

# Sussex County Council Public/Media Packet

**MEETING:  
October 27, 2020**

**\*\*DISCLAIMER\*\***

This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.

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

**COUNTY COUNCIL**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7743 T  
(302) 855-7749 F

**SUSSEX COUNTY COUNCIL**

**A G E N D A**

**OCTOBER 27, 2020**

**10:00 A.M.**

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes – October 20, 2020**

**Reading of Correspondence**

**Public Comments**

**Presentation – Mark Isaacs, Director, Carvel Research and Education Center**

**Todd Lawson, County Administrator**

1. DelDOT Transportation Improvement District (TID) consideration and approval
2. Administrator’s Report

**10:15 a.m. Public Hearings**

1. Friendship Hall Annexation in the Miller Creek Area
2. Countryside Hamlet Annexation in the Dagsboro/Frankford Area

**Jamie Whitehouse, Planning and Zoning Director**

1. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA”



**Patrick Brown, Engineer**

**1. Robinsonville Road Core Infrastructure, Project S19-16**

**A. Approve Final Balancing Change Order and Substantial Completion**

**Grant Requests**

- 1. Town of Delmar for tree lighting ceremony**
- 2. Delaware Center for the Inland Bays for James Farm Master Plan Implementation, Phase 2**
- 3. Delaware Community Foundation for Sussex County Health Coalition's Delaware Goes Purple substance abuse prevention project**

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Possible action on Executive Session items**

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

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.**

**Change of Zone No. 1906 filed on behalf of Eliud Ramirez-Mejia**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS” (property lying on the west side of Dagsboro Road, approximately 0.24 mile south of Crickett Street (Tax I.D. No. 233-5.00-172.00) (911 Address: 27436 Dagsboro Road, Dagsboro)**

**Conditional Use No. 2237 filed on behalf of Samuel C. Warrington II**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS” (property lying on the southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1) (Tax I.D. No. 334-12.00-55.01 (Portion of) (911 Address: None Available)**

**Conditional Use No. 2239 filed on behalf of Coastal Services, LLC**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS” (property lying on the west side of Cedar Neck Road (Route 357) approximately 0.64 mile north of Fred Hudson Road (S.C.R. 360) (Tax I.D. No. 134-9.00-67.00) (911 Address: 30430 & 30432 Cedar Neck Road, Ocean View)**

**Adjourn**

**In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 20, 2020 at 4:15 p.m., and at least seven (7) days in advance of the meeting.**

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

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

**Further meeting access instructions are listed below.**



-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

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

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

If any member of the public would like to submit comments electronically, please feel free to send them to [rgriffith@sussexcountye.gov](mailto:rgriffith@sussexcountye.gov). All comments shall be submitted by 4:30 P.M. on Monday, October 26, 2020.

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 20, 2020**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 20, 2020, at 10:00 a.m., in Council Chambers, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Irwin G. Burton III</b>	<b>Vice President</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>Vincent G. Robertson</b>	<b>Assistant County Attorney</b>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 403 20  
Approve  
Agenda**

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

**Motion Adopted:** 5 Yeas.

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

**Minutes**

The minutes of October 6, 2020 were approved by consent.

**Comments**

Public comments were heard and the following spoke: Jeff Seemans.

**DE Goes  
Purple**

Peggy Geisler of the Sussex County Health Coalition, gave a presentation on *Delaware Goes Purple*, a substance abuse awareness program.

**Permitted  
Animals and  
Farm Size  
in County  
Code**

Jamie Whitehouse, Planning and Zoning Director, presented a summary of the provisions in the County Code relating to the number of farm animals allowed in the AR-1 District on properties of less than 5 acres and on farms of more than 5 acres. Council requested this discussion at its October 6th meeting.

**Cluster  
Subdivisions  
in County  
Code**

Jamie Whitehouse, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, presented a summary of the cluster subdivision regulations as outlined in County Code. The presentation focused on the differences between a cluster subdivision within an AR-1 District and a subdivision within the Coastal Area. Council members discussed the drafting of an ordinance to address cluster subdivisions in the Coastal Area

(continued) and there was a consensus of Council to direct staff to prepare a draft ordinance.

**Adminis-  
trator's  
Report** Mr. Lawson read the following information in his Administrator's Report:  
**1. Certificate of Achievement for Excellence in Financial Reporting**

I am pleased to announce that the Government Finance Officers Association of the United States and Canada has awarded Sussex County its Certificate of Achievement for Excellence in Financial Reporting for the 2019 Comprehensive Annual Financial Report (CAFR). This is the 18<sup>th</sup> consecutive year that the County has received this prestigious award acknowledging the financial report. The award is among the highest forms of recognition for governmental accounting and financial reporting.

Congratulations to Gina Jennings, Finance Director/Chief Operating Officer, Kathy Roth, Deputy Finance Director, and the accounting staff for their efforts in achieving this award.

**2. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, The Estuary – Phase 2 received Substantial Completion effective October 7<sup>th</sup>.

**3. Delaware State Police Activity Report**

The Delaware State Police year-to-date activity report for September 2020 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 194 troopers assigned to Sussex County for the month of September.

