

COUNTY COUNCIL

DOUGLAS B. HUDSON, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
JANE GRUENEBAUM
MATT LLOYD
STEVE C. McCARRON



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

March 4, 2025

9:00 A.M.

The Sussex County Council will hold its meeting in the morning at the Sussex County Public Safety Complex, 21911 Rudder Lane, Georgetown, DE 19947.

Members of the Planning & Zoning Commission are invited to attend and participate, thus resulting in a meeting of the PZ Members, as defined by 29 Del. C. § 10002.

Call to Order

Approval of Agenda

Presentation by and discussion with Delaware Department of Transportation

Recess and return to the County Administrative Offices at 2 The Circle

1:00 P.M.

Approval of Minutes - February 25, 2025

[Draft Minutes 022525](#)

Reading of Correspondence

Public Comments



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

Consent Agenda

1. **Use of Existing Wastewater Infrastructure Agreement
Bridgewater, Miller Creek Area**
[Consent Agenda Bridgewater](#)
2. **Use of Existing Wastewater Infrastructure Agreement
Sundance Club, Millville Area**
[Consent Agenda Sundance Club](#)

Todd Lawson, County Administrator

1. **Administrator's Report**

Jamie Whitehouse, Planning & Zoning Director

1. **2021-05 filed on behalf of Turnberry (Formerly Known as Unity Branch) – request for an extension**
[Turnberry Time Extension Request](#)

Robert Bryant, Airport Manager

1. **Professional Aeronautical Consultant Services, RFQ 25-27**
 - a. **Recommendation to Award Professional Services Contract**
[Professional Service Contract Award Recommendation](#)

Hans Medlarz, Project Engineer

1. **Inland Bays Loop Project, S24-01**
 - a. **Standalone Elevated Storage Tank Purchase Order**
[IB Loop Project](#)

Grant Request

1. **American Legion Post 8, Inc. for their emergency aid to veteran's project**
[American Legion Post No. 8](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2509 CU2534 CZ2001 Ord 24-04](#)

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. **Community Development Block Grant (CDBG) Program**
[Public Hearing CBDG](#)
2. **“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,963,400 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE II PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**
[Public Hearing Warwick Park](#)
3. **Travalini Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area)**
[Public Hearing Travalini Expansion](#)
4. **Bay Oak Community Annexation into the Sussex County Unified Sanitary Sewer District (Angola Neck Area)**
[Public Hearing Bay Oaks](#)
5. **[Change of Zone No. 2039 filed on behalf of Melson Funeral Services, LTD](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.171 ACRES, MORE OR LESS” (properties lying on the south side of Sharon Lane and accessed from the east side of Parker House Road [S.C.R. 362] approximately 0.44 mile north of Beaver Dam Road [S.C.R. 368]) (911 Address: 38143, 38277, 38357, & 38487 Sharon Lane, Ocean View) (Tax Map Parcels: 134-17.00-17.10, 17.11, 17.12, & 17.13)

[Public Hearing CZ2039](#)

6. **[Conditional Use No. 2458 filed on behalf of Oneals Solar, LLC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS” (property lying on the north side of Oneals Road [S.C.R. 485] approximately 500 ft. southwest of Sussex Highway [Rt. 13])911 Address: 27720 Oneals Road, Seaford) (Tax Map Parcel: 132-6.00-303.00 [p/o])

[Public Hearing CU2458](#)

7. **[Conditional Use No. 2501 filed on behalf of Jose Luis Vivar](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS” (property is lying on the west side of McColleys Chapel Road [S.C.R. 213], approximately 510 feet south of Deer Forest Road [S.C.R. 565]) (911 Address: 18206 McColleys Chapel Road, Georgetown) (Tax Map Parcel: 135-5.00-100.01)

[Public Hearing CU2501](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on February 25, 2025 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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, FEBRUARY 25, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 11, 2025, at 9:00 a.m., at the Public Safety Complex, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore	County Attorney

Mr. Bob Wheatley, Mr. Scott Collins and Ms. Holly Wingate Planning & Zoning Commissioners and Mr. Vince Robertson, Assistant County Attorney were also present.

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 072 25
Approve
Agenda**

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

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Presentation
Office of
State
Planning
Coordina-
tion**

David Edgell, Director, Josh Thomas, Principal Planner and Jason Vogl, Principal Planner/GIS Coordination of the Office of State Planning Coordination provided a presentation.

An overview of the state strategies was given providing information on the history and purpose. The goals of “Shaping Delaware’s Future” were provided and discussed. Some of the information included in the annual report that is completed every year and shared with the Governor’s office was discussed. Currently, the process is underway for an update which is required every 5 years. The maps that are developed were shown from previous plans to the current plan (2020). The data that is used to make the maps was provided and discussed.

The components that are used include Urban/Urbanizing Growth (Levels 1, 2 & 3), Preservation and Rural (Level 4) and “Out of Play”. Examples of the different levels were shown and discussed.

The various factors affecting Delaware including real estate market

demand, technology changing work and shopping patterns and sea-level rise, climate control and flooding. Transportation, the environment and housing challenges were discussed.

M 073 25 **A Motion was made by Mr. Lloyd seconded by Mr. McCarron to recess Recess until 1:00 p.m. and return to the County Administrative Offices at 2 The Circle.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

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

M 074 25 **At 1:00 p.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd Reconvene to reconvene.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Minutes **The minutes from February 11, 2025 were approved by consensus.**

Corre- **Mr. Moore reported that Love, Inc., Paint the Town Red and Milford spondence Housing Development Corporation thanking Council for their donation.**

Public **Public comments were heard, and the following people spoke: Comments**
Mr. Greg Kordal spoke about a creation of a Parks and Recreation Department.

Ms. Susan Anderheggen spoke about applications seeking a Conditional Use.

Mr. Darrin Cogoni spoke about having backyard chickens on his property.

Ms. Susan Petz-Rosenblom spoke about the discussion that was held this morning with the Office of State Planning.

Working **Mr. Lawson provided an update on the creation of a working group. Mr. Group Lawson reviewed the list of organizations represented along with the ten individuals that will represent the organizations selected. He then reviewed what the group will be working on, the timeline and the next steps. Ms. Gruenebaum questioned if the meetings will be open to the public. Mr. Lawson replied that they will be broadcasted, minutes will be done, and the**

public will be able to participate.

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for January 2025 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 189 troopers assigned to Sussex County for the month of January.

2. DelDOT 2027-2032 Capital Transportation Program

Sussex County invites the public to offer suggestions for the upcoming 2027-2032 Capital Transportation Program request, which the County Council will submit to the Delaware Department of Transportation later this spring. Residents and property owners with ideas for improving local roads, pedestrian walkways, public transportation, and other related infrastructure and services can log onto the County's website to submit their suggestions.

Please visit www.sussexcountyde.gov and click the 'Sussex County wants your transportation ideas' announcement on the main page to fill out a suggestion form.

Submissions will be accepted through March 24, 2025. County staff will review all suggestions and forward those comments to DelDOT as part of the County's biennial request for funding and prioritization of transportation projects here in Sussex County.

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

**Ground-
water
Monitoring**

Mike Harmer, County Engineer presented a request for groundwater monitoring expansion: phase II for Council's consideration.

**M 075 25
Approve
Ground-
water
Monitoring**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved, based upon the recommendation of the Sussex County Engineering and Finance Departments, that Council approve the Delaware Geological Survey (DGS) request to be the local government partner/applicant for a \$150,000 Local Government Implementation Funding (LGIF) Chesapeake implementation grant request by the Delaware Geological survey.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;**

Mr. Hudson, Yea

Mass Annexation Request **John Ashman, Director of Utility Planning & Design Review presented a mass annexation request for 2024 for Council’s consideration. Mr. Ashman explained that under the direction of the County Engineer and his authority, the County Engineering Department has been accepting annexation fees and connecting individual parcels on an as-needed basis. He reported that the following parcels are included in the request parcels 433-6.06-3.00 (balance of parcel), 433-6.00-3.01 (balance of parcel), 433-6.00-3.04 (balance of parcel), 433-6.06-1.00 (balance of parcel), 433-6.06-2.01 and 234-11.00-58.04.**

M 076 25 Approve 2024 Mass Annexation **A Motion was made by Mr. Rieley seconded by Mr. Lloyd, that be it moved based upon the recommendation of the Sussex County Engineering Department that the Sussex County Council approves the mass annexation as presented and gives permission to adjust the sewer tier maps accordingly.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

James Farm CO No. 4 **Patrick Brown, Project Engineer III presented change order no. 4 for James Farm ecological preserve for Council’s consideration.**

M 077 25 Approve James Farm CO No. 4 **A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 4 for contract C23-21, proposed campus at James Farm Ecological Preserve, be approved, increasing the contract amount by \$19,726.60.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Weston Solutions **Patrick Brown, Project Engineer II presented an authorization to increase task order funding for landfill professional services with Weston Solutions, Inc. for Council’s consideration.**

M 078 25 Approve Weston Solutions Increase **A Motion was made by Mr. Rieley, seconded by Mr. McCarron, that be it moved based up the recommendation of the Sussex County Engineering Department that Council approve the \$30,000 increase to Weston Solutions, Inc. FY25 task order LF-2025-1, for additional services related to landfill no. 5 in Laurel and to authorize the County Engineer to approve FY26 and FY27 task orders in accordance with the approved fiscal year budget and**

procurement policies.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Old
Business/
CU2469**

Under Old Business, Jamie Whitehouse, Director of Planning & Zoning presented 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 WITH OFFICES 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” (properties are lying on the west side of John J. Williams Highway [Rt. 24] and the east side of Robinsonville Road [S.C.R. 277], approximately 0.95 mile northeast of the intersection of John J. Williams Highway [Rt. 24] and Robinsonville Road [S.C.R. 277]) (911 Address: N/A) (Tax Map Parcels: 234-6.00-104.00, 104.02, 104.03, & 104.04) filed on behalf of Rehoboth Family Storage, LLC.

**M 079 25
Amend
Condition C/
CU2469**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd, to amend the conditions by deleting Condition C and adding a new Condition C as follows: “The perimeter of the storage areas shall be fenced and gated and the fencing shall be vinyl coating or utilize a similar material. The fence shall be installed along the internal edge of the perimeter buffer adjacent to the interior of the development as to be screened by the perimeter landscape buffer and shall not be visible from the road except for the side of the property that fronts Robinsonville Road where the entrance is to be located to allow for access to the storage areas. The fence and gate materials, location and height shall be shown on the preliminary and final site plans”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 080 25
Amend
Condition
G/
CU2469**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, to delete Condition G and in its place add a new Condition G as follows: “A perimeter landscape buffer not less than 30 feet in width measured from the property boundary located along the entire outer perimeter of the property shall be established using planted or existing trees, vegetation and understory. The landscape buffer shall be depicted on the preliminary and final site plans. There shall be protective tree fencing, staking, or continuous ribbon installed along the entire edge of the perimeter buffer adjacent to the interior of the development to protect the integrity of

existing trees within the perimeter buffer. At no time shall the ground within the perimeter landscape buffer be cleared, graded, regraded, or grubbed, except for the side of the property that fronts Robinsonville Road where the entrance is to be located”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 081 25
Add
Condition/
CU2469**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, to add the following Condition: “All structures on the premises shall be limited to one story in height”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 082 25
Add
Condition/
CU2469**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd, to add the following Condition “All building structures are to be earth tone colors, and the office complex façade is to be constructed with scalloped block as shown in the applicant’s renderings”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 083 25
Adopt
Ordinance
No. 3074/
CU2469**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, to Adopt Ordinance No. 3074 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY WITH OFFICES 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” for the reasons and conditions given by the Planning & Zoning Commission as follows as amended:

1. The use as an indoor storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.
2. The use is to be located along Route 24 with access from Robinsonville Road. It is in an area along Route 24 where several businesses exist. This is an appropriate location for this type of low-intensity use.

**M 083 25
Adopt
Ordinance
No. 3074/
CU2469
(continued)**

3. The use will be a self-storage facility with an office. No outside storage will be allowed and no manufacturing, assembling, fabrication, or similar activities will be permitted.
4. There was testimony in the record that there is a need for self-storage facilities in this part of Sussex County. This type of use compliments the residential development that is occurring in this area of Sussex County, and it will reduce the amount of traffic traveling to Route One for storage needs.
5. Although the site is currently wooded, it was clearcut in 2010, so the existing trees are mainly newer growth. The Applicant has committed to preserving approximately 1.62 acres of the existing woodlands.
6. There are no wetlands on the site.
7. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. There was testimony about the location of the entrance onto Robinsonville Road and not Route 24, but that location has been directed by DeIDOT.
8. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
9. This recommendation for approval is subject to the following conditions and stipulations:
 - a. There shall not be any outside storage on the premises. This includes the prohibition against outside storage of building materials, construction materials, boats and RVs within the site.
 - b. Any security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.
 - c. The perimeter of the storage areas shall be fenced and gated and the fencing shall be vinyl coating or utilize a similar material. The fence shall be installed along the internal edge of the perimeter buffer adjacent to the interior of the development as to be screened by the perimeter landscape buffer and shall not be visible from the road except for the side of the property that fronts Robinsonville Road where the entrance is to be located to allow for access to the storage areas. The fence and gate materials, location and height shall be shown on the preliminary and final site plans.
 - d. There shall be only two indirectly lit signs allowed on the site of no more than 32 square feet per side. One may be located on Robinsonville Road and the other on Route 24. In addition, one directly lit wall sign shall be permitted.
 - e. Stormwater management shall be maintained on site, using Best Management Practices.
 - f. The hours of operation for the facility will be as follows: gate access will be available daily from 6:00 a.m. to 10:00 p.m.; office hours will be from 9:00 a.m. to 6:00 p.m., Monday through Saturday.
 - g. A perimeter landscape buffer not less than 30 feet in width measured from the property boundary located along the entire outer perimeter of the property shall be established using planted or existing trees,

**M 083 25
Adopt
Ordinance
No. 3074/
CU2469
(continued)**

vegetation and understory. The landscape buffer shall be depicted on the preliminary and final site plans. There shall be protective tree fencing, staking, or continuous ribbon installed along the entire edge of the perimeter buffer adjacent to the interior of the development to protect the integrity of existing trees within the perimeter buffer. At no time shall the ground within the perimeter landscape buffer be cleared, graded, regraded, or grubbed, except for the side of the property that fronts Robinsonville Road where the entrance is to be located.

- h. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.**
- i. The Final Site Plan shall indicate all parking and drive aisles.**
- j. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.**
- k. As stated by the Applicant, approximately 1.62 acres of the existing woodlands shall be preserved. Those preservation areas shall be shown on the Final Site Plan.**
- l. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.**
- m. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.**
- n. All structures on the premises shall be limited to one story in height.**
- o. All building structures are to be earth tone colors, and the office complex façade is to be constructed with scalloped block as shown in the applicant’s renderings.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Grant
Request**

Mrs. Jennings presented a grant request for Council’s consideration.

**M 084 25
Paige’s
Kindness
Project**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$1,700 (\$500 from Mr. McCarron’s Councilmanic Grant Account, \$200 from Mr. Lloyd’s Councilmanic Grant Account, \$500 from Ms. Gruenebaum’s Councilmanic Grant Account and \$500 from Mr. Hudson’s Councilmanic Grant Account) to Paige’s Kindness project for their kindness project.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Introduction Mr. McCarron introduced a Proposed Ordinance entitled “AN

of Proposed Ordinances Introduction of Proposed Ordinances (continued)

ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A CONCRETE AND MASONRY BUSINESS WITH CONSTRUCTION INDUSTRY RETAIL SALES, GENERAL OFFICE SPACE AND STORAGE FOR THE RECYCLING OF AGGREGATE PRODUCTS, INCLUDING CRUSHING OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32.95 ACRES, MORE OR LESS” filed on behalf of F & N Vazquez Concrete, LLC

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND CR-1 COMMERCIAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT, CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 87.5 ACRES, MORE OR LESS ” filed on behalf of Capano Management.

The Proposed Ordinances will be advertised for a Public Hearing.

Property Reassessment Update

Mrs. Jennings provided a presentation with an update on the property reassessment project. Mrs. Jennings reported that tentative values were mailed in November, and informal hearings were held with Tyler Technologies from November to January. The Assessment Rolls were given to the Board of Assessment Review on February 14th. All property data is available on our website and all required advertisements were placed in the paper announcing the rolls are available and how a person can appeal. Mrs. Jennings shared the assessment rolls by school district along with the increase percentage. She then showed a tax calculator that was created for property owners to view an estimate of their new tax bill.

Mrs. Jennings then reviewed the appeal process. To date, the informal review and the assessment rolls have been finalized. The next step is the formal appeal process. In order to do that, property owners must file an appeal by March 31st. She noted that the appeal process has two steps: referees and then a public hearing with the Board of Assessment review. Mrs. Jennings reviewed the process for referee meetings and the Board of Assessment Review hearings. If an agreement cannot be reached, property owners can appeal the Board of Assessment Review decision to Superior Court.

The County has two tax programs that are calculated on taxable assessed value and are established in County Code. These include low-income over 65 and disability. The two programs were reviewed, and recommendations were given based on the new assessed numbers.

Possible Ordinance Introduction Mrs. Jennings presented an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE II (“REAL PROPERTY EXEMPTION FOR SENIOR CITIZENS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE THRESHOLD AND RESIDENCY REQUIREMENT”.

Introduction of Ordinance Mr. Lloyd introduced an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE II (“REAL PROPERTY EXEMPTION FOR SENIOR CITIZENS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE THRESHOLD AND RESIDENCY REQUIREMENT”.

Possible Ordinance Introduction Mrs. Jennings presented an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE I (“REAL PROPERTY TAX EXEMPTION FOR DISABLED PERSONS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE, RESIDENCY REQUIREMENT AND INCOME THRESHOLDS, THE APPLICATION PROCEDURE AND TO EXCLUDE PENSION INCOME DIRECTLY RELATED TO THE APPLICANT’S DISABILITY WHEN CALCULATING APPLICANT’S INCOME”.

Introduction of Ordinance Mr. McCarron introduced an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE I (“REAL PROPERTY TAX EXEMPTION FOR DISABLED PERSONS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE, RESIDENCY REQUIREMENT AND INCOME THRESHOLDS, THE APPLICATION PROCEDURE AND TO EXCLUDE PENSION INCOME DIRECTLY RELATED TO THE APPLICANT’S DISABILITY WHEN CALCULATING APPLICANT’S INCOME”.

Rules Mr. Moore reviewed the procedures for public hearings.

Public Hearing/ Board of Assessment Review A Public Hearing was held on an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”) OF THE CODE OF SUSSEX COUNTY TO ADD A NEW ARTICLE VIII, ENTITLED “BOARD OF ASSESSMENT REVIEW” TO GRANT THE BOARD OF ASSESSMENT REVIEW AUTHORITY TO ADOPT RULES AND PROCEDURES TO CARRY OUT ITS DUTIES AS OUTLINED IN 9 DEL. C. § 7004”.

Mrs. Jennings reported that the Ordinance allows the Board of Assessment Review to adopt the rules to follow the Code in Title 9 to do what they are supposed to be doing. It is recommended to adopt this Ordinance to allow them to make their own rules like the other two Counties do as well as the other boards.

Public comments were heard.

**Public Hearing/
Board of Assessment Review
(continued)**

Mr. Mark Hurlock commented that it is the duty of this Council to uphold the Constitution and the Delaware law so this State. He added remarks relating to the board and property owner’s rights.

Ms. Jestine Cuccia commented that she appreciates the revenue that is generated for the schools; that she requested to have the assessment based on sales going forward.

The Public Hearing and public record were closed.

**M 085 25
Adopt Ordinance No. 3075/
Board of Assessment Review**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to Adopt Ordinance No. 3075 entitled “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”) OF THE CODE OF SUSSEX COUNTY TO ADD A NEW ARTICLE VIII, ENTITLED “BOARD OF ASSESSMENT REVIEW” TO GRANT THE BOARD OF ASSESSMENT REVIEW AUTHORITY TO ADOPT RULES AND PROCEDURES TO CARRY OUT ITS DUTIES AS OUTLINED IN 9 DEL. C. § 7004”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public Hearing/
Estuary Phase 6**

A Public Hearing was held on the Estuary Phase 6 (Showell Farm) Annexation into the Sussex County Unified Sanitary Sewer District (Miller Creek Area).

John Ashman, Director of Utility Planning & Design Review reported that County Council granted approval to prepare and post notices for the public hearing on December 10, 2024 for this project. The Engineering Department received a request from GMB, LLC on behalf of their client CB Land 1, LLC owners/developers of parcels 134-19.00-112.00, 112.01, & 112.04, adjacent to the existing Miller Creek area of the SCUSSD. The parcels along Camp Barnes Road, the project is proposed at 45 single family lots. The project will be responsible for system connection charges in place at the time of connection. To date, there has been no correspondence either in support or opposition to this proposed annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 086 25
Adopt Resolution No. R 003 25
Estuary**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Resolution No. R 003 25 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE THE ESTUARY PHASE 6 ON THE SOUTH SIDE CAMP BARNES ROAD

Phase 6

LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” AS MODIFIED ADDING THE TWO ADDITIONAL PARCELS.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
Delmarva
Land
Company**

A Public Hearing was held on the Delmarva Land Company Annexation into the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area).

John Ashman, Director of Utility Planning & Design Review reported that County Council granted approval to prepare and post notices for the public hearing on December 10, 2024, for this expansion. The Engineering Department received a request from Delmarva Land Company owners/developers of parcels 433-11.00-17.00 & 17.01, adjacent to the existing Dagsboro/Frankford area of the SCUSSD. Parcels along Delaware Avenue and Dagsboro Boulevard and the request is to allow them to extend central sewer service to the existing facilities on the parcels. The project will be responsible to system connection charges at the time of connection. To date, there has been no correspondence received in support or opposition to this proposed annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 087 25
Adopt
Resolution
No. 004 25
Delmarva
Land
Company**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Resolution No. R 004 25 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE TWO PARCELS (433-11.00-17.00 & 17.01) ON THE EAST AND WEST SIDES OF DELAWARE AVENUE EXTENDED, AND THE EAST SIDE OF DUPONT BOULEVARD (RT. 113) AND SOUTH OF THE TOWN OF FRANKFORD AND IS LOCATED IN THE DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Rules

Mr. Moore read the rules of procedure for zoning hearings.

