

## COUNTY COUNCIL

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



# Sussex County

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

## SUSSEX COUNTY COUNCIL

### AGENDA

February 25, 2025

**9:00 A.M.**

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

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

#### Call to Order

#### Approval of Agenda

#### Presentation by and discussion with the Office of State Planning Coordination

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

**1:00 P.M.**

#### Approval of Minutes - February 11, 2025

[Draft Minutes 021125](#)

#### Reading of Correspondence

#### Public Comments



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

**Todd Lawson, County Administrator**

1. **Discussion and possible action related to the creation of a working group**  
[Working Group Memo](#)
2. **Administrator's Report**

**Gina Jennings, Finance Director**

1. **Presentation and update related to property reassessments**  
[Reassessment Project Update](#)
2. **Discussion and Possible Introduction of an Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103 ("TAXATION"), ARTICLE II ("REAL PROPERTY EXEMPTION FOR SENIOR CITIZENS") OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE THRESHOLD AND RESIDENCY REQUIREMENT"**  
[Possible Intro Real Property Tax Exemption - Senior Citizens](#)
3. **Discussion and Possible Introduction of an Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103 ("TAXATION"), ARTICLE I ("REAL PROPERTY TAX EXEMPTION FOR DISABLED PERSONS") OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE, RESIDENCY REQUIREMENT AND INCOME THRESHOLDS, THE APPLICATION PROCEDURE AND TO EXCLUDE PENSION INCOME DIRECTLY RELATED TO THE APPLICANT'S DISABILITY WHEN CALCULATING APPLICANT'S INCOME"**  
[Possible Intro Real Property Tax Exemption - Disabled Persons](#)

**Mike Harmer, County Engineer**

1. **Sussex County Groundwater Monitoring Network Expansion: Phase II**  
[Groundwater Monitoring](#)

**John Ashman, Director of Utility Planning & Design Review**

1. **2024 Mass Annexation Request**  
[2024 Mass Annexation](#)

**Patrick Brown, Project Engineer III**

1. **James Farm Ecological Preserve, Project C23-21**
  - a. **Change Order No. 4**  
[James Farm CO No. 4](#)
2. **Landfill Professional Services, Weston Solutions, Inc.**
  - a. **Authorization to Increase Task Order Funding**  
[Landfill Services](#)

## Old Business

1. [Conditional Use No. 2469 filed on behalf of Rehoboth Family Storage, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY WITH OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.68 ACRES, MORE OR LESS” (properties are lying on the west side of John J. Williams Highway [Rt. 24] and the east side of Robinsonville Road [S.C.R. 277], approximately 0.95 mile northeast of the intersection of John J. Williams Highway [Rt. 24] and Robinsonville Road [S.C.R. 277]) (911 Address: N/A) (Tax Map Parcels: 234-6.00-104.00, 104.02, 104.03, & 104.04)

[Old Business CU2469](#)

## Grant Request

1. **Paige’s Kindness Project for their kindness project**

[Paiges Kindness Project](#)

## Introduction of Proposed Zoning Ordinances

[Ord Intros CU2565 Ord 24-04 CZ2040 CZ2001](#)

## Council Members' Comments

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

1. “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”) OF THE CODE OF SUSSEX COUNTY TO ADD A NEW ARTICLE VIII, ENTITLED “BOARD OF ASSESSMENT REVIEW” TO GRANT THE BOARD OF ASSESSMENT REVIEW AUTHORITY TO ADOPT RULES AND PROCEDURES TO CARRY OUT ITS DUTIES AS OUTLINED IN 9 DEL. C. § 7004”

[Public Hearing Board of Assessment Review](#)

2. **Estuary Phase 6 (Showell Farm) Annexation into the Sussex County Unified Sanitary Sewer District (Miller Creek Area)**

[Public Hearing The Estuary](#)

3. **Delmarva Land Company Annexation into the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area)**

[Public Hearing Delmarva Land Company](#)

4. [Conditional Use No. 2460 filed on behalf of Jose Hernandez Perez](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A WAREHOUSE, OFFICE, INDOOR AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.95 ACRES MORE OR LESS” (property lying on the west side of Barnacle Boulevard and the northeast side of Layton Davis Road [S.C.R. 312A], approximately 0.28 mile southeast of John J. Williams Highway [Rt. 24]) (911 Address: 31235, 31241, & 31247 Barnacle Boulevard) (Tax Map Parcel: 234-29.00-57.02, 57.03, & 57.04)

[Public Hearing CU2460](#)

5. [Conditional Use No. 2487 filed on behalf of Jose Sandoval](#)

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

[Public Hearing CU2487](#)

6. [Conditional Use No. 2443 filed on behalf of Coastal Bay Homes, LLC](#)

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

[Public Hearing CU2443](#)

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

**Possible action on Executive Session Items**

**Adjourn**



**-MEETING DETAILS-**

**In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on February 18, 2025 at 3:15 p.m. and at least seven (7) days in advance of the meeting.**

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

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

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

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

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

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

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

**Conference Code: 570176**

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

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

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 11, 2025**

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

<b>Douglas B. Hudson</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Jane Gruenebaum</b>	<b>Councilwoman</b>
<b>Matt Lloyd</b>	<b>Councilman</b>
<b>Steve C. McCarron</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Vince Robertson</b>	<b>Assistant County Attorney</b>

Mr. Bruce Mears, Mr. Scott Collins, Ms. Holly Wingate and Mr. Brian Butler, Planning & Zoning Commissioners were also present.

**Call to  
Order**

Mr. Hudson called the meeting to order.

**M 056 25  
Approve  
Agenda**

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

**Motion Adopted: 4 Yeas, 1 Absent**

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

**Presentation  
Affordable  
&  
Workforce  
Housing &  
Costs of  
Housing  
Construc-  
tion**

Ms. Catilin Del Collo, Chief Strategy Advisor for Delaware State Housing Authority provided information on affordable housing. She discussed the AMI percentages, subsidized housing and workforce housing. She also provided graphs showing the gaps in the rental market by AMI for the Sussex Market Areas.

A presentation was given by Ms. Rachel Stucker, Executive Director of Housing Alliance Delaware. Ms. Stucker discussed the increase of the rental market. She then discussed the homelessness increase that has occurred in Delaware from 2020-2024 which shows an increase of 16%. Ms. Stucker discussed the significant zoning reforms that allow for multi-family zoning, by right to include small multi-family homes as well as ADUs.

A presentation was given by Mr. Mike Riemann from the Home Builders Association of Delaware regarding the costs of housing construction. Mr. Riemann discussed the jobs that the construction industry generates along with the economic impact that drives the economy. The average cost of a new home was then reviewed and discussed. Mr. Riemann then reviewed traffic problems that occurs with development.



**Report**

**1. Delaware State Police Activity Report**

The Delaware State police year-to-date activity report for December 2024 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 189 troopers assigned to Sussex County for the month of December.

**2. Council Meeting Schedule**

A reminder that Council will not meet on Tuesday, February 18<sup>th</sup>. The next regularly scheduled Council meeting will be held on Tuesday, February 25<sup>th</sup>.

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

**Clinical Agreement/  
DTCC**

Robbie Murray, Director of Public Safety presented a clinical agreement between Delaware Technical Community College and Sussex County EMS for Council’s consideration.

**M 060 25  
Approve  
Clinical Agreement/  
DTCC**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd that be it moved that Sussex County approves the proposed Healthcare Provider Agency Agreement with Delaware Technical Community College.

**Motion Adopted: 5 Yeas**

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

**DelDOT Program**

Jamie Whitehouse, Planning & Zoning Director provided an update for Council relating to the DelDOT 2027-2030 capital transportation program.

**Permission to Prepare & Post Notices/  
Camp Salty Farm**

John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Camp Salty Farm annexation into the Sussex County Unified Sanitary Sewer District, Miller Creek Area. The parcel is adjacent to the existing Sussex County Sanitary Sewer District. The project will be responsible for system connection changes based on current rates.

**M 061 25  
Approve  
Permission to Prepare & Post Notices/  
Camp Salty**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved by Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Camp Salty Farm expansion of the Sussex County Unified Sanitary Sewer District to include parcel 134-19.00-118.00 as presented.

**Motion Adopted: 5 Yeas**

**Farm**

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

**Permission to Prepare & Post Notices/ Bridgeville Warehouse**

**John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Bridgeville Warehouse annexation into the Sussex County Unified Sanitary Sewer District, Western Sussex Area. The Engineering Department received a request from Becker Morgan Group Inc. on behalf of their client FPDN Management, LLC the owners/developers of a project known as Bridgeville Warehouses for parcel 131-19.00-4.00 and the neighboring parcel 131-19.00-5.00. The parcels are zoned CR-1 and adjacent to the existing town boundary and the Sussex County Unified Sanitary Sewer District. The properties will be required to annex into the Town of Bridgeville. The project will be responsible for system connection changes based on current rates.**

**M 062 25 Approve Permission to Prepare & Post Notices/ Bridgeville Warehouse**

**A Motion was made by Mr. McCarron seconded by Mr. Rieley, be it moved by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Bridgeville Warehouse expansion of the Sussex County Unified Sanitary Sewer District to include parcels 131-19.00-4.00 and 131-19.00-5.00 as presented.**

**Motion Adopted: 5 Yeas**

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

**Waterside Road Improvements**

**Patrick Brown, Project Engineer III presented a recommendation to award for Waterside Road Improvements for Council's consideration.**

**M 063 25 Approve Waterside Road Improvements**

**A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum that based on the recommendation of the Sussex County Engineering Department, that contract T25-04, Waterside Road Improvements, a Chapter 96 Sussex Community Improvement Program project, be awarded to Mike Houck Construction, LLC at the bid amount of \$202,500.00.**

**Motion Adopted: 5 Yeas**

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

**DBF Amendment 2**

**Hans Medlarz, Project Engineer presented amendment no. 2 – King's Highway advanced utility relocation for Council's consideration.**

**M 064 25 Approve**

**A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based up the recommendation of the Sussex County Engineering**

**DBF  
Amendment  
2** Department that amendment no. 2 to the 2024 Miscellaneous Engineering base agreement with Davis, Bowen & Friedel, Inc. be approved in the amount not to exceed \$144,500.00 for engineering services associated with the King's Highway Utility relocation and the development of a construction agreement with the developer of the Village Center, subject to final Council approval.

**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. 3** Hans Medlarz, Project Engineer presented change order no. 3 for the Wolfe Neck regional WWF electrical service & switchgear replacement project for Council's consideration.

**M 065 25  
Approve CO  
No. 3/Wolfe  
Neck** A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 3 for contract S24-10, Wolfe Neck Regional WWF electrical service & switchgear replacement – general construction, be approved, increasing the contract by \$19,717.76.

**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. Roth presented grants for Council's consideration.

**M 066 25  
Greater  
Lewes  
Foundation** A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to give \$3,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account, \$1,000 from Mr. Rieley's Councilmanic Grant Account and \$1,000 from Mr. Hudson's Councilmanic Grant Account) to the Greater Lewes Foundation on behalf of the Lewes-Rehoboth Beach Rotary Club for their OTIS Smith Park pavilion revitalization project.

**Motion Adopted: 5 Yeas**

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

**M 067 25  
Race4Warr-  
riors** A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$2,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account and \$1,000 from Mr. Rieley's Councilmanic Grant Account) to Race4Warriors, Inc. for their annual Race4Warriors event.

**Motion Adopted: 5 Yeas**

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

**M 068 25  
Law  
Enforce-  
ment  
United, Inc.**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to give \$2,000 (\$250 from Ms. Gruenebaum's Councilmanic Grant Account, \$250 from Mr. McCarron's Councilmanic Grant Account, \$1,000 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to Law Enforcement United, Inc. for their Road to Hope Bicycle Ride 2025.**

**Motion Adopted: 5 Yeas**

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

**M 069 25  
New  
Coverdale  
Outreach  
Mission, Inc.**

**A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$1,500 (\$500 from Mr. McCarron's Councilmanic Grant Account, \$500 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to New Coverdale Outreach Mission for clothing for youth.**

**Motion Adopted: 5 Yeas**

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

**Mr. Rieley stated that the new Council Members account balances were low and asked about providing them funds.**

**Introduction  
of Proposed  
Ordinances**

**Mr. Hudson introduced a Proposed Ordinance entitled "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" filed on behalf of John Elisishans.**

**Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.3 ACRES, MORE OR LESS" filed on behalf of Joshua Levis.**

**Introduction  
of Proposed  
Ordinances  
(continued)**

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.41 ACRES, MORE OR LESS” filed on behalf of Brian Rowe.**

**Mr. Lloyd introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MECHANIC REPAIR BUSINESS, OFFICE, AND MATERIAL STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.25 ACRES, MORE OR LESS” filed on behalf of Jamie & Darren Hooks.**

**The Proposed Ordinances will be advertised for a Public Hearing.**

**CM  
Comments**

**Mr. Lloyd commented that the Council had a good meeting this morning and he found the information important to share with the public and the working group.**

**Rules**

**Mr. Robertson read the rules of procedure for public hearings.**

**Public  
Hearing/  
CU2454**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS” (property lying on northwest side of Shiloh Church Road [Rt. 74] approximately 0.38 mile west of East Trap Pond Road [Rt. 62]) (911 Address: N/A) (Tax Map Parcel: 232-8.00-44.01) filed on behalf of H&K Group, Inc.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of February 5, 2025, the Planning & Zoning Commission recommended denial of the application due to the application not receiving three affirmative votes to recommend approval for the application.**

**The Council found that Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the applicant, H&K Group who lease the property that is the subject of the application; that the applicant is a Pennsylvania corporation; that they joined with George & Lynch and formed River Asphalt, LLC that has two locations in Sussex County; that this application has had a difficult path; that two of the members have heard this application before; that this**



**Public  
Hearing/  
CU2454  
(continued)**

is the fourth public hearing for this application due to the fact that the advertisement of the Hundred was referenced incorrectly; that as it appears there is a recommendation for denial; that the first Commission meeting, the results were a 3-2 favorable recommendation; that Mr. Mears was not present at the meeting and if not for his absence, it would be a 3-2 favorable recommendation at this time; that the entire property is 309.6+/- acres, but only 269+/- acres are in question for this application; that the borrow pit area is 195.83 acres; that this is an application for a borrow pit off of Shiloh Church Rd; that the forest has a planting pattern; that the property is located within an AR-1 Zoning district and is a low density area on the Future Land Use Map; that the 2020 state strategies map identifies this property as being in Investment Level 4 area; that this means that important materials can be mined from this rural area to help support development in investment levels where there is a greater deal of population and intense uses; that this is a rural area of Sussex County; that this area of Sussex County is rich in natural resources; that there are 7 other borrow pit operations in this area; that the entrance is from Shiloh Church Road; that the actual processing area will be approximately 1,000 feet off of Shiloh Church Road; that there are wetlands that run along Beaver Dam Branch and basically bisects the property; that the Army Corp of Engineers will facilitate the crossing of any of the wetlands; that a 50 foot buffer will be a part of the site plan; that with this type of Conditional Use there are several special requirements that must be followed under Section 115-172 subsection B; that there are 6 special conditions that will be followed:

1. No material may be brought into the site for processing, mixing or similar purposes.
2. The excavation be controlled to offer reasonable protection to surrounding properties to include odors, dust, etc.
  - a. The entranceway will be paved to reduce noise and dust.
  - b. There will be a gated entranceway at Shiloh Church Rd. The Planning Commission recommended that be at least 50 feet from Shiloh Church Rd., the applicant is proposing the area be 100 feet.
  - c. Water trucks will be available to control dust issues.
  - d. The proposed hours of operation will be Monday through Friday 6:00 a.m. – 6:00 p.m. and Saturday 6:00 a.m. – 2:00 p.m. with no Sunday hours. The Planning Commission changed the hours recommending 7:00 a.m. to 5:00 p.m. 6 days a week with no Sunday hours. The hours of operation recommended by the Planning Commission are acceptable to the applicant.

The applicant filed a service evaluation level request with DelDOT; that they indicated that the impact on traffic would be less than 50 vehicle trips in any hour and less than 500 vehicle trips per day; that due to the concerns expressed during the Planning Commission hearing relating to traffic, the applicant reached out to have a traffic analysis completed; that a professional traffic operation engineer performed the study; that Mr.

**Public  
Hearing/  
CU2454  
(continued)**

**Wilson who performed the study also has a road safety professional level 1 certification; that the traffic conditions here do not warrant a traffic impact study; that based on the concerns raised during the Planning Commission hearing, a traffic analysis was prepared.**

**The Council found that Mr. Carl Wilson, a traffic engineer with the Traffic Group came forward; that the traffic analysis was prepared for the site; that they looked at the adjacent intersections to the east from the site and to the west, the nearest intersection was Johnson Road about 2 miles away; that they were collected by the use of a video camera; that a classification count was completed on Shiloh Church Road for a week to determine the amount of traffic that travels the road well as classification; that an existing level of service evaluation was completed at the two adjacent intersection; that the peak level volumes will be very low for this site; that they looked at other borrow pit operations in Sussex County; that Shiloh Church Road is classified as a minor collector road; that it has about 12 foot lanes width with minimal shoulders; that there is one other borrow pit on a minor collector road that has similar features; that the average daily traffic is about 2,300 in a course of 24-hour period; that other borrow pits have much larger traffic volumes; that the weight limit that was able to be found was along East Trap Pond Road and is located north of this site; that the vehicles would not use that section of roadway.**

**Mr. Hutt stated that the third of the special criteria factor was:**

**3. The location of the excavation will be done in relation to the water table and the side slopes of the pit, and the processing area will be more than 80ft from all property lines. The Planning Commission's recommendation included that there would be a bench at the 10ft level and then continue on with the 3 to 1 side slope down to the bottom.**

**There would be no wetlands disturbed as part of this; that the property is located within zone X on the flood zone map; that there are no documented drainage issues in this area; that the next factor is:**

**4. The burrow pit needs to be surrounded by a landscaped unexcavated buffer strip of open space with a minimum distance of 100ft from a street line and a minimum of 50 feet from all other property lines.**

**The plans show a 50 foot landscape buffer around the entire pit; that there is a 30 feet area between that the landscape buffer and the edge of the pond; that the next factor is:**

**5. The burrow pit shall be at least 200 feet from any dwelling on the property of other ownership.**

**There is an abandoned home about 230 feet from the entrance; that the nearest occupied home is about 750 feet from the entrance; that on Shiloh Church Road, the closest a person would live is 1,700 feet; that on Beaver**

**Public  
Hearing/  
CU2454  
(continued)**

**Dam Branch the nearest neighbor is 3,000 feet away; that on Sycamore Road, the closest neighbor is 2,300 feet away; that along East Trap Pond Road, the closest neighbor is 2,000 feet away; that the next condition is:**

- 6. There are various requirements for existing conditions, proposed excavation areas, reclamation areas and approvals from various agencies.**

**The reclamation plan for this property is that upon completion, this will be a wildlife pond for fish and fowl; that Chapter 115 talks about conditional use and certain uses being permitted by a Conditional Use because the use is a public or semi-character and requires the exercise of planning judgement regarding location and site plan; that the location of this property is ideal for this proposed use; that this is located in a wooded area; that all surrounding properties are very large parcels; that the fundamental need and use of aggregates demonstrates the semi-public or public nature of this burrow; that it was shown what a person needs regarding minerals during the course of their lifetime; that there is a large need for aggregates in this area; that aggregates helps with construction projects as well as chemical and agricultural uses; that borrow pit projects are critical to Delaware infrastructure; that the sand and gravel provides jobs and revenue and supports the construction sector; that it keeps project timelines on track; that there are 11 letters of support that were submitted from local businesses in the area that confirm the need for the materials in this area; that there were concerns raised about traffic; that the information that Mr. Wilson provided in the traffic analysis and his testimony is given weight under the law than the thoughts and opinions of lay people; that some things have professional expertise with them regarding calculations for traffic and stormwater management; that we have heard from DelDOT and Mr. Wilson regarding traffic and their testimony is consistent; that the entrance has been approved; that the impact on wells from a borrow pit was raised in previous public hearings; that H&K retained a hydro geologic opinion; that the report was distributed to the Council Members; that a professional geologist with 40 years' experience did the report; that he looked at the proposed site operations that exist; that the report noted that through the processing, majority of the water will get returned to the aquifer through the process; that during early operations, any potential wells within 200-300 feet of the edge of the pond could have a drawn down of a couple feet; that the reports states that it should not affect those wells; that typically, outside of the edge of the pond of 200-300 feet, no drawn down occurs; that the Planning Commission recommended approval for CU2300 for a borrow pit but was later denied by County Council; that when voted on for denial, Mr. Hudson provided his reasons; that one of his statements was that while there is a need for dirt, sand and gravel, there are better locations for borrow pits in more rural areas in the County that will not have an impact on homes or community use properties like the adjacent recreational fields that are next door to this property; that this application addresses those points almost point by point; that this is a rural location; that this is a minor collector with traffic capacity; that there are no**

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(continued)**

**community use properties located nearby or adjacent to the property; that the nearest well is more than 200-300 feet away; that the location is surrounding by woods, large parcels and the nearest home greatly exceeds the 100 feet requirement; that this application exceeds the requirements of the Code; that the applicant request that Commissioner Wingate's motion is taken and adopted.**

**Public comments were heard.**

**Mr. Jerry Marbel spoke in opposition to the application; that he has not heard anything different from the first three public hearings other than he does not think it's fair to do a traffic analysis from DOT when it is not at the prime time of all of the traffic; that in the summer months when everyone is going to the beach, Shiloh Church Road becomes a short cut; that that there are two trash companies that use that road as a short cut; that there are feed trucks, chicken trucks and the farmers trucks; that the road is not going to handle all of the traffic; that this is supposed to be a residential area; that this needs to be put closer to construction sites; that there are 7 pit within 15 miles; that most sand pits have no trespassing signs posted; that he would make it that they need to maintain the safety of East Trap Pond Road and Shiloh Church Road; that Shiloh Church Road has to be resurfaced every 9 years; that the intersection on his side of the road floods when there is a lot of rain.**

**Ms. Alison White spoke in opposition to the application; that she has several concerns with the application; that this application proposes that forest be removed for this project; that the most valuable resource is land; that the Sussex economy needs to be based upon something other than property development; that progress is living in the bounds of our resources; that we do not need to destroy Sussex County to thrive.**

**Mr. Willis Kirk spoke in opposition to the application; that he is a farmer that owns land adjacent to the site; that he spoke about the acreage; that the land is surrounded by hardwoods; that it one of the largest forested area within the Laurel School District not counting the state lands; that he distributed a report that was done for Lawrence Lank back in 2008; that the report is from DNREC to the County Planning & Zoning office; that this verifies the information from his standpoint; that his farms consists of two farms that are in the preservation program; that there are wetlands on the farmland that go right up to and onto to this property; that one of these reports states that when a pit is put in, it does have an effect on wetlands; that this is going to dry a lot of wetlands out; that you cannot determine where wetlands are during a drought which we currently have; that his land is irrigated, that it is difficult to get water out that way; that the report states that the pit continues to grow; that as it flows, it will affect the irrigation within those wells; that he questioned who would replace a well if one went dry; that there is a large farm that has irrigation well down the road; that the noise will affect a row of houses; that the buffer should be large; that this will be one of the largest borrow pits in Sussex County; that**

**Public  
Hearing/  
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(continued)**

there are people that are affected by this; that this is a lot of forest land that is being changed into a borrow pit; that there is wildlife in the area; that he doesn't believe this should be done in a forested area; that all of these open spaces with water are not confined; that he questioned if we need additional borrow pits; that he asked the value of this business to the people in Sussex County.

Ms. Phyllis Lynch spoke in opposition to the application; that there are problems with water supply; that she has concerns if they do get to the water aquifer; that it will disrupt the natural water flow; that she questioned what would happen if it the well goes dry; that she questioned if it will cause any pollutants into the groundwater; that this would take away the habitat for wildlife; that you will never regain the area back; that there are poultry in the area; that this will hurt the economics of Sussex County and the farmers; that she questioned what would happen with the equipment once the pit is no longer in use; that she has driven this road for 30 years; that there is no shoulder on the road.

Mr. Lloyd questioned if the adjoining parcel has expressed plans for the parcel. Mr. Hutt stated that it is not in the farmland preservation program. He expressed concerns that if someone were to develop any of the surrounding parcels including poultry. He asked if the bus times were captured as part of the study. Mr. Wilson replied that they did not do buses specifically and the counts were collected on October 30<sup>th</sup>. Mr. Lloyd questioned the difference between a borrow pit and a mining operation. It was shown where the operation will occur on the property.

Ms. Gruenebaum asked about the dewatering activities and how it is going to be monitored that it will not occur. It was explained that they will maintain the natural groundwater table elevation. Their groundwater sits on that table and there is no dewatering. They will pump from the dredge to the processing plant and about 90% of that will be returned back to the pond. In addition, the hydro report referenced some draw down which will occur when operations start because the pond will be smaller. Once the pond expands, the volume of water will become much larger. This will be a 10-hour operation so it will give the aquifer a chance to recover.

Ms. Gruenebaum expressed concerns of the effect on the aquifer and also pointed out there was concerned mentioned by DNREC. Mr. Hutt stated that the memorandum referenced is from 2008 in response to a specific question about a specific application. In addition, DNREC requested to enter into a MOU with Sussex County regarding borrow pits and those types of activities. Ms. Gruenebaum noted that on page 4 of the report, it states that a borrow pit almost always removes the protected soils and unsaturated sediment layers that overlay the water table, thus creating an open window to unrefined aquifer. Therefore, this would make it less protected. Ms. Gruenebaum stated that she has concerns about the water quality.

**Public  
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(continued)**

**Mr. McCarron questioned if there were any deed restrictions on the adjacent properties and if there was approximate age of the trees on the property. His main concerns are the traffic and there being no shoulders on that road. Mr. Wilson stated that was not considered, however, the peak area volumes are very low. Mr. Rieley had concerns about the increase of traffic and the damage that will occur to the road.**

**Mr. Rieley commented that when the Millsboro bypass is completed, the fastest route will be to take Route 20 and Shiloh Church Road will be the most direct point. He questioned if the traffic expert have any thoughts on that.**

**The Public Hearing and public record were closed.**

**M 070 25  
Defer  
Action/  
CU2454**

**A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS”.**

**Motion Adopted: 5 Yeas**

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

**M 071 25  
Adjourn**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to adjourn at 3:52 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.}*

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

AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE II (“REAL PROPERTY EXEMPTION FOR SENIOR CITIZENS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE THRESHOLD AND RESIDENCY REQUIREMENT

1           WHEREAS, Article II of Chapter 103 of the Sussex County Code provides, *inter*  
2 *alia*, the income and assessed property value parameters for senior citizens to qualify for  
3 a property tax exemption; and

4           WHEREAS, Sussex County completed a property tax reassessment which  
5 updated the assessed values of all properties located in Sussex County; and

6           WHEREAS, the Sussex County Council deems it necessary to amend Chapter  
7 103, Article II, §103-8 to update the assessed property value threshold for senior citizens;  
8 and

9           WHEREAS, the Sussex County Council deems it necessary to amend Chapter  
10 103, Article II, §103-9A. to increase the residency requirement from three (3) years to five  
11 (5) years.

