



Sussex County Council Public/Media Packet

**MEETING:
January 23, 2018**

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



2 THE CIRCLE | PO BOX 589
GEORGETOWN, DE 19947
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sussexcountyde.gov
ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

JANUARY 23, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 856-11
Sussex County Project No. 81-04
Millville By The Sea – Village 1 (Formerly Canal Plan Phase 1)
Millville Expansion of the Bethany Beach Sanitary Sewer District
2. Wastewater Agreement No. 1028
Sussex County Project No. 81-04
Apple Arbor
Miller Creek Sanitary Sewer District

Todd Lawson, County Administrator

1. Proclamation recognizing Cape Henlopen High School Field Hockey Team
2. Board of Assessment Review Appointments
3. Sussex Sports Center Foundation Proposal Discussion and MOU (Memorandum of Understanding) Consideration
4. Administrator's Report



Gina Jennings, Finance Director

1. Emergency Shelter Funding

Jim Hickin, Airport Manager

1. Airport Advisory Committee Appointments

10:15 a.m. Public Hearing

Community Development Block Grant (CDBG)

Jeff Cox, Deputy Director of EMS

1. Memorandum of Understanding – Clinical Agreement between Nanticoke Memorial Hospital and Sussex County EMS

Hans Medlarz, County Engineer

1. Wolfe Neck Regional Wastewater Facility – Tenant Farmer Loss Compensation
2. Inland Bays Regional Wastewater Facility – Farm Lease Modification

Old Business

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW “B-2 BUSINESS COMMUNITY” DISTRICT; “B-3 BUSINESS RESEARCH” DISTRICT; “C-2 MEDIUM COMMERCIAL” DISTRICT; “C-3 HEAVY COMMERCIAL” DISTRICT; “C-4, PLANNED COMMERCIAL” DISTRICT; “C-5, SERVICE/LIMITED MANUFACTURING” DISTRICT, AND “I-1, INSTITUTIONAL” DISTRICT; TO CLOSE THE CR-1 AND B-1 DISTRICTS; TO AMEND “115 ATTACHMENT 3, SUSSEX COUNTY TABLE III”; TO CREATE “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”

Conditional Use No. 2075 filed on behalf of Burton’s Pond, LLC (Burton’s Pond Section II)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100 TOWNHOUSE UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.95 ACRES, MORE OR LESS” (Tax I.D. No. 234-17.00-29.00 (portion of) (911 Address: None Available)

Change of Zone No. 1827 filed on behalf of Fenwick Commons, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (Tax I.D. No. 533-19.00-52.00) (911 Address: Not Available).

Conditional Use No. 2098 filed on behalf of Fenwick Commons, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (62 DUPLEX UNITS) STRUCTURE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (Tax I.D. No. 533-19.00-52.00) (911 Address: Not Available)

Grant Request

1. Greenwood Memorial VFW Post Ladies Auxiliary 7478 for convention book

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1839 filed on behalf of Dale Lomas / Seashore Highway Associates, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS” (located on the north side of Lewes Georgetown Highway (Route 9) approximately 590 feet east of Josephs Road (Tax I.D. No. 334-4.00-37.04) (911 Address: Not Available)

Change of Zone No. 1836 filed on behalf of Softball World, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.00 ACRES, MORE OR LESS” (located on the south side of Lewes-Georgetown Highway) (Route 9) approximately 0.79 mile east of Sand Hill Road) (Tax I.D. No. 135-15.00-82.00 (portion of) (911 Address: 22518 Lewes Georgetown Highway, Georgetown)

Change of Zone No. 1837 filed on behalf of ABC Woodlands, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 16.211147 ACRES, MORE OR LESS” (located on the southwest corner of Long Neck Road and School Lane, and also being on the south side of Long Neck Road, approximately 1,000 feet west of School Lane) (Tax I.D. No. 234-23.00-273.01, 234-23.00-273.02, and 234-23.00-273.03) (911 Address: Not Available)

Adjourn

Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 16, 2018, at 5:00 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 listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 16, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 16, 2018 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	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 038 18
Approve
Agenda**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to approve the agenda, as posted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of January 9, 2018 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**Dale Dukes, President, Dukes Lumber Co., Inc., Laurel.
RE: Right to Work ordinance that was turned down.**

**Public
Comments**

Public Comments

Dan Kramer commented on the attendance of a group called SARG at the Comprehensive Land Use Plan workshops.

Paul Reiger referenced the many issues, i.e. issues within Section 115 of the Code, he has brought to Council's attention and he asked that they be fixed in the Code in the near future.

Report

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

Administrator's Report

1. Sussex County Comprehensive Land Use Plan Workshop

The next Sussex County Council Comprehensive Land Use Plan Workshop will be held on Wednesday, January 17th, at 9:30 a.m. in Council Chambers. A copy of the agenda is attached.

2. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

A joint meeting of the Advisory Committee on Aging & Adults with Physical Disabilities and the Conference Planning Subcommittee will be held on Monday, January 22nd, at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

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

2017 Private Activity Bond Volume Cap

Mrs. Jennings reported that the County has received correspondence from the State of Delaware Department of Finance requesting that the unused portion of the County's annual Private Activity Bond Volume Cap be reassigned to the State. The State plans to allocate it to the State Housing Authority. Private Activity Bonds (PABs) are tax-exempt bonds issued by public entities to provide low cost financing for private projects that serve a public purpose. Federal tax law imposes a number of restrictions and requirements on the issuance of PABs. These bonds are for private entities and have no impact on Sussex County government. IRS requires state and local governments to serve as conduits for these tax-exempt bonds so they will be regulated properly. Mrs. Jennings reported that, typically, every year at this time, the County reassigns its unused portion to the State and she recommended that the Council reassign the County's 2017 unused Private Activity Bond Volume Cap of \$30,535,000 to the State of Delaware.

M 039 18 Reassign 2017 Unused Private Activity Bond Volume Cap

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council reassigns the County's 2017 unused Private Activity Bond Volume Cap of \$30,535,000 to the State of Delaware.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

Asset Management Phase III Dewey Water

Hans Medlarz, County Engineer, presented Amendment No. 3 in the amount of \$12,948.00 to the Contract with KCI Technologies for Asset Management, Phase II – Dewey Beach Water Mapping System to develop an initial Geographic Information System (GIS) of the County's water system in the Dewey Beach area.

M 040 18
Approve
Amendment
No. 3 to
EJCDC
Contract/
Dewey
Water

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Amendment No. 3 to the EJCDC Contract for miscellaneous engineering services with KCI Technologies, Inc. be approved in an amount not to exceed \$12,948.00 for Phase II of the Asset Management Program Dewey Beach Water System Mapping.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Delaware
Coastal
Business
Park/
Becker
Morgan
Group/
Scope
Amendment

Hans Medlarz, County Engineer, reported that Lease Area No. 2 in the Delaware Coastal Business Park (formerly known as the King Farm Industrial Park) is up for consideration of extending a stub road created for the intersection where the Atlantis stub road is; additionally, there is opportunity to do some considerations for stormwater management and stormwater over-management, which would allow for stormwater for either the existing park and/or for the new park. To accomplish the engineering tasks, a scope modification from Becker Morgan Group, Inc. is requested to design the new and realigned segments and the stormwater over-management in an amount not to exceed \$48,000.00.

M 041 18
Approve
Scope
Amendment
for
Delaware
Coastal
Business
Park

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Scope Amendment No. 1 with Becker Morgan Group, Inc. be approved in the amount not to exceed \$48,000.00 for the design of a new roadway including realignment with existing roadways and stormwater over-management at the Delaware Coastal Business Park.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Rules Mr. Moore reported on the Rules of Procedure for the Public Hearing.

Public
Hearing/
Proposed
Ordinance/
Special
Events

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, VI, X, XI, XIA, and XII BY AMENDING SECTIONS §§115-20, 115-22, 115-39, 115-69, 115-71, 115-77, 115-79, 115-83.2, 115-83.5, 115-85 and 115-87 TO AMEND AND CLARIFY CERTAIN SHORT-TERM “SPECIAL EVENTS” AS PERMITTED USES IN THE AR-1, GR, B-1, C-1, CR-1 and M DISTRICTS”.

Summary: “Special Events” are currently within the Conditional Use sections of several of the various zoning districts; however, in certain

**Public
Hearing/
Proposed
Ordinance/
Special
Events
(continued)**

circumstances the Code provides that they can be permitted without a Conditional Use. This ordinance moves the “permitted” Special Events to the “Permitted Uses” section of the districts. Then, if the proposal does not fall under the permitted use or is not approved as such, it will require a Conditional Use. This amendment also gives the Director greater discretion, clarity and guidance in determining whether to approve a special event request or require a Conditional Use application.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on October 26, 2017 at which time the Commission recommended to withdraw the Proposed Ordinance and to continue with a public workshop format.

Todd Lawson, County Administrator; Vince Robertson, Assistant County Attorney; and Janelle Cornwell, Planning and Zoning Director, presented the Proposed Ordinance.

A presentation was given by Mr. Lawson and Mr. Robertson outlining the current County Code, new ordinance guidelines/considerations, and new ordinance construction. Mr. Lawson also referenced a White Paper prepared by former Planning and Zoning Director Lawrence Lank; the White Paper outlined some historic perspective on the County Code as it relates to special events.

Mr. Robertson presented an overview of the process. He reported that the Council asked staff to review the special events provisions in the Code, based on issues with how it is drafted and how it has been applied in the past. Mr. Robertson noted that Council never gave any direction to ban anything and what has been drafted does not ban anything. He stated that the drafted ordinance is intended to keep in line with what the current Code states and it is intended to keep it simple and easy without a lot of steps and red tape. Mr. Robertson noted that the current Code states that the Director of Planning and Zoning has the authority to approve special events and that the Proposed Ordinance states the same. He also noted that there is not a drastic change in what is proposed versus what is already in Code. Mr. Robertson clarified that the Proposed Ordinance does not ban or limit events at VFWs, fire halls, churches, or similar organizations or events within any municipalities. In fact, what it does is gives a property owner four different ways to get approval: a Director-approved special event, a Director-approved tent, a Conditional Use for an event, or a Board of Adjustment approved event/tent. It was noted that if a special event application is denied by the Planning and Zoning Director, an appeal would go to the Board of Adjustment, in accordance with State Law.

Council discussed what information is needed for a planned event: estimated number of people, liquor licensing, porta-potties, parking, lighting, music, and compliance with agencies such as the DelDOT, State Police, ADA, Health Department, etc. Also discussed was how the public would know if the policy affects them; if inside events are covered in the

**Public
Hearing/
Proposed
Ordinance/
Special
Events
(continued)**

Proposed Ordinance; how for-profit and non-profit organizations would be affected; if events are based on use and if inside versus outside events are addressed; and regulations for special events in Kent County and New Castle County.

Ms. Cornwell reported that, since the Planning and Zoning Commission held their Public Hearing, three letters have been received expressing concerns about the Proposed Ordinance; additionally, an exhibit containing over 1,800 comments was received and was very site specific. These documents have been made a part of the record as has all documents submitted to the Planning and Zoning Commission.

Public comments were heard.

There were no public comments in support of the Proposed Ordinance.

Twenty-three people spoke in opposition to the Proposed Ordinance. They questioned how the Proposed Ordinance came about; questioned how non-profits would be affected; provided examples of special events on their properties; requested that it be clearly established in the ordinance that non-profits are grandfathered and exempt; stated that the proposed ordinance does not specifically exclude organizations such as VFW, American Legion, etc.; expressed concerns for veterans; stated that most special events are fundraisers; questioned the limit of 3 day events as well as 3 events per year; stated that the proposed ordinance will have a financial impact; stated that the current ordinance and the proposed ordinance are not well drafted and are not clear; stated that the proposed ordinance is a significant change; stated that special events do get regulated, i.e. DelDOT, OABCC, State Police, etc.; stated that there is not much guidance for the Director of Planning and Zoning in the existing ordinance; stated that the Council should not give absolute discretion to the Director of Planning and Zoning and that it exposes the Director to personal liability; stated that the existing ordinance does not give any real basis for denial; stated that many important activities will not be permitted under the proposed ordinance, i.e. 5Ks, marathons, youth athletics, concerts, haunted houses, fairs, weddings, parades, scouting events; stated that places are needed to hold events; reported on the history of Hudson Fields operating as an airport and event venue for over 50 years including air shows and parachuting events; stated that Hudson Fields serves the community; referenced the need for a grandfathering provision; stated that the proposed ordinance would shut down Hudson Fields; stated that the noise levels of the concerts are less than the noise levels from airplanes, helicopters and tractor trailers; referenced a new sports complex in Georgetown that would not have to follow the proposed ordinance; discussed the importance of non-profits to the community; commented on property rights and over-regulation; urged the Council to follow the recommendation of the Planning and Zoning Commission; and urged Council to table the proposed ordinance stating that it is not ready to be passed, as written.

**M 042 18
Recess**

At 12:35 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to recess for 30 minutes.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 043 18
Reconvene**

At 1:02 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton to reconvene.

Motion Adopted: 3 Yeas, 2 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Absent; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
Proposed
Ordinance/
Special
Events
(continued)**

Mr. Arlett and Mr. Wilson rejoined the meeting.

Public comments in opposition to the Proposed Ordinance continued. Opponents referenced that the proposed ordinance creates confusion, does not provide quantitative measurements, and does not address yard sales, family events, church sites, seasonal festivals, outdoor movies, Carey's Camp, etc.; stated that there is no grandfathering clause in the proposed ordinance and that there should be; stated that there is no guidance as to how the County will monitor activities; stated that they question who will pay to monitor events; stated that the proposed ordinance does not reference any penalties if a permit is not acquired; stated that they question the basis for the number of events (3); stated that an economic impact study is needed; stated that special events such as the concerts at Hudson Fields benefit the economy; that the concerts at Hudson Fields generated \$1.6 million per a University of Delaware Economic Development Study; stated that the proposed ordinance does not solve the issues of safety; stated that applications have been submitted in the past for Foodie Fest, lacrosse and concerts at Hudson Fields and no response was received from the County; stated that they question how the changes will be implemented; stated that as a result of the proposed ordinance, the County will need to be prepared for a large volume of applications; referenced a FOIA request and information received on the number of applications for special events the County has received over the past few years; questioned if the Nanticoke Indian Association's events will be affected, i.e. the Annual Powwow and other events; stated that without special events, many organizations could not make money that is needed to help the community – raising funds and awareness for local charities; stated that special events fuels small business revenue and enhances quality of life; stated that more than three 3-day events should be permitted per year; questioned how the proposed ordinance would affect the Freeman Stage; stated that no one in attendance is in support of the proposed ordinance; stated that a committee should be

**Public Hearing/
Proposed Ordinance/
Special Events
(continued)**

set up to work on a redraft of the ordinance; and stated that the Council and County staff should meet with the community and get their perspective on this matter.

It was noted that, during the Public Hearing, it was found that there is some confusion regarding the Sussex County Special Events Application (Planning and Zoning) and the Sussex County Public Safety Services Special Event Application (EMS). It was further noted that the proposed Ordinance should reference both applications.

Submitted into the record were: a letter from John Paradee, Attorney, written to Martin Ross, Chairman, Sussex County Planning and Zoning Commission, regarding Hudson Fields; a letter from John Paradee, Attorney, to Michael Vincent, President of the Sussex County Council regarding the Proposed "Special Events" Ordinance; notes on the Special Events Ordinance from Kevin Burdette; letter from D. J. Hughes; 26 additional letters/emails submitted in opposition to the proposed ordinance; and a petition to "Save Hudson Fields Concerts!" with 2,263 signatures.

There were no additional public comments.

The Public Hearing was closed.

**M 044 18
Defer Action
on Proposed Ordinance/
Special Events**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action on the Proposed Ordinance relating to Special Events and to leave the record open for 30 days for submission of comments and information (written submissions only), including the economic development study by the University of Delaware.

Motion Adopted: 3 Yeas, 2 Nays.

**Vote by Roll Call: Mr. Arlett, Nay; Mr. Burton, Yea;
Mr. Wilson, Nay; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed Ordinances**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS, SALE AND STORAGE (EXTENSION OF CONDITIONAL USE NO. 1242) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.0011 ACRES, MORE OR LESS" (Conditional Use No. 2125) filed on behalf of RS Cordrey Farms, LLC (Tax I.D. No. 234-28.00-59.00 (portion of) and 234-28.00-60.00 (portion of) (911 Address: Not Available).

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL

Introduction of Proposed Ordinances (continued)

VEHICLE STORAGE AND CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS” (Conditional Use No. 2126) filed on behalf of Nikolajs Lituinenkous (Tax I.D. No. 233-11.00-172.00) (911 Address: 30028 Vines Creek Road, Dagsboro).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.60 ACRES, MORE OR LESS” (Conditional Use No. 2127) filed on behalf of Wine Worx, LLC (Tax I.D. No. 134-11.00-53.00) (911 Address: 32512 Blackwater Road, Frankford).

The Proposed Ordinances will be advertised for Public Hearings.

**M 045 18
Go Into
Executive
Session**

At 2:32 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Executive
Session**

At 2:35 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 3:12 p.m.

**M 046 18
Reconvene**

At 3:13 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Absent; Mr. Cole, Yea;
Mr. Vincent, Yea**

There was no action on Executive Session matters.

**M 047 18
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn at 3:13 p.m.

Motion Adopted: 5 Yeas.

