

Sussex County Council Public/Media Packet

**MEETING:
JUNE 9, 2020**

****DISCLAIMER****

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**Sussex County Council
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(302) 855-7743**

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
IRWIN G. BURTON III, VICE PRESIDENT
DOUGLAS B. HUDSON
JOHN L. RIELEY
SAMUEL R. WILSON JR.



Sussex County

DELAWARE
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SUSSEX COUNTY COUNCIL

TELECONFERENCE MEETING**

A G E N D A

JUNE 9, 2020

1:00 P.M.

PLEASE NOTE – AS PERMITTED BY GUBERNATORIAL AUTHORITY, IN ORDER TO LIMIT THE RISK OF POTENTIAL COVID-19 EXPOSURE, THE PUBLIC SHALL BE DENIED ENTRY TO THE COUNTY COUNCIL MEETING.¹ THE PUBLIC IS ENCOURAGED TO PARTICIPATE IN THE COUNCIL MEETING ELECTRONICALLY. FURTHER INSTRUCTIONS ARE LISTED AT THE BOTTOM OF THIS AGENDA.

Call to Order

Approval of Agenda

Approval of Minutes

Public Comments

Todd Lawson, County Administrator

1. County Update and Discussion Related to COVID-19
2. Administrator's Report

John Ashman, Director of Utility Planning

1. Request to post notices for Camp Arrowhead Section III



Grant Request

1. Rehoboth Beach Historical Society for construction of historical exhibit at the museum

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Personnel and Land Acquisition pursuant to 29 Del.C.§10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2222 filed on behalf of Jessica F. Peake

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRES, MORE OR LESS” (property lying on the east side of Coastal Highway (Route 1) approximately 212 feet south of Jefferson Bridge Road (Tax I.D. No. 134-17.11-40.00) (911 Address: 32967 Coastal Highway, Bethany Beach)

Conditional Use No. 2224 filed on behalf of Pamela Price

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.75 ACRES, MORE OR LESS” (property lying on the west side of Sussex Highway (Route 13) approximately 0.25 miles north of the intersection of Whitesville Road and Sussex Highway (Route 13) (Tax I.D. No. 332-7.00-22.00) (911 Address: 34590 Sussex Highway, Laurel)

Conditional Use No. 2198 filed on behalf of Jeffrey Myer

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.8474 ACRES, MORE OR LESS” (property lying on the northwest corner of Seashore Highway and Oak Road) (Tax I.D. No. 430-22.00-10.01) (911 Address: 10595 and 10609 Seashore Highway, Bridgeville)

Change of Zone No. 1904 filed on behalf of Dry Acres, LLC (Jill Cicierski)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.88 ACRES, MORE OR LESS” (property lying on the southwest corner of the intersection of Lewes Georgetown Highway (Route 9) and Fisher Road (Road 262) (Tax I.D. No. 235-30.00-51.00) (911 Address: None Available)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 2, 2020 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

** The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292. The meeting will be conducted using teleconference technology.

To join the meeting via phone, please dial:

Conference Number: 800-988-0494

Passcode: 1695792

Members of the public joining the meeting on the phone will be provided an opportunity to make comments under the Public Comment section of this agenda only.

The County will stream this meeting using the same technology it uses for its Chamber Broadcast that can be viewed at <https://sussexcountyde.gov/council-chamber-broadcast>. This stream will broadcast the meeting materials and audio only, the public will not be able to comment or speak using this broadcast. This stream will experience a 30-second delay.

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

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Monday, June 8, 2020.

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¹ These restrictions are being implemented to limit the exposure and risk related to “COVID-19” for County personnel and members of the public who seek to attend the County Council Meeting. These decisions are being made under the authority issued by Governor John C. Carney through Proclamation No. 17-3292. See: <https://governor.delaware.gov/proclamation-173292-03132020/>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 2, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 2, 2020, at 10:00 a.m., by teleconference with the following present:

Michael H. Vincent	President
Irwin G. Burton III	Vice President
Douglas B. Hudson	Councilman
John L. Rieley	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 188 20
Approve
Agenda**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Minutes
Approved**

The minutes of May 19, 2020 were approved by consent.

**Public
Comments**

A public comment period was held and the following spoke: Paul Reiger and Dan Kramer.

**Consent
Agenda**

In regard to the Consent Agenda items, Mr. Burton stated that he had questions about Consent Agenda No. 1. For this reason, Consent Agenda No. 1 was pulled.

**M 189 20
Approve
Consent
Agenda
(Items
2 – 5)**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to approve the following items listed under the Consent Agenda:

- 2. Use of Existing Wastewater Infrastructure Agreement, Hyatt Hotel
Hyatt Hotel, Lewes Hotel, LLC**
- 3. Use of Existing Wastewater Infrastructure Agreement, IUA1026
Tidalwalk, Phase 2, EVG-FT Ventures, LLC**

M 189 20
(continued) **4. Use of Existing Wastewater Infrastructure Agreement, IUA1132**
Lewes Crest, The Evergreene Companies, LLC

5. Use of Existing Wastewater Infrastructure Agreement, IUA968
Oyster Cove, Old Orchard Ventures, LLC

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Absent; Mr. Burton, Yea;
Mr. Vincent, Yea

Consent
Agenda
Item
No. 1 **Mr. Burton raised questions regarding Consent Agenda Item No. 1 – Use of Existing Wastewater Infrastructure Agreement, IUA1091, Wellesley, Wellesley Rehoboth, LP, and specifically about four (4) properties in the area that are not served by sewer. Hans Medlarz, County Engineer, responded to Mr. Burton’s questions.**

M190 20
Approve
Consent
Agenda
Item
No. 1 **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to approve Consent Agenda Item No. 1.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

County
COVID-19
Update **Mr. Lawson provided a COVID-19 County Update which included the following information: the Governor’s rolling reopening of the State and Phase 1 guidelines which began June 1; State of Delaware – CAREs Act Funding; outdoor seating expansion (part of the State’s Phase 1 re-opening) and the County’s role in processing requests for expanded seating; Sussex marketing advertisement (marketing/branding campaign launched last week); and County operations (recommendation for future opening of County offices and for holding public hearings in Council Chambers). Discussion included the cost of advertising and the possibility of expanding advertising to print and radio, and requirements that must be met to hold public hearings in Council Chambers.**

Adminis-
trator’s
Report **Mr. Lawson read the following information in his Administrator’s Report:**

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects received Substantial Completion. Tidewater Landing – Phase 1B effective May 14 and The Villages at Red Mill Pond South – Phase 1 (Construction Record) effective May 18th.

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

State of Delaware MOU/ Dog Control Enforcement

Mrs. Jennings reported on a Memorandum of Understanding between the Division of Public Health, Delaware Department of Health & Social Services, State of Delaware and Sussex County for the enforcement of dog control and dangerous dog statutes. This agreement was first entered into in December 2015 at which time dog control was transferred from the County's authority to the Office of Animal Welfare. The State of Delaware's authority of dog control was later formalized in Delaware Code in 2017, which moved the responsibility of dog control from Title 9 to Title 16. Thereafter, the State of Delaware reached out to the County to sign an updated MOU to reflect the current funding relationship. The difference between the 2015 MOU and the new MOU is that the 2015 agreement referenced developing a pricing structure for future years; this pricing structure was agreed to in 2017. The pricing structure is based on a per capita distribution among the three counties and the City of Wilmington. The amount stated in the new MOU is what was agreed to in 2017 and paid in FY 2020; there is no increase for these services in FY 2021. Mrs. Jennings reported that Brandywine SPCA is contracted by the State of Delaware to provide dog control services. Walter Fenstermacher, Director of Administration, Brandywine Valley SPCA (BVSPCA), was present by teleconference. Mr. Fenstermacher spoke regarding services provided by the BVSPCA, achievements, financial position and investment in Delaware, work they provide beyond the contract with the State, and their investment in Delaware (local animal shelters, low-cost veterinary services and a rescue center).

M 191 20 Authorize MOU/ Dog Control Enforcement

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council authorizes Administration to enter into a Memorandum of Understanding with the State of Delaware to enforce dog control and dangerous dog statutes, as presented.

Motion Adopted: 4 Yeas, 1 Not Voting.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Not Voting; Mr. Burton, Yea;
Mr. Vincent, Yea

Western Sussex Transmission Facilities

Hans Medlarz, County Engineer, updated the Council on various Western Sussex Transmission Facilities Contracts.

Contract 1: Route 13 Forcemain – Final Balancing Change Order and Substantial Completion

M 192 20 Approve C/O for Contract 1

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Final Balancing Change Order 2 for Contract 18-12, Western Sussex Transmission Facilities, Contract 1, Route 13 Force Main, be approved,

M 192 20
(continued) **increasing the Contract by \$26,486.65 and that Substantial Completion be granted and any held retainage be released in accordance with the Contract documents.**

Motion Adopted: 5 Yeas.

**Western
Sussex
Trans-
mission
Facilities**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Wilson, Yea; Mr. Burton, Yea;
 Mr. Vincent, Yea**

Contract 2: Market Street Gravity Sewer - Balancing Change Order and Substantial Completion

M 193 20 **A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the**
Approve **recommendation of the Sussex County Engineering Department, that the**
C/O for **Final Balancing Change Order 2 for Contract 18-12, Western Sussex**
Contract 2 **Transmission Facilities, Contract 2, Market Street Gravity Sewer, be**
 approved, decreasing the Contract by \$128,708.70 and that Substantial
 Completion be granted and any held retainage be released in accordance
 with the Contract documents.

Motion Adopted: 5 Yeas.

**Western
Sussex
Trans-
mission
Facilities**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Wilson, Yea; Mr. Burton, Yea;
 Mr. Vincent, Yea**

Contract 4: Pump Stations - Project S19-28 – Change Order

M 194 20 **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon**
Approve **the recommendation of the Sussex County Engineering Department, that**
C/O for **Change Order No. 1 for Contract S19-28, Western Sussex Transmission**
Contract 4 **Facilities, Contract 4, Pumping Stations, be approved, increasing the**
 Contract by \$40,045.00 for a new Contract total of \$3,276,984.00.

Motion Adopted: 5 Yeas.

**Western
Sussex
Trans-
mission
Facilities**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Wilson, Yea; Mr. Burton, Yea;
 Mr. Vincent, Yea**

Concord Road/Route 13 Utility Upgrade – Stand-alone Contract Continuation Purchase Order

M 195 20 **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon**
Approve **the recommendation of the Sussex County Engineering Department, that**
Contract **Council issue a Stand-Alone Contract Continuation Purchase Order to**
Contin- **Zack Excavating, Inc., in the not to exceed amount of \$794,338.20, for**
uation **completion of the sewer extension across the northern portion of the Route**

M 195 20
Concord Rd.
RT 113
Utility
Upgrade
(continued)

13 Corridor at the unit prices originally bid as part of Contract 15-03, Concord Road/Route 13 Utility Upgrade.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Artesian Wastewater Management/ Bulk Services Agreement

Hans Medlarz, County Engineer, presented Addendum No. 3 to the 2016 Bulk Wastewater Services Agreement with Artesian Wastewater Management, Inc. Mr. Medlarz stated that the addendum deals with an unanticipated imbalance in flows. The original agreement requires a true up of the flow balance at the end of each fiscal year and it is believed the imbalance can easily be corrected by delaying the true up until the end of Fiscal Year 2021. The Engineering Department is requesting Council's approval of Addendum No. 3 formalizing that arrangement.

M 196 20
Approve
Addendum/
Artesian
Wastewater
Management/
Bulk
Services
Agreement

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Addendum 3 to the Bulk Wastewater Services Agreement between Sussex County and Artesian Wastewater Management, Inc., as presented.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Property Maintenance Update and Proposed Ordinances

Michael Costello, Government Affairs Manager, and Lester Shaffer, Chief Constable, gave a presentation on a proposal to change portions of Chapter 80 and 115 as it relates to property maintenance. They discussed property maintenance complaints and enforcement; problems encountered using the County's current Code; inspection activity from 2016 to 2019 (vehicles, trash, tall grass); existing compliance timeline; abatement process; and costs to service non-complying properties, ordered demolitions, and recording fees for liens. They stated that the compliance period may be too long for some conditions; that court actions may prolong the issue; that property service can be costly and time consuming; that chronic violators know the system; that recovering abatement costs through the current process is restrictive; and that there is the perception that the County's actions are ineffective at times.

Mr. Costello referenced House Bill 118, which was passed in January 2020, authorizing Sussex County to adopt a civil ticketing program; New Castle County and Kent County both previously received this authorization.

Property Maintenance Update and Proposed Ordinances (continued)	<p>Mr. Costello stated that County Attorneys have drafted proposed changes to the Sussex County Code that would provide the mechanism for better enforcement without an over-reaching effect and that would bring problem properties into compliance and still allow due process for property owners who desire to have their matter heard. Mr. Costello explained that the draft ordinances, if adopted, will make compliance periods realistic for the violation; remove matters from the Criminal Justice system, make the notification service/process less restrictive and costly, simplify recovering abatement costs, allow for due process in a timely manner, and allow compliance to be achieved much faster.</p>
Introduction of Proposed Ordinances	<p>Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 80 (“LOT MAINTENANCE”) OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE”.</p> <p>Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY GRANTING THE BOARD OF ADJUSTMENTS AND APPEAL AUTHORITY TO HEAR APPEALS OF VIOLATIONS UNDER CHAPTER 80 (“PROPERTY MAINTENANCE CODE”) AND CHAPTER 115 (“ZONING”), ARTICLE XXV (“SUPPLEMENTARY REGULATIONS”), §115-191 AND ITS SUBSECTIONS PERTAINING TO VEHICLES AND TRAILERS AND PROHIBITED ACCUMULATIONS”.</p> <p>Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, “SUPPLEMENTARY REGULATIONS”, §§ 115-191 THROUGH 115-191.8 OF THE CODE OF SUSSEX COUNTY RELATING TO “PARKING, STORING AND MAINTAINING VEHICLES AND TRAILERS” AND PROHIBITED ACCUMULATIONS”, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE”.</p>
Grant Requests	<p>The Proposed Ordinances will be advertised for Public Hearing.</p> <p>Mrs. Jennings presented grant requests for the Council’s consideration.</p>
M 197 20 Countywide Youth Grant	<p>A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$5,000.00 from Countywide Youth Grants to the Harry K. Foundation for the Halt Hunger Program.</p> <p>Motion Adopted: 4 Yeas, 1 Not Voting.</p> <p>Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Not Voting; Mr. Burton, Yea; Mr. Vincent, Yea</p>

M 198 20 Councilmanic Grant **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$3,500.00 from Mr. Burton's Councilmanic Grant Account to the Partnership for the Delaware Estuary for the Mispillion and Cedar Creek Watershed and Ecotourism Investment Strategy.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

M 199 20 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$15,000.00 from Mr. Wilson's Councilmanic Grant Account to the Georgetown Historical Society for carriage buildings.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

M 200 20 Go Into Executive Session **At 12:08 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition and pending litigation.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Executive Session **At 12:11 p.m., an Executive Session of the Sussex County Council was held by teleconference for the purpose of discussing matters relating to land acquisition and pending litigation. The Executive Session concluded at 12:57 p.m.**

M 201 20 Reconvene Regular Session **At 1:01 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

E/S Action **There was no action on Executive Session matters.**

M 202 20 Adjourn **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at 1:02 p.m.**

**M 202 20
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

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

DRAFT

TODD F. LAWSON
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Sussex County
DELAWARE
sussexcountysde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson Jr

FROM: Todd F. Lawson
County Administrator

RE: **Sussex County – COVID-19 Situational Awareness**

DATE: June 5, 2020

Sussex County continues to operate under the COVID-19 modifications. This memo provides an update of the situation related to the County as of today's date and any changes that have occurred since we last met on June 2.

County Operations

The State is currently operating under the Governor's Phase 1 Guidelines. On Tuesday, June 2, 2020, the Governor released his Phase 2 Guidelines and announced they would take effect on June 15, 2020. A copy of the Guidelines is attached.

A review of pages 4-5 of the guidelines provide specific requirements and recommendations.

Upon review, the following, among others, apply to the County's operations and employees:

- Face coverings are required;
- Social distancing by keeping six (6) feet apart;
- 50 people maximum for an indoor gathering;
- 60% of fire occupancy (excluding staff) for facilities;
- All vulnerable individuals should shelter in place/at home;
- Common areas where personnel might interact should remain closed;
- Teleworking is encouraged and employees should continue to work from home;
- All surfaces touch by customers must be disinfected every 15 minutes – 2 hours;
- Daily health checks are required for all employees who return to work; and
- Thorough cleanings of an operation should take place after closing.



Using these Guidelines, I recommend we continue to keep the County Administrative Offices building and other County facilities closed to the public during the initial stages of the Phase 2 re-opening process. We will begin to put procedures in place should we allow the public to participate in person for upcoming public hearings. I will go into further details below.

County Operations – Returning Staff

Please note, we have brought back select employees full time into the building to perform their duties. In doing so, we have required all the steps to mitigate risk (health screenings, face masks, etc.) and we have modified their workspace to ensure employees remain 6 feet apart. Other staff are working in their office space on rotating and staggered schedules to maintain a minimum staffing level.

However, we are not at a point that all employees should return back to their offices. The Phase 2 Guidelines recommend that employees who can tele-work should continue to tele-work. In some instances, we have learned through the COVID-19 closure that employees are efficient and effective working from home.

