

**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**

**November 19, 2024**

**12:30 P.M.**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes - November 12, 2024**

[Draft Minutes 111224](#)

**Reading of Correspondence**

**Public Comments**

**Todd Lawson, County Administrator**

1. **2025 Council Meeting Schedule and Holiday Schedule**  
[2025 Meeting & Holiday Schedule](#)
2. **Administrator's Report**

**Karen Brewington, Human Resources Director**

1. **Fourth Quarter Employee Recognition Awards**

**Mike Harmer, County Engineer**

1. **Wolfe Neck RWF Electrical Service & Switchgear Replacement, Project S24-09**

**A. Electrical Construction – Change Order No. 2**

[Wolfe Neck Electrical CO 2](#)



## **Hans Medlarz, Project Engineer**

1. **Long Neck Sewer, Project S21-10**  
**A. Final Balancing Change Order and Substantial Completion**  
[Long Neck Sewer CO](#)

## **Grant Requests**

1. **Downtown Seaford Association for their Annual Christmas Parade**  
[Downtown Seaford Association](#)
2. **Good Samaritan Aid Organization, Inc. for their Annual Christmas Basket/Toy Outreach**  
[Good Samaritan Aid Organization Inc](#)
3. **Cape Henlopen High School Boys Basketball Boosters Club, Inc. for their Beach Bash Tournament**  
[Cape Henlopen High School \(Boys Basketball\)](#)
4. **Historic Georgetown Association for their preservation and restoration of historical structures**  
[Historic Georgetown Association](#)
5. **Optimist International Foundation for their Essay Contest and Youth Appreciation**  
[Optimist International Foundation](#)
6. **Indian River School District for Lord Baltimore Elementary SRO**  
[Indian River School District](#)

## **Introduction of Proposed Zoning Ordinances**

[Ord Intro CU2453 CU2460](#)

## **Council Members' Comments**

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

### **Possible action on Executive Session Items**

### **1:30 p.m. Public Hearings**

1. [Change of Zone No. 2022 filed on behalf of Holdren LLC](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.26 ACRES, MORE OR LESS” (property lying on the south side of Conleys Chapel Road [S.C.R. 280B], 0.2 mile east of Beaver Dam Road [Rt. 23]) (911 Address: 30764 Conleys Chapel Road, Lewes) (Tax Map Parcel: 234-11.00-75.01 [p/o])

[Public Hearing CZ2022](#)

2. [Conditional Use No. 2528 filed on behalf of Holdren LLC](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR STORAGE OF WATERCRAFT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.26 ACRES, MORE OR LESS”** (property lying on the south side of Conleys Chapel Road [Rt. 280B], 0.2 mile east of Beaver Dam Rd. [Rt 23]) (911 Address: 30764 Conleys Chapel Road, Lewes) (Tax Map Parcel: 234-11.00-75.01 [p/o])

[Public Hearing CU2528](#)

3. [Conditional Use No. 2454 filed on behalf of H&K Group LLC](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.6 ACRES, MORE OR LESS”** (property lying on northwest side of Shiloh Church Road [Rt. 74] approximately 0.38 mile west of East Trap Pond Road [Rt. 62]) (911 Address: N/A) (Tax Map Parcel: 232-8.00-44.01) (Zoning: AR-1 [Agricultural Residential District])

[Public Hearing CU2454](#)

**Adjourn**

**-MEETING DETAILS-**

**In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on November 12, 2024 at 4:15 p.m. and at least seven (7) days in advance of the meeting.**

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

**Agenda items may be considered out of sequence.**

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

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

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

**To join the meeting via telephone, please dial:**

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

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

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



**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 12, 2024**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 12, 2024, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 573 24  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas**

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

**Minutes**

The minutes of the October 29, 2024, meeting were approved by consent.

**Correspondence**

There was no correspondence.

There were no public comments.

**Public  
Comments**

A public interview was held for Board of Adjustment Nominee – Shawn Lovenguth.

**Public  
Interview/  
BOA**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, be it moved that the Sussex County Council approve the appointment of Mr. Shawn Lovenguth to the Sussex County Board of Adjustment effective immediately for a term of three years.

**M 574 24  
Appoint  
BOA  
Member**

**Motion Adopted: 5 Yeas**

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

**Adminis-  
trator's  
Report**

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

**1. Sussex County Tentative Value Statements**

Throughout the month of November, Sussex County property owners will be receiving their tentative assessments as part of the County's ongoing property reassessment project, the result of a lawsuit brought against the State of Delaware and the three counties back in 2018. Since the settlement in 2021, the County has contracted third-party vendor Tyler Technologies to conduct the revaluation of nearly 200,000 parcels across the county. The tentative valuations are the next step in the process and are a critical component that will be used in determining every property tax bill for 2025, both for the County and the independent school districts. It is important to note, this is NOT your tax bill. This is simply the estimated fair market value for your property. Once all property assessments are finalized, County Council will set a new property tax rate as part of the FY2025 budget process next spring. During the next several weeks, property owners should look for this important document in the mail, review it closely, and then follow the instructions if they wish to appeal the tentative valuation.

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

**FY25  
Human  
Service  
Grants**

Gina Jennings, Finance Director presented FY 2025 Human Service Grant recommendations and award for Council's consideration. Mrs. Jennings reviewed the Human Service Grant purpose and process. She then shared the formula used to distribute the funds consisting of \$225,000. Mrs. Jennings reported that there were \$469,430 requests received from 85 qualified organizations. There were 12 new recipients this year covering 62,604 Sussex County beneficiaries. The organizations raise approximately \$7.6 million in other types of support for these projects. She then shared the FY 2025 recipients.

**M 575 24  
Approve  
Human  
Service  
Grant  
Awards**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved that the Sussex County Council, approve the Fiscal Year 2025 Human Service Grant allocation as presented.

**Motion Adopted: 5 Yeas**

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

**Family Paid  
Leave Act**

Karen Brewington, Human Resources Director presented a recommendation for the implementation of the family paid leave act for Council's consideration.

**M 576 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that Sussex County Council opt out of the State’s paid family leave plan and Approve Family Paid Leave Act enter into a fully insured private plan with the Hartford for the County’s paid family medical leave at a rate of .494% that includes the FICA match for a period of one year ending December 31, 2026.**

**Motion Adopted:      5 Yeas**

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

**Briarwood Estates**      **Paul Mauser, Assistant County Engineer presented a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,631,363 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH BRIARWOOD ESTATES PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH” and JMT – Amendment 1 – Design for Council’s consideration.**

**Introduction of Proposed Ordinance/ Briarwood Estates**      **Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,631,363 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH BRIARWOOD ESTATES PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**M 577 24**      **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department that amendment no. 1 to the base engineering service agreement Approve Amendment 1/Briarwood Estates with Johnson, Mirmiran & Thompson for Briarwood Estates septic elimination project, S23-11 be approved in the amount not to exceed \$245,960.00 for design and bidding phase services.**

**Motion Adopted:      5 Yeas**

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

**Winding Creek Village**      **Paul Mauser, Assistant County Engineer presented a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,413,059 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**Introduction of Proposed Ordinance/ Winding Creek Village** Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,413,059 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

**Old Business/ CU2416** Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS” filed on behalf of Over the Hill Holdings, LLC.

The County Council held a Public Hearing on the application at its meeting on July 30, 2024. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

**M 578 24 Adopt Ordinance No. 3056/ CU2416** A Motion was made by Mr. Vincent, seconded by Mr. Schaeffer to Adopt Ordinance No. 3056 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS” for a partial approval and partial denial with the reasons and conditions given by the Planning & Zoning Commission as follows:

1. The use as an indoor shooting range was approved in 2018 as Case No. 12083 by the Sussex County Board of Adjustment. I have no objection to the continued use of the indoor shooting range under that approval. Also, Sussex County certainly respects the need for firearm practice and training by our residents and law enforcement agencies. However, this Application is a zoning issue, and the fundamental question is whether this is an appropriate location for this type of use – in this case particularly the outdoor shooting range. I do not believe that this is the most appropriate location for this proposed use as an outdoor shooting range.
2. During the Board of Adjustment hearing on Case No. 12083 for an indoor range, the Applicant specifically stated that they were not seeking approval for an outdoor shooting range, and that “The Environmental Protection Agency discourages the practice of commercial outdoor firing ranges.” After the Board of Adjustment approved the indoor range, the Applicant sought approval of a change in zone for the property. That change in zone did not occur. Despite the Applicant’s knowledge and involvement

**M 578 24  
Adopt  
Ordinance  
No. 3056/  
CU2416  
(continued)**

- with Sussex County's land use process, and despite the Applicant's contrary statements to the Board of Adjustment that it was not seeking an outdoor shooting range, an outdoor shooting range was nevertheless constructed on the property without any zoning permits or approvals for the use.
3. There are homes in close proximity to the site. There was opposition testimony from one of the owners of a home adjacent to this site that the outdoor range would be noisy and would interfere with her quiet enjoyment of her property. I believe these concerns are legitimate and apply equally to all of the houses that are adjacent to, or near this property. I also believe that it is reasonable to conclude that the outdoor shooting range and noise generated by it will adversely affect the values and marketability of the nearby residential properties.
  4. Although the Applicant provided evidence suggesting that the noise generated by the outdoor shooting range will be minimal, I am not satisfied that this evidence accurately reflects how the outdoor range will be used. The noise testimony was based upon the discharge of a single firearm. However, from the photographs in the record it appears that there will be 8 shooting positions or stalls allowing at least 8 firearms to be discharged simultaneously or in rapid succession. As a result, the actual noise will be much louder and more prolonged than the single firearm that was tested and presented as noise evidence by the Applicant.
  5. I am not satisfied that the outdoor range and particularly the down-range portion of it has been constructed in a way that mitigates the noise generated by the outdoor use to the fullest extent possible. It may be possible that the Applicant can provide additional protections against the noise disturbance from this facility on the neighboring properties during the County Council hearing. But I am not satisfied that the evidence presented to the Commission sufficiently addresses this concern.
  6. While there is definitely a need for indoor and outdoor shooting ranges in Sussex County, particularly so that law enforcement and police agencies can use them for training, there are other more appropriate locations for them that are not so close to existing homes.
  7. It is unfortunate that the Applicant constructed the outdoor shooting range without the appropriate approvals for the use. They did so contrary to their own statements that such a range would not be built. They constructed the range at their own peril, without approvals, and with the risk that the use would not be approved. As a result, the existence of the outdoor range cannot be used in support of the conditional use.
  8. For all of these reasons and based on the record before the Commission which may be supplemented during the Council hearing, I move that the Commission recommend a denial of the outdoor shooting range portion of this Conditional Use.

**M 578 24  
Adopt  
Ordinance  
No. 3056/  
CU2416  
(continued)**

9. The indoor shooting range was approved by the Board of Adjustment as a special exception in Case No. 12083 decided in 2018. It is appropriate to confirm the indoor shooting range through this conditional use, and the indoor shooting range shall be permitted to include sales of guns, rifles and equipment in a manner that is accessory to the primary use as an indoor shooting range.
10. The indoor shooting range is entirely self-contained with noise-deadening and safety features built into it. There is no evidence that the indoor shooting range will adversely affect neighboring properties or roadways.
11. The indoor shooting range provides a needed venue for shooting and target practice for residents of Sussex County, law enforcement agencies and police departments. As a result, it has a public or semi-public character.
12. This recommendation for approval of only the indoor shooting range is subject to the following conditions:
  - a. The permitted use shall only include the indoor shooting range. This may include limited retail sales including sales of guns, rifles, ammunition and equipment in a manner that is accessory to the primary use as an indoor shooting range.
  - b. The Applicant must comply with all Federal and State licenses and regulations for the use, including compliance with all federal and state requirements for the recovery and disposal of used ammunition.
  - c. The use of the indoor range facilities shall occur between the hours of 8:00 a.m. and 10:00 p.m.
  - d. All dumpsters shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
  - e. Parking shall be prohibited on any area roadways. All on-site parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
  - f. All lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.
  - g. One lighted sign, no larger than 32 square feet in size, shall be permitted.
  - h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted: 5 Yeas**

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

**Grant  
Requests**

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

**M 579 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$5,000**  
**Delmar**            **(\$5,000 from Mr. Vincent’s Councilmanic Grant Account) to Delmar**  
**Historical &**      **Historical & Arts Society, Inc. for their historical museum.**  
**Arts Society**

**Motion Adopted:      5 Yeas**

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

**M 580 24**      **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$2,000**  
**American**            **(\$2,000 from Mrs. Green’s Councilmanic Grant Account) to American Youth**  
**Youth**                **Football, Inc. for their regional tournament.**  
**Football,**  
**Inc.**

**Motion Adopted:      5 Yeas**

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

**M 581 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$3,000**  
**Contractors**            **(\$2,000 from Mr. Hudson’s Councilmanic Grant Account and \$1,000 from**  
**for a Cause**      **Mr. Rieley’s Councilmanic Grant Account) to Contractors for a Cause**  
**Foundation,**      **Foundation, LLC for their helping hands program.**  
**LLC**

**Motion Adopted:      5 Yeas**

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

**Proposed**      **Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE**  
**Ordinance**      **TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX**  
**Introduc-**      **COUNTY FROM AN MR MEDIUM RESIDENTIAL DISTRICT TO AN AR-**  
**tion**                **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN**  
**b PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED,**  
**b SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS” filed on**  
**b behalf of James Yerkie, II.**

**Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE**  
**TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1**  
**AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE**  
**FACILITY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF**  
**LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX**  
**COUNTY, CONTAINING 6.68 ACRES, MORE OR LESS” filed on behalf**  
**of Rehoboth Family Storage, LLC.**

**Proposed Ordinance Introduction (continued)**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS” filed on behalf of Breeze-A-Bella Land Group, LLC.**

**Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS” filed on behalf of J&T Properties, LLC.**

**Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRES, MORE OR LESS” filed on behalf of Jane Brady.**

**The Proposed Ordinances will be advertised for a public hearing.**

**CM Comments**

**There were no Council Member comments.**

**M 582 24 Adjourn**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to adjourn at 10:29 a.m.**

**Motion Adopted: 5 Yeas**

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

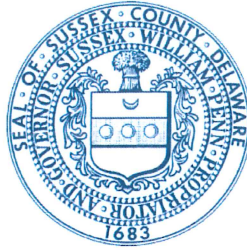
**Respectfully submitted,**

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

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



TODD F. LAWSON  
COUNTY ADMINISTRATOR  
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**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: Todd F. Lawson  
County Administrator

RE: 2025 MEETING AND HOLIDAY SCHEDULE

DATE: November 15, 2024

During Tuesday's meeting, Council is scheduled to discuss and approve the 2025 Meeting and Holiday Schedule. As in past years, the County will follow the typical holiday schedule. Thus, for the upcoming year the offices will close for the following dates:

- New Year's Day
- Martin Luther King, Jr. Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving
- Christmas

Regarding the County Council's meeting schedule, the Council is scheduled to meet every Tuesday except on days affected by a holiday and days we select to not meet. If an additional meeting is needed, Council can always schedule one at its discretion.

