amount of road improvements that the applicant is obligated to provide?
 - Answer: DelDOT anticipates requiring a cash contribution toward its planned Safety Improvement Project at the intersection but has not yet determined the amount of that contribution. The DelDOT also anticipates building some of the entrance improvements needed to support the proposed development, notably the raised concrete median on Route 24 and the widening and islands needed to allow for left turns into the site on Angola Road, and requiring the developer to pay for the extra cost these improvements would add. That cost is also undetermined.

- Question 7: Are all of the developments in the area of the Route 24 and Angola Road intersection that are proposed and/or approved contained in the DelDOT traffic counts for the 7-11 project? Please list the developments included in the traffic count/study for the Rt. 24 and Angola Rd. intersection improvement?

- Answer: The terms “area,” “proposed” and “approved” in this question are not defined. As discussed in DelDOT’s letter of September 17 (copy enclosed), changes were made to the list of committed developments provided in the scope for the TIS for the 7-11 project, to better accord with State regulations (DelDOT Development Coordination Manual, Section 2309 of the Delaware Administrative Code). DelDOT’s September 17 letter provides a correct evaluation of the intersection in the context of the TIS for the 7-11 project and the list requested is found on page 2 of that letter. The evaluation provided in the September 17 letter addresses all the developments required by our regulations. Depending on how one defines the terms mentioned above, there may be some that are not included.

Thank you again for the opportunity to comment with regard to this application.

Sincerely,



Drew A. Boyce,
Director, Planning

DAB:tbm

cc: Todd Lawson, Sussex County Administrator
Michael DuRoss, Assistant Director, Regional System Planning
Marc Coté, Assistant Director, Development Coordination
Todd Sammons, Subdivision Engineer
Susanne Laws, Sussex County Subdivision Coordinator
Joshua Thomas, Planning Supervisor
T. William Brockenbrough, County Coordinator
Troy E. Brestel, Project Engineer
Claudy Joinville, Project Engineer



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

September 17, 2019

Mr. Christopher Duke
Becker Morgan Group, Inc.
250 South Main Street
Suite 109
Newark, Delaware 19711

Dear Mr. Duke:

This letter is to document a re-evaluation of the analysis of the intersection of Delaware Route 24, Robinsonville Road and Angola Road done in the KH Angola Traffic Impact Study (TIS).

Following the completion of DelDOT's review of the TIS (See enclosed letter dated July 25, 2019.), it was discovered that four nearby committed developments were not included in the scope of the study when DelDOT provided it on March 28, 2019. Additionally, three developments were included in the scope that should not have been.

Re-examining the list of committed developments, we arrived at the list of nine developments shown in the table below. The original scope we provided to you included seven. Two of those, Love Creek Elementary School and Saddle Ridge were not within two miles of the site. Another one, Acadia only has preliminary plan approval. DelDOT regulations require that committed developments be within two miles of the site and be recorded or substantially approved. Another four developments, Headwater Cove, Burton Pond, Middle Creek Preserve and The Woods at Burton's Pond should have been included in the scope; their omission was an error on our part.

Development	Dwelling Units	Other Descriptor
Pelican Landing Shopping Center		85,000 square feet
Marsh Island	152	
Marsh Farm Estates	104	
Love Creek Marina Residential	188	
Love Creek Marina Commercial		5,000 square feet
Total per Original Scope	444	
Headwater Cove	163	
Burton Pond	365	
Middle Creek Preserve	313	
The Woods at Burton's Pond	165	
Total Additional	1,006	
Total	1,450	

As shown in the enclosed Level of Service (LOS) table, these changes to the committed developments in the area will result in poor LOS at the intersection of Route 24, Robinsonville Road and Angola Road. However, this higher level of delay can be primarily attributed to the other committed developments considered, not the subject application as traffic generated by the subject application accounts for a small percentage of total intersection traffic and is primarily pass by driven. DeIDOT finds seven aspects of this table significant:

- 1) The land use scenario presented by the completion of all nine developments, while consistent with DeIDOT regulations, is only nominally a scenario for 2022, the anticipated build out of the convenience store. In fact, it will take much longer for all of these developments to be completed. As the subject application completes construction, the level of service will be closer to the level of service reported in the original TIS rather than future cases which anticipate all committed developments contemplated will be constructed by 2022. The full buildout is closer to a future scenario contemplated in the Land Use and Transportation Study for the Henlopen Transportation Improvement District (TID).
- 2) There are other developments proposed along Robinsonville Road and Angola Road that have only preliminary plan approval and as such do not qualify as committed developments. If they were considered, the volumes would be still closer to the 2045 scenario contemplated for the TID.
- 3) As with all TIS, there are more distant developments for which the study does not explicitly account. However, growth factors are applied to background traffic to address them.
- 4) The fact that DeIDOT erred with regard to the committed developments in the study area arguably points to a need for improved quality control but it also points to a need for a

close relationship with the County's Planning and Zoning staff. That relationship has been strengthened in recent months.

- 5) DelDOT's planned safety improvement project at this intersection will provide a significant improvement.
- 6) Additional improvements beyond DelDOT's planned safety improvement project at this intersection will be needed. The Land Use and Transportation Study for the Henlopen Transportation Improvement District identified a need for two through lanes each way on Delaware Route 24 by 2045. Regardless of whether the TID moves forward, the study provides a technical basis for a second project at this intersection to complete the widening. DelDOT will work with the County to monitor growth in the area to determine the timing of inclusion of the proposed widening project into our Capital Transportation Program.
- 7) The subject convenience store with gasoline pumps would contribute to traffic at this intersection but only marginally as approximately 76% of traffic generated by the convenience store is pass by traffic or traffic already on the road network. In our view, your client should be required to contribute to the solution but not to be the solution.

In summary, adjusting the traffic from the committed developments and re-analyzing the intersection, we find that the intersection would not operate as well as previously reported (See enclosed Level of Service table.). However, the text of McCormick Taylor's July 25, 2019, letter is still valid; the scheduled DelDOT safety improvement project will be a sufficient improvement for the purposes of this TIS and the developer should be required to contribute toward it.

If you have any questions concerning this letter, please contact me at (302) 760-2109.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator

TWB:km

Enclosures

cc with enclosures: Jennifer Cohan, Secretary of Transportation
Mr. J. Michael Riemann, Becker Morgan Group, Inc.
Ms. Constance C. Holland, Office of State Planning Coordination
Ms. Janelle Cornwell, Sussex County Planning and Zoning
Mr. Andrew Parker, McCormick Taylor, Inc.
DelDOT Distribution

DelDOT Distribution

Brad Eaby, Deputy Attorney General
Shanté Hastings, Director, Transportation Solutions (DOTS)
Drew Boyce, Director, Planning
Mark Luszcz, Chief Traffic Engineer, Traffic, DOTS
Michael Simmons, Assistant Director, Project Development South, DOTS
J. Marc Coté, Assistant Director, Development Coordination
Peter Haag, Traffic Studies Manager, Traffic, DOTS
Alastair Probert, South District Engineer, South District
Gemez Norwood, South District Public Works Manager, South District
Susanne Laws, Sussex Subdivision Review Coordinator, Development Coordination
David Dooley, Service Development Planner, Delaware Transit Corporation
Mark Galipo, Traffic Engineer, Traffic, DOTS
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning
John Andrescavage, Sussex County Subdivision Reviewer, Development Coordination
Troy E. Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PEAK HOUR LEVELS OF SERVICE (LOS)

Update to KH Sussex (f.k.a. KH Angola)

Original Report dated June 7, 2019

Prepared by Becker Morgan Group, Inc.

Signalized Intersection ¹	LOS per DelDOT ²		
	Weekday AM	Weekday PM	Saturday Midday
Delaware Route 24 / Angola Road / Robinsonville Road			
2019 existing	C (28.7)	C (31.6)	D (46.3)
2022 without development	E (65.5)	F (116.7)	F (157.2)
2022 without development – with HSIP project ³	D (40.9)	E (62.0)	E (61.8)
2022 with development	F (82.3)	F (142.4)	F (181.7)
2022 with development – with HSIP Project ³	D (46.3)	E (70.6)	E (76.5)

¹ For both unsignalized and signalized intersection analyses, the numbers in parentheses following levels of service (LOS) are average delay per vehicle, measured in seconds.

² In their analysis, DelDOT used a cycle length of 150 seconds, removed all eastbound Robinsonville Road and westbound Angola Road right-turn on red volume, and added the eastbound and westbound overlapping right-turns.

³ HSIP project consists of converting each approach to have an exclusive left-turn lane, exclusive through lane, and exclusive right-turn lane.

Introduced 03/26/19

Council District No. 4 – Hudson

Tax I.D. No. 234-11.00-56.02 (portion of), 56.03, 56.06, and 56.09

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE STORE WITH FUELING STATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS

WHEREAS, on the 15th day of March 2019, a conditional use application, denominated Conditional Use No. 2176, was filed on behalf of KH Sussex, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2176 be _____; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2176 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of John J. Williams Highway (Route 24) approximately 954 feet west of Angola Road, also being the southwest corner of John J. Williams Highway (Route 24) and Angola Road, and being on the west side of Angola Road approximately 250 feet south of John J. Williams Highway (Route 24), and being more particularly described in the attached legal description prepared by Becker Morgan Group, LLC, said parcel containing 3.51 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: December 3, 2019

RE: County Council PC Recommendation & Old Business Report for CU 2194 Imagination-Renovation, LLC

County Council held a public hearing on November 19, 2019. County Council deferred action for the Planning Commission recommendation. The Planning Commission recommended approval of the application at their meeting of November 21, 2019. The record was open for five (5) days after the Planning Commission recommendation. There were no written comments submitted regarding the Planning Commission recommendation. The record closed at the close of business on November 26, 2019.

The Planning and Zoning Department received an application (CU 2194 Imagination-Renovation, LLC) for a Conditional Use for parcel 234-4.00-10.32 to allow for a furniture making and repair business to be located at 20601 Rust Rd. The Planning and Zoning Commission held a public hearing on October 17, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, comments from the Sussex Conservation District, the result from the DelDOT Service Level Evaluation requests, and comments from the Sussex County Engineering Department of Utility Planning Division.

That the Commission found that Mr. David Hutt an Attorney with Morris James, LLP and Mr. Phillip Bortz one of the owners of the property and also one of the Principals of Imagination-Renovation, LLC were present of behalf of the application; that Mr. Hutt stated the application is for a cabinet, furniture, and repair business; that the property is located on Rust Road; that the buildings in the back are proposed to be used for the business; that the Applicants had just acquired the property; that the seller of the property was a contractor/builder and had used the building in the past in a similar manner to that proposed; that that property does consist of 5-acres and is similar to other parcels in the area;



that the property is zoned AR-1 (Agricultural Residential District); that the Land Use Classification per the 2019 Comprehensive Plan is in the “Low-Density Area”; that DelDOT stated that a Traffic Impact Study (“TIS”) was not required because DelDOT views the impact as being negligible; that one the existing pole barns is approximately 4,000 square feet in area and the second one is under 400 square feet; that Imagination-Renovation, LLC is a custom cabinetry maker and furniture making business; that the proposal for the Conditional Use is that the two buildings would be the workshop where the cabinetry and furniture is constructed; that the cabinets are then taken to the customer’s home for installation; that there would be very little customer or retail traffic that would occur at the property; that they would have two to four cabinet makers or apprentices that would be working at the site; that the typical hours of operation are 8:00 am to 4:00 pm or 4:30 pm; that proposed Finding of Facts and conditions were submitted into the record; that they are requesting the hours of operation to be from 7:00 am to 5:00 pm, Monday through Friday and 8:00 am to 2:00 pm on Saturdays; that there would be no Sunday hours; that over the past years they have worked only two to three Saturdays in total; that the proposed use would likely be unnoticed from the road due to the location of the buildings on the site; that all the work is indoors; that all the materials are stored indoors; that the is very little traffic; that the Applicant’s live at the property; that there would be no retail sales; that the only time a customer would come to the site is during production; that the area is a busy construction area for new homes; that the proposed Conditional Use is appropriate because this business is public or semi-public and for the convenience, welfare, and also promotes orderly growth; that there are several Conditional Uses in the area; that there would be no odor or noise with the use; that it would only be employees going to the buildings; that proposed Finding of Facts and conditions were submitted into the record; that one of the proposed conditions relates to an un-lit sign that would not be greater than 32 square feet in size; that the Applicant has spoken to the neighbors and they had no objections; that Ms. Stevenson asked how the materials arrive to the buildings; that the materials are delivered by delivery trucks; that Mr. Bortz stated that one tractor trailer would deliver the materials, such as lumber, per month; that the cabinets are custom-designed and are generally are small is size and the Applicant’s often just go to lumber yards to pick-up the required materials; that Ms. Stevenson asked if there would be any storage of any materials outside; that Mr. Bortz stated there would be no materials stored outside and all the work is to be undertaken indoors; that Ms. Stevenson ask how many parking spaces does the Applicant want; that Ms. Cornwell stated the parking would be based on the square footage building or the number of employees; that Mr. Hutt stated that there is adequate room for parking; that Ms. Stevenson ask if the Conditional Use was for the whole property or just in the rear of the property; that Mr. Hutt stated the application is for the whole property; that Mr. Hopkins asked how many employees will there be; that Mr. Hutt stated six employees would be the maximum to allow for growth; that Mr. Hopkins asked if the tractor trailer would drive down the driveway or deliver from the road; that Mr. Bortz stated yes, the tractor trailer would use the paved driveway to deliver the materials; that Mr. Mears asked if they spray their finishes and if there would be a spray room; that Mr. Bortz stated that they do have a spray room and they only use water base latex and no oil based lacquers; that Ms. Bulkilvish asked, if the Applicant does do some re-finishing, whether clients could be bringing their pieces to the property; that Mr. Bortz stated that within the last two years, only four customers had showed up for something to be fixed; that he would probably put a sign on the building and not a sign along the road; that all the measurements are normally undertaken at the customer’s home; that Mr. Sharp ask if there are any chemicals used on the site; that Mr. Bortz replied no; that Mr. Sharp ask if any welding is done at the site; and that Mr. Bortz stated the materials are all wood and no there is no welding.

That the Commission found that no one spoke in favor of or in opposition to the application.

At the conclusion of the public hearing, the Commission discussed this application.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting of November 21, 2019, the Planning Commission discussed the application which had been deferred since October 17, 2019.

Ms. Stevenson moved that the Planning Commission recommend approval of C/U 2194 for IMAGINATION RENOVATION for a Furniture Making and Repair Business based upon the record made at the public hearing and for the following reasons:

1. This Applicant proposes to operate a small furniture making and repair business on property which consists of 5 acres. The Applicant has 2-4 employees and the Applicant proposes to use two existing buildings on site.
2. The use as a furniture making and repair shop at this location is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
3. The project, with the conditions and stipulations so placed upon it, will not adversely affect area roadways.
4. No parties appeared in opposition to this application.
5. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to the two buildings of approximately 4,100 square feet and 400 square feet and designated on the Boundary Survey Plan as "Buildings to be used in furniture making business."
 - B. One unlit sign, not to exceed 32 square feet per side, shall be permitted.
 - C. There shall be no outside storage of materials or supplies.
 - D. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - E. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - F. The hours of operation shall be from 7:00 am to 5:00 pm Monday through Friday and 8:00 am to 2:00 pm on Saturdays.
 - G. All furniture making (including staining) and repairs shall be performed inside the existing buildings located on the property. No lumber and equipment shall be stored outside.
 - H. The site shall be subject to all DelDOT entrance and roadway requirements.
 - I. Handling and disposal of all hazardous waste from the furniture making and repair shop shall comply with all local, state, and federal laws, rules, and regulations.
 - J. The failure to abide by these conditions shall result in the termination of the conditional use approval.
 - K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated in the motion. Motion carried 5-0.

Introduced 07/16/19

**Council District No. 3 – Burton
Tax I.D. No. 234-4.00-10.32
911 Address: 20601 Rust Road, Harbeson**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FURNITURE MAKING AND REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2019, a conditional use application, denominated Conditional Use No. 2194, was filed on behalf of Imagination-Renovation, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2194 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2194 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the east side of Rust Road, approximately 0.25 mile south of Harbeson Road (Route 5), and being more particularly described in the attached legal description prepared by Hudson Jones Jaywork & Fisher, said parcel containing 5.0 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

JANELLE M. CORNWELL, AICP
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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: December 3, 2019

RE: County Council PC Recommendation & Old Business Report for CZ 1893 Lisa Horsey

County Council held a public hearing on November 19, 2019. County Council deferred action for the Planning Commission recommendation. The Planning Commission recommended approval of the application at their meeting of November 21, 2019. The record was open for five (5) days after the Planning Commission recommendation. There were no written comments submitted regarding the Planning Commission recommendation. The record closed at the close of business on November 26, 2019.

