

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
CYNTHIA C. GREEN
DOUGLAS B. HUDSON
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

October 1, 2024

12:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - September 24, 2024

[Draft Minutes 092424](#)

Reading of Correspondence

Public Comments

Presentation – Mark Isaacs, Director, Carvel Research and Education Center

Todd Lawson, County Administrator

1. **Sussex County Land Trust Update**

A. Review & Approval of the Property Management Agreement with the Sussex County Land Trust for the Forest on the Broadkill Preserve

[Management Agreement SCLT](#)

B. ORPT Grant Submission Resolution for Hudson Park

[Resolution - Hudson Park](#)

2. **Administrator's Report**



Mark Parker, Assistant County Engineer

1. **Paramedic Station 103, Project C21-18**

A. Change Order 3

[Paramedic Station 103](#)

Grant Requests

1. **Developing Artist Collaboration for the West Rehoboth wall restoration**
[Developing Artist Collaboration](#)
2. **Seaford Music and Education Institute for affordable music lessons**
[Seaford Music and Education Institute](#)
3. **American Legion Post 8, Inc. for Georgetown EMS Return Day coverage**
[American Legion Post 8 Inc](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2490 CU2542 CU2543](#)

Council Members' Comments

Executive Session - Land Acquisition pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **Proposed Starlight Meadows Pavement Improvements Assessment Roll**

[T24-07 Starlight Meadows](#)

2. **[Conditional Use No. 2406 filed on behalf of Monish Malhotra](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR VEHICLE STORAGE, MAINTENANCE, AND REPAIRS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.43 ACRES MORE OR LESS” (property lying on the west side of Collins Street within the Collins Russell Subdivision, accessed from the north side of Milton Ellendale Highway [Rt. 16], approximately 0.5 mile west of Mulberry Street) (911 Address: 14400 Collins Street, Milton) (Tax Map Parcel: 235-14.00-43.01)

[Public Hearing CU 2406](#)

3. **[Conditional Use No. 2438 filed on behalf of Robert Frey \(Sandy Hill Acre, LLC\)](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS” (property lies on the south side of Lighthouse Road [Rt. 54] approximately 525 ft. east of Dickerson Road [S.C.R. 389]) (911 Address: 33142 Lighthouse Road, Selbyville) (Tax Map Parcel: 533-18.00-68.00)

[Public Hearing CU 2438](#)

4. **[Conditional Use No. 2361 filed on behalf of Beachfire Brewing Co., LLC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO OPERATE FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRES, MORE OR LESS” (property lying on the northwest side of Central Avenue, approximately 160 feet southwest of Canal Crossing Road) (911 Address: 19840 Central Avenue, Rehoboth Beach) (Tax Map Parcel: 334-13.20-20.00)

[Public Hearing CU 2361](#)

5. **[Conditional Use No. 2450 filed on behalf of GGA Construction](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BUSINESS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.27 ACRE MORE OR LESS” (properties are lying on the northeast side of Malloy Street approximately 100 feet southeast of Central Avenue) (911 Address: 37411 & 37417 Malloy Street, Rehoboth Beach) (Tax Map Parcels: 334-13.20-27.00 & 27.01)

[Public Hearing CU 2450](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 24, 2024 at 4:15 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.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 24, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 24, 2024, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 496 24
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the agenda as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of the September 17, 2024, meeting were approved by consent.

Correspondence

There was no correspondence.

There were no public comments.

**Public
Comments**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to approve the following items under the Consent Agenda:

**M 497 24
Approve
Consent
Agenda**

1. Proclamation Request – Emergency Preparedness Month

2. Proclamation Request – Literacy Month

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Adminis-

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

**trator's
Report**

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for August 2024 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of August.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Walden (fka Burton's Pond) Phase 6B (Construction Record) effective September 13th; Millville By the Sea – Summerwind Connector effective September 16th; Silver Woods Villas – Phase 1B (Construction Record) and Silver Woods Villas – Phase 2A-1 (Construction Record) effective September 18th.

3. Sussex County Property Taxes Due September 30th

A final reminder for property owners in Sussex County that September 30th is the deadline to pay annual County property tax bills. Payments can be made in person, online, by phone, or by mail. Any payments mailed must be postmarked no later than September 30th. Payments made October 1st or later will be subject to penalty.

This year's tax bills once again feature an easy-to-read format to help taxpayers better understand their bills and payment options. A number of payment options are available for the public's convenience. A tutorial explaining how to view account information and to make payments is available on the County website at <https://www.sussexcountyde.gov/property-tax-portal-tutorial>.

Sussex County accepts tax payments by cash, check, money order, and debit or credit cards.

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

**Pension
Update/Co-
mmittee**

Gina Jennings, Finance Director reported that on August 15th, the pension committee held its quarterly pension meeting. At that meeting, the committee received an update from Pat Wing of Marquette Associates and recommendations on changing our Investment Policy Statement (IPS) for

Recommendations both pension funds regarding real estate investments. Mrs. Jennings added that in 2023, we adjusted our IPSs to being liquidating our real estate investments. At this August's meeting, the committee reviewed options to liquidate the rest of our real estate holdings.

Mr. Pat Wing of Marquette Associates provided an overview of the outlook that is seen for real estate and changes that have occurred since the last meeting in June. Mr. Wing discussed real estate valuations, vacancy rates, near-term maturing loans, NOI growth, expected returns by property type, core fixed income outlook and fixed income yields.

Mr. Rieley commented that a few years ago he recalls that real estate was looked at as an option because returns on fixed income was so bad. He questioned if we would be able to get back into real estate at some point if desired. Mrs. Jennings replied that the policy would be changed back if we wanted to add it.

M 498 24 A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that the Sussex County Council amend its investment policy statement of the pension and OPEB funds to remove the real estate target of 3%, increase the fixed income target of 2% and increase the bank loans target by 1%.

Approve Pension Committee Recommendation

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

Peninsula Community Road Mark Parker, Assistant County Engineer presented a recommendation to award for The Peninsula Community Road repairs, project T24-12 for Council's consideration.

M 499 24 A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department that contract no. T24-12 be awarded to the low bidder HCE Inc. in the amount of \$272,287.00 which includes a bid alternate in the Veranda community.

Approve Peninsula Community Road Repairs

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

South Blades District Area John Ashman, Director of Utility Planning & Design Review presented a Resolution declaring the South Blades District Area for Council's consideration.

M 500 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt**
Adopt **Resolution No. R 018 24 entitled “South Blades Area of the Sussex County**
Resolution **Unified Sanitary Sewer District declared under the provisions of Title 9,**
No. R 018 24/ **Chapter 65 of the Delaware Code”.**
South Blades

District Area **Motion Adopted: 5 Yeas**

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Winding **Hans Medlarz, Project Engineer presented a contract award for Winding**
Creek **Creek Village Water District for Council’s consideration.**
Contract

M 501 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson that be it moved**
Approve **based upon the recommendation of the Sussex County Engineering**
Contract **Department that contract S20-10 for the Winding Creek Village Water**
Winding **District, be awarded to Atlantic Contracting & Material Co. for their total**
Creek **bid of \$4,042,722.00, contingent upon DHSS approval.**
Village

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

SCWRF **Hans Medlarz, Project Engineer presented GHD Amendment 27 –**
GHD **Construction Engineering Services for South Coastal WRF treatment**
Amendment **process update no. 3 & Rehoboth Beach WTP capital improvement program**
27 **for Council’s consideration.**

M 502 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved**
Approve **based upon the recommendation of the Sussex County Engineering**
Amendment **Department that Amendment No. 27 to the base engineering contract with**
27/SCWRF **GHD, Inc., be approved in the amount not to exceed \$350,000.00, for**
 engineering services associated with the South Coastal RWF treatment
 process upgrade no. 3.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Herring **Hans Medlarz, Project Engineer presented change order nos. 2, 3 and 4 for**
Creek/CO **Herring Creek Sanitary Sewer District: East Gravity Sewer and Force Main**
No. 2,3,4 **for Council’s consideration.**

M 503 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved by**
Approve CO **the Sussex County Council that based on the recommendation of the Sussex**
No. 2, 3 & 4/ **County Engineering Department that change order nos. 2, 3 and 4 for contact**
Herring **S20-09, Herring Creek Sanitary Sewer District: East Gravity Sewer and**
Creek **Force Main, Phase IV be approved, increasing the contract time by 78 and**
 38 calendar days respectively, as well as an increase of \$59,198.18, contingent
 upon USDA concurrence.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea

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

M 504 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000**
Lower **(\$2,000 from Mr. Hudson’s Councilmanic Grant Account) to Lower Sussex**
Sussex Little **Little League, Inc. for a digital sign for the Pyle Center.**
League

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea

M 505 24 **A Motion was made by Mr. Hudson, seconded by Mrs. Green to give \$3,000**
Shoes That **(\$1,000 from Mr. Hudson’s Councilmanic Grant Account, \$1,000 from Mrs.**
Fit **Green’s Councilmanic Grant Account and \$1,000 from Mr. Rieley’s**
 Councilmanic Grant Account) to Shoes that Fit for their new sneaker
 program.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea

Proposed
Ordinance
Introduc-
tion **Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE**
 TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-
 DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY
 DWELLINGS (220 UNITS) TO BE LOCATED ON CERTAIN PARCELS
 OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX
 COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” filed on behalf
 of Marlin Cove, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE
TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX

Proposed Ordinance Introduction (continued)

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” filed on behalf of Marlin Cove, LLC.

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” filed on behalf of James Yerkie, II.

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS” filed on behalf of Raul Alvarez.

The Proposed Ordinances will be advertised for a public hearing.

CC Comments

Mr. Rieley commented that there are still some priorities that are outstanding including the definition of open space and updating subdivision provisions in Chapter 99, he requested that the Administrator work with staff to land some of these by the end of the year.

Mr. Vincent recognized Councilman Sam Wilson.

M 506 24 Go Into Executive Session

At 10:53 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session and go into Executive Session to discuss matters relating to personnel and land acquisition.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

Executive Session

At 10:58 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to personnel and land acquisition. The Executive Session concluded at 11:48 a.m.

M 507 24 Reconvene

At 11:50 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

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

**M 508 24 A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at
Adjourn 11:51 a.m.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

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

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

TO: Sussex County Council:
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***Paramedic Station 103, Project C21-18***
A. Change Order No. 3

DATE: October 1, 2024

The new Paramedic Station 103 was programmed to replace the current temporary EMS location in Dagsboro, and to support the new station a 0.92-acre parcel of land was purchased in February 2020 off Dickerson Road just outside of Millsboro Town limits. The Engineering Department coordinated to have the parcel annexed into the Town in order to have public water and sewer service, and the annexation was officially approved in April 2023.

In coordination with our EMS Team, our Design Consultant George, Miles and Buhr, Inc. (GMB) spearheaded the development of a Building Prototype for the new EMS Station, in part based on the building layout that was implemented for the Seaford Station completed in 2022. The Building Prototype was adapted to fit the Millsboro site, and was approved by the EMS/Engineering Teams in February 2023 which in turn kicked-off the detailed design phase for the project.

Final Bidding Documents were subsequently developed and the project was advertised for public bid on December 15, 2024, and on January 24, 2024 a total of five (5) bids were received. The low bidder was The Whayland Company with a total bid of \$1,812,700.00 which included three (3) Bid Alternates and eight (8) Site Contingent Items. Based on a recommendation for award by the Engineering Department following a detailed review of all bids, Council approved award of the project to Whayland Company in the amount of \$1,812,700.00 on February 6, 2024. Notice to Proceed was subsequently issued by the Engineering Department and project construction officially commenced on February 20, 2024.

The Engineering Department had initially been tracking a number of minor changes to the project scope in the April-May timeframe. Some changes were based on Owner direction and/or Contractor request, and others were based on changed field conditions. Since the overall



Contract was bid on a Lump Sum basis, project scope changes require Council approval of individual Change Orders.

The following is a summary of items comprising Change Order No. 1:

- Delete concrete foundation waterproofing (Contractor request) – Credit of \$4,000
- Expand sediment pond/reshape for final conversion (field condition) – Charge of \$6,000
- Abandon existing two 2” water line services/altered tap location (field condition) – Charge of \$3,500
- Delete compost logs (field condition) – Credit of \$1,260
- Delete paving and pipe culvert at driveway entrance (Owner direction) – Credit of \$2,500
- Modify alignment of forcemain (Contractor request) – Credit of \$3,500
- Delete emergency lite in sprinkler room (Owner direction) – Credit of \$186

Tabulation of all items contained in Change Order No. 1 results in a **credit of \$1,946.00** and a reduction in the overall Contract amount from \$1,812,700.00 to \$1,810,754.00. Based on the recommendation of the Engineering Department, the Council approved Change Order No. 1 on May 14, 2024.

Since this time, additional items have arisen that have resulted in additional changes in project scope. As with Change Order No. 1, some changes were based on Owner direction and/or Contractor request, and others were based on changed field conditions. The items involved in Change Order No. 2 are summarized below:

- Removal of redundant fire alarm pull station (Owner direction) – Credit of \$225.00
- Flagpole model change (Owner direction) – Credit of \$425.00
- Addition of water feed to janitor closet mop basin (Owner direction) – Charge of \$770.00
- Change in roof valley flashing installation method (Contractor request) – Credit of \$615.00
- Recessing of electric panel into wall (field condition) – Charge of \$210.45
- Removal of twist lock plugs from Contract (Owner direction) – Credit of \$358.00
- Gutter downspout routing modifications (Owner direction/field condition) – Charge of \$11,200.00
- Dickerson Road paving scope modifications (Owner direction) – Credit of \$3,000.00
- Contractor Overhead & Profit - \$755.75

Tabulation of all items contained in Change Order No. 2 results in a net **charge of \$8,313.20** and an increase in the overall Contract amount from \$1,810,745.00 to \$1,819,067.20. Based on the recommendation of the Engineering Department, the Council approved Change Order No. 2 on August 13, 2024.

Since the time of approval of Change Order 2, additional items have arisen that have resulted in additional changes in project scope and/or construction. As with previous change orders, some changes were based on Owner direction some from Contractor request. The items involved in Change Order No. 3 are summarized below.

- Addition of level spreader along north edge of driveway (Owner direction) – Charge of \$5,200.00
- Deletion of 6’ white vinyl fence, sod & small river rock along east property line, and addition of large river rock on fabric in same area (Owner direction) – Credit of \$670.00
- Addition of junction boxes/raceways for garage door status lights (Owner direction) – Charge of \$216.42
- ADA shower replacement (Owner direction/inspection requirement) – Charge of \$3,463.00
- Flooring adhesive change in ADA bathroom (Contractor request) – Charge of \$370.00
- Contractor Overhead & Profit - \$857.94

Tabulation of all items contained in Change Order No. 3 results in a net **charge of \$9,437.36** and an increase in the overall Contract amount from \$1,819,067.20 to \$1,828,504.56. Change Order No. 3 also adds 61 calendar days to the Contract. **Based on the above, The Engineering Department recommends approval of Change Order No. 3 as submitted.**



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Millsboro Paramedic Station 103**
2. Sussex County Project No. C21-18
3. Change Order No. 3
4. Date Change Order Initiated - 07/30/24
5.
 - a. Original Contract Sum \$1,812,700.00
 - b. Net Change by Previous Change Orders \$6,367.20
 - c. Contract Sum Prior to Current Change Order \$1,819,067.20
 - d. Requested Change \$9,437.36
 - e. Net Change (No. of days) 61
 - f. New Contract Amount \$1,828,504.56
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-7382

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below): altered Contractor means & methods

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Cost Change:

1. Addition of a level spreader along the north edge of the driveway – \$5,200.00 (charge)
2. Deletion of 6' white vinyl fence, sod & small river rock along east property line, and addition of large river rock on fabric in same area - \$670.00 (credit)
3. Addition of junction boxes/raceways for garage door status lights - \$216.42 (charge)
4. ADA shower replacement - \$3,463.00 (charge)
5. Flooring adhesive change in ADA bathroom - \$370.00 (charge)

Subtotal	\$8,579.42
GC Overhead & Profit	\$857.94
Total Change Order	\$9,437.36

Time Change:


N/A

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. The Whayland Company, Contractor


 9/27/2024
Steven Hentschel (Sep 27, 2024 10:42 EDT)

 Signature Date

Steve Hentschel, President

 Representative's Name in Block Letters

2. Sussex County Assistant Engineer

 9/27/2004

 Signature Date

3. Sussex County Council President

 Signature Date



September 19, 2024

Whayland Construction
100 W. 10th Street
Laurel, DE 19956

Attn: Mike Cassell

Reference: Millsboro EMS Station – Level Spreader

Dear Mike,

Per your request and revised drawing sent on August 2, 2024, Dixon Contracting, Inc. has attached an itemized breakdown of the following change order request:

Level Spreader

- | | | |
|--------------|-----------------------|-------------|
| • #3 Stone | 35 ton @ \$ 50.00/ton | \$ 1,750.00 |
| • Geotextile | 1 roll @ \$ 450.00/ea | \$ 450.00 |
| • 3 Man Crew | 1 day @ \$ 3,000.00 | \$ 3,000.00 |

Total this request \$ 5,200.00

Please note that the original roof drain system pipe, fittings, cleanout and splash blocks were deducted from the original change order request from July 26, 2024. (attached)

Please let me know if you have any questions or concerns. Thank you.