**Public
Hearing/
CU2460**

A Public Hearing was held on a Proposed Ordinance entitled “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” (property lying on the west side of Barnacle Boulevard and the northeast side of Layton Davis Road [S.C.R. 312A], approximately 0.28 mile southeast of John J. Williams Highway [Rt. 24]) (911 Address: 31235, 31241, & 31247 Barnacle Boulevard) (Tax Map Parcel: 234-29.00-57.02, 57.03, & 57.04) filed on behalf of Jose Herandez Perez.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on December 11, 2024. At the meeting of January 8, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons and 16 recommended conditions of approval as outlined.

The Council found that Mr. David Hutt, Esq., of Morris James, LLP., spoke on behalf of the applicant; that the application is for an office, shop, warehouse, indoor and outdoor storage on an assemblage of three (3) parcels situated along Barnacle Blvd., which is the shared access road for those parcels and how they access Layton Davis Rd.; that Mr. Hutt discussed how the Applicant came from Mexico in 1998 and worked his way up from a laborer to a small business owner over the course of 25 years; that in 2009 the Applicant opened Delaware Concrete Foundations and Slabs, LLC, with three (3) employees and today he employs 40 people and opened a second business, Apollo Homes, LLC; that with the growth of his business, came the need to expand his office and storage for those businesses; that there were some notices of violation that were sent related to building permit questions and issues and a violation regarding the use of the property because of the business type that is being conducted on the property; that the notices regarding building permits have been addressed and the proper building permits has been sought; that the last notices of violation revolve around the use of the property, and that brings us here to this public hearing; that there are three (3) tax parcels that are involved with this application that total just under 3 acres of land, all of these three (3) parcels use Barnacle Blvd. which is also owned by the applicant; that the property is located in the Level 2 area; that the property is located in the Coastal Area; that the Sussex County Zoning map identifies this property as being zoned GR General Residential and all of the properties that immediately touch this property are also zoned GR, except for the property in the rear, the property that is in the rear is zoned MR with an RPC overlay; that the property is not within a floodplain, as shown on the FEMA flood maps, the property is not located or does not have a well head protection area within its boundaries, nor is it within an excellent groundwater recharge area, as those things are defined

**Public
Hearing/
CU2460
(continued)**

in Chapter 89 of the Sussex County Code; that there was an environmental assessment and public facility evaluation report that was provided by Morris & Ritchie Associates, which indicated that there are no wetlands on the property or within a half a mile of the property; that water is provided to the properties by existing wells and sanitary sewer services provided to the property by on site wastewater treatment and disposal systems; that a service level evaluation request was sent to DelDOT and they responded that based upon its Memorandum of Understanding with Sussex County, that the traffic impact of this proposed use would be diminutive; that the business itself would have about 7-10 employees who would utilize the office building on the property and there would be some material storage as well; that all materials are neatly stored within designated bins or buildings; that it's not intended to be a retail location, so the only traffic coming and going would primarily be the delivery of the materials from vendors; that there are three (3) buildings on the property, the main house up front which will be the businesses offices, the trailer on the second parcel, which will be renovated and rented out and the third trailer on the third parcel which is already being rented out; that the Applicant takes pride in the maintenance of his property and has letters of support from neighbors; that the Applicant has an entrance permit from DelDOT that was granted, the State Fire Marshall has reviewed the plan and approved it with a turning template that was used to show how a truck that was going to make a delivery could enter the site off of Layton Davis Rd. go down Barnacle Blvd., turn around the circle and return back to the road without ever having to back out on Layton Davis Rd. or make any unusual or improper driving maneuvers; that the applicants supports the adoption of the recommendation put forth by the Planning Commission; that Mr. Hutt reviewed the favorable recommendation given by the Planning Commission focusing on the conditions; that the hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday. 7:00 a.m. to 3:00 p.m. on Saturday with no Sunday hours of operation; that the perimeter of the property will be fenced; that there were 8 letters of support that were given to the Planning Commission; that the letters including the immediate surrounding neighbors as well as some from trade partners; that the applicant requests that the Council adopt the favorable recommendation; that all of the buildings are currently already on the property.

Mr. Lloyd questioned if there would be any noise as part of the business. Mr. Hutt stated that there is light maintenance that will be done, and it will all be done inside. Mr. Lloyd questioned the vehicles that will be used. Mr. Hutt stated that there are a mixed of vehicles that will be used. It was reported that in the exhibit booklet, the path of travel was shown. Mr. Lloyd questioned if there was a lighting plan for the perimeter. Mr. Hutt stated that it is a common condition that all on site lighting must be downfacing.

Public comments were heard.

**Public
Hearing/
CU2460
(continued)**

Mr. David Steele spoke about the application; that he stated that Mr. Perez has been a great trade partner; that he takes a lot of pride in everything that he does.

Ms. Jennifer Pawloski questioned if Apollo Homes is associated with Apollo Global Management; that she questioned if it was affiliated with offshore wind. Mr. Hutt replied not to Mr. Perez’s knowledge, and he added that Mr. Perez formed Apollo Homes, LLC.

The Public Hearing and public record were closed.

**M 088 25
Adopt
Ordinance
No. 3076/
CU2460**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to Adopt Ordinance No. 3076 entitled “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” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The use is situated on a 2.95-acre parcel of land. With the conditions and stipulations of approval, the use will not have a negative impact on the neighboring properties.**
- 2. The purpose of this application is to create a location for office space and warehousing with indoor and outdoor storage for the Applicant’s construction and homebuilding businesses. The Applicant intends to operate two primary businesses from the Property – a home-building company and a concrete foundation and flatwork business. These businesses serve the surrounding areas.**
- 3. The property is approximately 1/3 of a mile from the intersection of Layton Davis Road and Route 24 in an area where there is a mixture of commercially and residentially zoned properties including MR, AR-1, C-1, CR-1, C-2 and B-1. This Conditional Use is appropriate within this mixture of existing uses and zoning districts.**
- 4. No retail sales will occur from the Property.**
- 5. The Applicant has stated that most of the work is offsite, so there is not a lot of activity that occurs on this site. In addition, DelDOT has stated that the use will have a “diminutive” impact upon local area roadways and DelDOT has issued a commercial entrance permit for the use. As a result, the use will not have an adverse impact on the traffic or area roadways.**
- 6. No parties appeared in opposition to this application and there are several letters in the record supporting it.**
- 7. This property is located within the Coastal Area according to the Future Land Use Map contained in the Sussex County Comprehensive Plan. The Coastal Area is a Growth Area where business and commercial uses such as this can be located.**
- 8. This recommendation is subject to the following conditions:**

**M 088 25
Adopt
Ordinance
No. 3076/
CU2460
(continued)**

- a. **The conditional use shall be limited to office, workshop, warehouse, inside and outside storage areas in the areas and buildings specifically designated for those purposes on the Final Site Plan.**
- b. **All work other than storage shall only occur indoors.**
- c. **No retail sales shall occur from the site.**
- d. **A fence shall be installed and maintained along the perimeter of the property. The location and type of fencing shall be shown on the Final Site Plan.**
- e. **No vehicle or equipment repairs other than routine maintenance shall occur outside.**
- f. **All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- g. **Any dumpsters on the site must be screened from the view of neighboring properties and roadways.**
- h. **The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- i. **The hours of operation shall be Monday through Friday between 7:00 a.m. until 6:00 p.m. and between 7:00 a.m. and 3:00 p.m. on Saturdays. There shall not be any Sunday hours.**
- j. **One indirectly lit on-premises ground sign shall be permitted on the site along Layton Davis Road. It shall be no larger than 32 square feet per side.**
- k. **All vehicle parking and storage areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself. Outside storage of building materials and equipment shall be limited to the areas designated for storage on the Final Site Plan. All vehicles, including the applicant's vehicles and employees' vehicles, must only be parked within the designated areas.**
- l. **No junked, in-operable or untitled vehicles shall be located on the site.**
- m. **Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- n. **The Applicant shall submit as part of the Final Site Plan a landscape and fencing plan showing the tree, shrub and fence landscape design that provides screening from neighboring and adjacent properties.**
- o. **Failure to comply with any of these conditions may be grounds for the termination of the Conditional Use approval.**
- p. **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: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2487**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRES, MORE OR LESS” (property lying on the south side of Lewes Georgetown Highway [Rt. 9], approximately 0.27 mile southwest of the intersection of Lewes Georgetown Highway [Rt. 9] and Coastal Highway [Rt. 1]) (911 Address: 32454 & 32462 Lewes Georgetown Highway) (Tax Map Parcel: 334-5.00-208.00 & 208.01) filed on behalf of Jose Sandoval.

The Planning & Zoning Commission held a Public Hearing on the application on December 11, 2024. At the meeting of December 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval.

Mr. Lynn Rogers, of Rogers Sign Company, spoke on behalf of the applicant, Donovan’s Painting & Drywall, LLC; that the original Conditional Use #2188 was presented on October 29, 2019 and granted with 12 conditions; that the Applicant wants to modify a request for Condition “G” in reference to the signage; that the current sign is in place and it is only 18 square feet in size and it was intended to originally have a small electronic message center included in Condition “G” of Conditional Use #2188, but there was miscommunication between the Applicant and the engineer; that all of the electric has been installed for the sign; that the existing sign sits about 30 feet back from the right of way and at the request of DelDOT they asked for additional setbacks as they were widening the road and putting in sidewalks; that since the original sign has already met all of the required setbacks put in place, the request now is to install a four by eight electronic message center directly under the current Donovan’s Painting & Drywall sign; that it will be used to display information such as hiring information and information on the services that they provide; that the sign will meet all code requirements and will not have any adverse effects on any surrounding properties.

Mr. McCarron asked if a DelDOT permit had been obtained. Mr. Rogers stated that they do have one.

Ms. Gruenebaum questioned how the sign will operate and the types of lights that will be used. She questioned if this will affect any residential properties in the area.

There were no public comments.

The Public Hearing and public record were closed.

**M 089 25
Adopt
Ordinance
No. 3077/
CU2487**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to Adopt Ordinance No. 3077 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. This is the site of a prior Conditional Use permit, which was Conditional Use #2188 that was approved in 2019. This application is to modify Condition “G” of that prior approval to allow an on premises electronic message display sign. This type of application is permitted under section 115-161.1 C of the Zoning Code and the sign will be operated in accordance with Section 115-161.1 C of the Zoning Code.**
- 2. The sign will be located on the Applicant’s property and will be used to display information about the Applicant’s on-premises business.**
- 3. The sign will be added to a prior static display sign on the site that is on the Applicant’s property.**
- 4. The sign will comply with all of the sign regulations in the Zoning Code, as mentioned, including brightness and motion.**
- 5. The sign will not adversely affect the neighboring properties, area roadways and traffic and it is set back approximately 30 feet from edge of the DelDOT right of way.**
- 6. No parties appeared in opposition to this application.**
- 7. Final site plan showing the location of the sign on the site shall be submitted to the Sussex County Planning & Zoning Commission for approval.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2443**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.138 ACRE, MORE OR LESS” (property lying on the south side of Admiral Road within the Tower Shores Subdivision) (911 Address: 39578 Admiral Road) (Tax Map Parcel: 134-5.00-115.00) filed on behalf of Coastal Bay Homes LLC.

**Public
Hearing/
CU2443
(continued)**

The Planning & Zoning Commission held a Public Hearing on the application on December 11, 2024. At the meeting of December 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the 4 recommended conditions of approval.

Mr. Blake Carey, Esq., of The Smith Firm, spoke on behalf of the applicant; that with respect to the property itself, the applicant acquired this property around April of 2021, and it was sold as a result of a public auction pursuant to a partition action in the Court of Chancery; that it cannot be used on a year round basis so the applicant's desire is to remove the currently existing dwelling and construct a multifamily duplex in an effort to enhance the property and improve the look and feel of Admiral Road; that the Applicant is seeking to construct one (1) multifamily dwelling, a duplex on the property consistent with neighboring properties; that the property is serviced by central water and sewer, no commercial activities would take place, the multifamily dwelling would be governed by a condominium association created by the applicant, with its own unique restrictions, in addition to those restrictions of the tower community; that all setbacks per the code will be met with the proposed duplex to be constructed upon the site; that numerous properties within Tower Shores Community have been granted Conditional Uses to construct multifamily dwellings on their property and there are several other multifamily dwellings; that the Applicant is seeking a duplex with two (2) family dwellings which is less than the four (4) which is allowed; that there are 19 Conditional Use approved applications within a 300 foot radius of this property, all of which are for multifamily dwellings within the Tower Shores Community; that the proposed use will have no adverse impact on the character or the surrounding area or property values therein; that DelDOT has determined that a traffic impact study is not necessary, the local environment will not be impacted and the medium density residential parcel is located in a coastal area pursuant to the Sussex County Comprehensive Land Use Plan, which is a growth area; that the Plan outlines that a range of housing types should be permitted in coastal areas, including single family homes, townhouses and multifamily units and that appropriate mixed-use development should be allowed; that the use will not impact nearby roadways; that the neighboring properties to the east and west consist of duplexes.

Mr. Hudson asked if it will be a whole new structure. Mr. Carey stated that was correct.

Mr. Lloyd questioned the architecture of the new structure. Mr. Carey stated that it will be consistent with the others in the area and will need to be approved by the Tower Shores Community.

There were no public comments.

The Public Hearing and public record were closed.

**M 090 25
Adopt
Ordinance
No. 3078/
CU2443**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 3078 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.138 ACRE, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed Conditional Use will have no significant impact upon traffic.**
- 2. There are other, similar 2 Unit Multi Family structures with similar characteristics in the immediate vicinity.**
- 3. The project will not have an adverse impact on the neighboring properties or community.**
- 4. The 2 units will be served by central water and sewer.**
- 5. No parties appeared in opposition to this Application.**
- 6. This recommendation for approval is subject to the following conditions and stipulations:**
 - a. Only 2 units shall be constructed upon the property.**
 - b. The development shall be served as part of a Sussex County Sanitary Sewer District.**
 - c. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur the hours between 8:00 a.m. and 6:00 p.m.**
 - d. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Council
Member
comments**

Mr. Lloyd commented that the County Council recently had public meetings with the Office of State Planning Coordination, Delaware State Housing Authority and the Homeowners Association. He thanked the staff for the presentations and provided his takeaways from the presentations given.

Mr. McCarron thanked the staff, the public and the State representatives for their time and efforts that have been put into the presentations.

Ms. Gruenebaum thanked the staff for their hard work on the public sessions that have occurred. She believes that they are important issues to discuss.

M 091 25

At 3:30 p.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd

Go Into Executive Session to enter into Executive Session for the purpose of discussing matters relating to pending & potential litigation, land acquisition and personnel.

Executive Session At 3:38 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to pending & potential litigation, land acquisition and personnel. The Executive Session ended at 4:11 p.m.

M 092 25 Reconvene At 4:14 p.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 093 25 E/S Action/ Parcel 2025-A A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to authorize the County Administrator to negotiate, enter into a contract and potentially go to closing on a parcel identified as 2025-A.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 094 25 Adjourn A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to adjourn at 4:15 p.m.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

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

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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Sussex County

DELAWARE
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MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Bridgewater
File: OM 9.01*

DATE: March 4, 2025

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

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **SB Old Mill Bridge, LLC** for the **Bridgewater** project in the **Miller Creek Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Bridgewater** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **SB Old Mill Bridge, LLC** will contribute **\$57,675.00** for the financial catch-up contribution of the existing infrastructure to serve **71.00** Equivalent Dwelling Units. Payments of the contribution will be required prior to a connection permit being issued.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

BRIDGEWATER IUA-1133

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2025, by and between:

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

SB OLD MILL BRIDGE, LLC. a Limited Liability Corporation and developer of a project known as **Bridgewater**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 134-21.00-6.01 to be known as **Bridgewater** (“Project”) and;

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

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to 71 additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of \$57,675.00 for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to a connection permit being issued.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties

otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **20184 Phillips Street, Rehoboth Beach Delaware 19971.**

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

(DATE)

ATTEST:

Tracy N. Torbert
Clerk of the County Council

FOR SB OLD MILL BRIDGE, LLC

By: Tim Green (Seal)
Tim Green- Authorized Signatory
2/10/2025 (DATE)

WITNESS: _____

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T

(302) 854-5391 F

jashman@sussexcountyde.gov




Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Sundance Club
File: OM 9.01*

DATE: March 4, 2025

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

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **OA Sundance Club, LLC** for the **Sundance Club** project in the **Millville Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Sundance Club** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **OA Sundance Club, LLC** will contribute **\$57,822.00** for the financial catch-up contribution of the existing infrastructure to serve **185.00** Equivalent Dwelling Units. Payments of the contribution will be required prior to the project receiving beneficial acceptance on the on-site collection system.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

SUNDANCE CLUB (EVANS FARM APARTMENTS) – IUA988-2

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2025, by and between:

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

OA SUNDANCE CLUB, LLC, a Delaware limited liability corporation and developers of a project known as **Sundance Club (Evans Farm Apartments)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 134-12.00-74.01 to be known as **Sundance Club** (“Project”) and;

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

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **185.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$57,822.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution is required prior to receiving beneficial acceptance of the projects on-site collection system.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

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

Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **18949 Coastal Hwy, Suite 301, Rehoboth Beach Delaware 19971.**

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

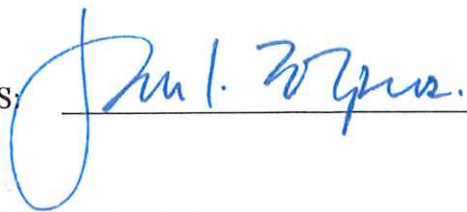
ATTEST:

Tracy Torbert
Clerk of the County Council

FOR OA SUNDANCE CLUB, LLC

By:  _____ (Seal)
Benjamin Gordy

2/19/25 (DATE)

WITNESS:  _____



Memorandum

To: Sussex County Council

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

CC: Everett Moore, County Attorney

Date: February 28, 2025

RE: County Council Report for Turnberry (2021-05) (F.K.A. Unity Branch)

On January 14th, 2025, the Planning and Zoning Department received a request for a 6-month time extension for Turnberry (2021-05) (F.K.A. Unity Branch) a cluster subdivision for the creation of one-hundred and ninety-six (196) single-family lots, private roads, stormwater management, open space and associated buffers within the Low-Density Area. The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at their meeting of Thursday, January 27th, 2022, subject to nineteen (19) Conditions of Approval. Under (§99-9(B)) of the Code, the Preliminary Subdivision Plan approval is valid for a period of three years and will expire on January 27th, 2024, unless *“a final plan [is] filed with the Commission’s staff within 36 months from the date of action of the preliminary plat.”* The property is located on the southeast side of Hollyville Road (S.C.R. 48).

The Applicant filed this request with the Planning & Zoning Department in writing on January 14th, 2025. The request for extension has been submitted under the sunset provision of (§99-40(C)) which allows an Applicant to request up to a six-month extension of the Preliminary Subdivision approval. The Council may grant a time extension for up to six (6) months pursuant to (§99-40) based on the following:

1. Prior to the expiration date of its current approval, any Applicant holding a currently valid approval set forth in this §99-40(C) may request an extension up to six months for the validity of said approval. The six-month period shall commence on upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
 - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the Applicant is to provide the anticipated time frame for completing those remaining steps.
 - (b) A detailed explanation of the reasons in support of the Applicant’s request for the time extension. The Applicant is to include an explanation of whether such reasons were within the Applicant’s reasonable control. Examples of reasons beyond the Applicant’s reasonable control include, but are not limited



to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third-party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting the Applicant's key stakeholders.

In accordance with the requirements of this Section of Code, an explanatory Memo, schedule and plan of completed steps and reasons in support of the Applicant's request for a time extension have been provided. The letter notes that requested revisions by State agencies as part of their regular review, coordination of required transportation improvements with the adjacent Autumn Dale project and the installation of a required gas main led to utility conflicts which necessitated the redesign of utilities and stormwater management elements for a large portion of the project causing unexpected delays.

The following are the status of agency approvals. The Project Engineer as of the date of this Memorandum has received Plan approvals from the following agencies: the Sussex Conservation District, the Sussex County Geographic Information Office, Sussex County Engineering Department, Delaware Department of Public Health, the Cape Henlopen School District and Office of the State Fire Marshal. The only current outstanding agency approval is the Delaware Department of Transportation (DelDOT), of which the Project Engineer has a letter requesting Final Plans from DelDOT prior to issuance of a Letter of No Objection (LONO) and the Plans were submitted for DelDOT Entrance Plan approval on January 10th, 2025.

The Planning and Zoning Commission recommended approval for the 6-month time extension request at their meeting of Wednesday, January 22nd, 2025, and to forward the Application to the Sussex County Council for their final decision and approval of this request.

If the Council agrees, there should be a motion that, based upon the authority granted to Council under §99-40(C)), and based upon compliance and requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that Stratus Estates (2019-24) (F.K.A. Cool Spring Meadows) shall be granted a six (6) month time extension until July 27th, 2025, which is six (6) months from January 27th, 2025, the original expiration date for the Subdivision.

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & BUSINESS PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
RECORDS MANAGEMENT (302) 855-5033
UTILITY ENGINEERING (302) 855-7717
UTILITY PERMITS (302) 855-7719
UTILITY PLANNING (302) 855-1299
FAX (302) 855-7773



Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER
ROBERT L. BRYANT, A.A.E.
AIRPORT MANAGER

Memorandum

TO: Sussex County Council
The Honorable Dougals B. Hudson – Council President
The Honorable John L. Rieley – Council Vice President
The Honorable Matt Lloyd
The Honorable Jane Gruenebaum
The Honorable Steve C. McCarron

FROM: Robert L. Bryant, A.A.E., Manager Delaware Coastal Airport

RE: ***Professional Aeronautical Consultant Services, RFQ 25-27
Recommendation to Award Professional Services Contract***

DATE: March 4, 2025

As a condition of Airport Improvement Program (AIP) eligibility, the Federal Aviation Administration (FAA) requires that an airport sponsor (Sussex County, Delaware) must carry out their consultant selection and conduct contract negotiations in accordance with Advisory Circular 150/5100-14E, titled, *Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects*. This AC establishes FAA standards for the selection and contracting of professional services. Adherence to this AC assures the airport sponsor's compliance with the applicable Federal laws and regulations. Airport sponsors that fail to adhere to the applicable requirements could likely jeopardize AIP participation in the cost of professional services.