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

**Human  
Service  
Grants** Mrs. Jennings provided the FY2021 Human Service Grants recommendation and an overview of the program. This program provides grants to countywide non-profit agencies for the purpose of enhancing health and human services, which contribute to a safe, healthy and self-sufficient community. This program provides grants that assist organizations with operating or capital expenses.

Mrs. Jennings explained the application process. She discussed the online application and the formula-based approach to awarding Human Service Grants. Mrs. Jennings outlined the method and criteria for determining recommended grant amounts and presented the recommended Human Service Grants for Fiscal Year 2021 (funds totaling \$224,213.00).

**M 404 20  
Approve  
FY 2021  
Human  
Service  
Grants**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council approves the Fiscal Year 2021 Human Service Grants allocation, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Request to  
Withdraw/  
CU 2231**

**Jamie Whitehouse, Planning and Zoning Director, presented a request to withdraw Conditional Use No. 2231 filed on behalf of Solid Walls, LLC. A letter of request was received by the Planning and Zoning Department from Mark Davidson of Pennoni at the request of his client, Peter Nau of Solid Walls, LLC.**

**M 405 20  
Approve  
Withdraw  
of CU 2231**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council accepts the withdraw of Conditional Use No. 2231 filed on behalf of Solid Walls, LLC.**

**Motion Adopted: 4 Yeas, 1 Abstention.**

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

**EMS  
& Public  
Safety  
Building  
Project/  
Stand-  
Alone  
Purchase  
Order for  
Specialty  
Design  
Services**

**Hans Medlarz, County Engineer, reported on the EMS Department – Public Safety Building Project C19-04, advising that the initial design approach was a stand-alone fire suppression system independent of the Emergency Operations Center. However, the State’s fire prevention code requires a single – entry point and the Fire Marshall would not allow an exception. This resulted in a full sprinkler distribution system design for the entire building. Mr. Medlarz also advised that the site design anticipates lowering the injection wells associated with the supplemental cooling system and installing a parking lot over top of them potentially reducing the cooling efficiency. Due to the critical nature of the facility, it is recommended to create a secondary backup in the form of a cooling tower. Mr. Medlarz stated that these required specialty design services can be provided by GMB’s sub-consultant RMF Engineering. In order to avoid unnecessary mark-up expenses, all parties agreed a stand-alone purchase order would be in the County’s best interest. The Engineering Department recommends issuance of RMF Engineering’s purchase order in an amount not to exceed \$31,720.00.**

**M 406 20  
Approve  
Stand-Alone  
Purchase  
Order**

**A Motion was made by Mr. Rieley, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that a Stand-Alone Purchase Order for RMF Engineering be approved in an amount not to exceed \$31,720.00 for the design of a supplemental cooling system and a fire system header for the entire public safety building.**

**M 406 20  
(continued)**

**Motion Adopted: 4 Yeas, 1 Nay.**

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

**Request to  
Post  
Notices/  
Briarwood  
Estates  
Expansion  
SCUSSD**

**John Ashman, Utility Planning Director, presented a request to prepare and post notices for the Briarwood Estates Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). The Engineering Department received a request to make a presentation to the Briarwood Estates Homeowners Association based on their own internal balloting procedures. The Department mailed a polling letter to all property owners in the community. To date, the Department has received 48 responses out of 72 potential parcels for a 66% response; those responses are 37 in favor of central sewer and 11 opposed.**

**M 407 20  
Authorize  
Posting of  
Notices/  
Briarwood  
Estates  
Expansion**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, that the Sussex County Engineering Department is authorized to prepare and post notices for the Briarwood Estates Expansion of the Sussex County Unified Sanitary Sewer District to include all parcels in the subdivision known as Briarwood Estates located off of Route 24, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Request to  
Post  
Notices/  
Collins  
Avenue  
Expansion  
SCUSSD**

**John Ashman, Utility Planning Director, presented a request to prepare and post notices for the Collins Avenue Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area), to include parcels primarily along Collins Avenue, including some parcels on Plantation Road and Route 24, John J. Williams Highway. The Engineering Department received several requests for sewer service from homeowners along Collins Avenue. A polling letter was sent to the residents of Collins Avenue and those immediately adjacent. To date, The Engineering Department has received a total of 21 responses out of 32 potential parcels for a 65% response; those responses are 12 in favor of central sewer and 9 opposed.**

**M 408 20  
Authorize  
Posting of  
Notices/  
Collins  
Avenue  
Expansion**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Collins Avenue Expansion of the Sussex County Unified Sanitary Sewer District to include parcels along Collins Avenue and parcels along Plantation Road, as presented.**

**Motion Adopted: 5 Yeas.**

**M 408 20  
(continued)**

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

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council's consideration.**

**M 409 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Hudson, to give \$1,500.00 (\$1,000.00 from Mr. Vincent's Councilmanic Grant Account and \$500.00 from Mr. Rieley's Councilmanic Grant Account) to the City of Seaford for the Nanticoke Riverfest.**

**Motion Adopted: 5 Yeas.**

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

**M 410 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to Seaford Tomorrow, Inc. for the Friday Night Live events.**