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

13           Section 1. Chapter 103 (“Taxation”), Article II (“Real Property Tax Exemption  
14 for Senior Citizens”), §§ 103-8 (“Exemption granted”) and 103-9A. (“Contents of  
15 application”) of the Sussex County Code are hereby amended by inserting the underlined  
16 and italicized language and deleting the language in brackets as follows:

17           § 103-8 Exemption granted.

18           Every person who shall be a resident of this county and has reached his/her 65th  
19 birth date and has an income not in excess of \$6,000 per year or, if married, an  
20 aggregate income for husband and wife not in excess of \$7,500 per year and shall  
21 reside in a dwelling owned by him or her which is a constituent part of his real  
22 property shall be entitled, upon proper claim being made therefor, to exemption  
23 from taxation on such real estate to an addressed valuation not exceeding  
24 \$229,000[12,500].

25           § 103-9 Contents of application.

26           Every application for such claim shall contain the following declarations:

27           A. That the applicant has been a resident or owner of a residence in Sussex  
28 County for [three]five years immediately past preceding the application.

29

30           Section 2. This Ordinance shall become effective immediately upon its  
31 adoption.

32

Synopsis

33           This Ordinance amends Chapter 103 (“Taxation”), Article II (“Real Property  
34 Exemption for Senior Citizens”) of the Sussex County Code by amending: (a) §103-8 to  
35 update the assessed property value threshold for senior citizens to \$229,000; and (b)  
36 §103-9A. to increase the residency requirement from three (3) to five (5) years.

37

All new text is underlined and italicized. All deleted text is in brackets.



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

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

1           WHEREAS, Article I of Chapter 103 of the Sussex County Code provides the  
2 income and assessed property value parameters to qualify for a property tax exemption  
3 for disabled persons; and

4           WHEREAS, Sussex County completed a property tax reassessment which  
5 updated the assessed values of all properties located in Sussex County; and

6           WHEREAS, the Sussex County Council deems it necessary to amend Chapter  
7 103, Article I, §103-1 to update the assessed property value for disabled persons; and

8           WHEREAS, the Sussex County Council deems it necessary to amend Chapter  
9 103, Article I, §§ 103-1, 103-2E. and 103-4D. to update the income thresholds to qualify  
10 for the exemption as a disabled person; and

11           WHEREAS, the Sussex County Council deems it necessary to amend Chapter  
12 103, Article I, §103-2A. to increase the residency requirement from three (3) to five (5)  
13 years; and

14           WHEREAS, the Sussex County Council deems it necessary to amend Chapter  
15 103, Article I, § 103-3 to allow the County to ask the applicant for additional information  
16 to confirm the applicant’s disability, such as receipt of disability income; and

17           WHEREAS, the Sussex County Council deems it necessary to amend the  
18 definition of “income” found in Chapter 103, Article I, §103-6 to exclude pension income  
19 directly related to the applicant’s disability when calculating the applicant’s income.

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

21           Section 1. Chapter 103 (“Taxation”), Article I (“Real Property Tax Exemption for  
22 Disabled Persons”), § 103-1 (“Exemption granted”), §§103-2A. and 103-2E. (“Contents of  
23 application”), § 103-3 (“Application procedure”) and § 103-4D. (“Applicability to surviving  
24 spouse”) of the Sussex County Code are hereby amended by inserting the underlined  
25 and italicized language and deleting the language in brackets as follows:

26           § 103-1 Exemption granted.

27 Every person who shall be a resident of this county, who shall be totally disabled  
28 and who has an income not in excess of ~~\$6,000~~[4,500] per year or, if married, an  
29 aggregate income for husband and wife not in excess of ~~\$7,500~~[6,500] per year  
30 and who shall reside in a dwelling owned by him which is a constituent part of his  
31 or her real property shall be entitled, upon proper claim being made therefor, to  
32 exemption from taxation on such real estate to an assessed valuation not  
33 exceeding ~~\$229,000~~[12,500].

34 § 103-2 Contents of application.

35 Every application for such claim shall contain the following declarations:

36 A. That the applicant has been a resident or owner of a residence in Sussex County  
37 for [three five years immediately past preceding the application.

38 B. That the applicant is the owner of the real property and the dwelling for which  
39 such exemption is claimed.

40 C. That the applicant resides in said dwelling.

41 D. That the applicant is totally disabled and has attached the certificate of a medical  
42 doctor in support of such claim.

43 E. That the *applicant's* income is not in excess of ~~\$6,000~~[4,500] or, in the event of  
44 a marriage, that the aggregate income for husband and wife is not in excess of  
45 ~~\$7,500~~[6,500].

46 § 103-3 Application procedure.

47 Application for exemption pursuant to this article shall be made in the same  
48 manner as exemption applications for residents over 65 years of age shall be  
49 made. The County may ask for additional information to confirm disability such as  
50 receipt of disability income.

51 § 103-4 Applicability to surviving spouse.

52 The surviving spouse of such applicant shall remain exempt from taxation upon  
53 the death of the applicant so long as said surviving spouse shall:

54 A. Remain a resident of this county,

55 B. Remain the owner of the real property and of the dwelling for which such  
56 exemption was granted;

57 C. Reside in said dwelling;

58 D. Have an income not in excess of ~~\$6,000~~[4,500] per year; and

59 E. Remain unmarried.

60 Section 2. Chapter 103 (“Taxation”), Article I (“Real Property Tax Exemption for  
61 Disabled Persons”), § 103-6 (“Definitions”) of the Sussex County Code is hereby  
62 amended by inserting the underlined and italicized language and deleting the language  
63 in brackets as follows:

64 INCOME

65 Shall not include social security benefits, [or ]railroad retirement benefits, and  
66 pension income directly related to the applicant’s disability.

67 Section 3. This Ordinance shall become effective immediately upon its  
68 adoption.

69 Synopsis

70 This Ordinance amends Chapter 103 (“Taxation”), Article I (“Real Property Tax  
71 Exemption for Disabled Persons”) of the Code of Sussex County to amend: (a) §103-1 to  
72 update the assessed property value threshold for disabled persons to \$229,000, (b)  
73 §§ 103-1, 103-2E. and 103-4D. to update the income thresholds to \$6,000 for a single  
74 applicant or a surviving spouse and \$7,500 for married applicants, (c) § 103-2A. to  
75 increase the residency requirement from three (3) to five (5) years; (d) § 103-3 to allow  
76 the County to ask the applicant for additional information to confirm the applicant’s  
77 disability, such as receipt of disability income, and (e) §103-6 to exclude pension income  
78 directly related to the applicant’s disability when calculating the applicant’s income.

79 All new text is underlined and italicized. All deleted text is in brackets.

## ENGINEERING DEPARTMENT

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SUSSEX COUNTY ENGINEER

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# Sussex County

DELAWARE  
sussexcountyde.gov

### Memorandum

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

**FROM:** Mike Harmer, County Engineer

**RE:** *Sussex County Groundwater Monitoring Network Expansion: Phase II*

**DATE:** February 18, 2025

The State of Delaware Department of Natural Resources and Environmental Control (DNREC) has requested that Sussex County participate in the Delaware Groundwater Monitoring Network (DEGWMN) Sussex County Expansion Project as a local Government Partner/Applicant.

DEGWMN is a network of groundwater monitoring wells maintained by the Delaware Geological Survey (DGS) under contract to the DNREC Source Water Protection Program and is funded through a grant from the U.S. Environmental Protection Agency. It consists of over 130 monitoring wells covering major aquifers in Delaware. Water levels and groundwater quality are key parameters water purveyors need to know regarding public and private water supply. Benefits of expanding the system include improving the understanding of water hydrogeological conditions, improving data accuracy, and improving public, private, and government awareness for better decision-making.

As we know, our County is Delaware's largest County in terms of acreage. The DEGWMN currently has a project (Phase I) under construction with a Phase II request for additional funding underway. The Phase II is needed due to insufficient funding in Phase I for our County which left out Bridgeville and Laurel monitoring well locations. DNREC contacted us to request our approval to be a Government Partner/Applicant for an additional \$150,000 in Local Government Implementation Funding (LGIF) as part of the Chesapeake Bay Implementation Grant (CBIG) since Phase II is eligible for funding from LGIF. The Phase II proposal has been provided by the Delaware Geological Survey (DGS). With our county being the largest county, with minimal groundwater monitoring infrastructure within central



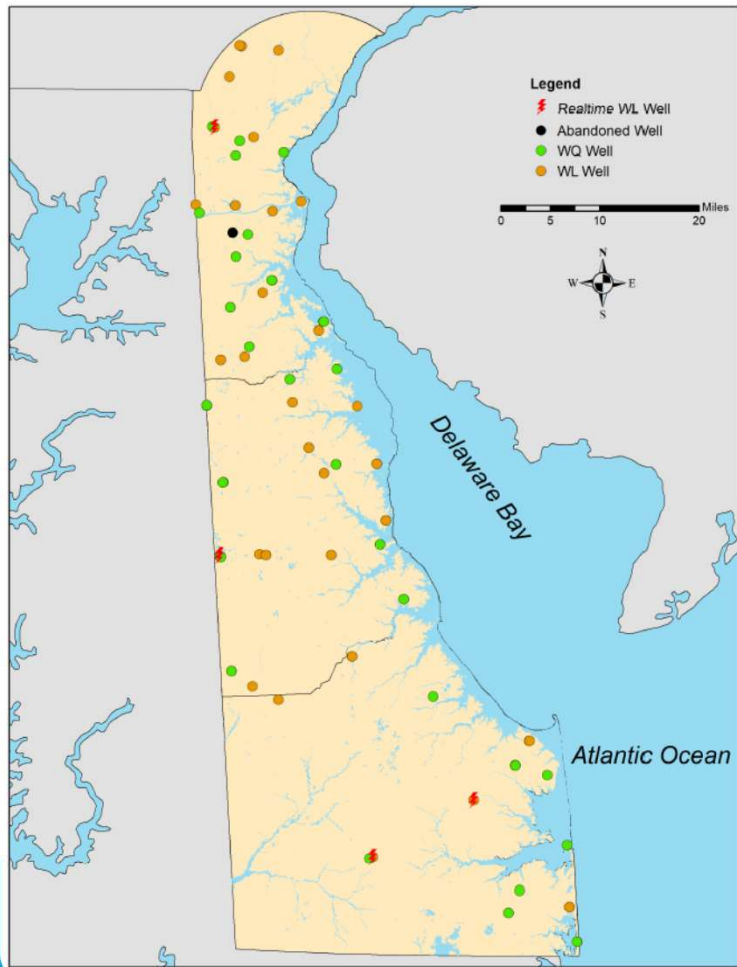
and western Sussex and Laurel/Bridgeville being left out, our support of this initiative will assist DGS in securing the Phase II funding. Any support by Sussex County should be in kind labor with no County funds being utilized and/or requested.

Engineering and Finance supports this initiative and is requesting County Council approve the request for Sussex County to be the Local Government Partner/Applicant. We have included the DGS detailed proposal and a short PowerPoint presentation sent to us from DNREC for your consideration.

# Delaware Groundwater Monitoring Network (DEGWMN)

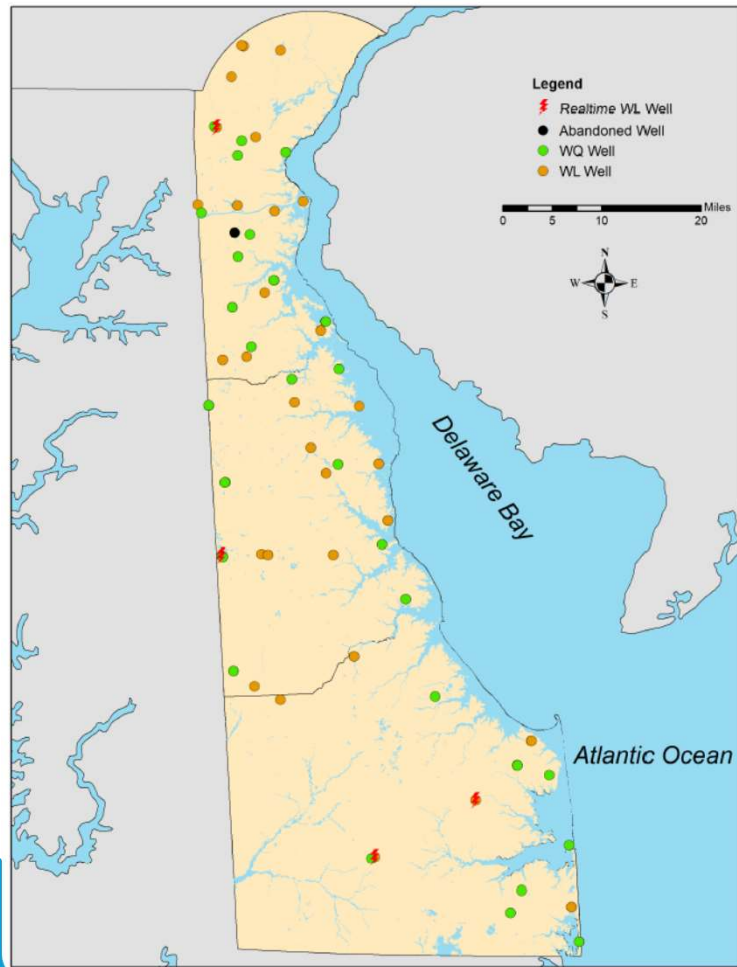
Sussex County Expansion Project

Status – Phase I Under Construction / Phase II Request for Funding



# What is DEGWMN?

- The network is maintained by the Delaware Geological Survey (DGS) under contract to the Source Water Protection Program in the Delaware Department of Natural Resources and Environmental Control (DNREC) and is funded through a grant from the U.S. Environmental Protection Agency.
- Consists of over 130 monitoring wells covering 15 major aquifers in Delaware. Water levels are measured at all monitoring wells many with automatic data loggers that collect water levels.
- The groundwater quality is monitored in 76 wells with sampling at least once every 5 years



## GAP in Spatial Coverage (Sussex County)

- Sussex County is Delaware's largest county in terms of acreage
- Minimal Groundwater Monitoring infrastructure exists within central and western Sussex.
- Bond Bill Award of 600k in FY24 focused on enhancing the DEGWMN in Sussex



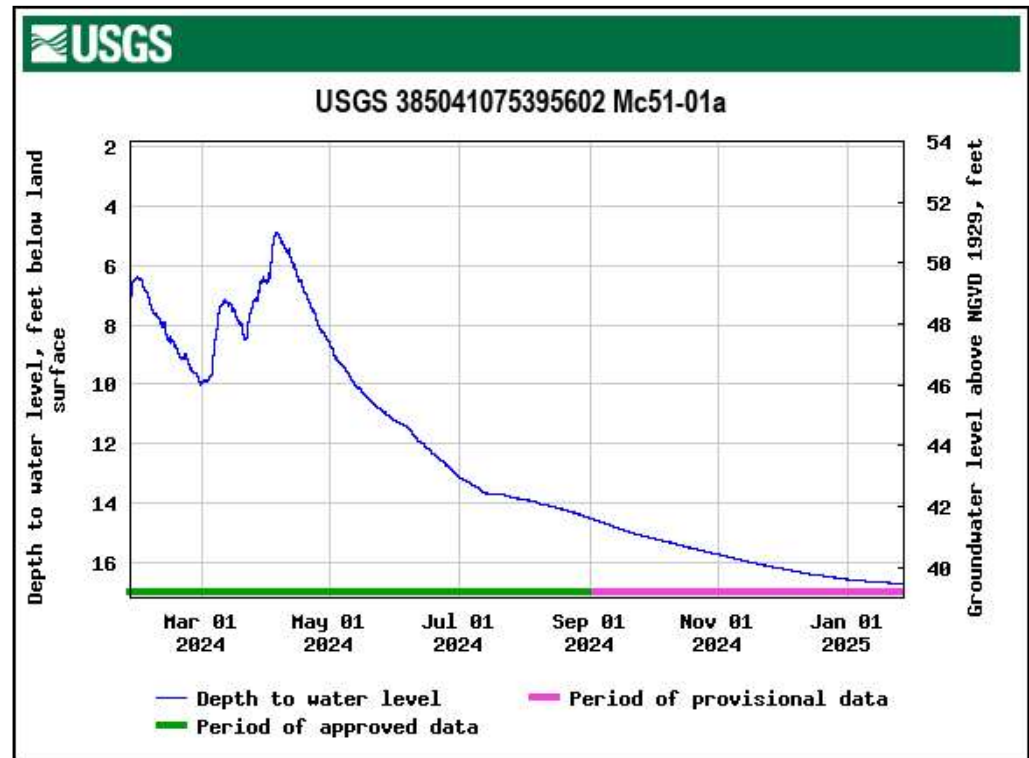


# Bond Bill Award

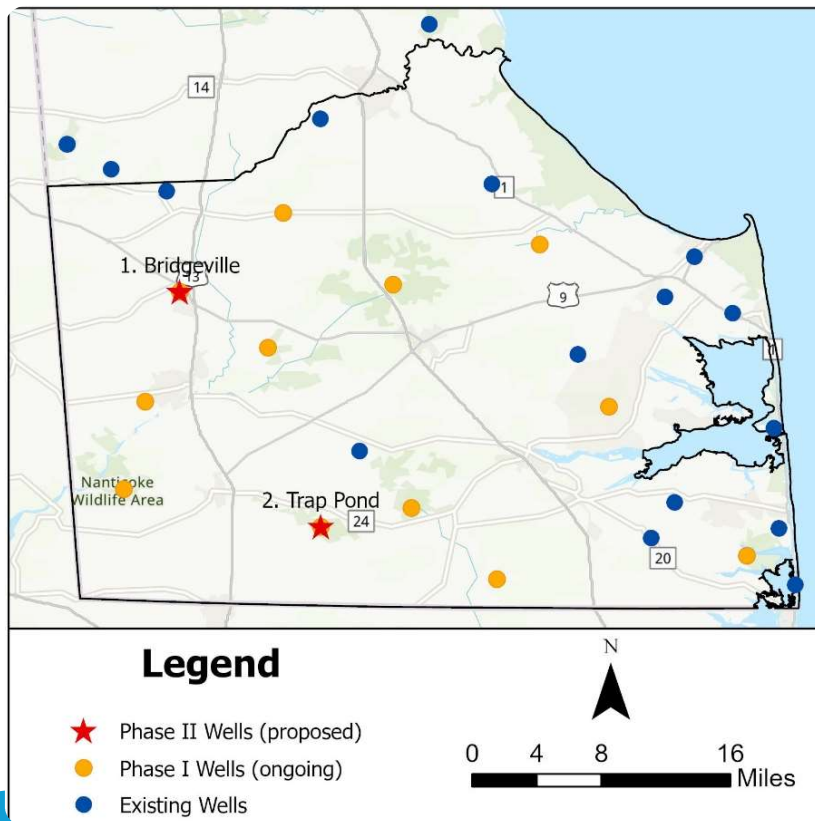
- Bond Bill Award of 600k in FY24 focused on enhancing the DEGWMN in Sussex
- Contract with Delaware Geological Survey in Sussex Secured and Project Under Construction
- Benefits of expanding the monitoring network include:
  - Improving the understanding of the hydrogeological conditions in Sussex County by drilling new wells, conducting geophysical logging of the new wells, and performing on-site slug tests. These activities offer valuable insights into aquifer properties and are crucial for evaluating groundwater resources.
  - Improving the spatial coverage and data accuracy. This will allow for better tracking of groundwater levels and trends, both spatially and temporally, and will help to identify areas of concern in real-time. The data collected will also help to refine predictive models of water availability and sustainability.
  - Improving public and government awareness. An expanded network will provide reliable and accessible data to policymakers, local governments, and the public. By sharing this data, the county can engage in more informed decision-making and encourage sustainable water management practices among residents and businesses.



# Monitoring Well Site Examples



Picture on the left is of an existing USGS Groundwater Monitoring Well similar to what is being installed as part of the DEGWMN. The Picture on the right is a USGS Hydrograph showing the depth of water below land surface. Data similar to this hydrograph will be capture by the DEGWMN monitoring well network.



## Opportunity / Partnership

- Due to insufficient funding Phase I of the Sussex County Expansion Project left out the Bridgeville and Laurel Nested Monitoring Well Locations.
- 150K is needed to complete the Phase II Monitoring including construction.
- Each site will feature well nests—multiple wells at each location, with each well dedicated to monitoring a specific aquifer. A total of eight wells will be installed and the targeted aquifers

# Funding Opportunity / Partnership

- Local Government Implementation Funding (LGIF)
  - Part of the Chesapeake Bay Implementation Grant (CBIG)
- Phase II Proposal is eligible for funding from LGIF
- Local Government Partner/Applicant Needed
- Phase II Proposal has been provided by the DGS
- DNREC Division of Water is available to assist with grant application and grant management if successfully awarded funds.
- <https://dnrec.delaware.gov/watershed-stewardship/nps/chesapeake-grants/>



DELAWARE DEPARTMENT OF  
NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL

**Chesapeake Bay Implementation Grant Program**  
**Fiscal Year 2025**  
**Request for Proposals (RFP)**

Proposal for  
Sussex County Groundwater Monitoring Network Expansion: Phase II

Prepared by Delaware Geological Survey

This proposal recommends the expansion of the groundwater monitoring network in west Sussex County, Delaware, by installing eight new wells at two sites to address key concerns regarding groundwater availability and quality. Groundwater serves as the sole source of potable water for the county's growing population. As Sussex continues to experience population growth, there is an increased risk of both groundwater shortages and degradation of water quality. A long-term monitoring network is essential to track these changes, ensure sustainable water management, and safeguard public health.

### **Background**

The Delaware Geological Survey (DGS), in cooperation with the Delaware Department of Natural Resources and Environmental Control (DNREC), manages an integrated state-wide groundwater monitoring network. The network currently has 54 sites that host 123 wells representing 13 major and local aquifers. Many of the sites have nested monitoring wells completed in multiple, layered aquifers to allow calculation of the potential for vertical flow between aquifers, and for assessment of water quality differences between aquifers at the same site.

The development of the state's well network has been largely supported by capitol budget appropriations from the state of Delaware. The growth and expansion of the network has generally occurred from north to south. With the latest funding support from the State, DGS is conducting a Sussex County Monitoring Network Expansion Project: Phase I. We initially proposed a total of twelve sites throughout the county and received funding to complete ten sites. Phase I includes those ten sites, and we propose to include the remaining two sites in Phase II.

The benefits of expanding the monitoring network include

1. Improving the understanding of the hydrogeological conditions in Sussex County by drilling new wells, conducting geophysical logging of the new wells, and performing on-site slug tests. These activities offer valuable insights into aquifer properties and are crucial for evaluating groundwater resources.
2. Improving the spatial coverage and data accuracy. This will allow for better tracking of groundwater levels and trends, both spatially and temporally, and will help to identify areas of concern in real-time. The data collected will also help to refine predictive models of water availability and sustainability.

3. Improving public and government awareness. An expanded network will provide reliable and accessible data to policymakers, local governments, and the public. By sharing this data, the county can engage in more informed decision-making and encourage sustainable water management practices among residents and businesses.

To achieve our ultimate goals, we are requesting additional funding support to finish the Sussex County Monitoring Network Expansion Project: Phase II.

## **Site Selection**

The expanded monitoring network will focus on addressing spatial gaps by analyzing the current network and the ongoing Sussex County Phase I Project. Additionally, it will take into account potential future growth of water use in targeted aquifers. Based on this analysis, we plan to install new wells in the Bridgeville and Trap Pond areas (Figure 1). Each site will feature well nests—multiple wells at each location, with each well dedicated to monitoring a specific aquifer. A total of eight wells will be installed and the targeted aquifers at each site are outlined in table 1.

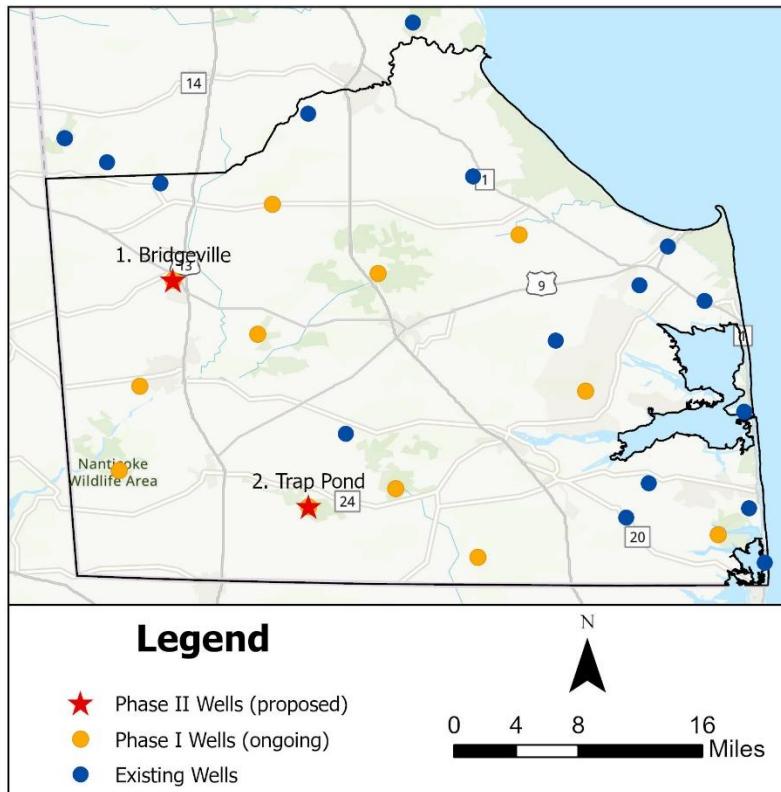


Figure 1. Proposed well site locations in Sussex County

Table 1. Proposed Phase II drilling sites in Sussex County

Site No	Potential Location	Aquifers
1	Bridgeville Area	Columbia, Upper Choptank, Milford, Frederica
2	Trap Pond Area	Columbia, Pocomoke, Manokin, Upper Choptank

## **Workplan**

The major tasks are listed below:

A. Drilling and installation of monitoring wells by a commercial contractor. Maximum well depth at any site will be less than 600 feet to reflect current groundwater use and to maximize the number of wells that can be installed within the available budget. The final number of wells and footage are dependent on results of drilling and geophysical logging at each site and the contractual costs for well installation.