County Operations – Public Meetings

There are several factors to consider when deciding to begin hosting public meetings. The Phase 1 and 2 Guidelines both call for specific restrictions, including wearing a face mask, staying 6 feet apart, limiting attendance to 30% then 60% fire occupancy, and advising all sick, elderly (65 YO), or vulnerable people to remain home. In addition, all public meetings are required to provide a teleconference line for individuals who want to participate in the meeting remotely and testify during a public hearing.

Hosting a Council meeting without a public hearing is fairly straight forward. We would spread out in the Chambers and restrict staff access appearing in front of Council and any public viewing the meetings would have to sit 6 feet apart. The public will need to be screened before coming into the building. We generally do not have a crowd when there are no hearings so we likely will not reach our seating capacity.

Hosting a Council meeting with a public hearing will require significant planning and we will need to be prepared for every possibility. The public will need to be screened before coming into the building. If we fill up the Chambers, we need overflow seating. If we fill up the overflow seating, then what? Attendees will have to sit 6 feet apart. We would clear the Chambers between applications. In addition, we may consider a specific schedule where hearings are given designated times so people do not show up and wait for their application. We will need a telephone conference line for outsiders to comment during the public hearing. If they want to present materials remotely, we'll need to contemplate that requirement. Finally, the thought of hosting a public hearing in a different venue poses significant challenges that would require additional discussions before we earnestly entertained that option.

Looking at the month of June, we have the following meetings tentatively scheduled for each of the respective Boards:

- June 9 – County Council
- June 11 – Planning & Zoning Commission

- June 15 – Board of Adjustment
- June 16 – County Council
- June 23 – County Council
- June 25 – Planning & Zoning Commission
- June 30 – County Council

The first scheduled public hearing during the Phase 2 restrictions occurs on June 23 and it is the Council's FY2021 budget public hearing.

Subsequently, the Planning & Zoning Commission meeting on June 25 and the Council meeting on June 30 also have scheduled public hearings.

If Council so desires, the June 23 meeting would be the earliest possible meeting we should host with the public in attendance. And we would continue under a modified arrangement for the hearings on June 25 and June 30.

I welcome your feedback.

#

DELAWARE'S REOPENING

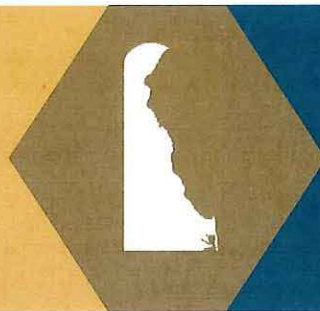
GOVERNOR JOHN CARNEY
de.gov/economy



PHASE 2

The background of the entire page is a dark blue, textured image. It appears to be a photograph of a bridge, possibly a cable-stayed bridge, over a body of water. The bridge's cables and structure are visible in the upper half, while the water and some distant land are in the lower half. The overall tone is moody and professional.

JUNE 15, 2020



Delaware's reopening guidance is divided into three parts:

GENERAL GUIDANCE

This guidance applies to individuals and business regardless of where they are going or what type of business they are visiting.

INDUSTRY GUIDANCE

This guidance applies to specific businesses within a particular industry. It should be followed closely by all businesses within those industries and by all customers when they frequent those businesses.

INDIVIDUAL BUSINESS GUIDANCE

This refers to guidance that specific businesses may seek out on a case-by-case basis. It may be related to questions over what type of industry guidance they should be following (for instance, if they think they may fall into more than one industry group), or whether they have a situation that merits unique consideration. This level of guidance will not be covered by this document, and should rather be handled by reaching out directly to the Division of Small Business via email at covid19faq@delaware.gov.

GENERAL GUIDANCE: INDIVIDUALS

The following is general guidance that applies to all individuals during Phase 2. During this phase, strict social distancing must be observed.

INDIVIDUALS

- **Cloth face coverings must be worn** in accordance with the State of Emergency Order.
- Individuals must **regularly wash their hands** and must stay home when sick.
- At all times, individuals who are not part of a household should **maximize physical distance from others and remain six (6) feet apart**.
- **All individuals, WHEN IN PUBLIC** (e.g., parks, outdoor recreation areas, shopping areas), **should maximize physical distance from others**.
- Indoor gathering limit: **50 people, but social distance from those not part of your household**.
- Locations currently operating at 30% of fire occupancy requirements can **move to 60% of fire occupancy requirements** (excluding staff). Exercise facilities and personal care services (hair care, tanning, tattoo, massage therapy services, nail care, brow care, spas, waxing services and similar) are to remain at 30% of fire occupancy requirements.
- **Fully unenclosed outdoor gatherings of up to 250 people** are permitted if public health precautions are in place to protect against spread of COVID-19 (*see guidance: de.gov/outdoorgatherings*).
- In the interest of preserving public health, **leisure travel should be avoided, but may resume as long as this general guidance is strictly adhered to** by all commercial lodging facilities.
- **ALL VULNERABLE INDIVIDUALS** should continue to shelter in place. Members of households with vulnerable residents should be aware that by returning to work or other environments where distancing is not practical, they could carry the virus back home. Precautions should be taken to isolate from vulnerable residents.

GENERAL GUIDANCE: BUSINESSES

The following is general guidance that applies to all businesses during Phase 2. See industry-specific guidance.

BUSINESSES

- **Businesses are responsible to follow the Responsibilities for all Businesses, set forth in the State of Emergency Order.**
- **Common areas where personnel are likely to congregate and interact should remain closed**, or employers should enforce strict social distancing protocols.
- **Employees and customers have a responsibility to self-quarantine if they have a reason to expect that they may be ill or may have come into contact with COVID-19.** Employees who are symptomatic must not physically return to work until cleared by DPH.
- Employers are **encouraged to continue teleworking**. Employees who have been working from home throughout this crisis should continue working from home unless there is a substantive change to business operations in Phase 2 (e.g. a business was closed, but now it's open).
- **All surfaces touched by customers**, including doors, restrooms, and point of sale infrastructure **must be disinfected using an EPA-approved disinfectant** every 15 minutes to 2 hours.
- All employees required to go to work should perform a daily health check as **prescribed by the Delaware Division of Public Health**.
- All employees should **wash hands regularly with soap and water throughout the work day, and in particular after any time they come into contact with a customer**. Hand sanitizer should be used to supplement hand washing throughout the day. Employees must also **social distance from each other while working**. This can be accomplished through spacing or moving workstations, staggering shifts or other means.
- Businesses must make **hand sanitizer or handwashing stations readily available for all employees, patrons, and visitors** throughout the business' location, including at each entry and exit at a minimum. Hand sanitizer must be composed of at least sixty percent (60%) ethanol or seventy percent (70%) isopropanol.
- Downtime should be given between shifts and after closing for **thorough cleanings of an establishment** at a minimum after each day.
- Employers must **post signs on how to stop the spread of COVID-19, hand hygiene, and properly wear a cloth face covering**. Download signs: de.gov/bizsigns

Part 2: Industry Guidance

The following is guidance for certain areas of the Delaware economy where risk of transmission may be high due to number of people, distance or other factors. Broadly, this refers to areas like public entertainment, dining, retail, personal care services, and other consumer facing segments. Governor Carney appointed several Sector Captains to work with both industry leaders and public health officials to develop this specific guidance. If a business is unsure if it falls into one of these industries, it should send an email to covid19faq@delaware.gov. The Division of Small Business shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this Phase 2 Reopening Plan.

Q&A

What is a gathering?

- A gathering refers to social settings where appropriate social distancing (six feet separation) may not be practical, such as receptions, trade shows, or similar events. The gathering limits do not apply to the number of people in a facility at any one time, for instance a retail store may have more than ten people and not be considered a gathering.

Who qualifies as a vulnerable individual?

- Individuals over the age of 65 or with an underlying health condition qualify as vulnerable and should continue to shelter in place at this time. This includes people with a chronic lung disease or moderate to severe asthma, people with a serious heart condition, people who are immunocompromised (many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications), people with severe obesity (body mass index of 40 or higher), and people with diabetes. Individuals who regularly come into close contact with these vulnerable populations should also take enhanced precautions.

ARTS AND CULTURE, MUSEUMS, GALLERIES, AND HISTORICAL ATTRACTIONS

The Arts and Culture industry is comprised of several different types of businesses: Performing Arts, Museums, Galleries, Libraries, Historical Attractions and Arts Education Institutions. This specific guidance for this industry goes beyond the general guidance that applies to all businesses:

Workplace Activity:

- Adjusted workplace hours and shifts (if working in-person, leverage A/B teams or staggered arrival/departure) to minimize contact across employees and reduce congestion at entry points; close contacts of infected individuals should telework until safe per DPH guidance.
- Limit visitors and service providers on site; shipping and deliveries completed in designated areas

Gathering/Audience Size:

- In-person operation of this industry is allowable under strict social-distancing restrictions, increased cleaning regimen.

Physical Distancing:

- Patrons, volunteers, and staff must wear cloth face coverings in accordance with the State of Emergency Order.
- May offer visits without a reservation. Reservations and ticketing services should be made online/phone with no cash or paper tickets exchanged to the greatest extent possible. Install physical barriers at ticket booths, such as sneeze guards and partitions, and change layout of workspaces to reduce employees' exposure to guests.
- Contactless payment merchandise should be maximized; disinfect between transactions and comply with other retail recommendations.
- Provide electronic playbills, maps, or information in place of paper.
- Guided tours may resume as long as tour guides are socially distanced from guests, and guests not of the same household are socially distanced from each other.
- No-touch entry (e.g. prop doors open or assign staff or volunteer to hold doors open for patrons) should be maximized.
- Audience queues must maintain a 6 feet distance between individual household units.
- For indoor venues, limit up to 60% of fire occupancy requirements while ensuring 6 feet radius around individual household units.
- For fixed seating venues, only 60% of patron seating may be occupied and there must be a 6 feet radius around individual household units. Patrons must exit their seats in an orderly, row by row fashion as directed by venue staff.
- Maintain signage and markings to remind and help individuals stand at least 6 feet apart when in common areas, walkways, or while visiting exhibits.
- Limit the number of people in a confined area to enable adequate distancing at all times.
- Bag or coat checks are not permitted.
- Shuttle services may resume as long as riders from different households are socially distanced from each other.

Food establishments within these facilities may use existing table area footprint, with tables appropriately distanced per food and drink establishment guidance.

Concessions selling only pre-packaged food must ensure social distancing in lines, use contactless transaction or deliver food directly to seated customers.

Institutions with an education or fellowship or similar component may not reopen for students, but may reopen.

Locations offering research fellowships and library functions shall follow Division of Libraries guidelines. Fellows may reserve times to access facilities for research.

Arts and music instruction may resume as long as participants and instructors are socially distanced and equipment is not shared without being properly sanitized. Face coverings may be removed when it is impractical to perform the instruction without them.

FOOD & DRINK ESTABLISHMENTS

The following guidance is for providers of food or drink, such as restaurants, breweries that provide table service, taverns, and bars that provide table service, in addition to the general guidance that applies to all businesses:

- Staff and customers must wear a cloth face covering in accordance with the State of Emergency Order at all times, except for customers seated at a table to eat or drink, who may remove the cloth face covering while seated at the table in order to do so.
- Tables and booths must be arranged in a way that ensures seated customers at one table are at least six feet apart from seated customers at another table. For booths, this typically will mean seating customers at every other booth. For freestanding tables (with pull out chairs), there should be eight feet apart to ensure that a seated guest is six feet from seated guests at other tables. Inside and outside seating must both comply with these standards. Tables must be disinfected in between each party.
- Customers from different households may sit at a table together as long as they are socially distanced. Guests must all have seats, be seated, and remain seated unless going to the restroom. Orders must be placed from the table, and both food and drink must be delivered to the table by the staff of the facility, a guest should not leave the table to retrieve food or drink.
- For restaurants that provide table service: Customers must have a reservation unless the establishment has a system for ensuring that customers without a reservation do not gather while waiting to be seated. Takeout can still continue under pre-Phase 1 guidelines, but should be done without those ordering entering the dining facility when picking up order.
- For restaurants that do not provide table service: Counter service locations must be spaced 6 feet apart. Signage and floor markings must be present to guide patrons in appropriately spacing while in line. Staff must be designated to monitor patrons entering facility, monitor lines and ensure social distancing throughout facility.
- The total number of guests within a facility shall at no time exceed 60% of fire occupancy requirements.
- Guests should be provided with single use, paper, disposable menus. All condiments (salt, pepper, ketchup, mustard, mayo, sugar, etc.) must be provided directly to diners in single-use disposable containers or reusable containers that are cleaned between each party.
- Cups, lids, napkins, and straws must be delivered to the table after the party has been seated.
- Proper precautions must be taken when handling ready-to-eat foods. Variances or other allowances for bare hand contact are void until these restrictions are lifted.
- Self-service food and buffet options may not reopen.
- Bar service and seating at a bar may reopen as long as proper social distancing is observed between those not of the same household.
- Any to-go containers for food guests bring home after dining must be protected from possible contamination.
- Every restaurant is expected to have its own reopening plan and must follow DPH guidance.
- Customers should be guided to seats by staff to control traffic in, out, and through restaurant to ensure that safe social distancing is maintained as much as possible. If guiding to a table is not practical or safe, restaurant should provide clear signage and instructions to control the flow of traffic through the facility.
- No activities, outside of those guests engage in while seated at a table, may take place, and any common areas where people would typically stand must be off limits if not otherwise occupied by tables with seated guests. This includes dance floors, arcade/bar game areas, pool tables, and similar spaces.

RETAIL

The following guidance is for businesses primarily engaged in retail services with the general public. This includes, but is not limited to, grocery, pharmacies, clothing, shoe, jewelry, sporting goods, books, florists, and department stores. In addition to the general guidance, the industry specific guidance for this sector falls into two categories:

1. Guidance for interactions between employees and other employees or vendors, and
2. Guidance for interactions between employees and customers.

Employees

- Close common areas, such as break rooms and cafeterias.
- Prohibit gatherings or meetings above the indoor gathering limits during work hours.
- Employees should be permitted to take breaks or lunch outside, in their office or personal workspace, or other areas where proper social distancing is possible.
- Restrict interactions between employees and outside visitors or delivery drivers; implement touchless receiving practices if possible.
- Adjust training/onboarding practices to limit number of people involved and allow appropriate spacing. The use of video and audio training is encouraged.
- Discourage the use of shared phones, desks, workstations, radios, wearable technology. If these are unavoidable, they must be cleaned after each use.
- Install physical barriers, such as sneeze guards and partitions, and change layout of workspaces to ensure all individuals remain at least 6 feet apart

Customer Control

- The total number of customers within a facility shall at no time exceed 60% of their fire occupancy requirements. The responsibility of strictly enforcing this lies with the store owner/manager.
- Signage required at entrances and high traffic areas alerting staff and customers of occupancy limits, physical distancing requirements, and face covering order.
- Retailers, especially essential businesses, are encouraged to establish specific hours for high-risk populations.
- Mark six feet of spacing in check-out lines.
- Ensure six feet of space between cashiers.

MALLS

The following guidance is for shopping malls. Shopping malls are a collection of stores that are all contained within a building, contains interior walkways, and common spaces between stores that consumers pass through as they move from store to store. This does not include facilities that have a collection of stores but have no interior common area. Those strip malls should advise stores to follow individual guidance that may apply to their individual store. In addition to the general guidance, shopping malls should follow the following guidance:

- All food and drink facilities on the premises of a shopping mall must follow the guidelines for the food and drink industry.
- All retail shops on the premises of a shopping mall must follow guidelines for the retail industry.
- All personal care services on the premises of a shopping mall must follow the guidelines for those services.
- The total number of people within a mall shall at no time exceed 60% of fire occupancy requirements.

PERSONAL CARE SERVICES

The following personal care services (hair salons, barber shops, tattoo parlors, massage therapy services, nail salons, spas, facials, waxing services, brow services, and similar) may resume business under the following conditions in addition to the general guidance they must follow:

- Stations should only be open on a staggered basis - every other station can operate at any time with a customer. There must be at least six feet of distance in all directions between the station and other stations (this may at times require the closing of more than one station).
- The total number of customers within a facility shall at no time exceed 30% of fire occupancy requirements. The responsibility of strictly enforcing this lies with the store owner/manager.
- Services must be provided by appointment only and appointments must be scheduled with a minimum of fifteen (15) minutes between appointments for proper cleaning.
- Entrance doors must include signage that walk-ins are not permitted.
- Customers waiting for appointments must wait in their car or outside the store.
- Limited contact during check-ins and payment is strongly recommended: Limit cash transactions, encourage customers to use credit, debit, or other contact-less forms of payment. Cash registers and pin pads must be sanitized after each use.
- Proper safety procedures and cloth face coverings must be used by staff and customers at all times as set forth in the State of Emergency Orders.
- Social distancing requirements of 6 feet should be maintained when feasible.
- Magazines or other materials may not be provided by the salon or shared among customers.