Regards,

John Hutchings
Estimator



Proposal

Date: 1/15/2024

Proposal NUMBER: 45306

32524 Morning View Lane
Millsboro, DE. 19966

Main: (302) 470-0389

Fax: (302) 945-6330

Email: sussexfence@gmail.com

website: www.sussexfence.com

Irene cell: (302) 470-0389

DE. License # 2018609275 Fed. I.D. # 26 0653998 Gen Liability # MP022385 W.C. # WC022385

Customer Information:

The Whayland Company, LLC
100 West 10th Street
Laurel, DE 19956

File name:

Job name: Millsboro EMS

Job location: Parking lot fence

Phone:

Email:

Estimated by: Irene Haas **Terms: N30**

Specification and Estimate for:

Supply and Installation of approx. 108 Ft. of PVC fencing manufactured by

Shoreline Vinyl Systems PVC & Aluminum Fencing Products.

Style of fence: 6' high CAROLINE

Type of fence: PVC privacy with optional mid rail

Color of fence: White

Size of post: 5" x 5" x 108

Style of post caps: Horse Cap 5"

Installation: All post are set in concrete

Gates - no gate:

Total cost for above: \$ 4,345.00 ✓

Cost to remove & dispose of old fence: n/a

Total for all of the above: \$ 4,345.00

All material is guaranteed to be as specified. All work is to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any and all alteration or deviation from above specifications involving extra costs will become an extra charge and be billed separately. All agreements contingent upon strikes, accidents, material delays. Property owner to carry necessary insurance, and is responsible for proper local building restrictions, approval from homeowners associations, architectural review committees, and permits. Past due accounts are charged 1-1/2% per month interest plus collection and legal fees.

This proposal is valid for thirty (30) days.

This proposal is accepted by (customer signature) _____ Dated ____/____/____.



Natural Concepts Landscape
 4224 Steele Neck Rd
 Vienna, MD 21869

Quote

Date	Estimate #
8/28/2024	2378

Name / Address
EMS Paramedic Station 103 Millsboro, DE

E-mail
naturalconceptsland@yahoo.com

Project:

Project

Description	Qty	Rate	Total
deduct sod from NW corner	1	-650.00	-650.00
add fabric and 3-5 in river rock in area	1	5,075.00	5,075.00
Sales Tax		0.00%	0.00
Total			\$4,425.00

Phone #
410-330-2840

Credit Card payments will require 3% service charge



Outlook

Fw: 2024-05-03 Contract - Sussex County EMS Paramedic Station 103 - Millsboro, DE

From Mike Cassell <mike@whayland.com>
Date Thu 9/26/2024 12:15 PM
To Thomas Van Dyke <thomas.vandyke@sussexcountyde.gov>

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Get [Outlook for iOS](#)

From: Steven Windsor <naturalconceptsland@yahoo.com>
Sent: Monday, September 23, 2024 8:33:57 AM
To: Mike Cassell <mike@whayland.com>
Subject: Re: 2024-05-03 Contract - Sussex County EMS Paramedic Station 103 - Millsboro, DE

Remove stone from rear corner, Deduct \$750 from original pricing. i

Thank you,

Steven Windsor

Natural Concepts Landscape

4224 Steele Neck Rd

Vienna, MD 21869

410-330-2840

On Monday, September 23, 2024 at 07:14:10 AM EDT, Mike Cassell <mike@whayland.com> wrote:

Good Morning Steven,

I need to get this out to the county today. Did you have a chance to put this together Friday?

Thank you,

Michael Cassell

The Whayland Company, LLC

Office: 302.875.5445

Cell: 757.642.5308



www.whayland.com

From: Mike Cassell

Sent: Thursday, September 19, 2024 3:21 PM

To: Steven Windsor <naturalconceptsland@yahoo.com>

Cc: John Russ <Johnr@whayland.com>; Jamie Absher <jamie@whayland.com>

Subject: RE: 2024-05-03 Contract - Sussex County EMS Paramedic Station 103 - Millsboro, DE

Good Afternoon Steven,

Speaking with the county they would like to delete the 3/4" - 3" deep river rock shown on C4.1. Would you please issue a credit for that stone so we can get this issued to the county. They have a council meeting next week and we would like to get this resolved at that meeting.

Thank you,

Michael Cassell

The Whayland Company, LLC

Office: 302.875.5445

Cell: 757.642.5308



www.whayland.com

From: Steven Windsor <naturalconceptsland@yahoo.com>

Sent: Wednesday, August 28, 2024 9:36 AM

To: Mike Cassell <mike@whayland.com>

Subject: Re: 2024-05-03 Contract - Sussex County EMS Paramedic Station 103 - Millsboro, DE

Attached

Thank you,

Steven Windsor

Natural Concepts Landscape

4224 Steele Neck Rd

Vienna, MD 21869

410-330-2840

On Friday, August 23, 2024 at 04:03:07 PM EDT, Mike Cassell <mike@whayland.com> wrote:

Good Afternoon Steven,

I am following up on the credit request for the sod and the stone pricing. Please send this over as soon as possible.

Thank you,

Michael Cassell

The Whayland Company, LLC

Office: 302.875.5445

Cell: 757.642.5308



www.whayland.com

From: Mike Cassell
Sent: Thursday, August 22, 2024 9:25 AM
To: Steven Windsor <naturalconceptsland@yahoo.com>
Cc: John Russ <Johnr@whayland.com>; Keith LeCates <Keith@whayland.com>; Jamie Absher <jamie@whayland.com>
Subject: RE: 2024-05-03 Contract - Sussex County EMS Paramedic Station 103 - Millsboro, DE

Steve,

Here is what the county is looking for as we discussed on the phone. We think 8" would be sufficient and some sort of geotextile fabric to go under the stone.

Thank you,

Michael Cassell

The Whayland Company, LLC

Office: 302.875.5445

Cell: 757.642.5308



www.whayland.com

From: Steven Windsor <naturalconceptsland@yahoo.com>
Sent: Friday, April 19, 2024 8:37 AM
To: Mike Cassell <mike@whayland.com>
Cc: John Russ <Johnr@whayland.com>; Keith LeCates <Keith@whayland.com>; Jamie Absher <jamie@whayland.com>
Subject: RE: 2024-05-03 Contract - Sussex County EMS Paramedic Station 103 - Millsboro, DE

Ok I will see what I can come up with but there isn't alot of spec sheets on the material.

Yahoo Mail: Search, Organize, Conquer

On Fri, Apr 19, 2024 at 8:22 AM, Mike Cassell

Tri-County Electrical Service

P.O. Box 644

Sharptown, MD 21861

(443) 359-1542 (410) 883-3968 Fax

Change Order Request

TO: THE WHAYLAND COMPANY DATE: 8-21-24

100 WEST 10st.
LAUREL, DELAWARE 19956

ATTENTION: Mike Cassell

PROJECT: Millsboro EMS 103

SUBJECT: Garage Door Status Lights- Conduit and Boxes

Gentlemen,

We propose to increase our contract total in the amount of \$ 216.00

Two Hundred and Sixteen-----42/100

Proposal:

- **Install four recessed boxes with 3/4" smurf tube extending to attic space above garage at no cost.**
- **Install four recessed boxes with 3/4" smurf tube extending to attic space above garage at cost.**

60' - 3/4" Smurf Tube	@ 1.93/ft	\$115.80
4- 3/4" Smurf Tube Connector & Locknut	@ .50 ea.	\$ 1.00
2- 4x4 box and single gang ring	@2.03 ea.	\$ 4.04
2- Mulberry Exterior box	@3.79 ea.	<u>\$ 7.58</u>
		\$128.42

- 1 Apprentice four hours @24.00/hr. \$ 88.00
\$ 216.42

In order to incorporate this change, we estimate that we will require additional time for completion and have based our proposal upon receiving calendar **day's** extension. This proposal is form for acceptance within 30 days. We cannot proceed with the work covered by the proposed change until we are so directed in writing approving costs, or until we receive your change authorization, which must be by _____ to prevent additional costs.

This proposal is based upon the usual cost elements necessary to perform the changed work such as labor, material, and normal markups, plus allowances for additional labor, overtime, and inefficiency, special handling and other costs which may be incurred in order that the changed work may be performed.

The foregoing shall not be construed as a release or an accord and satisfaction with respect to claims for delays, schedule impact, or so called ripple effect costs due to the cumulative effect of multiple change orders on the

Tri-County Electrical Service

P.O. Box 644

Sharptown, MD 21861

(443) 359-1542 (410) 883-3968 Fax

project. Tri-county Electric Company reserves the right to assert a claim for these costs and acknowledges that any such claim must comply with the terms of the contract between the parties.

To substantiate our proposal, we are enclosing one (1) set of our pricing sheets.

C. L. Booze Jr.
PROJECT MANAGER

CHANGE ORDER (Owner)

CHANGE ORDER #

3

DATE: 09/04/24

Owner:
Sussex County Council
PO Box 589
Georgetown, DE 19947

From:
The Whayland Company, LLC
100 West 10th Street
Laurel, DE. 19956

PROJECT: 2024-05 Millsboro Paramedic Station 103

Our Contract dated, 02/16/2024 , is hereby modified in accordance with the below listed changes:

DESCRIPTION OF WORK	AMOUNT	CODE
Provide and install 62 x 32 ADA barrier free shower stall with grab bars and folding seat.	\$4,884.00	15400
Deletion of shower door.	-\$200.00	15400
Negative 25% per County negotiation	-\$1,221.00	
10% Profit and Overhead	-\$488.40	
Added days to substantial completion.	5 Days	
TOTAL THIS CHANGE ORDER	\$3,463.00	

NOTE: Unless specifically modified by this Change Order, all other terms and conditions of the "Contract" remain unchanged

Original Contract Amount:	\$1,812,700.00
Net Change by Previous Change Orders	\$6,367.20
Revised Contract Amount Prior to This Change Order:	\$1,819,067.20
Amount of this Change Order:	\$3,951.40
New Contract Amount:	\$1,823,018.60

OWNER:
Sussex County Council

General Contractor:
The Whayland Company, LLC

By: _____


Steven Hentschel (Sep 4, 2024 13:56 EDT)

By: Steve Hentschel, President

Date: _____

Date: 9/4/2024

PLEASE SIGN & RETURN ORIGINAL TO WHAYLAND

Harry Caswell, LLC.

Change Order

Phone: 302-945-5322
FAX: 302-945-7746

34836 Long Neck Rd.
Millsboro, DE 19966

August 23, 2024

Whayland Company
100 West 10th Street
Laurel, DE. 19956

RE: Paramedics Station 103

We are pleased to provide a change in cost to provide and install 62x32 ADA barrier free shower stall with grab bars, and folding seat. Cost includes removing shower valve, shower unit and relocating drain to fit new unit. Shower valve to be re-used.

Total cost ----- \$4,884.00

Shower ----- \$3,054.00

Materials ----- \$30.00

Labor 2 men 1.5 days ----- \$1,800.00

Payment Schedule: upon request as work progresses.

Greg Caswell
Authorized Signature

Acceptance of change: The above prices, specifications and terms have been accepted.

Signature

Date



Value Carpet One

1530 N. Salisbury Blvd., Salisbury, MD 21801 * 1- 410-742-5224 * 1- 800-509-9461

Change Order Request

TO: Mike Cassell
DATE: 9-5-23 Revised 9-23-24
FROM: Brian Eder
SUBJECT: Sussex EMS 103 - Bathroom

We propose to furnish up to 4 additional 10lb. bags of Schonox SL floor patch and provide additional labor to ramp up the subfloor to meet up to the ADA threshold in bathroom 111- (threshold furnished and installed by others) *Please keep in mind, ramping up the subfloor in a small area may be noticeable, there's not a lot we can do to conceal it.*

We propose to furnish and install Taylor Resolute adhesive in bathroom 111. Taylor Resolute will provide a more secure bond to the subfloor in wet areas, this adhesive will not break down from topical water exposure like traditional pressure sensitive adhesives.

1 - 2GL Taylor Resolute	\$307.00	— Change Order #3
Labor (Wet Set)	\$63.00	

4 - 10LB. Bags Schonox SL	\$80.00
Labor Heavy Prep	\$225.00

~~FOR THE ADDITIONAL SUM OF \$675.00~~

FOR THE ADDITIONAL SUM OF \$370.00

RESOLUTE®

UNLIMITED MOISTURE VAPOR BARRIER,
HARD-SET, ELASTOMERIC ADHESIVE

SIGNATURE LINE®

TECHNICAL DATA SHEET

June 2024
Version 3.4

RESIDENTIAL

MULTI-FAMILY

COMMERCIAL

DESCRIPTION

Chasing moisture can cost valuable time and money, but with Resolute, you can stop it in its tracks. Designed with safe, single-part, moisture-cured chemistry, Resolute is a faster, more install friendly alternative to two-part epoxy systems. Resolute is engineered for heavy rolling loads and challenging environments, and its waterproof design forms an unlimited moisture vapor barrier that can also take the punishment introduced by topical liquids.

APPROVED FLOORING TYPES

RESILIENT: Linoleum, **Modular** (LVP, LVT, rigid core [dryback], SVT, VET, VCT, woven), **Rubber** (crumb, sheet, tile), **Sheet** (felt-backed, fiberglass, heterogeneous, homogeneous, woven), **Stair Treads** (rubber, vinyl)
CARPET: Artificial Turf, **Modular** (hard-backed, soft-backed, walk-off) **WOOD:** **Cork** (flooring, cork-backed hard surface, underlayment).

APPROVED SUBSTRATES & SURFACES

- APA underlayment grade plywood and OSB
- Association grade particleboard
- Cement backer board
- Cementitious and anhydrite screeds
- Concrete and radiant heated subfloors that do not exceed 85°F (30°C)
- Existing well-bonded non-cushion-backed vinyl, tile and sheet flooring
- Fully secured cork underlayments
- Gypsum and lightweight concrete (primed with TAYLOR 2025, Zephyr® or Enhance®)
- Terrazzo (properly prepared with all waxes and surface finishes removed)

SUBSTRATE TESTING

RH - No testing required [100%] [ASTM F2170]

pH - No testing required [5-14] [ASTM F710]

MVER - No testing required [ASTM F1869]

POROSITY - CSP 1+, must pass [ASTM F3191]

SUBSTRATE & SURFACE PREPARATION

Follow flooring manufacturer's guidelines. Substrate must be prepared per ASTM F710 standards including, but not limited to the following:

- Concrete floors must be dry, clean, smooth and structurally sound. They shall be free of any foreign materials that might prevent adhesive bond, including dust, dirt, solvent, paint, wax, oil, grease, contaminants from sweeping compounds, residual adhesive, adhesive removers, incompatible sealers, fire-retardant chemicals, fungicides, release agents, alkaline salts, excessive carbonation, laitance, mold, mildew, and curing, sealing, hardening or parting compounds. Some substrates will require aggressive mechanical abrading such as a shot blaster, diamond grinder or Diamabrush to remove all surface contamination and provide a porous substrate with a minimum CSP 1+. Test for porosity in multiple areas to assure a good mechanical bond of the adhesive to the substrate. If the porosity test fails the substrate will require more aggressive abrading.
- Fill all surface cracks, grooves, depressions, control joints and non-moving joints with moisture resistant patching and self-leveling compounds, allow to fully cure and correct high spots before applying adhesive. Do not patch or level over old adhesives or other contamination.
- The substrate, adhesive and flooring must be acclimated in an enclosed building with the HVAC operational at service temperature, between 60-95°F (15-35°C), and between 30-65% relative humidity, for at least 72 hours prior to, during, and permanently after installation.



MOISTURE CONTROL
WITH
NO TESTING



TAYLOR TECHNICAL SERVICES

706.712.5823

tech@tayloradhesives.com

3343 Dug Gap Road, Dalton, GA 30721

TAYLOR
WITH YOU EVERY STEP™

- When installing over radiant heated subfloors, turn the heat off for 24 hours before, during and after installation. Failure to turn the heat off may result in shortened working time of the adhesive. When turning radiant heat back on, raise it incrementally, not to exceed a change of more than 5 degrees per hour to a maximum of 85°F (29°C).