B. Installation and operation of Instruments for automated collection of water levels. Two shallow Columbia Aquifer wells will be equipped with telemetry service to provide near real time data, while the deep aquifers will be equipped with data loggers to automatically collect 15-minute interval water-level data.

C. Samples of groundwater will be collected by DGS personnel and tested using fee-for-service EPA certified laboratories. We plan to sample new wells at least once during the project period. Samples will be analyzed for major ions (Ca, Mg, Fe, Na, K, Cl, F, SO<sub>4</sub>, NO<sub>3</sub>, and alkalinity) that define basic geochemical properties of aquifers and impact suitability for water supply. Selected samples will be analyzed in a laboratory for stable isotopes (<sup>2</sup>H, <sup>18</sup>O, <sup>14</sup>C), and selected trace metals (As, Mn, Pb, Cu, Cr, Hg).

## **Deliverables**

A final report detailing the work completed and data collected will be provided. The final report will summarize the metrics regarding the monitoring infrastructure installed, scientific work conducted and display the important geologic and hydrologic data collected during the project.

## **Budget Justification:**

Category	Cost
Drilling and monitoring well installation	\$90,000
Employment (and fringe)	\$40,000
Lab services	\$10,000
Supplies, instrumentation	\$8,000

Travel	\$2,000
Total	\$150,000

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Funds for drilling and monitoring well installation cover costs for drilling and installation of wells by a commercial contractor. Funds for employment and fringe will support a junior level professional to conduct fieldwork, and assist with data management, data analysis, and preparation of reports and presentations. Funds for laboratory services cover the costs of using fee-for-service laboratories for testing of water. Funds for supplies will help defray costs for water level and quality monitoring instruments, hydraulic testing, fuel, and maintenance of newly installed infrastructure. Funds for travel will support fieldwork and make the drilling operations run more efficiently.

### **Project Duration**

DGS anticipates it will take 12 months to complete the project. The timeline for the different project elements is shown in Table 2.

Table 2. Timeline for the proposed project.

	Q1	Q2	Q3	Q4
Start Up*	X			
Drilling/Well Installation (Task A)		X		
WL/Salinity Monitoring (Task B)			X	X
WQ Sampling (Task C)				X
Final report preparation				X

\* Includes finalizing site selection, well permitting, and acquiring access permissions.



## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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




# Sussex County

DELAWARE  
sussexcountyde.gov

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

## Memorandum

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

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

RE: ***Mass Annexation of Individual Parcels  
2024 Connections  
File: ADM 2.02-A***

DATE: February 25, 2025

Under the direction of the County Engineer and under his authority according to County Code §110-98 & §110-99 the Sussex County Engineering Department has been accepting annexation fees and connecting individual parcels on an as-needed basis. The Engineer may grant connections to scattered parcels at the equivalent dwelling unit (EDU) density of the abutting property but cannot exceed 12 EDUs per acre. The connection of the scattered parcels must be determined to not overload the capacity in the existing sewer system taking into account the full development capacity of other parcels within the area.

This is an all-encompassing annexation of those parcels previously requesting annexation, meeting the above requirements and submitting the appropriate annexation fee for the following parcels:

433-6.06-3.00 Balance of Parcel  
433-6.06-3.01 Balance of Parcel  
433-6.06-3.04 Balance of Parcel  
433-6.06-1.00 Balance of Parcel  
433-6.06-2.01  
234-11.00-58.04

All parcels were able to be served by previously installed infrastructure or fairly simple lateral adjustments.



**2024 MASS ANNEXATIONS**

PARCEL	AREA	OWNER	ACREAGE	AMOUNT OWED	STATUS	NOTES
433-6-06-3.00	Dagsboro/Frankford	Steven R. Benton	N/A	N/A	Balance of Parcel	revised zoning for Frankford
433-6-06-3.01	Dagsboro/Frankford	Larry E. & Lisa S. Willigus	N/A	N/A	Balance of Parcel	revised zoning for Frankford
433-6-06-3.04	Dagsboro/Frankford	Nicholas A. & Kristen M. Cisar	N/A	N/A	Balance of Parcel	revised zoning for Frankford
433-6-06-1.00	Dagsboro/Frankford	Indian River School District	N/A	N/A	Balance of Parcel	Boundary clean-up/Already served
433-6-06-2.01	Dagsboro/Frankford	Indian River School District	N/A	N/A	Balance of Parcel	Boundary clean-up/Already served
234-11-00-58.04	Angola Neck	Justin J. Prince & Jennifer L. Wesley	1.27	\$500.00	PAID	Dorman Road

ACREAGE	FEE
less than 2	\$500
2.1 - 9.99	\$750
10-150	\$1,500
over 150	\$2,500

## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

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# Sussex County

DELAWARE  
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## 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:** Patrick Brown, Project Engineer.

**RE:** ***JAMES FARM ECOLOGICAL PRESERVE, PROJECT C23-21  
A. CHANGE ORDER No. 4***

**DATE:** February 25, 2025

Sussex County and the Delaware Center for Inland Bays (CIB) have a long-standing relationship of operations at the James Farm Ecological Preserve, beginning in 1998 with the first occupancy lease agreement. On September 19, 2017, Council granted a 20-year extension to the original agreement.

Several Phases of recreational, educational and preservation improvements were outlined by the Master Plan completed in 2016. Since then, various grants and funding sources provided for design and construction of the Cedar Neck Road entrance and parking lot, followed later by a new restroom facility with connection to public sewer. Updates to the Master Plan then occurred in advance of the primary goal, a realization of new education and maintenance buildings.

Over recent years, design and permitting of these buildings occurred concurrently with the CIB's work to secure funding. The Engineering Department assisted the CIB and their architectural team with final efforts, culminating in contract documents for Sussex County Project C23-21: Proposed Campus at James Farm Ecological Preserve. The Project was publicly advertised with three (3) bids received by the deadline of Friday, December 15, 2023.

On March 5, 2024, Council awarded the James Farm Campus Project to Bancroft Construction Co, of Wilmington, Delaware, in the contract amount of \$2,090,500.00. The amount reflected the total base bid less the alternate deduct value related to a wood pressure-treatment modification, as recommended by the Engineering Department.



Project funding sources were reviewed by the CIB and County Finance Department. The Finance Department confirmed \$100,000.00 of County funds remained budgeted under a DNREC ORPT grant matching dollar commitment. The CIB affirmed several sources of grant monies and provided the balance of project funding by escrow deposit.

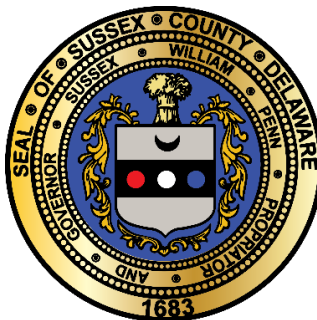
Notice to proceed was given effective May 1, 2024, and the campus project commenced with the Engineering Department providing in-house contract administration.

On April 30, 2024, the Engineering Department presented to Council an alternative delivery method for procurement of the General Construction work proposed by Project S24-10 at the Wolfe Neck Regional Wastewater Facility. On June 11, 2024, Council heard the results of four competitive proposals and authorized James Farm Campus Project, Change Order No. 1, in an amount of \$1,376,000.00, with Bancroft Construction providing separate accounting and schedule of values for all work associated with Project S24-10.

On July 30, 2024, Council approved Change Order No. 2, applicable to the James Farm Campus Project, in a credit amount of \$2,249.28. The credit reconciled several miscellaneous changes incorporated at project start-up, including procurement of the Builders Risk insurance policy by Sussex County, additional electrical work and power outlets as requested by CIB, and the modification of proposed rain barrels. On February 11, 2025, Change Order No. 3 as applicable to the Wolfe Neck Regional Wastewater Facility, was presented to Council and approved.

Bancroft submitted several Requests for Information (RFI) during the development and review of project shop drawings, to confirm structural components of the proposed campus buildings. One topic was the manner of connecting building columns to building beams and glulam rafters. A revision to the structural drawing was made to clarify these elements, with the column cap connection modified to provide additional stainless-steel hangers for attachment of beams. The Engineering Department concurs on an increase in labor and materials associated with the changes made, along with administrative costs incurred by Bancroft Construction in coordination of the vendor's structural drawings and final fabrication requirements.

The Engineering Department therefore recommends issuance of Change Order No. 4 to Bancroft Construction in the amount of \$19,726.60, for coordination and implementation of structural modifications at the James Farm Campus Project,



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **PROPOSED CAMPUS AT JAMES FARM ECOLOGICAL PRESERVE**
2. Sussex County Project No. C23-21
3. Change Order No. 4
4. Date Change Order Initiated - 2/25/25
5. Status **C23-21** **S24-10 (GC)**
  - a. Original Contract Sum \$ 2,090,500.00 \$ 0
  - b. Net Change by Previous Change Orders \$ (\$2,249.28) \$ 0
  - c. Contract Sum Prior to Change Order \$ 2,088,250.72 \$1,376,000.00
  - d. Requested Change \$ 19,726.60 \$ 19,717.76
  - e. Net Change (No. of days) N/A 13
  - f. New Contract Amount **\$ 2,107,977.32** **\$1,395,717.76**
6. Contact Person: Mike Harmer, P.E.  
Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

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





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

Project: CSED0002 - James Farm Eco Preserve
30048 Cedar Neck Rd
Ocean View, Delaware 19970

DRAFT

Prime Contract Potential Change Order #004: Field Fabrication for Saddles

Table with 4 columns: TO, FROM, PCO NUMBER/REVISION, CONTRACT, REQUEST RECEIVED FROM, CREATED BY, STATUS, CREATED DATE, REFERENCE, PRIME CONTRACT CHANGE ORDER, FIELD CHANGE, LOCATION, ACCOUNTING METHOD, SCHEDULE IMPACT, PAID IN FULL, TOTAL AMOUNT.

POTENTIAL CHANGE ORDER TITLE: Field Fabrication for Saddles

CHANGE REASON: Design Change

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)
CE #028 - Structural Metal Brackets for Glu Lams
Manufacture of stainless steel structural brackets and field drilling of holes for brackets.

ATTACHMENTS:
BCC Labor Breakdown.pdf T-M James Farm Invoice #1010 (002).pdf

Table with 5 columns: #, Budget Code, Description, Type, Amount. Includes line items for Simpson Ties, Rough Carpentry, Small Tools, Project Manager, Project Coordinator, Trailer Utility Usage, and a Grand Total of \$19,726.60.

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 ii 02/07/2025
SIGNATURE DATE





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

**Project: CSED0002 - James Farm Eco Preserve**  
 30048 Cedar Neck Rd  
 Ocean View, Delaware 19970

## CHANGE EVENT #028 - Field Fabrication for Saddles

**Origin:**

**Date Created:** 10/22/2024      **Created By:** John Sauter  
**Status:** Pending      **Scope:** Out of Scope  
**Type:** Other      **Change Reason:** Design Change  
**Description:** Manufacture of stainless steel structural brackets and field drilling of holes for brackets.  
**Attachments:** [BCC Labor Breakdown.pdf](#), [T-M James Farm Invoice #1010 \(002\).pdf](#)

### CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	UOM	Revenue					Cost					Over/Under	Budget Mod.	
			QTY	Unit Cost	ROM	Prime	PCO	Latest Price	QTY	Unit Cost	ROM	RFQ			Commit.
05-700.06 Simpson Ties, Bolts and Hold-Downs Description: Field Fabricaton for Saddles	Aledak Metal Works, Inc. CSED0002-015	ls	1.0	\$9,563.00	\$9,563.00	\$9,563.00	\$9,563.00	1.0	\$9,563.00	\$9,563.00			\$9,563.00		
06-100.06 Rough Carpentry.Subcontract Description: Drill holes for brackets	Above All Construction, LLC CSED0002-008	ls	1.0	\$0.00	\$0.00	\$0.00	\$0.00	1.0	\$0.00	\$0.00			\$0.00		
01-548.07 Small Tools/Gang Box.Other Description: BCC Purchase Simpson ties direct	Bancroft Construction Company	ls	1.0	\$0.00	\$0.00	\$0.00	\$0.00	1.0	\$0.00	\$0.00			\$0.00		
05-700.06 Simpson Ties, Bolts and Hold-Downs Description: Fabricate metal brackets Glu Lam Did not	Aledak Metal Works, Inc. CSED0002-015	ls	1.0	\$0.00	\$0.00	\$0.00	\$0.00	1.0	\$0.00	\$0.00			\$0.00		
1-515.02 Project Manager.Regular Labor Description: PM adminastrative time 20 hours	Bancroft Construction Company	ls	1.0	\$2,105.00	\$2,105.00	\$2,105.00	\$2,105.00	1.0	\$2,105.00	\$2,105.00			\$2,105.00		



Budget Code	Vendor / Contract	UOM	Revenue					Cost					Over/ Under	Budget Mod.	
			QTY	Unit Cost	ROM	Prime	PCO	Latest Price	QTY	Unit Cost	ROM	RFQ			Commit.
1-422.02 Project Coordinator.Regular Labor  Description: PC administrative time 160hours	Bancroft Construction Company	ls	1.0	\$640.70	\$640.70	\$640.70	\$640.70	1.0	\$640.70	\$640.70			\$640.70		
01-512.07 Trailer Utility Usage.Other  Description: Superintendent 60 hours	Bancroft Construction Company		1.0	\$5,463.00	\$5,463.00	\$5,463.00	\$5,463.00	1.0	\$5,463.00	\$5,463.00			\$5,463.00		
1-515.02 Project Manager.Regular Labor					\$888.59	\$888.59	\$888.59						\$0.00	\$888.59	
01-141.07 Bonding.Other					\$177.72	\$177.72	\$177.72						\$0.00	\$177.72	
90-999.10 Fee.Fee & Field Cost					\$888.59	\$888.59	\$888.59						\$0.00	\$888.59	
<b>Grand Totals</b>					<b>\$19,726.59</b>	<b>\$19,726.59</b>	<b>\$19,726.59</b>			<b>\$17,771.70</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$17,771.70</b>	<b>\$1,954.89</b>	<b>\$0.00</b>

Cost Code	Title	Hours	Rate	Total
1-515	Project Manager	20	\$105.25	\$2,105.00
1-512	Superintendent	60	\$91.05	\$5,463.00
1-422	Project Coordinator	10	\$64.07	\$640.70
	Total Cost			\$8,208.70

**Aledak Metalworks, Inc.**

4809 Harrison Ferry Rd  
Hurlock, MD 21643-3932 US  
+1 4435215952  
toby@aledakmetalworks.com

**Time and Material**

BILL TO  
James Farm Eco Preserve  
1300 Grant Ave  
Wilmington, DE19806

TIME AND MATERIAL 1010  
DATE 11/19/2024  
TERMS Net 30  
DUE DATE 12/19/2024

JOB/PROJECT  
James Farms

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
11/15/2024	Sales	Road Labor to Weld Saddles in Field (Scale Wage)	9	120.00	1,080.00
11/19/2024	Sales	Education Building Materials to fabricate 36 extras saddles. All Materials Stainless steel.	36	52.00	1,872.00
11/19/2024	Sales	Labor to weld 36 saddles on for Education Building.	16	60.00	960.00
11/19/2024	Sales	Maintenance Building Materials to fabricate 32 extra saddles. All materials Stainless steel.	32	55.00	1,760.00
11/19/2024	Sales	Labor to weld 32 saddles on for the Maintenance Building.	16	60.00	960.00
12/20/2024	Sales	Road Labor to Fabricate Saddles in Field (Scale Wage)	8	120.00	960.00
12/20/2024	Sales	Material - 12 Bent Saddles	1	1,806.00	1,806.00
12/20/2024	Sales	Material - 3 - PL1/2x7x6.5	1	165.00	165.00

Contact Aledak Metalworks, Inc. to pay.

BALANCE DUE

**\$9,563.00**

## 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:** Patrick Brown, Project Engineer.

**RE:** **Landfill Professional Services, Weston Solutions, Inc.**  
**A. Authorization to Increase Task Order Funding**

**DATE:** February 25, 2025

Sussex County operated up to six (6) municipal landfills from 1968 to 1984. Over time each site was converted to a transfer station upon reaching its original landfill capacity. Gradually the transfer stations were closed concluding in 1994. The landfill sites were later identified pursuant to Delaware Code, Title 7, Chapter 91 under the Delaware Hazardous Substance Cleanup Act (HSCA). They are regulated by the Department of Natural Resources and Environmental Control (DNREC). The Division of Waste & Hazardous Substances, along with the Division of Water, administer and oversee the regulatory site management.

The State and the County mutually agreed on an Operations & Maintenance (O&M) plan and subsequently recorded an Environmental Covenant document for each site. In addition, Sussex County Landfill No.5 in Laurel is a delisted USEPA Federal Superfund Program site. It is governed by supplementary regulatory directives specified in a Notice of Conciliation agreement (NOC) between the EPA, DNREC and Sussex County. In total, various governing landfill Agreements include two Memorandums of Understanding (MOU) as dated 1988 and 2000; a Landfill Closure Plan from 2003; the Landfill Operations and Maintenance Plan from 2005; the Notice of Conciliation for the Laurel landfill from 1996; and Environmental Covenants for each landfill site as recorded in 2015.

As part of the approved O&M plans and agreed upon NOC, a groundwater monitoring program was established with groundwater sampling conducted annually. All six Sussex County Landfill sites have monitoring requirements established by the Site Investigation and Restoration Branch (SIRB) of DNREC's Division of Waste & Hazardous Substances. The present-day monitoring regimen is mainly a result of the inclusion of Laurel landfill on the USEPA Superfund Site listing in 1988, and subsequent inclusion of the other five Sussex County Landfill sites, LF1-



Bridgeville, LF2-Stockley, LF 3-Angola, LF 4-Anderson Crossroads, and LF 6-Omar, on the Hazardous Substance Control Act (HSCA) site listing in 1994.

Staff from Weston Solutions, Inc. (Weston) perform annual landfill groundwater monitoring as outlined in the legal agreements noted. Weston also compiles and submits to DNREC the mandatory annual reports prescribed by the NOC and O&M agreements. Weston has negotiated regulatory matters on behalf of Sussex County throughout the years, reducing landfill monitoring needs and assisting the County in maintaining regulatory compliance.

In a Memorandum dated June 25, 1990, the Sussex County Administrator at that time, stated the original selection of Weston for the County's landfill consulting work met all requirements of State law. A Basic Ordering Agreement for services by Weston was subsequently compiled, reviewed by the County Attorney, and approved by Sussex County Council on April 16, 1991. The Engineering Department continues to utilize Weston Solutions, Inc. under this Basic Operating Agreement for landfill consulting, monitoring, and reporting.

On March 14, 2017, County Council reaffirmed Weston Solutions, Inc. as the Landfill Professional Services Consultant for a five (5) year period beginning July 1, 2017, based on their expertise and past performance. Council then approved the not to exceed budget of \$96,900.00 for FY18 task orders. Traditionally, Weston provides a scope of work prior to each new budget year with cost estimates in a task order format. These costs are included with the Engineering Budget submittal and upon approval of the budget, annual task orders are executed. With needs generally consistent, the Engineering Department recommended Council approve budget years remaining under the affirmation. On June 18, 2019, Council approved Weston's FY 20, 21 and 22 budget amounts for services not to exceed \$96,900.00 and authorized the County Engineer to execute the annual task orders based on acceptable consultant performance.

Weston has continued to perform consultant services in an acceptable manner and played an instrumental role in the coordination and completion of an initial Remedy Evaluation Report (RER), which was an unanticipated scope item. DNREC required an RER be developed, and to evaluate and summarize data since the 1987 start of landfill monitoring. The significant effort required supplemental FY funding to complete but received final approval in December 2021 and established a baseline for future 5-year RER reports to be efficiently developed.

On March 22, 2022, County Council reaffirmed Weston Solutions, Inc. as the Landfill Professional Services Consultant for another five (5) year period beginning July 1, 2022, based on their environmental expertise and consistent implementation of compliance requirements. Council further approved the County Engineer to authorize annual task orders not to exceed \$100,000.00 in total value, based on acceptable performance and Council approval of the applicable FY budget. A \$100,000.00 professional services amount was approved in the current FY25 budget, with Weston's annual scope of services authorized by the County Engineer under Task Order LF-2025-1 having equal not-to-exceed amount.

Program monitoring and supplementary costs for landfill-related activities were expected to remain consistent with past years. However, in July 2024 the EPA performed their Five-Year Review Inspection of Sussex County Landfill No.5 in Laurel. During initial development of their Five-Year Review (FYR) report the EPA noted components of the existing NOC were

considered outdated and further advised additional sampling criteria may be forthcoming. In September 2024, a teleconference was held with the EPA, DNREC, and Sussex County with Weston personnel included. Draft recommendations were presented by the EPA, including the preparation of a new Quality Assurance Project Plan (QAPP) for annual monitoring and sampling work at Landfill No. 5 in Laurel, and for expanded groundwater sampling to include PFAS compounds with MCLs at select monitoring wells. These EPA recommendations were finalized and issued in the signed FYR provided this February 2025.

The Engineering Department had reviewed with Weston the EPA's draft recommendations in relationship to estimates for completing the work and for receiving full agency approval, in a sufficient timeline to implement under the 2025 NOC reporting period, as directed. In December 2025, the Engineering Department authorized Weston to expand their current scope of work to initiate preparation of the QAPP. This provided a jump start on necessary work efforts and a means to better determine scope and budget needs for FY26; however, the extent of scope increase would be limited by our existing FY25 scope and fee since completion of the annual agency requirements remain.

The Engineering Department reviewed the approved landfill program budget and identified two allocations that may be repurposed to continue Weston's expanded FY25 scope of work. The Engineering Department requests Council approve a \$30,000.00 increase to Weston Solutions, Inc. Task Order LF-2025-1 for a not-to-exceed total value of \$130,000.00, to continue the additional work needs associated with Landfill No. 5 in Laurel.

Further, the Engineering Department requests Council authorize the County Engineer to execute future FY26 and FY27 task orders based on Weston's past performance, at not to exceed total values established in the FY budget as approved by Council, and in conformance with current procurement policies.

**TASK ORDER # LF-2025-1**  
**SUPPLEMENTAL FUNDING**

SUSSEX COUNTY COUNCIL (CLIENT) / WESTON SOLUTIONS, INC. (WESTON)

In accordance with the Terms and Conditions of a Basic Ordering Agreement dated April 16, 1991, and Sussex County Council reaffirmation approval on March 22, 2022, CLIENT hereby authorizes WESTON to perform the following work:

Task Order No.: LF-2025-1 (Weston Work Order 01631.163.001)

Sussex County Contract No.: 92025001

Job Title: **ANNUAL LANDFILL PROGRAMS AND SERVICES**

Effective Date of Task Order: July 1, 2024      Supplemental Date: February 25, 2025

Scope of Work: Complete preparation of the Annual O&M Report for five landfills and the DNREC/EPA Notice of Conciliation (NOC) Report for Laurel Landfill as per original Task Order.

Continue preparation of Quality Assurance Project Plan (QAPP) at Laurel Landfill following Uniform Federal Policy – QAPP worksheets as applicable, for draft submission to EPA and DNREC.

Original Estimated Cost: \$ 100,000 (not-to-exceed)

Supplemental Funding: \$ 30,000 (not-to-exceed)

Original Estimated Cost: \$ 130,000 (not-to-exceed)

Schedule: Commence July 01, 2024

Complete June 30, 2025

Deliverables: As per original Task Order; Laurel Landfill draft QAPP

Additional Provisions: N/A

**AUTHORIZED BY CLIENT:**

BY: \_\_\_\_\_  
Patrick Brown, P.E., Project Engineer

\_\_\_\_\_  
Date

**ACCEPTED BY WESTON:**

BY: \_\_\_\_\_  
Thomas A. Drew, P.G.

\_\_\_\_\_  
Date



## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: February 21, 2025

RE: County Council Report for C/U 2469 filed on behalf of Rehoboth Family Storage, LLC

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The Planning and Zoning Department received an application (C/U 2469 filed on behalf of Rehoboth Family Storage, LLC) for a mini-storage facility to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 234-6.00-104.00, 104.02, 104.03 and 104.04. The property is located on the west side of John J. Williams Highway (Rt. 24) approximately 0.95 mile northeast of Robinsonville Road (SCR 277). The parcel size is 6.68 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on December 4, 2024. At the meeting of January 8, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and 13 recommended conditions of approval as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on February 4, 2025. At the conclusion of the meeting, action on the application was deferred for further consideration and the record was left open for the purpose of allowing the County Council members not present at the February 4<sup>th</sup> an opportunity to review the record.

Below are the minutes from the Planning & Zoning Commission meeting on December 4, 2024, and January 8, 2025.

Minutes of the December 4, 2024, Planning & Zoning Commission Meeting

### C/U 2469 Rehoboth Family Storage, LLC

### **AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY**





**WITH OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.68 ACRES, MORE OR LESS.** The properties are lying on the west side of John J. Williams Highway (Rt. 24) and the east side of Robinsonville Road (S.C.R. 277), approximately 0.95-mile northeast of the intersection of John J. Williams Highway (Rt. 24) and Robinsonville Road (S.C.R. 277). 911 Address: N/A. Tax Map Parcels: 234-6.00-104.00, 104.02, 104.03, & 104.04.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicants exhibit booklets which includes the applicant's environmental assessment and Public Facilities Evaluation report, a copy of the applicant's conditional use site plan, a copy of a rendering of the site plan, a copy of the applicant submitted photographs, a copy of the Staff Analysis report, a copy of the DelDOT SLER, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division and 15 written comments.

Ms. Mackenzie Peet, Esq., introduced her client, the applicant, to the Commission to give some history on himself and his business.

Mr. Bill Soltesz spoke on behalf of himself that he is the managing member of Rehoboth Family Storage, LLC, and he has been in the self-storage business for 29 years and currently owns six facilities; that the goal is to set a new standard for self-storage facilities by providing exterior colors to match the environment, outstanding landscaping, high tech security and relaxing music within the buildings; that they want to be a "good neighbor" and provide a positive asset to the community; that there will be no 24 hour facilities and all rental offices are closed on Sundays.