The calendar reference sheet is attached.

I will review the full schedule during Tuesday's meeting. Please let me know if you have any questions or concerns.



# SUSSEX COUNTY 2025 SCHEDULE

Index	
	-Council meeting scheduled
	-No Council meeting
	-County holiday; offices closed.
	-Council Workshop, no meeting

January						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Notes

NY

MLK

February						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

Notes

OFF

March						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

NACo-DC(1-4)

Budget Week

April						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Good Friday  
Easter Break

May						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Budget Workshop

MDW

June						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Juneteenth

July						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

July 4  
OFF & NACo(11-14)

DE Fair(17-26)

August						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

OFF

OFF

September						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

LDW

OFF

October						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

OFF

November						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Veterans Day

Thanksgiving

December						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

OFF

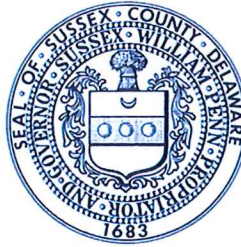
Christmas  
NYE

**ENGINEERING DEPARTMENT**

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

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

mike.harmer@sussexcountype.gov



**Sussex County**

DELAWARE  
sussexcountype.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: Mike Harmer, P.E., County Engineer



RE: **Wolfe Neck RWF Electrical Service & Switchgear Replacement  
A. Electrical Construction, Project S24-09 – Change Order No. 2**

DATE: November 19, 2024

Due to the limited land owned by Sussex County and the existing hydraulic profile any treatment expansion at the Wolfe Neck RWF can only occur in the location of the primary treatment lagoon requiring removal of the accumulated biosolids. As prerequisite of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3 requiring additional aerators. In addition, the biosolids removal & dewatering equipment has a significant temporary power demand. Therefore, a new electrical service and power distribution center was required.

On August 15, 2023, Council awarded GHD’s Amendment 22 – Advanced Electrical Design in the not to exceed amount of \$427,000. The electrical design accommodates 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 of 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 providing solar power while reducing or possibly eliminating any required electric utility upgrades.

Council approved the Engineering Department to request proposals from qualified solar developers to lease the effluent lagoon surface at the Wolfe Neck RWF and on December 6, 2023, four (4) fully compliant submittals were received. The RFP review committee ranked the proposals and on February 27, 2024, Council authorized finalization of lease terms with Noria-Chaberton JV LLC and ultimately approved the Solar Energy Lease and Easement Agreement with Addendum, the Memorandum of Solar Energy Lease and Easement Agreement as well as the Decommissioning Funding Agreement with Noria-Chaberton JV LLC on March 19, 2024.



Subsequently GHD developed construction documents for the associated electrical and general construction scopes with the option to bid on one or both segments of the work. Invitations to Bid were advertised and five (5) contractors attended the pre-bid meeting but ultimately only two (2) bids were received for the Electrical Construction and one (1) bid for the General Construction. BW Electric, On April 30, 2024, Council approved award of the Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000 while at the same meeting rejecting the sole General Construction bid.

Council also approved an alternate delivery method for the General Construction by soliciting all qualified contractors with open County contracts to submit a proposal. Subsequently four (4) proposals were received with Bancroft Construction submitting the lowest responsible offer in the amount of \$1,376,000. Council issued Change Order No. 1 under Bancroft Construction's James Farm contract on June 11, 2024 with separate accounting. During that same meeting Council also approved GHD's Amendment No. 25 in the not to exceed amount of \$736,342 for construction phase services covering both contracts at the Wolfe Neck RWF.

The initial design approach for the lagoon solar project anticipated a "behind the meter" component connected to the new main power distribution panel. However, in the final design both projects connect directly to the utility transformer. The lagoon solar alignment routing was initially laid out outside of the County's project envelope on State owned lands. The archeological findings necessitated the consolidation of all construction activities on previously disturbed areas under County ownership. Therefore, GHD, prepared modified drawings incorporating an advanced construction duct bank between the building and the generator for us by Noria-Chaberton JV LLC under the lagoon solar project while at the same time removing the solar connection to the main power distribution panel. BW Electric, Inc. priced out the work in the aggregate amount of \$87,423.45. On August 13, 2024, Council approved BW Electric, Inc.'s Change Order No. 1 for the same amount.

The project includes a new Process Control System Cabinet, which will initially communicate with existing SCADA and ultimately be incorporated into the new site-wide SCADA system for the expanded facility. This Cabinet was to include a County-furnished Industrial PC (IPC) to match recent projects and direction given by Environmental Services. However, Environmental Services has recently decided to phase out IPCs and instead use Operator Interface Terminals (OITs) to mitigate against anticipated redundancy issues. As such, it was requested that GHD prepare an RFP to substitute the County-furnished IPC with a Contractor-provided OIT.

BW Electric, Inc. priced out the work in the aggregate amount of \$6,102.82. After review of the proposal by GHD, the Engineering Department recommends approval of Change Order No. 2 in said amount.



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **Wolfe Neck Regional RWF – Electrical Construction**
2. Sussex County Project No. 24-09
3. Change Order No. 2
4. Date Change Order Initiated - 11/13/24
5.
  - a. Original Contract Sum \$5,000,000.00
  - b. Net Change by Previous Change Orders \$ 87,423.45
  - c. Contract Sum Prior to Change Order \$5,087,423.45
  - d. Requested Change \$ 6,102.82
  - e. Net Change (No. of days) \_\_\_\_\_
  - f. New Contract Amount \$5,093,526.27
6. Contact Person: Mike Harmer, P.E.  
Telephone No. (302) 855-7718

**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:**

Replace the Operator Interface Terminals to reduce redundancy issues.

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

Yes  No

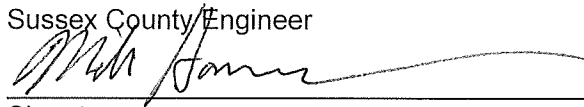
**E. APPROVALS**

1. B.W. Electric, Contractor

Jason R Walters 11/13/2024  
Signature Date

Jason R Walters  
Representative's Name in Block Letters

2. Sussex County Engineer

 11/14/24  
Signature Date

3. Sussex County Council President

\_\_\_\_\_  
Signature Date



## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

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(302) 854-5391 F

mike.harmer@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 Green  
The Honorable Douglas B. Hudson  
The Honorable Mark Schaeffer

FROM: Hans Medlarz, P.E., Project Manager

RE: ***Long Neck Communities, Project S21-10***  
***A. Final Balancing Change Order No. 3 and Substantial Completion***

DATE: November 19, 2024

The Long Neck Communities Sewer Expansion combines several remediation areas. County Council originally brought the Autumn Road and Branch Road areas (58EDUs) into the uniform sewer district after a public hearing via a private expansion known as Seabrooke. The Tucks Road area (19 EDUs) was added later based on owner requests and another public hearing. The associated Resolutions R 017 17 and R 027 17 were authorized by Council for these area at their July 25, 2017, and October 3, 2017 meetings, respectively.

Subsequently the owners from the adjacent Sherwood Forest North area expressed interest and the Engineering Department polled the area via two mailings in the Spring of 2018. Based on positive responses a public hearing was held on April 25, 2019. Hearing results were presented to Council with a recommendation for expanding the sewer district. On June 11, 2019, County Council authorized Resolution R 014 19 to extend the district boundary to include another 170 EDUs. Since the areas are close in close proximity, flanking the north and south sides of SR 24, John J Williams Highway, it was determined best to group the work into a single project of nearly 250 EDUs.

In April of 2020 the Engineering Department finalized the Preliminary Engineering Report and the Environmental Information required for the funding application to State Revolving Fund (SRF). On April 9, 2020, these Documents combined with the overall funding application prepared by the Finance Department was filed with an overall project cost of \$7,788,761.00. On August 24, 2020, the County received the Binding Commitment Letter from DNREC Environmental Finance. August 25, 2020, the County accepted the Binding Commitment Offer and the obligating documents associated in the loan amount of \$7,788,761.00 with the expectation of up to \$3,860,000.00 of principal forgiveness, reducing the principal amount of the bonds outstanding to \$3,928,761.00 upon project completion.



With the SRF binding commitment in hand County Council awarded a professional services agreement to George, Milles & Buhr, Inc. for design and bidding services associated with the Long Neck Communities Sewer Expansion, Project S21-10, at a not to exceed cost of \$310,868.00 on March 23, 2021. On March 1, 2022, County Council introduced and ultimately approved the associated debt ordinance authorizing the issuance of up to \$7,788,761.00.

All permits were in place by late 2022 and Invitations to Bid were advertised on January 10<sup>th</sup> and 17<sup>th</sup>. Eight (8) contractors attended the pre-bid meeting on January 18, 2023, and on February 1, 2023, four (4) bids were received. The bids were competitive but reflected a significantly increased price environment. The successful bidder was A-Del Construction Co., Inc. at \$7,658,870.00. The project scope has built in unit cost contingency items which should limit the overall construction cost to less than the total amount bid.

However, the project costs exceeded the SRF Funding commitment and on February 28, 2023, Council requested supplemental State Revolving Fund funding in the amount of \$2,036,840.00 for the difference in costs between the original construction budget in 2020 and the actual bid amount submitted in 2023. On March 22, 2023, the County received the Binding Commitment Letter from DNREC Environmental Finance. On June 20, 2023, the County accepted the Binding Commitment Offer and the obligating documents associated with the interest during construction. The Finance and Engineering Departments recommended introduction of the associated debt ordinance authorizing the issuance of up to \$2,036,840.00 of general obligation bonds. The Ordinance was introduced on July 11, 2023 and approved after a public hearing on August 15, 2023. The entire supplemental amount will be forgiven upon project completion.

On February 28, 2023, Council awarded A-Del Construction, Inc. for the total bid amount of \$7,658,870.00, contingent upon SRF concurrence and receipt of supplemental funding. After SRF concurrence was received the project was awarded and a Notice to Proceed effective May 30, 2023 was issued.

Installation of deep mainline sewer and the pump station in Sherwood Forest on the east side of John J. Williams Highway required dewatering. Initial attempts discharging and storing the water in roadway swales and the development's on-site stormwater management pond were unsuccessful due to the volume of discharged water. Ultimately, it was necessary to meter the discharge at the on-site stormwater pond and convey water via piping approximately 1,700 linear feet to a large, wooded parcel adjacent to Long Neck Elementary School.

The dewatering operations commenced on July 31, 2023, and were completed in November 2023. A-Del Construction, Inc. took several days in December and early January to remove piping and restore the area. In accordance with the time and materials provision of the contract, A-Del Construction, Inc. submitted Change Order No. 1 in the amount of \$93,066.11. On February 20, 2024, County Council approved Change Order No. 1 at the referenced amount, increasing the contract total to \$7,751,936.11.

A-Del Construction, Inc. requested a non-compensatory time extension that is necessary because of unforeseen utility conflicts, supply chain delays for the Pump Station equipment, and loss of production for the mainline sewer installation caused by groundwater conditions.



The Engineering Department recommended and Council approved Change Order #2 which provided A-Del Construction, Inc. with a non-compensatory time extension of 120 calendar days to the Substantial Completion and Final Payment dates.

A portion of the sewer expansion project for residences on Tucks Road and Abby Way was completed early as the sewer in this area connected to an existing system which was already online. Operations began with sewer connection notices mailed to those property owners effective September 5, 2023.

The remainder of the project was completed, and a final progress meeting and walk through with DNREC was held on September 26, 2024. Substantial Completion was granted effective August 21, 2024. Sewer connection notices mailed to the remainder of property owners in early October 2024.

Coordination of project close-out including review of as-built drawings allowed finalization of all quantities summarized in Change Order #3. The change order includes miscellaneous time & material work efforts required to address DelDOT requests as well as special conditions detailed in the recorded easements. Change Order #3 reduced the project cost significantly with the majority of the savings derived from an in-house value engineering proposal developed after the bid.

The Engineering Department recommends Council approval of the balancing Change Order #3, decreasing the contract by \$ 748,897.05 for a final value of \$ 7,003,039.06 as well as granting of final project completion.