On January 31, 2025, Sussex County advertised a Request for Qualifications (RFQ) for Professional Aeronautical Services covering a 5-year period. February 20, 2025, was selected as the Submittal Deadline date. Only one Statement of Qualifications for Professional Aeronautical Consultant Services was received. The one submittal was sent by Delta Airport Consultants, Harrisburg, Pennsylvania. Members of the Sussex County Council are likely familiar with Delta Airport Consultants having been selected and awarded an Agreement for Professional Service in April 2020.

Sussex County administration was "a bit surprised" having received the one Qualifications for Professional Aeronautical Consultant Service from Delta Airport Consultants. Invitations were sent to 5 known airport consultant/engineering companies, and an advertisement was included in the American Association of Airport Executive's RFP and Business Opportunity Listing.



With only one RFQ received, and knowing Delta is a capable consultant/engineering firm, there wasn't a need for a Sussex County administration review process. Delta Airport Consultants has worked exclusively in the field of airport consulting and project engineering since 1978 and has been hired by Sussex County for various consulting and engineering projects at the Delaware Coastal Airport dating as far back as 2007 beginning with the (then) Airport Master Plan Update. In 2014, Delta Airport Consultants was hired by Sussex County to design our Runway 14-32 Rehabilitation project and since April 2020 has provided engineering services on the Construct Taxiway Delta (D) project, Construct New General Aviation Aircraft Parking Apron, and most recently, the multi-phased and multi-year Design and Construct New Taxiway Bravo (B) Project. Consultant services have included assistance with the FAA Delaware Coastal Airport Capital Improvement Program, AIP Grant application assistance and various other services including environmental knowledge and facility infrastructure evaluations and recommendations.

As a side note, FAA requires that Consultants must be selected on the basis of their qualifications and experience, with fees determined through negotiations following selection.

It is the Recommendation of the Sussex County Engineering Department that Council award a Professional Aeronautical Consultant Services Agreement to Delta Airport Consultants at the Delaware Coastal Airport, to implement projects under the current Airport Master Plan in accordance with the Airport Capital Improvement Plan over a 5-year period; and further recommend Council direct the Engineering Department to negotiate an agreement with Delta Airport Consultants for project scope, schedule and fees that receive FAA concurrence, and submit to Council for authorization.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steve C. McCarron

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

RE: ***Inland Bays Loop Project, S24-01***
A. Standalone Elevated Storage Tank Purchase Order

DATE: March 4, 2025

GHD, Inc., held the County's engineering services contract associated with the SCRWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" for South Coastal in 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Treatment Plant. On July 16, 2024 Council reaffirmed GHD, Inc. as "Engineer of Record" for the County's wastewater treatment process related projects at all facilities through June 30, 2029

The County 5-year capital plan approved in the FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (RWF). The Inland Bays Loop, Project S24-01 provides treated effluent distribution **after** completion of the Inland Bays RWF Phase 2 Project to County agricultural partners, forested spray sites under DNREC permitting, and a rapid infiltration basin to be constructed and maintained by Artesian Wastewater Resources on leased County property.

The DNREC permitting timeline below allows Council to see the progression and complexity of the operations and construction permitting processes.

- February 25, 2017, Soil Investigation Report - Spray Expansion Project, Rev. May 2017
- December 6, 2018, DNREC Permit Application Form and Legal Notice Fee
- January 11, 2019, Hydrogeo Report - Spray Expansion Project, dated October 26, 2017
- January 31, 2019, Surface Water Assessment Report, dated January 28, 2019



- July 17, 2019, Design Engineering Report for Inland Bays RWF Phase 2
- August 03, 2020, DNREC Letter Requesting Additional Information
- October 22, 2020, Revised Design Engineering Report for the Inland Bays RWF Phase 2
- December 11, 2020, revised drawings for the Inland Bays RWF Phase 2
- December 17, 2020, Effluent Disposal/ Spray Expansion Construction Plans
- February 24, 2021, Design Engineer Report for Distribution of Treated Wastewater for Agricultural Use
- January 28, 2022, Hydrogeologic Report for Submerged Gravel Wetland
- April 18, 2022, Submerged Gravel Wetland Construction Plans
- August 24, 2022, DNREC Letter Requesting Additional Information
- October 21, 2022, County's detailed response to DNREC's 2nd Request

DNREC issued the associated construction and operations permits on **June 17, 2024 after a seven (7) years process**. Permit compliance was effective July 1, 2024, putting significant strain on the existing facility which should have been upgraded several years earlier. Furthermore, the County's responses to DNREC's 2020 & 2022 requests for additional information necessitated significant design modifications. In combination, these circumstances required an innovative project implementation approach to establish the critical implementation path and construct individual components out of sequence to assure the best possible permit compliance.

South Coastal's multi prime construction team of M.F. Ronca & Sons, Inc. and BW Electric, Inc. have successfully and effectively executed the highly complex South Coastal's RWF Treatment Process Upgrade No.2. Both expressed their willingness to continue work with the County providing constructability input in the design modification process and pricing of the subsequent series of change orders to bring the most critical elements online in sequential order. Therefore, Council concurred on July 16, 2024 with a staged construction implementation process under a series of change orders based on critical path implementation.

The Engineering Department met with GHD on several occasions to develop a scope of services Amendment 26 matching the Inland Bay RWF Phase 2 Project implementation method. The approach is to break it down in components and develop a critical baseline schedule which will be updated regularly, based on contractor and equipment supplier input. The scope had eight subcategories grouped in five cost centers. However, the individual cost centers are fluid and funds can be exchanged between them as the priorities shift. GHD committed to transition their cohesive South Coastal design team project and on July 16, 2024 Council approved GHD's Amendment 26 in the not to exceed amount of \$5,000,000.00 applied across the entire scope of engineering services associated with the Inland Bays RWF Phase 2 Project fast track implementation including the Inland Bays Loop Project, S24-01. It included over 7 miles of mostly 18" – 24" diameter ductile iron pipeline with concrete meter vaults at twelve (12) locations where effluent disposal is planned.

The majority of the work occurs on Sussex County owned lands, with some portions of the pipeline crossing or running with DelDOT right-of-way, including the Mount Joy Road segment applicable to the DelDOT Utility Agreement approved by Council on February 20, 2024.

The Loop Project was publicly advertised and on April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of \$7,649,916.00 with funding provided through the ARPA.

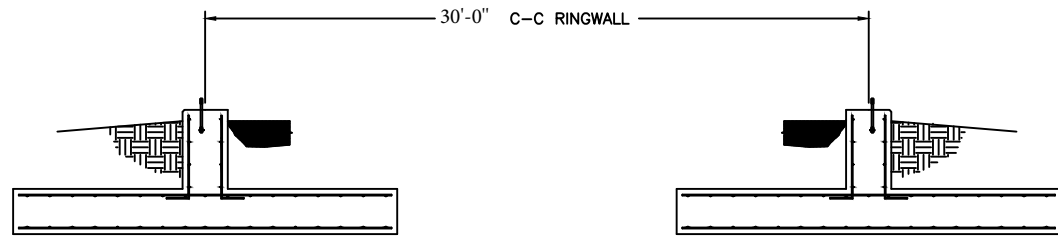
The Engineering Department completed supplemental construction drawings for the forested spray-field header piping in cooperation with the contractor. The Engineering Department presented Change Order No. 1, for construction of the forested spray-field header piping, using current unit pricing and new not to exceed costs related only to additional survey, tree clearing done directly by ACM, and labor associated with the atypical pipe assemblies where future distribution & diffuser piping will connect to the spray-field header. On October 15, 2024 Council approved Change Order No.1 for Project S24-01, in the amount of \$2,179,674.00.

The Loop Project was the initial step towards constructing a treated effluent distribution system at IBRWF. Design and permitting efforts continued for anticipated projects including the pump station upgrade and tie-in; forested spray-field diffuser piping; treated effluent elevated storage tank; and electrical powering and communication control of the actuated control valves via integration to SCADA.

The 100,000 gallons treated effluent elevated storage tank is the centerpiece of the system pressure control. Two types of tanks were evaluated (i) spheroid and (ii) composite. Both are capable of housing the circulation pumping and chlorination systems in the base. After site selection and geotechnical evaluation GHD developed a performance specification which was distributed to the five (5) known tank manufactures. After a two-stage competitive selection process three (3) bids and one (1) decline were received. The fifth company did not respond despite numerous attempts.

Pittsburg Tank & Tower Group submitted the lowest responsible bid as per the attached bid schedule. In addition, they provided an insurance certification which met with the County's requirements. Due to the favorable drawdown schedule, a performance bond will not be required but the Engineering Department discussed adding in special fitting and signage allowances. This will allow the Department to include the exact piping layout in the base matching the equipment connection requirements and the County Council to select a suitable logo on the outside facing Cannon Road.

In summary, the Engineering Department issuance of a purchase order to Pittsburg Tank & Tower Group a purchase order in the amount of \$1,903,250.00.

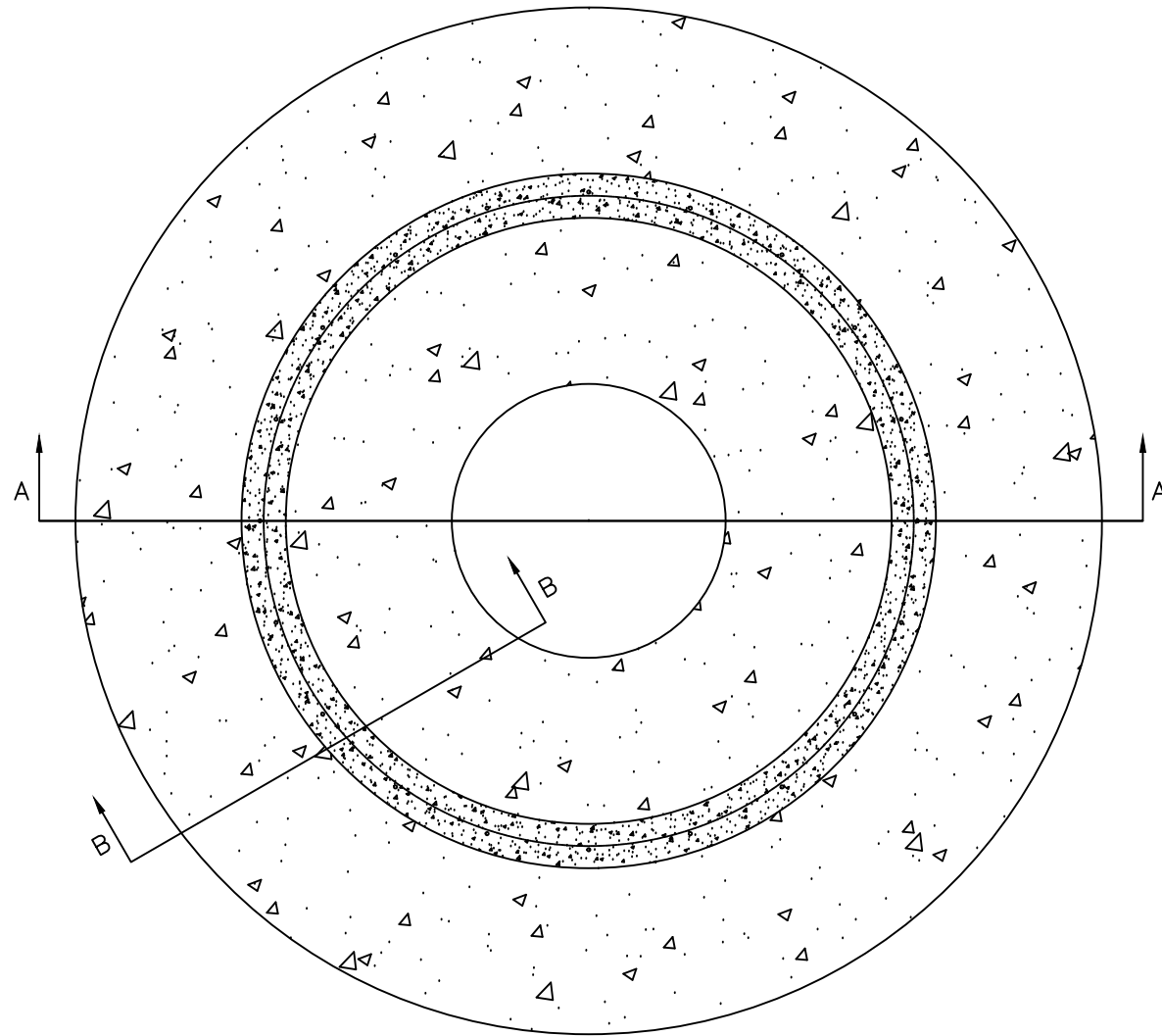


SECTION "A-A"

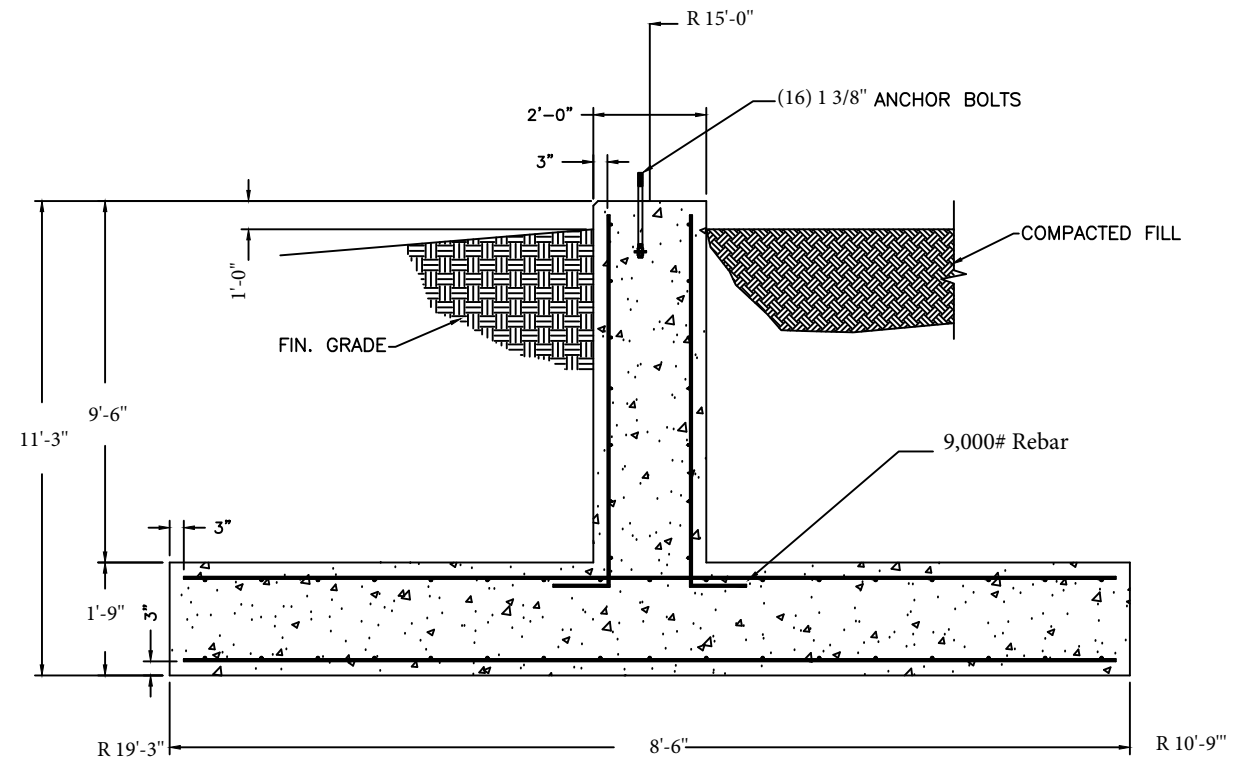
120 cu yds Concrete

GENERAL NOTES:


1. BOTTOM OF RINGWALL SHALL BE POURED ON UNDISTURBED SOIL OR ADEQUATELY PLACED AND COMPACTED STRUCTURAL FILL.
2. ALL CONCRETE SHALL DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 4000 P.S.I. AT 28 DAYS.
3. CYLINDERS SHALL BE CAST AND BE MARKED AS TO DATE AND LOCATION AS DIRECTED BY THE RESIDENT ENGINEER. (A MINIMUM OF ONE PER EACH 10 CUBIC YARDS.)
4. ALL REINFORCEMENT STEEL SHALL CONFORM TO A.S.T.M. SPECIFICATIONS FOR A-615 GRADE 60.
5. TOP OF RINGWALL TO BE FINISHED LEVEL WITHIN 1/8".
6. ALL STRUCTURAL FILL MATERIAL SHALL BE COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY PER THE RESULTS OF THE MODIFIED PROCTOR TEST (ASTM D1557).
7. ALL BACKFILL VOLUME SHALL BE KEPT TO A MINIMUM.
8. FOUNDATION TO BE CONSTRUCTED IN ACCORDANCE WITH A.C.I. STANDARDS.
9. AREA AROUND TANK IS TO BE GRADED FOR POSITIVE DRAINAGE AWAY FROM TANK FOUNDATION.

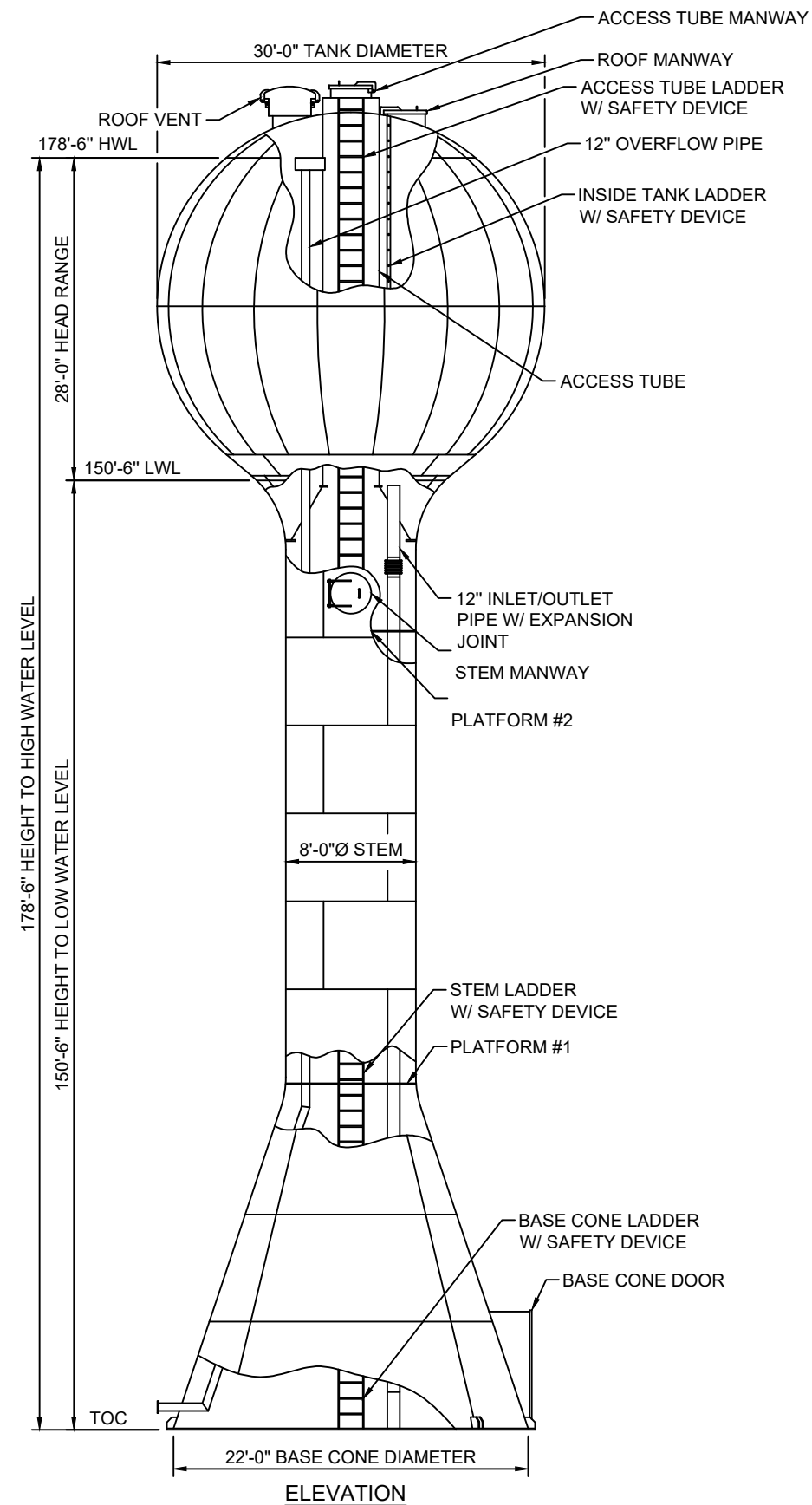


PLAN VIEW



SECTION "B-B"

REVISION BLOCK				DETAIL OF RINGWALL AND FOOTING WATER SPHERE FOUNDATION FOR SPREAD FOOTING	SPHERE	 PITTSBURG TANK & TOWER CO. HENDERSON, KENTUCKY
NO.	DATE	BY	REVISION			
				DRAWN BY:	JOB NO:	This drawing and its designs are part of the intellectual property of PITTSBURG TANK & TOWER CO. and may not be copied or used without the written permission of PITTSBURG TANK & TOWER CO. This drawing its designs and any information hereon may not be disclosed to any third party without the written permission of PITTSBURG TANK & TOWER CO.
				DATE:	PROJ. MGR.:	
				CHECKED BY:	DWG. NO.: F1	
				APPROVED BY:	SCALE: NONE	

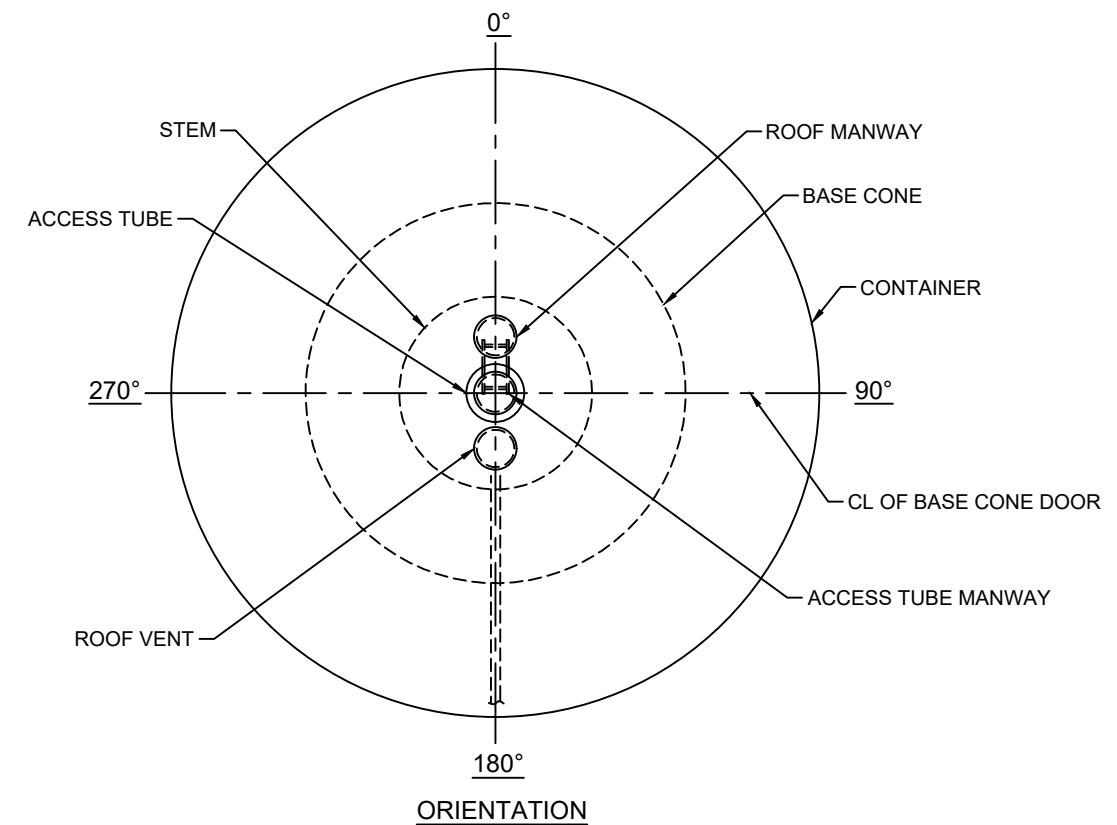



2. MATERIALS

- 2.A. STEEL PLATE: ASTM A283 OR ASTM A36
- 2.B. STRUCTURAL SHAPES: ASTM A36
- 2.C. LADDER RUNGS: ASTM A706

3. GENERAL

- 3.A. ALL ACCESSORIES SHOWN ON THE ELEVATION DRAWING ARE ROTATED FOR CLARITY.
- 3.B. STEM AND BASE CONE DIAMETERS SHOWN ARE MANUFACTURER'S MINIMUMS. DIMENSIONS COULD INCREASE AS A RESULT OF ENVIRONMENTAL LOADING CONDITIONS; PIPE (AND INSULATION) DIAMETERS WITHIN THE STEM; AND VALVE ROOMS OR CONTROL ROOMS WITHIN THE BASE CONE.
- 3.C. ALL LADDERS, LADDER SAFETY DEVICES, PLATFORMS, HANDRAILS, ETC. SHALL CONFORM TO CURRENT OSHA REGULATIONS.
- 3.D. TANK CONTRACTOR SHALL GROUT BENEATH BASE PLATE UPON COMPLETION OF ERECTION.
- 3.E. SURFACE PREPARATION AND COATING REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
- 3.F. THE TANK SHALL BE DISINFECTED IN ACCORDANCE WITH AWWA C652-02.