PRECAUTIONARY NOTES:

- Concrete must be placed in strict accordance with applicable standards and specifications. Concrete must be fully cured (at least 45 days), without hydrostatic pressure, without pressurized liquid from any source, and free of surface alkaline salt crystallization.
- When used as a concrete moisture vapor barrier, substrate must be porous per ASTM F3191.
- Flooring must be acclimated per manufacturer's guidelines.

Taylor Adhesives is not responsible for failures caused by significant plasticizer migration from flooring, contamination or substrates.

APPLICATION INSTRUCTIONS

Resolute may only be used as a wet-set adhesive. Follow flooring manufacturer's guidelines for layout, design and any special precautions for installation.




1. Spread adhesive using required tools (see tool chart below). Adhesive ridges will dissipate, and Resolute does not require back-rolling under normal circumstances.
2. Install flooring per the instructions below dependent upon desired application method. (Do not walk, kneel, or work directly on top of flooring without the proper use of knee-boards for at least 60 minutes after flooring is installed).
 - **Tile products**
 - Wait 10 minutes after adhesive is spread to build surface tack and reduce movement.
 - Working time is approximately 45 minutes under acceptable temperature and humidity conditions.
 - Use a hand roller and apply normal pressure to ensure proper bond.
 - Periodically lift flooring material to verify proper transfer of adhesive.
 - **Sheet goods and stair treads**
 - Install flooring or stair treads immediately after adhesive is spread.
 - Working time is approximately 45 minutes under acceptable temperature and humidity conditions.
 - Periodically lift flooring material to verify proper transfer of adhesive.
 - Installer MUST work off the flooring or use kneeling boards. Do NOT allow the flooring to "flop" into place. This may cause air to be entrapped beneath. It's important to use the cork press/three - section hand roller when you gradually rolling out the sheets onto the adhesive. In this way, you will avoid catching air under the sheets that may cause blisters later on. And then, use the heavy roller 100 LB to ensure the final bonding. Reverse roll ends of roll to help minimize roll memory. In some instance's the use of bricks, full box of base ETC. may be need to prevent end curl.
3. Roll and cross roll floor with a 75-100 lbs (34-45 kg) roller at the end of the installation to ensure proper transfer of adhesive.
 - Sheet goods - roll from center toward perimeter to expel trapped air.
 - Wait a minimum of 1 hour, but no more than 2 hours, after the installation to roll and cross roll floor.

PRECAUTIONARY NOTES:

- Moisture protection applications must have 100% adhesive transfer.
- Use of knee-boards is required when working on top of freshly installed flooring (60+ minutes).
- Wait 6 hours before heat welding sheet goods.
- Wait 6 hours before wet mopping, stripping/finishing the floor.
- Reseal lid when not in use to protect product.
- Do not use Taylor Resolute® for moisture control if the substrate is not free of contamination and porous with a minimum CSP 1+.

REQUIRED TOOLS AND COVERAGE

*Trowel dimensions are width X depth X spacing. Coverage is approximate and may vary depending on porosity of substrate and the angle at which the trowel is held.

FLOORING TYPES	TOOL* (IMAGES NOT TO SCALE)		ESTIMATED COVERAGE
MOISTURE BARRIER & SOUND CONTROL			
RESILIENT: Linoleum, Modular (rigid core [dryback], woven), Rubber (crumb, sheet, tile), Stair Treads (rubber, vinyl) CARPET: Modular (hard-backed, soft-backed, walk-off) WOOD: Cork (flooring, cork-backed hard-surface, underlayment)	1/16" x 1/16" x 1/16" Sq Notch		75-125 ft ² /gal
RESILIENT: Modular (LVP, LVT, SVT, VCT, VET) Sheet (felt-backed, fiberglass, heterogeneous, homogeneous, woven)	1/16" x 1/32" x 1/32" U Notch		180-250 ft ² /gal
CARPET: Artificial Turf	1/8" x 1/8" x 1/16" U Notch		50-65 ft ² /gal

*It is the sole responsibility of the contractor/installer to determine the proper porosity of the subfloor, apply the correct amount of adhesive for the job conditions and ensure that all instructions, procedures and practices are strictly adhered to.

CLEANING INSTRUCTIONS

While product is still wet: Use a damp cloth and water to remove.

While product is still soft: Use denatured alcohol, mineral spirits, or an adhesive remover/stripper. Always check compatibility on a piece of scrap flooring.

STORAGE

This product should be stored at temperatures between 50-90°F (15-32°C). While this product is freeze-thaw stable, it is necessary to protect it from freezing. Freeze/thaw stable to 10°F (-12°C).

CAUTION

DO NOT take internally. If swallowed, DO NOT induce vomiting. Call a physician immediately. KEEP OUT OF REACH OF CHILDREN.

WARRANTY INFORMATION

For warranty information, call Technical Services at **706-712-5823**, visit us on the web at **www.tayloradhesives.com** or e-mail us at **tech@tayloradhesives.com**. Flooring manufacturer's and TAYLOR's written pre-installation and installation instructions must be strictly followed or the TAYLOR warranty will be void.

RESOLUTE PRODUCT INFORMATION		
PRODUCT CHARACTERISTICS	Product Classification	Unlimited moisture barrier, hard-set, elastomeric adhesive
	Base Chemistry	Modified urethane (isocyanate free)
	Curing Method	Moisture cure
	Appearance/Color	Off white
	Odor	Extremely low
	Consistency	Smooth, low viscosity liquid
	Application	Easy troweling
	Flammability	Non-flammable
	Freeze/Thaw	Stable to 10°F (-12°C) [3 cycles]
	Shelf Life [Unopened Container at 70°F]	1 year
TESTING	Moisture Control	Protects flooring against unlimited moisture (100% RH) substrate moisture vapor & topical liquids
	RH [ASTM F2170]	No testing required (100%)
	pH	No testing required (5-14)
	MVER [ASTM F1869]	No testing required
	Porosity [ASTM F3191]	Must pass (CSP 1+)
TIME	Open Time	0 min (sheet goods and stair treads)
	Flash Time	10 min (tile products)
	Working Time	45 min
	Cure Time	6 hrs
	Pot Life	N/A
TRAFFIC	Light Traffic	3 hrs
	Heavy Traffic	4 hrs
	Heavy Rolling Loads	8 hrs
ACOUSTICS*	STC	66 dB
	IIC	68 dB
	Delta IIC	18 dB
SUSTAINABILITY	Solvents	No
	Isocyanates	No
	VOC Wet Applied [g/L] [SCAQMD Rule #1168]	<0.1 g/L
	Bio-Based Content	No
	Post-Consumer Recycled Content	No
	Mineral Abundant Content	Yes
	LEED v4/4.1 Points	Contributes to low emitting materials
	Certifications	FloorScore®, Green Label Plus®, GREENGUARD®, Material Health Certificate - Bronze
Transparency	mindful MATERIALS Library, Red List free (LBC version 3.1), USGBC Member	
WARRANTY**	Duration (non CFI Certified)	10-Year Performance Warranty
	Duration (CFI Certified)	Lifetime Performance Warranty
	Coverage	Bond, 100% Substrate Moisture Vapor, Topical Liquids

*IIC (delta) and STC (delta) ranges are flooring assembly specific based on third party testing and verification in a controlled environment. For any questions or further information, please contact TAYLOR Technical at 706-712-5823.

**For warranty information, view Product Warranty Certificate.

yes. 9/18.
Schaeffer.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Friday, September 13, 2024 8:25 AM
To: Casey Hall
Subject: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

Legal Name of Agency/Organization Developing Artist Collaboration ✓

Project Name West Rehoboth Wall Restoration

Federal Tax ID 821214176 ✓

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission The Developing Artist Collaboration (DAC) is a movement founded in 2017 that transforms communities by elevating artists. We offer peer connections, personal and professional growth opportunities, and education, transforming artists' mindsets from scarcity to abundance. At the same time, we aim to educate the public on the importance of artists in society. Providing artists with a stable foundation for their careers empowers them to channel their skills toward innovative projects supporting social causes and enriching our communities.

Address 37401 Malloy St

City	Rehoboth Beach
State	DE
Zip Code	19971-1237
Contact Person	Leah Beach
Contact Title	Founder
Contact Phone Number	3022129798
Contact Email Address	leah@developingarts.org
Total Funding Request	5000
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	500
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A

Program Category (choose all that apply)	Cultural
Primary Beneficiary Category	Other
Beneficiary Category Other	General Public and Community of West Rehoboth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	20000
Scope	<p>In partnership with [*]West Side New Beginnings Inc., the DAC commissioned a historical mural honoring the Black history of West Rehoboth, unveiled to the public in 2022. On Wednesday, June 12, 2024, a vehicle struck the West Rehoboth Legacy Mural, causing a section of the western-facing wall to collapse. Thankfully, the driver was not injured, and after an investigation by the Delaware State Police, this has been determined as an unfortunate accident.</p> <p>Terrance Vann will return to repaint this wall section on September 15, 2024. The content will be replicated from the original artwork. DAC will prime the wall, which requires three coats of paint to cover the concrete brick. After Terrance has finished the new mural, DAC will professionally coat the wall with Mural Shield to ensure longevity. After completion, content will be captured during the painting process to share with the community.</p> <p>Beyond the restoration of the wall, the West Rehoboth Legacy Committee (a committee of DAC, West Rehoboth families, and general community member volunteers under the West Side New Beginnings Inc.) has advised us on how</p>

best to use additional funding opportunities at this time. Having a dedicated webpage updated with the historical information conveyed on the mural and physically printed booklets with the infographic information for people to take with them upon visiting the mural is a priority for any additional funds raised. This also includes a small bike rack and using recycled painted bricks from the original mural as pavers around the current infographics sign to encourage people to stop and view the mural.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

10,000.00

Description

T. Vann Artist Fee

Amount

7,500.00

Description

Paint Supplies, Sherwin Williams Lattitude Paint & Spray Paint

Amount

1,000.00

Description

Priming Fee for 380 SQ FT

Amount

650.00

Description

Mural Sheild Application 380 SQ FT

Amount

700.00

Description

Improvements to Mural (Bike rack, booklets, webpage, etc)

Amount

5,400.00

Description

Continued Supplies & Maintenance Reserve

Amount	4,750.00
TOTAL EXPENDITURES	20,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-10,000.00
Name of Organization	Developing Artist Collaboration
Applicant/Authorized Official	Leah Beach
Date	09/11/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status. Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Tuesday, September 10, 2024 2:45 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

Legal Name of Agency/Organization Seaford Music and Educaton Institute

Project Name Affordable Music Lessons

Federal Tax ID 84-2818900

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission Our mission is to provide quality, affordable music lessons to all students no matter their age, experience, or abilities.

Address 308 E Stein Highway

City seaford

State de

Zip Code 19973

Contact Person Alana Carver

Contact Title	Business Manager
Contact Phone Number	603-219-8471
Contact Email Address	mrhowardma@gmail.com
Total Funding Request	6000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Cultural Educational Other
Program Category Other	Arts

Primary Beneficiary Category	Low to Moderate Income
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	5
Scope	<p>We have a history of offering low cost music lessons to over 100 students in a week. As time has progressed, we have identified students whose families can not afford to cover the costs of their lessons. Payroll costs for a 30 minute lesson, 50 weeks per year, comes to \$1200 per year. We have multiple students who are from families with fixed incomes, single income households, have incarcerated parents, are special needs, and more. We assess each student and their needs each lesson. We have teen students come in for lessons slumped with the weight of the world on their shoulders and leave high fiving everyone they see. Hospice nurses come in after losing a patient and leave with a smile on their faces. We have students come in with behavioral issues in school but the benefits of having positive one of one attention from an adult for half an hour each week starts reflecting in their school work and behaviors. Teens staying home to practice instead of running around town unsupervised. While our goal is a blanket free tuition, we are starting with a goal of 5 of our students who are most in need.</p>
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Personnel

Amount	6,000.00
TOTAL EXPENDITURES	6,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-6,000.00
Name of Organization	Seaford Music and Education Institute
Applicant/Authorized Official	Alana Carver
Date	09/10/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status. Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Tuesday, September 17, 2024 2:03 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

Legal Name of Agency/Organization Sussex Post No. 8 American Legion

Project Name Georgetown EMS Return Day Coverage

Federal Tax ID 516018018

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission We provide EMS coverage for the Return Day festivities at no charge to the Town or Committee. Volunteer EMS crews are hard to come by in this day, we have to pay part time employees to work in order to fill the need for providers. This year we will provide crews to cover the town as well as our usual district. With EMS calls at an all time high, we cannot take our daily crews off the units to fill the town coverage crews. We will have 10-14 part time employees on schedule for the day.

Address 406 N. Front Street

City	Georgetown
State	DE
Zip Code	19947
Contact Person	Deanna Loeb
Contact Title	Supervisor
Contact Phone Number	3028569222
Contact Email Address	admin@georgetown93.com
Total Funding Request	2000.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A

Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Other
Beneficiary Category Other	Emergency Services
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	30000
Scope	Emergency service on stand by for large crowds that gather for Return Day festivities.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	payroll for part time
Amount	1,500.00
Description	Food/beverages
Amount	300.00
Description	Fuel
Amount	200.00

TOTAL EXPENDITURES	2,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,000.00
Name of Organization	Sussex Post No 8 American Legion
Applicant/Authorized Official	Deanna C. Loeb
Date	09/17/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

To Be Introduced: 10/1/24

**Council District 3: Mr. Schaeffer
Tax I.D. No.: 334-19.08-164.00
911 Address: 20455 Lincoln Street, Rehoboth Beach**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLINGS (5 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS

WHEREAS, on the 25th day of October 2023, a Conditional Use application, denominated Conditional Use No. 2490 was filed on behalf of Mason Hayes; and

WHEREAS, on the ____ day of _____ 2024, 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. 2490 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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, Subsections 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2490 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 & Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Lincoln Street, and the south side of Jefferson Street (Rt. 1B), at the intersection of Lincoln Street and Jefferson Street within the Rehoboth Manor subdivision, and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 0.45 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: 10/1/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 335-8.18-15.00 & 16.00
911 Address: 1302 & 1304 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION D FOR CONDITIONAL USE NO. 2264 (ORDINANCE NO. 2813) RELATING TO THE PERMITTED DAYS AND HOURS OF OPERATION FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRE, MORE OR LESS

WHEREAS, on the 15th day of July 2024, a Conditional Use application, denominated Conditional Use No. 2542 was filed on behalf of Lauden Investments, LLC; and

WHEREAS, on the ____ day of _____ 2024, 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. 2542 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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, Subsections 115-22 Code of Sussex County, be amended by adding the designation of Conditional Use No. 2542 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 & Rehoboth Hundred, Sussex County, Delaware, and lying the southeastern side of Savannah Road (S.C.R. 443A), approximately 0.77 mile northeast of Westcoats Road (Rt. 12) and being more particularly described in the attached legal description prepared by Gregory W. Williams said parcel containing 0.68 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.

To Be Introduced: 10/1/24

Council District 4: Mr. Hudson
Tax I.D. No.: 234-29.00-274.02
911 Address 32404 Hersel Davis Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES MORE OR LESS

WHEREAS, on the 31ST day of July 2024, a conditional use application, denominated Conditional Use No. 2543 was filed on behalf of Toney Floyd & Charletta Speaks-Floyd; and

WHEREAS, on the ____ day of _____ 2024, 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. 2543 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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. 2543 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the northeast side of Hersel Davis Road approximately 0.42-mile northeast of Oak Orchard Road (Rt. 5) and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A. said parcels containing 2.31 ac., 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.

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: **Chapter 96 Sussex Community Improvements
Starlight Meadows Road Improvements, Project T24-07**

Proposed Assessment Roll

DATE: October 1, 2024

Starlight Meadows is a community consisting of thirty-four (34) assessable parcels located off Williams Farm Road just north of the Town of Milton. The community by letter dated January 11, 2023, requested assistance from the County to repair and improve their existing roads through the Sussex Community Improvement (SCI) Program as defined in Chapter 96 of Sussex County Code. Following the provisions of the Code, the Engineering Department to date has performed the following actions:

- Determined that the community meets eligibility criteria as defined in the Code;
- Petitioned all assessable property owners within the Community regarding inclusion in the SCI Program
- Provided a preliminary cost estimate for road repair and improvements
- Provided the approximate costs to property owners in both lump sum and 10-year repayment options
- Provided advance notification and conducted a community meeting to discuss and receive comments regarding the SCI Program, estimated project costs, and subsequent election process necessary for project implementation

Resolution R015 23 was subsequently presented and approved by Council on August 15, 2023. The resolution accepted the subdivision into the Chapter 96 program and outlined an Election process to determine if the proposed project and estimated cost was or was not favorable to the Starlight Meadows property owners. The Election was held in accordance with Code and the Resolution on September 19, 2023 at the Engineering Administration office, with the Election results certified shortly thereafter.



