

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

May 13, 2025

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - April 29, 2025 & May 6, 2025

[Draft Minutes 042925](#)

[Draft Minutes 050625](#)

Reading of Correspondence

Public Comments

Presentation – Chad Robinson, Vice President of External Affairs, Food Bank of Delaware

Councilman Steve McCarron

1. Discussion related to school funding

Todd Lawson, County Administrator

1. Administrator's Report

Dwayne Kilgo, Director of Information Technology

1. Approval of Agreement to Migrate County's ERP to the Cloud



John Ashman, Director of Utility Planning & Design Review

1. **Permission to Prepare and Post Notices for Hocker Property Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area, State Planning Area Level 2)**

[Permission Prepare & Post Notices Hocker Property](#)

Hans Medlarz, Project Manager

1. **Wolfe Neck Regional WWF Electrical Service and Switchgear Replacement**

A. General Construction, Project S24-10 - Change Order 4

[Wolfe Neck GC CO](#)

2. **SCRWF Treatment Process Upgrade No. 3 - Inland Bays Extension**

A. M.F. Ronca - Change Order IB 004, 005 and 006

[SCRWF CO Nos. 004 005 006](#)

Old Business

1. [Conditional Use No. 2468 filed on behalf of Richard H. Bell, III](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS” (property is lying on the southeast side of Lewes Georgetown Highway [Rt. 9], approximately 0.23 mile southwest of Park Avenue [S.C.R. 321]) (911 Address: 22592 Lewes Georgetown Highway, Georgetown) (Tax I.D. No.: 135-15.00-79.03)

[Old Business CU2468](#)

2. [Conditional Use No. 2556 filed on behalf of William Melton](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS” (property is lying on the south side of Old Mill Road [S.C.R. 349], approximately 550 feet west of Railway Road [S.C.R. 350]) (911 Address: 36294 Old Mill Road, Ocean View) (Tax Map Parcel: 134-12.00-73.02)

[Old Business CU2556](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CZ2044 CZ2038](#)

Council Members' Comments

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

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **Millsboro Martial Arts Annexation of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area)**
[Public Hearing Millsboro Martial Arts](#)
2. **Crescent Place Annexation of the Sussex County Unified Sanitary Sewer District (Miller Creek Area)**
[Public Hearing Crescent Place](#)
3. **[Conditional Use No. 2474 filed on behalf of John Elsishans](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRE, MORE OR LESS” (property is lying the south side of Butler Boulevard approximately 200 feet east of Muddy Neck Road [S.C.R. 361]) (911 Address: N/A) (Tax Parcel No.: 134-17.00-6.02)

[Public Hearing CU2474](#)

4. **[Change of Zone No. 2017 filed on behalf of Gulfstream Glen Cove](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” (properties are lying on the north side of Burbage Road [S.C.R. 353] approximately 475 ft. west of Windmill Drive [S.C.R. 352]) (911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View) (Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00)

[Public Hearing CZ2017](#)

5. **[Conditional Use No. 2462 filed on behalf of Gulfstream Glen Cove](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” (properties are lying on the north side of Burbage Road [S.C.R. 353] approximately 475 ft. west of Windmill Drive [S.C.R. 352]) (911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View) (Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00)

[Public Hearing CU2462](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 6, 2025 at 5:30 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, APRIL 29, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 29, 2025, at 10:00 a.m., in Council Chambers, 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, Jr.	County Attorney

Call to Order	<p>The Invocation and Pledge of Allegiance were led by Mr. Hudson.</p> <p>Mr. Hudson called the meeting to order.</p>
M 173 25 Approve Agenda	<p>A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the Agenda as presented.</p> <p>Motion Adopted: 4 Yeas, 1 Absent</p> <p>Vote by Roll Call: Ms. Gruenebaum, Absent; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p>
Minutes	<p>The minutes from April 8, 2025 were approved by consensus.</p>
Corres- pondence	<p>Mr. Moore reported that a letter was received from Love, Inc. Mid Delmarva thanking Council for their support.</p>
Public Comments	<p>Public comments were heard.</p> <p>Mr. Henry Bennett spoke about development in Sussex County.</p>
M 174 25 Approve Consent Agenda	<p>A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to approve the following items under the Consent Agenda:</p> <ol style="list-style-type: none">1. Use of Existing Wastewater Infrastructure Agreement – IUA 901 Forest Landing, Ellendale Area2. Use of Existing Wastewater Infrastructure Agreement – IUA 641-1 Mayapple Farm, Bay View Estates Area3. Use of Existing Wastewater Infrastructure Agreement – IUA 1250 Vines Creek Crossing, Dagsboro/Frankford Area

Motion Adopted: 5 Yeas

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

Presentation Joshua M. Freeman Foundation Patti Grimes, Executive Director, Joshua M. Freeman Foundation provided the Council with an update on the status and impact of the arts in Sussex County. Ms. Grimes provided an overview of the foundation and plans for an expansion to their venue.

Library Board Mr. Lawson reported that an appointment is needed for District 4 for the Library Advisory Board.

M 175 25 Approve Library Advisory Board Appointment A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved that the Sussex County Council approves the appointment of Ms. Celeste McTighe to the Library Advisory Board effective immediately until June 2027.

Motion Adopted: 5 Yeas

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

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: The Estates at Bridgewater (FKA Bent Creek Estates) – Phase 1 (Construction Record) Gravity only effective April 1st; and Acadia Landing – Phase 4 (Construction Record) effective April 22nd.

2. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for March 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 188 troopers assigned to Sussex County for the month of March.

3. Sussex County Council FY 2026 Budget Workshop

On Tuesday, May 6th, the Sussex County Council will meet for

**Adminis-
trator's
Report
(continued)**

its annual budget workshop. The Fiscal Year 2026 Budget Workshop will be held at 9:30 a.m. at the Sussex County Emergency Operation Center. The next regularly scheduled Council meeting will be held on Tuesday May 13th.

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

**Countryside
Hamlet**

Mike Harmer, County Engineer, presented a recommendation to award for Countryside Hamlet and amendment 3: construction phase services for Council's consideration.

**M 176 25
Approve
Countryside
Hamlet
project**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron be it moved based upon the recommendation of the Sussex County Engineering Department, that contract S23-01 for the Countryside Hamlet sanitary sewer project, be awarded to Teal Construction, Inc. for their total bid of \$1,588,588.00, contingent upon DNREC approval.

Motion Adopted: 5 Yeas

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

**M 177 25
Approve
Amendment
No. 3/
Countryside
Hamlet
project**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron be it moved, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 3 to the 2024 Miscellaneous Engineering base agreement with Davis, Bowen & Friedel, Inc., be approved in the amount not to exceed \$266,675.00 for construction phase services associated with the Countryside Hamlet sanitary sewer project based upon DNREC approval.

Motion Adopted: 5 Yeas

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

**Flow
Metering**

Mike Harmer, County Engineer presented a recommendation to award for the flow metering & rain gauge monitoring for Council's consideration.

**M 178 25
Approve
Flow
Metering &
Rain Gauge
Monitoring**

A Motion was made by Mr. McCarron, seconded by Mr. Rieley be it moved based upon the recommendation of the consultant selection committee, that Sussex County Council approves the selection of RJN Group, Inc. to provide on-call flow metering, rain gauge monitoring and related services as needed, to negotiate a professional services agreement for a time period not to exceed three (3) years, with an annual cost not to exceed \$100,000.00.

Motion Adopted: 5 Yeas

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

Stormwater BMP Operations Mark Parker, Assistant County Engineer presented a recommendation to award for stormwater BMP operations & maintenance services for Council's consideration.

M 179 25 Approve Stormwater BMP Operations & Maintenance Services 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 contract G25-25 on-call stormwater BMP operations & maintenance be awarded to Envirotech Environmental Consulting, Inc. with a bid amount of \$174,939.00 with authorization to approve work and materials procurement based on unit prices submitted within established budgetary limitations.

Motion Adopted: 5 Yeas

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

Kings Hwy Phase 1 Award Hans Medlarz, Project Manager presented phase 1 construction award for Kings Highway from SR-1 to Freeman Highway advanced utility relocation for Council's consideration.

M 180 25 Approve Phase 1 Award/ A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved based on the recommendation of the Sussex County Engineering and Finance Departments that the County execute an agreement with Christiana Excavating, Co., in the amount of \$2,210,880.00 for the advanced relocation of County owned infrastructure in direct conflict with DelDOT's King's Highway from SR-1 to Freeman Highway Road improvement project.

Motion Adopted: 5 Yeas

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

Wolfe Neck Co No. 1 & Staging Area Hans Medlarz, Project Manager presented a standalone award for staging area pad site and denali sludge removal agreement – change order no. 1 for Wolfe Neck regional wastewater facility for Council's consideration.

M 181 25 CO No. 1/ Wolfe Neck A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 1 to the Wolfe Neck regional wastewater facility – denali sludge removal agreement be approved, in the aggregate

RWWF credit amount of \$(35,000.00).

Motion Adopted: 5 Yeas

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

**M 182 25 A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum that be it
Approve moved based upon the recommendation of the Sussex County Engineering
Pad Site/ Department, that County Council approve a purchase order to A.P. Croll in
Wolfe Neck the amount not to exceed \$482,027.50 for a permanent staging area at Wolfe
RWWF Neck.**

Motion Adopted: 5 Yeas

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

**Old Under Old Business, Jamie Whitehouse, Planning & Zoning Director
Business/ presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND
CZ2025 THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM
AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY
COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A
CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES &
REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07
ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED
AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS"
filed on behalf of Northstar Property, LLC.**

**The County Council held a Public Hearing on the application at the meeting
on March 11, 2025. At the conclusion of the Public Hearing, the record was
left open for a period of two weeks for Council to submit questions to
Delaware Department of Transportation ("DelDOT"), and then for a period
of two weeks for DelDOT to respond for the questions, followed by
an additional period of two weeks for members of the public to submit
any additional comments on the DelDOT response. The Public Record
closed on April 22, 2025, at 4:30 pm.**

**Old Under Old Business, Jamie Whitehouse, Planning & Zoning Director
Business/ presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND
CZ2026 THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM
AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR
MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE
PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING
433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS
Old SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE**

**Business/
CZ2026
(continued)**

OR LESS” filed on behalf of Northstar Property, LLC.

The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the record was left open for a period of two weeks for Council to submit questions to Delaware Department of Transportation (“DelDOT”), and then for a period of two weeks for DelDOT to respond for the questions, followed by an additional period of two weeks for members of the public to submit any additional comments on the DelDOT response. The Public Record closed on April 22, 2025, at 4:30 pm.

**Old
Business/
CU2499**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” filed on behalf of Northstar Property, LLC.

The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the record was left open for a period of two weeks for Council to submit questions to Delaware Department of Transportation (“DelDOT”), and then for a period of two weeks for DelDOT to respond for the questions, followed by an additional period of two weeks for members of the public to submit any additional comments on the DelDOT response. The Public Record closed on April 22, 2025, at 4:30 pm.

**M 183 25
Close
Record/
CZ2025 &
CZ2026 &
CU2499**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to close the record on the three applications and accept all of the documents into the record.

Motion Adopted: 5 Yeas

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

**Grant
Requests**

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

**M 184 25
Cape
Henlopen
Senior
Center**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to give \$1,500 (\$500 from Ms. Gruenebaum’s Councilmanic Grant Account, \$500 from Mr. Hudson’s Councilmanic Grant Account and \$500 from Mr. Rieley’s Councilmanic Grant Account) to Cape Henlopen Senior Center for a new center.

Motion Adopted: 5 Yeas

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

M 185 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give
Bethany \$1,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to the
Beach- Bethany Beach-Fenwick Island Chamber of Commerce for their 2025 Bay
Fenwick to Beach bike tour.
Island

Chamber of Motion Adopted: 5 Yeas
Commerce

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

M 186 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give
Nanticoke \$6,000 (\$5,000 from Mr. Hudson's Councilmanic Grant Account and \$1,000
Indian from Mr. Rieley's Councilmanic Grant Account) to the Nanticoke Indian
Association Association for their 47th annual Powwow.

Motion Adopted: 5 Yeas

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

M 187 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give
DE \$1,000 (\$1,000 from Mr. Rieley's Councilmanic Grant Account) to the
Community Delaware Community Foundation for their Georgetown/Millsboro Rotary
Foundation Club's Flags for Heroes.

Motion Adopted: 5 Yeas

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

M 188 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give
Mariners \$1,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to
Bethel Mariners Bethel Global Methodist Church for their ABC Bike Ministry
Global program.
Methodist

Church Motion Adopted: 5 Yeas

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

Proposed Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN

**Ordinance
Introduct-
ions**

ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIELD OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.80 ACRES, MORE OR LESS” filed on behalf of The Nature Conservancy.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS” filed on behalf of Zion Church Ventures, LLC.

Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE WITH OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.485 ACRES, MORE OR LESS” filed on behalf of Hudson Pond, LLC.

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

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES, MORE OR LESS” filed on behalf of Blueberry Lane, LLC (c/o Gary Derrickson).

Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.938 ACRES, MORE OR LESS” filed on behalf of Nickolaos Halkopoulos.

The Proposed Ordinances will be advertised for a Public Hearing.

**CM
Comments**

Mr. McCarron commented that the little towns are flooded with traffic in the summertime and that is something that as residents we grow accustomed to. He added that he feels that the volume of traffic is something that needs to be discussed. He added additional comments about school funding for school construction. This issue has been going on for decades, he believes that it needs to be addressed in the near future. He would like the topic to be brought up at future meeting to see if there is a consensus due to the time constraint if members of the general assembly need to be involved.

Mr. Rieley commented that there is a transportation improvement district either in place or being formed in the Milton area to address some of the traffic concerns. On the school funding, his concern is a precedent setting issue where the State would address that now the County be involved with the process of raising funds to fund schools. He added that the County has always acted as a pass through only by collecting the taxes.

Ms. Gruenebaum stated that if we are looking at a precedent setting move for the school funding, she believes that is not a reason to not move forward. She added that the objective is to secure efficient funds for our schools to be able to function well and we need to investigate and look at different methods to fund schools. She added that the road situation in the County is challenging.

Mr. Lloyd commented that all of the parcels in the County have been paying into the school system to pay both operating and capital expenditures via referendums. He added that for building new schools, some of that burden would be on the new people that are moving into the area.

Mr. Lawson stated that if the mechanism for school funding that is desired requires changes in the Delaware Code, it would have to go to the General Assembly. He added that the timeframe for that is closing soon.

**M 189 25
Go Into
Executive
Session**

At 11:14 a.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.

Motion Adopted: 5 Yeas

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

**Executive
Session**

At 11:20 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to land acquisition and pending & potential

litigation. The Executive Session ended at 12:55 p.m.

M 190 25 **At 1:05 p.m., a Motion was made by Mr. Rieley, seconded by Mr.**
Reconvene **McCarron to come out of Executive Session back into Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent

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

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

M 191 25 **At 1:06 p.m., a Motion was made by Mr. Rieley, seconded by Mr.**
Recess **McCarron to recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 5 Yeas

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

M 192 25 **At 1:30 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron**
Reconvene **to come out of recess 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

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**
CZ2019 **SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**
 DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 9.99
 ACRE PORTION OF CERTAIN PARCELS OF LAND LYING AND
 BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING
 11.00 ACRES, MORE OR LESS” (property is lying on the southwest side of
 DuPont Boulevard [Route 113], approximately 0.33 mile southeast of
 Governor Stockley Road [S.C.R. 432]) (911 Address: 26062 and 26072
 DuPont Boulevard, Georgetown) (Tax Parcels: 133-6.00-39.00, 41.00 [p/o] &
 42.00)) filed on behalf of Citation Rentals, LLC.

The Planning & Zoning Commission held a Public Hearing on the application
on February 19, 2025. At the meeting on March 5, 2025, the Planning &
Zoning Commission recommended approval of the application for the 10
reasons as outlined.

**Public
Hearing/
CZ2019
(continued)**

The Council found that Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the applicant; that this is for the land surrounding Stockley Tavern on the Western side of DuPont Blvd.; that the property is surrounded by commercial zoning up and down DuPont Blvd.; that there is approximately just under ten (10) acres of land that is being sought to be changed to C2 Zoning District to include retail sales and performance of consumer services; that all areas along both sides of DuPont Blvd are long standing commercial zoning classifications which fits right in with what is being proposed; that there are number of commercial uses in the area; that the property meets the height area and bulk requirements for a C2 Zoning classification, the zoning code requires a minimum of 15,000 square feet and this is almost ten (10) acres; that the zoning code requires a width of 75 feet of road frontage and this has hundreds of feet of frontage along around Route 113; that the required depth is 100 feet, which is again easily met by this site; that there are no wetlands located on the property; that the property is not within a flood zone as it is in the area that is shown as zone X on FEMA's flood maps; that the site has well drained soils that are suitable for on-site wastewater treatment; that the property soils that are designated as fair with respect to their potential for groundwater recharge; that the Comprehensive Plan describes zoning districts applicable to future land use categories, indicates that the C2 Medium Commercial Zoning district is one of the applicable zoning districts in the low density areas on the 2045 Future Land Use Map; that a Service Level Evaluation Request was sent to DelDOT and DelDOT asked in response that this application be considered without a traffic impact study as the determination of traffic would be made based upon a future submission with respect to a land use development plan, subdivision plan or site plan; that the Planning Commission and the staff for the Planning and Zoning Office will be checking to make sure the site plan complied with the requirements of the zoning code, parking requirements were met, the State Fire Marshals requirements were met, stormwater management requirements were met and all of the other types of review when a site plan is submitted; that at the Planning Commission meeting, there were two individuals that spoke in favor of this application; that Mr. Baxter who owns the property in the rear and the property owner across the street all expressed their support.

Public comments were heard.

Mr. Timmons spoke in favor of the application; that he owns property across the street from the property being discussed and he supports the change of zoning.

The Public Hearing and public record were closed.

**M 193 25
Adopt
Ordinance
No. 3089/
CZ2019**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 3089 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 9.99 ACRE PORTION

OF CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.00 ACRES, MORE OR LESS” for the reasons given by the Planning Commission as follows:

- 1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.**
- 2. The Applicant’s property is 11.00 acres that has frontage along Route 113 between Georgetown and Millsboro. This roadway is identified as a “Principal Arterial” by DelDOT and a “Major Arterial Roadway” by Sussex County. Other commercial zoning districts in the area include C-1, CR-1, and C-2. Nearby uses include borrow pits, granite and stone sales, equipment rental, a sign company, Peninsula Homes, and a tool supply company. The property also surrounds the Stockley Tavern, which has been in operation in one form or another for decades. This is an appropriate location for C-2 Zoning.**
- 3. Given the location of this property on Route 113 and the more appropriate designation under a commercial zoning category, it is no longer suitable for agricultural or residential uses under the existing AR-1 designation.**
- 4. C-2 Zoning at this location will benefit residents of nearby Sussex County by providing a convenient location for the uses permitted in that Zone.**
- 5. There is no evidence in the record that this rezoning will have an adverse impact on neighboring properties or area roadways.**
- 6. The site is in the “Low Density Area” according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Low-Density Area according to the Plan.**
- 7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.**
- 8. No parties appeared in opposition to the rezoning application.**
- 9. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**
- 10. For all of these reasons, the C-2 Zoning District is appropriate for this location.**

Motion Adopted: 5 Yeas

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

**M 194 25
Adjourn**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to adjourn at 1:59 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.}

SUSSEX COUNTY COUNCIL

BUDGET WORKSHOP

MAY 6, 2025

The Sussex County Council held a Budget Workshop on May 6, 2025, beginning at 9:30 a.m. at the Sussex County Public Safety Complex in Georgetown for the purpose of discussing the Proposed FY 2026 Budget.

The following were present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Matt Lloyd	Councilman
Jane Gruenebaum	Councilwoman
Steve McCarron	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
Kathy Roth	Deputy Finance Director
Andrea Wall	Accounting Manager

Mr. Lawson stated that the purpose of the Budget Workshop was to hold an open discussion among the County Council, County Administrator, and staff regarding budget matters and initiatives which will affect the FY 2026 Budget.

An overview of FY 2025 Budget accomplishments and highlights of the Proposed FY 2026 Budget were presented.

Department presentations were provided by the following departments: Public Safety, Planning & Zoning, Community Development, Constable and Engineering - Water and Sewer (Operating and Capital). Presentations were also given on Grants and Capital projects.

Public comments were heard; a member of the public commented about the draft budget.

No action was taken.

The workshop concluded at 3:58 p.m.

Respectfully submitted,

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

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Proposed Hocker Property Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area).
- The Engineering Department has received a request from Davis, Bowen & Friedel Inc., on behalf of their client Hocker Millville, LLC owner of parcels 134-12.00-170.00 & 370.02 adjacent to the existing Millville Area of the SCUSSD.
- Parcels are along Route 17 (Roxana Road) and in State Planning Level 2.
- The project received preliminary site plan approval from the Town of Millville on June 13, 2024.
- The project will be responsible for System Connection Charges in place at the time of connection.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.



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

MOTION

**BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT THE
SUSSEX COUNTY ENGINEERING DEPARTMENT IS AUTHORIZED TO
PREPARE AND POST NOTICES FOR THE HOCKER PROPERTY
EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER
DISTRICT TO INCLUDE PARCELS 134-12.00-370.00 & 370.02 AS
PRESENTED ON MAY 13, 2025.**

**JOHN J. ASHMAN
MAY 13, 2025**

FILE – NM-9.27



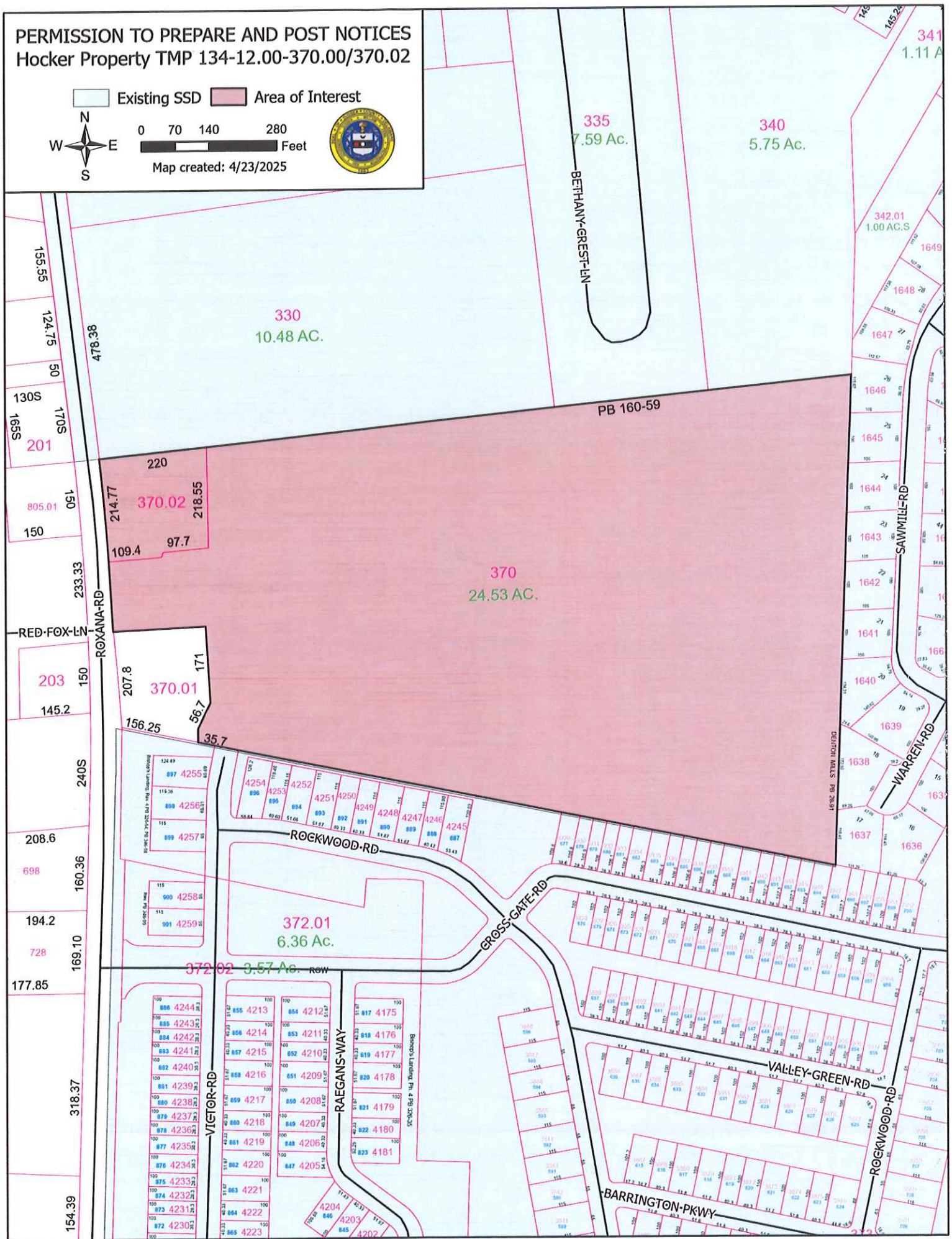
PERMISSION TO PREPARE AND POST NOTICES
Hocker Property TMP 134-12.00-370.00/370.02

 Existing SSD  Area of Interest



0 70 140 280
 Feet

Map created: 4/23/2025



PERMISSION TO PREPARE AND POST NOTICES
Hocker Property TMP 134-12.00-370.00/370.02



Area of Interest

0 200 400 800 Feet

Map created: 4/23/2025



ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mike.harmer@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable 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 Engineer

RE: **Wolfe Neck RWF Electrical Service & Switchgear Replacement
A. General Construction, Project S24-10 – Change Order No. 5**

DATE: May 13, 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" South Coastal in September of 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Wastewater Treatment Plant.

In July of 2016, County Council authorized agreement negotiations with other wastewater service providers for the utilization of existing unallocated wastewater treatment capacity. On September 20, 2016, Council approved the initial agreement with the Lewes Board of Public Works (LBPW) for wastewater treatment and disposal. It allowed for the transmission of a year-round base flow rate of up to 75,000 gallons per day into the BPW's system with a seasonal ramp up of up to 300,000 gallons per day during the fall/winter season.

As per the LBPW's request, the County utilized George, Miles & Buhr, Inc., the Board's Engineer of Record for the design of the proposed improvements. Following the design completion and permitting Council approved on August 29, 2017, LBPW's assistance request under the FY18 General Labor & Equipment Contract for a joint project.

In March of 2018, the LBPW requested an amendment to the Agreement allowing LBPW's service area tie-in(s) to the County's system and on March 20, 2018, Council approved Amendment No. 1 allowing wastewater to be transmitted and treated in the most cost-effective manner with the billing to be accomplished on a net zero metering basis.



On September 26, 2018, the County presented a request to increase the flow contributions at a Board meeting. Subsequently, the Board instructed their Counsel to draw up Amendment No. 2, which was accepted by County Council on January 8, 2018.

In 2021 both parties independently started planning for capital treatment plant improvements and expansions using GHD, Inc., the consultant already representing both entities. In addition, County Council committed substantial ARPA funding to the upgrade of wastewater treatment facilities in general and the Wolfe Neck RWF in particular. In this context, the County Engineer was authorized to initiate discussion with the Board.

The possible cooperation presented an opportunity to significantly reduce the LBPW's future long-term capital costs concerning sustainability of the wastewater treatment plant, especially compared to other potential options. Therefore, the Board held a series of workshops for public discussion and input and on March 31, 2022, decided to evaluate the following three (3) options with variations:

1. Maintain wastewater treatment facility in its current flood plain location at its current capacity while "hardening" the perimeter to deal with climate change.
2. Relocate wastewater treatment facility outside of the flood plain, increase capacity to meet ultimate demand and investigate (2a) land treatment disposal, (2b) continued Canal discharge and (2c) ocean outfall.
3. Relocate wastewater treatment facility to Wolfe Neck in a partnership with County using the same capacity assumptions while investigating (3a) continued piped Canal discharge versus (3b) biological polishing.

The 2016 Agreement established a "handshake" point splitting capital responsibility between the parties. Under options 1 & 2, all activities would occur on the Board's side of the handshake point and the County would participate on the agreed upon prorated percentage. Under option 3, most of the transmission and all the treatment plant capital upgrades would occur on the County side of said point.

On May 24, 2022, Council approved to fund 50% of the long-range study in the amount of \$124,250.00 utilizing allocated ARPA. The results of the study were presented to County Council on December 6, 2022. Since then, the LBPW held workshops on February 10th, March 22nd, April 12th, May 17th and June 14th to continue the open decision-making process.

In late June of 2023 Sussex County was informed by DNREC officials of significant findings during a Phase 1 archeological study at the Wolfe Neck RWF. These findings triggered a Phase 2 archeological study, encompassing the entire spray lease area. The impact has created uncertainty for biological polishing under option 3b as well as the proposed facility conversion from center pivot irrigation to a fixed-head irrigation in managed forests.

During the LBPW workshop on August 9th the concept of an ocean outfall from the Wolfe Neck RWF emerged as study Option 3c. Under this scenario the County would construct a new 5.25 mgd treatment facility relying mainly on the outfall and only spray irrigate at agronomically required rates using the exiting irrigation systems. With LBPW's waste load allocation in the Lewes-Rehoboth Canal no longer an asset, Option 3c would be a flow-based partnership requiring a new agreement detailing future operation and maintenance.

Any Wolfe Neck treatment expansion can only occur in the location of the primary treatment lagoon requiring even more urgent removal of the accumulated biosolids. As a precursor of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3. For the support of the biosolids removal and dewatering equipment a new electrical service and power distribution center must be designed and constructed to accommodate both the immediate power needs as well as the future plant expansion.

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

Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments of the work and Invitations to Bid were advertised in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. Five (5) contractors attended the pre-bid meeting on March 26, 2024, and on April 18, 2024, two (2) bids were received for the Electrical Construction and one (1) bid was received for the General Construction.

BW Electric, Inc.'s low bid for the Electrical Construction was within budget. However, the bid for General Construction came in well above budget. At the time of bid the County had three (3) open general construction projects with different companies. All three, Bancroft, Whayland and Ronca are capable of performing the scope but chose not to bid. Therefore, the Engineering Department recommended, and Council concurred to approach each company requesting competitive proposals for a potential change order under their respective open contract.

On April 30, 2024, Council approved award of the Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000.00, rejecting the sole General Construction bid and soliciting three proposals under an alternate delivery method.

The Whayland Company, Bancroft Construction, and M.F. Ronca were sent a request for proposals. BW Electric was later invited to bid since they were awarded the electrical portion of the project. Out of the four (4) proposals received on June 7, 2024, the lowest responsible offer was made by Bancroft Construction at \$1,376,000.00 and on June 11, 2024, Council approved issuance of Change Order No. 1 under Bancroft Construction's James Farm contract in the full amount of \$1,376,000.00 but with separate accounting and schedule of values.

The Engineering Department requested GHD to submit an amendment for construction phase engineering services for both contracts at the Wolfe Neck Facility. GHD subsequently submitted Amendment 25 in the not to exceed amount of \$736,342.23, which Council approved on June 11, 2024.

The initial design approach for the lagoon solar project anticipated a "behind the meter" component connected to the new main power distribution panel. However, in the final design both projects connect directly to the utility transformer. The lagoon solar alignment routing

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

The electrical project also included a new Process Control System Cabinet, which will initially communicate with existing SCADA and ultimately be incorporated into the new site-wide SCADA system for the expanded facility. This Cabinet was to include a County-furnished Industrial PC (IPC) to match recent projects and direction given by Environmental Services. However, Environmental Services has recently decided to phase out IPCs and instead use Operator Interface Terminals. BW Electric, Inc. priced out the work in the amount of \$6,102.82 which Council approved under Change Order No. 2 on November 19, 2024.

The exact dimensions of the solar duct bank penetrations in the building foundation issued under Change Order No.1 to BW Electric were still being finalized in the submittal process when Bancroft started on the building footers and foundation walls. GHD informed Bancroft of the delay on December 20th and the issue was resolved one month later on January 20th. GHD and the Engineering Department can support a 3-week delay encompassing twelve work days and an allowance for remobilization after subtracting weather-related delays not eligible for compensation. Subsequently, Council approved Change Order No. 3 for coordination related delays to Bancroft Construction in the amount of \$19,717.76 on February 11, 2025.

The biosolids removal and dewatering equipment was originally powered out of the new electrical building. When Council approved the switch to generator power it eliminated the temporary power requirements under the sludge removal contract and consequently removing a canopy from Bancroft's contract. In addition, we were able to value engineer the ceiling material in the electrical building for a total combined credit of -\$14,910.63.

Therefore, the Engineering Department recommends approval of Change Order No. 5 in the overall credit amount of -\$14,910.63.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **PROPOSED CAMPUS AT JAMES FARM ECOLOGICAL PRESERVE**
2. Sussex County Project No. S24-10
3. Change Order No. 5 – Wolfe Neck RWF Electrical Service & Switchgear (general construction)
4. Date Change Order Initiated - 2/6/25
5. Status **C23-21** **S24-10 (GC)**
 - a. Original Contract Sum \$ 2,090,500.00 \$ 0
 - b. Net Change by Previous Change Orders \$ 0 \$ 19,717.76
 - c. Contract Sum Prior to Change Order \$ 2,090,500.00 \$1,395,717.76
 - d. Requested Change \$ (\$2,249.28) \$ (14,910.63)
 - e. Net Change (No. of days) N/A N/A
 - f. New Contract Amount **\$ 2,088,250.72** **\$1,380,807.13**
6. Contact Person: Mike Harmer, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | 1. | Differing Site Conditions |
| <input type="checkbox"/> | 2. | Errors and Omissions in Construction Drawings and Specifications |
| <input type="checkbox"/> | 3. | Changes Instituted by Regulatory Requirements |
| <input checked="" type="checkbox"/> | 4. | Design Change |
| <input type="checkbox"/> | 5. | Overrun/Underrun in Quantity |
| <input type="checkbox"/> | 6. | Factors Affecting Time of Completion |
| <input type="checkbox"/> | 7. | Other (explain below): |

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Credit for ceiling material and for work and materials not completed on the canopy.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. Bancroft Construction, Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



PCO #001R2

Bancroft Construction
2324 W Zion Rd, Suite 108
Salisbury, Maryland 21801
Phone: (410) 844-8080

Project: CSED0003 - WNRWF Electrical Upgrades
36160 Wolfe Neck Road
Rehoboth Beach, Delaware 19971

DRAFT

Prime Contract Potential Change Order #001R2: CE #001 - Credit for Ceiling M

TO:	Sussex County Delaware 2 The Circle P.O. Box 589 Georgetown Delaware, 19947	FROM:	Bancroft Construction Company 1300 N. Grant Avenue Suite 101 Wilmington Delaware, 19806
PCO NUMBER/REVISION:	001R2 / 0	CONTRACT:	CSED0003 - WNRWF S24-10
REQUEST RECEIVED FROM:		CREATED BY:	Cheryl Fearn (Bancroft Construction Company)
STATUS:	Draft	CREATED DATE:	4/25/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
		TOTAL AMOUNT:	(\$14,910.63)

POTENTIAL CHANGE ORDER TITLE: CE #001 - Credit for Ceiling M

CHANGE REASON: No Change Reason

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*

CE #001 - Credit for Ceiling Material Change

Using an alternate material for the ceiling in the electrical building.

CE #004 - Credit for not Building Temporary Electrical Canopy

Removal of temporary electrical canopy per OAC meeting. Rebar and steel frame were already produced and on order or stored material. We will deliver steel framing to site and give to owner.

ATTACHMENTS:

[Wolfe Neck CO1 Deduct for Canopy.pdf](#) [COR#1 CREDIT ELECTRICAL CANOPY PAD-WOLFENECK.pdf](#) [CO 001.pdf](#) [PCO 24713-01 Gridstone Ceiling Changes.pdf](#)

#	Budget Code	Description	Type	Amount
1	09-260.06 Gypsum Board Assemblies.Subcontract	Ceiling Material Change Deduct	Subcontract	\$(2,515.00)
2	05-120.06 Structural Steel.Subcontract	Deduct for work not complete on canopy	Subcontract	\$(2,700.00)
3	02-110.06 Excavation, Removal and Handli.Subcontract	Deduct for work not done on canopy	Subcontract	\$(3,825.00)
4	03-300.06 Cast-in-Place Concrete.Subcontract	Deduct for work and materials not done for canopy	Subcontract	\$(5,020.00)
Subtotal:				\$(14,060.00)
OHP (5.00% Includes Cost Type (8)):				\$0.00
Insurance (1.00% Includes Cost Type (15)):				\$(140.60)
PFO (5.00% Includes Cost Type (15)):				\$(710.03)
Grand Total:				\$(14,910.63)



PCO #001R2

Sussex County Delaware
2 The Circle P.O. Box 589
Georgetown Delaware 19947

Bancroft Construction Company
1300 N. Grant Avenue Suite 101
Wilmington Delaware 19806

SIGNATURE DATE

SIGNATURE DATE

John H Sauter 4/25/2025
SIGNATURE DATE



Bancroft Construction
2324 W Zion Rd, Suite 108
Salisbury, Maryland 21801
P: (410) 844-8080

Project: CSED0003 - WNRWF Electrical Upgrades
36160 Wolfe Neck Road
Rehoboth Beach, Delaware 19971

CHANGE EVENT #001 - Credit for Ceiling Material Change

Origin:

Date Created:	9/6/2024	Created By:	John Sauter
Status:	Closed	Scope:	In Scope
Type:	Owner Change	Change Reason:	Value Engineering
Description:	Using an alternate material for the ceiling in the electrical building.		
Attachments:	PCO 24713-01 Gridstone Ceiling Changes.pdf		

CHANGE EVENT LINE ITEMS

			Revenue					Cost								
Budget Code	Vendor / Contract	UOM	QTY	Unit Cost	ROM	Prime	PCO	Latest Price	QTY	Unit Cost	ROM	RFQ	Commit.	Latest Cost	Over/ Under	Budget Mod.
09-260.06 Gypsum Board Assemblies.Subcontract	K.B. Coldiron, Inc. CSED0003-001	ls	0.0	\$0.00	(\$2,515.00)	(\$2,515.00)		(\$2,515.00)	1.0	(\$2,515.00)	(\$2,515.00)		(\$2,515.00)	(\$2,515.00)		
Description: Ceiling Material Change Deduct																
1-515.02 Project Manager.Regular Labor					\$0.00	\$0.00		\$0.00						\$0.00	\$0.00	
01-143.07 Excess General Liability Ins..Other					\$0.00	(\$25.15)		(\$25.15)						\$0.00	(\$25.15)	
90-999.10 Fee.Fee & Field Cost					\$0.00	(\$127.01)		(\$127.01)						\$0.00	(\$127.01)	
Grand Totals					(\$2,515.00)	(\$2,667.16)		(\$2,667.16)			(\$2,515.00)	\$0.00	(\$2,515.00)	(\$2,515.00)	(\$152.16)	\$0.00

K.B. COLDIRON, INC.

36546 Dupont Blvd
Selbyville, DE 19975

302-436-2611

TO: Bancroft Construction
2324 W. Zion Road, Ste 108
Salisbury, MD 21801

PCO Request

Number: 24713-01

PHONE	DATE
	9/6/2024
JOB NAME/LOCATION	
Wolfe Neck WWTF	
JOB NUMBER	CONTRACT DATE
24713	

Option #2

Gridstone Ceiling Tile in 15/16 Aluminum
Capped Grid - White

DEDUCT (\$2,515.00)

Material

Subtotal \$ -

OVERHEAD 10% \$ -
PROFIT 5%

Note: This Change Order becomes an integral part of and is in conformance with the existing contract.