**M 047 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Absent; Mr. Cole, 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

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

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 11, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
MILLVILLE BY THE SEA - VILLAGE 1 (FORMERLY CANAL PLAN PHASE 1)
AGREEMENT NO. 856 - 11

DEVELOPER:

Ms. Sharon Walters
Millville Town Center, L.L.C.
32965 Roxana Road
Millville, DE 19967

LOCATION:

Town of Millville
Substation and Burbage Roads

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

72 Lots

SYSTEM CONNECTION CHARGES:

\$415,800.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
10/25/17

Department of Natural Resources Plan Approval
11/29/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 124

Construction Admin and Construction Inspection Cost – \$119,364.60

Proposed Construction Cost – \$795,764.00



ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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FAX	(302) 855-7799



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 11, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
APPLE ARBOR
AGREEMENT NO. 1028

DEVELOPER:

Mr. Dan Smith
Bryton Homes at Apple Arbor, LLC
8405 Greensboro Drive, Suite P
McLean, VA 22102

LOCATION:

North of Road 363 (Double Bridges Road),
approximately 1,450 feet easterly of Road 362
(Parker House Road)

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Residential Subdivision

SYSTEM CONNECTION CHARGES:

\$80,850.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
02/17/16

Department of Natural Resources Plan Approval
03/03/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 19
Construction Admin and Construction Inspection Cost – \$15,401.40
Proposed Construction Cost – \$102,676.00



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

SUSSEX COUNTY COUNCIL



A PROCLAMATION TO HONOR THE CAPE HENLOPEN HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2017 DIAA DIVISION I CHAMPIONSHIP

WHEREAS, the Sussex County Council wishes to recognize the Cape Henlopen High School field hockey team for winning the Delaware Interscholastic Athletic Association title as Division I State Champions for the 2017 season; and

WHEREAS, the Cape Henlopen High School field hockey team capped yet another impressive season in beating Sussex Technical High School by a score of 1 to 0 during the state championship game on Saturday, November 18, 2017, ending with a 16-2 record; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is the sixth state title in the last seven years for the school's field hockey program, and the eighth field hockey state championship title for the school since 1979; and

WHEREAS, the Cape Henlopen High School field hockey team played as a formidable opponent in facing squads from across Sussex County and throughout the state of Delaware and mid-Atlantic during the 2017 season, displaying cooperation, consistency, and character above all else; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is a source of tremendous pride for the Cape Henlopen School District community and all of Sussex County;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Cape Henlopen High School field hockey team upon winning the 2017 Delaware Interscholastic Athletic Association championship title, and proclaims Tuesday, January 23, 2018, as a day for all Sussex County residents to honor the team's remarkable achievement.



Irwin G. Burton III
Councilman

TODD F. LAWSON
COUNTY ADMINISTRATOR


(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
The Honorable Samuel R. Wilson Jr.

FROM: Todd F. Lawson
County Administrator 

RE: **APPOINTMENT TO BOARD OF ASSESSMENT REVIEW**

DATE: January 19, 2018

During Tuesday's meeting, you will consider the re-appointment of Ms. Julie Rigby to the Board of Assessment Review.

As you know, the Board of Assessment Review is required by Delaware Code to meet and hear appeals from property owners who allege that their property was improperly assessed. The Board consists of five members who must be freeholders of the County, with not more than three of whom shall be from the same political party, and one member shall be appointed from each councilmanic district. The term is for five years.

The Board is scheduled to meet in March to hear appeals. A copy of the current Board makeup is attached.

Please let me know if you have any questions or concerns.

TFL/sww

Attachment



ASSESSMENT

CHRIS KEELER
ACTING DIRECTOR
(302) 855-7824 T
(302) 855-7828 F



Sussex County
DELAWARE
sussexcountype.gov

Board of Assessment Review

Board Members & Political Party	District	Term Expiration
Julie Rigby (I)	1	February 2018
Lester Beachy (R)	2	February 2019
Tom O'Hagan (D)	3	February 2021
Harry Kreger (I)	4	February 2022
R. Stephen McCabe (R)	5	February 2020

Members are appointed for five year terms, provided that the terms of the original members shall be established in a manner that one shall expire each year.

No more than three members shall be from the same political party.

One member of the Board shall be appointed from each council district.

Pay is \$75.00 per day for days board is in session.

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) 855-7773



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JAMES A. HICKIN, A.A.E.
AIRPORT MANAGER

2018 Airport Advisory Committee Appointments

- | | | |
|----|---|--------------------------|
| 1. | One representative of the Fixed Base Operator | Garrett Dernoga |
| 2. | One non-commercial Airport tenant | Larry Kelley |
| 3. | One commercial Airport tenant | Jeff Reed |
| 4. | Two Airport-based aircraft owners | Rick Garner
Gus Croll |
| 5. | One Industrial Park tenant representative | Mark Ryan |
| 6. | One representative at large | Richard Wilson |
| 7. | County Council Representative | Robert Arlett |



BRAD D. WHALEY
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bwhaley@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
Todd Lawson, County Administrator

FROM: Brad D. Whaley

RE: **2018 CDBG Application**

DATE: January 18, 2018

During Tuesday's Council meeting, I will be presenting the County's Community Development Block Grant application request for the 2018 CDBG grant year. My department has held Public Hearings at all of the Towns/Cities listed and the projects represent their requests.

For the Rural Communities, I have attended Strong Community meetings throughout the County. These meetings are sponsored by First State Community Action and allow me to hear the concerns of the area residents. Additionally, I have consulted my Advisory Committee for guidance and approval for selecting these targeted rural areas.

Attached is the proposed application request for your review.



**STATE OF DELAWARE
DELAWARE STATE HOUSING AUTHORITY
DELAWARE CDBG PROGRAM-PROJECT
COST SUMMARY**

**CONTRACT PERIOD FROM: JULY 1, 2018 TO JUNE 30, 2019
SUMMARY OF PROGRAM ACTIVITIES**

PROGRAM ACTIVITIES	PROGRAMS	CDBG PROGRAM FUNDS	LOCAL MATCH	OTHER FUNDS	TOTAL REQUESTED
Blades	(5) Rehab	\$80,000.00			\$80,000.00
Bridgeville	(5) Rehab	\$80,000.00			\$80,000.00
Ellendale	(5) Rehab	\$80,000.00			\$80,000.00
Frankford	(5) Rehab	\$80,000.00			\$80,000.00
Georgetown	(6) Rehab	\$105,000.00			\$105,000.00
Laurel	(8) Rehab	\$140,000.00			\$140,000.00
Milford	(6) Rehab	\$105,000.00			\$105,000.00
Milton	(6) Rehab	\$105,000.00			\$105,000.00
Seaford	(8) Rehab	\$140,000.00			\$140,000.00
Selbyville	(8) Rehab	\$140,000.00			\$140,000.00
Scattered Rehab	(30) Rehab	\$488,000.00		HPG	\$488,000.00
Scattered Demo	(4) Demo	\$40,000.00			\$40,000.00
Scattered Emergency Rehab	(12) Rehab	\$78,000.00			\$78,000.00
Handicapped Accessibility	(8) Rehab	\$48,000.00			\$48,000.00
Scattered Hookups	(20) Hookups	\$40,000.00			\$40,000.00
Cedar Creek	(4) Rehab	\$44,000.00			\$44,000.00
Concord	(3) Rehab	\$36,000.00			\$36,000.00
Green Top	(3) Rehab	\$36,000.00			\$36,000.00
West Clarksville	(2) Rehab	\$32,000.00			\$32,000.00
Polly Branch	(4) Rehab	\$50,000.00			\$50,000.00
West Rehoboth	(3) Rehab	\$36,000.00			\$36,000.00
TOTALS		\$1,983,000.00	\$0.00	\$0.00	\$1,983,000.00

TOTAL PROJECTS: 140 Rehabs 4 Demos 20 Hookups

ADMINISTRATION	CDBG PROGRAM	LOCAL MATCH FUNDS	OTHER FUNDS	TOTAL REQUESTED
Salaries	\$162,000.00	\$132,327.00		\$294,327.00
Other Employment Costs	\$0.00	\$185,060.00	\$0.00	\$185,060.00
Travel	\$10,000.00	\$0.00	\$0.00	\$10,000.00
TOTAL ADMINISTRATION COSTS	\$172,000.00	\$317,387.00	\$0.00	\$489,387.00

TOTAL PROGRAM COSTS	\$2,155,000.00	\$317,387.00	\$0.00	\$2,472,387.00
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CITIZEN PARTICIPATION
CERTIFICATE OF ASSURANCE

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

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

The Sussex County Council has held a public hearing on January 23, 2018 with required notice for all citizens, including low and moderate-income persons, to have an opportunity to present their views and proposals.

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

ATTEST:

SUSSEX COUNTY COUNCIL

Todd F. Lawson
County Administrator

RESOLUTION NO. R

AUTHORIZATION TO SUBMIT APPLICATIONS

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

WHEREAS, the County Administrator, Todd F. Lawson, is hereby authorized to certify that matching funds in excess of \$172,000.00 will be made available upon the approval by the Delaware State Housing Authority.

BE IT FURTHER RESOLVED by the Sussex County Council that Todd F. Lawson, County Administrator, is hereby authorized to submit the Fiscal Year 2018 Community Development Block Grant applications with all understandings and certifications contained therein to the State of Delaware Housing Authority.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF
RESOLUTION NO. R PASSED BY THE SUSSEX COUNTY COUNCIL ON THE 23rd
DAY OF January 23, 2018.

ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL

RESOLUTION NO. R

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

WHEREAS, the Sussex County Council supports the goals of the State and Federal fair housing laws;

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

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

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF JANUARY 2018.

ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL



SUSSEX COUNTY EMERGENCY MEDICAL SERVICES

22215 Dupont Blvd. · P.O. Box 589 · Georgetown, DE 19947 · 302-854-5050 · FAX 302-855-7780

Robert A. Stuart
Director

To: Sussex County Council
From: Jeffrey Cox, Deputy Director Sussex County EMS
Date: January 18, 2018
Re: Motion to sign MOU with Nanticoke Memorial Hospital

Mr. President and Honorable members of The Council,

Sussex County EMS has had continued Memorandum of Understandings with Nanticoke Memorial Hospital for many years. We are presenting the latest MOU for approval to allow our paramedics to practice IV's, endotracheal intubation in their Operating Room, to assess patients in the Emergency Room, and to shadow specialty care in the Cardiac Cath Lab and Labor and Delivery departments.

This MOU will allow us to send newer paramedics and experienced paramedics that have performance improvement plans to Nanticoke Hospital. It addresses areas of responsibility and liability and will help protect all agencies involved. This MOU has been reviewed by Sussex County legal counsel.

This MOU is a key part of our Quality Improvement Plan and has had many versions over the last 25 years. Nanticoke is a key partner in not only our emergency response and care of patients, they are also a key reason why our paramedics provide high-value EMS to our citizens and visitors.

If it pleases The Council, be it moved that the Sussex County Council approves the Memorandum of Understanding between Sussex County EMS and Nanticoke Memorial Hospital to allow our paramedics to practice skills and observe within Nanticoke Memorial Hospital.

Thank you for your time and consideration,

Jeffrey Cox, BS, FP-C, NRP
Deputy Director of Administration, Sussex County EMS

**Caring People,
Quality Service**



Todd F. Lawson
Administrator

MEMORANDUM OF UNDERSTANDING (MOU)
Between
**NANTICOKE MEMORIAL HOSPITAL, SUSSEX COUNTY/
SUSSEX COUNTY EMERGENCY MEDICAL SERVICES and DELAWARE
OFFICE OF EMERGENCY MEDICAL SERVICES**

This MOU, made between **Nanticoke Memorial Hospital, Inc.** (alternatively referred to as “NMH” or “the Hospital”), a Delaware nonprofit corporation located at 801 Middleford Road, Seaford, Delaware, **Sussex County**, a political subdivision of the State of Delaware, and **Sussex County Emergency Medical Services**, a department of Sussex County (alternatively referred to as “the County” or “SCEMS”) , located in Georgetown, Delaware, and **Delaware Office of Emergency Medical Services**, an agency of the State of Delaware with an address of DPH Public Health Preparedness Section, 100 Sunnyside Road, Smyrna, DE 19977 (“OEMS”).

WITNESSETH THAT:

WHEREAS the Hospital and SCEMS are mutually desirous of contributing to the education of Prehospital Advanced Life Support Paramedics, said Hospital, and SCEMS agree that it is to the mutual benefit of all parties as well as the community that these paramedics have opportunities for intubation of patients in the environment of quality medical care, and

WHEREAS, the County has established a program of quality improvement, education, and to gain additional experience which will benefit from the opportunity for paramedics to participate in the care of patients in a hospital environment,

WHEREAS, the Hospital desires to provide the County’s paramedics with the opportunity to participate in patient care within the hospital environment, and

WHEREAS, the parties hereto desire to enter into this MOU to set forth their mutual obligations to each other.

NOW, THEREFORE, in consideration of the premises and mutual representations, warranties and covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. That this MOU shall be in effect for **(2) years** commencing on February 1, 2018 and terminating on January 31, 2020.
2. The Hospital shall provide on-site clinical opportunities in the Hospital’s Operating Room (“OR”), or Emergency Room (“ER”) for SCEMS paramedics to perfect their individual skills, with an emphasis on IV, assessment and intubation, including, but not limited to intubating elective surgery patients under the guidance of the Hospital’s anesthesia departments. The Hospital will provide additional opportunities for new paramedics, experienced paramedics needing a generalized refresher on varied topics and procedures, experienced paramedics with identified needs in a Performance Improvement Plan,

paramedics with limited field opportunities and paramedics with low success rates for intubation. The Hospital will provide a clinical preceptor to oversee IV's and patient assessments in the Emergency Department for new paramedics, paramedics with limited field opportunities and paramedics with low success rates. SCEMS Field Training Officers may also assist in IV and patient assessment instruction in the Emergency Department. At a minimum, the County will require each paramedic to undergo Intubation refresher training at least once every 2 years. Paramedics will be able to observe in the following areas; Labor and Delivery and Cardiac Catheterization Lab but no patient care will be permitted.

3. With respect to the County, the terms and provisions of this MOU shall apply only to those SCEMS paramedics employed by the County who provide evidence of the following each time that he or she is assigned a clinical opportunity.
 - a. Current proof of employment
 - b. Current CPR/ACLS card
 - c. Proof of current state licensure/certification.

SCEMS shall be permitted to provide the above-referenced documentation to the Hospital by electronic transmission, i.e., email, fax, Dropbox or other form of electronic transmission, prior to the individual paramedic's arrival at the Hospital for any given clinical opportunity.

4. SCEMS paramedics who participate in this program shall receive no compensation from the Hospital.
5. SCEMS paramedics who participate in this program shall in no way be deemed to be employees, representatives or agents, of the Hospital under any appropriate hospital policy, law or statute. Likewise, Hospital employees who participate in this program shall in no way be deemed to be employees, or agents, of the County under any County policy, law or statute. Nothing contained in this MOU shall be construed so as to create a partnership between any of the parties hereto.
6. As a condition of participation in this program, all paramedics shall have a personal health insurance policy which provides coverage for accidents and sickness. This health insurance policy may be provided by the County, or such other source of that paramedic's choosing. A copy of said coverage shall be on file at the County office and provided to the Hospital
7. The County and the Hospital shall each secure and maintain, at their own expense, professional and general liability insurance, with such coverages and amounts, as is customary, but with limits not less than \$1 million per occurrence and \$3 million for annual aggregate. Prior to the commencement of services hereunder, the County will submit to the Hospital, and the Hospital will submit to the County, a certificate of insurance evidencing their respective insurance. The County and the Hospital will maintain this coverage at all times while this MOU is in effect. Each Party shall notify the other at least thirty (30) days in advance prior to cancellation of coverage. Each Party will also maintain, at their own

expense, workers' compensation insurance with statutory limits.

8. SCEMS paramedics in this program who were born on or after January 1, 1957, will provide proof of measles, Mumps, Tetanus, and Poliomyelitis immunity, a copy of which shall be on file at the County office and provided to the Hospital upon request.
9. SCEMS paramedics in this program will provide proof of Hepatitis B immunity, either through (a) completion of a Hepatitis B Vaccine immunization program, (b) current participation in an HBV immunization program wherein at least the first injection of HBV vaccine has been administered, (c) evidence of pre-existing immunity, or (d) a signed waiver of participation in the county's HBV vaccination program. A copy of said proof of immunity or signed waiver shall be on file at the County office and provided to the Hospital upon request. Documentation of a current Influenza Vaccination will also be required as part of this agreement.
10. SCEMS paramedics in this program will provide evidence of current Cardiopulmonary Resuscitation ("CPR") and Advanced Cardiovascular Life Support ("ACLS") certification. A copy will be provided as noted in section 3 (a-c).
11. The County and Hospital shall each designate one (1) or more representatives who shall work together and mutually agree upon the locations and time periods where the clinical opportunities will occur and mutually agreed upon.
12. That the Hospital will:
 - a. Maintain the standards mutually agreed upon by the County and the Hospital, a copy of which, together with additional Hospital policies, is attached hereto as Exhibit A and is incorporated herein by reference.
 - b. Provide emergency care to the paramedics who may become ill or injured at the Hospital, but shall incur no financial liability for such care.
 - c. Permit representatives of SCEMS to visit the Hospital for the purposes of evaluating the program, upon appropriate advance notification to the Hospital administration.
 - d. Assist in the orientation of SCEMS supervisory and field training staff, as however necessary, to give them a thorough understanding of the operating procedures in the clinical areas to be used by the paramedics.
 - e. Meet periodically with designated SCEMS supervisory and field training staff to discuss and evaluate the program upon request.
 - f. The Hospital will remove any SCEMS personnel who do not meet the Hospital standards and policies for negligence, refusal to follow policies, or unethical behavior. A copy of the applicable Hospital policy(ies) is collectively attached hereto as Exhibit A and is incorporated herein by reference. Hospital shall provide County

copies of all updates and amendments thereto as such are adopted.

- g. Anesthesia staff will be assigned to the SCEMS paramedic. Patient's consent shall be obtained and proper authorization shall be completed.

13. That SCEMS will:

- a. Assign the SCEMS EMS Education Coordinator, or his/her designee, as the coordinator for the program, and assign an EMS Field Training Officer as appropriate to provide on-site supervision of the County paramedics participating in the program.
- b. Require that paramedics be appropriately attired per SCEMS policy, except as certain clinical activities require a specific hospital uniform, in which event the Hospital shall supply the necessary attire in accordance with its policies.
- c. Follow proper channels in planning paramedic clinical learning experience at the Hospital in accordance with paragraph 11 hereof. All Paramedics will be required to wear proper identification and follow applicable hospital dress code.
- d. Educate SCEMS staff and participating paramedics to ensure that each has become familiar with applicable Hospital personnel policies, standards, procedures, facilities and code of ethics, copies of which are collectively attached hereto as Exhibit A and are incorporated herein by reference. Hospital shall provide County copies of all updates and amendments thereto as such are adopted.
- e. Meet periodically with designated Leadership personnel of the Hospital for the purpose of discussion and evaluation of the program.