**Contract S21-10**

**Long Neck Sewer Project  
CO #3 - Final Bid Items Credit  
(Includes Misc. Time and Material Work and Balancing of Quantities Change Order Cost Summary Sheet)**

Bid Item No.	Description	Bid Quantity	Units	Unit Price	Actual Quantity	ADD	DEDUCT
A1	Mobilization	1	LS	\$ 377,500.00	1	\$ -	\$ -
A2	Furnish & Install Sediment Control Measures	1	LS	\$ 15,000.00	1	\$ -	\$ -
Subtotals for Part A:						\$ -	\$ -

Bid Item No.	Description	Bid Quantity	Units	Unit Price	Actual Quantity	ADD	DEDUCT
B1	Furnish & Install Pump Station No. LN-328	1	LS	\$ 630,000.00	1	\$ -	\$ -
B2	Electric Utility Service Extension Allowance	1	LS	\$ 5,000.00	0	\$ -	\$ (5,000.00)
B3	Landscape Allowance	1	LS	\$ 5,000.00	1	\$ -	\$ (72.77)
B4	Furnish & Install New Water Service to Parcel 248 and Abandon existing water service to Pump Station	1	LS	\$ 6,000.00	1	\$ -	\$ -
Subtotals for Part B:						\$ -	\$ (5,072.77)

Bid Item No.	Description	Bid Quantity	Units	Unit Price	Actual Quantity	ADD	DEDUCT
C1	Furnish & Install PVC GS SDR35 (in Pavement)	9640	LF	\$ 140.00	10279.00	\$ 89,460.00	
C2	Furnish & Install PVC GS SDR26 (in Pavement)	2640	LF	\$ 154.00	1692		\$ (145,992.00)
C3	Furnish & Install PVC GS SDR35 (Outside Pavement)	420	LF	\$ 122.00	629.50	\$ 25,559.00	
C4	Furnish & Install PVC GS SDR26 (Outside Pavement)	700	LF	\$ 139.00	631.50		\$ (9,521.50)
C5	Furnish & Install PVC Sewer Laterals (in Pavement)	4000	LF	\$ 150.00	3272		\$ (109,200.00)
C6	Furnish & Install PVC Sewer Laterals (Outside Pavement)	4000	LF	\$ 131.50	5232	\$ 162,008.00	
C7	Furnish & Install Lateral Cleanout	260	EA	\$ 1,315.00	257.00		\$ (3,945.00)
C8	Furnish & Install PVC Terminal Cleanout (In Pavement)	2	EA	\$ 1,800.00	3	\$ 1,800.00	
C9	Furnish & Install PVC Terminal Cleanout (Outside Pavement)	2	EA	\$ 1,685.00	0.00		\$ (3,370.00)
C10	Furnish & Install Deep Sewer Lateral Stack	50	EA	\$ 1,600.00	28.00		\$ (35,200.00)
C11	Furnish & Install Precast MH, Including Frame & Cover, 4' DIA	415	VF	\$ 1,200.00	394.40		\$ (24,720.00)
C12	Furnish & Install Precast MH, Including Frame & Cover, 5' DIA	110	VF	\$ 1,200.00	99.79		\$ (12,252.00)
C13	Parcel 419 New Storage Shed Allowance	1	LS	\$ 7,000.00	1		\$ (3,813.96)
C14	Replace Existing MH3 Sherwood Forest North & Bypass Pumping	1	LS	\$ 27,000.00	1		
C15	Furnish & Install Steel Casing Pipe Crossing School Lane	40	LF	\$ 1,200.00	32		\$ (9,600.00)
C16	Core Drill Existing MH LNR-298/4 for Connection of Gravity sewer	1	EA	\$ 6,000.00	1		
C17	Furnish & Install FM (In Pavement)	35	LF	\$ 100.00	3		\$ (3,200.00)
C18	Furnish & Install FM (Outside Pavement)	1800	LF	\$ 70.00	510		\$ (90,300.00)
C19	Furnish & Install Toning Wire	1	EA	\$ 750.00	1		
C20	Furnish & Install ARV, ARV-1	1	EA	\$ 19,000.00	0		\$ (19,000.00)
C21	Dewatering: Well Point Header Pipe per LF	10000	LF	\$ 73.50	4628		\$ (394,842.00)
C22	Dewatering: Well Point Discharge Pipe per LF	2000	LF	\$ 5.00	2178	\$ 890.00	
C23	Test Well & Water Quality Testing Allowance	1	EA	\$ 35,000.00	1		\$ (30,858.50)
C24	Milling of Existing Pavement	4000	SF	\$ 1.50	2025		\$ (2,962.50)
C25	Furnish & Place Type C HM Asphalt	5000	TON	\$ 111.00	4165.99		\$ (92,575.11)
C26	Furnish & Place Type B HM Asphalt	3200	TON	\$ 133.00	2552.44		\$ (86,125.48)
C27	Furnish & Place GABC Type B	4000	CY	\$ 85.00	2411		\$ (135,065.00)
C28	Furnish & Install Asphalt Driveway Restoration (2" Type C over 6" GABC Stone)	1200	SF	\$ 8.00	2439	\$ 9,912.00	
C29	Furnish & Install Stone or Gravel Driveway Restoration	2600	SF	\$ 2.00	1777		\$ (1,646.00)
C30	Furnish & Install Concrete Driveway Restoration	1000	SF	\$ 14.00	1095	\$ 1,330.00	
Subtotals for Part C:						\$ 290,959.00	\$ (1,214,189.05)

Bid Item No.	Description	Bid Quantity	Units	Unit Price	Actual Quantity	ADD	DEDUCT
<b>Part D - Contingent Bid Items</b>							
D1	Excavation Below Subgrade	200	CY	\$ 87.00	0		\$ (17,400.00)
D2	Furnish & Place No. 57 Gravel Bedding	200	CY	\$ 140.00	0		\$ (28,000.00)
D3	Furnish & Place Borrow Material (Backfill)	1000	CY	\$ 80.00	2077	\$ 86,160.00	
D4	Miscellaneous Excavation & Backfill	10	CY	\$ 600.00	0		\$ (6,000.00)
D5	Furnish & Place Miscellaneous 400 PSI Concrete	10	CY	\$ 1,050.00	0		\$ (10,500.00)
D6	Secure Modified Proctor Tests on Trench Backfill	2	EA	\$ 500.00	1		\$ (500.00)
D7	Secure Field Density Tests on Trench Backfill	50	EA	\$ 305.00	0		\$ (15,250.00)
Subtotals for Part D:						\$ 86,160.00	\$ (77,650.00)
Subtotal for Parts A+B+C+D						\$ 377,119.00	\$ (1,296,911.82) \$ (919,792.82)

Bid Item No.	Description	Bid Quantity	Units	Unit Price	Actual Quantity	ADD	DEDUCT
<b>Part E - Change Orders</b>							
CO #1	Dewater Bypass	1	LS	\$ 93,066.11	1	\$ 93,066.11	\$ -
CO #2	Non-Compensatory Time Extension	1	LS	\$ -	1	\$ -	\$ -
CO #3	Miscellaneous Time & Material (T&M) Work (5 Items)	1	LS	\$ 170,895.77	1	\$ 170,895.77	\$ -
Subtotals for Part E:						\$ 263,961.88	\$ -

Grand Total = Parts (A + B + C + D + E) \$ 641,080.88 \$ (1,296,911.82)

Balancing of Used/Unused S 21-10 Bid Item Quantities and T & M Work for CO #3 - Final Balancing DECREASE \$ (655,830.94)

NOTE: Because EJCDC Form C-941 included CO#1 in the Contract Price prior to CO#3, CO#1 needs to be added to the Decrease above making the Decrease on that form \$748,897.05 (\$655,830.94 + \$ 93,066.11) DECREASE \$ (748,897.05)

Casey Hall

Yes. 11/4  
vincent

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Monday, November 4, 2024 3:40 PM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

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<b>Council Grant Form</b>	
<b>Legal Name of Agency/Organization</b>	Downtown Seaford Association ✓
<b>Project Name</b>	Annual Christmas Parade ✓
<b>Federal Tax ID</b>	51-6000241
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	DSA is an association of businesses located in downtown Seaford to advocate on behalf of those businesses and to sponsor events to bring people to our downtown.
<b>Address</b>	P.O. Box 12
<b>City</b>	Seaford
<b>State</b>	DE
<b>Zip Code</b>	19973

<b>Contact Person</b>	Alice Adkins
<b>Contact Title</b>	President
<b>Contact Phone Number</b>	443-786-3968
<b>Contact Email Address</b>	<a href="mailto:amessick1239@gmail.com">amessick1239@gmail.com</a>
<b>Total Funding Request</b>	2000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	1000
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A
<b>Program Category (choose all that apply)</b>	Other
<b>Program Category Other</b>	General citizenry/youth, low income

<b>Primary Beneficiary Category</b>	Youth
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	2000
<b>Scope</b>	The Downtown Seaford Association (DSA) Sponsors this annual Christmas Parade to both bring people into our downtown and for the entertainment of our citizens, including marching bands, car clubs, fire units, local businesses, and floats. When we get the right weather, it is very well attended.
<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	2,000.00
<b>Description</b>	Reimbursement of expenses to marching bands
<b>Amount</b>	1,550.00
<b>Description</b>	Event Insurance
<b>Amount</b>	343.00
<b>Description</b>	Portable Toilets
<b>Amount</b>	1,260.00
<b>Description</b>	Candy for handout by elves

<b>Amount</b>	400.00
<b>Description</b>	Trophies
<b>Amount</b>	500.00
<b>Description</b>	Advertising
<b>Amount</b>	473.00
<b>TOTAL EXPENDITURES</b>	4,526.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-2,526.00
<b>Name of Organization</b>	Downtown Seaford Association
<b>Applicant/Authorized Official</b>	Alice Adkins
<b>Date</b>	11/04/2024
<b>Affidavit Acknowledgement</b>	Yes

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



Casey Hall

Yes. 11/4  
Vincent.

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>  
**Sent:** Wednesday, October 30, 2024 8:51 PM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

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### Council Grant Form

**Legal Name of Agency/Organization**

Good Samaritan Aid Organization, Inc ✓

**Project Name**

Annual Christmas Basket/Toy Outreach

**Federal Tax ID**

51-0303717 ✓

**Non-Profit**

Yes

**Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)**

No

**Organization's Mission**

Good Samaritan Aid Organization, Inc. (Good Sam) is committed to providing financial assistance and clothing/food assistance to those families in the Laurel DE and Delmar DE communities who are financially disadvantaged. The annual Christmas Basket/Toy outreach is one of the efforts sponsored annually by Good Sam. We believe that every child should have toys/gifts to open on Christmas Day regardless of the family's financial status. The Christmas outreach is just one of the efforts supported by Good Sam. We also provide financial assistance to individuals who need help with electric bills, gas bills, utility bills, rent, medical bills and prescriptions, etc.



<b>Address</b>	115 West Market Street
<b>Address 2</b>	P. O. Box 643
<b>City</b>	Laurel
<b>State</b>	DE
<b>Zip Code</b>	19956
<b>Contact Person</b>	Melinda Tingle
<b>Contact Title</b>	President
<b>Contact Phone Number</b>	302/875-0355
<b>Contact Email Address</b>	<a href="mailto:mtingle57@comcast.net">mtingle57@comcast.net</a>
<b>Total Funding Request</b>	\$1,000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	1000
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of</b>	4

<b>the project's funding does the Council grant represent?</b>	
<b>Program Category (choose all that apply)</b>	Other
<b>Program Category Other</b>	Christmas outreach for financially disadvantaged
<b>Primary Beneficiary Category</b>	Low to Moderate Income
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	750
<b>Scope</b>	The Christmas Basket/Toy program is an annual outreach to ensure that all families in the Laurel school district experience the Christmas holiday. Volunteers for Good Sam deliver food basket and toys/gifts to referrals from school nurses, local churches, local service organization and State of DE Service Center. Referred families receive Food Lion Gift card to shop for Christmas dinner items and a delivery of toys/gifts is made on Christmas Eve morning to each family with children The need in Laurel is significant and most families in the school district qualify for federal free lunch programs. The elderly population is also underserved, and we provide food assistance with the outreach to any elderly referred families and individuals.
<b>Please enter the current support your organization receives for this project (not entire organization)</b>	9,500.00

revenue if not applicable to request)

**Description** Food Lion Gift Cards

**Amount** 19,500.00

**Description** Toys/gifts purchased

**Amount** 5,500.00

**TOTAL EXPENDITURES** 25,000.00

**TOTAL DEFICIT FOR PROJECT OR ORGANIZATION** -15,500.00

**Name of Organization** Good Samaritan Aid Organization, Inc.

**Applicant/Authorized Official** Melinda R. Tingle/President

**Date** 10/30/2024

**Affidavit Acknowledgement** Yes

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

## Casey Hall

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**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>  
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**Subject:** Form submission from: Council Grant Form

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### ***Council Grant Form***

<b>Legal Name of Agency/Organization</b>	Cape Henlopen High School Boys Basketball Boosters
<b>Project Name</b>	Each Bash Tournament
<b>Federal Tax ID</b>	88-4185429
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	Replacement basketball tournament for Slam Dunk to the Beach
<b>Address</b>	Cape Henlopen High School
<b>Address 2</b>	35491Peregrine Rd
<b>City</b>	Lewes
<b>State</b>	DE
<b>Zip Code</b>	19958

<b>Contact Person</b>	Paul Bauer
<b>Contact Title</b>	Event Organizer
<b>Contact Phone Number</b>	302-983-0300
<b>Contact Email Address</b>	<a href="mailto:paul.bauer2@outlook.com">paul.bauer2@outlook.com</a>
<b>Total Funding Request</b>	\$750
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A
<b>Program Category (choose all that apply)</b>	Cultural
<b>Primary Beneficiary Category</b>	Youth

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

2000

**Scope**

The 1st Annual Beach Bash Basketball Tournament will be held December 27th & 28th at Cape Henlopen High School. This event is being presented by and is sponsored by the Cape Henlopen Boys Basketball Booster Club.

In years past, we have enjoyed being the host facility for the Slam Dunk to the Beach, which is currently taking a hiatus this year.

Although we are disappointed to not have Slam Dunk, we are striving to keep a similar event going but with teams primarily from the DelMarva area. We promise to deliver an excellent experience with the talent across Delaware and our surrounding States.

For year 1, we will have 3 out-of-state teams plus Cape Henlopen play in a tournament style, win and advance, format. Broadneck HS (MD), Mountainview HS (VA), and Oakland Mills HS from Howard County (MD) will be traveling to play here.

In order to put this event on, we do need help from the Community.

Sponsor levels are as follows:

>> \$250. Event Sponsor (includes 4 tickets each day and advertising in the program)

>> \$400. Team sponsor (includes 4 court side tickets each day, advertising in the program and logo on Event signage)

>> \$750 Presenting Sponsors (includes 6 court side tickets each day, advertising in the program, as well as main signage in promotion of the event)

Looking forward to keeping great basketball in Sussex County and look forward to your support.

For questions, please reach out to me at 302-983-0300 or via email at [paul.bauer2@outlook.com](mailto:paul.bauer2@outlook.com)

Thank you in advance for your support!

<b>Religious Components</b>	N/A
<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	3,000.00
<b>Description</b>	Hotel rooms, referees, staff, cleaning, event promotion
<b>Amount</b>	3,500.00
<b>TOTAL EXPENDITURES</b>	3,500.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-500.00
<b>Name of Organization</b>	Cape Henlopen HS Boys Basketball Boosters
<b>Applicant/Authorized Official</b>	Paul Bauer
<b>Date</b>	10/30/2024
<b>Affidavit Acknowledgement</b>	Yes

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



## Casey Hall

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**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>  
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### ***Council Grant Form***

**Legal Name of Agency/Organization** Historic Georgetown Association

**Project Name** Preservation and Restoration of Historic items in our museum

**Federal Tax ID** 510368948

**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 Mission of Historic Georgetown Association is to promote historical, cultural, and educational issues concerning the citizens of Georgetown. Historic Georgetown Association is committed to preserving Georgetown's rich history and renovation historic structures and working with community leaders to present that history to future generations.