ORIGINAL CONTRACT AMOUNT		\$ 71,605.00
DATE	AMOUNT THIS PCO	\$ (2,515.00)
September 6, 2024	PREVIOUS CO'S	
AUTHORIZED SIGNER (KB COLDIRON)	REVISED CONTRACT AMOUNT	\$ 69,090.00
Nancy Bolt		
ACCEPTED – The above prices and specifications of this Purchase Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as the original project contract unless otherwise stipulated.		DATE OF ACCEPTANCE
		AUTHORIZED SIGNATURE (CONTRACTOR)



Bancroft Construction
2324 W Zion Rd, Suite 108
Salisbury, Maryland 21801
P: (410) 844-8080

Project: CSED0003 - WNRWF Electrical Upgrades
36160 Wolfe Neck Road
Rehoboth Beach, Delaware 19971

CHANGE EVENT #004 - Credit for not Building Temporary Electrical Canopy

Origin:

Date Created: 12/12/2024

Created By: John Sauter

Status: Open

Scope: In Scope

Type: Owner Change

Change Reason: Construction Change

Description: Removal of temporary electrical canopy per OAC meeting. Rebar and steel frame were already produced and on order or stored material. We will deliver steel framing to site and give to owner.

Attachments: [Wolfe Neck CO1 Deduct for Canopy.pdf](#), [COR#1 CREDIT ELECTRICAL CANOPY PAD-WOLFENECK.pdf](#), [CO 001.pdf](#)

CHANGE EVENT LINE ITEMS

			Revenue						Cost							
Budget Code	Vendor / Contract	UOM	QTY	Unit Cost	ROM	Prime	PCO	Latest Price	QTY	Unit Cost	ROM	RFQ	Commit.	Latest Cost	Over/ Under	Budget Mod.
05-120.06 Structural Steel.Subcontract	First State Fabrication CSED0003-008	ls	0.0	\$0.00	\$0.00		\$0.00	\$0.00	1.0	(\$2,700.00)	(\$2,700.00)			(\$2,700.00)	\$2,700.00	
Description: Deduct for work not complete on canopy																
02-110.06 Excavation, Removal and Handli.Subcontract	Thompson & Sons ContractingInc CSED0003-002	ls	0.0	\$0.00	\$0.00		\$0.00	\$0.00	1.0	(\$3,825.00)	(\$3,825.00)			(\$3,825.00)	\$3,825.00	
Description: Deduct for work not done on canopy																
03-300.06 Cast-in-Place Concrete.Subcontract	Harkins Concrete Const Inc CSED0003-009	ls	0.0	\$0.00	\$0.00		\$0.00	\$0.00	1.0	(\$5,020.00)	(\$5,020.00)			(\$5,020.00)	\$5,020.00	
Description: Deduct for work and materials not done for canopy																
Grand Totals			\$0.00			\$0.00	\$0.00	(\$11,545.00)			\$0.00	\$0.00	(\$11,545.00)	\$11,545.00	\$0.00	



First State Fabrication, LLC

26546 Seaford Road
Seaford DE 19973

Mail: PO Box 763
Laurel DE 19956

302-875-2417 302-875-8012 (Fax)

Change Order # 001

Date: 11/19/2024

Customer		Project	
Contact:	Bancroft Construction	Job Name:	CSED0003 - WNRWF Electrical Upgrades Rehoboth
Name:	John Sauter	Contract No.	CSED0003
Address:	2324 W Zion Road, Suite 108		
City/St/Zip	Salisbury, MD 21801		
Phone:			
Cell:			

We, First State Fabrication agree to make the following changes as specified below:

Credit for electric canopy

Changes This Change Order	(\$2,700.00)
Original Contract Including Previous Change Orders	\$95,494.00
Revised Contract Amount	\$92,794.00

* With the submission of this Change Order, First State Fabrication requests _____ days extension to the project completion date. No work shall commence on the work covered by this Change Order until it is received by First State Fabrication, LLC properly executed by the customer.

Customer Acceptance:

The price and conditions for this Change order are satisfactory and are hereby accepted. First State Fabrication LLC shall not be responsible for redesigning nor upgrading any existing work that may be affected by this change. This Change Order, upon its execution shall become part of and conform to the terms and conditions of the existing contract as identified above.

I, _____ am authorized to accept and sign this Change Order because I
(Print Name Above) _____ am the customer named above or acting as their agent.

Signed: _____ Title: _____

Date: _____

Thompson & Sons Contracting Inc.
300 Torbert RD
Milford, DE 19963

CHANGE ORDER DETAIL FORM

(Provided by contractor, subcontractor or sub tier contractor)

DATE SUBMITTED: 11/22/2024
CONTRACT: Wolfe Neck Regional Wastewater Facility
CONTRACTOR: Thompson & Sons Contracting Inc.
PROJECT NAME: Wolfe Neck Regional Wastewater Facility/Bancroft Construction
CHANGE ORDER REQUEST: 1 CREDIT- Electrical Canopy Pad

LABOR SECTION			
TRADESMAN(s):	LABOR HOURS	RATE (per schedule)	SUBTOTAL
LABOR-Thompson & Sons Contracting Inc.	64hrs	\$45.00	\$2,880.00
Subtotal			\$2,880.00

MATERIAL SECTION			
MATERIAL:	QUANTITY	UNIT COST	SUBTOTAL
Subtotal			

EQUIPMENT SECTION			
EQUIPMENT:	QUANTITY	UNIT COST	SUBTOTAL
Equipment			\$945.00
Subtotal			\$945.00

NOTE:

Questions Please reach out to Pierce Thompson
302-270-3014.

SUBTOTAL	\$3,825.00
SUBCONTRACTOR/ SUB TIER*	
15% OH & PROFIT	
10 % OH & PROFIT	
7% SubContractor OH&Profit	
GRAND TOTAL	\$3,825.00

Harkins Concrete Construction, Inc.

Wolfe Neck RWF

Change Order Deduct for Canopy

11/12/2024

DESCRIPTION	PRICE
Canopy no longer part of scope. Steel still ordered and will be on site.	-\$5,020.00
SUBTOTAL CHANGE ORDER	-\$5,020.00



PCO #PCO R1

Sussex County Delaware
2 The Circle P.O. Box 589
Georgetown Delaware 19947

Bancroft Construction Company
1300 N. Grant Avenue Suite 101
Wilmington Delaware 19806

SIGNATURE DATE

SIGNATURE DATE

SIGNATURE DATE

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mike.harmer@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable 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: Hans Medlarz, P.E., Project Manager

RE: ***South Coastal WRF Treatment Process Upgrade No.3 – Inland Bays Extension***
A. M.F. Ronca – Change Order IB-004, -005 and -006

DATE: May 13, 2025

The South Coastal WRF Treatment Process Upgrade No.3 was designed and bid in conjunction with the Rehoboth Beach WTP Capital Improvement Program, Phase 2.

The **General Construction Project C19-11** was awarded on December 17, 2019, to M.F. Ronca & Sons, Inc. Since then, County Council authorized a series of change orders, granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on December 10, 2024 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing change orders 36.1 & 36.2.

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 working 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.

On July 16, 2024, County Council had reaffirmed GHD, Inc. as "Engineer of Record" for the County's wastewater treatment process related projects at all facilities through June 30, 2029



Therefore, 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. GHD's 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 also 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.

The first scope item of the Inland Bay RWF Phase 2 project ready for two-stage pricing was the clarifier component under RFP-IB-001&002. The IB-001 included the costs associated with procuring the precast concrete and the equipment, the IB-002 consisted of the full assembly and tie-in of the two (2) new clarifiers and scum pump station. With no funds yet expended under Change Order No. 35 for the Inland Bays existing clarifier refurbishment these costs were incorporated into Change Order IB-001 and approved by Council on December 10, 2024, in the amount of \$3,471,541.57.

M.F. Ronca & Sons, Inc. submitted pricing for the second stage of the clarifier construction comprised of the distribution boxes, scum pump station, yard piping and equipment installations in the amount of \$2,023,505.90.

Ronca also priced the mobilization to the site per RFP-IB-003 in an upfront amount for the one-time expenses of \$208,250.00 and a monthly component covering ongoing overhead expenses in the amount of \$116,000.00 starting with the first construction invoicing. Normally the overhead expenses are included in the mark-up time and material work on a task basis but due to the project complexity and accelerated implementation approach in this particular case the Engineering Department prefers continuity of Ronca's staff on site instead of a fixed percentage mark-up.

Therefore, Council approved M.F. Ronca & Sons, Inc.'s Change Order No. IB-002 in the amount of \$2,023,505.90 and Change Order No. IB-003 in the upfront amount of \$208,250.00 and the monthly amount of \$116,000.00 starting with the first invoice for actual physical work completed onsite.

Since then, GHD issued RFPs IB-004 covering the integrated headworks and influent distribution structure, IB-005 for the conversion of lagoons 3 & 4 to aeration basins utilizing the equipment package furnished by Bioworks under a direct procurement contract approved by County Council on March 25, 2025 and IB-006 for the associated yard piping.

M.F. Ronca & Sons, Inc. submitted pricing of \$1,405,000.00, \$1,448,000.00 & \$1,637,000.00 respectively. GHD and the County Engineering Department reviewed the pricing and scope and found them competitive and complete. Therefore, the Engineering Department recommends issuance of Change Order IB-004 in the amount of \$1,405,000.00, Change


Order IB-005 in the amount of \$1,448,000.00 and Change Order IB-006 in the amount of \$1,637,000.00 to M.F. Ronca & Sons.

Electrical Construction Project C19-17 was awarded December 17, 2019, to BW Electric Inc. Since then, County Council authorized a series of change orders, granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on March 21, 2025 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing Change Order No. 29.

BW Electric, Inc. offered pricing for mobilization to the Inland Bays site per RFP-IB-003 in an upfront amount for the one-time expenses of \$57,417.94 and a monthly component covering ongoing overhead expenses in the amount of \$3,421.40 starting immediately. BW Electric, Inc., has a much smaller on-site overhead team and therefore chose to include its cost in the fixed percentage markup on a task-by-task basis.

On January 28, 2025, Council approved BW Electric, Inc.'s Change Order No. IB-003 in the upfront amount of \$57,417.94 and the monthly amount of \$3,421.40 starting with the February 2025 invoice.

Request for Proposal

Project	Sussex County-IBRWF Expansion		
Owner	Sussex County		
Contract No.	C19-11: General Construction	GHD Project no.	12645844
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	IB-004-GC		
RFP Subject	Headworks & Distribution Structure		
Issued By	S. Clark 	Date	March 5, 2025

Description of Proposed Changes

General Construction of the new Headworks & Distribution Structure as shown in the enclosed drawings. Note that construction can take place concurrently with the regrading and lining of the adjacent lagoon to create Aeration Lagoon Nos. 3-4. Contractor can assume that the adjacent lagoon will not be holding water. This proposal should include:

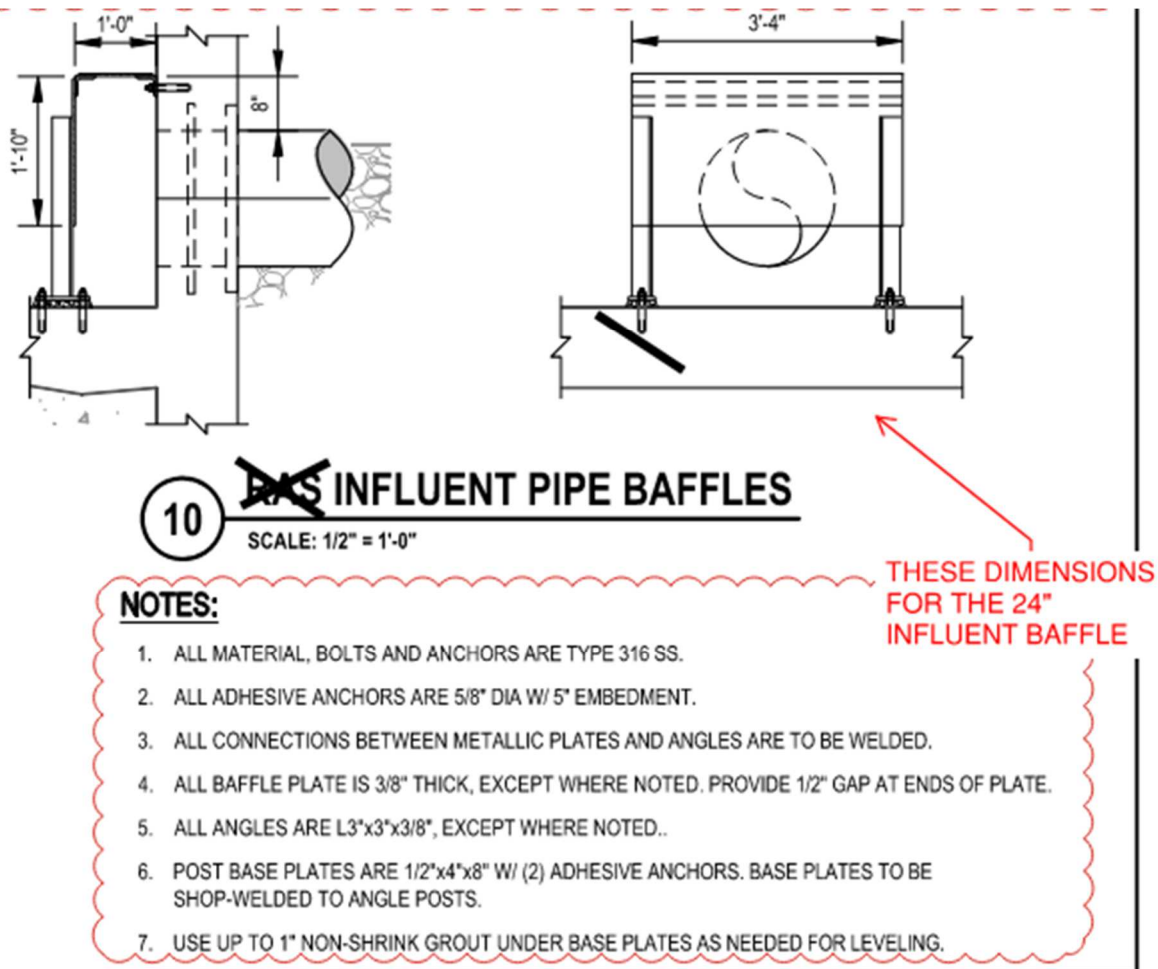
1. Excavation and subgrade preparation.
2. Cast-in-place concrete construction as shown on the enclosed drawings and in accordance with the applicable details and specifications from the South Coastal RWF Treatment Upgrade No. 3 Contract Documents.
3. Stairs, landings, guardrail, handrail, grating and associated support systems as shown on the enclosed drawings and in accordance with the applicable details and specifications from the South Coastal RWF Treatment Upgrade No. 3 Contract Documents.
4. Relocate the two existing mechanical screens from the existing headworks to the locations shown. Verify channel geometry, recess dimensions (if present) prior to construction and coordinate concrete construction and metals fabrication to suit.
5. Provide a new hand cleaned bar screen generally in accordance with the details on Drawing SC-M0106 but to suit the new screen channels. Perforated plate shall be positioned 12" below top of wall.
6. Provide six slide gates in the screen channels in accordance with Section 11291 and as follows:
 - a. Equipment Schedule (Section 11291 and the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: To be advised
 - ii. Location: Headworks & Distribution Structure: Screening Channels
 - iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type A
 - vi. Head (ft to gate invert) – Seating: Base on water surface at top of gate.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface at top of gate.
 - viii. Actuator/Use: Electric Actuator (Open-Close)

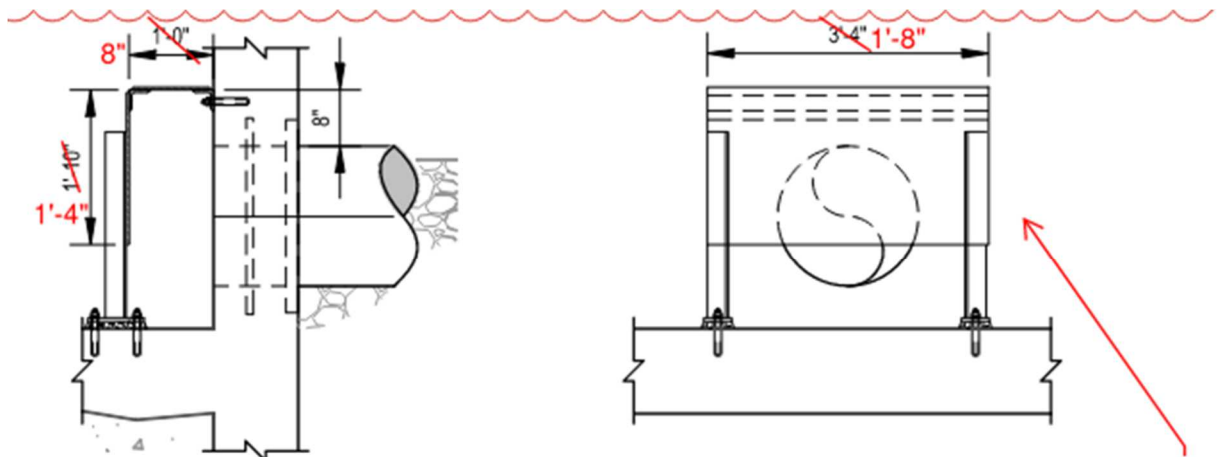
- ix. Actuator Mounting: Yoke-mounted
 - x. Additional Notes: N/A
 - b. Dimensional Information:
 - i. See drawings for channel dimensions
 - ii. Bottom of gate fully raised elevation: EL 44.00
 - iii. Top of gate fully lowered elevation: EL 44.00
 - c. Actuator manufacturer: Auma
7. Provide eight slide gates in the distribution channels in accordance with Section 11291 and as follows:
- a. Equipment Schedule (Section 11291 and the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: To be advised
 - ii. Location: Headworks & Distribution Structure: Distribution Channels
 - iii. Type: Downward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type D
 - vi. Head (ft to gate invert) – Seating: Base on water surface at top of gate.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface at top of gate.
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on concrete surface (verify coordination with concrete platform extents)
 - x. Additional Notes: N/A
 - b. Dimensional Information:
 - i. See drawings for opening dimensions
 - ii. Top of gate fully raised elevation: EL 43.50
 - iii. Top of gate fully lowered elevation: EL 40.50
 - c. Actuator manufacturer: Auma
8. Provide one 316 SS stop plate between the bypass rack and the upstream slide gate. Stop plate shall have embedded frames and a top of plate elevation of EL 43.00 (i.e. 18" below top of wall). Note that this stop plate is not currently shown on the Drawings. Final locations of bypass rack and stop plate will be verified at a later date.
9. Provide wall pipes as follows in accordance with the applicable details and specifications from the South Coastal RWF Treatment Upgrade No. 3 Contract Documents. Include additional reinforcement steel at each opening in accordance with Detail 4.C on Drawing SC-S0002. Note that connected piping will be included in separate RFPs unless specifically identified herein:
- a. Influent Wall Pipes (one): 24" diameter, FLxPE
 - b. RAS Wall Pipes (two): 12" diameter, FLxPE
 - c. MLSS Wall Pipes (four): 24" diameter, FLxPE
 - d. MLSS Wall Pipes (two) 24" diameter, FLxFL
 - e. Drain Wall Pipes – not shown on enclosed drawings (two): 4" diameter, FLxPE
 - f. Plant Recycle Wall Pipe (one): 8" diameter, FLxPE
10. Provide pipe, valves and fittings in accordance with the applicable details and specifications from the South Coastal RWF Treatment Upgrade No. 3 Contract Documents including the following. All other connected piping will be included in a separate RFP:
- a. Two sections of 24" RAS piping to connect the interior MLSS chambers with the exterior wall pipes. Anticipated that at each location, Contractor will provide two short sections of FLxPE pipe with a sleeve or coupling to close. This piping will be encased by fill concrete.

- b. Two sections 4" Drain piping (not shown) to allow pump out of the sumps either side of the screening channels. Each piping assembly would be 4" diameter and include two 90 bends, one gate valve, one quick disconnect fitting and the necessary flanged piping to place the connection point with a centerline elevation of EL 31.00. The wall pipes will be at a centerline elevation of EL 34.50.
11. Provide baffles adjacent to the 24" influent pipe and the two 12" RAS pipes in accordance with the details included below.

GHD will provide the following information when it becomes available:

1. Control points: Note that the enclosed site plan provides an approximate location for the new structure.
2. Structure specific geotechnical report: Contractor will be able to provide updated pricing if geotechnical recommendations result in any additional work.





10

RAS INFLUENT PIPE BAFFLES

SCALE: 1/2" = 1'-0"

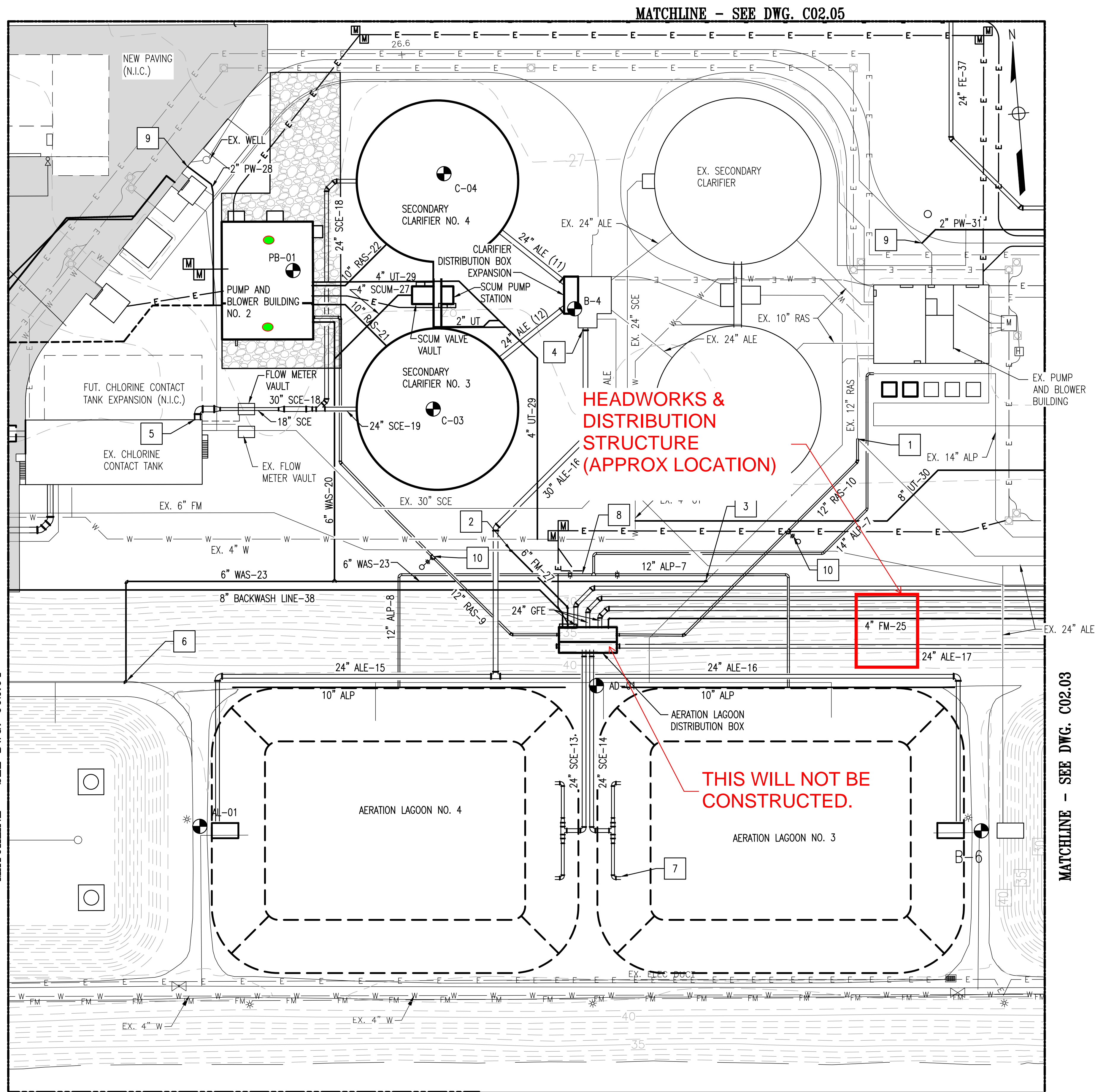
THESE DIMENSIONS
FOR THE 12" RAS
BAFFLES

NOTES:

1. ALL MATERIAL, BOLTS AND ANCHORS ARE TYPE 316 SS.
2. ALL ADHESIVE ANCHORS ARE 5/8" DIA W/ 5" EMBEDMENT.
3. ALL CONNECTIONS BETWEEN METALLIC PLATES AND ANGLES ARE TO BE WELDED.
4. ALL BAFFLE PLATE IS 3/8" THICK, EXCEPT WHERE NOTED. PROVIDE 1/2" GAP AT ENDS OF PLATE.
5. ALL ANGLES ARE L3"x3"x3/8", EXCEPT WHERE NOTED..
6. POST BASE PLATES ARE 1/2"x4"x8" W/ (2) ADHESIVE ANCHORS. BASE PLATES TO BE SHOP-WELDED TO ANGLE POSTS.
7. USE UP TO 1" NON-SHRINK GROUT UNDER BASE PLATES AS NEEDED FOR LEVELING.

N:\14256-026\CAD\14256026C02-01.dwg

MATCHLINE - SEE DWG. C02.04



1 SITE AND UTILITY PLAN
C02.02 SCALE: 1" = 30'

MATCHLINE - SEE DWG. C02.05

X CONSTRUCTION NOTES

1. REMOVED EXISTING 45" HB AND CONNECT TO EXISTING 12" RAS LINE.
2. CONNECT TO EXISTING 6" FM WITH 45" HB.
3. CONNECT TO EXISTING 6" WAS WITH 45" HB.
4. REMOVE EXISTING CAP AND CONNECT TO CLARIFIER DISTRIBUTION BOX WALL CASTING.
5. CORE INTO EXISTING CHLORINE CONTACT TANK.
6. CONNECT TO EXISTING 6" WAS LINE WITH 90" HB.
7. SEE DETAIL C05.01-G AND C05.01-H FOR LAGOON LINER PENETRATION (TYP.).
8. REFER TO DWG. M04.02 FOR ABOVE GRADE PROCESS AIR FLOW METER AND VALVE ARRANGEMENT.
9. CONNECT TO EXISTING WATER LINE.
10. PROVIDE QUICK CONNECT FOR FLOW DIVERSION ASSEMBLY. SEE DETAIL C05.02-D.

PIPELINE	PROFILE
24" GFE-4	C04.01-4
24" GFE-5	C04.02-5
24" GFE-6	C04.02-6
14"/12" ALP-7	C04.03-7
12" ALP-8	C04.03-8
12" RAS-9	C04.03-9
12" RAS-10	C04.04-10
24" ALE-11	C04.04-11
24" SCE-12	C04.04-12
24" SCE-13	C04.04-13
24" SCE-14	C04.04-14
24" ALE-15	C04.05-15
24"/30" ALE-16	C04.05-16
24" ALE-17	C04.06-17
24"/30" SCE-18	C04.06-18
24" SCE-19	C04.06-19
6" WAS-20	C04.06-20
10" RAS-21	C04.07-21
10" RAS-22	C04.07-22
6" WAS-23	C04.07-23
4" FM-25	C04.08-25
6" FM-26	C04.09-26
4" SCUM-27	C04.09-27
4" UT-29	C04.09-29
8" UT-30	C04.10-30
2" PW-31	C04.10-31
36" CE-35	C04.11-35
24" FE-37	C04.12-37
8" BACKWASH-38	C04.13-38

REVISIONS

CLIENT INFORMATION
SUSSEX COUNTY, DE
ENGINEERING
DEPARTMENT

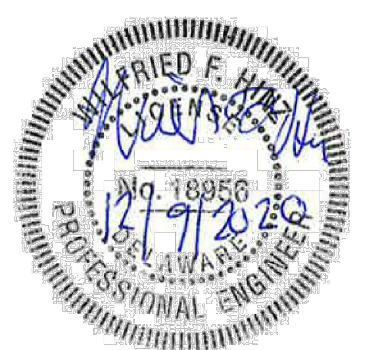
INLAND BAYS RWF
PHASE #2 EXPANSION:
CONTRACT S19-10

KEY PLAN

GRAPHIC SCALES

0 15' 30' 60'
SCALE: 1" = 30'

SIGNATURE



Whitman, Requardt & Associates, LLP
801 South Caroline Street, Baltimore, Maryland 21231

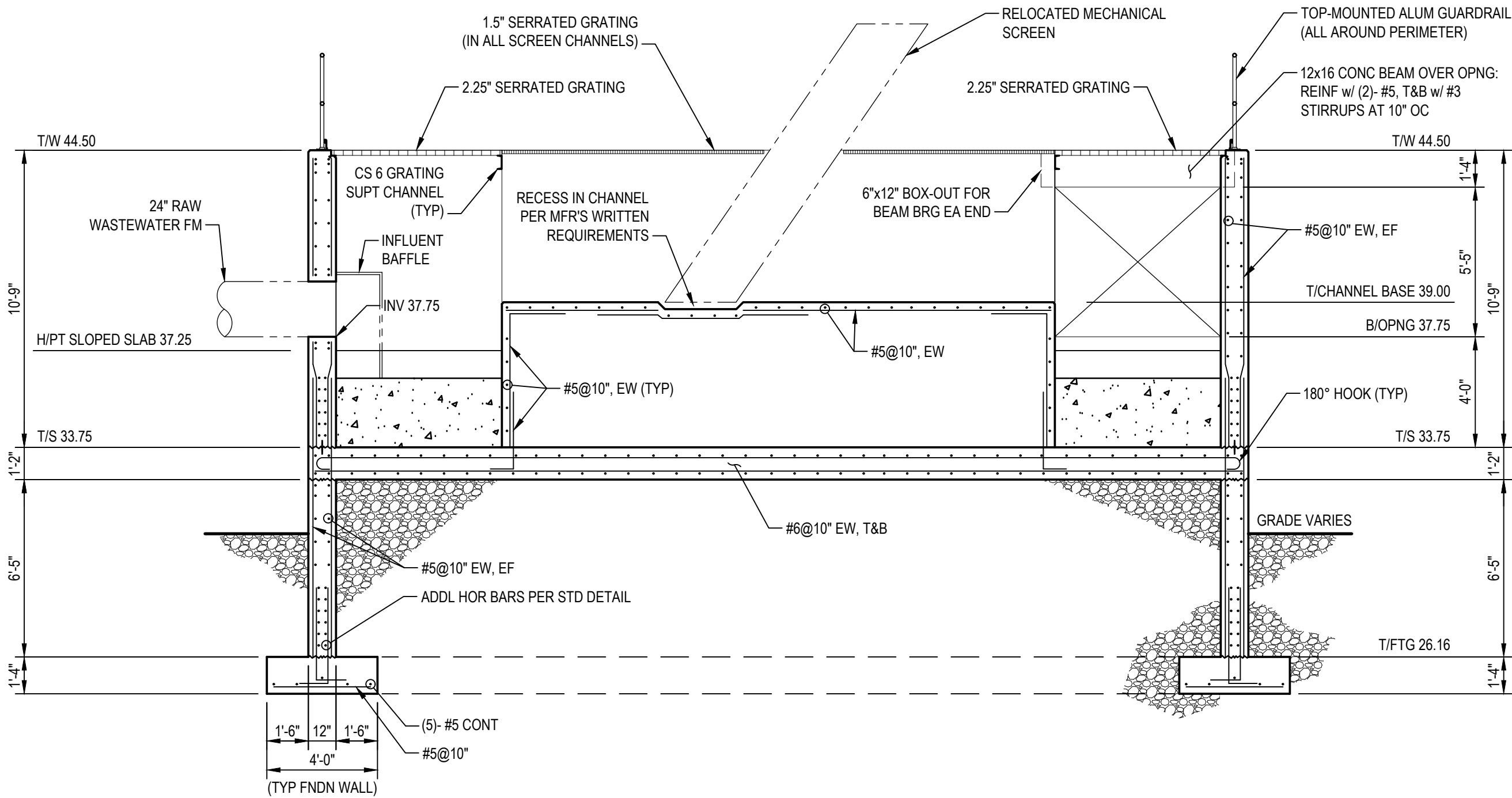
SITE AND UTILITY PLAN

DRAWING NO.

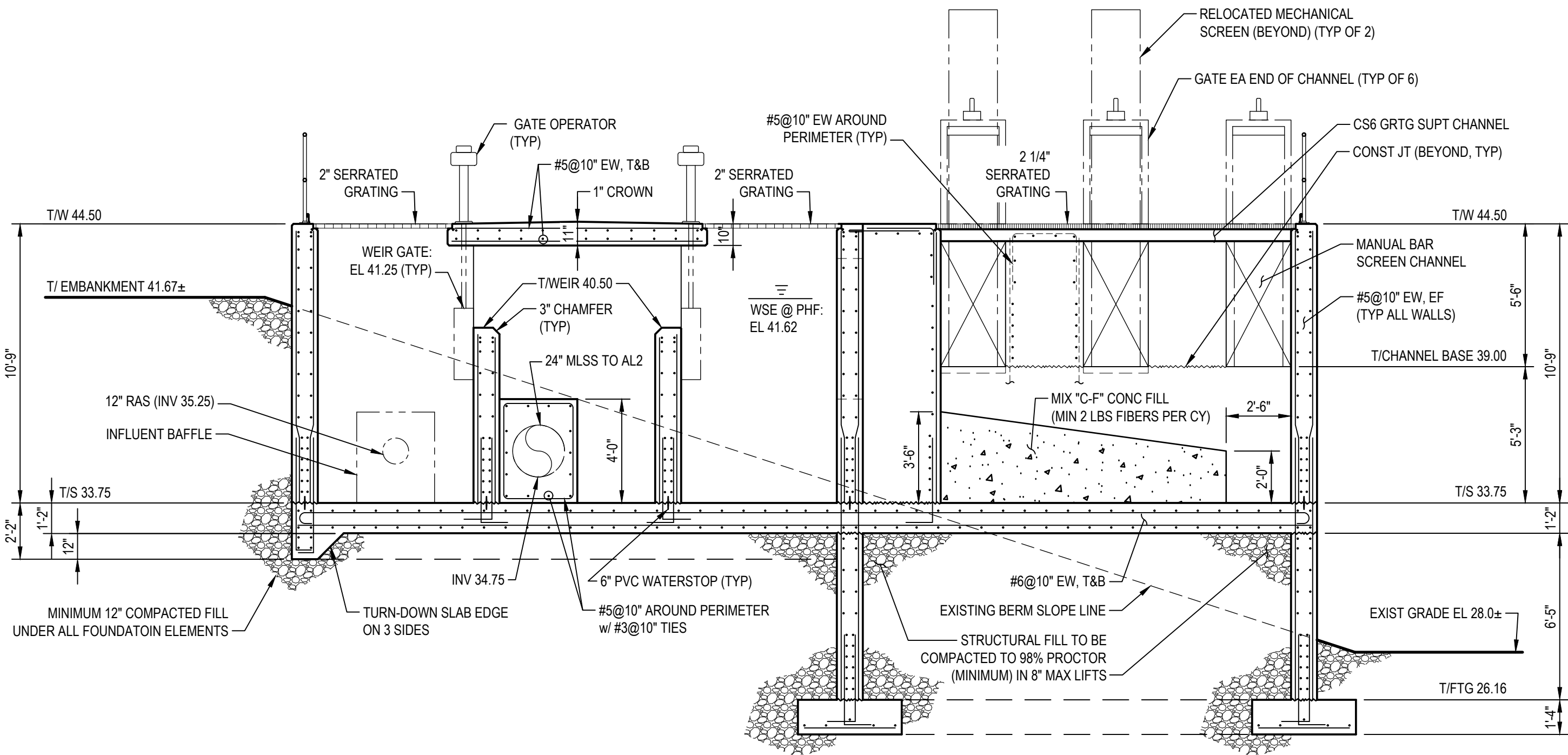
C02.02

SCALE: AS SHOWN

DATE: OCT. 2020 SHEET 13 OF 222
DES: FJB DRAWN: JAM CHECK: WPH



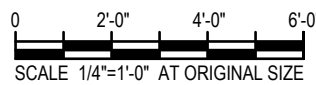
SECTION
A
S-1101
SCALE: 1/4"=1'-0"



SECTION
B
S-1101
SCALE: 1/4"=1'-0"

**PRELIMINARY -
NOT FOR CONSTRUCTION**

####	####	####
####	####	####
####	####	####
####	####	####
####	####	####
####	####	####
No.	Issue	
Author	S. ANDERSON	Drafting Check T. BIAGIOLI
Designer	S. ANDERSON	Design Check S. CLARK
		Project Manager S. CLARK
		Project Director



Bar is one inch on
original size sheet
0 1"



GHD Inc.
16701 Melford Boulevard, Suite 221
Bowie MD 20715 USA
T 1 240 206 6810 F 1 240 206 6811 W www.ghd.com



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Client **SUSSEX COUNTY, DELAWARE**
Project **INLAND BAYS RWF EXPANSION**

Project No.
12645844

Date
01/2025

Title **HEADWORKS &
DISTRIBUTION STRUCTURE**
SECTIONS

Sheet No.
S-1102

Size
ANSI D

Sheet
of



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

April 25, 2025

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-004
Headworks & Distr. Structure

Dear Mr. Clark:

Pursuant to GHD's RFP-IB-004-GC, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials and equipment for construction of Headworks and Distribution Structure as identified in the RFP, for the Lump Sum Price of One Million Four Hundred Five Thousand Dollars and 00 Cents.....\$1,405,000.00

This proposal is based on all information identified in GHD's RFP IB-004-GC, dated March 5, 2025, Marked Up WRA PH 2 Expansion Drawings C02.02, GHD Drawings S-1101 & S-1102 and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below.

Scope of Work:

- Headworks & Distribution Structure
 - Excavation, dewatering, subgrade preparation, backfill and site restoration.
 - Cast-In-Place Concrete construction in accordance with provided drawings and applicable details and specifications from SCRWF Upgrade No. 3.
 - Stairs, landings, guardrail, handrail, grating and support systems in accordance with provided drawings and applicable details and specifications from SCRWF Upgrade No. 3.
 - Relocate the two existing mechanical screens from the existing headworks to the locations shown including structure coordination to accommodate the relocated screens.
 - New bar screen in general accordance with details on Dwg. SC-M0106 built to suit new structure channels.
 - Placement of fill concrete.
 - Furnish and installation of 6 EA EMO Slide Gates in Screen Channels and 8 EA EMO Slide Gates in Distribution Structure Channels in Accordance with SCRWF Spec 11291 and to the details provided in the RFP.
 - Furnish and installation of 1 EA 316 SS Stop Plate w/embedded frames between bypass rack and upstream slide gate in final location TBD.

April 25, 2025
Mr. Steven Clark, PE
Page Two

- Headworks & Distribution Structure (cont.)
 - Furnish and installation of walls pipes, flange piping, fittings & connection hardware as outlined in the RFP.
 - Furnish and installation of influent pipe baffles at 24" Influent and at the 2 EA 12" RAS Influent locations in accordance with the details provided in the RFP.

Listing of Qualifications/Exclusions:

- Electric for dewatering pumps is specifically excluded. BW Electric to supply power conduit and wiring for our dewatering pumps (Based on correspondence with BW).
- Power and water consumption costs for construction activities is specifically excluded.
- Offsite disposal of excess excavated materials is specifically excluded.
- Proposal includes bond costs for work identified in this proposal.
- Permit fees are specifically excluded.
- Rock removal is specifically excluded, however, not anticipated based on the Geotechnical Report.
- Prevailing wage rates are excluded.
- Domestic steel requirements are specifically excluded.
- Construction testing for compaction, concrete, reinforcing steel, structural steel, etc. is assumed to be by Owner and is specifically excluded.

Thank you for the opportunity to provide this proposal, should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.


