

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 24, 2023

9:00 A.M.

Call to Order

Approval of Agenda

An Appeal of the Sussex County Planning & Zoning Commission's decision to deny Subdivision Application No. S-2021-23 - Stillwater Harbor Subdivision

Executive Session - Pending/Potential Litigation pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Recess

Approval of Minutes - October 17, 2023

[Draft Minutes 101723](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report



Hans Medlarz, County Engineer

1. **Wolfe Neck Lagoon Solar RFP**

A. Request for approval

[Wolfe Neck Lagoon Solar RFP](#)

Mark Parker, Assistant County Engineer

1. **T-Hangar Building, Project A22-23**

A. Change Order No. 1

[T-Hangar CO1](#)

2. **Starlight Meadows Road Improvements – Chapter 96 Sussex Community Improvements**

A. Election Results & Project Authorization

[Starlight Meadows Election Results](#)

Old Business

1. **[Conditional Use No. 2350 filed on behalf of Beaver Dam Enterprises, LLC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.50 mile north of Hopkins Road [S.C.R. 286]) (911 Address: 30857 Saddle Ridge Way, Lewes) (Tax Map Parcel: 234-6.00-6.02)

[Old Business CU2350](#)

2. **[Ordinance No. 23-11](#)**

“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-6.00-6.02” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.50 mile north of Hopkins Road [S.C.R. 286]) (911 Address: 30857 Saddle Ridge Way, Lewes) (Tax Map Parcel: 234-6.00-6.02)

[Old Business Ord 23-11](#)

Grant Requests

1. **Cape Henlopen High School Cheerleading for the NCA Nationals**
[Cape Henlopen School District CHHS Cheerleaders](#)
2. **Cape Henlopen Educational Foundation for their Teacher Grant program**
[Cape Henlopen Educational Foundation](#)
3. **Mariner Middle School National Junior Honor Society for NJHS 2023-24**
[Mariner Middle School National Junior Honor Society](#)
4. **Del-Mar-Va Council Boy Scouts of America for Scouting Support**
[Del-Mar-Va Council, Boy Scouts of America](#)

Introduction of Proposed Zoning Ordinances

[Ord Intro CZ2007 CU2411](#)

Council Members' Comments

1:30 p.m. Public Hearings

1. **RESOLUTION APPROVING AGREEMENT TO PROVIDE FIRE FIGHTING SERVICES AND APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY THE DAGSBORO VOLUNTEER FIRE DEPARTMENT, INC.**
[Public Hearing Dagsboro Fire Dept](#)
2. **[Conditional Use No. 2351 filed on behalf of Jose Velasquez](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 12.06 ACRES, MORE OR LESS” (property lying on the east side of Gravel Hill Road [Rt. 30] approximately 1.1 mile north of Zoar Road [S.C.R. 48]) (911 Address: 22901 Gravel Hill Road, Georgetown) (Tax Map Parcel: 234-15.00-1.00)

[Public Hearing CU2351](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 17, 2023 at 4:45 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, OCTOBER 17, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 17, 2023, at 1:00 p.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 494 23
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent

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

Minutes

The minutes from October 10, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore reported a letter was received from the American Cancer Society thanking Council for their support for Relay for Life.

**Public
Comments**

Public comments were heard.

Ms. Adele Jones spoke about overdevelopment and trees being destroyed.

Ms. Eul Lee spoke about the amount of time that documents are uploaded on the website and budget increases for certain departments.

**Adminis-
trator's
Report**

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Milos Haven –

**Administrator's
Report
(continued)**

Phase 1B (Construction Record) received Substantial Completion effective September 20th.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for September 2023 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 194 troopers assigned to Sussex County for the month of September.

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

**M 495 23
Approve
Consent
Agenda**

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

Proclamation Request - White Cane Awareness Day

Motion Adopted: 4 Yeas, 1 Absent

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

**SC WRF/
CO No. 31**

Mr. Hans Medlarz, County Engineer presented change order no. 31 for South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement program, phase 2 for Council's consideration.

**M 496 23
Approve CO
No. 31/
Project C19-
11**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that change order no. 31 for contract C19-11, South Coastal WRF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program, phase 2 general construction be approved increasing the contract by \$288,663.28.

Motion Adopted: 4 Yeas, 1 Absent

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

**Grant
Requests**

Mrs. Jennings presented grant requests for Council's consideration.

**M 497 23
The**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$2,500 (\$2,500 from Mr. Rieley's Councilmanic Grant Account) to The Christian

**Christian
Storehouse**

Storehouse for their feeding the community program.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 498 23
Marine
Corps
League**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$600 (\$200 from Mr. Rieley's Councilmanic Grant Account and \$100 from Mr. Vincent, Mr. Schaeffer, Mr. Hudson, and Mrs. Green's Councilmanic Grant Accounts) to Marine Corps League for their 248th Marine Corps birthday.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 499 23
Frankford
Public
Library**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000 (\$2,000 from Mr. Hudson's Councilmanic Grant) to Frankford Public Library for Audio/Visual Equipment.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 500 23
Family
Promise of
Southern
Delaware**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give \$2,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account and \$1,000 from Mr. Rieley's Councilmanic Grant Account) to Family Promise of Southern Delaware for their eviction prevention program.

Motion Adopted: 4 Yeas, 1 Absent

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

**Introduction
of Proposed
Ordinances**

Mr. Vincent introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 51.83 ACRES, MORE OR LESS" filed on behalf of Elk Development, LLC.

Introduction of Proposed Ordinances (continued) **Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 67.72 ACRES, MORE OR LESS” filed on behalf of Elk Development, LLC.**

The Proposed Ordinances will be advertised for a Public Hearing.

Council Member Comments **Mr. Moore commented on White Cane Awareness and shared information about warning signs that show something may be occurring that may affect your vision.**

M 501 23 Go Into Executive Session **At 1:16 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to recess the Regular Session, and go into Executive Session to discuss matters relating to pending/potential litigation and collective bargaining.**

Motion Adopted: 4 Yeas, 1 Absent

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

Executive Session **At 1:18 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending/potential litigation and collective bargaining. The Executive Session concluded at 1:31 p.m.**

M 502 23 Reconvene **At 1:34 p.m., a Motion was made by Mr. Schaeffer, 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 related to Executive Session matters.**

Rules **Mr. Moore read the rules and procedures for public hearings.**

**Public Hearing/
Ord. No.
23-05** **A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO DELETE CHAPTER 115, ARTICLE XVII VACATION RETIREMENT-RESIDENTIAL PARK DISTRICT SECTIONS 115-132 THROUGH 115-140 IN ITS ENTIRETY AND TO INSERT ARTICLE XVII MASTER PLAN ZONE, SECTIONS 115-132 THROUGH 115-140 IN ITS PLACE”.**

**Public
Hearing/
Ord. No.
23-05
(continued)**

The Planning & Zoning Commission held a Public Hearing on the Proposed Ordinance on September 14, 2023. At the meeting of October 12, 2023, the Planning & Zoning Commission recommended adoption of the Ordinance for the 4 reasons and subject to a series of recommended revisions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the Proposed Ordinance.

The Council found that Mr. Vince Robertson, Assistant County Attorney, spoke on behalf of the Ordinance Application. Mr. Robertson reviewed the procedural history of the Ordinance; that the Ordinance was taken through PLUS; that input was received from all of the state agencies; that there was an overall positive response; that on October 12, 2023, the Planning & Zoning Commission recommended approval of the Ordinance with recommended revisions based on staff and public comments; that the Ordinance had been in the works for quite some time, dating back to the 2018 Comprehensive Plan; that they wanted to look at a way, for those who have larger parcels for development, to have more creativity and flexibility; that it is intended to promote unified, integrated large-scale (200 ac. +) developments where appropriate, rather than multiple, unrelated subdivisions and commercial developments and the separate approval processes associated with each of these; that it is intended to incorporate residential areas, neighborhood commercial areas, professional, medical and financial office areas and civic areas as part of a single unified development plan; that it is intended to promote interconnectivity throughout the development and with existing DelDOT roadways, with primary interconnecting roads dedicated to DelDOT; that it is a 4-step process; that the first step is the pre-application meeting; that the applicant would meet with staff to discuss overall design, floor space and dwellings created; that discussions with DelDOT would occur if within a Transportation Improvement District; that resource buffers would be identified and discussed with staff; that participation with Sussex County Rental Program would be discussed; that the PLUS review would be discussed; that step 2 is where the “general overall master plan” would be submitted; that there is a spatial distribution plan that will be reviewed; that there is a master manual that is submitted; that the design guidelines prevail over Chapter 115 and Chapter 99; that the Master Manual become the Ordinance or Code governing the MPZ; that there must be engagement between the public, developer, P&Z staff and County Council; that public hearings will be advertised for a Change of Zone; that the Planning & Zoning Commission makes a recommendation to the County Council; that public hearings are held for P&Z and County Council; that if approved by County Council, two additional documents are required to be submitted for review and approval; that these include an “Implementation Plan” and an “Implementation Manual”; that this is more specific detail that needs to be consistent with the Master Manual; that it then would go for a site plan review by staff; that the Staff Review would provide the more particular details of the plan; that a sketch of a spatial distribution plan was shown; that it outlined the different densities; that it showed an overall circulation

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(continued)

and transportation, area locations, open space, different areas and how the uses would be dispersed; that Mr. Robertson reviewed the Planning & Zoning recommendations; that when this was first introduced, it was limited to the growth areas; that it was thought that these are large enough scale so they should not be limited to just the growth area; that if an MPZ is proposed for an area outside of a Growth Area and can and will be served by adequate on or off-site utilities, and that is scaled to be able to accommodate and pay for any infrastructure, services or improvement required by the State and County; that the Ordinance as introduced had a provision stating that at least 20% of all multi-family dwellings shall be set aside for SCRP units; that it was recommended this should not be a requirement until the SCRP program is a proven and workable method of providing affordable housing; that the Commission recommended to modify lines 221-222 of the Ordinance to state *(i) There shall be a substantial affordable housing component of the MPZ that shall be described in detail in the Master Manual. The goal of this affordable housing component shall be to serve the "Intent" of the Sussex County MPHU and SCRP programs as set forth Sections 72-2 and 72-16 of Chapter 72 of the Sussex County Code*; that if the MPZ is not expanded beyond the Growth Areas, then Line 202 (Eligibility Requirements) should be amended to reference the Coastal Area, Developing Area, Town Central Area and Commercial Area to mirror the Whereas Clause listing these four Areas were recommended; that it was recommended at line 192 (Spatial Distribution Plan) to clarify that in addition to higher densities, the commercial areas/intensive uses should be centrally located and/or along main roadways consistent with higher density residential uses; that it was recommended at line 209-210 (Eligibility Requirements) that the reference to "existing or planned arterial or collector road" (which are not defined in the Zoning Code) be changed to "Major Arterial Roadways" or "Collector Street" which are defined in Chapter 99; that at line 223 (Design and Development Principles and Standards) it was recommended to add a new "Item 11" stating that all collector or primary roads (or a similar term) within the MPZ must be constructed to DelDOT standards and State-maintained (or move/copy this requirement from existing language at line 317-322) and also state that all other roads within the MPZ are dedicated to public use and must remain open and accessible to the public at all times; that it was recommended to delete the reference to service alleys at lines 279-283; that it was recommended that at line 304 (Neighborhood Commercial Area), line 352-356 (Professional Office, Medical and Financial Area) and line 386-390 (Civic Area) to allow these areas to have frontage on existing DelDOT right of way and not just an "internal main street"; that at line 304 (Neighborhood Commercial Area, parking design requirements); line 358-362 (Professional Office, Medical and Financial Area parking design requirements); and line 392-396 (Civic Area parking design requirements) it was recommended to reword this section so that it states *"The [Neighborhood Commercial Area, Etc.] shall be designed so that off-street parking is screened from rights of ways and non-commercial uses so that buildings and landscaped areas are more visible than large off-street parking lots. This can be accomplished through landscaping, location of parking areas*

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(continued)

in relation to roads and buildings, etc.”; that at line 330 (Neighborhood Commercial Area Service Drives); line 364 (Professional Office, Medical, and Financial Area Service Drives); and line 398 (Civic Area Services Drives) it was recommended to revise these lines so that they state “*Whenever possible, service drives shall be designed and utilized for loading and trash collection*”; that it was recommended to delete the drive-through prohibition at line 336-339 (Neighborhood Commercial Area); that at line 448 (Regarding the Master Manual), it was recommended to delete the reference to “Master Transportation Plan approved by DelDOT” and replace it with “*Traffic Impact Study for the MPZ approved by DelDOT*”; that it was recommended to delete the reference to specific architectural details at lines 469-470, since they are likely to change throughout the multi-year build-out of a MPZ; that it was recommended to delete the reference to “and design of the lighting fixtures, globes”, since those will change over time; that they did look for a model to use, because it is fairly complex; that the City of Dover has a Master Plan Ordinance; that the Eden Hill development in Dover used it; that they took the City of Dover’s Master Plan Ordinance, deconstructed it, and then reconstructed it to hopefully work for Sussex County; that it was questioned how the project would be governed; that there would be one governing organization with its documents; that Village of Five Points is an example; that this would be governed on their own; that many of these types of companies hire a management company to make sure everything is kept in order; that in the Master Manual, Item 15, there is the application and administrative; that it discusses that you have to set out the roles and responsibilities of the developer, builders and the homeowners and/or homeowners association; that a suggestion from the P&Z Commission is that once the road is turned over to DelDOT, be sure that DelDOT is not going to come back to make an applicant or a developer want to do individual entrance approvals of a new road that didn’t exist; that there is an opportunity to bond with DelDOT once; that there is currently a cap that the civic area can’t be more than 10% of the overall area of the MPZ; that it was stated that 10% may not be enough; that it was recommended to increase or come up with a different number; that pictures were shown of Eden Hill; that this allows for flexibility; that there is higher density and you get to build commercial; that it would allow for just one public hearing to be held rather than multiple.

Public comments were heard.

Ms. Eul Lee spoke about the Proposed Ordinance; that the MPZ is a big concept; that she believes that the purpose and intent is the skeleton; that this should be the backbone; that it was about the superior design and the walkable and mixed use community; that she discussed environmental concerns and it has the landscape; that she looked at the models that were discussed such as Eden Hill; that when she saw Eden Hill, it was called traditional neighborhood design in Dover; that there was a PLUS review in 2004; that it was initiated in 2005; that it was in Investment Level 1 and the Office of State Planning supported it as a mixed-use and infill project; that in 2008, the largest medical center of that date opened in Eden Hill; that in

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(continued)**

2017, the Townhome construction started consisting of 83 units; that the skilled nursing facility opened in 2017; that the google map showed an animal hospital; that she heard there are now single-family homes there as well; that she questioned if anyone was walking there; that it appears that the medical centers and rehab center contribute to more traffic coming in from the outside; that today the walkable concept is different than before; that any subdivision approved today should be walkable inside the community; that when permitted uses are selected, the purpose and intent of walkable communities need to be kept in mind; that commercial or professional entities have to be something to enhance or promote the walkability for the community residents; that the traffic magnets should be avoided that bring outside traffic in; that she discussed the traffic magnets such as gas stations, gyms and specialty stores; that in the Zoning District, there are three uses; that these include permitted use, conditional use and special exception use; that she questioned if that meant that the conditional use or special exception for these districts are permitted in this MPZ; that to satisfy the intent the MPZ, the permitted uses must be selected carefully; that she questioned if the size of the MPZ is large enough to have the stores and services; that many stores need shoppers from outside the community to support them; that if the community is too large, then it becomes too big to walk; that she shared a comparison between Eden Hill and the Raley Farm that was just approved recently; that there are many items that impact people's needs over time; that parking can be a problem; that public transportation is needed; that she believes that anything major should trigger PLUS review and public hearings; that she just received the PZ recommendations yesterday; that she believes that Level 4 is still a problem because of the road infrastructure; that they bring in heavy equipment; that we need to make sure the roads are able to handle the equipment; that DNREC had a lot of comments about the environmental impact; that she discussed some of the comments received from DNREC; that she discussed premature bond release.

Ms. Jill Hicks spoke about the Proposed Ordinance; that she was speaking on behalf of the Sussex Preservation Coalition, its Board, its Allied Organization, and its membership; that SCP is not opposed to Master Plan Zoning; that if done right, it could help Sussex County resolve some of its current issues; that in the current form, without proper vetting and review, it would limit and reduce the future positive impact this plan could have; that this copy of Ordinance 23-05 for today's hearing was only made available online sometime yesterday morning; that the late publication and last minute changes made has become too common place in County proceedings; that she discussed the timing of the Ordinance; that during the September 21st workshop, some standardizations and a standard location of code would be helpful was discussed; that she questioned if the minimum side yard for a cluster subdivision was 5' or 10' because she has seen both; that Mr. Robertson responded "this is why we need to standardize and have things in one location"; that on October 12th, at the end of the P&Z meeting, the Commission had a long overdue discussion about the workload of the P&Z staff; that the timing of this Ordinance if approved in its current state,

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(continued)**

is going to cause more work for everyone several times over; that she questioned why the taxpayers should shell out money to pay the legal fees to have the MPZ code written, heard, revised, rewritten, and possibly have it cycled through several times; that then they will have to go through the training and learning curve for the staff to internalize it; that then it would need to come back and redo again when the Five Workshop incentives are framed out and completed; that on page 5, 115-132 Purpose and Intent, Line 155: “neighborhood that is superior in design to a standard residential subdivision ...”, we already know that language is a problem; that is why “superior design” on its own is one of the Five Incentives; that if approved in the current state, proceeding the Five Initiatives, would mean an added challenge to change something that was already executed; that it would set a precedent; that to proceed in this way is counterintuitive and counterproductive and not a good use of time or money; that MPZ should be in everyone’s minds as we start down the path of prioritizing incentives; that at the very least, buffers – perimeter, and interior buffers in this case, as well as open space, forest preservation, and superior design should be taken care of first; that the words “consistent” or consistency” were mentioned numerous times in this ordinance presentation to PZ; that the misuse of language is one of the things that Council has rightfully and decidedly set out to correct; that she questioned if any progress made on Forest Preservation, Open Space, Perimeter Buffers, Superior Design, and Site Work would be considered for future MPZ applications; that she questioned how many MPZ approvals would be granted before the five incentives are resolved and made part of the MPZ code; that these projects can take 20 years or more; that changes will be needed at some point; that if this Ordinance is approved in its current form, then amendments are made, she questioned how they will be applied to the future necessitated changes; that she reviewed some specifics located on page 7, line 207, page 7, 115-135 B-1, page 8, 115-135 B-3 and 115-135 B-5; that she finds it contradictory that this Ordinance will not include stronger mandates around workforce housing; that incentives and mandates should be built into the ordinance; that another concern, for the purpose of fiscal responsibility is that PZ should be limited to SIL 1 and 2; that because of added density per acre, and the extra burden on schools, emergency services and roads, MPZ should only be considered where State funds will support it; that Eden Hill in Dover was used as an example during the PZ meeting; that if you zoomed out, you would see underdeveloped, graded land set aside for non-residential use; that its commercial value is lost; that there are better models that need to be studied; that MPZ is too important to rush through its vetting process, the wordsmithing, and the hearings it deserves; that at the very least, the five incentives and the Future Land Use Map and MOU with the State need to be further along before taking this Ordinance any closer to the line.