14. OEMS shall:

- a. Recognize the Hospital as an approved site for participation as part of an educational program pursuant to Title 16, Chapter 98, Section 9813 (c), Del. Code Anno. of the laws of the State of Delaware.
- b. Recognize SCEMS as an approved entity, and all SCEMS paramedics as students, participating as part of an educational program pursuant to Title 16, Chapter 98, Section 9813 (c), Del. Code Anno. of the laws of the State of Delaware.

- 15. SCEMS acknowledges that, in the course of the performance of its obligations hereunder, it may come into possession of confidential and/or proprietary data and information regarding patients, agents, businesses and activities and, accordingly, shall subscribe to the Nanticoke Physician Network Notice of Privacy Practices and execute the Nanticoke Health Services Confidentiality of Information Statement which shall apply to the parties herein, copies of which are collectively attached hereto as Exhibit B and are incorporated herein by reference. Independent of said policies both parties agree to abide by all State and Federal regulations,

in particular those associated with Health Insurance Portability and Accountability Act (HIPAA) and the Health Information Technology for Economic and Clinical Health Act (HITECH). If SCEMS receives any individually identifiable health information from the Hospital ("Protected Health Information" or "PHI"), or creates or receives any PHI on behalf of Covered Entity, SCEMS Paramedics will maintain the security and confidentiality of such PHI as required by the Hospital or applicable laws and regulations.

16. SCEMS Paramedics will receive education on Protected Health Information (PHI) and NMH will report to SCEMS any suspected breach of PHI (whether unsecured) without unreasonable delay and in no case later than five (5) business days after discovery of the breach. Such report shall include at least the following:
 1. The identity of each individual whose unsecured PHI was accessed, acquired, used, or disclosed during the breach.
 2. A brief description of what happened.
 3. The date of discovery of the breach.
 4. The nature of the unsecured PHI that was involved.
 5. Any steps individuals whose unsecured PHI was subject of the breach should take to protect themselves from potential harm resulting for the breach.
 6. A brief description of what SCEMS is doing to investigate the breach, to negotiate harm to individuals whose unsecured PHI was subject to the breach, and to protect against any further breaches.
17. Ninety (90) days prior to the date of termination of the MOU, both parties will review the MOU and identify and agree upon any revisions for incorporation into any new MOU negotiated.
18. Any modifications to the MOU shall be mutually agreed upon by both parties and must be in writing
19. This MOU may be terminated without cause by either party, provided that written notification to terminate is submitted at least thirty (30) days prior to such termination.
20. Relationship between Hospital and SCEMS is that of independent contractors.
21. All notices required to be given hereunder shall be sent by registered or certified mail, return receipt requested or by a nationally recognized overnight delivery service with all charges pre-paid to the addresses set forth in this paragraph.

To the Hospital:

Nanticoke Memorial Hospital, Inc.
801 Middleford Road
Seaford, DE 19973
Attn: Penny Short

To the County:

Sussex County
2 The Circle
P.O. Box 589
Georgetown, DE 19947
Attn: Robert A. Stuart, Director OR
Jeffrey B. Cox, Deputy Director of Administration

With a copy to:

J. Everett Moore, Jr., Esquire
Moore & Rutt, P.A.
122 W. Market Street
P.O. Box 554
Georgetown, DE 19947

To OEMS:

Delaware Office of Emergency Medical Services
DPH Public Health Preparedness Section
100 Sunnyside Road
Smyrna, DE 19977
Attn: Britany Huss, Paramedic Administrator

Any party shall be entitled to change the address to which notices shall be given hereunder by giving notice to the other parties in accordance with the provisions set forth herein.

22. Nothing contained herein is intended to waive, alter, or otherwise amend the County's immunity under the Delaware Code or otherwise, including but not limited to the County and Municipal Tort Claims Act. Additionally, nothing contained herein is intended to violate any constitutional principles of the State of Delaware or United States. To the extent that any obligations contained in this MOU are determined by court or other judicial action to waive, alter, or otherwise amend such immunity or to be constitutionally prohibited or otherwise not in accordance with the laws in effect at the time of any such claim, liability, cost or expense, the offending language shall be stricken from this MOU by such authority and considered invalid and unenforceable to the extent necessary to allow the application of such immunity to any claims, losses, damages, or suits asserted against either party or to the extent necessary to correct such violation of the law. The parties agree that any claims, liabilities, damages, costs and expenses shall be subject to the provisions of the County and Municipal Tort Claims Act, including the limitations on damages.
23. This MOU constitutes the entire agreement between the parties, and it supersedes any and all prior understandings or commitments concerning the subject matter hereof. The parties hereto acknowledge and agree that this MOU has been freely negotiated by all parties.

24. This MOU shall be governed by and construed in accordance with the laws of the State of Delaware, with venue lying in Sussex County. In the event of a dispute between the parties, each party shall be entitled to pursue any action at law or in equity in a court of competent jurisdiction in the State of Delaware.
25. Each party hereby waives all right to trial by jury and in a summary or other action, proceeding or counterclaims out of or in any way connected with this MOU, and any claim or injury or damages relating thereto.
26. Any party's waiver of any right or remedy available to it in the event of any default hereunder, or any breach by any party of the terms and conditions of this MOU, shall not constitute a waiver of any succeeding default of the same or other terms and conditions of this MOU.
27. If any provision of this MOU, or the application thereof, shall to any extent be held invalid, then the remainder of this MOU, or the application of such provision other than those as to which it is held invalid, shall not be affected thereby, and each provision of this MOU shall be valid and enforced to the fullest extent permitted by law.
28. This MOU shall be binding upon and inure to the benefit of the parties, their respective heirs, successors and assigns.
29. All pronouns and any variations thereof used in this MOU shall be deemed to refer to the masculine, feminine, neuter, singular or plural as the context may require.
30. This MOU may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Electronic signatures and photocopies or facsimile copies of signatures shall be deemed to have the same force and effect as originals.

IN WITNESS WHEREOF, this MOU has been executed by the parties on the respective date(s) set forth below.

**Nanticoke Memorial Hospital, Inc., a
corporation of the State of Delaware**

Date: _____

By: _____
Penny Short, Authorized Person

Witness: _____

Sussex County, a political subdivision of the State of Delaware

Date: _____

By: _____
Michael H. Vincent
President of the Sussex County Council

Attest: _____
Robin A. Griffith
Clerk of the Sussex County Council

**Sussex County Emergency Medical Services,
a department of Sussex County**

Witness

By: _____
Robert A. Stuart, Director

Date: _____

Approved as to Form:

J. Everett Moore, Jr., Esquire
Sussex County Attorney

The Delaware Office of Emergency Medical Services acknowledges this MOU for the purpose of verifying that all parties referred to herein, including all individual County paramedics, are recognized participants in an educational program under 16 Del. C. §9813(c) referred to in paragraph 14 hereof.

**Delaware Office of Emergency
Medical Services**

Date: 1-11-18

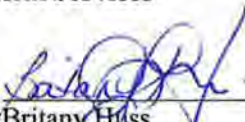
By: 
Britany Huss,
Paramedic Administrator

EXHIBIT A

NMH Standards, Policies, Code of Ethics, Etc.

EXHIBIT B

**Nanticoke Health Services Confidentiality of Information Statement and
Nanticoke Physician Network Notice of Privacy Practices**



Confidentiality of Information Statement

Name: _____ Service Area: _____

This policy primarily addresses employees of Nanticoke Health Services (NHS). It also includes other individuals who work with NHS. Examples include, but are not limited to consultants, students, volunteers and contracted personnel.

As one of these individuals, I may have access to confidential information. This information may pertain to patients. It may also pertain to physicians or other staff members. Additionally it may pertain to the hospital, providers or other corporate entities. This information may come in the form of personnel information, medical record data, lab results, etc. I fully understand that I have all the responsibilities listed below.

I am responsible for maintaining the confidentiality of this information. NHS will govern the policies and standards of confidentiality. It will also govern policies on release of information. These policies will detail to whom I may legally disclose information. The policies will also govern under what circumstances I may disclose this information. I will abide by them at all times.

I may obtain access codes to NHS computer systems. I will safeguard the security codes given to me. I will not disclose my security codes to anyone for any reason. This includes my family and friends. It also includes fellow workers, supervisors, and subordinates. I may be required to reveal my security codes to the Information Security Officer. This is the only exception.

I will only use my access security codes to perform my duties. I will not use anyone else's codes to obtain access to any computer system. I will be accountable for all work performed under my security codes. I will also be accountable for changes made to the system or databases under my security codes. I will not allow anyone else access to the computer using my security codes.

NHS reserves the right to monitor or intercept an individual's correspondence, including but not limited to telephone conversations or transmissions, electronic mail or transmissions, and internet access and usage.

Any unauthorized disclosure of information is grounds for immediate termination from NHS. It may also result in legal action. My signature indicates I am aware and do understand this.

Employee/Other Signature _____
Date

NHS Representative Signature _____
Date

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

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
The Honorable Samuel R. Wilson Jr.

FROM: Hans Medlarz, P.E., County Engineer

RE: ***Stafford Farms, Inc.***
Wolfe Neck RW Facility - Tenant Farmer Loss Compensation
Inland Bays RW Facility - Farm Lease Modification

DATE: January 23, 2018

During the July 19, 2016 County Council meeting, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning outlining the goal of optimal long term utilization of existing sewer transmission and treatment capacity. On August 30, 2016, in furtherance of this goal, Council authorized agreement negotiations with the Department of Natural Resources and Environmental Control (DNREC), Division of Parks & Recreation, the owner of the spray irrigation lands at the Wolfe Neck Facility.

On December 31, 2016, the 20-year land lease with DNREC had expired and on January 10, 2017 County Council approved the Wolfe Neck Regional Wastewater Facility's 1-year land lease extension which was administrative extended by both parties for another 1-year term through 2018. During the same meeting, Council also approved an innovative land conversion proposal in partnership with DNREC as the basis of a new 25-year lease term. The negotiations with the State are ongoing and we expect to present a draft lease agreement for Council's consideration during 2018.

Part of the approved approach was a loss compensation of Stafford Farms, Inc., the current farm lease holder, and assumption of the interim farming operation by current County staff. The loss was to be based on the 2014-2016 growing seasons as documented by the leaseholder using comparable yields of other irrigated fields verified by DNREC. The documentation has been submitted by Stafford Farms and reviewed by the State resulting in a verified three-year loss of \$146,016.00.



Stafford Farms, Inc. is also the holder of the County's competitively awarded farm lease at the Inland Bays Regional Wastewater Facility for a five-year term ending December 31, 2019. Anticipating the aforementioned timely Wolfe Neck loss compensation, Stafford Farms, Inc. failed to make the 2017 lease payment resulting in a principal and interest payment due to the County of \$101,180.80. In order to settle the outstanding issues, the Finance and Engineering Departments recommend paying out the difference to Stafford Farms, Inc.

In addition, we recommend resetting the terms for the Inland Bays Regional Wastewater Facility for a new five-year term ending December 31, 2022. This request is prompted by the ongoing diversion of flow away from Wolfe Neck to the Inland Bays Facility. It affected paragraph h) of the lease agreement which stipulated the maximum amount total nitrogen per acre at 250 lbs. We suggest replacing paragraph h) with the following:

h) Excluding nitrogen supplied from the reclaimed water, the total amount of nitrogen in the form of supplemental fertilizer that may be applied to each acre shall not exceed 135 lbs per year. If the limitation of nitrogen in the form of fertilizer applied to each acre is further reduced, the per acre lease payment shall be adjusted by \$1.00 per pound of reduction.

Furthermore, recognizing the direct relationship between application of supplemental fertilizer and crop yield, we recommend resetting the lease bid amount for the irrigated acreage to $\$185 \times (135/185) = \135 , whereby 185 lbs per acre represented the previous fertilizer application limitation. The irrigated acreage was also affected by a lengthy driveway relocation reducing it by approximately four acres. Taking all aspects into account, the annual Inland Bays farm lease payment would change from currently \$90,340 to \$68,100. We are requesting Council's concurrence in the aforementioned lease agreement modifications.

TERMS AND SPECIFICATIONS OF MODIFIED INLAND BAYS FARM LEASE

1. TERM OF LEASE. The initial term of this Lease shall be for five (5) years beginning on the date of execution and terminating on December 31, 2022. Either party may provide notice of its intent not to extend the lease by or before September 15, 2022. If said notice is not presented by either party, the lease will automatically extend for a one-year term, and shall continually extend to the following year until notice is provided by either party of its intent not to extend the lease.

2. RENTAL FEE. Lessee shall pay COUNTY a total annual rental fee of **\$68,100**. The annual rental fee is based on a \$75.00 per acre charge for approximately 134 non-irrigated acres and a \$135.00 per acre charge for approximately 430 irrigated acres. COUNTY does not guarantee the exact total acreage of leased land. Each year's annual rental fee shall be paid to COUNTY on or before January 15th for that lease year. The County reserves the right to add additional irrigated farm land during the term of the lease, which shall be paid for by Lessee at the specified rate on the bid form.

3. SECURITY INTEREST. TENANT hereby grants COUNTY a security interest in the agricultural commodities grown by Lessee on the leased land during the term of this Lease, whether such crops are standing, grown, in storage or in transit, and in any proceeds from the sale, exchange, transfer or other disposition of the collateral or proceeds, to ensure the performance by TENANT under all agreements with COUNTY, as well as payment of any and all sums now, heretofore and hereafter owing to COUNTY by TENANT as a result of TENANT entering into this Lease with COUNTY.

4. USE OF LEASED LAND. Lessor owns and operates a wastewater treatment facility that produces treated effluent suitable for the irrigation of crops. TENANT, herewith, agrees to accept all such water as deemed necessary by Lessor. As a condition of this Lease Agreement, Lessor reserves the unilateral right to direct the location of the discharge upon any or all portions of the land area subject to this lease as deemed, in the opinion of Lessor, best servicing the interest of the Lessor's wastewater treatment plant operations.

Lessor reserves the right to spread aerobically digested bio-solids, which is a non-hazardous decomposable waste, over the permitted areas of the property as a soil amendment for the duration of the Lease. Bio-solids will be spread by the Lessor or Lessor's agent and shall be incorporated into the soil.

The leased land may be used for producing agricultural commodities, including, but not limited to, corn, grain, hay and forage crops. TENANT shall not plant any crops intended for human consumption. TENANT agrees to follow good farm management practices and to farm the land in a good and husband-like manner to avoid degradation of the environment and further agrees to the following:

- a) TENANT shall use and occupy the presently arable and tillable acres for farming and agricultural purposes only.

- b) All farming and agricultural activities shall be coordinated with the wastewater disposal operations of the Inland Bays Regional Wastewater Facility.
- c) TENANT is to prepare an annual Vegetative Management plan for the coming year, and present it for review and approval to the County no later than January 30th of each calendar year. This plan shall provide a list of crops and locations, any commercial fertilizer and chemical additions and their quantities. In order to keep fields available for spray application, all fields shall not be planted in the same crop during a planting season. A sample cropping schedule has been attached. Lessor shall have the right to disapprove the growing of a crop in order to comply with applicable rules, regulations, ordinances and laws. Effective vegetative management shall be provided such that crops harvested on the spray irrigation sites are removed from the sites. A winter cover crop must be planted and established on demised acreage. Unmanaged, volunteer vegetation is not an acceptable spray field cover.
- d) All farming operations shall be carried out in a timely and efficient manner in order to minimize the amount of time any spray irrigation field would be unavailable for spraying. Farming operations shall be carried out on a sequential basis, and at no time shall more than one field be out of service due to farming operations.
- e) TENANT shall till all irrigated fields on an annual basis. An annual crop rotation of corn and soybeans is mandatory for the spring/summer growing season.
- f) TENANT is to supply a record of all site management activities undertaken the previous year, such as planting, reseeding, harvesting of crops, commercial fertilizer and chemical additions. This information and the proposed Vegetative Management plan are to be submitted to the District Manager of the Inland Bays Regional Wastewater Facility no later than January 30th of each of the remaining years of the lease.
- g) Supplemental additions of commercial fertilizers shall be limited to amounts necessary to meet crop needs using the written recommendations of the University of Delaware Cooperative Extension Service for the specified crop and anticipated yields. The application of commercial fertilizers on spray irrigation fields is prohibited unless prior written approval from the Department of Natural Resources and Environmental Control is granted.
- h) Excluding nitrogen supplied from the reclaimed water, the total amount of nitrogen in the form of supplemental fertilizer that may be applied to each acre shall not exceed 135 lbs per year. If the nitrogen limitation in the form of fertilizer applied to each acre is further reduced the per acre lease payment shall be adjusted by \$1.00 per pound of reduction.
- i) TENANT shall be responsible for the Nutrient Management Plan for the leased land, excluding the acreage irrigated by the reclaimed water, as required by the State of Delaware's 1999 Nutrient Management Act.