REVISION BLOCK				TANK OVERVIEW	100M SPHERE	 PITTSBURG TANK & TOWER HENDERSON, KENTUCKY
NO.	DATE	BY	REVISION			
				DRAWN BY: E.K.	JOB NO: ---	This drawing and its designs are part of the intellectual property of PITTSBURG TANK & TOWER CO. and may not be copied or used without the written permission of PITTSBURG TANK & TOWER CO. This drawing its designs and any information hereon may not be disclosed to any third party without the written permission of PITTSBURG TANK & TOWER CO.
				DATE:	PROJ. MGR.: M.W.	
				CHECKED BY: M.W.	DWG. NO.: ??	
				APPROVED BY:	SCALE: NONE	

Bidder	Tank Type	Bid Price
Landmark	Composite	No Bid Received
Landmark	Bolted Steel	\$3,081,000.00
Landmark	Spheroid	No Bid Received
Phoenix	Spheroid	\$2,050,200.00
Pittsburg Tank and Tower	Spheroid	\$1,918,875.00
Caldwell	Composite	No Bid Received
McDermott/CB&I	Composite	No Bid Received

Contact	Notes
Taylor Busch	Declined to bid, could not meet schedule
Taylor Busch	Complete by 12/31/2025
Taylor Busch	Declined to Bid Spheroid Tank
Joe Castellanos	Complete by 4/1/2026
Chris Johnston	Complete by 12/31/2025
David Francis	Non responsive to introductory email on 8/23/2024
Dan McKnight	Declined to bid (9/13/2024), too small (<500,000 gal)

GENERAL PLAN

Millsboro, DE

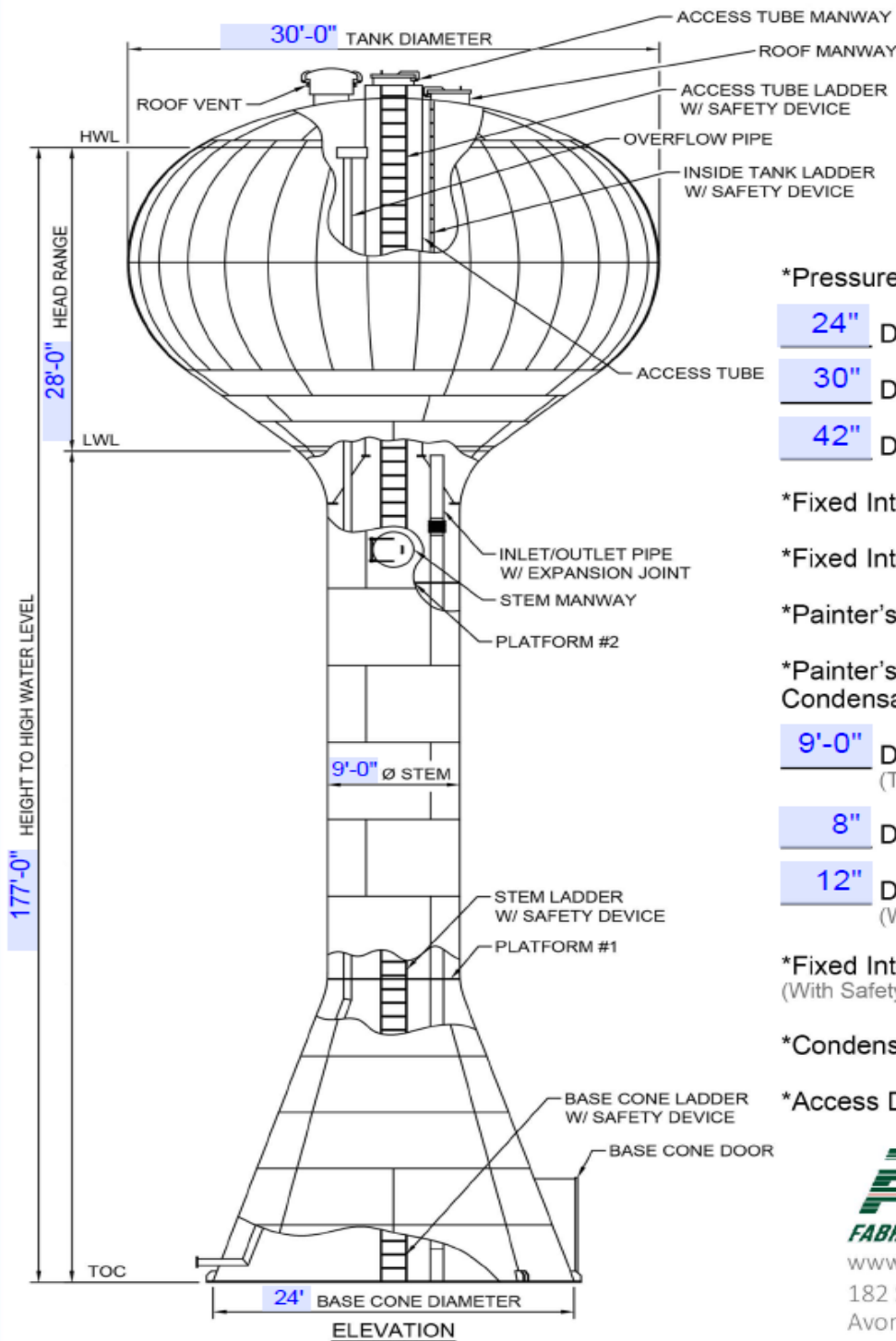
Site Location

100,000-gal

Tank Capacity

DESIGN CRITERIA

SEISMIC & WIND LOAD
per AWWA D100-



*Pressure/Vacuum Relief Vent

24" Diameter - Roof Manway

30" Diameter - Access Tube Man

42" Diameter - Access Tube

*Fixed Interior Access Tube Ladder

*Fixed Interior Tank Ladder

*Painter's Support Rings

*Painter's Access Manway
Condensate Platform

9'-0" Diameter - Support Stem
(Thickness Varies)

8" Diameter - Interior Overflow P

12" Diameter - Riser Piping
(With Insulation)

*Fixed Interior Ladder
(With Safety Device)

*Condensate Platform

*Access Doorway



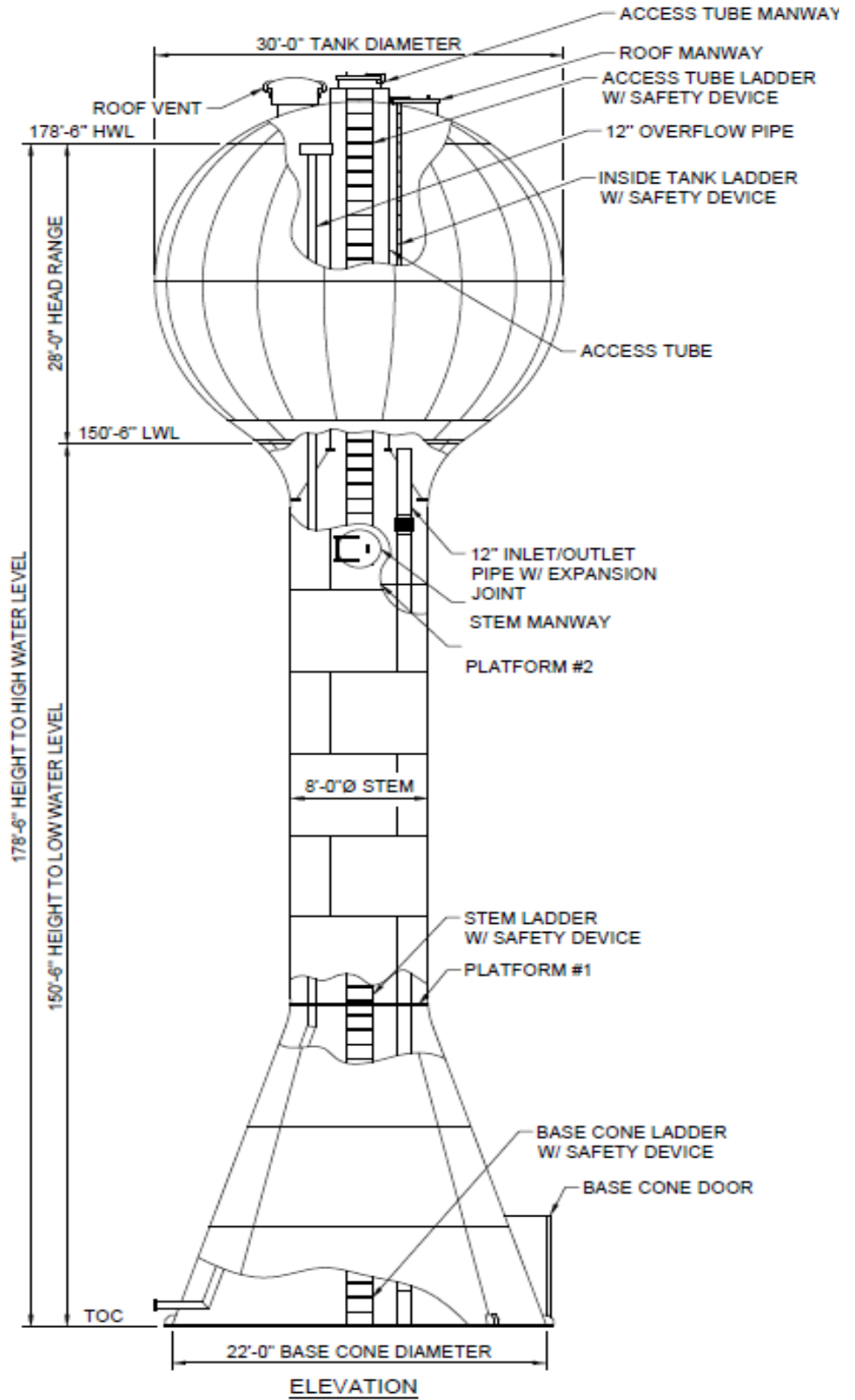
www.phoenixtank.com

182 South County Road 900 East
Avon, IN 46123

IA
 OS
 .11

way

Piping





"100 years and still climbing"

1 Watertank Place
PO Box 36
Henderson, KY 42419
P: (270) 826-9000
F: (270) 215-5705
www.pttg.com

2/28/25

Hans M. Medlarz, P.E.
Sussex County Engineering Department
2 The Circle; P.O. Box 589
Georgetown, DE 19947
Hans.Medlarz@sussexcountyde.gov
(302) 855-7718

RE: **UPDATED** Proposal for Elevated Storage Tank at Sussex County's Inland Bays Regional Wastewater Facility

Since 1919, Pittsburg Tank & Tower Group has been providing tank services to our customers in over 60 countries, proudly making us a Global Company. Our wealth of experience encompasses all aspects of tank maintenance services, from paint and repair to dismantle and inspections. Our expertise expands beyond maintenance to tank design, fabrication, erection and professional engineering services for new tanks and modifications to existing tanks, including raising, lowering and moving services.

Having been ranked in the Top 600 Specialty Contractors and among the top 15 steel erectors according to Engineering News Record, it was natural to expand our offerings into the Custom Engineering and Manufacturing Industry. Our sister company, Allstate Tower Inc., manufactures structural steel components for towers and agricultural material handling, including complete turn-key systems and installation services.

At Pittsburg Tank & Tower Group, it's not only about the products we produce, but the people as well. Being a family-operated company with a commitment to the Safety and Health of our family of employees, we have worked with the Commonwealth of Kentucky's Labor Cabinet to achieve our SHARP Certification (Safety and Health Achievement Recognition Program), and we are recognized as a Drug Free Workplace in accordance with the standards set forth by the regulation; [803 KAR 25:280 Certification of Drug-Free Workplace](#).

We are proud to provide you with this proposal and look forward to working with you should you decide to accept it. To accept the proposal, simply sign and date one (1) copy and return it to our Henderson, KY office either by mail, fax or email.

Please feel free to contact us should you have any questions or concerns or simply want to discuss the proposal further.

Respectfully,

Pittsburg Tank & Tower Co., Inc.

Chris Johnston
Business Development
270-748-1372
cjohnston@pttg.com



We are pleased to offer the following price for your consideration:

To furnish all engineering, labor, materials, equipment, and insurance necessary to design, fabricate, deliver, and erect a new single pedestal elevated water storage tank in Millsboro, DE with 149' to Bottom Capacity Level from slab elevation (32.00) .

The tank will be designed, fabricated, and erected in accordance with the latest edition of AWWA and in accordance with the specifications.

FOUNDATION DESIGN:

PTTG will design and install the concrete foundation, based on the supplied Geotech report.

ELEVATED STORAGE TANKS:

PTTG will design, engineer, fabricate, and erect a 100,000-gallon single pedestal elevated storage tank with a Bottom Capacity Level of 149' from slab elevation (32.00). Bottom Capacity Level (EL 181.00) The tank design will be governed by AWWA D-100-21, ACI 318, and IBC in accordance with specifications Provided by GHD.

PTTG will provide all necessary drawings that will be sealed by a registered Professional Engineer.

SHOP PAINTING:

PTTG will perform surface preparation and the interior/exterior shop prime in accordance with chosen paint specifications provided. PTTG will include the cost of an engineer's representative to visit our office/shop.

ACCESSORIES

PTTG will include the following accessories

- Passive Mixing System
- 12" Inlet
- 16" Outlet (Per Discussion)
- 12" Overflow

GUARANTEE:

All welded construction will be guaranteed for twelve months. All painting and craftsmanship will be guaranteed for twelve months after completion.

CLARIFICATIONS:

- The site shall be accessible by tractor-trailer with no overhead or other obstructions and an adequate room directly adjacent to the tank foundations for storage of materials and equipment. Roughly 75 ft x 75 ft flat laydown area directly adjacent the tank
- Our pricing does not include any site/civil, electrical conduit, lighting or wiring of the heaters, cathodic



protection, temp switches, valves, yard piping, grinding, or other work except as outlined by this proposal.

- Pricing is based on working six (6) 10-hour shifts per week with the 7th day available for make-up in case of weather delays. Union labor or prevailing wages are not included in this price.
- We have **not included** any state or local sales and/or use taxes, special licenses, fees, permits, or bonds. If any are required, the cost will be added to the contract price.
- We include hydrotest, and 1 year anniversary inspection of the coatings. PTTG is NOT responsible for hydro testing water
- Our price is based on standard OSHA safety requirements.
- Our price is based on standards set forth by AWWA, API, or NFPA-22. We have not included for, ISO, QP, or any other certifications unless otherwise stated in this proposal. Standard testing per the governing tank code included.
- Our work stops at the outside edge of concrete foundation with flange terminated pipe. All distribution piping by others.
- We exclude site restoration and cleaning of the streets.
- **We will install any brackets for electrical/accessories if they are provided during the erection process of the tank. This includes lighting protection lugs on the tank, location must be specified by GHD during design review.**

SCHEDULE:

Tank engineering submittals will be made available for review 9-11 weeks after receipt of the order.

Fabrication will carry a 10–12-week duration after the drawings are approved for fabrication. Tank erection duration is 10-12 weeks based on suitable weather for welding. Tank Painting 6-8 weeks weather dependent.

This schedule does not include weather delays, but PTTG can meet the 12/31/25 deadline.

TERMS are in % of Contract (5% retainage)

5% upon signing of contract

10% upon engineering submittals

10% upon material procurement

25% for Foundation Installation

20% upon delivery of tank materials and crew mobilization

15% upon completion of tank erection

10% upon tank painting mobilization

5% upon tank painting completion



BASE PRICE: Bonds not included No Deductive cost for later completion date.

BASE TANK PRICE:	\$ 1,696,000
PAINT PRICE:	\$ 185,250
LOGO ALLOWANCE:	\$ 10,000
FLANGE & SPECIAL FITTINGS ALLOWANCE	\$ 12,000
TOTAL:	\$ 1,903,250.00

PAINT SPECIFICATIONS: Selected ALT 1

<u>SCOPE OF WORK:</u>	<u>INSIDE</u>	<u>OUTSIDE</u>	<u>DRY</u>
Paint Manufacturer:	Sherwin-Williams	Sherwin-Williams	Sherwin-Williams
Surface Prep. (SSPC):	Spot SP-10	Spot SP-6	Spot SP-6
Spot Prime (mils DFT):	Spot Galvapak@2.5-3.5	Spot Galvapak@2.5-3.5	Spot Galvapak@2.5-3.5
Number of Coats:	2	2	2
1st Coat (mils DFT):	Sherplate 600@6.0-8.0	HS Poly 250@3.0-5.0	Sherplate 600@6.0-8.0
2nd Coat (mils DFT):	Sherplate 600@6.0-8.0	Fluorokem@2.0-3.0	Sherplate 600@6.0-8.0
3rd Coat (mils DFT):			
Sterilize Interior:	Yes <input type="radio"/> No <input checked="" type="radio"/>		
Total Thickness (mils DFT):	Inside: Min 14.5	Outside: Min 7.5	Dry: Min 14.5
AWWA D102 Spec. Required:	Inside System	Outside System #	
Special Testing Required:	Low Voltage Holiday Testing Below HWL		

We thank you for this opportunity to offer this proposal, and we look forward to working with you on this project. If you have any questions, please contact the undersigned at our Henderson KY office.



Terms & Conditions

- 1) Prior to start of work, Owner will be furnished a certificate of insurance covering Workman’s Compensation, Occupational Disease, Employer’s Liability, and General Liability.
- 2) **If tank is to be drained prior to our arrival, it shall be drained by owner, if it becomes necessary to drain the tank while on site, it must be drained by the Owner/Customer.**
- 3) If needed a pressure release valve will be furnished during the cleaning and painting operation. Owner required to notify PTT prior to mobilization if required.
- 4) In the event interior and/or exterior complete tank repainting is not included in this scope of work, all new tank appurtenances furnished and installed by PTT as part of this scope of work shall be field primed and finish coated to match existing coating system(s), unless specifically excluded from our scope of work. Color to match as close as possible.
- 5) No paint shall be applied during wet, damp, or inclement weather.
- 6) All paint will be delivered to the job site in original containers with contents identified by the manufacturer.
- 7) If necessary, customer will be required to clear/move vehicles and equipment a safe distance from the job site to prevent damage and place physical barricades around the perimeter to restrict access.
- 8) Work to be performed using our standard wage scale with Open Shop personnel, by mechanics skilled in their trade.
- 9) All workmanship is guaranteed for twelve (12) months after completion.
- 10) Owner is to provide dumpster(s) for trash, paint consumables, blast media, and all other waste produced during course of job, including disposal of said waste.
- 11) Handling, removal, and/or disposal of hazardous or contaminated material (e.g., asbestos, lead, chemicals, heavy metals, etc.) requiring special handling or transportation to a specific disposal site are not included in the submitted quotation for work. Unless specifically included in our scope of work.
- 12) This quote does not provide for the shrouding or containment of blast media and paint.
- 13) Owner understands and agrees any Federal, State, and Municipal taxes imposed on Contractor with respect to the outlined work are additional expenses not included in the contract and further assumes the obligation of paying said additional costs incurred by Contractor. PTT does not include costs for any permits, local licenses, fees, etc. in this proposal.
- 14) OWNER / CONTRACTOR agree that the exclusive venue for any litigation arising out of or relating to this Agreement shall be in the Circuit Court of Newcastle, DE and that this Agreement and any litigation arising thereunder shall be governed, construed and interpreted according to Delaware law.
- 15) In the event OWNER initiates any litigation against PTT in contravention of this venue provision, OWNER shall pay PTT's attorney's fees and costs incurred in obtaining a dismissal and transfer of the litigation to the proper venue in the Circuit Court of Henderson County, Kentucky.
- 16) OWNER and PTT hereby waive any right they may otherwise have to venue in a federal court including, but not limited to, any right arising under federal question or diversity jurisdiction.