**Address** 140 Layton Avenue

**City** Georgetown

<b>State</b>	DE
<b>Zip Code</b>	19947
<b>Contact Person</b>	Mr. Lynn W. Moore
<b>Contact Title</b>	Executive Vice President
<b>Contact Phone Number</b>	3027456595
<b>Contact Email Address</b>	<a href="mailto:lynnwmoore@aol.com">lynnwmoore@aol.com</a>
<b>Total Funding Request</b>	\$7500.00
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	2000
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	25

<b>Program Category (choose all that apply)</b>	Cultural Educational
<b>Primary Beneficiary Category</b>	Other
<b>Beneficiary Category Other</b>	Visitors to the Train Station Museum and Georgetown's First Fire House
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	1000
<b>Scope</b>	<p>HGA is dedicated to preserving historic items related to Georgetown and railroad history. Several of our items need repairs, renovations, and signage. One recent major renovation project is a "Manley Popcorn Machine" that was manufactured in the mid 1940's. It has was used originally in the old Ayers Theatre that was located on Market St. in Georgetown until 1964. From there it was used in the Georgetown Little League Concession Stand, and later by Station 77 Fire Company at their annual Oyster Eat fundraiser. Station 77 donated the machine to HGA and we have a professional restoration expert completely renovating the machine and getting it into working order again. Costs to do this will most likely be around \$3,000 to 4,000. We also need signage and general upkeep on several historic items in our train station museum- including a recent donated item that is US post office mail letter slot that was part of Stockley Post Office. It is over 75 years old. HGA is a also planning to have an oval boardwalk constructed on the complex site that would be used to take children for rides in Lil Toot, which consists of an replica of an engine and two cares pulled behind it.</p>

<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	0.00
<b>Description</b>	Renovation of Popcorn Machine
<b>Amount</b>	3,500.00
<b>Description</b>	Signage for historic Items
<b>Amount</b>	750.00
<b>Description</b>	General repairs and maintenance of current historic items
<b>Amount</b>	500.00
<b>Description</b>	Maintence and upgrades to Lil Toot, which is a ride for area children
<b>Amount</b>	500.00
<b>Description</b>	Construction of an oval boardwalk to use for taking children on rides in Lil Toot
<b>Amount</b>	2,000.00
<b>Description</b>	Miscellaneous expenses
<b>Amount</b>	250.00
<b>TOTAL EXPENDITURES</b>	7,500.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-7,500.00

<b>Name of Organization</b>	Historic Georgetown Association
<b>Applicant/Authorized Official</b>	Lynn W. Moore
<b>Date</b>	11/06/2024
<b>Affidavit Acknowledgement</b>	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
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## Casey Hall

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**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>  
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### ***Council Grant Form***

**Legal Name of Agency/Organization** Optimist Club of Sussex County

**Project Name** Essay, Oratorical, Youth Appreciation Day, Art Show, Respect for Law

**Federal Tax ID** 23-7102928

**Non-Profit** Yes

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

**Organization's Mission** Promoting hope and positive vision. Optimists are bringing out the best in youth, our communities and ourselves.

**Address** 37267 Dirickson Creek Rd

**City** Selbyville

**State** DE

**Zip Code** 19975

<b>Contact Person</b>	Shelley McBride
<b>Contact Phone Number</b>	3022585107
<b>Contact Email Address</b>	<a href="mailto:shelley.mcbride@irsd.k12.de.us">shelley.mcbride@irsd.k12.de.us</a>
<b>Total Funding Request</b>	2000.00
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A
<b>Program Category (choose all that apply)</b>	Educational
<b>Primary Beneficiary Category</b>	Youth

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

50

**Scope**

We sponsor our Essay Contest to all students in Sussex County High Schools. The topic is chosen by Optimist International. The essay length is 700-800 words. A rubric is used to judge the essays. Our club awards \$500, \$250, and \$100 to the top three essay contestants. We invite the three essay contestants to read their essays at a general meeting and we provide dinner for them and their parents. Last year our top winner won at the district level!

We also sponsor an oratorical contest to all students in Sussex County High Schools. The topic is chosen by Optimist International and is the longest running program sponsored by Optimist International. Students present their prepared speech to a panel of judges. A rubric is used for judging. We again give awards of \$500, \$250, and \$100 to our top three contestants. We again invite them to our general meeting and they provide dinner to them and their parents.

We sponsor Youth Appreciation Day to all students in Sussex County High Schools. We invite two students from each high school to participate and see their local government in action. They visit the County Council and The Court of Common Pleas. We provide lunch and a gift to them at the Counting House.

We select a school resource officer who makes an impact on students in Sussex County. We provide dinner and gift them a plaque.

Art Show is open to 4th grade students in Sussex County. Awards are presented to the top five winners.

**Religious Components**

N/A



<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	0.00
<b>Description</b>	Oratorical / Essay
<b>Amount</b>	1,750.00
<b>Description</b>	Art Show
<b>Amount</b>	500.00
<b>Description</b>	Youth Appreciation Day
<b>Amount</b>	300.00
<b>Description</b>	Respect For Law
<b>Amount</b>	150.00
<b>Description</b>	Dinners for all winners
<b>Amount</b>	500.00
<b>TOTAL EXPENDITURES</b>	3,200.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-3,200.00
<b>Name of Organization</b>	Optimist Club of Sussex County
<b>Applicant/Authorized Official</b>	Shelley McBride
<b>Date</b>	11/03/2024

**Affidavit  
Acknowledgement**

Yes

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

Casey Hall

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>  
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**Council Grant Form**

<b>Legal Name of Agency/Organization</b>	Lord Baltimore PTO
<b>Project Name</b>	SRO Support
<b>Federal Tax ID</b>	77-0682802
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	To foster a strong, supportive community that enhances the educational experience for all students. We aim to build meaningful partnerships between parents, teachers, and school staff to promote student success, well-being, and development. Through collaboration, volunteerism, and fundraising, we strive to provide resources, opportunities, and programs that enrich the learning environment and empower every child to reach their full potential.
<b>Address</b>	120 Atlantic Ave
<b>City</b>	Ocean View

<b>State</b>	DE
<b>Zip Code</b>	19970
<b>Contact Person</b>	Zoe Cummings
<b>Contact Title</b>	Co-President
<b>Contact Phone Number</b>	302-448-1662
<b>Contact Email Address</b>	<a href="mailto:ptolordbaltimore@gmail.com">ptolordbaltimore@gmail.com</a>
<b>Total Funding Request</b>	\$2,000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A

<b>Program Category (choose all that apply)</b>	Educational
<b>Primary Beneficiary Category</b>	Youth
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	700
<b>Scope</b>	<p>We are seeking additional funding to support the continued presence of Officer Bradshaw as our School Resource Officer (SRO). Officer Bradshaw plays a vital role in preventing and responding to school-based crime, fostering positive relationships between law enforcement, educators, and students, and contributing to a safe and supportive school climate. The total cost for the SRO, including salary, vehicle use, training, and other related expenses, is approximately \$140,000, of which the Town of Ocean View requests \$40,000 to be covered. The district currently contributes \$32,000, leaving a gap of \$8,000. The PTO is reaching out to local businesses for financial support to cover this shortfall and is exploring additional grant opportunities to help ensure the continued presence of Officer Bradshaw at our school.</p>
<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	0.00
<b>Description</b>	SRO Supplemental Funding

<b>Amount</b>	8,000.00
<b>TOTAL EXPENDITURES</b>	8,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-8,000.00
<b>Name of Organization</b>	Lord Baltimore PTO
<b>Applicant/Authorized Official</b>	Zoe Cummings
<b>Date</b>	11/12/2024
<b>Affidavit Acknowledgement</b>	Yes

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

To Be Introduced: 11/19/24

Council District 1: Mr. Vincent  
Tax I.D. No.: 132-2.00-325.02  
911 Address: 10718 Concord Road, Seaford

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.07 ACRES, MORE OR LESS**

WHEREAS, on the 24<sup>th</sup> day of May 2023, a conditional use application, denominated Conditional Use No. 2453 was filed on behalf of Kabir Corporation – c/o Dhruv Patel & Shaileshkumar Patel; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2453 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

Section 1. That Chapter 115, Article IV, Subsections 115-22 & 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2453 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying on the south side to Concord Road (Rt. 20) approximately 350 ft. west of Church Road (Rt. 20A), and being more particularly described in the attached legal description prepared by Axiom Engineering, LLC., said parcel containing 3.07 acres, more or less.

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

To Be Introduced: 11/19/24

Council District 3: Mr. Hudson

Tax I.D. No.: 234-29.00-57.02, 57.03, 57.04, & 57.04

911 Address 31235, 31241, & 31247 Barnacle Boulevard, Millsboro & N/A

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A WAREHOUSE, OFFICE, INDOOR AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.95 ACRES MORE OR LESS**

WHEREAS, on the 29<sup>th</sup> day of June 2023, a conditional use application, denominated Conditional Use No. 2460 was filed on behalf of Jose Hernandez Perez; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2460 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2460 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 west side of Barnacle Boulevard and the northeast side of Layton Davis Road (S.C.R. 312A) at the intersection of Barnacle Boulevard and Layton Davis Road (S.C.R. 312A) approximately 0.28 mile southeast of John J. Williams Highway (Rt. 24) and being more particularly described in the attached legal description prepared by Foresight Services. said parcels containing 2.95 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.**





## 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: November 14, 2024

RE: County Council Report for C/Z 2022 filed on behalf of Holdren, LLC

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The Planning and Zoning Department received an application (C/Z 2022 filed on behalf of Holdren, LLC) for a Change of Zone from an MR Medium Density Residential District to an AR-1 Agricultural Residential Zoning District, for a 2.26 ac. parcel, to be located at Tax Parcel 234-11.00-75.01. The property is located at 30764 Conleys Chapel Road, Lewes.

The Planning & Zoning Commission held a Public Hearing on the application on October 9, 2024. At the meeting of October 23, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of October 9, 2024, and October 23, 2024.

Minutes of the October 9, 2024, Planning & Zoning Commission Meeting

### C/Z 2022 Holdren LLC

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.26 ACRES, MORE OR LESS.** The property is lying on the south side of Conleys Chapel Road (S.C.R. 280B), 0.2 mile east of Beaver Dam Road (Rt. 23). 911 Address: 30764 Conleys Chapel Road, Lewes. Tax Map Parcel: 234-11.00-75.01 (p/o).



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicants conceptual site plan, a copy of the applicants exhibit booklets, a copy of the DelDOT SLER, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, a copy of the Staff Analysis and we have received zero comments.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant Holdren, LLC that they are seeking a Change in Zone to down zone a portion of the property from a MR Medium Density to an AR-1 Agricultural Residential to allow a Conditional Use to allow for indoor storage of watercraft in an existing 7500sq foot pole building; that the site is located near the intersection of Beaver Dam and Conley's Chapel Rd., where one of the Holdren family members lives in the front of the property and has this pole building in the rear; that the family runs Dewey Beach Water Sports, which is a watercraft shop in Dewey; that this pole building was constructed in the hopes of storing the watercrafts in the off season; that the proposal is to store 30 jet skis, 14 boats along with watercraft trailers inside the existing pole building; that they are seeking to store jet ski floating docks outside between the detached garage and pole building; that this is a violation case from the Constables for storage of watercrafts; that the Holdren's were not aware that they needed a permit outside of the building permit to store the watercraft within the building; that once this violation was brought to their attention, they sought out council and began the process of rectifying the issue; that being in an MR zoning a Conditional Use cannot be permitted which entails the reason behind the Change in Zone and the Conditional Use applications; that this family business has been servicing not only locals, but tourists in the area for years; that they plan to use vegetative buffers around the building, the hours of operations are not really "hours" as they will be moving watercrafts to and from at the beginning and the end of the season; that there would be no junk, inoperable or unregistered watercraft or trailers on site, there will be no retail sales on site, no maintenance other than minor maintenance (i.e.; tire changes, battery changes or oil changes), and there will be the power washing of all watercrafts before being put away at the end of the season.

Mr. Robertson stated that for the record the space will not be rented for storage to third parties.

Ms. Peet stated that the only storage within the building will be specifically of the watercrafts used by the Holdren's business Dewey Beach Water Sports.

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/Z 2022 Holdren, LLC (Dewey Beach Watersports). Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

#### Minutes of the October 23, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 9, 2024.

Mr. Collins moved that the Commission recommend approval of C/Z 2022 Dillon Holdren (HOLDREN, LLC) for a change in zone from MR Medium Density Residential to AR-1 Agricultural Residential based on the record made during the public hearing and for the following reasons:

1. The property is currently a large lot. The applicant is requesting this change in Zone to AR-1 so that a conditional use can be sought to allow the applicant to store boats associated with its business on the property. The primary use of the property will remain residential. This type of conditional use is not possible in the MR-1 Zoning District.
2. Downzoning this property to AR-1 is consistent with the Sussex County Comprehensive Plan and its Future Land Use Map.
3. The purpose of this downzoning is to enable a conditional use for the off-season storage of watercraft and boats associated with the applicant's business. There will not be any public access, and the use will not have an adverse impact on the neighborhood. The applicant will continue to reside on the property and the storage use will be a passive use in the off-season.
4. Should the conditional use not be approved, or should it expire, the AR-1 zoning will remain in place, which is a less-intensive zoning district than the MR District.
5. There was no opposition to this application.
6. For all of these reasons, the rezoning of this property from MR to AR-1 is appropriate.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 2022 Holdren, LLC for the reasons and the conditions stated in the motion. Motion carried 5 -0.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: October 9, 2024

Application: CZ 2022 Holdren LLC

Applicant: Holdren LLC c/o Dillon Holdren  
30764 Conleys Chapel Road  
Lewes, DE 19958

Owner: Holdren LLC  
30764 Conleys Chapel Road  
Lewes, DE 19958

Site Location: Lying on the south side of Conleys Chapel Road (S.C.R. 280B) and the east side of Tuckey Grove, approximately 0.2 mile east of Beaver Dam Road (Rt. 23)

Current Zoning: Medium-Density Residential (MR) Zoning District.