**Motion Adopted: 5 Yeas.**

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

**M 411 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$1,500.00 from Mr. Vincent's Councilmanic Grant Account to the Laurel Senior Center for congregate meals.**

**Motion Adopted: 5 Yeas.**

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

**M 412 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$5,000.00 (\$3,500.00 from Mr. Burton's Councilmanic Grant Account and \$1,500.00 from Mr. Hudson's Councilmanic Grant Account) to Meals on Wheels of Rehoboth and Lewes, Inc. for their meal program.**

**Motion Adopted: 5 Yeas.**

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

**Introduction of Proposed Ordinance**      **Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI SPA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.50 ACRES, MORE OR LESS” (Conditional Use No. 2247) filed on behalf of Hillary Brock (Tax I.D. No. 234-5.00-44.09) (911 Address: 19950 Beaver Dam Road, Lewes).**

**Council Members’ Comments**      **Council Members’ Comments**

**Mr. Wilson commented on the Cooling Tower project at the Public Safety Building/Emergency Operations Center.**

**Mr. Vincent commented on organizations that may be needing additional funding in the future due to their inability to hold fundraisers as a result of COVID-19.**

**M 413 20 Recess**      **At 12:05 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess until 1:30 p.m.**

**Motion Adopted:      5 Yeas.**

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

**M 414 20 Reconvene**      **At 1:40 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to reconvene.**

**Motion Adopted:      5 Yeas.**

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

**Rules**      **Mr. Robertson read the rules of procedure for zoning hearings.**

**Public Hearing/ Proposed Ordinance/ Future Land Use Map**      **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-16.00-23.00 (PORTION OF)”.**

**On February 18, 2020, the Council approved the Change of Zone application (Change of Zone No. 1902 filed on behalf of John C. Stomato, c/o Ribera Development, LLC). The Change of Zone approval was contingent upon the Future Land Use Map of Sussex County being successfully amended from a commercial area, which does not permit HI-1 zoning, to an Industrial Area.**

**Public Hearing/  
Proposed Ordinance/  
Future Land Use Map  
(continued)**

After the Proposed Ordinance was introduced by the Council on August 11, 2020, the Proposed Ordinance was subsequently reviewed at the State's PLUS meeting of August 26, 2020. The Planning and Zoning Commission held a public hearing on September 10, 2020. At that meeting, the Commission recommended approval of the Proposed Ordinance.

(See the minutes of the Planning and Zoning Commission dated August 26 and September 10, 2020.)

Jamie Whitehouse, Planning and Zoning Director, presented the Proposed Ordinance.

The Council found that Jim Fuqua, Attorney, was present on behalf of the Applicant. He noted that PLUS (Preliminary Land Use Service) and the Planning and Zoning Commission both support the Proposed Ordinance and that the Council approved Change of Zone No. 1902 contingent on approval of the revised map.

There were no public comments.

The Public Hearing and public record were closed.

**M 415 20  
Adopt Ordinance  
No. 2745**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2745 entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-16.00-23.00 (PORTION OF)".

**Motion Adopted: 5 Yeas.**

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

**Public Hearing/  
CZ 1913**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.60 ACRES, MORE OR LESS" (Change of Zone No. 1913) filed on behalf of FW & SW Thoroughgood Family Limited Partnership (Tax I.D. No. 233-5.00-70.00) (911 Address: 30512 and 30540 Thorogoods Road, Dagsboro).

The Planning and Zoning Commission held a Public Hearing on this application on September 10, 2020 at which time action was deferred. On September 24, 2020, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated September 10 and 24, 2020.)



**Public  
Hearing/  
CZ 1913  
(continued)**

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

**The Council found that David Hutt, Attorney, was present on behalf of the application. Also in attendance were Frank, Sarah and Bill Thoroughgood who are all a part of the family limited partnership. Mr. Hutt stated that this property has a Conditional Use approval (1995); that rather than continuing to seek conditional use approvals or an amendment to the existing conditional use, they decided to seek a change of zone; that the property to the rear of the Applicant's property is zoned HI-1; that the property is close to railroad tracks; that the property is improved with an outbuilding and garage and is served by on-site water and sewer; that a Traffic Impact Study was not required by DelDOT; that the 2020 Delaware Strategies for State Policies and Spending identifies the property as Investment Level 2; that the application is consistent with the Comprehensive Plan and the Future Land Use Map; that the only property between the asphalt plant and the railroad that is not in the Industrial Area is the subject property and, therefore, the rezoning would be an "in-fill"; that the area is not highly populated; that the site has good road access; and that the rezoning is appropriate for this parcel.**

**There were no public comments.**

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

**M 416 20  
Adopt  
Ordinance  
No. 2746/  
CZ 1913**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to Adopt Ordinance No. 2746 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.60 ACRES, MORE OR LESS" (Change of Zone No. 1913) filed on behalf of FW & SW Thoroughgood Family Limited Partnership.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CZ 1919**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 23.7021 ACRES, MORE OR LESS" (Change of Zone No. 1919) filed on behalf of Newton Farms, LLC (Tax I.D. No. 131-6.00-8.00) (911 Address: None Available).**

**Public  
Hearing/  
CZ 1919  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on September 10, 2020 at which time action was deferred. On September 24, 2020, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated September 10 and 24, 2020.)**