Mr. Schaeffer commented on the design of Eden Hill.

Mr. Jeff Seemans spoke about the Proposed Ordinance; that he supports the concept of the Master Plan Ordinance; that he has concern regarding

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(continued)**

two features; that page 16 states that “detailed plans of existing natural features showing topography, soils, drainage and vegetation shall be included as elements of the implementation plan”; that page 7 states “the design for the entire zone shall follow environmentally sustainable approach to development to accomplish this, the design shall take advantage of natural drainage patterns onsite and minimize unnecessary earth moving, erosion, tree clearance and other disruption of the natural environment, existing vegetation and habitats shall be preserved wherever possible”; that he predicts that future developers and their engineers will say that they “minimized” necessary tree clearance regarding how many acres of forest are removed on the Master Plan; that this concern is also mentioned in the PLUS review; that with the gift of 12 units per acre, there can be more restrictive language from the government side about preserving existing forest especially with this being one of the five important topics discussed at the recent September workshop; that his second concern is the lack of language concerning whether or not these two hundred acre plus projects with 12 units acre will end up in Level Service Area 3 and 4; that if they are, it will create more traffic stress; that on the first page of the PLUS comments, it says the State supports the use of this Ordinance and Coastal Development Commercial and Town center Land Use categories only; that the County should consider if this Ordinance is restricted to specific zoning categories within the future land use area noted above; that it is recommended that this Ordinance is not supported in the AR-1 areas or in the Strategies for State Polices Level 4 areas; that he requested that Council hit the pause button on this Ordinance until these issues have been addressed.

Mr. Jeff Stone spoke about the Proposed Ordinance; that he was representing SARG; that a document was submitted for the record; that they support everything that was said by the previous speakers; that the complexity of this proposal and the length of time that it will impact the County are the critical factors of why SARG is calling on the County to hit the pause button; that they strongly support the concept; that the process should not be hurried; that long term issues in drafting legislation in Sussex County is where far too much is left up to interpretation, usually by the representatives of developers; that the legislation says it must be located on an existing or planned arterial or collector; that the existing may not be adequate; that a current road could be overused or inadequate; that he questioned how coordination would be done with DelDOT; that plans can take many years; that it is not known why it is a requirement of at least 20% of multi-family dwellings should be set aside for SCRP or otherwise; that it is their opinion that requirement that it be limited to multi-family units but can lead to the creation of buildings or neighborhoods of just moderate low-income families; that it is their opinion that in return for the scale, density and other benefits that 20% of all housing should be SCRP or some form of affordable workforce type housing should be in these developments; that he emphasized that this is a document that will be around for a long time so we need to make sure we make our best effort to make it best it can be.

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23-05
(continued)**

Ms. Cheryl Siskin spoke about the Proposed Ordinance; that we have to be able to adapt to change; that there will be other types of vehicles that we need to plan for and accommodate; that it needs to be considered of how a new community will fit with an existing community; that the PLUS comments need to be taken seriously; that she thinks that we need to more to make bike and pedestrian paths a top priority so that we can get more traffic off the roads; that she supports the comments that were made about superior design; that we need to think more regionally; that if you want a successful business, you have to attract outsiders; that she believes 200 acres is too small; that you can't have density on a collector road; that these should be on an arterial road; that the future needs to be thought about as well as transportation; that there are terms that are too vague that developers can find their way around; that she is not sure why fire separation is included; that EV ready charging stations should be required; that the PLUS comments included a walk up suggestion which she supports; that she believes that the open space requirement should be greater.

Mr. David Hutt spoke about the Proposed Ordinance; that the County has seen this problem with the C-4 (General Commercial) Ordinance; that he believe people believed it would be a Commercial RPC ordinance; that the Ordinance has not been proven to be successful, partly due to the requirements found in it; that he has a concern that there are many areas in the County that have public utilities and infrastructure available that may not be in one of the discussed designations; that a project of this size, would create infrastructure concerns; that they are only four growth areas acknowledged; that the Coastal Area does not exist in Western Sussex County so you are down to three; that if you look at the Future Land Use Map, you will see that you are limited further to those options; that if someone had a large scale project in Western Sussex County, you would want this available to them to allow for better planning and use; that the affordable housing is a difficult issue; that he supports that the amendment that was in the Planning Commission's recommendation; that on lines 204-206, the basis eligibility requirements, at least 20% of the land has to be used for a non-residential use; that he does not believe that it is optional; that he has a concern of the minimum of 20%; that if someone were to have the bare minimum of 200 acres, that would mean that 40 acres of it would need to have a non-residential use; that as noted in the September 25, 2023 memo from Ring Lardner, a rule of thumb would be that you can get 10,000 square feet of non-residential use on 1 acre of land; that on a 200-acre parcel would be required to provide 40 acres of non-residential use that would equate to approximately 400,000 square feet of non-residential use; that he believes the 10% for the maximum for the civic area should be deleted; that he believes that the 20% minimum amount of non-residential use should be modified or removed; that this is a Change of Zone that Council has the decision to adopt or deny; that with a Change of Zone, there are no conditions that are allowed; that this is a Change of Zone that the Council will have a hand in how that rezoning occurs and the conditions for it; that you get to craft this to how you want the vision to be moving

**Public Hearing/
Ord. No. 23-05
(continued)**

forward.

Mr. Robertson stated that all of the state agency comments were taken seriously; that he and Mr. Whitehouse attended a PLUS meeting; that comments were received back; that a lot of the comments apply if you were dealing with a straight subdivision; that there is more discretion on a Conditional Use that allows conditions; that this application would have the most discretion that County has ever had on a development; that the expectation is that there is engagement with staff, PLUS, Commission and then the Council.

Ms. Judy Rose Siebert spoke about the Proposed Ordinance; that she is in favor of these Master Plan Zones; that she has some concerns; that these will prevail over Chapter 115 and Chapter 99; that if changes are made as discussed during the September 21 meeting and they are incorporated in 115, they won't apply to this Master Plan; that she requested that the Ordinance be amended so that superior design and buffers be addressed in this Master Plan Zone before it goes forward; that she would like there to be an addition of some percentage of forest retention particularly mature forest; that she would like to see there be a percentage of native plant species be added to it; that many plants are being removed; that she believes that the minimum of 10% open space is way too small; that she requested that a different diagram be presented that shows what 10% open space looks like; that the diagram shown was 25% or 20% open space that provides a different view of what it would be like; that this should only be allowed in Level 1 and 2 and not in Level 4 because of the impact on the roads; that the stormwater management ponds shown on the diagram seem way too small; that she requested that down lighting be added to this Ordinance and throughout the MPZ.

The Public Hearing was closed.

**M 503 23
Defer
Action/
Ord. No. 23-05**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO DELETE CHAPTER 115, ARTICLE XVII VACATION RETIREMENT-RESIDENTIAL PARK DISTRICT SECTIONS 115-132 THROUGH 115-140 IN ITS ENTIRETY AND TO INSERT ARTICLE XVII MASTER PLAN ZONE, SECTIONS 115-132 THROUGH 115-140 IN ITS PLACE" and to allow for public comments to be submitted in writing only for the next ten business days (October 31, 2023) until 4:30 p.m.

Motion Adopted: 4 Yeas, 1 Absent

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

Public Hearing/

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, SECTION 115-4

**Ord. No.
23-06**

“DEFINITIONS” OF THE CODE OF SUSSEX COUNTY REGARDING “YARD, FRONT” AND “YARD, REAR” OF THROUGH LOTS, AND CHAPTER 115, SECTION 115-183 “SIDE AND REAR YARDS”.

The Planning & Zoning Commission held a Public Hearing on the application on September 14, 2023. At the meeting of September 28, 2023, the Planning & Zoning Commission recommended adoption of the Ordinance for the reasons outlined and subject to recommended revisions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

Mr. Whitehouse shared an example of a standard lot within in a subdivision that fronts onto an internal subdivision street; that when you have an existing parcel that is located between two perpendicular roads, the Code states that the parcel shall have two front yard setbacks; that what staff had noticed was that residents were building a dwelling on the parcel, but subsequently discover they cannot have a pool or fencing; that staff sees a lot of variance applications being submitted for the Board of Adjustment; that most of these applications are approved; that staff wanted to amend the Code to allow some relief, but without removing Through Lot protection entirely; that the Ordinance defines what a rear yard is on a lot that is a Through Lot; that the Ordinance creates a mechanism that if a property owner wants a pool or an accessory structure, it would be permitted; that is must be fifteen feet away from the street line in all cases.

There were no public comments.

The Public Hearing and public record were closed.

**M 504 23
Adopt
Ordinance
No. 2956/
Ord No.
23-06**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2956 entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, SECTION 115-4 “DEFINITIONS” OF THE CODE OF SUSSEX COUNTY REGARDING “YARD, FRONT” AND “YARD, REAR” OF THROUGH LOTS, AND CHAPTER 115, SECTION 115-183 “SIDE AND REAR YARDS” for the reasons given by the Planning and Zoning Commission as follows and as amended by Planning & Zoning:

1. This Ordinance will update the Zoning Code to reduce the need for variances where a lot has a primary frontage on one street but is also adjacent to a street or road along its rear boundary. The way the Code is currently written, even though it can be clear how a lot is oriented and what are considered its “front” and “rear”, the fact that it actually has frontage on two streets technically means that it must have two front yards and therefore two front yard setback calculations. This adversely impacts many lots, making it difficult to construct improvements upon them without a variance from the Board of Adjustment. Historically, these variances are routinely granted by the Board of Adjustment. For this reason, this Code update is appropriate to eliminate unnecessary variances.

**M 504 23
Adopt
Ordinance
No. 2956
(continued)**

2. **When originally introduced, the ordinance stated that the commonly accepted rear yard of a through lot was treated as a rear yard for setback purposes under the Zoning Code. A revised ordinance was subsequently introduced to limit the application of the rear yard treatment for certain types of structures and in “small lot” situations governed by Section 115-115-183(d). Upon further review, those situations are very limited throughout the County and undermine the overall applicability and usefulness of the ordinance as originally introduced. For that reason, it is recommended that Section 2, Lines 49-61 be deleted, so that Section 115-183E “Side and Rear Yards” now states as follows: “E. On all Through Lots, the yard opposite from the street serving as the street address of the lot shall function as the rear yard. Except for fences, walls or other similar means of enclosure not more than 7 feet in height, no buildings or structures shall be located within a distance of 15 feet from the street line of the rear yard of a through lot”**

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
CZ2015**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.44 ACRES, MORE OR LESS” (property lying on the south side of Turquoise Lane, and the east side of Healthy Way; approximately 900 feet southeast from the intersection of John J. Williams Hwy. [Route 24] and Lexus Lane) (911 Address: N/A) (Tax Map Parcel: 334-12.00-57.11) filed on behalf of G&M Route 24, LLC – A Delaware Limited Liability Company and/or Its Assigns.

The Planning & Zoning Commission held a Public Hearing on the application on September 14, 2023. At the meeting of September 28, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Ms. Mackenzie Peet, Esq., with Saul Ewing, LLP, spoke on behalf of the Applicant, G&M Route 24, LLC; that also present were Mr. Michael Glick, representative of the Developer, Mr. Bruce Leshme, General Counsel for Beebe Medical, Mr. Chad Warren, Professional Engineer with Davis, Bowen & Friedel, Inc., and Ms. Lauren Townsend, Landscape

**Public
Hearing/
CZ2015
(continued)**

Designer for the Developer. Ms. Peet stated that Beebe Medical Center, Inc. is the record owner for the property; that the Applicant submitted the application on June 8, 2023, accompanied by a request to expedite; that the Application intended to deliver much-needed medical and office space to accommodate an ambulatory surgical center; that to allow this intended use, the Applicant seeks to rezone the 12.44-acre parcel from AR-1 (Agricultural Residential) to I-1 (Institutional); that Exhibit E contains the concept plan for the proposed development; that the plan reflects the proposed development of two approximately 60,000 sq. ft. medical and professional office buildings to be laid out as a medical office complex; that the plan notes the availability of public water and sewer; that Exhibit F is a color rendering; that the conceptual plans reflect the two proposed office buildings, with ample and Code compliant parking, contemplated plantings and landscape buffer proposed to the adjacent residential uses; that the intention is to develop the project in two phases; that the first phase is to include the development of the first building, which will accommodate space for the anticipated Lewes Surgery Center; that thereafter, the second phase will develop a similar professional medical office; that ambulatory surgery centers (ASC's), offer more cost-effective healthcare solutions than traditional hospital systems; that this results in reduced medical expenses for patients, shorter wait times, and increased accessibility for patients in need of specialized medical procedures; that Lewes Surgery Center (LSC) provided a letter of support, as did Beebe Medical Center, both of which in part emphasized Lewes Surgery Center's need for more space, because of its average utilization of 93% to 99%; that the request is consistent with the Comprehensive Plan being in the Commercial Area and Designated Growth Area; that the use will be consistent with the purpose of the I-1 District and other Institutional and Commercial uses in the immediate area of this site; that there was four letters of support submitted; that two are from property owners in a nearby residential community.

The Council found that Mr. Bruce Leshme, General Counsel & Chief Legal Officer for Beebe Healthcare, spoke on behalf of the Application. Mr. Leshme stated that he had been with Beebe Healthcare for 10 years, and currently resides in Lewes; that the site is the remaining parcel from land purchased in 1998 and 2000; that at the time the parcel consists of approximately 34 acres; that the proposed project would be the third and final phase of the site's development; that the land currently hosts their Bookhammer Outpatient Center, which is the one-story building, facing Rt. 24; that this is the location of the Beebe Outpatient Surgery Center, laboratory services, imaging services, and recently opened, Breast Health Center; that in addition, the land also hosts the Rehoboth Medical Arts Building, which sits between the Bookhammer building and Healthy Way; that the Tunnell Cancer Center occupies the entire first floor; that the second and third floors are occupied by various physician offices, and medical offices; that some of the office are for Beebe practices and others are for independent practices; that Beebe purchased a third parcel consisting of approximately 20 acres along Warrington Road in 2007; that on this parcel, Beebe's specialty surgical hospital that opened in 2022; that the three parcels totaling 54 acres comprises

**Public
Hearing/
CZ2015
(continued)**

Beebe's Rehoboth Health Campus.

There were no public comments.

The Public Hearing and public record were closed.

**M 505 23
Adopt
Ordinance
No. 2957/
CZ2015**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2957 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.44 ACRES, MORE OR LESS" for the reasons given by the Planning and Zoning Commission as follows:

- 1. This is a change of zone for the I-1 Zoning District. The I-1 Zoning District has permitted uses that focus on healthcare and institutional uses.**
- 2. The rezoning is consistent with the stated purpose of the I-1 District, which is to allow public, quasi-public, and institutional uses to occur on properties that are compatible with surrounding districts and uses. There are properties nearby that are zoned AR-1, GR, CR-1, and other I-1 zoned land. This property is also located along the Route 24 corridor in the vicinity of Route One. The purpose of the I-1 zoning and the permitted uses within the I-1 district are consistent with this area.**
- 3. There was testimony in the record that there is currently a need for additional healthcare facilities in this area of Sussex County, and particularly a surgery center of the type planned for this location.**
- 4. The rezoning will not adversely affect neighboring properties, public facilities, traffic, or area roadways. In fact, it is the continuation of the development of the existing Beebe Healthcare campus where this property is located. This is the third and final phase of this healthcare campus. The expansion of medical services at this location in an area where residential growth is occurring will reduce the need for the public to travel further afield for medical care on the County's road network.**
- 5. The site is located within the Beebe Healthcare campus with multiple points of access including Route 24 and Warrington Road as well as the rear of Rehoboth Mall. This location will provide convenient access to the public uses permitted under the I-1 zone.**
- 6. The property is served by central water and sewer.**
- 7. The rezoning to I-1 promotes the health, safety, and general welfare of Sussex County and its present and future residents by providing a convenient location for needed medical office space.**
- 8. Any further development of this site will require site plan review and approval of the Sussex County Planning and Zoning Commission.**

**M 505 23
Adopt
Ordinance
No. 2957/
CZ2015**

Motion Adopted: 4 Yeas, 1 Absent

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

**M 506 23
Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to adjourn at
4:23 p.m.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Absent; 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

HANS M. MEDLARZ
COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F

hans.medlarz@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: Hans Medlarz, P.E., County Engineer

RE: *Wolfe Neck WRF, Lagoon Solar RFP
A. Request for Approval to Release*

DATE: October 24, 2023

County Council in cooperation with the Lewes Board of Public Works retained the professional engineering firm GHD to conduct a facility upgrade study for the Wolfe Neck WRF. Any treatment expansion at the facility can only occur in the location of the primary treatment lagoon requiring removal of the accumulated biosolids. As a precursor of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3. For the support of the biosolids removal and dewatering equipment, a new electrical service and power distribution center is needed.

On August 15, 2023, Council awarded GHD's Amendment 22 – Advanced Electrical Design in the not to exceed amount of \$427,138.72 and Amendment 23 for the expansion of the long-range study to include Option 3c in the not to exceed amount of \$95,000.00 for study modifications.

The electrical design will accommodate both the immediate power needs associated with the biosolids project as well as the future plant expansion load. Under any discharge scenario, the treated effluent must be stored prior to final discharge. The compliance points any future discharge permit will be at the effluent pump station. In order to maintain compliance, the algae growth in the storage lagoon must be controlled by limiting the incoming light. A costly liner is one option, but research revealed a similar outcome can be achieved with floating solar panels.

The incoming DP&L service currently does not support the simultaneous facility load in addition to the expected biosolids project load. A solar power contribution can reduce or possibly eliminate any required electric utility upgrades. Furthermore, a solar power



contribution can easily be integrated in the ongoing advanced electrical facility switchgear design. A floating lagoon solar facility would be completely hidden from view below the embankment but give the facility upgrade a “green” component in addition to a lease payment to the County. In March of 2022 the Delaware Public Service Commission approved Order No. 9965 regulating community energy facilities. The County anticipates that the respondents develop a solar system under the Commission’s Community Energy Facility Program.