Proposed Use: Indoor Storage of Watercraft

Comprehensive Land Use Plan Reference: Coastal Area

TID: Within Henlopen TID

Councilmanic District: Mr. Rieley

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: N/A

Water: N/A

Site Area: 2.26 acres +/-

Tax Map ID: 234-11.00-75.01





## Memorandum

To: Sussex County Planning Commission Members  
From: Ms. Lauren DeVore, AICP, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: October 2, 2024  
RE: Staff Analysis for C/Z 2022 Holdren, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/Z 2022 Holdren, LLC to be reviewed during the October 9<sup>th</sup>, 2024, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

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

**Tax Parcel ID:** 234-11.00-75.01

**Proposal:** The request is for a Change of Zone for Tax Parcel 234-11.00-75.01 to down-zone the property's existing zoning from a Medium Density Residential (MR) District to an Agricultural Residential (AR-1) District (and related Conditional Use Application for Conditional Use No. 2528 to allow for the storage of watercraft in an existing pole building on Site) as the current Zoning District of MR does not permit accessory structures such as pole buildings for any other purpose than for domestic storage or as part of an approved home occupation (§115-30). The property is approximately 2.26 acres +/- and is lying on the south side of Conleys Chapel Road (Route 280B), 0.2 mile east of Beaver Dam Road (Route 23) at 30764 Conleys Chapel Road in Lewes, Delaware.

**Zoning:** The subject Parcel is zoned Medium Density Residential (MR) District. The adjacent Parcels to the east, west and south of the property and located on the south side of Conley's Chapel Road (Route 280B) are also zoned Medium Density Residential (MR) District.

The Woods at Burton's Pond Subdivision, located less than a mile from the property to the east, is zoned Agricultural Residential (AR-1) District.

The Parcels on the opposite side of Conley's Chapel Road (Route 280B) to the north of the subject property are zoned Agricultural Residential (AR-1) District, which includes the Beaver Dam Acres Subdivision located to the northeast of the property.

**Future Land Use Map Designation w/in Comprehensive Plan:** The subject property is located within the "Coastal Area" as outlined in the Sussex County's 2018 Comprehensive Plan.

**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 has a Growth Area Future Land Use designation of “Coastal Area.” The properties to the south, east, and west also have a Future Land Use designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, the “Coastal Area” are areas that “contain ecologically important and sensitive characteristics” and are “areas that can accommodate development provided special environmental concerns are addressed” (2018 Sussex County Comprehensive Plan, 4-15). The Plan notes that, “appropriate mixed-use development should be allowed,” in these areas” (2018 Sussex County Comprehensive Plan, 4-15). Additionally, the Plan further notes, “In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-15).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the existing Agricultural Residential (AR-1) District as well as the proposed Medium Density Residential (MR) District are applicable Zoning Districts within the “Coastal Area” Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

**Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is located within the vicinity of lands that appear to be actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is located within the Henlopen Transportation Improvement District (TID) and therefore will be subject to any requirements or payments of any related fees which may be required as outlined by the Delaware Department of Transportation (DelDOT).

Staff further note that the Delaware Department of Transportation (DelDOT) has indicated in their Service Level Evaluation Response (SLER) that the development’s traffic impact is anticipated to be “diminutive” in the context of the “Sussex County/Delaware Department of Transportation Memorandum of Understanding (MOU) for Land Development Coordination.”

- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** The County’s Online Mapping System does not indicate areas of any wetlands or wetland areas on the property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” – Areas determined to be

outside the 1% annual chance flood and outside the 500-year floodplain. DNREC's Flood Planning Tool notes that the property is located within the Rehoboth Bay Watershed and the Herring-Creek-Rehoboth Bay Subwatershed. The Flood Planning Tool also notes that the approximate Ground Elevation Height at the Parcel is 22 to 27-ft.

The property is located within an area of "poor" Groundwater Recharge Potential and is not located within any Wellhead Protection Areas.

Staff note that the property does not lie within a Tax Ditch Area and does not appear to contain any Tax Ditches or tax ditch Rights-Of-Way (ROW).

**Existing Change of Zone Applications 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 Change of Zone Applications that are within a 1-mile distance from the subject site.

Since 2011, there have been 0 Change of Zone Applications within a 1-mile radius of the Application Site.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone for a down-zoning from Medium Density Residential (MR) District to Agricultural Residential (AR-1) District (and a related Conditional Use Application – Conditional Use No 2528, to allow for the indoor storage of watercraft within an existing pole building and associated site improvements,) subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





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

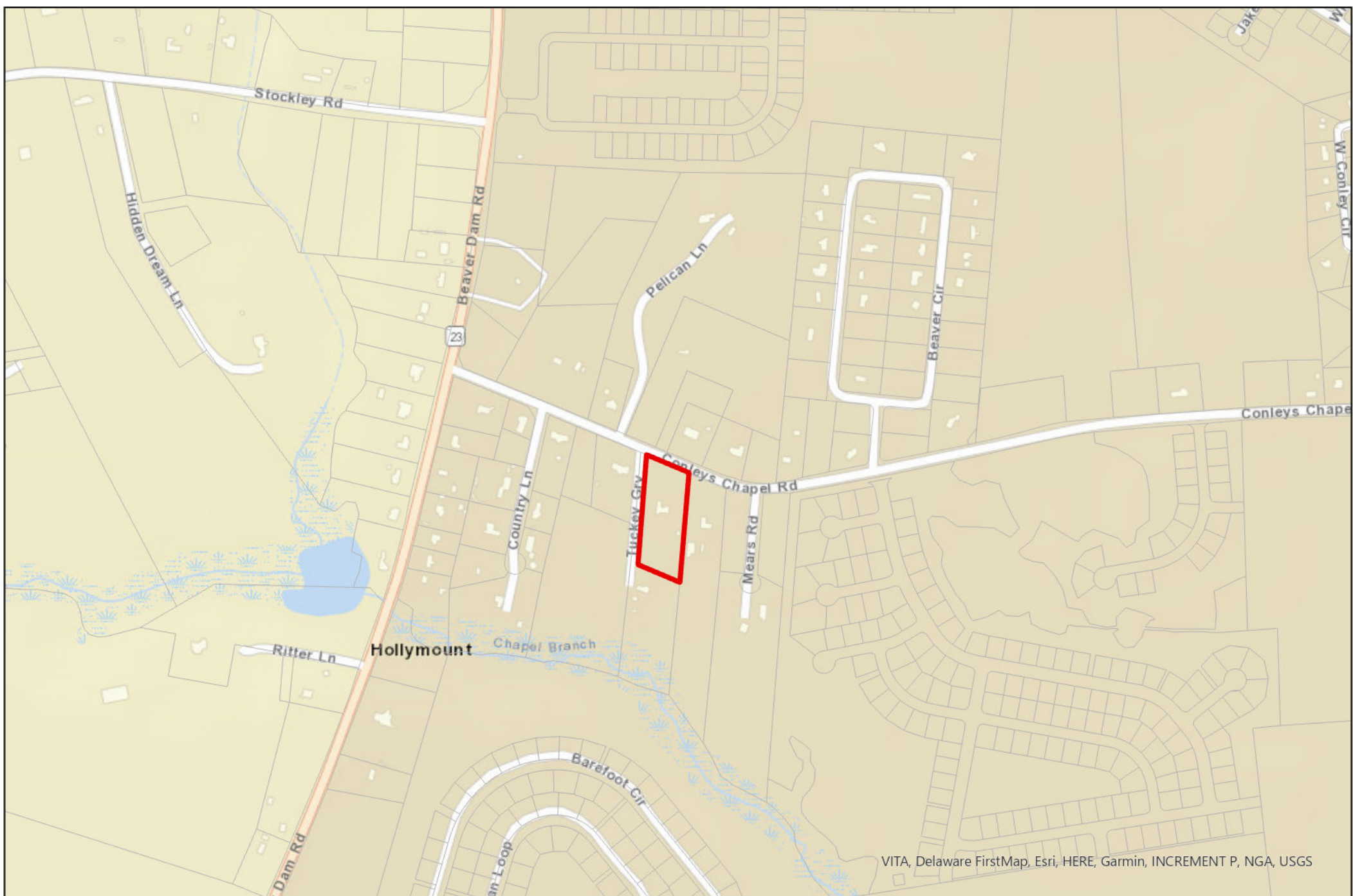
**CU 2528 & CZ 2022  
Holdren LLC  
Aerial Map  
TM# 234-11.00-75.01**



**CU 2528 & CZ 2022 -  
Holdren LLC**










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

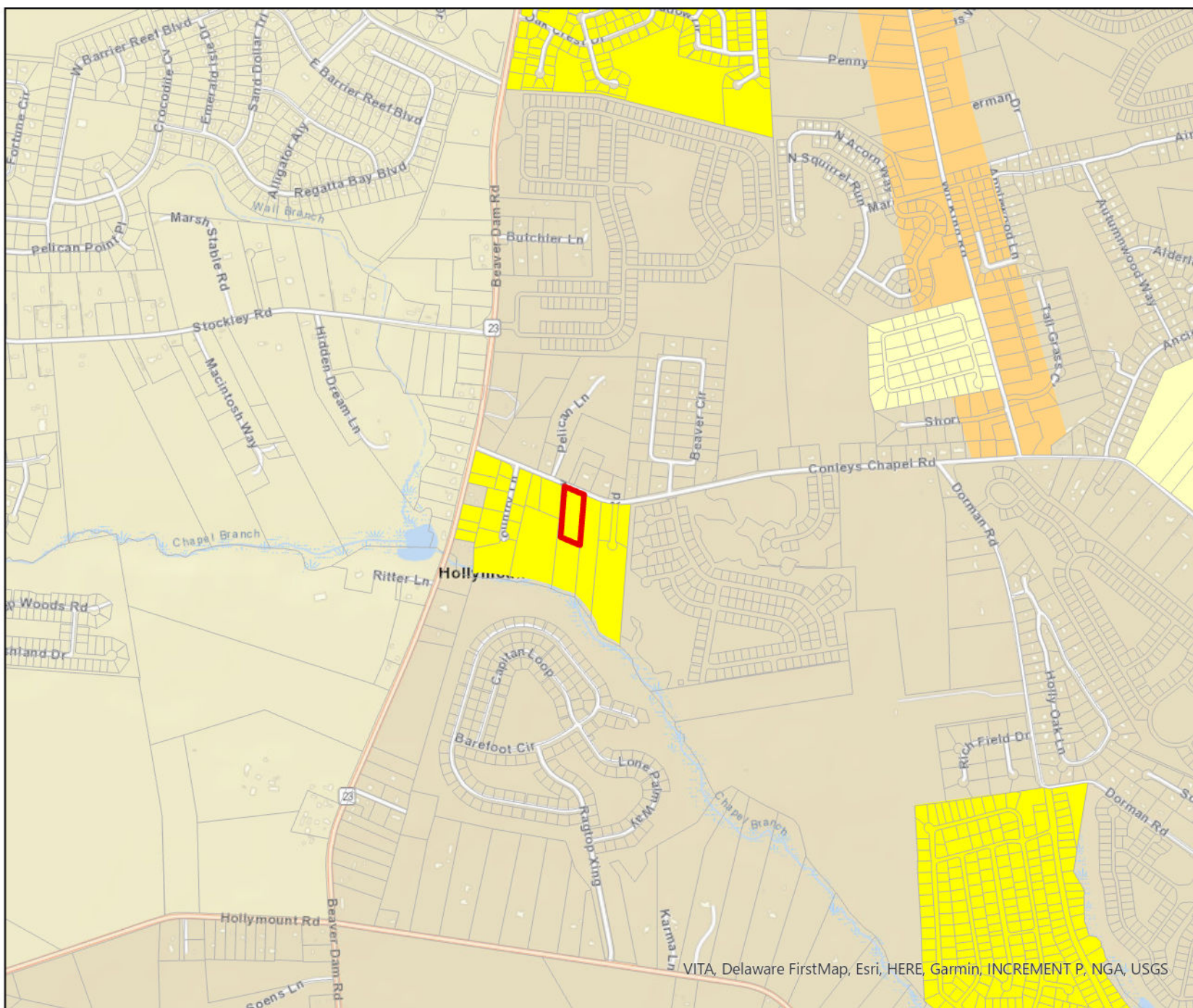
**CU 2528 & CZ 2022**  
**Holdren LLC**  
**Streets Map**  
**TM# 234-11.00-75.01**

 **CU 2528 & CZ 2022 -**  
**Holdren LLC**

  Miles  
0 0.05 0.1 0.2





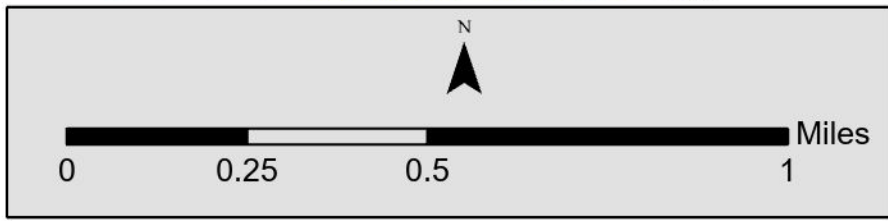


### Zoning

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

**CU 2528 & CZ 2022  
Holdren LLC  
Streets Map  
TM# 234-11.00-75.01**

CU 2528 & CZ 2022 - Holdren LLC



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

Introduced: 5/7/24

Council District 5: Mr. Rieley  
Tax I.D. No.: 234-11.00-75.01 (p/o)  
911 Address: 30764 Conleys Chapel Road, Lewes

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.26 ACRES, MORE OR LESS**

WHEREAS, on the 14<sup>th</sup> day of February 2024, a zoning application, denominated Change of Zone No. 2022 was filed on behalf of Holdren, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2022 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County 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 [MR Medium-Density Residential] and adding in lieu thereof the designation AR-1 Agricultural Residential as it applies to the property hereinafter described.

**Section 2.** The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of Conleys Chapel Road (S.C.R. 280B) and the east side of Tuckey Grove, approximately 0.2 mile east of Beaver Dam Road (Rt. 23), and being more particularly described in the attached legal description prepared by Ward & Taylor, LLC, said parcels containing 2.26 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.



## 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: November 14, 2024

RE: County Council Report for C/U 2528 filed on behalf of Holdren, LLC

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The Planning and Zoning Department received an application (C/U 2528 filed on behalf of Holdren, LLC) for the indoor storage of watercraft, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 234-11.00-75.01. The property is located at 30764 Conleys Chapel Road, Lewes. The parcel size is 2.26 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on October 9, 2024. At the meeting of October 23, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 7 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of October 9, 2024 and October 23, 2024

Minutes of the October 9, 2024, Planning & Zoning Commission Meeting

### C/U 2528 Holdren LLC

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR STORAGE OF WATERCRAFT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.26 ACRES, MORE OR LESS.** The property is lying on the south side of Conleys Chapel Road (Rt. 280B), 0.2 mile east of Beaver Dam Rd. (Rt 23). 911 Address: 30764 Conleys Chapel Road, Lewes. Tax Map Parcel: 234-11.00-75.01 (p/o).