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

**The Council found that David Hutt, Attorney, was present on behalf of the Applicant. Also present was Rob Ryder, Principal and one of the owners of Newton Farms, LLC, along with David Heatwole, Engineer. Mr. Hutt stated that the property is unimproved and used for agricultural purposes; that the intended use of the site is for manufacturing and light industrial; that the property is served by on-site sewer and water; that no Traffic Impact Study was required by DelDOT; that DelDOT will require the first use of the property to pay an area wide study fee; that the 2020 Delaware Strategies Map identifies the property as being in an Investment Level 2 Area; that this property is completely surrounded by the designation of industrial on the Future Land Use Map; that this parcel is located approximately 600 feet from Route 13; that the intended use of the property is a new location / warehouse for Miller Metal Fabrication; that O.A. Newton partners with Miller Metal; that the concept plan is similar to the buildings on the adjacent properties; that Miller Metal has outgrown its current building and is in desperate need of a larger building to expand operations; that Miller Metal is a fabricating business; that Miller Metal is a growing family business that employs 97 people; that Miller Metal has another location and they hope to relocate some of its employees to this site; that this site is buffered on all four sides with family-owned property; that Newton Farms depends on Miller Metal; and that this is a land use opportunity that results in jobs.**

**There were no public comments.**

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

**M 417 20  
Adopt  
Ordinance  
No. 2747/  
CZ 1919**

**A Motion was made by Mr. Wilson, seconded by Mr. Hudson, to Adopt Ordinance No. 2747 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 23.7021 ACRES, MORE OR LESS" (Change of Zone No. 1919) filed on behalf of Newton Farms, LLC**

**Motion Adopted: 5 Yeas.**

**M 417 20  
(continued)**

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

**M 418 20  
Adjourn**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to adjourn at  
2:40 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

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

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

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

FROM: Todd F. Lawson  
County Administrator

RE: **DelDOT Transportation Improvement District**

DATE: October 23, 2020

---

During Tuesday's meeting, Council is scheduled to consider and approve the Delaware Department of Transportation (DelDOT) Transportation Improvement District (TID).

The agreements establishing the Henlopen TID along with the infrastructure Recoupment Agreement are attached.

Both agreements have been reviewed and approved to form by both County and DelDOT staff. No substantive changes have been made since the final review and discussion on this matter during the September 22, 2020 Council meeting.

If Council desires, the Henlopen TID may be voted on for final approval during Tuesday's meeting.

Please let me know if you have any questions.

Attachments

pc: J. Everett Moore Jr., Esq.  
Vincent G. Robertson, Esq.  
Jamie Whitehouse



**Tax Parcel No.:**  
**Subdivision No.:**  
**Prepared by/Return To:**  
Delaware Department of Transportation  
Division of Planning  
For overnight 800 Bay Road,  
Dover, DE 19901  
Or  
Regular Mail P.O. Box 778  
Dover, DE 19901

**Henlopen Transportation Improvement District**  
**Infrastructure Recoupment Agreement**

This Infrastructure Recoupment Agreement is made as of this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the Delaware Department of Transportation (hereinafter referred to as “**DelDOT**”), Sussex County, a municipal corporation of the State of Delaware (hereinafter referred to as the **County**), and \_\_\_\_\_ its heirs, successors and assigns (hereinafter referred to as “**Property Owner**”).

**WITNESSETH:**

**WHEREAS**, DelDOT and the County in overseeing the coordination of land use and transportation require construction of various transportation improvements relating to the various anticipated land development projects in accordance with Title 17, Chapter 5, § 507 of the Delaware Code; and

**WHEREAS**, DelDOT and the County have established the Henlopen Transportation Improvement District, as outlined in the “Agreement Regarding Henlopen Transportation Improvement District,” executed by both parties on \_\_\_\_\_ 2020.

**WHEREAS**, the County shall set up a fund (hereinafter referred to as the “**Henlopen TID Fund**”) to help fund the planned transportation improvements in lieu of developments preparing a traffic impact study and either phasing its project or constructing offsite transportation improvements; and

**WHEREAS**, the Property Owner is willing to contribute to the Henlopen TID Fund in recognition of the benefits the new transportation improvements will bring their property, and in order to immediately proceed with the construction and development of their property; and

**WHEREAS**, said property is located on \_\_\_\_\_ Road, Sussex County, Delaware, being Sussex County Tax Parcel \_\_\_\_\_ consisting of \_\_\_\_\_ acres, more or less, as shown on Exhibit “A” (hereinafter referred to as the “**Property**”).

**NOW, THEREFORE**, for valuable consideration, the receipt and adequacy of which is hereby acknowledged, and intending to be legally bound, the parties agree as follows:

***I. Traffic Impact Study***

The **Property Owner** shall not be required to perform a traffic impact study and, in lieu thereof, shall contribute through the Henlopen TID Fund.