Regards,

Scott Wachinski

Project Manager

cc: HO File 554-01
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca

Request for Proposal

Project	Sussex County-IBRWF Expansion		
Owner	Sussex County		
Contract No.	C19-11: General Construction	GHD Project no.	12645844
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	IB-005-GC		
RFP Subject	Aeration Lagoon Nos. 3-4		
Issued By	S. Clark		Date 3/18/2025

Description of Proposed Changes

General Construction of the Aeration Lagoon Nos. 3-4 modifications generally arranged as shown in the WRA Expansion drawings (Drawing Nos. M04.01 and M04.02), and including:

1. Remove sludge and water from the existing lagoon and discharge to the adjacent sludge lagoon. Contractor may propose an initial budget for water and sludge removal based on initial site observations and discussions with plant staff and then adjust via CO once mobilized and having had opportunity for a detailed assessment of conditions and strategy.
2. Demolish the existing liner and complete any other preparations necessary for the work described herein.
3. Regrade the existing embankments, construct a new embankment, and add fill to the existing lagoon including:
 - a. Maintaining the existing top of slope location, increase the interior side slope of the existing lagoon from the existing 3H:1V interior side slope to a 2H:1V interior side slope.
 - b. Construct a new embankment to divide the existing lagoon into two new lagoons. The new embankment will have side slopes of 2H:1V.
 - c. Fill the bottom of the two lagoons from the existing bottom elevation of approximately EL 24.00 to achieve a finished floor elevation of EL 27.70, and a finished lagoon depth of 12'.
 - d. Construction, fill material and compaction requirements shall be in accordance with the applicable specifications from the South Coastal RWF Treatment Upgrade No. 3 Contract Documents.
4. Line the two new lagoons with Smooth HDPE Geomembrane (Section 02270) and Geocomposite (Section 02431) noting:
 - a. Liner termination at top of slope shall be in accordance with Detail 3 on Drawing SC-C2002.
 - b. Include vent flaps at top of slope of each lagoon with intervals no greater than 50' in accordance with Detail 2 on Drawing SC-C2002.
 - c. Terminate liner at pipe penetrations in accordance with Details 1 and 4 on Drawing SC-C2002. Note there are two influent pipe penetrations at each lagoon.
 - d. Terminate liner at the precast effluent vaults similar to Detail 6 on Drawing SC-C2002. Modify detail to suit vertical surface.

5. Provide a total of 52 anchor posts, or 13 each side of each of the two new lagoons. Anchor posts will be in accordance with the detail included herein.
6. Installation, testing and startup coordination of the equipment package being furnished by Bioworks for the two new lagoons. Note that Sussex County will enter into a direct procurement contract with Bioworks for the supply of equipment. Details are attached for reference.

General Construction of the Aeration Lagoon Nos. 3-4 effluent structures including the following. The effluent structures shall be arranged generally as shown in the WRA Expansion drawings (Drawing Nos. M04.01 and M04.03), and as clarified and modified herein.

1. The effluent structures shall be precast concrete construction in accordance with Section 03481 and as follows:
 - a. Plan area shall be 6'-0" by 12'-0" (internal dimensions). Top of base slab shall be EL 31.00 and top of wall shall be EL 42.20.
 - b. Include pipe penetrations for one 24" DIP lagoon effluent pipe from each structure. Wall penetration shall be in accordance with Detail 5 on SC-M6004, but with two modular mechanical seals. Lagoon effluent pipe shall penetrate structure with CL EL 33.00.
 - c. Include three 2'-0" high by 3'-0" wide openings as shown in each structure with bottom of opening elevation of EL 38.75 for each opening.
2. In lieu of removable grating, provide a concrete top slab with a 3'-0" by 2'-6" aluminum hatch, ladder and ladder up to match similar arrangements provided for the South Coastal RWF Treatment Upgrade No. 3 project and in accordance with those Contract Document. Note that slide gates will be located on the outside faces of the precast structures.
3. Provide aluminum guardrail on three sides of each structure. Guardrail shall be in accordance with Section 05520 and the details on Drawing SC-A6006.
4. Provide concrete fill to minimize solids accumulation in the structure. Low point shall be at the effluent pipe invert. High point shall be 12" above this invert elevation.
5. Provide six slide gates in accordance with Section 11291 and as follows:
 - a. Equipment Schedule (Section 11291 and the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: To be advised
 - ii. Location: Lagoon Effluent Structure Nos. 3-4
 - iii. Type: Downward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type D
 - vi. Head (ft to gate invert) – Seating: Base on water surface up to 12" above top of gate.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface up to 12" above top of gate.
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on support brackets
 - x. Additional Notes: N/A
 - b. Dimensional Information:
 - i. Opening width: 3'-0"
 - ii. Bottom of opening elevation: EL 38.75 +/-
 - iii. Opening height: 2'-0"
 - iv. Operating floor elevation: EL 42.20
 - v. Top of gate fully raised elevation: EL 39.80 +/-
 - vi. Top of gate fully lowered elevation: EL 38.75 +/-

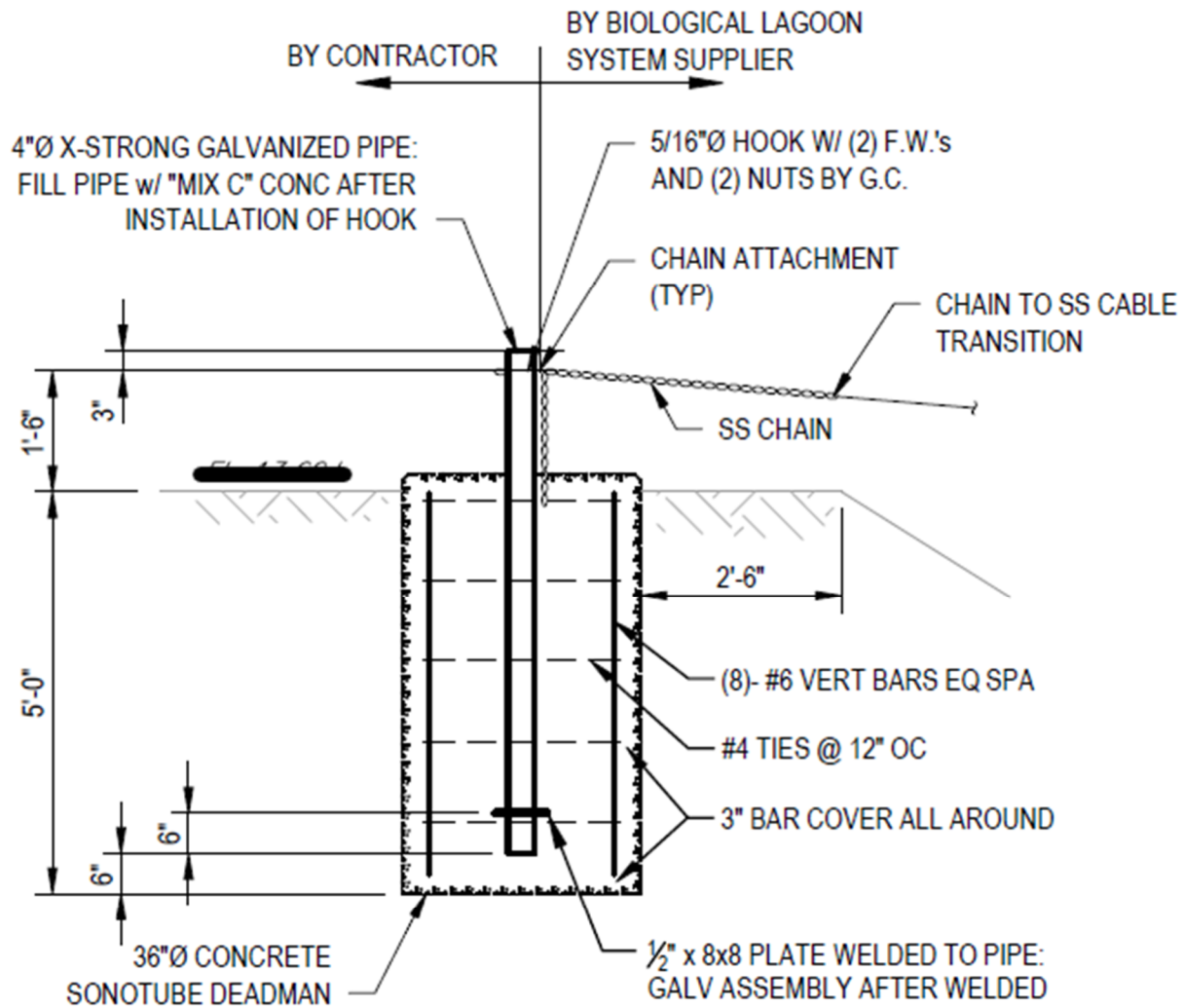
- c. Actuator manufacturer: Auma
- 6. It is noted that the WRA Expansion drawings show fixed weir plates on the outside faces of the effluent structure openings. These are not required and shall be omitted. Slide gates shall be installed on the outside faces of the precast structures.

Exclusions (the following will be included in separate RFPs):

- Yard piping and lagoon influent piping
- Modifications to Aeration Lagoon Nos. 1-2

Enclosures:

- Anchor post detail
- Liner quotation
- Bioworks proposal and details



7
M013

ANCHOR POST DETAIL

NOT TO SCALE



JH WATERS, INC.

Phone: 724/863-0435 • Fax: 724/863-5498

February 10, 2025

MF Ronca & Sons, Inc.
179 Mikron Road
Bethlehem, PA 18020

Attn: Scott Wachinski

**BID RE: Inland Bays RWF. Rehoboth Beach, DE.
25-021.1**

*This EMAIL will confirm our telephone conversation concerning the quotation of the liner system.
The enclosed price is based on current material costs and can be held for 30 days.*

****Due to the instability of the petroleum prices which is impacting all material pricing (Liner, Geotextile, GeoGrids, and processing costs) the manufacturers have advised us of immediate price increases and future price increases and availability delays are expected. Stainless steel pricing is now also being impacted. Pricing will continue to be held for 30 days; however, we reserve the right to re-price any project beyond 30 days.***

Aeration Lagoon #3

▪ 60 mil HDPE	Up to	36,984 SF
▪ Boots for Pipe Penetrations (18")		2 Each
▪ Stainless Steel Flat Bar 1/4" x 2"		88 Linear Feet
▪ Stainless Steel Anchors 3/8" x 3"		183 Each
▪ Neoprene Gasket 1/4" x 2"		88 Linear Feet
▪ 12 oz Nonwoven Geotextile		4,250 SF
▪ Flap Style Gas Vents		13 Each
▪ Destructive Testing		2 Each

Aeration Lagoon #4

▪ 60 mil HDPE	Up to	36,984 SF
▪ Boots for Pipe Penetrations (18")		2 Each
▪ Stainless Steel Flat Bar 1/4" x 2"		88 Linear Feet
▪ Stainless Steel Anchors 3/8" x 3"		183 Each
▪ Neoprene Gasket 1/4" x 2"		88 Linear Feet
▪ 12 oz Nonwoven Geotextile		4,250 SF
▪ Flap Style Gas Vents		13 Each
▪ Destructive Testing		2 Each

Mobilization(s) up to: 1



INSTALLATION

1. JH WATER SYSTEMS, INC. will provide:

- complete installation of the liner system utilizing non-union labor.
- placement of liner on a compacted surface.
- all seaming and pipe penetration
- temporary anchoring of liner.
- all tools and miscellaneous materials necessary for seaming liner system in place

2. Supplied by Your Company or others:

- all earthwork, including compaction, meeting liner specifications.
- provide dewatering of site to be lined when necessary.
- all pipe work, if any, prior to beginning of liner work
- adequate provisions to prevent gas formation under the liner system- as specified in installation instructions.
- machine and operator to unload and assist in deployment of panels
- provide for disposal of all scrap material, etc.
- dig and backfill anchor trench
- site must comply with OSHA regulation

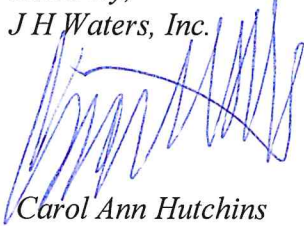
CONTRACT TOTAL		Less 2% Discount (see below 'Payment Terms')		TOTAL COST w/ Payment in 10 Days	
\$	138,121.00	-\$	2,762.42	\$	135,358.58

- Material, Ancillary Equipment, Delivery, and Installation.
- The price is Lump Sum regardless of the quantity of material delivered and/or installed up to SEE ABOVE.
- All excess material is the property of J H Waters, Inc. If installed area varies from quoted or changes in construction, J H Waters, Inc. reserves the right to bill the customer on a per square foot basis for the error area.
- J H Waters, Inc. reserves the right to pass along any verifiable resin, manufacturers, and or fabricator increases, up to the time of material shipment.
- Due to the exceptional volatility of the raw material market, J H Waters, Inc. reserves the right to modify its offer without any prior notice to reflect any surcharge applied by the resin supplier or manufacturer.
- Price is based on laborers being Non-Union.
- No Prevailing Wage rate is used on this project's pricing.
- **One mobilization is included in this price. Additional mobs will be \$6,400.00 each.**

Page 3

PAYMENT TERMS: *2% Discount 10 Days, Net 30 - NO RETAINAGE - with interest at the maximum rate provided by law per month on unpaid balance from date of invoice plus any collection and/or any attorney or legal fees accrued to collect the unpaid balance.*

*Sincerely,
J H Waters, Inc.*



*Carol Ann Hutchins
President*

MF Ronca & Sons, Inc.

Authorized Signature

Cc: File 25-021.1

P.O Box 81
Goshen, AR 72735
479-856-4044

Date: March 6, 2025

To: Sussex County, Delaware
P.O. Box 589
Georgetown, DE 19947

Re: Inland Bays RWF
Sussex County, DE
Plant expansion & Upgrade
Biological Treatment Process

Gentlemen:

Bioworks North America, Inc. is pleased to offer its diffused aeration equipment for the referenced project. This proposal is based upon the most recent process information, summarized below.

I. Design Process Bases

Total Plant Flow	4.6 MGD
Design flow to each basin	1.18 MGD
Bod/TSS/TKN	262/307/75 mg/l
Alkalinity	600 mg/l as CaCO ₃ *
Temp	10-20 degrees C

*Additional alkalinity must be added by chemical addition. See below for discussion.

The effluent requirements are:

BOD	10 mg/l
TSS	15 mg/l
NH ₃ -N	1 mg/l
TN	10 mg/l

II. Basin Configuration

Four identical basins are to be used – the two existing treatment basins plus two more to be created in the large central pond. See below for basin dimensions. These dimensions must be checked and verified by the Engineer.

Items Not Included in Pricing:

Air piping manifold (all air piping and valves external to the basin). **Note: The air mains at the two existing basins must be replaced.**

Aeration header anchor posts: 2 anchor posts are required per header and 1 anchor post is required per OXIRISE system.

Off-loading and installation (see below for the extent of Bioworks' assistance)

State or local taxes .

Influent screens and grit system
Secondary clarifiers and all RAS/WAS pumps
Chemical Feed Systems (see below)
Removal and disposal of the existing aeration system in Lagoons 3 & 4
Installation and check-out of all electrical components
Interconnecting cables for electrical components

1. Process Summary

Design bases ... our design is based upon:

- a. The wastewater will be screened using a 6 mm (or finer) screen. All wastewater is to be screened. Grit is to be removed if expected in appreciable amounts. Comminution or grinding is not recommended.
- b. Sufficient alkalinity will be present (or added by the plant personnel) to allow the nitrification process to proceed uninhibited.
- c. Incoming FOG, chemicals and metals will be with treatable limits.
- d. Sufficient nutrients (P, N, etc) will be present in the influent for biosolids growth (or will be added by the plant personnel).
- e. A qualified operator will supervise plant activities and performance, and the plant will be operated in accordance with Bioworks' recommended procedures.

2. Design Approach

- a. Fine Screen and Grit System
 - a. Not included in Bioworks' scope
 - b. The fine screen should be designed for 0.6 mm (1/4 inch) screening and to minimize bypass
 - c. The grit system might be unnecessary, depending upon local conditions
- b. Aeration Basins
 - a. The aeration basins will be, as you've advised, lined earthen basins with four sloping sides (3:1 slopes). The basin dimensions are:
 - i. Flat floor length = 121'
 - ii. Flat floor width = 81'
 - b. The design water depth is 11.25 feet, with 2 feet of freeboard.
 - c. Design F/M ratio is approximately 0.07, with attendant long HRT and sludge age. We have assumed an operating MLSS level of 3,000 mg/l. This long sludge age will assure essentially complete nitrification at any reasonable water temperature, even in the winter.
 - d. The long sludge age also assures that the waste sludge will be well digested and stabilized, making disposal uncomplicated.
 - e. Bioworks uses the most modern and energy efficient fine bubble aeration system available.
 - f. The aeration system in each basin will consist of:
 - i. Thirteen (13) floating headers ("chains")

- ii. Eight (8) OXIWORKS diffuser assemblies per chain over the flat floor
 - iii. Two (2) additional OXIWORKS assemblies per chain, located over the side slope
- g. Each aeration header is equipped with an electrically operated (1/60/12v) butterfly valve.
- c. Spare Parts
 - a. Eight tube diffusers, with membranes attached, are included (this covers two full OXIWORKS diffuser assemblies)
 - b. Ten extra membranes, with attachment clamps and accessories, are also included
 - c. Spare clamps, gaskets, o-rings, etc
- d. Blowers
 - a. No blowers are included in our offer, as we understand that you intend to purchase them separately.
 - b. Each basin should be supplied with at least 2,700 SCFM of air with a maximum of approximately 3,100 SCFM.
 - c. The design blower discharge pressure, assuming no more than a 1 psi pressure loss in the air system external to the basin, is 6.25 psig.
 - d. The blowers are to be controlled by VFD's, based upon the DO setting. Bioworks will provide the PLC controls but the VFD's are to be provided with the blowers
 - e. Air piping is to conform to Bioworks' suggested layout.

Bioworks Scope

- a. OXIWORKS® aeration system, consisting of hi-temperature connecting hoses, HDPE floating aeration headers, stainless steel restraining cable system and required hardware.
- b. OXIRISE® system, consisting of shore-mounted control panels and in-basin tubing. Also included is the "shop compressor" required for the system.
- c. Electrically operated (1/60/120 power) butterfly valves for each aeration header.
- d. One Dissolved Oxygen probe and analyzer per basin.
- e. PLC based remote controls, using Schneider Electric equipment. **Note: The Bioworks controls will replace and expand upon the old controls and will control all the blowers and electric chain valves. All controls components will be included with the first (lagoons 3 & 4) shipment). Bioworks will supply the complete PLC data via ethernet. We will program the data block in the Schneider Electric PLC and support the local engineers during the visit of our controls engineer. Online support, via video or voice call, will be available thereafter.**
- f. Descriptive specifications and aeration basin drawings on CAD, for use by the Engineer in developing plans & specs.
- g. Approval submittals
- h. Installation, operation & maintenance manuals

- i. Field service for final installation inspection, start-up supervision and operator training. Bioworks will furnish a trained technician to oversee and assist in assembly and installation of the aeration system, for a period of approximately four days per basin. He will require the assistance of 4 of the contractor's personnel. Also included is a visit for extended operator training, after the plant has been in operation for several months.
- j. Additional 3 days of field startup service by a Bioworks controls engineer
- k. Spare parts
 - a. Eight complete OXIWORKS tube diffusers
 - b. Ten spare diffuser membranes, with hardware.
 - c. Fifty clamps, gaskets & o-rings used in the diffuser assemblies,

Chemical Feed Systems (by others)

1. The amount of carbon compared to nitrogen (the carbon-to-nitrogen ratio) is not enough to reach the requested levels of nitrogen in the effluent at the design biological loading. To address this issue, we suggest adding carbon to the activated sludge basin. The amount of carbon added should ensure that the amount of nitrogen removed does not go over 50%. Adding carbon to the process also leads to a slightly higher need for air. Which carbon source the best solution is need to be tested over a certain period of time, as this correlates to the plant specific microbiology.

2. if the inlet alkalinity is too low, additional chemicals will need to be added because the nitrogen degradation processes will use up the alkalinity. The minimum level of alkalinity in the effluent is 1.5 mmol/l to 2.5 mmol/.

If the inlet concentration of CaCO_3 is approx. 300 mg/l, means approx.. 3 mmol/l. This alkalinity is too low and alkalinity shall be increased by dosing of chemicals like precipitants containing caustic soda (sodium aluminate), chalk, white hydrated lime, dolomite, hydrated hydrated lime, caustic soda or soda. The consumption of alkalinity is related to the amount of nitrogen to be degraded.

Shipment & Installation Sequence

The equipment for lagoons # & \$ (the new basins) will be shipped first. Included will be the entire controls system.

The equipment for lagoons 1 & 2 will be delivered at a later time, not to exceed six months after delivery of the equipment for lagoons 3 & 4.

Shipment:

Our pricing is FOB shipping point, with motor freight allowed to the jobsite.

Lead Time:

Approval submittals can be supplied 4-8 weeks after our acceptance of your order

The initial delivery can be made 24-32 weeks after our receipt of approval

P.O Box 81
Goshen, AR 72735
479-856-4044

Please note that these lead times are based upon typical shop loadings and supplier equipment availability, and should be verified upon order placement.

Mechanical Warranty

Our mechanical warranty period will be 24 months after startup or 30 months after shipment, whichever comes first. Please see the attached Terms and Conditions of Sale for additional details

Payment Terms:

Our payment terms are:

30% upon approval and release for production
65% upon delivery to site (billing for each shipment)
5% after lagoons 3 & 4 have been in operation for 12 months

Terms and Conditions:

This offering is made in accordance with the Terms and Conditions shown on the attached Bioworks North America, inc. Terms and Conditions of Sale, except as modified herein.

Pricing:

Our pricing is firm, based upon our receipt of your purchase order by April 15, 2025 and upon our not being forced to withhold delivery of the lagoons 3 & 4 equipment beyond April 30, 2026. Please note that we must reserve the right to modify the pricing should a tariff be imposed for shipments from Germany.

PRICE for Lagoons 3&4 components	\$749,890.00
PRICE for Lagoons 1 & 2 components	\$647,750.00

Bioworks North America, Inc. thanks you for the opportunity to work with you on this project. Should you have any questions, please do not hesitate to contact us.

Best regards,

David E Gibson
Bioworks North America, Inc

BIOWORKS NA, Inc.
TERMS AND CONDITIONS OF SALE

1. GOVERNING TERMS: These Terms and Conditions shall exclusively govern the sale of equipment, components and related services by BIOWORKS NA, INC. ("BIOWORKS") to Purchaser. Acceptance of BIOWORKS' offer or counteroffer by acknowledgment is expressly limited to these terms and conditions and those stated in any BIOWORKS proposal or acknowledgment. BIOWORKS hereby gives notice of objection to any different or additional terms which may be proposed or contained in any document forwarded by Purchaser. No other terms or conditions or modification of these terms shall be binding upon BIOWORKS unless specifically accepted in writing by an authorized representative of BIOWORKS. Merely signing a purchase order or other document as a condition of payment shall not be deemed a specific acceptance of terms therein by BIOWORKS. The terms and conditions in a BIOWORKS proposal or acknowledgment take precedence if inconsistent with those stated below.

2. PRICING: Unless otherwise stated herein, prices quoted are valid for acceptance within 60 days of a BIOWORKS proposal and are based upon our not being forced to withhold shipment beyond 180 days of Purchase Order date, or final submittal approval date, (if submittals approvals are required). If Purchaser causes or requests delays in manufacture or shipment beyond twelve (12) months from acceptance of a BIOWORKS proposal, BIOWORKS shall have the right to a price increase based on actual escalation in labor, material, overhead, and component costs, and the right to payment of reasonable storage costs, if applicable.

3. PAYMENT TERMS: BIOWORKS will extend credit to Purchaser and accept payment of the full net invoice price within thirty (30) days of receipt by Purchaser, subject to a satisfactory credit check and approval by the BIOWORKS Credit Department. Should any investigation reveal grounds for insecurity of payment at any time, BIOWORKS reserves the right to demand payment terms which adequately assure BIOWORKS of Purchaser's expected payment or to withhold shipment until such terms are reached or payment is received. Late payments shall be subject to a 1.5% per month finance charge.

4. TAXES: Purchaser shall pay directly or reimburse BIOWORKS for payment of any and all applicable sales, use, excise or other taxes. Purchaser is responsible for and bears the risk of establishment of a valid exemption from any tax, and shall indemnify, defend and hold BIOWORKS harmless from any loss, cost or expense relating to exemptions.

5. SHIPPING: All equipment and components will ordinarily be shipped in one lot by the lowest cost method at the discretion of BIOWORKS. Additional shipments requested by Purchaser shall be subject to additional shipping and handling charges. All shipments shall be F.O.B. BIOWORKS' plant or other location designated by BIOWORKS. Delivery to the carrier shall constitute delivery to Purchaser for purposes of transfer of risk of loss or damage in transit and meeting Purchaser's schedule. Purchaser is responsible for obtaining cargo insurance and shall pursue any loss or damage claims solely with the carrier.

6. DELIVERY DATES: Acceptance of Purchase order is contingent upon our not being forced to withhold shipment beyond 180 days of Purchase Order date, or final submittal approval date, (if submittals approvals are required). All delivery dates are approximate and subject to revision due to engineering approval delays, availability of materials and components, and other causes beyond BIOWORKS' control, including unusual weather conditions, acts of God or government, accidents, any labor dispute (including lockouts), or damage or breakdown at BIOWORKS' plant or that of a vendor. BIOWORKS will use its best efforts to meet promised delivery dates, but under no circumstances shall BIOWORKS be liable for any direct, or indirect, consequential, incidental, liquidated or other damages for delay in delivery.

7. FIELD SERVICE: When included in a contract, "Field Service" refers to the services of a BIOWORKS factory-trained representative at the site of end-use for initial installation, inspection, start-up observation and operator training and for subsequent investigation of warranty issues, operational difficulties and Purchaser complaints or requests for post-warranty service. Purchaser acknowledges that BIOWORKS Field Service representatives are non-union technical advisors only and shall make all arrangements necessary with labor unions for their presence on the site. No contractual warranty or indemnity relating to Field Service is extended by BIOWORKS, nor are its Field Service representatives authorized to bind BIOWORKS with any oral representations or statements in conflict with or addition to the governing contract terms or any manuals or instructions provided by BIOWORKS. This paragraph shall apply to any and all initial and subsequent Field Service provided by BIOWORKS relating to the equipment sold to Purchaser.

8. CANCELLATION: Purchaser may not cancel or terminate its order without the written consent of BIOWORKS and payment of its associated costs, overhead and losses, including anticipated profit. If Purchaser is subject to a termination for convenience provision in the prime contract, BIOWORKS will consider deferral of payment pending resolution of Purchaser's claim.

9. GOVERNMENT STANDARDS: BIOWORKS' equipment will be designed and manufactured to comply with federal government occupational safety, noise, sanitation and health standards. Purchaser is solely responsible for compliance of the equipment and its operation with any state or local laws, codes, ordinances, or regulations, unless specifically identified by BIOWORKS in its proposal.

BIOWORKS NA, Inc.
TERMS AND CONDITIONS OF SALE

10. LIMITED WARRANTY: BIOWORKS warrants that the equipment and components furnished will be and remain free from defects in workmanship and materials and perform the general process function intended, solely under the conditions defined by BIOWORKS, for a period of (a) (24) months from substantial completion, start-up or acceptance of the equipment, or (b) (30) months from the date of shipment from BIOWORKS' factory or from a vendor's factory, whichever expires first. BIOWORKS will replace, modify or repair, at its sole option, any such defective component or equipment at no charge provided that BIOWORKS is notified promptly in writing of any claimed defect and, if requested by BIOWORKS, any part or component is returned to BIOWORKS, freight pre-paid. BIOWORKS will provide on-site Field Service when reasonably assured of payment therefore if this warranty does not apply or when such service is required in its judgment. This warranty does not apply to any defect or malfunction arising out of failure to store, install, operate or maintain the equipment in accordance with instructions by BIOWORKS or its operation under conditions other than those defined by BIOWORKS. This warranty does not apply to any defect or malfunction arising from chemical corrosion or deterioration caused by chemical effects. Any unauthorized modification or alteration of the equipment or repair or replacement of components may void this warranty, at the sole option of BIOWORKS.

THIS WARRANTY IS EXCLUSIVE, AND IN LIEU OF ANY OTHERS, INCLUDING IMPLIED WARRANTIES OR MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

11. EXCLUSIVE REMEDIES: Purchaser acknowledges that its sole and exclusive remedies for breach of the limited Warranty shall be replacement or repair by BIOWORKS of any defective part or component, and payment of the reasonable out-of-pocket costs incurred in connection with replacement or repair if such costs are approved in advance by BIOWORKS. This remedy does not include any other consequential, incidental, special or other form of damages or extraordinary costs for removal or re-installation, such as crane rental or structural alteration or demolition, necessitated by factors over which BIOWORKS has no control such as building design or configuration.

12. LIMITATION OF LIABILITIES: BIOWORKS shall not be liable in contract, tort or otherwise, for any form of consequential, incidental, punitive, or liquidated damages, loss of use, cost of cover, extraordinary removal or re-installation costs, or governmental fines or penalties arising out of failure of its equipment to perform or be free from defects, late shipment, errors or omissions in Field Service or any other breach or failure to perform whatsoever. Under no circumstances shall BIOWORKS' total liability of any type exceed the purchase price.

13. INDEMNIFICATION: BIOWORKS shall indemnify Purchaser from and against any claims, suits, or demands by others for property damage, personal injury or death arising out of the sole fault or neglect of BIOWORKS in the design or manufacture of its equipment, or for damages for patent infringement arising solely out of equipment or components designed and supplied by BIOWORKS. This indemnity obligation shall be void unless Purchaser provides prompt written notice to BIOWORKS of any occurrence which may require indemnification, Purchaser permits BIOWORKS to assume the defense and settlement of any claim, suit, or demand, and Purchaser cooperates in all respects with BIOWORKS in defense and settlement.

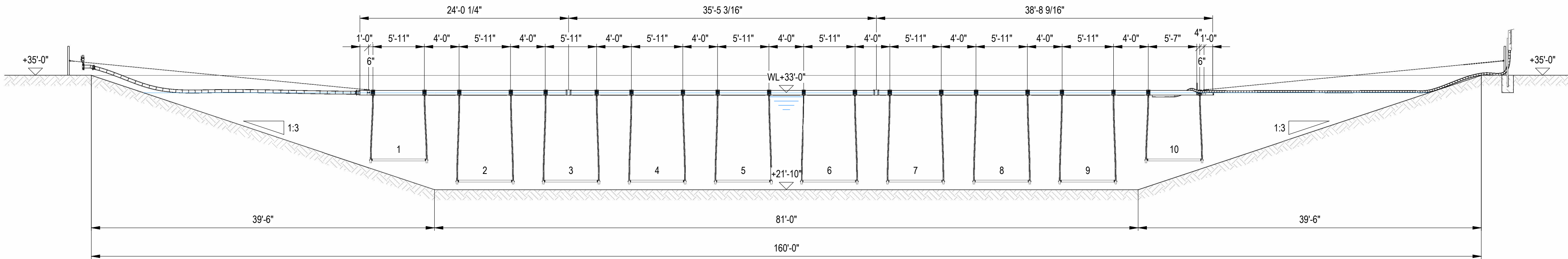
14. TITLE: Notwithstanding delivery or installation, title to all equipment furnished shall remain solely with BIOWORKS until Purchaser pays the full purchase price. Until such time, BIOWORKS may enter the premises where such equipment is then located and repossess and remove such equipment by any lawful means as BIOWORKS' personal property. Purchaser agrees to do all acts deemed necessary or desirable or requested by BIOWORKS to maintain BIOWORKS' rights in, and title to, such equipment.

15. GOVERNING LAW: The transaction between Purchaser and BIOWORKS shall be deemed to be made under, and its terms shall be governed by, construed and enforced in accordance with the laws of the State of Arkansas without regard to its conflict of laws provisions.

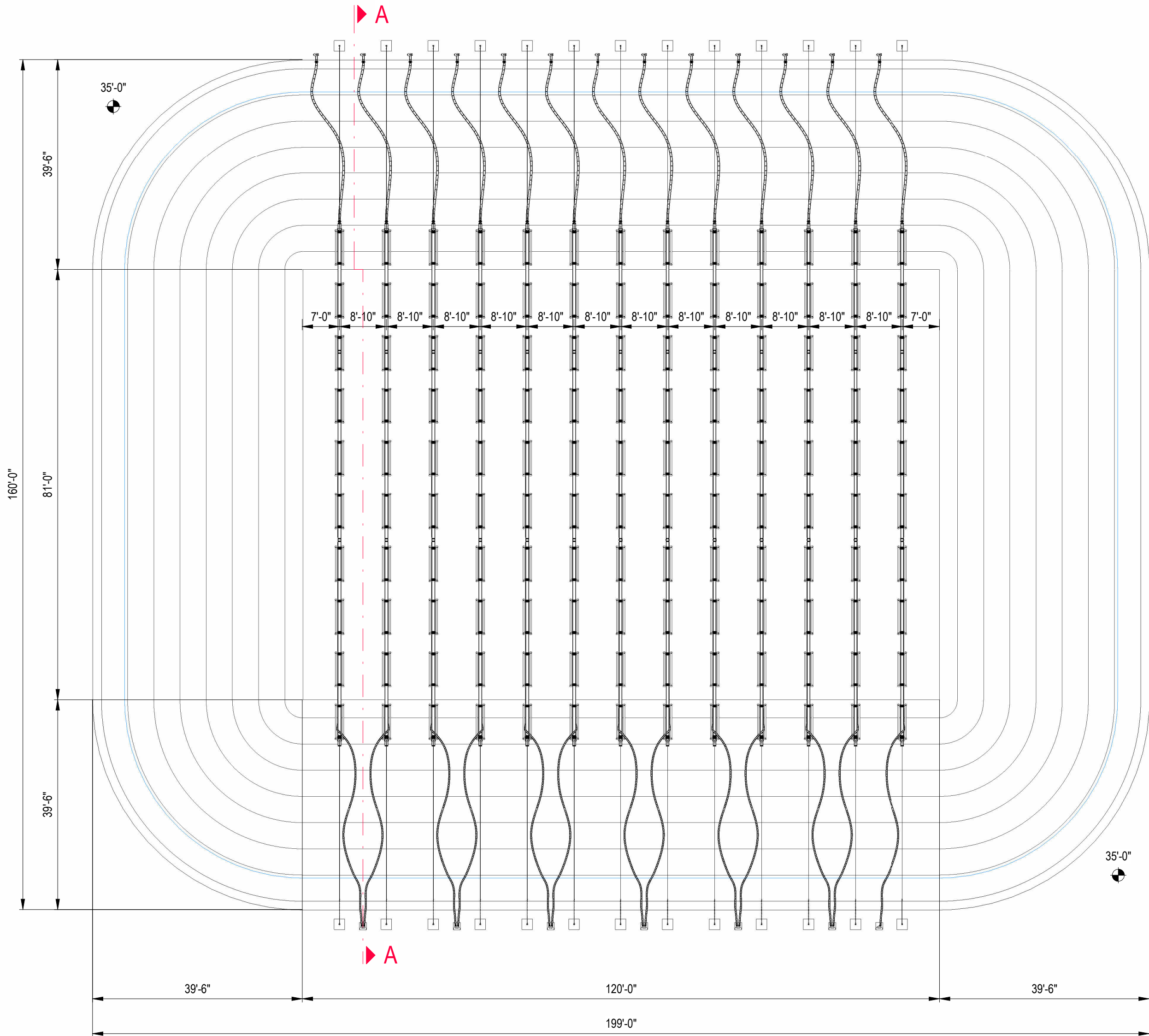
16. ARBITRATION: Any controversy or claim arising out of or relating to this contract or its breach shall be settled by arbitration conducted in Savannah, Georgia, in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association and Arkansas law. Judgment on the award rendered by the arbitrator(s) may be entered in any court of competent jurisdiction.



17. ASSIGNMENT: Purchaser shall not assign any of its rights or obligations without the express prior written consent of BIOWORKS, which consent may be withheld, delayed or conditioned in BIOWORKS' sole discretion. The transaction between Purchaser and BIOWORKS shall not be construed to confer or create a third-party beneficiary relationship with any other entity.

Section A-A (1 : 100)



Plan view - 1 basin (1 : 200)



A	30.01.25	New				TN	VS
Rev.	Date	Revised			Drawn:	Chk./Appr.:	
			BIOWORKS®			Werther-von-Braun Straße 9 85640 Putzbrunn / Germany Phone: +49 89 45151958-0 Fax: +49 89 45151958-27 Email: info@bioworks-gmbh.de Web: www.bioworks-gmbh.de	
			Verfahrenstechnik GmbH				
Project:		WWTP Inland Bays, DE, USA					
Document type:		Installation drawing					
Object:		Aeration Plan view, section A-A					
Drawing number:	Project number	Document type	Document type counter	Set revision	Sheet number:	Total sheets:	
	4276	ID	01	A	1 / 2		
Scale: 1:200, 1:100					Language: en		
		Legal information: This drawing is our intellectual property. Without our permission, it may neither be altered, copied, nor misused in any other way. It is not allowed to be passed on to a third party without our authorisation.				Size: A1	



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

April 25, 2025

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-005
Aeration Lagoons Nos. 3-4

Dear Mr. Clark:

Pursuant to GHD's RFP-IB-005-GC, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials and equipment for construction of Aeration Lagoons Nos. 3-4 as identified in the RFP, for the Lump Sum Price of One Million Four Hundred Forty Eight Thousand Dollars and 00 Cents.....\$1,448,000.00.

This proposal is based on all information identified in GHD's RFP IB-005-GC, dated March 18, 2025, WRA PH 2 Expansion Drawings M04.01 and M04.02 and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below.

Scope of Work:

- Aeration Lagoons Nos. 3-4
 - Proposal includes an allowance of \$100,000.00 for transfer of sludge and water from the existing lagoon to the adjacent sludge lagoon. Due to the unknown quantities of sludge and grit in the existing lagoon, we assume this work will be completed on a T&M basis and a corrective change order will be issued to adjust for actual costs.
 - Demo and disposal of the existing lagoon liner.
 - Earthwork necessary to construct new Lagoons 3 & 4 to the dimensions, slopes and elevations outlined in the RFP including compaction of materials to the specifications outlined in the SCRWF Upgrade No. 3 contract documents.
 - Furnish and installation of two new Smooth HDPE Geomembrane/Geocomposite Lagoon Liner systems in accordance with SCRWF Specifications 02270 & 02431 and applicable SCRWF drawing details as outlined in the RFP.
 - Furnish and installation of 52 EA anchor posts (13 each side of each of the 2 new Lagoons) in accordance with the detail provided in the RFP.
 - Installation, testing and startup coordination of the Bioworks Lagoon Aeration system as outlined in their March 6, 2025 proposal. This proposal does Not include purchase of the Bioworks equipment which is to be via a direct procurement contract from Sussex Co. as noted in the RFP.

April 25, 2025
Mr. Steven Clark, PE
Page Two

- Aeration Lagoons Nos. 3-4 Effluent Structures
 - Furnish and installation of 2 EA 6'-0"W x 12'-0"L x 11.2'H Precast Lagoon Effluent Structures with pipe penetrations and cast openings outlined in the RFP and per applicable specifications and drawing details from the SCRWF Upgrade 3 Project. Structures to include precast top slab with 3'-0" x 2'-6" hatch and ladders with ladder ups as note in RFP.
 - Furnish and installation of aluminum guardrails on three sides of each structure applicable specifications and drawing details from the SCRWF Upgrade 3 Project.
 - Install sloped fill concrete in each pipe structure from pipe invert to 12" above pipe invert as outlined in the RFP.
 - Furnish and installation of 6 EA slide gates (3 EA per Structure) per SCRWF Specification Section 11291 and to the design parameters outlined in the RFP. 2 EA of the slide gates (1 EA per Structure) to be installed on the exterior of each structure in lieu of the fixed weir plates shown the WRA Expansion Drawings.