The parties approving this contract certify that they are fully authorized to do so, and that all legal requirements have been complied with. You are hereby authorized to furnish all labor, material, equipment and insurance required to complete the work mentioned in the above proposal, for which the undersigned agrees to pay the amount mentioned in said proposal. OWNER / CONTRACTOR agree that the exclusive venue for any litigation arising out of or relating to this Agreement shall be in the Circuit Court of Henderson County, Kentucky and that this Agreement and any litigation arising thereunder shall be governed, construed and interpreted according to Kentucky law. In the event OWNER initiates any litigation against PTTM in contravention of this venue provision, OWNER shall pay PTTM's attorney's fees and costs incurred in obtaining a dismissal and transfer of the litigation to the proper venue in the Circuit Court of Henderson County, Kentucky. OWNER and PTTM hereby waive any right they may otherwise have to venue in a federal court including, but not limited to, any right arising under federal question or diversity jurisdiction.

ALL QUOTATIONS SUBJECT TO ACCEPTANCE WITHIN 60 DAYS

Accepted : _____, 2025

Company : _____

By : _____

Title : _____

Respectfully Submitted by:

Pittsburg Tank & Tower Co., Inc

By : _____

Chris Johnston, Business Development

cjohnston@pttg.com

270-826-9000 Ext: 4701

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Tuesday, February 18, 2025 11:51 AM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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

Council Grant Form

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

Project Name Emergency Aid to Veterans in Sussex County

Federal Tax ID 51-6018018

Non-Profit Yes

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

Organization's Mission Sussex Post No. 8 American Legion is a local Veterans Organization with ambulance service for the local Georgetown community. The mission of the Legion is to play a vital role in ensuring the well-being of the community demonstrating our commitment to both veterans and local residents, to provide support for emergency and medical needs.

Address 406 N. Front Street

City Georgetown

State	DE
Zip Code	19947
Contact Person	Mary Lou Tietz
Contact Phone Number	302-539-0793
Contact Email Address	maryloutietz@yahoo.com
Total Funding Request	5000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	10
Program Category (choose all that apply)	Health and Human Services

Primary Beneficiary Category	Other
Beneficiary Category Other	Veterans and Community Residents
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	2000
Scope	<p>Sussex Post No. 8 The American Legion Inc. is a local veterans organization operating out of Georgetown. Our primary function extends beyond the realm of military support, as we also operate an ambulance service for the community and surrounding areas. This service is active in responding to emergencies and aiding other companies when necessary. With a dedicated workforce of 35 individuals, Sussex Post No. 8 The American Legion Inc. plays a vital role in ensuring the well-being of the community, demonstrating our commitment to both veterans and local residents.</p> <p>Sussex Post No. 8 American Legion is requesting a grant of \$5,000 grant from the Sussex County Council to support our Emergency Services Fund, which provides transportation to area hospitals for veterans and community residents who are in need of emergency medical transport, and assists veterans with emergency needs such as food, housing, medical bills, and utility costs.</p> <p>The ambulance service transports over 2,000 people annually to the hospital or emergency medical facilities. The American Legion offices are nearby to the ambulance center; Legion members, in addition to having the transport available for veterans and community residents, offer other emergency support as needed. Veterans and their family members can come to the Center and receive support for</p>

housing costs (rental and mortgage payments) as well as utility costs, food, and clothing assistance. Our staff often work with the widows of veterans who are having difficult times with their finances and who request support from the American Legion.

Sussex Post No. 8 American Legion maintains an emergency fund to assist with these requests. As times have gotten more challenging and many veterans and their families are on fixed incomes, the Legion is attempting to increase our annual budget for the fund by holding special fundraising events and soliciting grant funds from foundations and businesses in the community. A grant from the Sussex County Council will help us meet our goal for the fund in 2025.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	45,000.00
Description	Rental and Mortgage Assistance
Amount	20,000.00
Description	Food and Clothing
Amount	6,000.00
Description	Utility Support
Amount	10,000.00
Description	Travel
Amount	5,000.00

Description	Equipment Maintenance
Amount	5,000.00
Description	Supplies
Amount	1,500.00
Description	Printing
Amount	1,500.00
Description	Telephone
Amount	1,000.00
TOTAL EXPENDITURES	50,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-5,000.00
Name of Organization	Sussex Post No. 8 American Legion
Applicant/Authorized Official	David Tidwell
Date	02/18/2025
Affidavit Acknowledgement	Yes

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

To Be Introduced: 3/4/25

Council District 5: Mr. Rieley
Tax I.D. No.: 234-29.00-45.00
911 Address: 26406 John J. Williams Hwy., Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS

WHEREAS, on the 22nd day of January 2024, a Conditional Use application, denominated Conditional Use No. 2509 was filed on behalf of Juan Edward Johnson and

WHEREAS, on the ____ day of _____ 2025, 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. 2509 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, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2509 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 west side of John J. Williams Highway (Rt. 24), approximately 100 feet north of Legion Road (S.C.R. 298) and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A. said parcel containing 1.00 acre, more or less.

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

To Be Introduced: 3/4/25

Council District 5: Mr. Rieley
Tax I.D. No.: 234-20.00-9.01 & 11.01
911 Address: N/A & 25064 Morris Mill Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A HARDSCAPE BUSINESS WITH AN OFFICE, SHOWROOM, STORAGE, AND PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.14 ACRES, MORE OR LESS

WHEREAS, on the 4th day of June 2024, a Conditional Use application, denominated Conditional Use No. 2534 was filed on behalf of Hardscapes Jimenez, LLC and

WHEREAS, on the ____ day of _____ 2025, 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. 2534 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, Subsections 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2534 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 southwest of the intersection of Morris Mill Road (S.C.R. 297) and Zoar Road (S.C.R. 48), approximately 0.6 mile east of Peterkins Road (S.C.R. 371) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC and Aleman & Associates Attorneys At Law said parcels containing 1.59 acres, more or less and 1.55 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 Reintroduced: 3/4/25

Council District: Ms. Gruenebaum
Tax I.D. Nos.: 334-18.00-40.01 & 40.06
911 Address: 20033 John J. Williams Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of November 2022, a zoning application, denominated Change of Zone No. 2001 was filed on behalf of Belmead Farm, LLC; and

WHEREAS, on the ____ day of _____ 2025, 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. 2001 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 has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation and C-4 Planned Commercial District as it applies to the properties hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on east side of John J. Williams Highway (Rt. 24) approximately 0.31 mile southwest of Mulberry Knoll Road (S.C.R. 284) and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A. said parcels containing 39.22 acres, more or less.

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

To Be Introduced: 3/4/25

Council District 5: Mr. Rieley
Tax I.D. No.: 135-11.00-65.00

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-65.00

WHEREAS, on August 16th, 2024, the Sussex County Planning and Zoning Office received an Application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of Sussex County Parcel No. 135-11.00-65.00 from the Low Density Area to the Commercial Area; and

WHEREAS, the Parcel approximating 9.623 acres of land, lying and being within Georgetown Hundred, and located on the northeast side of Gravel Hill Road (Route 30), approximately 0.02 mile east of the intersection of Gravel Hill Road (Route 30) and Lewes Georgetown Highway (Route 9);

WHEREAS, The Property is currently designated as being within the Low Density Area as set forth in the “Sussex County 2045 Future Land Use Map” identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, the Low Density Area designation is not listed as an Applicable Future Land Use Designation for the development of Sussex County Rental Program (SCRP) units in §115-20(A)(17)(a) of the Sussex County Code;

WHEREAS, the Commercial Area is a Growth Area Designation and is recognized as an Applicable Future Land Use Designation for the development of Sussex County Rental Program (SCRP) units as outlined in §115-20(A)(17)(a) of the Sussex County Code;

WHEREAS, the Property is zoned Agricultural Residential (AR-1) District and Sussex County Rental Program (SCRP) units are a recognized as a Permitted Use within this Zoning District as referenced in §115-20(A)(17) of the Sussex County Code;

WHEREAS, the County seeks to better protect the health, safety and welfare of Sussex County's residents and workforce by stimulating the provision of affordable rental housing for residents with low and moderate incomes within the County;

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on Ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel No. 135-11.00-65.00 from the Low Density Area to the Commercial Area. The entirety of Sussex County Parcel No. 135-11.00-65.00 so changed is identified in Exhibit A, attached hereto, and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

BRANDY BENNETT NAUMAN
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve C. McCarron
Todd F. Lawson, County Administrator

FROM: Brandy B. Nauman, Director

RE: **FY2025 Community Development Block Grant Application**

DATE: February 28, 2025

During Tuesday's County Council meeting, I will be presenting Sussex County's Community Development Block Grant (CDBG) application request for the FY2025 CDBG grant year. The Community Development & Housing Department has held public hearings at the towns/cities identified in the proposed application request, and the projects associated with each town/city represent their individual application requests.

I have consulted with and received approval from the Sussex County Community Development Advisory Committee for the submission of this application request.

Attached are two (2) required Resolutions for your consideration, as well as the proposed application request.

Please do not hesitate to contact me with any questions. Thank you.



DRAFT PLANNING DOCUMENT

Attachment B

STATE OF DELAWARE
 DELAWARE STATE HOUSING AUTHORITY
DELAWARE CDBG PROGRAM - PROJECT COST SUMMARY
 SUSSEX COUNTY

Contract Period - From: July 1, 2025 To: June 30, 2027

Summary of Program Activities
 Amount of Source

	CDBG PROGRAM FUNDS	LOCAL FUNDS	OTHER FUNDS	TOTAL
I. PROGRAM ACTIVITIES				
A. Bethel - (4) Rehab	\$80,000	\$0	\$0	\$80,000
B. Blades - (4) Rehab	\$80,000	\$0	\$0	\$80,000
C. Frankford - (5) Rehab	\$100,000	\$0	\$0	\$100,000
D. Georgetown - (4) Rehab	\$80,000	\$0	\$0	\$80,000
E. Laurel - (5) Rehab	\$100,000	\$0	\$0	\$100,000
F. Milford - (4) Rehab	\$80,000	\$0	\$0	\$80,000
G. Millsboro - (4) Rehab	\$80,000	\$0	\$0	\$80,000
H. Milton - (4) Rehab	\$80,000	\$0	\$0	\$80,000
I. Seaford - (5) Rehab	\$100,000	\$0	\$0	\$100,000
J. Selbyville - (5) Rehab	\$100,000	\$0	\$0	\$100,000
K. Cool Spring - (4) Rehab	\$80,000	\$0	\$0	\$80,000
L. Pinetown - (4) Rehab	\$80,000	\$0	\$0	\$80,000
M. Rural Millsboro - (4) Rehab	\$80,000	\$0	\$0	\$80,000
N. Handicap Accessibility - (10) Rehab	\$55,000	\$0	\$0	\$55,000
O. Scattered Emergency Rehab - (11) Rehab	\$71,500	\$0	\$0	\$71,500
P. Scattered Hookups - (2) Hookups	\$7,000	\$0	\$0	\$7,000
Q. Scattered Rehab - (21) Rehab	\$420,000	\$0	\$0	\$420,000
R. Scattered Roofing - (13) Rehab	\$156,000	\$0	\$0	\$156,000
TOTAL PROGRAM ACTIVITY COST	\$1,829,500.00	\$0.00	\$0.00	\$1,829,500.00
II. ADMINISTRATION				
A. Salaries	\$165,000.00	\$190,000.00	\$0.00	\$355,000.00
B. Other Employment Costs	\$85,000.00	\$120,000.00	\$0.00	\$205,000.00
C. Travel	\$0.00	\$0.00	\$0.00	\$0.00
D. Contractural Services	\$0.00	\$0.00	\$0.00	\$0.00
E. Supplies & Materials	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL ADMINISTRATIVE COSTS	\$250,000.00	\$310,000.00	\$0.00	\$560,000.00
III. TOTAL PROGRAM COSTS	\$2,079,500.00	\$310,000.00	\$0.00	\$2,389,500.00

* Denotes Cash Match

** Denotes In-kind Match

RESOLUTION

AFFIRMATIVELY FURTHERING FAIR HOUSING

WHEREAS Sussex County Council recognizes the importance of fair housing for the citizens of Sussex County; and

WHEREAS, the Sussex County Council supports the goals of the Federal Fair Housing Law,

NOW THEREFORE, BE IT RESOLVED, that the Sussex County Council heartily encourages all parties involved in the renting, selling or financing of housing in Sussex County to ensure that no person shall, on the grounds of race, color, national origin, religion, creed, sex, marital status, familial status, age, sexual orientation, source of income or disability be discriminated against or denied a fair and equal opportunity to housing.

AND BE IT FUTHER RESOLVED that the Sussex County Council take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

AND BE IT FURTHER RESOLVED that the Sussex County Council, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 4TH DAY OF MARCH 2025.

ATTEST: _____

TRACY N. TORBERT
CLERK OF THE COUNTY COUNCIL

CITIZEN PARTICIPATION
CERTIFICATE OF ASSURANCE

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- (1) made available information concerning the amount of funds that may be applied for;
- (2) made known the range of activities that may be undertaken with these funds;
- (3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- (4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies, and others in a timely manner; and
- (5) provided a summary of other important program requirements.

The Sussex County Council has held a public hearing on March 4, 2025 with required notice for all citizens, including low and moderate-income persons, to have an opportunity to present their views and proposals.

The Sussex County Council has by resolution and after one public hearing, endorsed this application.

ATTEST:

SUSSEX COUNTY COUNCIL

Todd F. Lawson
County Administrator

RESOLUTION NO. R
AUTHORIZATION TO SUBMIT APPLICATIONS

BE IT KNOWN, The Sussex County Council resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants for the State of Delaware Community Development Block Grant Program; and

WHEREAS, the County Administrator, Todd F. Lawson, is hereby authorized to certify that matching funds in excess of \$250,000.00 will be made available upon the approval by the Delaware State Housing Authority.

BE IT FURTHER RESOLVED by the Sussex County Council that Todd F. Lawson, County Administrator, is hereby authorized to submit the Fiscal Year 2025 Community Development Block Grant applications with all understandings and certifications contained therein to the State of Delaware Housing Authority.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R PASSED BY THE SUSSEX COUNTY COUNCIL ON THE 4TH DAY OF MARCH 2025.

TRACY N. TORBERT
CLERK OF THE COUNTY COUNCIL

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Matt Lloyd
The Honorable Steve C. McCarron
The Honorable Jane Gruenebaum

FROM: Mike Harmer, P.E., County Engineer
Paul Mauser, P.E., Assistant County Engineer

RE: Warwick Park Septic Elimination Project – Phase 2, S24-20
A. Public Hearing

DATE: March 4, 2025

Project Background Information: In August of 2022, County Council granted Permission to Prepare and Post Notices for an expansion of the Sussex County Unified Sanitary Sewer District (Oak Orchard Area) to include Warwick Park, Warwick Cove, and Gull Point. The Engineering Department distributed polling letters to all residents of the communities. The Warwick Cove & Warwick Park returns were positive but the returns for Gull Point initially were not.

During the background investigation, the Engineering Department discovered that DNREC had contacted Gull Point in 2012, notifying the community that their operating permit would expire in 5 years and plant upgrades would be required following the promulgation of the Pollution Control Strategy (PCS) Regulations.

The Public Hearing was held on October 29, 2022, at Indian River Fire Hall in Oak Orchard. The presentation included the annexation process and the estimated rates, which were presented as a 2-part project, one for Warwick Cove and Gull Point having existing community systems and one for Warwick Park which will require a full collection system.

There appeared to be strong support from the Warwick Cove and Warwick Park residents in attendance however there was minimal attendance from Gull Point. Following the meeting, the Department was asked to attend a separate meeting for Gull Point to explain to those not in attendance the information shared at the Public Hearing as the community was unaware of the 2012 DNREC letter and were under the impression their system was in compliance. The Gull Point special general membership meeting was held on December 10, 2022. At that point, the Board shared that DNREC had recently notified Gull Point to come into compliance with the



PCS and make an official application for a new operating permit. The Engineering Department then presented the information from the Public Hearing to the larger congregation of Gull Point property owners and the Board.

The property owners and the Board engaged in a lengthy Q&A discussion with the County Engineer and then called for a vote on the desire of the community to be included in the project. The result was unanimous on the part of the members present for Gull Point to remain in the expansion area and be part of the project. On January 10, 2023 County Council approved the recommendation of the Engineering Department to expand the Sanitary Sewer District Boundary to include the Warwick Park area.

Proposed Septic Elimination Project: The connection of the Warwick Park community (established approximately 1974, currently 192 lots) to the County’s sewer system will eliminate an estimated 7,200 pounds of Total Nitrogen (TN) per year from the Indian River and Indian River Bay. The County proposes to install a gravity collection system with an extension to the new Pump Station for Gull Point and Warwick Cove (to be constructed as part of Warwick Park Phase 1 project). This Pump Station will convey the wastewater to the Inland Bays Regional Wastewater Facility (IBRWF).

The estimated project cost is \$9,963,400.00. The County will provide each Property Owner with a sewer connection at the property line. The Property Owner will be responsible for engaging the services of a licensed plumber to install the piping from the County owned lateral cleanout to the house, as well as pumping out and filling the existing septic tank.

Delaware Water Pollution Control Revolving Loan Fund (WPCRF): Sussex County staff completed the Preliminary Engineering Report (PER) and the Environmental Information Documents (EID) in May 2024. The PER and EID are required for submittal of the funding application to Delaware State Revolving Fund (SRF). On December 16, 2024, the County received a Binding Commitment Letter (BCL) from DNREC Environmental Finance for the Warwick Park Septic Elimination Project – Phase 2. The County acknowledged and accepted the DNREC BCL the same day on December 16, 2024. The BCL identifies a loan amount of \$9,963,400.00 for a term of thirty (30) years. Upon completion of the project, up to \$5,470,360.00 of principal forgiveness will be applied and the remaining balance will be amortized over 30 years at 2% interest and will require semi-annual principal and interest payments.

On February 4, 2025, the Engineering Department recommended introduction of the associated debt ordinance, authorizing the issuance of up to \$9,963,400.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Warwick Park Septic Elimination Project – Phase 2.

Sussex County Engineering Recommendation for County Council: Based on a favorable Public Hearing at the March 4, 2025 Council Meeting, the Engineering Department recommends approval of up to \$9,963,400.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Warwick Park Septic Elimination Project – Phase 2.

ORDINANCE NO. [_____]

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,963,400 OF
GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH
THE WARWICK PARK PHASE II PROJECT AND AUTHORIZING ALL
NECESSARY ACTIONS IN CONNECTION THEREWITH**

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the “County”) has “all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute” (the “Home Rule Power”);

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Warwick Park Phase II Project, which will finance the installation of a central gravity sanitary sewer conveyance system to serve the Warwick Park community (192 Lots) in phase two of an overall two-phase project where the Gull Point (165 lots) and Warwick Cove (14 lots) subdivisions are to be connected in phase one. The project discharge will go to the phase one sub-regional pump station located adjacent to Warwick Cove. An expansion of Sussex County’s unified sanitary sewer district to Warwick Park, Gull Point and Warwick Cove has already been approved (collectively, the “Project”);

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$9,963,400 (the “Bonds”) to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and

any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. The Bonds are backed by the County's full faith and credit.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding thirty (30) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

ADOPTED this ____ day of March, 2025.

SUSSEX COUNTY, DELAWARE

Tracy Torbert
Clerk of the Council

SYNOPSIS: This Ordinance provides for the issuance of up to \$9,963,400 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Warwick Park Phase II Project, which will finance the installation of a central gravity sanitary sewer conveyance system to serve the Warwick Park community (192 Lots) in phase two of an overall two-phase project where the Gull Point (165 lots) and Warwick Cove (14 lots) subdivisions are to be connected in phase one. The project discharge will go to the phase one sub-regional pump station located adjacent to Warwick Cove. An expansion of Sussex County’s unified sanitary sewer district to Warwick Park, Gull Point and Warwick Cove has already been approved (collectively, the “Project”).

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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jashman@sussexcountype.gov



Sussex County

DELAWARE
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MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Proposed Travalini (Salt Air) Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for the public hearing on January 14, 2025, for the Travalini Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area).
- The Engineering Department had received a request from Louis Travalini owner of parcel 134-11.00-141.00 adjacent to the existing Millville Area of the SCUSSD.
- Parcel is along Hickory Manor Road and providing an easement for the adjacent Hunters Creek (Salt Air) project for stormwater conveyance. In exchange Hunters Creek will pay to connect the parcels on the Travalini parcel.
- The project will be responsible for System Connection Charges of \$7,700.00 per EDU based on current rates.
- The Engineering Department posted notices on February 18, 2025. Added to the County website and to date have had no correspondence in support or objection to this expansion.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

PUBLIC NOTICE

PROPOSED TRAVALINI EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (MILLVILLE AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **January 14, 2025**, to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Millville Area, to include parcel 134-11.00-141.00 on Hickory Manor Road, being situate in Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

Beginning at a point, said point being on the SCUSSD boundary, said point also being the northeasternmost property corner of lands Now-or-Formerly (N/F) of Salt Air Properties, LLC, said point further being on the southerly ROW of Hickory Manor Road; thence proceeding by and with said SCUSSD boundary and ROW in a southwesterly direction a distance of 320'± to a point; thence leaving said SCUSSD boundary and ROW and proceeding in a northwesterly direction across Hickory Manor Road a distance of 50'± to a point, said point being on the northerly ROW of Hickory Manor Road, said point also being a property corner of lands N/F of Louis J. Travalini Sr. TTEE REV TR; thence leaving said ROW and proceeding by and with said Travalini lands in a northwesterly, southwesterly, northerly, northwesterly, and northeasterly respectively a total distance of 912'± to a point, said point being on the southerly ROW of Vines Creek Road (Rt. 26); thence continuing with said ROW and Travalini lands in a southeasterly direction a distance of 256.85'± to a point, said point being on the westerly ROW of Hickory Manor Road, said point also being on the southerly ROW of Vines Creek Road; thence leaving said ROW of Hickory Manor Road and proceeding across Hickory Manor Road a distance of 50'± to a point, said point **being that of the BEGINNING.**

NOTE: The above description has been prepared using Sussex County Tax Map 134-11.00 and Sussex County property assessment records. The annexation contains 2.87 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:15 a.m. on March 4, 2025, in the Sussex County Council Chambers, 2 The Circle, Georgetown, Delaware 19947. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370).