The Planning and Zoning Department received an application (CZ 1893 Lisa Horsey) for a Change of Zone for parcel 132-12.00-113.00 to allow for a change in zone from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District to be located at 28537 Sussex Hwy. The Planning and Zoning Commission held a public hearing on October 17, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, the results from the DeIDOT Service Level Evaluation, comments from the Sussex Conservation District, and comments from the Sussex County Engineering Department - Utility Planning Division.

Mr. Sharp recused himself for this item.

The Commission found that Mr. Kevin Smith with The Kercher Group, Mr. Sam Connors, a partner with LBG Homes, LLC were present on behalf of the application; that Mr. Smith stated the building was used as the old Bayside seafood building and it was Commercial in nature; that the property is less than 1/2 acre in area; that the property does have an existing well and septic system; that the Applicant would like to leave the parcel as it is and would not be providing any improvements; that the Applicant would like to get the zoning to match the current use; that the Applicant would like to bring the zoning into compliance with what the occupier had been doing in the past; that Ms. Wingate



asked if there is any plan to improve the site other than just the zoning: that Mr. Smith stated the application is to bring the zoning from AR-1 (“Agricultural Residential District”) to a commercial zoning; that Ms. Cornwell asked if the request for the C-2 (“Medium Commercial District”) is keeping with the Comprehensive Future Land Use Map of Commercial for the area; that Mr. Smith stated the he believed the Future Land Use Plan stated the property to be in the low-density area; that Ms. Cornwell pointed out that the Future Land Use Map shows it as being in the Commercial area, and whether Mr. Smith would agree that the request for C-2 zoning is therefore in keeping with area designation of Commercial; to which Mr. Smith agreed.

That the Commission found that no one spoke in favor of or in opposition to the application.

At the conclusion of the public hearing, the Commission discussed this application.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting of November 21, 2019, the Planning Commission discussed the application which had been deferred since October 17, 2019.

Ms. Wingate moved that the Planning Commission recommend approval of Change in Zone # 1893 for LISA HORSEY for a change in zone from AR-1 Agricultural-Residential zoning to C-2 “Medium Commercial” zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The site is in the “Commercial Area” according to the Sussex County Land Use Plan. This is an appropriate location for C-2 Zoning according to the Plan.
3. The site is located at the intersection of Route 13 and Boyce Road. The property is shaped like a triangle and has frontage on both of these roads, with Route 13 being an arterial road. It is also surrounded by existing commercial zoning.
4. There is currently a commercial building on the site, and the property has been used for commercial purposes in the past. This rezoning will make the existing building and its prior commercial usage consistent with the zoning of the property.
5. The use will not have an adverse impact on neighboring properties or roadways.
6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
7. No parties appeared in opposition to the rezoning application.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated in the motion. Motion carried 5-0.

To Be Introduced 07/23/19

**Council District No. 1 - Vincent
Tax I.D. No. 132-12.00-113.00
911 Address: 28537 Sussex Highway, Laurel**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.474 ACRE, MORE OR LESS

WHEREAS, on the 21st day of June 2019, a zoning application, denominated Change of Zone No. 1893, was filed on behalf of Lisa Horsey; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1893 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying at the northeast corner of Sussex Highway (Route 13) and Boyce Road, and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A., said parcel containing 0.474 acre, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: December 3, 2019

RE: County Council PC Recommendation & Old Business Report for CZ 1894 Howard Pepper, Jr.

County Council held a public hearing on November 19, 2019. County Council deferred action for the Planning Commission recommendation. The Planning Commission recommended approval of the application at their meeting of November 21, 2019. The record was open for five (5) days after the Planning Commission recommendation. There were no written comments submitted regarding the Planning Commission recommendation. The record closed at the close of business on November 26, 2019.

The Planning and Zoning Department received an application (CZ 1894 Howard Pepper, Jr) for a Change of Zone for parcel 533-4.00-61.00 to allow for a change in zone from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District to be located at 35029 DuPont Blvd. The Planning and Zoning Commission held a public hearing on October 17, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, results from the DelDOT Service Elevation, comments from the Sussex Conservation District, and comments from the Sussex County Engineering Department - Utility Planning Division.

That the Commission found that Mr. Howard Pepper, Jr., representing the Pepper Family Farm, LLC, and Mr. Ron Pepper were present on behalf of the application; that Mr. Howard Pepper stated the parcel is part of 500-acres of family farm and is in Delaware Agricultural Preservation; that the parcel had been used as a sales lot for years; that his son wanted to use the lot for his landscaping business and to use the mobile home as an office; that he is trying to get the zoning correct; that Chairman Wheatley asked Ms. Cornwell if the property is in an Agricultural Preservation District; that Ms. Cornwell stated that the parcel is in not in an Agricultural Preservation District but the adjoining parcels, which were part of the farm, were designated as such; that this particular parcel was part of



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

the 500-acres of the family farm and has been cut out; that Mr. Mears asked if the property going to be used for sales for the landscaping business; that Mr. Ron Pepper stated they would use the office building and have a display with a sign; that Chairman Wheatley reminded the Commission Members that the application is for a Change in Zone and anything that is permitted in a C-3 (“Heavy Commercial District”) could potentially take place on the parcel if the change of zone were approved; that Ms. Cornwell asked about the future Land Use Map designation and whether the parcel is designated as *commercial*. Mr. Cornwell asked whether the Applicant thinks that C-3 zoning district is appropriate in the Commercial Land Use classification; to which Mr. Pepper replied yes.

That the Commission found that no spoke in favor of or in opposition to the application.

At the conclusion of the public hearing, the Commission discussed this application.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting of November 21, 2019, the Planning Commission discussed the application that has been deferred since October 17, 2019.

Ms. Wingate moved that the Planning Commission recommend approval of CZ 1894 for HOWARD PEPPER, JR., for a change of zone from AR-1 to C-3 based upon the record made at the public hearing and for the following reasons:

1. This site is along Route 113, which is a Major Arterial Road, and the location is appropriate for C-3 zoning. The property directly to the north is zoned C-1 and existing property across Route 113 is zoned C-1. The C-3 zoning will be consistent with the area zoning and uses.
2. According to the Sussex County Comprehensive Plan, the Property is designated as Commercial Area. C-3 Zoning is appropriate within these Areas according to the Plan. Adjacent parcels to the south and east are designated as Developing Areas and the Comprehensive Plan provides that C-3 zoning may be appropriate in Developing Areas as well.
3. The proposed zoning will not adversely affect neighboring or adjacent properties or roadways.
4. Whenever this property is developed for a particular use, the applicant will be required to meet or exceed all DelDOT requirements. DelDOT will determine where appropriate entrance locations should be.
5. C-3 Zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for businesses along major arterial roads that serve local and regional residents as well as the travelling public. In this case, the rezoning along Route 113 falls within the stated purposes of the C-3 District.
6. Any future development of the site will require preliminary and final site plan review by the Sussex County Planning and Zoning Commission.
7. No parties appeared in opposition to the change of zone application.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated in the motion. Motion carried 5-0.

To Be Introduced 07/23/19

**Council District No. 5 - Rieley
Tax I.D. No. 533-4.00-61.00
911 Address: 35029 DuPont Boulevard, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.368 ACRES, MORE OR LESS

WHEREAS, on the 26th day of June 2019, a zoning application, denominated Change of Zone No. 1894, was filed on behalf of Howard Pepper, Jr.; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1894 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of DuPont Boulevard (Route 113), approximately 0.38 mile south of Lazy Lagoon Road, and being more particularly described in the attached legal description prepared by Ellis & Szabo, LLP, said parcel containing 2.368 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

Payable to: *International Association of Lions Clubs*

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Fenwick Island Lions Club
PROJECT NAME: Lions Selbyville Halloween Parade
FEDERAL TAX ID: 52-2090825 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: To honor and serve our residents while creating a positive environment for our neighbors and community members.

ADDRESS: 37232 Lighthouse Road Suite 109

West Fenwick Island DE 19975
(CITY) (STATE) (ZIP)

CONTACT PERSON: Linda St.Clair

TITLE: President

PHONE: 301-655-0742 EMAIL: linda1548@aol.com

TOTAL FUNDING REQUEST: \$1,000

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? _____

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? See Section 3 _____

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|---|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other All Community Members | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
4,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The Lions Selbyville Halloween Parade values and focuses on supporting and assisting all families & children. In cooperation and through a joint effort of working with the Town of Selbyville, the Lions Club provides a safe and fun environment for children and families to enjoy the fall season and Halloween. Dating back to serving World War II soldiers and their families, the Lions Club is honored to continue to support this October event .

This year's parade will be held Wednesday, October 30, 2019 at 7:00 p.m. We will spotlight our local youth in the four high school bands, costumed children, floats, beauty queens and a myriad of youth civic organizations. Many parents and community members will participate as we honor the politicians, first responders, civic organizations and see the fire trucks and antique cars. We estimate 4,000 to 5,000 proud residents, community members and visitors will converge onto Church Street during the Oct. 30 evening to view and join in the festivities of this time-honored event.

While the Fenwick Island Lions Club is responsible for the entire parade, we are fortunate to work with outstanding first responders from the Selbyville Police and Fire Department, Fire Police and numerous volunteers from neighboring communities. We appreciate the tremendous work and support from the SelbyvilleTown administration and maintenance personnel.

The total cost of producing the parade is elusive due to the multiple groups, department and agency's participation and some personnel receive overtime pay for their work. Much of the cost of materials and dedication of time is donated on a volunteer basis. Additionally, while the fire police from neighboring communities volunteer their time, it is with the understanding when similar events occur in other towns, there will be a reciprocal arrangement. It is expected the club's out of pocket expense will be approximately \$3,000 with approximately \$600 being paid for by sponsors.

This event is a fund raiser for our club, 100% of the the proceeds directly support our community service projects throughout the year. Please see the attached summary of our major service projects and activities for the past year.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	600.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Rogers Graphic - Ticket Printing	\$ 700.00
Etch Art - Winners' Ribbons	\$ 375.00
Bands - Transportation	\$ 600.00
Town of Selbyville & Doyles Restaurant - Fire Police & Public Works Staff Meals	\$ 300.00
Postage & Envelopes	\$ 100.00
Food Sale Cost	\$ 250.00
TOTAL EXPENDITURES	\$ 2,325.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 2,925.00

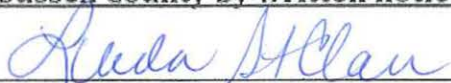
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Fenwick Island Lions Club agrees that:
(Name of Organization)

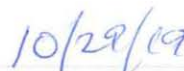
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official



Date



Witness



Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Linda St. Cloer
Applicant/Authorized Official

President
Title

Thomas A. St. Clair
Witness

10/29/19
Date

Rielay
11-20-19



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Delaware Botanic Gardens

PROJECT NAME: ADA Accessible and Environmentally Sustainable Restrooms

FEDERAL TAX ID: 32-0371538 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
 YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: Our mission is to create a world-class, inspirational, educational, and sustainable public botanic garden in southern Delaware for the benefit and enjoyment of all.

ADDRESS: PO Box 1390

Ocean View DE 19970
(CITY) (STATE) (ZIP)

CONTACT PERSON: Sheryl Swed

TITLE: Executive Director

PHONE: 202-262-9856 EMAIL: sherylswed@delawaregardens.org

TOTAL FUNDING REQUEST: \$3,000

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? \$3,000

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 20%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input checked="" type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input checked="" type="checkbox"/> Elderly Persons | <input checked="" type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input checked="" type="checkbox"/> Minority | <input type="checkbox"/> Other _____ | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
16,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

ADA Accessible and Environmentally Sustainable Restroom Project at Delaware Botanic Gardens will allow us to provide safe, clean and positive bathroom experiences that our guests and their families expect and deserve. Our garden site is not currently connected to the Sussex County Sewer System and therefore we do not have public, ADA compatible restrooms. The Delaware 2020 Bond Bill has granted DGB \$200,000 to complete the last major site improvement — the construction of a Wastewater Pumping Station and Force Main which will enable us to connect to the Sussex County Sewer System. Once this site work is completed in spring 2020, we can connect permanent restrooms. Currently, the only restrooms available at the gardens for guests, volunteers and staff are portable toilets. While two are categorized as Handicapped Accessible, they are still a problem for many mobility challenged individuals. In addition to the accessibility limitations of the portable toilets, these temporary facilities also have seasonal limitations. The annual rental and service cost for our portable toilets is approximately \$14,000. We are committed to building restrooms reflective of our mission to be a sustainable public garden for the enjoyment of all and that align with our organization's values of environmental stewardship, community focus, and financial responsibility. The restroom project is essential to the gardens as we strive to provide services commensurate with the quality of the gardens and features throughout the entire site. This project will benefit the guests, volunteers and staff of Delaware Botanic Gardens. We are especially excited for the benefit of this project to families and youth. This project will enable us to invite and host K-12 school groups to our gardens for curriculum-based education and programming. Currently, we host few school groups because of the unique limitation presented by portable toilets and teachers have been constructive in their hesitation of bringing students because of our bathrooms. The bathroom project will include restrooms with baby changing stations and be welcoming to young families something we are not currently able to offer. The Delaware Botanic Gardens' programming is designed to reach the full array of Sussex County residents. Furthermore, the ability to welcome bus tours from beyond our region will generate tourism for Sussex County. We have made significant investments to ensure the many features of our 37-acre garden are accessible to all of our guests, no matter their age, nor their ability. We need to have bathroom facilities which are equal to the accessibility of our gardens and woodlands. We hope to partner with Chichester duPont Foundation and receive donations from SEA Studio Architects and Contractors for a Cause to combine with the \$25,000 requested from Sussex County Government to build our restrooms.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	6,360.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Well installation, drilling and well pump	-\$ 10,000.00
Construction (486 sq ft) restroom (Contractors for a Cause has offered donation of a portion of construction)	-\$ 91,000.00
Restroom Design (Professional assistance donated by SEA Studio Architects)	-\$ 6,360.00
Site preparation, grading and permitting	-\$ 14,000.00
TOTAL EXPENDITURES	-\$ 121,360.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 115,000.00

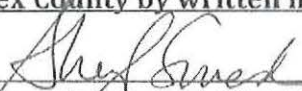
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Delaware Botanic Gardens agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

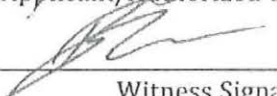
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official Signature

11/6/2019

Date



Witness Signature

11/6/2019

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

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All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



Applicant/Authorized Official Signature

Sheryl Swed, Executive Director

Title



Witness Signature

11/6/2019

Date

Rieley
11-19-19



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Rehoboth Beach Historical Society

PROJECT NAME: Annual Exhibit 2019

FEDERAL TAX ID: 51-0203755 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Rehoboth Beach Historical Society is a nonprofit organization dedicated to encouraging and promoting public knowledge of and participation in the preservation of the history, culture, architecture, and special character of Rehoboth Beach.

ADDRESS: 511 Rehoboth Avenue

Rehoboth Beach DE 19971
(CITY) (STATE) (ZIP)

CONTACT PERSON: Nancy Alexander

TITLE: Direceter

PHONE: (302) 227-7310 EMAIL: director@rehobothbeachmuseum.org

TOTAL FUNDING REQUEST: \$2,500

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? _____

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 50%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <small>All visitors to the museum, which is free of charge</small> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
4,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The Constitution of the United States, as well as the Delaware Constitution, protect the free exercise of religion. Residents of Sussex County have historically taken advantage of this right to pursue a variety of religious faiths. The Rehoboth Beach Museum plans to mount an exhibit in the spring of 2020 to explore and celebrate this tradition. The exhibit will educate residents and visitors about this history and discuss the role religious institutions have played in the development of civil rights and civil liberties in the area. Drawing on items from the collection, oral histories, and the wisdom of members of the religious community, the Museum will augment the exhibit with presentations that focus on the various traditions found in both the town of Rehoboth Beach and close-in communities of Sussex County.