## ***II. Right-of Way (R/W) Dedication***

Dedication of rights-of-way in lieu of some or all of the fee shall be by agreement between the **Property Owner** and **DelDOT**, with payment of the fee being required if any party is not amenable to the proposed dedication. The value of the rights-of-way to be dedicated shall be determined in accordance with **DelDOT** policies and regulations. The creditable area shall be determined based on highway plans acceptable to **DelDOT** and shall exclude the standard dedications provided in **DelDOT**'s Development Coordination Manual, rights-of-way for any proposed subdivision streets, and any lands needed to accommodate the site entrance.

## ***III. Transportation Improvement Funding***

Funding for the transportation improvements within the Henlopen TID will be provided by the **Property Owner** as detailed below:

A. **Henlopen Transportation Improvement District Fund** – The **County** shall create and administer a separate account, the Henlopen TID Fund, to make timely payments to **DelDOT**, for all engineering professionals and contractors performing work on the Henlopen TID transportation improvements. Subject to the provisions of this Agreement, contributions (defined below) to the Fund will be made by the **Property Owner** and by Other Property Owners who execute recoupment agreements in substantially the same form as this Agreement, and by **DelDOT**, as required.

### **B. Contributions To The Fund**

1. **Contribution Rates** –The established rates for the Henlopen TID are listed on Exhibit “B”. Subject to the limitations set forth below, the **Property Owner** shall contribute to the Henlopen TID Fund (hereinafter, the “contribution” or “contributions”), in amounts consistent with the established rates, for the **Property** on the attached Exhibit “A,” which amounts shall be adjusted annually as set forth in paragraph D below. Once contributions for a specific development are paid in full, the **Property Owner** shall have no further obligations under this agreement for that development.
2. **Contribution Timing** - Contributions shall be made at the time of **Property Owner** application to the **County** for a building permit for the **Property**. The parties acknowledge and agree that no building permits for a building or project located on the **Property** shall be issued until such time as the contributions to the Henlopen TID Fund associated with the particular building or project phase have been made. Where a project involves residential houses, no building permit for a particular unit shall be issued until the contribution for that unit has been made. For a non-residential building, where contributions are to be made on a square foot basis, no building permit for a particular building shall be issued until the contribution for such building has been made.
3. **Property Rezoning** - If the **Property** is rezoned from its current zoning designation, or development plans change, future contributions shall be paid in accordance with the use then being made of the **Property**. For example, if a portion of the **Property** is developed residentially, but then the balance of the **Property** is developed for non-residential purposes, the contributions for the residential portion shall be paid at the residential rates, and the non-residential portions based on the appropriate non-residential rates.
4. **Contribution Notification** - In the event a **Property Owner** has elected to execute this Recoupment Agreement, any final site plan for development of lands of said **Property Owner** subject to contribution hereunder shall contain a statement or note that the issuing

of a building permit is contingent upon paying the then applicable portion of the contribution into the Fund as provided in the Recoupment Agreement for the **Property**.

- C. **Developer Design/Build Credit** - Design and/or Construction of physical improvements in lieu of some or all of the fee shall be by agreement between the **Property Owner**, **DelDOT**, and the **County**, with payment of the fee being required if any party is not amenable to the proposed construction. If a **Property Owner** seeks to design and/or construct physical improvements in lieu of paying into the Fee, the **Property Owner** shall be required to obtain a minimum of three bids for the work. The bids shall be subject to review and approval by the **DelDOT**. Credit toward the fee shall be based on the **Property Owner**'s payments to the selected contractor. Design and/or Construction of improvements required by **DelDOT** and the **County** as part of the development's entrance construction or on-site infrastructure, e.g. subdivision streets, and curb ramps, turn lanes, acceleration lanes at development entrance, shall not be creditable toward the fee. At their discretion, **DelDOT** and the **County** may require improvements beyond the site entrance to correct an unsafe condition that they find would be created or worsened by the proposed development. Such improvements may include, but are not limited to, the addition or widening of shoulders, and/or the construction of a shared-use path or sidewalk along the development's frontage. In that case, the cost of that work shall be determined by the **DelDOT**, using the Shared-Use Path and Sidewalk Fee Calculation Form for those items and current comparable contract bid prices as a guide for other items, and shall be creditable toward the fee.
- D. **Escalation** - While transportation improvement projects await construction funding, the costs of constructing the project will escalate at the rate of inflation for highway construction projects. The amounts paid by the **Property Owner**, therefore, shall be subject to an increase of up to four percent (4%) per year, not compounded, beginning on January 31, 2021 and increasing by the established amount on January 31 of each year thereafter. The actual amount of the increase shall be set by **DelDOT** in January of each year based upon the change in the Consumer Price Index (CPI) for Delaware Region during the previous year. The established rate of increase shall not exceed four percent (4%) in any one year and escalation shall only apply to contributions unpaid on January 31 of each year.

#### ***IV. Property Owner Benefits***

- A. **No Individual Off-site Improvements** - No Individual off-site road projects will be required as a separate cost for individual developments participating in this agreement, as a condition of approval by **DelDOT** or the **County**.
- B. **No Individual Traffic Impact Study** - No Individual Traffic Impact Study will be required as a separate cost for individual developments participating in this agreement, as a condition of approval by **DelDOT** or the **County**.
- C. **Cost Savings** - Costs for off-site improvements are expected to be reduced due to the proposed comprehensive approach, the cost sharing and the large size of the projects.