EXERCISE FACILITIES

- The total number of customers within a facility shall at no time exceed 30% of fire occupancy requirements. The responsibility of strictly enforcing this lies with the store owner/manager.
- Customers and staff must wear cloth face coverings in accordance with the State of Emergency Orders. If an individual is doing a strenuous exercise where a mask may interfere with their breathing and they are at least six feet away from others, the individual can remove their face covering.
- Limited contact during check-ins and payment is strongly recommended: Limit cash transactions, encourage customers to use credit, debit, or other contact-less forms of payment. Cash registers and pin pads must be sanitized after each use.
- Stagger or spread exercise equipment to maintain a distance of at least six feet.
- Classes are allowed with a maximum of 10 participants and all participants must remain at least six feet apart at all times. Class area, including floor and any shared equipment, must be cleaned prior to next class entering space. Swim lessons and swim team gatherings may resume if they can do so while maintaining social distance, with the exception of life-saving activities, and comply with lap swimming guidance. Shared equipment must be disinfected after each use. Aquatic exercise classes are permitted as long as proper social distancing is practiced and shared equipment is disinfected after each use. Pools must operate in accordance with the Delaware Division of Public Health ("DPH") guidance regarding COVID-19 pool operations found at de.gov/poolguidance.
- Customers should bring their own workout/yoga mats. If gym provides a shared mat, weights, bands, balls, or other workout equipment, they cannot be used by another customer until they have been thoroughly cleaned and disinfected. Use of this shared equipment is discouraged.
- Employees must regularly clean all equipment, and customers must wipe down equipment after each use. This includes free weights.
- Customers should bring their own drinks. Water bottle refill stations can be used, but must be cleaned regularly by staff. Use of shared water fountains is discouraged.
- Showers/locker rooms must be cleaned and disinfected at the beginning or end of service day, and at least once in the middle of the open hours. Customers should bring their own towels.
- Facilities that have historically functioned more as indoor or outdoor sporting venues (large collections of fields, courts, etc.) may open only under these guidelines. At no time may participants in any fitness activity come into contact with one another.
- On-site child care is permitted only for children of employees. Facility employees must remain on-site while their children are using the program

REALTY

Realty includes the selling and long-term renting of houses, apartments, condominiums, store fronts, office spaces, and similar residential and commercial properties.

- Open houses permitted, while following indoor gathering limits.
- All individuals must wear face coverings and be distanced by 6 feet.
- Selling party must ensure the interior of the property is properly disinfected after each open house.

CASINOS

The following guidance applies to any establishment holding a gaming and table gaming licenses (licensees), and is meant to apply beyond the general guidance:

- All licensees must create a facility specific plan to limit the spread of COVID-19, and must submit the plan to State Lottery seven days prior to any reopening. Plans must be reviewed and approved by the State Lottery and the Division of Public Health. Plans should be continuously reviewed and executed to ensure the health and safety of licensee guests and employees. The State Lottery will provide updates to this policy as circumstances surrounding the health crisis evolve.
- Such plans must cover all requirements set forth here, both in the general guidance and industry specific guidance, and must also cover any requirement adopted by State Lottery.
- Prior to reopening, each licensee shall clean and disinfect all of its hard and soft surfaces in accordance with the guidelines published by the CDC.
- Each licensee must ensure employees are adequately trained on proper procedures and policies for cleaning and preventing the spread of COVID-19.
- Each licensee must provide proper signage as required by State Lottery for both employees and guests throughout the facility.
- The total number of customers within a facility shall at no time exceed 60% of fire occupancy requirements.
- Any individual gaming machines must be kept at least 6 feet apart, and must be disinfected every 15 minutes to 2 hours.
- Any gaming area (sportsbook, tables) with multiple guests needs to be arranged in a way to ensure that guests are properly socially distanced at all times.
- Employees should be assigned to ensure guests do not congregate in groups.
- Plans must ensure that patrons do not congregate in groups and practice proper distancing in these areas. Plans must address how the race & sportsbook, and any other gaming area will be cleaned and disinfected on a frequent basis.
- All food and drink facilities on the premises of a licensee must follow the guidelines for the food and drink industry.
- All lodging facilities on the premises of a licensee must follow the State of Emergency Order and restrictions on the commercial lodging industry.
- All retail shops on the premises of a licensee must follow guidelines for the retail industry.

RACETRACKS

Racetracks are any facility in the state licensed for the racing of horses, other animals, or automobiles.

- All race staff and any ancillary employees (camera crew, media, etc.) must be properly socially distanced at all times.
- All operators of a racetrack racing horses or other animals must create a facility specific plan to limit the spread of COVID-19 and must submit the plan to the Department of Agriculture seven days prior to any reopening. Plans must be reviewed and approved by the Department of Agriculture and the Division of Public Health.
- All operators of an automobile racing facility may open for practices following this guidance. Competitive racing may also be permitted following approval of a plan submitted to the Division of Small Business via email at covid19faq@delaware.gov.

PARKS & RECREATION

Parks and recreation facilities include any public or private park and any outdoor recreational facility such as a zoo, miniature golf course, or batting cage and other similar activities not explicitly closed by the industry guidance below. The following is guidance for this industry beyond the general guidance:

- Remain open with modifications to ensure visitors can maintain social distancing at all times. Consider closing or closely monitor facilities and areas where social distancing cannot be maintained (e.g., basketball courts, playgrounds).
- Continue canceling and postponing events and gatherings, unless it is a fully unenclosed outdoor gathering with no more than 250 people and follows the guidance for outdoor social gatherings (de.gov/outdoorgatherings).
- Businesses must make hand sanitizer or handwashing stations readily available for all employees and customers.
- Businesses must properly disinfect any equipment necessary to perform the recreational activity between customers and maximize contactless payment.
- Businesses must ensure social distancing of at least six (6) feet between waiting customers.

CHILD CARE

All Delaware families can access child care, starting in Phase 2, with restrictions on classroom sizes and following additional guidance from the Division of Public Health. Teleworking is strongly encouraged by DPH under Phase 2, and families are encouraged to identify alternate care for their children where possible to allow for reduced classroom sizes and social distancing.

- Must follow DELACARE regulations and additional guidance from the Delaware Division of Public Health. *For additional guidance: coronavirus.delaware.gov/child-care*

YOUTH SPORTS

- The Division of Small Business and the Division of Public Health will develop guidelines in consultation with youth athletic organizations on an individual sport basis on how each sport can resume safely at a non-collegiate, amateur level.
- Competitions for individual sports may resume upon submission and approval of a plan by Division of Public Health and Division of Small Business that provides guidelines of how the sports may be played while maintaining social distancing.
- Swim lessons and swim team gatherings may resume if they can do so while maintaining social distance, with the exception of life-saving activities, and comply with lap swimming guidance. Shared equipment must be disinfected after each use.
- Participants should bring their own drinks. Use of shared water fountains is discouraged.
- Program coordinator must make hand sanitizer or handwashing stations readily available for all employees and participants.
- Coaches and staff must wear cloth face coverings in accordance with the State of Emergency Order.

COMMERCIAL LODGING

Commercial lodging includes any facility where a customer may book an overnight stay or longer for a variety of purposes. This includes a hotel, a short-term rental, campground, or similar rental facility. The following is guidance for this industry beyond the general guidance:

- The total number of guests in all common areas (lobby, food and drink, gyms, etc) shall at no time exceed 60% of fire occupancy requirements (excluding staff). This does not include guests within rooms.
- Short-term rental facilities do not need to follow 60% occupancy limits.
- Any guest rooms in a commercial lodging facility should be disinfected between uses by individual guests with an EPA-approved disinfectant.
- All common areas within a commercial lodging facility should be cleaned every 15 minutes to 2 hours using an EPA-approved disinfectant.
- Food and drink activities on the premise of a commercial lodging facility should follow the industry guidance for food and drink establishments.
- Exercise facilities on the premise of a commercial lodging facility should follow the industry guidance for food and drink establishments.
- Spas and similar services should follow the industry guidance for personal care services.
- Campgrounds should space out tent plots and/or recreational vehicle parking spaces so that individual groups of campers maintain social distancing from other groups when within their spaces.
- Any outdoor concessions offered at a commercial lodging facility should ensure that all individuals are socially distanced when placing or receiving a food or drink order, and any outdoor dining spaces should follow the industry guidance for food and drink establishments.

HOUSES OF WORSHIP

Houses of Worship continue to pose public health concerns, particularly due to multiple different households convening in a congregational setting. Houses of Worship are encouraged to pay close attention to the social distancing, hygiene and face covering requirements. Remote services and drive-in service continue to be the safest avenues for worship. The following guidance applies to this industry beyond the general guidance:

- Houses of Worship are permitted to operate at 60% of fire occupancy requirements in Phase 2.
- Houses of Worship can find additional guidance and information at de.gov/cwguidance.

PRIVATE INSTRUCTION

Private instruction covers a wide variety of classroom-based or similar instruction that is not in a traditional K-12 or post-secondary environment. This includes tutoring services, testing centers, adult education, or specific vocational training facilities (outside of traditional K-12 structures). The following guidance applies to this industry beyond the general guidance, which should also be followed:

- 8 ft spacing between seats at tables when people are being trained.
- Desks for students must be six feet apart from one another.
- Cloth face coverings must be worn in accordance with the State of Emergency Order during all classroom instruction. Equipment should be brought by the student themselves. If it is provided by the instructor or facility, it must be disinfected between each use.

GUIDANCE FOR OTHER INDUSTRIES

Businesses that have been permitted to remain open during the State of Emergency under special requirements, such as marinas, outdoor tennis facilities, and shooting ranges, may remain open under those same requirements through Phase 2.

Golf Courses

- Specific guidance is eliminated, though courses should ensure participants are socially distanced.
- Any food or drink establishment must follow industry guidance for food and drink establishments.
- Pro shops must follow industry guidance retail establishments.
- Indoor event space must follow indoor gathering limits

Convention Centers & Meeting Facilities

- Convention centers may reopen provided they follow gathering limits or the 60% fire occupancy requirement (whichever is lower) for each of their event spaces and take steps to socially distance any event guests. Seated events should be preferred whenever possible.

The following industries are not permitted to open in Phase 2:

- Sporting facilities and venues (professional and amateur), including but not limited to arcades, bowling alleys, indoor skating rinks (ice and non-ice), martial arts studios, dance studios, indoor tennis and similar indoor athletic facilities, unless they can create a facility specific plan to observe the industry guidance provided herein for exercise facilities. Plans should be emailed to covid19faq@delaware.gov.
- Indoor children's play areas, including softscape or hardscape playground facilities, trampoline parks, and children's museums.
- Water parks.

DELAWARE'S REOPENING

PHASE 2:

TARGET: JUNE 15, 2020

Arts & Culture



60% of fire occupancy requirements. May offer visits without reservations. Resume guided tours with social distancing. Resume shuttle service with social distancing. Arts and music instruction may resume with social distance. Equipment must be properly sanitized. May remove face coverings during performance.

Casinos



60% of fire occupancy requirements. Thorough cleaning and disinfecting. Employee training. Gaming machines must be kept at least 6 feet apart.

Child Care



All Delaware families can access child care. Restrictions on classroom sizes. [See additional guidance: coronavirus.delaware.gov/child-care](https://coronavirus.delaware.gov/child-care)

Children's Play Areas



Closed (Indoor children's play areas, including softscape or hardscape playground facilities, trampoline parks, and children's museums)

Commercial Lodging



60% of fire occupancy requirements in common areas (excluding guests in rooms). Regular cleaning of rooms and common areas. Food and drink facilities must follow food and drink industry guidelines. Exercise facilities must follow exercise facility guidelines. Pools must follow pool guidance.

Community Pools



60% of fire occupancy requirements. Swim lessons and swim team gatherings may resume if they can do so while maintaining social distance, with the exception of life-saving activities, and comply with lap swimming guidance. Shared equipment must be disinfected after each use. [See additional guidance: de.gov/poolguidance](https://de.gov/poolguidance)

Convention Centers and Meeting Facilities



May reopen provided they follow gathering limits or 60% of fire occupancy requirements (whichever is lower) for each of their event spaces and take steps to socially distance any event guests. Seated events should be preferred whenever possible.

Exercise Facilities



30% of fire occupancy requirements. Face covering required unless doing strenuous exercise where a mask may interfere with their breathing and 6 feet from others. Strict social distancing. Classes under 10 people allowed. Thorough cleaning and disinfecting.

Food & Drink Establishments



60% of fire occupancy requirements. May sit with those from different households. May sit at bar with social distancing. Tables 8 ft. apart so guests are 6 ft. apart. Reservation-only unless no gathering process for walk-ins. No self-service












Golf Courses



Specific guidance is eliminated, though courses should ensure participants are socially distanced. Any food or drink establishment must follow guidance for that industry. Pro shops must follow retail guidance. Indoor event space should must indoor gathering limits.

Delaware's Reopening: Phase 2

PHASE 2:

Houses of Worship		60% of fire code occupancy requirements. See <i>additional guidance</i> (de.gov/cwguidance).
Malls		60% of fire occupancy requirements. Face covering required. Strict social distancing. Food and drink facilities, personal care facilities must follow respective industry guidelines.
Parks and Recreation		Remain open or reopen with modifications to ensure social distancing. Properly disinfect any equipment. Only fully unenclosed outdoor gatherings up to 250 people that adhere to outdoor gathering guidance (de.gov/outdoorgatherings).
Personal Care Services		30% of fire occupancy requirements. Appointment-only. Face covering required. Social distancing when feasible.
Private Instruction		8 ft spacing between seats during training. Desks 6 ft. apart from one another. Face covering applies to all classroom instruction. Equipment should be brought by the student, or properly disinfected after each use if provided.
Public Playgrounds		Recommended to stay closed, but a local government may decide to open if they choose.
Racetracks		Staff must be socially distanced. Automobile racing can only do practice sessions. Horse and other animal racing must create and submit a reopening plan to DPH and Delaware Department of Agriculture
Realty		Resume open houses while following indoor gathering limits. Social distancing. Proper disinfecting of property
Retail		60% of fire occupancy requirements. Face covering required. Social distancing.
Sporting Facilities and Venues		Closed (Arcades, bowling alleys, indoor skating rinks, martial arts studios, dance studios, indoor tennis and similar indoor athletic facilities -- unless plan to reopen is submitted and approved by Division of Small Business.)
Summer Camps		Must develop a written plan to address all applicable guidance and restrictions for operation. Strongly encouraged to limit groups to 15 children. Daily health checks recommended, if feasible. See <i>additional guidance</i> : de.gov/reccamp

Delaware's Reopening: Phase 2

PHASE 2:

**Summer
School**



Must develop a written plan to address all applicable guidance and restrictions for operation. Strongly encouraged to limit groups to 15 children. Daily health checks recommended, if feasible. *See additional guidance: de.gov/summeredu*

Youth Sports



No-contact sports and physical activities for children may resume; Strict social distancing. Coaches and staff must wear face coverings. ***Non-collegiate amateur level sport guidelines forthcoming.***

Water Parks



Closed

As part of Delaware's rolling reopening, restrictions and modifications may change. The latest document and list will be published on de.gov/economy.

TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

COUNTY ADMINISTRATOR'S REPORT

JUNE 9, 2020

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Peninsula Lakes – Phase 18 (Construction Record), effective May 29th; Stream's Edge Estates, effective May 29th; and The Villas at Walden (formerly Burton's Pond & Walden II) – Phase 1 (Construction Record), effective May 29th

Todd F. Lawson
County Administrator



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
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

MEMORANDUM

To: Todd Lawson
Sussex County Administrator

From: Keith Bryan *TKB*
Assistant Director
Utility Engineering

REF: **PENINSULA LAKES - PHASE 18 (CONSTRUCTION RECORD)
LONG NECK SANITARY SEWER DISTRICT
SUSSEX COUNTY TAX MAP NUMBER
234-29-248
CLASS-1
AGREEMENT NO. 558 - 21**

Date: June 01, 2020

The above referenced project has received Substantial Completion effective, May 29, 2020. Attached for your use is a fact sheet for the project. Please include this information in your Administrator's Report to the Sussex County Council.

KB:sdt

Attachment

xc: Mr. Hans Medlarz, P. E.
Mr. Brad Hawkes



ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 01, 2020

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
PENINSULA LAKES - PHASE 18 (CONSTRUCTION RECORD)
AGREEMENT NO. 558 - 21

DEVELOPER:

Mr. Colin Marshall
Peninsula Lakes, LLC
900 Birchfield Dr.
Mt. Laurel, NJ 08054

LOCATION:

Legion Road

SANITARY SEWER DISTRICT:

Long Neck Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

25 Single Family lots.

SYSTEM CONNECTION CHARGES:

\$159,000.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
08/02/16

Department of Natural Resources Plan Approval
4/1/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90
Construction Admin and Construction Inspection Cost – \$11,420.70
Proposed Construction Cost – \$76,138.00



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

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) 854-6033
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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

MEMORANDUM

To: Jen Brasure
Accountant III

From: Keith Bryan *KB*
Assistant Director
Utility Engineering

REF: **PENINSULA LAKES - PHASE 18 (CONSTRUCTION RECORD)
LONG NECK SANITARY SEWER DISTRICT
SUSSEX COUNTY TAX MAP NUMBER
234-29-248
CLASS-1
AGREEMENT NO. 558 - 21**

Date: June 01, 2020

Please be advised, the above referenced project has been installed and is being presented in the Sussex County's Administrator's Report on Tuesday for Substantial Completion. Please take the steps necessary to provide insurance coverage for the following:

Gravity piping of 1449 lineal feet at a cost of \$76,138.00.

Pumping Station at a cost of \$0.00.

Force Main of 0 lineal feet at a cost of \$0.00.

Should you have any questions, please do not hesitate to contact me.