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's conceptual site plan, a copy of the applicant's exhibit booklets, a copy of the DelDOT SLER, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, a copy of the Staff Analysis and we have received zero comments.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant Holdren, LLC that they are seeking a Change in Zone to down zone a portion of the property from a MR Medium Density to an AR-1 Agricultural Residential to allow a Conditional Use to allow for indoor storage of watercraft in an existing 7500sq foot pole building; that the site is located near the intersection of Beaver Dam and Conley's Chapel Rd., where one of the Holdren family members lives in the front of the property and has this pole building in the rear; that the family runs Dewey Beach Water Sports, which is a watercraft shop in Dewey; that this pole building was constructed in the hopes of storing the watercrafts in the off season; that the proposal is to store 30 jet skis, 14 boats along with watercraft trailers inside the existing pole building; that they are seeking to store jet ski floating docks outside between the detached garage and pole building; that this is a violation case from the Constables for storage of watercrafts; that the Holdren's were not aware that they needed a permit outside of the building permit to store the watercraft within the building; that once this violation was brought to their attention, they sought out council and began the process of rectifying the issue; that being in an MR zoning a Conditional Use cannot be permitted which entails the reason behind the Change in Zone and the Conditional Use applications; that this family business has been servicing not only locals, but tourists in the area for years; that they plan to use vegetative buffers around the building, the hours of operations are not really "hours" as they will be moving watercrafts to and from at the beginning and the end of the season; that there would be no junk, inoperable or unregistered watercraft or trailers on site, there will be no retail sales on site, no maintenance other than minor maintenance, and there will be the power washing of all watercrafts before being put away at the end of the season.

Mr. Robertson stated that for the record the space will not be rented for storage to third parties.

Ms. Peet stated that the only storage within the building will be specifically of the watercrafts used by the Holdren's business Dewey Beach Water Sports.

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 2528 Dillon Holdren (Holdren, LLC). Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

#### Minutes of the October 23, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 9, 2024.

Mr. Collins moved that the Commission recommend an approval of C/U 2528 HOLDREN, LLC for indoor storage of boats and watercraft within the AR-1 District based upon the record made during the public hearing and for the following reasons:



1. The Applicant operates a boat and watercraft rental business in Dewey Beach. The Applicant seeks approval for this conditional use to allow the indoor storage of its watercraft and boats in the off season at its residential property along Conleys Chapel Road.
2. The Applicant's family will continue to reside at the property and the indoor storage will occur in an existing pole building at the rear of the property. This is an appropriate, convenient location that addresses the need for off-site storage of the Applicant's boats and watercraft.
3. The Applicant has stated that there will be no public access to the facility. Also, the facility will only create traffic at the beginning or ending of each summer season when the boats and watercraft are hauled in or out of the water. As a result, the use will not have a substantial impact upon area roadways.
4. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.
5. Tourism is a significant part of the Sussex County economy, and the boat and watercraft rental business promotes tourism. As a result, the use as a boat and watercraft storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of residents and visitors to this area of Sussex County.
6. No parties appeared in opposition to this Application.
7. This recommendation for approval is subject to the following conditions:
  - A. The use shall be limited to the storage of boats and watercraft associated with the Applicant's rental business. No other storage of vehicles, boats, watercraft or equipment shall occur on the site.
  - B. The facility shall not be accessible to the public.
  - C. Any maintenance or repair activities shall only occur indoors, with all fluids disposed of properly.
  - D. Any security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
  - E. The use shall be subject to any DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.
  - F. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and watercraft located on the site.
  - G. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2528 Holdren LLC for the reasons and the conditions stated in the motion. Motion carried 5 -0.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: October 9, 2024

Application: CU 2528 Holdren LLC

Applicant: Holdren LLC c/o Dillon Holdren  
30764 Conleys Chapel Road  
Lewes, DE 19958

Owner: Holdren LLC  
30764 Conleys Chapel Road  
Lewes, DE 19958

Site Location: Lying on the south side of Conleys Chapel Road (S.C.R. 280B) and the east side of Tuckey Grove, approximately 0.2 mile east of Beaver Dam Road (Rt. 23)

Current Zoning: Medium-Density Residential (MR) Zoning District.

Proposed Zoning: A Change of Zone from Medium-Density Residential (MR) Zoning District to Agricultural Residential (AR-1) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: N/A

Water: N/A

Site Area: 2.26 acres +/-

Tax Map ID: 234-11.00-75.01





## Memorandum

To: Sussex County Planning Commission Members  
From: Ms. Lauren DeVore, AICP, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: October 2, 2024  
RE: Staff Analysis for C/U 2528 Holdren, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2528 Holdren, LLC to be reviewed during the October 9<sup>th</sup>, 2024, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

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

**Tax Parcel ID:** 234-11.00-75.01

**Proposal:** The request is for a Conditional Use for Tax Parcel 234-11.00-75.01 to allow for the indoor storage of watercraft in an existing pole building to be located in an proposed Agricultural Residential (AR-1) District. Staff notes that a related and corresponding Application has been filed for this property under Change of Zone No. 2022, to down-zone the property's existing zoning from a Medium Density Residential (MR) District to an Agricultural Residential (AR-1) District as the current Zoning District of MR does not permit accessory structures such as pole buildings for any other purpose than for domestic storage or as part of an approved home occupation (§115-30). The property is approximately 2.26 acres +/- and is lying on the south side of Conleys Chapel Road (Route 280B), 0.2 mile east of Beaver Dam Road (Route 23) at 30764 Conleys Chapel Road in Lewes, Delaware.

**Zoning:** The subject Parcel is zoned Medium Density Residential (MR) District. The adjacent Parcels to the east, west and south of the property and located on the south side of Conley's Chapel Road (Route 280B) are also zoned Medium Density Residential (MR) District.

The Woods at Burton's Pond Subdivision, located less than a mile from the property to the east is zoned Agricultural Residential (AR-1) District.

The Parcels on the opposite side of Conley's Chapel Road (Route 280B) to the north of the subject property are zoned Agricultural Residential (AR-1) District, which includes the Beaver Dam Acres Subdivision located to the northeast of the property.

**Future Land Use Map Designation w/in Comprehensive Plan:** The subject property is located within the "Coastal Area" as outlined in the Sussex County's 2018 Comprehensive Plan.

**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 has a Growth Area Future Land Use designation of “Coastal Area.” The properties to the south, east, and west also have a Future Land Use designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, the “Coastal Area” are areas that “contain ecologically important and sensitive characteristics” and are “areas that can accommodate development provided special environmental concerns are addressed” (2018 Sussex County Comprehensive Plan, 4-15). The Plan notes that, “appropriate mixed-use development should be allowed,” in these areas” (2018 Sussex County Comprehensive Plan, 4-15). Additionally, the Plan further notes, “In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-15).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the existing Agricultural Residential (AR-1) District as well as the proposed Medium Density Residential (MR) District are applicable Zoning Districts within the “Coastal Area” Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

**Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is located within the vicinity of lands that appear to be actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is located within the Henlopen Transportation Improvement District (TID) and therefore will be subject to any requirements or payments of any related fees which may be required as outlined by the Delaware Department of Transportation (DelDOT).

Staff further note that the Delaware Department of Transportation (DelDOT) has indicated in their Service Level Evaluation Response (SLER) that the development’s traffic impact is anticipated to be “diminutive” in the context of the “Sussex County/Delaware Department of Transportation Memorandum of Understanding (MOU) for Land Development Coordination.”

- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** The County’s Online Mapping System does not indicate areas of any wetlands or wetland areas on the property.

- Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. DNREC’s Flood Planning Tool notes that the property is located within the Rehoboth Bay Watershed and the Herring-Creek-Rehoboth Bay Subwatershed. The Flood Planning Tool also notes that the approximate Ground Elevation Height at the Parcel is 22 to 27-ft.

The property is located within an area of “poor” Groundwater Recharge Potential and is not located within any Wellhead Protection Areas.

Staff note that the property does not lie within a Tax Ditch Area and does not appear to contain any Tax Ditches or tax ditch Rights-Of-Way (ROW).

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

Since 1970, there have been 11 Conditional Use Applications within a 1-mile radius of the Application Site.

Conditional Use Applications w/in a 1 mile radius of the Application Site									
C/U Number	Applicant	Tax Parcel #	Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ord. Number
962	Donald Bunting	234-10.00-132.00	AR-1	office & display food service equipment	Recommended Approval	3/21/1991	4/9/1991	Approved	759
1424	L. Thomas Harmon	234-6.00-20.02	AR-1	retail sales & landscaping supplies	Recommended Denial	11/8/2001	12/18/2001	Denied	
1460	D. Angley Rummel	234-6.00-136.00	AR-2	place manufactur ed home	Recommended Denial	8/22/2002	9/24/2002	Denied	
1568	Douglas W. Brockway	234-6.00-25.06	AR-1	Boat repair & accessory	Recommended Approval	11/18/2004	3/15/2005	Approved	1759
1635	Thomas N. & Marion L. Rossi	234-6.00-25.03	AR-1	landscaping	Recommended Approval	1/26/2006	2/14/2006	Approved	1825
1756	Artesian Water Company, Inc. (Heron Bay)	234-5.00-539.00	AR-1	Water Utility	Recommended Approval	7/26/2007	8/14/2007	Approved	1928
1832	Hazzard Auto Repair	234-11.00-44.00	AR-1/GR	auto repair shop/contr actors storage	Recommended Denial	7/14/2010	9/28/2010	Denied	
1904	Joseph Mocchi	234-6.00-22.00	GR	Equipment Storage	Recommended Approval	7/28/2011	10/11/2011	Approved	2224

Staff Analysis  
 C/U 2528 Holdren, LLC  
 Planning & Zoning Commission October 9<sup>th</sup>, 2024

2006	Thomas/Laura Kucharik	234-5.00-44.07	AR-1	SEASONAL FARM STAND/GARDEN CENTER	Recommended Approval	1/22/2015	3/10/2015	Approved	2388
2014	Jay Beach	234-5.00-44.06	AR-1	Landscaping and Site Work Business	Recommended Approval	4/23/2015	10/13/2015	Approved	2420
2247	Hillary Brock	234-5.00-44.09	AR-1	Mini Spa	Recommended Approval	11/19/2020	12/1/2020	Approved	2757
962	Donald Bunting	234-10.00-132.00	AR-1	office & display food service equipment	Recommended Approval	3/21/1991	4/9/1991	Approved	759
1424	L. Thomas Harmon	234-6.00-20.02	AR-1	retail sales & landscaping supplies	Recommended Denial	11/8/2001	12/18/2001	Denied	
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1568	Douglas W. Brockway	234-6.00-25.06	AR-1	Boat repair & accessory	Recommended Approval	11/18/2004	3/15/2005	Approved	1759
1635	Thomas N. & Marion L. Rossi	234-6.00-25.03	AR-1	landscaping	Recommended Approval	1/26/2006	2/14/2006	Approved	1825

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application (and related down-zoning Change of Zone Application – Change of Zone No. 2022,) to allow for the indoor storage of watercraft within an existing pole building and associated site improvements, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



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

**CU 2528 & CZ 2022**  
**Holdren LLC**  
**Aerial Map**  
**TM# 234-11.00-75.01**



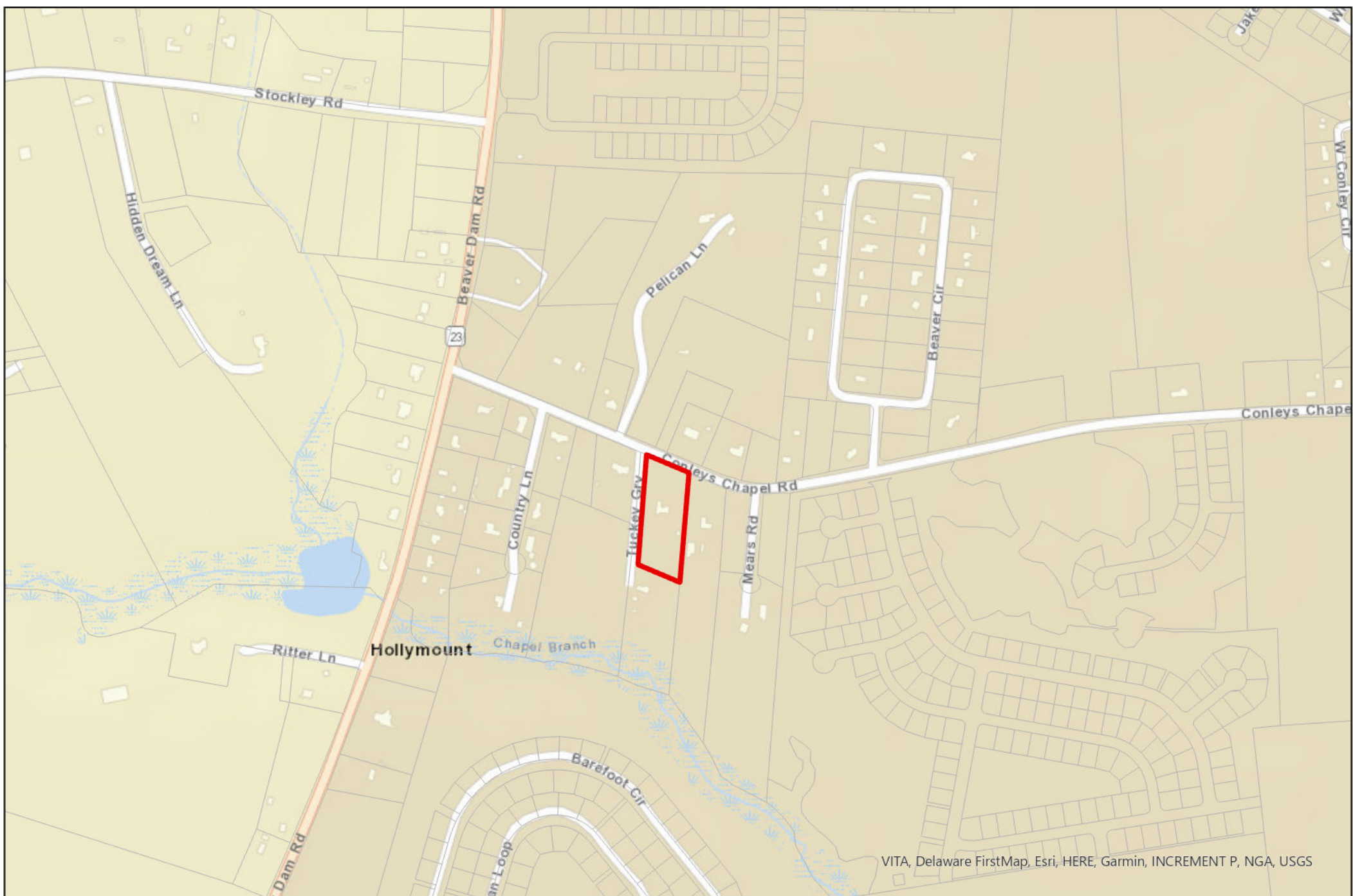
**CU 2528 & CZ 2022 -**  
**Holdren LLC**