Ms. Mackenzie Peet, Esq., of Saul Ewing, spoke on behalf of the Applicant, Mr. Bill Soltesz, principal owner of Rehoboth Family Storage, LLC.; that Mr. Soltesz has successfully developed and currently own six self-storage facilities; that the current project proposes three one story buildings consisting of 891 units each to include a mix of interior, climate controlled units and perimeter drive up non climate controlled units; that there will be no outdoor storage and the total building area will consist of approximately 125,000 square feet, with building one consisting of approximately 28,745 square feet, building two, consisting of approximately 56,600 square feet and building three consisting of 40,125 square feet; that each building is a one story low profile design that seamlessly integrates into the surrounding landscape and the design minimizes the visual impact of the project on nearby land uses, and enhances the overall aesthetics of the area; that extensive buffering from adjacent properties in the form of perimeter trees, which will consist of as many trees as possible while supplementing with additional plantings as needed and each building will have a sprinkler system as required by the Fire Marshal; that the Applicant is seeking three signs, an illuminated wall sign on the front of Building one, an illuminated monument sign located along Route 24 in the landscaping bed and another along Robinsonville Rd.; that the property is located in an AR-1 zoning district and the proposed use aligns with the character of the surrounding community, which consists of both a mix of residential and commercial properties; that there is a significant demand for self-storage solutions in Sussex County and especially in the Rehoboth Lewes area.

Mr. Edward Launay, a professional wetlands scientist, of Environmental Resource Insights spoke on behalf of the Applicant that the site is a 6.68 acre site and based on the USDA maps it is considered a well drained, sandy soil site; that soils he found on site are well suited to all types of developments with very few development limitations; that the site is not within any DNREC mapped wellhead area

protection area or within any special ground water recharge area and the sites not within any 100 year floodplain; that there is no presence of any state or federally regulated wetlands on the site or adjacent to it; that the site is wooded and was clear cut in 2010; that there's a few scattered old growth trees along Robinsonville Rd. and the rest is a relatively young forested area consisting of Tulip Poplar Lava, Early Pine and an occasional Red Maple; that the project proposes to retain 1.62 acres of forest around the perimeter of the site a retention of 24.3% of the entire site.

Ms. Peet stated that the public has noted some concern with the entrance being on Robinsonville Rd, but it should be noted that the developer has no control over the entrance as that is determined by DelDOT and they restricted the access from Route 24; that traffic generated by the facility is characterized as low, stable and predictable due to their operational nature and based on the gate access logs of Mr. Soltesz's other facilities, suggest an average of approximately 30 vehicle trips per day; that the location was selected as to draw traffic away from Route One and was placed within a three mile radius of the nearest storage facility; that the applicant has received an approved site evaluation from DNREC; that this site will be secured with a fence around the perimeter as well as a gate, security cameras will be provided, hours of operation, unlike typical storage facilities in the area, this facility will not offer 24 hour access; that gate access will only be available from 6:00 AM to 10:00 PM seven days a week, additionally, office hours will be from 9:00 AM to 6:00 PM Monday through Saturday, with no Sunday office hours.

Mr. Cliff Mumford, P.E., of Davis, Bowen & Friedel, spoke on behalf of the Applicant, that the correspondence with DelDOT determined that the site's traffic does not warrant and TIS, but it is located within the TID and the applicant is required to pay a fee of \$406,000, based on the square footage of the buildings; that at the May 17, 2023, meeting the applicant proposed to have the entrance on Route 24, but DelDOT's policy states that access be provided from the lower functional classification roadway, which is Robinsonville Rd.; that when meeting with Sussex Conservation District, a stormwater assessment study was done and to be in compliance with their requirements an infiltration pond will be used to control runoff; that the pre-application meeting with the Fire Marshal determined that all buildings will have fire sprinklers and a Knox box will be provided on the gate so the fire department will have access into the site; that a fire hydrant flow test was performed by Tidewater Utilities that confirmed sufficient flow for fire suppression, and there's an existing water main and a fire hydrant in front of the site on Robinsonville Rd.

Ms. Mary Sheehan spoke in support of the application as with the growth of Sussex County, many new retirees are downsizing their homes and/or renting out their homes for an extra income and need to store the belongings somewhere; that there is a large shortage of storage facilities within the County and this one not only provides a needed service, but it is also an aesthetically pleasing building to add to a community.

Mr. Brendan O'Toole spoke in favor of the application that the area needs more storage facilities within a reasonable distance of the area; that his parents recently lost their home to a storm and when they went to find a storage facility for their belongings and the contractor supplies, they were forced to find a facility over 90 minutes away.

Mr. Buddy Webb spoke in opposition to the application that he owns the property adjacent to this proposed site and he wants the area to remain undeveloped for the good of the neighborhood.

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 2469 Rehoboth Family Storage, LLC. Motion by Mr. Collins to defer action for further consideration, holding the record open for documentation from the applicant regarding the meeting with DelDOT, seconded by Mr. Mears and carried unanimously. Motion carried 4-0.

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

The Commission discussed this application which has been deferred since December 4, 2024.

Mr. Collins moved the Commission to recommend approval of C/U 2469 REHOBOTH FAMILY STORAGE, LLC to operate a mini-storage facility based upon the record made at the public hearing and for the following reasons:

1. The use as an indoor storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.
2. The use is to be located along Route 24 with access from Robinsonville Road. It is in an area along Route 24 where several businesses exist. This is an appropriate location for this type of low-intensity use.
3. The use will be a self-storage facility with an office. No outside storage will be allowed and no manufacturing, assembling, fabrication, or similar activities will be permitted.
4. There was testimony in the record that there is a need for self-storage facilities in this part of Sussex County. This type of use compliments the residential development that is occurring in this area of Sussex County, and it will reduce the amount of traffic traveling to Route One for storage needs.
5. Although the site is currently wooded, it was clearcut in 2010, so the existing trees are mainly newer growth. The Applicant has committed to preserving approximately 1.62 acres of the existing woodlands.
6. There are no wetlands on the site.
7. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. There was testimony about the location of the entrance onto Robinsonville Road and not Route 24, but that location has been directed by DelDOT.
8. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
9. This recommendation for approval is subject to the following conditions and stipulations:
  - A. There shall not be any outside storage on the premises. This includes the prohibition against outside storage of building materials, construction materials, boats and RVs within the site.
  - B. Any security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.
  - C. The perimeter of the Storage area shall be fenced and gated and the fencing shall be vinyl coated or utilize a similar material. The location and type of fencing shall be shown on the Final Site Plan.

- D. There shall be only two indirectly lit signs allowed on the site of no more than 32 square feet per side. One may be located on Robinsonville Road and the other on Route 24. In addition, one directly lit wall sign shall be permitted.
- E. Stormwater management shall be maintained on site, using Best Management Practices.
- F. The hours of operation for the facility will be as follows: gate access will be available daily from 6:00 A.M. to 10:00 P.M.; office hours will be from 9:00 A.M. to 6:00 P.M., Monday through Saturday.
- G. A perimeter landscape buffer shall be established at varying widths, consisting of existing trees to the greatest extent possible, as shown on the preliminary site plan. The Final Site Plan shall also include details of the perimeter landscape buffer.
- H. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.
- I. The Final Site Plan shall indicate all parking and drive aisles.
- J. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
- K. As stated by the Applicant, approximately 1.62 acres of the existing woodlands shall be preserved. Those preservation areas shall be shown on the Final Site Plan.
- L. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- M. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Butler and carried unanimously to recommend APPROVAL of C/U 2469 Rehoboth Family Storage, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

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

Planning Commission Public Hearing Date: December 4<sup>th</sup>, 2024

Sussex County Council Public Hearing Date: February 4<sup>th</sup>, 2025

Application: C/U 2469 Rehoboth Family Storage, LLC

Applicant: Rehoboth Family Storage, LLC  
18752 Upper Meadow Drive  
Leesburg, VA 20176

Owner: Rehoboth Family Storage, LLC  
18752 Upper Meadow Drive  
Leesburg, VA 20176

Site Location: The property is lying on the west side of John J. Williams Highway (Route 24) and the east side of Robinsonville Road (S.C.R. 277), approximately 0.95-mile northeast of the intersection of John J. Williams Highway (Route 24) and Robinsonville Road (S.C.R. 277).

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

Proposed Use: A Storage Business to consist of three (3) proposed Buildings totaling 125,200 square feet of storage buildings and a 900 square foot Office Building.

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Private (On-site septic)

Water: Tidewater Utilities, Inc.

Site Area: 6.68 +/-

Tax Map IDs: 234-6.00-104.00, 104.02, 104.03 & 104.04



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Ms. Lauren DeVore, AICP; Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: October 28<sup>th</sup>, 2024  
RE: Staff Analysis for C/U 2469 Rehoboth Family Storage, LLC

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The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application Conditional Use No. 2469 Rehoboth Family Storage, LLC to be reviewed at the December 4<sup>th</sup>, 2024, Planning and Zoning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels: 234-6.00-104.00, 104.02, 104.03 & 104.04 to allow for a storage business to consist of three (3) proposed storage Buildings totaling 125,200 square feet +/- of storage buildings and a 900 square foot Office Building. The property is lying on west side of John J. Williams Highway (Route 24) and the east side of Robinsonville Road (S.C.R. 277), approximately 0.95-mile northeast of the intersection of John J. Williams Highway (Route 24) and Robinsonville Road (S.C.R. 277). The property consists of 6.68 acres +/-.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Growth Area Future Land Use designation of "Coastal Area." All adjoining parcels to the north, south, east, and west across Robinsonville Road (S.C.R. 277) and John J. Williams Highway (Route 24) also have a Future Land Use Map designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, "Coastal Areas" are areas where the County encourages only appropriate forms of concentrated new development in these areas, especially when environmental features are in play" (2018 Sussex County Comprehensive Plan 4-9). Additionally, Coastal Areas are "areas that can accommodate development provided special environmental concerns are addressed" (2018 Sussex County Comprehensive Plan, 4-15).

The Plan further notes that, "office uses are appropriate," and that "Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home" (2018 Sussex County Comprehensive Plan, 4-15).



Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, east, south, and west across Robinsonville Road (S.C.R. 277) and John J. Williams Highway (Route 24) are also zoned Agricultural Residential (AR-1) District. The property is located within proximity of “The Willows” Subdivision to the southwest of the subject property.

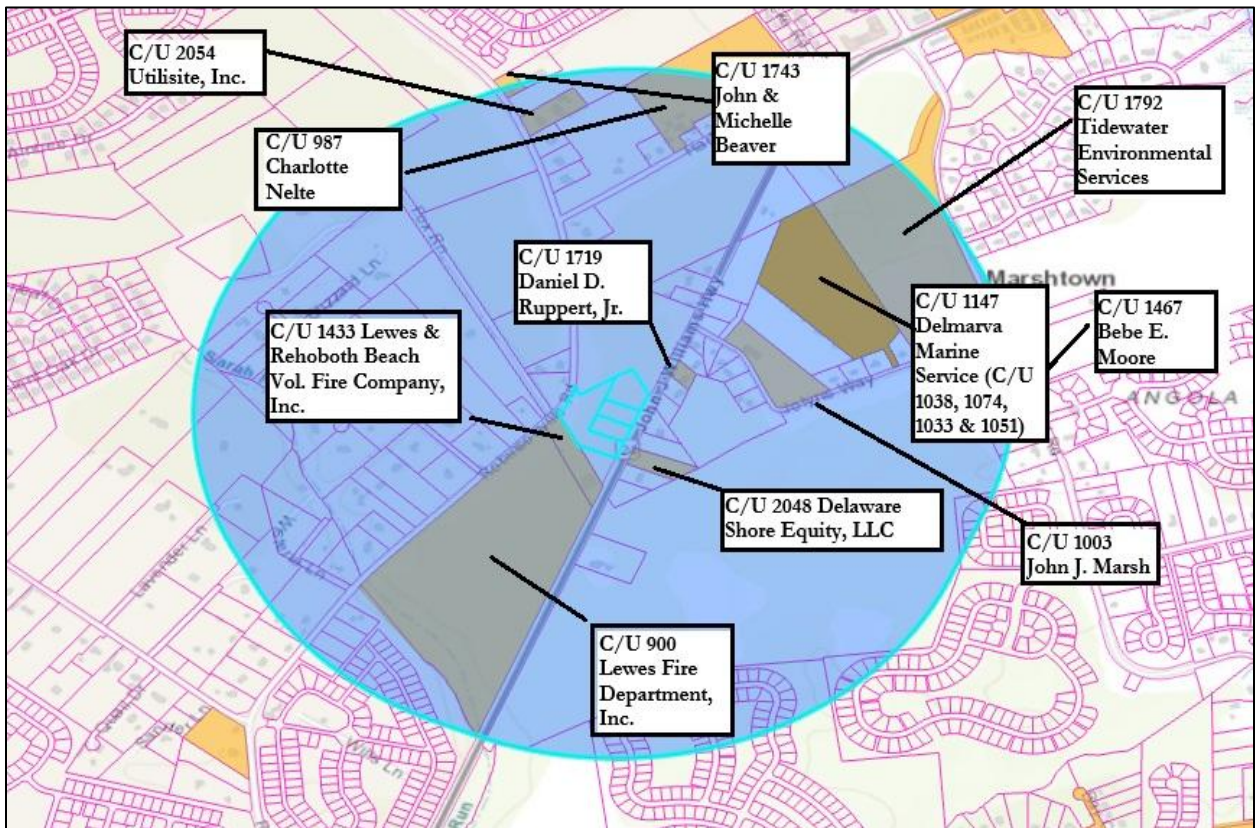
Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the Agricultural Residential (AR-1) District is an applicable Zoning District within the “Coastal Area” Future Land Use Map Designation.

Existing Conditional Uses within the Vicinity of the Subject Property

Although there have been multiple applications in this area, since 2011, there have been eleven (11) Conditional Use applications within a 0.5-mile radius of the Application Site.

APPLICANT	Tax Parcel #	Current Zoning	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
John J. Marsh	234-7.00-126.05	AR-1	Boat Storage & Repair with Office	6/16/1992	Approved	837
Utilisite, Inc	234-6.00-99.01	AR-1	office, equipment storage, and parking for a construction company	9/20/2016	Approved	2463
Lewes Fire Department, Inc.	234-11.00-48.00	AR-1	substation for fire department	2/28/1989	Approved	614
Lewes & Rehoboth Beach Vol. Fire. Co., Inc.	234-11.00-48.01	AR-1	fire station	11/27/2001	Approved	1511
Delaware Shore Equity, LLC	234-11.00-502.00	AR-1	warehouse and office to receive and store HVAC equipment	6/21/2016	Approved	2455
Daniel D. Ruppert, Jr.	234-6.00-105.03	AR-1	Professional Office Space	3/18/2008	Approved	1956
Delmarva Marine Service	234-7.00-126.00	AR-1	boat showroom/office & related uses	3/12/1996	Approved	1080
John J. Marsh	234-7.00-126.00	AR-1	Expansion of Boat Storage Area	N/A	N/A	N/A
John J. Marsh	234-7.00-126.00	AR-1	expansion of CU 1003 sale of boats & parts	8/31/1993	Approved	918
John J. Marsh	234-7.00-126.00	AR-1	additional boat/trailer storage expand CU 1003	5/17/1994	Approved	967
John J. Marsh	234-7.00-126.00	AR-1	Expansion	N/A	Withdrawn	N/A





### Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The subject parcel currently adjoins parcels that appear to be within active agricultural use (actively farmed).
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The subject property is located within the Henlopen Transportation Improvement District (TID) and shall be subject to any improvements or payment of any fees as may be required by the Delaware Department of Transportation (DelDOT).

The Service Level Evaluation Response (SLER) notes that the anticipated traffic impact for the project is “negligible” within the context of DelDOT’s Memorandum of Understanding (MOU) with the County.

- **Forested Areas:** N/A



- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within Flood Zone “X: - Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. The parcel is not located within any Wellhead Protection Areas and is location within an area of “Fair” Groundwater Recharge Potential.

Based on the analysis provided, the Conditional Use to allow for a storage business (mini storage) in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

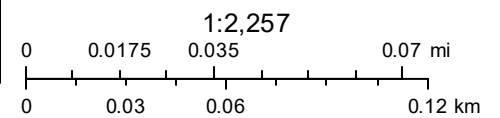


# Sussex County



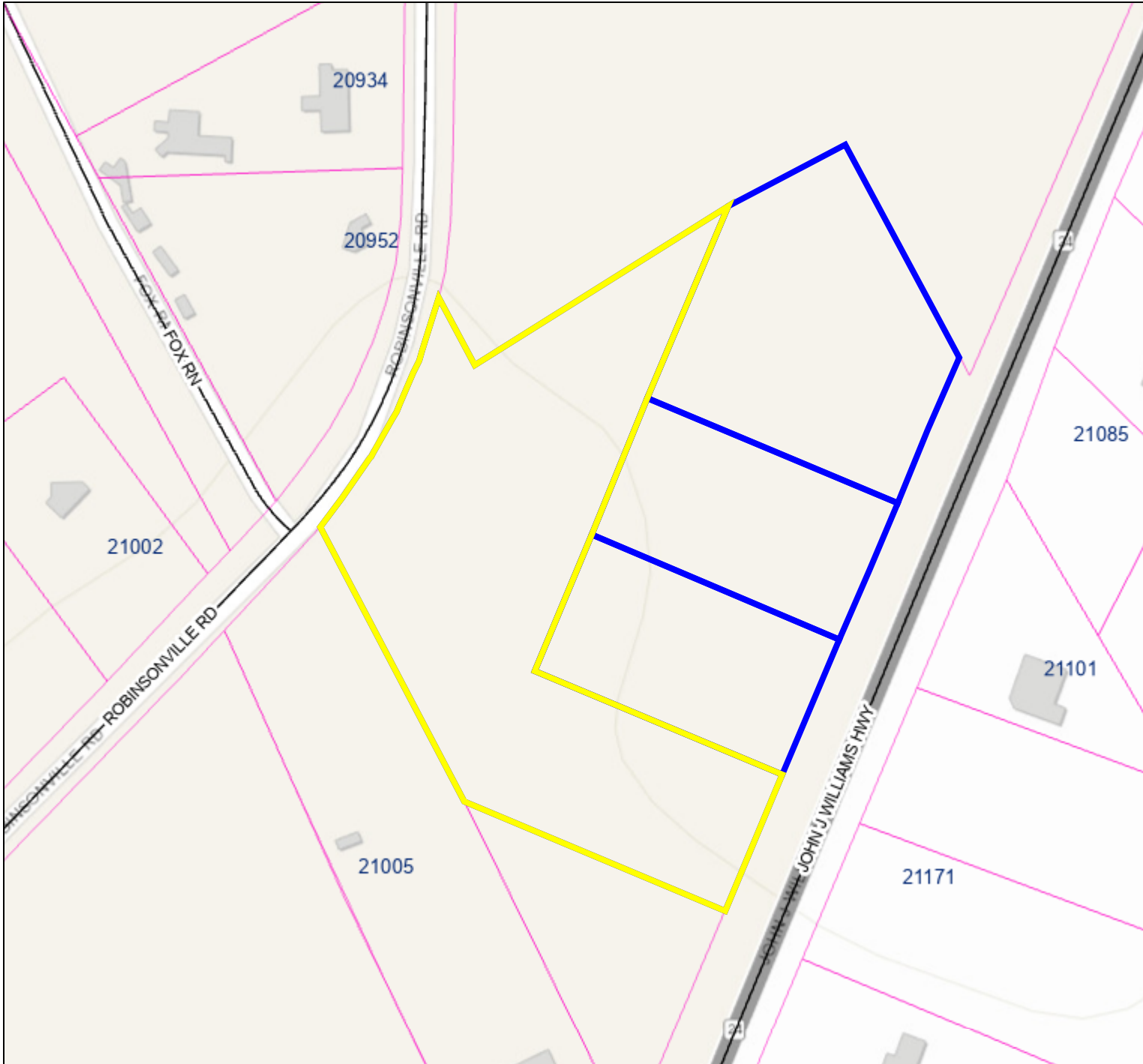
<b>PIN:</b>	234-6.00-104.00
<b>Owner Name</b>	REHOBOTH FAMILY STORAGE LLC
<b>Book</b>	5883
<b>Mailing Address</b>	18752 UPPER MEADOW DR
<b>City</b>	LEESBURG
<b>State</b>	VA
<b>Description</b>	NW/RT 24
<b>Description 2</b>	RESIDUAL LANDS
<b>Description 3</b>	
<b>Land Code</b>	

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata







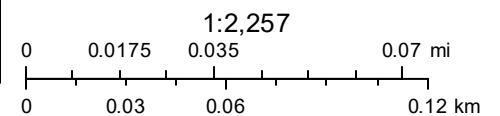


# Sussex County



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-  Tax Parcels
-  911 Address
-  Streets
-  County Boundaries



Introduced: 11/12/24

Council District 3: Ms. Gruenebaum  
Tax I.D. No.: 234-6.00-104.00, 104.02, 104.03, & 104.04  
911 Addresses: N/A

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.68 ACRES, MORE OR LESS**

WHEREAS, on the 21<sup>st</sup> of July 2023, a conditional use application, denominated Conditional Use No. 2469 was filed on behalf of Rehoboth Family Storage, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2469 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

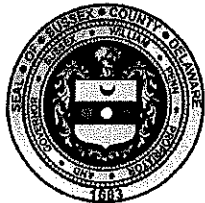
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2469 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 west side of John J. Williams Highway (Rt. 24) and the east side of Robinsonville Road (S.C.R. 277), approximately 0.95 mile northeast of the intersection of John J. Williams Highway (Rt. 24) and Robinsonville Road (S.C.R. 277), and being more particularly described in the attached legal description prepared by Scott and Shuman, P.A., containing 6.68 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.**



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

McCarron.

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Paige's Kindness Project

PROJECT NAME: Paige's Kindness Project

FEDERAL TAX ID: 88-1789016 NON-PROFIT:  YES  NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: Paige's Kindness Project is dedicated to spreading kindness throughout our local communities by uplifting those in need. From assisting families facing hardship to supporting children in schools, caring for our elderly neighbors, and embracing individuals of all abilities, we believe in the power of small acts to create big smiles. Through compassion, connection, and generosity, we strive to make a meaningful difference - one act of kindness at a time.

ADDRESS: 2 Lassen Ct

Milford DE 19963  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Lillian Frey

TITLE: Secretary

PHONE: (302) 542-3762 EMAIL: lilliankfrey@yahoo.com

TOTAL FUNDING REQUEST: \$5,000.00

Has your organization received other grant funds from Sussex County Government in the last year?  YES  NO

If YES, how much was received in the last 12 months? \_\_\_\_\_

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?  YES  NO

Are you seeking other sources of funding other than Sussex County Council?  YES  NO

If YES, approximately what percentage of the project's funding does the Council grant represent? \_\_\_\_\_

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |  |   |                                      |
|--|---|--------------------------------------|
| <input type="checkbox"/> Fair Housing                | <input checked="" type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural    |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input type="checkbox"/> Other .....                          | <input type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Disability & Special Needs | <input checked="" type="checkbox"/> Victims of Domestic Violence        | <input checked="" type="checkbox"/> Homeless |
| <input checked="" type="checkbox"/> Elderly Persons            | <input checked="" type="checkbox"/> Low to Moderate Income <sup>2</sup> | <input checked="" type="checkbox"/> Youth    |
| <input type="checkbox"/> Minority                              | <input type="checkbox"/> Other .....                                    |  |

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

6,000

## SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

Funds for Paige's Kindness Project are requested to provide direct support to families facing emergencies such as fires, accidents, or acts of domestic violence. Contributions help us feed families in need, ensure students in our local school districts have proper clothing, and spread joy during both major and everyday celebrations. Every dollar goes toward fostering kindness in our community, offering comfort, assistance, and smiles to those who need it most.



- B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	19,700.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Money to Other Nonprofits	-1,500.00
Money Given to Those In Need	-3,000.00
Gift Card Purchases	-500.00
Office Supplies	-225.00
Supplies, Food, Beverages, Flowers, Etc.	-14,432.00
Bank Fees	-18.00
Franchise Tax Expense	-25.00
<b>TOTAL EXPENDITURES</b>	19,700.00      \$ 0.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$ 0.00

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Paige's Kindness Project agrees that:  
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.



**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

*Bullett K F*  
Applicant/Authorized Official Signature

1/30/2025  
Date

*Angela M. Hodges*  
Witness Signature

1-30-25  
Date

ANGELA M. HODGES  
NOTARY PUBLIC  
STATE OF DELAWARE  
MY COMMISSION EXPIRES JUNE 21, 2025

Completed application can be submitted by:

Email: [gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM**  
**GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

*Bellia D. Ly*  
Applicant/Authorized Official Signature

1/30/2025  
Title

*Angela Hodges*  
Witness Signature

1-30-25  
Date

ANGELA M. HODGES  
NOTARY PUBLIC  
STATE OF DELAWARE  
MY COMMISSION EXPIRES JUNE 21, 2025

## Casey Hall

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**From:** Gabby Ruijne <gabby@hodgescpas.com>  
**Sent:** Thursday, February 6, 2025 1:55 PM  
**To:** Casey Hall  
**Subject:** Re: Sussex County Non-Profit Grant Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Good afternoon,

Our organization is based in Kent County; however, we proudly serve the entire town of Milford, DE, which spans both Kent and Sussex Counties.

We collaborate closely with the Milford Police Department and the Milford School District, providing support to students, families, and residents in times of need. Our efforts extend throughout the year, including during the holidays, as well as through ongoing random acts of kindness. As a result, approximately half of the individuals we assist are residents of Sussex County.

**Gabby Ruijne**  
**Hodges Accounting & Tax Services, LLC**  
**282 N Rehoboth Blvd**  
**Milford, DE 19963**  
**Phone (302) 426-4750**

-  
IRS Circular 230 Disclaimer:

Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code or any state or local tax law, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.

The information in this email is confidential information intended only for the use of the individual or entity named above. You are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately and delete this emailed information.

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**From:** Casey Hall <casey.hall@sussexcountyde.gov>  
**Sent:** Thursday, February 6, 2025 11:13 AM  
**To:** Gabby Ruijne <gabby@hodgescpas.com>  
**Subject:** RE: Sussex County Non-Profit Grant Program

Good morning.