KB:set

xc: Mr. Todd F. Lawson
Mr. Hans Medlarz, P. E.
Mrs. Jayne Dickerson



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

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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

MEMORANDUM

To: Todd Lawson
Sussex County Administrator

From: Keith Bryan *KAB*
Assistant Director
Utility Engineering

REF: **STREAM'S EDGE ESTATES (FKA THE LAND OF TBD, LLC) -
SEWER ONLY
WEST REHOBOTH EXPANSION NORTH PLANNING AREA
SUSSEX COUNTY TAX MAP NUMBER
234-6.00-90.00
CLASS-1
AGREEMENT NO. 1089**

Date: June 01, 2020

The above referenced project has received Substantial Completion effective, May 29, 2020. Attached for your use is a fact sheet for the project. Please include this information in your Administrator's Report to the Sussex County Council.

KB:sdt

Attachment

xc: Mr. Hans Medlarz, P. E.
Mr. Brad Hawkes



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
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Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 01, 2020

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
STREAM'S EDGE ESTATES (FKA THE LAND OF TBD, LLC) - SEWER ONLY
AGREEMENT NO. 1089

DEVELOPER:

Mr. Antoine Ashburn
Ashburn Homes Incorporated
872 Walker Road, Suite A
Dover, DE 19904

LOCATION:

E/Robinsonville Road (RD277), 260' East of
Intersection of Kendale Road (RD287).

SANITARY SEWER DISTRICT:

West Rehoboth Expansion North Planning Area

TYPE AND SIZE DEVELOPMENT:

Phase 1 (lots 1-4) of a 2 Phase plan (8 lots total)

SYSTEM CONNECTION CHARGES:

\$25,440.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
8/2/19

Department of Natural Resources Plan Approval
09/03/19

SANITARY SEWER CONSTRUCTION DATA:

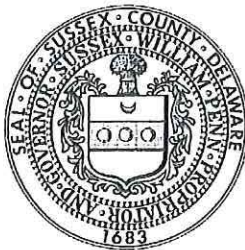
Construction Days – 8
Construction Admin and Construction Inspection Cost – \$4,181.40
Proposed Construction Cost – \$27,876.00



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

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

MEMORANDUM

To: Jen Brasure
Accountant III

From: Keith Bryan *KAB*
Assistant Director
Utility Engineering

REF: **STREAM'S EDGE ESTATES (FKA THE LAND OF TBD, LLC) –
SEWER ONLY
WEST REHOBOTH EXPANSION NORTH PLANNING AREA
SUSSEX COUNTY TAX MAP NUMBER
234-6.00-90.00
CLASS-1
AGREEMENT NO. 1089**

Date: June 01, 2020

Please be advised, the above referenced project has been installed and is being presented in the Sussex County's Administrator's Report on Tuesday for Substantial Completion. Please take the steps necessary to provide insurance coverage for the following:

Gravity piping of 635 lineal feet at a cost of \$27,876.00.

Pumping Station at a cost of \$0.00.

Force Main of 0 lineal feet at a cost of \$0.00.

Should you have any questions, please do not hesitate to contact me.

KB:set

xc: Mr. Todd F. Lawson
Mr. Hans Medlarz, P. E.
Mrs. Jayne Dickerson



ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

MEMORANDUM

To: Todd Lawson
Sussex County Administrator

From: Keith Bryan *KAB*
Assistant Director
Utility Engineering

REF: **THE VILLAS AT WALDEN - PHASE 1
(FKA BURTON'S POND & WALDEN II) (CONSTRUCTION RECORD)
HERRING CREEK PLANNING AREA
SUSSEX COUNTY TAX MAP NUMBER
234-17.00-29.00
CLASS-1
AGREEMENT NO. 711 - 3**

Date: June 01, 2020

The above referenced project has received Substantial Completion effective, May 29, 2020. Attached for your use is a fact sheet for the project. Please include this information in your Administrator's Report to the Sussex County Council.

KB:sdt

Attachment

xc: Mr. Hans Medlarz, P. E.
Mr. Brad Hawkes



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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 01, 2020

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE VILLAS AT WALDEN - PHASE 1 (FKA BURTON'S POND & WALDEN II)
(CONSTRUCTION RECORD)
AGREEMENT NO. 711 - 3

DEVELOPER:

Mr. Tim Green
Burton's Pond, LLC
18949 Coastal Highway, Unit 301
Rehoboth Beach, DE 19971-6219

LOCATION:

South of RT 48 (Hollymount Road) and West of
RT 24 (John J. Williams Highway)

SANITARY SEWER DISTRICT:

Herring Creek Planning Area

TYPE AND SIZE DEVELOPMENT:

100 Unit Subdivision, 46 units in this phase.

SYSTEM CONNECTION CHARGES:

\$0.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
12/04/18

Department of Natural Resources Plan Approval
02/14/19

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90
Construction Admin and Construction Inspection Cost – \$15,550.05
Proposed Construction Cost – \$103,667.00



ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
PUBLIC WORKS (302) 855-7703
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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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

MEMORANDUM

To: Jen Brasure
Accountant III

From: Keith Bryan *KAB*
Assistant Director
Utility Engineering

REF: **THE VILLAS AT WALDEN - PHASE 1
(FKA BURTON'S POND & WALDEN II) (CONSTRUCTION RECORD)
HERRING CREEK PLANNING AREA
SUSSEX COUNTY TAX MAP NUMBER
234-17.00-29.00
CLASS-1
AGREEMENT NO. 711 - 3**

Date: June 01, 2020

Please be advised, the above referenced project has been installed and is being presented in the Sussex County's Administrator's Report on Tuesday for Substantial Completion. Please take the steps necessary to provide insurance coverage for the following:

Gravity piping of 1608 lineal feet at a cost of \$103,667.00.

Pumping Station at a cost of \$0.00.

Force Main of 0 lineal feet at a cost of \$0.00.

Should you have any questions, please do not hesitate to contact me.

KB:set

xc: Mr. Todd F. Lawson
Mr. Hans Medlarz, P. E.
Mrs. Jayne Dickerson




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

Camp Arrowhead III Fact Sheet


- The Engineering Department is requesting permission to prepare and post notices for an expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).
- This is the third expansion requested by the Diocesan (Di-0-ces-san) Council for Camp Arrowhead. The previous expansions brought in only the facilities they planned to connect immediately.
- The Camp was responsible for the construction of a small pumpstation for their parcel and a forcemain to a connection point near Woods on Herring Creek. This work has been completed.
- The camp had a sewer failure and completed an emergency connection, now they need to complete the appropriate steps for full service. The current request is to expand the boundary to include the area designated for the existing office.
- There is an existing MOU associated with the previous annexation that defines what buildings on the Camp parcel will be connected and fees to be paid. If approved this annexation would add to the number of connection fees that would need be paid prior to connection.
- The expansion will consist of 20,930 Sq. Ft. more or less.
- The parcels will be responsible for System Connection Charges of \$6360.00 per EDU based on current rates.
- A Public Hearing will be scheduled at a future regularly scheduled County Council meeting.

PERMISSION TO PREPARE & POST SUSSEX
COUNTY UNIFIED SANITARY SEWER DISTRICT
(ANGOLA NECK AREA)

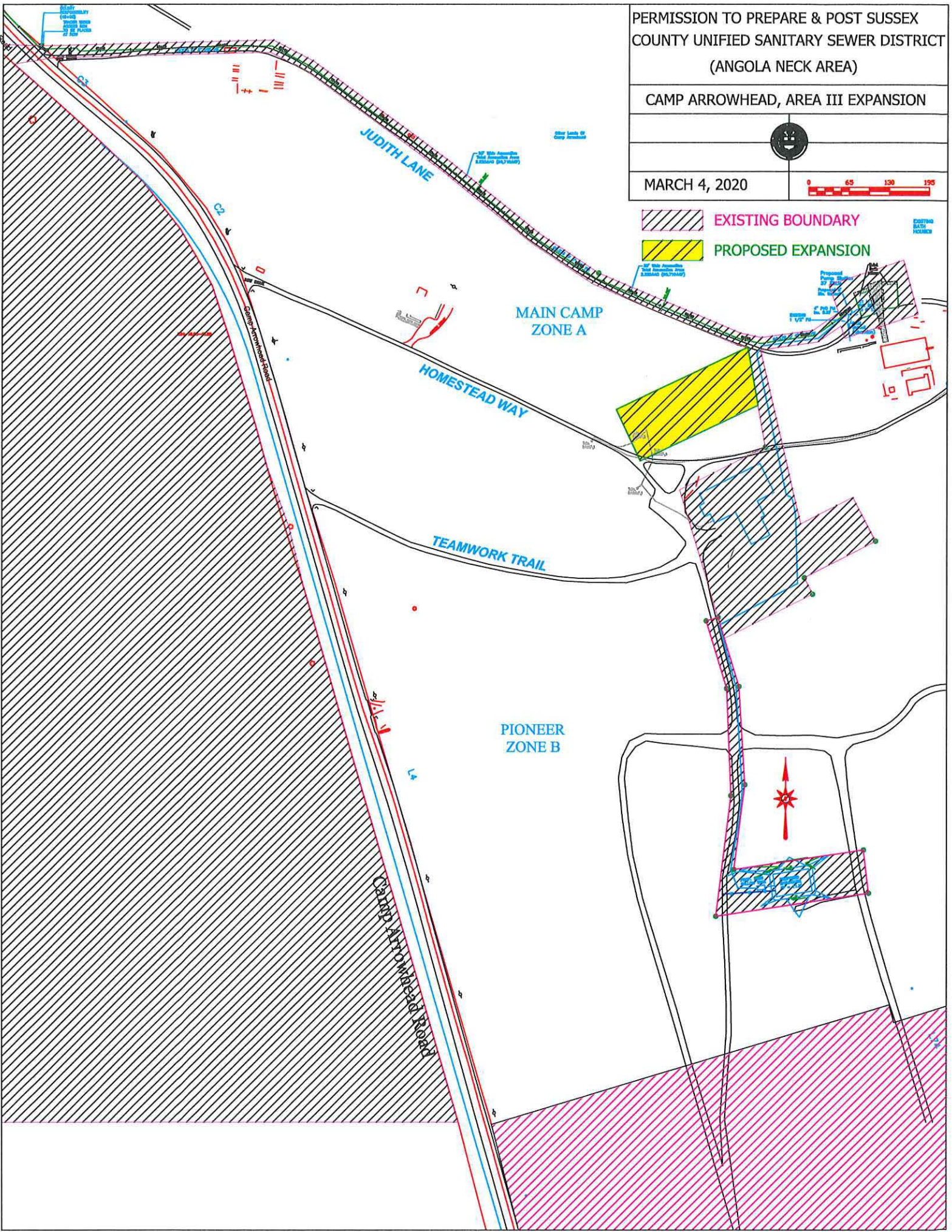
CAMP ARROWHEAD, AREA III EXPANSION



MARCH 4, 2020



-  EXISTING BOUNDARY
-  PROPOSED EXPANSION



Cotten Engineering, LLC

Mike Cotten, P.E.

10037 Concord Road
Seaford, De 19973

P. 302-628-9164
F. 302-628-9164

February 27, 2020

John Ashman

Sussex County Administrative Office Building
3rd Floor, Room 324
2 The Circle, P.O. Box 589
Georgetown, DE 19947

**RE: ANNEXATION OF CAMP ARROWHEAD OFFICE BUILDING INTO THE COUNTY
SANITARY SEWER DISTRICT.**

Dear Mr. Ashman:

Per my client, The Diocesan Council, Inc., d.b.a. Camp Arrowhead, Sussex County Tax Map #
234-18.00-142.00 hereby request that a portion of their property containing the Camp Office
Building be annexed into the Sussex County Unified Sanitary Sewer District.

Thank you,

Sincerely,
Cotten Engineering LLC
Engineering, Surveying and Planning Consultants

Mike Cotten

Michael Cotten PE
302-628-9164



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Rehoboth Beach Historical Society
PROJECT NAME: Annual Exhibit
FEDERAL TAX ID: 51-0203755 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: The Rehoboth Beach Historical Society is a nonprofit organization dedicated to encouraging and promoting public knowledge of and participation in the preservation of the history, culture, architecture, and special character of Rehoboth Beach.

ADDRESS: 511 Rehoboth Avenue
Rehoboth Beach DE 19971
(CITY) (STATE) (ZIP)

CONTACT PERSON: Nancy Alexander
TITLE: Direcetor
PHONE: (302) 227-7310 EMAIL: director@rehobothbeachmuseum.org

TOTAL FUNDING REQUEST: \$2,500

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? 50%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>All visitors to the museum, which is free of charge</u> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
4,000

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.

The Constitution of the United States, as well as the Delaware Constitution, protect the free exercise of religion. Residents of Sussex County have historically taken advantage of this right to pursue a variety of religious faiths. The Rehoboth Beach Museum plans to mount an exhibit in the spring of 2020 to explore and celebrate this tradition. The exhibit will educate residents and visitors about this history and discuss the role religious institutions have played in the development of civil rights and civil liberties in the area. Drawing on items from the collection, oral histories, and the wisdom of members of the religious community, the Museum will augment the exhibit with presentations that focus on the various traditions found in both the town of Rehoboth Beach and close-in communities of Sussex County.

Rehoboth Beach itself began as a religious community. The Delaware General Assembly granted a charter to "establish a resort with religious influences, including a yearly camp meeting" to the Rehoboth Beach Camp meeting Association of the Methodist Episcopal Church in 1871. Founders of the town were mostly members of the congregation of Rev. Robert Todd from Wilmington, Delaware. Over time, the population diversified and interest in camp meetings waned, but interest in religion did not. All Saint's Episcopal Church (1893), Epworth Methodist Episcopal Church (1897) and Saint Agnes-by-the Sea (1906), which evolved into the current Saint Edmond, followed this. Then came Westminster Presbyterian (1932), the Christian Science Reading Room (1947) and the Lutheran Church of our Savior (1950). More recently, the Seaside Jewish Community opened its doors. Churches serving the African-American community like Mount Pleasant United Methodist Church (formerly Faith United Methodist Church).

- 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

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	2,500.00
EXPENDITURES	
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. (Put amounts in as a negative)	
Personnel	-\$ 3,500.00
Signs: Front window of museum, explanatory text in exhibit hall, labels in exhibit cases	-\$ 1,050.00
Invitations and posters	-\$ 450.00
TOTAL EXPENDITURES	-\$ 5,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 2,500.00

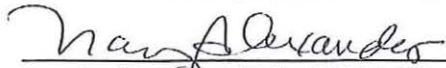
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Rehoboth Beach Historical Society 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.**



Applicant/Authorized Official Signature



Witness Signature

Oct 31, 2019

Date

11-04-19

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

862

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.

Nancy Alexander
Applicant/Authorized Official Signature

[Signature]
Witness Signature

Director
Title
11/04/19
Date

Hudson

To Be Introduced

**Council District 1 - Vincent
Tax I.D. No. 131-18.00-33.00 (Part Of)
911 Address: 8275 Cannon Rd., Seaford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.024 ACRES, MORE OR LESS

WHEREAS, on the 13th day of February 2020, a conditional use application, denominated Conditional Use No. 2226 was filed on behalf of Jonathan E. & Karen M. Hearn; and

WHEREAS, on the ____ day of _____ 2020, 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. 2226 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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. 2226 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the north side of Cannon Rd. approximately 0.92 mile west of Sussex Hwy. (Rt. 13) and being more particularly described in the attached legal description prepared by Miller-Lewis, Inc. Land Surveying, said parcel containing 3.024 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

**Council District 3 - Burton
Tax I.D. No. 334-10.00-69.01
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of May 2020, a conditional use application, denominated Conditional Use No. 2232 was filed on behalf of Covered Bridge Inn, LLC; and

WHEREAS, on the ____ day of _____ 2020, 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. 2232 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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. 2232 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 and Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Fisher Rd, approximately 0.38 mile west of Hopkins Rd and being more particularly described in the attached legal description prepared by Thompson Mapping Systems, said parcel containing 98.60 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

Council District 4 - Burton

Tax I.D. No. 334-12.00-52.00 (part of)

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.57 ACRES, MORE OR LESS

WHEREAS, on the 28th day of February 2020, a zoning application, denominated Change of Zone No. 1920 was filed on behalf of J.G. Townsend, Jr., & Co.; and

WHEREAS, on the ____ day of _____ 2020, 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. 1920 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 B-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest side of Plantation Rd. approximately 1,009 ft. southeast of the intersection of Cedar Grove Rd. and Plantation Rd. and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 11.57 acres., more or less.

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



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: June 4, 2020

RE: County Council Report for CU 2222 Jessica F. Peake

The Planning and Zoning Department received an application (CU 2222 Jessica F. Peake) for a Conditional Use for parcel 134-17.11-40.00 to allow for a miniature golf course at 32967 Coastal Highway, Bethany Beach, DE 19930. The parcel is zoned C-1 General Commercial Zoning District. The parcel size is 0.46 acres, more or less.

The Planning and Zoning Commission held a public hearing on March 12, 2020. At the meeting of March 26, 2020, the Commission recommended approval of the application for the 9 reasons and 12 conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of March 12, 2020 and March 26, 2020.

C/U 2222- Jessica F. Peake

An Ordinance to grant a Conditional Use of land in a C-1 General Commercial District for an outdoor miniature golf course to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 0.46 acre, more or less. The property is lying on the east side of Coastal Highway (Rt. 1), approximately 212 feet south of Jefferson Bridge Road. 911 Address: 32967 Coastal Highway, Bethany Beach, Tax Parcel: 134-17.11-40.00

Mr. Whitehouse advised the Commission that submitted into the record were an exhibit booklet, a staff analysis of the plan, a letter from the County Engineering Utility Division, a site plan, and the DelDOT service level evaluation confirming that a TIS is not required. Seventeen (17) letters in support of the Application were received.