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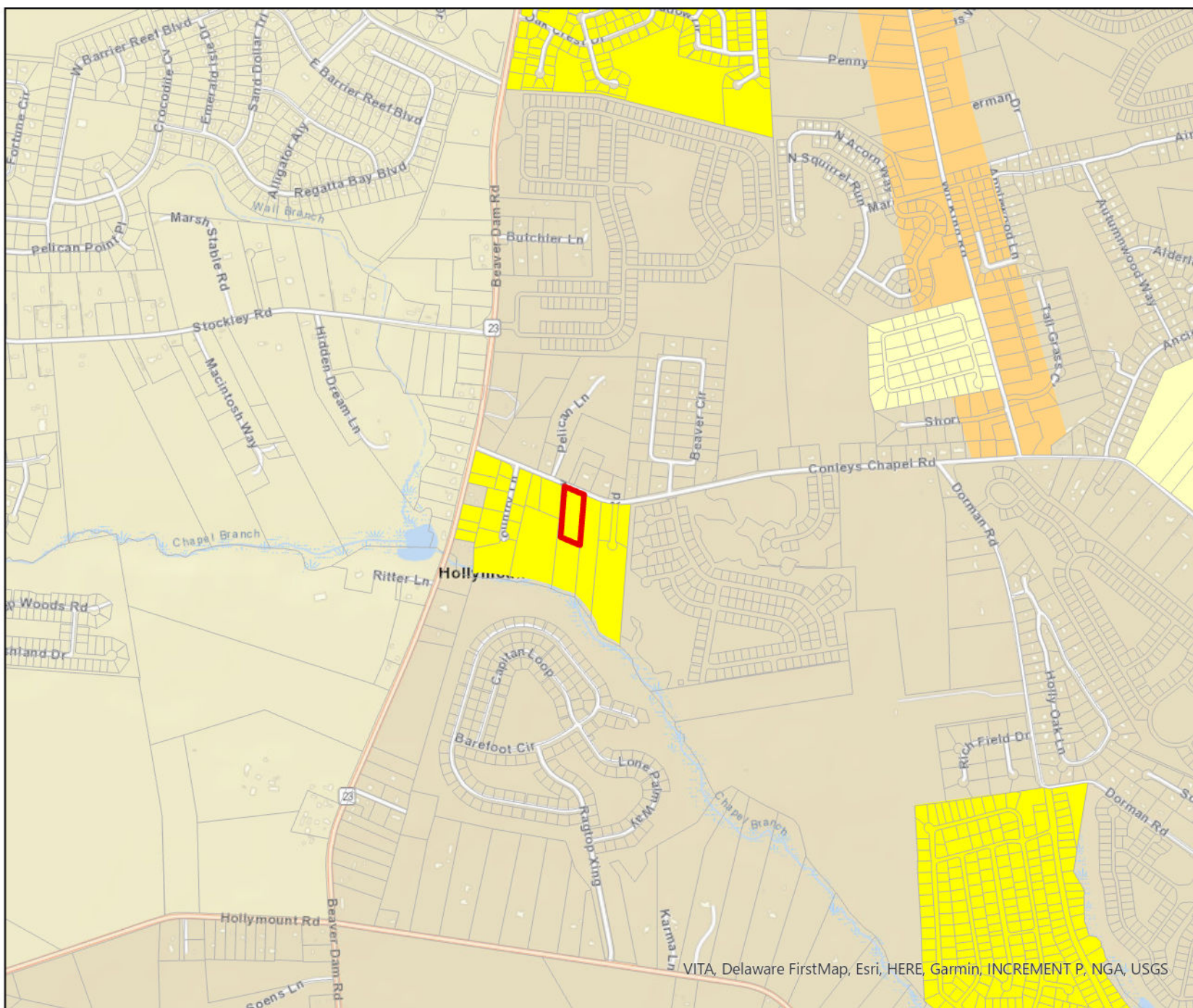
**CU 2528 & CZ 2022**  
**Holdren LLC**  
**Streets Map**  
**TM# 234-11.00-75.01**

 **CU 2528 & CZ 2022 -**  
**Holdren LLC**

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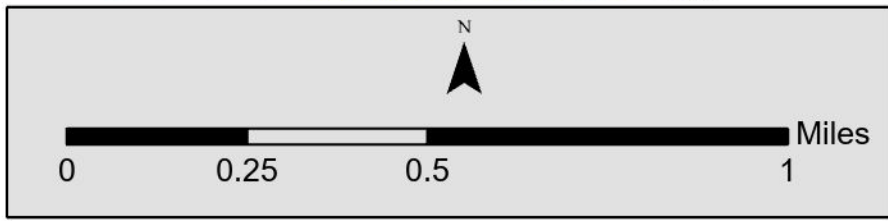


### Zoning

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

**CU 2528 & CZ 2022  
Holdren LLC  
Streets Map  
TM# 234-11.00-75.01**

CU 2528 & CZ 2022 - Holdren LLC



**Introduced: 9/17/24**

**Council District 5: Mr. Rieley  
Tax I.D. No.: 234-11.00-75.01 (p/o)  
911 Address: 30764 Conleys Chapel Road, Lewes**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR STORAGE OF WATERCRAFT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.26 ACRES, MORE OR LESS**

**WHEREAS, on the 13th day of February 2024, a Conditional Use application, denominated Conditional Use No. 2528 was filed on behalf of Holdren, LLC and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2528 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2528 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of Conleys Chapel Road (Rt. 280B), southeast of the intersection of Conleys Chapel Road (Rt. 280B) and Tuckey Grove, and being more particularly described in the attached legal description prepared by Ward & Taylor, LLC said parcel containing 2.26 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.**



## 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: November 14, 2024

RE: County Council Report for C/U 2554 filed on behalf of H&K Group, LLC

---

The Planning and Zoning Department received an application (C/U 2554 filed on behalf of H&K Group, LLC) for a borrow pit, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 232-8.00-44.01. The property is located on the northwest side of Shiloh Church Road (Rt. 74) approximately 0.38 mile west of East Trap Pond Road (Rt. 62). The parcel size is 309.6 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on October 9, 2024. At the meeting of November 13, 2024, the Planning & Zoning Commission recommended approval of the application for the 10 reasons stated and subject to the 18 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of October 9, 2024, and November 13, 2024.

Minutes of the October 9, 2024, Planning & Zoning Commission Meeting

### C/U 2454 H&K Group LLC

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.6 ACRES, MORE OR LESS.** The property is lying on northwest side of Shiloh Church Road (Rt. 74) approximately 0.38 mile west of East Trap Pond Road (Rt. 62). 911 Address: N/A. Tax Map Parcel: 232-8.00-44.01. Zoning: AR-1 (Agricultural Residential District).





Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant exhibit booklet, a copy of a deed for the property, a copy of a conceptual site plan, a copy of a DelDOT SLER, a copy of the staff analysis, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, a copy of PLUS comments for the property, a copy of Technical Advisory Committee comments, including a letter from Delmarva Power, Delaware Electric Co-op and the State Division of Watershed Stewardship and the Office of the State Fire Marshall and one written letter.

Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the applicant that they are H&K Group who are a tenant lease for the property that is the subject of the application; that this is an application for a burrow pit off of Shiloh Church Rd; that the entire property is 309.6+/- acres, but only 269+/- acres are in question for this application; that the property is located within a AR-1 Zoning district and is a low density area on the Future Land Use Map; that there are 7 other burrow pit operations in this area; that the actual processing area will be approximately 1,000ft off of Shiloh Church Road; that there are wetlands that run along Beaver Dam Branch and basically bisects the property; that the Army Corp of Engineers will facilitate the crossing of any of the wetlands; that with this type of Conditional Use there are several special requirements that must be followed under Section 115-172; that there are 6 special conditions that will be followed:

1. No material can be brought into the site for processing.
2. The excavation shall be controlled to offer reasonable protection to surrounding properties.
  - a. The entranceway will be paved to reduce noise and dust.
  - b. There will be a gated entranceway at Shiloh Church Rd.
  - c. Water trucks will be available to control dust issues.
  - d. Hours of operation will be Monday through Friday 6:00AM – 6:00PM and Saturday 6:00AM – 2:00PM.
3. The location of the excavation will be done in relation to the water table and the side slopes of the pit, and the processing area will be more than 80ft from all property lines.
4. The burrow pit needs to be surrounded by a landscaped unexcavated buffer strip of open space with a minimum distance of 100ft from a street line and a minimum of 50ft from all other property lines.
5. The burrow pit shall be at least 200ft from any dwelling on the property of other ownership.
6. There are various requirements for existing conditions, proposed excavation areas, reclamation areas and approvals from various agencies.

That all surrounding properties are very large parcels, with the smallest being 5 acres, but most being 60 plus acres; that the fundamental need and use of aggregates demonstrates the semi-public or public nature of this burrow; that there are standardized set of conditions that are typically used in burrow pit applications and the only change we would be suggesting is to allow fuel storage on site in compliance with all regulations and requirements including secondary containment; that secondary containment is a requirement for any fuel storage, but this would be different that the equipment on site uses the fuel and the storage of fuel properly on site will be much more convenient and practical.

Mr. Butler asked if there would be any fencing around the proposed property?

Mr. Hutt responded that there would be fencing around the entryway to the burrow pit so there would be no unauthorized access, but there will also be the buffer around the wetland area that will act as a

barrier, but if the Commission were to request fencing then that would be discussed with the Applicant.

The Commission discussed the application and asked the Applicant some brief questions.

Mr. Scott Drumbone, from H&K Group, spoke on behalf of the application that they would place DANGER signs around the perimeter if that's what the Commission asked, that the burrow pit will create approximately 8-10 new jobs, and that part of the reclamation plan once the site is fully excavated would be to remove all of the processing equipment and fuel storage.

Mr. Mears asked about the equipment and vehicle maintenance on the property.

Mr. Hutt stated that all work would be done in a designated area and materials can be stored safely within all regulations.

Mr. Drumbone stated that repairs can be managed on site through mobile mechanics in the small building in a day or so, but anything larger will be taken off the property to be completed.

Chairman Wheatley stated that one of the concerns that has been brought up is the amount of traffic trips this burrow pit will create.

Mr. Drumbone stated that DelDOT noted the traffic impact would be negligible, and it would equate to less than 500 vehicle trips per day, but they expect about 95 truckloads in and out in a day on average.

Mr. Hunter Price, spoke in opposition to the application that he was providing the Commission a petition from 50 neighbors against the burrow pit; that the main concern is that Shiloh Church Rd. cannot handle another 80-100 trucks per day; that the road is already a common accident-prone area with people running the stop signs all the time.

Mr. John Mills, spoke in opposition to the application that there is a concern of the increased traffic along the surrounding roads as they are already overcrowded with the increase of people utilizing these roads as alternatives to Routes 9 & 24.

Ms. Connor Vincent, of King Crop Insurance, spoke in opposition to the application that her company insures 350 acres directly surrounding the proposed burrow pit and hundreds more within a 2 mile radius; that the clearing of 227 acres will disrupt critical drainage systems supported by the trees that naturally help regulate water absorption from an area of poorly drained soils; that farmers will lose crops due to the changes completely out of their control; that the deer population is already an ongoing issue for farmers in Sussex County and by clearing all of this land it will ultimately push more deer into the nearby farmland causing crop damage; that approving the burrow pit would only threaten the farmers livelihoods.

Mr. Dee Steen, spoke in opposition to the application that he is a farmer in Sussex County and has been for his entire life; that there is no need for anymore burrow pits, as they are plentiful already.

Mr. Jerry Marble, spoke in opposition to the applicant that the roadways cannot handle the increase in truck traffic and the noise from the operation is going to be unbearable to the neighboring properties.

Ms. Adrian Davis, spoke in opposition to the application that the traffic is an issue, that the noise and elevated dust levels are concerning, that there is a concern of water contamination and the loss in property values.

Mr. Kyle Mitchell, spoke in opposition to the application that there is concern that the Beaver Dam Branch runs along by the dump and would come down through the burrow pit and if there was any contaminates from the dump in the runoff it's going to be spread throughout the wetlands; that there is going to be 100 dump trucks a day coming and going weighing approximately 60,000lbs and the amount of wear and tear on the roads.

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 2454 H&K Group, LLC. Motion by Mr. Butler to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Mr. Whitehouse requested to Chairman Wheatley that the final two cases be combined and read as one.

#### Minutes of the November 13, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 9, 2024.

Mr. Butler requested that Mr. Robertson read the motion on his behalf.

Mr. Butler moved the Commission to recommend approval of C/U 2454 H&K GROUP, LLC for a borrow pit based upon the record made at the public hearing and for the following reasons:

1. This application is for a 269.07 acre borrow pit operation within a 309.6-acre site. The excavated area will not exceed 195.83 acres, more or less.
2. A need exists in the area for dirt, sand and gravel. The material removed from this site will be used throughout the County for a variety of residential and commercial uses and road construction.
3. The borrow pit is within a much larger wooded parcel leased by the Applicant. The preserved woodlands will provide an extensive buffer between the borrow pit operations and adjacent properties and roadways. It is not likely to be visible from nearby homes or roadways. This is an appropriate location for this use.
4. Based upon information in the record, the area used for borrow pit operations and processing will be at least 1,000 feet from Shiloh Church Road and there will be approximately 1,700 feet between these operations and the nearest off-site home (not including an abandoned dwelling approximately 230 feet away).
5. The Applicant will provide dust control to keep the area roadways free of dirt and dust from trucks leaving the site.
6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on traffic or the neighboring properties. DelDOT has also stated that the use will have a negligible impact on area roadways.