#### ***V. Administration of the Agreement***

- A. **Existing Record Plan Requirements** – Should existing Record Plan transportation improvement requirements conflict with this agreement, **DelDOT**, the **County**, and the **Property Owner** shall work together to expedite the modification(s) to the Record Plan notes. The revision will be a ministerial review, incorporating the TID participation into the Record Plan notes. The **DelDOT** and the **County** review fees for this reconciliation will be considered satisfied from the

initial Record Plan Review fees. For any other changes requiring a resubdivision plan and review, the associated fees will be the responsibility of the legal owner.

- B. Amendments** – This agreement shall not be modified, changed, or supplemented, nor may any of the obligations and rights be waived, except by a written instrument signed by all parties.
- C. Notices** – Whenever a notice is to be given or a document is to be delivered to one of the parties hereunder, it shall be addressed or delivered to:

**Property Owner:** Attention:

**DelDOT:** Director, Division of Planning  
Delaware Department of Transportation  
P.O. Box 778  
Dover, DE 19903

**County:** Sussex County Administrator  
Sussex County  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

- D. Succession of Agreement** – This agreement shall bind and benefit the parties hereto, their successors and assigns: and shall be a covenant running with the Property described in this agreement.
- E. Recordation of Agreement** – The Property Owner shall record a notice of this Agreement, so as to put potential future purchasers of the Property on notice of the obligations created by this Agreement.
- F. Termination of Agreement** – Property Owner’s obligations under this Agreement shall terminate once all fees identified in this agreement are paid in full. Notwithstanding anything herein to the contrary, payment of a contribution for a specific lot or structure shall relieve that lot or structure from any other obligation under this Agreement. However, that lot or structure shall remain a beneficiary of this agreement.



IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first written above.

Property Owner ( \_\_\_\_\_ ):

\_\_\_\_\_ (SEAL)

Name: \_\_\_\_\_  
Owner

STATE OF DELAWARE :  
: SS.

COUNTY OF SUSSEX :

**BE IT REMEMBERED**, that on this \_\_\_ day of \_\_\_\_\_, 2020, before me, a notary public, the undersigned personally appeared, \_\_\_\_\_, who acknowledged himself to be the Property Owner/Developer, and that he as such Property Owner/Developer is authorized to execute the foregoing Henlopen Transportation Improvement District Infrastructure Recoupment Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Sussex County, Delaware:

By: \_\_\_\_\_ (SEAL)

Name: \_\_\_\_\_

Title \_\_\_\_\_ (President of Council or designee)

STATE OF DELAWARE :  
: SS.

COUNTY OF SUSSEX :

**BE IT REMEMBERED**, that on this \_\_\_ day of \_\_\_\_\_, 2020, before me, a notary public, the undersigned personally appeared, \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ for the Government of Sussex County, and that he/she as such \_\_\_\_\_ is authorized to execute the foregoing Henlopen Transportation Improvement District Infrastructure Recoupment Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_



**Exhibit A**

**Map of individual property subject to agreement**

DRAFT

## Exhibit B

### Henlopen Transportation Improvement District

#### *Initial Contribution Rates*

Residential Rates	
Single family detached residential	\$4,900 per unit by phase
	\$5,145 per unit by lot
Multi-family residential, low-rise, 1-2 floors	\$3,822 per unit by phase
	\$4,013 per unit by lot
Multi-family residential, mid-rise, 3 or more floors	\$2,842 per unit by phase
	\$2,984 per unit by lot
Non-Residential Rates	
Under 21 trips per 1,000 SF GFA	\$2.88 per sq ft
At least 21 but less than 34 trips per 1,000 SF GFA	\$3.38 per sq ft
At least 34 but less than 75 trips per 1,000 SF GFA	\$3.88 per sq ft
At least 75 but less than 200 trips per 1,000 SF GFA	\$4.38 per sq ft
200 or more trips per 1,000 SF GFA	\$4.88 per sq ft
Notes: Low-rise Multi-family rate is 78% of single-family detached rate. Mid-rise Multi-family rate is 58% of single-family detached rate. Townhomes are considered low-rise multi-family. All non-residential rates are based on the number of trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 10th Edition.	

#### *Current Contribution Rates*

Residential Rates	
Single family detached residential	\$4,900 per unit by phase
	\$5,145 per unit by lot
Multi-family residential, low-rise, 1-2 floors	\$3,822 per unit by phase
	\$4,013 per unit by lot
Multi-family residential, mid-rise, 3 or more floors	\$2,842 per unit by phase
	\$2,984 per unit by lot
Non-Residential Rates	
Under 21 trips per 1,000 SF GFA	\$2.88 per sq ft
At least 21 but less than 34 trips per 1,000 SF GFA	\$3.38 per sq ft
At least 34 but less than 75 trips per 1,000 SF GFA	\$3.88 per sq ft
At least 75 but less than 200 trips per 1,000 SF GFA	\$4.38 per sq ft
200 or more trips per 1,000 SF GFA	\$4.88 per sq ft
Notes: Low-rise Multi-family rate is 78% of single-family detached rate. Mid-rise Multi-family rate is 58% of single-family detached rate. Townhomes are considered low-rise multi-family. All non-residential rates are based on the number of trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 10th Edition.	