There were a total of twenty (20) votes cast in the Election, with a total of seventeen (17) YES votes and three (3) NO votes. The vote total of Twenty (20) indicates a fifty-nine (59) percent owner participation in the Election.

Based on the affirmative results of the Election and at the recommendation of the Engineering Department, Council approved Resolution R019 23 on October 24, 2023 authorizing the Engineering Department to proceed with the next implementation step of the project. The Engineering Department subsequently developed a set of Bidding Documents for the proposed road improvements and publicly advertised the project on December 13, 2023. On January 24, 2024, a total of four (4) bids were received and opened publicly in Council Chambers. The low bidder was George & Lynch, Inc. in the amount of \$190,166.50 which include three (3) contingency items, and based on the recommendation of the Engineering Department, Council awarded the project to George & Lynch, Inc. on February 27, 2024.

The project construction phase was subsequently completed in June 2024 and Substantial Completion was issued on July 8, 2024. The construction phase generally went well and there were a number of site contingency items that were not used based on favorable field conditions. In addition, several measured “as-constructed” quantities came in lower than the original estimate and associated bid. A Balancing Change Order reflecting final quantities used was crafted reflecting a the credit amount of \$16,459.22, thereby reducing the overall cost of the project to \$173,707.28. On July 16, 2024, Council accepted Project Closeout and approved the final Balancing Change Order.

The Engineering Department has developed an Assessment Roll in coordination with the Finance Director based on all final project costs including construction costs and the County Administration Fee. The final tabulation results in a final project balance owed of **\$191,078.01**. The Assessment Roll identifies an equal sharing of the balance by the thirty-four (34) parcels included in the Project and also allows for a 10-year repayment option with 5.5% fixed interest rate. Proposed assessments are **\$5,619.94** and **\$745.59**, respectively, for lump sum and annual financed amounts.

In accordance with Chapter 96 Code, a Public Hearing is scheduled for October 1, 2024 at 1:30 PM to receive comments on the proposed Assessment Roll. This Hearing was properly advertised in a general circulation newspaper during each of the two weeks preceding the week of the Hearing, and a direct mailing to each affected parcel was made to distribute the Public Hearing Advertisement and proposed Assessment Roll with a summary letter.

Upon conclusion of the Public Hearing, the Engineering Department will offer Council a Resolution to adopt the Assessment Roll with authorization for the Finance Director to proceed with billing each affected parcel. Additionally, by the Resolution, the Assessment Roll will be recorded in Sussex County records with the Board of Assessments directed to place the words “Special Community Lien” in the description field of all affected parcels. This serves as discoverable during any title search to provide notification that special costs may exist on a property within a Chapter 96 Sussex Community Improvement project area.

Attachments: Notice of Public Hearing
Proposed Assessment Roll
Proposed Resolution



NOTICE OF PUBLIC HEARING

STARLIGHT MEADOWS ROAD IMPROVEMENTS

CHAPTER 96 - SUSSEX COMMUNITY IMPROVEMENT (SCI) PROJECT T24-07

NOTICE IS HEREBY GIVEN a Public Hearing will be held at 1:30 pm on Tuesday, October 1, 2024 in Sussex County Council Chambers, at 2 The Circle, Georgetown, Delaware, as per Chapter 96 of Sussex County Code.

An Assessment Roll providing the Annual Assessment for every assessable property within the Project boundary was completed, based on final costs of **The Starlight Meadows Road Improvements Project T24-07**. The Assessment Roll will be mailed to every assessable property and may also be examined by interested parties at the Sussex County Engineering Department, 2 The Circle, Georgetown, Delaware, during regular business hours and days until the published date and time of the Public Hearing.

The Public Hearing is held to provide an opportunity for real property owners of the community to make comments on the rates determined for the Assessment Roll. Affected property owners in the Starlight Meadows project boundary are represented on Sussex County Tax Map 235-7.00, Parcels 204–237. Sussex County Council will hear and consider any comments or objections made regarding the Assessment Roll. Following the hearing, Sussex County Council will make the a decision on official adoption of the Assessment Roll.

For questions or further information on the Project, Public Hearing or Assessment Roll, please contact the Sussex County Engineering Department, Mark Parker, P.E. at (302) 855-7382.

BY: Mark Parker, P.E.
Sussex County Assistant Engineer


STARLIGHT MEADOWS ROAD IMPROVEMENTS (PROJECT T24-07)

Sussex County Code Chapter 96, Sussex Community Improvements

PROPOSED ASSESSMENT ROLL

TAX MAP	PARCEL NO.	LOT NO.	LUMP SUM ASSESSMENT	10-YEAR ANNUAL ASSESSMENT
235-7.00	204	1	\$5,619.94	\$745.59
235-7.00	205	2	\$5,619.94	\$745.59
235-7.00	206	3	\$5,619.94	\$745.59
235-7.00	207	4	\$5,619.94	\$745.59
235-7.00	208	5	\$5,619.94	\$745.59
235-7.00	209	6	\$5,619.94	\$745.59
235-7.00	210	7	\$5,619.94	\$745.59
235-7.00	211	8	\$5,619.94	\$745.59
235-7.00	212	9	\$5,619.94	\$745.59
235-7.00	213	10	\$5,619.94	\$745.59
235-7.00	214	11	\$5,619.94	\$745.59
235-7.00	215	12	\$5,619.94	\$745.59
235-7.00	216	13	\$5,619.94	\$745.59
235-7.00	217	14	\$5,619.94	\$745.59
235-7.00	218	15	\$5,619.94	\$745.59
235-7.00	219	16	\$5,619.94	\$745.59
235-7.00	220	17	\$5,619.94	\$745.59
235-7.00	221	18	\$5,619.94	\$745.59
235-7.00	222	19	\$5,619.94	\$745.59
235-7.00	223	20	\$5,619.94	\$745.59
235-7.00	224	21	\$5,619.94	\$745.59
235-7.00	225	22	\$5,619.94	\$745.59
235-7.00	226	23	\$5,619.94	\$745.59
235-7.00	227	24	\$5,619.94	\$745.59
235-7.00	228	25	\$5,619.94	\$745.59
235-7.00	229	26	\$5,619.94	\$745.59
235-7.00	230	27	\$5,619.94	\$745.59
235-7.00	231	28	\$5,619.94	\$745.59
235-7.00	232	29	\$5,619.94	\$745.59
235-7.00	233	30	\$5,619.94	\$745.59
235-7.00	234	31	\$5,619.94	\$745.59
235-7.00	235	32	\$5,619.94	\$745.59
235-7.00	236	33	\$5,619.94	\$745.59
235-7.00	237	34	\$5,619.94	\$745.59

Notes: 34 total assessable parcels; total project cost - \$191,078.01; 10-yr financing at 5.5% fixed rate

Approved by County Engineer: 

Date: 9/26/2024

Approved by Finance Director: 

Date: 9/26/2024

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE UNIFORM ASSESSMENT ROLL FOR THE PURPOSE OF BILLING FINAL COSTS OF THE STARLIGHT MEADOWS PAVEMENT IMPROVEMENTS CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT T24-07

WHEREAS, Sussex County Council authorized the Sussex County Engineering Department to proceed with an Election for the subdivision of Starlight Meadows on August 15, 2023 by Resolution No. R 015 23; and

WHEREAS, the Sussex County Engineering Department held an Election for a Starlight Meadows Chapter 96 project in accordance with Sussex County Code, Chapter 96 on September 19, 2023 from 10:00 am until 4:00 pm. and presented certified results of the Election to Council as being favorable in proceeding with the Project; and

WHEREAS, following the requirements of Sussex County Code, § 96-6(B), Sussex County Council authorized the Engineering Department to proceed with the design and construction of the specified improvements for Starlight Meadows Chapter 96 Sussex Community Improvement project on October 24, 2023 by Resolution No. R 019 23, further resolving the Sussex County Engineer and Sussex County Finance Director to complete the improvements and to compile final cost accounting to determine a uniform rate of assessment for each of the assessable properties within the Starlight Meadows Chapter 96 project, upon substantial completion of the project; and

WHEREAS, Project T24-07, Starlight Meadows Road Improvements was publicly advertised, bid and awarded by Council on February 27, 2024 to George & Lynch, Inc., who completed all improvements and received Substantial Completion/Project Acceptance, effective July 8, 2024, by Council motion on July 16, 2024; and

WHEREAS, an Assessment Roll based on final cost accounting was compiled by the Engineering Department and Finance Director, defining a uniform rate for the thirty-four (34) affected parcels in the amount of \$745.59 annually for a ten (10) year time period, with the option to make a one-time lump sum payment of \$5,619.94, and presented at a properly advertised Public Hearing on October 1, 2024 allowing review and comment in accordance with § 96-11 of the Code; and

NOW THEREFORE,

BE IT RESOLVED, that Sussex County Council adopts the Assessment Roll for Starlight Meadows Road Improvements, Project T24-07 and authorizes the Finance Director to proceed with billing each of the thirty-four (34) affected parcels in the amount of \$745.59 annually for a ten (10) year time period, with the option to make a one-time lump sum payment of \$5,619.94 according to Chapter 96 Code; and

BE IT FURTHER RESOLVED, that Sussex County Council directs the Assessment Roll to be recorded in Sussex County and the Board of Assessment to cause the words "Special Community Lien" to be placed beside the name of each freeholder in the suburban community in order that persons such as prospective buyers of, or attorneys making title searches upon, the properties making inquiry at the office of the Board of Assessment concerning County taxes may be informed that special liens exist against the properties.

J. Mark Parker, P.E.
County Assistant Engineer
Presented October 1, 2024



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: September 27, 2024

RE: County Council Report for C/U 2406 filed on behalf of Monish Malhotra

The Planning and Zoning Department received an application (C/U 2406 filed on behalf of Monish Malhotra) for a vehicle storage, maintenance and repairs use within a GR General Residential Zoning District, to be located at Tax Parcel 235-14.00-43.01. The property is located at 14400 Collins Street, Milton, within the Collins Russell Subdivision. The parcel size is 0.43 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 21, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended **denial** of the application for the 9 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of August 21, 2024, and September 25, 2024.

Minutes of the August 21, 2024, Planning & Zoning Commission Meeting

C/U 2406 Monish Malhotra

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR VEHICLE STORAGE, MAINTENANCE, AND REPAIRS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.43 ACRES MORE OR LESS. The property is lying on the west side of Collins Street within the Collins Russell Subdivision, accessed from the north side of Milton Ellendale Highway (Rt. 16), approximately 0.5 mile west of Mulberry Street. 911 Address: 14400 Collins Street, Milton. Tax Map Parcel: 235-14.00-43.01.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's conceptual site plan, a copy of the staff analysis, a copy of a letter received from the DeIDOT SLER,



a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, and 1 written petition containing 13 signatures.

Mr. Monish Malhotra spoke on behalf of himself the applicant that he runs a non-emergency medical transportation company bringing people to their appointments and that the request is to be able to store and maintain his vehicles; that currently there are approximately 10 vehicles he has on the road and two to three vehicles stored on the property as back up; that he wants to store an additional 4-5 cars on the property for parts only and that he has an additional 4 personal cars that would be on the property daily; that there is maintenance and repairs being done on the property; that oils being removed from the vehicles is used in the shed for heat in the winter and the old filters are dropped off at a place in Milford; that there is only one employee on site which is himself as all of the other drivers take their vehicles home and do not come to the property unless they are swapping out cars for repairs; that there is no need for a sign and there are neighboring businesses that are similar to his in the aspect of they are mixed use located on the road; that the parts cars will be parked behind the privacy fence on his property.

Mr. Robertson asked if there are any restrictive covenants that prohibit commercial use within the subdivision.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2406 Monish Malhotra. Motion by Mr. Butler to defer action and leave the record open for receipt of HOA Covenants, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the September 25, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since August 21, 2024.

Mr. Collins moved the Commission to recommend DENIAL of C/U 2406 MONISH MALHOTRA for a Conditional Use for vehicle storage, maintenance and repairs based upon the record made during the public hearing and for the following reasons:

1. Although this application seeks approval for vehicle maintenance, storage and repairs and was advertised for that purpose, it was apparent from the testimony during the public hearing that the primary use is intended to be for the operation of a medical transportation business that was not identified as part of the application. The vehicle parking, repairs and storage are associated with that main business.
2. The site is within a residential subdivision that has developed over many years with single family homes. Although there is not a recorded prohibition against commercial uses within the subdivision, there is no evidence that other commercial uses exist in the subdivision other than within lots that have direct frontage along Route 16. This lot is an internal lot that does not have frontage upon Route 16.

3. While there may be other activities in the subdivision that resemble a small business use, these are either home occupations or hobbies. There is nothing in the record to suggest that any other conditional uses have been approved for the internal lots within this subdivision.
4. The Applicant's proposed use would include the storage of vehicles including junked "donor cars" for use in the repairs of operational vehicles used in the Applicant's medical transportation business and parked on the site. This residential subdivision is not an appropriate location for the storage of junked donor cars to be stripped for parts. This subdivision should not become a junkyard.
5. This is not an appropriate location for vehicle repairs to occur as part of a transportation business. This is not the same thing as an individual working on personal cars. Instead, this is a transportation business that involves a fleet of cars in regular in use, and the wear and tear that occurs as a result. This volume of repairs is not suitable for a residential subdivision.
6. I am not satisfied that there is sufficient space on the property for what the Applicant proposes, including the fleet of vehicles in use as part of the transportation business, the donor cars waiting to be stripped for parts, or the applicant's own vehicles.
7. I am not satisfied that there will be an adequate and safe provision for the collection and disposal of fluids associated with the repairs on the operational vehicles and the removal of parts from the donor vehicles. This is an even more of a concern where the proposed use is tucked within an existing residential subdivision.
8. It is not appropriate to approve this conditional use since the underlying medical transportation business that is intended to occur on this site is also neither appropriate nor approved at this location.
9. There are other more appropriate locations for this use that are not within a residential subdivision and where the proposed use would be more consistent with the surrounding area.
10. For all of these reasons, this conditional use application should be denied.

Motion by Mr. Collins, seconded by Mr. Mears and carried unanimously to recommend denial of C/U 2406 Monish Malhotra for the reasons and the conditions stated in the motion. Motion carried 4 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 21st, 2024

Application: CU 2406 Monish Malhotra

Applicant: Monish Malhotra
14400 Collins Street
Milton DE 19968

Owner: Monish Malhotra
14400 Collins Street
Milton DE 19968

Site Location: Lying on the west side of Collins Street within the Collins Russell Subdivision

Current Zoning: General Residential (GR) Zoning District

Proposed Use: Vehicle storage, maintenance, and repairs

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Ms. Green

School District: Cape Henlopen School District

Fire District: Milton Fire Department

Sewer: On Site Wastewater

Water: Private Well

Site Area: 0.43 acres +/-

Tax Map ID: 235-14.00-43.01



PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 13th, 2024
RE: Staff Analysis for CU 2406 Monish Malhotra

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application CU 2406 Monish Malhotra to be reviewed during the August 21th, 2024 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.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 235-14.00-43.01

Proposal: The request is for a Conditional Use for Tax Parcel 135-9.00-122.00 to allow for a for vehicle storage, maintenance, and repairs on a parcel lying on the west side of Collins Street within the Collins Russell Subdivision. The parcel is comprised 0.43 acres +/-.

Zoning: The Parcel is zoned General Residential (GR) District. The Parcel is within the Collins-Russell Subdivision with all the surrounding parcels within the Subdivision zoned General Residential (GR) District as well. Parcels adjacent to the north and east are zoned High-Density Residential (HR-1) District with parcels to the east along the Route 16 corridor zoned General Commercial (C-1). The municipal boundary with the Town of Milton's is opposite across Route 16 and approximately 500 feet to the east on the northern portion of Route 16.

Future Land Use Map Designation w/in Comprehensive Plan: Developing Area

Applicability to Comprehensive Plan: 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 in the Plan indicates that the subject property is designated as a Growth Area and has a land use designation of "Developing Area." The properties to the north, east, and west of the subject Parcel are also categorized as "Developing Area" with the parcels to the south categorized as "Developing Area" or "Municipalities" as the boundary with the Town of Milton is across Route 16 extending to the east.