- j) TENANT shall enter into a Conservation Plan for the leased land with the Natural Resources Conservation Service. The Plan is subject to the approval of the COUNTY. The Plan shall contain instructions for management of soil fertility, nutrients, erosion control, agricultural chemicals, integrated pest management, and wildlife concerns.
- k) TENANT shall take all reasonable precautions to avoid the establishment of any noxious weeds, including Johnson grass, Canada thistle, bur cucumber, giant ragweed, and any additional noxious weeds as specified under Delaware State Law. If TENANT fails to control said vegetation, then COUNTY may terminate this Lease and may contract with an independent vendor to apply appropriate control measures to eradicate said noxious weeds and the cost of such measures shall be the responsibility of the TENANT.
- l) TENANT shall submit to COUNTY, prior to use, a list of all agricultural pesticides, herbicides and other chemical sprays to be used on the leased land. All such products shall meet Federal and State standards and, if required, be applied by certified applicators in the appropriate manner and rate as per label instructions. Violation of Federal, State or County pesticide, herbicide or other chemical spray laws, rules and regulations shall be a condition to cancel this Lease. COUNTY reserves the right to prohibit the use of certain agricultural chemicals on the lease land.
- m) Dumping, depositing, abandoning, discharging, releasing, or storing of any gaseous, liquid or solid hazardous wastes, substances, materials, or debris or whatever nature on, in, over, or under the ground or into surface or ground water is prohibited, except as permitted by law.
- n) TENANT may be permitted to participate in Farm Service Agency programs. Participation in these programs is subject to the approval of COUNTY.
- o) Excavation, digging, removing, or selling of loam, peat, gravel, soil, rock, sand, or any similar material by the TENANT is prohibited.
- p) TENANT shall maintain all boundary lines, ditches, ditch banks, hedgerows and the like of the presently arable and tillable farmland.
- q) TENANT shall establish a series of un-farmed pathways to allow County personnel access to each and every monitor well and center pivot during the growing season.
- r) Hunting is prohibited on any lands of the County subject to this lease, and all County lands adjacent to the lease area.
- s) TENANT shall not construct or install any permanent structures on the leased land. An irrigation system may be installed with the prior approval of COUNTY.
- t) TENANT shall not sublease any part of the leased land.

- u) COUNTY is not responsible for wildlife damages to agricultural commodities on the leased land.
5. **RESERVED RIGHTS.** COUNTY reserves the following rights related to the leased land:
- a) COUNTY reserves the right to operate and maintain Inland bays Regional Wastewater Facility and its appurtenances.
 - b) COUNTY reserves the right to construct improvements, grant easements and rights of way across or upon the leased land. Annual rental fee shall be reduced to reflect any leased land acreage taken out of production by such actions.
 - c) COUNTY reserves the right to create pathways, buffer strips, and hedgerows or to divert land for wastewater or agricultural or forestry related uses. Annual rental fee shall be reduced to reflect any leased land acreage taken out of production.
 - d) COUNTY reserves the right of ingress and egress onto and over the leased land for inspection purposes, for enforcement of all laws, rules, and regulations of COUNTY and for any other lawful purpose.
6. **COORDINATION OF COUNTY USE.** COUNTY shall coordinate with TENANT any use of the leased land in order to limit impact to normal farming operations.
7. **HOLD HARMLESS.** TENANT agrees to exercise the rights herein granted at its own risk and covenants and agrees to hold harmless, indemnify and defend the COUNTY, its appointed and elected officials, officers, directors, employees, agents and consultants and its personal representatives, successors and assigns (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with injury to or death of any person, or physical damages to any property, resulting from any act, omission, condition, or other matter related to or occurring or about the leased land, regardless of cause, unless due to the gross negligence or willful misconduct of any of the Indemnified Parties.
8. **DAMAGE TO PROPERTY.** TENANT agrees to be solely responsible for any and all injury, loss or damage to TENANT'S person, crops, equipment, and property or to equipment and property of others, which may be placed on the leased land, and TENANT waives and releases any and all claims or rights against COUNTY with respect thereto.
9. **INSURANCE.** TENANT shall be insured against liability resulting from any agricultural practice or presence upon the leased land.
10. **ASSIGNMENT.** This lease shall not be subject to subleasing or assignment on the part of the TENANT, without the expressed written consent of the County.

6. **INSOLVENCY OR BANKRUPTCY.** Either (a) the appointment of a receiver to take possession of all or substantially all of the assets of TENANT or (b) a general assignment by TENANT for the benefit of creditors or (c) any action taken or suffered by TENANT under any insolvency or bankruptcy act shall constitute a breach of this Lease by COUNTY and cause this Lease to terminate immediately.

7. **TERMINATION OF LEASE.** TENANT agrees that if it fails to observe or perform any of the conditions or covenants on its part to be observed or performed, or if TENANT knowingly permits any unlawful acts to be carried out upon the leased land, then COUNTY shall have the right to terminate the Lease and to re-enter and repossess the leased land in the manner provided for by the laws of the State of Delaware, If COUNTY terminates this Lease while TENANT has crops growing in the fields, then COUNTY agrees not to take possession of the leased land until after TENANT has harvested the crop during the normal harvest period or, at COUNTY'S option, COUNTY will reimburse TENANT at the fair market value for crops destroyed. TENANT may terminate this Lease by giving COUNTY One Hundred-Eighty (180) days notice in writing. TENANT shall yield peaceable possession of the leased land at the termination of the Lease.

13. **NOTICES.** Any notice, demand, request, consent, approval, or communication that either Party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid and address as per Paragraph 1. Upon written notice from a Party, or a successor in interest, to the other Party hereto, any such notice, demand or other written communication shall be given to that Party or successor at the address indicated in such notice.

14. **WAIVER OF BREACH.** The waiver or acceptance by COUNTY of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any continuing or subsequent breach of the same or any other term, covenant or condition herein contained. All waivers or acceptances must be in writing. The subsequent acceptance of rent hereunder by COUNTY shall not be deemed to be a waiver or acceptance of any preceding breach by TENANT of any term, covenant or condition of this Lease, other than the failure of TENANT to pay the particular rental fee so accepted, regardless of COUNTY'S knowledge of such preceding breach at the time of acceptance of such rental fee.

15. **LEGAL COSTS AND EXPENSES.** TENANT shall pay and discharge all costs, attorneys' fees and expenses arising from enforcing any covenant or forfeiture hereof.

16. **RULES AND REGULATIONS.** The rules and regulations contained in this Lease, as well as such reasonable rules and regulations as may be hereafter adopted by COUNTY for the safety, care and protection of its leased lands and the preservation of good order thereon, are hereby expressly made a part hereof, and TENANT agrees to adhere to all such rules and regulations, after notice of same.

17. **REMEDIES.** It is understood and agreed that the remedies herein given to COUNTY shall be cumulative, and the exercise of any one remedy by COUNTY shall not be to the exclusion of any other remedy.

18. BINDING AGREEMENT. The covenants and conditions herein contained shall apply to and bind the heirs, executors, administrators, successors, and assigns of all of the Parties hereto; and all of the Parties hereto shall be jointly and severally liable hereunder. This Lease shall not be interpreted as a waiver of the sovereign immunity of COUNTY.

19. TIME. Time is of the essence of this lease.

20. LAW. This Lease shall be construed and interpreted in accordance with the laws of the State of Delaware.

21. ENTIRE CONTRACT. This instrument contains the entire agreement of the Parties and supersedes, cancels, and revokes any and all other agreements between the Parties relating to the subject matter of this Lease. There are no representations or warranties, either oral or written, except those contained in this Lease. This Lease may be modified only by an amendment in writing signed by both Parties.

22. SEVERABILITY. If any portion of this Lease shall be held invalid or unenforceable, the validity of the remaining portion shall be unaffected and this Lease shall remain in full force and effect as if it has been executed with the invalid portion omitted.

AGREEMENT

THIS LEASE, made and entered into this _____ day of 2018, by and between Sussex County, Party of the First Part, a political subdivision of the State of Delaware hereinafter referred to as “**COUNTY,**”

AND

Stafford Farms, Inc., Party of the Second Part, hereinafter referred to as “**TENANT.**”

WITNESSETH, for an in consideration of the content of the Contract Documents, and the covenants and promises hereinafter contained and the payment of rentals as herein set forth, COUNTY leases and rents to TENANT and TENANT leases and rents from COUNTY, all that certain cleared agricultural land portion of the 568 Tillable Acres +/- situated in Indian River Hundred, Sussex County, Delaware, and being further identified as Tax Map and Parcel Numbers 2-34 22.00 11.00, 12.00, 16.00 and 19.00 outlined on the attached maps.

1. PARTIES. The name and address of the Parties are:

COUNTY: Sussex County, Delaware
2 The Circle
Post Office Box 589
Georgetown, DE 19947
ATTN: Michael A. Izzo, P.E.

TENANT: Stafford Farms, Inc.
6241 Todd Road
Federalsburg, MD 21632

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate each of which shall be deemed an original on the date first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

WITNESS:

TENANT

Signature

Title

(SEAL)

Date

ATTEST:

COUNTY

Clerk of Sussex County Council

President, Sussex County Council

Date

STATE OF DELAWARE)
) ss.
COUNTY OF SUSSEX)

BE IT REMEMBERED, That on this _____ day of _____, 2014, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, _____, County of Sussex, Party of the First Part, known personally to be such, and acknowledged this Agreement to be his act and deed and the act and deed of said Department.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

NOTARY PUBLIC

STATE OF DELAWARE)
) SS.
COUNTY OF SUSSEX)

BE IT REMEMBERED, That on this _____ day of _____, 2014, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, _____, known personally to be such, who acknowledged the foregoing instrument to be his/her act and deed.

GIVEN under my hand and Seal of Office, the day and year aforesaid.

NOTARY PUBLIC

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 19, 2018

RE: County Council Report for Ordinance for Commercial Zoning Districts

The County Council held a public hearing on January 2, 2018. The County Council deferred action for to leave the record open on the Proposed Ordinance relating to Commercial Zoning for seven (7) days for written comments only (thereafter, staff would have one week to review and consider the comments and report back to Council).

The Planning and Zoning Commission held a public hearing on June 22, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW "B-2 BUSINESS COMMUNITY" DISTRICT; "B-3 BUSINESS RESEARCH" DISTRICT; "C-2 MEDIUM COMMERCIAL" DISTRICT; "C-3 HEAVY COMMERCIAL" DISTRICT; "C-4, PLANNED COMMERCIAL" DISTRICT; "C-5, SERVICE/LIMITED MANUFACTURING" DISTRICT, AND "I-1, INSTITUTIONAL" DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS.

The Commission found that Kyle Gulbranson and George Bendler with AECOM were present on behalf of the Ordinance Amendment; that Mr. Gulbranson presented a PowerPoint presentation that will be attached as part of the minutes; that Mr. Gulbranson indicated that this is an amendment to create 7 new zoning categories and close 3 of the existing commercial zones (B-1, CR-1 and UB); that C-1 is already a closed zone; that the purpose to provide more predictability when Change of Zone applications are submitted; that some of the new districts have a minimum and maximum lot size; that the B-3 (Business Community) is a professional office district; that the I-1 is an Institutional District that would allow schools, hospitals, governmental buildings, etc.; and that C-4 is similar to an RPC as it is a change of zone with site plan review.



The Commission found that Dennis Schrader had concerns about drafting issues; that he had concerns about parking and it being identified as special use exception or a variance which goes to the Board of Adjustment; that he suggest to combine all of that into one and it go before Planning and Zoning Commission; that he had concerns with the lack of conditional uses; that he didn't see a prevision for mix uses; that he had a concern with the pyramid effect for uses; that there were some issues with buildings verses structures; that he was confused with the difference between public verses private; that he had a concern about farming as a use; and that he has concerns with the time of adoption and suggested an effective date of one (1) year.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to defer action. Motion carried 5-0

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Sussex County
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 27, 2017

RE: County Council Old Business Report 3 for CU 2075 Burton's Pond, LLC (Burton's Pond Section II)

The County Council held a public hearing on June 13, 2017. The County Council deferred action and requested additional information from DelDOT regarding the timing of (scheduled of) the traffic signal.

The following is the response from DelDOT regarding the timing of the signal. The memo also includes the action taken by the Planning and Zoning Commission. This information was provided to County Council at their meeting on September 26, 2017.

Signals are not installed until they are justified through a Signal Justification Study that evaluates national and localized thresholds provide in the Manual on Uniform Traffic Control Devices (MUTCD). From a timeframe perspective, I do not know when a signal could be justified or if at all. To my knowledge, the Burton Pond development is paying into the Traffic Signal Revolving Fund which allows DelDOT to install a signal when justified. I've copied DelDOT's Sussex County Review Coordinator, Steve Sisson, to this email to help provide clarification on the process. If there are concerns now prior to the realignment and proposed unsignalized intersection, a signal justification study should be completed by the Burton Pond developer.

The following is the portion of the minutes from the April 6, 2017 Planning Commission meeting that addressed CU 2075 Burton's Pond, LLC (Burton's Pond Section II).

Ms. Cornwell advised the Commission that submitted in the record was a staff analysis, comments were received from DelDOT, Sussex Conservation District, and from the Sussex County Utility Planning Division; and that the applicant submitted a site plan and exhibit booklet.

Ms. Cornwell advised the Commission that there were three letters in opposition to this application.

The Commission found David Hutt, Attorney for Morris James Wilson Halbrook and Bayard, LLP, Zachary Crouch of Davis, Bowen, and Friedel, Inc. and Ben Gordy of Ocean Atlantic, were present on behalf of the application; that Mr. Hutt stated that 10 years ago a change of zone application from AR-1 to MR-RPC was filed; that the application was approved on July 31, 2007; that the RPC has expired; that a subdivision application was filed for a property on the other side of Route 24;



that the property received preliminary approval on January 26, 2017; that this application is for 100 townhomes on approximately 31 acres of land; that the townhomes lie on a little over 8 acres of the land; that two-thirds of the property will be open space; that Mr. Crouch spoke the property is zoned MR; that the property is located in a Level 2 State Strategy; that the property is located in an Environmentally Sensitive Developing Area (ESDA); that the density of this project is around 3.23 per acre; that the entrance will be on Sloan Road; that there will be 19.23 acres of open space; that the original application was for 6 multiunit buildings; that the hedgerow will remain to the south of the property; that there will be a pool house, pool, with a walking trail throughout the wooded area; and that there will be sidewalks on one side of the road; that there are no wetlands on this site; that they will try to keep all woodlands as it is today; that a TIS was done per the original application and have meet with DelDOT; that this property is in a Sussex County Sewer District; that the exhibit booklet contains comments from PLUS, TAC, Chapter 99-9C and also an Environmental Assessment report; that there will be a 30 foot buffer around the perimeter; that the existing trees are to remain; that there will be a walking trail through the woods and no trees will not be removed as part of the trail; that there will be a buffer along both side of the road; that there will be a multi-use path along Route 24 and Sloan Road; that as part of DelDOT's requirements, Sloan Road will be relocated at the developers expense; that the realigned road will tie into Hollymount Road; that the developer will enter into a signal agreement and will install the signal at the intersection when it is warranted per DelDOT, the developer will pay for the Signal; that Mr. Gordy spoke that there will be 6 units to a building; that the standard is 3 bedrooms a unit; that square the footage for each unit will be between 1,600 square feet to 2,300 square feet; that the master bedroom will be on the 1st floor; that he meet with some of the property owners; that he is willing to supplement the woods to meet the buffer requirement; that the HOA will be shared with the single family across the street and have shared amenities; that he is a licensed realtor and has no knowledge that multi-family having a negative impact on value of surrounding properties; that Mr. Crouch spoke that the all the trees will be removed on the single family lots so they could get the house on the lots; that the conditional use will allow for townhomes; that the plan in place will address infrastructure and the developer is paying for the improvements; that the developer is going to solve ongoing problems; that the sewer will be provided by a public provider; that there are other developments similar in the area and had no impact to the value; that this is in the ESDA which the code recognized to allow for a range of housing types; that mulch, stone, or natural material will be used for the walking path; that old Sloan Road will be abandoned; that the new intersection will be designed for a signal; that Hollymount Road will also be updated; that Sloan Road will be repaired first and then Hollymount Road; that the roads will meet the current standards; that the amenities will be in by the 51st Certificate of Occupy; that old Sloan Road will be removed and grass will be planted; that there will be centralized cluster mail boxes; that the both sides can share the amenities; that there will be room for additional parking with 15-20 spaces in front of the pool; that there will be a master HOA with a sub association for the townhomes for lawn care; and that the streets meet Fire Marshal requirements.

The Commission found that there were no parties in support to this application.

The Commission found that Arnold Pitman, Karen Snoots, Jessie Ockie, Joe Caserta, Susan Bovine, Chris McDaniel, and Johanna O'Neill, spoke in opposition to the application; that they had concerns with property values; that there concerns with traffic; that the housing should be single family and not townhomes; that it is not compatible with the area; that there are too many houses; and that there was concern about wildlife in the area.

At the conclusion of the public hearings, the Commission discussed this application; that concern of square footage; that the loss of trees; that there is concern with traffic; that the value issue doesn't exist as there was no documentation.

Motion by Mr. Hopkins, seconded by Mr. Ross and carried unanimously to defer action for further consideration. Motion carried 5-0.

The following is the portion of the minutes from the May 11, 2017 Planning Commission meeting that addressed CU 2075 Burton's Pond, LLC (Burton's Pond Section II).

At their meeting on May 11, 2017, the Commission discussed this application which has been deferred since April 6, 2017.