Therefore, the Engineering Department requests Council’s approval requesting proposals from qualified solar developers to lease the effluent lagoon surface at the Wolfe Neck RWF.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MEMORANDUM

To: Todd F. Lawson
County Administrator

From: Hans Medlarz, P.E.
County Engineer

Ref: Wolfe Neck Solar Lease RFP

Date: October 18, 2023

In conformance with the Sussex County Consultant Selection Procedure, the Engineering Department hereby requests permission to procure a qualified solar developer to lease the effluent spray lagoon surface at the Wolfe Neck Treatment Facility.

The consultant selection procedure shall be performed in accordance with Title 29, Chapter 69, Subchapter II of the Delaware Code, "Professional Services". The code requires the following actions of the County Administrator:

1. Approve the referenced scope of services.
2. Appoint a committee to evaluate the consultant applications, and designate one member as the person of responsible charge.

In our preliminary meeting to discuss the project, the following names were suggested as committee members:

Mr. Hans Medlarz, P.E.*
Mr. Todd Lawson
Mr. Parker Burdell

*Person responsible.

We respectfully request your approval of the committee.


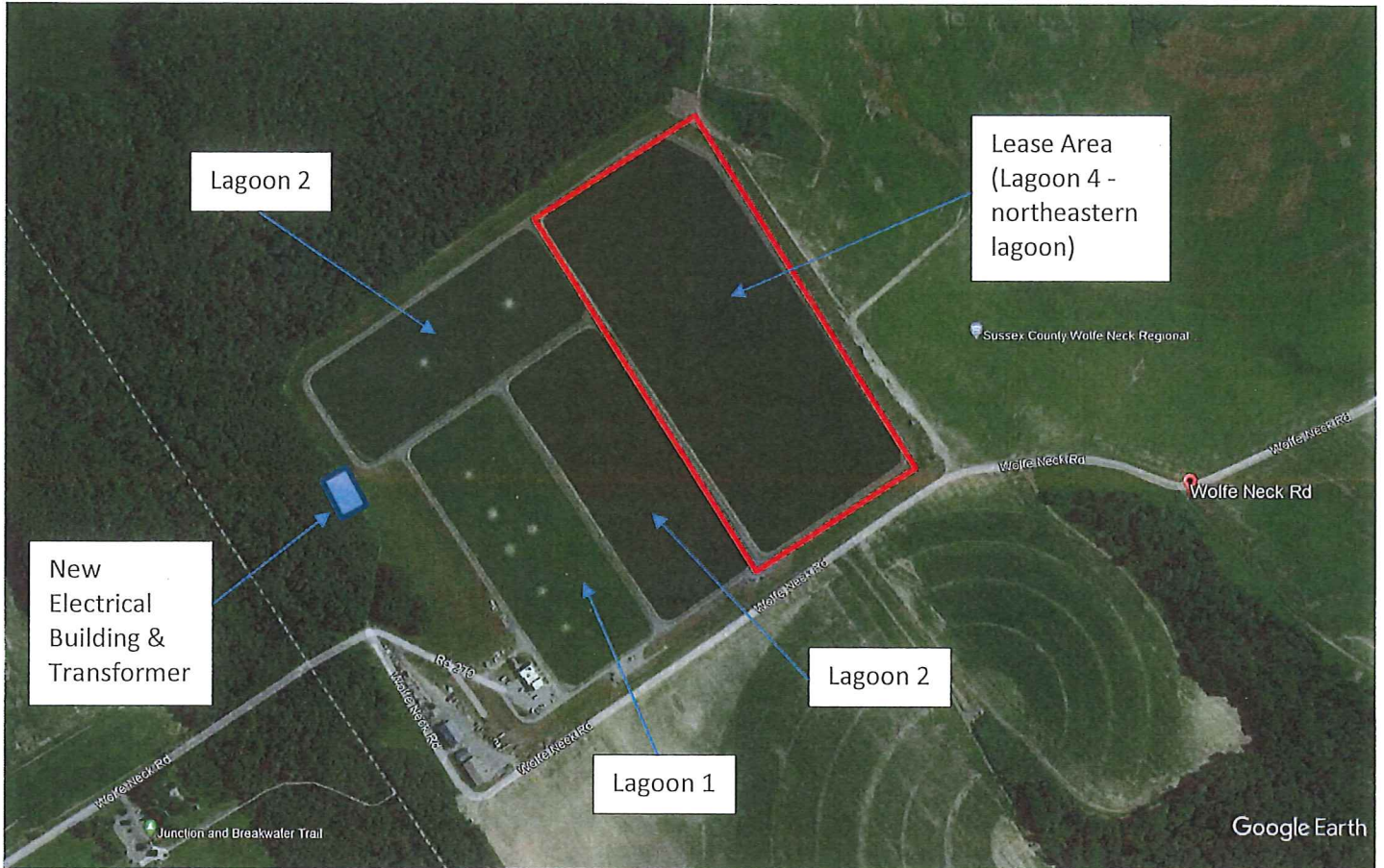
APPROVED: 
Todd F. Lawson, Sussex County Administrator



EXHIBIT F: SITE OVERVIEW



The lagoon 4 is about 12 feet deep normally and the depth can fluctuate very slowly seasonally between 4 and 20 feet deep. The lagoon has a clay lined bottom which must not be penetrated or damaged by any anchoring system.

Benefits:

1. Reduced algae growth by shading +/- 90% of light
2. Reduction or elimination of Wolfe Neck Road DP&L distribution line
3. Lease payment over service life of system
4. "Green" project component addressing citizen comments
5. Project integration into new electrical building project

ENGINEERING DEPARTMENT

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

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



Sussex County

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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: *T-Hangar Building, Project A22-23*
A. Change Order No. 1

DATE: October 24, 2023

The T-Hangar Building Project A22-23 was originally advertised for public bid on September 28, 2022, and on October 26, 2022 only one (1) bid was received and opened publicly. The single bid was in the amount of \$1,698,000, more than twice the programmed budget. At the recommendation of the Engineering Department, Council approved rejection of the single bid on November 15, 2022 and pursuance of an alternate project bid structure to establish lower and more competitive project bid pricing.

The alternative bid structure included re-packaging the T-Hangar Building *Invitation to Bid* to only include furnishing and installing the T-Hangar structure, with all site/utility support work providing by a separate Site Contractor through a direct solicitation pricing structure. On January 26, 2023, Project A22-23 was rebid including just the building structure and associated appurtenances. A total of two (2) bids were received on February 23, 2023, with the lowest bid submitted by The Whayland Company in the amount of \$467,900.00. The project was subsequently awarded to Whayland Company based on approval by Council March 21, 2023.

Following project award, additional review comments were received from the Office of the State Fire Marshal (OSFM) based on their review of the T-Hangar Building per NFPA 409 Chapter 10, Group III Hangars. The comments results in the addition of five (5) floor-grounding receptacles as well as interior fuel curbs to separate the interior T-Hangar units at the base of each wall. A 1-hour fire separate wall was also required between the interior utility room and adjacent T-Hangar unit which was not known at the time of bid.

At the request of the Engineering Department, Whayland Company submitted a Change Order with pricing to cover the above noted additional work items. The pricing has been reviewed,



and the **Engineering Department** recommends approval of **Change Order No. 1** to **Whayland Company** in the amount of **\$19,451.10**.



SUSSEX COUNTY CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: T-Hangar Building
2. Sussex County Project No. A22-23
3. Change Order No. 1
4. Date Change Order Initiated 09/08/2023
5.
 - a. Original Contract Sum \$467,900.00
 - b. Net Change by Previous Change Orders \$ 0.00
 - c. Contract Sum Prior to Current Change Order \$467,900.00
 - d. Requested Change \$19,451.10
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$487,351.10
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):


C. **BRIEF DESCRIPTION OF CHANGE ORDER:**
Changes based on OSFM review comments

D. **JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes No

E. **APPROVALS**

1. The Whayland Company, Contractor


Steve Hentschel (Oct 6, 2023 16:22 EDT) 10/06/2023

Signature Date

Steve Hentschel

Representative's Name in Block Letters

2. Sussex County Assistant Engineer



Signature Date

10/18/23

3. Sussex County Council President

Signature Date



Proposed Change Order #1 REV
Sussex County Facilities T-Hangar
August 31, 2023

Item #1 – Provide 2” by 6” by 20 gage metal curb angle along one side of all interior partitions. Includes ¼” by 1” Cobra drive nail anchors at 30” OC, a bed of sealant under the angle and two beads of sealant along both sides of the base of the angle. Sealant to be Sikasil-728NS.

Curb angle material	\$1,206.00
Anchors & drill bits	\$150.00
Labor	\$4,950.00
Caulking	\$2,850.00
15% O & P	\$1,373.40
Total	\$10,529.40

Item #2 – Provide one hour rated partition for the electric room with painted finish.

CFMF & drywall	\$4,900.00
Painting	\$675.00
15% O & P	\$836.25
Total	\$6,411.25

Item #3 – Provide five (5) floor grounded receptacles per the attached packet.

H & A Electric	\$2,183.00
15% O & P	\$327.45
Total	\$2,510.45



**OFFICE OF THE STATE FIRE MARSHAL
Technical Services**

22705 Park Avenue
Georgetown, DE 19947



FIRE PROTECTION PLAN REVIEW REPORT

Plan Review Number: 2022-04-212042-BLD-03

Tax Parcel Number: 135-20.00-75.00

Status: Not Approved as Submitted

Date: 08/07/2023

Project

Sussex County Facilities Hanger
Sussex County Facilities Hanger
Delaware Coastal Airport Property - Rudder Lane - Georgetown

21553 Rudder Land
Georgetown DE 19947

Scope of Project

Number of Stories: 1
Square Footage: 9828
Construction Class: II (000) Non-Combustible
Fire District: 77 - Georgetown Fire Co Inc

Occupant Load Inside:
Occupancy Code: 9790

Applicant

Mark Parker

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

Jefferson Cerri
Fire Protection Specialist II

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2022-04-212042-BLD-03

Tax Parcel Number: 135-20.00-75.00

Status: Not Approved as Submitted

Date: 08/07/2023

PROJECT COMMENTS

2000 A This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) dated September 1, 2021. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov These plans were not reviewed for compliance with the Americans with Disabilities Act. These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes. Project work must be started within two years from the issuance of the permit, otherwise, the permit will be terminated.

1500 A All plans must be reviewed and approved by this Agency prior to any work. Plan review status shall remain "NOT APPROVED AS SUBMITTED" until the following items have been received and approved by this Agency: **NOTE:** When revised plans are required to be resubmitted, a narrative letter does not suffice.

2130 A This structure has been reviewed as a Group III Aircraft Hangar in accordance with NFPA 409 as adopted and/or modified by the Delaware State Fire Prevention Regulations (DSFPR). Project work must be started within two years from the issuance of the permit, otherwise, the permit will be terminated.

PROVIDE BUILDING INFORMATION IAW NFPA 409, 2022 ED, CHAPTER 10, GROUP III AIRCRAFT HANGARS 10.1.5 A minimum of 15 cm (6 in.) high curbing shall be provided between each aircraft storage and servicing area to prevent the flow of liquid from one space to adjacent spaces. 10.6.2 Floor-grounding receptacles shall be provided and shall be either grounded through individual driven electrodes or electrically bonded together in a grid system and the entire system grounded to underground metal piping or driven electrodes. Where driven electrodes are used, they shall consist of 15.9 mm (5/8 in.) diameter or larger metal rods driven at least 1.5 m (5 ft) into the ground. Floor-grounding receptacles shall be designed to minimize the tripping hazard.

1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.

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
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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: ***Starlight Meadows Road Improvements – Chapter 96 Sussex Community Improvements***
A. Election Results & Project Authorization

DATE: October 24, 2023

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 R 015 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, the Engineering Department recommends approval of the Resolution provided, authorizing the County Engineer to proceed with improvements and authorizing the County Finance Director and County Engineer to determine a uniform billing rate based on actual costs after substantial completion of the Starlight Meadows Road Improvements project.

Enclosures: Proposed Resolution
Certified Election Results

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUSSEX COUNTY ENGINEER TO PERFORM IMPROVEMENTS, AND THE SUSSEX COUNTY ENGINEER AND FINANCE DIRECTOR TO DETERMINE A UNIFORM ASSESSMENT RATE FOR BILLING, UPON SUBSTANTIAL COMPLETION OF THE IMPROVEMENTS, FOR THE STARLIGHT MEADOWS CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT.

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 in Resolution No. R 015 23; and

WHEREAS, Sussex County Engineering Department held an Election for a Starlight Meadows Chapter 96 project in accordance with Sussex County Code, Chapter 96 on November 19, 2023 from 10:00 am until 3:00 pm; and

WHEREAS, the results of this November 19, 2023 Election were certified by J. Mark Parker, judge of the election, as being favorable in proceeding with the project. There were a total of twenty (20) votes cast. Of the twenty (20) total, seventeen (17) "Yes" votes were cast and three (3) "No" votes were cast. The number of "Yes" votes cast represents the majority of total votes cast, as stipulated by Sussex County Code, § 96-6(B).

NOW THEREFORE,

BE IT RESOLVED that the Sussex County Council confirms and authorizes the Sussex County Engineering Department to proceed with the design and construction of the specified improvements for Starlight Meadows Chapter 96 Sussex Community Improvement project; and

BE IT FURTHER RESOLVED that Sussex County Council authorizes the Sussex County Engineer and the Sussex County Finance Director to complete the improvements, and to compile a final cost accounting to determine a uniform rate of assessment for all assessable properties within the Starlight Meadows Chapter 96 project, upon substantial completion, as specified in Sussex County Code, Chapter 96.

J. Mark Parker, P.E.
Assistant County Engineer
Presented on: October 24, 2023



Certified Election Results
Starlight Meadows
Proposed Chapter 96 Sussex Community Improvement Project

The voting results for the Starlight Meadows Proposed Chapter 96 Sussex Community Improvement Project Election, held on Tuesday, September 19, 2023, in accordance with Sussex County Council Resolution No. **R 015 23**, were as follows:

	<u>Yes Votes</u>	<u>No Votes</u>		
Votes cast in-person	<u>14</u>	<u>1</u>	=	<u>15</u> total votes in-person
Votes by absentee ballot	<u>3</u>	<u>2</u>	=	<u>5</u> total votes by absentee ballot
TOTAL	<u>17</u>	<u>3</u>	=	<u>20</u> total votes cast

The Starlight Meadows proposed project was voted (in favor of) / (against) proceeding 17 - 3.

Results Certified by:

J. Mark Parker, P.E.

Sussex County Appointed Judge of Election

September 19, 2023



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: October 19, 2023

RE: County Council Report for C/U 2350 filed on behalf of Beaver Dam Enterprises, LLC

The Planning and Zoning Department received an application (C/U 2350 filed on behalf of Beaver Dam Enterprises, LLC) for a Conditional Use for parcel 234-6.00-6.02 for multi-family (2 units). The property is located at 30857 Saddle Ridge Way, Lewes. The parcel size is 2.14 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on March 23, 2023. At the meeting of April 20, 2023, the Planning & Zoning Commission deferred action on the application to allow for an Ordinance to be prepared and introduced to enable the Commission to consider a potential amendment to the Future Land Use Map element of the Comprehensive Plan.

A Public Hearing was held before the County Council on September 19, 2023. At the conclusion of the Public Hearing, a motion was made and passed to defer action on the application, holding the record open to receive a recommendation from the Planning & Zoning Commission and, once a recommendation was received, the public shall have a period of 5 days to submit additional written comments. Below is a link to the minutes of the County Council meeting of September 19, 2023.

[Link to the Minutes of the September 19, 2023 County Council Meeting](#)

On September 28, 2023, the Planning & Zoning Commission recommended approval of application C/U 2350 for the 7 reasons stated and subject to the 13 recommended conditions as outlined in the motion. This recommendation was reported to County Council at its meeting of October 10, 2023.

Below are the minutes from the Planning & Zoning Commission meeting of March 23, 2023, April 20, 2023, and September 28, 2023.



Minutes of the March 23, 2023, Planning & Zoning Commission Meeting

C/U 2350 Beaver Dam Enterprises, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS.

The property is lying on the west side of Beaver Dam Road (Rt. 23), approximately 0.50 mile north of Hopkins Road (S.C.R. 286). 911 Address: 30857 Saddle Ridge Way, Lewes. Tax Map

Parcel: 234-6.00-6.02.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's Exhibit Booklet, the Staff Analysis, a letter received from the Sussex County Engineering Department Utility Planning Division, a letter from the U.S. Army Corp of Engineers, and the DelDOT Service Level Evaluation Response. Mr. Whitehouse advised the Commission that a four-signature petition was received in support of the Application.