As outlined in the 2018 Sussex County Comprehensive Plan, Developing Areas are emerging growth areas that "that demonstrate the characteristics of developmental pressures" and "adjacent



to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to 'Town Centers' (2018 Sussex County Comprehensive Plan, 4-14). The Plan also notes that "in selected areas and at appropriate intersections, commercial uses should be allowed". Furthermore, the Plan notes "appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services" (2018 Sussex County Comprehensive Plan, 4-14). In terms of office, business, or industrial use location, the Plan notes "Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks" (2018 Sussex County Comprehensive Plan, 4-14).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone X and in an area of "Poor" Groundwater Recharge Potential.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a vehicle storage, maintenance, and repairs, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Maps have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Conditional Use Applications

(Within a 1-mile radius of the subject site)

Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
106	Milton Cemetery, Inc.	UR	Extend Existing Cemetery	Approved	1/25/1973	N/A
118	John Vallerani	MR	Restaurant	Approved	4/3/1973	N/A
216	Young's Funeral Home	AR-1	Funeral Home Addition	Approved	7/2/1974	N/A
258	Royster Company	AR-1	Storage & Sales of Fertilizers & Farm Chemicals	Approved	3/4/1975	N/A
271	Robert Ackerly	AR-1	Hardware/DYI Center & Related Supply Sales	Approved	5/27/1975	N/A
281	Plast-O-Products Co	UR	Manufacture Jar Lids	Approved	7/8/1975	N/A
345	Callaway Brothers Inc	AR-1	Addition To Existing Store	Approved	5/11/1976	N/A
368	Ralph C Smith	AR-1	Bait & Tackle/Convenience Store & Gas Pumps	Approved	8/31/1976	N/A
428	Young's Funeral Home	UR	Manufacture Burial Vaults	Approved	8/2/1977	N/A
452	Russell Wyatt	GR	Home Repair Shop	Denied	N/A	N/A
622	Donovan & Sherman, Inc.	AR-1	Oil Business	Approved	<Null>	N/A
625	James W. Phillips & Marilyn F.	GR	Produce Stand	Approved	<Null>	N/A
642	Robert M. Raley	AR-1	Addition To A Manufactured Home Park	Withdrawn	<Null>	N/A

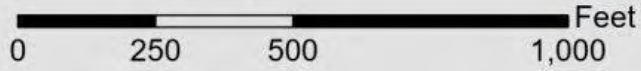
643	Wilson Baker, Inc.	GR	Office Building	Approved	<Null>	N/A
812	R. M. Ingram	UR	Multi-Family	Denied	2/25/1985	N/A
843	Blake YesterYear Group, Inc.	UR	Multi-Family	Approved	12/30/1985	N/A
940	Atlantic Screen, Inc.	AR-1	MF Screens & Expand Bldg.	Approved	7/10/1990	698
1684	Francis B Prekup Jr.	AR-1	Produce/Landscaping/Used Car Sales	Denied	5/1/2007	N/A
1724	North Milton Development Group II (Sewer Plant)	AR-1	Sewer Treatment Facility	Approved	7/31/2007	1922
1725	Harry Isaacs, Jr.	AR-1	Spray Irrigation Facility	Approved	7/31/2007	1923
1731	White Water Enterprises, Inc.	AR-1	Well Drilling Business	Approved	4/1/2008	1964
1760	Francis B. Prekup, Jr.	GR	Produce & Landscaping	Approved	9/18/2007	1932
1810	Artesian Water Company Inc.	AR-1	Public Water Utility	Approved	12/2/2008	2013
1826	Kemp's Package Store	B-1	Multi-Family	Withdrawn	4/15/2010	N/A
1911	Forrest Webster	AR-1	Mini Storage Locker Units	Approved	1/17/2012	2234
2208	Artesian Wastewater Inc.	AR-1	Amend CU 1724 (Wastewater Treatment)	Approved	4/13/2021	2768
2406	Monish Malhotra	GR	Vehicle Repairs & Storage	Pending	N/A	N/A

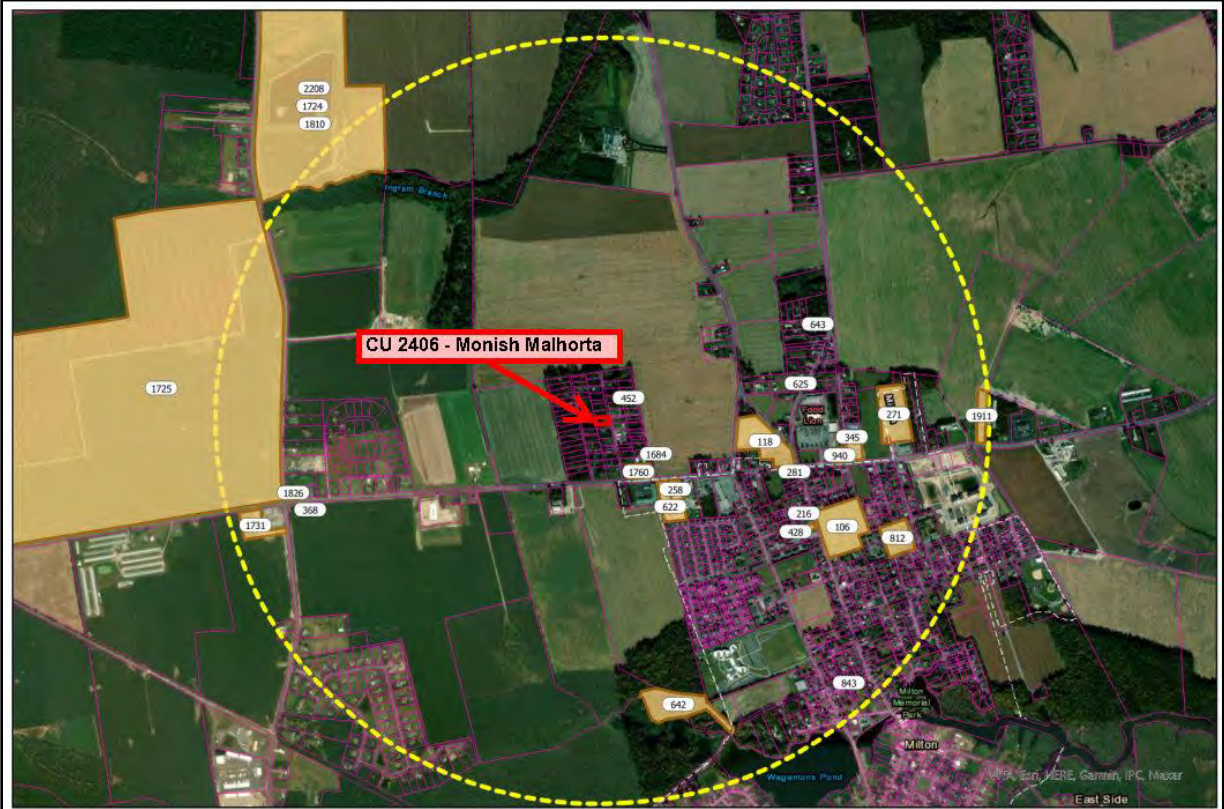


CU 2406 - Monish Malhorta
Proposed: Vehicle storage, maintenance, and repairs
TM# 235-14.00-43.01

Collins & Russell
Subdivision
(1975)

Conditional Use





CU 2406 Monish Malhorta
CU Vicinity Map
TM# 235-14.00-43.01

- CU 2406 - Monish Malhorta
- CU 2406 - CUs in Vicinity (1 Mile)
- CU 2406 - 1 Mile Radius

0 0.13 0.25 0.5 Miles

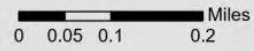
N





CU 2406 Monish Malhorta
CU Vicinity Map
TM# 235-14.00-43.01

- CU 2406 - Monish Malhorta
- CU 2406 - CUs in Vicinity (1 Mile)
- CU 2406 - 1 Mile Radius



Introduced: 1/23/24

Council District 2: Mrs. Green
Tax I.D. No. 235-14.00-43.01
911 Address 14400 Collins Street, Milton

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR VEHICLE STORAGE, MAINTENANCE, AND REPAIRS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.43 ACRES MORE OR LESS

WHEREAS, on the 3rd day of November 2022, a conditional use application, denominated Conditional Use No. 2406 was filed on behalf of Monish Malhotra; and

WHEREAS, on the ____ day of _____ 2024, 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. 2406 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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. 2406 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcels of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Collins Street within the Collins Russell Subdivision, accessed from the north side of Milton Ellendale Highway (Rt. 16), approximately 0.5 mile west of Mulberry Street, and being more particularly described in the attached legal description prepared by Ward & Taylor, LLC said parcels containing 0.43 ac., 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: September 26, 2024

RE: County Council Report for C/U 2438 filed on behalf of Robert Frey, (Sandy Hill Acres, LLC)

The Planning and Zoning Department received an application (C/U 2438 filed on behalf of Robert Frey, (Sandy Hill Acres, LLC) for a professional office, to be located at Tax Parcel 533-18.00-68.00. The property is located at 33142 Lighthouse Road. The parcel size is 0.99 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 21, 2024. At the meeting of September 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 8 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of August 21, 2024, and September 11, 2024.

Minutes of the August 21, 2024, Planning & Zoning Commission Meeting

C/U 2438 Robert Frey (Sandy Hill Acre, LLC)

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS. The property lies on the south side of Lighthouse Road (Rt. 54) approximately 525 ft. east of Dickerson Road (S.C.R. 389). 911 Address: 33142 Lighthouse Road, Selbyville. Tax Map Parcel: 533-18.00-68.00

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's boundary survey plan, a copy of the staff analysis, a copy of the applicant's rendering drawing, a copy



of a letter received from the Sussex County Engineering Department Utility Planning Division and a copy of the DeIDOT SLER and zero comments.

Mr. Robert Frey, owner of Sandy Hill, LLC, spoke on behalf of himself that the intent is for this property to be served as a professional office space for businesses like the surrounding properties, Williamsville market that leases out to approximately seven or eight other units just across the street, including Yellowfin Tunas and some of the other properties, a pet grooming business just about three doors down; that they are directly road front on Route 54 on the Williamsville Bend; that they are seeking to have the existing house used as a professional office.

Mrs. Gina Drago Frey stated that she plans to rent the house and utilize it as her office for her home interior design business and there is already an application filed for a sign out front; that there will only be one employee, herself, and she is by appointment only with no more than approximately two appointments a day.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2438 Robert Frey (Sandy Hill Acre, LLC). Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the September 11, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since August 21, 2024.

Ms. Wingate moved that the Commission recommend approval of C/U 2438 ROBERT FREY (SANDY HILL ACRE, LLC), for a Professional Office based upon the record made during the public hearing and for the following reasons:

1. There is a home that currently exists on the property. This application seeks the allow the renovation of the existing home into a professional office.
2. The property is located along Route 54 known as Lighthouse Road, which has developed into one of the main east-west roadways in Sussex County. This location is appropriate for this use as a small professional office.
3. The applicant has stated that this site will only be used as a small office. There will not be any retail sales or other types of uses that generate excessive traffic to or from the site.
4. There is no evidence in the record that the use would have any adverse effect on area roadways or neighboring properties.
5. The property is located within the Developing Area according to the Sussex County Comprehensive Plan. Professional Offices like this are appropriate in this Area according to the Plan.
6. No parties appeared in opposition to the application.
7. This recommendation is subject to the following conditions:

- a. The use shall be limited to use as a professional office.
- b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
- c. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
- d. Parking areas for all vehicles and equipment shall be shown on the Final Site plan and clearly marked on the site itself. No parking shall be allowed in the front yard setback.
- e. All dumpsters shall be screened from view of neighboring properties and roadways.
- f. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
- g. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.
- h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2438 Robert Frey (Sandy Hill Acre, LLC.) for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



Sussex County

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302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 21st, 2024

Application: CU 2438 Robert Frey (Sandy Hill Acre, LLC)

Applicant: Robert Frey (Sandy Hill Acre, LLC)
38035 Water Walk Way
Selbyville DE 19975

Owner: West RB Associates, LLC
38035 Water Walk Way
Selbyville DE 19975

Site Location: Lying on the south side of Lighthouse Road (Rt. 54) approximately 525 ft. east of Dickerson Road (S.C.R. 389)

Current Zoning: Agricultural-Residential (AR-1) Zoning District

Proposed Use: Professional Business Office

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Sussex County

Water: Well

Site Area: 0.997 acres +/-

Tax Map ID: 533-18.00-68.00



PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 14th, 2024
RE: Staff Analysis for CU 2438 Robert Frey (Sandy Hill Acre, LLC)

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application for CU 2438 Robert Frey (Sandy Hill Acre, LLC) to be reviewed during the August 21th, 2024 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.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 533-18.00-68.00

Proposal: The request is for a Conditional Use for Tax Parcel 533-18.00-68.00 to allow for a professional business office on a parcel lying on the south side of Lighthouse Road (Rt. 54) approximately 525 ft. east of Dickerson Road (S.C.R. 389). The parcel is comprised of (0.997) acres +/-.

Zoning: The Parcel is zoned Agricultural-Residential (AR-1) Zoning District. The adjacent parcels surrounding the subject property are zoned Agricultural-Residential (AR-1) Zoning District. Varied commercial zoning districts including (C-1, CR-1, and C-2) extend to the east on the Route 54 corridor approaching it's intersection with West Line Road (S.C.R. 396) approximately (500) feet east of the site.

Future Land Use Map Designation w/in Comprehensive Plan: Developing Area

Applicability to Comprehensive Plan: 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 in the Plan indicates that the subject property is designated as a Growth Area and has a land use designation of "Coastal Area" with properties surrounding the subject parcel also categorized as "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Commercial Areas are growth areas that include concentrations of retail and service uses and are primarily located "arterials, and



highways.” (Sussex County Comprehensive Plan, 4-17) The Plan specifically notes that these areas include commercial corridors geared towards vehicular traffic and recommends they be located along “main roads or near major intersections.” The Plan notes that Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed, noting that commercial and office uses “can be appropriate to provide for convenient services.” (Sussex County Comprehensive Plan, 4-15)

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone X and entirely within an area of “Excellent” Groundwater Recharge Potential. Within areas of “Excellent” recharge plans are required to meet specific impervious quotients for new improvements under Chapter 89: Source Water Protection.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a professional business office, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Conditional Use Applications

(Within a 1-mile radius of the subject site)

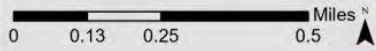
Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
468	Joan Sanger Griffith	C-1	Manufacture & Assemble Fiber Glass Boats	Approved	5/2/1978	N/A
974	Doris J. Bunting Savage	AR-1	Boat Storage & Mini Storage	Denied	7/30/1991	N/A
1106	Eric H. Ritter	AR-1	Outside Boat Storage/Sales/Repairs	Approved	5/23/1995	1028
1142	Richard E. Tucker	AR-1	Commercial/Business/Storage- Rental Warehouse	Approved	1/30/1996	1074
1152	Connie Kay Cooper	AR-1	Retail Sales & Consignment Shop	Approved	4/30/1996	1088
1227	Daniel W. Magee T/A Magee Farms	AR-1	Corn Maze Recreation Activity	Approved	4/7/1998	1225
1367	Jeffrey M. Irving	AR-1	Sign Shop	Approved	11/28/2000	1417
1492	Rt. 54 Hook & Slice Golf Driving Range	AR-1	Warehousing	Approved	1/6/2004	1653
1513	Linda Thurston & Karen Nash	AR-1	Bakery	Approved	1/6/2004	1654
1555	Paul Robino (Robino-Sanibel Village, LLC)	AR-1	Multi-Family	Denied	12/14/2004	N/A
1657	Johnson's Country Market	AR-1	Country Market	Approved	6/13/2006	1852
1920	Collins 54, LLC	AR-1	Storage Garage for Trucks and Equipment And A Parking Area	Approved	2/7/2012	2240

2023	Frank Miranda	AR-1	Veterinarian Office	Approved	9/15/2015	2416
2076	Joseph Mark Zdurienick	AR-1	Event Facility/Center	Approved	6/13/2017	2504
2088	Billy Banning Enterprises, LLC	AR-1	Dance Studio	Withdrawn	N/A	N/A
2098	Fenwick Commons, LLC	MR	Multi-Family (62 Duplex Units)	Denied	1/23/2018	N/A
2120	PJM Properties, LLC	AR-1	Amend Conditions of Approval of CU 1106	Approved	5/15/2018	2575
2135	Void - Henry Clay Johnson V	AR-1	Amendment CU 1657 To Allow Retail & Cooking (Voided)	N/A	N/A	N/A
2197	Fenwick Commons, LLC	MR	Multi-Family (62 Duplex Units)	Approved	12/17/2019	2701
2249	Mayapple Farm, LLC	AR-1	Multi Family (41 Units)	Approved	10/26/2021	2806
2271	Chris Brasure	AR-1	Office For Pest Control Business - Amendment to Ordinance 2240 CU 1920	Approved	11/16/2021	2814
2292	Gulfstream Development, LLC	AR-1	32 Multi-Family Units (Duplexes)	Approved	9/21/2021	2804
2403	Beach Buggies, LLC	AR-1	Retail Sales	Approved	8/1/2023	2945
2440	CU 2440 Double H Development, LLC c/o R Horsey	AR-1	Multifamily Condominium (108 Units)	Pending	N/A	N/A