Rehoboth Beach itself began as a religious community. The Delaware General Assembly granted a charter to "establish a resort with religious influences, including a yearly camp meeting" to the Rehoboth Beach Camp meeting Association of the Methodist Episcopal Church in 1871. Founders of the town were mostly members of the congregation of Rev. Robert Todd from Wilmington, Delaware. Over time, the population diversified and interest in camp meetings waned, but interest in religion did not. All Saint's Episcopal Church (1893), Epworth Methodist Episcopal Church (1897) and Saint Agnes-by-the Sea (1906), which evolved into the current Saint Edmond, followed this. Then came Westminster Presbyterian (1932), the Christian Science Reading Room (1947) and the Lutheran Church of our Savior (1950). More recently, the Seaside Jewish Community opened its doors. Churches serving the African-American community like Mount Pleasant United Methodist Church (formerly Faith United Methodist Church).

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	2,500.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel	-\$ 3,500.00
Signs: Front window of museum, explanatory text in exhibit hall, labels in exhibit cases	-\$ 1,050.00
Invitations and posters	-\$ 450.00
TOTAL EXPENDITURES	-\$ 5,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 2,500.00

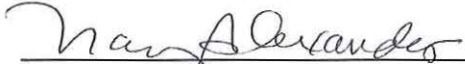
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Rehoboth Beach Historical Society agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.


SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official Signature

Oct 31, 2019
Date



Witness Signature

11-04-19
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

Doug
11/22/19

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

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In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Nancy Alexander
Applicant/Authorized Official Signature

[Handwritten Signature]
Witness Signature

Director
Title

11/04/19
Date

Hudson
11-22-19
Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Town of Delmar, Delaware

PROJECT NAME: Tree Lighting Ceremony

FEDERAL TAX ID: 52-6002077 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
 YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Town of Delmar is committed to protect and enrich the quality of life by providing a high level of services in an effective and approachable manner for all the citizens of Delmar.

ADDRESS: 100 S. Pennsylvania Avenue

<u>Delmar</u>	<u>DE/MD</u>	<u>21875</u>
(CITY)	(STATE)	(ZIP)

CONTACT PERSON: Sara Bynum-King

TITLE: Town Manager

PHONE: (302)846-2664 EMAIL: townmgr.delmar@verizon.net

TOTAL FUNDING REQUEST: \$500.00

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? \$125,000.00

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 23%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|---|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>Townwide Event for all persons</u> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
1609 Residents

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The purpose of the funds is to cover the rental expense of the lighted/sound stage from the Town of Georgetown. Annually the Town host a Community Love Light Tree - Tree Lighting Ceremony to be held on the 1st Sunday in December to give residents an opportunity to honor deceased or living loved one who has served in the following capacities: Veteran, Activity Duty Military, Police Officer, Fire Fighter, Paramedic, EMT, Teacher, School Administrator, Elected and Appointed Officials, etc. The ceremony also allows individuals to recognize family members or significant others who have succumbed to or are battling a terminal disease or living with a chronic illness.

Individuals can donate \$5.00 to have their loved one's name printed on a banner that is displayed during the winter season at a designated location within the Town's State Street Park, Delmar, DE. All the proceeds from the donations are given to the local soup kitchen, which serves lunch to the homeless and local families in need every Saturday throughout the year. The meals are served at Camelot Hall, 103 E. State Street, Delmar, DE.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	1,150.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL -one lump sum that would include benefits, OPERATING COSTS -supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION -acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
25' Tree	\$ 400.00
Lights	\$ 300.00
Lift Equipment	\$ 250.00
Entertainment	\$ 200.00
Banner with names of individuals being remembered (Donation)	\$ 500.00
Lighted Stage Rental (Proposed Grant)	\$ 500.00
TOTAL EXPENDITURES	\$ 2,150.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 3,300.00

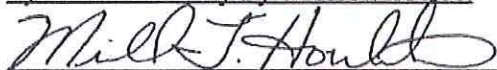
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Town of Delmar, Delaware agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

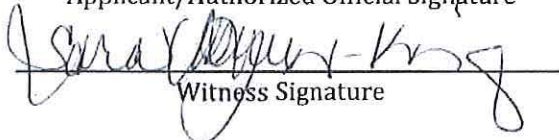
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official Signature

11/19/19

Date



Witness Signature

11/19/19

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

80

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

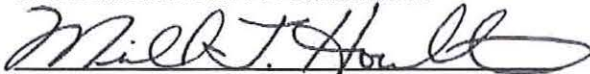
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

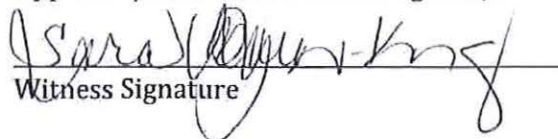
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



Applicant/Authorized Official Signature




Witness Signature

Mayor

Title

11/19/19

Date





SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION

Payable to: Diocesan Council, Inc.

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Camp Arrowhead

PROJECT NAME: Office Septic Connection

FEDERAL TAX ID: 51-0065734 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: Vision
Our vision for Camp Arrowhead is to be a sacred place for building community, nurturing all people, and spreading love in the world.
Mission
We are a unique camp, educational, and retreat center, consisting of a diverse group of people of faith, that provides a safe natural environment to learn about self, community and nature

ADDRESS: 35143 Homestead Way

Lewes DE 19958
(CITY) (STATE) (ZIP)

CONTACT PERSON: Walt Lafontaine

TITLE: Executive Director

PHONE: 302-945-0610 EMAIL: wlafontaine@camparrowhead.net

TOTAL FUNDING REQUEST: \$3000.00

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? _____

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? _____

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input checked="" type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>Most of these during retreat season</u> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
1500+

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

Camp Arrowhead has been a part of the Sussex County community since the 1930's. Although owned by the Episcopal Church in Delaware, we welcome all children who wish to attend and any group who chooses to rent our facility for retreat. We provide over \$60,000 in scholarship to any family who can show need and we are an equal opportunity employer. Last year we completed a five year plan to connect the Camp to the Sussex County Septic System after our largest field began to fail in 2014. After looking at the options for replacing this field, we decided that connecting to the county was the best way to protect our Inland Bays as well as the conservation of large trees on the property. This is critical to the conservation easement we have on the property in partnership with DNREC. Since the camp has (11) assorted septic repositories all within 3000' of Rehoboth Bay, we worked with a local engineer Mike Cotton and contractor Harry Caswell to design a "plug and play" lift station allowing us to connect the remaining fields as we needed or could afford. Just recently our office septic tank failed and we found the need to connect this piece sooner than we had planned. The total cost is \$6,000, a sum not expected in our budget this year. We are asking the council if they might be able to help us with half the connection cost, \$3000 Our goal is to make up the remaining cost from private donations.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

As stated above our summer campers are made up of all faiths and backgrounds as well as those who do not practice. Our program focus is living in community with nature while providing a faith component in which every person is provided the opportunity to participate at their comfort level. The office and attached retreat/staff housing is used by resident and part time summer staff as well as retreat clients during rental season. A few of these include school and scout groups, Matt Talbot AA, Delmarva Paddlers , SADD - Worcester County and a number of U Del organizations.

We also provide fee free, in kind meeting and retreat space for non profits such as the Center for Inland Bays - when they presented their Herring Creek Report, DNREC - for their Angola Neck Public Use meeting and Surgimp - for their shrimp boil fund raiser. We allow Salisbury University and Delaware State to use our waterfront on a regular basis for studies on oysters and water quality. The Arrowhead community is also a part of the "Adopt-a-highway" program, taking care of the lower section of Camp Arrowhead road. Using local business and contractors has been a priority for over 60 years, and note that our Day Camp program was begun to help the families of local folks who work long resort related hours during the summer.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	3,600.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Harry Caswell Proposal (attached)	-\$ 6,600.00
TOTAL EXPENDITURES	-\$ 6,600.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 3,000.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Camp Arrowhead agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Walter J. Fontaine
Applicant/Authorized Official Signature

10/25/19
Date

Jessica M. Valentis
Witness Signature

10/25/19
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

JD

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Walter Lafontaine
Applicant/Authorized Official Signature

Executive Director
Title

Jessica M. Valente
Witness Signature

10/28/15
Date

Hudson
11/22/19
Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: SCMEA/ Sussex County Music Educators' Association

PROJECT NAME: County Band 2020

FEDERAL TAX ID: 84-3225977 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Sussex County Music Educators' Association is community of educators with the purpose of furthering and promoting music education in Sussex County through collaboration, professional development, and the Sussex County Honors Bands.

ADDRESS: SCMEA
80 Bethany Rd.
Selbyville DE 19975
(CITY) (STATE) (ZIP)

CONTACT PERSON: Clayton Riepen
TITLE: Treasurer of SCMEA
PHONE: 302-448-1601 EMAIL: treasurerSCMEA@gmail.com

TOTAL FUNDING REQUEST: 1200

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? N/A

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent?

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input type="checkbox"/> Other _____ | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

150 students

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The Sussex County Music Educators Association is an organization dating back to 1959. Each February, seventh to twelfth grade students from across Sussex County audition to be a part of the Sussex County Junior and Senior Honor Bands. Approximately 150 students are selected each year to form two ensembles. Students rehearse for one night followed by a two day festival culminating in a concert performance showcasing their musical talents.

The rehearsals and festival provide a unique experience for our student musicians. Rehearsals are both technically and musically demanding while also allowing our students to meet musicians from other schools and provides an opportunity to work with highly-skilled, collegiate educators. Many of our students come from low income families and may not get this opportunity outside of our organization.

This year, in celebration of our 60th anniversary, the Sussex County Music Educators' Association is hiring Dr. Jennifer Neff and Mr. Brian Balmages to work with our students. Dr. Neff is a well known music educator from Pennsylvania and Mr. Balmages is a famous educator, composer, and arranger from Maryland.

As an elite educator and musician, Mr. Balmages's stipend is much higher than we are accustomed to, and SCMEA is seeking help to fund his portion of the program. Mr. Balmages is very well known throughout the Concert Band world and we are blessed to be able to hire him to work with our students. His stipend is \$1800 where we typically pay \$600. We are seeking \$1200 from the Sussex County Council to pay for Mr. Balmages full stipend so he will work with our students. This is a fantastic opportunity for our students and will provide a lot of positive press for our Sussex County musicians.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

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Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

N/A

SECTION 4: BUDGET

REVENUE	\$600 stipend \$500 for additional
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$1100
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Director Stipened	-\$1800
Hotel Accomodations	-\$300
Meals	-\$200
2020 IRS Travel Milage rate	-\$186
	Total Project Expense = -\$2486
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

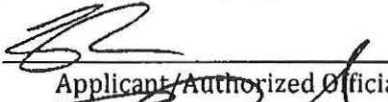
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the SCMEA agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

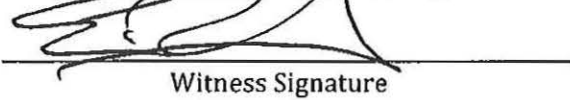
SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

 Clayton Riepen
Applicant/Authorized Official Signature

11/15/2019

Date


Witness Signature

11/15/2019

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

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In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.


For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.


Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.


Applicant/Authorized Official Signature

11/15/19
Title


Witness Signature

11/15/19
Date

Rev. 02/2019
Vincent
11/19/19

To Be Introduced 12/10/19

**Council District No. 3 – Burton
Tax I.D. No. 334-6.00-686.00
911 Address: 34360 Postal Lane, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (14 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS

WHEREAS, on the 25th day of October 2019, a conditional use application, denominated Conditional Use No. 2209, was filed on behalf of Matthew Hete; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2209 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2209 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Postal Lane, approximately 0.22 mile east of Plantation Road, and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 1.25 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced 12/10/19

Council District No. 3 – Burton

Tax I.D. No. 235-30.00-21.00

911 Address: 18499 Harbeson Road, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 18th day of November 2019, a conditional use application, denominated Conditional Use No. 2210, was filed on behalf of Dewey Beer Company; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2210 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2210 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the east side of Harbeson Road (Route 5), approximately 707 feet north of Lewes-Georgetown Highway (Route 9), and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, PA, said parcel containing 5.0 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced 12/10/19

**Council District No. 3 – Burton
Tax I.D. No. 334-6.00-686.00
911 Address: 34360 Postal Lane, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS

WHEREAS, on the 25th day of October 2019, a zoning application, denominated Change of Zone No. 1907, was filed on behalf of Matthew Hete; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1907 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR Medium Density Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Postal Lane, approximately 0.22 mile east of Plantation Road, and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 1.25 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced 12/10/19

Council District No. 3 – Burton

Tax I.D. No. 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, and 72.00

911 Address: Not Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 37.08 ACRES, MORE OR LESS

WHEREAS, on the 8th day of November 2019, a zoning application, denominated Change of Zone No. 1908, was filed on behalf of W & B Hudson Family LTD.; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1908 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District and MR Medium Density Residential District] and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the south side of Lewes-Georgetown Highway (Route 9) approximately 340 feet east of Harbeson Road (Route 5), and on the east side of Harbeson Road (Route 5) approximately 456 feet south of Lewes-Georgetown Highway (Route 9), and being more particularly described in the attached legal description prepared by Pennoni, said parcel containing 37.08 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

TO BE INTRODUCED

To Be Introduced 12/10/19

**Council District No. 5 – Rieley
Tax I.D. No. 533-11.00-42.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT AND GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.22 ACRES, MORE OR LESS

WHEREAS, on the 19th day of November 2019, a zoning application, denominated Change of Zone No. 1909, was filed on behalf of Bay Developers, LLC (Twin Cedars, LLC); and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1909 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [C-1 General Commercial District and GR General Residential District] and adding in lieu thereof the designation of C-1 General Commercial District and GR-RPC General Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Zion Church Road, approximately 0.55 mile northwest of Bayard Road, and being more particularly

described in the attached legal description prepared by Young Conaway Stargatt & Taylor, LLP, said parcel containing 64.22 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

TO BE INTRODUCED

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: December 3, 2019

RE: County Council Report for CZ 1895 Gulfstream Development, LLC (Kent Apartments)

The Planning and Zoning Department received an application (CZ 1895 Gulfstream Development, LLC (Kent Apartments)) for a Change of Zone for parcel 134-16.00-382.00 to allow for change from AR-1 (Agricultural Residential District) to GR (General Residential District) to be located off Parker House Rd. and Muddy Neck Rd. The Planning and Zoning Commission held a public hearing on October 24, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell announced that, at the Applicant's request, the following two items would be heard together. Chairman Wheatley clarified that, although the Public Hearings were being combined for the purposes of the Applicant's presentation, that the Commission would ultimately consider and vote on each application separately.

C/U 2195 Gulfstream Development, LLC (Kent Apartments)

An Ordinance to grant a Conditional Use of land in a GR General Residential District for multi-family (45 apartment units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northwest corner of Parker House Rd. and Muddy Neck Rd. 911 Address: N/A. Tax Parcel: 134-16.00-382.00

Ms. Cornwell advised that, for the Conditional Use application, submitted into the record is an exhibit booklet, a site plan, letters from an appraiser regarding the property values in the area, comments from the Sussex County Conservation District, the results from the DelDOT Service Level Evaluation confirming that a Traffic Impact Study ("TIS") is not required, Comments from the Sussex County Engineering Department – Utility Planning Division. 1 letter in support of the application and 821 letters in opposition have been received and entered into the record.



C/Z 1895 Gulfstream Development, LLC (Kent Apartments)

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 Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northwest corner of Parker House Rd. and Muddy Neck Rd. 911 Address: N/A. Tax Parcel: 134-16.00-382.00.

Ms. Cornwell advised the Commission that, for the Change of Zone application, submitted into the record were an exhibit booklet, a staff analysis, comments from the Sussex Conservation District, and comments from the Sussex County Engineering Department - Utility Planning Division, the results from the DelDOT Service Level Evaluation confirming that a Traffic Impact Study (“TIS”) is not required. 1 letter in support of the application and 821 letters in opposition have been received and entered into the record.

Ms. Cornwell summarized the responses received. That the majority of letters in opposition were opposed to any change from AR-1 Zoning; that concerns were raised in relation to traffic impacts; that concerns were raised in relation to the use of the land for apartments.