The Commission found that Ms. Mackenzie Peet, Esq. with Baird Mandalas Brockstedt Federico & Cardea spoke on behalf of the Applicant, Beaver Dam Enterprises, LLC; that also present were Mr. Anton Balakin, on behalf of the Applicant, and Mr. Kenneth Christenbury, P.E., President of Axiom Engineering, LLC. Ms. Peet stated the Applicant previously met with Director Jamie Whitehouse for his pre-submittal meeting on January 12th, 2022, where it was determined his proposed use could proceed as a Conditional Use; that subsequently, the Applicant submitted a Conditional Use application on February 4th, 2022; that the request is for a Conditional Use of land within the AR-1 (Agricultural Residential) Zoning District to convert an existing pole building into two residential units; that the property consist of 2.144 acres, located on Saddle Ridge Way in Lewes; that the property is accessed from Beaver Dam Rd.; that adjacent properties are zoned AR-1 (Agricultural Residential), GR (General Residential) and MR (Medium-Density Residential); that the surrounding area has largely been developed with single-family residential units and number of surrounding subdivisions; that the GR and MR zoned properties are at the location of Oak Crest Farms; that there are other scattered existing residential developments near the property; that there are many Conditional Uses approved in the area, as confirmed by the Planning & Zoning Map and the Office of Planning & Zoning Memorandum; that the Applicant submitted a number of exhibits, consisting of the Conditional Use Application and deed, property information and updated legal description; that within Exhibit 3, a Minor Subdivision Plan for Iron Horse Ranch was submitted; that the subdivision plan includes the construction plan and site distance triangle; that the plan shows access to the site from Beaver Dam Rd, by a gravel road easement, which continues to the existing pole building; that the existing pole building makes up about seven percent of the .135 acre site; that the undeveloped forest area make up approximately 1.577 acres (70%) of the site; that the gravel driveway and gravel parking area consist of the remaining .432 acre (23%) of the site; that also submitted were the Sussex County aerial maps and images of the property; that the photos reflect that the property is very well maintained and currently in good condition; that Exhibit 7 contains the determination from the U.S. Army Corp of Engineers, confirming that no wetlands are located on the site; that Exhibit A contains proposed Conditions of Approval; that the Future Land Use Map indicates the property is located within the Low Density Area; that all properties within the immediate vicinity are also located within the Low Density Area; that Low Density Areas are considered to be rural areas, in contrast to growth areas; that as of 2018, all lands designated as Low Density Areas according to the Comprehensive Plan, are

also zoned AR-1 (Agricultural Residential); that the Comprehensive Plan provides guidelines that should be applied to future growth in Low Density Areas; that residential growth is expected, with the intent to maintain the rural landscape; that the Applicant believes the proposed Conditional Use plan does meet the requirements with the significant amount of undeveloped area; that the proposed use may be permitted as a Conditional Use when approved in accordance with Article 24 of the Code, when the purposes of the AR-1 Chapter are more fully met; that the purpose of the AR-1 District is to provide a full range of agricultural activities and to protect agricultural lands, as one of the County's most valuable natural resources from the depreciating effect of objectionable hazardous and unsightly uses; that the Applicant should also protect established agricultural operation and activities; that these districts are also intended for protection of watershed, water resources, forest areas, and scenic views, while providing low density residential development; that §115-171 details the purpose of Article 24 relating to Conditional Uses, to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district; that these uses are generally of public or semi-public character; that the uses are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan and the possible impact not only on neighboring properties, but on a large section of the County; that this requires the exercise of planning judgement on location and site plan; that the proposed use is of semi-public character, as it proposes a low density development, at less than one unit per acre, with two units proposed on a 2.14 acre parcel with 70% of the site being undeveloped; that each unit will consist of three bedrooms and two bathrooms; that the Applicant intends to rent the units on an annual basis; that there is a significant demand for rental units in Lewes and Rehoboth areas, especially rental units offered on an annual basis in Sussex County; that the proposed use is compatible with surrounding residential uses, with lower density in comparison to the single-family residential uses nearby being mostly constructed at two units to the acre or as a cluster subdivision; that public utilities are available to the site; that the units will be served by public water, provided by Tidewater and sewer, provided by Artesian; that access to the site is by an easement off Beaver Dam Rd.; that DelDOT's response to the Service Level Evaluation Request provided that the use will generate fewer than 50 vehicle trips per day; that DelDOT considers the development's traffic to be diminutive; that Code compliant parking will be provided with four spaces, provided parking is proposed towards the rear of the property; that the use is not anticipated to adversely impact neighboring properties as the site has an existing vegetative buffer screening the proposed use from adjacent properties; that one letter supporting the Application was also submitted; that there are a number of more intensive uses located within the surrounding area; that the Office of Planning & Zoning's Memorandum reflects 23 Conditional Uses in the area, as well as confirmed the proposed use is consistent with the design and land uses in the area and for the reasons stated, the Applicant respectfully requested the Commission's recommendation of approval for the proposed Application.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support of or opposition to the Application.

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 2350 Beaver Dam Enterprises, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Stevenson and carried unanimously. Motion carried 3-0.

Minutes of the April 20, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since March 23, 2023.

Ms. Stevenson moved that the Commission to defer this Application to allow the Applicant to apply for a Future Land Use Map Amendment because a conditional use for multi-family dwellings in the AR-1 District is not permitted in an area designated as the “Low-Density Area” on the Sussex County Future Land Use Map.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer C/U 2350 Beaver Dam Enterprises, LLC for the reasons and conditions stated in the motion. Motion carried 4-0.

Minutes of the September 28, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since April 20, 2023, with the Public Hearing being held at the prior meeting of March 23, 2023.

Ms. Wingate moved that the Commission recommend approval of C/U 2350 Beaver Dam Enterprises, LLC, for 2 Multi-Family Units based upon the record made during the public hearing and for the following reasons:

1. The property is zoned AR-1 Agricultural Residential. Multi-Family conditional uses can be appropriate in the AR-1 District when the land is located in the Coastal Area according to the Future Land Use Map in Sussex County’s Comprehensive Plan. This Commission has recommended approval of a change to the Future Land Use Map to designate this land as being within the Coastal Area.
2. The property is in the vicinity of other residential developments and land that is zoned AR-1, GR, and MR. This conditional use is consistent with other zoning and development in the area.
3. DelDOT has reviewed the proposed project and has determined that the development’s traffic impact will be “diminutive”. This development will also be required to comply with all roadway and entrance improvements mandated by DelDOT.
4. This small multi-family conditional use meets the purpose of the Zoning Code since it promotes the orderly growth of the County in an appropriate location.
5. The proposed use is consistent with the County’s Comprehensive Land Use Plan. It will be in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single-family homes, townhouses, and multifamily units.
6. There is no evidence that this project will adversely affect the neighboring properties, area roadways, or community facilities.
7. There was no opposition to this Application and there was one letter in support from the site’s neighbors.
8. This recommendation is subject to the following conditions:
 - A. There shall be no more than 2 Units within the development.
 - B. All entrances, intersections, roadways, and multimodal improvements required by

- DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
- C. Central sewer shall be provided to the development.
 - D. The development shall be served by a central water system providing adequate drinking water and fire protection.
 - E. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
 - F. The trash receptacles shall be standard roll-out residential containers assigned to each unit. They shall be stored in an enclosed area. No dumpsters shall be permitted.
 - G. Construction, site work, and deliveries shall only occur on the site between the hours of 7:30 a.m. through 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
 - H. As required by Section 115-22 of the Zoning Code regarding Multi-Family conditional uses in the AR-1 District, a 75-foot-wide vegetated buffer shall be installed along the perimeter of the development. This buffer area shall utilize existing trees and other vegetation to the fullest extent, with infill planting as needed to comply with the buffer requirements Section G (1) through (5) of Section 115-22 of the Zoning Code addressing AR-1 multi-family conditional uses.
 - I. The Final Site Plan shall include a landscape plan for the development showing the forested areas to be preserved, the proposed tree and shrub landscape design, and the buffer areas. The existing trees and other vegetation that will not be disturbed shall be clearly shown on the Final Site Plan and marked on the site itself so that they are not disturbed during construction.
 - J. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - K. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - L. This recommendation is contingent upon County Council approving the amendment to the Future Land Use Map designating this property as being within the Coastal Area.
 - M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2350 Beaver Dam Enterprises, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Mears: Yea, Mr. Collins, Yea, Ms. Wingate: Yea, Chairman Wheatley Yea. Motion carried. 4-0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: March 23, 2023

Application: CU 2350 Beaver Dam Enterprises, LLC

Applicant: Beaver Dam Enterprises, LLC
PO Box 555
Nassau, DE 19969

Owner: Anton Balakin
30862 Saddle Ridge Way
Lewes, DE 19958

Site Location: West side of Beaver Dam Road (Rt. 23), approximately 0.50 mile north of Hopkins Road (S.C.R. 286)

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

Proposed Use: 2 Unit Multifamily

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Rieley

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Artesian

Water: On-site well

Site Area: 2.144 acres +/-

Tax Map ID.: 234-6.00-6.02



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mx. Jesse Lindenberg, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: March 23, 2023
RE: Staff Analysis for C/U 2350 Beaver Dam Enterprises, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2350 Beaver Dam Enterprises, LLC to be reviewed during the March 23, 2023, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 234-6.00-6.02 to allow for a two-unit multifamily project. The property is located on the west side of Beaver Dam Road (Rt. 23), approximately 0.50 mile north of Hopkins Road (S.C.R. 286). The parcel is comprised of a total area of 2.144 acres +/-.

Comprehensive Plan Analysis

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 parcel has a designation of “Low Density.” The adjacent parcels to the north, south, west, and east (across Beaver Dam Rd) also have a designation of “Low Density.”

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. The adjacent properties to the north, south, west, and east (across Beaver Dam Rd) are also zoned Agricultural Residential (AR-1) District.



Existing Conditional Uses within the Vicinity of the Subject Site

Since 2011, there have been twenty-three (23) Conditional Use applications within a one (1) mile radius of the application site. These applications are outlined below.

Conditional Use Number	APPLICANT	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
265	Leroy Lucas	AR-1	Manufactured Home Park	N/A	N/A	Approved	4/29/1975	N/A
272	Melvin Gollub & Ada	AR-1/GR	FM radio station & tower	N/A	N/A	Approved	6/10/1975	N/A
550	John & Barbara Clark	GR	Upholstery shop/antique & used furniture sales	N/A	N/A	Approved	10/16/1979	N/A
616	John R. Metcalf	GR/AR-1	Manufactured Home Park	N/A	N/A	Withdrawn	N/A	N/A
1017	Townsend Inc.	AR-1	Sludge Application to Forested Land	Recommended Denial	10/22/1992	Withdrawn	N/A	N/A
1568	Douglas W. Brockway	AR-1	Boat repair & accessory	Recommended Approval	11/18/2004	Approved	3/15/2005	1759
1635	Thomas N. & Marion L. Rossi	AR-1	Landscaping	Recommended Approval	1/26/2006	Approved	2/14/2006	1825
1718	Artesian Water Co., Inc.	AR-1	Sewer Treatment Facility	Recommended Approval	11/30/2006	Approved	12/5/2006	1881
1756	Artesian Water Company, Inc. (Heron Bay)	AR-1	Water Utility	Recommended Approval	7/26/2007	Approved	8/14/2007	1928
1932	Tanya Gibbs & Kimwuan Gibbs	GR	Automotive Sales Lot	Recommended Denial	8/23/2012	Denied	1/15/2013	
2006	Thomas/Laura Kucharik	AR-1	Seasonal farm stand/garden center	Recommended Approval	1/22/2015	Approved	3/10/2015	2388
2014	Jay Beach	AR-1	Landscaping and Site Work Business	Recommended Approval	4/23/2015	Approved	10/13/2015	2420
2082	Tidewater Utilities	AR-1	Withdrawn	Withdrawn	N/A	Withdrawn	N/A	N/A
2138	Walker Construction Inc.	AR-1	Site contracting excavating services, with storage, repair and maintenance and light material storage with office	Recommended Approval	8/9/2018	Approved	8/21/2018	2596
2177	Ingrid Hopkins	AR-1	Events venue	Recommended Approval	7/18/2019	Approved	7/30/2019	2670
2216	Kenneth Dominic Alton Drummond	AR-1	Storage & residence for manager Quality Care Homes	Recommended Approval	8/13/2020	Approved	8/25/2020	2735

2232	Covered Bridge Inn, LLC	AR-1	Wedding Event Space	Recommended Approval	8/13/2020	Withdrawn	12/29/2020	N/A
2247	Hillary Brock	AR-1	Mini Spa	Recommended Approval	11/19/2020	Approved	12/1/2020	2757
2273	Michael Parsons	AR-1	Delivery of Commercial Part for Off-Site Sales	Recommended Approval	11/18/2021	Approved	11/30/2021	2815
2280	Covered Bridge Inn, LLC	AR-1	Wedding Event Space (Resubmitted)	Recommended Approval	6/10/2021	Approved	7/13/2021	2790
2379	Lewes Saddle Ridge Solar 1, LLC	AR-1	Solar Farm	N/A	N/A	N/A	N/A	N/A
2382	Consolidated Edison Development, Inc.	AR-1/GR	Solar Farm	N/A	N/A	N/A	N/A	N/A

Based on the analysis provided, the Conditional Use to allow for a two-unit multifamily project in this location could be considered as being consistent with the land use, area zoning and surrounding uses, subject to considerations of scale and impact.



Sussex County



PIN:	234-6.00-6.02
Owner Name	BEAVER DAM ENTERPRISES LLC
Book	5518
Mailing Address	PO BOX 555
City	NASSAU
State	DE
Description	IRONHORSE RANCH
Description 2	PARCEL 3
Description 3	N/A
Land Code	

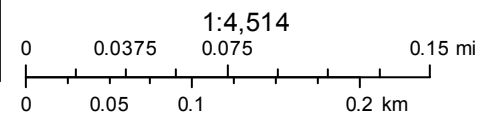
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Override 1

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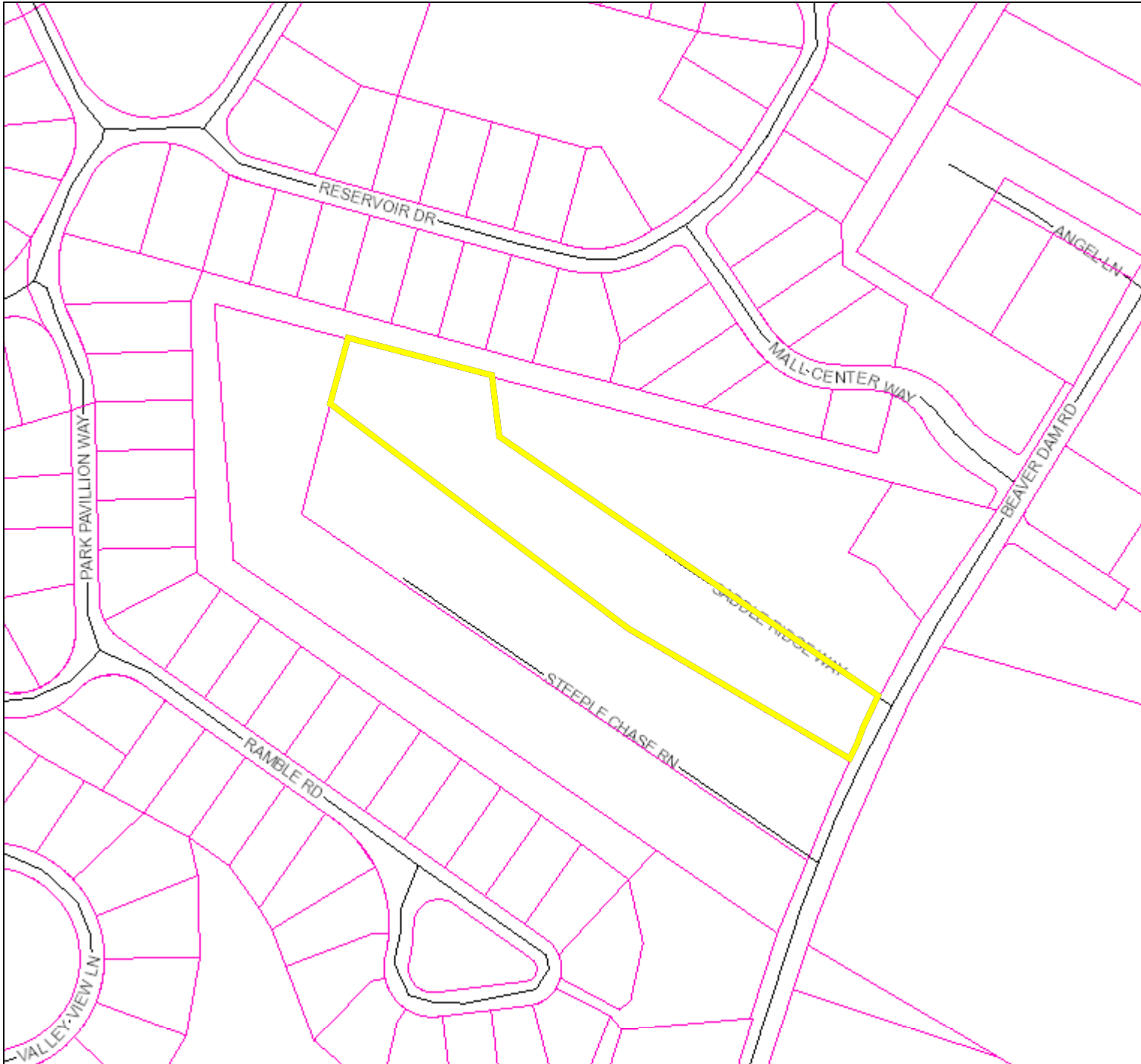
Override 1

- Tax Parcels
- Streets
- County Boundaries





Sussex County






PIN:	234-6.00-6.02
Owner Name	BEAVER DAM ENTERPRISES LLC
Book	5518
Mailing Address	PO BOX 555
City	NASSAU
State	DE
Description	IRONHORSE RANCH
Description 2	PARCEL 3
Description 3	N/A
Land Code	

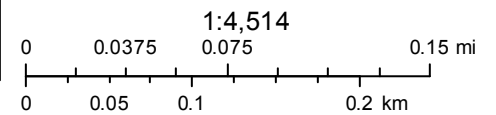
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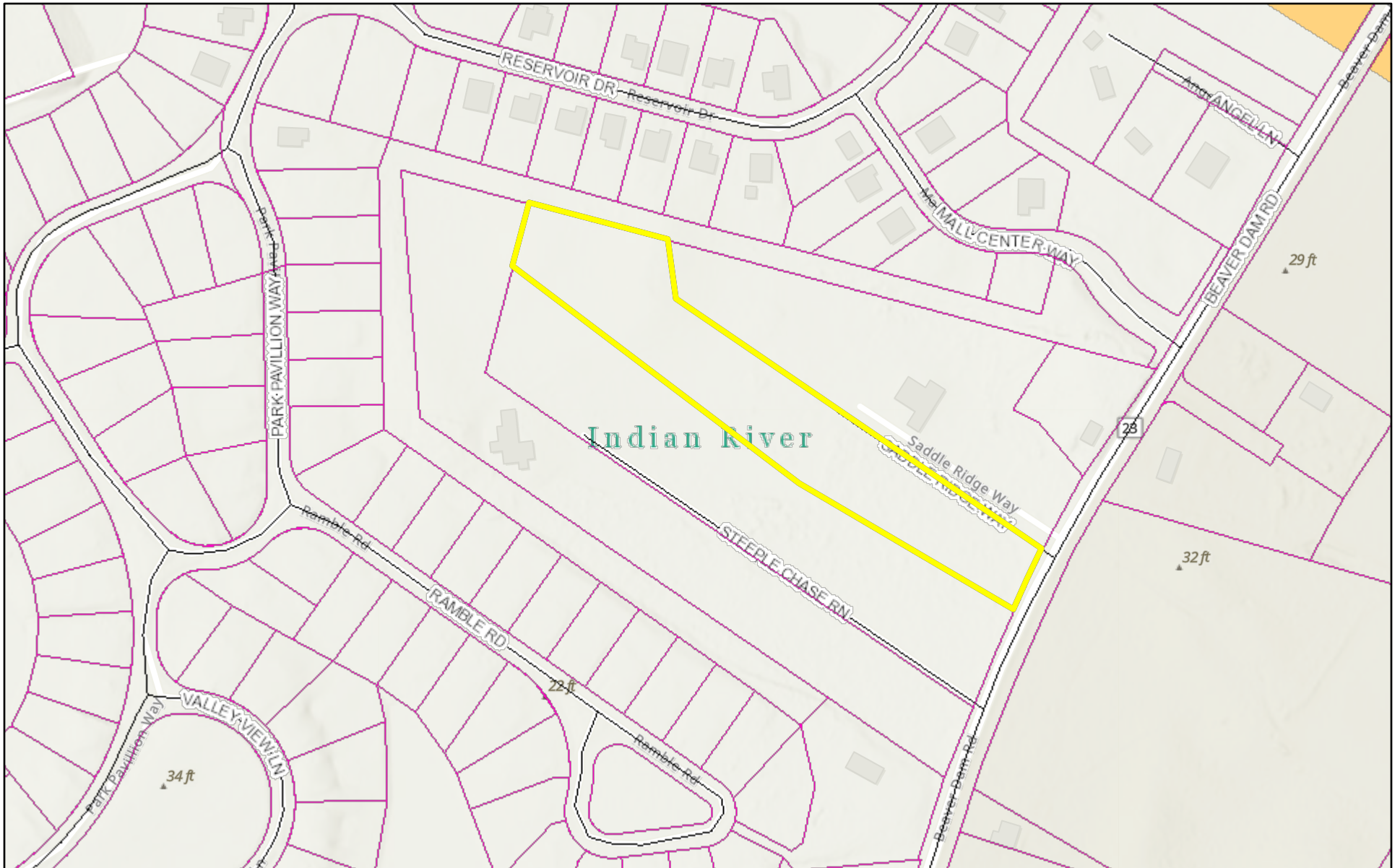
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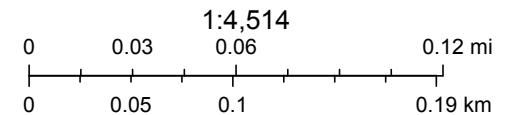
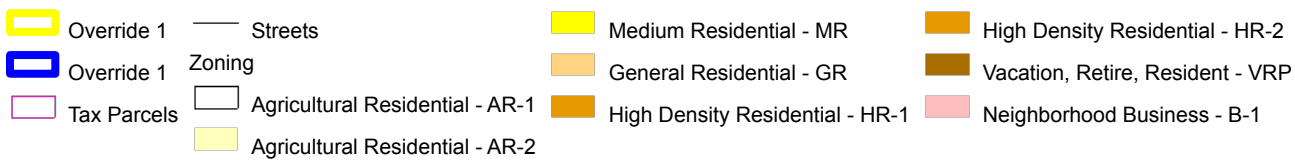
-  Tax Parcels
-  Streets
-  County Boundaries