The Commission found that Mackenzie Pete, an attorney with Tunnell & Raysor, spoke on behalf of the Applicant Nick Geracimos, Founder of Nick's Mini Golf, who owns six existing locations in Delmarva and has approximately 30 employees. Also, present are Nick Geracimos, Dean Geracimos and Jack Burbage. Ms. Pete explained that Mr. Geracimos has partnered with Mr. Jack Burbage in this venture and they currently have a lease with Ms. Jackie Peake owner of the parcel. Mr. Geracimos is seeking approval to grant Conditional Use in a C-1 Commercial District for an 18-hole miniature golf course located on the property at 32967 Coastal Hwy., Bethany Beach, DE. The property conforms to the minimum lot requirement and is situated near residential and commercial uses. Ms. Pete presented aerial images of the property to the Commission. Ms. Pete stated that she previously appeared before the Board of Adjustment in February and March and was denied 3-2 for the following three variances:

- A variance from front yard setback of C-1 for proposed structures;
- A variance from the landscaped buffer requirement of the combined highway corridor overlay zone (CHCOZ);
- And a reduction in the parking requirements.

Ms. Peet stated that in her opinion the Board of Adjustment's decision was based on their concern about the impact on the surrounding sites, i.e., Boathouse Restaurant and Hickman Plaza. Mr. Archut, owner of these facilities, opposed the Application. According to physical and geographical evidence, Ms. Pete stated that there is no relationship between the sites and it is not likely that the patrons of the mini-golf would park at the Boathouse Restaurant or Hickman's Plaza as they would have to cross barriers. The mini golf will have a total of eighteen (18) designated parking spaces with twelve (12) spaces at the Holiday Inn Express. Ms. Pete submitted a letter from Mr. Burbage detailing the lease agreement with Holiday Inn Express.

Ms. Pete stated that according to Zoning Code 115-79 Outdoor Amusement places include, but are not limited to, batting cages, skating rinks, water slides and mini-golf courses. Nick's Mini-Golf will demolish the existing liquor and thrift stores on the site and be replaced by the 18-hole miniature golf course, of which nine (9) holes will be handicap compliant. The use is desirable for the surrounding area as expressed by the letters of support submitted to Planning & Zoning, and the use will not adversely impact the surrounding uses. Visitors will be able to walk and bike to the site. The original golf course design was reduced in size to allow for a buffer of 15 ft. from the highway and the course itself. Macrone Engineering has designed a landscape plan that addressed safety concerns. The plan will provide a shared-use path for pedestrians, buffer the property with crepe myrtles and install a 42 ft. net to prevent any stray balls from flying onto Route 1.

Ms. Pete stated that they have begun working with DelDOT about specific needs for the existing entrance permit and have engaged the Sussex Conservation District to prepare a plan for sediment and stormwater. Ms. Jessica Watson, Sussex Conservation District noted that tearing down the existing building and replacing it with more pervious surface will improve the stormwater conditions.

Ms. Pete asked the Commission to reassess the parking issue. The Zoning Code does not address parking spaces for outdoor uses but only for indoor uses. If this was indoor use, 125 spaces would be required. Most of the patrons to the mini golf will travel by foot from the surrounding communities, hotels and restaurants. There will be a total of eighteen (18) designated parking spaces for the use of the mini-golf course, six (6) on site and twelve (12) shared parking spaces on the Holiday Inn Express

property. Mr. Burbage has submitted a letter regarding the lease for the parking spaces at the Holiday Inn's property and the letter also stated that bike racks would be provided on the same property to allow for additional parking.

Mr. Robertson stated that under County Code 115-162 the Commission has the ability to adjust the number of parking spaces for uses in Sussex County.

Mr. Nick Geracimos stated that the proposed idea of a mini golf is a perfect use for this site and will add an aspect to the town that is currently missing. Mr. Dean Geracimos confirmed Mr. Nick Geracimos' points and stated that research was done on the property. After talking with local businesses, it was determined that they also thought it would be a huge plus to the community. In fact, restaurants felt it would keep people in the town. He felt there was a need because there are not a lot of other activities in the area. Mr. Jack Burbage, owner of Holiday Inn Express, spoke about the cleanup of the lot and the current building noncompliant. He believes that parking is a minor issue and feels that the mini-golf would give people something to do during the extended season. Chairman Wheatley asked if Holiday Inn Express will still meet the parking requirements if they lease twelve (12) spaces to the mini golf. Mr. Whitehouse replied that they would still meet the requirements.

Mr. Mears discussed DelDOT's list specifically the wide-open entrance which is as wide as the property and gives him some concerns for safety, especially for children who might dart out onto the road. Ms. Pete replied that it was also a concern for the Applicant and the reason for pulling the course back 15 ft. and adding a chain rope fence.

Ms. Wingate asked about sidewalks for the project. Ms. Peet stated that the Applicant is working with DelDOT about the requirements for sidewalks and should it be required will install sidewalks.

Chairman Wheatley asked if anyone wanted to speak in favor of the Application.

Mr. Paul Reiger spoke in favor of the mini golf course but was opposed to the Board of Adjustment making decisions on parking which he felt should fall to Planning & Zoning Commission. He also argued that all three variances should not be voted as one. Each variance should be voted on separately.

Mr. Mike Nally, Ms. Samantha Pielstick, and Mr. David Closson all spoke in favor of the Application and concurred with everything previously stated.

Chairman Wheatley found that there were no parties present in opposition to the Application.

Mr. Whitehouse stated that he was monitoring the online inbox and there were no further comments in favor of or against the Application.

At the conclusion of the Public Hearings, the Commission discussed Application C/U 2222-Jessica F. Peake. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 4-0.

March 12, 2020 Planning & Zoning Commission Minutes

Mr. Mears moved to recommend approval of CU # 2222 for Jessica Peake for a Miniature Golf Course based on the record contained in the public record and for the following reasons:

1. The site is located in the resort area of Sussex County between the towns of Bethany Beach and South Bethany. This is an appropriate location for a miniature golf course.
2. The property is zoned C-1 General Commercial. A miniature golf course is an appropriate use on C-1 property in this location.
3. This is the redevelopment of an existing commercial site. Previously, a liquor store existed on this site for many years. The use as a miniature golf course is consistent with the historical commercial use of the property.
4. The property is surrounded by other commercial uses that are compatible with a miniature golf course, including the high-density Sea Colony development, a hotel, retail stores and several restaurants.
5. The use will provide a family activity for residents and visitors to this area of Sussex County.
6. The use will not generate a significant amount of traffic, as the use is within walking and biking distance of the Bethany Beach resort area.
7. There was no evidence that the use would adversely affect neighboring properties, area roadways or public facilities.
8. There is no provision for Miniature Golf parking requirements in the Sussex County Zoning Code. In that instance, Sections 115-163 and 115-164 of the Code permit the Commission to establish or modify the parking requirements when there is not a clear calculation. In this case, 18 parking spaces is appropriate since much of the business will come from people walking or biking to the site. These parking spaces must be on-site or provided through an approved Shared Parking Agreement with a neighboring property owner.
9. Several people testified in favor of the application and no parties appeared in opposition to it.
10. This recommendation is subject to the following conditions:
 - a) The use shall be limited to a mini golf course and uses associated with that activity.
 - b) The signage shall comply with the sign requirements for the underlying C-1 zone.
 - c) There shall be fencing along the Route One boundary of the property to prevent golfers and golf balls from inadvertently leaving the property and getting near the Route One right of way. The location and type of fencing shall be shown on the Final Site Plan.
 - d) The applicant shall comply with all of DelDOT's Requirements.
 - e) At least 18 parking spaces shall be provided for the use. These spaces must either be on-site or on an adjacent property pursuant to a Shared Parking Agreement.
 - f) All lighting shall be downward screened and shielded so that it does not shine on neighboring properties or roadways.
 - g) Any dumpsters shall be screened from view from neighboring properties or roadways.
 - h) The entrance to the site shall be oriented to the north and east side so that families and golfers enter from that side and are discouraged from walking along Route One to get to the use.
 - i) The applicant shall comply with all requirements of the Sussex Conservation District regarding stormwater management on the site. The Final Site Plan shall contain the approval of the Sussex Conservation District.
 - j) The Site Plans shall include a landscape plan that identifies the landscaping within the buffer area required by the Combined Highway Corridor Overlay Zone.
 - k) Failure to comply with any of these conditions shall be grounds for the termination of the Conditional Use approval.

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

At the recommendation of the Commission, Mr. Mears amended his motion to add one word in Item #3 to read “consistent with historical *commercial* use of the property”, seconded by Ms. Stevenson, to recommend approval of C/U 2222- Jessica F. Peake, as amended. Motion carried unanimously. Motion carried 5-0.

JAMIE WHITEHOUSE, AICP MRTPI
ACTING PLANNING & ZONING DIRECTOR
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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: March 5, 2020
RE: Staff Analysis for CU 2222 Jessica F. Peake

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2222 Jessica F. Peake to be reviewed during the March 12, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for tax parcel 134-17.11-40.00 to allow for an outdoor mini golf course to be located on the east side of Coastal Highway (Route 1), south of Jefferson Bridge Road (S.C.R. 361-A) at 32967 Coastal Highway in Bethany Beach, Delaware. The size of the property is 0.46 acres +/-.

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 property has the land use designation of "Coastal Areas."

The areas to the north, south, east and west are also designated "Coastal Areas." "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. "Coastal Areas" also support a range of housing types including single-family homes, townhomes, 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. Mixed-use development should also be allowed.

The property is zoned General Commercial (C-1). The properties located to the north and east of the application site are also zoned General Commercial (C-1). There is one parcel zoned High Density Residential (HR-1) to the north on the northern side of Jefferson Bridge Road as well as a single parcel zoned Medium Density Residential (MR) to the northwest of the subject parcel. The properties on the western side of Coastal Highway (Route 1) are zoned General Commercial (C-1) and Medium Density Residential (MR).

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application site.



Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use proposed for the abovementioned location subject to considerations of scale and impact, could be considered as being consistent, in principle, with the land use, area zoning and surrounding uses. Additionally, the site lies within the Combined Highway Corridor Overlay Zone (CHCOZ) and as such, all applicable landscape buffer requirements shall apply.

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE, AICP, MRTPI
ACTING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date March 12, 2020.

Application: (CU 2222) Lands of Jessica F. Peake

Applicant: Nick Geracimos
13001 Riggin Road
Ocean City, MD 21842

Owner: Jessica F. Peake
21 Ocean Drive
Apartment 707
Rehoboth Beach, DE 19971

Site Location: Located on the east side of Coastal Highway (Route 1), south of
Jefferson Bridge Road (S.C.R. 361-A) at 32967 Coastal Highway,
Bethany Beach, DE 19930.

Current Use: Commercial

Proposed Use: 18-hole miniature golf course.

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmatic
District: Mr. Hudson

School District: Indian River School District

Fire District: Bethany Beach Fire District

Sewer: Sussex County

Water: Private, On-site

Site Area: 0.46 acres +/-

Tax Map ID.: 134-17.11-40.00



Mailing List Exhibit Map
Planning Commission
CU 2222 Lands of Jessica F. Peake
134-17.11-40.00
Jessica F. Peake
21 Ocean Drive
Apartment 707

Rehoboth Beach, DE 19971

Located on the east side of Coastal Highway (Route 1), south of Jefferson Bridge Road (S.C.R. 361-A) at 32967
Coastal Highway, Bethany Beach, DE 19930.

134-17.08-114.00



JEFFERSON BRIDGE ROAD 00361A

134-17.11-40.00

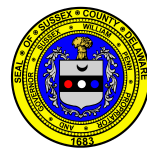
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134-17.11-35.00

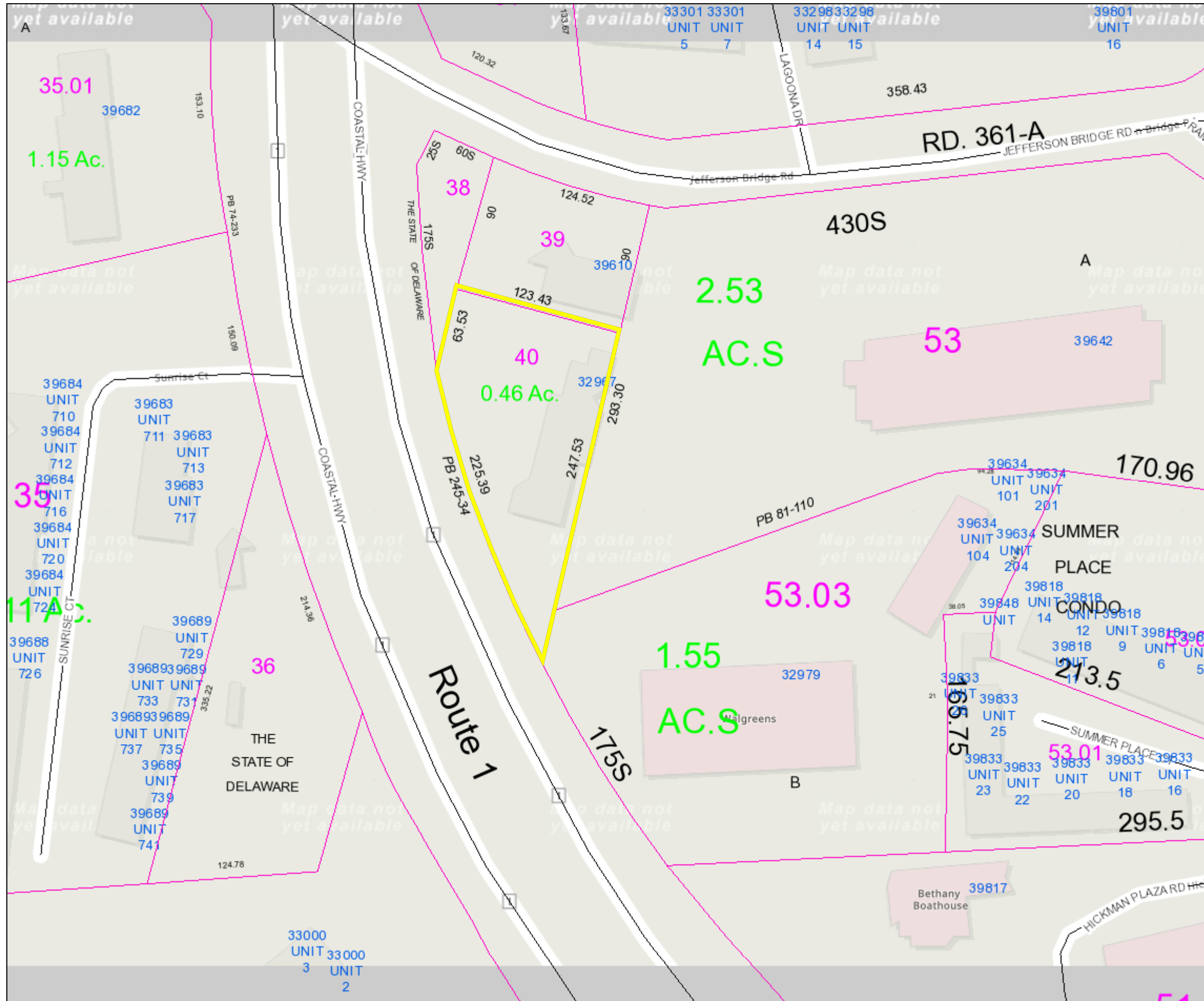
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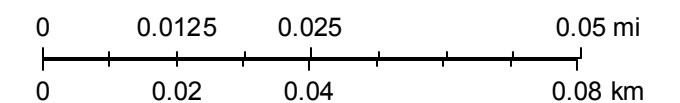
Sussex County



PIN:	134-17.11-40.00
Owner Name	PEAKE JESSICA F TRUSTEE
Book	4710
Mailing Address	35229 OVERFALLS DR NOR
City	LEWES
State	DE
Description	DELAWARE AVE LOT
Description 2	N/A
Description 3	N/A
Land Code	