The Commission found that Mr. David Hutt, an Attorney with Morris James, LLP, Mr. Bob Harris, a Principal of Gulfstream Development, LLC, Mr. Mike Coben, a registered/licensed engineer with George, Miles & Buhr, LLC, and Mr. Jeff Clark, a registered/licensed land use planner with Land Tech Planning, were all present on behalf of the application; that the application site is a 3.93 acre parcel of land located at the intersection of Muddy Neck Rd and Parker House Rd; that the parcel is located just outside the municipal limit of the town of Ocean View; that this application seeks to change the zoning of a portion of the property to GR (“General Residential Zoning District”); that the Conditional Use application is for multi-family; specifically that three buildings with 45 apartment units are sought; that the applicant has noted the opposition to the scheme; that a form letter appears to have been signed by hundreds of individuals; that many of the letters of opposition appear to have used this form-type letter; that there is a difficulty in understanding the nature/timing of all of the objections, and whether these objections were submitted to the office of Planning & Zoning prior to, or after the submission of the Applicant’s exhibit book and additional supporting materials; that Mr. Hutt wishes to address those additional materials and reports as part of his presentation to demonstrate the thought and effort that has been put into the application; that the existing perimeter buffer of the parcel would remain largely intact; that the Service Level Response from DelDOT did not identify a need for a Traffic Impact Study; that the PLUS response did not raise any objection from DelDOT; that a supporting letter from the Delaware Housing Authority is also part of the record; that housing opportunity is a vital issue for the eastern side of Sussex County, where there are limited opportunities for limited-income housing; that the Applicant recognized that this parcel can assist to meet that housing need within Sussex County; that Mr. Clark outlined that to the north of the site is zoned land HR-1 High Density Residential; that to the south and west is the Shady Dell subdivision that contains both single-wide and double-wide manufactured homes; that there are some stick-built homes in that development, which is zoned GR; that there is a seasonal produce stand across Muddy Neck Rd; that most of the properties to the east are within the jurisdiction of Ocean View; that the supplemental data submitted by the Applicant includes a field investigation carried out by Mr. Jim McCully of Watershed Eco that identified a ditch on the western portion of the site; that this area would not be disturbed by the development; that there were no rare, threatened or endangered species living on the site; that there is existing 8” sewer lateral that has been extended into the property from Mimosa Street from the adjoining Shady Dell Subdivision; that Sussex County

Engineering has confirmed that there is sufficient capacity to accommodate the proposed number of dwelling units; that there is adequate potable water supply to serve the development, including service for fire protection; that a letter from Tidewater Utilities has been submitted into the record in the Exhibit Book; that the proposed buildings would be 50' x 150' and each would be three story in height; that this building size is below the 170' maximum; that this size is in keeping with the adjacent Providence Residential Planned Community; that each building would have a total of 15 residential units with a total of 5 units on each floor; that there would be a mixture of 2-bed units and 3-bed units with approximately 40% of the total units being 3-bed in size; that adequate area would be provided for perimeter fire access; that the driveways and circulation and parking areas have been designed to exceed minimum Code requirements; that the development requires 90 spaces minimum; that 116 spaces would be provided; that a single commercial vehicle entrance is proposed and aligns with Butler Blvd. across the street; that a meeting was held with DelDOT and the entrance has been reviewed and is considered to be acceptable by DelDOT; that a TIS is not required; however, the Developer will be required by DelDOT to improve Muddy Neck Rd. and Parker House Rd. across the entire site frontage; that this would include 11' travel lanes and 8' shoulders on development road frontages; that both of these roads are major collector roads; that the Developer must dedicate a minimum 40' of right-of-way and to include a 15' permanent easement; that a shared-use path or sidewalk will be also required; that existing utility poles will be relocated to allow for the improvements; that the PLUS review is included in the Exhibit Book; that the site is within a Level 2 State Strategies area and that the State of Delaware has no objection in principle to the use; that there are no known archaeological site within the parcel; that pervious pavements are to be used to avoid the need for stormwater management areas; that there are amenities to be located near the road with additional parking; that the existing wooded fringe would be preserved; that the buffer obstructs views into the site; that a landscaping plan would be provided; that landscaping would be maintained by a management company; that the State of Delaware identified during the PLUS process that the proposal represents an opportunity to provide a more affordable type of housing product in an area with little affordable housing; that the State Housing Authority is supportive of the project; that Mr. Hutt outlined that considerable effort and thought has been put into the design of the proposal; that the surrounding lands around the proposal are predominantly zoned GR; that there is a mixture of uses in the wider area, but that the remaining AR-1 lands are now actually unique in that little AR-1 remains; that the Site Plan demonstrates that all area and bulk requirements of the County can be met; that the building envelope is sufficient to accommodate the buildings whilst meeting Building Code requirements; that up to 12 dwelling units to the acre is potentially permitted; that the proposal is consistent with adjoining land uses and area zoning; that there are no wetlands on the property; that the response from DelDOT was supportive and a TIS was not required as the threshold of 500 vehicle trips a day was not met; that DelDOT considered the impact to be negligible; that highway improvements would be provided in accordance with DelDOT's requirements; that both of the adjoining roads are classified as major collector roads; that the Comprehensive Plan recognizes that Sussex County is the fastest growing county in the State of Delaware; that market prices for housing and apartments are increasing and that safe and decent housing is out of reach for many households; that the fourth chapter recognizes that there is a need to expand affordable housing opportunities, especially near commercial areas; that there are seven growth areas identified, including the Coastal Area, in which the application site is located; that this region does have ecologically and environmentally sensitive areas; that a range of housing types are permitted, including multi-family housing; that medium and higher density could be supported in areas where water and sewer are available; that this application addresses many of these objectives within the Comprehensive Plan; that Level 2 State Strategies also recognizes the need for a variety of housing types; that Chapter 8 (Housing) recognizes that most housing on the eastern side of the County is unaffordable for recent college graduates and first-time buyers, and that a variety

of studies are being undertaken in relation to this; that 8.2 of the Plan talks about the strong demand for housing and the impact of price increases; that the shortage of affordable housing is a very real problem in Sussex County; that there is an identified need for workforce housing, especially in the eastern areas of the County; that workers currently have to live further away, placing increased demands on roads and transportation infrastructure; that the proposal is to provide market-rate housing and not low-income housing; that the housing would be for year-round workers and not seasonal workers; such as newly graduated police officers looking for a place to live; that an appraiser has analyzed the site and surrounding uses and concluded that the proposal would not have a negative impact; that the nearby business uses would not be negatively impacted; that the Applicant has reviewed some of the comments submitted to the Office of Planning & Zoning; that the application site is not surrounded by single-family homes per se; that townhouses are themselves a form of multi-family; that many of the letter outlined an expectation that the parcel should remain AR-1; that Mr. Hutt believes that, historically, many of the surrounding properties were zoned AR-1 and they were subsequently, over time, allowed to rezone to the current zoning; that proposed findings of fact and conditions of approval were submitted into the record for the Commission's consideration.

Mr. Mears asked how often the county has approved a density of 12 dwelling units to the acre. Ms. Cornwell mentioned that there have been several over the past four and a half years; that Mr. Mears asked how the price of the units would be calculated; that Mr. Robert Harris for Gulfstream Development LLC stated that rental rates are calculated from the general rental rates of other properties in the area; that in this case there aren't many other apartments in the area to compare to; that there are other types of housing units available between \$1800 to \$2500 per month in the wider area; that County-wide rental rates are available; that the median rental rate for a 2-bed unit is \$987 per month, that the 3-bed county-wide rate is \$1,347 per month; that the Applicant's pro-formas are based on those numbers; that they wish to hit the median; that Mr. Mears outlined his familiarity with the area and that he believes that there are some rental apartments in the wider area; that Mr. Mears asked Mr. Hutt about his thoughts on the proposed density; that Mr. Hutt outlined that this site checks all of the boxes for a site that can bear a higher density; that he doesn't think that it would set a precedent as not every property would check all the boxes in the way this site does; that a large amount of land in the area has already been developed and there are limited opportunities for further development; that Mr. Mears asked about the potential for sub-letting and Mr. Hutt confirmed that a mechanism would be in place to prohibit sub-letting of apartments; that Ms. Wingate asked if the area is served by DART for bus service to which Mr. Hutt replied that it is not; that Mr. Hopkins asked if a second egress was possible; that Mr. Clark confirmed that DelDOT would not allow this; that Ms. Stevenson asked if the units were to be second houses for retirees, to which Mr. Hutt replied that there would be no discrimination of occupiers; that Ms. Stevenson noted that, from the submitted information, the soils on site were identified as being poorly draining; that Mr. Clark outlined that a pervious pavement solution was to be put forward to avoid open stormwater management areas; that stormwater management would be undertaken below the surface; that Mr. Hopkins asked for the square footage of the units; that Mr. Harris stated that the 2-bed would be 1,040 sf. and the 3-bed is 1,400 sf.

Mr. Whitehouse asked Mr. Hutt if he could confirm whether the units would be age-restricted, to which Mr. Hutt confirmed that none of the units would be age-restricted.

Ms. Cornwell read a written response from DelDOT into the record, including DelDOT's expectation that the applicant contribute to a potential roundabout development in the vicinity of the application site, should this come forward. Ms. Cornwell noted that the word "affordable" had been mentioned

repeatedly and asked if Mr. Hutt could confirm whether the units would be market rate units, to which Mr. Hutt confirmed that the units are market-rate units. Ms. Cornwell outlined to the Commission that there would be no mechanism to ensure affordability.

Chairman Wheatley asked for clarification as to the proposed 6-month lease term; that this might encourage seasonal occupation; that Mr. Hutt outlined that some year-round workers might travel around, such as nurses in training, and that a 1-year minimum lease might discourage these types of workers from living in this location; that Mr. Harris outlined that a lot of thought has gone into this, and that college graduates or other similar occupiers are not looking to be locked in for a 1-year period; that May-September occupation would not be permitted.

The Commission found that one person wished to speak in favor of the applications; that Ms. Cheryl Detweiler stated that her employer hires workers for 6-month terms; that the area is growing and there is a population boom; that she thinks affordable housing is a fantastic idea.

That the following people wished to speak in opposition to the applications:

Mr. Patrick Emlet outlined that he was involved in obtaining signatures from local residents as part of the form-letter, that he did submit 650 letters of opposition as part of his group; that he did inform participants as to the nature of the proposals before they signed the form-letter; that he wished to point out that the online map was not entirely accurate; that the Providence development has 49 townhomes on 12 acres and not 45 homes; that the form letters were obtain from over 31 different communities; that there are 12 communities and 6 businesses, amongst other individual units, relying on SCR 361 for access; that there is already a large amount of development in the area; that there are developments being added that rely on access from a single access point; that traffic makes it dangerous to walk and/or cycle; that the gulfstream proposals have only a 10' setback to adjoining property lines, and that no new buffers are proposed and there is no room for trees to be provided, that he is concerned about the lack of stormwater management areas and potential increases for flooding; that the site layout plan shows the removal of trees; that he is concerned that the proposed Conditional Use and Change of Zone do not address the deficits in the infrastructure in the area and should therefore not be approved.

Mrs. Diana Emlet spoke in opposition to the Applications. Mrs. Emlet stated that no one was forced to sign the letters of objection; that she thought that a form-letter had more substance than a petition with a list of signatures; that Mrs. Emlet stated that, if the applications were approved, there should be a 30' buffer along the tree line, even if this restricts the size of the units; that the proximity of the buildings would create the potential for light spill and pedestrian trespass; therefore, the residents of Providence and Shady Dell are requesting a privacy fence to be installed; that Ms. Emlet stated that she had spoken to Ms. Jessica Watson at Sussex Conservation District and that it was her understanding that retention ponds would be required; that the tax ditch must also be maintained as this is important to drainage; that she also has concerns with locations of trash dumpsters as adjoining residents would not wish to see these placed in proximity to existing dwellings.

Mr. Mears asked Mrs. Emlet to confirm, when she went door to door to obtain signatures, what information she presented to local residents. Mrs. Emlet confirmed that she explained to residents that she was concerned by the 45 homes proposed on this site and had asked residents whether they would be happy with the proposal. Mrs. Emlet explained that she had spoken to at least one resident that did not wish to object. Ms. Stevenson asked Mrs. Emlet if she could clarify the nature of the

previous application on this site from 10 years ago that was referred to and Mrs. Emlet stated that this was for a shopping center and that the previous application was denied.

Mr. Mears noted that, based upon the speakers so far, there appears to be differences of opinion in relation to whether the tree buffer was being retained in its entirety and whether the development proposals were similar in nature to the adjoining Providence development. Mr. Jeff Clark explained that the narrowest part of the buffer is 15' and this is not for the full length of the north boundary.

The Commission found that Mr. Tom Maly spoke in opposition to the application; that he is an Oceanview Councilman and a 16-year resident of the area; that the open spaces in the area and woodlands have been gradually replaced by over eleven residential communities; along with individual residential homes and small businesses that all use Muddy Neck Rd. as their primary means of access; that the same is true of Parker House Rd.; that congestion has caused problems with safety, including access by emergency services and that two solar-powered warning signs were installed in 2019; that overhead street lighting is being installed; that the area has seen a dramatic increase in traffic and that this is continuing to grow; that adding 45 residences with approximately 70 vehicles will not help this situation and will lead to increased pressure on emergency evacuation routes when they next come to be tested in an emergency; that the Delaware State Police (Troop 4) is some distance away and additional crews are required locally to cater to the increase in emergency calls; that the proposal are for growth but not smart growth; that a copy of the comments made was submitted for the record;

The Commission found that Ms. Judith Bray spoke in opposition to the application; that Ms. Bray stated she owns part of the existing ditch and that she experiences flooding from the Providence community; that she has called SCD multiple times for the ditch to be cleared out; that she has been informed that there is little point clearing out the ditch until other drainage matters are addressed in this location along Muddy Neck Rd; that she is concerned that the proposed hardscape is going to exacerbate the existing flooding problems; that Mr. Wheatley stated that he encouraged Ms. Bray to speak to her State Representative as the existing problem is a problem that spans multiple agencies. Chairman Wheatley asked Mr. Clark to speak to the drainage of the site; that Mr. Clark stated that drainage is heavily regulated by the State/Conservation District and that the developer will not be permitted to make an existing hydrological problem worse than it currently is.

The Commission found that Ms. Cindy Santiago spoke in opposition to the applications; that Ms. Santiago lives in Southampton which is located to the south-east of the site; that she has concerns with potentially irreversible damage to the ecosystem in the area; that wildlife does not have to be rare or endangered to be vital to our existence; that AR-1 plays a key role in planning communities; that AR-1 land is needed to provide habitats for wildlife; manage ecosystems and to reduce light pollution; that this site is home to fox, deer, wild turkeys and also the legally protected American Bald Eagle, which has been seen going in and out of the property routinely; that there has been a gradual erosion of open spaces; that this is changing the look and feel of rural communities into noisy and urban communities; that urbanization comes with new challenges to deal with in the future; that ecosystems are important to rural areas.

The Commission found that Mr. Dale Reese, president of the Shady Dell Park Residents Association, spoke in opposition to the applications; that Mr. Reese stated that Shady Dell Park is a private community that is responsible for its own roads and their upkeep; that the community is opposed to any pedestrian or vehicle connection to its community; that additional vehicle trips would add to wear and tear to Shady Dell Park's roads, which would create a financial burden on the residents in that

development; that the residents of Shady Dell Park therefore request that the applications be denied; that the proposed change of zone and Conditional use would result in overdevelopment of the site, and that the proposals would result in 3 times the number of people currently potentially permitted to live on an AR-1 parcel; that the zoning change is not in the best interests of adjoining residents.

The Commission found that Mr. Nick Spikowski spoke in opposition to the application, that he has concerns with flooding from the site; that the properties along the north side of Dogwood Drive have a ditch running behind those properties; that he can attest to foxes and deer having habitats on the site; that Shady Dell Park has covenants relating to open space and trees; that there is very little green space shown on the proposed site plan for residents to congregate; that he has concerns with the proximity of residents congregating and the distance from his home, which is less than 100' away; that he has concerns that the applicant is potentially trying to guilt the Commission into looking favorably on the low-income housing proposed. Chairman Wheatley pointed out that the proposal is for market-rate housing and not low-income or affordable housing. Mr. Spikowski stated that he also has concerns with the previous lack of mowing on the property, and where residents would congregate outside the buildings. Chairman Wheatley noted that a pool was to be provided. Mr. Spikowski stated that he was concerned with the size of the pool given the potential number of residents.

The Commission found that Ms. Karen England spoke in opposition to the applications, that Ms. England questioned whether tax credits had been sought for the units and whether the applicant would be doing this. Ms. England also asked the target AMI ("Average Median Income") for the units. Chairman Wheatley outlined that it was the Applicant's position that the accommodation was to be market-housing and would not necessarily be tied to AMI. Ms. England outlined that she has checked with a housing development, and that she believed a 2-bed, 2,100 sf. unit was being targeted for \$1,500 per month and that a 3-bed unit was \$1,800 to \$1,900 per month.