Sussex County



February 20, 2023



Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystyrelsen, Rijkswaterstaat, GSA,



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: October 19, 2023

RE: County Council Report for Ord 23-11 Relating to the Future Land Use Map Element of the Comprehensive Plan (Tax Parcel 234-6.00-6.02)

On July 11, 2023, the County Council introduced an Ordinance to consider a potential amendment of the Future Land Use Map element of the Comprehensive Plan in relation to Tax Parcel No. 234-6.00-6.02 for a change from the low-density area designation to the Coastal Area designation. The parcels are located on the west side of Beaver Dam Road (Rt. 23), approximately 0.50 mile north of Hopkins Road (SCR 286). The 911 address is 30857 Saddle Ridge Way, Lewes.

The Planning & Zoning Commission held a Public Hearing on the Ordinance on August 10, 2023. At the meeting of September 14, 2023, the Planning & Zoning Commission recommended adoption of the Ordinance for the 10 reasons as outlined within the motion (copied below).

The Ordinance was subject to a Public Hearing before the Planning & Zoning Commission at its meeting of September 19, 2023. At the conclusion of the public hearing, action on the application was deferred for further consideration.

Below are the minutes from the Planning & Zoning Commission meeting of August 10, 2023, and September 14, 2023.

Minutes of the August 10, 2023, Planning & Zoning Commission Meeting

ORD 23-11

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-6.00-6.02. The property is lying on the west side of Beaver Dam Road (Rt. 23), approximately 0.50 mile north of



Hopkins Road (S.C.R. 286). 911 Address: 30857 Saddle Ridge Way, Lewes. Tax Map Parcel: 234-6.00-6.02.

Mr. Whitehouse advised the Commission that the Ordinance request is to amend the Future Land Use Map element of the Comprehensive Plan from a Low-Density Area to a Coastal Area. Mr. Whitehouse stated that the Commission previously considered a Conditional Use application for the property at a previous public hearing; that at the time, the Commission deferred the Conditional Use application to allow for the Ordinance to be introduced to the County Council and proceed through the process; that the Application was submitted to PLUS; that the PLUS comments had not yet been received by staff, and he was happy to provide the Commission a verbal update with what happened during the PLUS meeting if not presented within the Applicant's presentation.

The Commission found that Ms. Mackenzie Peet, Esq. with Saul Ewing, LLP, spoke on behalf of the Applicant, Beaver Dam Enterprises, LLC; that also present was Mr. Anton Balakin on behalf of the Applicant. Ms. Peet stated that on March 23rd, 2023, the Applicant appeared before the Commission to present its request for a Conditional Use of land for the conversion of an existing pole building, currently existing on the property; that the Applicant request to convert the existing pole building into two multifamily units, with each unit to be rented on an annual basis; that after the public hearing, the Applicant learned, despite an understanding to the contrary, the Application could not proceed without an amendment to the Future Land Use Map; that former Commissioner Kim Hoey-Stevenson, motioned at the meeting of April 20, 2023, to defer a decision to allow for the Applicant to pursue the required Future Land Use Map amendment; that since the public hearing on March 23, 2023, the Applicant has worked with the Planning & Zoning office to seek an amendment to the Future Land Use Map that designates the property from Low Density to Coastal Area; that as part of the request, the Application was also put through the PLUS process; that they anticipate to receive the PLUS comments within the next month, and should be received prior to the public hearing scheduled for September 19, 2023, before County Council; that the property is 2.144 acres, being located along Saddle Ridge Way in Lewes; that the property is located on the west side of Beaver Dam Rd., being approximately .5 mile north of Hopkins Rd.; that the property is accessed from Beaver Dam Rd.; that the property is located within the AR-1 (Agricultural Residential) Zoning District; that the property is located adjacent to other properties located within AR-1, GR (General Residential) and MR (Medium-Density Residential); that the area is largely developed with residential units in a number of surrounding communities; that §115-22 of the Code provides that multifamily dwelling structures may be permitted as Conditional Uses; that the Code requires, in part, that multifamily dwelling units in AR-1, the applicable zoning district are located in designated growth areas, including Town Center, Developing Area, or Coastal Area, as described within the land use element and shown on the Future Land Use Plan, provided in the Comprehensive Plan, specifically; that due to this, the Applicant seeks a Future Land Use Map amendment from Low Density to Coastal Area; that the Coastal Area is a designated Growth Area, which will permit the use of the existing pole building as a two unit multifamily dwelling, with the intent of renting each unit on an annual basis; that she believed it was common knowledge that in Sussex County, especially in the Rehoboth and Lewes area, people are seeking rental properties; that the proposed use is only for two units, however, it is proposed for an already existing pole building; that the property is extremely well manicured; that there is certainly a demand for the Applicant's proposed use; that the use will otherwise comply with the requirements of the Code; that the request is supported by the Conditional Use Plan that was submitted as Exhibit B, as part of the Future Land Use Map Application submission; that the Conditional Use Plan provides significant vegetative buffers and open space; that the existing pole building makes up a very small portion, being approximately 7% of the site; that the undeveloped and forested area make up 70% of

the site; that the remaining areas of the site are comprised of the pervious gravel driveway and parking area, which make up the remaining 23% of the site; that as part of the Conditional Use submission, the Applicant proffered Conditions of Approvals, which proposed to limit the use to two units within the Conditional Use area; that the proposed conditions proposed that the Developer will provide for the perpetual maintenance of the streets, roads, stormwater management, etc.; that the common areas will contain a stormwater management system, that will meet or exceed the requirements of the Code; that all entrances will conform with the DelDOT requirements; that the project will be served by central water and sewer; that any hours of construction improvements be limited in nature; that for the Conditional Use application, there was a four-signature petition from the surrounding property owners submitted in support of the Application; that Mr. Anton Balakin owns other property adjacent to the site as well; that the property is currently located within the Low Density area according to the Future Land Use Map of the Comprehensive Plan; that the Applicant is requesting to amend the Future Land Use Map to allow the property to be located within the Coastal Area; that the Coastal Area permits for a range of housing types, including multifamily units, such as what it is proposed; that the plan confirms that Sussex County's base density of two units per acre is appropriate in the Coastal Area; that the proposed use is less than that of the allowable base density; that the proposed two units would be located on 2.144 acres; that the Applicant is not proposing medium to higher density for the project, however the plan does support medium to higher density development, in the Coastal Area, where central water and sewer are available, sufficient commercial uses and employment centers are located, where the use is in keeping with the character of the area, located along a main road, and/or is located along a major intersection, where there is an adequate level of service, or where other considerations exist that are relevant to the requested project and density; that the Comprehensive Plan also encourages the preservation of natural resources or open space in the Coastal Area; that all of which is encouraged by the proposed plan, and evidenced within Exhibit B; §4.4.2.1 of the Comprehensive Plan entitled, Growth Areas, provides that the County should consider the following to help determine where Growth Areas should be located; that consideration should be given to the proximity to incorporated municipality or municipal annexation, the location on or near a major road or intersection, the character and intensity of the surrounding development, including proposed development, the location relative to major preserved lands, location of water bodies, location of agriculture, protected easements, the areas environmental character, the areas ranking according to the Delaware Strategies for State Spending map, and the presence of existing public water and sewer; that for the proposed project, the County is to provide public sewer service within five years; that the proposed Future Land Use Map Amendment to the Coastal Area would be consistent with the area and the Comprehensive Plan, because multifamily units are permitted in the area; that AR-1 is an applicable Zoning District in the Coastal Area; that the use is less than Sussex County's base density of two units per acre; that the use is therefore compatible with the nearby residential communities; that the use proposes the maintenance of existing and proposed open space areas and vegetative buffers; that public utilities are available to the site; that access to the site is located off an easement, being located off Beaver Dam Rd.; that through DelDOT's Service Level Evaluation, provided that the use will generate fewer than 50 trips per day; that the Office of State Planning commented regarding the sites location within Investment Level 4, and the properties location not being immediately adjacent to other Coastal Area designated properties; that the property is located within Investment Level 4, however, the surrounding area is developed along Beaver Dam Rd. with residential properties; that the request is to use an existing structure on the site; that the Applicant is attempting to use, what he considers to be, the best use for the property; that when review the Future Land Use Map in general for Sussex County, there are other isolated pockets of Coastal Area throughout the County, being surrounding by, adjacent to, or within the vicinity of the Low Density Area; that an example of this would be a property located down the street, at the Conley's Chapel Rd.

and Beaver Dam Rd. intersection; that there are also properties located in the Selbyville area, owned by Mountaire, and properties on and near Camp Arrowhead Rd.; that she noted, Chairman Wheatley previously mentioned concern regarding a potential flood of similar request beginning, if the project were to receive a recommendation of approval; that the subject property is unique; that the property is situated in the residential area, with an existing structure on the site; that the property is located within the immediate vicinity of other properties that are classified as being within the Coastal Area, located across Beaver Dam Rd.; that she understood, there is a separation of properties located within Low Density, but she requested the Commission focus on the intended use, being for a two unit rental within the existing pole building; that the property provides significant open space and vegetative buffers, all of which are in character, not only with the AR-1 Zoning District, but the Coastal Area as well; that in the event the Applicant would ever want to seek a use outside of the scope proposed, and otherwise not permitted within AR-1, the Applicant would be required to make a new Application and appear back before the Planning & Zoning Commission and/or County Council; that a new land use submission would require the Applicant to proceed through the Site Plan process and any other approvals; that the Conditional Use request will be subject to the Conditions of Approval, and for all the reasons provided on the record and at the previous Conditional Use hearing, which she requested to incorporate by reference, the Applicant requests the Commission recommend approval of not only the Conditional Use request, but also the current amendment to the Future Lands Use Map from Low Density to Coastal Area.

The Commission found that no one was present in support of or in opposition to the Application.

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 Ord. 23-11 requesting to amend the Future Land Use Map of the Comprehensive Plan in relation to Tax Parcel No. 234-6.00-6.02. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

Minutes of the September 14, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Ordinance application which had been deferred since August 10, 2023.

Ms. Wingate moved that the Commission recommend approval of Ordinance No. 23-11 to change the Future Land Use Designation of Parcel # 234-6.00-6.02 from its current designation as being within the Low-Density Area to being within the Coastal Area within the County's Future Land Use Map based on the record made during the public hearing and for the following reasons:

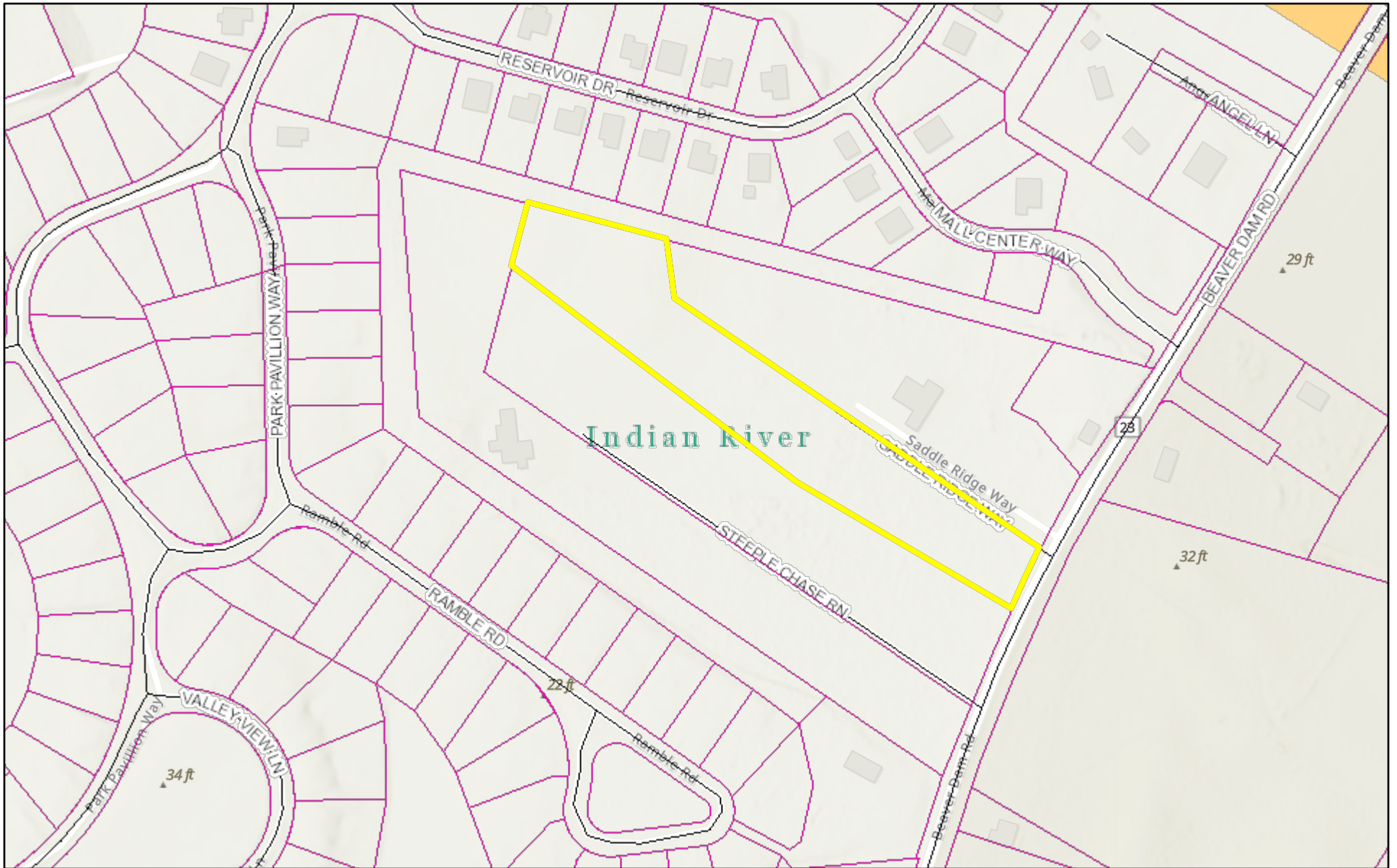
1. The property is currently designated as a "Low-Density Area" within the County's Future Land Use Map.
2. The Future Land Use Map designates the property on the opposite side of Beaver Dam Road as "Coastal Area" and there is some existing "Coastal Area" land mapped on the same side of Beaver Dam Road.
3. There was no opposition to this proposed amendment to the Future Land Use Map.

4. This property is located along Beaver Dam Road in an area that has developed with multiple large subdivisions around it. Presumably, since these subdivisions preceded the current Future Land Use Map, there was no consideration about mapping them to direct their future development and they were left within the Low-Density Area. However, they are also consistent with the Coastal Area designation and could have been given that designation at the time the current Future Land Use Map was drafted and approved.
5. For all of these reasons, it is appropriate to recommend that Parcel No. 234-6.00-6.02 be changed to the “Coastal Area” on the Future Land Use Map.
6. In addition, in recognition of the existing development in this area and the nearby mapping, it would be appropriate for the County Council to separately consider changing all of the land in this triangle between Fisher Road, Hopkins Road, and Beaver Dam Road to the Coastal Area in our Future Land Use Map.
7. For all of these reasons, I move that the Commission recommend approval of Ordinance No. 23-11.

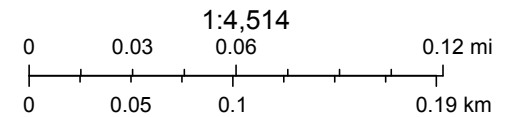
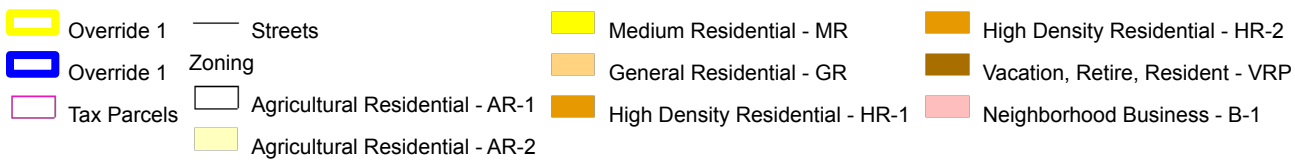
Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of Ord. 23-11 to amend the Future Land Use Map of the Comprehensive Plan in relation to Tax Parcel No. 234-6.00-6.02, for the reasons stated in the motion. Motion carried 5-0.