Listing of Qualifications/Exclusions:


- Power and water consumption costs for construction activities is specifically excluded.
- Proposal assumes onsite excavated materials are suitable for use as structural fill and includes import of balance of materials required for construction of the Lagoons to the lines and grades denoted in the RFP.
- Proposal includes bond costs for work identified in this proposal.
- Permit fees are specifically excluded.
- Rock removal is specifically excluded, however, not anticipated based on the Geotechnical Report.
- Prevailing wage rates are excluded.
- Domestic steel requirements are specifically excluded.
- Construction testing for compaction, concrete, reinforcing steel, structural steel, etc. is assumed to be by Owner and is specifically excluded.

Thank you for the opportunity to provide this proposal, should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.

Regards,
Scott Wachinski
Project Manager

cc: HO File 554-01
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca

Request for Proposal

Project	Sussex County-IBRWF Expansion		
Owner	Sussex County		
Contract No.	C19-11: General Construction	GHD Project no.	12645844
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	IB-006-GC		
RFP Subject	Site Utilities		
Issued By	S. Clark		Date March 19, 2025

Description of Proposed Changes

General Construction for yard piping demolition and new construction including the following. Work shall be in accordance with the applicable details and specifications from the South Coastal RWF Treatment Upgrade No. 3 Contract Documents and may incorporate the approved pipe, fittings and valves. Refer to the attached yard piping plan and profiles for additional details:

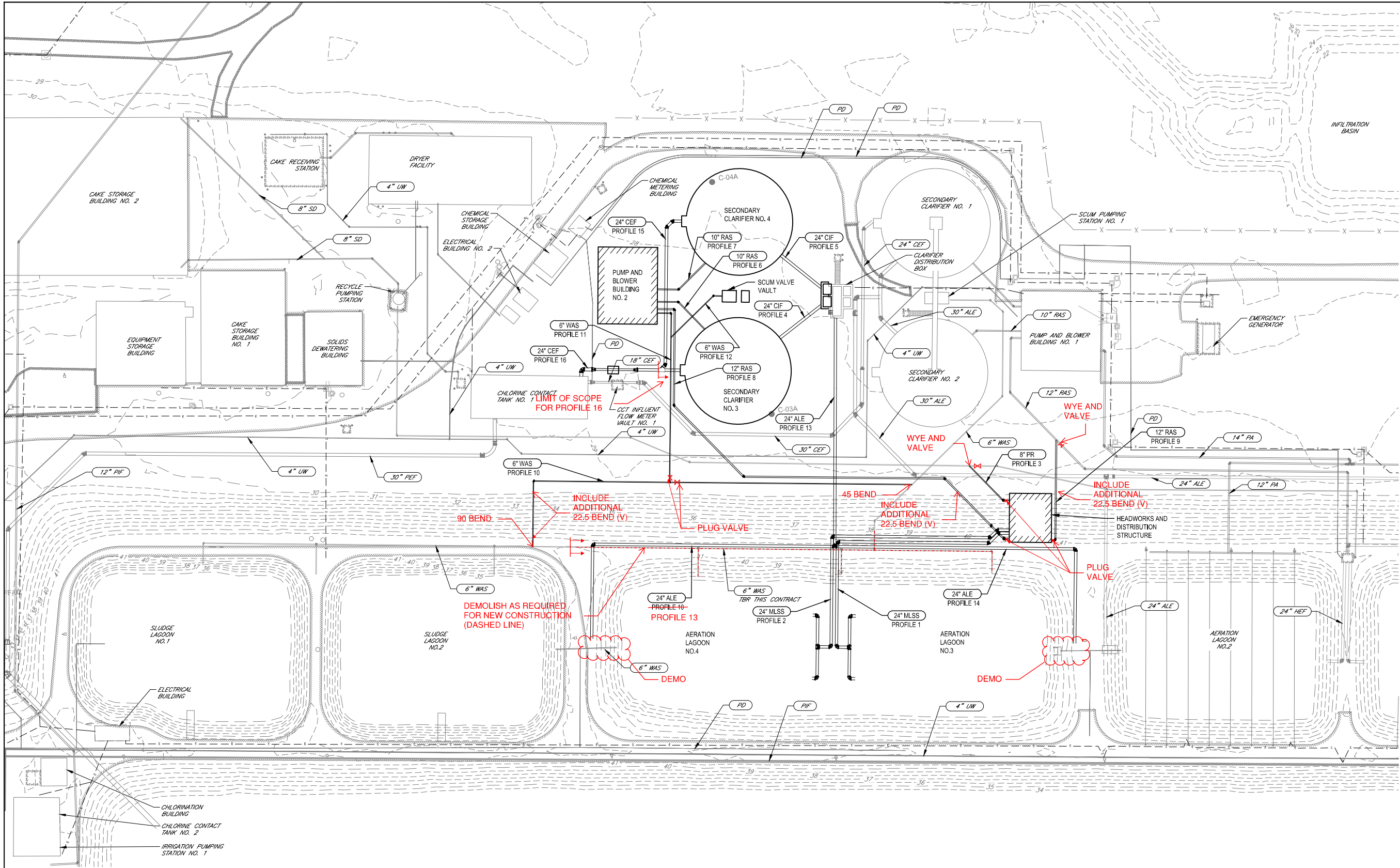
1. Demolition
 - a. Cut, cap, and permanently close the valves associated with the 24" influent and effluent piping on the east and west sides of the existing lagoon. Cut pipe as required to prevent interference with the new liners. Refer to original plant drawings for details of this piping.
 - b. Demolish the 6" waste sludge piping as shown in the enclosures. Include demolition of the branches which discharge to the existing lagoon. Refer to the Phase 1 drawings for details of this piping.
2. New Construction (refer to the attached plan and profiles)
 - a. Profile 1 (24" DIP, MLSS): Headworks & Distribution Structure to Aeration Lagoon No. 3
 - i. At the Headworks & Distribution Structure, provide two deflectable joints in accordance with the corresponding wall pipe details.
 - ii. At each lagoon, the bends and tee will be behind the liner. Each lagoon will have two liner penetrations. Extend pipe at least 18" beyond the liner (measured at invert).
 - b. Profile 2 (24" DIP, MLSS): Headworks & Distribution Structure to Aeration Lagoon No. 4
 - i. At the Headworks & Distribution Structure, provide two deflectable joints in accordance with the corresponding wall pipe details.
 - ii. At each lagoon, the bends and tee will be behind the liner. Each lagoon will have two liner penetrations. Extend pipe at least 18" beyond the liner (measured at invert).
 - c. Profile 3 (8" DIP, PR): Connection between existing Recycle Pumping Station force main and the new Headworks & Distribution Structure
 - i. At the new wye inserted into the existing force main, provide an isolation valve on the existing piping downstream of the wye to allow management of flows at startup. Valve may be knife gate type or another type (selected for cost efficiency), and will be permanently closed and

- abandoned once the new Headworks & Distribution Structure is in service. Provide an additional valve on the branch for the new piping if required to suit construction sequence.
- ii. At the Headworks & Distribution Structure, provide a plug valve adjacent to the structure for isolation purposes (located between the 45 bend and the lower 90 bend).
 - iii. The connection to the structure will include:
 - A. Lower restrained mechanical joint 90 bend
 - B. Vertical pipe with dual bracket vertical pipe support
 - C. Upper 90 bend connected directly to the wall pipe
 - d. Profile 4: Included in RFP-IB-002-GC
 - e. Profile 5: Included in RFP-IB-002-GC
 - f. Profile 6 (10" DIP, RAS): Secondary Clarifier No. 3 to Pump & Blower Building No. 2
 - i. Piping underneath the secondary clarifier is included in RFP-IB-002-GC.
 - ii. Provide solid sleeve or at least two joints adjacent to concrete encasement to accommodate differential settlement
 - iii. Include piping at least to the edge of the Pump & Blower Building No. 2 indicated on the plan. Piping in and underneath that building will be included in a future RFP.
 - g. Profile 7 (10" DIP, RAS): Secondary Clarifier No. 4 to Pump & Blower Building No. 2
 - i. Piping underneath the secondary clarifier is included in RFP-IB-002-GC.
 - ii. Provide solid sleeve or at least two joints adjacent to concrete encasement to accommodate differential settlement
 - iii. Include piping at least to the edge of the Pump & Blower Building No. 2 indicated on the plan. Piping in and underneath that building will be included in a future RFP.
 - h. Profile 8 (12" DIP, RAS): Pump & Blower Building No. 2 to Headworks & Distribution Structure
 - i. Include piping at least to the edge of the Pump & Blower Building No. 2 indicated on the plan. Piping in and underneath that building will be included in a future RFP.
 - ii. Include an additional 22.5 bend at the base of the berm as indicated (or similar to suit construction).
 - iii. At the Headworks & Distribution Structure, provide a MJ plug valve adjacent to the structure for isolation purposes (located between the 90 bends and the wall pipe).
 - i. Profile 9 (12" DIP, RAS): Connection between existing Pump & Blower Building No. 1 force main and the new Headworks & Distribution Structure
 - i. At the new wye inserted into the existing force main, provide an isolation valve on the existing piping downstream of the wye to allow management of flows at startup. Valve may be knife gate type or another type (selected for cost efficiency), and will be permanently closed and abandoned once the new Headworks & Distribution Structure is in service. Provide an additional valve on the branch for the new piping if required to suit construction sequence.
 - ii. Include an additional 22.5 bend at the base of the berm as indicated (or similar to suit construction).
 - iii. At the Headworks & Distribution Structure, provide a MJ plug valve adjacent to the structure for isolation purposes (located between the 90 bends and the wall pipe).
 - j. Profile 10 (6" DIP, WAS): Relocation of existing WAS force main
 - i. Isolation not required at either end of the new pipe. Plant will stop wasting to allow Contractor to make final connections at either end of the run.
 - ii. Include an air release valve near the upstream connection point.
 - iii. Provide plug valves upstream of the tee as shown to facilitate construction sequencing and to provide the ability to isolate each leg in the future.

- iv. Include two additional 22.5 bends at the base and top of the berm as indicated (or similar to suit construction).
- k. Profile 11 (6" DIP, WAS): Pump & Blower Building No. 2 to Profile 10
 - i. Include piping at least to the edge of the Pump & Blower Building No. 2 indicated on the plan. Piping in and underneath that building will be included in a future RFP.
 - ii. Provide plug valves upstream of the tee as shown to facilitate construction sequencing and to provide the ability to isolate each leg in the future (same valves noted for Profile 10 above).
- l. Profile 12 (6" DIP, WAS [Scum]): Scum Pumping Station No. 2 valve vault to Profile 11
 - i. Coordinate piping at valve vault with work already included in RFP-IB-002-GC
 - ii. Include air release valve inside valve vault.
- m. Profile 13 (24" DIP, ALE): Aeration Lagoon No. 4 effluent structure to Clarifier Distribution Box
 - i. Coordinate connection at precast effluent structure with RFP-IB-005-GC
 - ii. Test pit to verify connection requirements at the Clarifier Distribution Box
 - iii. Roll tee at top of berm to achieve required pipe slope.
 - iv. Include an additional 22.5 bend at the base of the berm as indicated (or similar to suit construction).
 - v. Relocate existing 4" and 6" utilities to suit.
- n. Profile 14 (24" DIP, ALE): Aeration Lagoon No. 3 effluent structure to Profile 13
 - i. Coordinate connection at precast effluent structure with RFP-IB-005-GC
- o. Profile 15 (24" DIP, CEF): Secondary Clarifier No. 4 to Profile 16
 - i. At the Secondary Clarifier, provide two deflectable joints in accordance with the corresponding wall pipe details.
- p. Profile 16 (24"-18"-30" DIP, CEF): Secondary Clarifier No. 3 to Chlorine Contact Tank No. 1
 - i. Include piping from Secondary Clarifier to wye only, inclusive of wye. Details for remaining portion to be detailed in a separate RFP.
 - ii. At the Secondary Clarifier, provide two deflectable joints in accordance with the corresponding wall pipe details.

Excluded from this RFP

- 3. Process Air Piping
- 4. Downstream portion of Profile 16

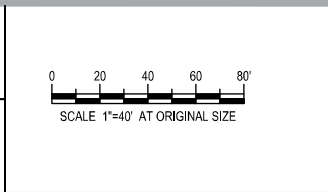


1 YARD PIPING PARTIAL SITE PLAN
SCALE: 1" = 40'

No.	Issue	Checked	Approved	Date
Author	D. WILLSON	Drafting Check	Project Manager	S. CLARK
Designer	H. ZIEGLER	Design Check	Project Director	J. STURDEVANT

SITE ADDRESS:
**29445 INLAND BAY ROAD
MILLSBORO, DE 19966**

Bar is one inch on original size sheet
0 1"



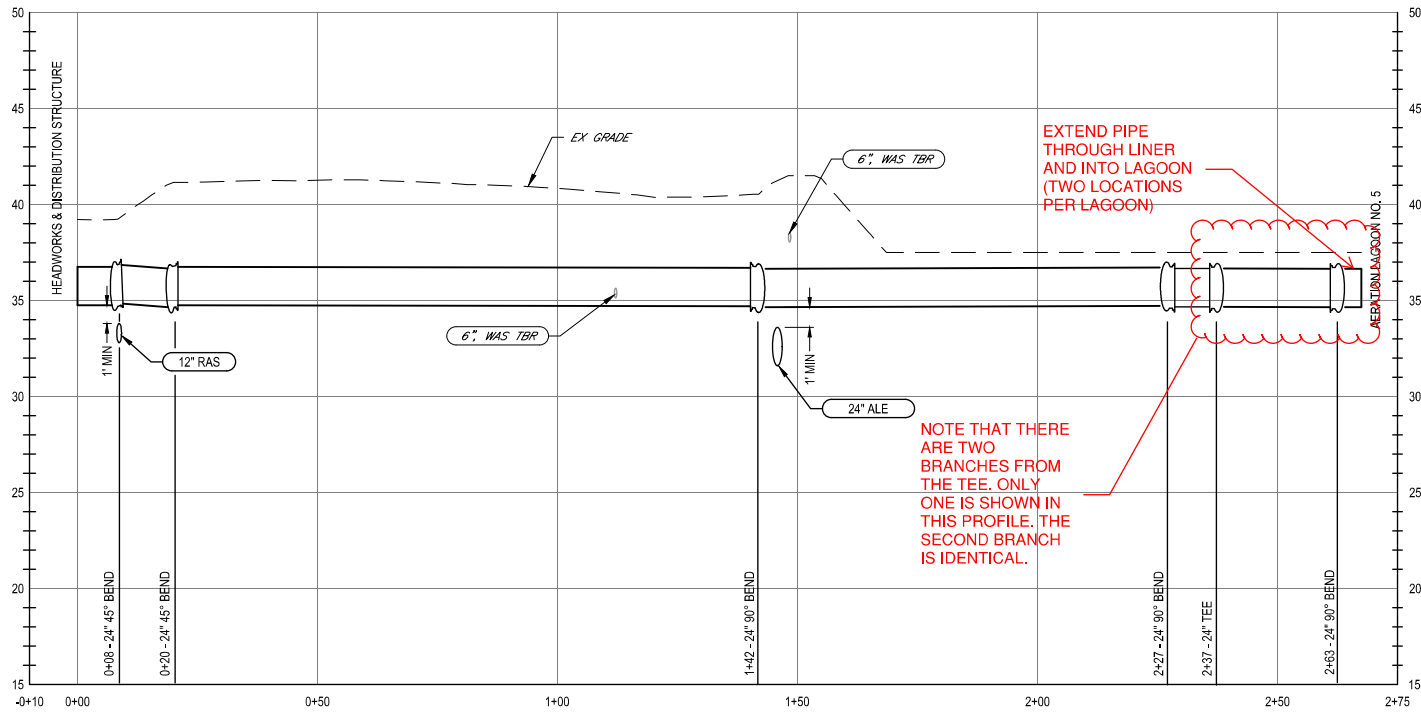
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16701 Melford Boulevard, Suite 221
Bowie MD 20715 USA
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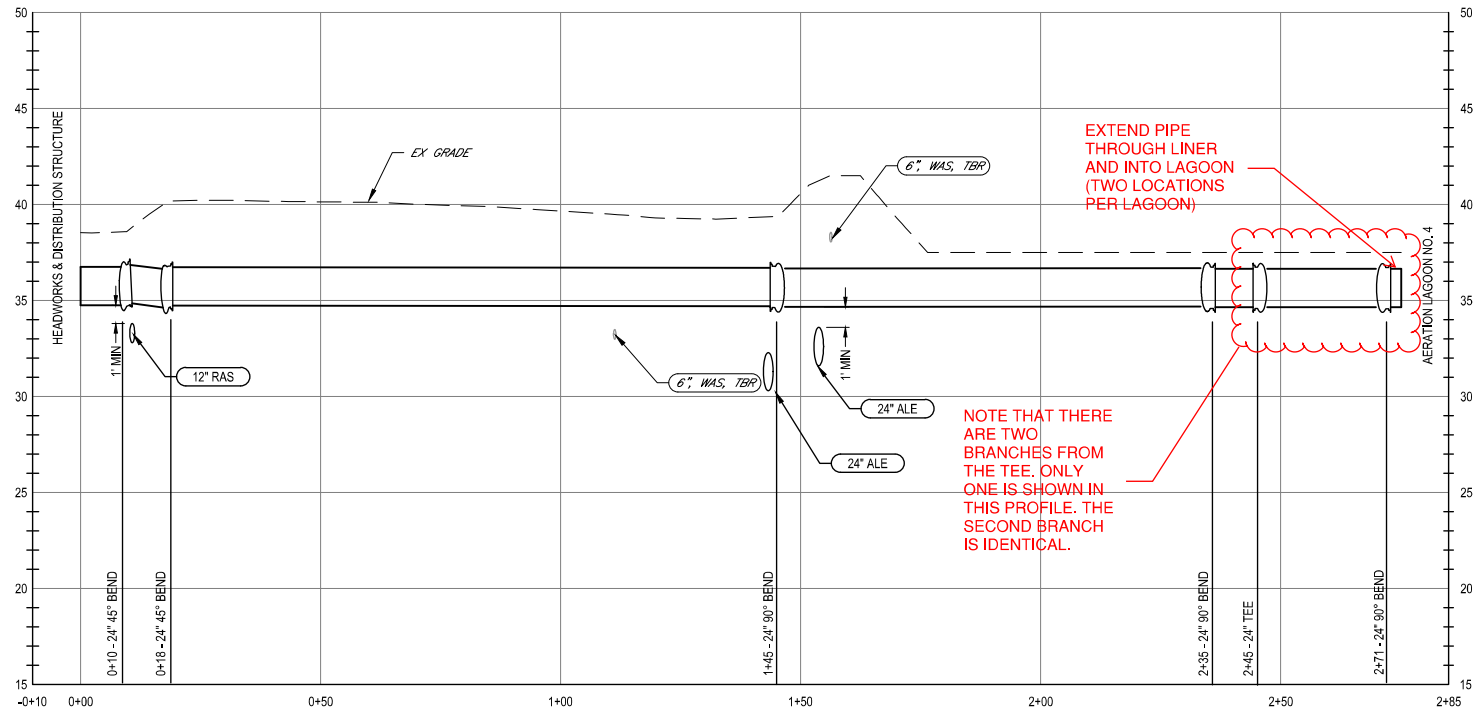
www.ghd.com

Client	SUSSEX COUNTY, DELAWARE
Project	INLAND BAYS REGIONAL WASTEWATER FACILITY EXPANSION
Project No.	12645844
Date	01/2025
Scale	AS NOTED

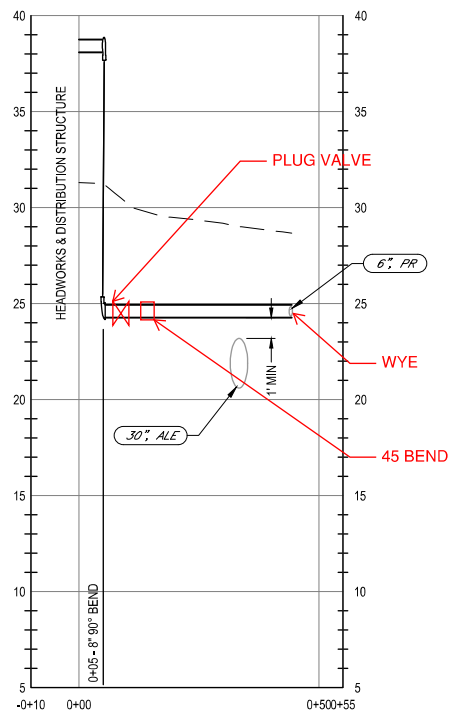
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Sheet No.	C0602	Sheet of



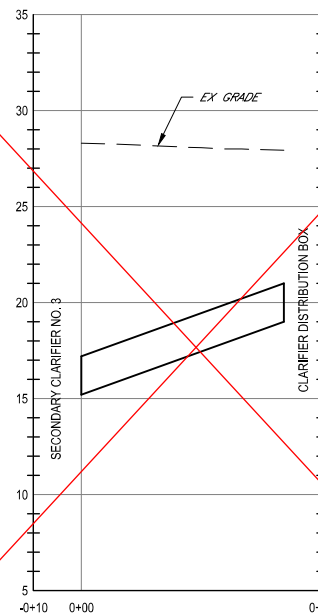
1 PROFILE - 24" MLSS TO AERATION LAGOON NO. 3
SCALE: 1" = 20' H
SCALE: 1" = 5' V



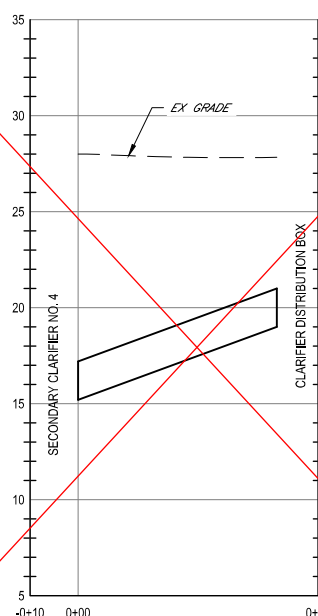
2 PROFILE - 24" MLSS TO AERATION LAGOON NO. 4
SCALE: 1" = 20' H
SCALE: 1" = 5' V



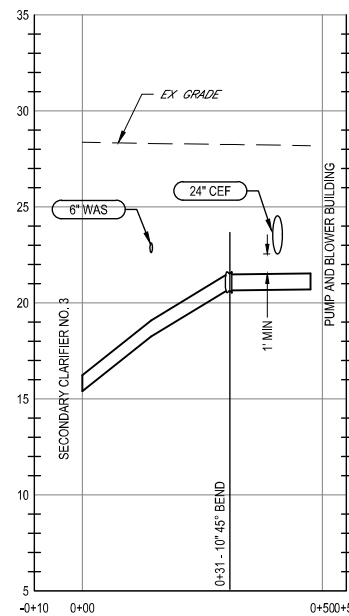
3 PROFILE - 8" PR
SCALE: 1" = 20' H
SCALE: 1" = 5' V



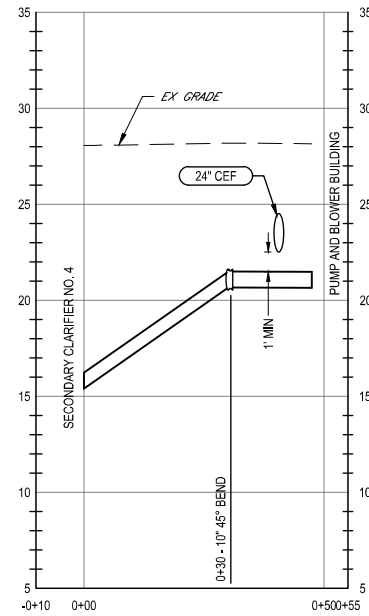
4 PROFILE - 24" CIF SECONDARY CLARIFIER NO. 3 TO CLARIFIER DISTRIBUTION BOX
SCALE: 1" = 20' H
SCALE: 1" = 5' V



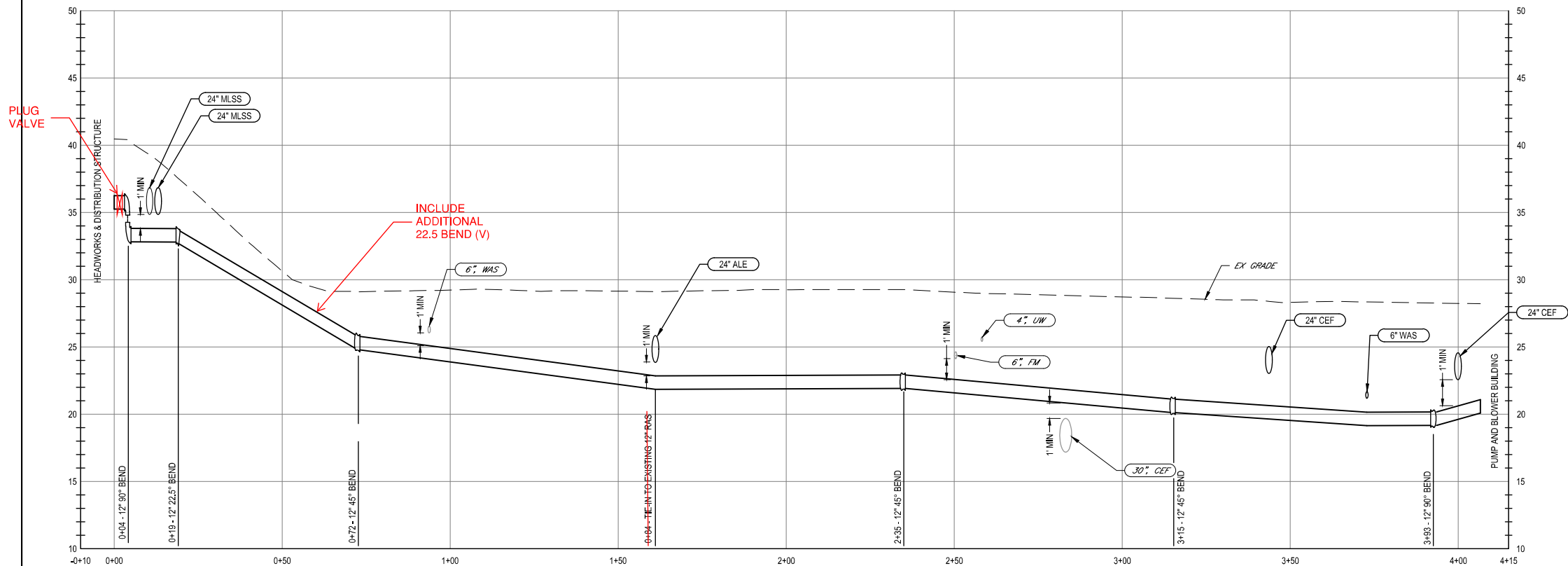
5 PROFILE - 24" CIF SECONDARY CLARIFIER NO. 4 TO CLARIFIER DISTRIBUTION BOX
SCALE: 1" = 20' H
SCALE: 1" = 5' V



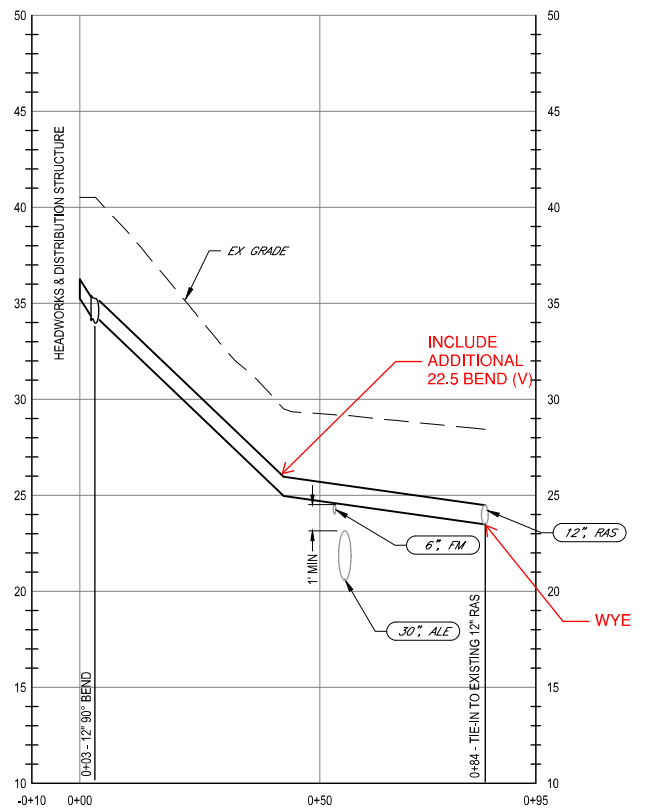
6 PROFILE - 10" RAS CLARIFIER NO. 3 TO PUMP AND BLOWER BUILDING
SCALE: 1" = 20' H
SCALE: 1" = 5' V



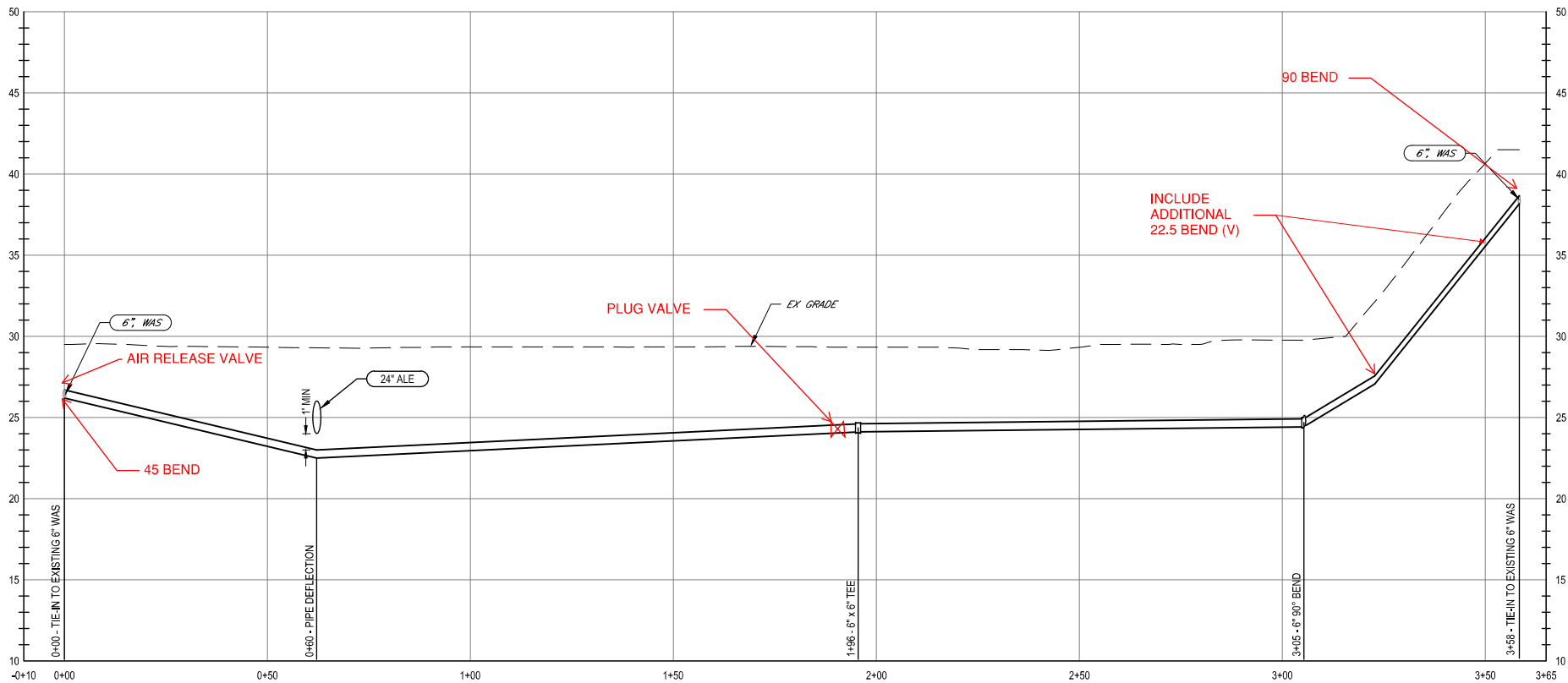
7 PROFILE - 10" RAS CLARIFIER NO. 4 TO PUMP AND BLOWER BUILDING
SCALE: 1" = 20' H
SCALE: 1" = 5' V



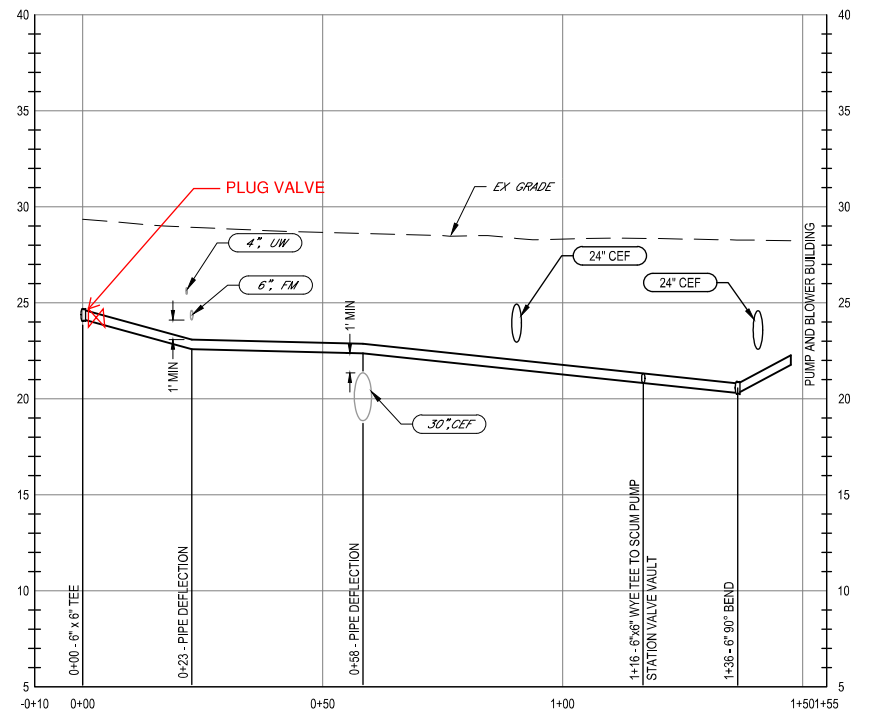
8 PROFILE - 12" RAS HEADWORKS TO PUMP AND BLOWER BUILDING
SCALE: 1" = 20' H
SCALE: 1" = 5' V



9 PROFILE - 12" RAS HEADWORKS TO EXISTING TIE-IN
SCALE: 1" = 20' H
SCALE: 1" = 5' V



10 PROFILE - 6" WAS EXISTING TIE-IN TO EXISTING TIE-IN
SCALE: 1" = 20' H
SCALE: 1" = 5' V



11 PROFILE - 6" WAS TEE TO PUMP AND BLOWER BUILDING
SCALE: 1" = 20' H
SCALE: 1" = 5' V

No.	Issue	Checked	Approved	Date
Author	D. WILLSON	Drafting Check	Project Manager	S. CLARK
Designer	H. ZIEGLER	Design Check	Project Director	J. STURDEVANT

SITE ADDRESS:

29445 INLAND BAY ROAD
MILLSBORO, DE 19966

Bar is one inch on
original size sheet
0 1"



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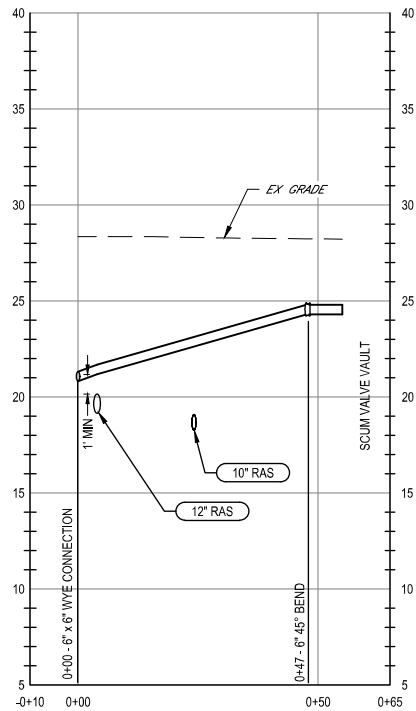


Client SUSSEX COUNTY, DELAWARE
Project INLAND BAYS REGIONAL
WASTEWATER FACILITY EXPANSION

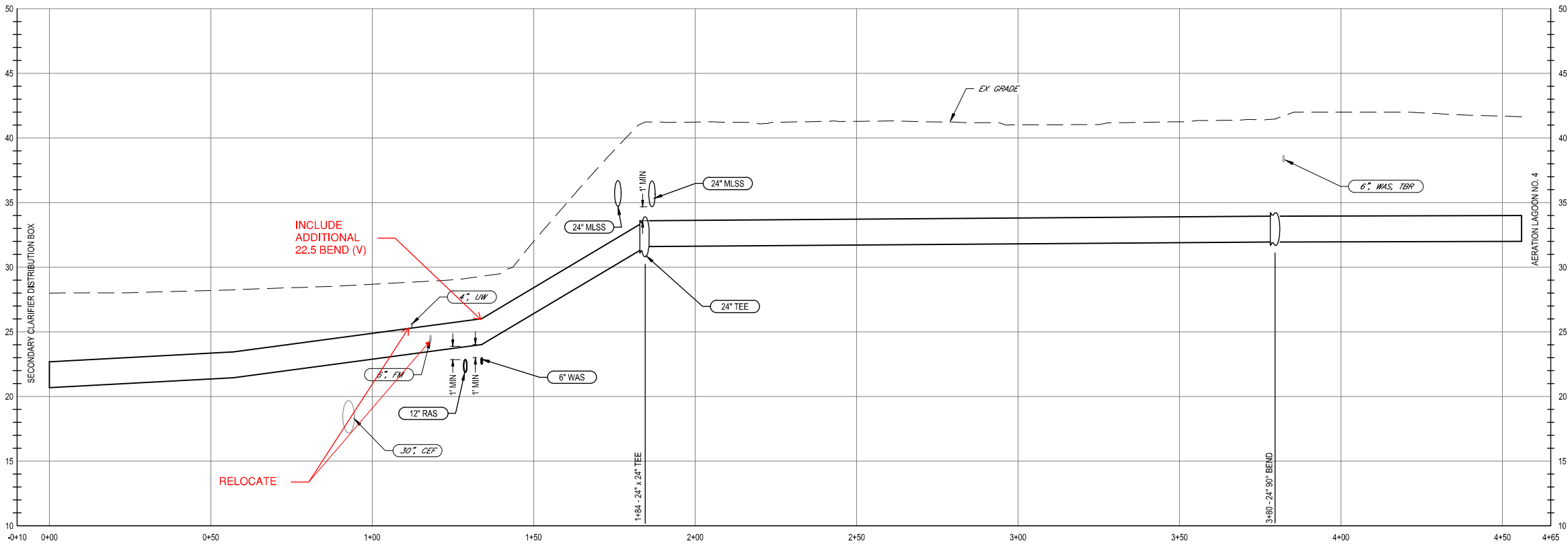
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Project No. 12645844
Date 01/2025
Scale AS NOTED