The Commission found that Mr. Tom Salonik was present in opposition to the applications; that Mr. Salonik has concerns with the intersection of Parker House Rd and Muddy Neck Rd; that visibility is very poor – especially when turning left; that he believes that the DelDOT study does not correctly account for summer-time traffic which can be very different to winter traffic; that he thinks that the access point would greatly diminish visibility at the intersection; that 198' is the stopping distance at 35 mph and he thinks that the proposals would create a safety hazard.

The Commission found that Mr. John Zarek was present in opposition to the applications; that he stated that he does not fully understand how the units can be claimed to be affordable if they are to be priced at the market-rate; that the rent rates quoted also seemed to be greater than those of existing rental units currently available in the Providence development; that Chairman Wheatley commented that he understood the Applicant's position to be that the units would generally be more affordable than other housing types in the area such as a single-family homes, but that this could be an assumption on his part that would be in need of clarification; that Mr. Zarek commented that flooding is a major issue in the area and the increase in hard surface could, in his opinion, exacerbate the existing problems; that Mr. Zarek believes that the property should not be developed at all.

Chairman Wheatley asked the Mr. Hutt and Mr. Harris to speak to their earlier comments as to how the proposed housing would be classified as being "affordable". Mr. Hutt outlined that, in his presentation, he addressed a definition within the Comprehensive Plan as to the different forms that affordable housing can take, and that although this is not a form of housing that it is to be controlled through the County's affordable housing program, that it still constitutes an affordable form of

housing; that the earlier comment regarding tax credits is relevant, but that this development would not be eligible for such credits; that the size of the scheme at 45 units, does not have the necessary scale to justify an application under the County's program, which has a significant reporting and management requirement which typically lends itself to larger developments. That Mr. Harris confirmed that the scale of the scheme is not enough to warrant applying under the County's affordable housing program and that schemes need to be over 150 units to warrant such an application.

The Commission found that Mr. Ed Broster was present in opposition to the applications; that he was a professional Soil Conservationist for 45 years prior to his retirement; that he has reviewed many plans for pervious pavement; that such pavements typically require well-drained soils; that the soil under the application site does not drain well and has a high water table; that this will reduce the effectiveness of the drainage, especially when heavy rainstorms saturate the ground; that there is also a risk with porous pavement that heavy trucks such as garbage trucks would eventually seal off the pores over time, reducing effectiveness; that such a system requires regular cleaning.

The Commission found that Mr. Ron Sharm was present in opposition to the applications; that he takes issue with the claim that Tidewater Utilities can cope with the additional units; that he has experienced problems with water pressure; that he can attest to the drainage problems experienced in the locality; that he thinks that the infrastructure problems should be resolved first, before new development/dwellings are added and density increased.

The Commission found that Mr. Donald Swartz was present in opposition to the applications, that he lives in Shady Dell Park; that there is a produce-sale use opposite, and that he has concerns that there may be a future housing development on that parcel in future. Ms. Cornwell confirmed that there were no applications currently filed for that parcel.

The Commission found that Ms. Theresa Merrick was present in opposition to the applications; that she submitted a bespoke letter of opposition and did not sign the form-letter; that she has concerns with impacts on schools and traffic.

The Commission found that Ms. Judy Crist was present in opposition to the application; that she has concerns that service employees are typically seasonal renters and that the applicant has indicated that this is a group of potential occupiers being targeted; that she also believes that the developers should be required to contribute to road improvements in the vicinity.

The Commission found that Mr. Frank Zinbah was present in opposition to the application; that he has concerns with the location of the proposed ingress/egress and that he thinks that aligning the access with the boulevard opposite will result in increased vehicle conflict in a location with poor visibility; that he believes that a Traffic Impact Study should have been undertaken.

The Commission found that Mr. Thomas Douglas was present in opposition to the application; that he had signed form letter but that he ensured that he understood the proposals before signing; that he has owned and rented apartments in the past; that during his time in property management that he never allowed a 6-month lease; that he always had a 1-year lease with anyone occupying for less than this period forfeiting their last month's rent and security deposit; that Mr. Douglas also has concerns with the potential number of occupiers and the potential for car ownership to be very high; that there

is not sufficient parking for large numbers of visitors; that he has concerns for the potential for pedestrian/vehicle conflict and the potential for increased injuries and fatalities.

The Commission found that Ms. Paula Castrin was present in opposition to the applications; that Ms. Castrin has experience in analyzing statistical data from the National Crime Information Center; that she has concerns with the potential for crime; that it should be taken as fact that there is less crime per capita associated with single-family dwellings when compared with multi-family dwellings; that she does not wish to lose security or quality of life; that she appreciates the existing wildlife in the area and does not wish to lose existing habitats.

Ms. Stevenson asked Ms. Cornwell if she could speak to earlier comment made about water potentially being piped from the adjoining properties onto the application site. Ms. Cornwell stated that she was not aware of an outfall on the property, but staff could, if necessary, obtain this information.

Upon there being no further questions from the Commission, Chairman Wheatley closed the public hearing for the applications.

At the conclusion of the public hearings the Commission discussed the applications.

Mr. Mears discussed items relating to stormwater management and the proposed pervious surfacing. Mr. Mears also outlined his own experience of extreme weather and the impacts on surface water management. Mr. Wheatley noted that modern stormwater management regulations are now stricter than they were in the past. Ms. Cornwell confirmed that the stormwater management design must be reviewed and approved by the Sussex Conservation District.

Mr. Mears commented that an approval in this location could be setting a precedent for future developments in the future on nearby parcels. Chairman Wheatley outlined that the Commission does have ability to impose conditions on the Conditional Use application. Chairman Wheatley also asked how a denial of the change of zone would affect the application. Ms. Cornwell noted that, if the GR zoning were denied, that the permitted density would likely be reduced to the underlying AR-1 zoning.

Ms. Wingate commented that market-rate housing was not as affordable as she would like in this location. Chairman Wheatley noted that, looking at the nearby parcels, that very few were undeveloped, and it was unlikely that many other residential developments would be seen in future in this area. Mr. Mears noted that many of the nearby parcels were in the jurisdiction of the town of Ocean View.

Mr. Wheatley commented in relation to the drainage for the development, and the comments made about the high-water table and the potential for this to reduce the effectiveness of any permeable-type drainage system to be used on the site. Ms. Cornwell outlined that any stormwater management design, must be approved by Sussex Conservation District.

In relation to application CU 2195, Mr. Mears moved that the Commission defer consideration of the application to a future meeting date, seconded by Mr. Hopkins and carried unanimously. Motion carried (5-0).

In relation to application CZ 1895, Mr. Mears moved that the Commission defer consideration of the application to a future meeting date, seconded by Ms. Wingate and carried unanimously. Motion carried (5-0).

At their meeting of November 14, 2019, the Planning Commission discussed the application which has been deferred since October 24, 2019.

Mr. Mears moved that the Commission recommend approval of C/Z 1895 Gulfstream development, LLC for a Change in Zone from AR-1 (Agricultural Residential District) to GR (General Residential) based upon the record made during the public hearing and for the following reasons:

1. The project meets the purpose of the zoning code in that it promotes the orderly growth of the County.
2. The proposed rezoning is consistent with other zonings and uses in the area, this includes a HR-1/RPC which is adjacent to the site. The property to the west and south is currently zoned GR and there is B-1 zoning in the area. There are also many services and retail uses in the general area.
3. The rezoning is basically infill to make this parcel consistent with the GR and HR zoning that surrounds it.
4. The rezoning will not have a significant impact upon area traffic or roadways. DelDOT has stated that the development on this site will generate less than 50 vehicle trips per hour and less than 500 trips per day. DelDOT has stated that the impact of the proposed development of the property will be negligible.
5. The rezoning will not adversely impact the neighboring properties, community or public facilities in the area.
6. The site is served by central sewer provided by Sussex County and by central water.
7. The rezoning is consistent with the Sussex County Comprehensive Development Plan. The site is in the Coastal Area. According to the Plan medium and higher densities such as those permitted in the GR district are appropriate in the Coastal Area. According to the Plan, in certain circumstances where the site will be served by central water and sewer, where it is near sufficient commercial uses and employment centers, where it is in keeping with the character of the area and other similar factors, the site meets the Plan's considerations for rezoning to GR in the Coastal Area under the Comprehensive Plan.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated in the motion. Motion carried 5-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Samantha Bulkilvish, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 16, 2019
RE: Staff Analysis for CZ 1895 Gulfstream Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1895 Gulfstream Development, LLC to be reviewed during the October 24, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 134-16.00-382.00 to allow for a change from AR-1 (Agricultural Residential District) to GR (General Residential District) to be located on the northwest corner of Parker House Road and Muddy Neck Road. The size of the property to be rezoned is 3.93 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the property has the land use designation of "Coastal Area."

The surrounding land use to the north, south, east and west is Coastal Area with some lands within the Municipal boundary of Ocean View to the northeast. The Coastal Area contains areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not normally appropriate in these areas. The GR zoning district as a residential district is a zoning that may be considered in the Coastal Area land use.

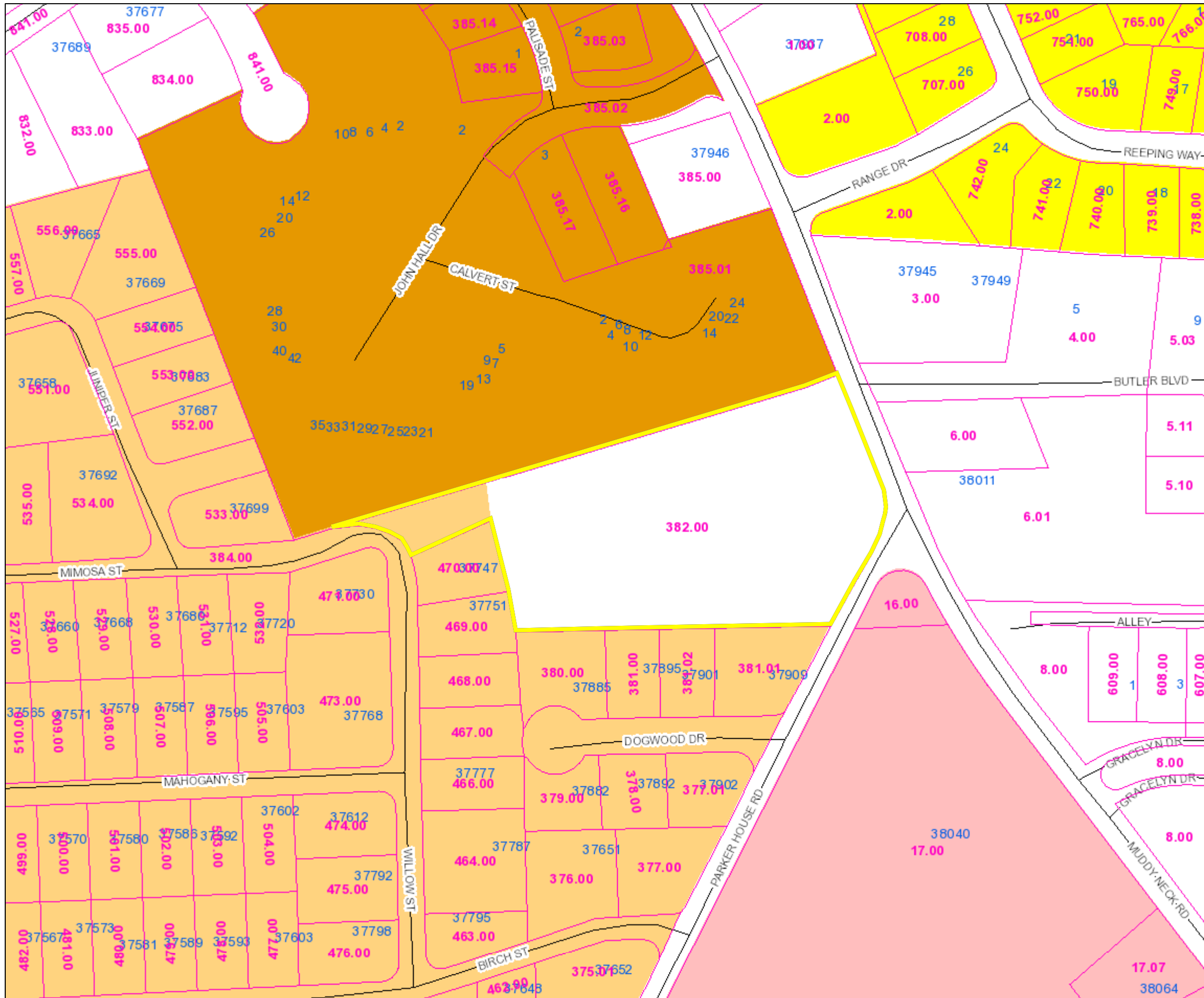
The property is zoned AR-1 (Agricultural Residential District). The property to the north is zoned HR-1 - RPC (High Density Residential District – Residential Planned Community). The properties to the west and south are zoned GR (General Residential District) and the parcel to the southeast is zoned B-1 (Neighborhood Business District) and the properties to the east are zoned AR-1 (Agricultural Residential District). There are no Conditional Uses approved since 2011 in the immediate area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to GR (General Residential District) would be considered consistent with the land use, area zoning and uses.





Sussex County



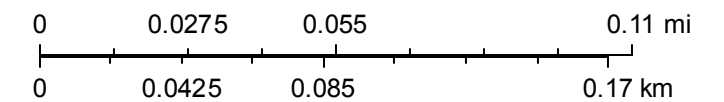
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Owner Name	GULFSTREAM DEVELOPMENT LLC
Book	5028
Mailing Address	27 ATLANTIC AVE
City	OCEAN VIEW
State	DE
Description	W/RT 361 CORNER NW/
Description 2	RT 362 P/O MIMOSA ST
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

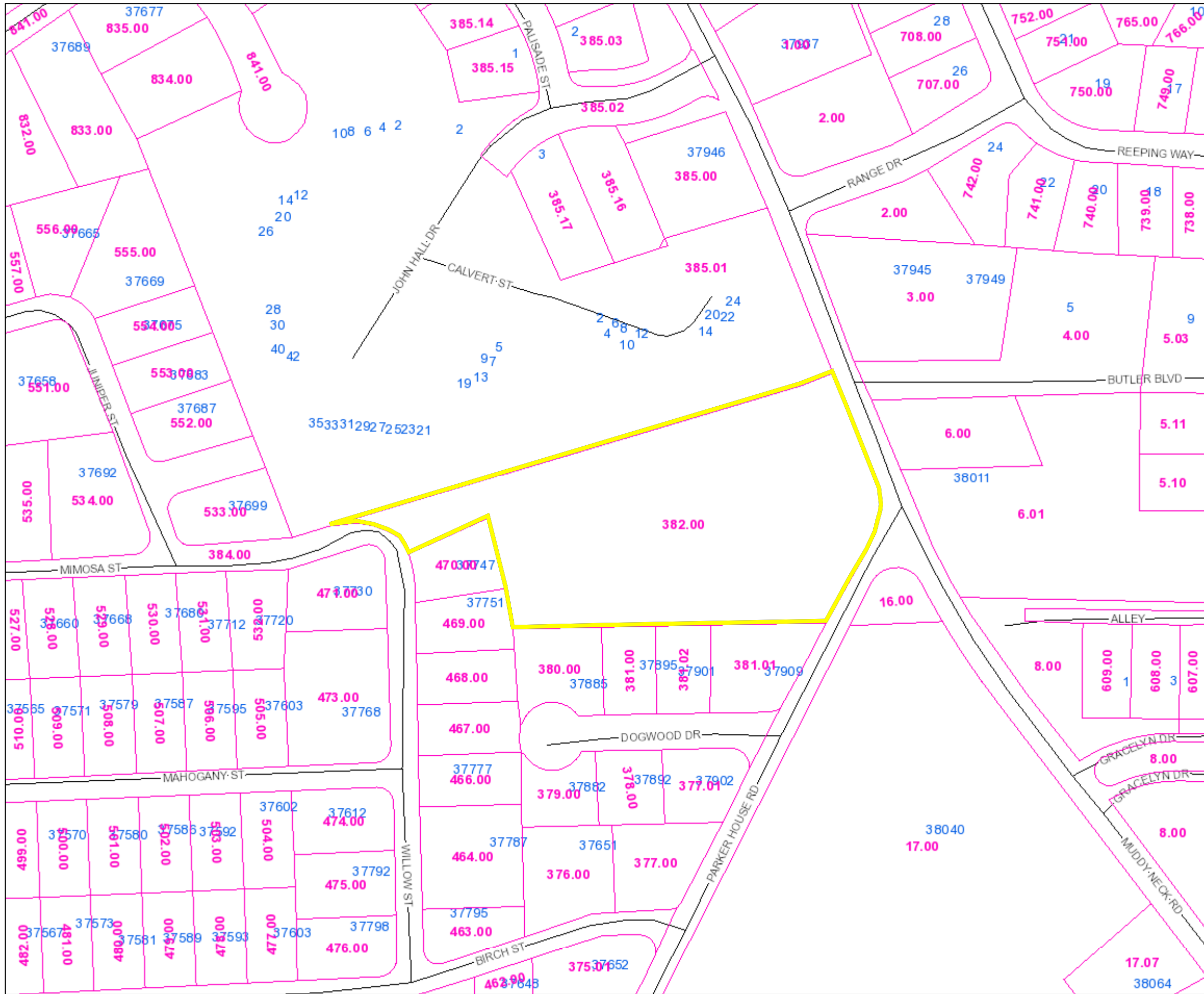
Override 1
- Tax Parcels
- 911 Address
- Streets