CU 2438 Robert Frey
CU Vicinity Map
TM# 533-18.00-68.00

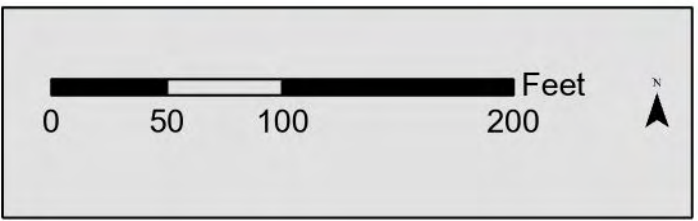
- CU 2438 Robert Frey
- CU Vicinity FREY CU 2438
- CU 2438 - 1 Mile Radius





CU 2438 - Robert Frey (Sandy Hill Acres, LLC)
Aerial Map
TM# 533-18.00-68.00


 CU 2438 Robert Frey

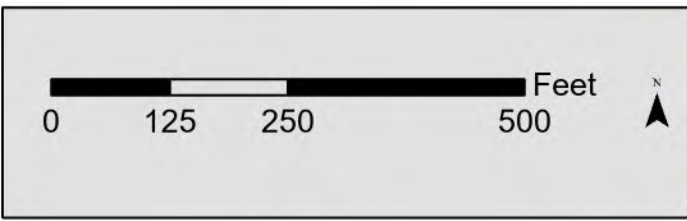


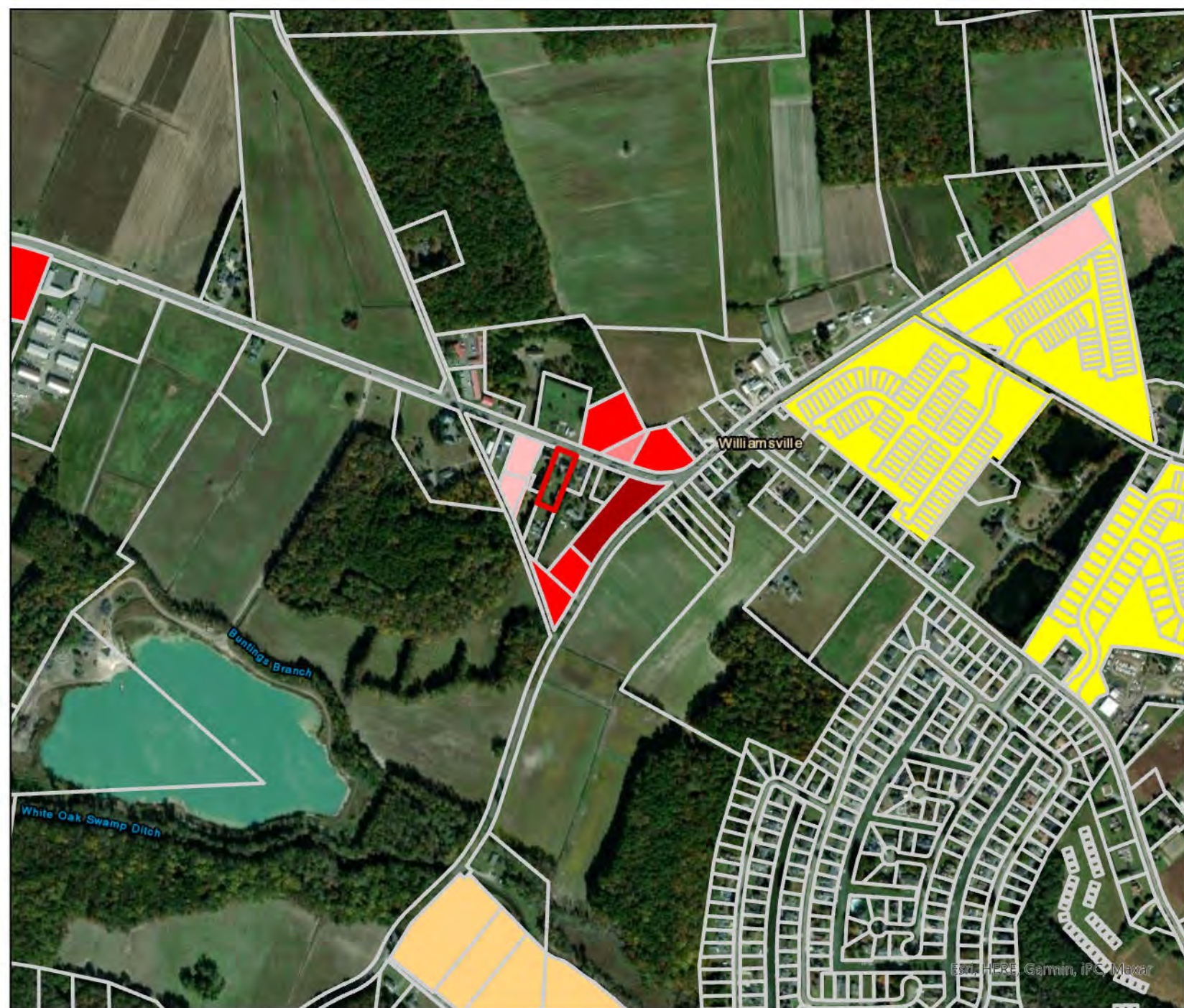


Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2438 - Robert Frey (Sandy Hill Acres, LLC)
Street Map
TM# 533-18.00-68.00

 CU 2438 Robert Frey






Zoning

-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research

CU 2438 - Robert Frey (Sandy Hill Acres, LLC)
 Zoning Map
 TM# 533-18.00-68.00

 CU 2438 Robert Frey



Introduced: 7/30/24

Council District 4: Mr. Hudson
Tax I.D. No.: 533-18.00-68.00
911 Address: 33142 Lighthouse Road, Selbyville

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS

WHEREAS, on the 6th day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2438 was filed on behalf of Robert Frey (Sandy Hill Acre, LLC); and

WHEREAS, on the ____ day of _____ 2024, 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. 2438 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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. 2438 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 Lighthouse Road (Rt. 54) approximately 525 ft. east of Dickerson Road (S.C.R. 389) and being more particularly described in the attached legal description prepared by Scott & Schuman, P.A., said parcel containing 0.99 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
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Sussex County

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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: September 26, 2024

RE: County Council Report for C/U 2361 filed on behalf of Beachfire Brewing Company, LLC

The Planning and Zoning Department received an application (C/U 2361 filed on behalf of Beachfire Brewing Company, LLC) for a food truck to operate for a period exceeding three days, to be located at Tax Parcel 334-13.20-20.00. The property is located at 19840 Central Avenue, Rehoboth Beach. The parcel size is 0.115 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 21, 2024. At the meeting of August 21, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 7 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of August 21, 2024.

Minutes of the August 21, 2024, Planning & Zoning Commission Meeting

C/U 2361 Beachfire Brewing Co., LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO OPERATE FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRES, MORE OR LESS. The property is lying on the northwest side of Central Avenue, approximately 160 feet southwest of Canal Crossing Road. 911 Address: 19840 Central Avenue, Rehoboth Beach. Tax Map Parcel: 334-13.20-20.00.

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicant



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official site plan, a copy of the staff analysis, a copy of the DelDOT SLER letter, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, 18 comments in total and a copy of Ordinance #27 and 34, which is part of C/U 2214 dated August 25th, 2020 and a copy of the applicant's conceptual site plan.

Ms. Mackenzie Peet, of Saul Ewing, spoke on behalf of the applicant which has been operating for the past 9 years and its microbrewery operates on Central Ave, diagonally across from this site; that they are seeking a conditional use approval to operate a food truck at 19840 Central Ave. in Rehoboth; that the parcel is zoned C1 General Commercial and within the future land use area designation; that in the code, Section 115-77, in the C1 district it allows for temporary vendor stands food trucks to operate between March 15 and November 15 for the sale of food and agricultural products subject to receipt of a temporary vendor permit; that a food truck located and operated outside this time frame, the March 15 and November 15, falls under the special events category, requiring a conditional use approval for operations longer than three days and so by the code by that code section, a conditional use request is actually what is needed; that an application was filed for the same food truck back in 2019 and received approval in 2020 by Ordinance No. 2734 and the lease of that property terminated primarily because the soils there were very sandy and it wasn't safe for patrons to go back there and an opportunity presented itself to rent this parcel and relocate the food truck here; that the applicant seeks to operate on a more full time basis, for additional days and hours of operation like many local businesses in our area who used to operate on a more part time and seasonal basis now operate on a more full time basis; that the food truck is 28 feet by 22 feet; that the food truck is placed on the site within the setbacks, with a gravel area in front, bike racks there and two porta potties; that there's no sewer or water connection; that all wastewater that's used is contained and then safely disposed of by a commercial trash hauler and as per the SLER, traffic impact was determined to be negligible; that the purpose of a conditional use is to ensure that public or semipublic uses which are essential and desirable for the communities, convenience and welfare are properly located and managed; that the food truck will continue to enhance the public character of the area located within this commercial district along with other public serving establishments, such as the outdoor special events venue, the furniture store and also tomato sunshine and it is located right off the bike trail; that the applicant submitted conditions to consider as the use shall be limited to a mobile or temporary food and beverage vendor, the use shall comply with all set back and parking requirements, the use shall not be permanently affixed or attached to the property, all trash containers associated with the use shall be screened from view of neighboring properties and roadways, the use will comply with any requirements of the County Engineering department regarding wastewater and grease discharges, hours of operations are proposed 11:00 to 9:00, Monday through Sunday consistent with the hours of operation at the microbrewery across the street and the final site plan showing the location of the food truck will be subject to review and approval of this Commission; that there are 149 letters of support in addition to the 18 letters that are posted on the docket; that currently they are only doing the food truck, but may eventually consider a more permanent structure; that there will be no music playing from the food truck and the current business license in the file is expired and they will supply the up to date one for the record.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

Mr. Robertson read Mr. Collins prepared motion per Mr. Collins request.

Mr. Collins moved that the Commission recommend approval of C/U 2361 Beachfire Brewing Co., LLC, for a food truck to operate for a period exceeding three days based upon the record made during the public hearing and for the following reasons:

1. This is an application to allow a food truck or trailer serving pizza and food upon the property leased by the Applicant.
2. The site is zoned C-1 General Commercial, which permits service uses that are more intensive than what is proposed here, including full-scale restaurants. In addition, there are commercial uses on either side of this site and throughout the immediate area. This site is also across from the Revelation Micro-brewery and this use will be accessory to that microbrewery.
3. The food truck will serve residents of the community, people at the nearby bike trails and patrons of the microbrewery.
4. The use will not adversely affect the neighboring community or roadways.
5. No parties spoke in opposition to this application.
6. This recommendation shall be subject to the following conditions:
 - A. The use shall be limited to a mobile or temporary food and beverage vendor.
 - B. The use shall comply with all setbacks and parking requirements.
 - C. The use shall not be permanently affixed or attached to the property.
 - D. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.
 - E. The use shall comply with any requirements of the Sussex County Engineering Department regarding wastewater and grease discharges.
 - F. The hours of operation shall be from 11:00AM until 9:00PM, Monday through Sunday.
 - G. A final Site Plan showing the location of the food truck shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

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HOLLY J. WINGATE, VICE-CHAIRMAN
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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: August 21, 2024

Application: C/U 2361 – Beachfire Brewing Co., LLC

Applicant: Beachfire Brewing Co., LLC

Owner: West Rehoboth Zerby Storage, LLC

Site Location: 19840 Central Avenue, Rehoboth Beach

Current Zoning: General Commercial (C-1)

Proposed Use: To locate and operate a Food Truck for a period exceeding three days

Comprehensive Land Use Plan Reference: Commercial Area

Councilmanic District: District 3 – Mr. Schaefer

School District: Lewes & Rehoboth

Fire District: Rehoboth Fire Department

Sewer: N/A

Water: N/A

Site Area: 5,000 s.f. +/-

Tax Map ID.: 334-13.20-20.00



JAMIE WHITEHOUSE, AICP MRTPI
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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: May 24, 2023
RE: Staff Analysis for CU 2361 Beachfire Brewing Company, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2361 Beachfire Brewing Company, LLC to be reviewed during the August 21st, 2024, Planning and Zoning 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 Tax Parcel: 334-13.20-20.00 to allow for a food truck for more than three days on the property. The property is lying on the west side of Central Avenue approximately 150 ft. southwest of Canal Crossing Road. The property is 5,000 square feet +/-.
Tax Parcel: 334-13.20-20.00

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan provides a framework for how land could 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 in the plan indicates that the property has the land use designation of the "Commercial." All neighboring properties are also designated as Commercial.

Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas (Sussex County Comprehensive Plan, 4-17).

Zoning Information

The parcel is within a General Commercial (C-1) Zoning District. Additionally, each adjacent parcel (including the opposite side of the roadway) is within a C-1 Zoning District. Canal Corkran, which mainly exists within the Medium Residential (MR) and High Density Residential (HR-1) Zoning Districts is located along Canal Crossing Road. Other nearby communities include Park Shore (C-1) and a residential area along Norwood and Dunbar Streets which exists in a General Residential (GR) Zoning District.

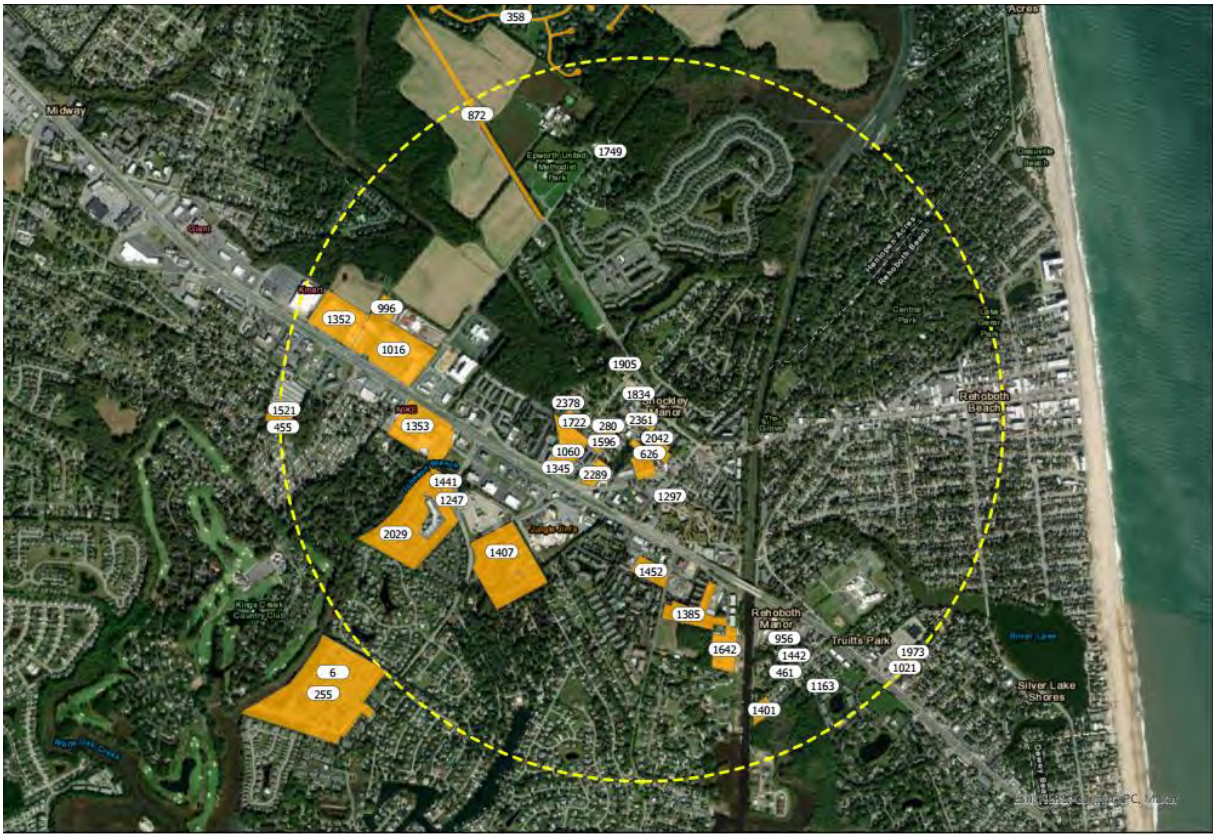


Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are within a 1.0-mile distance from the subject site.