Mr. Ross stated that he would move the Commission recommend approval of Conditional Use No. 2075 for Burton's Pond, LLC (Burton's Pond Section II) for a multi-family (100 townhouse Units), based upon the record and the following reasons stated:

1. This property is currently zoned MR (Medium-Density Residential District) and the proposed project meets the purposes and requirements of the District.
2. This application is for a conditional use in an MR (Medium-Density Residential District) to allow for the construction of townhouses. The applicant proposes 100 dwelling units on 30.95 acres, located in Indian River Hundred, adjacent to John J. Williams Highway (Route 24) at Sloan Road (Country Road 49).
3. This project was previously approved as an MR-RPC by Ordinance No. 1919 (CZ No. 1610) with 102 dwelling units, adopted by County Council on July 31, 2007.
4. The property is in an Environmentally Sensitive Development District Overlay Zone (ESDDOZ).
5. The applicant has submitted the application to PLUS and has responded appropriately to the PLUS Comments and provided the Commission with the required information for its consideration.
6. The property contains no wetlands and is not located in a Wellhead Protection Area.
7. The project is designed to preserve wooded areas and the natural buffer next to the adjacent residential communities. Dwelling units will be adjacent to open space, sidewalks and walking, jogging and bike trails, promoting interconnectivity within the project. The design preserves 19 acres of open space when a grid MR subdivision would preserve significantly less open space.
8. The applicant has proposed 100 dwelling units within the project, which is permissible density of 3.23 units per acre within an MR (Medium Density Residential District).
9. The project will not adversely affect neighboring or adjacent properties. The project is consistent with existing residential development in the area.
10. The proposed project will be served by central water and sewer, in accordance with Federal, State and County requirements.
11. Through consultation with DelDOT, the proposed project shall have one (1) entrance on Sloan Road (County Road 49).
12. The proposed project will have both active and passive open space.
13. The proposed project meets the purposes and standards of the Sussex County Zoning Code and the purposes of the MR (Medium-Density Residential District).
14. This recommendation for approval is subject to the following conditions and stipulations:

- a. There shall be no more than 100 townhouse units within the project.
- b. The applicant shall create a fee simple townhome community which will be part of the Burton Pond Communities Homeowners Association, possibly through a separate sub-homeowners association, to be responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas including the Environmental Management Plan for Burton's Pond as stated in the Conditions for Burton's Pond Section 1.
- c. The project shall be served by a central sewer system in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations as part of the Sussex County Unified Sanitary Sewer District North Coastal Planning Area.
- d. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations through Tidewater Utilities, Inc.
- e. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements including the requirements of the Sussex Conservation District and PCS. The Applicant, its successors and assigns shall operate the stormwater management facilities utilizing Best Management Practices (BMP) and Best Available Technologies (BAT). The final site plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- f. All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT. In addition, the relocation of Sloan Road shall be completed within the first phase of the development.
- g. The recreational amenities in Section II shall be constructed and open to the use by residents upon the issuance of the 50th residential building certificate of occupancy for Section II.
- h. Street lighting shall be provided and the location of the streetlights shall be shown on the Final Site Plan.
- i. Sidewalks shall be installed on one side of all streets within the project and shall be shown on the Final Site Plan. There shall also be walking, jogging, and bike paths throughout the subdivision as shown on the Preliminary Site Plan.
- j. The undisturbed forested areas shall be shown on the Final Site Plan.
- k. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- l. A school bus stop area with parking shall be located within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop area. The location of the bus stop area, with the approval of the local school district, shall be shown on the Final Site Plan.
- m. The Applicant shall provide agricultural buffers and wetland buffers, as necessary, in accordance with the applicable regulations. The Agricultural Use Notice shall be included in covenants, conditions, and restrictions or instruments of conveyance.
- n. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.

- o. The Developer shall design and install a landscape buffer of berms and plantings running South to North along the entire property boundary with John J. Williams Highway (Route 24) and running East to West along the entire property boundary with the relocated Sloan Road (County Road 49). The Final Site Plan shall contain a landscape plan showing the proposed design and vegetation of all landscape buffer areas.
- p. The interior street design shall be in accordance with or exceed Sussex County street requirement and/or specification. Street design shall include curbs, sidewalks, and street lighting.
- q. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. 1:00 p.m.
- r. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Sussex County Office of Planning and Zoning.
- s. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Ross, seconded by Ms. Stevenson, and carried unanimously to forward this application on to the Sussex County Council with the recommendation that the application be approved for the reasons and with the condition stated. Motion carried 5-0.

Introduced 1/3/17

**Council District 4 / Cole
Tax I.D. No. 234-17.00-29.00 (portion of)
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100 TOWNHOUSE UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.95 ACRES, MORE OR LESS

WHEREAS, on the 12th day of October 2016, a conditional use application, denominated Conditional Use No. 2075 was filed on behalf of Burton's Pond, LLC (Burton's Pond Section II); and

WHEREAS, on the ____ day of _____ 2017, 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. 2075 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2075 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying at the southwest corner of John J. Williams Highway (Route 24) and Sloan Road (Route 49) and being more particularly described per the attached legal description, said parcel containing 30.95 acres, more or less.

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

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: December 7, 2017

RE: County Council Old Business Report 2 for CZ 1827 Fenwick Commons, LLC and CU 2098 Fenwick Commons, LLC

The County Council held a public hearing on November 14, 2017. The County Council deferred action for further consideration.

The following are the minutes and motion for the Change of Zone and Conditional Use applications from the October 12, 2017, October 26, 2017 and November 16, 2017 Planning and Zoning Commission meetings.

The applicant requested that both of these applications be consolidated into a single public hearing. Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from the Sussex Conservation District, results from the DelDOT Service Level Evaluation that stated a TIS is not required, site plan, exhibit book, PLUS letter, and six letters of opposition.

The Commission found that Gene Bayard, Esquire of Morris James Wilson Halbrog and Bayard, LLP and Ken Christenbury, with Axiom Engineering were present on behalf of the application; that Mr. Bayard spoke that the area has transitioned over 12 years from a low density to a medium density residential area with over 1,200 homes from 2005 to 2017; that an application in a B-1 district of 3 acres and 12.3 acres for MR-RPC was approved last year for 4.8 units per acre; that the Change of Zone is in character of the area and with the Comprehensive Plan; that there are no site development issues; that there is water and sewer in the area; that there no traffic issues per DelDOT; that it is a single parcel; that is a one phase project; that the applicant made the decision not to apply for a MR-RPC classification, instead to apply for a MR application with a Change of Zone with a Conditional Use; that MR will give the County more control of approving a project; that there are a lot of MR-RPC's in the area along with B-1 and C-1 uses; that Mr. Christenbury spoke that the site is a soybean field with woods; that there is a cemetery on site and it will be protected; that a DelDOT report did not require a TIS; that the first site plan submittal initially showed 62 units; that there will be a multi-modal path to connect a bike trail; that the wetlands are on the east side of Sand Cove Road; that the project went from 62 units down to 52 units to create better access for the cemetery and the amenities; that there will be 20 foot buffer around the cemetery and keep the existing woodlands in that area; that a ESDA report was prepared; that



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

Artesian will provide water and the County will provide the sewer; that per a report from Mr. Otter regarding the cemetery they redesigned to allow for easier parking to the amenities and the cemetery; that a fence will be put up around the cemetery; that this application accompanies a Conditional Use application; that it complies with 99-9C; that it will have a 20 foot forested buffer around the perimeter; that they have preserved 60 percent of the forest; that they may be able to keep a 100 year old red oak tree; that the stormwater pond will be located in the front; that the existing site is an agricultural field and uses manure as fertilizer; that going to single family will reduce pollution; that they will comply with the Sussex Conservation District; that DelDOT will make improvements to the intersection; that the developer will make additional improvements through Right-of-Way dedication; that will have a deceleration lane and no left turn lane; that a pedestrian trail will connect to the Bayside trail; that this will have no negative impact on values or schools; that this project is no longer a 62 unit development; that there is a 14 foot dedication from the corner to the first 100 feet and the rest of the property has a ten foot dedication; that on Sand Cove Road there is a 15 foot dedication for the entire front and a 19 foot dedication for the first 76 feet; that there will be a ten foot wide multi-modal path and will be built by the client; that the distance from Route 54 to the entrance to the project is approximately 250 feet to 300 feet; that a TIS and TOA were not required; that the amenities will be done by the 26th Certificate of Occupancy; that this project is a thoughtful design and it has been scaled back; that it is 41 percent of open space not including the stormwater pond and including two acres of preserved proposed trees; that this project is density is 3.90 units per acre; that a 185 foot long deceleration lane is on Sand Cove Road; that DelDOT is working on the intersection and the applicants not sure what plans they have for the intersection; that a sliver of land on the east side of Sand Cove Road with a ditch will help with drainage; that the drainage will head south away from Route 54; that the ditch is five to six feet deep and will not impact surrounding properties; that there will be one entrance and exit; that they could look at interconnectivity but believe people don't want it; that the interconnectivity is only for emergencies and will be addressed; that they are comparing density to just one phase in America Bayside which is the Melson property phase.

The Commission found that there was no one in support of the application.

The Commission found that Christopher W. Magee, Ed Waysz, and Barbara Shamp spoke in opposition to the application; that Mr. Magee stated that the hundred year old meadow has a cesspool from the old house and nobody has dug it up; that they have concerns with drainage; that the tax ditch is three and a half feet deep; that there is a severe drainage issue with the tidal ditch; that the farm field is a buffer for the water to go in; that the tax ditch is feeding all that water from the development and backups; that there are concerns with the pond and that his produce will get wet which will hurt his business; that there are tractors and other ag equipment on the road; that Mr. Waysz stated that Sand Cove Road is not big enough and only 12 feet wide; there they have concerns with the traffic; that when is enough, enough; that Route 54 won't be increased to capacity; that Ms. Shamp stated that she attended a DelDOT meeting and people were angry about the new Royal Farms and DelDOT stated it won't cause any traffic problems; that she can't get out of her development for two and a half months from Thursday to Sunday night; that Hurricane Sandy flooded Route 54 and couldn't get out for 3 days; that there has been two 1000 year storms since Hurricane Sandy that lasted less than 24 hours; that when Route 54 is flooded, people will not be able to evacuate.

At the conclusion of the public hearings, the Commission discussed these applications.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration for Change of Zone 1827. Motion carried 5-0.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration for Conditional Use 2098. Motion carried 5-0.

At their meeting on October 26, 2017, the Planning Commission deferred action for further consideration of Change of Zone 1827 Fenwick Commons, LLC. Motion carried 5-0.

At their meeting on October 26, 2017, the Planning Commission deferred action for further consideration for Conditional Use 2098 Fenwick Commons, LLC. Motion carried 5-0.

At their meeting on November 16, 2017, the Commission discussed this application which has been deferred since October 12, 2017.

Mr. Hudson, moved that the Commission recommend approval of Change of Zone #1827 for Fenwick Commons, LLC for a change in zone from AR-1 to MR based upon the record made during the public hearing and for the following reasons:

1. The project is located in the Environmentally Sensitive Developing Area according to the County Comprehensive Land Use Plan. MR Zoning is appropriate in the area according to the Plan.
2. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
3. The property is surrounded by land that is currently zoned MR. In addition, there are other properties in the area that are zoned MR, along with C-1 and B-1 as well as the Bayside project. This rezoning is an infill of MR zoning, and it also consistent with other zoning and land uses in the area.
4. The rezoning to MR will not have an adverse impact on neighboring properties or the community.
5. MR zoning is appropriate for this site because medium density development is appropriate in areas where central water and sewer are available. In this case, sewer service will be provided by Sussex County and adequate wastewater capacity is available. Water service will be provided by a publicly regulated water company.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried three (3) to one (1) to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 3-1. Ms. Stevenson voted against the motion.

The Commission discussed this application which has been deferred since October 12, 2017.

Mr. Hudson, moved that the Commission recommend approval for Conditional Use #2098 for Fenwick Commons, LLC for multi-family dwellings in and MR Medium Density Residential District based upon and for the following reasons:

1. This application seeks the approval of 52 family duplex-type structures on 13.1 acres, for density of approximately 3.9 units per acre.
2. The property is in an area where other residential development has occurred, including the large mixed-use Bayside Development and other single family and multi-family developments. This project is consistent with those nearby uses.

3. The site is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan.
4. The proposed development will not have an adverse impact on the neighboring properties or roadways.
5. The proposed density is within the allowable density in the MR District, and it is less than the density of the nearby Bayside project at 4.8 residential units per acre.
6. The project will have 41% open space, including preservation of 65% of the existing forest. The design also provides protection to the Hudson Family Cemetery on the site.
7. Although this is a Conditional Use, the items set forth in Section 99-9C of the Subdivision Code have also been favorably addressed by the applicant.
8. The development will be served by central sewer provided by Sussex County.
9. This recommendation is subject to the following conditions.
 - A. The maximum number of residential units shall be 52.
 - B. All entrances, intersections, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - C. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - D. The project shall be served by central water to provide drinking water and fire protection.
 - E. Interior Street design shall meet or exceed the Sussex County street design requirements.
 - F. As proffered by the applicant, there shall be sidewalks on both sides of all streets and roadways.
 - G. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including any buffer areas. The landscape plan shall clearly designate all existing forested areas that will be preserved (65% of the existing forested area, according to the Applicant).
 - H. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7 am and 6 pm Monday through Saturday.
 - I. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - J. The applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance, repair and replacement of the roads, any buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
 - K. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using best management practices.
 - L. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion sedimentation control facilities.
 - M. The developer, and then the HOA or Condo Association shall protect and preserve the Hudson Family Cemetery on the property by installing a perimeter fence around the cemetery made of wrought iron or anodized aluminum. Parking shall also be provided in common with the amenity area parking lot for the Hudson family members wishing to visit the cemetery. Access to the cemetery shall be shown on the Final Site Plan.
 - N. The applicant shall coordinate with the Indian River School district to establish a school bus stop area, which shall be shown on the Final Site Plan if required by the District.

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

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-0.

Introduced 05/23/17

Council District No. 5 - Arlett
Tax I.D. No. 533-19.00-52.00
911 Address: Not Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS

WHEREAS, on the 25th day of April 2017, a zoning application, denominated Change of Zone No. 1827, was filed on behalf of Fenwick Commons, LLC; and

WHEREAS, on the ____ day of _____ 2017, 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. 1827 be _____; and

WHEREAS, on the ____ day of _____ 2017, 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 MR Medium Density Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying at the southwest corner of Lighthouse Road (Route 54) and Sand Cove Road, and the east side of Sand Cove Road, approximately 211 feet south of Lighthouse Road (Route 54), and being more particularly described per the attached deed prepared by Parsons & Weidman, P.A., said parcel containing 13.33 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.

PROPOSED

Introduced 05/23/17

**Council District No. 5 – Arlett
Tax I.D. No. 533-19.00-52.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (62 DUPLEX UNITS) STRUCTURE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS

WHEREAS, on the 25th day of April 2017, a conditional use application, denominated Conditional Use No. 2098, was filed on behalf of Fenwick Commons, LLC; and

WHEREAS, on the ____ day of _____ 2017, 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. 2098 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2098 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 at the southwest corner of Lighthouse Road (Route 54) and Sand Cove Road, and the east side of Sand Cove Road, approximately 211 feet south of Lighthouse Road (Route 54), and being more particularly described per the attached deed prepared by Parsons & Weidman, P.A., said parcel containing 13.33 acres, more or less.

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



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: *Dept. of DE VFW and It's Auxiliary*
PROJECT NAME: *Dept. of DE VFW & It's Auxiliary Convention Ad Booklet 2018*
FEDERAL TAX ID: *23-7224412* 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: *To promote a fraternal, patriotic, historical, and charitable and educational spirit, to aid and assist the members of the Veterans of Foreign Wars of the U.S. wherever possible; to maintain true allegiance to the government of the USA; fidelity to the Constitution and Laws; to foster true patriotism; and to maintain & extend the institution of American freedom.*

ADDRESS: *Greenwood Memorial VFW Auxiliary 7478*
102 Maryland Avenue
Greenwood Delaware 19950
(CITY) (STATE) (ZIP)

CONTACT PERSON: *Dr. Michael S. Russell*
TITLE: *Past Dept. President 2012-2013 and Current Dept. of DE VFW Auxiliary Chaplain*
PHONE: *302-349-4220* EMAIL: *michael.russell@comcast.net*

TOTAL FUNDING REQUEST:

Has your organization received other grant funds from Sussex County Government in the last year? *The Sussex Council took an ad in 2017.* YES NO

If YES, how much was received in the last 12 months? *full page ad* *\$150.00/00*

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?

20% Many small businesses and community organizations buy \$35 Business card ads or \$100 ads.

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 checked="" type="checkbox"/> Other <i>it does support the veterans & active duty military personnel and their programs</i> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|--|---|-----------------------------------|
| <input checked="" type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input checked="" type="checkbox"/> Elderly Persons | <input checked="" type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input checked="" type="checkbox"/> Minority | <input type="checkbox"/> Other | |
- The VFW/VFW Auxiliary have programs and structures in place to benefit every category as it relates to veterans and their families.*

BENEFICIARY NUMBER

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

5,000 - 6,000
We also spent thousands of dollars on projects that support Sussex County communities throughout the entire county area.

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.

We are asking for a \$150 full page ad to be placed in the 2018 Convention Ad Booklet. It helps with our mission, but it also says to the men and women who have served our country and protected our freedom, "Thank you for your service." Trust me, our organization and supporters of our organization take the time to read through these convention support ads and are very appreciative of them, our supporters. It truly does say to them, "We're proud of you and your sacrifices."

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)	Approximately \$7,000 - \$8,000
TOTAL REVENUES	
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)	
Paper, office supplies, the printing and compiling of the Convention Booklet for 2018 may come in at \$9,000 because paper and supplies have increased.	
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Dept. of DE VFW Auxiliary agrees that:
(Name of Organization)
(Ad sales local Post) Greenwood Mem. VFW Aux. 7478

- 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.**

Dr. Michael S. Russell

Applicant/Authorized Official

Willard Russell

Witness

January 9, 2018

Date

1/9/2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Dr. Michael A. Russell
Applicant/Authorized Official

Willard Russell
Witness

Dept. of DE VFW Auxiliary
Title Post Dept. President and
Current Chaplain

January 10, 2018
Date

Wilson
1-10-18

To Be Introduced 01/23/18

**Council District No. 5 – Arlett
Tax I.D. No. 532-19.00-12.21
911 Address: 9534 Shadow Point Lane, Delmar**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0381 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of January 2018, a conditional use application, denominated Conditional Use No. 2128, was filed on behalf of Larry Martin; and

WHEREAS, on the ____ day of _____ 2018, 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. 2128 be _____; and

WHEREAS, on the ____ day of _____ 2018, 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. 2128 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 east side of Horsey Church Road and on the south side of Shadow Point Lane, and being more particularly described per the attached deed prepared by Haller & Hudson, said parcel containing 3.0381 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 01/23/18

Council District No. 3 – Burton

Tax I.D. No. 230-7.00-95.00, 96.00, and 97.00

911 Address: 22754 Argos Corner Road, Lincoln

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS

WHEREAS, on the 11th day of January 2018, a conditional use application, denominated Conditional Use No. 2129, was filed on behalf of Brian P. Lessard, Lessard Builders, Inc.; and

WHEREAS, on the ____ day of _____ 2018, 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. 2129 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2129 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying at the southeast corner of Argos Corner Road and Coastal Highway (Route 1), and being more particularly described per the attached legal descriptions, said parcels containing 11.70 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 01/23/18

**Council District No. 4 – Cole
Tax I.D. No. 134-13.00-72.00 and 72.01
911 Address: 30733 Cedar Neck Road, Ocean View**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (20 TOWNHOMES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.3817 ACRES, MORE OR LESS

WHEREAS, on the 11th day of January 2018, a conditional use application, denominated Conditional Use No. 2130, was filed on behalf of The Evergreen Companies, LLC; and

WHEREAS, on the ____ day of _____ 2018, 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. 2130 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2130 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 at the northeast corner of Cedar Neck Road and Fred Hudson Road, and on the northeast side of Cedar Neck Road approximately 255 feet north of Fred Hudson Road, and being more particularly described per the attached deeds prepared by the Law Office of Susan Pittard Weidman, P.A., said parcels containing 2.3817 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 01/23/18

**Council District No. 5 - Arlett
Tax I.D. No. 533-12.00-73.02
911 Address: Not Available**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY (EXTENSION OF CHANGE OF ZONE NO. 1471) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.236 ACRES, MORE OR LESS

WHEREAS, on the 9th day of January 2018, a zoning application, denominated Change of Zone No. 1850, was filed on behalf of Swann Cove West, LLC; and

WHEREAS, on the _____ day of _____ 2018, 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. 1850 be _____; and

WHEREAS, on the _____ day of _____ 2018, 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 MR-RPC Medium Density Residential District-Residential Planned Community 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 northeast and southeast corners of Herring Way and Old Mill Bridge Road, and being more particularly described per the attached legal description, said parcel containing 7.236 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.