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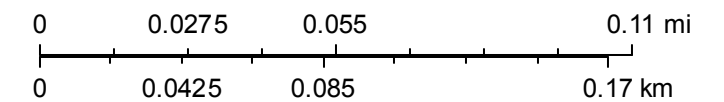
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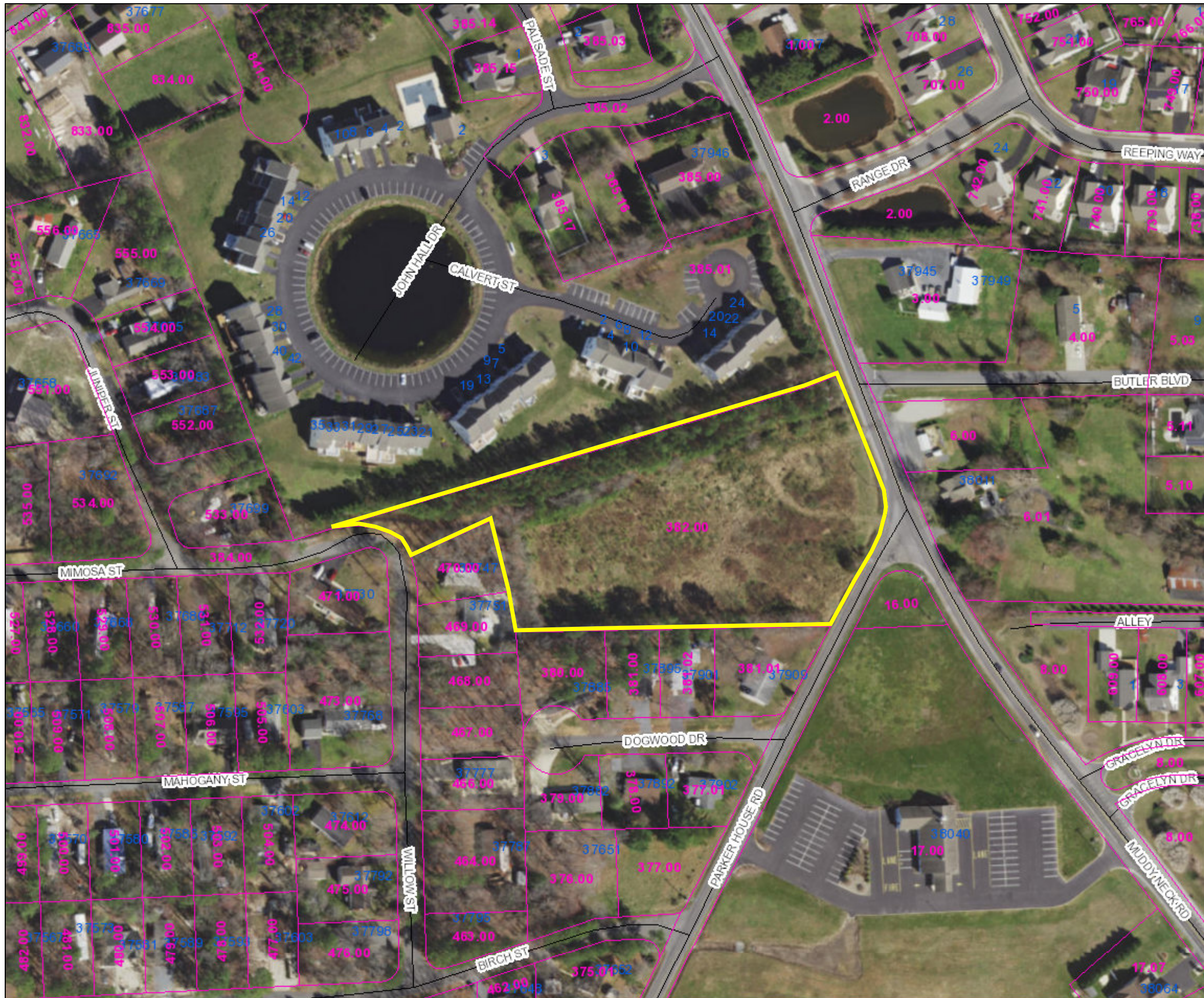
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Override 1
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- Tax Parcels
- 108 6 4 2 911 Address
- Streets
- County Boundaries

1:2,257





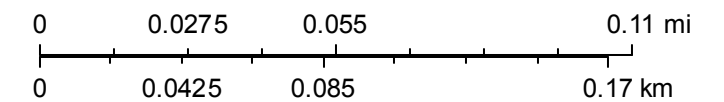
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- polygonLayer**
- Override 1
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- 911 Address
- Streets
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1:2,257



Introduced 07/23/19

Council District No. 4 - Hudson

Tax I.D. No. 134-16.00-382.00

911 Address: None Available

ORDINANCE NO. ____

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of July 2019, a zoning application, denominated Change of Zone No. 1895, was filed on behalf of Gulfstream Development, LLC (Kent Apartments); and

WHEREAS, on the _____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1895 be _____; and

WHEREAS, on the _____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of GR General Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northwest corner of Parker House Road and Muddy Neck Road and being more particularly described in the

attached legal description prepared by Parsons & Robinson, P.A., said parcel containing 3.93 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

PROPOSED

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: December 3, 2019

RE: County Council Report for CU 2195 Gulfstream Development, LLC (Kent Apartments)

The Planning and Zoning Department received an application (CU 2195 Gulfstream Development, LLC (Kent Apartments)) for a Conditional Use for parcel 134-16.00-382.00 to allow for multi-family (45 apartments) to be located off Parker House Rd. and Muddy Neck Rd. The Planning and Zoning Commission held a public hearing on October 24, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell announced that, at the Applicant's request, the following two items would be heard together. Chairman Wheatley clarified that, although the Public Hearings were being combined for the purposes of the Applicant's presentation, that the Commission would ultimately consider and vote on each application separately.

C/U 2195 Gulfstream Development, LLC (Kent Apartments)

An Ordinance to grant a Conditional Use of land in a GR General Residential District for multi-family (45 apartment units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northwest corner of Parker House Rd. and Muddy Neck Rd. 911 Address: N/A. Tax Parcel: 134-16.00-382.00

Ms. Cornwell advised that, for the Conditional Use application, submitted into the record is an exhibit booklet, a site plan, letters from an appraiser regarding the property values in the area, comments from the Sussex County Conservation District, the results from the DelDOT Service Level Evaluation confirming that a Traffic Impact Study ("TIS") is not required, Comments from the Sussex County Engineering Department – Utility Planning Division. 1 letter in support of the application and 821 letters in opposition have been received and entered into the record.

C/Z 1895 Gulfstream Development, LLC (Kent Apartments)



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

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 Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northwest corner of Parker House Rd. and Muddy Neck Rd. 911 Address: N/A. Tax Parcel: 134-16.00-382.00.

Ms. Cornwell advised the Commission that, for the Change of Zone application, submitted into the record were an exhibit booklet, a staff analysis, comments from the Sussex Conservation District, and comments from the Sussex County Engineering Department - Utility Planning Division, the results from the DelDOT Service Level Evaluation confirming that a Traffic Impact Study (“TIS”) is not required. 1 letter in support of the application and 821 letters in opposition have been received and entered into the record.

Ms. Cornwell summarized the responses received. That the majority of letters in opposition were opposed to any change from AR-1 Zoning; that concerns were raised in relation to traffic impacts; that concerns were raised in relation to the use of the land for apartments.

The Commission found that Mr. David Hutt, an Attorney with Morris James, LLP, Mr. Bob Harris, a Principal of Gulfstream Development, LLC, Mr. Mike Coben, a registered/licensed engineer with George, Miles & Buhr, LLC, and Mr. Jeff Clark, a registered/licensed land use planner with Land Tech Planning, were all present on behalf of the application; that the application site is a 3.93 acre parcel of land located at the intersection of Muddy Neck Rd and Parker House Rd; that the parcel is located just outside the municipal limit of the town of Ocean View; that this application seeks to change the zoning of a portion of the property to GR (“General Residential Zoning District”); that the Conditional Use application is for multi-family; specifically that three buildings with 45 apartment units are sought; that the applicant has noted the opposition to the scheme; that a form letter appears to have been signed by hundreds of individuals; that many of the letters of opposition appear to have used this form-type letter; that there is a difficulty in understanding the nature/timing of all of the objections, and whether these objections were submitted to the office of Planning & Zoning prior to, or after the submission of the Applicant’s exhibit book and additional supporting materials; that Mr. Hutt wishes to address those additional materials and reports as part of his presentation to demonstrate the thought and effort that has been put into the application; that the existing perimeter buffer of the parcel would remain largely intact; that the Service Level Response from DelDOT did not identify a need for a Traffic Impact Study; that the PLUS response did not raise any objection from DelDOT; that a supporting letter from the Delaware Housing Authority is also part of the record; that housing opportunity is a vital issue for the eastern side of Sussex County, where there are limited opportunities for limited-income housing; that the Applicant recognized that this parcel can assist to meet that housing need within Sussex County; that Mr. Clark outlined that to the north of the site is zoned land HR-1 High Density Residential; that to the south and west is the Shady Dell subdivision that contains both single-wide and double-wide manufactured homes; that there are some stick-built homes in that development, which is zoned GR; that there is a seasonal produce stand across Muddy Neck Rd; that most of the properties to the east are within the jurisdiction of Ocean View; that the supplemental data submitted by the Applicant includes a field investigation carried out by Mr. Jim McCully of Watershed Eco that identified a ditch on the western portion of the site; that this area would not be disturbed by the development; that there were no rare, threatened or endangered species living on the site; that there is existing 8” sewer lateral that has been extended into the property from Mimosa Street from the adjoining Shady Dell Subdivision; that Sussex County Engineering has confirmed that there is sufficient capacity to accommodate the proposed number of

dwelling units; that there is adequate potable water supply to serve the development, including service for fire protection; that a letter from Tidewater Utilities has been submitted into the record in the Exhibit Book; that the proposed buildings would be 50' x 150' and each would be three story in height; that this building size is below the 170' maximum; that this size is in keeping with the adjacent Providence Residential Planned Community; that each building would have a total of 15 residential units with a total of 5 units on each floor; that there would be a mixture of 2-bed units and 3-bed units with approximately 40% of the total units being 3-bed in size; that adequate area would be provided for perimeter fire access; that the driveways and circulation and parking areas have been designed to exceed minimum Code requirements; that the development requires 90 spaces minimum; that 116 spaces would be provided; that a single commercial vehicle entrance is proposed and aligns with Butler Blvd. across the street; that a meeting was held with DelDOT and the entrance has been reviewed and is considered to be acceptable by DelDOT; that a TIS is not required; however, the Developer will be required by DelDOT to improve Muddy Neck Rd. and Parker House Rd. across the entire site frontage; that this would include 11' travel lanes and 8' shoulders on development road frontages; that both of these roads are major collector roads; that the Developer must dedicate a minimum 40' of right-of-way and to include a 15' permanent easement; that a shared-use path or sidewalk will be also required; that existing utility poles will be relocated to allow for the improvements; that the PLUS review is included in the Exhibit Book; that the site is within a Level 2 State Strategies area and that the State of Delaware has no objection in principle to the use; that there are no known archaeological site within the parcel; that pervious pavements are to be used to avoid the need for stormwater management areas; that there are amenities to be located near the road with additional parking; that the existing wooded fringe would be preserved; that the buffer obstructs views into the site; that a landscaping plan would be provided; that landscaping would be maintained by a management company; that the State of Delaware identified during the PLUS process that the proposal represents an opportunity to provide a more affordable type of housing product in an area with little affordable housing; that the State Housing Authority is supportive of the project; that Mr. Hutt outlined that considerable effort and thought has been put into the design of the proposal; that the surrounding lands around the proposal are predominantly zoned GR; that there is a mixture of uses in the wider area, but that the remaining AR-1 lands are now actually unique in that little AR-1 remains; that the Site Plan demonstrates that all area and bulk requirements of the County can be met; that the building envelope is sufficient to accommodate the buildings whilst meeting Building Code requirements; that up to 12 dwelling units to the acre is potentially permitted; that the proposal is consistent with adjoining land uses and area zoning; that there are no wetlands on the property; that the response from DelDOT was supportive and a TIS was not required as the threshold of 500 vehicle trips a day was not met; that DelDOT considered the impact to be negligible; that highway improvements would be provided in accordance with DelDOT's requirements; that both of the adjoining roads are classified as major collector roads; that the Comprehensive Plan recognizes that Sussex County is the fastest growing county in the State of Delaware; that market prices for housing and apartments are increasing and that safe and decent housing is out of reach for many households; that the fourth chapter recognizes that there is a need to expand affordable housing opportunities, especially near commercial areas; that there are seven growth areas identified, including the Coastal Area, in which the application site is located; that this region does have ecologically and environmentally sensitive areas; that a range of housing types are permitted, including multi-family housing; that medium and higher density could be supported in areas where water and sewer are available; that this application addresses many of these objectives within the Comprehensive Plan; that Level 2 State Strategies also recognizes the need for a variety of housing types; that Chapter 8 (Housing) recognizes that most housing on the eastern side of the County is unaffordable for recent college graduates and first-time buyers, and that a variety of studies are being undertaken in relation to this; that 8.2 of the Plan talks about the strong demand

for housing and the impact of price increases; that the shortage of affordable housing is a very real problem in Sussex County; that there is an identified need for workforce housing, especially in the eastern areas of the County; that workers currently have to live further away, placing increased demands on roads and transportation infrastructure; that the proposal is to provide market-rate housing and not low-income housing; that the housing would be for year-round workers and not seasonal workers; such as newly graduated police officers looking for a place to live; that an appraiser has analyzed the site and surrounding uses and concluded that the proposal would not have a negative impact; that the nearby business uses would not be negatively impacted; that the Applicant has reviewed some of the comments submitted to the Office of Planning & Zoning; that the application site is not surrounded by single-family homes per se; that townhouses are themselves a form of multi-family; that many of the letter outlined an expectation that the parcel should remain AR-1; that Mr. Hutt believes that, historically, many of the surrounding properties were zoned AR-1 and they were subsequently, over time, allowed to rezone to the current zoning; that proposed findings of fact and conditions of approval were submitted into the record for the Commission's consideration.

Mr. Mears asked how often the county has approved a density of 12 dwelling units to the acre. Ms. Cornwell mentioned that there have been several over the past four and a half years; that Mr. Mears asked how the price of the units would be calculated; that Mr. Robert Harris for Gulfstream Development LLC stated that rental rates are calculated from the general rental rates of other properties in the area; that in this case there aren't many other apartments in the area to compare to; that there are other types of housing units available between \$1800 to \$2500 per month in the wider area; that County-wide rental rates are available; that the median rental rate for a 2-bed unit is \$987 per month, that the 3-bed county-wide rate is \$1,347 per month; that the Applicant's pro-formas are based on those numbers; that they wish to hit the median; that Mr. Mears outlined his familiarity with the area and that he believes that there are some rental apartments in the wider area; that Mr. Mears asked Mr. Hutt about his thoughts on the proposed density; that Mr. Hutt outlined that this site checks all of the boxes for a site that can bear a higher density; that he doesn't think that it would set a precedent as not every property would check all the boxes in the way this site does; that a large amount of land in the area has already been developed and there are limited opportunities for further development; that Mr. Mears asked about the potential for sub-letting and Mr. Hutt confirmed that a mechanism would be in place to prohibit sub-letting of apartments; that Ms. Wingate asked if the area is served by DART for bus service to which Mr. Hutt replied that it is not; that Mr. Hopkins asked if a second egress was possible; that Mr. Clark confirmed that DelDOT would not allow this; that Ms. Stevenson asked if the units were to be second houses for retirees, to which Mr. Hutt replied that there would be no discrimination of occupiers; that Ms. Stevenson noted that, from the submitted information, the soils on site were identified as being poorly draining; that Mr. Clark outlined that a pervious pavement solution was to be put forward to avoid open stormwater management areas; that stormwater management would be undertaken below the surface; that Mr. Hopkins asked for the square footage of the units; that Mr. Harris stated that the 2-bed would be 1,040 sf. and the 3-bed is 1,400 sf.