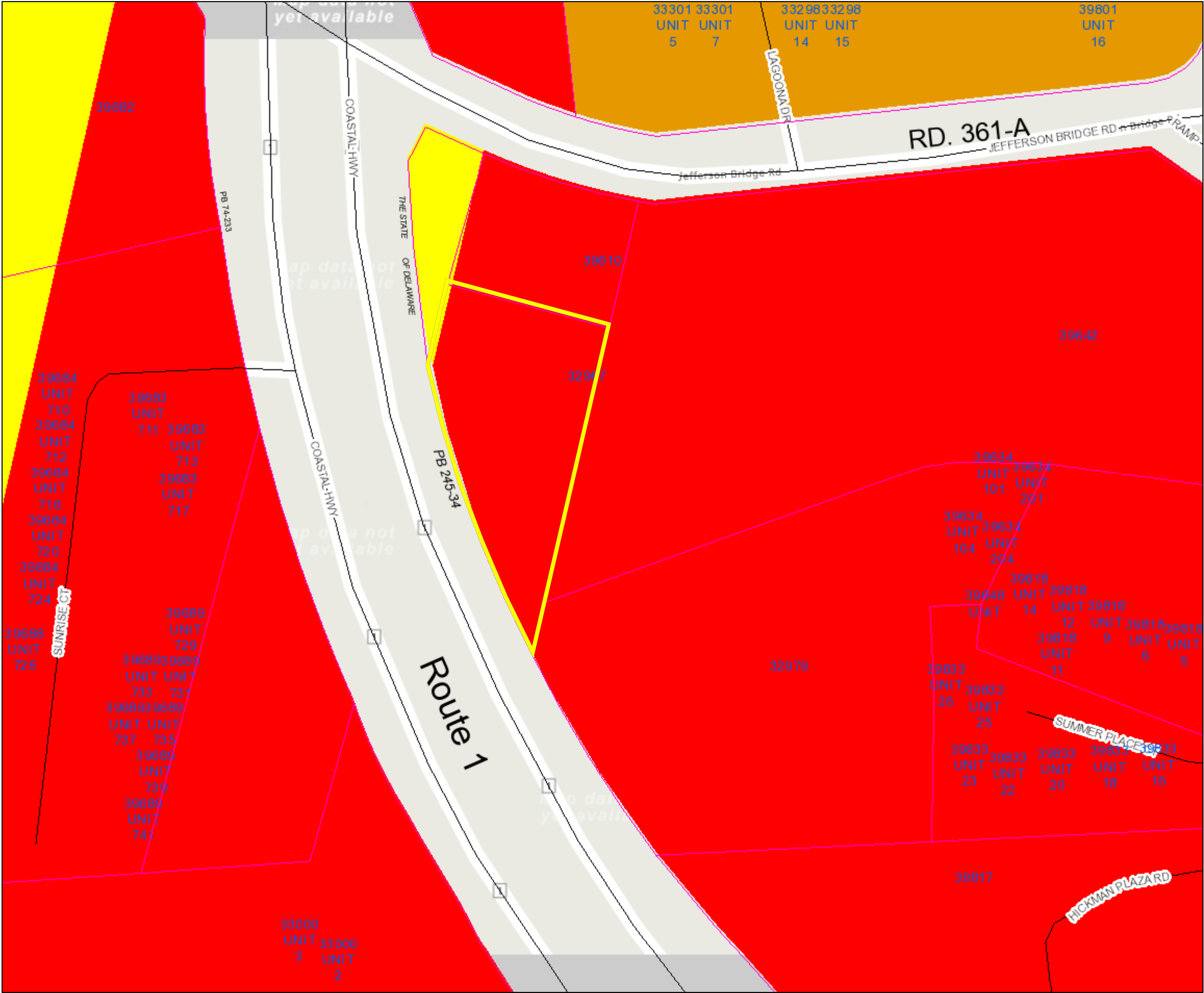
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Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries

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Sussex County

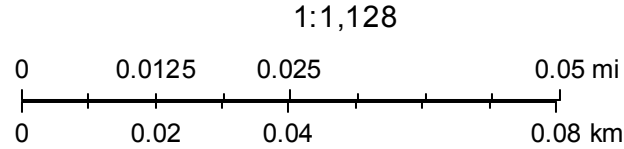


PIN:	134-17.11-40.00
Owner Name	PEAKE JESSICA F TRUSTEE
Book	4710
Mailing Address	35229 OVERFALLS DR NOR
City	LEWES
State	DE
Description	DELAWARE AVE LOT
Description 2	N/A
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets



To Be Introduced 2/18/20

Council District 4 - Hudson

Tax I.D. No. 134-17.11-40.00

911 Address: 32967 Coastal Highway, Bethany Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRES, MORE OR LESS

WHEREAS, on the 28th day of January 2020, a conditional use application, denominated Conditional Use No. 2222 was filed on behalf of Jessica Peake; and

WHEREAS, on the ____ day of _____ 2020, 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. 2222 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2222 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Coastal Highway, approximately 212 feet south of Jefferson Bridge Road and being more particularly described in the attached legal description prepared by Tunnel & Raysor, P.A., said parcel containing 0.46 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: June 4, 2020

RE: County Council Report for CU 2224 Pamela Price

The Planning and Zoning Department received an application (CU 2224) for a Conditional Use for parcel 332-7.00-22.00 to allow for a real estate office at 24590 Sussex Highway, Laurel. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 1.75 acres, more or less.

The Planning and Zoning Commission held a public hearing on May 14, 2020. At the meeting of May 28, 2020, the Commission recommended approval of the application for the 5 reasons and 8 conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of May 14, 2020 and May 28, 2020.

C/U 2224 – Pamela Price

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.75 ACRES, MORE OR LESS.

The property is lying on the west side of Sussex Highway (Rt. 13) approximately 0.25 miles north of the intersection of Whitesville Road and Sussex Highway (Rt. 13). 911 Address: 34590 Sussex Highway, Laurel. Tax Parcel: 332-7.00-22.00

The Commission found that Ms. Pamela Price was present by teleconference on behalf of the application; that Ms. Price stated there are seven part-time employees and two full-time employees who will be on site; that the use will have no impact on roads or on schools; that the hours of operation are Monday to Friday 8:30 a.m. – 5:00 p.m. with occasional weekend use; that the use will not create noise issues; that there will be no outside storage; that a lighted sign is requested for the property; that



there is a commercial greenhouse across the highway from the property; and that the only nearby residence is next door and they have submitted a note in support of the application.

The Commission found that no one spoke in favor of or in opposition to the application. At the conclusion of the Public Hearings, the Commission discussed Application C/U 2224-Pamela Price. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears, and carried unanimously. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

Draft Minutes of the May 28, 2020 Planning & Zoning Commission Meeting

The Commission discussed application CU 2224, which has been deferred since May 14, 2020.

Ms. Wingate moved to recommend approval of C/U 2224 for Pamela Price for a real estate office based upon the record made at the public hearing and for the following reasons:

1. The Applicant is seeking approval of a conditional use for a small real estate office with approximately 7 agents. This type of professional office space is a low impact use that will not adversely impact nearby properties or roadways.
2. The proposed Conditional Use is located on a site that has frontage on Route 13 near the intersection with Whitesville Road. This is an appropriate location for this use.
3. The Applicant stated that the real estate office space will not generate much traffic other than the few employees who will work there. Meetings and property visits with the business's clients typically occur offsite.
4. The property is in a "Low Density Area" according to the Comprehensive Plan. Small office uses such as this one are appropriate in this Area according to the Plan.
5. No parties appeared in opposition to this application, and the next-door property owner submitted a letter in support of the application.
6. This recommendation is subject to the following conditions:
 - a. The use shall be limited to a real estate office.
 - b. As stated by the applicant, the hours that the office shall be open to clients shall be between 8:30 am and 7:00 pm. This shall not prohibit the Applicant or other real estate agents from working in the office at other hours.
 - c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - d. Any dumpsters shall be screened from view of neighboring properties and roadways.
 - e. There shall not be any outside storage on the site.
 - f. The applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.
 - g. All parking areas for the conditional use shall be shown on the Final Site Plan and clearly marked on the site itself.
 - h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Hopkins, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.



Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, AICP, MRTPI Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 8, 2020
RE: Staff Analysis for CU 2224 Pamela Price

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2224 Pamela Price to be reviewed during the May 14, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 332-7.00-22.00 to allow for a real estate office to be located at 34590 Sussex Hwy. The size of the property is 1.75 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for 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 property has the land use designation of Low-Density Area.

The surrounding parcels to the north, east, south, and west are all designated on the Future Land Use Map as "Low Density Area". The properties to the south have the land use designation of "Commercial Area" and "Existing Development Area". The Low-Density Area land use designation recognizes agricultural activities and homes. Business development should be largely confined to business addressing the needs of these two uses. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties to the north, south, east and west are all zoned AR-1 (Agricultural Residential Zoning District). Since 2011, there have been no applications for Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a real estate office could be considered consistent with the land use, area zoning and uses.

PLANNING & ZONING COMMISSION

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



Sussex County

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302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
ACTING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date May 14, 2020.

Application: (CU 2224) Pamela Price

Applicant: Pamela Price
38613 Benro Drive, Unit 5
Delmar, DE 19940

Owner: Pamela Price/Taylor Carney LLC
38613 Benro Drive, Unit 5
Delmar, DE 19940

Site Location: Located on the east side of Sussex Highway (Route 13) at 34590
Sussex Highway, Laurel, DE 19956.

Current Use: Residential

Proposed Use: Real Estate Office

Comprehensive Land
Use Plan Reference: Low Density Areas

Councilmatic
District: Mr. Rieley

School District: Delmar School District

Fire District: Delmar Fire District

Sewer: Sussex County

Water: Private, On-site

Site Area: 1.75 acres +/-

Tax Map ID.: 332-7.00-22.00



Mailing List Exhibit Map
Planning and Zoning Commission
CU 2224 Pamela Price
332-7.00-22.00
Pamela Price/Taylor Carney LLC
38613 Benro Drive, Unit 5
Delmar, DE 19940

On the east side of Sussex Highway (Route 13) at 34590 Sussex Highway, Laurel, DE 19956.



332-7.00-19.00

332-7.00-23.00

332-7.00-22.00

332-7.00-21.00

332-7.00-20.00

332-7.00-30.00

332-7.00-30.04

332-7.00-30.03

332-7.00-30.00

332-7.00-29.00

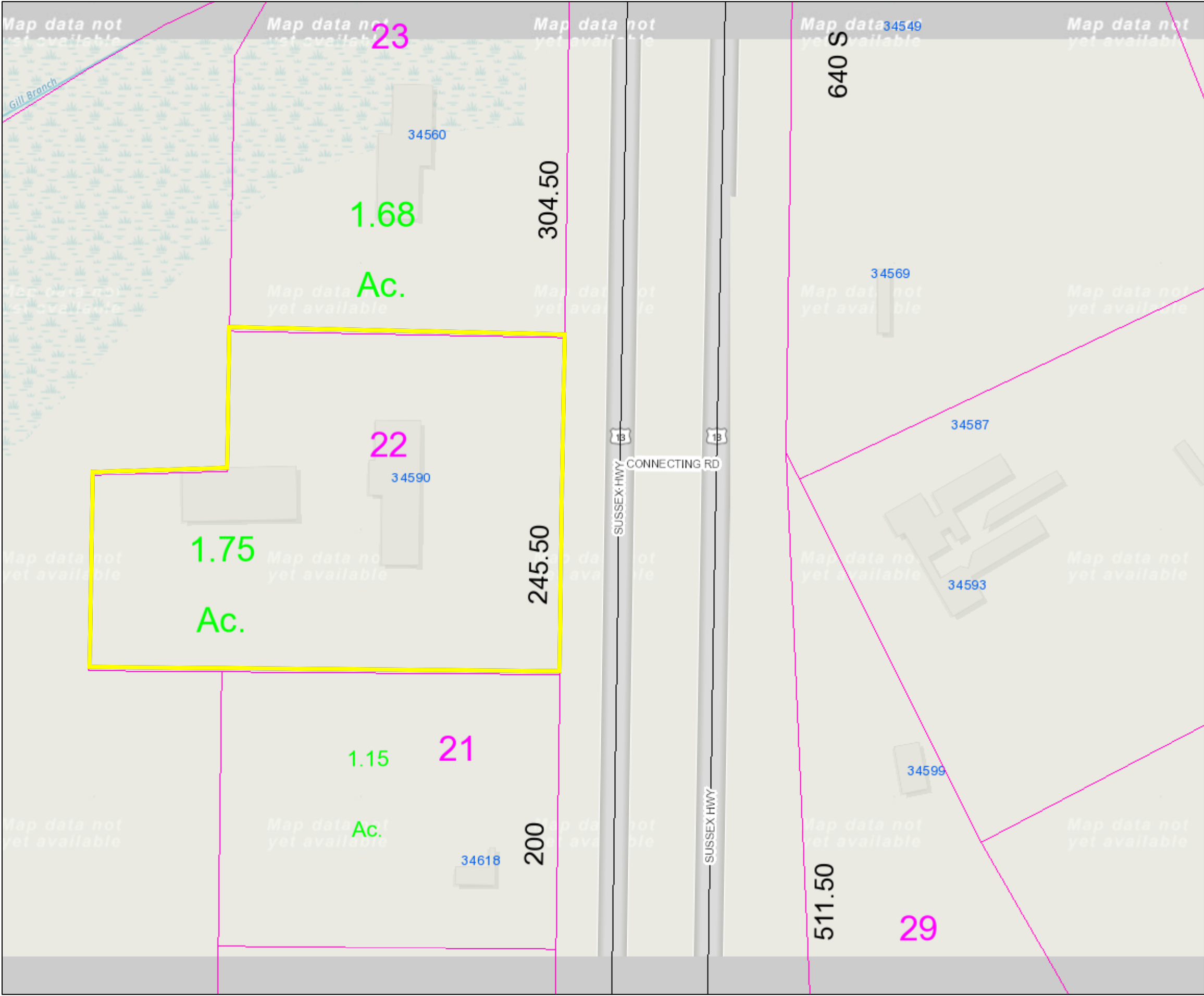
7-26-2018

0 35 70 140 210 280
Feet

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, DelDOT, Planning, Surdex Corp, 2017

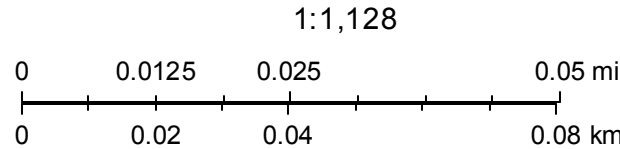


Sussex County

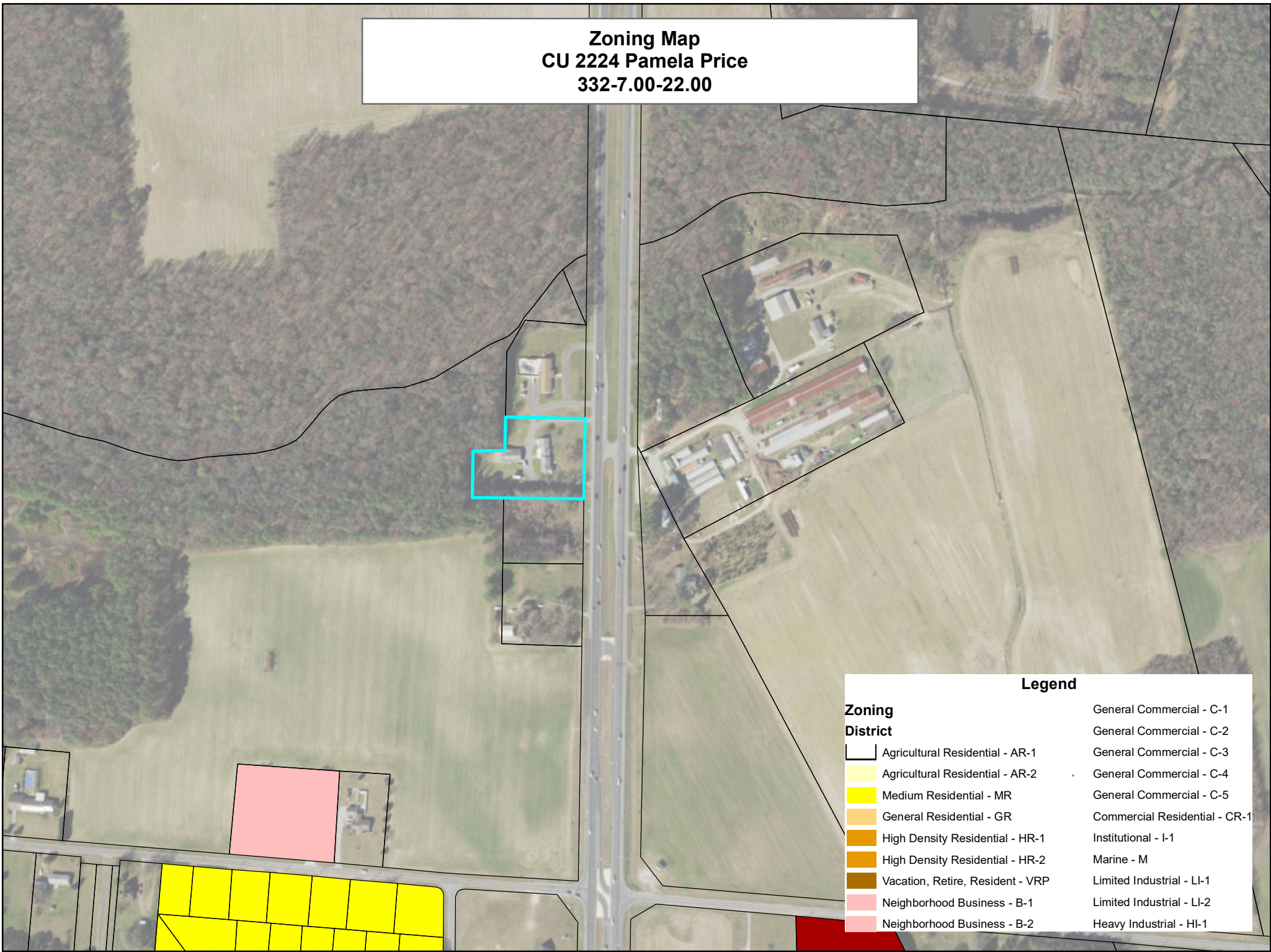



PIN:	332-7.00-22.00
Owner Name	TAYLOR CARNEY LLC
Book	5190
Mailing Address	38613 BENRO DR UNIT 5
City	DELMAR
State	DE
Description	W/RT 13
Description 2	N/A
Description 3	N/A
Land Code	

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



Zoning Map
CU 2224 Pamela Price
332-7.00-22.00



Legend	
Zoning District	
 Agricultural Residential - AR-1	General Commercial - C-1
 Agricultural Residential - AR-2	General Commercial - C-2
 Medium Residential - MR	General Commercial - C-3
 General Residential - GR	General Commercial - C-4
 High Density Residential - HR-1	General Commercial - C-5
 High Density Residential - HR-2	Commercial Residential - CR-1
 Vacation, Retire, Resident - VRP	Institutional - I-1
 Neighborhood Business - B-1	Marine - M
 Neighborhood Business - B-2	Limited Industrial - LI-1
	Limited Industrial - LI-2
	Heavy Industrial - HI-1

To Be Introduced 2/18/20

**Council District 5 - Rieley
Tax I.D. No. 332-7.00-22.00
911 Address: 34590 Sussex Highway, Laurel**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.75 ACRES, MORE OR LESS

WHEREAS, on the 5th day of February 2020, a conditional use application, denominated Conditional Use No. 2224 was filed on behalf of Pamela Price; and

WHEREAS, on the ____ day of _____ 2020, 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. 2224 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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. 2224 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 Little Creek Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Rt. 13) approximately 0.25 miles north of the intersection of Whitesville Road and Sussex Highway (Rt. 13) and being more particularly described in the attached legal description prepared by David W. Baker, Esq., said parcel containing 1.75 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: June 5, 2020

RE: County Council Report for CU 2198 Jeffrey Myer

The Planning and Zoning Department received an application (CU 2198) for a Conditional Use for parcel 430-22.00-10.01 to allow for indoor and outdoor retail sales to be located at 10595 & 10609 Seashore Hwy. The application seeks to regularize the existing use that has operated for many years in this location. The size of the property to be used as the Conditional Use is 0.8474 ac. +/- The parcel is zoned AR-1 Agricultural Residential Zoning District.