7. The property contains approximately 17.19 acres of non-tidal wetlands. The proposed use will create a minimum 50-foot-wide buffer from these wetlands and will obtain a permit from the U.S. Army Corps of Engineers for any crossing of these wetlands.
8. As a source of fill dirt available to the entire County, the project is essential and desirable for the general convenience, safety and welfare of the current and future residents of the County.
9. The use is subject to approvals from State Agencies including DelDOT and DNREC.
10. This recommendation for approval is subject to the following conditions and stipulations:
  - A. No materials shall be brought from off the site for processing, mixing or similar purposes.
  - B. The excavated area of the borrow pit shall not exceed 196-acres.
  - C. Water or a water truck shall be available to control dust from road traffic when conditions require.
  - D. The only entrance to the pit shall be a paved road from Shiloh Church Road. The entrance shall be fenced or gated to prevent access, but the gate shall be set back at least 50 feet from Shiloh Church Road to allow trucks and equipment to pull completely off of Shiloh Church Road when the gate is closed.
  - E. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.
  - F. The hours of operation including any dredging shall be between the hours of 7:00 a.m. to 5:00 p.m. Monday through Saturday. No Sunday hours shall be permitted.
  - G. No materials shall be stored on any access roads or within any buffer area.
  - H. Fuel may be stored on-site, subject to all agency guidelines.
  - I. No “Jake Brakes” or compression release engine brakes shall be used within the site.
  - J. No stumps, branches, debris or similar items shall be buried or placed in the site of the borrow pit.
  - K. The proposed pit will have a 3:1 side slope down to a 10-foot level bench that will be approximately near or 1 foot below the static water surface.
  - L. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance and protect existing and future developments.
  - M. The Applicant shall comply with all State and County erosion and sediment control regulations.
  - N. The Applicant shall comply with all of the requirements set forth in Section 115-172B of the Sussex County Zoning Ordinance.
  - O. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation and there shall be “No Trespassing/Danger” signs posted at 200-foot intervals around the perimeter of the property.
  - P. The non-tidal wetlands on the site shall be delineated and they shall have a buffer that is at least 50-foot-wide except where permitted wetland crossings exist.
  - Q. A violation of any of these conditions may result in the termination of this conditional use.

- R. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Butler, seconded by Ms. Wingate to recommend approval of C/U 2454 H&K Group, LLC for the reasons and the conditions stated in the motion. Motion carried 3 -2.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – no, Mr. Butler – yea, Chairman Wheatley – no

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: October 9, 2024

Application: CU 2454 H&K Group, LLC

Applicant: H&K Group, LLC  
2052 Lucon Road, P.O. Box 196  
Skippack, PA 199474

Owner: Ellis Family Investments, LLC  
34364 Fox Hound Lane  
Millsboro, DE 19966

Site Location: The site is located on northwest side of Shiloh Church Road (Rt. 74) approximately 0.38 mile west of East Trap Pond Road (Rt. 62)

Current Zoning: Agricultural Residential (AR-1)

Proposed: Borrow Pit

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: District 1 – Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire Company

Sewer: Private septic

Water: Private Well

TID: Not Applicable

Site Area: 309.59 acres +/-

Tax Map ID: 232-8.00-44.01



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: September 27<sup>th</sup>, 2024  
RE: Staff Analysis for CU 2454 H&K Group, LLC

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This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application CU 2454 H&K Group, LLC to be reviewed during the October 9<sup>th</sup>, 2024 Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 232-8.00-44.01 to allow for the construction of a borrow pit on the site. The property is located at the southeast corner of the intersection of John J. Williams Highway (Route 24) and Mulberry Knoll Road (S.C.R. 284). The parcel is comprised of a total of 2.98 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 subject property has a land use designation of "Low Density Area." All surrounding properties to the north, south, and west of the subject site contain the Future Land Use Map designation of "Low Density Area." The surround parcels to the also have a 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 notes in reference to permitted uses: "The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted." (Sussex County Comprehensive Plan, 4-19).

### Zoning Information

The subject properties are zoned Agricultural Residential (AR-1) with all the immediately surrounding properties zoned (AR-1) as well. The closest commercial use zoning districts lie approximately 3 miles to the west adjacent to Route 13 and the Town of Laurel.



**Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands. The “Kirk Expansion” Agricultural Preservation District Easement lies immediately adjacent to the north of the subject parcel and the Hitchens Crossroads Agricultural Preservation District Easement lies immediately adjacent to the east.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The site is not within the Henlopen TID.
- **Forested Areas:** The site includes existing forest on a majority of the property.
- **Wetlands Buffers/Waterways:** State and County data indicates the possible presence of regulatory and/or jurisdictional wetlands on the southern portion of the Parcel. The Applicant will be required to provide a delineation of the wetland area on any future site plan submitted if the use were to be permitted.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is partially located within the Flood Zone “X” with areas of “Fair”, “Good” and “Water Areas” classifications of Groundwater Recharge Potential on the site. The parcel is not located in a Wellhead Protection Area.

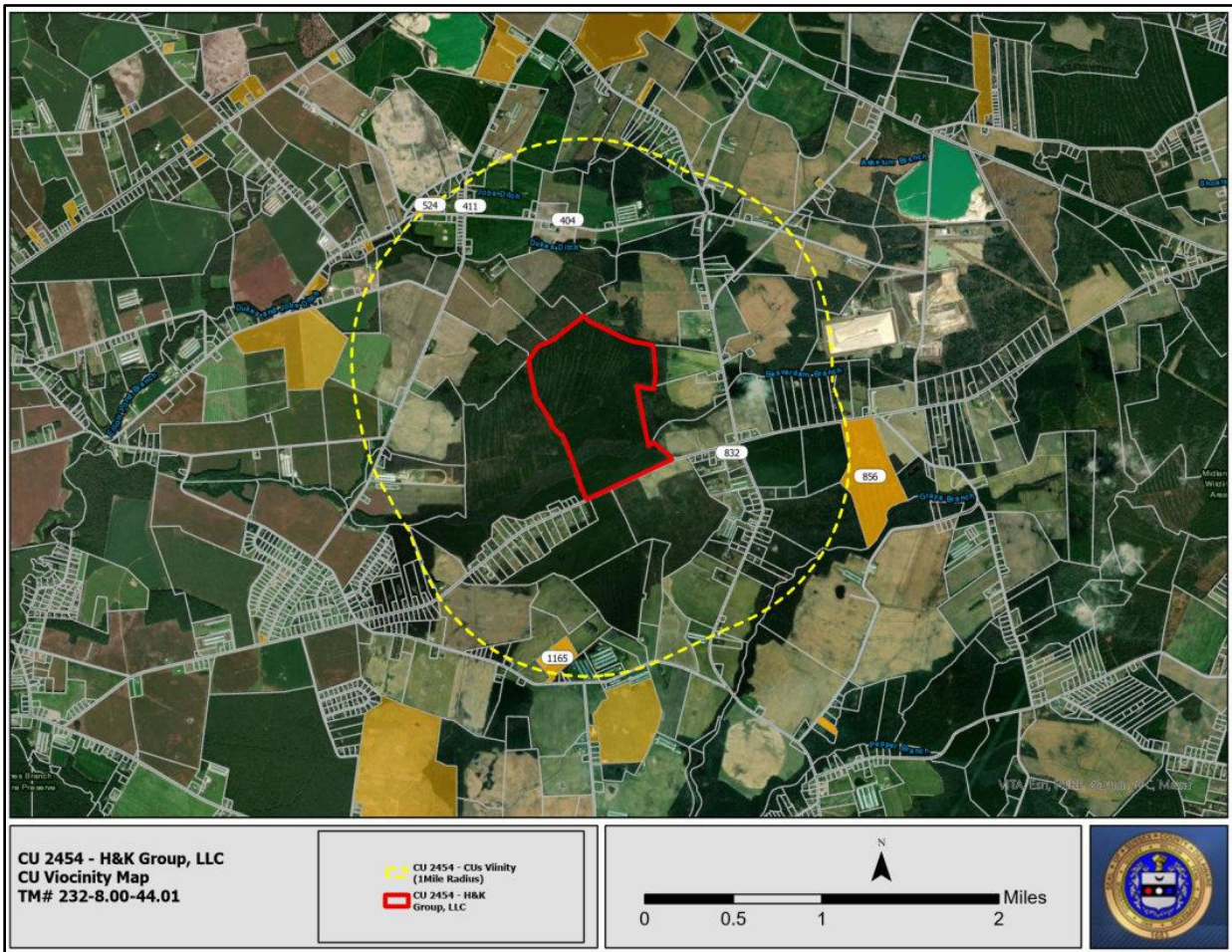
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the construction of a borrow pit in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

**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.

<b>Conditional Use Applications</b>						
(Within a 1-mile radius of the subject site)						
<b>Application Number</b>	<b>Application Name</b>	<b>Zoning District</b>	<b>Proposed Use</b>	<b>CC Decision</b>	<b>CC Decision Date</b>	<b>Ordinance Number</b>
404	Edward W Littleton & Linda	AR-1	Beauty Salon	<b>Approved</b>	3/1/1977	<b>N/A</b>



411	Everett Messick	AR-1	Poultry House on Less Than 5-Acres	Approved	5/17/1977	N/A
524	Epworth Fellowship Church Inc	AR-1	Christian School	Approved	5/1/1979	N/A
832	James E. Wharton	AR-1	Poultry House on Less Than 5 Acres	Approved	9/3/1985	296
856	Elmer M. Cox	GR	Manufactured Home Park	Withdrawn	N/A	N/A
1165	John J. Reed	AR-1	Private Runway	Approved	10/15/1996	1108





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

**CU 2454 H&K Group, LLC**  
**Streets Map**  
**TM# 232-8.00-44.01**

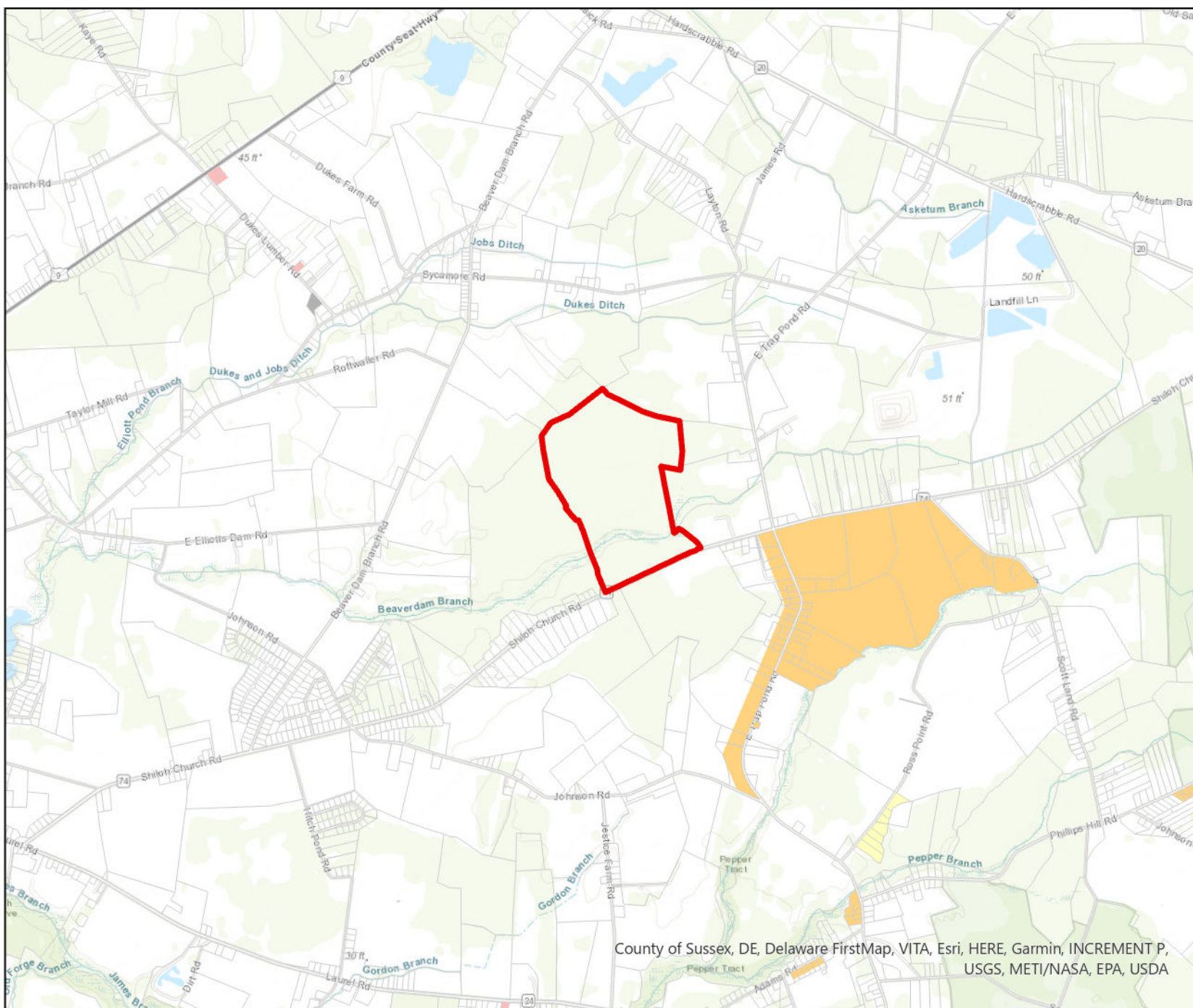
 **CU 2454 - H&K Group, LLC**



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## Zoning

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

County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

**CU 2454 H&K Group, LLC**  
**Zoning Map**  
**TM# 232-8.00-44.01**

CU 2454 - H&K Group, LLC

N

0 0.25 0.5 1 Miles









VITA, Esri, HERE, Garmin, IPC, Maxar


**CU 2454 H&K Group, LLC**  
**Aerial Map**  
**TM# 232-8.00-44.01**

 **CU 2454 - H&K Group, LLC**

N



0 0.13 0.25 0.5 Miles





**Introduced: 9/17/24**

**Council District 1: Mr. Vincent  
Tax I.D. No. 232-8.00-44.01  
911 Address N/A**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS**

**WHEREAS, on the 26<sup>th</sup> day of May 2023, a conditional use application, denominated Conditional Use No. 2454 was filed on behalf of H&K Group, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2454 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. 2454 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying on northwest side of Shiloh Church Road (Rt. 74) approximately 0.38 mile west of East Trap Pond Road (Rt. 62), and being more particularly described in the attached deed prepared by Susan Pittard Weidman, P.A., said parcel containing 309.59 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.**