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

Sussex County



February 20, 2023



Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystyrelsen, Rijkswaterstaat, GSA,



Sussex County



PIN:	234-6.00-6.02
Owner Name	BEAVER DAM ENTERPRISES LLC
Book	5518
Mailing Address	PO BOX 555
City	NASSAU
State	DE
Description	IRONHORSE RANCH
Description 2	PARCEL 3
Description 3	N/A
Land Code	

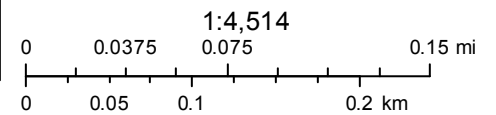
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Override 1

polygonLayer

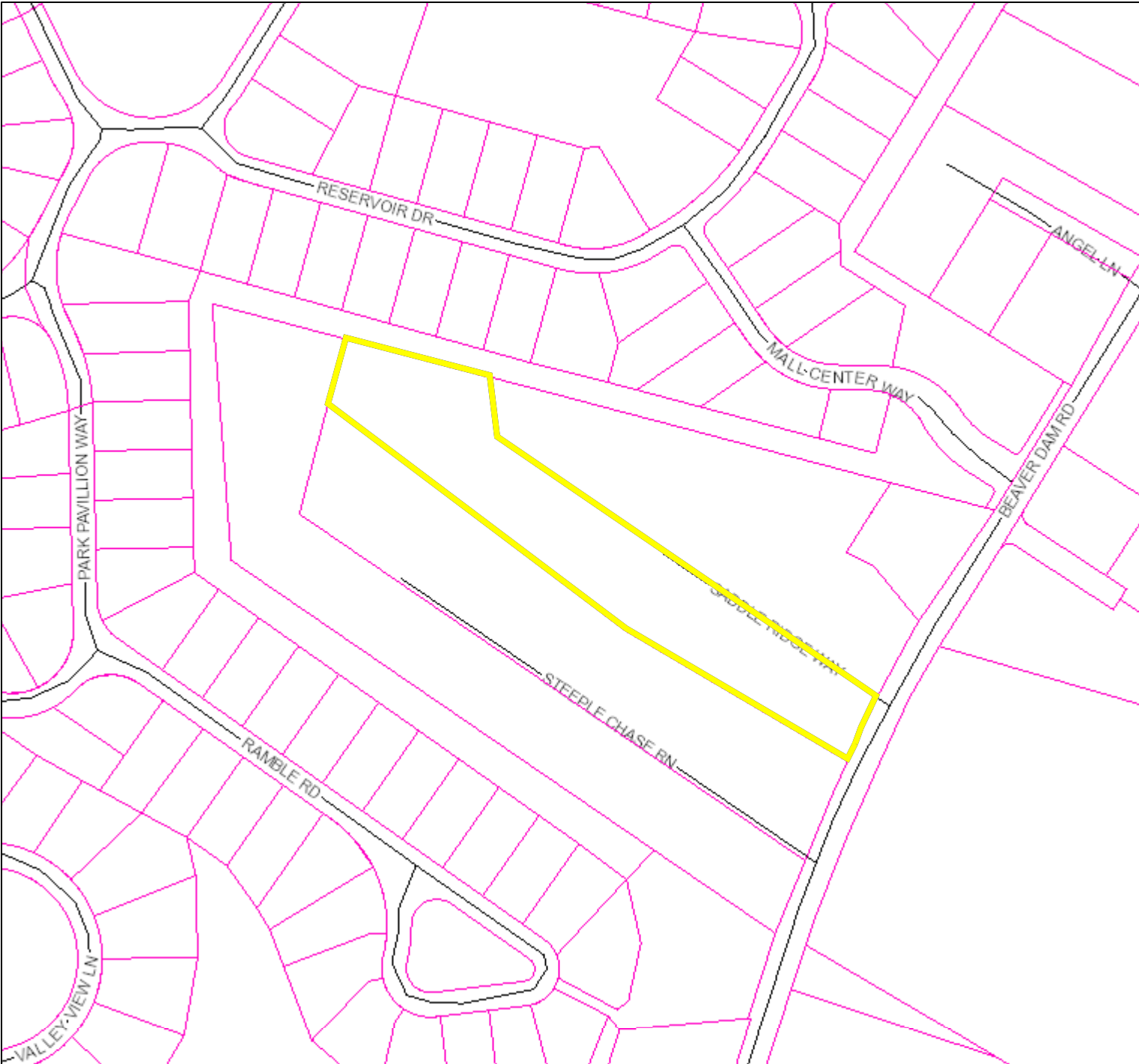
Override 1

- Tax Parcels
- Streets
- County Boundaries





Sussex County






PIN:	234-6.00-6.02
Owner Name	BEAVER DAM ENTERPRISES LLC
Book	5518
Mailing Address	PO BOX 555
City	NASSAU
State	DE
Description	IRONHORSE RANCH
Description 2	PARCEL 3
Description 3	N/A
Land Code	

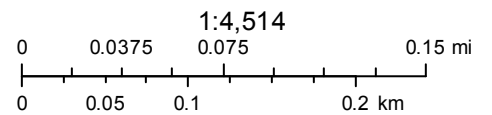
polygonLayer

Override 1

polygonLayer

Override 1

-  Tax Parcels
-  Streets
-  County Boundaries



Schaeffer
yes 10/12

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Friday, October 6, 2023 2:55 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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	Cape henlopen high school cheerleading Cape Henlopen School District
Project Name	CHHS CHEERLEADERS OFF TO NCA NATIONALS
Federal Tax ID	^{N/A} 00612244
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 help the highschool students at cape henlopen cheerleading make it to the next level on the sideline and classroom. Helping by teaching them goal placement, work ethic, and time management. Our goal is to bring back 1st or 2nd place this year last year we placed 4th in the nation .
Address	1250 kings hwy
City	Lewes
State	Delaware

Zip Code	19958
Contact Person	Courtney hennessey
Contact Title	Coach
Contact Phone Number	3026043763
Contact Email Address	chsvikingscheer@gmail.com
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?	1500
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	40
Program Category (choose all that apply)	Other

Program Category Sports
Other

Primary Beneficiary Category Youth

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 20

Scope Cheerleading should be supported just as much as other sports going to tournaments. We cheer on everyone else's teams home and away games, as well as volunteering in the community

Religious Components Our program is not a sport and the dsca program in Delaware wants to keep them as an organizations. Sadly we do not get funded like everyone else. We fundraise every year. CHEERLEADING TO THIS PROGRAM IS A SPORT AND NOT JUST ABOUT CHEERING ON OUR CLASSMATES AND BEING A GREAT REFLECTION OF CAPE. But getting out there and showing the nation Delaware holds it own in cheerleading with athletics.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 0.00

Description Registration

Amount 3,000.00

Description Hotel

Amount 2,000.00

Description Flights

Amount 3,000.00

Description Van rental

Amount 800.00

Description Uniforms

Amount 2,500.00

TOTAL EXPENDITURES 11,300.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -11,300.00

Name of Organization CHHS cheerleading

**Applicant/Authorized
Official** Courtney hennessey

Date 10/06/2023

**Affidavit
Acknowledgement** Yes

Schaeffer
YES 10/12.

Casey Hall

From: notifications@d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Monday, October 9, 2023 3:35 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization	Cape Henlopen Educational Foundation ✓
Project Name	Teacher Grant Program
Federal Tax ID	51-0403370
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 Cape Henlopen Educational Foundation (CHEF) seeks to inspire learning, and to prepare all students for a healthy, productive life in a diverse and global society. To accomplish this, we seek to engage the entire community - educators, parents, business, civic and legislative leaders - in providing students with the tools they need to excel.
Address	1270 Kings Highway
City	Lewes
State	DE

Zip Code	19958
Contact Person	Stephanie Mastrangelo
Contact Title	CHEF Board Member - Fundraising Chair
Contact Phone Number	3024660811
Contact Email Address	stephaniesarley@msn.com
Total Funding Request	3000
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?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	5
Program Category (choose all that apply)	Educational

Primary Beneficiary Category Youth

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 5500

Scope

The Cape Henlopen Educational Foundation has budgeted \$60K for this school year for teacher grants, scholarships for students in the performing arts, teacher of the year awards and the caravan of caring program (which is our program that provides any type of school supplies, technology needs, or hygiene products etc. to underserved children and families in the Cape school district).

The teacher grant Program allows teachers to create grant opportunities for students that are not otherwise supported in normal operating budgets. This program is built upon a thorough vetting process and fiscal accountability. All teachers must submit a grant request that identifies the specific education expectations that meet state standards. The grant requests are reviewed by school district administrators and reviewed by the entire CHEF board. All teachers are expected to submit a receipts and a final report.

Here are a few examples of grants awarded last school year:

- 1) Pamela Graves, Sussex Consortium Riding Program, \$1000, benefiting 15 students
- 2) Amanda Archambault, 5th Grade Field Trip to Philadelphia, \$2500, benefiting 476 students
- 3) Jessica Zimmerman, Positive Bus Driver Program, \$100 (providing bags and gift cards to district bus drivers)
- 4) Eileen Baker, Birthday Bags for Homeless Students \$2500, benefiting 100 students
- 5) Eric Shane, Math Specialist HOB Elementary, Math

Recovery Implementation Program, \$1000, benefitting 500 students

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 57,000.00

Description Teacher Grants, school supplies, scholarships, Teacher of Year awards

Amount 60,000.00

TOTAL EXPENDITURES 60,000.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION -3,000.00

Name of Organization Cape Henlopen Educational Foundation

Applicant/Authorized Official Stephanie Mastrangelo

Date 10/09/2023

Affidavit Acknowledgement Yes

Casey Hall

From: Stephanie Mastrangelo <stephaniesarley@msn.com>
Sent: Monday, October 9, 2023 3:48 PM
To: Casey Hall
Subject: CHEF grant application

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.

Hi Casey,

I just hit send on a grant application for the Cape Henlopen Education Foundation and I realize I forgot to put the information in for whether we have received grant funds from Sussex County in the past year. The answer is yes, I applied last year on 10/3/22 and we were awarded \$2000 with a check dated 11/29/22. Is there any way to add this information to my application? I apologize so much!!

Thank you,
Steph Mastrangelo

CHEF Board Member

GREEN
yes 10/13

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Monday, October 9, 2023 11:49 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization	National Junior Honor Society, Mariner Middle School Chapter <i>Cape Henlopen School District.</i>
Project Name	National Junior Honor Society 2023-24
Federal Tax ID	<i>NA</i> 51-6000279
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	NJHS is committed to promoting the ideals of scholarship, service, leadership, character, and citizenship among all students.
Address	Mariner Middle School
Address 2	16391 Harbeson Road
City	Milton
State	DE

Zip Code	19968
Contact Person	Dr. Daniel Shockley
Contact Phone Number	3026848516
Contact Email Address	danielh.shockley@cape.k12.de.us
Total Funding Request	\$1500
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)	Educational
Primary Beneficiary Category	Youth

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

40

Scope

Each year, the Mariner Middle School chapter of the National Junior Honor Society inducts members of the Grade 7 and Grade 8 who demonstrate the very best of MMS. These students maintain a minimum of a 90.0% GPA, have no disciplinary referrals, and active within the community. Once inducted, members are committed to obtaining a minimum of 50 community service hours throughout the academic year. This includes engaging as volunteers in a variety of community events including the Polar Bear Plunge, Boardwalk Buddy Walk, etc... The funds requested will help the organization meet operational costs, expand our travel area to include all of Sussex County, as well as help defer student costs of participation.

Religious Components

n/a

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

149.08

Description

ANNUAL DUES

Amount

385.50

Description

TRANSPORTATION

Amount

1,000.00

TOTAL EXPENDITURES 1,385.50

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -1,236.42

Name of Organization Mariner Middle School National Junior Honor Society

**Applicant/Authorized
Official** Dr. Daniel Shockley

Date 10/09/2023

**Affidavit
Acknowledgement** Yes

Vincent.
Yes 10/17.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Friday, October 13, 2023 3:23 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization	The Del-Mar-Va Council, BSA ✓ Boy Scouts of America.
Project Name	Scouting Support in Sussex County
Federal Tax ID	51-0065733 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	It is the mission of the Del-Mar-Va Council to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law.
Address	1910 Baden Powell Way
City	Dover
State	DE
Zip Code	19904

Contact Person Shaina Adkins
Contact Title Senior Development Director
Contact Phone Number 4435239816
Contact Email Address sadkins@dmvc.org

Total Funding Request

5,000

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)

Other

Program Category Other

Youth Development

Primary Beneficiary Category Youth

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 350

Scope

Each year the Del-Mar-Va Council honors a Sussex County Distinguished Citizen with the Distinguished Citizen Award. Proceeds raised from this event go to Scouts in Sussex County to assist with camp scholarships and financial assistance for membership and programming fees.

It's the goal of the Del-Mar-Va Council provide the Scouting program to anyone regardless of financial challenge. The Del-Mar-Va Council recognizes those challenges and has made the decision to not only offer financial assistance to our outreach units, but to open those opportunities to all of the families in traditional Scouting Units we serve. With increased funding, we have the potential to provide additional individual assistance to many more youth in both Outreach sites and Traditional Scouting Units. Assistance can be given for summer camp opportunities, registration assistance, and programming supplies such as uniform, guidebooks, etc. Examples of these costs can be referenced below.

Annual Registration Fee: \$150

Average Uniform Cost: \$60

Handbook: \$25

Average Week of Camp: \$585 (Camperships are given up to 50% of the fee)

Providing registration assistance to our members is the first step in helping young people to become well rounded individuals. Participants will be connected to a positive adult role model that provides mentoring support, show positive

social and emotional development, learn healthy habits by participating in outdoor adventures, and learn new skills through the BSA's advancement program as well as providing leadership tools to help them navigate the world outside the walls of weekly meetings.

The experience of camping is an invaluable portion of the Scouting Programming. Camp provides Scouts with opportunities to work on merit badges and rank advancement. Camp builds self-confidence and self-esteem by providing great opportunities for Scouts to succeed, grow, and advance. A week of camp offers physical challenges, teamwork & social development, and the experience of safe fun all while making lifelong friends.

Last year, The Delmarva Council offered Camperships to over 145 Scouters on the Peninsula totaling nearly \$18,000. Twenty-One Scouters received Camperships and financial assistance in Sussex County totaling nearly \$4,000. We would like to increase those numbers in the coming year.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 25,000.00

Description Scouting Professional

Amount 40,000.00

Description Camp Scholarships

Amount 2,000.00

Description Financial Assistance

Amount 1,500.00

TOTAL EXPENDITURES 43,500.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -18,500.00

Name of Organization The Del-Mar-VaCouncil, BSA

**Applicant/Authorized
Official** Shaina Adkins

Date 10/13/2023

**Affidavit
Acknowledgement** Yes

To Be Introduced: 10/24/23

Council District 5: Mr. Rieley

Tax I.D. No.: 135-6.00-4.00

911 Address: 18293 & 18313 Dupont Boulevard, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.46 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of February 2023, a zoning application, denominated Change of Zone No. 2007 was filed on behalf of BCB Management, LLC; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2007 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the northeast side of Dupont Boulevard (Rt. 113), approximately 0.42 mile south of East Redden Road (S.C.R. 565), and being more particularly described in the attached legal description prepared by Fuqua, Willard & Schab, P.A., said parcel containing 5.46 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.

To Be Introduced: 10/24/23

Council District 5: Mr. Rieley
Tax I.D. No.: 234-32.00-30.00
911 Address: 28121 Gravel Hill Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.94 ACRES MORE OR LESS

WHEREAS, on the 18th day of November 2022, a conditional use application, denominated Conditional Use No. 2411 was filed on behalf of Joshua Zuppo; and

WHEREAS, on the ____ day of _____ 2023, 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. 2411 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2411 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 east side of Gravel Hill Road (Rt. 30) approximately 0.35 mile north of the intersection of Gravel Hill Road (Rt. 30) and John J. Williams Highway (Rt. 24) and being more particularly described in the attached legal description prepared by Susan Pittard Weidman, P.A. said parcels containing 1.94 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.

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
(302) 855-7749 F
gjennings@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: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **Dagsboro Volunteer Fire Department Bond Refunding**

DATE: October 19, 2023

Dagsboro Volunteer Fire Department would like to issue up to \$1,865,000 of tax-exempt bonds to refund prior debt originally issued to pay the costs for the construction of their fire station on the corner of Clayton Street and Railroad Avenue in Dagsboro.

In order to for the bonds to qualify as federally tax-exempt, the bonds must be approved by the governmental unit where the fire department has entered into an agreement to furnish firefighting services. The approval can only happen once a public hearing is held. The public hearing will be held at the October 24th County Council meeting.

It is important to note that these bonds are obligations of the Dagsboro Volunteer Fire Department and not Sussex County Government. The County Government simply provides a platform for the bonds to be tax-exempt.

A member of the Dagsboro Volunteer Fire Department will be present if you have any questions. Once the public hearing has occurred, Council may adopt the resolution with the short title:

RESOLUTION APPROVING THE AGREEMENT TO PROVIDE FIREFIGHTING SERVICES AND APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY THE DAGSBORO VOLUNTEER FIRE DEPARTMENT, INC.

If you have any questions, please feel free to contact me.

pc: Todd F. Lawson

**AGREEMENT BETWEEN SUSSEX COUNTY, DELAWARE AND DAGSBORO
VOLUNTEER FIRE DEPARTMENT, INC. TO FURNISH FIREFIGHTING SERVICES**

THIS AGREEMENT made this 24th day of October, 2023 by and between Sussex County, Delaware, a county and political subdivision of the State of Delaware (the “County”) and the Dagsboro Volunteer Fire Department, Inc. (the “Fire Department”), a non-profit corporation of the State of Delaware.

WHEREAS, the Fire Department has provided fire protection and prevention services to the portion of the County as currently regulated by the State Fire Prevention Commission (the “Area”), and

WHEREAS, the County and the Fire Department both desire to continue in this relationship, and

WHEREAS, the Fire Department desires to borrow funds to repay a portion of the loan incurred in 2012 to pay the costs of the construction of a its fire station, and

WHEREAS, under Section 150 of the Internal Revenue Code in order for the borrowing to be accorded favorable federal income tax treatment, the Fire Department must have a written agreement with the County to furnish firefighting services to the Area.

NOW THEREFORE, in consideration of their mutual promises and obligations, the parties thereto, intending to be legally bound, hereby agree as follows:

1. The Fire Department shall continue to provide and furnish fire protection, fire prevention and firefighting services to the Area from the date of this Agreement on a volunteer basis.

2. The County shall continue to allow the Fire Department to provide and furnish volunteer fire protection, fire prevention and firefighting services to and within the Area from this date.