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
(302) 854-5079 F
sussexcountyde.gov

Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date December 21, 2017

Application: CZ 1839 Dale Lomas/ Seashore Highway Associates, LLC. KS

Applicant/Owner: Dale Lomas/ Seashore Highway Associates, LLC
19108 Coastal Highway
Rehoboth Beach, DE 19971

Site Location: North side of Lewes Georgetown Hwy, approximately 590 feet east of
Josephs Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land
Use Plan Reference: Low Density Areas

Councilmatic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Private on-site septic

Water: Private on-site well

Site Area: 4.00 ac. +/-

Tax Map ID.: 334-4.00-37.04



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 17, 2018

RE: County Council Report for CZ 1839 Dale Lomas/Seashore Highway Associates, LLC

The Planning and Zoning Department received an application (CZ 1839 Dale Lomas/Seashore Highway Associates, LLC) to allow for a change in zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) located on Rt. 9. The Planning and Zoning Commission held a public hearing on December 21, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Mr. Robertson recued himself.

Ms. Cornwell advised the Commission that submitted into the record were an staff analysis, exhibit booklet, survey, comments from the Sussex Conservation District, and the results of the DelDOT Service Level Evaluation.

The Commission found that Mark Davidson, Pennoni Associates, and Dale Lomas of Seashore Highway Associates, LLC were present of behalf of the application; that the request to change the zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District); that the parcel is approximately 4 ac.; that the property was purchased in 2016, that the property is adjacent to other properties that Seashore Highway Associates owns that are zoned CR-1; that the site has a building supply business on it; that the property was purchased so Mr. Lomas could expand his business on the adjacent parcel; the Land Use classification per the Comprehensive Plan is Low Density; that CR-1 can be considered in the Low Density Areas classification; that there is a railroad to the rear of the property; that there are several commercial properties in the area, including an antique shop and a gun shop; that there are several Conditional Uses in the area; US Rt. 9 is a major collector road; that the Comprehensive Plan states that development should occur on or near a major road; a TIS was not required by DelDOT; however; once a site plan is completed a TIS may be required; that there is an existing entrance on Mr. Lomas' property where his business is and would comply with any requirements of DelDOT; that Mr. Lomas would like to add the 4 ac. to his existing site; that he has owned the adjacent parcel since 2008; that he has made significant improvements to the site; that he purchased the property from the adjacent property owner to the west; that that adjacent property owner did not have any objection to the change in zone; that he submitted proposed finding of fact; that the change in zone meets the general purpose of the Zoning Ordinance; that it is in an appropriate location per the Comprehensive Plan to provide a



wide variety of uses along a thoroughfare such as Rt. 9; that it is a general mixture of commercial and residential uses; that it is adjacent to other commercial activity; that it will not diminish or impair property values in the area; and that it is to allow for an expansion of the existing business.

The Commission found no on in support of the application.

The Commission found that Mr. Jim Griffin spoke in opposition to the application; that he owns property across the street from the proposed rezoning; that over the last 20 years the parcel proposed to be rezoned has been used as agricultural use; that the owner purchased the land with the AR-1 zoning and could have put a condition on the sale of the property that he would be purchase it if rezoned; that it is adjacent to a 3.7 ac. parcel that is already zoned CR-1 and does not make it reason to rezone the parcel; that he believes that the expansion of the CR-1 zoning will impair the property value; that it will create more traffic; that the comprehensive plan identifies the area in Low Density; that uses in the Low Density Areas should be focused on uses that are convenient to the neighborhood around it; that the use is not a convenient use to serve the area and is a broader commercial use; that while Rt. 9 is a major collector road the land is not located within a growth area per the comprehensive plan; that this complies with only 1 out of the 8 criteria for development per the comprehensive plan; that the State Strategies map identities it in Level 4; that the gun shop, antique shop is old C-1 zoning; that the model home across the street was closed and put up for sale; that a slow creep of commercial does not make a good argument for commercial; that if approved there would be commercial across from his parcel; that within 1000 ft. on the north side there are about 21 single family homes and 66 mobile homes and 23 single family homes across Rt. 9; that there are only about 6 commercial zoned uses in the area; that there are traffic concerns, especially during the summer; and that there is a concern with the number of uses that are permitted within the CR-1 zoning district.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 4-0. Mr. Ross was absent.

At their meeting on January 11, 2018, the Planning Commission discussed the application which had been deferred since December 21, 2017.

Mr. Wheatley moved that the Commission recommend denial of Change in Zone #1839 for Dale Lomas/Seashore Highway Associates, LLC for the change in zone from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

1. The site is located along Route 9. It is surrounded be residential and older commercial uses. This does not make it an appropriate location for CR-1 zoning. That CR-1 zoning is a very broad zoning classification and allows all manner of things. This is a concern. The other commercial zoned properties were zoned over 20 years ago and the character of the area is different now than when the other properties were rezoned.
2. Many nearby properties, including the adjacent property to the west and properties across Route 9, are zoned Agricultural Residential and the purposes of the AR zoning district regulation seek to prevent untimely scattering of more-dense urban uses, which should be confined to areas planned for efficient extension of public services. The proposed rezoning is contrary to the general zoning in this area.

3. According to the County's Comprehensive Land Use Plan, the site is identified as being within the Low Density Areas. CR-1 Zoning can be considered within this land use classification; however, business development should be largely confined to businesses that address the needs of single family residences and agriculture. This rezoning may not meet the needs of the single family residences and agriculture.
4. According to the Zoning Code, CR-1 Zoning is appropriate "to provide sufficient space in appropriate location for a wide variety of commercial and miscellaneous service activities generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists..." This application does not satisfy this purpose of CR-1 Zoning as the area is primarily residential. Additionally, sewer is not available to this property.
5. The CR-1 District is the most intense commercial zoning district in the County. It is not appropriate in this location as there are 44 single family residences and 60 manufactured homes within 1000 ft. of the property.
6. The rezoning is inconsistent with the developing character of the area and will adversely affect the neighboring properties and roadways.
7. The proposed project does not meet the purpose of the Zoning Ordinance since the proposed rezoning will not promote the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.
8. There was opposition to the proposed rezoning and the arguments raised by the opposition were compelling.

Motion by Mr. Wheatley, seconded by Mr. Hudson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated. Motion carried 4-0. Mr. Ross was absent.

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 13, 2017
RE: Staff Analysis for CZ 1839 Dale Lomas/Seashore Highway Associates, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1839 Dale Lomas/Seashore Highway Associates, LLC to be reviewed during the December 21, 2017 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 Change of Zone for parcel 334-4.00-37.04 to allow for a Change of Zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The size of the property is 4.0 ac. +/-.

The 2008 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 properties have the land use designation Low Density Areas.

The surrounding land use to the north, south, east and west are Low Density Areas. The Low Density Areas land use designation recognizes that 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. CR-1 (Commercial Residential District) is a zoning district that can be considered in the Low Density Areas land use classification.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and south are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned C-1 (General Commercial District) and AR-1 (Agricultural Residential District). The properties to the east are zoned CR-1 (Commercial Residential District), C-1 (General Commercial District) and 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 Change of Zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) would be considered consistent with the land use, surrounding zoning and uses.





Addresses / Parcels

- Tax Parcels

Council Districts

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05

- County Boundaries

Schools/Libraries

- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

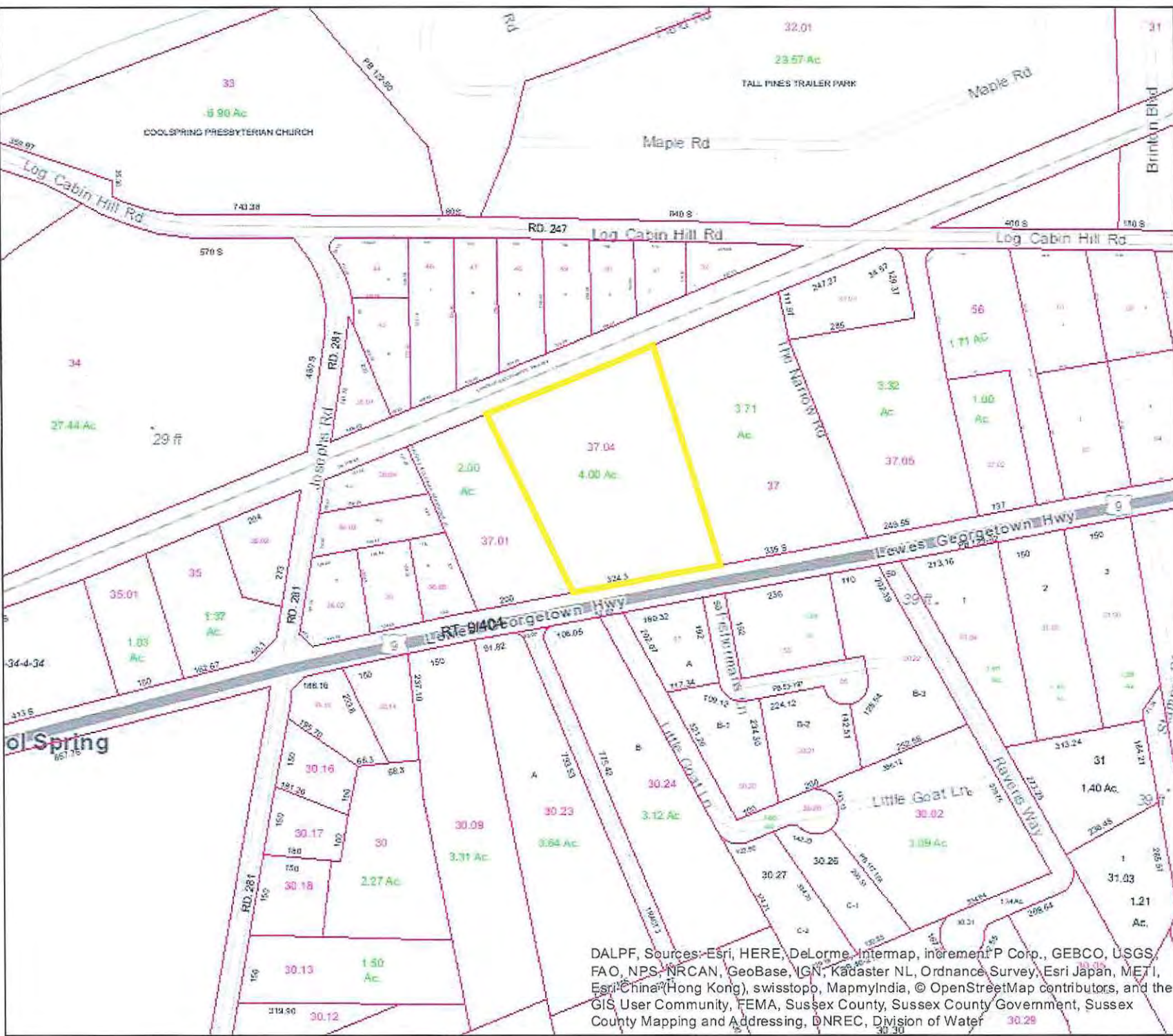
- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE

- Public Protected Lands

- Municipalities

- Communities

- Boundaries State County



DALPF, Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, FEMA, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, DNREC, Division of Water





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

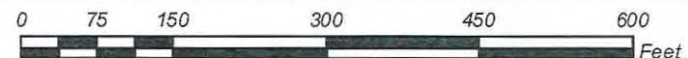
■ Boundaries State County

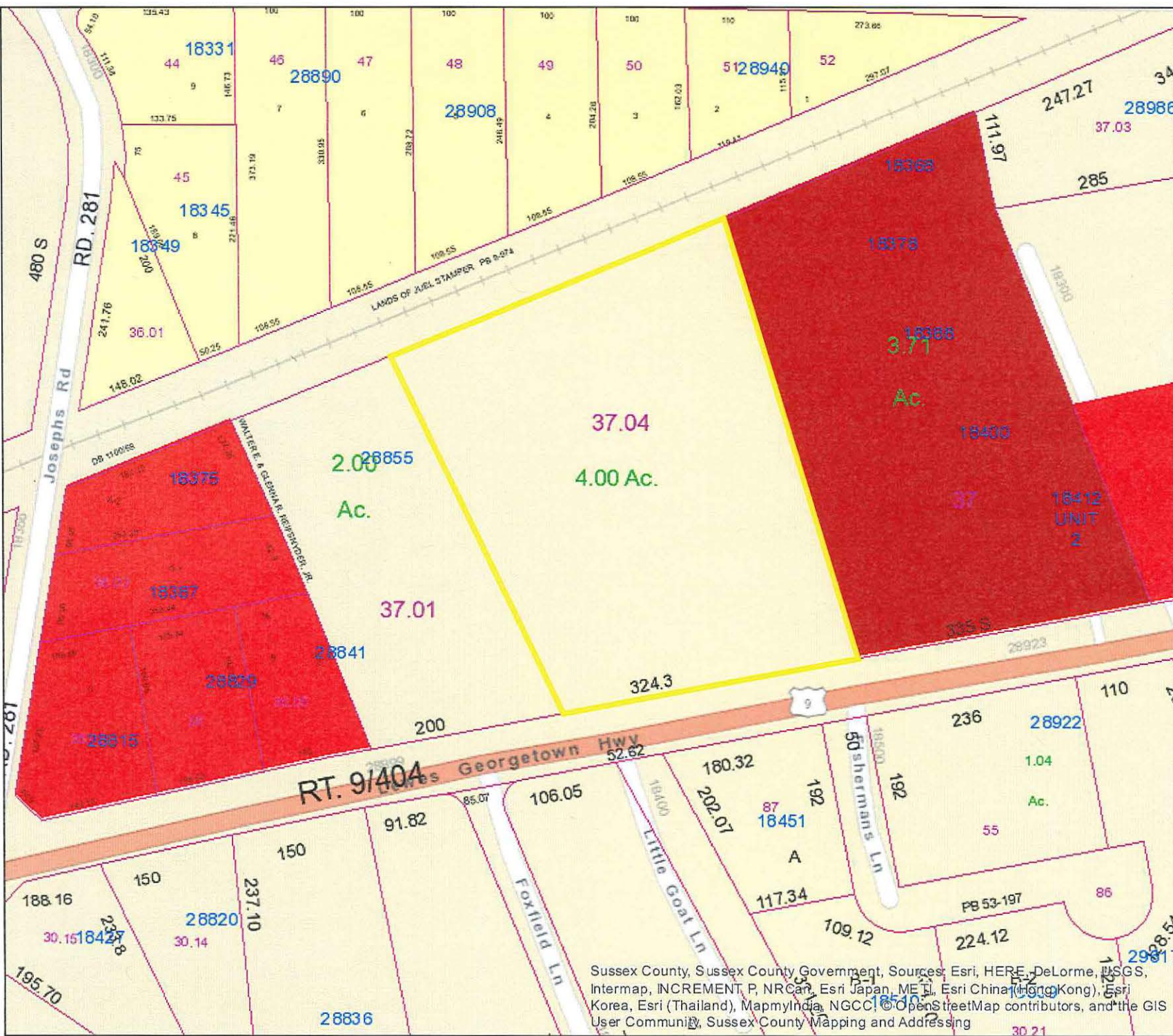


Sussex County Government, Sussex County Mapping and Addressing, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Sussex County Map





Addresses / Parcels

- Tax Parcels
- Council Districts**
- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries
- Schools/Libraries**
- School Buildings (Various)
- School Library
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- Special Library
- DOE School Districts
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- ~ Streams / Rivers
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- Flood Zones**
- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
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- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, MEIT, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing



Sussex County Map



Introduced 08/08/17

**Council District No. 3 – Burton
Tax I.D. No. 334-4.00-37.04
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2017, a zoning application, denominated Change of Zone No. 1839, was filed on behalf of Dale Lomas/Seashore Highway Associates, LLC; and

WHEREAS, on the ____ day of _____ 2017, 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. 1839 be _____; and

WHEREAS, on the ____ day of _____ 2017, 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 CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Lewes Georgetown Highway (Route 9), approximately 590 feet east of Josephs Road, and being more particularly described on the attached survey prepared by Pennoni Associates, Inc., said parcel containing 4.0 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.