The Planning and Zoning Commission held a public hearing on May 14, 2020. At the meeting of May 28, 2020, the Commission recommended approval of the application for the 5 reasons and 10 conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of May 14, 2020 and May 28, 2020.

C/U 2198 – Jeffrey Myer

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.8474 ACRES, MORE OR LESS. The property is lying on the northwest corner of Seashore Highway and Oak Road. 911 Address: 10595 and 10609 Seashore Highway, Bridgeville. Tax Parcel: 430-22.00-10.01

The Commission found that Mr. Jeffrey Myer was present by teleconference on behalf of the application; that Mr. Myer stated he has been operating this business for 32 years; that he has three employees who do not require parking spaces; that he does not operate the business during inclement weather; that hours of operation are from 7:00 a.m. – 5:00 p.m. and finishes clean-up by 8:00 p.m.; that there are mostly family members on the surrounding properties; that he sells the contents of storage units and homes; that there will be no impact on roads or schools; that there will be no outdoor storage; and that there is sufficient parking for customers.

The Commission found that no one spoke in favor of or in opposition to the application.

At the conclusion of the Public Hearings, the Commission discussed Application C/U 2198-Jeffrey Myer. Motion by Mr. Hopkins to defer action for further consideration, seconded by Mr. Mears, and carried unanimously. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

Draft Minutes of the May 28, 2020 Planning & Zoning Commission Meeting

The Commission Discussed application CU 2198 which has been deferred since May 14, 2020.

Mr. Hopkins moved to recommend approval of C/U 2198 for Jeffrey Myer for an indoor and outdoor retail sales based upon the record made at the public hearing and for the following reasons:

1. The use has been in existence for approximately 32 years on this site. The property also separately includes a small general store that has been in existence for decades.
2. The Applicant's business primarily consists of buying the contents of abandoned storage units and then reselling household furnishings and other household items. This use has provided a source of affordable furniture and other household items to area residents.
3. With the conditions imposed by the County, the use will not adversely affect neighboring properties, roadways or traffic.
4. The use has a public or semi-public character that is a benefit to residents of nearby communities and Sussex County.
5. No parties appeared in opposition to this Application.
6. This recommendation is subject to the following conditions:
 - a. This use shall be limited to the location and scope of the existing indoor and outdoor sales that occur on the site. This limitation does not affect the pre-existing general store that is also located on this property.
 - b. As requested by the applicant, one lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - c. The hours of operation shall be limited to 7:00 am through sundown, seven days per week.
 - d. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.

- e. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- f. There shall not be any dumping on the site. Also, no junk or unsold items shall accumulate outdoors on the site.
- g. Any dumpsters associated with the use shall be screened from view from neighboring properties or roadways.
- h. The Final Site Plan shall clearly show all parking areas, buildings, storage containers and other structures as well as the areas set aside for the indoor and outdoor sales. The outdoor sales and parking areas shall also be clearly marked on the site itself.
- i. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Mears, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

RECEIVED

DEC 04 2019

SUSSEX COUNTY
PLANNING & ZONING

Jeffrey Myers
10357 Seashore Highway
Bridgeville, DE 19933
(302) 396-2075 (Cell)

December 4, 2019

Janelle M. Cornwell, AICP
Planning and Zoning Director
2 The Circle
Georgetown DE, 19947

RE: Conditional Use #2198

Dear Ms. Cornwell:

I write in regard to the above reference and to express my apology for not attending the Planning & Zoning hearing.

I was under the impression that I only needed to attend the County Council Meeting scheduled for January 7, 2020.

My family and I have owned and operated Myers Store since 1978.

I have operated the open air sales located adjacent to the store since 1987.

I have served the surrounding community which includes Walker's Mill, Dale Wheatley's Farm and Coverdale Crossroads for over 32 years.

Prior to being cited, I was under the impression that I could operate under the same permitted use as the store. It has always been my goal to abide by the rules, therefore, I would like to meet the County requests and be granted the necessary conditional use for my business.

Sincerely,

Jeffrey Myers



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



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jennifer Norwood, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 8, 2020
RE: Staff Analysis for CU 2198 Jeffrey Myer

This memo is to provide background and analysis for the Planning Commission to consider as part of application CU 2198 Jeffrey Myer to be reviewed during the May 14, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that this Application was added to the Commission's agenda for November 21, 2019, but has since been re-noticed for May 14, 2020 as the Applicant was unable to attend.

The request is for a Conditional Use for parcel 430-22.00-10.01 to allow for indoor and outdoor retail sales to be located at 10595 & 10609 Seashore Hwy. The application seeks to regularize the existing use that has operated for many years in this location. The size of the property to be used as the Conditional Use is 0.8474 ac. +/-.

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 indicates that the property has the land use designation of Low Density.

The surrounding land use to the north and west is Existing Development Area. The land use to the south and east is Low Density Area. The Low Density Area land use designation recognizes that the primary uses are agriculture and single family detached homes and that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The use as auto repair and gasoline sales, should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned GR (General Residential District). The properties to the west, south, and east are zoned AR-1 (Agricultural Residential District). There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow an indoor and outdoor retail sales could be considered consistent with the land use, area zoning and uses.



PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date May 14, 2020

Application: CU 2198 Jeffrey Myer

Applicant/Owner: Jeffrey N. Douglas Myer
10573 Seashore Hwy
Bridgeville, DE 19933

Site Location: 10595 & 10609 Seashore Hwy. Northwest corner of Seashore Hwy and Oak Rd.

Current Zoning: AR-1

Proposed Use: Indoor and Outdoor Retail Sales

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmatic
District: Mr. Vincent

School District: Woodbridge School District

Fire District: Bridgeville Fire District

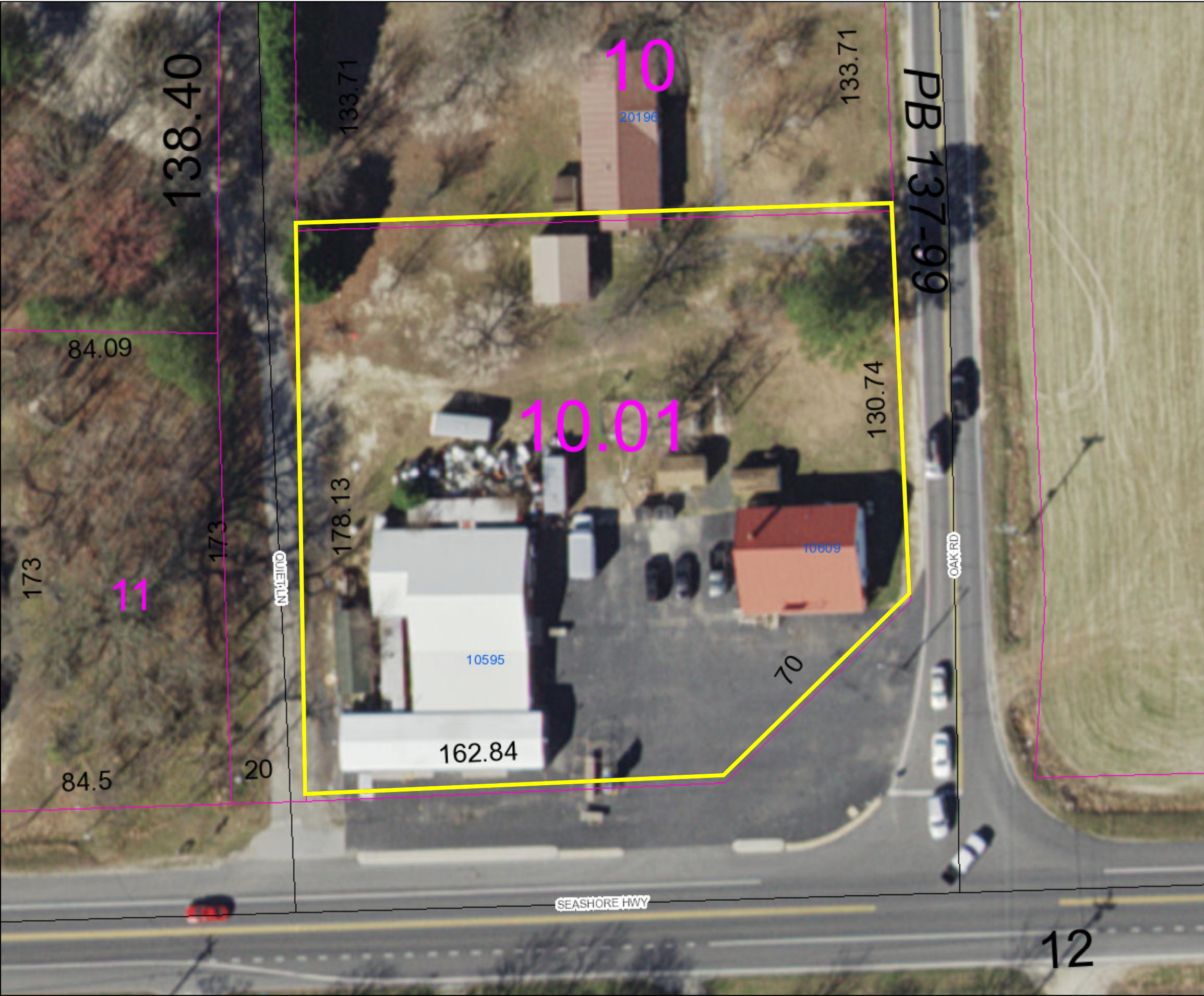
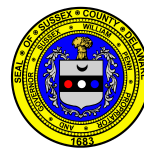
Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 0.8474 ac. +/-

Tax Map ID.: 430-22.00-10.01





PIN:	430-22.00-10.01
Owner Name	MYER JEFFREY ALAN & DOUGLAS
Book	3745
Mailing Address	10573 SEASHORE HWY
City	BRIDGEVILLE
State	DE
Description	CRN/RT 18 RD 594
Description 2	LOT 1
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

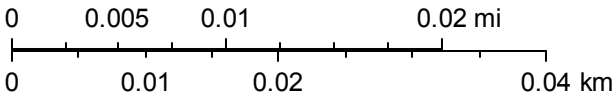
Override 1

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Extent of Right-of-Way

Ag Preservation Districts

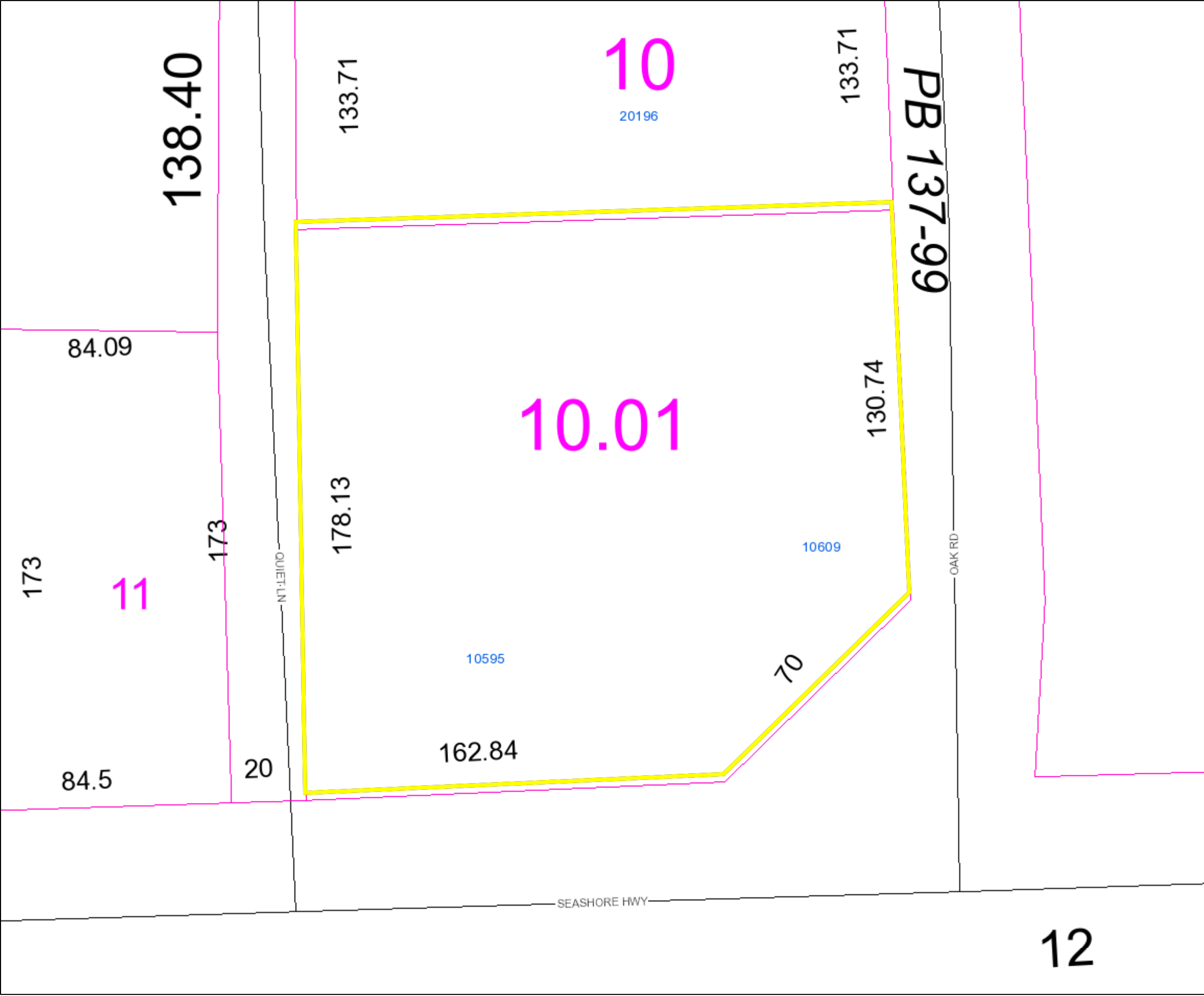
- Agricultural Easement
- Agricultural District
- Agricultural Expansion
- Municipal Boundaries

1:564





Sussex County



PIN:	430-22.00-10.01
Owner Name	MYER JEFFREY ALAN & DOUGLAS
Book	3745
Mailing Address	10573 SEASHORE HWY
City	BRIDGEVILLE
State	DE
Description	CRN/RT 18 RD 594
Description 2	LOT 1
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

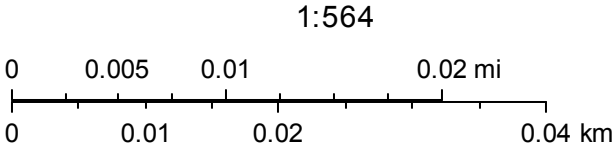
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Extent of Right-of-Way
- Ag Preservation Districts

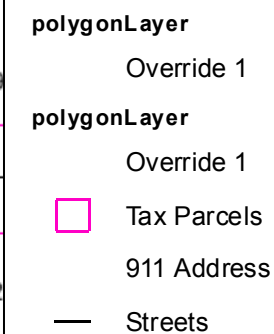
Agricultural Easement

Agricultural District

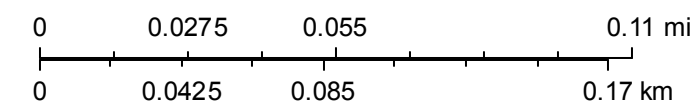
Agricultural Expansion

Municipal Boundaries





1:2,257



Introduced 08/13/19

Council District No. 1 – Vincent

Tax I.D. No. 430-22.00-10.01

911 Address: 10595 and 10609 Seashore Highway, Bridgeville

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.8474 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of July 2019, a conditional use application, denominated Conditional Use No. 2198, was filed on behalf of Jeffrey Myer; and

WHEREAS, on the ____ day of _____ 2019, 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. 2198 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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. 2198 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the northwest corner of Seashore Highway and Oak Road and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A., said parcel containing 0.8474 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: June 5, 2020

RE: County Council Report for CZ 1904 Dry Acres (Jill Cicierski)

The Planning and Zoning Department received an application (CZ 1904 Dry Acres (Jill Cicierski)) for a Change of Zone of parcel 235-30.00-51.00 from Agricultural Residential (AR-1) Zoning District to Medium Commercial District (C-2) Zoning District to be located on the southwest corner of the intersection of Lewes-Georgetown Hwy. (Rt. 9) and Fisher Rd. The size of the property is 10.88 acres +/-.