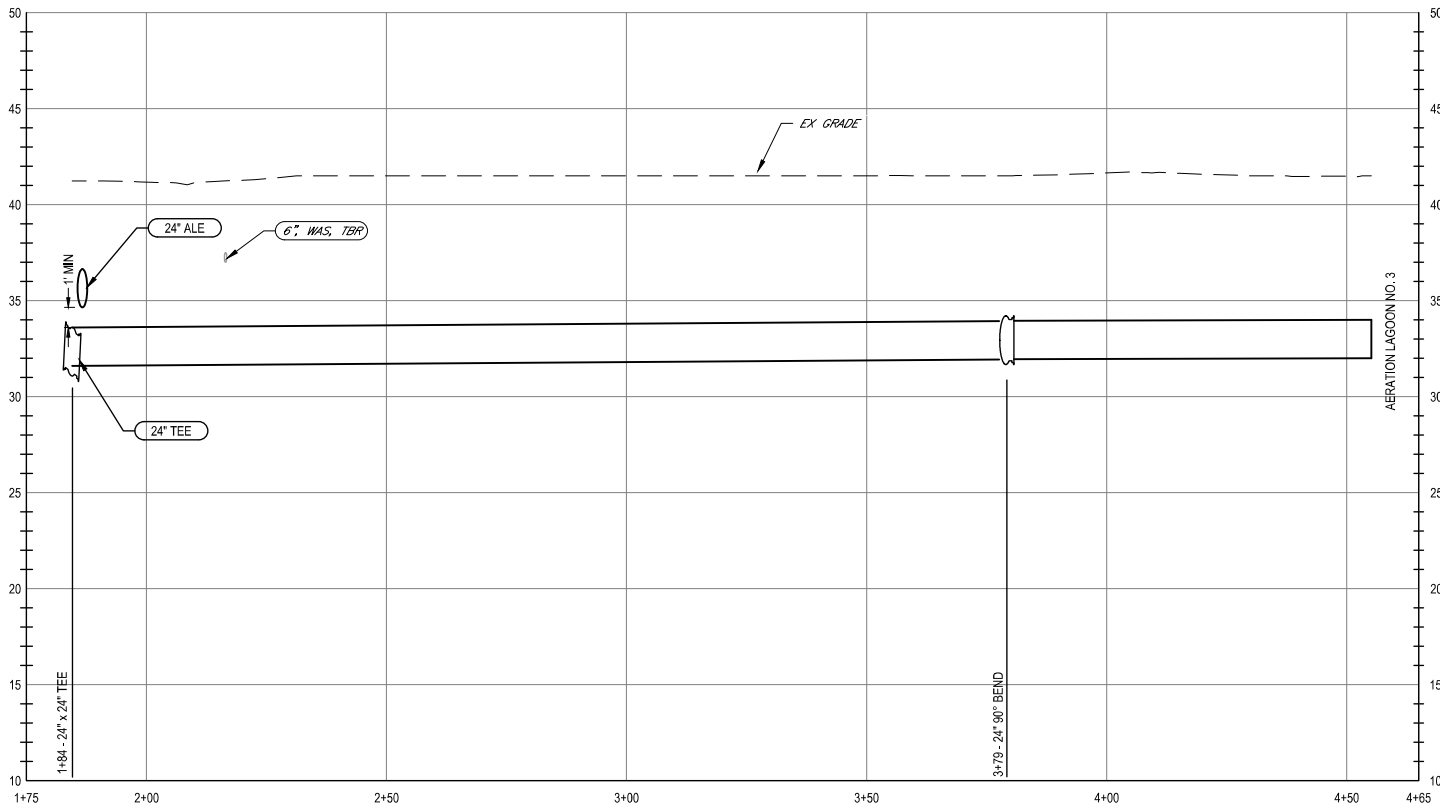
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of



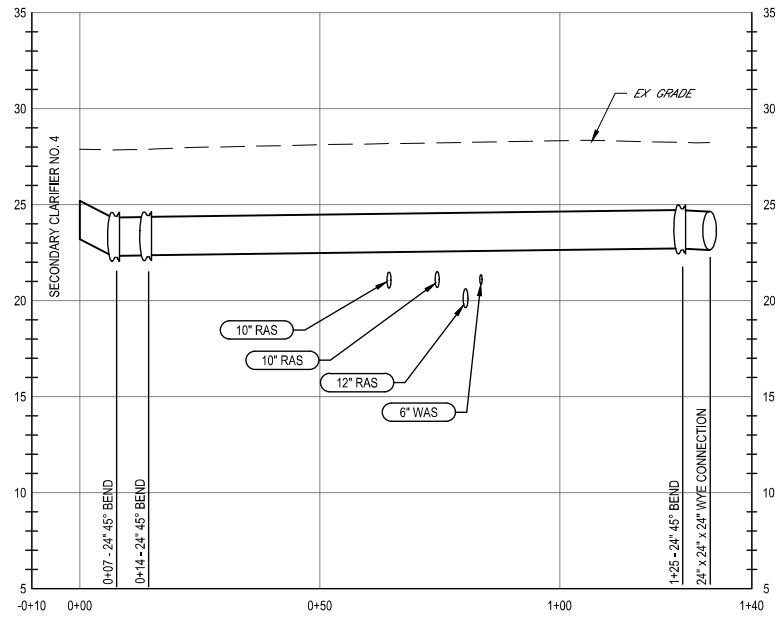
12 PROFILE - 6" WAS TEE TO SCUM VALVE VAULT
SCALE: 1" = 20' H
SCALE: 1" = 5' V



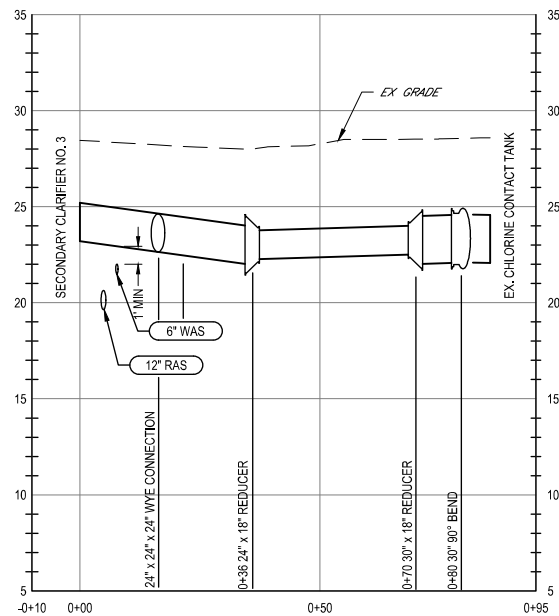
13 PROFILE - 24" ALE SECONDARY CLARIFIER DISTRIBUTION BOX TO AERATION LAGOON 4
SCALE: 1" = 20' H
SCALE: 1" = 5' V



14 PROFILE - 24" ALE TEE TO AERATION LAGOON 3
SCALE: 1" = 20' H
SCALE: 1" = 5' V



15 PROFILE - 24" CEF SECONDARY CLARIFIER NO. 4 TO 24" WYE CONNECTION
SCALE: 1" = 20' H
SCALE: 1" = 5' V



16 PROFILE - 24" CEF SECONDARY CLARIFIER NO. 3 TO EX. CHLORINE CONTACT TANK
SCALE: 1" = 20' H
SCALE: 1" = 5' V

No.	Issue	Checked	Approved	Date
Author	D. WILLSON	Drafting Check	Project Manager	S. CLARK
Designer	H. ZIEGLER	Design Check	Project Director	J. STURDEVANT

SITE ADDRESS:

29445 INLAND BAY ROAD
MILLSBORO, DE 19966

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Client

SUSSEX COUNTY, DELAWARE

Project

INLAND BAYS REGIONAL
WASTEWATER FACILITY EXPANSION

Project No.

12645844

Date

01/2025

Title

YARD PIPING PROFILES 3

Scale

AS NOTED

Sheet No.

C0605

Size

ANSI D

Sheet

of



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

April 25, 2025

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-006
Site Utilities

Dear Mr. Clark:

Pursuant to GHD's RFP-IB-006-GC, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials and equipment for installation of the Site Utilities as identified in the RFP, for the Lump Sum Price of One Million Six Hundred Thirty-Eight Thousand Dollars and 00 Cents.....\$1,637,000.00.

This proposal is based on all information identified in GHD's RFP IB-006-GC, dated March 19, 2025, Marked Up GHD Drawings C0602, C0603, C0604, C0605 and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below.

Scope of Work:

- Demolition
 - Cut, cap, and permanently close the valves associated with the 24" influent and effluent piping on the east and west sides of the existing lagoon. Cut and demo pipe as required to prevent interference with the new liners.
 - Demolish the 6" waste sludge piping as outlined in the RFP including demolition of the branches which discharge to the existing lagoon.
- New Site Utility Installation
 - Install new yard piping in accordance with applicable specifications and drawing details from the SCRWF Upgrade No. 3 Project. Piping to be per marked up drawings provided in the RFP and as further detailed as follows.
 - Profile 1 (24" DIP, MLSS): Headworks & Distribution Structure to Aeration Lagoon No. 3, including 2 EA deflectable joints at the Headworks & Distribution Structure and 2 ea liner penetrations extending 18" beyond the liner.
 - Profile 2 (24" DIP, MLSS): Headworks & Distribution Structure to Aeration Lagoon No. 4, including 2 EA deflectable joints at the Headworks & Distribution Structure and 2 ea liner penetrations extending 18" beyond the liner.

- New Site Utility Installation (Cont.)
 - Profile 3 (8" DIP, PR): Connection between existing Recycle Pumping Station force main and the new Headworks & Distribution Structure including isolation valves, vertical adjustment fittings and dual bracket pipe supports.
 - Profile 6 (10" DIP, RAS): Secondary Clarifier No. 3 Under slab Installed in RFP-IB-002-GC to Pump & Blower Building No. 2 to include at least two joints adjacent to concrete encasement and piping to end at the edge of the Pump & Blower Building No. 2 as indicated on the plan. It is assumed piping in and underneath that building will be included in a future RFP.
 - Profile 7 (10" DIP, RAS): Secondary Clarifier No. 4 Under slab Installed in RFP-IB-002-GC to Pump & Blower Building No. 2 to include at least two joints adjacent to concrete encasement and piping to end at the edge of the Pump & Blower Building No. 2 as indicated on the plan. It is assumed piping in and underneath that building will be included in a future RFP.
 - Profile 8 (12" DIP, RAS): Pump & Blower Building No. 2 to Headworks & Distribution Structure to include isolation valve, vertical adjustment fitting at base of lagoon berm, vertical adjustment fittings at Headworks Structure and to end at the edge of the Pump & Blower Building No. 2 indicated on the plan. It is assumed piping in and underneath that building will be included in a future RFP.
 - Profile 9 (12" DIP, RAS): Connection between existing Pump & Blower Building No. 1 force main and the new Headworks & Distribution Structure to include isolation valves, vertical adjustment fitting at the base of the berm and Include an additional 22.5 bend at the base of the berm and vertical adjustment fittings at Headworks Structure.
 - Profile 10 (6" DIP, WAS): Relocation of existing WAS force main to include isolation valves at the TEE, and ARV at the upstream connection point with 48" dia x 48" H precast riser and vertical adjustment fittings at the berm. It is assumed that the plant will be able stop wasting to allow for the final pipe connections at either end.
 - Profile 11 (6" DIP, WAS): Pump & Blower Building No. 2 to Profile 10 to include isolation valves. Piping to be installed to edge of the Pump & Blower Building No. 2 as indicated on the plan. It is assumed piping in and underneath that building will be included in a future RFP.
 - Profile 12 (6" DIP, WAS [Scum]): Scum Pumping Station No. 2 valve vault to Profile 11 including coordination of piping at valve vault with work already included in RFP-IB-002-GC and addition air release valve inside valve vault (not included in RFP-IB-002-GC).
 - Profile 13 (24" DIP, ALE): Aeration Lagoon No. 4 effluent structure to Clarifier Distribution Box to include coordinate connection at precast effluent structure in RFP-IB-005-GC, test pitting to verify connection requirements at the Clarifier Distribution Box, rolling of tee at top of berm to achieve required pipe slope, an additional vertical adjustment bend at the base of the berm and relocation of the existing 4" and 6" utilities required for installation of the new 24" piping.
 - Profile 14 (24" DIP, ALE): Aeration Lagoon No. 3 effluent structure to Profile 13 including coordination of connection at precast effluent structure in RFP-IB-005-GC.
 - Profile 15 (24" DIP, CEF): Secondary Clarifier No. 4 to Profile 16 including 2 EA deflectable joints at the Secondary Clarifier connection.

April 25, 2025
Mr. Steven Clark, PE
Page Three

- New Site Utility Installation (Cont.)
 - Profile 16 (24"-18"-30" DIP, CEF): Secondary Clarifier No. 3 to Chlorine Contact Tank No. 1 including 2 EA deflectable joints at the Secondary Clarifier Connection, piping to and including the wye only. It is assumed details for the remaining portion of the piping to be detailed in separate RFP.

Listing of Qualifications/Exclusions:

- Bypass Pumping for piping connections is specifically excluded. It is assumed that all piping connections can be made during plant shut downs or via isolation of the processes.
- Electric for dewatering pumps is specifically excluded. BW Electric to supply power conduit and wiring for our dewatering pumps (Based on correspondence with BW).
- Power and water consumption costs for construction activities is specifically excluded.
- Offsite disposal of excess excavated materials is specifically excluded.
- Proposal includes bond costs for work identified in this proposal.
- Permit fees are specifically excluded.
- Rock removal is specifically excluded, however, not anticipated based on the Geotechnical Report.
- Prevailing wage rates are excluded.
- Domestic steel requirements are specifically excluded.
- Construction testing for compaction, concrete, reinforcing steel, structural steel, etc. is assumed to be by Owner and is specifically excluded.

Thank you for the opportunity to provide this proposal, should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manager

cc: HO File 554-01
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca



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: May 9, 2025

RE: County Council Report for C/U 2468 filed on behalf of Richard H. Bell, III

The Planning and Zoning Department received an application (C/U 2468 filed on behalf of Richard H. Bell, III) for a mobilization yard for the Park Avenue relocation project, to include the storage of soil and materials, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 135-15.00-79.03. The property is located at 22592 Lewes-Georgetown Highway, Georgetown. The parcel size is 5.96 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 19, 2025. At the meeting of March 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 6 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application on April 8, 2025. At the conclusion of the meeting, Council closed the Public Record and deferred action on the application for further consideration. Below is a link to the County Council minutes of April 8, 2025:

[Link to the Minutes of the April 8, 2025 County Council meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting on February 19, 2025, and March 19, 2025.

Minutes of the February 19, 2025, Planning & Zoning Commission Meeting

C/U 2468 Richard H. Bell, III

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1



AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS. The property is lying on the southeast side of Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321). 911 Address: 22592 Lewes Georgetown Highway, Georgetown. Tax I.D. No.: 135-15.00-79.03.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's conceptual site plan, a copy of the DelDOT SLER, a copy of the staff analysis, a copy of the letter received from the Sussex County Engineering Department Utility Planning Division, and zero comments. To provide a brief summary of the background of this application, this is a violations case that came through the Constables office; that there was a prior CU application which was approved for a contracting business with outdoor storage and the crushing of concrete that was Conditional Use 2468, which was approved by Council in August of 2017; that prior to that, the Applicant did submit a site plan and that site plan was approved in February of 2022; that that approved site plan is the basis of your conceptual site plan today; that following the approval of that CU, it was noted that there was a significant storage of soil on the property and that triggered an outreach to the Applicant, which led to the submittal of this application.

Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the Applicant that this is an application for a mobilization yard for a road construction project that is being done through DelDOT; that there is currently a large pile of topsoil with a smaller pile of organic material behind it located on the property; that these materials were brought to the site by the general contractor as part of Phase One of the Park Ave. relocation project, which is specifically DelDOT project number T-2020004601, which is for the relocation of Park Ave. to extend the runways at the Delaware Coastal Airport; that Mr. Allan Myers was the general contractor for the Park Ave. relocation and as they were doing the work they were looking for a location for the soil, shrubbery, tree roots and other organic materials that were being generated by that site work to be stored; that Mr. Bell's property is on Route 9, less than 1/4 mile from its intersection with Park Ave., and his property is fenced and is being used as a contractor's yard for his business, Clean Cut Pavers and Pools; that this was an ideal location to Mr. Allan Myers to begin transporting materials and leaving them there as needed as part of the site work for the relocation of Park Ave.; that as the pile grew the Constables noted and a violation was issued which triggered this application; that there was an existing Conditional Use 2083, Ordinance #2515 for an office, storage building, storage yard and crushing of concrete for a contracting business; that the concrete crushing was for a limited time to get rid of an existing pile of concrete that was on the property; that this is a temporary use that will occur as long as it is permitted by the County during the relocation work for Park Ave.; that Phase One of this project started on Route 113, with the reconstruction of Arrow Safety Rd. starting at Route 113 and leading to a new roundabout that was installed on South Bedford St.; that this phase also included the construction of that new roundabout and the relocation of Park Ave. to connect to the roundabout and head to the southern boundary of the airport, where Phase One of the relocation work ended; that Phase Two will pick up at the southern boundary of the airport and then redo Park Ave. all the way to Route 9 and then some of the greater Route 9 area at the intersection of Park Ave. and Route 9; that Phase Two is still in the bidding stages, so the hope is that Mr. Allan Meyers will get that contract and utilize the Applicant again for the storage of the materials; that that is the reason for the temporary usage request; that the Applicant proposes a time limit that coordinates with the completion of the Park Ave. relocation,

specifically that within 180 days of the completion of Phase Two all of the topsoil and other materials that were brought to the site will be removed from the property; and that there are two (2) proposed Conditions from the Applicant, being:

1. The Conditional Use shall allow the property to be used for a temporary mobilization yard for DelDOT's Park Ave. relocation project, Phase One and Phase Two.
2. The time limit is for all the materials as part of the Park Ave. relocation project and shall be removed within 180 days of the conclusion of Phase Two of the project.

That Sussex County can ensure that the use is first of all related to the Park Ave. relocation project and secondly that it is a temporary use that will only occur during the duration of the project; that this application came forward as a result of a violation against the current Conditional Use that was for the storage of the stone and materials for the Applicant's paver company; that the build up of the organic material caused a violation and now the need to have a new Conditional Use for this property; that Mr. Allan Meyers brought in soil and all of the grubbing activities from Phase One of the project and some of those items have already been redistributed back out, but those that have not are hoped to be used in Phase Two; and that if they do not use it in Phase Two then Mr. Allan Meyers will need to remove it from the Applicant's property at the completion of the project.

Ms. Wingate asked if the wood chips, tree stumps and tree debris would be used for Phase Two of the project?

Mr. Richard Bell, III, the Applicant, stated that the plan is to grind that into a fine mulch and mix it with the topsoil, so they have this bio mix for the next phase.

Mr. Robertson stated that the current Ordinance prohibits any further grinding of any material being brought onto the site or already on the site and now new material has been brought onto the site besides the dirt and there is grinding of that material.

Mr. Hutt stated that if the Commission recommends approval, then a condition can be made for the materials that are grubbed from the Park Ave. project can be grinded and mixed with soil at the site and then removed from as part of Phase Two; that the hours of operation would be consistent with the current Conditional Use which is 7:00AM-5:00PM.

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 2468 Richard H. Bell, III. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

Minutes of the March 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since February 19, 2025.

Ms. Wingate moved the Commission to recommend approval of C/U 2468 RICHARD H. BELL, III, with conditions, for a mobilization yard for the Park Avenue Relocation Project based upon the record made during the public hearing and for the following reasons:

1. This property is already the subject of Conditional Use #2083, codified by Ordinance #2515. That prior conditional use permitted “an office, storage building, storage yard, and crushing of concrete for a contracting business”. That prior conditional use arose out of a violation issued for the concrete crushing operations and the approval required all concrete crushing operations to cease 45 days after the adoption of the ordinance. That prior conditional use also specifically prohibited “processing of wood” and stated that “No other wood or metal chipping or grinding shall occur and no other materials, including concrete, wood and metal shall be accepted at the site for crushing or recycling.”
2. This pending conditional use arose out of a second violation issued against the property and this Applicant. Despite the prohibitions of the prior Ordinance, the Applicant has been accepting soils and other materials at the site including wood, trees and roots for storage, screening and grinding. According to the Applicant, all of this was in conjunction with the ongoing relocation of Park Avenue outside of Georgetown.
3. The relocation of Park Avenue is an important project for the safety of vehicles and trucks that use the roadway and for the expansion of the airport and the County’s industrial park located there. The project also mitigates traffic issues in and around Georgetown. This use supports this road project, but it should be limited to this road project. Given its location next to other residential properties, the Sports at the Beach youth sports complex and the emerging commercial corridor along this area of Route 9, this industrial-type use should not become permanent.
4. The Applicant has stated that the use is needed not only for Phase I of the Park Avenue Relocation Project but also Phase II if the current DelDOT contractor that is depositing materials on this site successfully wins the bid to perform work in Phase II. For that reason, the duration of this conditional use should be limited to this specific DelDOT work.
5. This is an appropriate limited expansion of the existing conditional use for this property but with the conditions imposed with this recommendation, including the limited duration of the use.
6. This recommendation is subject to the following conditions:
 - A. All of the conditions of Conditional Use #2083 and Ordinance #2515 shall remain in effect unless specifically modified by these conditions.
 - B. There shall not be any grinding, sifting, screening, mulching, or similar processes applied to wood, logs, stumps, or roots. No additional wood, roots or wood products shall be delivered to the property, and all existing wood, roots or wood products must be removed within 45 days of the adoption of this Ordinance.
 - C. All dirt and other materials stored at the site pursuant to this Conditional Use shall be removed from the site within 45 days from the completion of Phase I of the Park Avenue Relocation Project, as confirmed by a determination of “Substantial Completion” by DelDOT. If “Substantial Completion” has already been determined for Phase I, then the materials shall be removed within 45 days from the adoption of this Ordinance by Sussex County Council. Alternatively, if Alan Myers, the current DelDOT contractor for Phase I of DelDOT’s Park Avenue Relocation Project is awarded the contract for Phase II, then this date shall be extended until 45 days from the completion of Phase II as confirmed by a determination of “Substantial

Completion” by DelDOT for Phase II. This use shall not apply to any contractor other than Alan Myers, nor for any project other than the Phase I of the Park Avenue Relocation Project and Phase II of that Project if the contract for Phase II is awarded to Alan Myers. No dirt or other materials shall be brought onto the site from any other source or for any other purpose.

- D. The Final Site Plan shall depict all material storage areas, and the type of material stored in each area.
- E. The Final Site Plan shall contain the review and approval of the Sussex Conservation District.
- F. 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 2684 Richard H. Bell, III 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



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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: February 5, 2025

Application: CU 2468 Richard H. Bell, III

Applicant: Richard H. Bell, II
115 Savannah Road
Lewes, DE 19958

Owner: Richard H. Bell, II
115 Savannah Road
Lewes, DE 19958

Site Location: 22592 Lewes Georgetown Highway, Georgetown

Site Location: Located on the southeast side of Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321).

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

Proposed Use: A mobilization yard for the Park Avenue relocation project to include storage of soil and materials

Comprehensive Land
Use Plan Reference: Developing Area

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: 5.96-acre(s) +/-

Tax Map ID.: 135-15.00-79.03



JAMIE WHITEHOUSE, AICP MRTPI
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Sussex County

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sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 11, 2025
RE: Staff Analysis for C/U 2468 Richard H. Bell, III

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2468 Richard H. Bell, III to be reviewed during the February 19th, 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: 135-15.00-79.03

Proposal: The request is for a Conditional Use for Tax Parcel 135-15.00-79.03 to allow for a mobilization yard for the Park Avenue relocation project to include the storage of soil and materials on a parcel lying on the southeast side of Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321) in Georgetown. The property is comprised of 16.4f acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The surrounding parcels of the subject property are all Agricultural Residential (AR-1) District with parcels to the east and west being zoned Neighborhood Business (B-1) District, Commercial Residential (CR-1) District and General Commercial (C-1) District.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has land use designation of "Developing Area." All surrounding properties to the north, south, east, and west of the subject site contain a Growth Area Future Land Use Map designation of "Developing Area."

Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures and the Plan notes that "most of the proposed Developing Areas are adjacent to municipalities...or adjacent to Town Centers" (2018 Sussex County Comprehensive



Plan, 4-14). The Plan also notes guidelines for density in areas classified Developing Area, noting that a “density (4-12 units per acre) can be appropriate” where development can be supported by central water/sewer, a proximity to commercial and employment centers, or location along a main road or intersection (2018 Sussex County Comprehensive Plan, 4-14). Finally, the Plan notes that “a range of housing types should be permitted in Developing Areas, including single-family homes, townhouses, and multi-family units.” (2018 Sussex County Comprehensive Plan, 4-14).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is located within the vicinity of active agricultural areas.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** The site is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X”, within an area of “Fair” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site. An existing Condition Use is located on the site, C/U 2083 for a contracting business with outdoor storage and concrete crushing that was approved by Sussex County Council on Tuesday, August 8, 2017, through Ordinance No. 2515.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a mobilization yard for the Park Avenue relocation project to include the storage of soil and materials, 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 has been supplied which provides further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications, since 2017, 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 Date	CC Decision	Ordinance Number
2083	Richard H. Bell, III	AR-1	contracting business with outdoor storage and crushing of concrete	8/8/2017	Approved	2515
2119	Chad Hayes	AR-1	automotive sales with minor repair and contractor office with storage	4/17/2018	Approved	2571
2182	Samuel G. Thomas	AR-1	automotive repair and dealer	9/17/2019	Approved	2679
2228	M.L. Joseph Heirs Farm Account, LLC	AR-1	Campground	11/17/2020	Approved	2755
2369	Leeward Chase DE, LLC	AR-1	Multi-Family (106)	<Null>	Deferred	<Null>
2412	Marco Morales	AR-1	Professional Office for Construction	<Null>	<Null>	<Null>

Sussex County



January 9, 2025

polygonLayer

Override 1

Override 2

Tax Parcels

Streets

County Boundaries

layer44

Red: Band_1

Green: Band_2

Blue: Band_3

1:4,514

0

0.04

0.09

0.17 mi

0

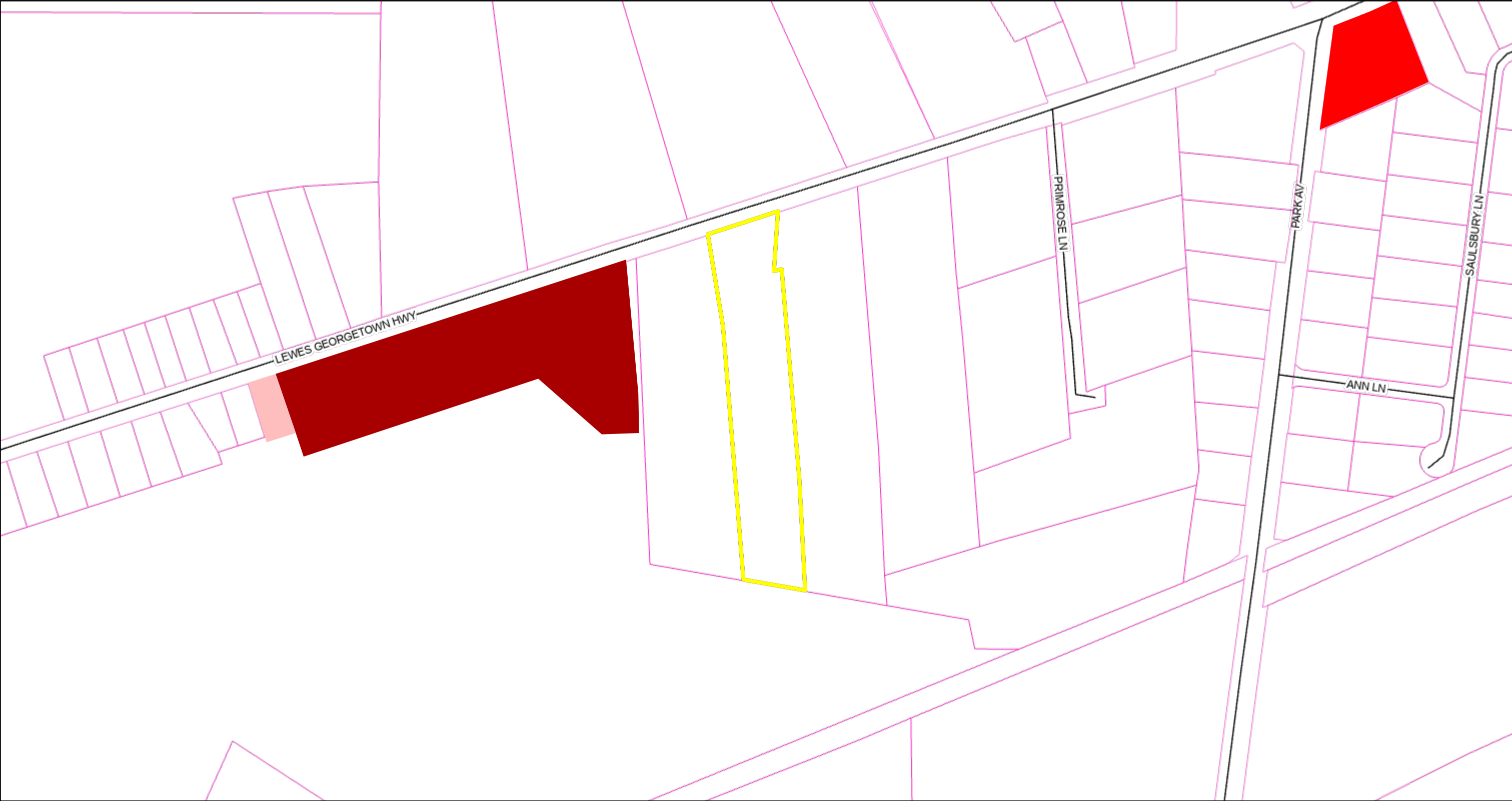
0.05

0.1

0.2 km

Wetland mapping is supported with funding provided by the Environmental Protection Agency., DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government

Sussex County



January 9, 2025

polygonLayer	Zoning		Tax Parcels	layer44
Override 1	Commercial Residential - CR-1	Streets	County Boundaries	Red: Band_1
Override 2	C1: General Commercial			Green: Band_2
	B-1: Neighborhood Business			Blue: Band_3

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Wetland mapping is supported with funding provided by the Environmental Protection Agency., DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government

Sussex County



January 9, 2025

layer43

Red: Band_1

Green: Band_2

Blue: Band_3

Override 1

Override 2

Tax Parcels

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

1.2m Resolution Metadata

1:4,514

00.040.090.17 mi

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Wetland mapping is supported with funding provided by the Environmental Protection Agency., DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Maxar

Introduced: 1/14/25

Council District 5: Mr. Rieley

Tax I.D. No.: 135-15.00-79.03

911 Address: 22592 Lewes Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS

WHEREAS, on the 14th day of July 2023, a Conditional Use Application, denominated Conditional Use No. 2468 was filed on behalf of Richard H. Bell, III; 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. 2468 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, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2468 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 southeast side of Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 16.4 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: May 9, 2025

RE: County Council Report for C/U 2556 filed on behalf of William Melton

The Planning and Zoning Department received an application (C/U 2556 filed on behalf of William Melton) for a professional office to be located in a GR General Residential Zoning District at Tax Parcel 134-12.00-73.02. The property is located at 36294 Old Mill Road, Ocean View. The parcel size is 0.82 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 9 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on April 8, 2025. At the conclusion of the Public Hearing, the Council closed the Public Record and deferred action on the application for further consideration. Below is a link to the minutes of the April 8, 2025 meeting:

[Link to the Minutes of the April 8, 2025 County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting on February 5, 2025, and February 19, 2025.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

C/U 2556 William Melton

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A



CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS. The property is lying on the south side of Old Mill Road (S.C.R. 349), approximately 550 feet west of Railway Road (S.C.R. 350). 911 Address: 36294 Old Mill Road, Ocean View. Tax Map Parcel: 134-12.00-73.02.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the deed to the property, a copy of the SLER, a copy of the Applicant's exhibits, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, a copy of the staff analysis, a copy of the Preliminary Site Plan, a copy of the Final Site Plan that was submitted on February 5, 2025, and 53 public comments included in the paperless packet.

Mr. William Melton, the Applicant, spoke on behalf of himself that he presented a similar application to this Commission a year prior and it was ultimately denied by the County Council due to the amount of opposition that was submitted; that the same opposition seems to be presented for this case; that while looking at the opposition comments they all came from residents of the Whites Creek Manor, which is a mile down the road from the property listed in this application; that the immediate neighbors of this application did not have any opposition to what was being proposed; that the proposal is to leave the existing structure as is, as the home is currently being rented and they are using the space above the garage as well; that the plan is to convert the garage into professional office; that there is someone interested in utilizing the space that runs a part time chiropractic office; that the business would most likely be on an as needed basis, but the application is asking for hours of operation to be Monday through Saturday, 8:00 AM – 2:00 PM; that the request is for a 24x36 sign, parking will be to code for the property and security lighting will be downlit as to not bother any neighbors; that the trash receptacle will be behind the building as to be out of sight from passing traffic; and that the access to the dwelling upstairs will be in the back of the property.

Ms. Wingate asked if there would be more than one (1) employee at the chiropractor office and how many patients will be seen in the office.

Mr. Melton stated that there would be two employees, and they would only be seeing two (2) to three (3) patients per day, so a maximum of six (6) to eight (8) cars in the parking lot at one time.

Mr. Martin Lampner of 205 Chad Place in Whites Creek, spoke in opposition to the application; that he is speaking on behalf of the White Creek Manor and Whitesnake Community Alliance; and that they are all concerned with the amount of traffic that will be brought to the area as it is overwhelming already.

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 2556 William Melton. Motion by Mr. Butler to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the February 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since February 5, 2025.

Mr. Mears moved the Commission to recommend approval of C/U 2556 WILLIAM MELTON for a professional office based upon the record made during the public hearing and for the following reasons:

1. The site is in the Coastal Area according to the current Sussex County Comprehensive Plan. Small offices are appropriate in the Coastal Area according to the Plan.
2. This location is centrally located in an area that contains a lot of existing and new low- and medium-density residential development. This will be a convenient location a small professional office space and will reduce the need for current and future nearby residents to have to travel to Route 26 for services that can be located on this site.
3. The location is served by central water and sewer.
4. The conditional use will not adversely affect area roadways or traffic.
5. The conditional use will also not adversely affect nearby properties or property values.
6. The proposed conditional use meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
7. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a Professional Office with a total square footage that does not exceed 2,150 square feet. No retail sales or outdoor storage shall occur on the site.
 - B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - C. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
 - D. Parking areas shall be shown on the Final Site plan and clearly marked on the site itself. No parking shall be allowed in the front yard setback.
 - E. All dumpsters shall be screened from the view of neighboring properties and roadways.
 - F. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
 - G. Stormwater management shall be constructed in accordance with all applicable state and county requirements.
 - H. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins and carried unanimously to recommend APPROVAL of C/U 2556 William Melton for the reasons and the conditions stated in the motion. Motion carried 4-1.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – no, 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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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: February 5, 2025

Application: CU 2556 William Melton

Applicant: William Melton
36294 Old Mill Road
Ocean View, DE 19970

Owner: William Melton
36294 Old Mill Road
Ocean View, DE 19970

Site Location: 36294 Old Mill Road, Ocean View, DE

Site Location: Located on the south side of Old Mill Road (S.C.R. 349), approximately 550 feet west of Railway Road (S.C.R. 350).

Current Zoning: General Residential (GR) Zoning District

Proposed Use: Professional Office

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company

Sewer: Sussex County

Water: Tidewater

Site Area: 0.82-acre(s) +/-

Tax Map ID.: 134-12.00-73.02



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Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 29, 2025
RE: Staff Analysis for C/U 2556 William Melton

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2556 William Melton to be reviewed during the February 5th, 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: 134-12.00-73.02

Proposal: The request is for a Conditional Use for Tax Parcel 234-23.00-276.00, 276.01, & 277.00 to allow for multi-family dwellings (116 units) on a parcel lying on the east side of Banks Road (S.C.R. 298), approximately 0.61 northeast of Long Neck Road (Rt. 23) in Millsboro. The properties are comprised of 30.57 acres +/-.

Zoning: The Parcel is zoned General Residential (GR) District. The surrounding parcels of the subject property are all General Residential (GR) District with parcels to the northwest being zoned Medium Density Residential (MR) District and General Commercial (C-1) District.

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

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are "areas that can accommodate development provided that 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” and that “appropriate mixed-use development should all be allowed” (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, the Comprehensive Plan notes that “central water and sewer facilities are strongly encouraged” within the Coastal Area, of which the Application indicates, is on central water and sewer (2018 Sussex County Comprehensive Plan, 4-16).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is located within the vicinity of active agricultural areas.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** The site is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** There appears to be a man-made pond located adjacent to and partially on the subject property. There are non-tidal wetlands located in the rear of the property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X”, within an area of “Fair” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site.