PROPOSED

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date December 14, 2017

Application: CZ 1836 Softball World, LLC KH

Applicant/Owner: Softball World, LLC
22518 Lewes Georgetown Hwy
Georgetown, DE 19947

Site Location: South side of Lewes Georgetown Hwy (Rt. 9), approximately .79 miles east of Sand Hill Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land
Use Plan Reference: Developing Area, Highway Commercial Areas, & Planned Industrial Areas

Councilmatic
District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer: Town of Georgetown

Water: Private

Site Area: 8 ac. +/-

Tax Map ID.: 135-15.00-82.00 (portion of)



JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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janelle.cornwell@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 17, 2018

RE: County Council Report for CZ 1836 Softball World, LLC

The Planning and Zoning Department received an application (CZ 1836 Softball World, LLC) to allow for a change in zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) located on Rt. 9. The Planning and Zoning Commission held a public hearing on December 14, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, survey, staff analysis, and comments from the Sussex Conservation District.

The Commission found that Mark Davidson, with Pennoni Associates, Pete Townsend, owner of Softball World, LLC and DJ Hughes, with Davis, Bowen, and Friedel; that Mr. Davidson stated this is to rezone a portion of the parcel; that there is a current Conditional Use on the property; that they are proposing to rezone the front portion of eight acres to CR-1; that this project started back in 2002 with a Conditional Use for a sports facility for baseball and softball; that on the parcel there is a baseball field, concession stand, player and coach dormitories; that there are some proposed parent dormitories on the site plan; that there have been certain activities added; that there is an indoor recreational building for players to be able to practice baseball indoors; that only five of the players dormitories were built; that there was some parent dormitories that were not built; that this property does border the Sussex County Airport; that approximately eight and half acres containing the proposed three parent dormitories; that the expansion of the Airport would not allow the three dormitories to be built in the proposed location; that it only left the eight acres in the front portion to build; that the applicant proposes to build a three story hotel and a restaurant to support the hotel as well as sport facility; that central sewer is provided by the Town of Georgetown; that if approved they will ask the Town of Georgetown to provide water; that there is an existing entrance; that they are working with DelDOT on a TIS; that DelDOT did need a signal analysis; that there are other commercial properties and conditional uses in the area; that the property is in a growth area; that it is on a major collector highway; that it is in the Level 2 State Strategy area; that height limit for this area is 60 feet per the airport; that there will be no public nuisance; and that this proposal can keep parents on the site and off the road.



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE

The Commission found Tommy Cooper was in favor of the application; that Mr. Cooper stated tourism is the life blood of Sussex County; that Mr. Cooper read a letter from Southern Delaware Tourism; that the proposed plan is to add a hotel, restaurant and convenience store in front of the property; that this will increase tournament play and reduce traffic on Route 9; and that the proceeds will fund improvements to the Sports at the Beach.

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

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hopkins, seconded by Ms. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting on December 21, 2017, the Planning Commission discussed the application which had been deferred since December 14, 2017.

Mr. Wheatley moved that the Commission recommend approval of Change in Zone # 1836 for Softball World, LLC, for a change in zone from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

1. This Application pertains to a portion of a larger parcel which is used for a commercial baseball / softball park with supporting recreational activity areas. The entire parcel consists of 87.52 acres more or less. The area which is subject of this change of zone is located on the side of the Property near Route 9 and consists of 8 acres more or less.
2. The site is located along Route 9 near the town limits of Georgetown.
3. The site is located near other properties which are zoned C-1 (General Commercial) and B-1 (Neighborhood Business). There are also several conditional uses in the area, including the existing Conditional Use on the Property. The CR-1 zoning will be consistent with the area zoning and uses.
4. According to the Sussex County Comprehensive Plan, the property is designated on the Future Land Use Map as a Developing Area, Highway Commercial Area, and Planned Industrial Area. CR-1 Zoning is appropriate within the Developing Areas and Highway Commercial Areas according to the Plan. The area proposed to be rezoned is not a portion of the property designated as Planned Industrial Areas.
5. The proposed use will not adversely affect neighboring or adjacent properties or roadways.
6. Whenever this property is developed for a particular use, the applicant will be required to meet or exceed all DelDOT requirements. DelDOT will determine where appropriate entrance locations should be.
7. The property will be served by central wastewater from the Town of Georgetown.
8. CR-1 Zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along Route 9 falls within the stated purposes of the CR-1 District.
9. Any development of the site will require site plan review by the Sussex County Planning and Zoning Commission.

10. This recommendation is not an indication that Commercial Zoning is appropriate along Route 9 in general. Route 9 is an important east-west roadway in Sussex County connecting to Route 1. This site is appropriate because it has already developed under its conditional use. However, the County should proceed carefully with any commercial rezonings along Route 9 to preserve the travel corridor.
11. No parties appeared in opposition to the change of zone application.

Motion by Mr. Wheatley, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 4-0. Mr. Ross was absent.

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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 5, 2017
RE: Staff Analysis for CZ 1836 Softball World, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1836 Softball World, LLC to be reviewed during the December 14, 2017 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 Change of Zone for a portion of parcel 135-15.00-82.00 to allow for the change in zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The size of the portion of the property to be rezoned is 8.0 ac. +/-.

The 2008 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 properties have the land use designation Developing Areas, Highway Commercial Areas, and Planned Industrial Areas in the rear of the property.

The surrounding land use to the north, east and west are Developing Areas and Highway Commercial. The surrounding land use to the south are Developing Areas and Planned Industrial Areas. The Developing Areas land use designations recognizes that a full range of housing types should be permitted including single-family homes, townhouses and multi-family units. It also recognizes that a variety of offices uses would be appropriate and a careful mixture of homes with light commercial and institutional uses can be appropriate to provide convenient services and allow people to work close to home. The Highway Commercial Areas land use designations recognizes that these areas include highway commercial corridors, shopping centers, and other large commercial areas geared toward vehicular traffic and would be appropriate for hotels, motels, car washes, auto dealerships, etc. The Planned Industrial Areas recognizes that there should be a concentration of larger industrial uses including heavier industry, light industry, warehousing, etc. The CR-1 (Commercial Residential District) zoning district is a zoning classification that can be considered within the Developing Areas and Highway Commercial Areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District), B-1 (Neighborhood Business District) and C-1 (General Commercial District). The properties to the south are zoned AR-1 (Agricultural Residential District) and LI-1 (Light Industrial District). The properties to the east and west are zoned AR-1 (Agricultural Residential District). There are several Conditional Uses (CU 919, CU 1465, and CU 2083) in the area. There is a Conditional Use on the property (CU 1421).



Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone request to allow for the change in zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) could be considered consistent with the land use and some of the surrounding zoning; however, it may not be considered consistent with all of the surrounding uses.



Addresses / Parcels

- TaxParcels

Council Districts

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries

- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE

- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

Sussex County Government, Sussex County Mapping and Addressing, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Addresses / Parcels

□ TaxParcels

Council Districts

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries

- ▤ School Buildings (Various)
- ▤ School Library
- ▤ Public Library
- ▤ Special Library
- ▤ DOE School Districts
- ▤ DOE VoTech School Districts

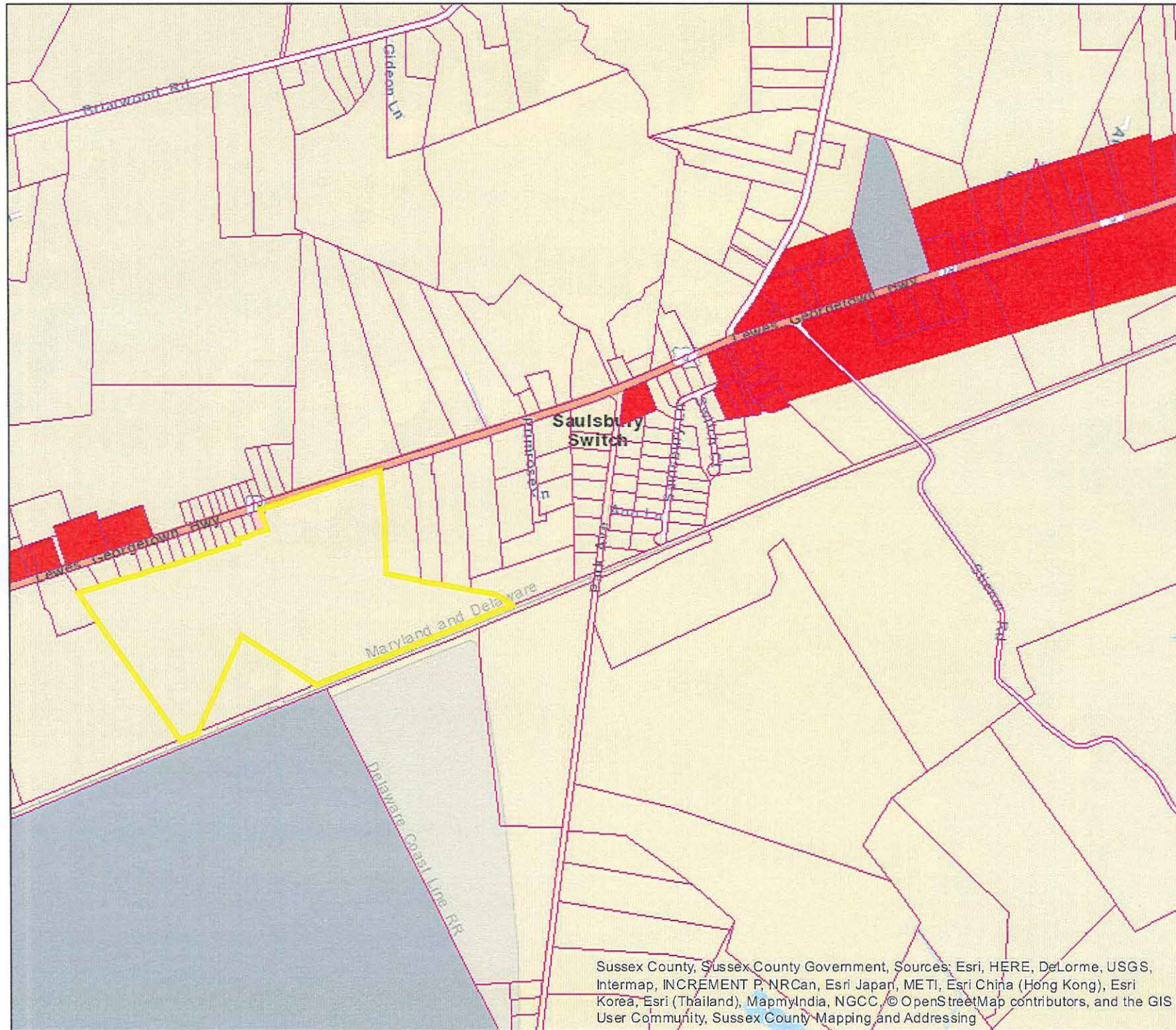
Hydrology

- ▬ Streams / Rivers
- ▬ Lakes, Ponds, Bays

Flood Zones

- ▬ 0.2% Annual Chance Flood Hazard
- ▬ A
- ▬ AE
- ▬ AO
- ▬ Open Water
- ▬ VE

- ▬ Public Protected Lands
- ▬ Municipalities
- ▬ Communities
- ▬ Boundaries State County



Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

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■ School Buildings (Various)

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■ DOE School Districts

■ DOE VoTech School Districts

Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

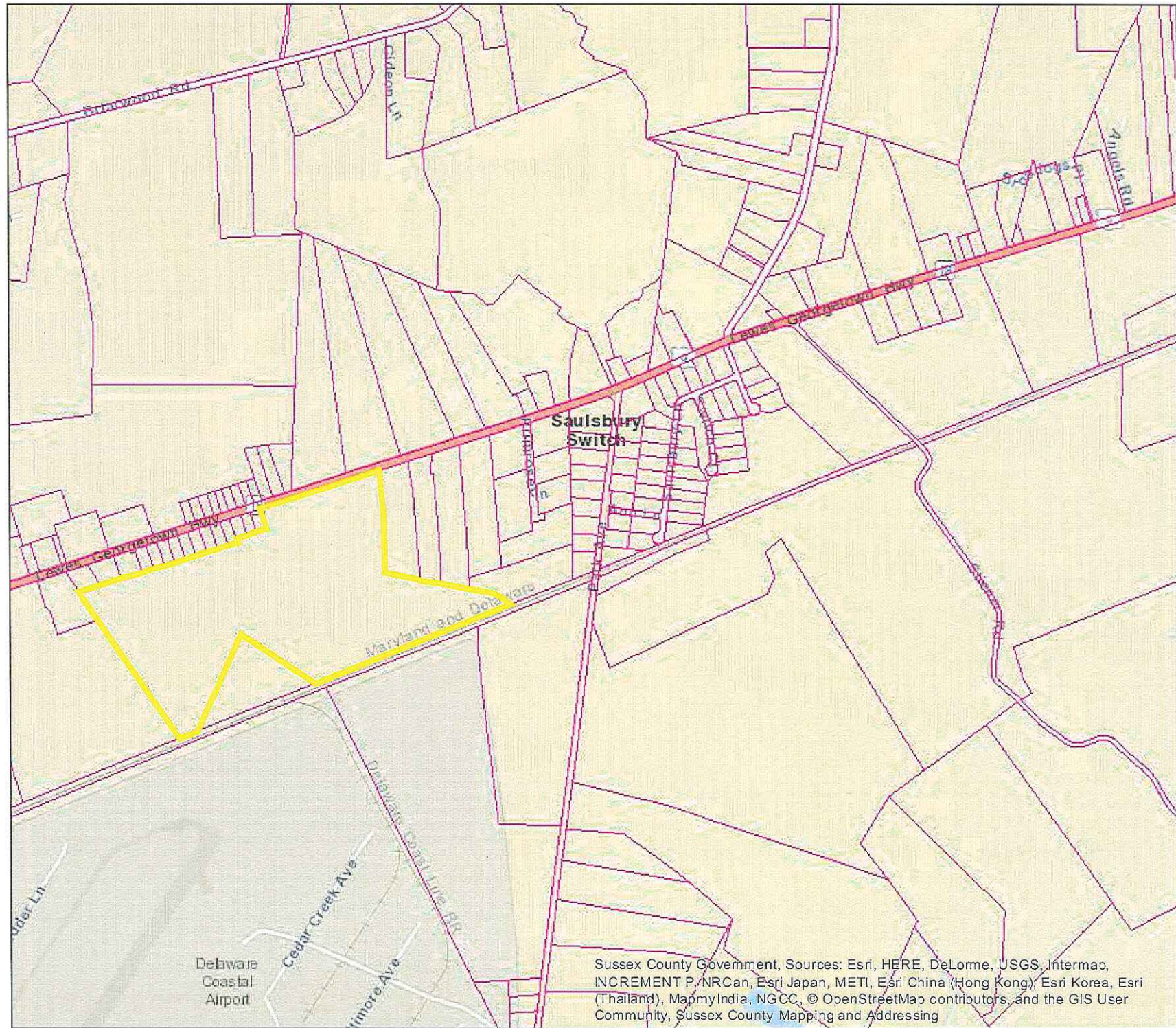
■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County



Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing



Introduced 07/18/17

**Council District No. 2 – Wilson
Tax I.D. No. 135-15.00-82.00 (portion of)
911 Address: 22518 Lewes Georgetown Highway, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.00 ACRES, MORE OR LESS

WHEREAS, on the 27th day of June 2017, a zoning application, denominated Change of Zone No. 1836, was filed on behalf of Softball World, LLC; and

WHEREAS, on the ____ day of _____ 2017, 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. 1836 be _____; and

WHEREAS, on the ____ day of _____ 2017, 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 CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Highway (Route 9), approximately 0.79 mile east of Sand Hill Road, and being more particularly described on the attached survey prepared by Pennoni Associates, Inc., said parcel containing 8.00 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.

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
(302) 854-5079 F
sussexcountyde.gov

Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date December 14, 2017

Application: CZ 1837 ABC Woodlands, LLC KH

Applicant/Owner: ABC Woodlands, LLC
P.O. Box 1389
Easton, MD 21601

Site Location: Southwest corner of Long Neck Rd. and School Ln.

Current Zoning: AR-1 (Agricultural Residential District) & GR (General Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land
Use Plan Reference: Environmentally Sensitive Developing Areas, Mixed Residential Areas & Highway Commercial Areas

Councilmatic
District: Mr. Cole

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Sussex County

Water: Unknown

Site Area: 16.21 ac. +/-

Tax Map ID.: 234-23.00-273.01, 273.02 & 273.03



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE 19947

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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 17, 2018

RE: County Council Report for CZ 1837 ABC Woodlands, LLC

The Planning and Zoning Department received an application (CZ 1837 ABC Woodlands, LLC) to allow for a change in zone from AR-1 (Agricultural Residential District) and GR (General Residential District) to CR-1 (Commercial Residential District) located on Long Neck Rd. and School Ln. The Planning and Zoning Commission held a public hearing on December 14, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, staff analysis, comments from the Sussex Conservation District, results from the DelDOT Service Level Evaluation and a survey.

The Commission found that Mark Davidson, with Pennoni Associates and Charles Eggleston were present on behalf of the application; that Mr. Davidson stated this request is to rezone 16.2 acres which is over a total of 3 parcels that are AR-1 and GR to CR-1 zoning; that the property is across from Baywood Golf Club; that at the intersection is Palmer Shopping Center, County Bank, Ace Hardware store and etc.; that west of the property is zoned C-1; that located behind the property is the Long Neck Elementary School; that they have owned this property since 1993; that the property is located on a major collector road; that it has central sewer provided by Sussex County; that it is in the service area of Tidewater Utilities for water; that it is located in the Environmentally Sensitive Developing Area; that it is in the Highway Commercial area; that there is mixed residential in the area with multi-family and single family housing; that they are looking at a mixture of uses on the property; that DelDOT did not require a TIS for rezoning; that the property is in a Level 2 State Strategies area; that the request it is in line with other commercial areas; that it is located at a signaled intersection; that they will combine the parcels; that DelDOT requires them to use the access off of the lesser road which is School Lane; and that there are townhomes adjacent to the property.

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

At the conclusion of the public hearings, the Commission discussed this application.



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Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting on December 21, 2017, the Planning Commission discussed the application which had been deferred since December 14, 2017.