To Be Introduced: 2/25/25

Council District 2: Mr. McCarron  
Tax I.D. No.: 230-13.00-36.00  
911 Address: N/A

ORDINANCE NO. \_\_\_\_

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

WHEREAS, on the 12<sup>th</sup> day of November 2024, a Conditional Use application, denominated Conditional Use No. 2565 was filed on behalf of F & N Vazquez Concrete, 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. 2565 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 and Chapter 115, Article VI, Subsections 115-39 Code of Sussex County, be amended by adding the designation of Conditional Use No. 2565 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the west side of Greentop Road (S.C.R. 225), approximately 0.75 mile north of Fleatown Road (S.C.R. 224), and being more particularly described in the attached legal description prepared by Walter G. Feindt, P.A. said parcel containing 32.95 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: 2/25/25

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

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

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

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

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

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

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

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

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

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

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

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

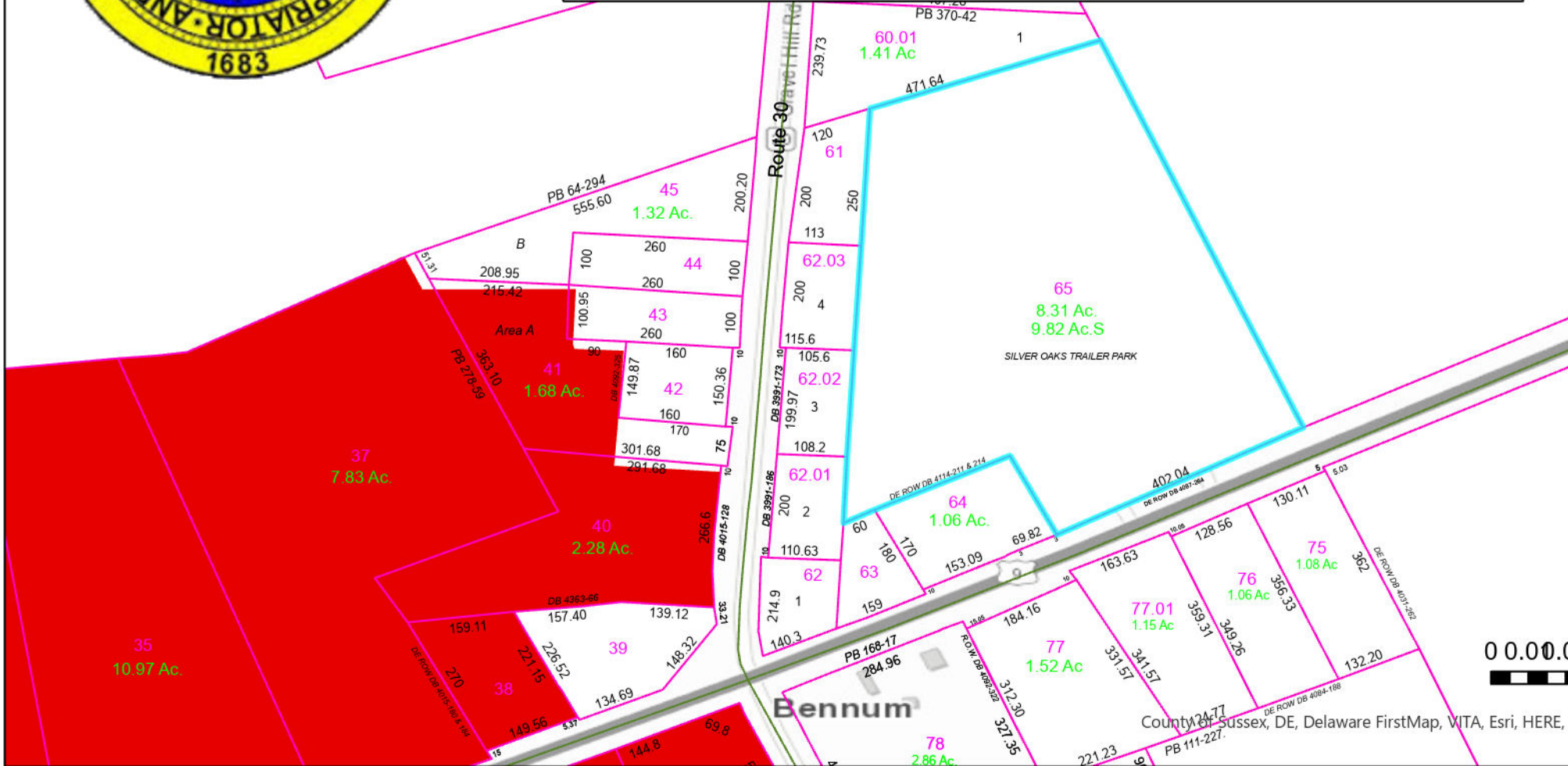
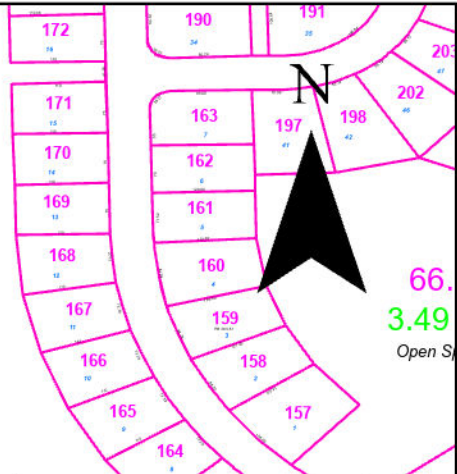
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

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



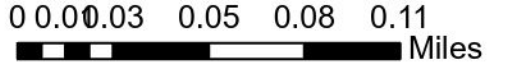
**Ordinance 24-04**  
**Future Land Use Map Amendment**  
**J AND C INVESTMENT PROPERTIES LLC**  
**TMP: 135-11.00-65.00**  
**Exhibit "A"**  
**(Area to be amended from Low Density Area to Commercial Area highlighted below)**



**Legend**

2019 Future Land Use

- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



To Be Introduced: 2/25/25

Council District 5: Mr. Rieley  
Tax I.D. No.: 135-15.00-82.00  
911 Address: 22518 Lewes Georgetown Highway, Georgetown

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND CR-1 COMMERCIAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT, CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 87.5 ACRES, MORE OR LESS**

WHEREAS, on the 17<sup>th</sup> day of October 2024, a zoning application, denominated Change of Zone No. 2040 was filed on behalf of Capano Management; 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. 2040 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 CR-1 Commercial Residential District] and adding in lieu thereof the designation AR-1 Agricultural Residential District, CR-1 Commercial Residential District and HR-1 High 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 parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Highway (Rt. 18), approximately 0.5 mile west of Park Avenue (Rt. 9) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcels containing 87.5 acres, more or less.

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

To Be Reintroduced: 2/25/25

Council District 3: Ms. Gruenebaum  
Tax I.D. Nos.: 334-18.00-40.01 & 40.06  
911 Address: 20033 John J. Williams Highway, Lewes

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.19 ACRES, MORE OR LESS**

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

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2001 be \_\_\_\_\_; and

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

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

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

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

ALL that certain tract, piece or parcels of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on east side of John J. Williams Highway (Rt. 24) approximately 0.31 mile southwest of Mulberry Knoll Road (S.C.R. 284) and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A. said parcels containing 39.19 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.



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

AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”) OF THE CODE OF SUSSEX COUNTY TO ADD A NEW ARTICLE VIII, ENTITLED “BOARD OF ASSESSMENT REVIEW” TO GRANT THE BOARD OF ASSESSMENT REVIEW AUTHORITY TO ADOPT RULES AND PROCEDURES TO CARRY OUT ITS DUTIES AS OUTLINED IN 9 DEL. C. § 7004.

1           WHEREAS, 9 Del. C. § 7004 mandates that Sussex County maintain a Board of  
2 Assessment Review to hear and decide tax appeals; and

3           WHEREAS, 9 Del. C. § 7004(f) authorizes the Board of Assessment Review to  
4 “[p]erform all functions as established by Sussex County Council through ordinance and  
5 as otherwise provided in this title”; and

6           WHEREAS, the Sussex County Council has determined that the Board of  
7 Assessment Review should be empowered to create and adopt Rules and Procedures to  
8 govern its action as a board, which may be amended from time to time; and

9           WHEREAS, the Sussex County Council deems it necessary to amend Chapter  
10 103 to add a new Article VIII, entitled “Board of Assessment Review” which shall grant  
11 the Board of Assessment Review the authority to create and adopt such Rules and  
12 Procedures, and such other powers to carry out its duties as outlined in 9 Del. C. § 7004.

13           NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

14           Section 1. Chapter 103 (“Taxation”) of the Sussex County Code is hereby  
15 amended by inserting a new Article VIII, entitled “Board of Assessment Review” by  
16 inserting the underlined language in quotes as follows:

17           “Article VIII Board of Assessment Review

18           § 103-48 Board of Assessment Review.

19           This Article shall govern the Board of Assessment Review of Sussex County which  
20 is established and authorized under 9 Del. C. § 7004.

21           § 103-49 Procedure.

22           The Board shall establish rules and regulations for its operation and procedure and  
23 shall perform all functions stated therein.”

24           Section 2. Effective Date. This Ordinance shall become effective upon its  
25 adoption.

26

27

Synopsis

28 Pursuant to 9 *Del. C.* § 7004(f)(4), the Sussex County Council is authorized to  
29 adopt an ordinance to authorize the Board of Assessment Review to “[p]erform all  
30 functions as established by Sussex County Council through ordinance and as otherwise  
31 provided in this title.” This Ordinance amends Chapter 103 by adding a new Article VIII.,  
32 entitled, “Board of Assessment Review” to the Sussex County Code which grants the  
33 Board of Assessment Review the authority to adopt rules and procedures to carry out its  
34 duties as outlined in 9 *Del. C.* §7004.

35 No text has been deleted. All new text is underlined and in quotations marks.

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## **Proposed Estuary Phase 6 Expansion of the Sussex County Unified Sanitary Sewer District**

### **PUBLIC HEARING FACT SHEET**

- County Council granted approval to prepare and post notices for the public hearing on December 10, 2024, for the Estuary Phase 6 Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area)
- The Engineering Department has received a request from GMB, LLC on behalf of their client, CB Land 1, LLC owners/developer of parcels 134-19.00-112.00, 112.01 & 112.04, adjacent to the existing Miller Creek Area of the SCUSSD.
- Parcels along Camp Barnes Road, the project is proposed for (45) single family lots.
- The project will be responsible for System Connection Charges of \$7,700.00 per EDU based on current rates.
- Public Hearing Notices were posted on February 4th, placed on the County website and advertised the week of February 12<sup>th</sup> & 19<sup>th</sup>.
- To date we have had no correspondence either in support or opposition to this proposed annexation.



SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT  
ESTUARY PHASE 6 EXPANSION  
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )(

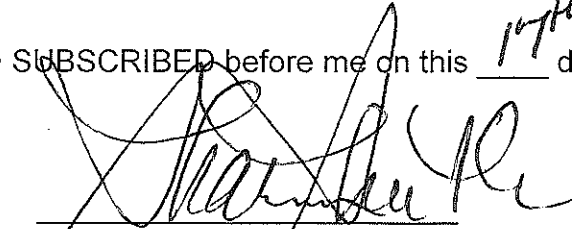
COUNTY OF SUSSEX )(

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

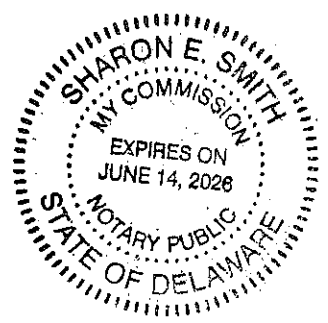
- A. On February 4, 2025, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On February 4, 2025, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On a post in the southerly Right-of-Way (ROW) of Camp Barnes Road, 1,450'± southeast of Double Bridges Road,
  - 2. On a post in front of DEC Pole 24680 in the southerly ROW of Camp Barnes Road, 1,400'± northwest of Estuary Boulevard,
  - 3. On a post in the southerly ROW of Camp Barnes Road, 1,135'± northwest of Estuary Boulevard,
  - 4. On a post in the southerly ROW of Camp Barnes Road, 1,300'± northwest of Estuary Boulevard,
  - 5. On a post in front of a STOP sign at the intersection of Camp Barnes Road and Watch Hill Road,
  - 6. On a post in front of a stop sign at the intersection of Camp Barnes Road and Estuary Boulevard, The Estuary subdivision,
  - 7. On a post in front of a Wild Oak Drive sign at the intersection of Wild Oak Drive and Camp Barnes Road,
  - 8. On a post in front of a STOP sign at the intersection of Camp Barnes Road and Double Bridges Road.

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 10<sup>th</sup> day of Feb A.D., 2025

  
NOTARY PUBLIC

My Commission Expires 6/14/2026



# **PUBLIC NOTICE**

## **PROPOSED ESTUARY PHASE 6 EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (MILLER CREEK AREA)**

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on **December 10, 2024**, to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Miller Creek Area, to include the Estuary Phase 6 on Camp Barnes Road, being situate in Baltimore Hundred, Sussex County, Delaware.

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

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

**Beginning** at a point, said point being on the SCUSSD (Miller Creek Area) boundary, said point also being on the northerly Right-Of-Way (ROW) of Camp Barnes Road, approximately 1,419 southeast of the intersection with Double Bridges Road; thence proceeding by and with said sewer district boundary and said ROW in a southeasterly direction a distance of 395'± to a point, said point being on the northerly ROW of Camp Barnes Road, said point also being in the southernmost property corner Now-or-Formerly (N/F) of Gregory K. Showell; thence proceeding in a southeasterly direction a distance of 50'± to a point, said point being on the southerly ROW of Camp Barnes Road, said point also being the easternmost property corner of lands N/F of CB Land 1 LLC; thence leaving said ROW and continuing with said SCUSSD boundary and said CB Land 1 LLC in a southerly, westerly, southerly and westerly directions respectively a total distance of 1,173'± to a point, said point being a property corner of lands N/F of Estuary Development LLC; thence leaving said SCUSSD boundary and continuing with said CB lands in a westerly direction a distance of 70'± to a point, said point being the southwestern most corner of said lands of CB Lands and the southeasternmost corner of other lands of CB Lands 1, LLC; thence continuing westerly, northeasterly, southeasterly and northeasterly directions respectively a total distance of 1,940'± to a point said point being the northwesternmost property corner of lands N/F CB Lands and the southwesternmost property corner of other lands of Showell; thence proceeding by and with other lands N/F Gregory K. Showell in a southeasterly and northeasterly direction respectively a total distance of 617'± to a point, said point being the northwesterly property corner for other lands of Showell and the southerly ROW of Camp Barnes Road; thence proceeding in a northerly direction, across Camp Barnes Road, a distance of 60'± 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 20.00 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 February 25, 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

## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE THE ESTUARY PHASE 6 ON THE SOUTH SIDE CAMP BARNES ROAD 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 on the northerly Right-Of-Way (ROW) of Camp Barnes Road, approximately 1,419 southeast of the intersection with Double Bridges Road; thence proceeding by and with said sewer district boundary and said ROW in a southeasterly direction a distance of 395'± to a point, said point being on the northerly ROW of Camp Barnes Road, said point also being in the southernmost property corner Now-or-Formerly (N/F) of Gregory K. Showell; thence proceeding in a southeasterly direction a distance of 50'± to a point, said point being on the southerly ROW of Camp Barnes Road, said point also being the easternmost property corner of lands N/F of CB Land 1 LLC; thence leaving said ROW and continuing with said SCUSSD boundary and said CB Land 1 LLC in a southerly, westerly, southerly and westerly directions respectively a total distance of 1,173'± to a point, said point being a property corner of lands N/F of Estuary Development LLC; thence leaving said SCUSSD boundary and continuing with said CB lands in a westerly direction a distance of 70'± to a point, said point being the southwestern most corner of said lands of CB Lands and the southeasternmost corner of other lands of CB Lands 1, LLC; thence continuing westerly, northeasterly, southeasterly and northeasterly directions respectively a total distance of 1,940'± to a point said point being the northwesternmost property corner of lands N/F CB Lands and the southwesternmost property corner of other lands of Showell; thence proceeding by and with other lands N/F Gregory K. Showell in a southeasterly and northeasterly direction respectively a total distance of 617'± to a point, said point being the northwesterly property corner for other lands of Showell and the southerly ROW of Camp Barnes Road; thence proceeding in a northerly direction, across Camp Barnes Road, a distance of 60'± 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 20.00 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.







## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



# Sussex County

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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## **Proposed Delmarva Land Expansion of the Sussex County Unified Sanitary Sewer District**

### **PUBLIC HEARING FACT SHEET**

- County Council granted approval to prepare and post notices for the public hearing on December 10, 2024, for the Delmarva Land Expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area)
- The Engineering Department has received a request from Delmarva Land Company owners/developer of parcels 433-11.00-17.00 & 17.01, adjacent to the existing Dagsboro/Frankford Area of the SCUSSD.
- Parcels along Delaware Avenue and Dupont Blvd., and the request is to allow them to extend central sewer service to the existing facilities on the parcels.
- The project will be responsible for System Connection Charges of \$7,700.00 per EDU based on current rates.
- Public Hearing Notices were posted on February 4th, placed on the County website and advertised the week of February 12<sup>th</sup> & 19<sup>th</sup>.
- To date we have had no correspondence either in support or opposition to this proposed annexation.



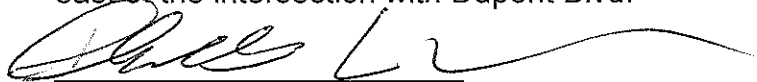
SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT  
DELMARVA LAND CO.  
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )(

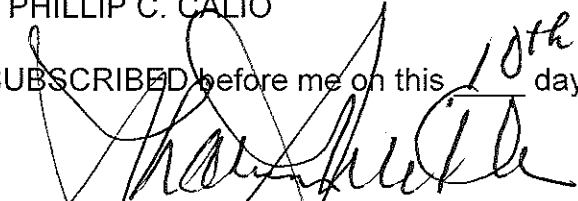
COUNTY OF SUSSEX )(

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

- A. On February 4, 2025, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On February 4, 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 Delaware Ave. and Main Street;
  - 2. On a message board at Frankford Town Hall, 9 Main Street;
  - 3. On a message board at Frankford Post Office, 5 Main Street;
  - 4. On a post on Frankford Library property at the intersection of Green Street and Main Street;
  - 5. On a post in the easterly Right-of-Way (ROW) Dupont Blvd. (Rt. 113) in front of Pole -246/9-0--, 70'± south of the intersection with Delaware Avenue Extended;
  - 6. On a post in the easterly ROW in front of Pole 57246/98096, 60'± north of the intersection with Delaware Avenue Extended;
  - 7. On a post in the westerly ROW of Delaware Avenue Extended, 280'± east of the intersection with Dupont Blvd.;
  - 8. On a post in the easterly ROW of Delaware Avenue Extended, 280'± east of the intersection with Dupont Blvd.

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 10<sup>th</sup> day of Feb A.D., 2025

  
NOTARY PUBLIC

My Commission Expires 6/14/2026



## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE TWO PARCELS (433-11.00-17.00 & 17.01) ON THE EAST AND WEST SIDES OF DELAWARE AVENUE EXTENDED, AND THE EAST SIDE OF DUPONT BOULEVARD (RT. 113) AND SOUTH OF THE TOWN OF FRANKFORD AND IS LOCATED IN THE DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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 the westerly Right-of-Way (ROW) of Delaware Avenue Extended, said point further being the northeasternmost property corner of lands Now-or-Formerly (N/F) of 34910 Delaware Ave Frankford LLC; thence proceeding by and with said ROW and Delaware Ave lands, in the southwesterly direction a distance of 61'± to a point, said point being a point on the SCUSSD boundary and a point on the western ROW of Delaware Avenue Extended; thence leaving said ROW and Delaware Ave lands and proceeding in a southeasterly direction across Delaware Avenue Extended a distance of 40'± to a point, said point being on the easterly ROW of Delaware Avenue Extended, said point also being the northwesternmost property corner of lands N/F of 34913 Delaware Ave Frankford LLC, said point further being the southwesternmost property corner of lands N/F of Wesley H. Hayes, Sr.; thence proceeding by and with said Hayes lands in an southeasterly direction a distance of 140'± to a point, said point being on the northwesterly property line of Country Hamlet MHP; thence leaving said Hayes lands and continuing with 34913 Delaware Ave lands in a southwesterly direction a distance of 98'± to a point, said point being the northwesterly property corner of lands N/F of Country Hamlet MHP; thence continuing with said 34913 Delaware lands in a southwesterly and northerly direction respectively a total distance of 435'± to a point, said point being on the southerly ROW of Delaware Avenue Extended and the easterly ROW of DuPont Highway (Rt. 113); thence proceeding in a northerly direction across Delaware Avenue Extended a distance of 69'± to a point, said point being on the northerly ROW of Delaware Avenue Extended, said point also being the southwesternmost property corner of lands N/F of 34910 Delaware Ave Frankford LLC; thence proceeding by and with said 34910 Delaware lands in a northerly and northeasterly direction respectively a total distance of 387'± to a point, said point **being that of the Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 433-11.00 and Sussex County property assessment records. The site contains 1.61 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.

# **PUBLIC NOTICE**

## **PROPOSED DELMARVA LAND EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (DAGSBORO/FRANKFORD AREA)**

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on **December 10, 2024**, to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Dagsboro/Frankford Area, to include two (2) parcels (433-11.00-17.00 & 17.01) on the east and west sides of Delaware Avenue Extended, and the east side of DuPont Highway (Rt. 113), and south of the Town of Frankford, 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 the westerly Right-of-Way (ROW) of Delaware Avenue Extended, said point further being the northeasternmost property corner of lands Now-or-Formerly (N/F) of 34910 Delaware Ave Frankford LLC; thence proceeding by and with said ROW and Delaware Ave lands, in the southwesterly direction a distance of 61'± to a point, said point being a point on the SCUSSD boundary and a point on the western ROW of Delaware Avenue Extended; thence leaving said ROW and Delaware Ave lands and proceeding in a southeasterly direction across Delaware Avenue Extended a distance of 40'± to a point, said point being on the easterly ROW of Delaware Avenue Extended, said point also being the northwesternmost property corner of lands N/F of 34913 Delaware Ave Frankford LLC, said point further being the southwesternmost property corner of lands N/F of Wesley H. Hayes, Sr.; thence proceeding by and with said Hayes lands in an southeasterly direction a distance of 140'± to a point, said point being on the northwesterly property line of Country Hamlet MHP; thence leaving said Hayes lands and continuing with 34913 Delaware Ave lands in a southwesterly direction a distance of 98'± to a point, said point being the northwesterly property corner of lands N/F of Country Hamlet MHP; thence continuing with said 34913 Delaware lands in a southwesterly and northerly direction respectively a total distance of 435'± to a point, said point being on the southerly ROW of Delaware Avenue Extended and the easterly ROW of DuPont Highway (Rt. 113); thence proceeding in a northerly direction across Delaware Avenue Extended a distance of 69'± to a point, said point being on the northerly ROW of Delaware Avenue Extended, said point also being the southwesternmost property corner of lands N/F of 34910 Delaware Ave Frankford LLC; thence proceeding by and with said 34910 Delaware lands in a northerly and northeasterly direction respectively a total distance of 387'± to a point, said point **being that of the Beginning.**

NOTE: The above description has been prepared using Sussex County Tax Map 433-11.00, and Sussex County property assessment records. The annexation contains 1.61 acres more or less.

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

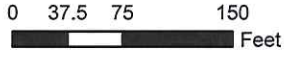
**The public hearing will be held on this issue at 1:30 PM on February 25, 2025, in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware.** All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected 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).

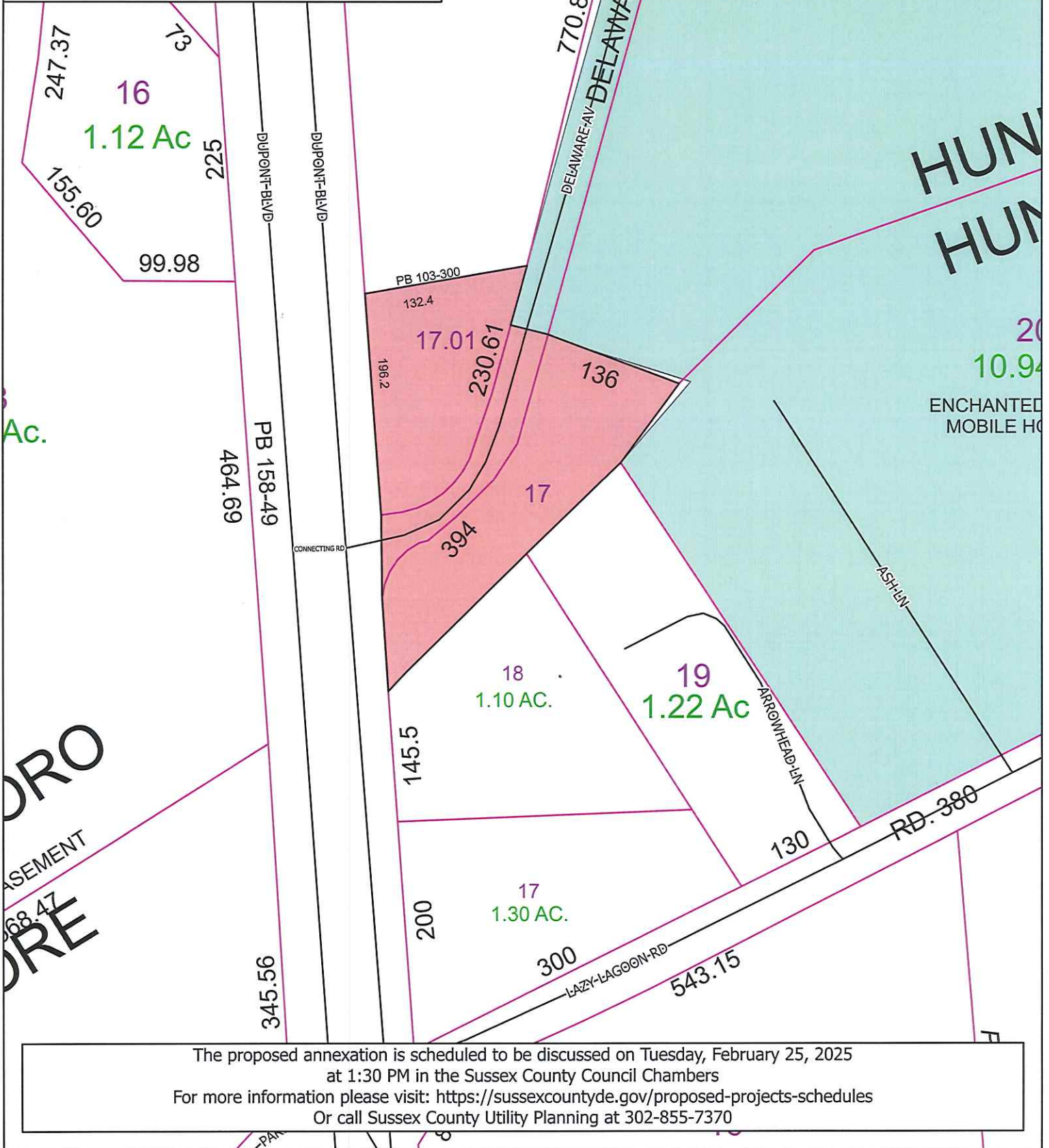
Mike Harmer, P.E.  
County Engineer

PROPOSED ANNEXATION  
Delmarva Land Co.