Conditional Use No.	Applicant	Proposed Use	CC Decision Date	Ordinance No.
6	Dorman Johnson	Manufactured Home Park	4/13/1971	N/A
255	Truitt	Extend MHP	6/10/1975	N/A
280	King Solomon Lodge	Private Club		Withdrawn
358	Ocean Wave Hall	Private Lodge	6/15/1976	N/A
455	Sea Air Properties	Extend MHP	2/14/1978	N/A
461	Hayward Robinson	Ticket Booth, Apartment with Excursion Boat	3/14/1978	N/A
626	Chicken Pot, Inc.	Flea Market	4/18/1981	N/A
844	James W. Tello	Multi-Family	2/4/1986	N/A (Denied)
872	Ocean Wave Hall	Private Club	9/29/1987	455
956	Richard Miller	Multi-Family	1/29/1991	N/A (Denied)
996	Ronald E. Lankford	Family Amusement Park	3/21/1992	N/A (Denied)
1016	Jefferson Learning Foundation	Independent Elementary School	9/1/1992	854
1021	Beebe Medical Center, Inc.	Senior Activities Center	10/1/1992	860

1060	Gulf Stream Design Group	Cinema & Ice Skating Rink	12/14/1993	944
1070	West Side Beginnings	Private Club/Community Activity Center	4/12/1994	961
1163	Doney & Mohr	Multi-Family	10/1/1996	1106
1223	West Side New Beginnings	Private Club/Community Activity Center	2/10/1998	1213
1247	Richard Thurman Jr. (Arbor Care)	Plant, Tree and Lawn Care Diagnostic Center	4/17/2018	2573
1297	Kings Creek Associates	Multi-family	7/21/1998	1251
1345	David Lynam	Outdoor Retail Sales	8/10/1999	N/A (Denied)
1352	Rehoboth Outlets Center 3	Sales of soft/hard goods off carts	5/1/2001	1450
1353	Rehoboth Outlets Center 2	Sales of soft/hard goods off carts	5/1/2001	1451
1385	Bayside Dev. Group	Multi-family	5/15/2001	1457
1401	Randy Burton	Multi-family	7/31/2001	1482
1407	Marsh Harbor, LLC	Multi-family	10/9/2001	1493
1441	Curtis Ricketts	Multi-family	3/12/2002	1525
1442	Jayant Goyle	Multi-family		Withdrawn
1452	Lutheran Church	Pre-school	5/14/2002	1543
1521	Storage Equity Partners	Self-Storage	3/9/2004	1663
1596	Levitsky & Tammany	Office Building	11/9/2004	1725

1642	Sunrise Ventures	Multi-family	3/28/2006	1835
1722	West Rehoboth Community Land Trust	Multi-family	1/30/2007	1891
1749	Erthal & Lake	Multi-family	10/28/2008	N/A (Denied)
1834	Richard Lynman	Storage of Umbrella Stands	10/5/2010	2150
1905	West Rehoboth Community Land Trust	Multi-family	1/3/2012	N/A (Denied)
1973	Sandhill Homes	Multi-family		Withdrawn
2029	Truitt Homestead	Multi-family	11/17/2015	2426
2042	Beachfire Brewing Company	Microbrewery	6/7/2016	2451
2214	Crivella & Dukes	Operate a Food Truck for a Period Exceeding 3 Days	8/25/2020	2734
2289	Leah Beach	Outdoor Special Events	9/14/2001	2801
2361	Beachfire Brewing Company	Operate a Food Truck for a Period Exceeding 3 Days		Pending
2378	Clifton Gibbs & Joseph Gibbs	Multi-family		Pending



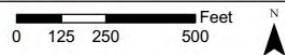
CU 2361 Beachfire Brewing Co.
 CUs Within 1 Mile
 TM# 334-13.20-20.00

■ CU 2361 - CUs Within 1 mile
■ CU 2361 Beachfire Brewing Co.
 CU 2361 - 1 Mile Radius



CU 2361 Beachfire Brewing Co.
 CUs Within 1 Mile
 TM# 334-13.20-20.00

■ CU 2361 - CUs Within 1 mile
■ CU 2361 Beachfire Brewing Co.
 CU 2361 - 1 Mile Radius



Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The site lies within the Henlopen TID.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone. The parcel is located within an area of fair groundwater recharge.

Based on the analysis provided, the Conditional Use to allow for a Food Truck for more than three days in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

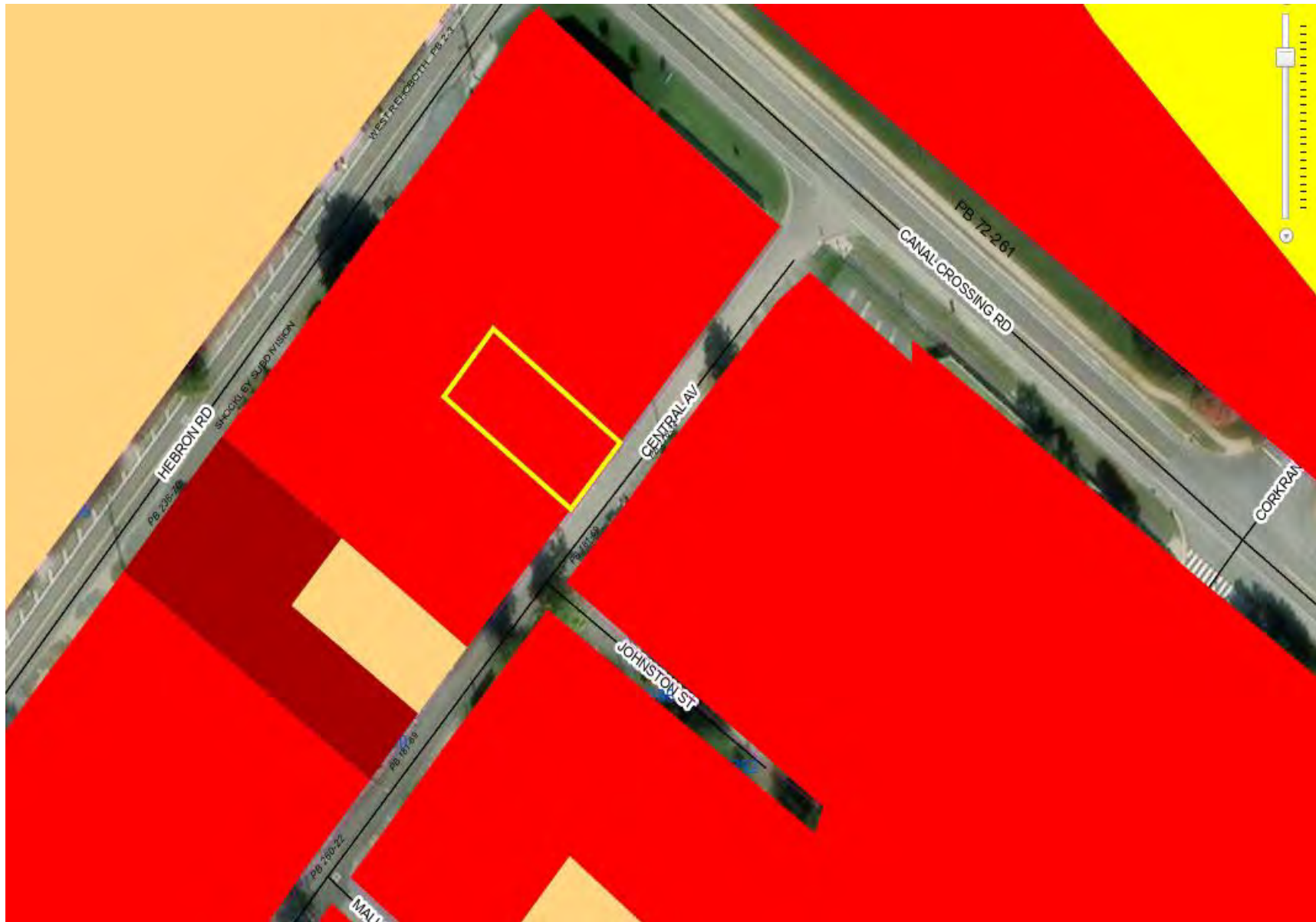
CU 2361 Beachfire Brewing Company – Aerial Map



CU 2361 Beachfire Brewing Company – Street Map



CU 2361 Beachfire Brewing Company – Zoning Map



Introduced: 07/12/2022

Council District 3: Mr. Schaeffer
Tax I.D. No.: 334-13.20-20.00
911 Address: 19840 Central Avenue, Rehoboth Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO OPERATE FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRES, MORE OR LESS

WHEREAS, on the 29th day of March 2022, a conditional use application, denominated Conditional Use No. 2361 was filed on behalf of Beachfire Brewing Company, LLC ; and

WHEREAS, on the ____ day of _____ 2022, 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. 2361 be _____ ; and

WHEREAS, on the ____ day of _____ 2022, 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. 2361 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 & Rehoboth Hundred, Sussex County, Delaware, and lying on the northwest side of Central Avenue, approximately 160 feet southwest of Canal Crossing Road and being more particularly described in the attached legal description prepared by Gordon, Fournaris & Mammarella, P.A., said parcel containing 0.115 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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Sussex County

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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: September 27, 2024

RE: County Council Report for C/U 2450 filed on behalf of GGA Construction

The Planning and Zoning Department received an application (C/U 2450 filed on behalf of GGA Construction) for a business office, to be located at Tax Parcel 334-13.20-27.00 and 27.01. The property is located at 37411 and 37417 Malloy Street, Rehoboth Beach. The parcel size is 0.27 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 21, 2024. At the meeting of September 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 10 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of August 21, 2024, and September 11, 2024.

Minutes of the August 21, 2024, Planning & Zoning Commission Meeting

C/U 2450 GGA Construction

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BUSINESS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.27 ACRE MORE OR LESS. The properties are lying on the northeast side of Malloy Street approximately 100 feet southeast of Central Avenue. 911 Address: 37411 & 37417 Malloy Street, Rehoboth Beach. Tax Map Parcels: 334-13.20-27.00 & 27.01

Mr. Whitehouse advised the Commission that submitted into record were a copy of the Applicant's



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conceptual site plan, a copy of the applicant's exhibit booklet, a copy of the staff analysis letter, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, a copy of the DelDOT SLER and two comments.

Mr. Jim Fuquay, represented the applicant, GGA Construction, and spoke on their behalf that this is a conditional use for an office building on Lloyd St. in Rehoboth and the adjacent building that fronts on Central Ave. is utilized as an art cooperative building; that the site has a variety of businesses and commercial activities, including the Revelation Craft beer brewing and beer garden, which as was stated is a popular stop of many bikers who have gone along the bike trail that runs along Canal Crossing Rd.; that to the east of our site. is the Henlopen Junction and Henlopen Station development that are commercial uses along Rehoboth Ave. and then behind the commercial uses is a multifamily residential development; when looking at the Zoning Map it's all C1 zoning except for this little tan in the middle of it that is our two lots.

Mr. Jim Fuquay stated in regards to the zoning of the parcels that the original zoning map had this as C1 in September of 2000; that the owner of this property failed to rezone this site; that the rezoning from C1 General commercial to GR General Residential because there were several mobile homes on these parcels that were combined as one; that one mobile home was to be removed, one was going to remain, a newer one brought in and another existing one was going to be converted into a storage unit; that I assume that you couldn't bring a new mobile home into a C1 district, so they had to get it rezoned to GR in order to bring the manufactured home in; that GGA Construction purchased this property in November of 2022 and the survey shows that there was an existing mobile home on the property which wasn't in good shape, an abandoned trailer on the property and a bunch of abandoned decks which had been attached to a mobile home that had been removed; that the applicant removed the trailers and the other things that were on the site, cleaned it up; that this application was filed in 2023 and with the C1 District being closed it is best to utilize the conditional use route since the applicant has a specific use in mind of an office building; that the building will be two stories and have a total floor area of 4940sq feet, with 4200sq feet being office space and the remaining being for storage only; that the applicant is proposing a 5ft rear setback and 15ft side yard setbacks to maximize the parking area with a six foot privacy fence along the rear and north side; that there would be 21 parking spaces, 4 in the front one being ADA compliant: that a 10X10 trash enclosure would be built on a concrete pad with proper landscaping around all areas; that all lighting would be downward and shielded and have one lighted sign not to exceed 32sq feet; that no wetlands are present and sewer is provided by Sussex County and water by City of Rehoboth Beach; that DELDOT stated in its SLER that traffic impact would be negligible; that there will be no outdoor storage of materials or equipment; that since filing this application another opportunity came up for GGA Construction to have their office in a more high profile location, so this location when ready would not likely be rented or sold as a business office.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2450 GGA Construction. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the September 11, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since August 21, 2024.

Mr. Collins moved that the Commission recommend approval of C/U 2450 GGA CONSTRUCTION, for an Office Building based upon the record made during the public hearing and for the following reasons:

1. The area surrounding this property is all zoned C-1 General Commercial and this property itself was zoned C-1 until it was rezoned to GR General Residential in 2000. Although it is currently zoned GR, this zoning classification is inconsistent with the surrounding area and is essentially what is considered to be “spot zoning”.
2. Since the C-1 District is now a closed district, the Applicant has chosen to seek a conditional use instead of a completely different commercial zoning classification from the surrounding property.
3. The use as an office building will be consistent with many other uses in the area including a brewpub, storage and warehouse buildings, a community event center and other varied types of uses.
4. The property has frontage on Malloy Street which is a dead-end street. This property is the only property with frontage on Malloy Street so the use will not impact any other properties on the street.
5. The Applicant has stated that this site will be used as an office building. There will not be excessive traffic to or from the site. DelDOT has also stated that the traffic impact will be “negligible”.
6. The property will be served by central water and Sussex County central sewer.
7. There is no evidence in the record that the use will adversely affect area roadways or neighboring properties.
8. The property is located within the Commercial Area according to the Sussex County Comprehensive Plan. Offices like this are appropriate in this Area according to the Plan.
9. No parties appeared in opposition to the application.
10. This recommendation is subject to the following conditions:
 - a. The use shall be as an Office Building with a total square footage that does not exceed 5,000 square feet. No retail sales or outdoor storage shall occur on the site.
 - b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - c. The applicant shall comply with any DelDOT entrance and roadway improvements requirements.
 - d. Parking areas shall be shown on the Final Site plan and clearly marked on the site itself. No parking shall be allowed in the front yard setback.
 - e. All dumpsters shall be screened from the view of neighboring properties and roadways.
 - f. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
 - g. A solid fence shall be constructed along the North and East sides of the property as shown on the Preliminary Site Plan. The details of the fencing and landscaping shall be shown on the Final Site Plan.

- h. Stormwater management shall be constructed in accordance with all applicable state and county requirements.
- i. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2450 GGA Construction for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



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JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 21st, 2024

Application: CU 2450 GGA Construction

Applicant: GGA Construction
37251 Rehoboth Avenue
Rehoboth Beach DE 19971

Owner: West RB Associates, LLC
1130 Industrial Drive
Middletown DE 19968

Site Location: Lying on the northeast side of Malloy Street approximately 100 feet southeast of Central Avenue

Current Zoning: General Residential (GR) Zoning District

Proposed Use: Business Office

Comprehensive Land Use Plan Reference: Commercial Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Department

Sewer: Sussex County

Water: Rehoboth Beach

Site Area: 0.27 acres +/-

Tax Map ID: 334-13.20-27.00 & 27.01



PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



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JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 14th, 2024
RE: Staff Analysis for CU 2450 GGA Construction

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application for CU 2450 GGA Construction to be reviewed during the August 21th, 2024 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.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID(s): 334-13.20-27.00 & 27.01

Proposal: The request is for a Conditional Use for Tax Parcels 334-13.20-27.00 & 27.01 to allow for a business office on a parcel lying on the northeast side of Malloy Street approximately 100 feet southeast of Central Avenue. The parcels are comprised of a total of (11,396) Square Feet +/-.

Zoning: The Parcels are zoned General Residential (GR) District. The adjacent parcels on all sides of the subject property are zoned General Commercial (C-1) Zoning District.

Future Land Use Map Designation w/in Comprehensive Plan: Developing Area

Applicability to Comprehensive Plan: 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 in the Plan indicates that the subject property is designated as a Growth Area and has a land use designation of "Commercial Area." With the properties surrounding the subject Parcel are also categorized as "Commercial Area". As outlined in the 2018 Sussex County Comprehensive Plan, Commercial Areas are "concentrations of retail and service uses that are mainly located along arterials, and highways" adding that "institutional and commercial uses may be appropriate depending on surrounding uses" and "mixed-use buildings may also be appropriate for these areas" (2018 Sussex County Comprehensive Plan, 4-17).



Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas: N/A**
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID): N/A**
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone X and in an area of “Good” Groundwater Recharge Potential.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a business office, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Conditional Use Applications

(Within a 1-mile radius of the subject site)

Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
6	J Dorman Johnson	AR-1	Manufactured Home Park	Approved	4/13/1971	N/A
255	James S Truitt, Sr, James Truitt, Jr., Dorothy Truitt & Gayle Truitt	AR-1	Extend Manufactured Home Park	Approved	3/4/1975	N/A
280	King Solomon Lodge	GR	Private Club	Withdrawn	N/A	N/A
455	Sea Air Properties Inc	AR-1	Addition To Existing Manufactured Home Park	Approved	2/14/1978	N/A
461	Hayward W Robinson	GR	Ticket Booth, Apartment & Related Facilities In Conjunction With Excursion Boat	Approved	3/14/1978	N/A
626	Chicken Pot, Inc.	C-1	Flea Market	Approved	4/18/1981	N/A
844	James W. Tello	MR	Multi-Family	Denied	2/4/1986	<Null>
872	Ocean Wave Hall, Inc.	AR-1	Private Club	Approved	9/29/1987	455
956	Richard C. Miller	GR	Multi-Family	Denied	1/29/1991	N/A

996	Ronald E. Lankford	AR-1	Family Amusement Park	Denied	3/21/1992	N/A
1016	Jefferson Learning Foundation	C-1	Independent Elementary School	Approved	9/1/1992	854
1021	Beebe Medical Center, Inc.	MR	60 Or Older Activities Center	Approved	10/13/1992	860
1060	Gulf Stream Design Group	C-1	Cinema & Ice-Skating Rink	Approved	12/14/1993	944
1070	West Side New Beginnings, Inc.	GR	Private Club/Community Activity Center	Approved	4/12/1994	961
1163	James J. Doney & Jeffrey Mohr	GR	Multi-Family	Approved	10/1/1996	1106
1223	West Side New Beginnings	GR	Private Club & Community Activity Center	Approved	2/10/1998	1213
1247	Kings Creek Associates, Inc.	MR	16 Unit Multifamily Dwelling	Approved	7/21/1998	1251
1297	J. David Lynam	C-1	Outdoor Retail Sales	Denied	8/10/1999	N/A
1345	Glenwood Aviation L.L.C.	C-1	Helistop/Heliport	Withdrawn	8/3/2000	N/A
1352	Rehoboth Outlets Center 3	C-1	Sales Of Soft/Hard Goods Off Carts	Approved	5/1/2001	1450

1353	Rehoboth Outlets Center 2	C-1	Sales Of Soft/Hard Goods Off Carts	Approved	5/1/2001	1451
1385	Bayside Development Group Inc.	AR-1	Multi-Family	Approved	5/15/2001	1457
1401	Randy Burton	GR	Multi-Family	Approved	7/31/2001	1482
1407	Marsh Harbor L.L.C.	MR	Multi-Family	Approved	10/9/2001	1493
1441	Curtis Ricketts	MR	Multi-Family	Approved	3/12/2002	1525
1442	Jayant Goyle	GR	Multi-Family	Withdrawn	2/19/2002	<Null>
1452	Lutheran Church of Our Savior	C-1	Pre-School	Approved	5/14/2002	1543
1521	Storage Equity Partners LP II	AR-1	Self-Storage	Approved	3/9/2004	1663
1596	Carole A. Levitsky & Sara Tammany	GR	Office Bldg.	Approved	11/9/2004	1725
1642	Sunrise Ventures L.L.C.	AR-1	Multi-Family	Approved	3/28/2006	1835
1722	West Rehoboth Community Land Trust	GR	Multi-Family Dwelling	Approved	1/30/2007	1891
1749	Robin Erthal & Lynda Lake	AR-1	Multi-Family Dwelling	Denied	10/28/2008	N/A
1834	Richard F. Lynman	GR	Storage Of Umbrella Stands	Approved	10/5/2010	2150

1905	West Rehoboth Community Land Trust	GR	Multi-Family Duplex	Denied	1/3/2012	N/A
1973	Sandhill Homes LLC	MR	Multi-Family Dwelling Structure	Withdrawn	N/A	N/A
2029	Truitt Homestead, LLC	MR	29 Multi-Family Dwellings	Approved	11/17/2015	2426
2042	Beachfire Brewing	C-1	Microbrewery	Approved	6/7/2016	2451
2214	Anthony Crivella & Harold Dukes Jr.	C-1	Operate A Food Truck for A Period Exceeding Three Days	Approved	8/25/2020	2734
2289	Leah Beach	C-1	Outdoor Special Events	Approved	9/14/2021	2801
2361	Beachfire Brewing Company, LLC	C-1	Food Truck	Pending	N/A	N/A
2378	Clifton Gibbs & Joseph Gibbs	GR	4 Multifamily Units (2 Duplexes)	Pending	N/A	N/A
2450	GGA Construction	GR	Professional Office	Pending	N/A	N/A



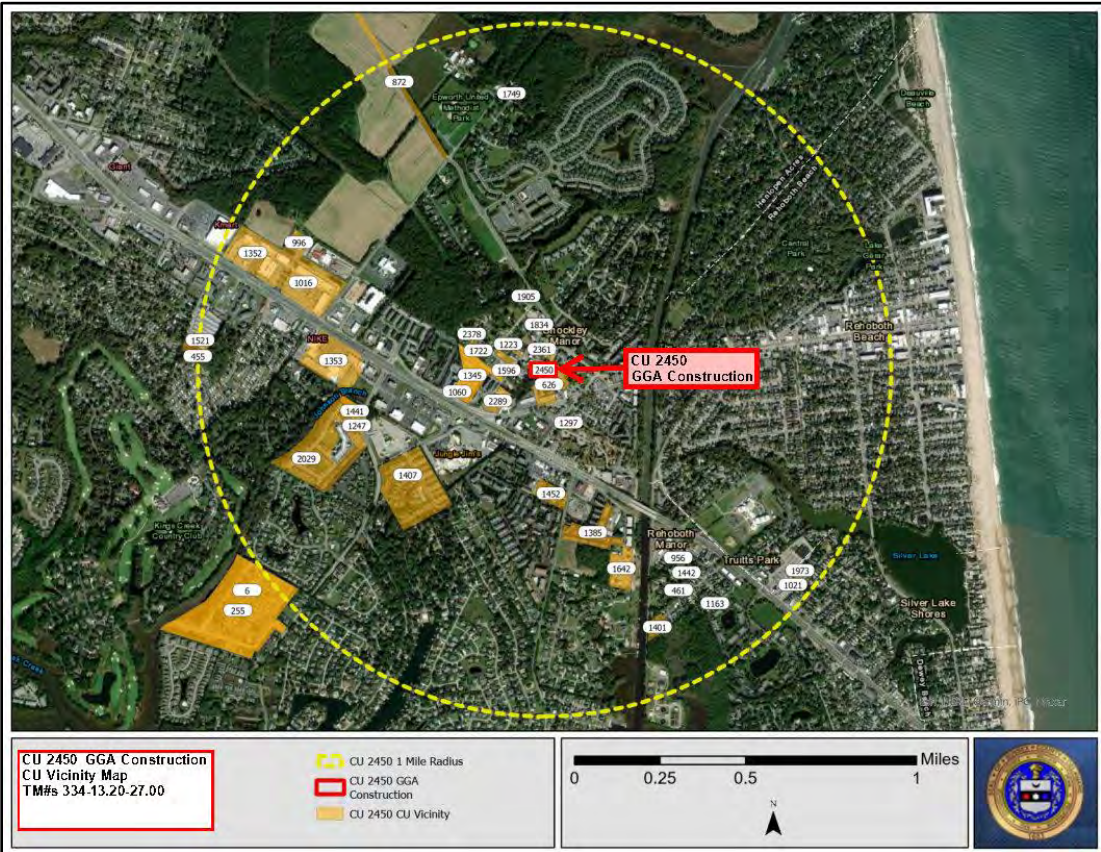
CU 2450 GGA Construction
Proposed business office
TM# 334-13.20-27.00 & 27.01

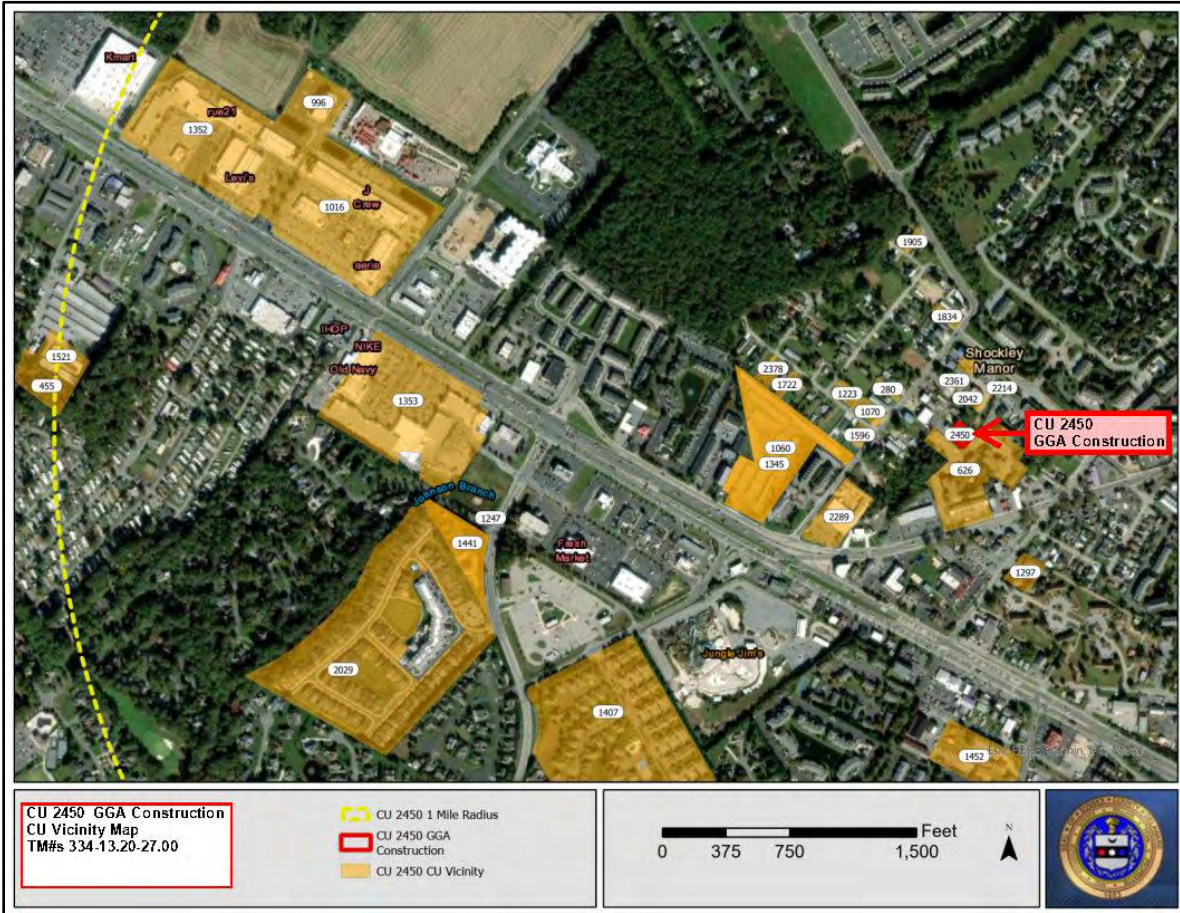
- CU 2450 GGA Construction
- Conditional Use



0 75 150 300 Feet










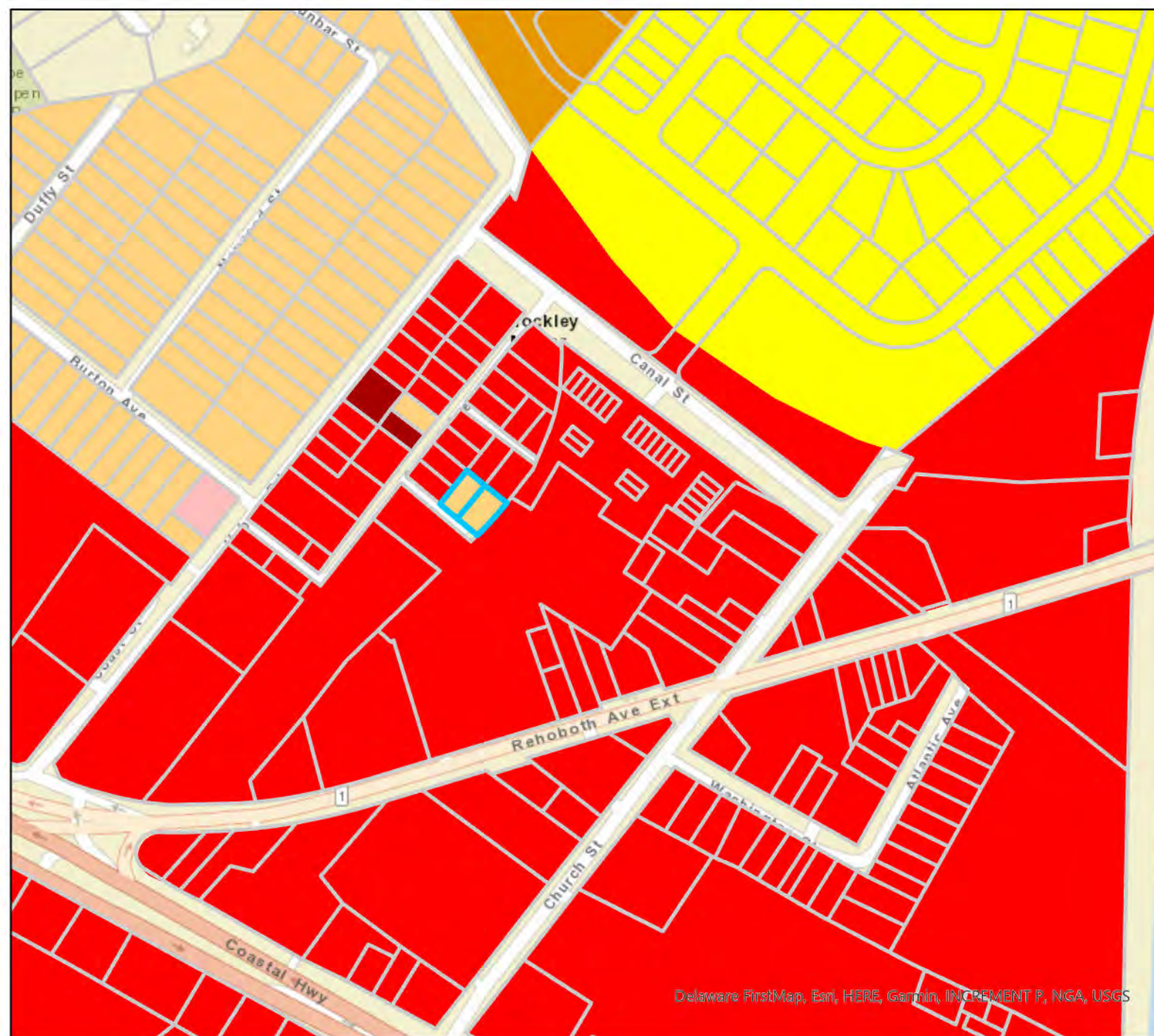
Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

**CU 2450 - GGA Construction
Street Map
TM# 334-13.20-27.00 & 27.01**

 CU 2450 - GGA
Construction

  Feet
0 25 50 100



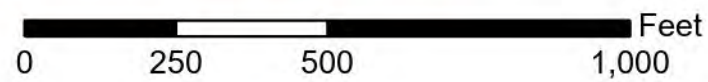


- ### Zoning
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Commercial Residential - CR-1
 - Institutional - I-1
 - Marine - M
 - Limited Industrial - LI-1
 - Light Industrial - LI-2
 - Heavy Industrial - HI-1
 - C1: General Commercial
 - C2: Medium Commercial
 - C3: Heavy Commercial
 - C4: Planned Commercial
 - C5: Service/Limited Manufacturing
 - B-1: Neighborhood Business
 - B-2: Business Community District
 - B-3: Business Research

Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2450 - GGA Construction
 Zoning Map
 TM# 334-13.20-27.00 & 27.01


CU 2450 - GGA Construction


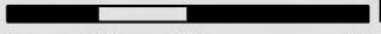




State of Delaware, Maxar, Microsoft, Esri, HERE, Garmin, IPC

CU 2450 - GGA Construction
Aerial Map
TM# 334-13.20-27.00 & 27.01

 **CU 2450 - GGA Construction**

  **Feet**
0 25 50 100



Introduced: 7/30/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 334-13.20-27.00 & 27.01
911 Address 37411 & 37417 Malloy Street, Rehoboth Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR A BUSINESS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.27 ACRE MORE OR LESS

WHEREAS, on the 19th day of May, 2023, a conditional use application, denominated Conditional Use No. 2450 was filed on behalf of GGA Construction; and

WHEREAS, on the ____ day of _____ 2024, 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. 2450 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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. 2450 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Malloy Street approximately 100 feet southeast of Central Avenue and being more particularly described in the attached legal description prepared by Foresight Services. said parcels containing 0.27 ac., 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.