The Planning and Zoning Commission held a public hearing on January 23, 2020. To ensure that proper noticing was undertaken, a further hearing was held on May 14, 2020. At the meeting of May 28, 2020, the Commission recommended approval of the application for the 8 reasons outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of May 14, 2020 and May 28, 2020.

C/Z 1904 – Dry Acres, LLC (Jill Cicierski)

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.88 ACRES, MORE OR LESS. The property is lying on the southwest corner of the intersection of Lewes Georgetown Highway (Route 9) and Fisher Road (S.C.R. 262). 911 Address: N/A. Tax Parcel: 235-30.00-51.00



The Commission found that Mr. Mark Davidson with Pennoni Associates and Ms. Jill Cicierski, Applicant, were present by teleconference on behalf of the application; that Mr. Davidson stated this application was originally heard by the Planning and Zoning Commission in January 2020 but due to an error in the advertising is being reheard this evening; that the property is bordered to the south by Maryland railroad which is the future rail to trail site; that lands of Bayhealth are across the road on Route 9, Cool Spring Storage is adjacent to this property; that the property is surrounded by Developing Area; that the Georgetown-Lewes rail to trail is coming at the end of the year to Fisher Road; that approving the rezoning will allow Ms. Cicierski to create a retail plaza that will allow for retail and services for the neighboring residents; that there are no historical or natural features; that there are no ground water protection zones; that the property is in Flood X; there are wetlands on the property and the wetlands will not be disturbed as part of this project; that stormwater will be on-site and will use best management practices; that there is public water and sewer; that the owners are working with DelDOT for future road improvements and have dedicated 100 ft. right-of-way; that the applicant will have interconnectivity with the adjacent property; and that a DART bus shelter will be provided at this location.

Ms. Stevenson stated that when a site plan is submitted, she would like to see that the lighting is downward screened.

Mr. Hopkins asked if the public hearing record from the January 23, 2020 meeting could be submitted as part of this evening's application. Mr. Davidson stated that he had no objection to including that as part of the record.

The Commission found that no one spoke in favor of or in opposition to the application.

At the conclusion of the Public Hearings, the Commission discussed Application C/Z 1904-Dry Acres, LLC (Jill Cicierski). Motion by Ms. Stevenson to defer action for further consideration, seconded by Mr. Mears, and carried unanimously. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

Draft Minutes of the May 28, 2020 Planning & Zoning Commission Meeting

The Commission discussed application CZ 1904 which has been deferred since May 14, 2020.

Ms. Stevenson moved that the Commission recommend approval of C/Z #1904 for Dry Acres, LLC (Jill Cicierski) for a Change in Zone from AR-1 (Agricultural Residential Zoning) to C-2 (Medium Commercial Zoning) based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is currently zoned AR-1, but it is in an area along Route 9 where other commercial zonings and commercial uses exist. There is also a multi-family development across Route 9 from this site. This is an appropriate location for C-2 zoning.

3. C-2 Zoning at this intersection of Route 9 and Fisher Road, will benefit nearby residents of Sussex County by providing a commercial location for local shopping and similar uses without having to travel to Lewes, Milton or Georgetown.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is in a “Low Density Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
7. No parties appeared in opposition to the rezoning application.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

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



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, Director of Planning & Zoning
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 8, 2020
RE: Staff Analysis for CZ 1904 Dry Acres, LLC (Jill Cicierski)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1904 Dry Acres, LLC (Jill Cicierski) to be reviewed during the May 14, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that this application was heard by the Commission at its meeting of January 23, 2020. To ensure that the all required noticing for the application has been undertaken, this application has been re-noticed and is being heard by the Commission again at its May 14, 2020 meeting.

The request is for a Change of Zone for parcel 235-30.00-51.00 to facilitate a change from the Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2) and is located on the southwest corner of the intersection of Lewes-Georgetown Hwy. (Rt. 9) and Fisher Rd. The size of the property is 10.88 acres +/-.

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 property has the land use designation of "Low Density." This designation applies to the entire parcel.

The parcels to the north and south are designated on the Future Land Use Map as "Low Density Areas". The surrounding land use to the east and west is designated "Existing Development Area". Low Density Areas primarily recognize businesses that support agricultural activities and the development of single-family homes. The focus of retail and office uses in Low Density Areas should be for providing convenience goods and services to nearby residents. It also recognizes that commercial uses should be limited in location, size, and hours of operation and that intense uses should be avoided. The Existing Development Area recognizes that a range of housing types and uses in the neighborhood business and commercial districts are permitted.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan states that the Medium Commercial (C-2) Zoning District may be considered as appropriate in "Low Density" Areas.



The property is zoned AR-1 (Agricultural Residential District). The surrounding parcels are zoned both AR-1 (Agricultural Residential District) and CR-1 (Commercial Residential District).

Since 2011, there has been three (3) Change of Zone applications in the vicinity of the application site; including, Change of Zone No. 1773 which was approved for AR-1 to CR-1 by Sussex County Council on May 21, 2015, Change of Zone No. 1812 which was approved for AR-1 to CR-1 by Sussex County Council on February 23, 2017, and Change of Zone No. 1866 which was approved for AR-1 to I-1 by Sussex County Council on January 24, 2019.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Medium Commercial (C-2), could be considered as being consistent with the land use, area zoning and surrounding uses.

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date January 23, 2020.

Application: (CZ 1904) Dry Acres, LLC

Applicant: Jill A. Cicierski
16808 Gravel Hill Road
Milton, DE 19968

Owner: Dry Acres, LLC
16973 Island Farm Lane
Milton, DE 19968

Site Location: Located on the southwest corner of the intersection of U.S. Route 9 and Fisher Road (S.C.R. 262).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial District (C-2)

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmatic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Milton Fire District

Sewer: Private, On-Site

Water: Private, On-Site

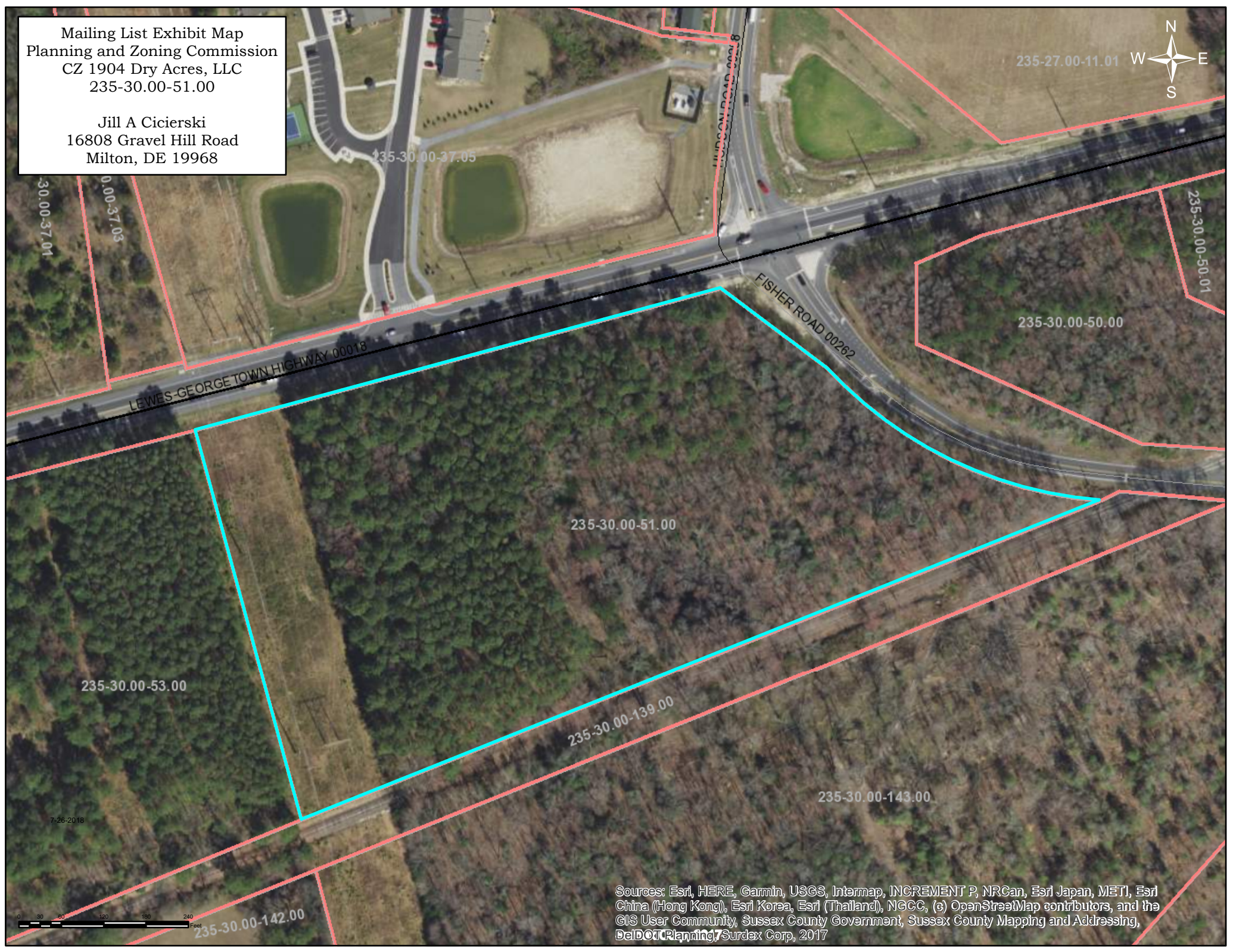
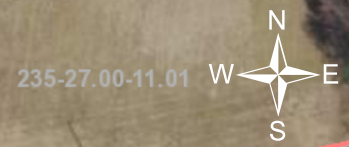
Site Area: 10.88 acres +/-

Tax Map ID.: 235-30.00-51.00

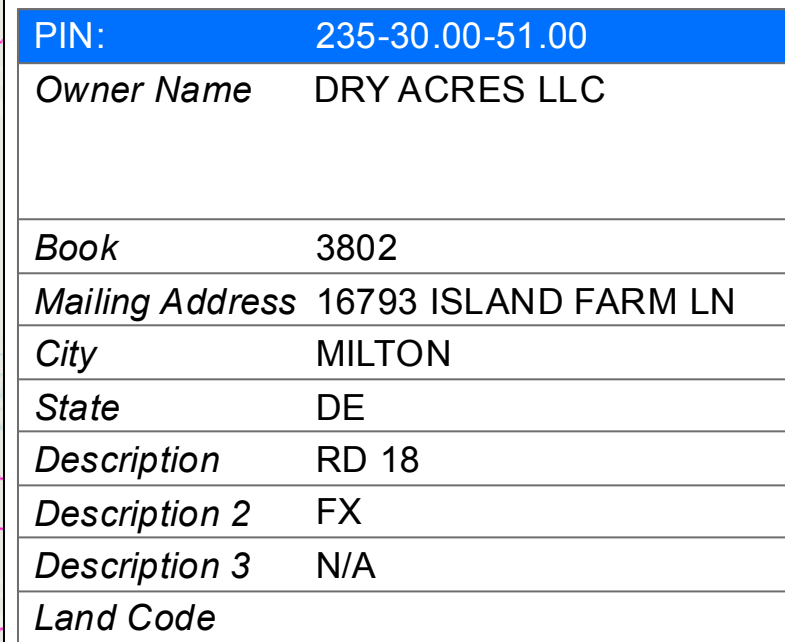


Mailing List Exhibit Map
Planning and Zoning Commission
CZ 1904 Dry Acres, LLC
235-30.00-51.00

Jill A Cicierski
16808 Gravel Hill Road
Milton, DE 19968



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, Sussex County Mapping and Addressing, DelDOT Planning, Surdex Corp, 2017



Override 1

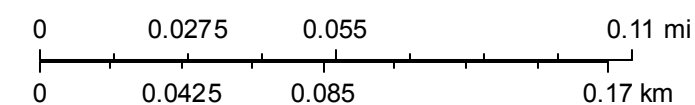
Override 1

911 Address

— Streets

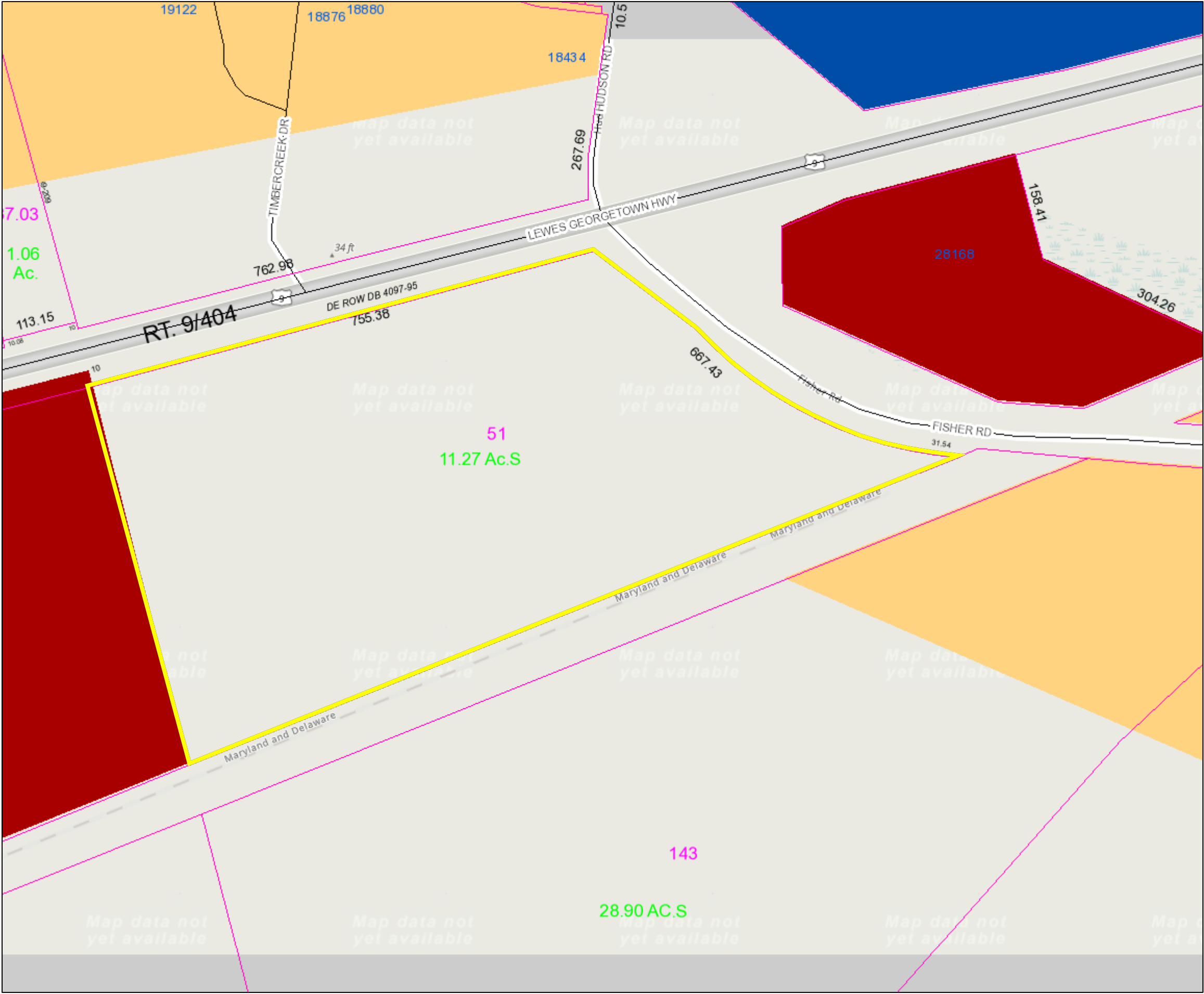
 County Boundaries

1:2,257





Sussex County

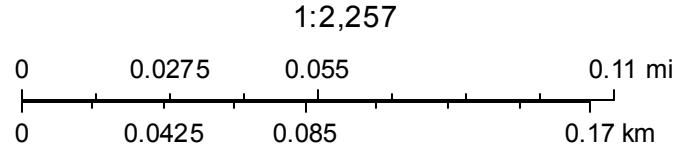


PIN:	235-30.00-51.00
Owner Name	DRY ACRES LLC
Book	3802
Mailing Address	16793 ISLAND FARM LN
City	MILTON
State	DE
Description	RD 18
Description 2	FX
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets



Introduced 10/08/19

**Council District No. 3 - Burton
Tax I.D. No. 235-30.00-51.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.88 ACRES, MORE OR LESS

WHEREAS, on the 1st day of October 2019, a zoning application, denominated Change of Zone No. 1904, was filed on behalf of Dry Acres, LLC (Jill Cicierski); and

WHEREAS, on the ____ day of _____ 2020, 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. 1904 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 of C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the Broadkill and being more particularly described in the attached legal description prepared by Pennoni, said parcel containing 10.88 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.