Mr. Whitehouse asked Mr. Hutt if he could confirm whether the units would be age-restricted, to which Mr. Hutt confirmed that none of the units would be age-restricted.

Ms. Cornwell read a written response from DelDOT into the record, including DelDOT's expectation that the applicant contribute to a potential roundabout development in the vicinity of the application site, should this come forward. Ms. Cornwell noted that the word "affordable" had been mentioned repeatedly and asked if Mr. Hutt could confirm whether the units would be market rate units, to which

Mr. Hutt confirmed that the units are market-rate units. Ms. Cornwell outlined to the Commission that there would be no mechanism to ensure affordability.

Chairman Wheatley asked for clarification as to the proposed 6-month lease term; that this might encourage seasonal occupation; that Mr. Hutt outlined that some year-round workers might travel around, such as nurses in training, and that a 1-year minimum lease might discourage these types of workers from living in this location; that Mr. Harris outlined that a lot of thought has gone into this, and that college graduates or other similar occupiers are not looking to be locked in for a 1-year period; that May-September occupation would not be permitted.

The Commission found that one person wished to speak in favor of the applications; that Ms. Cheryl Detweiler stated that her employer hires workers for 6-month terms; that the area is growing and there is a population boom; that she thinks affordable housing is a fantastic idea.

That the following people wished to speak in opposition to the applications:

Mr. Patrick Emler outlined that he was involved in obtaining signatures from local residents as part of the form-letter, that he did submit 650 letters of opposition as part of his group; that he did inform participants as to the nature of the proposals before they signed the form-letter; that he wished to point out that the online map was not entirely accurate; that the Providence development has 49 townhomes on 12 acres and not 45 homes; that the form letters were obtain from over 31 different communities; that there are 12 communities and 6 businesses, amongst other individual units, relying on SCR 361 for access; that there is already a large amount of development in the area; that there are developments being added that rely on access from a single access point; that traffic makes it dangerous to walk and/or cycle; that the gulfstream proposals have only a 10' setback to adjoining property lines, and that no new buffers are proposed and there is no room for trees to be provided, that he is concerned about the lack of stormwater management areas and potential increases for flooding; that the site layout plan shows the removal of trees; that he is concerned that the proposed Conditional Use and Change of Zone do not address the deficits in the infrastructure in the area and should therefore not be approved.

Mrs. Diana Emler spoke in opposition to the Applications. Mrs. Emler stated that no one was forced to sign the letters of objection; that she thought that a form-letter had more substance than a petition with a list of signatures; that Mrs. Emler stated that, if the applications were approved, there should be a 30' buffer along the tree line, even if this restricts the size of the units; that the proximity of the buildings would create the potential for light spill and pedestrian trespass; therefore, the residents of Providence and Shady Dell are requesting a privacy fence to be installed; that Ms. Emler stated that she had spoken to Ms. Jessica Watson at Sussex Conservation District and that it was her understanding that retention ponds would be required; that the tax ditch must also be maintained as this is important to drainage; that she also has concerns with locations of trash dumpsters as adjoining residents would not wish to see these placed in proximity to existing dwellings.

Mr. Mears asked Mrs. Emler to confirm, when she went door to door to obtain signatures, what information she presented to local residents. Mrs. Emler confirmed that she explained to residents that she was concerned by the 45 homes proposed on this site and had asked residents whether they would be happy with the proposal. Mrs. Emler explained that she had spoken to at least one resident that did not wish to object. Ms. Stevenson asked Mrs. Emler if she could clarify the nature of the

previous application on this site from 10 years ago that was referred to and Mrs. Emlet stated that this was for a shopping center and that the previous application was denied.

Mr. Mears noted that, based upon the speakers so far, there appears to be differences of opinion in relation to whether the tree buffer was being retained in its entirety and whether the development proposals were similar in nature to the adjoining Providence development. Mr. Jeff Clark explained that the narrowest part of the buffer is 15' and this is not for the full length of the north boundary.

The Commission found that Mr. Tom Maly spoke in opposition to the application; that he is an Oceanview Councilman and a 16-year resident of the area; that the open spaces in the area and woodlands have been gradually replaced by over eleven residential communities; along with individual residential homes and small businesses that all use Muddy Neck Rd. as their primary means of access; that the same is true of Parker House Rd.; that congestion has caused problems with safety, including access by emergency services and that two solar-powered warning signs were installed in 2019; that overhead street lighting is being installed; that the area has seen a dramatic increase in traffic and that this is continuing to grow; that adding 45 residences with approximately 70 vehicles will not help this situation and will lead to increased pressure on emergency evacuation routes when they next come to be tested in an emergency; that the Delaware State Police (Troop 4) is some distance away and additional crews are required locally to cater to the increase in emergency calls; that the proposal are for growth but not smart growth; that a copy of the comments made was submitted for the record;

The Commission found that Ms. Judith Bray spoke in opposition to the application; that Ms. Bray stated she owns part of the existing ditch and that she experiences flooding from the Providence community; that she has called SCD multiple times for the ditch to be cleared out; that she has been informed that there is little point clearing out the ditch until other drainage matters are addressed in this location along Muddy Neck Rd; that she is concerned that the proposed hardscape is going to exacerbate the existing flooding problems; that Mr. Wheatley stated that he encouraged Ms. Bray to speak to her State Representative as the existing problem is a problem that spans multiple agencies. Chairman Wheatley asked Mr. Clark to speak to the drainage of the site; that Mr. Clark stated that drainage is heavily regulated by the State/Conservation District and that the developer will not be permitted to make an existing hydrological problem worse than it currently is.

The Commission found that Ms. Cindy Santiago spoke in opposition to the applications; that Ms. Santiago lives in Southampton which is located to the south-east of the site; that she has concerns with potentially irreversible damage to the ecosystem in the area; that wildlife does not have to be rare or endangered to be vital to our existence; that AR-1 plays a key role in planning communities; that AR-1 land is needed to provide habitats for wildlife; manage ecosystems and to reduce light pollution; that this site is home to fox, deer, wild turkeys and also the legally protected American Bald Eagle, which has been seen going in and out of the property routinely; that there has been a gradual erosion of open spaces; that this is changing the look and feel of rural communities into noisy and urban communities; that urbanization comes with new challenges to deal with in the future; that ecosystems are important to rural areas.

The Commission found that Mr. Dale Reese, president of the Shady Dell Park Residents Association, spoke in opposition to the applications; that Mr. Reese stated that Shady Dell Park is a private community that is responsible for its own roads and their upkeep; that the community is opposed to any pedestrian or vehicle connection to its community; that additional vehicle trips would add to wear and tear to Shady Dell Park's roads, which would create a financial burden on the residents in that

development; that the residents of Shady Dell Park therefore request that the applications be denied; that the proposed change of zone and Conditional use would result in overdevelopment of the site, and that the proposals would result in 3 times the number of people currently potentially permitted to live on an AR-1 parcel; that the zoning change is not in the best interests of adjoining residents.

The Commission found that Mr. Nick Spikowski spoke in opposition to the application, that he has concerns with flooding from the site; that the properties along the north side of Dogwood Drive have a ditch running behind those properties; that he can attest to foxes and deer having habitats on the site; that Shady Dell Park has covenants relating to open space and trees; that there is very little green space shown on the proposed site plan for residents to congregate; that he has concerns with the proximity of residents congregating and the distance from his home, which is less than 100' away; that he has concerns that the applicant is potentially trying to guilt the Commission into looking favorably on the low-income housing proposed. Chairman Wheatley pointed out that the proposal is for market-rate housing and not low-income or affordable housing. Mr. Spikowski stated that he also has concerns with the previous lack of mowing on the property, and where residents would congregate outside the buildings. Chairman Wheatley noted that a pool was to be provided. Mr. Spikowski stated that he was concerned with the size of the pool given the potential number of residents.

The Commission found that Ms. Karen England spoke in opposition to the applications, that Ms. England questioned whether tax credits had been sought for the units and whether the applicant would be doing this. Ms. England also asked the target AMI ("Average Median Income") for the units. Chairman Wheatley outlined that it was the Applicant's position that the accommodation was to be market-housing and would not necessarily be tied to AMI. Ms. England outlined that she has checked with a housing development, and that she believed a 2-bed, 2,100 sf. unit was being targeted for \$1,500 per month and that a 3-bed unit was \$1,800 to \$1,900 per month.

The Commission found that Mr. Tom Salonik was present in opposition to the applications; that Mr. Salonik has concerns with the intersection of Parker House Rd and Muddy Neck Rd; that visibility is very poor – especially when turning left; that he believes that the DelDOT study does not correctly account for summer-time traffic which can be very different to winter traffic; that he thinks that the access point would greatly diminish visibility at the intersection; that 198' is the stopping distance at 35 mph and he thinks that the proposals would create a safety hazard.

The Commission found that Mr. John Zarek was present in opposition to the applications; that he stated that he does not fully understand how the units can be claimed to be affordable if they are to be priced at the market-rate; that the rent rates quoted also seemed to be greater than those of existing rental units currently available in the Providence development; that Chairman Wheatley commented that he understood the Applicant's position to be that the units would generally be more affordable than other housing types in the area such as a single-family homes, but that this could be an assumption on his part that would be in need of clarification; that Mr. Zarek commented that flooding is a major issue in the area and the increase in hard surface could, in his opinion, exacerbate the existing problems; that Mr. Zarek believes that the property should not be developed at all.

Chairman Wheatley asked the Mr. Hutt and Mr. Harris to speak to their earlier comments as to how the proposed housing would be classified as being "affordable". Mr. Hutt outlined that, in his presentation, he addressed a definition within the Comprehensive Plan as to the different forms that affordable housing can take, and that although this is not a form of housing that it is to be controlled through the County's affordable housing program, that it still constitutes an affordable form of

housing; that the earlier comment regarding tax credits is relevant, but that this development would not be eligible for such credits; that the size of the scheme at 45 units, does not have the necessary scale to justify an application under the County's program, which has a significant reporting and management requirement which typically lends itself to larger developments. That Mr. Harris confirmed that the scale of the scheme is not enough to warrant applying under the County's affordable housing program and that schemes need to be over 150 units to warrant such an application.

The Commission found that Mr. Ed Broster was present in opposition to the applications; that he was a professional Soil Conservationist for 45 years prior to his retirement; that he has reviewed many plans for pervious pavement; that such pavements typically require well-drained soils; that the soil under the application site does not drain well and has a high water table; that this will reduce the effectiveness of the drainage, especially when heavy rainstorms saturate the ground; that there is also a risk with porous pavement that heavy trucks such as garbage trucks would eventually seal off the pores over time, reducing effectiveness; that such a system requires regular cleaning.

The Commission found that Mr. Ron Sharm was present in opposition to the applications; that he takes issue with the claim that Tidewater Utilities can cope with the additional units; that he has experienced problems with water pressure; that he can attest to the drainage problems experienced in the locality; that he thinks that the infrastructure problems should be resolved first, before new development/dwellings are added and density increased.

The Commission found that Mr. Donald Swartz was present in opposition to the applications, that he lives in Shady Dell Park; that there is a produce-sale use opposite, and that he has concerns that there may be a future housing development on that parcel in future. Ms. Cornwell confirmed that there were no applications currently filed for that parcel.

The Commission found that Ms. Theresa Merrick was present in opposition to the applications; that she submitted a bespoke letter of opposition and did not sign the form-letter; that she has concerns with impacts on schools and traffic.

The Commission found that Ms. Judy Crist was present in opposition to the application; that she has concerns that service employees are typically seasonal renters and that the applicant has indicated that this is a group of potential occupiers being targeted; that she also believes that the developers should be required to contribute to road improvements in the vicinity.

The Commission found that Mr. Frank Zinbah was present in opposition to the application; that he has concerns with the location of the proposed ingress/egress and that he thinks that aligning the access with the boulevard opposite will result in increased vehicle conflict in a location with poor visibility; that he believes that a Traffic Impact Study should have been undertaken.

The Commission found that Mr. Thomas Douglas was present in opposition to the application; that he had signed form letter but that he ensured that he understood the proposals before signing; that he has owned and rented apartments in the past; that during his time in property management that he never allowed a 6-month lease; that he always had a 1-year lease with anyone occupying for less than this period forfeiting their last month's rent and security deposit; that Mr. Douglas also has concerns with the potential number of occupiers and the potential for car ownership to be very high; that there

is not sufficient parking for large numbers of visitors; that he has concerns for the potential for pedestrian/vehicle conflict and the potential for increased injuries and fatalities.

The Commission found that Ms. Paula Castrin was present in opposition to the applications; that Ms. Castrin has experience in analyzing statistical data from the National Crime Information Center; that she has concerns with the potential for crime; that it should be taken as fact that there is less crime per capita associated with single-family dwellings when compared with multi-family dwellings; that she does not wish to lose security or quality of life; that she appreciates the existing wildlife in the area and does not wish to lose existing habitats.

Ms. Stevenson asked Ms. Cornwell if she could speak to earlier comment made about water potentially being piped from the adjoining properties onto the application site. Ms. Cornwell stated that she was not aware of an outfall on the property, but staff could, if necessary, obtain this information.

Upon there being no further questions from the Commission, Chairman Wheatley closed the public hearing for the applications.

At the conclusion of the public hearings the Commission discussed the applications.

Mr. Mears discussed items relating to stormwater management and the proposed pervious surfacing. Mr. Mears also outlined his own experience of extreme weather and the impacts on surface water management. Mr. Wheatley noted that modern stormwater management regulations are now stricter than they were in the past. Ms. Cornwell confirmed that the stormwater management design must be reviewed and approved by the Sussex Conservation District.

Mr. Mears commented that an approval in this location could be setting a precedent for future developments in the future on nearby parcels. Chairman Wheatley outlined that the Commission does have ability to impose conditions on the Conditional Use application. Chairman Wheatley also asked how a denial of the change of zone would affect the application. Ms. Cornwell noted that, if the GR zoning were denied, that the permitted density would likely be reduced to the underlying AR-1 zoning.

Ms. Wingate commented that market-rate housing was not as affordable as she would like in this location. Chairman Wheatley noted that, looking at the nearby parcels, that very few were undeveloped, and it was unlikely that many other residential developments would be seen in future in this area. Mr. Mears noted that many of the nearby parcels were in the jurisdiction of the town of Ocean View.

Mr. Wheatley commented in relation to the drainage for the development, and the comments made about the high-water table and the potential for this to reduce the effectiveness of any permeable-type drainage system to be used on the site. Ms. Cornwell outlined that any stormwater management design, must be approved by Sussex Conservation District.

In relation to application CU 2195, Mr. Mears moved that the Commission defer consideration of the application to a future meeting date, seconded by Mr. Hopkins and carried unanimously. Motion carried (5-0).

In relation to application CZ 1895, Mr. Mears moved that the Commission defer consideration of the application to a future meeting date, seconded by Ms. Wingate and carried unanimously. Motion carried (5-0).

At their meeting of November 14, 2019, the Planning Commission discussed the application which has been deferred since October 24, 2019.