3. The County acknowledges that the Fire Department is the exclusive firefighting entity for the Area established pursuant to State of Delaware (“State”) law by the State Fire Prevention Commission and shall not enter into a written agreement with any other person or entity for the provision of firefighting services to or within the Area except in compliance with mutual aid agreements with the Fire Department or in compliance with applicable State law.

4. The parties hereto agree that the Area shall automatically change and conform if any changes are required thereto pursuant to 16 Del.C. § 6607.

5. The parties hereto acknowledge that 16 Del.C. § 6607 vests in the State Fire Prevention Commission the power and the authority to determine whether any new fire companies or substations shall be authorized in the State, to prohibit the suspension of fire protection services in the State, to confirm the established geographical boundaries of areas served by all existing fire companies in the State and to resolve boundary disputes between or among such fire companies in the State. Notwithstanding anything in this Agreement to the contrary, the County is not hereby assuming any power, authority or responsibility with respect to any of the aforementioned powers or authority of the State Fire Prevention Commission.

6. The provisions of this Agreement shall be binding on the successors of the parties hereto.

7. The rights, privileges and obligations of the parties hereto shall not be assignable.

8. This Agreement shall not be nor be implied to be a waiver of any limitation of the liability of the Fire Department or the County as provided by statute or otherwise.

9. This Agreement shall continue in effect for a period of ten (10) years from the date hereof. Thereafter, it shall continue on a year-to-year basis unless and until terminated by either party in writing delivered to the other party at least thirty (30) days before the expiration of that current term.

10. The Fire Department hereby agrees to defend, indemnify and save the County and its officers, employees and agents harmless from and against, all liabilities, losses, damages, costs and expenses (including reasonable attorney fees), causes of action, suits, claims, demands and judgments of any nature arising from or in connection with its entry into this Agreement or in connection with the Fire Department's issuance of its "tax exempt" notes or bonds under the Internal Revenue Code (including, but not limited to, the Fire Department's issuance of up to \$1,865,000 of its notes or bonds, the proceeds of which will be used (i) repay a portion of the loan incurred in 2012 to pay costs for the construction of its one-story fire station located at the corner of Clayton Street and Railroad Avenue, Dagsboro, Sussex County, Delaware 19939 (with primary access at Railroad Avenue); and (ii) pay the costs of issuance of the bond or note (the "Project").

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals the day and year first above written.

SUSSEX COUNTY, DELAWARE

By _____
President of County Council

Attest: (SEAL)

Clerk Of Council

Approved as to form

By: _____
County Attorney

DAGSBORO VOLUNTEER FIRE
DEPARTMENT, INC.

By _____
President

Attest: (CORPORATE SEAL)

RESOLUTION NO. _____

RESOLUTION APPROVING THE AGREEMENT TO PROVIDE FIREFIGHTING SERVICES AND APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY THE DAGSBORO VOLUNTEER FIRE DEPARTMENT, INC.

WHEREAS, the Dagsboro Volunteer Fire Department, Inc. (the “Fire Department”) is a fire company organized and existing under the laws of the State of Delaware; and

WHEREAS, the Fire Department has provided and continues to provide firefighting services to an area within Sussex County, Delaware (the “County”) in which no other firefighting services are provided, other than those provided by the Fire Department, and the Fire Department and the County would like to formalize such arrangement by entering into the Agreement to Provide Firefighting Services which is attached hereto as Exhibit A (the “Agreement”); and

WHEREAS, the Fire Department has advised the County Council of Sussex County, Delaware (the “Council”) that the Fire Department proposes to issue up to \$1,865,000 of bonds or notes of the Fire Department (the “Bonds”) to (1) refund prior debt originally issued to pay the costs for the construction of the one-story fire station located at the corner of Clayton Street and Railroad Avenue, Dagsboro, Sussex County, Delaware (with primary access on Railroad Avenue), having an address of 28331 Clayton Street, Dagsboro, Delaware 19939; and (2) pay issuance costs associated therewith (collectively, the “Project”); and

WHEREAS, it is the intent of the Fire Department that the interest on the Bonds qualify for exclusion from gross income of the owners thereof for federal income tax purposes pursuant to Sections 103 and 150(e) of the Internal Revenue Code of 1986, as amended (the “Code”), and qualify the Bonds as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code; and

WHEREAS, pursuant to Sections 103 and 147(f) of the Code, interest on the Bonds will not qualify for exclusion from gross income of the owners thereof for federal income tax purposes unless the issuance of the Bonds is approved by the applicable elected representative of the governmental unit with which the Fire Department has entered into an agreement to furnish firefighting services, after a public hearing to consider the issuance of the Bonds has been conducted, following reasonable public notice; and

WHEREAS, the County and the Fire Department entered into an Agreement dated the date hereof (the “Agreement”) pursuant to which the Fire Department agreed, among other things, to provide exclusive firefighting services to the area of the County described therein and such agreement remains in effect as of the date hereof; and

WHEREAS, notice of the requisite public hearing was published on October 16, 2023 on the Sussex County website; and

WHEREAS, on October 24, 2023 the Council conducted a public hearing on behalf of the Fire Department for the purpose of considering the issuance of the Bonds.

[Remainder of Page Intentionally Left Blank]

NOW THEREFORE BE IT RESOLVED THAT:

(a) The County Council of Sussex County, Delaware, for the sole purpose of qualifying the interest payable on the Bonds of the Fire Department for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to Section 103 of the Code, does hereby approve the issuance of bonds or notes by the Fire Department in a maximum aggregate principal amount of up to \$1,865,000 for the purpose of financing the costs of the Project, provided, that such financing closes in calendar year 2023, and that such bonds or notes shall be an obligation of the Fire Department and shall never be a debt of the County and the County shall not be liable for any payment on such Bonds.

(b) The County Council of Sussex County, Delaware, and the Fire Department have executed the Agreement referenced above.

(c) Sussex County, Delaware, together with any entities issuing on behalf of the County, will not issue more than \$10,000,000 of tax-exempt obligations (inclusive of the above bonds or notes) in calendar year 2023.

Adopted by Sussex County Council on
October ____, 2023

President of Sussex County Council

SYNOPSIS: This Resolution approves of the issuance by the Dagsboro Volunteer Fire Department, Inc. (the “Fire Department”) of up to \$1,865,000 of its bonds or notes to (1) refund prior debt originally issued to pay the costs of the construction of the one-story fire station located at the corner of Clayton Street and Railroad Avenue, Dagsboro, Sussex County, Delaware 19939 (with primary access on Railroad Avenue), having an address of 28331 Clayton Street, Dagsboro, Delaware 19939; and (2) pay issuance costs associated therewith.

FISCAL NOTE: The bonds and notes of the Fire Department will be debt of the Fire Department and not of the County. The County's approval of the issuance by the Fire Department of bonds or notes of the Fire Department will have no fiscal impact on the County.



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: October 19, 2023

RE: County Council Report for C/U 2351 filed on behalf of Jose Velasquez

The Planning and Zoning Department received an application (C/U 2351 filed on behalf of Jose Valasquez) for a Conditional Use for parcel 234-15.00-1.00 for a landscaping business. The property is located at 22901 Gravel Hill Road, Georgetown. The parcel size is 12.06 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on July 13, 2023. At the meeting of July 27, 2023, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 12 recommended conditions as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of July 13, 2023, and July 27, 2023.

Minutes of the July 13, 2023, Planning & Zoning Commission Meeting

C/U 2351 Jose Velasquez

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 12.06 ACRES, MORE OR LESS.

The property is lying on the east side of Gravel Hill Road (Rt. 30) approximately 1.1 mile north of Zoar Road (S.C.R. 48). 911 Address: 22901 Gravel Hill Road, Georgetown. Tax Map Parcel: 234-15.00-1.00.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Boundary Survey, a letter received from the Sussex County Engineering Department Utility Planning Division, the Staff Analysis, the DelDOT Service Level Evaluation Response, a copy of the property deed, and a Preliminary Site Plan sketch. Mr. Whitehouse stated one letter had been received in opposition to the Application.

The Commission found that Mr. Paul Nordoff spoke on behalf of the Applicant, Mr. Jose Velasquez, who was also present. Mr. Nordoff stated Mr. Velasquez seeks a Conditional Use for a property he purchased two years ago, where he intended to run a landscape business; that later it was brought to his attention that a landscape business was not permitted to operate on the property, and due to this, he is now requesting a Conditional Use.

Mr. Robertson requested more details be given about the property, the adjacent properties, and if the landscape operations would potentially adversely impact the surrounding area.

Mr. Nordoff stated the property is going to be used for a landscaping business; that he plans to store mulch, crush and run, and topsoil; that no chemicals or environmentally hazardous materials will be kept on the site; that there are other businesses located within the surrounding area, along Gravel Hill Rd.; that there is a landscape-type business located at the intersection of Gravel Hill Rd. and down Rt. 9; that there are businesses in the area with Conditional Uses and some commercial properties.

Chairman Wheatley requested more information regarding the landscape operation regarding hours of operation, the amount of anticipated traffic to and from the site, and if the Applicant anticipates removing any trees.

Ms. Wingate questioned if there would be any retail sales of the crush and run, mulch and topsoil stored at the site; that the submitted site plan reflects the Conditional Use request for one and a half acres; that she questioned if the landscape business will only be conducted within the one and a half acres out of the total 12-acre parcel and if bins or containers are proposed to be used for storage; that she stated stuff currently seemed to be strung out across the site; that she questioned if the Applicant will be grinding the materials currently being stored on the ground

Mr. Nordoff stated that no retail sales would take place from the site; that the crush and run, mulch and topsoil are stored at the site; that they load the materials and deliver them to the job site; that they have four wagons, and four commercial trucks used to tow the wagons; that they have three trucks, and anticipate purchasing a fourth truck; that they have a total of six employees; that they have a designated parking area for all employees; that DelDOT did perform a site evaluation for estimated traffic; that they plan to only use the sight for loading and unloading material; that the proposed hours of operation would be between 7:00 am to 5:00 pm; that Mr. Velasquez is requesting about two acres to be used for the landscape business; that they had attempted to have an engineer draw up a plan, however, it did not come to pass; that the submitted plan reflects where the bins for topsoil, mulch and crush and run will be located, as well as, where the designated parking is located for the company trucks; that he stated that no additional tree removal is anticipated at this time, and that there will be no grinding of material at the site.

Mr. Mears questioned if materials would be brought back to the site from job sites, and what happens to the materials once returned to the site, and he stated, should the Conditional Use be approved, it will contain a condition that will prohibit the burning of material.

Mr. Nordoff stated materials are brought back to the site; that the materials are disposed of; that the returned materials typically included tree branches and sod; that the materials would remain in the vehicles to be delivered to the landfill, and materials would not be dumped on the site.

Mr. Collins stated there are adjacent residential sites; that opposition had been submitted with concerns regarding the impact of the proposed operation; that he questioned how the Applicant will ensure he will be a good neighbor, working within the stated hours of operation and not dump materials onsite, which was a mentioned concern.

Mr. Nordoff stated they could only offer their word; that they intend to uphold the 7:00 am to 5:00 pm hours of operation; that they have no intention of creating any type of landfill; that no trash will be disposed of or burned on the site; that the landscape business does acquire a lot of plastic bags; that they intend to dispose of the plastic properly in a landfill; that any concerns brought to them from neighbors, they would address the concerns accordingly, and they have all intentions of being good neighbors.

Mr. Mears stated the current condition of the site is not friendly to the adjacent neighbors; that he questioned if the intention is to run the landscape operations a bit more professionally, by cleaning up the site, and if vehicles would be coming and going to pick up mulch from the site.

Mr. Nordoff stated they have already cleaned up the site from the photo shown on the screen; that currently, the site is more organized; that if the Conditional Use is approved, they do have designated areas for vehicle parking; that there will be an employee parking area, unlike the scattered parking reflected in the aerial photo; that they intend to set up the landscape operation as a functional business; that they load the vehicles with mulch first thing in the morning for the days work, and the vehicles do not return to the site until the end of the work day.

Ms. Wingate questioned the number of vehicles that will be accessing and leaving the site because she had concerns as there is a bad curve right before the property entrance.

Mr. Nordoff stated the only vehicles accessing the site are the employees arriving in the morning; that there are four to eight employee vehicles accessing the site; that currently, they have three commercial trucks, with the intention of purchasing a fourth wheel trailer, which would leave the site; that the employees do not enter and exit the site much during the day, and the employees typically do not return to the site until the end of the day.

Chairman Wheatley questioned if the commercial trucks are serviced on the site, creating any type of waste, oil, or any other type of waste, and if there will be any noise-producing equipment associated with the use.

Mr. Nordoff stated they do perform onsite service of the commercial vehicles; that they do contain and dispose of the collected fluids; that they dispose of the fluids at the landfill on Rt. 5 in Harbeson; that any major mechanic work is performed by a mechanic located off-site; that there will be no chipping and/or grinding performed at the site; that they do have front-end loader that is used for

scooping the mulch, crush and run and topsoil onto a trailer, and that all machinery used is light machinery.

Chairman Wheatley advised Mr. Nordoff that the Commission has the authority to impose conditions, and a potential condition may be the installation of a solid fence to provide privacy and screening from adjacent neighbors; that he questioned how bulk material deliveries are made to the site, and how business equipment is transported to and from the site.

Mr. Nordoff stated he understood the potential requirement of a solid fence; that the Applicant would agree to the potential condition; that small dump trucks deliver material to the site; that no tractor trailers deliver to the site; that most of the work is performed by hand; that there is not much machine operations, and in the future, they do anticipate purchasing a skid loader which they will transport.

The Commission found there was no one present in the room who wished to speak in support of or in opposition to the Application.

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 2351 Jose Velasquez. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 4-0.

Minutes of the July 27, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since July 13, 2023.

Ms. Wingate moved that the Commission recommend approval of C/U 2351 Jose Velasquez for a landscaping business based on the record made during the public hearing and for the following reasons:

1. The entire property is 12 acres in size, but the Applicant testified that only roughly 2 acres of the property will be occupied by the Conditional Use. With the conditions and limitations that are part of this recommendation, this is an appropriate location for this limited type of use.
2. The site is located within a Low-Density Area according to the Sussex County Comprehensive Plan. This low-impact type of use is appropriate within this Area.
3. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.
4. The use will not adversely affect area roadways or neighboring properties.
5. A landscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
6. During the hearing there was information presented that this site is currently in need of clean-up with the removal of old logs, landscaping materials, and other debris. One of the conditions of approval must be that these items are removed and that the site is cleaned up within 3 months of the County Council's approval of this ordinance or else it shall become null and void.
7. There was no opposition to this application.

8. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a landscaping business. The area set aside for the Conditional Use shall only be roughly two acres in size, and the location of the Conditional use area shall be shown on the Final Site Plan.
 - B. The entire site shall be cleaned up within three months of the approval of this ordinance by Sussex County Council. This shall include the removal of all logs, cut vegetation, other landscaping materials, and debris. All untagged or unregistered motor vehicles or trailers shall also be removed from the site within this time period. This condition shall be monitored by the Sussex County Constable for compliance, and if the site is not in compliance within the stated timeframe, then this Conditional Use shall become null and void.
 - C. No manufacturing shall occur on the site. This prohibition includes the shredding, crushing, or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - D. There shall not be any retail sales occurring from the site.
 - E. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - F. The hours of operation shall be limited to 7:00 am through 8:00 pm, Monday through Friday, and from 7:00 am until 3:00 pm on Saturdays. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage cleanup, and similar events.
 - G. All dirt, stone, mulch, or similar materials shall be stored in bins or similar containments. These storage areas shall be shown on the Final Site Plan.
 - H. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - I. Since this conditional use will only occupy a small portion of the property, the Final Site Plan shall show the area where this conditional use will be located. The area of the Conditional Use shall also be completely enclosed by fencing.
 - J. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
 - K. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
 - L. 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. Mears and carried unanimously to recommend approval of C/U 2351 Jose Velasquez for the reasons and conditions stated in the motion. Motion carried 4-0. Mr. Butler abstained.

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: July 13th, 2023

Application: CU 2351 Jose Velasquez

Applicant: Jose Velasquez
22901 Gravel Hill Road (S.C.R. 248)
Georgetown, DE 19947

Owner: Roblero Jose Edilmar Velasquez
22901 Gravel Hill Road
Georgetown, DE 19947

Site Location: Lying on the east side of Gravel Hill Road (S.C.R. 248) about 1,500 feet north of the intersection of Gravel Hill Road (S.C.R. 248) and Snow Road.

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

Proposed Use: Landscaping/Hardscaping Business

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire Department

Sewer: On-Site Wastewater

Water: Private Well

Site Area: 12.06 acres +/-

Tax Map ID: 234-15.00-1.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: May 12th, 2023
RE: Staff Analysis for C/U 2351 Jose Velasquez

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2351 Jose Velasquez to be reviewed during the July 13, 2023 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): 234-15.00-1.00

Proposal: The request is for a Conditional Use for Tax Parcel 234-15.00-1.00 to allow for a landscaping business. The lying on the east side of Gravel Hill Road (Rt. 30) approximately 1.1 mile north of Zoar Road (S.C.R. 48). The parcel is comprised of 12.06 acres +/-.

Zoning: The properties are zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, east, and west of the subject property are all zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Low Density 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 Rural Area and has a land use designation of "Low Density Area." All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of "Low Density Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as "a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property" (Sussex County Comprehensive Plan, 4-18). The Plan also notes that commercial uses "should be limited in their location, size and hours of operation" and "more intense commercial uses should be avoided" and commercial uses "may be appropriate depending on surrounding uses" (Sussex County Comprehensive Plan, 4-19).