Existing SSD    TMP 433-11.00-17.00 & 17.01



Map created: 12/27/2024



The proposed annexation is scheduled to be discussed on Tuesday, February 25, 2025  
at 1:30 PM in the Sussex County Council Chambers  
For more information please visit: <https://sussexcountyde.gov/proposed-projects-schedules>  
Or call Sussex County Utility Planning at 302-855-7370





## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: February 21, 2025

RE: County Council Report for C/U 2460 filed on behalf of Jose Hernandez Perez

---

The Planning and Zoning Department received an application (C/U 2460 filed on behalf of Jose Hernandez Perez) for a warehouse, office, indoor and outdoor storage to be located in an GR General Residential Zoning District at Tax Parcel 234-29.00-57.02, 57.03 and 57.04. The property is located at 31235, 31241 and 31247 Barnacle Boulevard. The parcel size is 2.95 ac. +/-

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

Below are the minutes from the Planning & Zoning Commission meeting on December 11, 2024, and January 8, 2025.

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

### **C/U 2460 Jose Hernandez Perez**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A WAREHOUSE, OFFICE, INDOOR AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.95 ACRES MORE OR LESS.** The property is lying on the west side of Barnacle Boulevard and the northeast side of Layton Davis Road (S.C.R. 312A), approximately 0.28 mile southeast of John J. Williams Highway (Rt. 24). 911 Address: 31235, 31241, & 31247 Barnacle Boulevard. Tax Map Parcel: 234-29.00-57.02, 57.03, & 57.04.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's exhibit booklets, which includes a copy of the applicant's conceptual site plan and supporting photographs, a copy of the staff analysis, a copy of a deed for the property, a copy of a letter received as part of the DelDOT SLER, a letter received from Sussex County Engineering Department, Utility Planning Division and zero comments.

Mr. David Hutt, Esq., of Morris James, LLP., spoke on behalf of the applicant; that the application is for an office, shop, warehouse, indoor and outdoor storage on an assemblage of three (3) parcels situated along Barnacle Blvd., which is the shared access road for those parcels and how they access Layton Davis Rd.; that Mr. Hutt discussed how the Applicant came from Mexico and worked his way up from a laborer to a small business owner over the course of 25 years; that in 2009 the Applicant opened Delaware Concrete Foundations and Slabs, LLC, with three (3) employees and today he employs 40 people and opened a second business, Apollo Homes, LLC; that with the growth of his business, came the need to expand his office and storage for those businesses; that there were some notices of violation that were sent related to building permit questions and issues and a violation regarding the use of the property because of the business type that is being conducted on the property; that the notices regarding building permits have been addressed and the proper building permits has been sought; that the last notices of violation revolve around the use of the property, and that brings us here to this public hearing; that there are three (3) tax parcels that are involved with this application that total just under 3 acres of land, all of these three (3) parcels use Barnacle Blvd. which is also owned by the applicant; that the Sussex County Zoning map identifies this property as being zoned GR General Residential and all of the properties that immediately touch this property are also zoned GR, except for the property in the rear, the property that is in the rear is zoned MR with an RPC overlay; that the property is not within a floodplain, as shown on the FEMA flood maps, the property is not located or does not have a well head protection area within its boundaries, nor is it within an excellent groundwater recharge area, as those things are defined in Chapter 89 of the Sussex County Code; that there was an environmental assessment and public facility evaluation report that was provided by Morris & Ritchie Associates, which indicated that there are no wetlands on the property or within a half a mile of the property; that water is provided to the properties by existing wells and sanitary sewer services provided to the property by on site wastewater treatment and disposal systems; that a service level evaluation request was sent to DelDOT and they responded that based upon its Memorandum of Understanding with Sussex County, that the traffic impact of this proposed use would be diminutive; that the business itself would have about 7-10 employees who would utilize the office building on the property and there would be some material storage here as well; that all materials are neatly stored within designated bins or buildings; that its not intended to be a retail location, so the only traffic coming and going would primarily be the delivery of the materials from vendors; that there are three (3) buildings on the property, the main house up front which will be the businesses offices, the trailer on the second parcel, which will be renovated and rented out and the third trailer on the third parcel which is already being rented out; that the Applicant takes pride in the maintenance of his property and has letters of support from neighbors; that the Applicant has an entrance permit from DelDOT that was granted, the State Fire Marshall has reviewed the plan and approved it with a turning template that was used to show how a truck that was going to make a delivery could enter the site off of Layton Davis Rd. go down Barnacle Blvd., turn around the circle and return back to the road without ever having to back out on Layton Davis Rd. or make any unusual or improper driving maneuvers; that the proposed conditions of approval are as follows:

1. The main building is used strictly for an office/workshop, with remaining buildings used for warehouse and storage as labeled on the Final Site Plan.



2. All work other than storage of materials has to occur inside. The only thing done outside on this site would be storage of materials.
3. The proposed hours of operation are 7:00 AM to 6:00 PM Monday through Friday. 7:00 AM to 3:00 PM on Saturday with no Sunday hours of operation.
4. The perimeter of the property will be fenced, as you saw in the pictures.
5. There is a sign that is 32 square feet, which is standard in the GR district.

Mr. Ken Hughes, of Morris Ritche Associates, stated that the materials that are stored out there are some welded wire mesh mats, insulation that is used for foundations and buildings that are enclosed and neatly stacked with plastic wrap around it; that there is some irrigation piping and foundation drain pipe; that there is forms and formwork type of material stored inside the Quonset Hut structure and there is some other equipment that is parked in the storage areas.

Mr. David Steele, read a letter of support submitted by Mr. Bryan Hayden, which was also submitted into the paper packet.

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 2460 Jose Hernandez Perez. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

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

The Commission discussed this application which has been deferred since December 11, 2024.

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

Mr. Mears moved the Commission to recommend approval of C/U 2460 JOSE HERNANDEZ PEREZ in a GR District for a warehouse, office, and indoor and outdoor storage based upon the record made during the public hearing and for the following reasons:

1. The use is situated on a 2.95-acre parcel of land. With the conditions and stipulations of approval, the use will not have a negative impact on the neighboring properties.
2. The purpose of this application is to create a location for office space and warehousing with indoor and outdoor storage for the Applicant's construction and homebuilding businesses. The Applicant intends to operate two primary businesses from the Property – a home-building company and a concrete foundation and flatwork business. These businesses serve the surrounding areas.
3. The Property is approximately 1/3 of a mile from the intersection of Layton Davis Road and Route 24 in an area where there is a mixture of commercially and residentially zoned properties including MR, AR-1, C-1, CR-1, C-2 and B-1. This Conditional Use is appropriate within this mixture of existing uses and zoning districts.
4. No retail sales will occur from the Property.

5. The Applicant has stated that most of the work is offsite, so there is not a lot of activity that occurs on this site. In addition, DelDOT has stated that the use will have a “diminutive” impact upon local area roadways and DelDOT has issued a commercial entrance permit for the use. As a result, the use will not have an adverse impact on the traffic or area roadways.
6. No parties appeared in opposition to this application and there are several letters in the record supporting it.
7. This Property is located within the Coastal Area according to the Future Land Use Map contained in the Sussex County Comprehensive Plan. The Coastal Area is a Growth Area where business and commercial uses such as this can be located.
8. This recommendation is subject to the following conditions:
  - A. The conditional use shall be limited to office, workshop, warehouse, inside and outside storage areas in the areas and buildings specifically designated for those purposes on the Final Site Plan.
  - B. All work other than storage shall only occur indoors.
  - C. No retail sales shall occur from the site.
  - D. A fence shall be installed and maintained along the perimeter of the property. The location and type of fencing shall be shown on the Final Site Plan.
  - E. No vehicle or equipment repairs other than routine maintenance shall occur outside.
  - F. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
  - G. Any dumpsters on the site must be screened from the view of neighboring properties and roadways.
  - H. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
  - I. The hours of operation shall be Monday through Friday between 7:00 a.m. until 6:00 p.m. and between 7:00 a.m. and 3:00 p.m. on Saturdays. There shall not be any Sunday hours.
  - J. One indirectly lit on-premises ground sign shall be permitted on the site along Layton Davis Road. It shall be no larger than 32 square feet per side.
  - K. All vehicle parking and storage areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself. Outside storage of building materials and equipment shall be limited to the areas designated for storage on the Final Site Plan. All vehicles, including the applicant’s vehicles and employees’ vehicles, must only be parked within the designated areas.
  - L. No junked, in-operable or untitled vehicles shall be located on the site.
  - M. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
  - N. The Applicant shall submit as part of the Final Site Plan a landscape and fencing plan showing the tree, shrub and fence landscape design that provides screening from neighboring and adjacent properties.
  - O. Failure to comply with any of these conditions may be grounds for the termination of the Conditional Use approval.

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

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend APPROVAL of C/U 2460 Jose Hernandez Perez for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: December 11<sup>th</sup>, 2024

Application: CU 2460 Jose Hernandez Perez

Applicant: Jose M. Hernandez Perez  
31240 Barnacle Boulevard  
Millsboro, DE 19966

Owner: Jose M. Hernandez Perez  
31240 Barnacle Boulevard  
Millsboro, DE 19966

Site Location: Located on the northeast side of Layton Davis Road (Rt. 312A), approximately 0.33-mile(s) southeast of the intersection of John J. Williams Highway (Rt. 24) and Layton Davis Road.

Current Zoning: General Residential (GR) Zoning District

Proposed Use: Workshop and Office Space

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Co.

Sewer: On-site septic

Water: On-site well

Site Area: 2.952-acres +/-

Tax Map ID.: 234-29.00-57.02, 57.03 & 57.04



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Christin Scott, Planner II  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: December 2, 2024  
RE: Staff Analysis for CU 2460 Jose Hernandez Perez

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The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2460 (Jose Hernandez Perez) to be reviewed at the December 11, 2024, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 234-29.00-57.02, 57.03 & 57.04 to allow for a workshop and office space. The property is lying on the northeast side of Layton Davis Road (Rt. 312A), approximately 0.33-mile(s) southeast of the intersection of John J. Williams Highway (Rt. 24) and Layton Davis Road. The applicant is applying for 2.952-acre(s) +/- to be included in the Conditional Use area.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has land use designation of "Coastal Area." All surrounding properties to the north, south, east, and west of the subject site contain the 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. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

### Zoning Information

The subject property is zoned General Residential (GR) District. All adjoining properties to the north, east, west, and south across Layton Davis Road are also zoned General Residential (GR) District.



Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the General Residential District is an applicable Zoning District within the “Coastal Area” Future Land Use Map Designation.

Existing Conditional Uses within the Vicinity of the Subject Property

Although there have been multiple applications in this area, since 2011, there have been ten (10) Conditional Use applications within a one (1) mile radius of the Application Site.

Conditional Use No.	Applicant	Proposed Use	CC Decision Date	Ordinance No.
2019	JB Builders, LLC	Construction Company Office Storage	8/4/2015	2409
2045	Robert & Deborah Reed Remax	142 Townhomes (Riverview Plaza)	5/3/2016	2447
2049	Blue Claw, LLC	Boat Storage Facility	9/20/2016	N/A (Denied)
2068	Charles L. Short	Auto Repair Shop	4/25/2017	2493
2115	Nanticoke Indian Association	Amend Conditions of Approval	3/13/2018	2554
2125	RS Cordrey Farms, LLC	Landscaping Business, Sales, and Storage (Extension of CU 1242)	5/22/2018	2578
2148	Sussex Farms, LLC	Mini Storage with Caretaker Residence and Office	11/13/2018	2615
2268	Staci C. & Winfield S. Walls Jr.	Boat Shrink Wrapping Business	11/9/2021	2810
2394	Wayne Development, LLC	RV/Boat Storage	N/A (Commission 11/30/2023)	N/A

2418	Nanticoke Indian Association	Amend Conditions of Approval	N/A	N/A
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Site Considerations

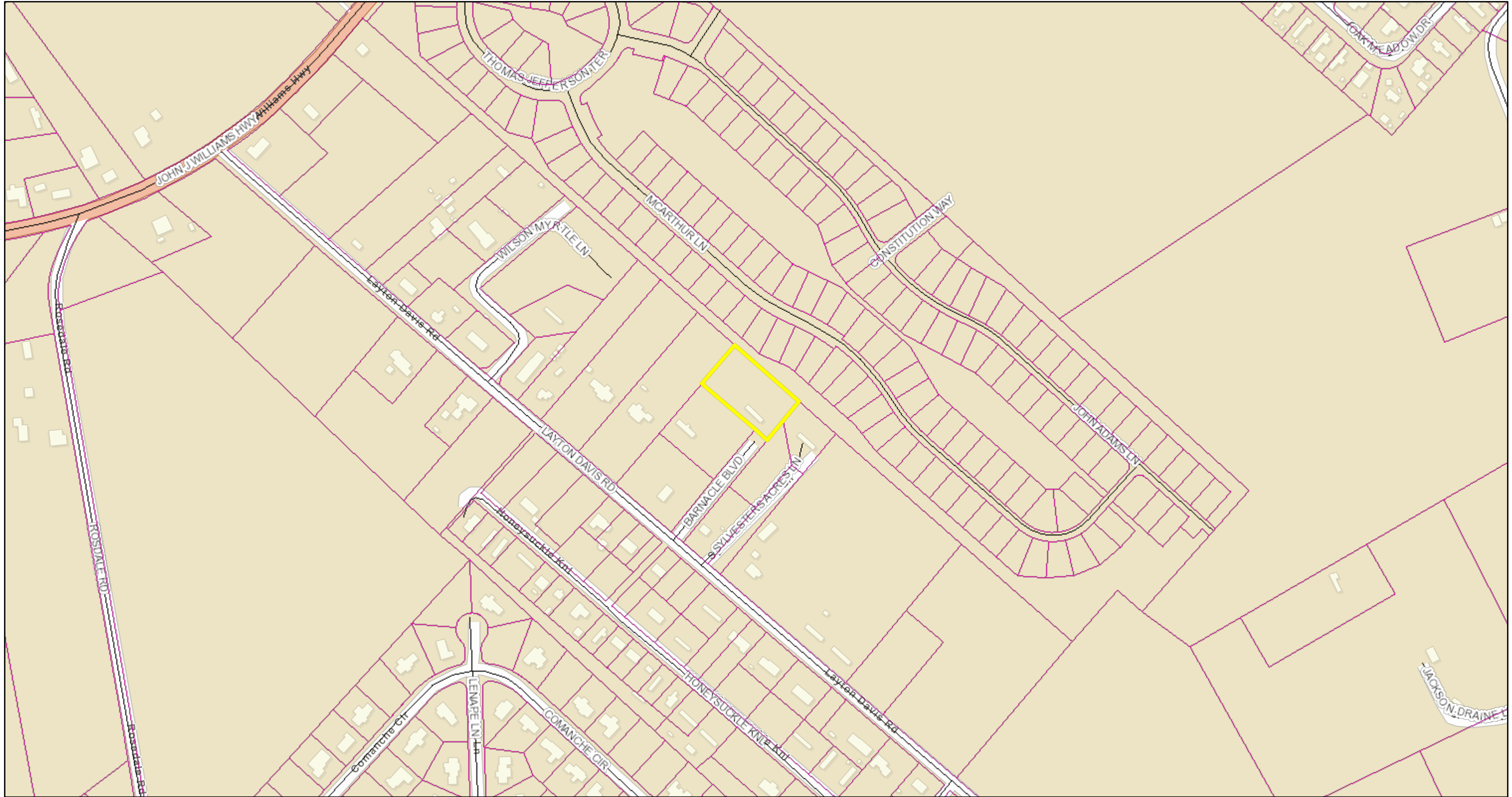
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The subject parcel adjoins parcels actively used for Agricultural purposes.
- **Interconnectivity:** Interconnectivity through existing/proposed gravel lots is shown on the Preliminary Site Plan. Interconnectivity is not required.
- **Transportation Improvement District (TID):** N/A

- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone. The parcel is located within an area of fair groundwater recharge.







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



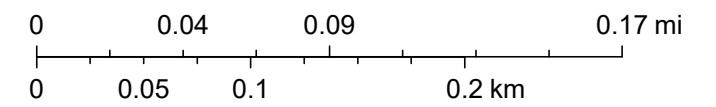
# Sussex County



October 31, 2023

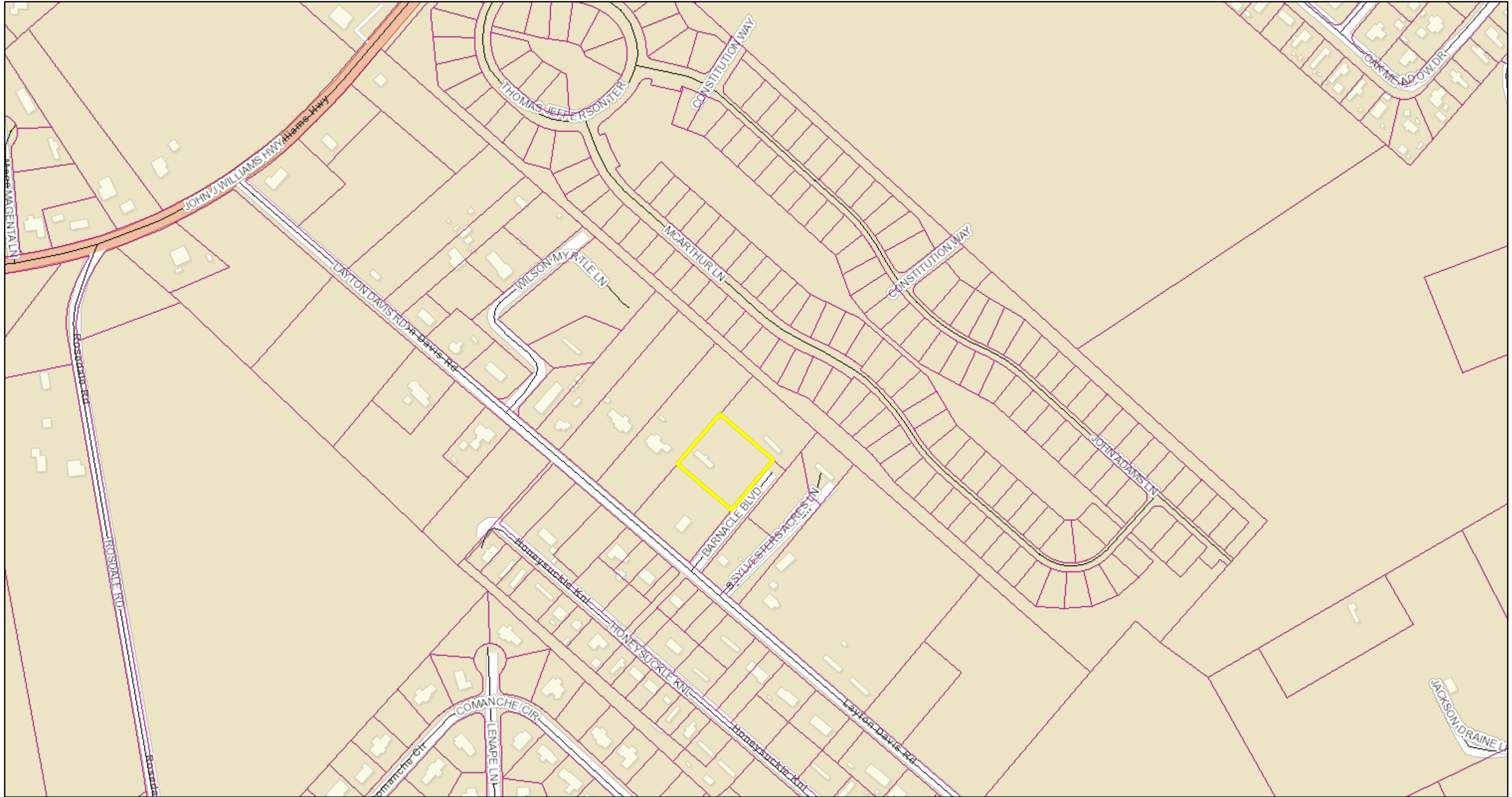
-  Override 1
-  Tax Parcels
-  County Boundaries
-  Override 1
-  Streets
-  DOE School Districts

1:4,514



Delaware Department of Education, Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

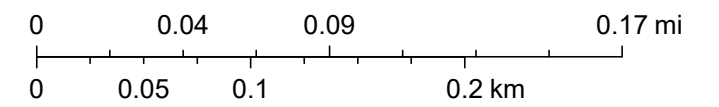
# Sussex County



October 31, 2023

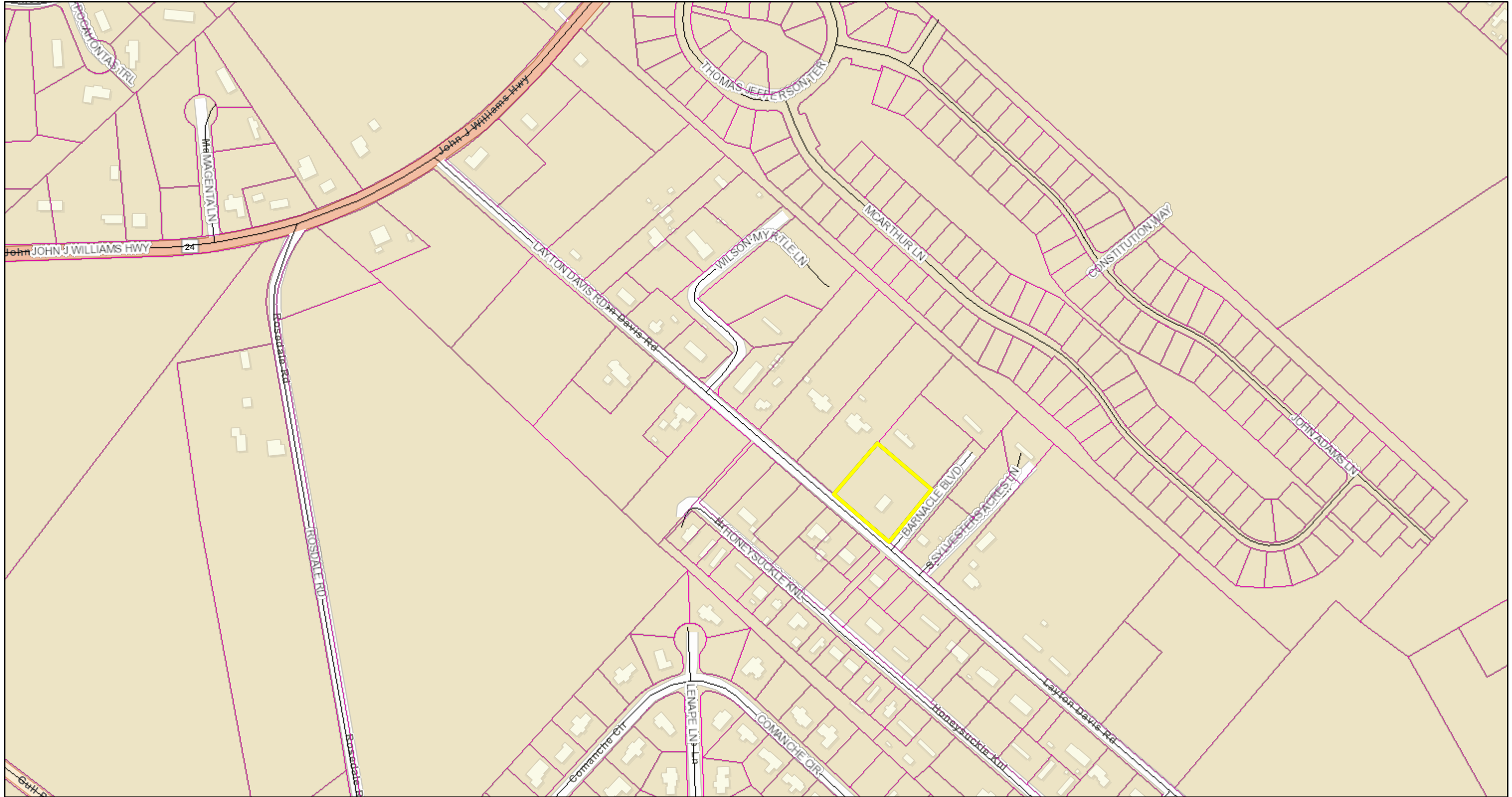
- Override 1
- Tax Parcels
- County Boundaries
- DOE School Districts
- Streets

1:4,514









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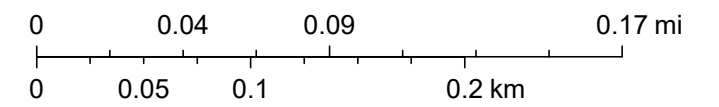
# Sussex County



October 31, 2023

-  Override 1
-  Tax Parcels
-  County Boundaries
-  Override 1
-  Streets
-  DOE School Districts