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

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table has been supplied which provides 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 Date	CC Decision	Ordinance Number
2462	Gulf Stream Glen Cove, LLC) seeking	AR-1	Multifamily Condominiums (Single - Detached)			
2401	OA Sundance Club, LLC	GR	Multi-Family (180 Units)	1/30/2024	Approved	2977
2323	Lesle Brossus	GR	Short-term rental for yurt & treehouse	6/13/2023	Approved	2928
2206	Linder & Company, Inc. (Evans Farm)	GR	multi-family (200)	6/15/2021	Approved	2776
2111	Michael Moutzalias	AR-1	RV/Park Model Trailer Repair and Refurbishment business	3/20/2018	Denied	
1983	Gerald W. & Emily W. Hocker	C-1	Food Vendor	5/20/2014	Approved	2349
1913	Jeremy W. Smith	AR-1	Yard & Waste Composting Facility	2/7/2012	Approved	2236
1897	Russell V. Banks	AR-1	borrow pit	6/12/2012	Approved	2259
1849	Linder & Company	GR	Multi-Family	2/1/2011	Approved	2176
1502	Windmill Venture LLC	MR	multi-family	12/16/2003	Approved	1647

1148	Great Scott Broadcasting	AR-1	Radio Broadcast Tower	3/12/1996	Approved	1081
1104	Eileen P. McCaffery	AR-1	expand park 81 lots	3/28/1995	Approved	1017

Sussex County



January 9, 2025

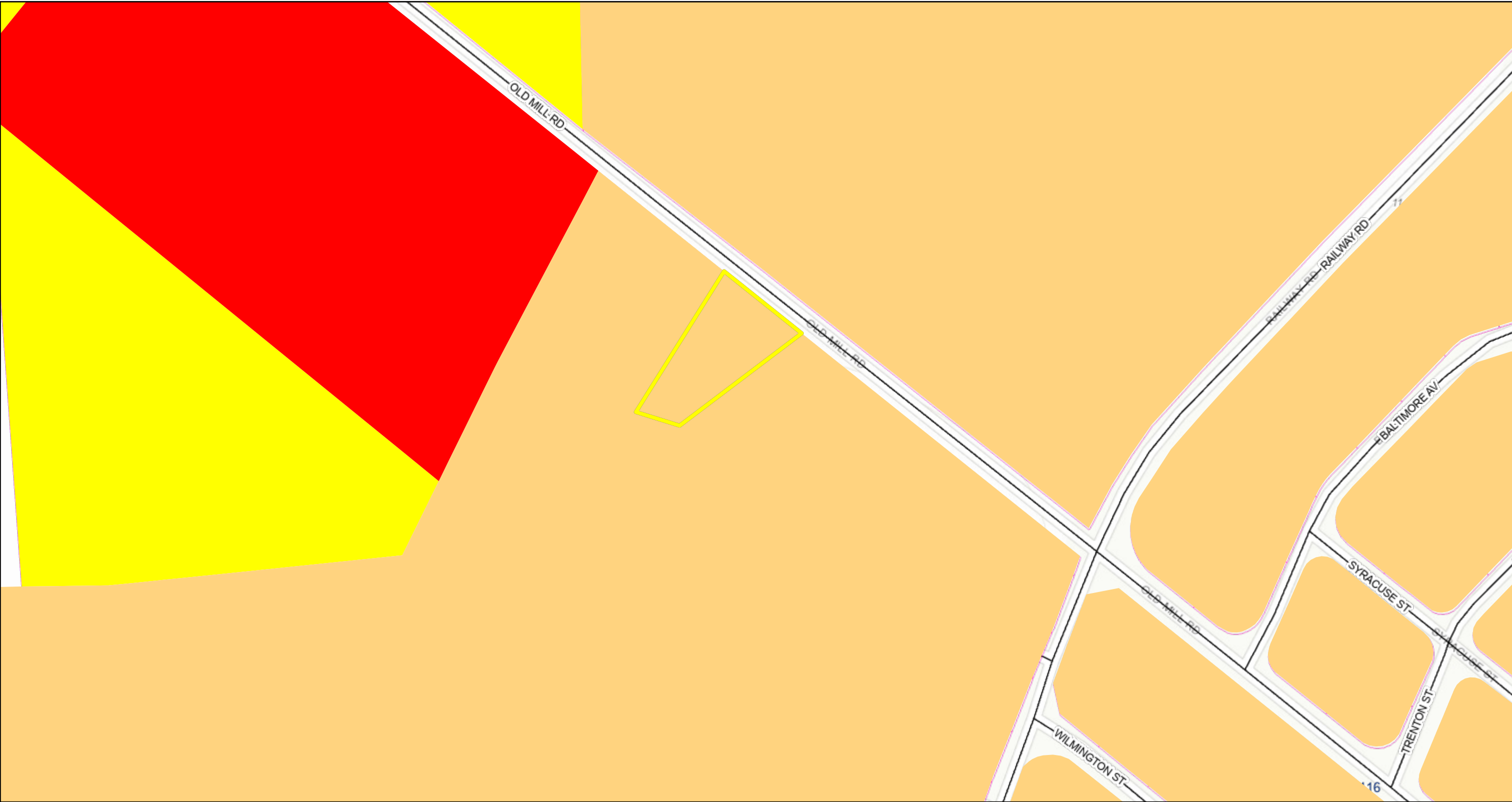
 Override 1  Tax Parcels  Streets

 Override 1 911 Address County Boundaries

1:1,128

Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, U.S. Geological Survey, Delaware Public Service Commission, FEMA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA,

Sussex County



January 9, 2025

polygonLayer

Override 1

Override 2

Zoning

Medium Residential - MR

General Residential - GR

C1: General Commercial

Tax Parcels

911 Address

Streets

County Boundaries

layer1

Red: Band_1

Green: Band_2

Blue: Band_3

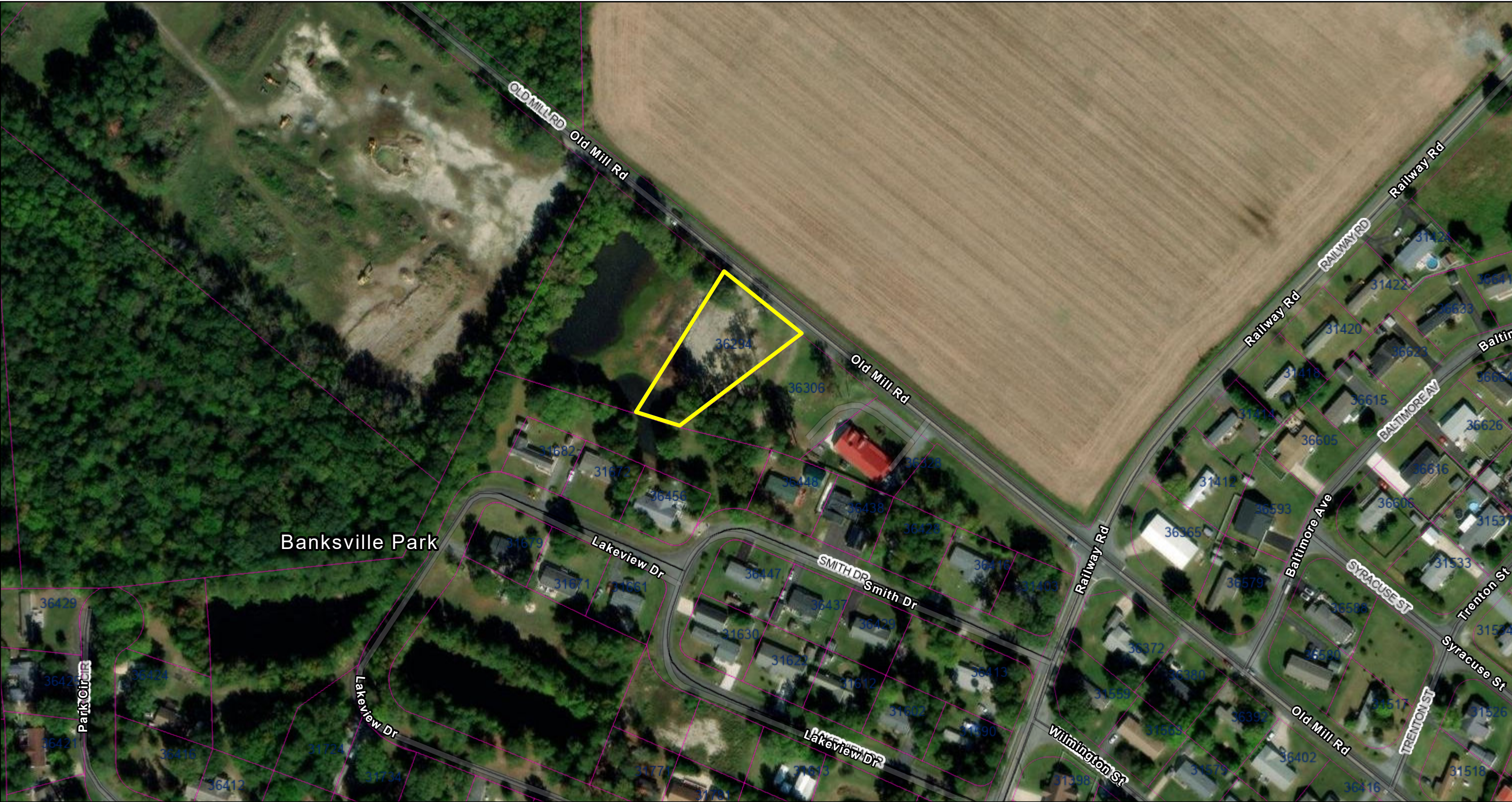
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0 0.02 0.04 0.08 mi

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County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Sussex County Government, Sussex County Mapping and Addressing

Sussex County



January 9, 2025

Override 1

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

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Maxar, Microsoft, Sussex County Government, Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sussex County Mapping and Addressing

Introduced: 1/14/25

Council District 4: Mr. Hudson

Tax I.D. No.: 134-12.00-73.02

911 Address: 36294 Old Mill Road, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS

WHEREAS, on the 7th day of October 2024, a Conditional Use application, denominated Conditional Use No. 2556 was filed on behalf of William Melton; 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. 2556 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. 2556 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Old Mill Road (S.C.R. 349), approximately 550 feet west of Railway Road (S.C.R. 350) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A. said parcel containing 0.82 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: 5/13/25

Council District 4: Mr. Hudson

Tax I.D. No.: 234-28.00-161.00

911 Address: 27980 Holly Tree Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 6.15 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of January 2025, a zoning application, denominated Change of Zone No. 2044 was filed on behalf of Atlantic Coastal Smart Storage; 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. 2044 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 [MR MEDIUM DENSITY RESIDENTIAL] and adding in lieu thereof the designation B-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the southwest corner of John J Williams Highway (Rt. 24) and Gull Point Road (S.C.R. 313), approximately 650 feet east of Streets Road (S.C.R. 310), and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcels containing 6.15 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: 5/13/25

Council District 4: Mr. Hudson

Tax I.D. No.: 533-12.00-74.00

911 Address: 37011 Old Mill Bridge Road, Selbyville

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.39 ACRES, MORE OR LESS

WHEREAS, on the 12th day of September 2024, a zoning application, denominated Change of Zone No. 2038 was filed on behalf of Randall Hall; 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. 2038 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 C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Old Mill Bridge Road (S.C.R. 381), approximately 0.11-mile north of Lighthouse Road (Route 54), and being more particularly described in the attached legal description prepared by Pennoni, said parcels containing 0.39 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.

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Proposed Millsboro Martial Arts Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission on March 25th of this year for the proposed Expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area).
- The Engineering Department has received a request from Plitko Engineering LLC on behalf of their client Dupont Properties, LLC owners/developer of parcels 233-16.00-22.00, 24.00 & 25.00 in the Tier 2 area for sewer service.
- The firm was informed the parcels were not contiguous to the existing area and that we would need to receive requests for annexation from the intervening parcels.
- The engineer provided us signed letters from the owners of parcel 233-11.00-244.00, 233-11.00-240.00 & 233-11.00-240.01 making the project contiguous to the existing district.
- The project will be responsible for extending the existing sewer south along Route 113 to their project and providing a connection point for those parcels agreeing to be annexed along with the project parcels.
- The project will be responsible for System Connection Charges in place at the time of connection.
- The Engineering Department posted notices on April 14th, advertised the weeks of April 30th and May 7th and added to the County website.



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

- To date we received a phone call from the mayor of the Town of Dagsboro questioning the annexation and the name, I requested written comments prior to the Public Hearing but to date have not received.
- In discussions we the County P&Z director the project is not adjacent to the existing town boundary placing jurisdiction on the county.

PUBLIC NOTICE

PROPOSED MILLSBORO MARTIAL EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (DAGSBORO/FRANKFORD AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **March 25, 2025**, to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Dagsboro/Frankford Area, to include six (6) parcels (233-11.00-240.00, 240.01 & 244.00 and 233-16.00-22.00, 24.00 & 25.00) on the east side of DuPont Highway (Rt. 113), and south of the Town of Dagsboro, being situate in the Dagsboro 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 Sussex County Unified Sanitary Sewer District (SCUSSD) boundary, said point also being on Municipal Boundary of the Town of Dagsboro, said point further being on the easterly Right-of-Way (ROW) of DuPont Highway (Rt. 113); thence proceeding by and with said boundaries in a northeasterly and southeasterly direction respectively for a distance of 1,005'± to a point, said point being on a shared property corner of lands Now-or-Formerly (N/F) of John D. & Carolyn Rickards, Sarah E. Wilkerson Trustee, and McCabe Brothers LLC; thence leaving said boundaries and continuing by and with said Rickards lands with a curve to the right in a southwesterly direction a total distance of 730'± to a point, said point being the westernmost property corner of lands N/F of Gary E. Clark & Robin M. Caporaletti; thence leaving said Rickards lands and proceeding by and with said Clark lands in a southeasterly and northeasterly directions respectively a total distance of 1,040'± to a point, said point being on the northerly property line of lands N/F of DuPont Properties LLC, thence leaving said Clark lands and proceeding by and with said DuPont lands in a northeasterly, southeasterly, northwesterly, southwesterly, northwesterly direction respectively a total distance of 1,875'± to a point, said point being a property corner of other lands N/F Dupont Properties LLC; thence proceeding by and with said other lands of Dupont in a southwesterly direction a distance of 169' to a point, said point being on the easterly ROW of DuPont Highway (Rt. 113); thence proceeding by and with said ROW in a northwesterly direction a distance of 1,675'± to a point, said point **being that of the Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 233-11.00 and 233-16.00, and Sussex County property assessment records. The annexation contains 22.3 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 PM on May 13, 2025, in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. 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.

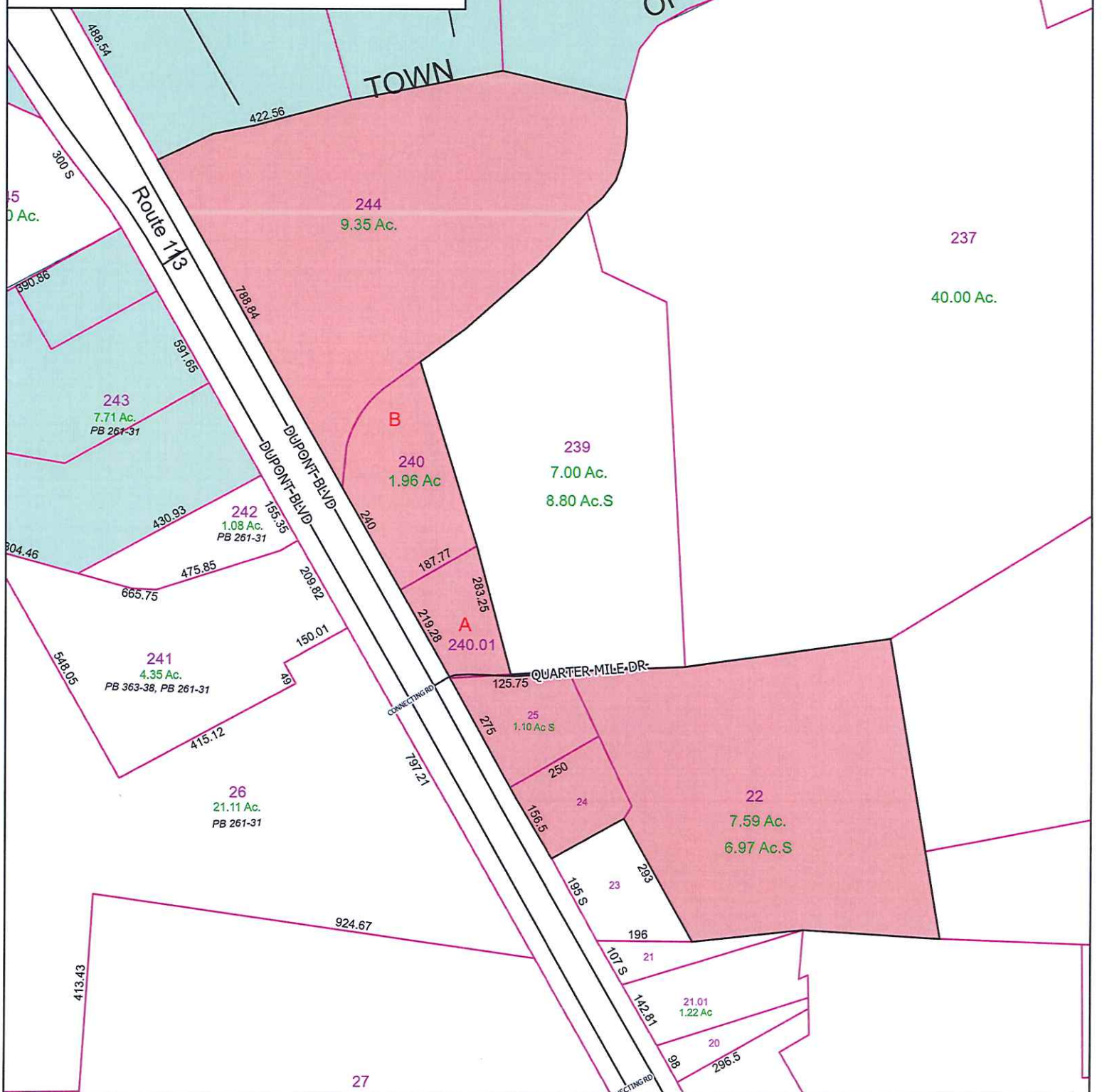
Mike Harmer, P.E.
County Engineer

PROPOSED ANNEXATION
Millsboro Martial Arts

Existing SSD Parcels of Interest



0 80 160 320
Feet
Map created: 3/14/2025



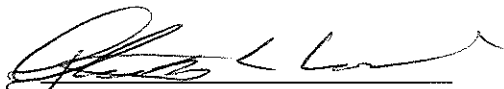
The proposed annexation is scheduled to be discussed May 13, 2025 at 1:30 PM
in the Sussex County Council Chambers, date and time subject to change
For more information please visit: <https://sussexcountyde.gov/proposed-projects-schedules>
Or call Sussex County Utility Planning at 302-855-7370

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
MILLSBORO MARTIAL ARTS
AFFIDAVIT FOR PUBLIC HEARING

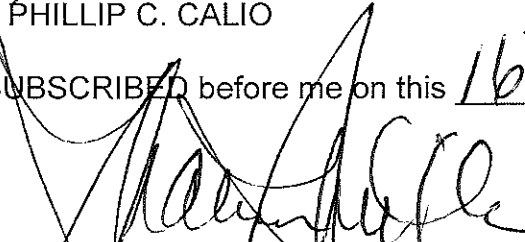
STATE OF DELAWARE)(:
COUNTY OF SUSSEX)(

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 April 14, 2025, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 14, 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 DPL Pole 56771/56771 in the easterly Right-of-Way (ROW) of DuPont Blvd. (Rt. 113),
 - 2. On a post in front of DPL Pole 56760/99401 in the easterly ROW of DuPont Blvd. (Rt. 113),
 - 3. On a post in front of DPL Pole 56723/99439 in the easterly ROW of DuPont Blvd. (Rt. 113),
 - 4. On a post in front of DST Co. 4 in the easterly ROW of DuPont Blvd. (Rt. 113),
 - 5. On a post beside a stop sign at the exit of Royal Farms on Clayton Street, Dagsboro, DE,
 - 6. On a post in front of a STOP sign at the intersection of Royal Blvd. and Clayton Street,
 - 7. On a post in front of a STOP sign at the exit of Cea-Dag Court, Clayton Street,
 - 8. On a post in front of a STOP sign at the intersection of Beach Air Landing Road and Clayton Street.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 16th day of April A.D., 2025


NOTARY PUBLIC



My Commission Expires 6/14/2024

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE SIX PARCELS (233-11.00-240.00, 240.01 & 244.00 and 233-16.00-22.00, 24.00 & 25.00) ON THE EAST SIDE OF DUPONT BOULEVARD (RT. 113) AND SOUTH OF THE TOWN OF DAGSBORO 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.

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 south of Frankford, 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 situated on the east and west sides of Delaware Avenue Extended, and further described as follows:

Beginning at a point, said point being on the Sussex County Unified Sanitary Sewer District (SCUSSD) boundary, said point also being on Municipal Boundary of the Town of Dagsboro, said point further being on the easterly Right-of-Way (ROW) of DuPont Highway (Rt. 113); thence proceeding by and with said boundaries in a northeasterly and southeasterly direction respectively for a distance of 1,005'± to a point, said point being on a shared property corner of lands Now-or-Formerly (N/F) of John D. & Carolyn Rickards, Sarah E. Wilkerson Trustee, and McCabe Brothers LLC; thence leaving said boundaries and continuing by and with said Rickards lands with a curve to the right in a southwesterly direction a total distance of 730'± to a point, said point being the westernmost property corner of lands N/F of Gary E. Clark & Robin M. Caporaletti; thence leaving said Rickards lands and proceeding by and with said Clark lands in a southeasterly and northeasterly directions respectively a total distance of 1,040'± to a point, said point being on the northerly property line of lands N/F of DuPont Properties LLC, thence leaving said Clark lands and proceeding by and with said DuPont lands in a northeasterly, southeasterly, northwesterly, southwesterly, northwesterly direction respectively a total distance of 1,875'± to a point, said point being a property corner of other lands N/F Dupont Properties LLC; thence proceeding by and with said other lands of Dupont in a southwesterly direction a distance of 169' to a point, said point being on the easterly ROW of DuPont Highway (Rt. 113); thence proceeding by and with said ROW in a northwesterly direction a distance of 1,675'± to a point, said point **being that of the Beginning**.

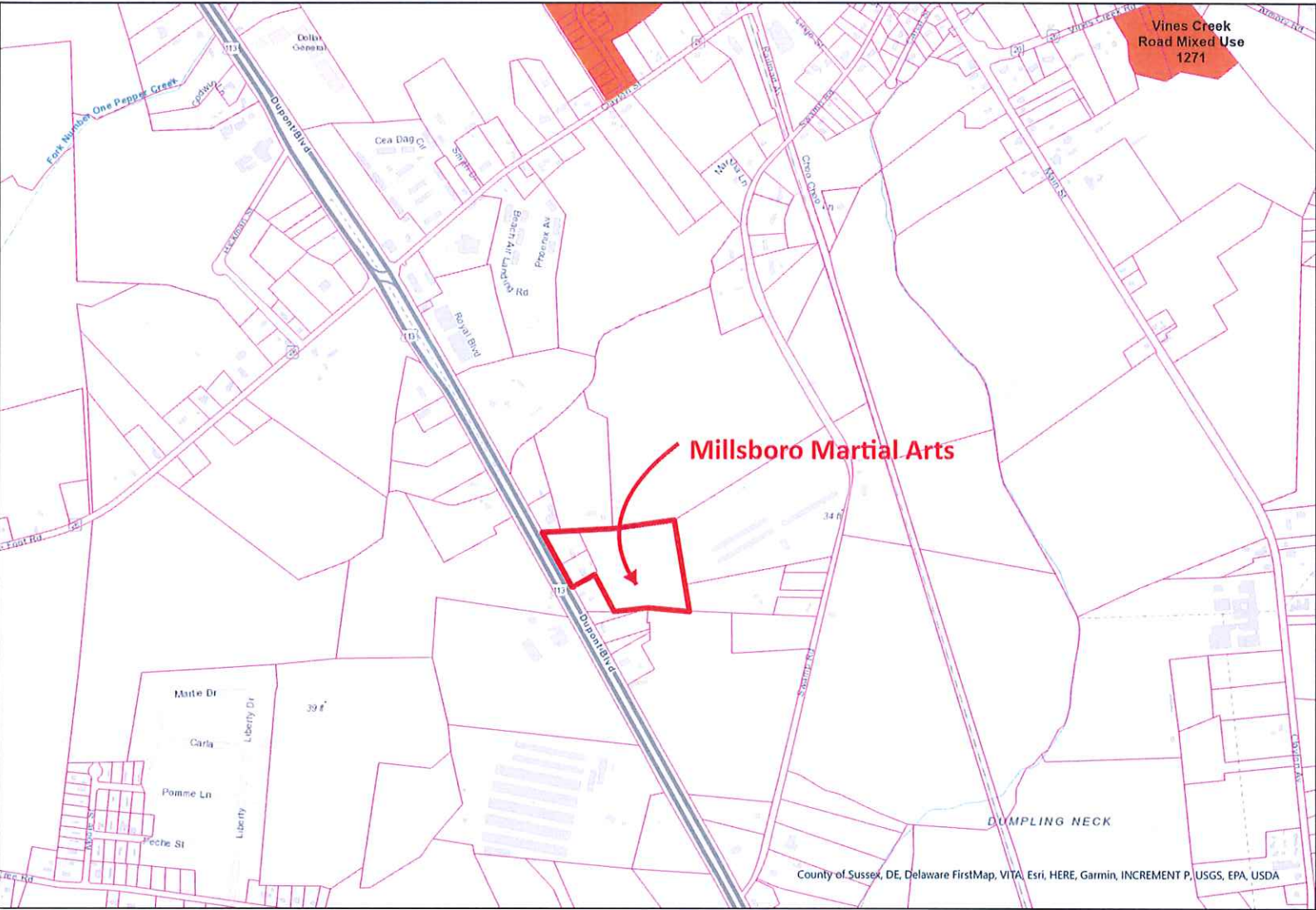
NOTE: The above description has been prepared using Sussex County Tax Map 233-11.00 & 16.00 and Sussex County property assessment records. The site contains 22.30 acres more or less.

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

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

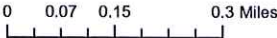
BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in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

Project Area



Legend

- Tax Parcels
- Regional Project
- Planning Area
- Sewer
- Road



ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Proposed Crescent Place Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission on March 25th of this year for the proposed Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area)
- The Engineering Department has received a request from Beacon Engineering, LLC on behalf of their client, The Evergreene Companies, LLC owners/developer of parcel 134-19.00-24.00, adjacent to the existing Miller Creek Area of the SCUSSD.
- Parcels along Central Ave., the project is proposed for (57) single family lots plus a clubhouse.
- The project will be responsible for System Connection Charges in place at the time of connection.
- The Engineering Department posted notices on April 14th, advertised the weeks of April 30th and May 7th and added to the County website.
- To date we received no correspondence in support or opposition to this annexation.



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

PUBLIC NOTICE

PROPOSED CRESCENT PLACE EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (MILLER CREEK AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **March 25, 2021** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Miller Creek Area, to include the Crescent Place subdivision, 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 (Miller Creek Area) boundary, said point also being a shared property corner of lands Now-Or-Formerly of The Woodlands and Bittersweet Investments, LLC; thence proceeding by and with said SCUSSD boundary in a southeasterly, northeasterly, southeasterly, southwesterly, and northwesterly direction respectively direction a total distance of 1,875'± to a point, said point being on the northeasterly Right-of-Way of Central Avenue; thence proceeding by and with said ROW in a northeasterly direction a total distance of 1,165'± to a point, said point being the westernmost property corner of lands N/F of Bittersweet Investments, LLC; thence proceeding by and with said Bittersweet Investments lands in a southeasterly direction a distance of 765'± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 134-19.00 and Sussex County property assessment records. The annexation contains 14.45 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 May 13, 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.

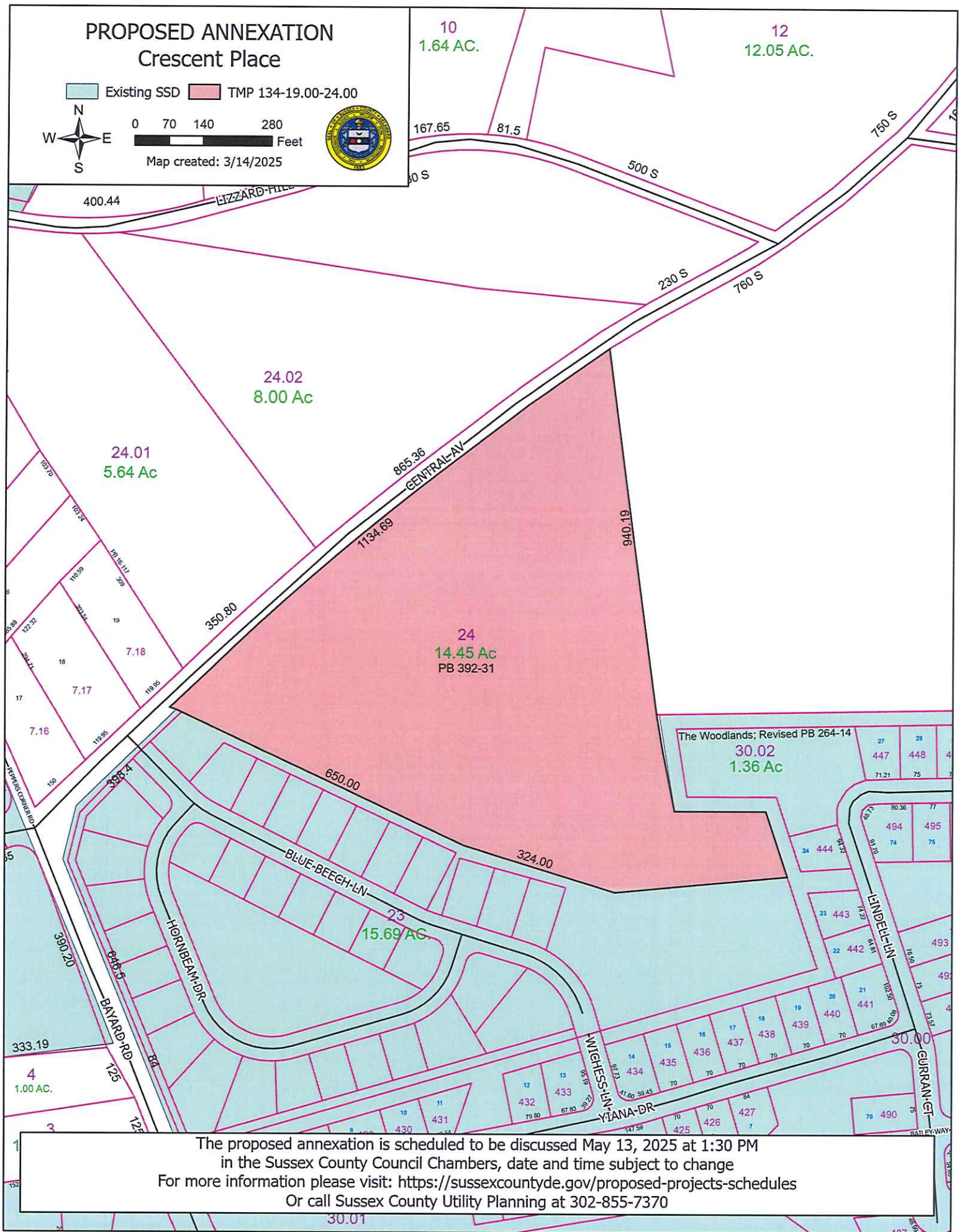
Mike Harmer, P.E.
County Engineer

PROPOSED ANNEXATION Crescent Place

Existing SSD TMP 134-19.00-24.00



0 70 140 280 Feet
Map created: 3/14/2025



SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
CRESCENT PLACE
AFFIDAVIT FOR PUBLIC HEARING

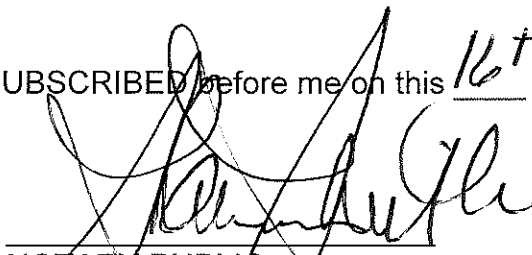
STATE OF DELAWARE)(:
COUNTY OF SUSSEX)(

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 April 14, 2025, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 14, 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 at the intersection of Camp Barnes Road and Watch Hill Road,
 - 2. On a post in front of a stop sign at the intersection of Lindell Drive and Double Bridges Road,
 - 3. On a post in front of a STOP sign at the intersection of Windsor Park Drive and Pepper's Corner Road
 - 4. On a post in front of a STOP sign at the intersection of Camp Barnes Road and Double Bridges Road,
 - 5. On a post in the southeasterly Right-of-Way (ROW) of Central Avenue in front of phone box BA 67,
 - 6. On a post in front of DEC Pole 14488 in the southeasterly ROW of Central Avenue,
 - 7. On a post in the southeasterly ROW of Central Avenue, across from DEC Pole 14486,
 - 8. On a post in the southeasterly ROW of Central Avenue, across from DEC Pole 14485.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 16th day of April A.D., 2025


NOTARY PUBLIC



My Commission Expires 6/14/2024

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE THE CRESCENT PLACE ON THE SOUTHEASTERLY SIDE OF CENTRAL AVENUE LOCATED IN THE 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 the Bayard area, 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 Miller Creek area and further described as follows:

Beginning at a point, said point being on the SCUSSD (Miller Creek Area) boundary, said point also being a shared property corner of lands Now-Or-Formerly of The Woodlands and Bittersweet Investments, LLC; thence proceeding by and with said SCUSSD boundary in a southeasterly, northeasterly, southeasterly, southwesterly, and northwesterly direction respectively direction a total distance of 1,875'± to a point, said point being on the northeasterly Right-of-Way of Central Avenue; thence proceeding by and with said ROW in a northeasterly direction a total distance of 1,165'± to a point, said point being the westernmost property corner of lands N/F of Bittersweet Investments, LLC; thence proceeding by and with said Bittersweet Investments lands in a southeasterly direction a distance of 765'± to a point, said point being that of the **BEGINNING**.

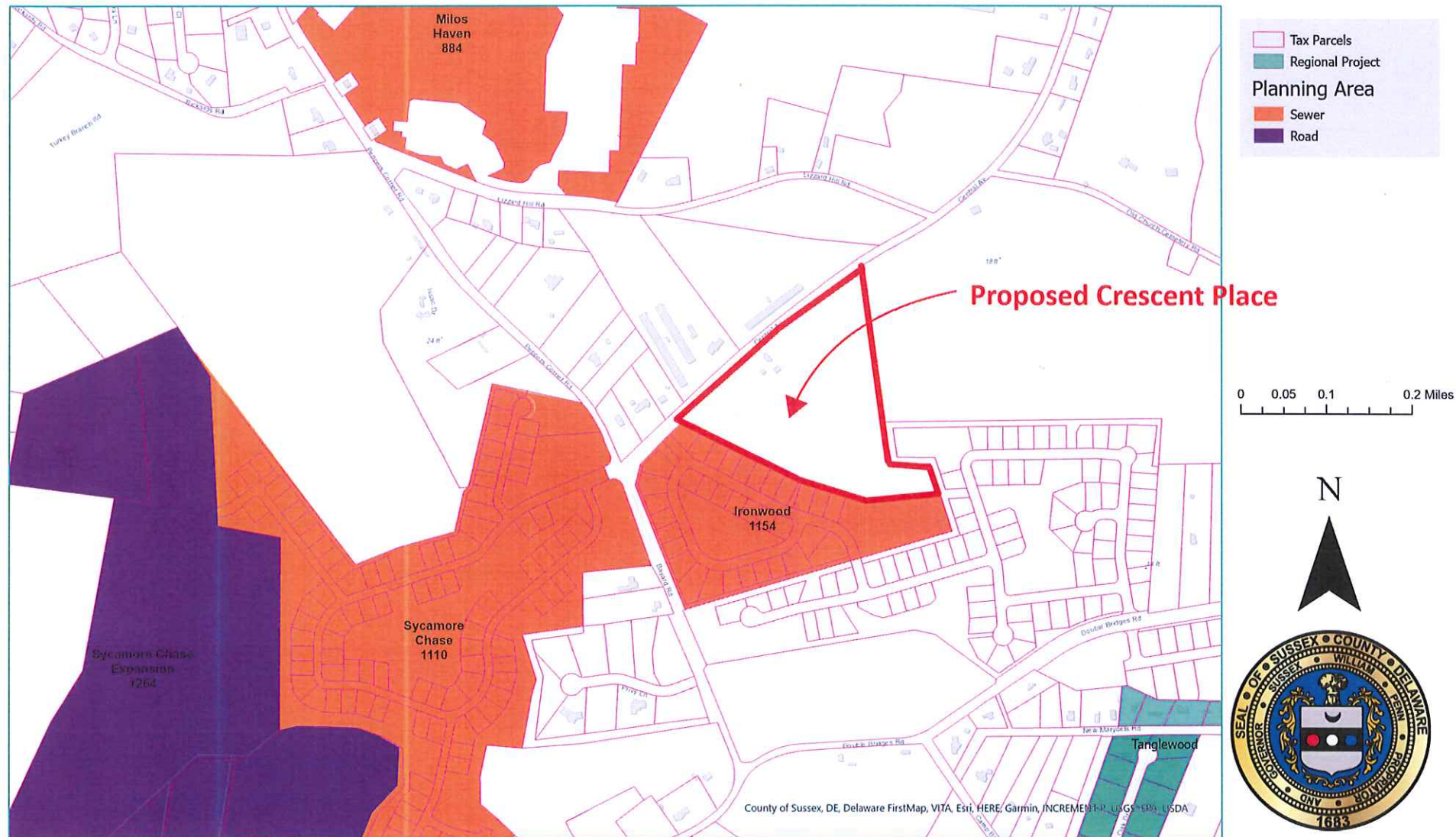
NOTE: The above description has been prepared using Sussex County Tax Map 134-19.00 and Sussex County property assessment records. The annexation contains 14.45 acres more or less.

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

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.

Project Area





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: May 9, 2025

RE: County Council Report for C/U 2474 filed on behalf of John Elsishans

The Planning and Zoning Department received an application (C/U 2474 filed on behalf of John Elsishans) for a private garage to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 134-17.00-6.02. The property is located at on the south side of Butler Boulevard, approximately 200 feet east of Muddy Neck Road (SCR 361). The parcel size is 0.46 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on March 5, 2025. At the meeting of March 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 4 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 March 5, 2025

Minutes of the March 5, 2025, Planning & Zoning Commission Meeting

C/U 2474 John Elsishans

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRE, MORE OR LESS. The property is lying the south side of Butler Boulevard approximately 200 feet east of Muddy Neck Road (S.C.R. 361). 911 Address: N/A. Tax Parcel No.: 134-17.00-6.02.

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



letter received from the Sussex County Engineering Department, Utility Planning Division and zero comments. Also, to provide some explanation this requires a Conditional Use because there is no existing dwelling on the property and any accessory storage on a parcel this small requires a Conditional Use.

Mr. John Elsishans, the Applicant, spoke on behalf of himself that this application is to store collector cars and possibly a boat; that he hopes to put something like a pole building to store these things until he moves down here permanently; and that nothing is going to be placed outside the building, all items are planned to be placed inside the building.

Mr. Jeffrey Warden, of 1 Butler Blvd., spoke in opposition to the application because he does not want a driveway access along Butler Blvd., as he is the owner of that road and does not grant him permission to have access.

Mr. Bryce Butler, of 9 Butler Blvd., stated that he does not have an issue with the pole building as long as it is aesthetically appealing and is buffered by some shrubbery; and that the only issue he has is with the access to the property via Butler Blvd., as it is not large enough to handle more traffic.

Mr. John Elsishans stated that he has no intention of using Butler Blvd., to access his lot as he has an easement that runs through the property in front of him and when he purchased the lot there was an easement agreement submitted into record.

Mr. Wheatley stated that if this application was to get approved that the applicant would need to submit a site plan that shows the easement and access to his lot via that easement; that there is a recorded plot that shows the access, as Lot 1 off the subdivision of the larger property and you can see the way it was approved with that shared easement that goes back through and over.

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

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

Mr. Mears requested that Mr. Roberston read the motion on his behalf.

Mr. Mears moved the Commission to recommend APPROVAL of C/U 2474 JOHN ELSISHANS for a private garage within the AR-1 District based upon the record made during the public hearing and for the following reasons:

1. The Applicant owns this property and seeks to build a private garage on the property prior to constructing a home on the property. The private garage, which is an accessory structure, requires a conditional use because there is no primary use as a residence for the garage to be accessory to.
2. The use will be very limited, and the Applicant has stated that there will be no public access to the property. It will not be used as a commercial garage. As a result, the use will not have any impact upon area roadways.
3. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.
4. Although several neighbors appeared in opposition to this Application, they were not concerned about the use, but only improper access via a private roadway known as Butler

Bld. One of the conditions of approval of this recommendation will be the prohibition against using Butler Blvd. to access the property.

5. This recommendation for approval is subject to the following conditions:
 - A. The use shall be limited to the private garage presented on the preliminary site plan and during the public hearing.
 - B. The property shall not be accessible to the public.
 - C. Any security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - D. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of the vehicles, equipment, and similar items located on the site.
 - E. Any areas to be used for outside storage, including driveways and parking areas, shall be clearly marked on the Final Site Plan and on the site itself.
 - F. This conditional use shall expire upon issuance of a Certificate of Occupancy to the Applicant for a home that is constructed on the property. If a home is constructed, the Conditional Use is no longer necessary since the use will be accessory to the primary residential use of the property.
 - G. All access to this property and the conditional use shall via the private easement and roadway known as Cullen Drive. There shall not be any access to this property or the use upon it via Butler Blvd.
 - H. The failure to abide by any of these conditions may be grounds for the revocation of this Conditional Use.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Butler and carried unanimously to recommend APPROVAL of C/U 2474 John Elsishans 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
BRIAN BUTLER
GREGORY SCOTT COLLINS
J. BRUCE MEARS
HOLLY WINGATE



Sussex County

DELAWARE
sussexcountype.gov
(302) 855-7878 T
(302) 854-5079 F

JAMIE WHITEHOUSE
DIRECTOR

2462 PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: March 5th, 2025

Sussex County Council Public Hearing Date: May 13th, 2025

Application: C/U 2474 John Elsishans

Applicant: John Elsishans
203 Long Pond Road
Hewitt, NJ 07421

Owner: John Elsishans
203 Long Pond Road
Hewitt, NJ 07421

Site Location: The property is lying the south side of Butler Boulevard approximately
200 feet east of Muddy Neck Road (S.C.R. 361)

Current Zoning: AR-1 (Agricultural Residential)

Proposed Use: A private garage

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company

Sewer: Public – Sussex County

Water: On-Site Well

Site Area: 20,000 sq. ft.