Mike Harmer, P.E.
County Engineer

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
TRAVALINI EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(


COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On February 18, 2025, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On February 18, 2025, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of a STOP sign @ the Millville Fire Station 2, on Omar Road;
 - 2. On a post in front of a STOP sign @ the intersection of Omar Rd. and Powell Farm Road;
 - 3. On a post in front of a STOP sign @ the intersection of Diane Road and Atlantic Avenue;
 - 4. On a post in front of STOP sign @ the intersection of Atlantic Ave. and Irons Lane;
 - 5. On the site of the annexation in the following 4 locations
 - a. On a post in the northwesterly Right-of-Way (ROW) of Hickory Manor Rd. 381'± southwest of Vines Creek Road;
 - b. On a post in the northwesterly ROW of Hickory Manor Rd., 232'± southwest of Vines Creek Road;
 - c. On a post in the northwesterly ROW of Hickory Manor Rd., at the intersection with Vines Creek Road;
 - d. On a post in the southwesterly ROW of Vines Creek Road, 110'± northwest of Hickory Manor Road.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 21st day of Feb, A.D., 2025


NOTARY PUBLIC



My Commission Expires 6/14/2026

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) NORTH MILLVILLE AREA, TO INCLUDE 134-11.00-141.00. LOCATED ON THE WEST SIDE OF HICKORY MANOR ROAD IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Hickory Manor Road, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the area and further described as follows:

Beginning at a point, said point being on the SCUSSD boundary, said point also being the northeasternmost property corner of lands Now-or-Formerly (N/F) of Salt Air Properties, LLC, said point further being on the southerly ROW of Hickory Manor Road; thence proceeding by and with said SCUSSD boundary and ROW in a southwesterly direction a distance of 320'± to a point; thence leaving said SCUSSD boundary and ROW and proceeding in a northwesterly direction across Hickory Manor Road a distance of 50'± to a point, said point being on the northerly ROW of Hickory Manor Road, said point also being a property corner of lands N/F of Louis J. Travalini Sr. TTEE REV TR; thence leaving said ROW and proceeding by and with said Travalini lands in a northwesterly, southwesterly, northerly, northwesterly, and northeasterly respectively a total distance of 912'± to a point, said point being on the southerly ROW of Vines Creek Road (Rt. 26); thence continuing with said ROW and Travalini lands in a southeasterly direction a distance of 256.85'± to a point, said point being on the westerly ROW of Hickory Manor Road, said point also being on the southerly ROW of Vines Creek Road; thence leaving said ROW of Hickory Manor Road and proceeding across Hickory Manor Road a distance of 50'± to a point, said point **being that of the BEGINNING.**

NOTE: The above descriptions have been prepared using Sussex County Tax Map 134-11.00 and Sussex County property assessment records. The annexation contains 2.87 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched and highlighted.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

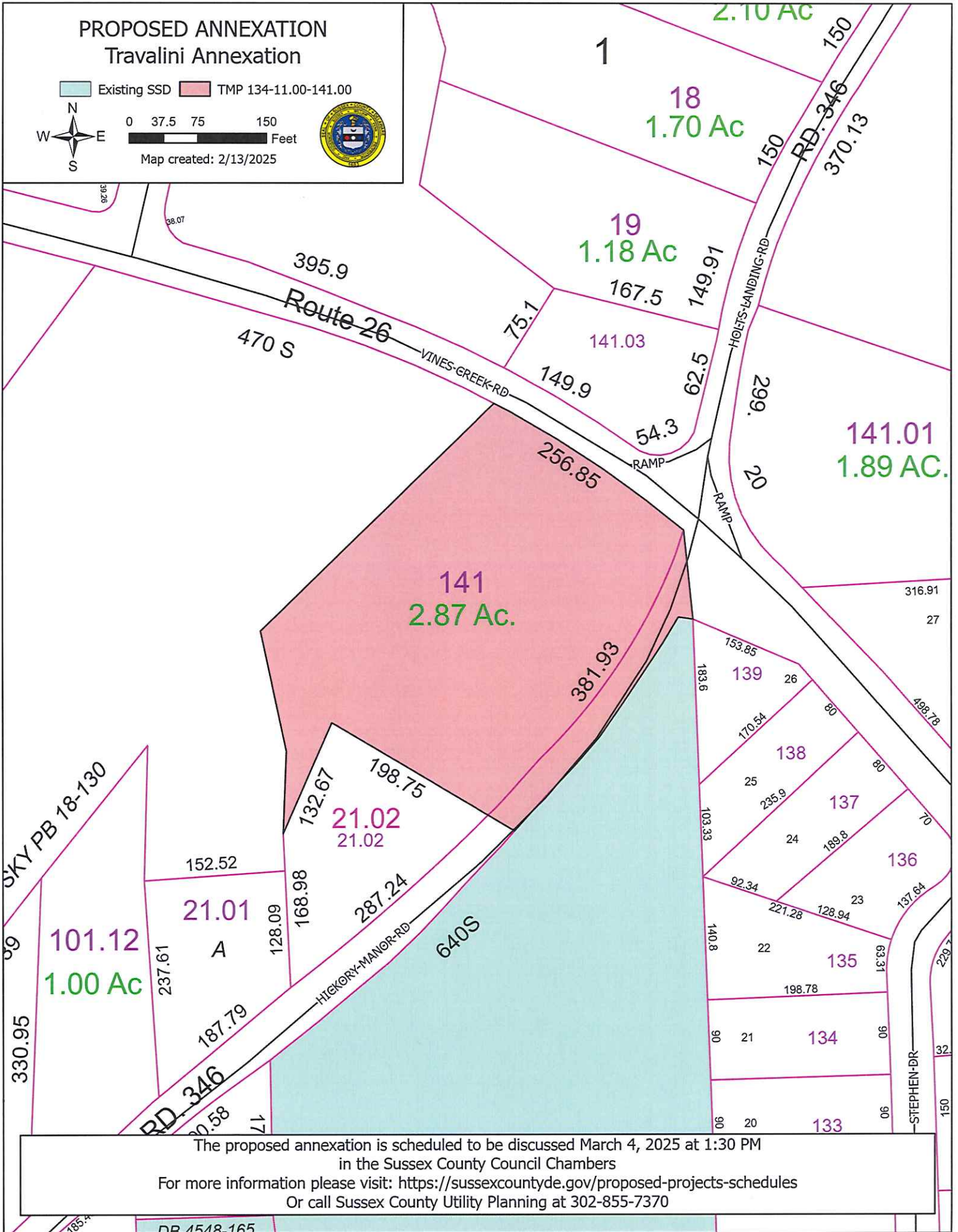
BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

PROPOSED ANNEXATION
Travalini Annexation

Existing SSD TMP 134-11.00-141.00



0 37.5 75 150
 Feet
 Map created: 2/13/2025



The proposed annexation is scheduled to be discussed March 4, 2025 at 1:30 PM
 in the Sussex County Council Chambers
 For more information please visit: <https://sussexcountyde.gov/proposed-projects-schedules>
 Or call Sussex County Utility Planning at 302-855-7370

PUBLIC NOTICE

PROPOSED BAY OAKS EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (ANGOLA NORTH AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **December 10, 2024** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Angola North Area, to include the Bay Oaks Subdivision off of Bookhammer Landing Road, being situate in Indian River Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

The expansion area is to include the current boundary of the Bay Oaks Subdivision, with the exception of lots 9, 10, 11 & 12 which have been previously annexed, as found in Plot Book 68 Page 131 in the Sussex County Recorder of Deeds Office.

NOTE: The above descriptions have been prepared using Sussex County Tax Map 234-12.00 and Sussex County property assessment records. The annexation contains 48.831 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 1:30 P.M. on March 4, 2025, in the Sussex County Council Chambers, 2 The Circle, Georgetown, Delaware 19947. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370.

Mike Harmer, P.E.
County Engineer

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
BAY OAKS EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

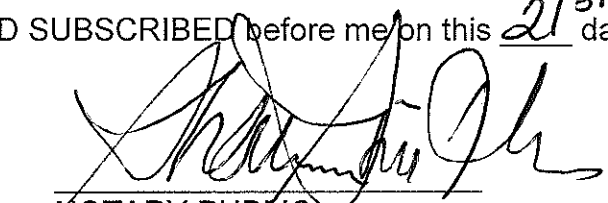
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On February 18, 2025, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On February 18, 2025 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of DEC Pole 14854 in the easterly Right-of-Way (ROW) of Camp Arrowhead Rd. at the intersection with Angola Rd.,
 - 2. On a post in front of a stop sign @ the intersection of Waterview Rd. and Camp Arrowhead Road,
 - 3. On a post in front of a STOP sign @ the intersection of Waterview Rd. and Bookhammer Landing Rd.,
 - 4. On a post in front of STOP sign @ the intersection of Bay Oak Dr. and Waterview Rd.,
 - 5. On the site of the annexation in the following 4 locations
 - a. On a post in front of a STOP sign @ the intersection of Bay Oak Dr. & Heron Ct.,
 - b. On a post in front of a STOP sign @ the intersection of Bay Oak Dr. and S. Bay Breeze Dr.,
 - c. On a post in front of a STOP sign @ the intersection of Bay Oak Dr. and N. Bay Breeze Dr.,
 - d. On a post in the westerly ROW of Bay Oak Dr., 178'± south of Waterview Rd.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 21st day of Feb A.D., 2025


NOTARY PUBLIC



My Commission Expires 6/14/2026

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE BAY OAKS SUBDIVISION WITH THE EXCEPTION OF LOTS 9, 10, 11, & 12, LOCATED ON THE SOUTH SIDE OF WATERVIEW ROAD LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Bay Oaks, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Bay Oaks subdivision area and further described as follows:

The expansion area is to include the current boundary of the Bay Oaks Subdivision, with the exception of lots 9, 10, 11 & 12 which have been previously annexed, as found in Plot Book 68 Page 131 in the Sussex County Recorder of Deeds Office.

NOTE: The above descriptions have been prepared using Sussex County Tax Map 234-12.00 and Sussex County property assessment records. The annexation contains 48.831 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched and highlighted.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

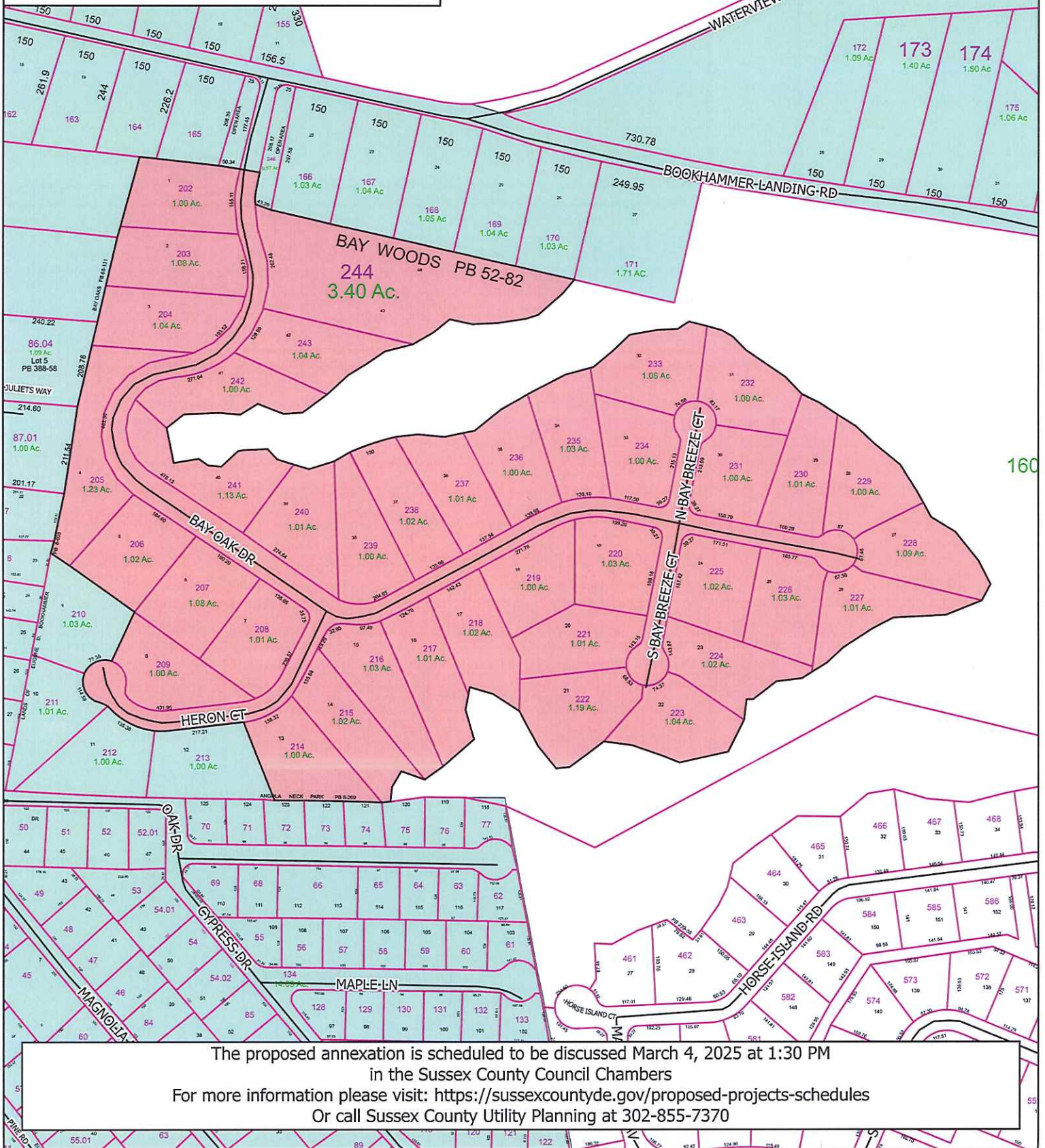
PROPOSED ANNEXATION Bay Oaks

Existing SSD Bay Oaks



0 90 180 360 Feet

Map created: 1/31/2025



The proposed annexation is scheduled to be discussed March 4, 2025 at 1:30 PM
in the Sussex County Council Chambers

For more information please visit: <https://sussexcountycde.gov/proposed-projects-schedules>
Or call Sussex County Utility Planning at 302-855-7370

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: February 28, 2025

RE: County Council Report for C/Z 2039 filed on behalf of Melson Funeral Services, LTD

The Planning and Zoning Department received an application (C/Z 2039 filed on behalf of Melson Funeral Services, LTD) for change of zone from a B-1 Neighborhood Business District to an AR-1 Agricultural Residential Zoning District at Tax Parcels 134-17.00-17.10, 17.11, 17.12 and 17.13. The property is located at 38143, 38277, 38357 and 38487 Sharon Lane, Ocean View. The parcel size is 5.171 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 8, 2025. At the meeting of January 8, 2025, 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 meeting on January 8, 2025.

Minutes of the January 8, 2025, Planning & Zoning Commission Meeting

C/Z 2039 Melson Funeral Services, LTD

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.171 ACRES, MORE OR LESS. The properties are lying on the south side of Sharon Lane and accessed from the east side of Parker House Road (S.C.R. 362) approximately 0.44 mile north of Beaver Dam Road (S.C.R. 368). 911 Address: 38143, 38277, 38357, & 38487 Sharon Lane, Ocean View. Tax Map Parcels: 134-17.00-17.10, 17.11, 17.12, & 17.13.



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

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Staff Analysis, 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 applicant's conceptual rezoning plan and zero comments.

Mr. Zach Crouch, P.E., of Davis, Bowen & Friedel, spoke on behalf of the Applicant that this is an application changing the property from a B-1 (Neighborhood Business District) to an AR-1 (Agricultural Residential) zoning district as a result of a mistake dated back to 1988; that the applicant wants to rezone 5.171 acres from B-1 to AR-1, which is a down zoning; that the property is located between Parker House Rd. and Muddy Neck Rd.; that the initial subdivision of the property occurred back in 1988 and somehow residential lots were allowed even though the code for a B-1 Zoning District states no residential property is allowed; that in order to expand the subdivision of this property to include four more residential lots there needs to be a downgrade in the zoning to conform to the current code; that the original property was 12.59 acres and it was divided into three lots, one which has Melson Funeral Services, which was approved in 1996, one which has the three residential lots on the East side and then finally this to the South which the Applicant is trying to expand into four more residential lots; that when the Applicant originally applied for a minor subdivision for those four lots it was discovered that the property should not have residential lots on it; that in order to move forward with the minor subdivision Planning & Zoning required the down zoning of the property; that the applicant has already received DelDOT approval for access on Parker House Rd. and received Sussex County Engineering approval for the sewer extension, which is coming off of Muddy Neck Rd.; that there is Fire Marshal approval and Tide Water approval; that SCD (Sussex Conservation District) approval is pending based on final plans being submitted; that the parcel rezoning request is in line with what is there now; that to the South, the property right behind it is all AR-1 and to the East is the three residential properties, which are B-1, but they are residential parcels and Melson Funeral Services is to the North.

Mr. Mark Hetherington who lives at 38064 Muddy Neck Rd., Ocean View, which is one of the three parcels that is B-1 with a home on it; that he questioned the Commission as to whether this application is going to affect his home since he is on a B-1 zoned parcel with a residential dwelling.

Mr. Robertson stated that he would be considered as a legal non-conforming property, and his lot will remain B-1 with no issues; that he does not have to change his property unless he wants to.

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

Mr. Mears requested the Mr. Robertson read the motion on his behalf.

Mr. Mears moved the Commission to recommend approval of C/Z 2039 MELSON FUNERAL SERVICES, LLC for a change in zone from B-1 Neighborhood Business to AR-1 Agricultural Residential based on the record made during the public hearing and for the following reasons:

1. This property currently is located at the rear of the Applicant's existing funeral home property. It is zoned B-1. The Applicant seeks to downzone this property so that it can be used and developed residentially.
2. Downzoning this property to AR-1 is consistent with the Sussex County Comprehensive Plan and its Future Land Use Map.
3. The Applicant does not conduct any business from this property and has no plans to do so.

4. The property is currently planned to be used for residential purposes, which makes it nonconforming under the existing B-1 Zoning. DelDOT has already granted the residential entrance approvals and Sussex County Engineering has signed off on the sewer expansion for the residential properties. Rezoning this property to AR-1 will bring the use of the property into conformity with the requirements of the Sussex County Zoning Code.
5. There was no opposition to this downzoning to AR-1.
6. For all of these reasons, the rezoning of this property from B-1 to AR-1 is appropriate.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend APPROVAL of C/Z 2039 Melson Funeral Services, LTD. 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



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JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 8, 2025

Application: C/Z 2039 – Melson Funeral Services, Ltd.

Applicant: Melson Funeral Services, Ltd.
PO Box 100
Frankford, DE 19945

Owner: Melson Funeral Services, Ltd.
PO Box 100
Frankford, DE 19945

Site Location: Located on the south side of Sharon Lane and accessed from the east side of Parker House Road (S.C.R. 362) approximately 0.44 mile north of Beaver Dam Road (S.C.R. 368).

Current Zoning: Neighborhood Business (B-1) Zoning District

Proposed Zoning: Agricultural Residential (AR-1) Zoning District.

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Millville Volunteer Fire Company

Sewer: S. Ocean View SSD

Water: Tidewater Utilities, Inc.

Site Area: 5.171 acres +/-

Tax Map IDs: 134-17.00-17.10, 17.11, 17.12, & 17.13



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(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Ann Lepore Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: January 8, 2025
RE: Staff Analysis for C/Z 2039 Melson Funeral Services, LTD

The purpose of this memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of Application C/Z 2039 Melson Funeral Services, LTD to be reviewed at the January 8, 2025, 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.

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 IDs: 134-17.00-6.00-17.10, 17.11, 17.12, & 17.13

Proposal: The request is for a Change of Zone for Tax Parcels 134-17.00-17.10, 17.11, 17.12, & 17.13 to allow for a change of zone from a Neighborhood Business (B-1) District to an Agricultural Residential (AR-1) District to allow for single-family dwellings. The properties are lying on the south side of Sharon Lane which is accessed off the east side of Parker House Road (S.C.R. 362) approximately 0.44 mile north of Beaver Dam Road (S.C.R. 368) in Ocean View. The Parcels contain 5.171 acres +/-.

Comprehensive Plan Analysis: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Growth Area designation of "Coastal Area." The adjoining parcels to south, north, and west (opposite side of Parker House Road (S.C.R. 362)) are also within the "Coastal Area" with the parcels on the east side of the subject parcels (opposite side of Muddy Neck Road (S.C.R. 361)) are within the municipal boundary of the Town of Ocean View.

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 further notes that, "a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units" (2018 Sussex County Comprehensive Plan, 4-15).



Zoning Information: The parcels are zoned Neighborhood Business (B-1) District. Adjacent parcels to the south are zoned Agricultural Residential (AR-1), to the west (opposite side of Parker House Road (S.C.R. 362)) and north are zoned General Residential (GR) District, and parcels to the east (opposite side of Muddy Neck Road (S.C.R. 361)) are within the Town of Ocean View.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the proposed Agricultural Residential (AR-1) District is currently listed as an Applicable Zoning District within the “Coastal Area” Future Land Use Map category.

Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** N/A

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from Neighborhood Business (B-1) District to an Agricultural Residential (AR-1) District could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

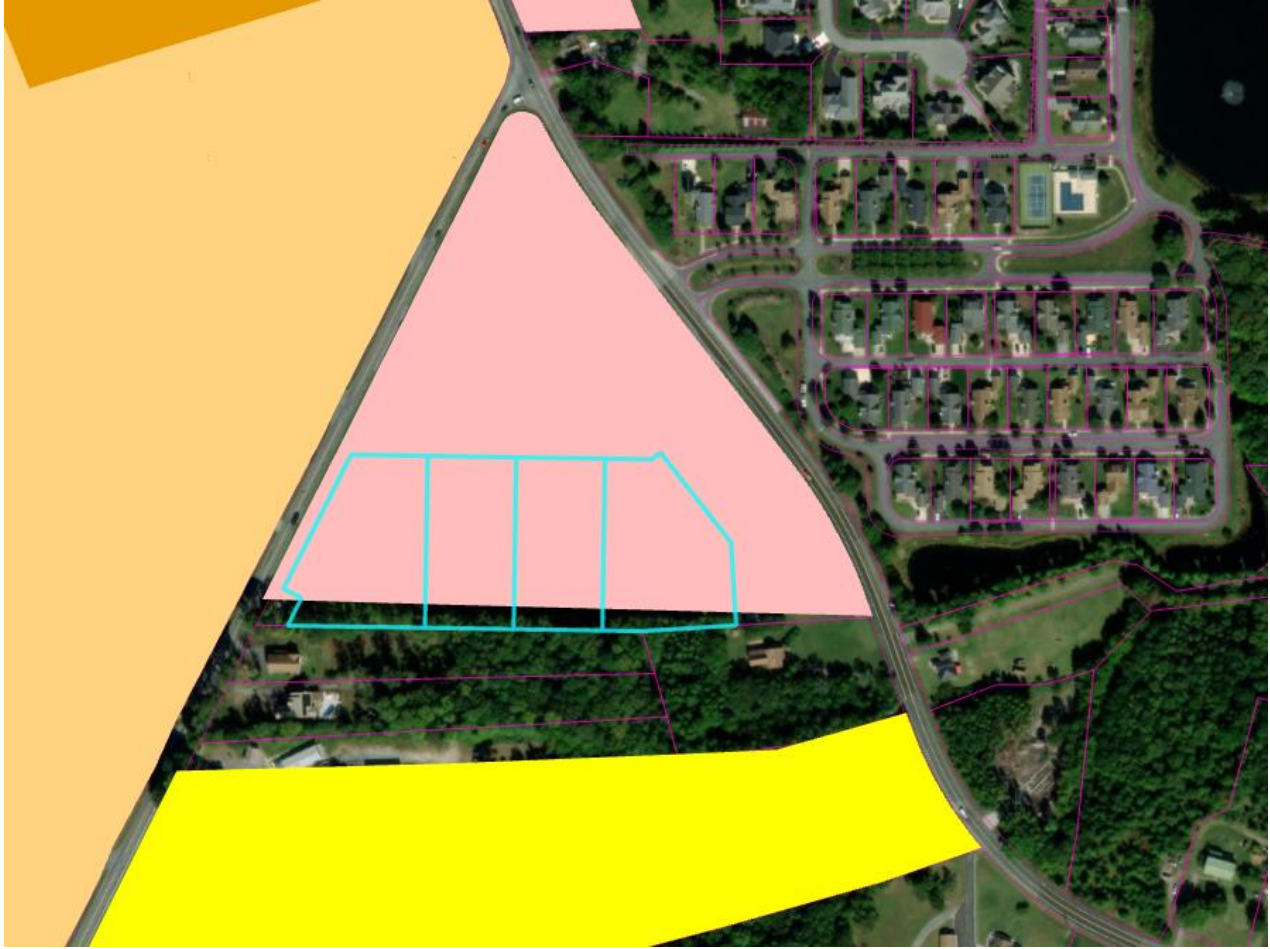
Existing Change of Zones within the Vicinity of the Subject Property:

Since 2011, there have been four (4) Change of Zone Applications within a 1-mile radius of the Application site.

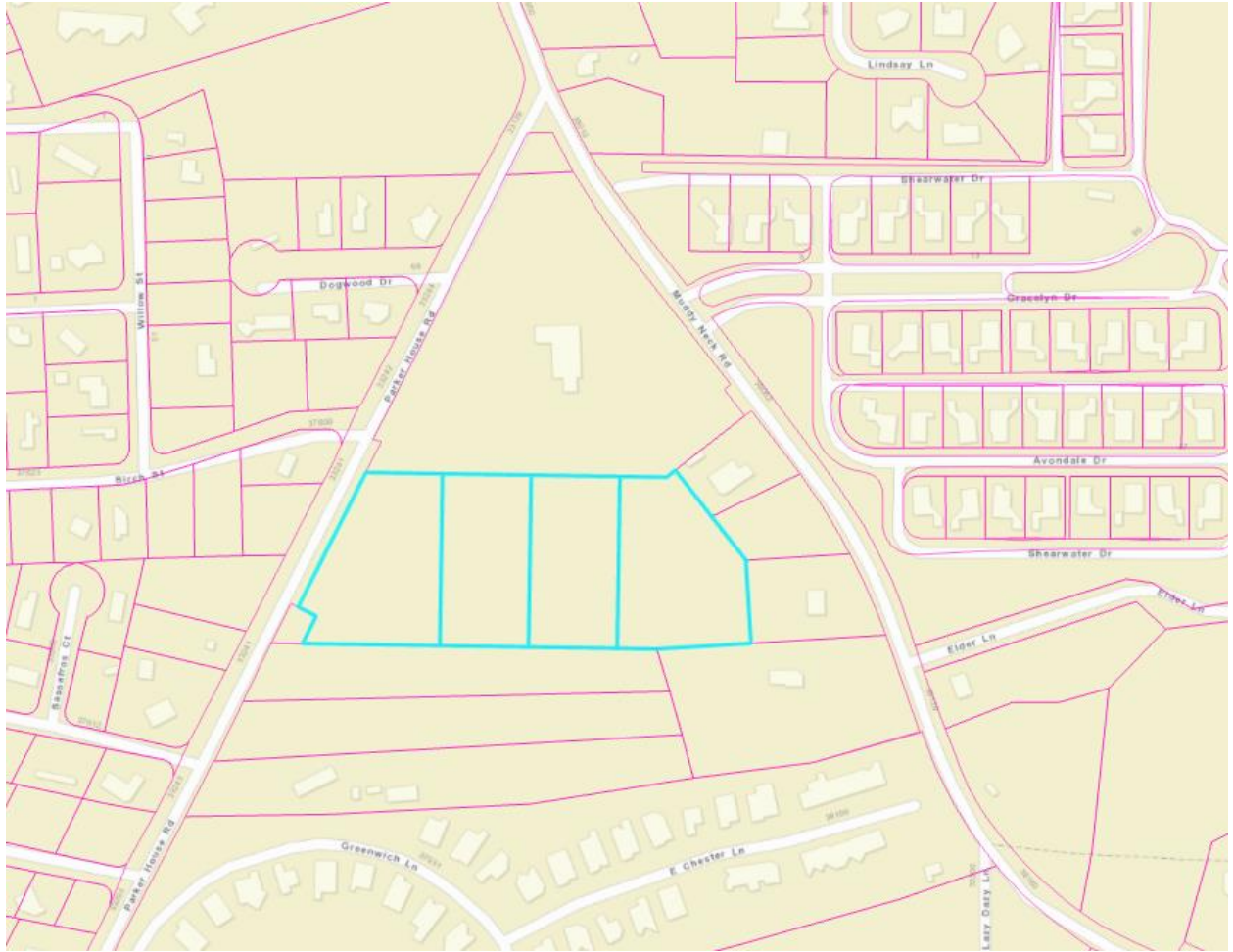
Change of Zone Applications						
(Within a 1.0-mile radius of the subject site)						
Application Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
1741	Bay Forest Club, LLC	AR-1	MR-RPC	Approved	2/18/2014	2338
1768	Convergence Communities	AR-1	MR-RPC	Approved	8/11/2015	2411
1931	Lands of Lighthipe, LLC	AR-1	MR-RPC	Approved	10/26/2021	2807
1987	Longview Jefferson Creek, LLC	MR-RPC	MR-RPC	Approved	8/29/2023	2952



Aerial Map for CZ 2039 Melson Funeral Services



Zoning Map for CZ 2039 Melson Funeral Services



Street Map for CZ 2039 Melson Funeral Services

Introduced: 10/15/24

Council District 4: Mr. Hudson

Tax I.D. No.: 134-17.00-17.10, 17.11, 17.12, & 17.13

911 Address: 38143, 38277, 38357, & 38487 Sharon Lane, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.171 ACRES, MORE OR LESS

WHEREAS, on the 17th day of September 2024, a zoning application, denominated Change of Zone No. 2039 was filed on behalf of Melson Funeral Services, LTD.; and

WHEREAS, on the ____ day of _____ 2025, 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. 2039 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 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 [B-1 Neighborhood Business District] and adding in lieu thereof the designation AR-1 Agricultural Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Sharon Lane and accessed from the east side of Parker House Road (S.C.R. 362) approximately 0.44 mile north of Beaver Dam Road (S.C.R. 368), and being more particularly described in the attached legal description prepared by Hugh A. George, Company said parcels containing 5.171 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 Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: February 28, 2025

RE: County Council Report for C/U 2458 filed on behalf of Oneals Solar, LLC

The Planning and Zoning Department received an application (C/U 2458 filed on behalf of Oneals Solar, LLC) for a solar array to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 132-6.00-303.00. The property is located at 27720 Oneals Road, Seaford. The parcel size is 49.7 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 8, 2025. At the meeting of January 22, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 9 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 8, 2025 and January 22, 2025.

Minutes of the January 8, 2025, Planning & Zoning Commission Meeting

C/U 2458 Oneals Solar, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS.

The property is lying on the north side of Oneals Road (S.C.R. 485) approximately 500 ft. southwest of Sussex Highway (Rt. 13). 911 Address: 27720 Oneals Road, Seaford. Tax Map Parcel: 132-6.00-303.00 (p/o).



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

Mr. Jeremy Karpf, of Summer Ridge Energy, spoke on behalf of the Applicant that this is an application for a solar project; that the site is located currently on open farmland with an easement from the neighbors for land that connects to O'Neill Rd.; that the access driveway crossing the neighbor's parcel via easement will come into the project as the access road with a turnaround; that this will also be the location of the transformer and inverter pad; that the driveway will be 15 feet wide and along the street, there will be 5 poles, a utility recloser, a utility meter, a customer disconnect, a customer recloser and a customer riser; that they will conform to the 50 foot property line set back; that along the access road they will be maintaining the existing tree line as well as existing stormwater, with improvements as necessary; that the screening will be facing the properties on the North side of the parcel to screen it from the neighbors; that they will abide by the 200 foot dwelling set back and 15 foot side yard setback; that they would be leasing the land from the land owner; that the storm water improvements will be done with a silt fence as well as providing permanent stabilization and a local seed mixture for the ground of the parcel; that the total limited disturbance is expected to be 16.42 acres, maximum height will be approximately 15 feet using a single access tracker, mounting the piles will either be drilled or pounded; that there will be a locked fence around the property as well as a 24 hour sign with 24 hour contact number; that there will be a storage shed on the property; that the access road will be made of impacted crushed stone on top of the compacted fill soil; that there will be no employees on site only those that are needed for service and inspections; that the final landscape design has not been established and because of that the preliminary site plan only show possible landscape buffers on it.

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 2458 Oneals Solar, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

Minutes of the January 22, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 8, 2025.

Ms. Wingate moved the Commission to recommend approval of C/U 2548 for Oneals Solar, LLC for a solar array in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 19.75 acres of a larger 49.7-acre tract.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony

that this solar array will benefit residential, business, and municipal subscribers with lower power costs.

4. The proposed solar array is located on a parcel of land that is used for agricultural purposes. It is surrounded on two sides by land used for agricultural purposes, including poultry houses. Although there are residential properties to the north of this site, the arrays are at least 200 feet from the closest dwelling and the nearby properties will also be protected by the conditions set forth in the Code and in this recommendation. None of the residents along the northern boundary of the site objected to the proposed use.
5. The land is designated as being within the “Low Density Area” according to Sussex County’s Future Land Use Map; this is an appropriate location for a solar array.
6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:
 - A. The use shall be for ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - C. All required fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. There shall be a landscaped buffer that is at least 50 feet wide along the common boundary with the residential properties along the northern boundary of the site and the eastern boundary of the site. The landscaping shall include at least fifteen trees within every fifty linear feet of the buffer. Wherever trees exist within the buffer areas, they shall be preserved, and these non-disturbed forested areas shall be shown on the Final Site Plan. The Final Site Plan shall also include a landscape plan confirming these planting requirements.
 - D. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - E. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - F. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan.
 - G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - H. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend APPROVAL of C/U 2458 Oneals Solar, 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
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 8th, 2025

Sussex County Council Public Hearing Date: March 4th, 2025

Application: C/U 2458 Oneals Solar LLC

Applicant: Oneals Solar LLC
100 Wilson Boulevard, Suite 2400
Arlington, VA 22209

Owner: Janki P. Ramnath & Bidyawattie Ramnath
27718 Oneals Road
Seaford, DE 19973

Site Location: The property is located on the north side of Oneals Road (S.C.R. 485) approximately 500 ft. southwest of Sussex Highway (Rt. 13) in Seaford.

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

Proposed Use: A 3 MW/AC solar array/generation facility

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: Mr. Matt Lloyd

School District: Seaford School District

Fire District: Blades Fire Company

Sewer: N/A

Water: N/A

Site Area: 49.7-acres +/-

Tax Map ID.: 132-6.00-303.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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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: December 18, 2024
RE: Staff Analysis for C/U 2458 Oneals Solar LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2458 Oneals Solar LLC to be reviewed during the January 8th, 2025 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: 132-6.00-303.00

Proposal: The request is for a Conditional Use for Tax Parcel 132-6.00-303.00 to allow for solar array on a parcel lying on the north side of Oneals Road (S.C.R. 485) approximately 500 ft. southwest of Sussex Highway (Rt. 13) in Seaford. The portion of the Parcel subject of this application is 19.75 +/- acres of the Parcel comprised of a total of 49.7 acres +/-.

Zoning: The Parcels are zoned Agricultural Residential (AR-1) District. The parcels immediately adjacent to the subject property are all Agricultural Residential (AR-1) District with parcels to the east along the Route 13 corridor and immediately to the south zoned General Commercial (C-1) District.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Low Density Area.” The properties to the north and south of the subject Parcel are categorized as ‘Low Density Area’, with the parcels to the east additionally including parcels categorized “Commercial Area” and parcels to the west additionally including parcels within the “Industrial Area” category.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas “Sussex County hopes to retain the rural environment and set aside significant open space” and where the County “supports State and local land use policies that will preserve the value of farmland” (Sussex



County Comprehensive Plan, 4-18). Additionally, the Comprehensive Plan notes landscaped buffer requirements as a policy to be emphasized in Low Density areas when new development occur, and Staff note that the Site Plan includes buffers for the solar improvements (Sussex County Comprehensive Plan, 4-18).

Further Site Considerations:

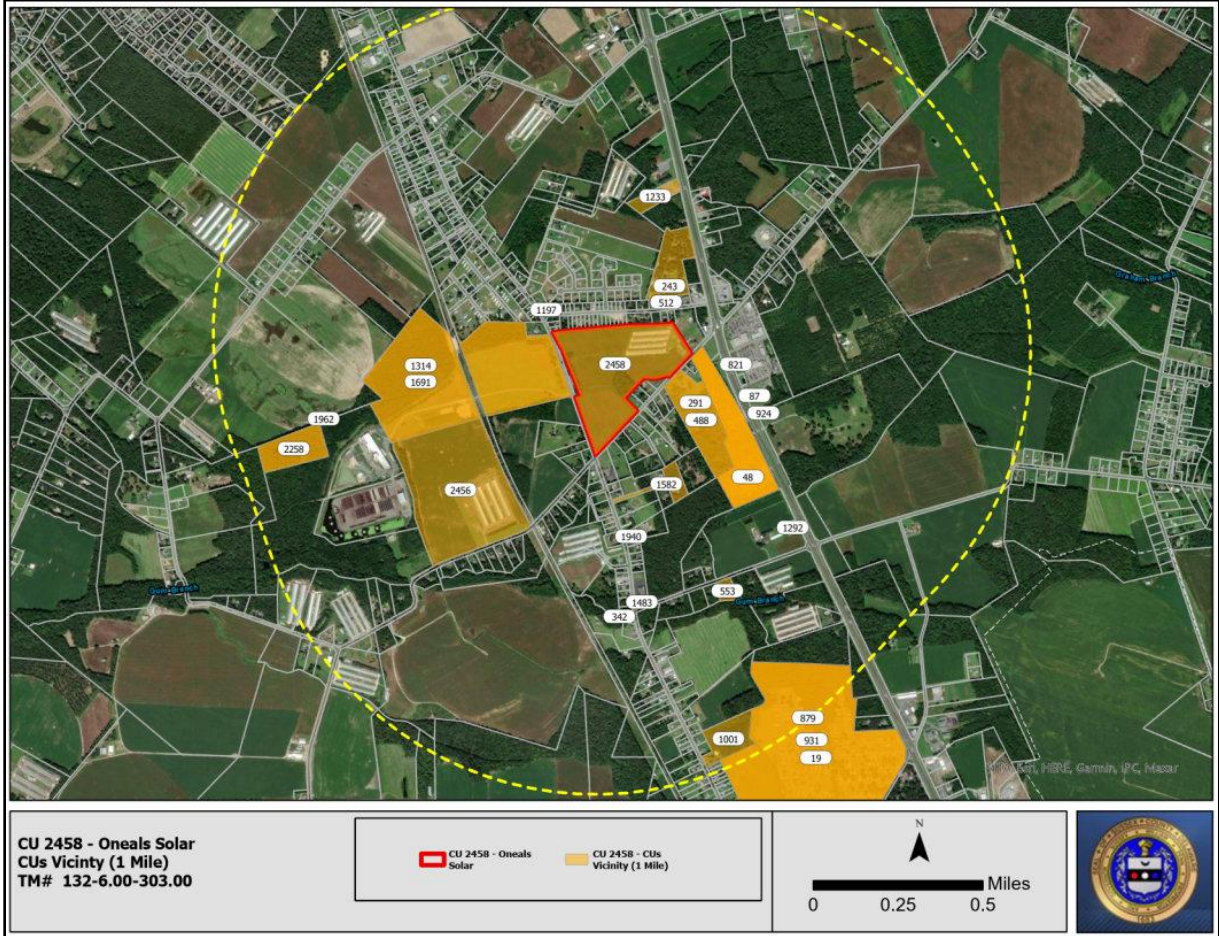
- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** The proposed improvements are outside of any existing forested areas on the Parcel as drawn on the conditional use site plan with no proposed removal of the existing trees on the Parcel.
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X”, within an area of “Good” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site. Prong 4 of the Mt. Zion Tax Ditch runs through the Parcel with the proposed solar arrays to be located north of the tax ditch and outside of the Tax Ditch ROWs on the Parcel.

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

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

Conditional Use Applications						
(Within a 1-mile radius of the subject site)						
Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
2456	Elk Development, LLC (Oneals Road)	AR-1	Solar Facility	Approved	5/7/2024	3009
2258	Bioenergy Development Group, LLC	AR-1	Amend CU 1314 To Permit Nutrient Recovery for Natural Gas and Electrical Generation	Approved	4/20/2021	2769
1962	Chesapeake AgriSoil, LLC	AR-1	Composting Facility (Extension to CU #1314 & CU #1691)	Approved	6/25/2013	2311
1940	Phil DePenna	AR-1	Physical Training Studio and Gym	Approved	9/11/2012	2276-A
1691	Perdue Farms AgriRecycle, LLC	AR-1	Amend/Pelletizing	Approved	7/25/2006	1865
1582	Duane & Danielle Musser	AR-1	Sign Shop Vehicle Lettering	Approved	1/18/2005	1747
1483	Comcast, Inc.	AR-1	Electronic Equipment/Storage	Approved	4/1/2003	1596
1314	Perdue- AgriRecycle LLC	AR-1	Micro-Nutrient Plant for Poultry Litter	Approved	12/21/1999	1354
1292	Roland V. Fleetwood	AR-1	Retail Shop	Approved	7/27/1999	1330
1233	Eddie French	AR-1	Plumbing & Heating Business	Approved	3/31/1998	1223
1197	Harry & Sally Daisey	AR-1	Auto Repair Shop	Approved	9/23/1997	1176
1001	Joan Lapp	AR-1	Accessory Dwelling for Crafts/Gifts	Approved	6/2/1992	834


931	Chaski Associates, LP	AR-1	Extension To Mobile Home Park	Approved	7/24/1990	703
924	Ronald E. Hastings & W. W. Harper, Jr.	AR-1	Expansion Of Mobile Home Park	Approved	1/16/1990	648
879	Chaski Associates, LP	AR-1	Extension Of Mobile Home Park	Approved	6/21/1988	512
821	Stephen C. Glenn, Inc	AR-1	Addition To Mobile Home Park & Revision	Approved	12/30/1985	334
553	Joseph Roszin	AR-1	Heating & Cooling Business	Approved	11/13/1979	N/A
512	B & B Mobile Home Court Inc	AR-1	Extension Of Existing Manufactured Home Park	Approved	1/16/1979	N/A
488	Stephen C Glenn	AR-1	Extension Of Existing Mobile Home Park	Denied	N/A	N/A
342	Ronald Hastings	AR-1	Extension of an Existing Manufactured Home Park	Approved	5/11/1976	N/A
291	Doris Bryan Whaley	AR-1	Beauty Shop	Approved	9/16/1975	N/A
243	B&B Mobile Court Inc	AR-1	Extend Manufactured Home Park	Approved	11/12/1974	N/A
87	Ronald Hastings	AR-1	Mobile Home Sales Lot	Approved	11/14/1972	N/A
48	Ronald Hastings	AR-1	Extension To Current Manufactured Home Park	Approved	3/21/1972	N/A
19	Ruark Mobile Home Park	AR-1	Manufactured Home Park	Approved	8/17/1971	N/A