**Exhibit C**

**HENLOPEN TID TRANSPORTATION INFRASTRUCTURE RECOUPMENT AGREEMENT**

*Initial Property Contribution Accounting*

<u>Property Identification</u>	<u>Owner</u>	<u>Use</u>	<u>Size (units/sf)<sup>a</sup></u>	<u>Unit Cost</u>	<u>Total Committed</u>	<u>Cash Paid</u>	<u>Recoupment Credit</u>	<u>Escalation</u>	<u>Balance Due*</u>
					\$ -				\$ -
* includes escalation through Jan. 31, _____					\$ -	\$ -	\$ -	\$ -	\$ -
<sup>a</sup> = projected, may change over time									
<b>TOTAL CONTRIBUTED</b>					<b>As of:</b>				<b>\$0.00</b>

NOTE: Figures for "Use" Column are approximate and subject to verification at the time of payment.

Exhibit D

Henlopen TID Recoupment Credit Agreement

Agreement No. \_\_\_\_\_

**Development Project**

- Development Name \_\_\_\_\_
- Developer \_\_\_\_\_
- Total Required Financial Contribution for Development \_\_\_\_\_  
*(per Recoupment Agreement)*

**Henlopen TID Project**

- Name of Project \_\_\_\_\_
- Section of Project \_\_\_\_\_  
*(Attach plan)*
- Items Constructed \_\_\_\_\_
- Total Estimated Cost of Section to be Constructed \_\_\_\_\_  
*(Attach cost estimate)*

**Recoupment Calculation**

Estimated Cost of Items Required for Development	\$ _____
Estimated Cost of Items Required for Other Developments	\$ _____
Estimated Cost of Items Eligible for Recoupment	\$ _____
TOTAL	\$ _____

*(Attach breakout plan)*

***\*Note - Total must equal Total Estimated Cost of Construction***

**Agreement**

For performing construction work on the above named Henlopen TID Project, the above named development is credited the following amount toward the Henlopen TID Fund required contribution.  
\$ \_\_\_\_\_

\_\_\_\_\_  
Developer Date

\_\_\_\_\_  
Sussex County Date

\_\_\_\_\_  
Delaware Department of Transportation Date

**AGREEMENT REGARDING  
HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT**

**BETWEEN**

**STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION**

**AND**

**SUSSEX COUNTY**

**PROJECT MANAGER: SARAH COAKLEY, AICP, PRINCIPAL PLANNER, DELDOT**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by and between the State of Delaware, Department of Transportation, as First Party, hereinafter referred to as the **DEPARTMENT**, and Sussex County, as Second Party, hereinafter referred to as the **COUNTY**.

**WITNESSETH:**

**WHEREAS**, the **DEPARTMENT** and the **COUNTY** seek to establish a Transportation Improvement District, hereinafter referred to as the **TID**, for the purpose of securing required improvements to transportation facilities in the TID,

**NOW, THEREFORE**, for and in consideration of the mutual covenants, hereinafter stipulated to be kept and performed, it is agreed between the parties as follows:

**SECTION 1. GEOGRAPHIC BOUNDARIES**

- A. The boundaries of the **TID** are shown on Exhibit A, attached hereto, and are described as follows:
1. Participant Boundary. Beginning in the northwest, where the Georgetown to Lewes Delaware Coast Line Railroad crosses the first intermittent stream west of Minos Conaway Road, the boundary follows the Georgetown to Lewes Delaware Coast Line Railroad to the western right-of-way line of SR1, then follows the western right-of-way line of SR1 east and south to the western right-of-way line of Old Landing Road, follows the western right-of-way line of Old Landing Road south to the northern parcel line of Sterling Crossing, follows the northern parcel line of Sterling Crossing to the western parcel line of Sterling Crossing, follows the western parcel line of Sterling Crossing to where it meets the eastern parcel line of the Beebe parcel number 334-12.00-57.00, follows the eastern parcel line of this Beebe parcel to where it meets the southern parcel line of this Beebe parcel, follows the southern

parcel line of this Beebe parcel to the eastern parcel line of Beebe parcel 334-12.00-125.00, follows the eastern parcel line of this Beebe parcel to the northern right-of-way line of Warrington Road, then the northern right-of-way line of Warrington Road east to the eastern boundary of the Wellesley subdivision, follows the eastern boundary of the Wellesley subdivision south to where it meets the southern parcel line of parcel number 334-12.00-562.00, then follows Arnell Creek south and east to the northern boundary of Rehoboth Bay, follows the northern and western boundaries of Rehoboth Bay west and south to Herring Creek, then Herring Creek west and north to Burton Prong, Burton Prong west and north to Chapel Branch, Chapel Branch west to the northern parcel line of parcel number 234-11.00-79.01, the northern parcel line of parcel number 234-11.00-79.01 to the southern boundary of the Lochwood subdivision, then follows the southern boundary of the Lochwood subdivision to the southern parcel line of Sussex County parcel number 234-11.00-68.00, the southern parcel line of Sussex County parcel number 234-11.00-68.00 to the western parcel line of Sussex County parcel number 234-11.00-69.03, the western parcel line of Sussex County parcel number 234-11.00-69.03 to Chapel Branch, follows Chapel Branch north and west to the western right-of-way line of Beaver Dam Road, then follows the western right-of-way line of Beaver Dam Road north to the southern boundary of Estates at Cedar Grove, follows the southern and western boundaries of Estates at Cedar Grove to Bundicks Branch, follows Bundicks Branch north and east to the western boundary of Coastal Club, the western boundary of Coastal Club to Beaver Dam Road, crosses Beaver Dam Road, follows the western parcel line of Delaware Farm LLC parcel number 334-5.00-175.00 north to the western boundary of The Reserves at Lewes Landing, then follows the western boundary of The Reserves at Lewes Landing north to US9/Lewes-Georgetown Highway, follows US9/Lewes-Georgetown Highway west, then follows the eastern boundary of Sweetbriar north to the point of beginning.