Tax Map ID(s): 134-17.00-6.02



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



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 25, 2025
RE: Staff Analysis for C/U 2474 John Elsishans

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2474 John Elsishans to be reviewed during the March 5th, 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: 134-17.00-6.02

Proposal: The request is for a Conditional Use for Tax Parcel 134-17.00-6.02 to allow for a private garage on a parcel lying on the south side of Butler Boulevard, approximately 200 feet east of Muddy Neck Road (S.C.R. 361) in Frankford. The property is comprised of 0.459 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The parcels to the south of the subject property are all Agricultural Residential (AR-1) District with parcels to the west being zoned Neighborhood Business (B-1) District and immediately to the north across Butler Blvd. are located within the town limits of Frankford.

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

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are "areas that can accommodate development provided that 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” and that “appropriate mixed-use development should all be allowed” (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, the Comprehensive Plan notes that “central water and sewer facilities are strongly encouraged” within the Coastal Area, of which the Application indicates, is on central water and sewer (2018 Sussex County Comprehensive Plan, 4-16).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is not within the vicinity of active agricultural areas.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** There are no wetlands located on the property nor is the property adjacent to any waterways.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is partially located within Flood Zone “X”, within an area of “Fair” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site.

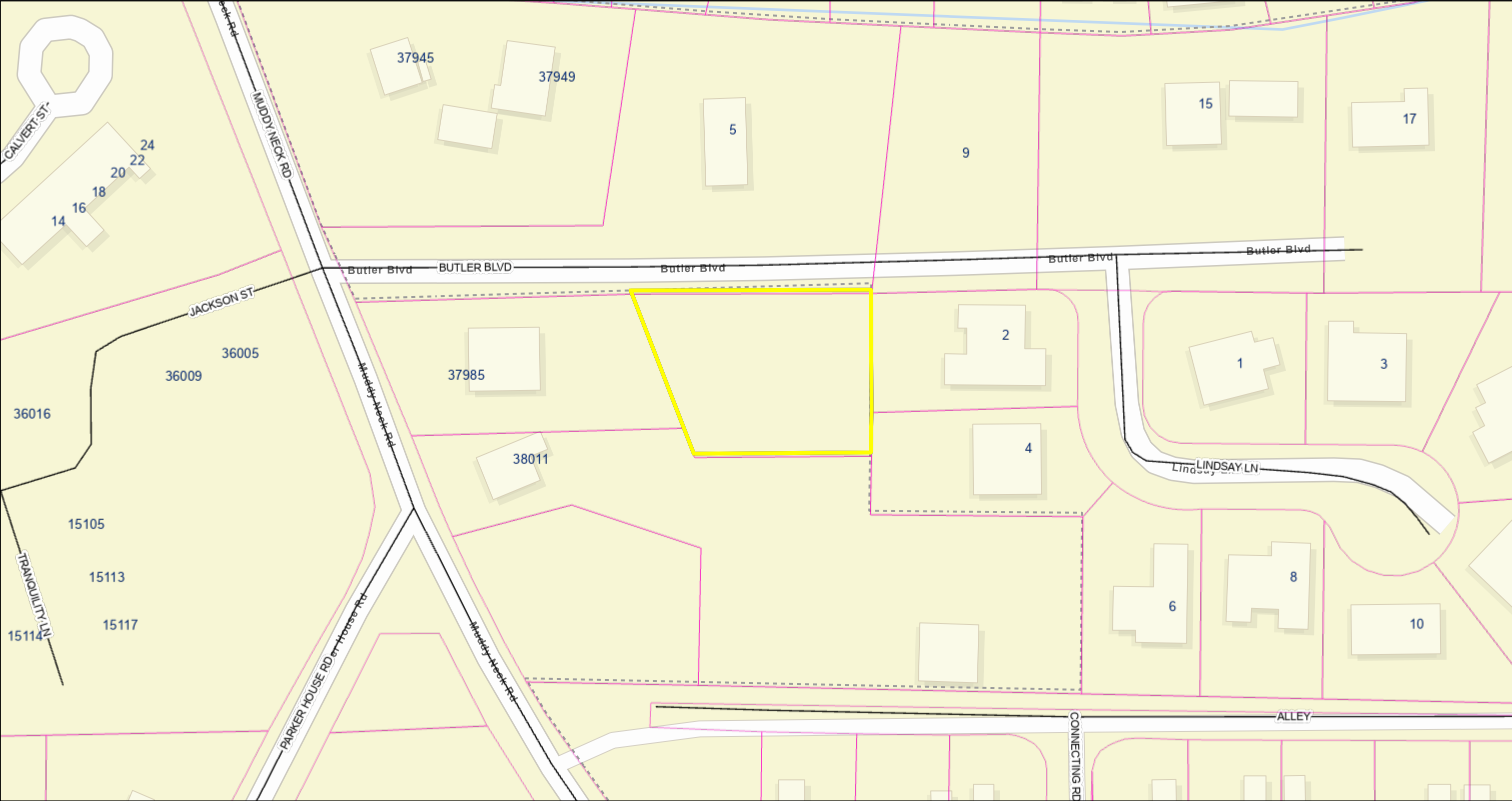
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a private garag, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table has been supplied which provides 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
71	Cee Bee Inc	GR	manufactured home park		Approved	
112	Sea T.V. Co	AR-1	tv reception tower & headend building		Approved	
117	Hayward Daisey	AR-1	barber shop		Approved	
443	Donald J Cooper & Jean	AR-1	poultry house on less than 5-acres		Approved	
946	Everett Dennis	AR-1	Borrow Pit	8/28/1990	Approved	714
947	George M. Parrott & Mariam	AR-1	Retail sale of crafts & antiques	10/9/1990	Approved	725
993	John W. Cooper	AR-1	Professional Office & General Business	1/21/1992	Denied	
1122	Brice J. Butler, Jr.	AR-1	plumbing supply storage			
1129	Brice Butler, Jr.	AR-1	plumbing business w/related storage	9/12/1995	Approved	1048
1552	NCORB, LLC	AR-1	professional offices	9/21/2004	Approved	1719
1604	Regina A. O' Rourke	AR-1	multi-family	4/26/2005	Approved	1775

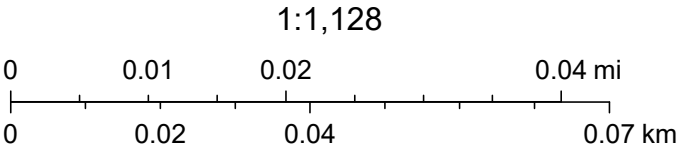
1790	Marthas Light. LLC (VOID)	MR	Care/Retirement Community	6/3/2008	Approved	1972
2107	Galbraith Development Group	AR-1	mini-storage	2/27/2018	Denied	
2195	Gulfstream Development, LLC (Kent Apartments)	GR	multi-family (45 apartment units)	12/17/2019	Approved	2695
2248	Gulfstream Development, LLC	GR	Multi-family (19 units)	10/26/2021	Approved	2805

Sussex County



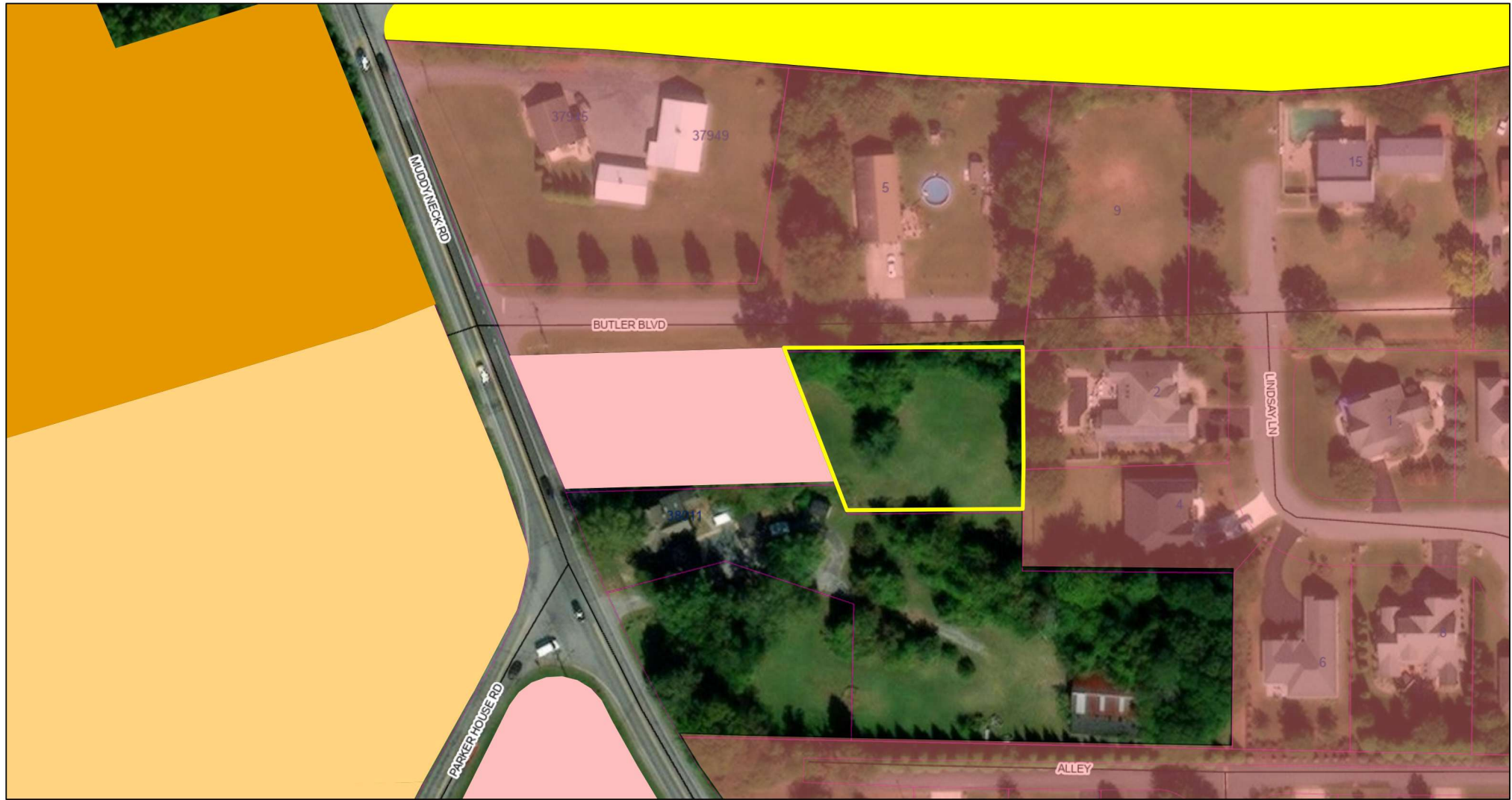
February 5, 2025

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



Sussex County, Sussex County Government, Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sussex County Mapping and Addressing

Sussex County



February 5, 2025

polygonLayer

Override 1

Override 2

Zoning

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

B-1: Neighborhood Business

B-2: Business Community District

Municipal Boundaries

Tax Parcels

911 Address

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

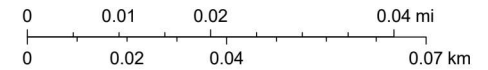
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

30cm Resolution Metadata

1:1,128



Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

Introduced: 2/11/25

Council District 4: Mr. Hudson

Tax I.D. No.: 134-17.00-6.02

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRE, MORE OR LESS

WHEREAS, on the 1st day of August 2023, a conditional use application, denominated Conditional Use No. 2474 was filed on behalf of John Elsishans; 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. 2474 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. 2474 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying the south side of Butler Boulevard approximately 200 feet east of Muddy Neck Road (S.C.R. 361) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 0.46 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.



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: May 9, 2025

RE: County Council Report for C/Z 2017 filed on behalf of Gulfstream Glen Cove

The Planning and Zoning Department received an application (C/Z 2017 filed on behalf of Gulfstream Glen Cove) for a change of zone from an AR-1 Agricultural Residential Zoning District to an MR Medium Density Residential Zoning District at Tax Parcel 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00. The property is located at 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View. The parcel size is 12.32 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on March 5, 2025. At the meeting of March 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on March 5, 2025, and March 19, 2025.

Minutes of the March 5, 2025, Planning & Zoning Commission Meeting

Chairman Wheatley stated for the record that C/Z 2017 Gulfstream Glen Cove and C/U 2462 Gulfstream Glen Cove would be heard as one case for presentation purposes as they are in relation to each other.

C/Z 2017 Gulfstream Glen Cove

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND



LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS. The properties are lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352). 911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00.

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 applicant's chapter 99-9C response, a copy of the applicant's Drainage Assessment Report and the resource buffer management plan, a copy of the applicants Environmental Assessments and Public Facilities Evaluation Reports, a copy of the proposed bylaws and declarations for the development, a copy of the PLUS response and we're also in receipt of technical advisory comments, including comments from Delaware Electric Co-Op, the State Division of Watershed Stewardship, the State Fire Marshall and County Engineering, the DelDOT area wide study fee memo and a copy of the DelDOT SLER letter, a letter from the Sussex County Engineering Department Utility Planning Division, and one comment.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that they are seeking to rezone from an AR-1 district to MR district and then do a Conditional Use to allow for forty-six (46) single family detached dwellings in a multifamily arrangement; that the parcels, excluding parcel 375, were approved as a major subdivision known as Glen Cove, intended for single family detached homes on individual lots, however that project was never realized due to unfavorable market conditions at the time; that the area has since developed significantly with multifamily dwellings and this represents a classic infill development; that the Applicant seeks to rezone from AR-1 to MR and nearby properties are zoned AR-1, MR, C-1 and CR-1; that the site is located within the coastal area, which in Chapter 4 of the Comprehensive Plan is defined by it is one of the most desirable locations for new housing in the County and the coastal area encompasses ecologically important and sensitive characteristics; that the Comprehensive Plan explains that coastal area designation accommodates development provided that specific environmental concerns are addressed, a diverse range of housing types are also permitted within this area, including single family homes on individual lots, townhouses and multi family; that the Applicant is proposing single family detached dwellings and a multifamily arrangement which would be permitted in the County and within the coastal area; that the project will benefit from central water and sewer, the County will provide sewer services to the project and Tidewater will provide water to the project; that the proximity to nearby commercial uses and employment centers such as those within the Town of Millville, the Town of Ocean View and nearby on Route 26, enhances the project's viability and accessibility; that the proposal also aligns with the existing character of the area, particularly with established development such as Bishops Landing nearby and this area has demonstrated a clear demand for multifamily housing, as evidenced by developments nearby; that by introducing additional single family detached homes in a multifamily regime this project contributes to the diversity of housing options in Sussex County; that the plan includes approximately 8.12 acres of open space or approximately 66% of the site, supporting the preservation of natural resources and proposing perimeter and resource buffers with on site wetlands to remain undeveloped; that there are tax ditches and right of ways that wrap around and are located on the property; that there may be an additional need for an amendment to accommodate an installation of a culvert between the wetland area and then into the larger pond to provide connection; that an average 30 foot resource buffer has been proposed, resulting in a total resource buffer of approximately 0.37 acres; that that buffer area varies in width from 15 feet up to 50.1 feet; that at its narrowest point, it's 15 feet due to the presence of the tax ditch, which abuts that buffer; that the site

will be accessed from Burbage Road within a 50 foot right of way through the Windmill subdivision, with an alternate entrance considered however, DelDOT confirmed, that this entrance violated certain sections of DelDOT's Coordination Manual, specifically DCM 1.6.1 regarding entrance locations and a deceleration lane; that the existing right turn lane for the adjacent site did not meet the required spacing of 250 feet for a major collector as defined in DCM figure 1.5.1; that as a result the entrance was relocated per DelDOT; that according to DelDOT's response to the applicant's service level evaluation request dated August 19, 2024, the project is expected to generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, determining the traffic impact to be negligible qualifying this project for an area wide study rather than a TIS; that additional improvements will include a 10 foot wide multimodal path; that the public expressed concerns about endangered species living amongst the woods of the property and the Applicant had a investigation done and determined there was no endangered species found to be living here; that the developer will follow best management practices, in that if a nest is encountered during the construction they will not disturb it; that there are two (2) stormwater management areas that all surface runoff will be directed with discharge flowing into the existing tax ditch system; that the amenities will include five (5) foot wide sidewalks along one (1) side of all internal streets, a pool and pool house; and that the Applicant's proposal to rezone from AR-1 to MR is appropriate for the following reasons:

1. The site's proximity to existing MR zoned developments
2. The zoning change will align with existing land use patterns and the character of the surrounding area.
3. MR zoning is consistent with the Comprehensive Plan within a coastal area.

The Applicant's proposal of Conditional Use is appropriate for the following reasons:

1. The single family detached dwellings in a multifamily regime meets the purpose of a conditional use.
2. The demand for housing in the area will provide a housing option compatible with existing developments.
3. Establishment of a resource buffer around the wetlands.
4. Contribute to the preservation of natural resources.
5. The proposed development is located within a growth area next to a town's growth area.

Ms. Wingate asked about the alternative access to the subdivision for emergency access only and where that access will be located on the plan; that it is a requirement for all subdivisions and does not have to go through DelDOT as it does not have to be a paved roadway; and that that access will need to be shown on the final site plan if approved.

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

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

In relation to C/Z 2017 Gulfstream Glen Cove. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the March 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since March 5, 2025.

Mr. Mears moved the Commission to recommend approval of C/Z 2017 GULFSTREAM GLEN COVE, for a change in zone from AR-1 to MR based upon the record made during the public hearing and for the following reasons:

1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. Both central water and central sewer are available at this site. The purpose of the MR Zoning District is satisfied with this Application.
2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan. The Plan states that the Coastal Area is appropriate for a “wide range of housing types . . . including single family homes, townhouses, and multi-family units.”
3. This property is surrounded by the boundaries of the town of Millville with existing development that is very similar to what is permitted in Sussex County’s MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts already exist.
4. DelDOT has stated that the proposed rezoning and the resulting residential use will have a “negligible” impact on the local area roadways and that the Applicant will be required to pay an “Area-Wide Study Fee” in lieu of a Traffic Impact Study.
5. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
6. For all of these reasons, MR zoning is appropriate for this site.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend APPROVAL of C/Z 2017 Gulfstream Glen Cove 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
BRIAN BUTLER
GREGORY SCOTT COLLINS
J. BRUCE MEARS
HOLLY WINGATE



Sussex County

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JAMIE WHITEHOUSE
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: March 5th, 2025

Sussex County Council Public Hearing Date: May 13th, 2025

Application: C/Z 2017 Gulfstream Glen Cove

Applicant: Gulfstream Glen Cove, LLC
27 Atlantic Avenue
Ocean View, DE 19970

Owner: Gulfstream Glen Cove, LLC
OT Collins Family Limited Partnership
27 Atlantic Avenue / 30782 Cedar Neck Road
Ocean View, DE 19970

Site Location: The Parcels are lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352)

Current Zoning: AR-1 (Agricultural Residential)

Proposed Zoning: MR (Medium-Density Residential)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company

Sewer: Public – Sussex County

Water: Tidewater

Site Area: 12.32 acres +/-

Tax Map ID(s): 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00





Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 14th, 2025
RE: Staff Analysis for C/Z 2017 Gulfstream Glen Cove

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application C/Z 2017 Gulfstream Glen Cove to be reviewed during the March 5th, 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.

Tax Parcel ID: 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

Proposal: The request is for a Change of Zone for Tax Parcels: 134-12.00-374.01, 374.02, 375.00, & 3445.00-3460.00 from Agricultural Residential (AR-1) Zoning District to Medium Density (MR) Zoning District. The Parcels are located on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352) and comprised of a total of 12.32 acres +/-

Staff note that a related Application (C/U 2462 Gulfstream Glen Cove) requesting a Conditional Use to allow for multifamily use (Single-family detached condominiums – 50 Units) accompanies this Application.

Zoning: The Parcels are zoned Agricultural Residential (AR-1) Zoning District with the boundary with the Town of Millville immediately adjacent to the north and west of the Parcels and just beyond the adjacent properties to the east and south as well.

In terms of permitted residential density, if this Change of Zone to Medium Density (MR) Zoning District and the accompanying (CU 2462) were to be approved, the proposed density of \approx (4.1) dwelling units per acre would comply with the County Code requirements for multifamily improvement in an (MR) District which allows up to (12) multifamily dwelling units per acre when serviced by a central sewer system (§115-Attachment 2 – Table II)(§115-31).

Future Land Use Map Designation - (Comprehensive Plan): Coastal 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 parcel has a designation of “Coastal Area” with all adjacent parcels also categorized under the Future Land Use Map designation of “Coastal Area” or “Municipalities” with the boundary of the jurisdiction of the Town of Millville bordering immediately to the west and south of the site.



As outlined within the 2018 Sussex County Comprehensive Plan, *Coastal Areas* are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The *Coastal Area* designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan notes, “this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna. This area also has significant impact upon water quality within the adjacent bays and inlets as well as upon natural the region’s various habitats. And, these factors are themselves part of the reason that this Area is so desirable - making the protection of them important to both the environment and the economy” (2018 Sussex County Comprehensive Plan, 4-15).

In terms of residential/dwelling improvements, the Plan notes, “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). In terms of density the Plan notes:

Medium and higher density could be supported in areas:

- Where there is central water and sewer
- Near sufficient commercial uses and employment centers
- Where it is in keeping with the character of the area
- Where it is along a main road or at/or near a major intersection
- Where there is adequate Level of Service
- Or where other considerations exist that are relevant to the requested project and density (2018 Sussex County Comprehensive Plan, 4-16).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the proposed zoning of Medium Commercial (MR) in an applicable Zoning Districts within the “Coastal Area” Future Land Use Map Designation.

Site Considerations

- **Density:** In terms of permitted residential density, if this Conditional Use for multifamily use and the accompanying Change of Zone (C/Z 2017 AR-1 to MR) were to be approved, the proposed density of \approx (4.1) dwelling units per acre would comply with the County Code requirements for multifamily improvement in an (MR) District which allows up to (12) multifamily dwelling units per acre when serviced by a central sewer system (§115-Attachment 2 – Table II)(§115-31).
- **Open Space Provisions:** The proposed plan includes (8.13) acres +/- (out of a total of (12.32) acres) of open space which equates to approximately (65%) of the project site.
- **Agricultural Areas:** N/A
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A

- **Forested Areas:** Staff note that majority of the area within the Parcels contains trees with very little appearing to be unforested outside of TM# 134-12.00-375.00. Staff appreciate efforts to conserve as many mature trees as possible on the project site. Staff note that any buffers which may be required as part of this plan are required to be exclusive of “stormwater management areas or facilities, wastewater treatment and/or disposal facilities” (§99-5 FORESTED AND/OR LANDSCAPED BUFFER) & (§115-193(C)(18)). Staff note that any Plan submitted will require a design ensuring the location of stormwater management basins are exclusive of the required wetland resource buffers (if applicable) or any screening or vegetative buffers which may be required as part of any conditions of approval if approved.
- **Wetlands Buffers/Waterways:** County data indicates the presence of jurisdictional Nonidal Wetlands areas on a portion of the rear of Parcel #134-12.00-375.00 which were required to meet the Resource Buffer Protection Section of the Zoning Code (§115-193). Staff note that the jurisdictional wetlands within the Tax Ditch ROWs on the other Parcels at the site are not required to meet the County Resource Protection Code as these resources are managed by DNREC. Staff have concerns regarding the wetland areas at the rear of TM#134-12.00-375.00 as the design may not meet the required (30) foot buffer required for Nontidal Wetlands (§ 115-193A(4) Table 1).

Staff note that the Applicant submitted a Drainage Assessment Report (DAR) as required under (§115-193F) and the submission was reviewed by SCED, with all of SCED’s comments addressed.

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” and Staff note there are no Wellhead Protection Areas on the site. The Parcel is classified as within areas of “Good”, “Fair” in terms of Groundwater Recharge Potential on the site per data from the State of Delaware. Staff note that any Tax Ditch crossing will require permitting through DNREC prior to Final Site Plan approval. Additionally, any revisions to the Tax Ditch ROWs will be required to show documentation of any Court Order Change (COC) which approves any revision to the Tax Ditch ROWs on the site.

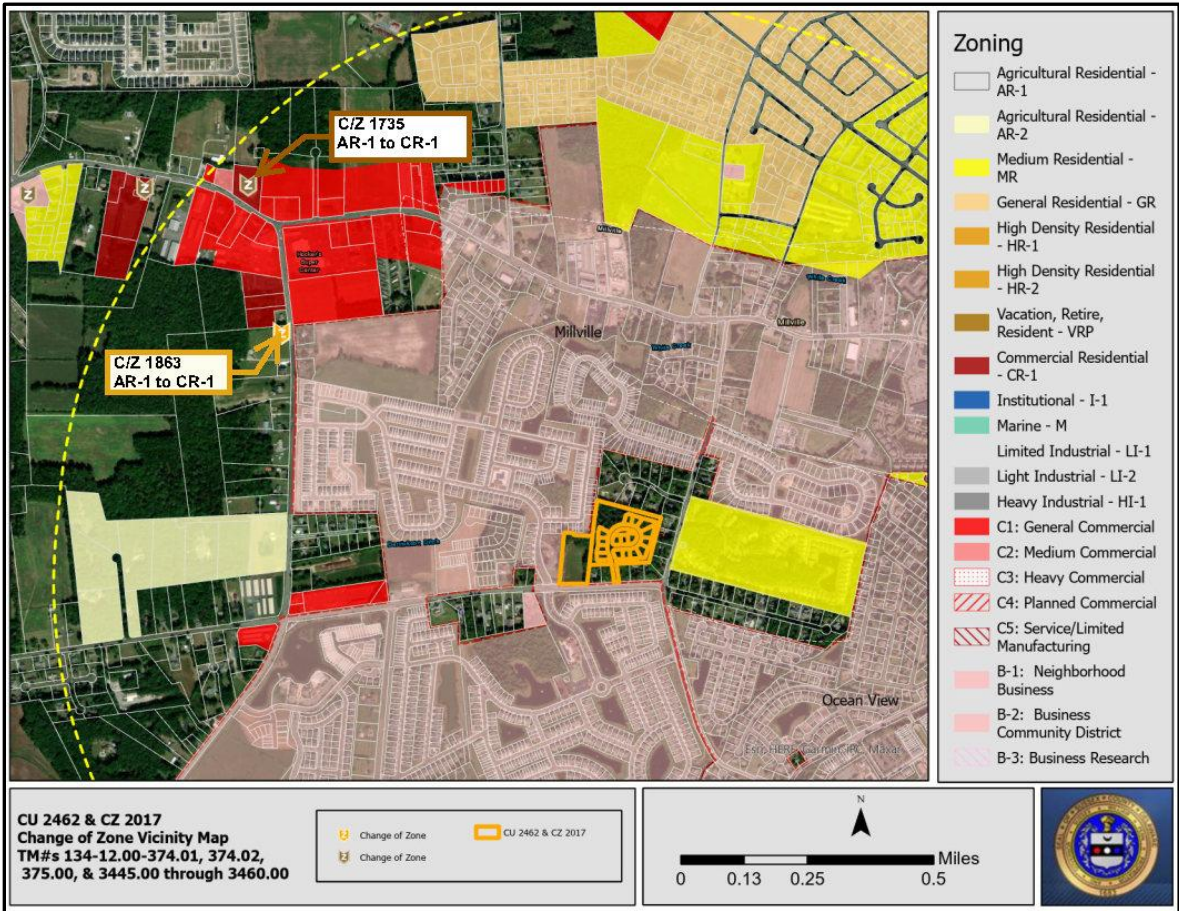
Based on the analysis provided, the application to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Medium Density (MR) zoning district in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

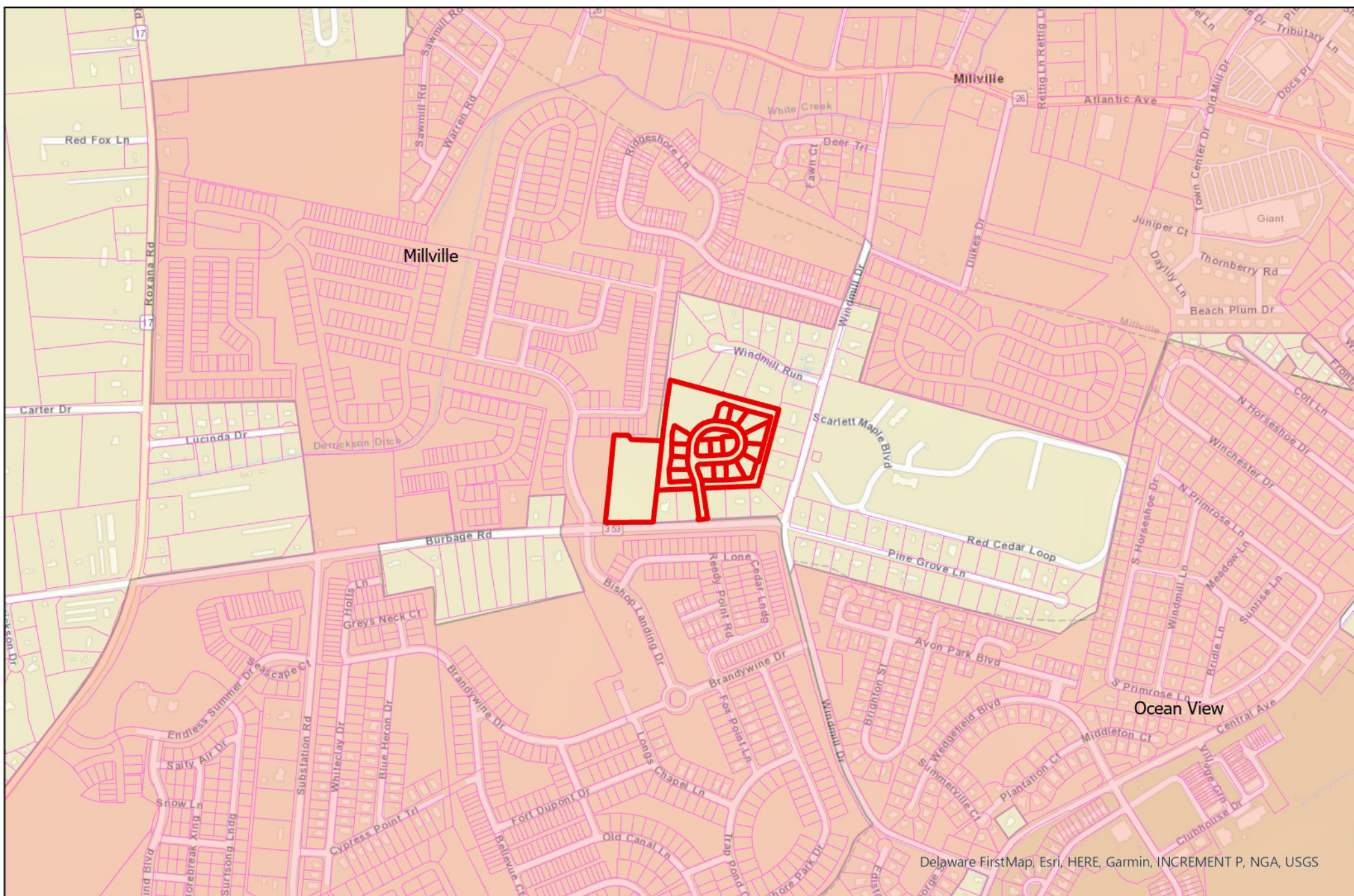
Existing Changes of Zone within the Vicinity of the Subject Site: There have been (2) historic Changes of Zone within a 1-mile radius of the site.

Change of Zone Applications

(Within a 1-mile radius of the subject site – Since 2011)

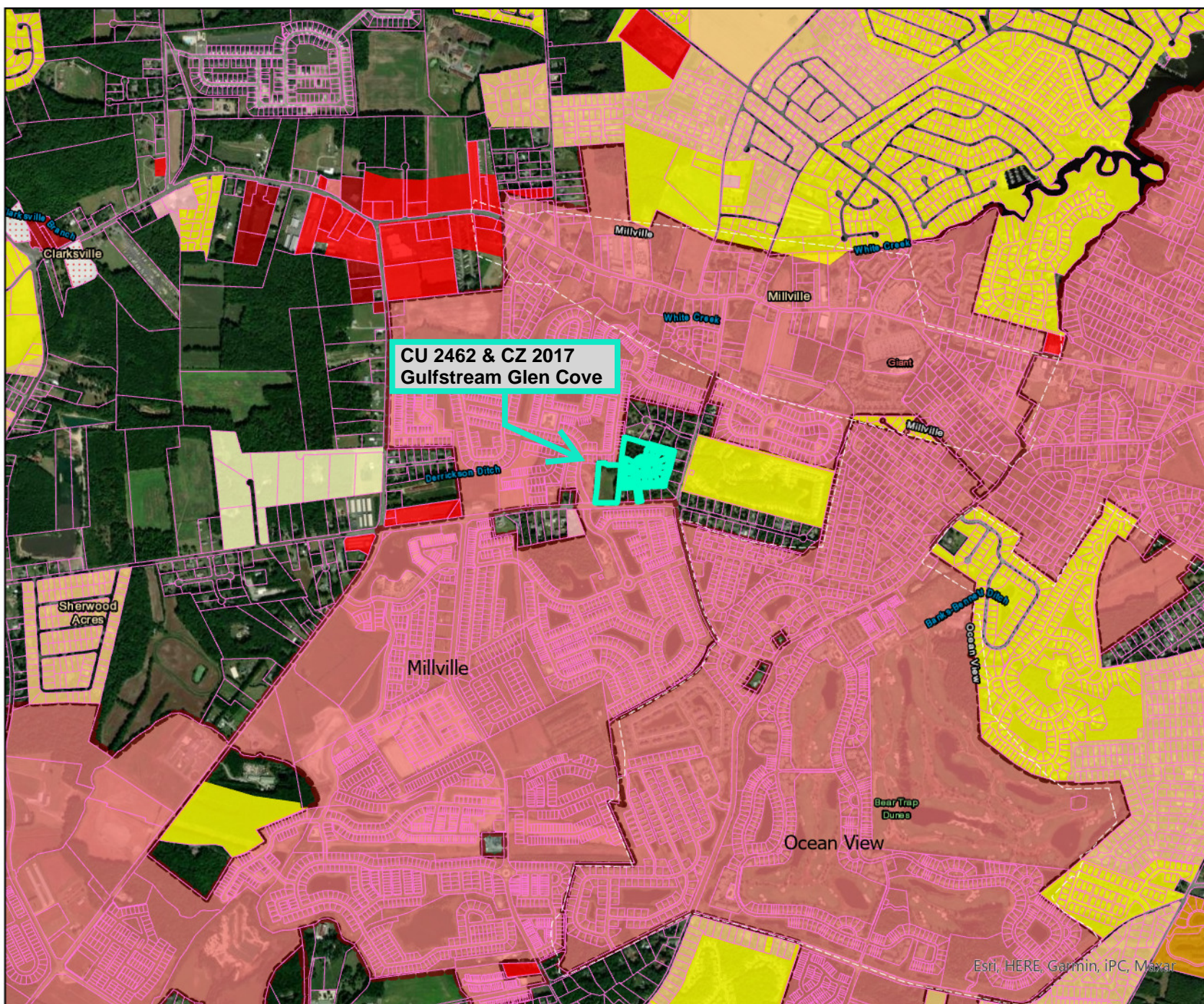
Application CZ Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
#1735	Holt's Dispensary, Inc.	AR-1	CR-1	APPROVED	9/24/2013	2321
#1863	Triumpf I, LLC c/o Fulton Jeffers	AR-1	CR-1	APPROVED	1/8/2019	2624





CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC
Street Map
TM#s 134-12.00-374.01, 374.02, 375.00, &
3445.00 through 3460.00


CU 2462 & CZ 2017
Gulfstream




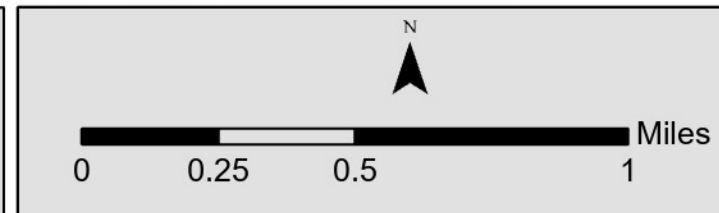
Zoning

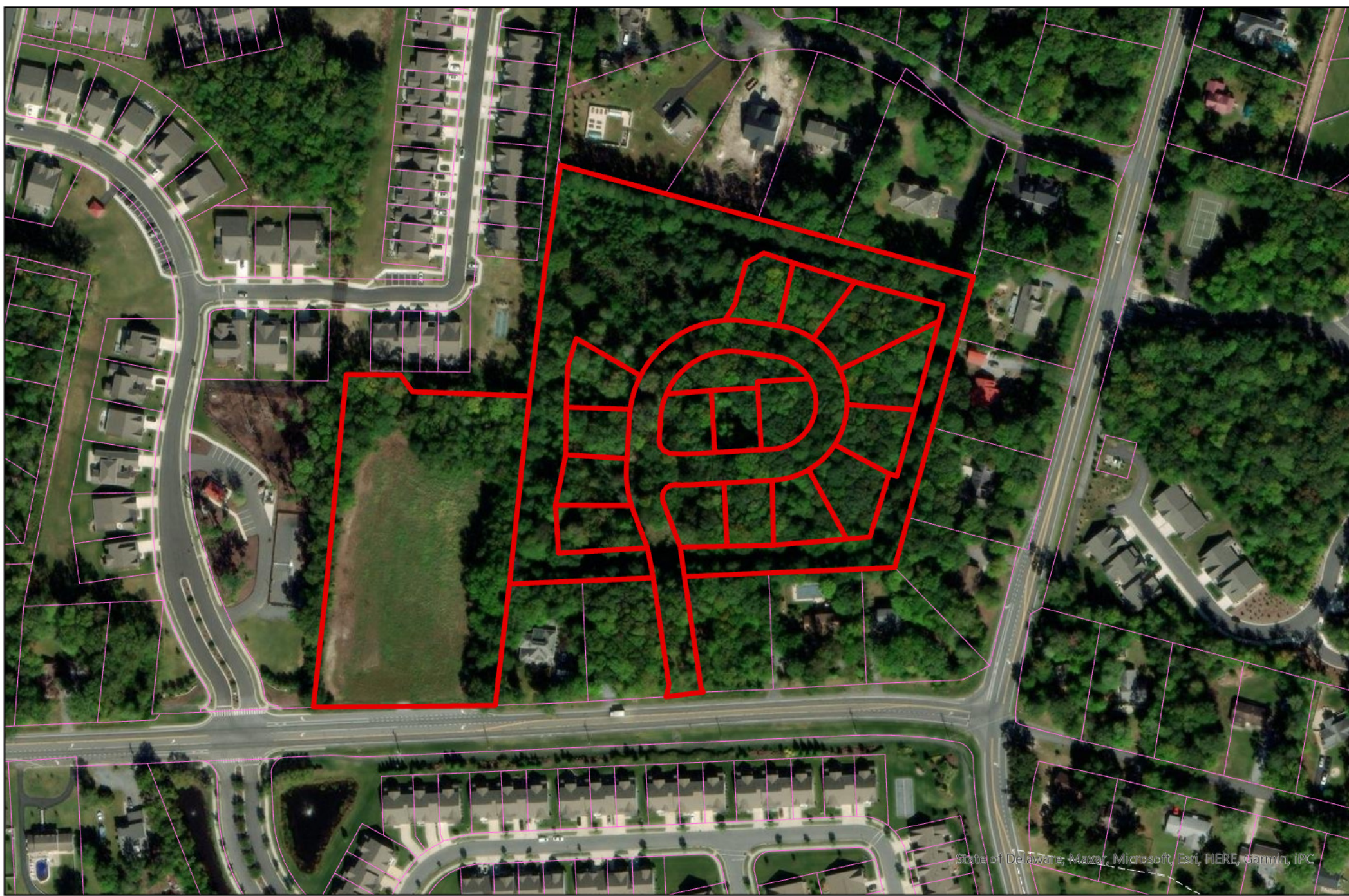
-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M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

CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC
Zoning Map
TM#s 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

 CU 2462 & CZ 2017 Gulfstream

 Municipal Boundaries





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

CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC
Aerial Map
TM#s 134-12.00-374.01, 374.02, 375.00, &
3445.00 through 3460.00



CU 2462 & CZ 2017
Gulfstream



0 150 300 Feet



Introduced: 1/7/25

Council District 4: Mr. Hudson

Tax I.D. No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

911 Addresses: 30835, 30839, 30845, 30853, 3083, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS

WHEREAS, on the 5th day of July 2023, a zoning application, denominated Change of Zone No. 2017 was filed on behalf of Gulfstream Glen Cove, 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. 2017 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 MR Medium Density Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352), and being more particularly described in the attached legal description prepared by Civil Engineering Associates said parcels containing 12.32 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: May 9, 2025

RE: County Council Report for C/U 2462 filed on behalf of Gulfstream Glen Cove

The Planning and Zoning Department received an application (C/U 2462 filed on behalf of Gulfstream Glen Cove) for a multi-family dwellings (50 units) to be located in an MR Medium Density Residential Zoning District at Tax Parcel 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00. The property is located at 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View. The parcel size is 12.32 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on March 5, 2025. At the meeting of March 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 17 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on March 5, 2025 and March 19, 2025.