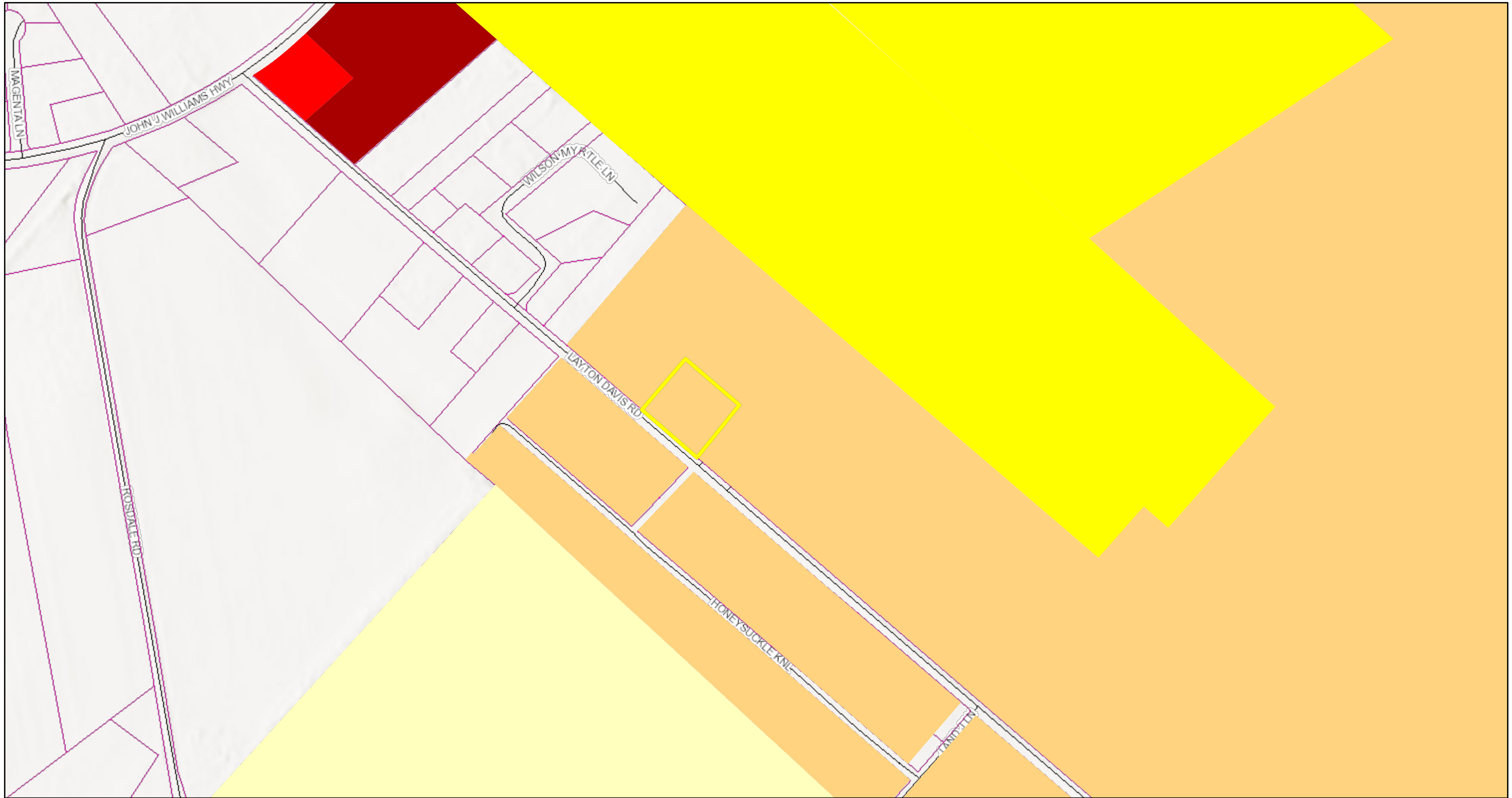
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# Sussex County



October 31, 2023

polygonLayer

Override 1

Override 2

Zoning

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

General Commercial - C-1

Commercial Residential - CR-1

Tax Parcels

Streets

County Boundaries

DOE School Districts

layer44

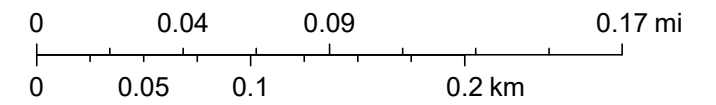
Red: Band\_1

Green: Band\_2

Blue: Band\_3

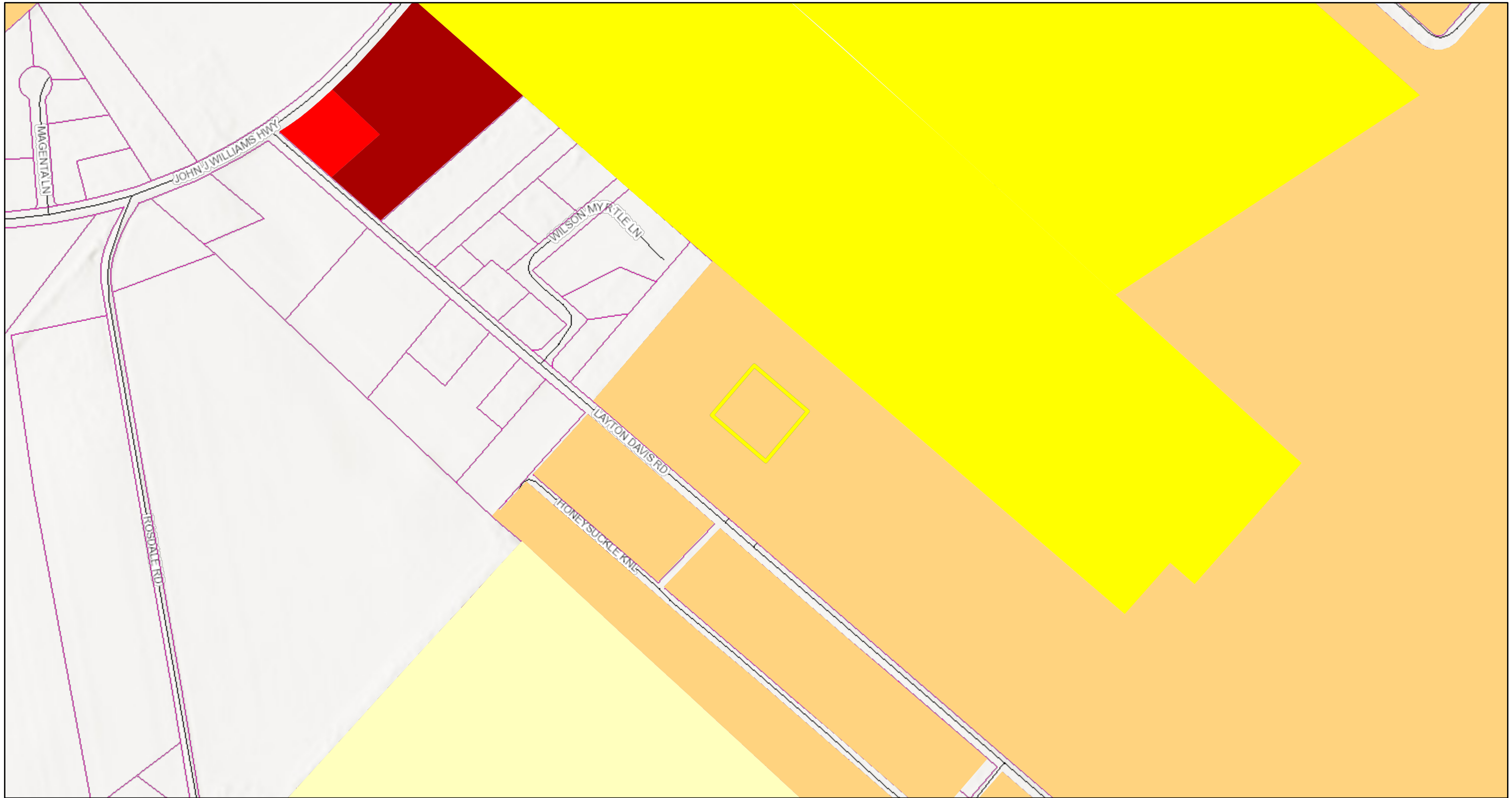
World Hillshade

1:4,514



Delaware Department of Education, Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government

# Sussex County



October 31, 2023

polygonLayer

Override 1

Override 2

Zoning

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

General Commercial - C-1

Commercial Residential - CR-1

Tax Parcels

Streets

County Boundaries

DOE School Districts

layer44

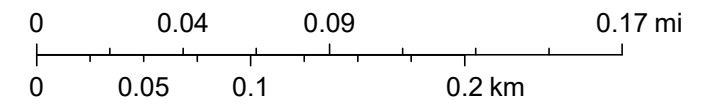
Red: Band\_1

Green: Band\_2

Blue: Band\_3

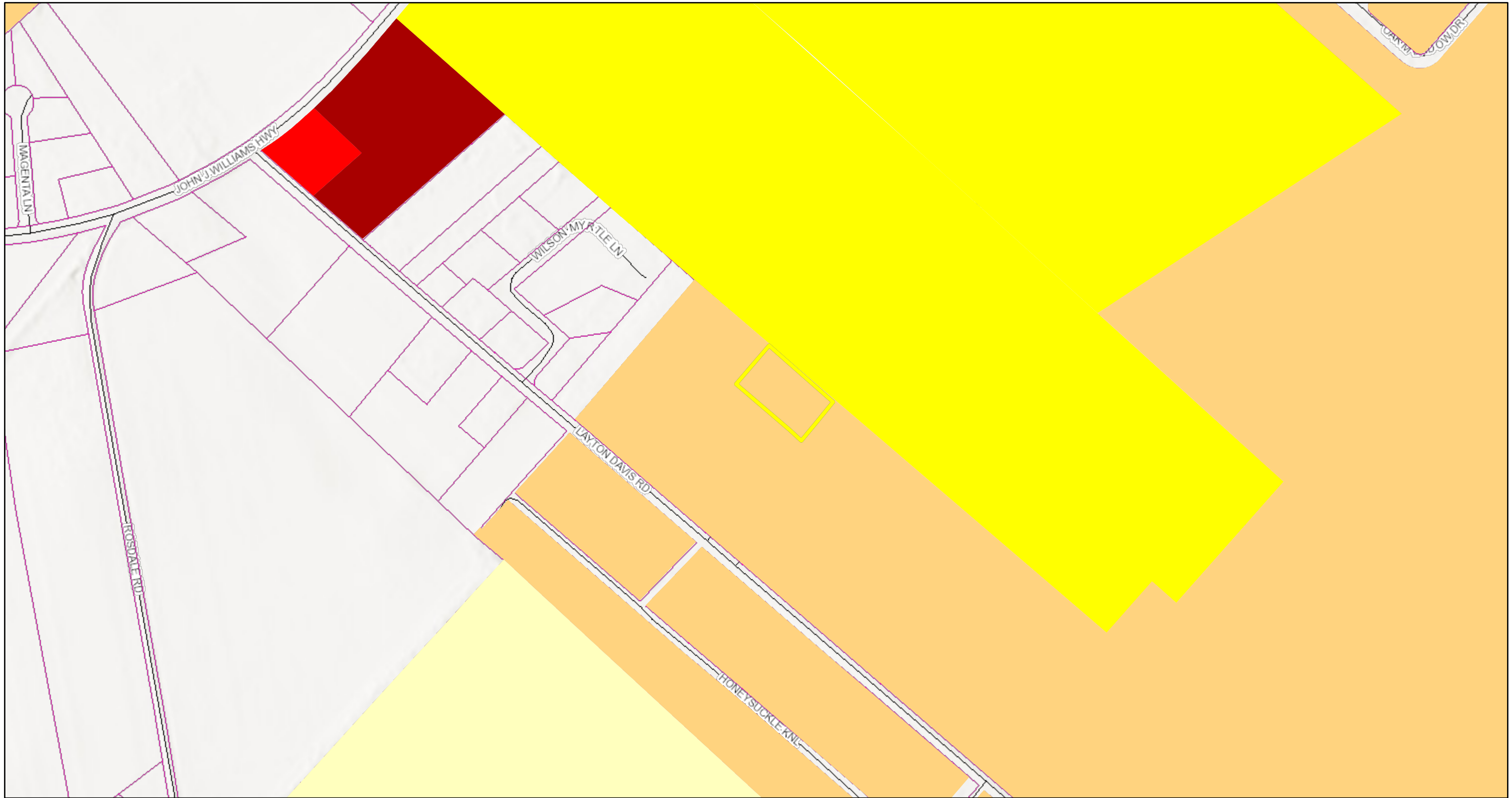
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Delaware Department of Education, Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government

# Sussex County



October 31, 2023

polygonLayer

Override 1

Override 2

Zoning

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

General Commercial - C-1

Commercial Residential - CR-1

Tax Parcels

Streets

County Boundaries

DOE School Districts

layer44

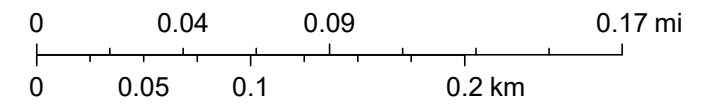
Red: Band\_1

Green: Band\_2

Blue: Band\_3

World Hillshade

1:4,514








Delaware Department of Education, Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government



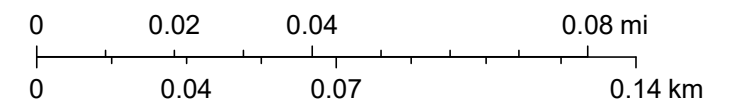
# Sussex County



October 31, 2023

-  Override 1
-  Override 1
-  Tax Parcels
- 911 Address
- Streets
-  DOE School Districts
-  County Boundaries

1:2,257








Delaware Department of Education, Maxar, Microsoft, Sussex County, Sussex County Government

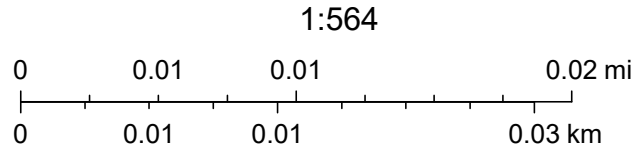


# Sussex County



October 31, 2023

-  Override 1
-  Override 1
-  Tax Parcels
- 911 Address
- Streets
-  DOE School Districts
-  County Boundaries








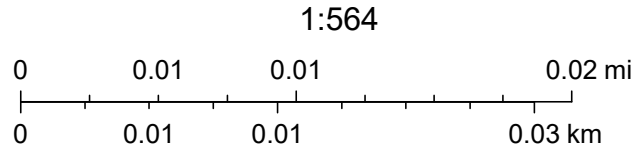


# Sussex County



October 31, 2023

-  Override 1
-  Override 1
-  Tax Parcels
- 911 Address
- Streets
-  County Boundaries
-  DOE School Districts



Delaware Department of Education, State of Delaware, Maxar, Microsoft, Sussex County, Sussex County Government

Introduced: 11/19/24

Council District 3: Mr. Hudson

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

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

ORDINANCE NO. \_\_\_\_

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

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

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

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

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

**Section 1.** That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2460 as it applies to the property hereinafter described.

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

**ALL that certain tract, piece or parcels of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the west side of Barnacle Boulevard and the northeast side of Layton Davis Road (S.C.R. 312A) at the intersection of Barnacle Boulevard and Layton Davis Road (S.C.R. 312A) approximately 0.28 mile southeast of John J. Williams Highway (Rt. 24) and being more particularly described in the attached legal description prepared by Foresight Services. said parcels containing 2.95 ac., more or less.**

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





## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: February 21, 2025

RE: County Council Report for C/U 2487 filed on behalf of Jose Sandoval

---

The Planning and Zoning Department received an application (C/U 2487 filed on behalf of Jose Sandoval) for an electronic message center sign to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 334-5.00-208.00 and 208.01. The property is located at 32454 & 32462 Lewes Georgetown Highway. The parcel size is 0.69 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on December 11, 2024. At the meeting of December 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on December 11, 2024.

### Minutes of the December 11, 2024, Planning & Zoning Commission Meeting

#### C/U 2487 Jose Sandoval

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

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



conceptual site plan, a copy of the staff analysis, a copy of a letter received as part of the DelDOT SLER, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, and zero comments.

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

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

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

Mr. Collins moved the Commission to recommend APPROVAL of C/U 2487 Jose Sandoval for an Electronic Message Center based upon the record made during the public hearing and for the following reasons:

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

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2487 Jose Sandoval for the reasons and the conditions stated in the motion. Motion carried 4 -0.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: December 11<sup>th</sup>, 2024

Application: CU 2487 Jose Sandoval

Applicant: Jose Sandoval  
32454 Lewes Georgetown Highway  
Lewes, DE 19958

Owner: Jose Sandoval  
32454 Lewes Georgetown Highway  
Lewes, DE 19958

Site Location: Located on the south side of Lewes Georgetown Highway (Rt. 9), west of Church Street.

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

Proposed Use: Electronic Message Center

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Ms.Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Co.

Sewer: Sussex County

Water: On-site well

Site Area: 0.69-acres +/-

Tax Map ID.: 334-5.00-208.00 & 208.01



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Mrs. Christin Scott, Planner II  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: December 2, 2024  
RE: Staff Analysis for C/U 2487 Jose Sandoval

---

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application Conditional Use No. 2487 Jose Sandoval to be reviewed at the December 11<sup>th</sup>, 2024, Planning and Zoning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 334-5.00-208.00 & 208.01 to allow for a proposed Electronic Message Center. The property is lying on the south side of Lewes Georgetown Highway (Rt. 9) in Lewes, DE. The properties consist of 0.69 acres +/-.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Future Land Use designation of "Coastal Area." All adjoining parcels to the south, west, and east have a Future Land Use Map designation of "Coastal Area." Properties across Lewes Georgetown Highway (Rt. 9) have a Future Land Use Map designation of "Commercial Area."

As outlined within the 2018 Sussex County Comprehensive Plan, "Coastal Areas" are areas where the County encourages only appropriate forms of concentrated new development in these areas, especially when environmental features are in play" (2018 Sussex County Comprehensive Plan 4-9). Additionally, Coastal Areas are "areas that can accommodate development provided special environmental concerns are addressed" (2018 Sussex County Comprehensive Plan, 4-15).

The Plan further notes that, "office uses are appropriate," and that "Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home" (2018 Sussex County Comprehensive Plan, 4-15).

### Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the south, west, and east are zoned Agricultural Residential (AR-1) District. Properties across Lewes Georgetown Highway (Rt. 9) are zoned General Commercial (C-1) District, while a property across Beaver Dam Road (Rt. 23) are zoned Medium Density Residential (MR) District.



Existing Conditional Uses within the Vicinity of the Subject Property

Although there have been multiple applications in this area, since 2011, there have been twenty (20) Conditional Use applications within a 0.5-mile radius of the Application Site.

Condition al Use Number	Tax Parcel #	APPLICANT	Current Zoning	Proposed Use	CC Decision	Ordinance Number	CC Decision Date
1928	334-5.00-180.00	Devin Rice	AR-1	Storage of Equipment and a Home Office	Approved	2256	5/15/2012
2002	334-5.00-74.01	Beach Bum Distilling	C-1	DISTILLERY WITH TOURS/TASTING/RETAIL	Approved	2382	12/16/2014
2012	335-11.00-59.00	Ocean Atlantic Communities (Covered Bridge Trails)	MR	Multi-family - Townhouses and Condo Units	Approved	2430	12/15/2015
2024	334-5.00-192.00	Stockley Materials, LLC	AR-1	Commerical landscaping materials, storage and sales	Approved	2417	9/15/2015
2033	334-5.00-222.01	BDRP, LLC	MR	Multi-family Dwelling Structures (Duplexes)	Withdrawn	<Null>	2/12/2016
2034	334-5.00-215.00	Beachfire Brewery Co., LLC	AR-1	Restaurant and Brewery	Approved	2438	3/8/2016
2058	335-8.00-25.00	Old Orchard Ventures - Oyster Cove	MR	Multi-family (duplex) dwelling structures (24 units)	Approved	2472	10/25/2016
2064	335-12.05-4.00	R & K Partners	AR-1	medical offices	Approved	2484	3/7/2017
2067	334-5.00-192.00	Stockley Materials, LLC	AR-1	Landscaping material sales and storage	Approved	2492	4/11/2017
2106	334-6.00-511.00	MDI Investment Group, LLC (C/O Doug Compher)	MR	multi-family (52 townhouses)	Approved	2566	3/20/2018
2149	335-11.00-59.00	Covered Bridge Trails, LLC	MR	Amended Condition of Approval of CU 2012	Approved	2588	7/24/2018

2188	334-5.00-205.01	Donovan's Painting and Drywall, LLC	AR-1	contractor's office with storage	Approved	2686	10/29/2019
2190	334-5.00-212.00	Steven & Helene Falcone	AR-1	Office	Approved	2699	1/7/2020
2261	334-6.00-515.00	What Is Your Voice, Inc.	AR-1	Use Existing Garage for Office uses and one-story pole building for rental storage facilities (4 units) in connection w/ Applicant's non-profit corporation	Approved	2800	9/14/2021
2281	334-12.00-7.00	Susan Riter	AR-1	Borrow Pit	Withdrawn	<Null>	6/8/2021
2316	334-6.00-511.02	Lighthouse Construction, Inc.	AR-1	Office Building	Approved	2888	9/27/2022
2321	334-5.00-196.00	Coastal Construction, LLC	AR-1	Kitch/Bathroom Showroom	Denied	<Null>	1/3/2023
2327	334-12.00-7.00	Howard L. Ritter & Sons, Inc.	AR-1	Expansion of a non-conforming borrow pit	Approved	2901	1/24/2023
2352	334-6.00-504.02	CB Lewes, LLC	MR	Multi-family (30 units)	Approved	2866	6/14/2022
2409	334-6.00-2.00	Bryan Stewart	C-1	Crab Shack Vendor	<Null>	<Null>	<Null>





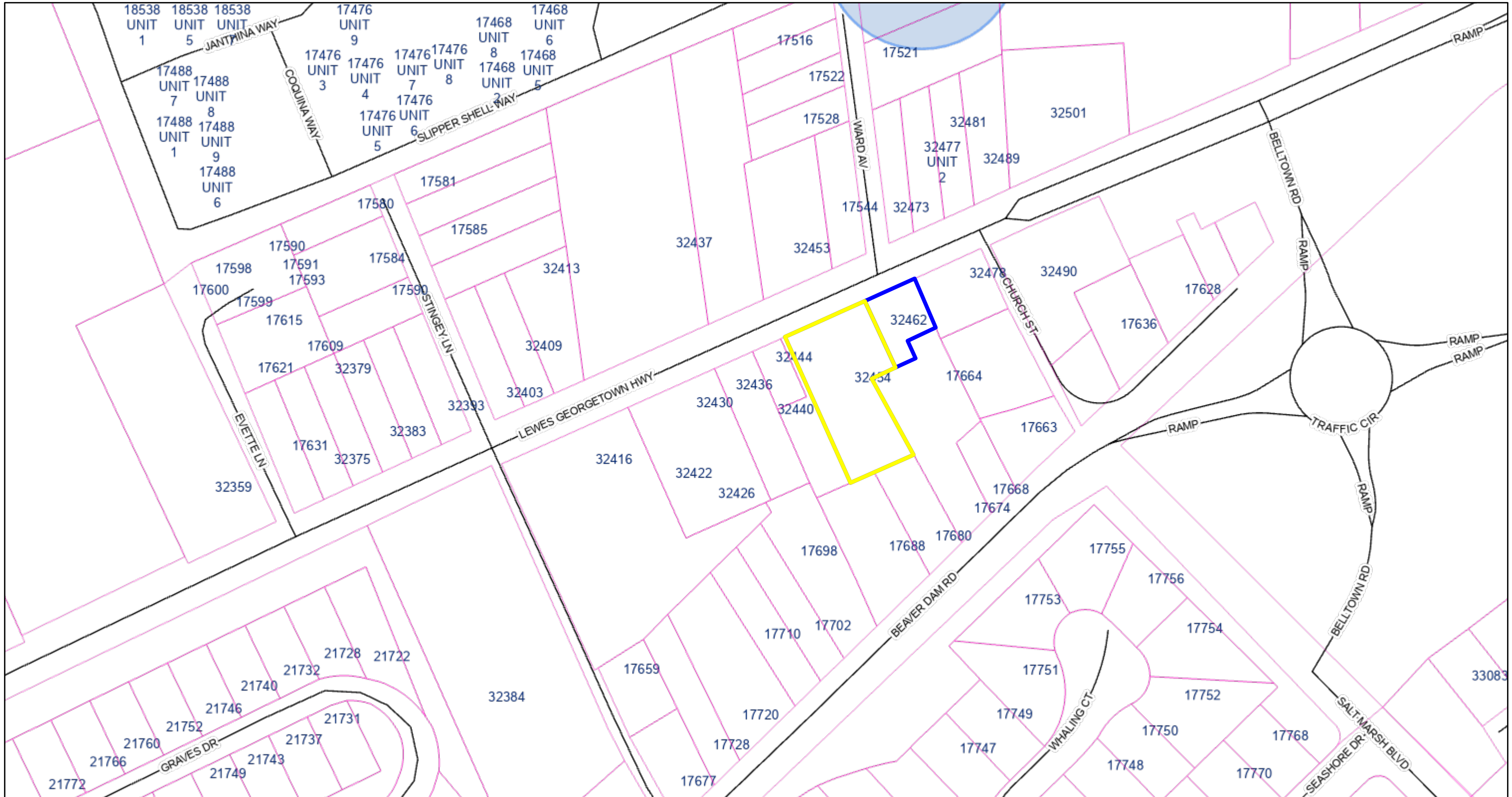
Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The subject parcel currently adjoins parcels that appear to be within active agricultural use (actively farmed).
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The subject property is located within the Henlopen Transportation Improvement District (TID) and shall be subject to any improvements or payment of any fees as may be required by the Delaware Department of Transportation (DelDOT).

- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within Flood Zone “X: - Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. The parcel is not located within any Wellhead Protection Areas and is location within an area of “Good” Groundwater Recharge Potential.