Mr. Hopkins moved that the Commission recommend approval of CZ# 1837 for ABC WOODLANDS, LLC, for a change in zone from AR-1 and GR to CR-1 based upon the record made during the public hearing and for the following reasons:

1. This site is located on the southwest corner of the intersection of Long Neck Road and School Lane where other Commercially zoned properties exist. There are also conditional uses in the area including a conditional use for a school. The CR-1 zoning will be consistent with the area zoning and uses.
2. According to the Sussex County Comprehensive Plan, the property is designated on the Environmentally Sensitive Developing Areas, Mixed Residential Areas, and Highway Commercial Areas. CR-1 Zoning is appropriate within these Areas according to the Plan.
3. The proposed use will not adversely affect neighboring or adjacent properties or roadways.
4. Whenever this property is developed for a particular use, the applicant will be required to meet or exceed all DelDOT requirements. DelDOT will determine where appropriate entrance locations should be.
5. The site will be served by central wastewater from Sussex County.
6. CR-1 Zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along the existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along Route 23 falls within the stated purpose of the CR-1 District.
7. Any development of the site will require preliminary and final site plan review by the Sussex County Planning and Zoning Commission.
8. This recommendation is not an indication that Commercial Zoning is appropriate along Route 23 in general. Route 23 is an important roadway in Sussex County. This site is appropriate because it is adjacent to other commercially zoned properties. However, the County should proceed carefully with any commercial rezonings along Route 23 to preserve the travel corridor.
9. No parties appeared in opposition to the change of zone application.

Motion by Mr. Hopkins, seconded by Mr. Wheatley and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 4-0. Mr. Ross was absent.

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janelle.cornwell@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 5, 2017
RE: Staff Analysis for CZ 1837 ABC Woodlands, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1837 ABC Woodlands, LLC to be reviewed during the December 14, 2017 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 Change of Zone for parcels 234-23.00-273.01, 273.02 & 273.03 to allow for the change of zoning from AR-1 (Agricultural Residential District) and GR (General Residential District) to CR-1 (Commercial Residential District). The size of the property is 16.21 ac. +/-.

The 2008 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 properties have the land use designation Environmentally Sensitive Developing Areas, Mixed Residential Areas and Highway Commercial Areas.

The surrounding land use to the north and east are Environmentally Sensitive Developing Areas, Mixed Residential Areas and Highway Commercial Areas. The surrounding land use to the north, south, east and west are Environmentally Sensitive Developing Areas, Mixed Residential Areas and Highway Commercial Areas. The Environmentally Sensitive Developing Areas land use designations recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home. The Mixed Residential Areas land use designation recognizes that the full range of housing types are appropriate including single family, townhouses and multi-family with non-residential development not encouraged. The Highway Commercial Areas land use designations recognizes that these areas include highway commercial corridors, shopping centers, and other large commercial areas geared toward vehicular traffic and would be appropriate for hotels, motels, car washes, auto dealerships, etc. The CR-1 (Commercial Residential District) is a zoning classification that can be considered within the Environmentally Sensitive Developing Areas, Mixed Residential Areas, and Highway Commercial Areas.

The properties are zoned AR-1 (Agricultural Residential District) and GR (General Residential District). The properties to the north are zoned B-1 (Neighborhood Business District), C-1 (General Commercial District) and GR (General Residential District). The properties to the south



are zoned GR (General Residential District) and AR-1 (Agricultural Residential District). The properties to the east are zoned GR (General Residential District), C-1 (General Commercial District) and CR-1 (Residential Commercial District). The properties to the west are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). There are several Conditional Uses (CU 1797 and CU 1043) in the area for multi-family and a school.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone request to allow for the change from AR-1 (Agricultural Residential District) and GR (General Residential District) to CR-1 (Commercial Residential District) could be considered consistent with the land use, surrounding zoning and uses.



Addresses / Parcels

- ▣ Tax Parcels

Council Districts

- ▣ Fire Districts
- ▣ County District 01
- ▣ County District 02
- ▣ County District 03
- ▣ County District 04
- ▣ County District 05
- ▣ County Boundaries

Schools/Libraries

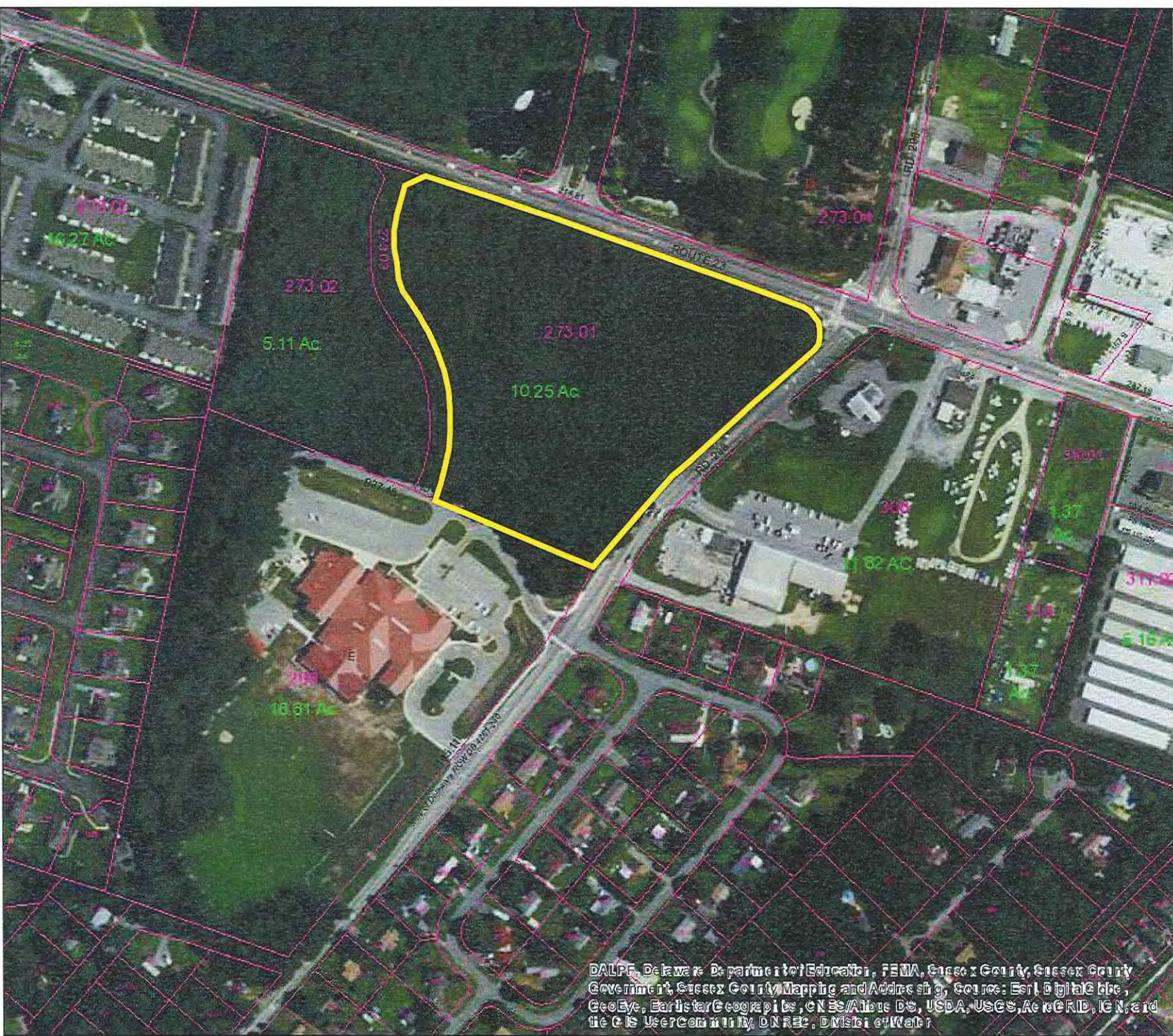
- ▣ School Buildings (Various)
- ▣ School Library
- ▣ Public Library
- ▣ Special Library
- ▣ DOE School Districts
- ▣ DOE VoTech School Districts

Hydrology

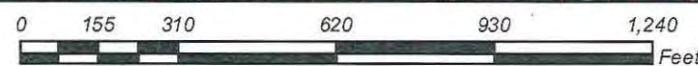
- ▣ Streams / Rivers
- ▣ Lakes, Ponds, Bays

Flood Zones

- ▣ 0.2% Annual Chance Flood Hazard
- ▣ A
- ▣ AE
- ▣ AO
- ▣ Open Water
- ▣ VE
- ▣ Public Protected Lands
- ▣ Municipalities
- ▣ Communities
- ▣ Boundaries State County



DALPE, Delaware Department of Education, FEMA, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Google Earth, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, DNREC, Division of Water





Addresses / Parcels

□ Tax Parcels

Council Districts

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

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Schools/Libraries

▤ School Buildings (Various)

▤ School Library

▤ Public Library

▤ Special Library

▤ DOE School Districts

▤ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

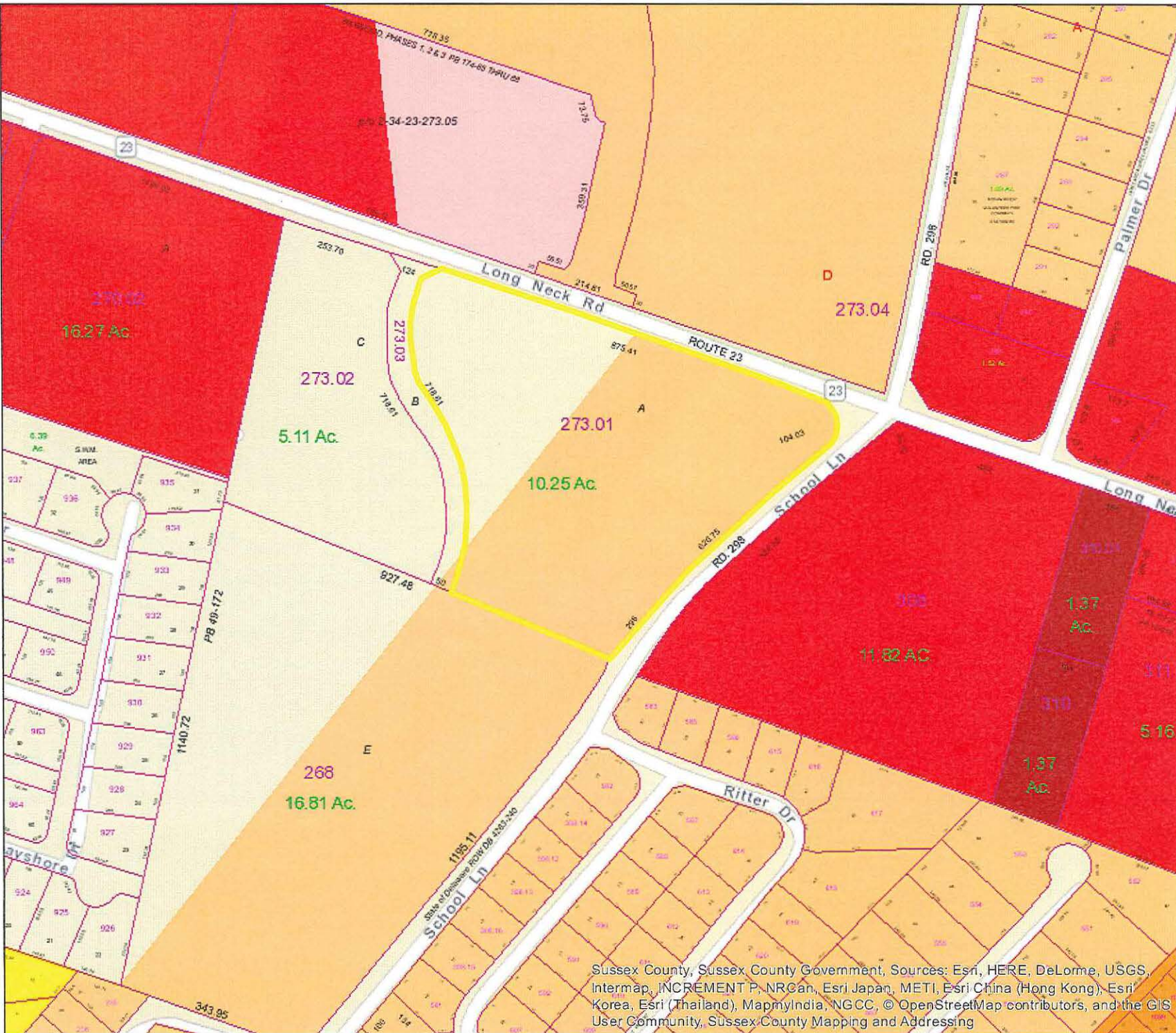
■ VE

▬ Public Protected Lands

▬ Municipalities

⋯ Communities

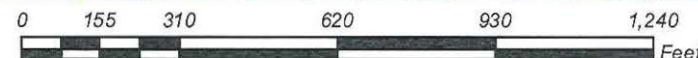
▬ Boundaries State County



Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing



Sussex County Map





Addresses / Parcels

▣ Tax Parcels

Council Districts

▣ Fire Districts

▣ County District 01

▣ County District 02

▣ County District 03

▣ County District 04

▣ County District 05

▣ County Boundaries

Schools/Libraries

▣ School Buildings (Various)

▣ School Library

▣ Public Library

▣ Special Library

▣ DOE School Districts

▣ DOE VoTech School Districts

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▣ A

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▣ AO

▣ Open Water

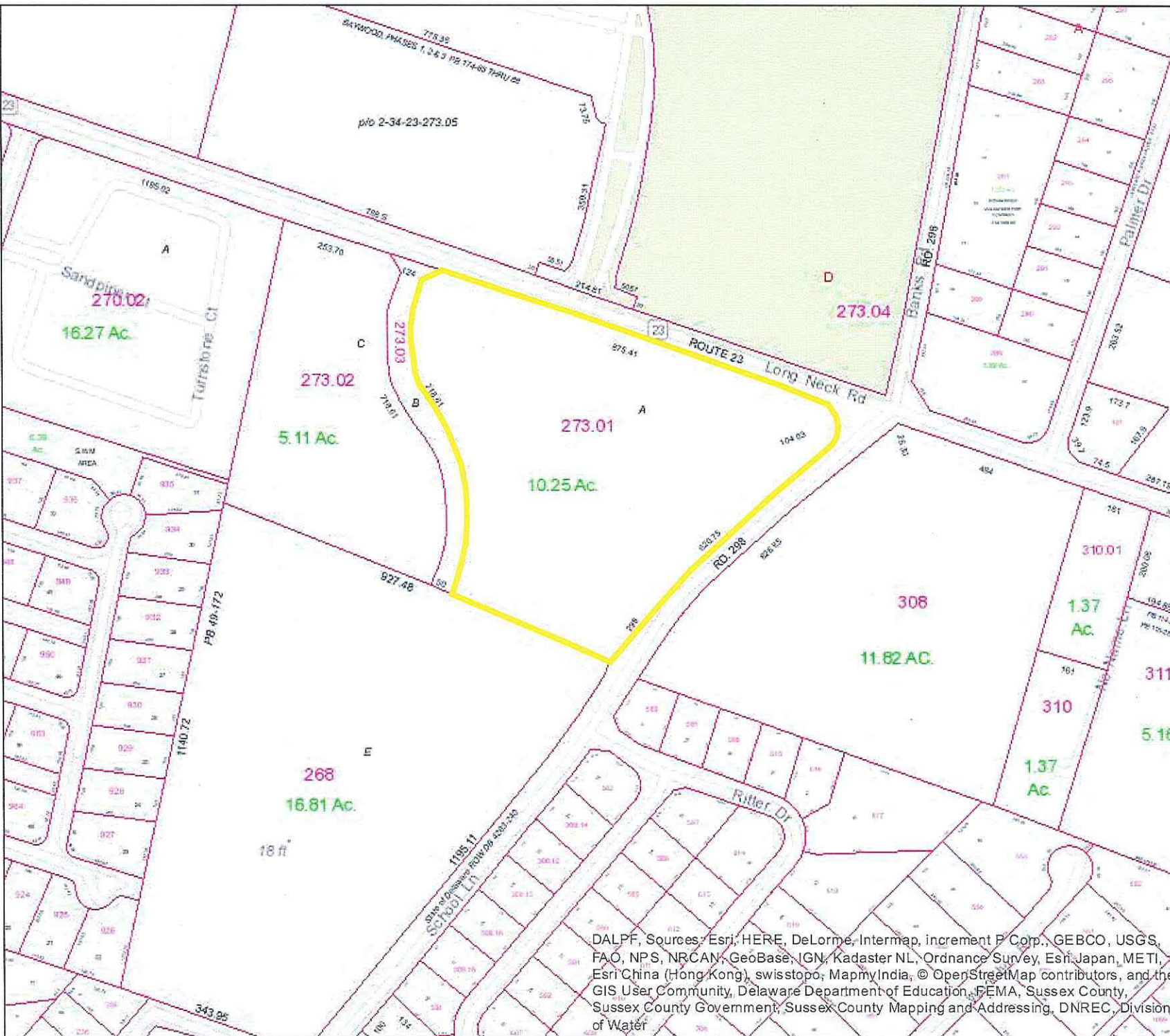
▣ VE

▣ Public Protected Lands

▣ Municipalities

▣ Communities

▣ Boundaries State County



DALPF, Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Delaware Department of Education, FEMA, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, DNREC, Division of Water



Introduced 08/08/17

Council District No. 4 – Cole

Tax I.D. No. 234-23.00-273.01, 234-23.00-273.02, and 234-23.00-273.03

911 Address: Not Available

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 16.211147 ACRES, MORE OR LESS

WHEREAS, on the 27th day of June 2017, a zoning application, denominated Change of Zone No. 1837, was filed on behalf of ABC Woodlands, LLC; and

WHEREAS, on the _____ day of _____ 2017, 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. 1837 be _____; and

WHEREAS, on the _____ day of _____ 2017, 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 GR General Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying at the southwest corner of Long Neck Road and School Lane, and also being on the south side of Long Neck Road approximately 1,000 feet west of School Lane, and being more particularly described per the attached deed, said parcels containing 16.211147 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.

PROPOSED