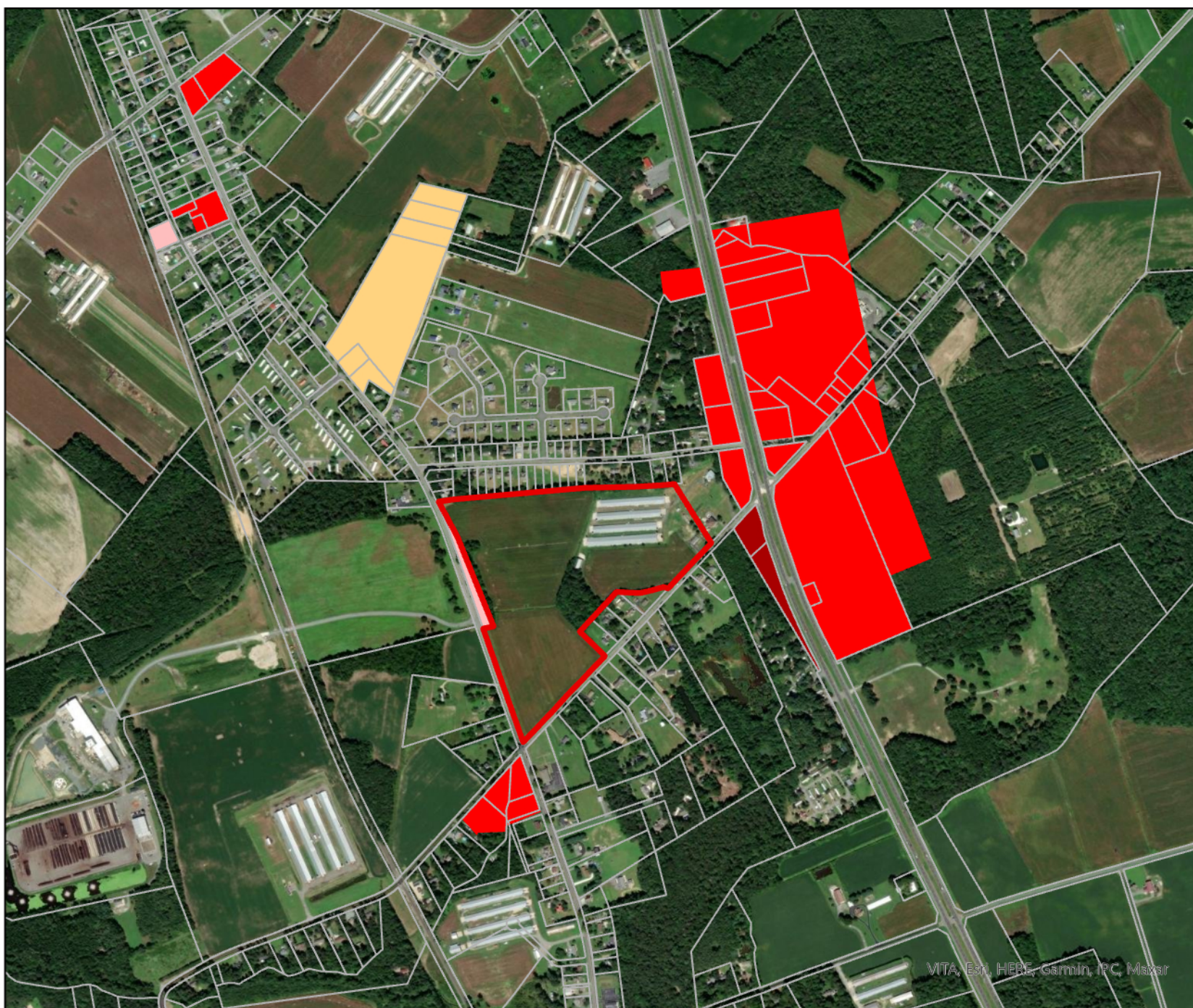
VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2458 - Oneals Solar
Street Map
TM# 132-6.00-303.00

 **CU 2458 - Oneals Solar**

N

0 250 500 Feet






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

VITA, Est, HEBE, Garmin, PC, Maxar

CU 2458 - Oneals Solar Zoning Map
TM# 132-6.00-303.00

 CU 2458 - Oneals Solar

N




0 0.13 0.25 0.5 Miles





Mixer, Microsoft, VITA, Esri, HERE, Garmin, IPC

CU 2458 - Oneals Solar
Aerial Map
TM# 132-6.00-303.00

 **CU 2458 - Oneals Solar**



Introduced: 10/29/24

Council District 1: Mr. Lloyd
Tax I.D. No.: 132-6.00-303.00 (p/o)
911 Address: 27720 Oneals Road, Seaford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS

WHEREAS, on the 26th day of June 2023, a Conditional Use Application, denominated Conditional Use No. 2458 was filed on behalf of Oneals Solar, 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. 2458 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. 2458 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the north side of Oneals Road (S.C.R. 485) approximately 500 ft. southwest of Sussex Highway (Rt. 13), and being more particularly described in the attached legal description prepared by First American Title Insurance Company said parcel containing 49.7 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.

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Sussex County

DELAWARE
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Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: February 28, 2025

RE: County Council Report for C/U 2501 filed on behalf of Jose Luis Vivar

The Planning and Zoning Department received an application (C/U 2501 filed on behalf of Jose Luis Vivar) for a landscape business to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 135-5.00-100.01. The property is located at 18206 McColleys Chapel Road, Georgetown. The parcel size is 5.04 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 8, 2025. At the meeting of January 22, 2025, the Planning & Zoning Commission recommended **denial** of the application for the 9 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 8, 2025 and January 22, 2025.

Minutes of the January 8, 2025, Planning & Zoning Commission Meeting

C/U 2501 Jose Luis Vivar

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS. The property is lying on the west side of McColleys Chapel Road (S.C.R. 213), approximately 510 feet south of Deer Forest Road (S.C.R. 565). 911 Address: 18206 McColleys Chapel Road, Georgetown. Tax Map Parcel: 135-5.00-100.01



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

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Staff Analysis, a copy of the applicant's conceptual site plan, a copy of a letter received as part of the DelDOT SLER, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division and one letter in opposition.

Mr. Jose Luis Vivar, the Applicant, spoke on behalf of himself that he wants to run a landscaping business from his property and keep his employee's cars parked there during business hours and use the property to store materials for his business.

The Commission asked the applicant several questions pertaining to the application.

1. What do you plan on doing with the property?
2. How many vehicles will be parked on the property?
3. What type of materials will be stored on the property?
4. Will there be any grinding of stumps or tree debris on the property?
5. Will there be storage bins for the materials?
6. How many employees do you have?
7. Hours of operation?
8. Does your company do snow removal and if so, then would there be hours as needed?
9. Any maintenance on the equipment?

Mr. Vivar stated that the property will be utilized for the landscaping business where he will store equipment/materials and have his employees come to the property at the start and end of the day; that there are currently nine employees that will need to park their vehicles on the property; that he builds decks and does pavers for landscaping so the only material he will store on site will be the pavers on pallets; that there will be no grinding of stumps or tree debris and any material that is brought back from a site will be taken to the landfill; that the hours of operation will be 7:00AM – 6:00PM Monday through Friday and as needed for storm work; that there will be minor maintenance on equipment within the garages only and disposal of materials will be done through proper aspects.

Mr. Whitehouse stated that this application came about after the Constables received a complaint and issued violations for the property and the pole building that is constructed on it; that there were Building Code and Planning & Zoning violations issued after the investigation was completed.

Mr. Mark Givens, of 18180 McColley's Chapel Rd., spoke in opposition to the application that he lives next door and the property has become an "eyesore" with vehicles parked all over, trailers and equipment and a pole building that was constructed without permits; that after receiving the notice for the pole building they ignored the violations and added an additional 32 more feet of building onto it; that the Applicant's defiance of the County Code and regulations sends a message that noncompliance is tolerable.

Mr. Robert Naumann, of 18302 Deer Forest Rd., spoke in opposition to the application that the concern is that there are vehicles all over the property night and day and that this is a residential area not commercial and it is inhibiting the way of life of the property owners surrounding the Applicant; that the business is going to bring more rat infestation due to the materials the Applicant is storing on the property.

Mr. Bill Argo, of McColley's Chapel Rd., spoke in opposition to the application that he has lived here for 40 years and agrees that the property has become an "eyesore" and that he does not believe that

the property should be a commercial zoning as it does not fit within the surrounding properties; that he needs to put up a fence to limit his property's access from the wildlife and such coming from the Applicant's property.

Ms. Wingate asked about the establishment of a Homeowner's Association for the Kellers Acres Subdivision and if there are any restrictive covenants mentioned within it.

Mrs. Billie Givens, of 18180 McColley's Chapel Rd., spoke in opposition to the application as she believes that the Applicant's property is decreasing her property value and will cause her to sell her home due to the lack of maintenance to the site.

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 2501 Jose Luis Vivar. Motion by Ms. Wingate to defer action for further consideration, leaving the record open to receive additional information relating to restrictive covenants for the property, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

Minutes of the January 22, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 8, 2025.

Ms. Wingate moved the Commission to recommend a DENIAL of C/U 2501 Jose Luis Vivar for a landscaping business based upon the record made during the public hearing and for the following reasons:

1. This application is for a landscaping business on a residential 5.04-acre lot in an area surrounded by residential properties on either side and the State-owned Redden Forest to the rear.
2. The record indicates that the Applicant has been operating his small landscaping business from this property for some time without the proper approvals and has constructed buildings without the proper permits and inspections, even after initial violations were issued.
3. There was opposition to the Application from neighboring property owners describing the current bad condition of the Property. The neighbors expressed concerns that this would only get worse if the use is allowed to continue with a conditional use approval.
4. The record shows that there is a large accumulation of trash, vehicles and junk scattered throughout the property and along the boundary with neighboring properties. Under these conditions, it is not appropriate to grant a conditional use on this property.
5. The record shows that the existing trash and junk, as well as the proposed use and the materials, equipment, and vehicles associated with it, adversely affect the neighboring and adjacent properties, including the Redden State Forest.
6. The current condition of the property and the proposed conditional use does not promote the health, safety and welfare of Sussex County and its residents.
7. The proposed use in this location does not satisfy the purpose of a conditional use under the Sussex County Zoning Code because it is not well-adjusted to its environment with full

protection of the neighboring properties, and because the proposed use is not desirable in this location for the general convenience and welfare of Sussex County residents and businesses.

8. Given the Applicant's history of ignoring zoning and building code requirements on this property, I am not satisfied that appropriate conditions can be imposed to protect the neighboring and adjacent property owners.
9. For all of these reasons, I move that the Commission recommend a denial of this Conditional Use. In addition, I recommend that the property must be cleaned up and returned to AR-1 residential use within four months of this recommendation, and that the Constable shall regularly inspect the property to confirm that this has occurred. The failure to clean up this property and return it to AR-1 residential use shall be subject to appropriate enforcement against this Applicant and the owners of the Property. This requirement is in addition to any current and ongoing violations existing on the property for failing to obtain building permits, inspections or Certificates of Occupancy for structures that currently exist on the property.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend DENIAL of C/U 2501 Jose Luis Vivar 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
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

DELAWARE
sussexcountyde.gov
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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 8, 2025

Application: CU 2501 Jose Luis Vivar

Applicant: Jose Luis Vivar
14733 Winding Brook Court
Milton, DE 19968

Owner: Maria Vivar Ramirez
18206 McColleys Chapel Road
Georgetown, DE 19947

Site Location: 18206 McColleys Chapel Road, Georgetown

Site Location: Located on the west side of McColleys Chapel Road (S.C.R. 213), approximately 510 feet south of Deer Forest Road (S.C.R. 565).

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

Proposed Use: Landscaping Business

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: District 5 – Mr. Rieley

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Private Septic

Water: Private Well

Site Area: 5.04-acre(s) +/-

Tax Map ID.: 135-5.00-100.01



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Ms. Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: December 31, 2024
RE: Staff Analysis for C/U 2501 Jose Luis Vivar

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2501 Jose Luis Vivar to be reviewed during the January 8th, 2025, 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: 135-5.00-100.01

Proposal: The request is for a Conditional Use for Tax Parcel 135-5.00-100.01 to allow for a landscaping business to be located in an Agricultural Residential (AR-1) District. The property is lying on the west side of McColleys Chapel Road (S.C.R. 213), approximately 510 feet south of Deer Forest Road (S.C.R. 565). The Parcel consists of 5.04 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the north, south, west and east (on the opposite side of McColleys Chapel Road (S.C.R. 213) of the subject Parcel are also zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: The subject property is located within the “Low Density 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 is designated as a Rural Area and has a land use designation of “Low Density Area.” All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of “Low Density Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18).



The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

Further Site Considerations:

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

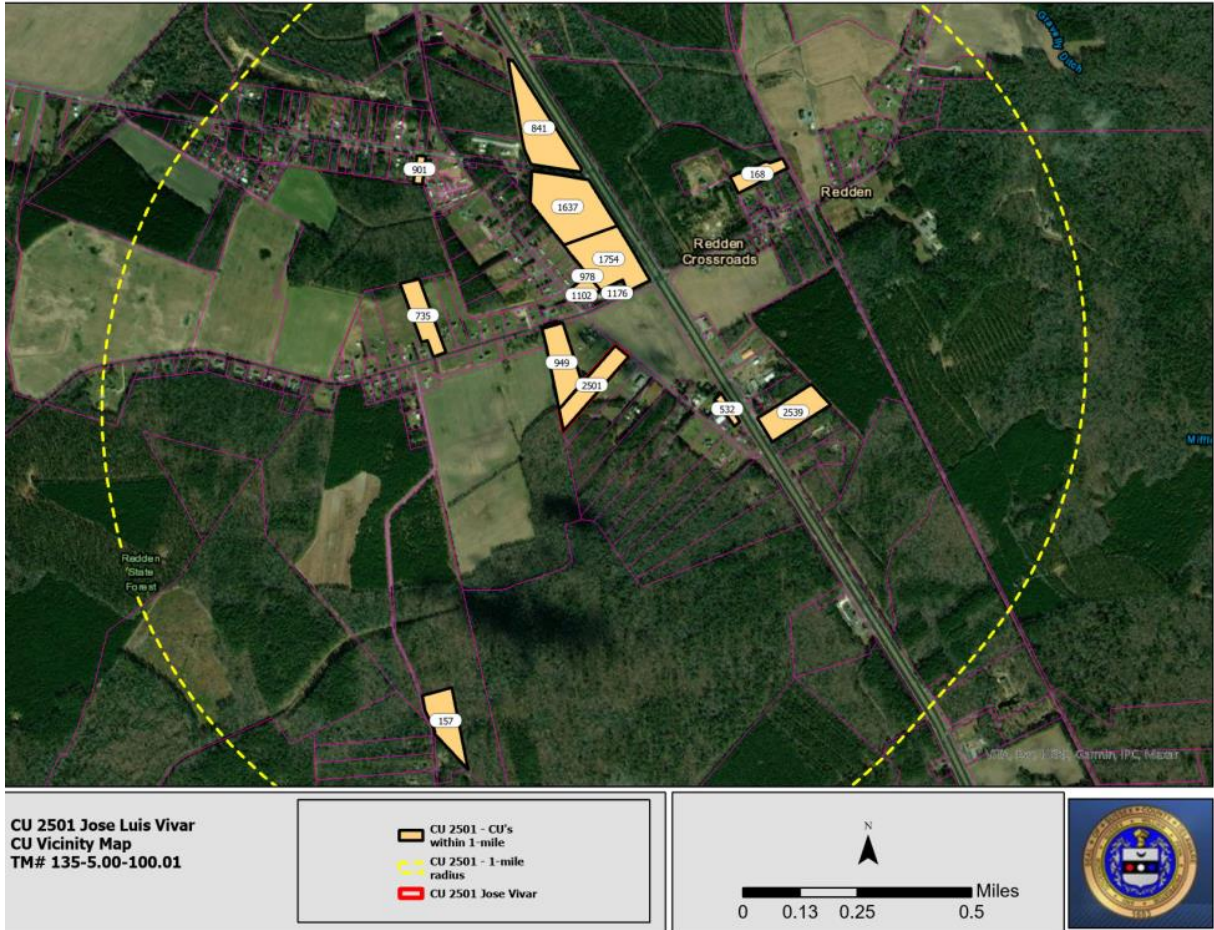
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a landscaping business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

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

Since 1970, there have been 14 Conditional Use Applications within a 1-mile radius of the Application Site.

C/U Number	APPLICANT	Tax Parcel #	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ord. Number
157	Ivins E Nott	135-8.00-12.00	AR-1	Poultry house on less than 5 acres			8/21/1973	Approved	N/A
168	Frank A King	135-6.00-21.00	AR-1	Poultry house on less than 5 acres			10/23/1973	Approved	N/A
532	Harry Veasey	135-6.00-3.01	AR-1	Automobile sales & minor service facility			6/12/1979	Approved	N/A
735	Jerome F Lewis	135-5.00-112.00	MR	Multi-family	Recommended Approval	5/26/1983	6/14/1983	Approved	729
841	Church of Christ	135-5.00-38.01	AR-1	Cemetery	Recommended Approval	11/21/1985	12/10/1985	Approved	341
901	Harvey & Betty Ann Warrington	135-5.00-46.00	GR	Retail sale of sporting goods	Recommended Denial	12/22/1988	2/14/1989	Approved	561
949	Eugene & Susan Spatz	135-5.00-100.02	AR-1	Auto Repair Shop	Recommended Denial	9/13/1990	10/2/1990	Denied	N/A
978	Charles Daisey	135-5.00-38.14	AR-1	Use Car Sales Facility	Recommended Approval	8/8/1991	8/27/1991	Approved	782
1102	Charles Daisey	135-5.00-38.14	AR-1	Used Car Sales no maximum number of cars	Recommended Approval	2/9/1995	2/28/1995	Approved	1014
1176	Charles Daisey	135-5.00-38.14	AR-1	Amend used car lot to allow larger sign	Recommended Approval	2/27/1997	3/18/1997	Approved	1129
1637	Redden Development Group, LLC	135-5.00-38.02	AR-1	Business Use Office Park	Recommended Denial	2/9/2006	5/14/2006	Denied	N/A
1754	John J. Stryholuk	135-5.00-38.19	AR-1	Boat Storage Facility	Recommended Denial	12/11/2008	1/27/2009	Approved	2026
2501	Jose Luis Vivar	135-5.00-100.01	AR-1	Landscaping Business					
2539	BCB Management, LLC	135-6.00-40.00	AR-1	Diesel mechanic, parts shop, & truck parking	Recommended Approval	8/21/2024	9/17/2024	Approved	



Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a landscaping business 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.





Maxar, Microsoft, VITA, Esri, HERE, Garmin, IPC

CU 2501 Jose Luis Vivar
CU Vicinity
TM# 135-5.00-100.01

 **CU 2501 Vivar**
 **Tax Parcels**

 **N**



 **Feet**
0 125 250 500






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


CU 2501 Jose Luis Vivar
Street Map
TM# 135-5.00-100.01

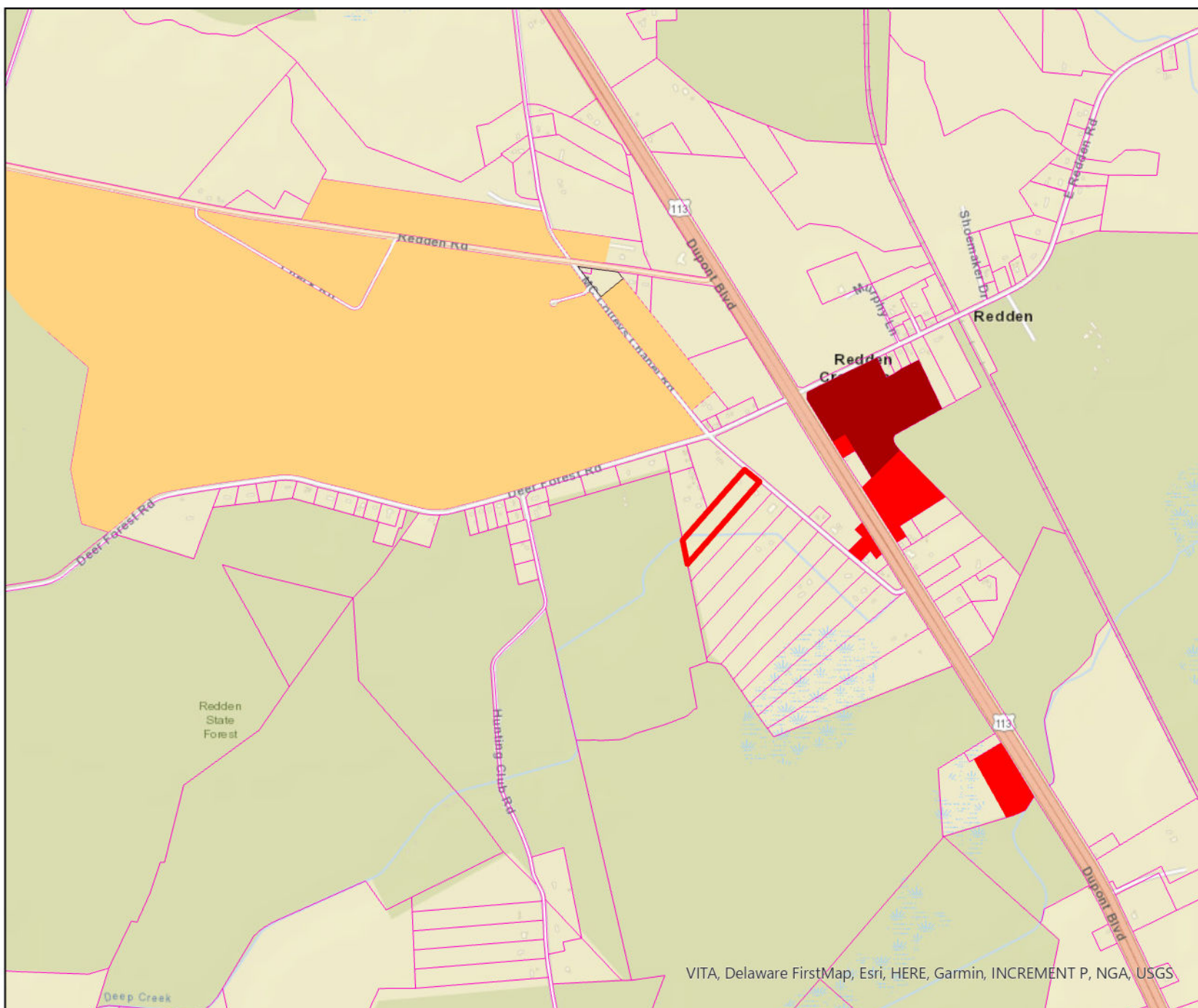
 CU 2501 Vivar
 Tax Parcels

N



0 250 500 1,000 Feet





- ### 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

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

CU 2501 Jose Luis Vivar
Zoning Map
TM# 135-5.00-100.01

CU 2501 Vivar
 Tax Parcels

N

0 0.25 0.5 1 Miles



Introduced: 10/29/24

**Council District 5: Mr. Rieley
Tax I.D. No.: 135-5.00-100.01
911 Address: 18206 McColleys Chapel Road, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS

WHEREAS, on the 11th day of December 2023, a Conditional Use application, denominated Conditional Use No. 2501 was filed on behalf of Jose Luis Vivar; 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. 2501 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. 2501 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the west side of McColleys Chapel Road (S.C.R. 213), approximately 510 feet south of Deer Forest Road (S.C.R. 565), and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher said parcel containing 5.04 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.