Based on the analysis provided, the Conditional Use to allow for an Electronic Message Center at this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

# Sussex County



November 14, 2024

1:2,257

polygonLayer

911 Address

layer50

Override 1

Streets

Red: Band\_1

Override 2

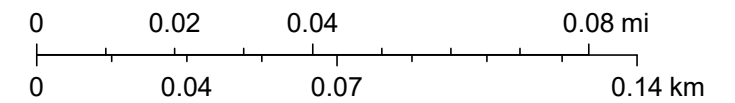
County Boundaries

Green: Band\_2

Tax Parcels

Wellhead Protection Areas

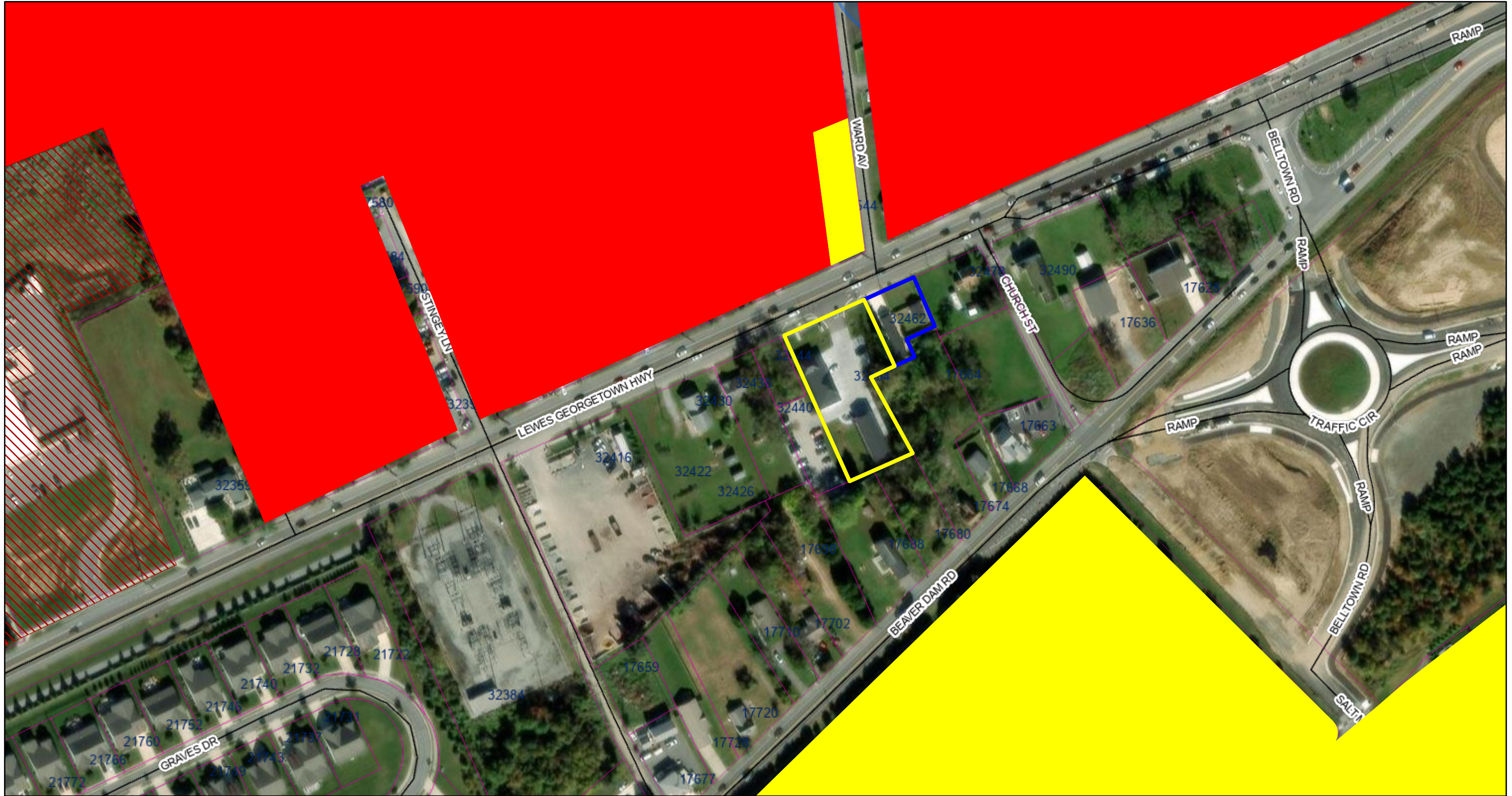
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FEMA, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Delaware Department of Natural Resources and Environmental Control



# Sussex County



November 14, 2024

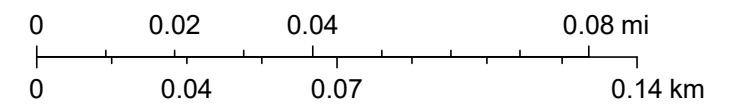
layer49

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- polygonLayer
- Override 1
- Override 2
- Zoning
- Medium Residential - MR
- C1: General Commercial
- C5: Service/Limited Manufacturing
- Tax Parcels

- 911 Address
- Streets
- County Boundaries
- Wellhead Protection Areas
- World Imagery

- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata

1:2,257



Maxar, Microsoft, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Delaware Department of Natural Resources and Environmental Control







Introduced: 3/12/24

Council District 3: Ms. Gruenebaum  
Tax I.D. No.: 334-5.00-208.00 & 208.01  
911 Address: 32454 & 32462 Lewes Georgetown Hwy, Lewes

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRES, MORE OR LESS**

WHEREAS, on the 13<sup>th</sup> day of October 2023, a Conditional Use application, denominated Conditional Use No. 2487 was filed on behalf of Jose Sandoval; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Conditional Use No. 2487 be \_\_\_\_\_; and

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

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

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2487 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Highway (Rt. 9), approximately 0.27 mile southwest of the intersection of Lewes Georgetown Highway (Rt. 9) and Coastal Highway (Rt. 1), and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A., said parcel containing 0.69 acres, more or less.

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

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



**Sussex County**

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## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: February 21, 2025

RE: County Council Report for C/U 2443 filed on behalf of Coastal Bay Homes, LLC

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The Planning and Zoning Department received an application (C/U 2443 filed on behalf of Coastal Bay Homes, LLC) for multi-family dwellings (2 units) to be located in an MR Medium Density Residential Zoning District at Tax Parcel 134-5.00-115.00. The property is located at 39578 Admiral Road within the Tower Shores Subdivision. The parcel size is 0.138 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on December 11, 2024. At the meeting of December 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the 4 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on December 11, 2024.

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

### C/U 2443 Coastal Bay Homes, LLC

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.138 ACRE, MORE OR LESS.** The property is lying on the south side of Admiral Road within the Tower Shores Subdivision. 911 Address: 39578 Admiral Road. Tax Map Parcel: 134-5.00-115.00.

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



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staff analysis, a copy of the letter received from the Sussex County Engineering Department Utility Planning Division and zero comments.

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

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

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

Mr. Mears moved the Commission to recommend approval of C/U 2443 COASTAL BAY HOMES, LLC, for a multi-family dwelling structure of two (2) units based upon the record made at the public hearing and for the following reasons:

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



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

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2443 Coastal Bay Homes, LLC for the reasons and the conditions stated in the motion. Motion carried 4 -0.

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

**PLANNING & ZONING COMMISSION**

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



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DIRECTOR OF PLANNING & ZONING

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

Planning Commission Public Hearing Date: December 11<sup>th</sup>, 2024

Sussex County Council Public Hearing Date: February 2025

Application: C/U 2443 Coastal Bay Homes, LLC

Applicant: Coastal Bay Homes, LLC  
39578 Admiral Road  
Bethany Beach, DE 19930

Owner: Coastal Bay Homes, LLC  
39578 Admiral Road  
Bethany Beach, DE 19930

Site Location: Located on the south side of Admiral Road, a private street within the Tower Shores subdivision, approximately 430-feet east of the intersection of Admiral Road and Coastal Highway (Route 1).

Current Zoning: Medium-Density Residential (MR) District

Proposed Use: One (1) Multi-Family Dwelling (Duplex)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Bethany Beach Fire Company

Sewer: Sussex County

Water: Sussex Shores

Site Area: 0.1377-acre(s) +/-

Tax Map ID.: 134-5.00-115.00



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## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Ms. Lauren DeVore, AICP Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: November 27<sup>th</sup>, 2024  
RE: Staff Analysis for C/U 2443 Coastal Bay Homes, LLC

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The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application Conditional Use No. 2443 (Coastal Bay Homes, LLC) to be reviewed at the December 11<sup>th</sup>, 2024, Planning and Zoning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 134-5.00-115.00 to allow for one (1) multi-family dwelling (duplex) structure to be constructed on Lot #7 within the existing Tower Shores Subdivision at 39578 Admiral Road in Bethany Beach, Delaware. The property is lying on the south side of Admiral Road, a private street within the Tower Shores subdivision, approximately 430-feet east of the intersection of Admiral Road and Coastal Highway (Route 1). The Applicant is applying for 0.1377-acre(s) +/- to be included in the Conditional Use area.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has 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).



Zoning Information

The subject property is zoned Medium-Density Residential (MR) District. All adjoining properties to the south within the Breakwater Beach Subdivision, east along Admiral and Ocean Roads, west, adjacent to Coastal Highway (route 1) and north across Admiral Road are also zoned Medium-Density Residential (MR) District. It should be noted that there are three (3) Parcels to the northwest of the proposal which are currently zoned Neighborhood Business (B-1) District and consists of the Matt’s Fish Camp Bethany seafood restaurant.

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the Medium-Density Residential District is an applicable Zoning District within the “Coastal Area” Future Land Use Map Designation.

Existing Conditional Uses within the Vicinity of the Subject Property

There have been several (24) Conditional Use Applications within a 300-ft radius of the proposal. These Conditional Use Applications were all for multifamily (duplex) units on existing Lots within the Tower Shores Subdivision.

Of these Applications, three (3) were Withdrawn, two (2) were Denied and nineteen (19) were Approved by the Sussex County Council.

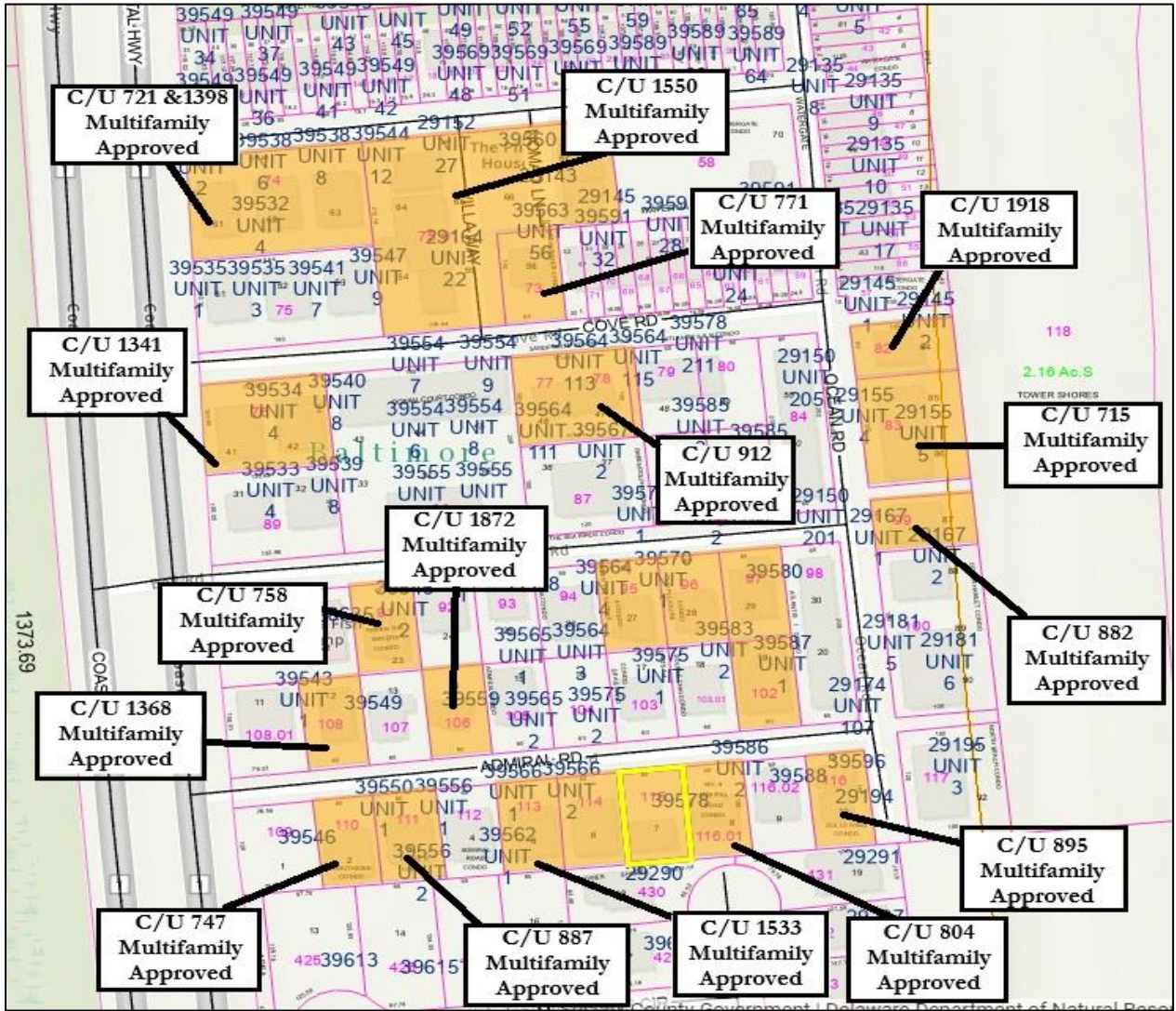
A Supplemental Data Table and Map Exhibit have been included below showing the specifics of these Applications and their general location.

<u>C/U #</u>	<u>APPLICANT</u>	<u>Tax Parcel #</u>	<u>Proposed Use</u>	<u>CC Decision Date</u>	<u>CC Decision</u>	<u>Ordinance No.</u>
747	<b>Pan-Jag Associates</b>	134-5.00-110.00	two-family dwelling	8/30/1983	<b>Approved</b>	N/A
887	<b>Triple R. Company</b>	134-5.00-111.00	multi-family	9/13/1988	<b>Approved</b>	529
1600	<b>Robert E. Kuhl &amp; Kim C.</b>	134-5.00-114.00	multi-family	4/19/2005	<b>Approved</b>	1771
1533	<b>Kyung Cho-Miller</b>	134-5.00-113.00	multi-family	5/4/2004	<b>Approved</b>	1688
810	<b>Arnold H. Koonin</b>	134-5.00-96.00	multi-family	12/4/1984	<b>Approved</b>	N/A
833	<b>Morton J. &amp; Amy Lou Goode &amp; Morris &amp; Muriel Bisker</b>	134-5.00-97.00	multi-family	N/A	<b>Withdrawn</b>	N/A

801	<b>Joseph R. &amp; Margaret J. Leo</b>	134-5.00-95.00	multi-family	8/14/1984	Approved	N/A
1872	<b>Kim Swann</b>	134-5.00-106.00	multi-family duplex	12/7/2010	Approved	2166
1368	<b>Steve Brophy</b>	134-5.00-108.00	multi-family	11/28/2000	Approved	1415
1512	<b>Randall J. Pentoney &amp; Diane M.</b>	134-5.00-102.00	multi-family	9/9/2003	Approved	1631
882	<b>A.S. Ray</b>	134-5.00-99.00	multi-family	6/28/1988	Approved	515
1341	<b>Buchanan Developers</b>	134-5.00-76.00	multi-family	8/8/2000	Approved	1387
894	<b>Murray W. Kronick, et ux</b>	134-5.00-78.00	multi-family	N/A	Withdrawn	N/A
912	<b>Murray W. Kronick</b>	134-5.00-77.00	multi-family	8/15/1989	Approved	N/A
895	<b>Murray W. Kronick, et ux</b>	134-5.00-116.00	multi-family	7/18/1989	Approved	599
1918	<b>Anthony S. Nerlinger</b>	134-5.00-82.00	Mutli-Family Dwelling Structure	1/10/2012	Approved	2232
715	<b>B &amp; J Partnership</b>	134-5.00-83.00	multi-family	4/5/1983	Approved	N/A
1550	<b>Michael R. Emmett, Sr.</b>	134-5.00-75.01	multi-family	5/4/2004	Approved	1689
758	<b>Murray W. Kronick</b>	134-5.00-91.00	multi-family	11/1/1983	Approved	N/A
804	<b>Jerome P. Lewis</b>	134-5.00-116.01	multi-family	9/11/1984	Approved	N/A
845	<b>Murray Kronick</b>	134-5.00-115.00	multi-family	8/19/1986	Denied	N/A
771	<b>Gerald A. Pusey</b>	134-5.00-73.00	multi-family	1/10/1984	Approved	N/A



849	Robert Kent	134-5.00-111.00	Multi-Family	8/19/1986	Denied	N/A
896	Murray W. Kronick, et ux	134-5.00-77.00	Multi-Family	N/A	Withdrawn	N/A



\*The Parcel location of the subject Application has been highlighted in yellow in the image above. Due to the number and density of C/U Applications in the area, the above map lists several but not all C/U Applications within 300-ft of the subject proposal, in which case, the information has been included within the Data Table.\*

Site Considerations

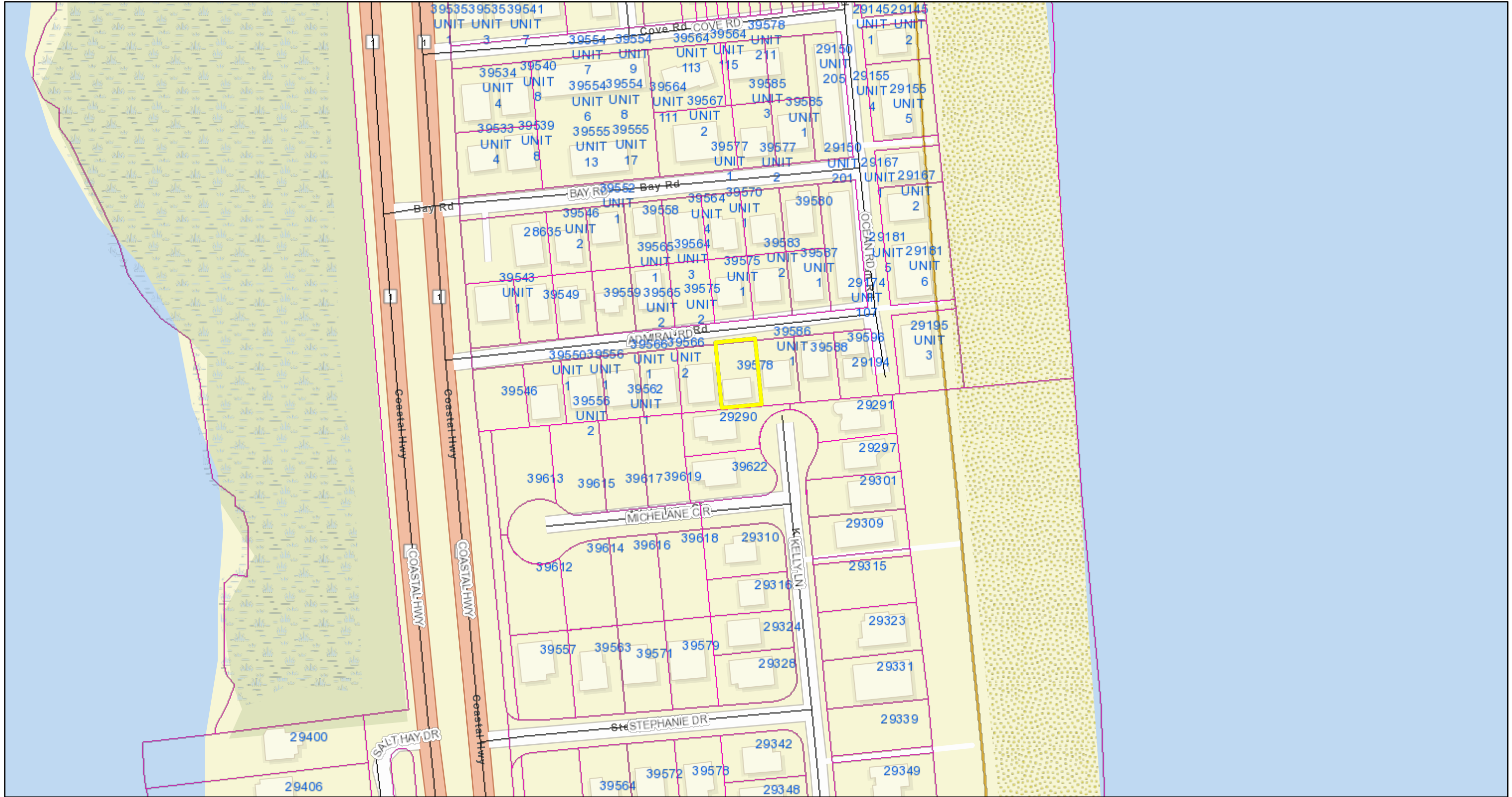
- **Density:** 1.65 units/acre
  - 6,000 square foot Lot/3,630 square feet per dwelling unit (subject to the provisions of Table II of the Sussex County Code)

- **Open Space Provisions:** N/A
- **Agricultural Areas:** The property does not appear to be adjacent to or within the vicinity of areas which are within active agricultural use.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the AO Flood Zone - “Areas of shallow flooding with or without a designated average flood depth” and the AE Flood Zone – “Areas subject to inundation by the 1% annual chance flood where base flood elevations are determined (and where floodways may or may not be determined.)

The parcel is not located within a Wellhead Protection area. The parcel is located within an area of “fair” Groundwater Recharge Potential.

Based on the analysis provided, a Conditional Use to allow for a single multi-family unit (duplex) in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

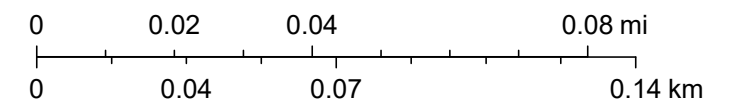
# Sussex County



November 3, 2023

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

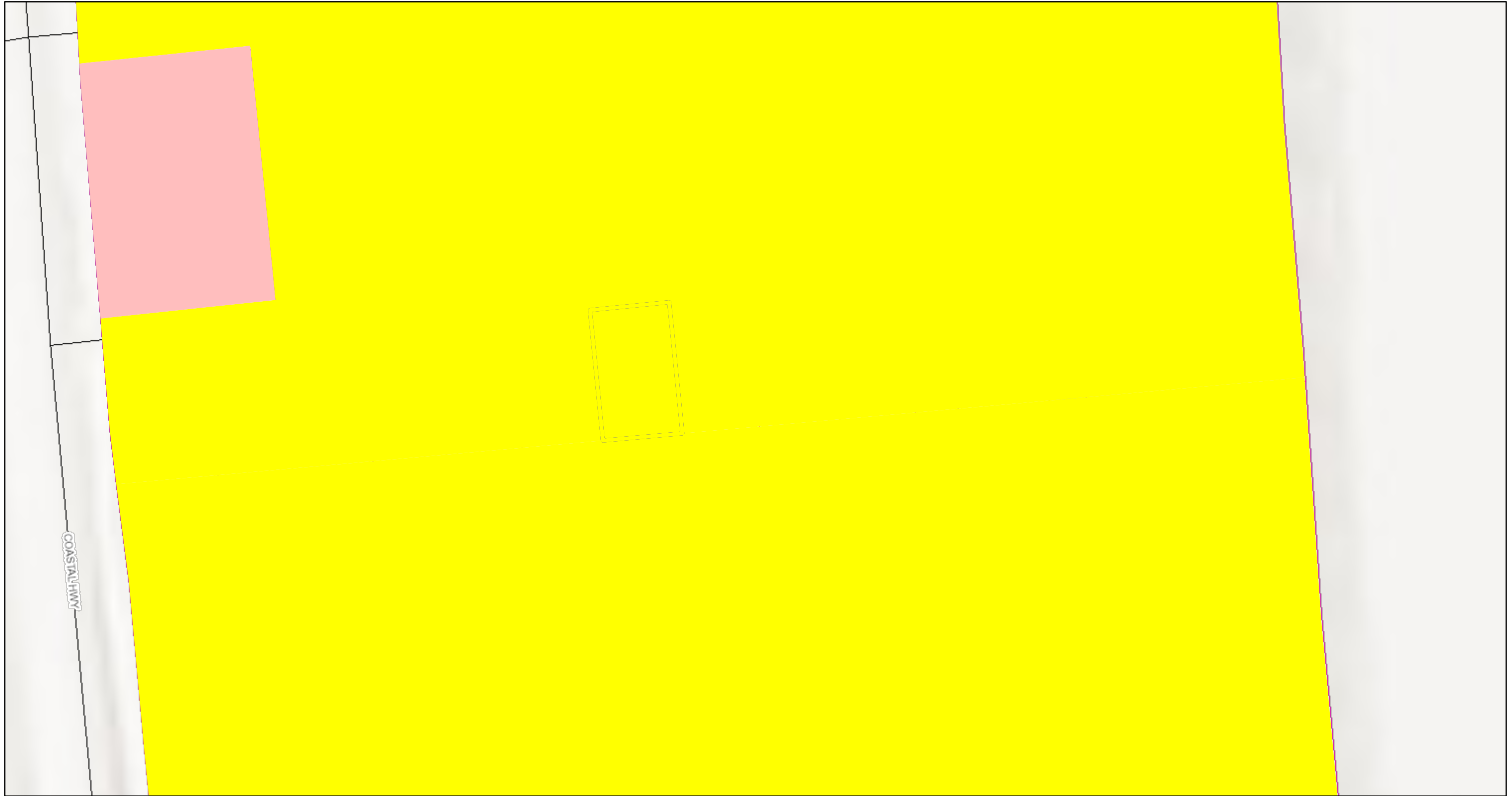
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Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



# Sussex County



November 3, 2023

polygonLayer


 Override 1

 Override 2

Zoning

 Medium Residential - MR

 Neighborhood Business - B-1


 Tax Parcels

911 Address


 Streets

 County Boundaries

layer47

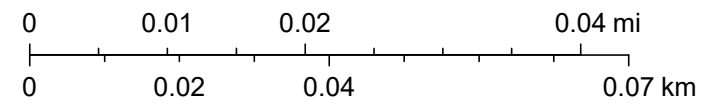
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 Green: Band\_2

 Blue: Band\_3

World Hillshade

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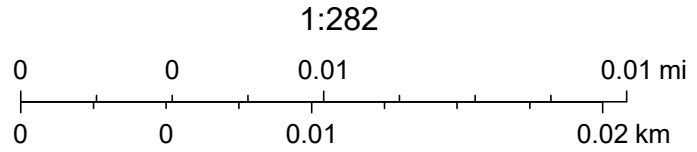
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government

# Sussex County



November 3, 2023

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



Introduced: 3/12/24

Council District 4: Mr. Hudson  
Tax I.D. No.: 134-5.00-115.00  
911 Address: 39578 Admiral Road, Bethany Beach

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.138 ACRE, MORE OR LESS**

WHEREAS, on the 14<sup>th</sup> day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2443 was filed on behalf of Coastal Bay Homes, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2443 be \_\_\_\_\_; and

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

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

**Section 1.** That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2443 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 Admiral Road (Rt. 54) within the Tower Shores Subdivision and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 0.1378 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.**