Minutes of the March 5, 2025, Planning & Zoning Commission Meeting

C/U 2462 Gulfstream Glen Cove

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS. The properties are lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352). 911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879,



30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View. Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00.

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 applicant's chapter 99-9C response, a copy of the applicant's Drainage Assessment Report and the resource buffer management plan, a copy of the applicants Environmental Assessments and Public Facilities Evaluation Reports, a copy of the proposed bylaws and declarations for the development, a copy of the PLUS response and we're also in receipt of technical advisory comments, including comments from Delaware Electric Co-Op, the State Division of Watershed Stewardship, the State Fire Marshall and County Engineering, the DelDOT area wide study fee memo and a copy of the DelDOT SLER letter, a letter from the Sussex County Engineering Department Utility Planning Division, and one comment.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that they are seeking to rezone from an AR-1 district to MR district and then do a Conditional Use to allow for forty-six (46) single family detached dwellings in a multifamily arrangement; that the parcels, excluding parcel 375, were approved as a major subdivision known as Glen Cove, intended for single family detached homes on individual lots, however that project was never realized due to unfavorable market conditions at the time; that the area has since developed significantly with multifamily dwellings and this represents a classic infill development; that the Applicant seeks to rezone from AR-1 to MR and nearby properties are zoned AR-1, MR, C-1 and CR-1; that the site is located within the coastal area, which in Chapter 4 of the Comprehensive Plan is defined by it is one of the most desirable locations for new housing in the County and the coastal area encompasses ecologically important and sensitive characteristics; that the Comprehensive Plan explains that coastal area designation accommodates development provided that specific environmental concerns are addressed, a diverse range of housing types are also permitted within this area, including single family homes on individual lots, townhouses and multi family; that the Applicant is proposing single family detached dwellings and a multifamily arrangement which would be permitted in the County and within the coastal area; that the project will benefit from central water and sewer, the County will provide sewer services to the project and Tidewater will provide water to the project; that the proximity to nearby commercial uses and employment centers such as those within the Town of Millville, the Town of Ocean View and nearby on Route 26, enhances the project's viability and accessibility; that the proposal also aligns with the existing character of the area, particularly with established development such as Bishops Landing nearby and this area has demonstrated a clear demand for multifamily housing, as evidenced by developments nearby; that by introducing additional single family detached homes in a multifamily regime this project contributes to the diversity of housing options in Sussex County; that the plan includes approximately 8.12 acres of open space or approximately 66% of the site, supporting the preservation of natural resources and proposing perimeter and resource buffers with on-site wetlands to remain undeveloped; that there are tax ditches and right of ways that wrap around and are located on the property; that there may be an additional need for an amendment to accommodate an installation of a culvert between the wetland area and then into the larger pond to provide connection; that an average 30 foot resource buffer has been proposed, resulting in a total resource buffer of approximately 0.37 acres; that that buffer area varies in width from 15 feet up to 50.1 feet; that at its narrowest point, it's 15 feet due to the presence of the tax ditch, which abuts that buffer; that the site will be accessed from Burbage Road within a 50 foot right of way through the Windmill subdivision, with an alternate entrance considered however, DelDOT confirmed, that this entrance violated certain sections of DelDOT's Coordination Manual, specifically DCM 1.6.1 regarding entrance locations and

a deceleration lane; that the existing right turn lane for the adjacent site did not meet the required spacing of 250 for a major collector as defined in DCM figure 1.5.1; that as a result the entrance was relocated per DelDOT; that according to DelDOT's response to the applicant's service level evaluation request dated August 19, 2024, the project is expected to generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, determining the traffic impact to be negligible qualifying this project for an area wide study rather than a TIS; that additional improvements will include a 10 foot wide multimodal path; that the public expressed concerns about endangered species living amongst the woods of the property and the Applicant had an investigation done and determined there was no endangered species found to be living here; that the developer will follow best management practices, in that if a nest is encountered during the construction they will not disturb it; that there are two (2) stormwater management areas that all surface runoff will be directed with discharge flowing into the existing tax ditch system; that the amenities will include five (5) foot wide sidewalks along one (1) side of all internal streets, and a pool and pool house; that the Applicant's proposal to rezone from AR-1 to MR is appropriate for the following reasons:

1. The site's proximity to existing MR zoned developments
2. The zoning change will align with existing land use patterns and the character of the surrounding area.
3. MR zoning is consistent with the Comprehensive Plan within a coastal area.

The Applicant's proposal of Conditional Use is appropriate for the following reasons:

1. The single family detached dwellings in a multifamily regime meets the purpose of a conditional use.
2. The demand for housing in the area will provide a housing option compatible with existing developments.
3. Establishment of a resource buffer around the wetlands.
4. Contribute to the preservation of natural resources.
5. The proposed development is located within a growth area next to a town's growth area.

Ms. Wingate asked about the alternative access to the subdivision for emergency access only and where that access will be located on the plan; that it is a requirement for all subdivisions and does not have to go through DelDOT as it does not have to be a paved roadway; and that that access will need to be shown on the final site plan if approved.

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 2462 Gulfstream Glen Cove. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the March 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since March 5, 2025.

Mr. Mears requested that Mr. Roberston read the motion on his behalf.

Mr. Mears moved the Commission to recommend the approval of C/U 2462 GULFSTREAM GLEN COVE, for 46 Multi-Family Dwellings based upon the record made during the public hearing and for the following reasons:

1. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. This conditional use application for multi-family units appearing as single-family structures is in compliance with the purposes of the MR zone.
2. Both central water and central sewer will be available to this site.
3. This property is surrounded by the boundaries of the town of Millville, with existing development that is very similar to what is permitted in Sussex County's MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts exist.
4. DelDOT has reviewed the proposed project and has determined that the development's traffic impact will be "Negligible". When DelDOT determines that traffic impact will be "Negligible", a project is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer's obligation to construct or pay for offsite road improvements that are required by DelDOT.
5. The conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
6. The conditional use is consistent with the County's Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single family homes, townhouses and multifamily units.
7. The project creates residential housing options at an appropriate density in an area: (1) That is served by Sussex County sewer and central water; (2) That is near a significant number of commercial uses and employment centers; (3) that is surrounded by the Town of Millville municipal boundaries; and (4) That is in keeping with the character of the area. All of these factors are consistent with the purpose of both the MR District in the Zoning Code and the Coastal Area designation in the Comprehensive Plan.
8. A Buffer Management Plan as required by Section 115-193 of the Sussex County Zoning Code has been supplied by the Applicant.
9. There was no opposition to the application and no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
10. This recommendation is subject to the following conditions:
 - A. There shall be no more than 46 Multi-Family Units within the development.
 - B. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
 - C. The developer shall form a condominium association that shall be responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sedimentation control facilities, amenities, and other common areas.

- D. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
- E. The development shall be served by a central water system providing adequate drinking water and fire protection as required.
- F. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices when maintaining these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on at least one side of all streets within the development.
- H. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- I. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.
- J. There shall be a Resource Buffer that is an average of 30 feet wide from all Resources within this development as defined by the County Code. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited, except for activities that are permitted in Ordinance No. 2852, Table 2 (Resource Buffer Activities by Zone). All silt fencing shall be located upland of these buffer areas to avoid disturbance. The Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of these buffers and there shall be permanent signage every 100 feet identifying the Resource Buffer boundary and designating it as a "non-disturbance area."
- K. There shall be a vegetated or forested buffer of at least 20 feet in width along the perimeter of this development. As shown on the preliminary plan, where a tax ditch right of way is present, this buffer will be located along the internal edge of that tax ditch right of way. Furthermore, and as shown on the preliminary plan, in areas where the tax ditch right of way does not apply, the buffer will be located along the perimeter of this development adjacent to lands of other ownership. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.
- L. Approximately 8.12 acres or 66% of the site shall remain as open space.
- M. Construction, site work, and deliveries shall only occur on the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- N. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.
- O. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.

- P. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
- Q. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend the APPROVAL of C/U 2462 Gulfstream Glen Cove 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
BRIAN BUTLER
GREGORY SCOTT COLLINS
J. BRUCE MEARS
HOLLY WINGATE



Sussex County

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JAMIE WHITEHOUSE
DIRECTOR

2462 PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: March 5th, 2025

Sussex County Council Public Hearing Date: May 13th, 2025

Application: C/U 2462 Gulfstream Glen Cove

Applicant: Gulfstream Glen Cove, LLC
27 Atlantic Avenue
Ocean View, DE 19970

Owner: Gulfstream Glen Cove, LLC
OT Collins Family Limited Partnership
27 Atlantic Avenue / 30782 Cedar Neck Road
Ocean View, DE 19970

Site Location: The Parcels are lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352)

Current Zoning: AR-1 (Agricultural Residential)

Proposed Use: Multi-Family Dwellings (50 Units)
(Single-family detached condominiums)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company

Sewer: Public – Sussex County

Water: Tidewater

Site Area: 12.32 acres +/-

Tax Map ID(s): 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 24th, 2025
RE: Staff Analysis for C/U 2462 Gulfstream Glen Cove

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/U 2462 Gulfstream Glen Cove to be reviewed at the March 5th, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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: 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

Proposal: The request is for a Conditional Use for Tax Parcels: 134-12.00-374.01, 374.02, 375.00, & 3445.00-3460.00 to allow for Multi-Family Dwellings (Single-family detached condominiums – 49 Units) to be located on Parcels located on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352). The Parcels are comprised of a total of 12.32 acres +/-

Zoning: The Parcels are zoned Agricultural Residential (AR-1) Zoning District with the boundary with the Town of Millville immediately adjacent to the north and west of the Parcels and just beyond the adjacent properties to the east and south as well. The multifamily use at the site is the also the subject of accompanying Change of Zone Application (C/Z 2017) requesting a change from Agricultural Residential (AR-1) District to Medium-Density Residential (MR) District.

In terms of permitted residential density, if this Conditional Use for multifamily use and the accompanying Change of Zone (C/Z 2017 AR-1 to MR) were to be approved, the proposed density of \approx (4.1) dwelling units per acre would comply with the County Code requirements for multifamily improvement in an (MR) District which allows up to (12) multifamily dwelling units per acre when serviced by a central sewer system (§115-Attachment 2 – Table II)(§115-31).

Should the Conditional Use (CU 2462) and/or Change of Zone (CZ 2017) Applications be approved, any site plan will be required to be reviewed by Planning & Zoning Commission. Staff reviewed the conceptual site plan submitted as part of the application relating to the requirements of (§115- Attachment 2 – Table II) & (§115-188 *Townhouses and multifamily dwellings*). Staff offer the following comments on the Conditional Use Site Plan to be applied as part of any future site plan review:



- Staff will request the Plan and any proposed HOA/Deed Documents include the minimum lot area allocation for each unit if in separate ownership to include any (LCE) *Limited Common Elements* or (LDA) *Limited Developable Areas*.
- Staff will review the requirements relating to side yard, aggregate front/rear yard, and building separation per (§115-188(E)) to ensure all multifamily dimensional requirements are within Code.

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

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of “Coastal Area” with all adjacent parcels also categorized under the Future Land Use Map designation of “Coastal Area” or “Municipalities” with the boundary of the jurisdiction of the Town of Millville bordering immediately to the west and south of the site.

As outlined within the 2018 Sussex County Comprehensive Plan, *Coastal Areas* are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The *Coastal Area* designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan notes, “this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna. This area also has significant impact upon water quality within the adjacent bays and inlets as well as upon natural the region’s various habitats. And, these factors are themselves part of the reason that this Area is so desirable - making the protection of them important to both the environment and the economy” (2018 Sussex County Comprehensive Plan, 4-15).

In terms of residential/dwelling improvements, the Plan notes, “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). In terms of density the Plan notes:

Medium and higher density could be supported in areas:

- Where there is central water and sewer
- Near sufficient commercial uses and employment centers
- Where it is in keeping with the character of the area
- Where it is along a main road or at/or near a major intersection
- Where there is adequate Level of Service
- Or where other considerations exist that are relevant to the requested project and density (2018 Sussex County Comprehensive Plan, 4-16).

In terms of the related Change of Zone (C/Z 2017) Application, Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the proposed zoning of Medium Commercial (MR) in an applicable Zoning Districts within the “Coastal Area” Future Land Use Map Designation.

Further Site Considerations:

- **Density:** In terms of permitted residential density, if this Conditional Use for multifamily use and the accompanying Change of Zone (C/Z 2017 AR-1 to MR) were to be approved, the proposed density of \approx (4.1) dwelling units per acre would comply with the County Code requirements for multifamily improvement in an (MR) District which allows up to (12) multifamily dwelling units per acre when serviced by a central sewer system (§115-Attachment 2 – Table II)(§115-22).
- **Open Space Provisions:** The proposed plan includes (7.96) acres +/- (out of a total of (12.32) acres) of open space which equates to approximately (65%) of the project site.
- **Agricultural Areas:** The site is not within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** Staff note that majority of the area within the Parcels contains trees with very little appearing to be unforested outside of TM# 134-12.00-375.00. Staff appreciate efforts to conserve as many mature trees as possible on the project site. Staff note that any buffers which may be required as part of this plan are required to be exclusive of “stormwater management areas or facilities, wastewater treatment and/or disposal facilities” (§99-5 FORESTED AND/OR LANDSCAPED BUFFER) & (§115-193(C)(18)). Staff note that any Plan submitted will require a design ensuring the location of stormwater management basins are exclusive of the required wetland resource buffers (if applicable) or any screening or vegetative buffers which may be required as part of any conditions of approval if approved.
- **Wetlands Buffers/Waterways:** County data indicates the presence of jurisdictional Nonidal Wetlands areas on a portion of the rear of Parcel #134-12.00-375.00 which are required to meet the Resource Buffer Protection Section of the Zoning Code (§115-193). Staff note that the jurisdictional wetlands within the Tax Ditch ROWs on the other Parcels at the site are not required to meet the County Resource Protection Code as these resources are managed by DNREC. Staff have concerns regarding the wetland areas at the rear of TM#134-12.00-375.00 as the design may not meet the required (30) foot buffer required for Nontidal Wetlands (§ 115-193A(4) – Table 1).

Staff note that the Applicant submitted a Drainage Assessment Report (DAR) as required under (§115-193F) and the submission was reviewed by SCED, with all of SCED’s comments addressed.

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” and Staff note there are no Wellhead Protection Areas on the site. The Parcel is classified as within areas of “Good”, “Fair” in terms of Groundwater Recharge Potential on the site per data from the State of

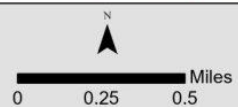
Delaware. Staff note that any Tax Ditch crossing will require permitting through DNREC prior to Final Site Plan approval. Additionally, any revisions to the Tax Ditch ROWs will be required to show documentation of any Court Order Change (COC) which approves any revision to the Tax Ditch ROWs on the site.

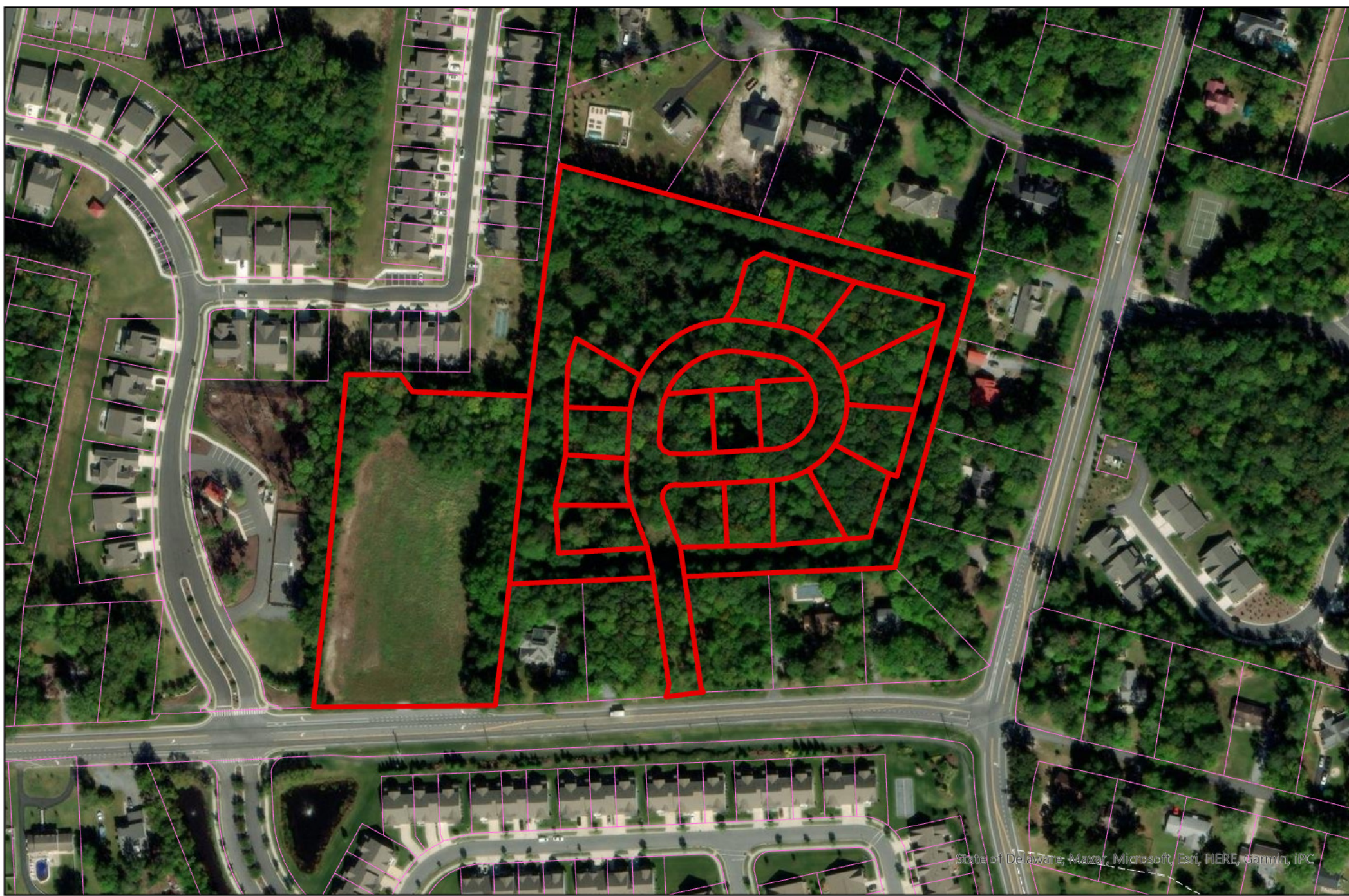
Based on the analysis provided, the Conditional Use to allow for a multifamily dwelling use at the site, could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Existing Conditional Uses within the Vicinity of the Subject Site: Staff notes there have been (18) Conditional Use application within a one (1) mile radius of the application site. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval status of Applications in the area to include the location of all other Conditional Use Applications since 2011 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	Ord Number
846	Delaware Electric Cooperativ e	AR-1	Public Utility Electric Substation	Approved	1/14/1986	341
1148	Great Scott Broadcasti ng	AR-1	Radio Broadcast Tower	Approved	3/12/1996	1081
1298	Lawrence & Susan Kelly	AR-1	Nursery/Landscaping/Garden Center	Approved	8/10/1999	1335
1405	Michael G. McCarthy	AR-1	Offices & Woodshop	Approved	6/19/2001	1473
1502	Windmill Venture LLC	MR	Multi-Family	Approved	12/16/2003	1647
1518	Atlantic Auction Co., Inc.	AR-1	Self-Storage & Professional Office	Approved	1/27/2004	1660

1601	Pierce Hardt Limited Partnership	AR-1	Wholesale Bldg/Materials/Sales	Approved	8/16/2005	1786
1732	Mabethson, LLC	AR-1	Storage Of Equipment for HVAC Business	Withdrawn	N/A	N/A
1777	Beebe Medical Center Inc.	AR-1	Medical Center	Approved	8/12/2008	1990
1849	Linder & Company	GR	Multi-Family	Approved	2/1/2011	2176
1913	Jeremy W. Smith	AR-1	Yard & Waste Composting Facility	Approved	2/7/2012	2236
1983	Gerald W. & Emily W. Hocker	C-1	Food Vendor	Approved	5/20/2014	2349
2062	RDK & A Investments, LLC	AR-1	Medical Offices	Approved	2/14/2017	2481
2166	Deborah Townsend	AR-1	Professional Office & Business Services with Residence	Approved	4/30/2019	2651
2206	Linder & Company, Inc. (Evans Farm)	GR	Multi-Family (200)	Approved	6/15/2021	2776
2255	John Sommers	AR-1	Bicycle Sales, Repair, Storage	Approved	9/14/2021	2798
2323	Lesle Brossus	GR	Short-Term Rental for Yurt & Treehouse	Deferred	6/13/2023	2928
2401	OA Sundance Club, LLC	GR	Multi-Family (180 Units)	Approved	1/30/2024	2977





CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC
Aerial Map
TM#s 134-12.00-374.01, 374.02, 375.00, &
3445.00 through 3460.00



CU 2462 & CZ 2017
Gulfstream

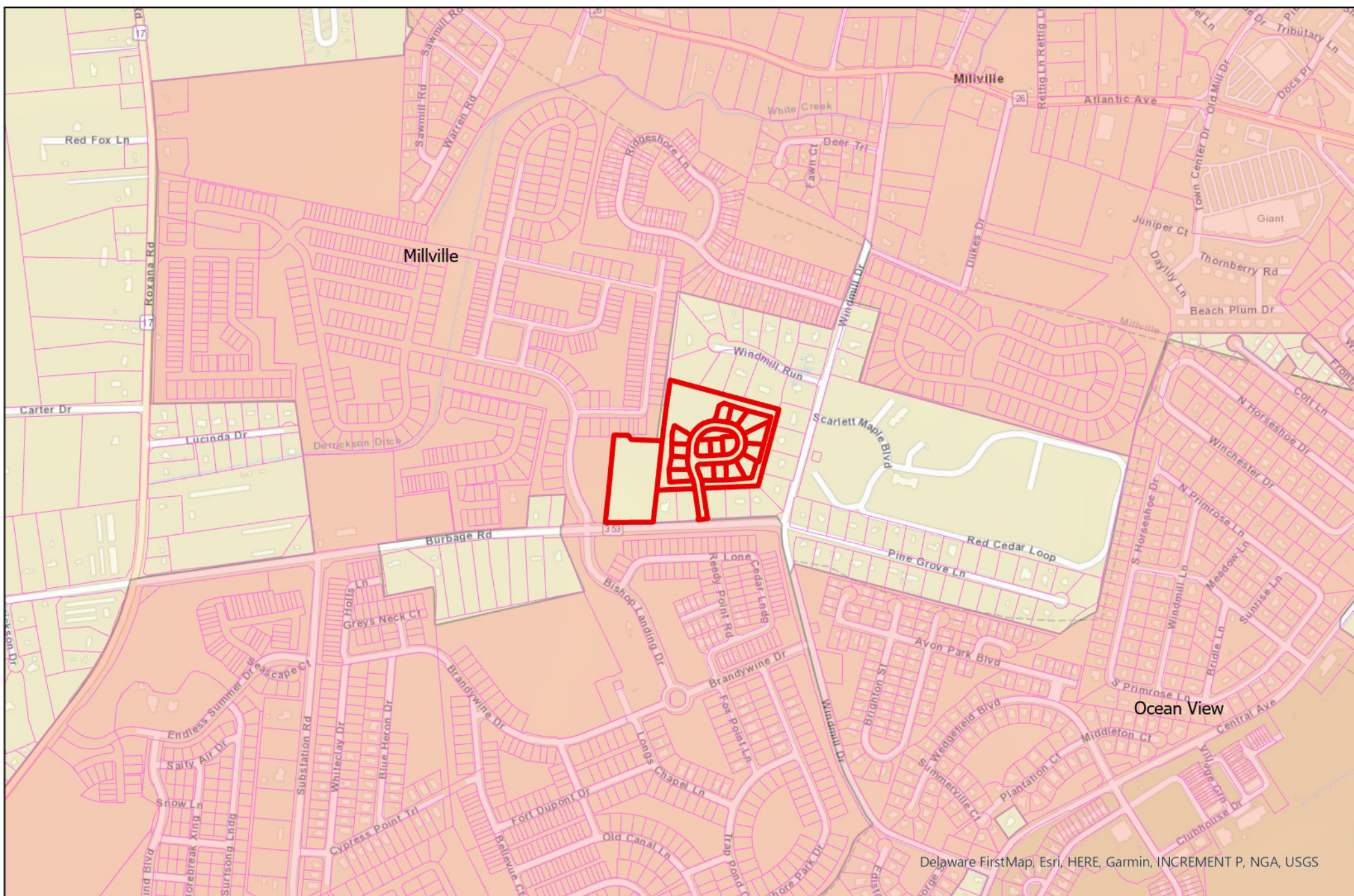


0 150 300 Feet












CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC
Street Map
TM#s 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00



**CU 2462 & CZ 2017
Gulfstream**

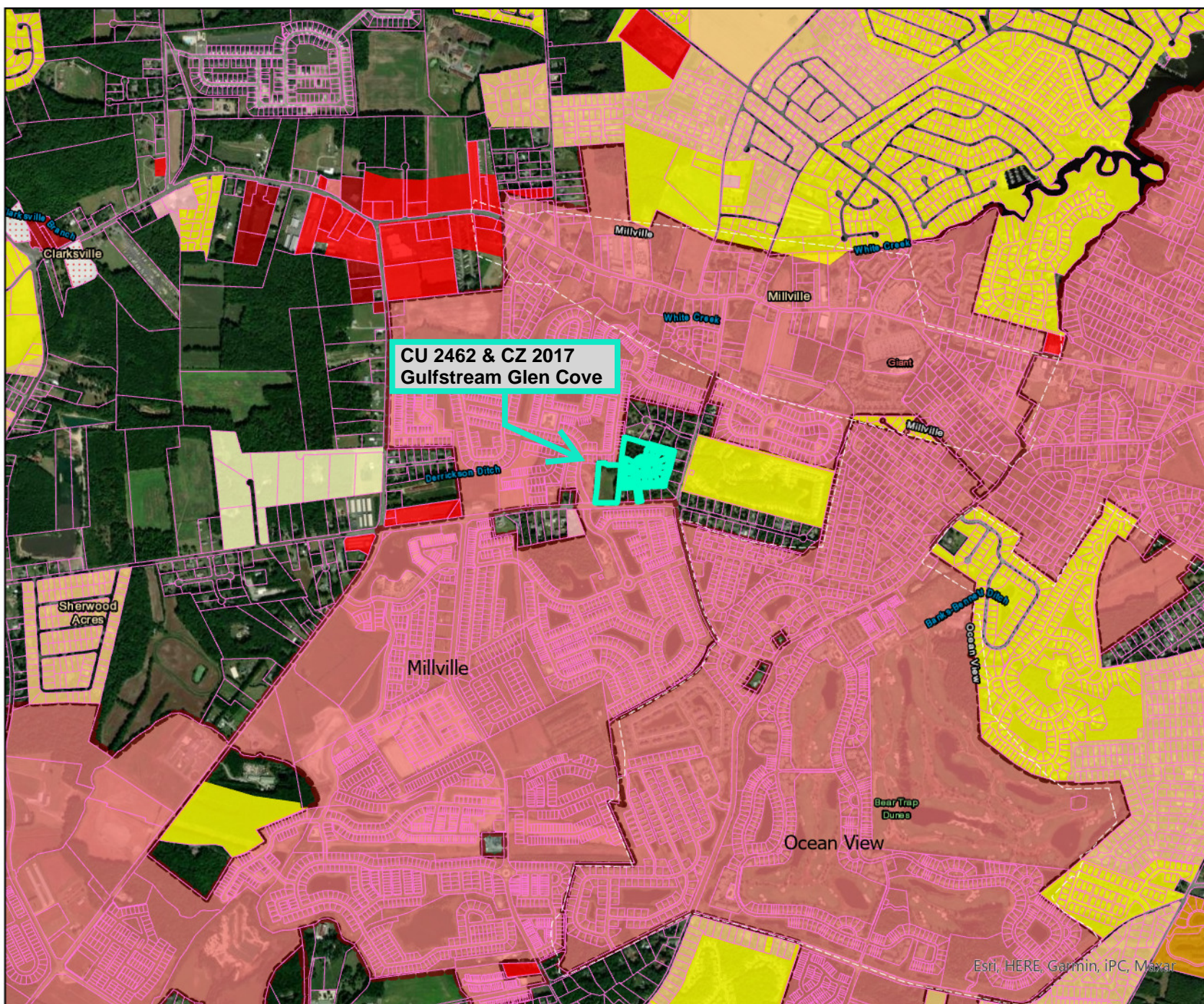


N



0 500 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

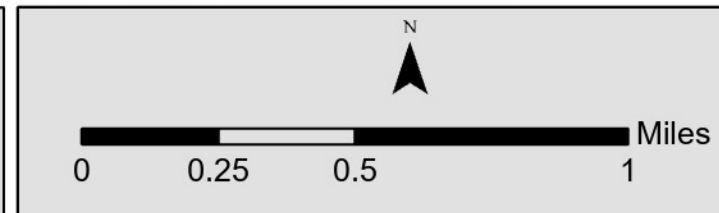
CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC

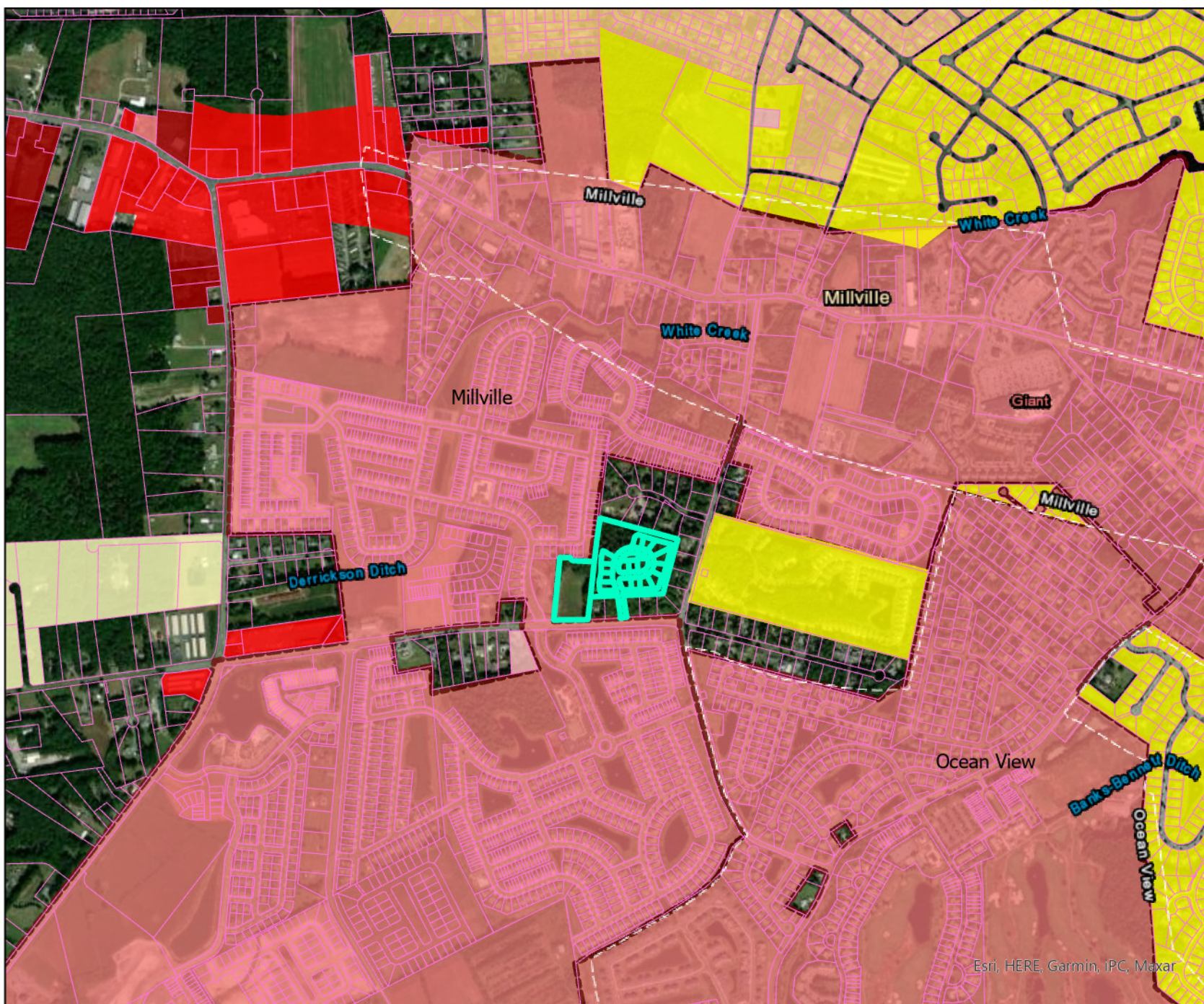
Zoning Map

TM#s 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

CU 2462 & CZ 2017 Gulfstream

Municipal Boundaries






Zoning


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

CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC


Zoning Map

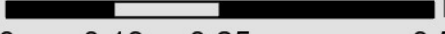
TM#s 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

 CU 2462 & CZ 2017 Gulfstream

 Municipal Boundaries

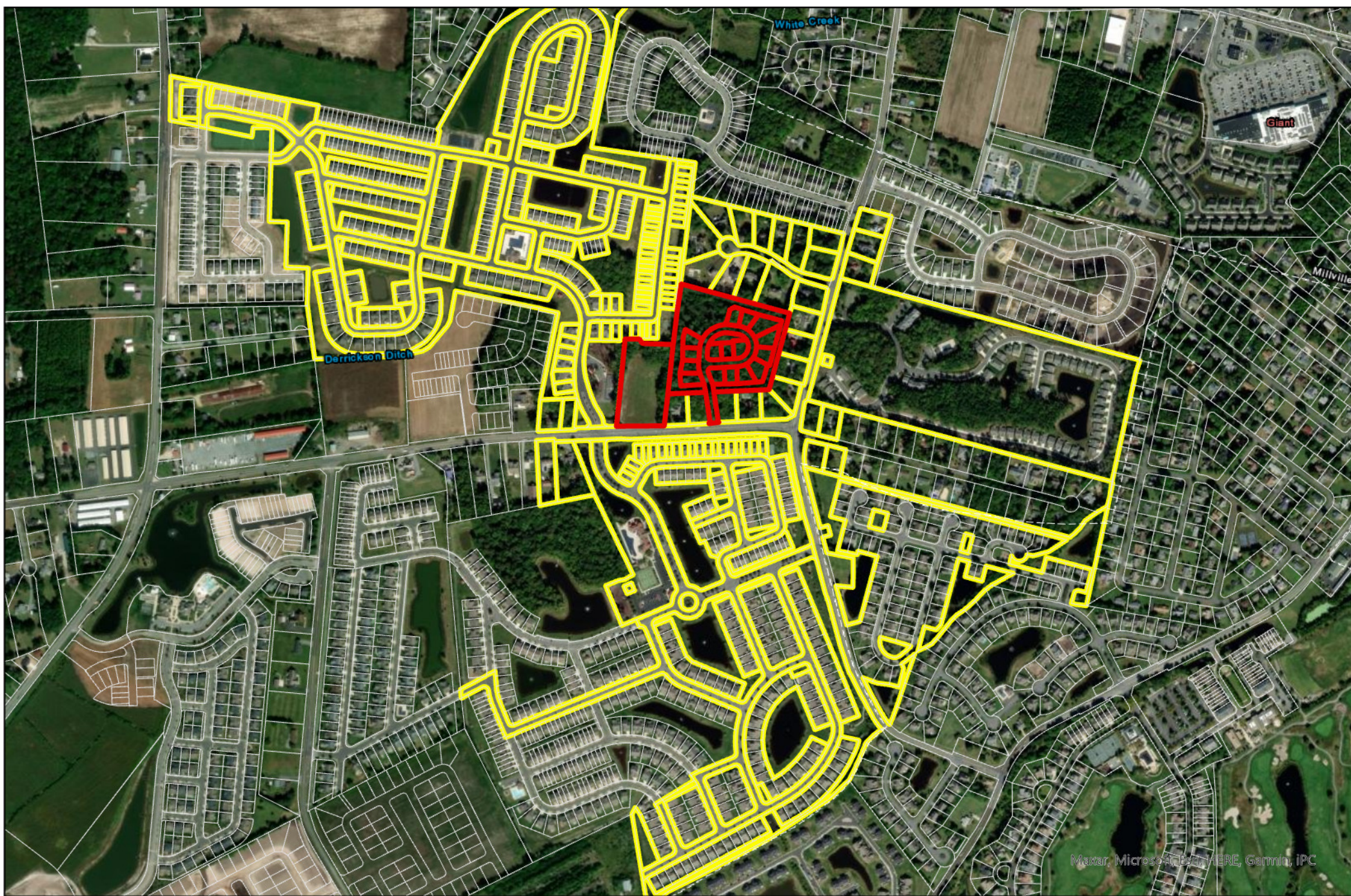
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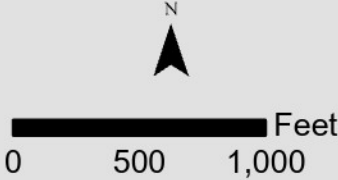
Miles





CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC
Mailing List Map
TM#s 134-12.00-374.01, 374.02, 375.00, &
3445.00 through 3460.00

-  CU 2462 & CZ 2017
Gulfstream
-  CU 2462 - CZ 2017
Mailing List



Introduced: 1/7/25

Council District 4: Mr. Hudson

Tax I.D. No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

911 Addresses: 30835, 30839, 30845, 30853, 3083, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS

WHEREAS, on the 5th day of July 2023, a Conditional Use Application, denominated Conditional Use No. 2462 was filed on behalf of Gulfstream Glen Cove, 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. 2462 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, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2462 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 north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352), and being more particularly described in the attached legal description prepared by Civil Engineering Associates said parcels containing 12.32 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.