Mr. Mears moved that the Commission recommend approval of Conditional Use #2195 for Gulfstream Development, LLC for the multi-family apartment units in a GR (General Residential) District based upon the record made during the public hearing and for the following reasons:

1. The application seeks the approval of 45 multi-family structures with three buildings on approximately 3.93 acres.
2. The property is in an area where a variety of development has occurred. Lands to the north of this property are zoned HR-1/RPC with a multi-family residential development. Lands to the west and south are developed under GR zoning and there is a nearby B-1 zoning and other lands with commercial uses. This property is basically an infill development and it is consistent with these nearby uses.
3. This site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this area according to the plan which states that a range of housing types are acceptable here including medium and high density with a site near commercial uses is served by central water and sewer where the key use is in keeping with the character of the area and other similar factors. These types of considerations exist with regard to this site.
4. The proposed development will not have an adverse impact on the neighboring properties or communities.
5. The project will not have an adverse impact on traffic or roadways. DelDOT has stated it will generate less than 50 vehicle trips per hour and less than 500 trips per day, leading that agency to conclude that the traffic impact will be negligible.
6. The project is located in an area of opportunity as defined by the Delaware State Housing Opportunity Maps. The Delaware State Housing Authority has strongly recommended this application.
7. The development will be served by central sewer provided by Sussex County.
8. This application is essentially an infill development that is consistent with adjacent residential development in the area.
9. The development will be served by central water.
10. This recommendation is subject to the following conditions:
 - a. A maximum number of residential units shall be 45.
 - b. The Applicant or its successor, as landlord shall be responsible for perpetual maintenance of the development roadway, buffers, stormwater management, facilities, erosion and sediment control facilities, and other common areas.
 - c. All entrance intersections, roadways, and multi-modal improvements shall be completed by the developer in accordance with DelDOT's requirements.
 - d. The project shall be served by County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any off-site upgrades necessary to provide service to the project.
 - e. The project shall be served by central water to provide drinking water and fire protection.
 - f. There shall be vegetated or forested buffer at least ten feet in width.

- g. The Applicant shall submit as part of the final plan a landscape plan showing the proposed tree and shrub landscape design including the buffer areas.
- h. Construction activities including site work and deliveries shall occur only between 7:30 am and 7:00 pm Monday to Friday and between 8:00 am and 5:00 pm on Saturday. There shall be no construction activities on the site on Sunday.
- i. Street-naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.
- j. The final site plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- k. All street lights shall be shielded and downward screened so they do not shine on neighboring properties or roadways.
- l. The interior street designs shall meet or exceed Sussex County street design requirements.
- m. If required by the local school district a school bus stop shall be provided. The location of the bus stop shall be shown on the final site plan.
- n. Recreational amenities including the outdoor swimming pool and bathhouse shall be completed simultaneously with the issuance of the Certificate of Occupancy for the first multi-family dwelling.
- o. The Final Site Plan shall be subject to the review and approval by the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried 4-1 to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and with the stipulations stated in the motion. Motion carried 4-1. Ms. Stevenson voted no.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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(302) 854-5079 F



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Samantha Bulkilvish, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 16, 2019
RE: Staff Analysis for CU 2195 Gulfstream Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2195 Gulfstream Development, LLC to be reviewed during the October 24, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 134-16.00-382.00 to allow for multi-family (45 apartment units) to be located on the northwest corner of Parker House Road and Muddy Neck Road. The size of the property is 3.93 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the property has the land use designation of "Coastal Area."

The surrounding land use to the north, south, east and west is Coastal Area with some lands within the Municipal boundary of Ocean View to the northeast. The Coastal Area contains areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not normally appropriate in these areas.

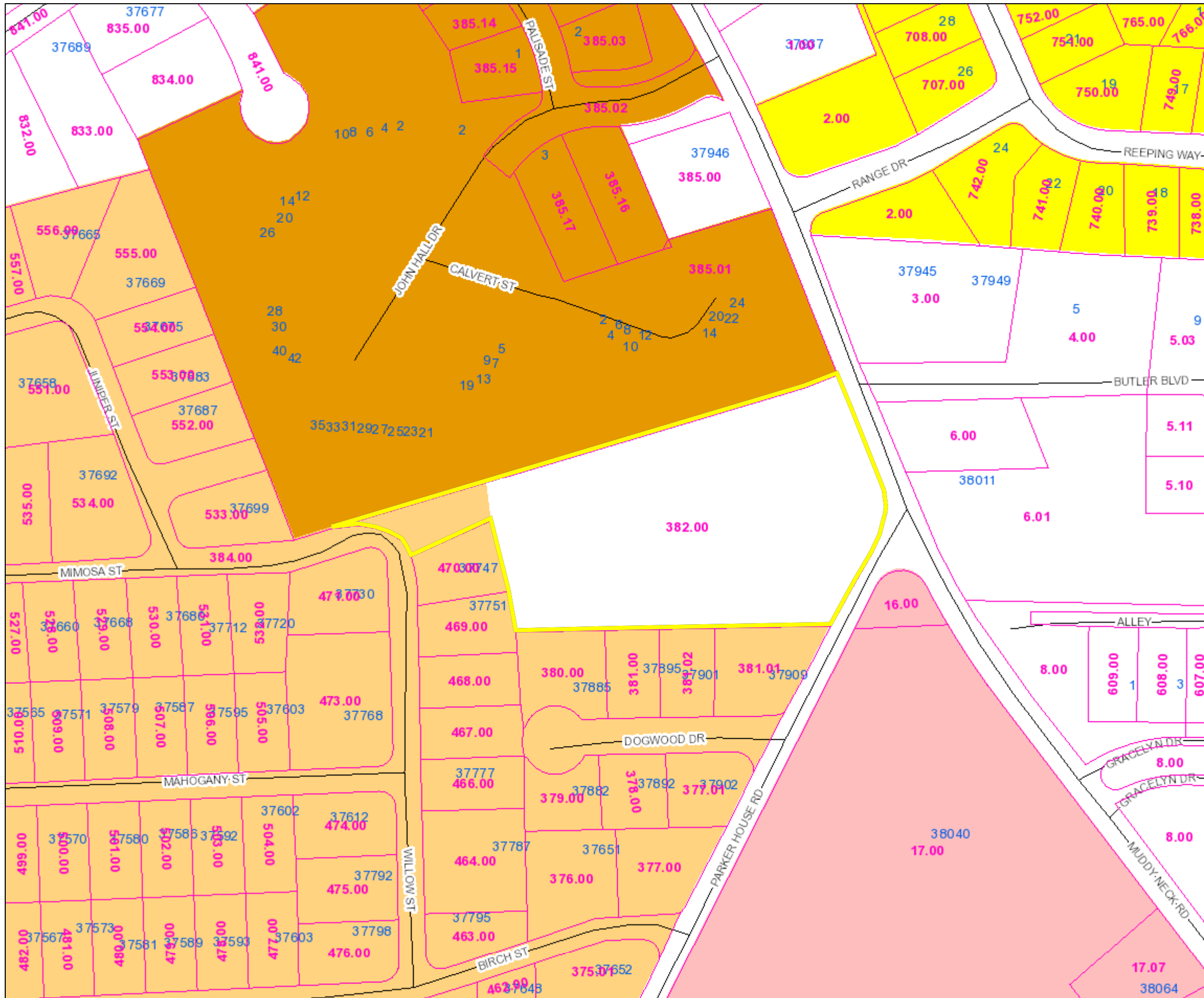
The property is zoned AR-1 (Agricultural Residential District) pending rezoning to GR (General Residential District). The property to the north is zoned HR-1 - RPC (High Density Residential District – Residential Planned Community). The properties to the west and south are zoned GR (General Residential District) and the parcel to the southeast is zoned B-1 (Neighborhood Business District) and the properties to the east are zoned AR-1 (Agricultural Residential District). There are no Conditional Uses approved since 2011 in the immediate area, although there is multi-family adjacent to the property as part of the RPC (Residential Planned Community).

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for multi-family could be considered as consistent with the land use, area zoning and uses.





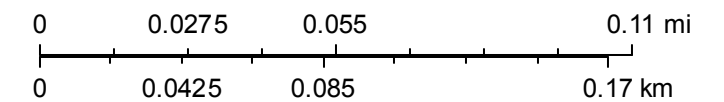
Sussex County



PIN:	134-16.00-382.00
Owner Name	GULFSTREAM DEVELOPMENT LLC
Book	5028
Mailing Address	27 ATLANTIC AVE
City	OCEAN VIEW
State	DE
Description	W/RT 361 CORNER NW/
Description 2	RT 362 P/O MIMOSA ST
Description 3	N/A
Land Code	

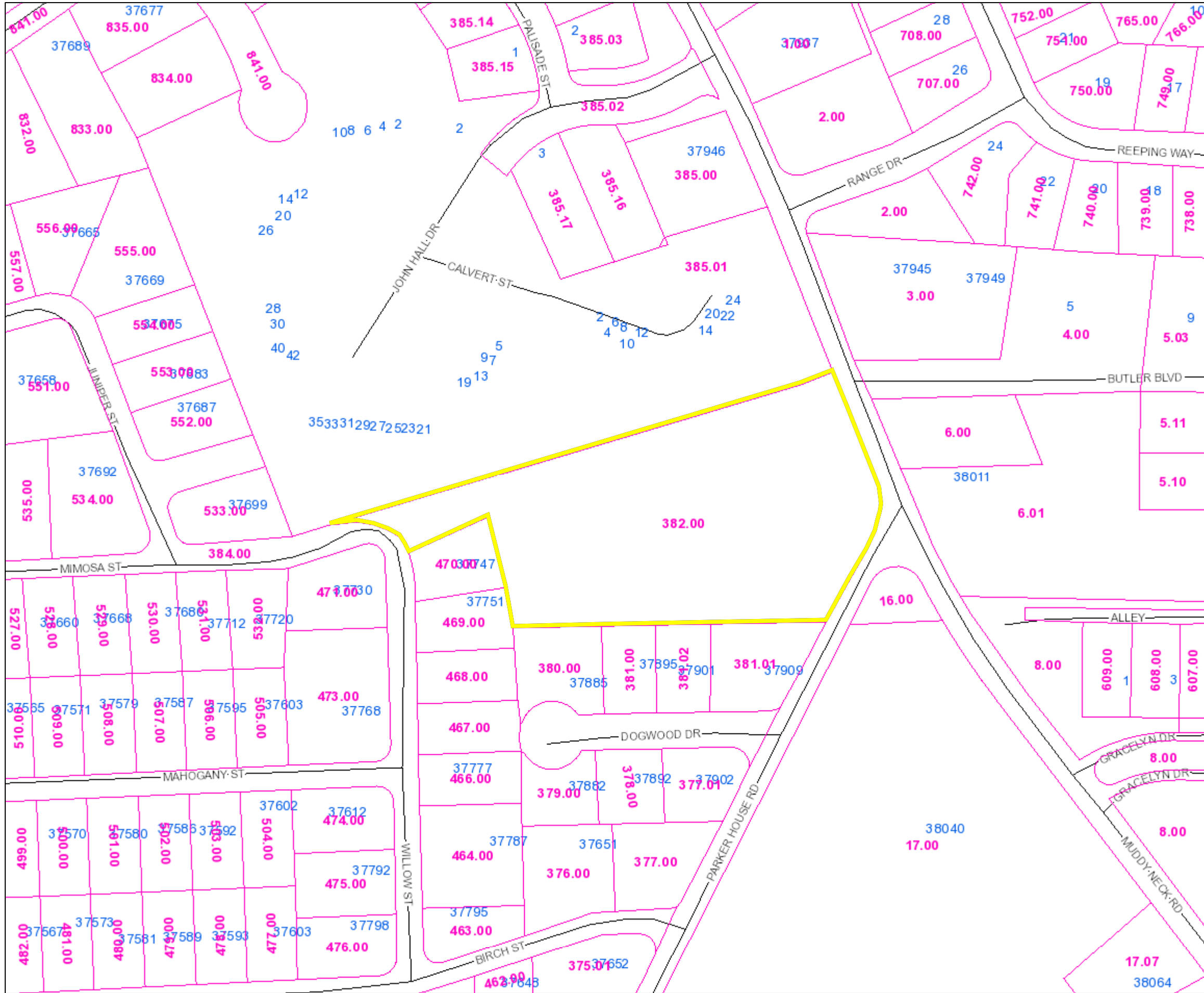
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- Tax Parcels
- 911 Address
- Streets

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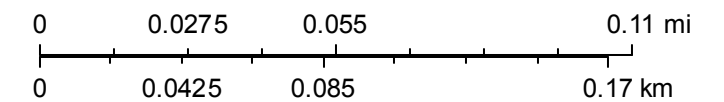
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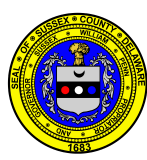


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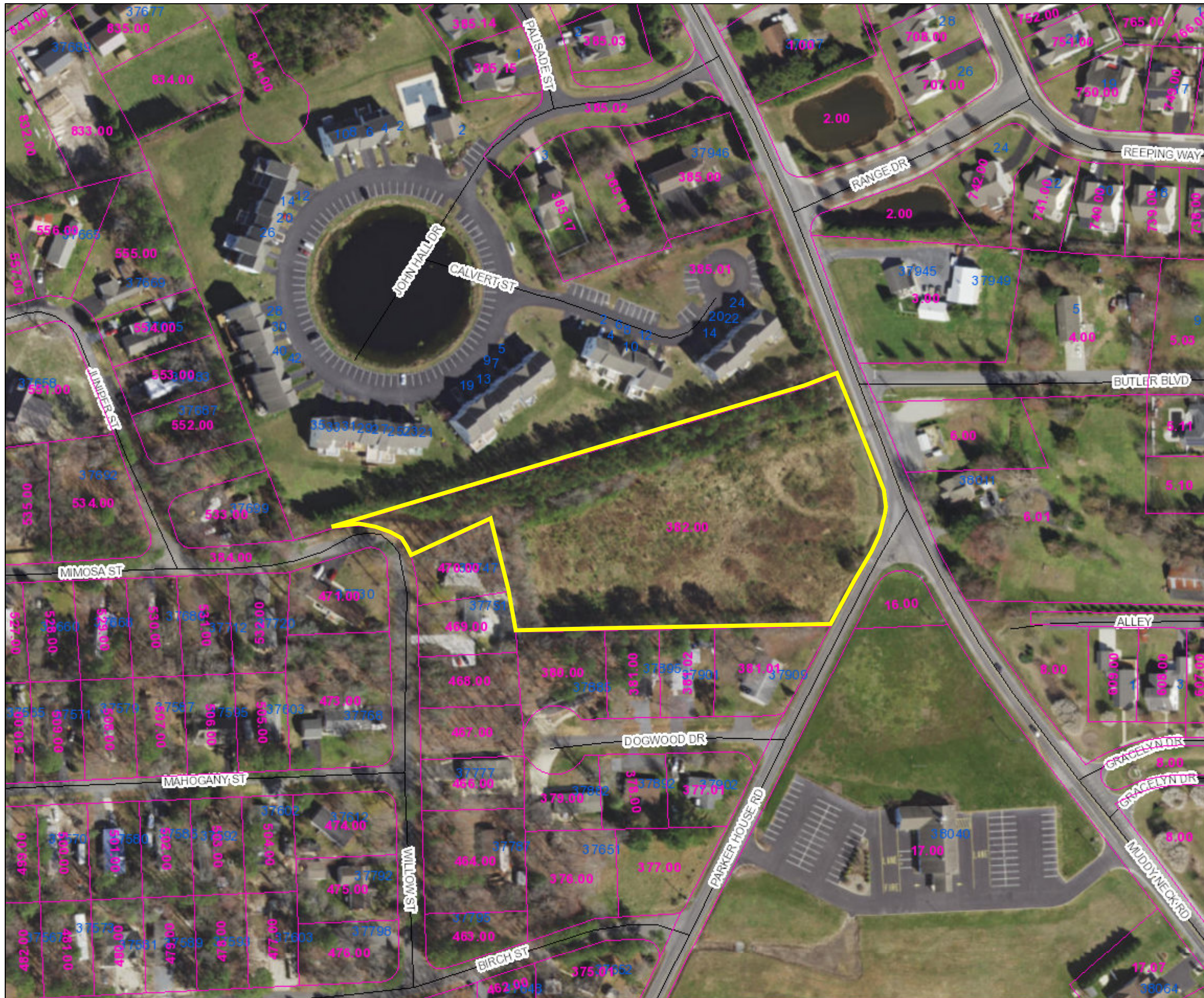
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- 911 Address
- Streets
- County Boundaries

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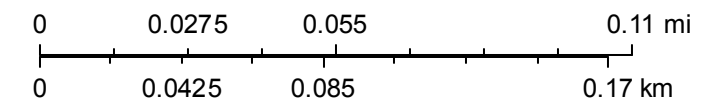
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- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257



Introduced 07/23/19

**Council District No. 4 – Hudson
Tax I.D. No. 134-16.00-382.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (45 APARTMENT UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of July 2019, a conditional use application, denominated Conditional Use No. 2195, was filed on behalf of Gulfstream Development, LLC (Kent Apartments); and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2195 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2195 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northwest corner of Parker House Road and Muddy Neck Road, and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A., said parcel containing 3.93 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.