Further Site Considerations:

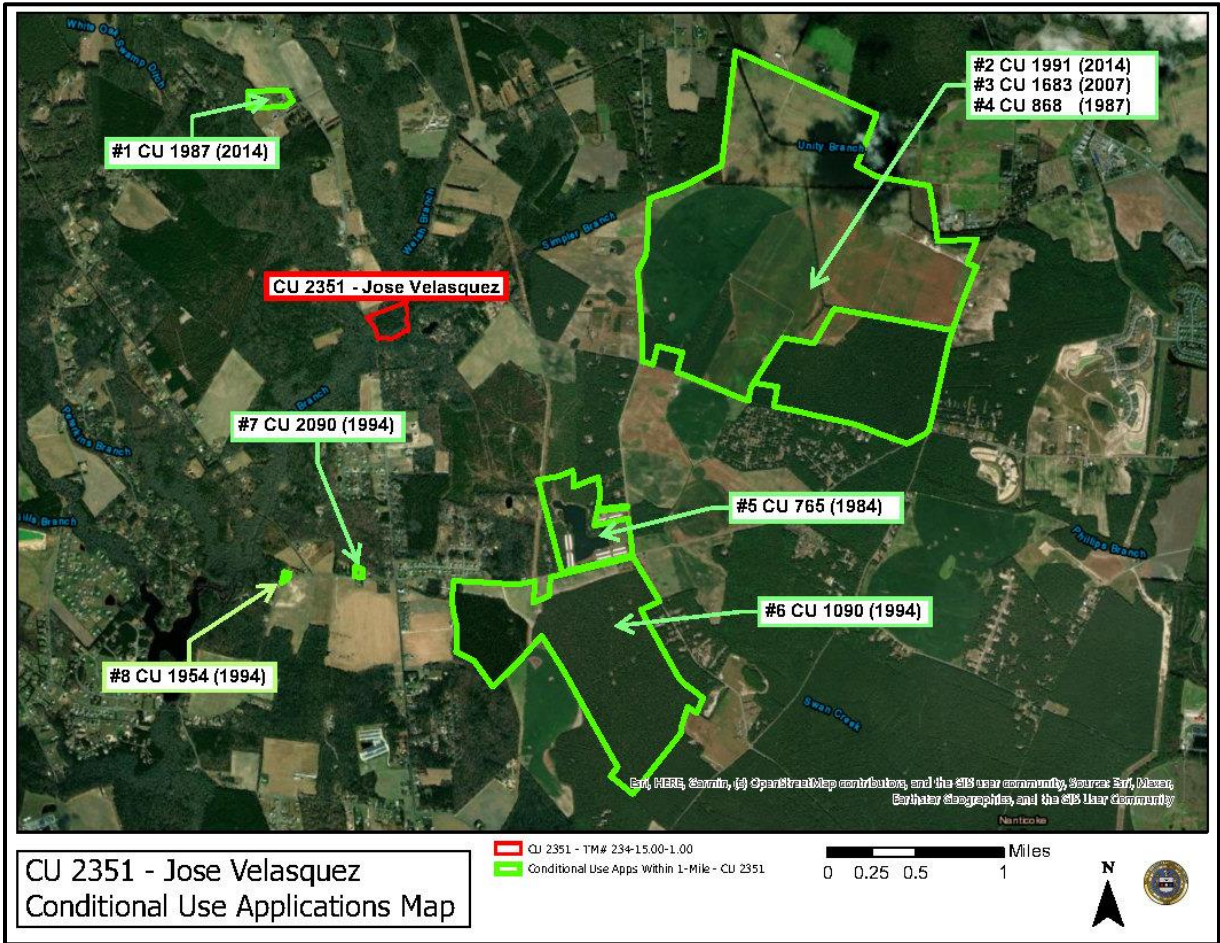
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** The site includes several acres of existing forest at the rear and southern portions of the Parcel.
- **Wetlands Buffers/Waterways:** Regulatory wetlands associated with the Welsh Branch may be present on the Parcel.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone AE and within an area of “Good” Groundwater Recharge Potential. The site is not located in a Wellhead Protection Area.

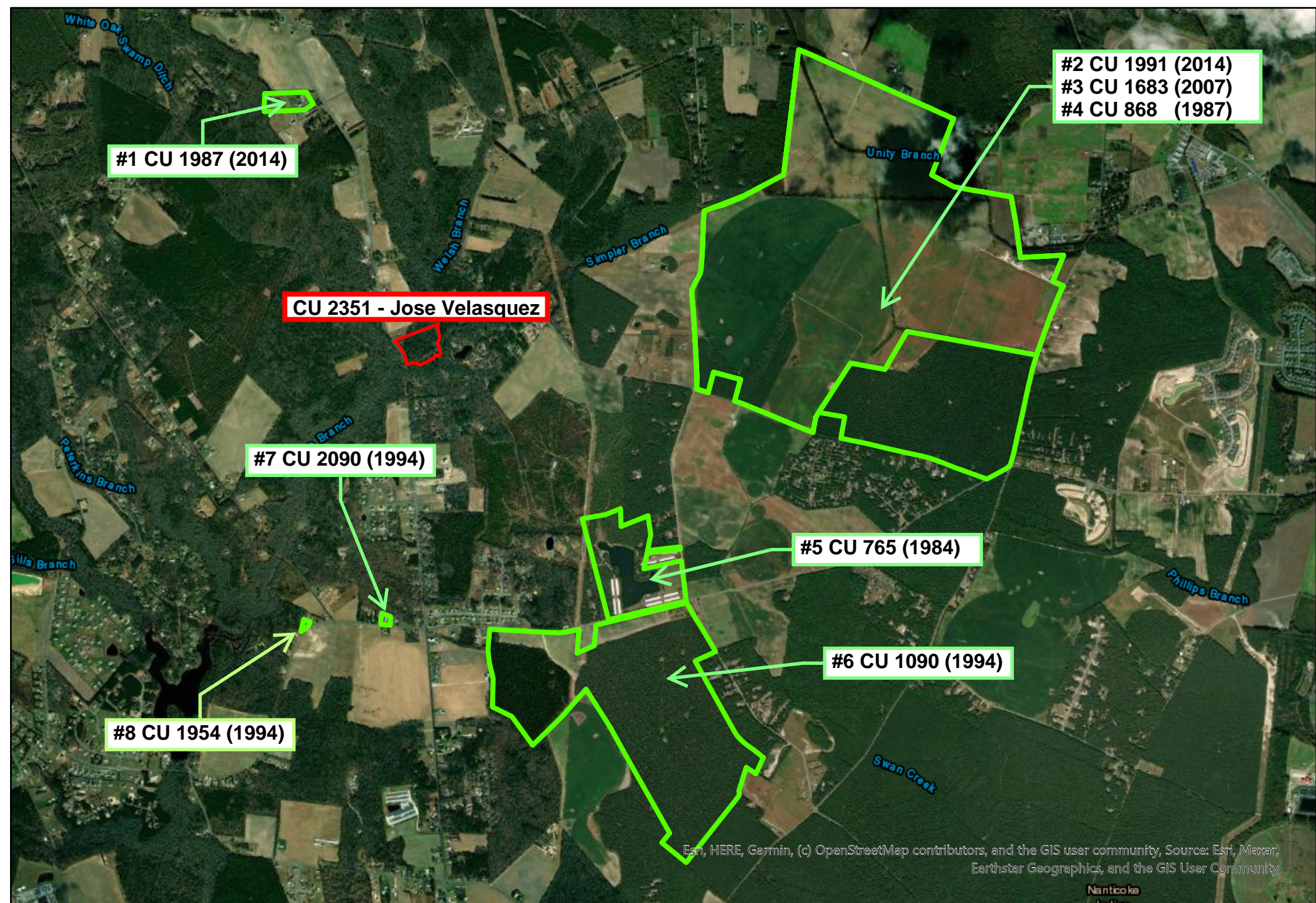
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a landscaping business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

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)
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Item # Attached Map	Application Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
#1	<u>CU 1987</u>	Brian & Kelly DeLeon	AR-1	Cross Fit Training Gym	Approved	7/15/2014	2354
#2	<u>CU 1991</u>	Cool Springs LLC/ Highway One	AR-1	Outdoor Entertainment Events w/ Temporary Camping Facilities During Events Only	Withdrawn	N/A	N/A
#3	<u>CU 1683</u>	Wayne Baker, LLC	AR-1	Borrow Pit	Approved	6/12/2007	1907
#4	<u>CU 868</u>	David H. Clark & Leslie M.	AR-1	Wastewater Management & Treatment Facility	Withdrawn	N/A	N/A
#5	<u>CU 765</u>	Robert A. Raley	AR-1	Borrow Pit/Farm Pond	Approved	1/10/1984	N/A
#6	<u>CU 1090</u>	Townsend, Inc.	AR-1	Land Application of Treated Sludge	Approved	12/13/1994	997
#7	<u>CU 2090</u>	Edgar Reyes Hernandez	AR-1	Painting Business & Storage	Approved	10/10/2017	2525
#8	<u>CU 1954</u>	Robert A. Hermanson	AR-1	Commercial/Retail Shop (Handcrafted Furniture, Gifts and Antiques)	Approved	2/5/2013	2293





CU 2351 - Jose Velasquez

#1 CU 1987 (2014)

**#2 CU 1991 (2014)
#3 CU 1683 (2007)
#4 CU 868 (1987)**

#7 CU 2090 (1994)

#5 CU 765 (1984)

#8 CU 1954 (1994)

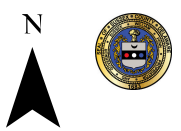
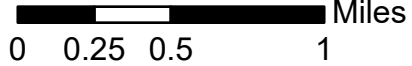
#6 CU 1090 (1994)

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Nanticoke

**CU 2351 - Jose Velasquez
Conditional Use Applications Map**

- ▭ CU 2351 - TM# 234-15.00-1.00
- ▭ Conditional Use Apps Within 1-Mile - CU 2351



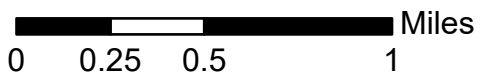
Zoning

- 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
- Neighborhood Business - B-1
- Neighborhood Business - B-2
- Business Research - B-3
- General Commercial - C-1
- General Commercial - C-2
- General Commercial - C-3
- General Commercial - C-4
- General Commercial - C-5
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

TM# 234-15.00-1.00

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County

**CU 2351 - Jose Velasquez
Zoning Map**

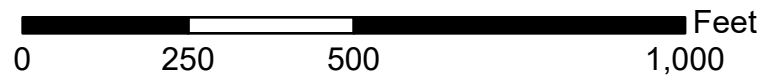


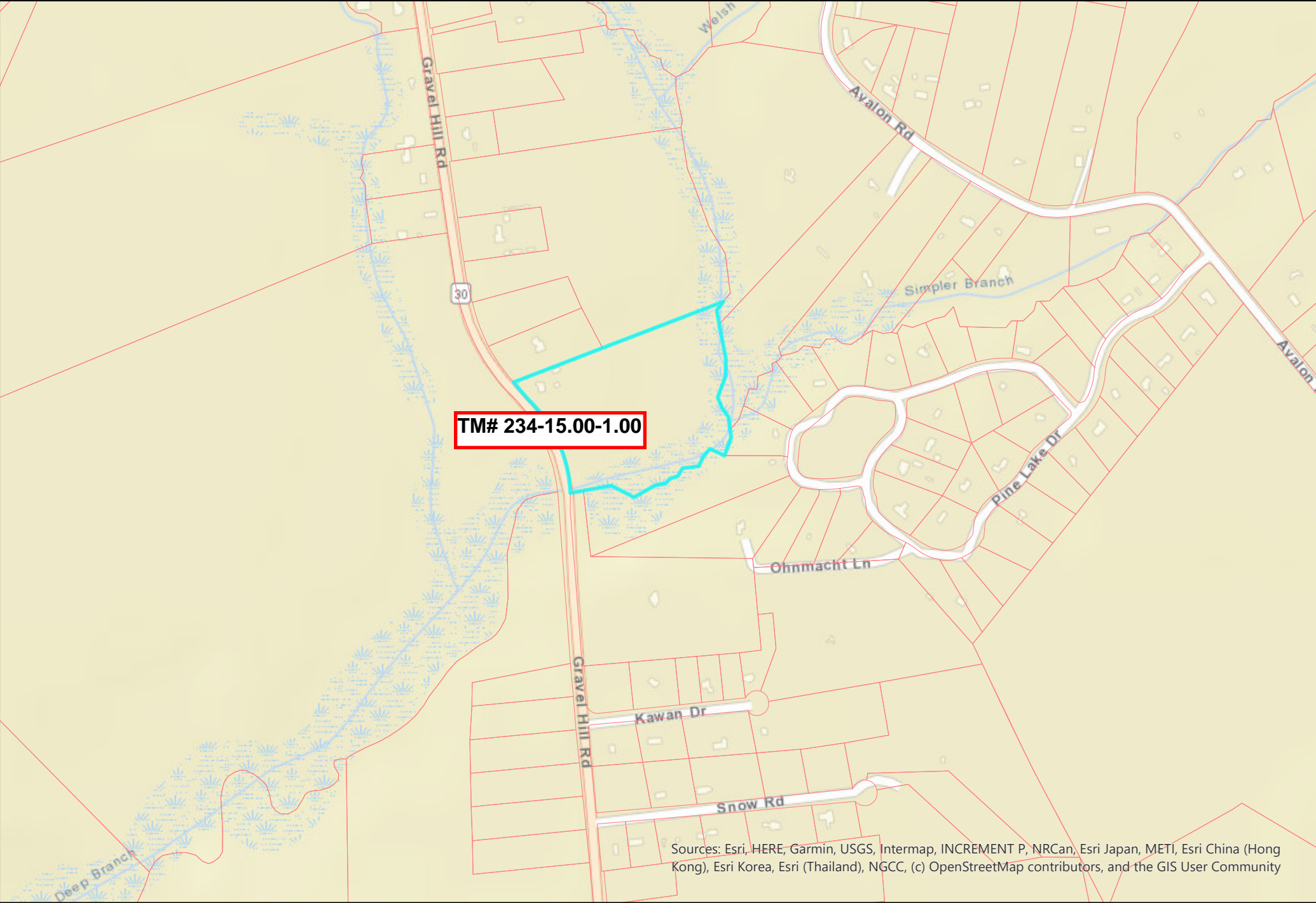


TM# 234-15.00-1.00

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**CU 2351 - Jose Velasquez
Aerial Map**

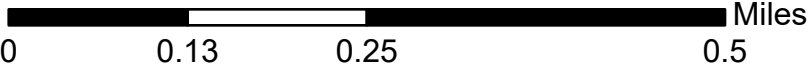




TM# 234-15.00-1.00

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

**CU 2351 - Jose Velasquez
Street Map**



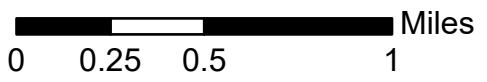
Zoning

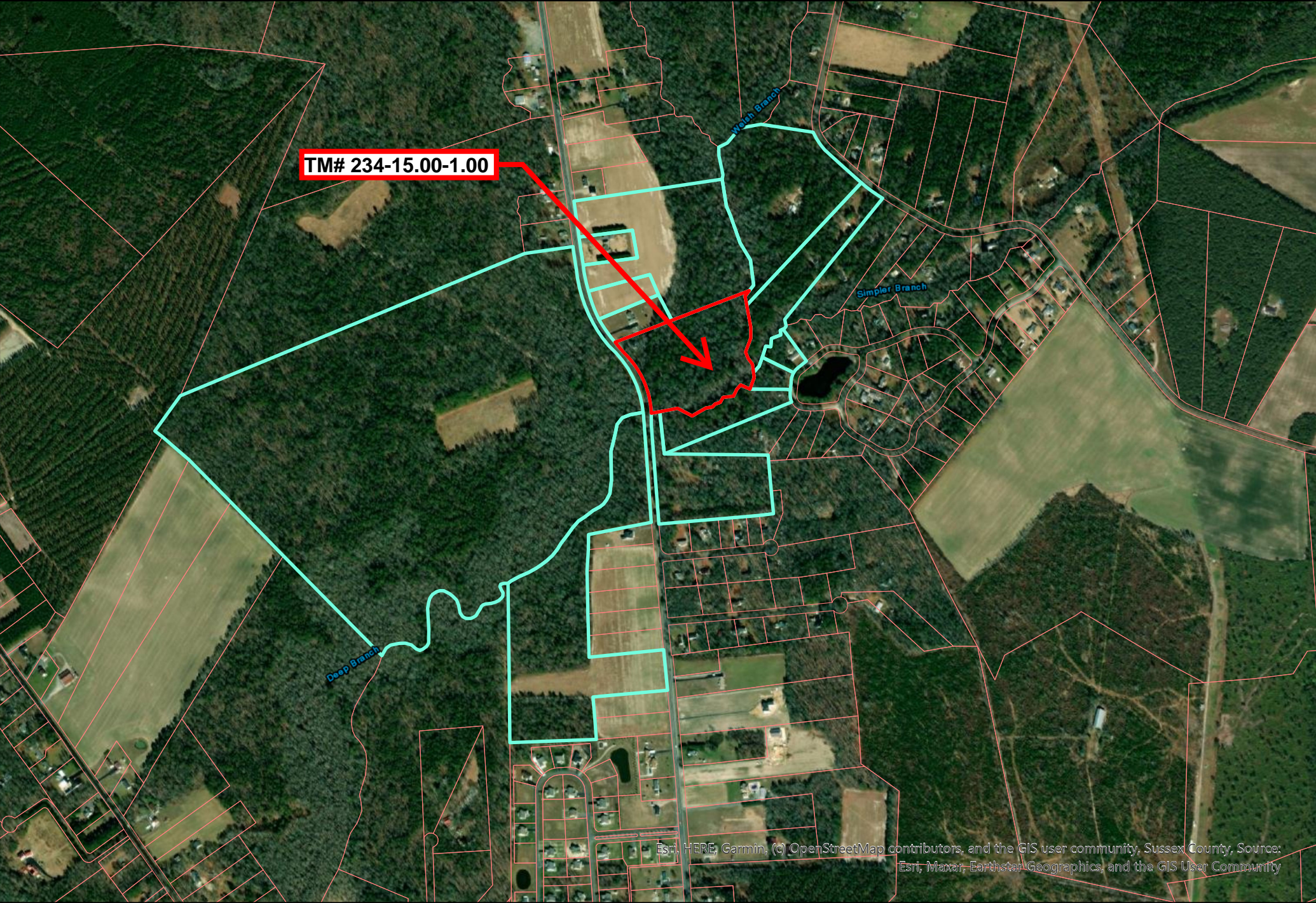
- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
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- Vacation, Retire, Resident - VRP
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TM# 234-15.00-1.00

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County


**CU 2351 - Jose Velasquez
Zoning Map**

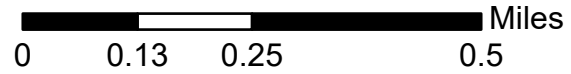




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CU 2351 - Jose Velasquez Mailing List Parcels Map

 Mailing List Parcels



Introduced: 01/10/23

**Council District 5: Mr. Rieley
Tax I.D. No. 234-15.00-1.00
911 Address 22901 Gravel Hill Road, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 12.06 ACRES, MORE OR LESS

WHEREAS, on the 14th day of February 2022, a conditional use application, denominated Conditional Use No. 2351 was filed on behalf of Jose Velasquez; and

WHEREAS, on the ____ day of _____ 2023, 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. 2351 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2351 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the east side of Gravel Hill Road (Rt. 30) approximately 1.1 mile north of Zoar Road (S.C.R. 48) and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens, & Schab, PA, said parcel containing 12.06 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.