2. Facilities Boundary. All three-digit state-maintained roads within the participant boundary are included in the facilities boundary, except for Janice Road, Jimtown Road, Ward Road, Bookhammer Landing Road, and Angola Beach Road. Additionally, the following road segments that are located outside the participant boundary are also included in the facilities boundary: US9/Lewes-Georgetown Highway east of Dairy Farm Road, Minos Conaway Road west and south of SR1, Old Landing Road between SR1 and Warrington Road, Airport Road between Old Landing Road and SR1, Miller Road between Airport Road and SR1, Warrington Road between SR24 and Old Landing Road, SR24 north of Holly Lake Road, Beaver Dam Road north of Indian Mission Road, and Beaver Dam Road between Bundicks Branch and Coastal Club.
- B. The **TID** shall have both a Participant (inner) Boundary and a Facilities (outer) Boundary. The purpose of having two boundaries is to better provide for adequate infrastructure on all



sides of developments inside the Participant Boundary. All land developments requiring a subdivision or land development plan, except as described in Section 6, within the Participant Boundary and all State-maintained capital transportation facilities (roads, bridges, sidewalks, bus stops, etc.) within the Facilities Boundary shall be subject to the terms of this agreement.

- C. The boundaries of the **TID** may be amended at any time by mutual agreement of the parties in the form of a supplement to this **AGREEMENT**.
- D. When updating their Comprehensive Plan, the **COUNTY** shall evaluate the need to amend the boundaries of the **TID**.

### **SECTION 2. TARGET HORIZON YEAR**

- A. The Target Horizon Year for which land use was forecast in creating the **TID** is 2045.
- B. The Target Horizon Year may be amended at any time by mutual agreement of the parties in the form of a supplement to this **AGREEMENT**.
- C. When updating their Comprehensive Plan, the **COUNTY** shall evaluate the need to amend the Target Horizon Year of the **TID**.

### **SECTION 3. SERVICE STANDARDS**

- A. The parties hereby agree on a set of standards (Service Standards) for conditions in the **TID** in the Target Horizon Year, which is incorporated into this **AGREEMENT** as Exhibit B.
- B. Prior to incorporating Service Standards into this **AGREEMENT**, the parties solicited public comment on proposed standards at the Henlopen **TID** Public Workshop on February 5, 2020, and considered the comments received.
- C. The Service Standards may be amended at any time by mutual agreement of the parties in the form of a supplement to this **AGREEMENT**, provided that the public is first afforded an opportunity to review and comment on the proposed amendment.
- D. When updating their Comprehensive Plan, the **COUNTY** shall evaluate the need to amend the Service Standards of the **TID**.

### **SECTION 4. LAND USE AND TRANSPORTATION PLAN**

- A. The parties hereby agree on the Land Use and Transportation Plan, hereinafter referred to as an **LUTP** for the **TID**, which is incorporated into this **AGREEMENT** as Exhibit C.
- B. When updating their Comprehensive Plan, the **COUNTY** shall consider the need to update the **LUTP** and shall initiate that effort if the land use forecast for the **TID** area has changed significantly. The parties hereto shall, upon review and approval, adopt the revised **LUTP** as an Appendix to this **AGREEMENT**.
- C. For updates to the **LUTP**, the **COUNTY** shall supply to the **DEPARTMENT** a parcel-level land use forecast for the **TID** participant boundary, composed of the following components:
1. Existing land use at the time of the update.
  2. Development approved and/or recorded but not yet built as of that date, including any “sunset” provisions.
  3. Development in the land development process but not approved as of that date.
  4. Development not yet proposed but projected by the Target Horizon Year, based on population and employment forecasts, and the current Comprehensive Plan and zoning map.
- D. For updates to the **LUTP**, the **DEPARTMENT** shall inventory the existing transportation network and programmed improvements thereto within the **TID** facilities boundary, which inventory shall include the following information:
1. Functional Class and Traffic Pattern Group;
  2. Numbers, assignments and widths of lanes at each intersection;
  3. Type of control at each intersection;
  4. Typical section and type of pavement on each road segment;
  5. Roadway geometry deficiencies in sufficient detail to determine whether the agreed upon Service Standards are met;
  6. Roadway capacity and Level of Service conditions (to the extent known) in sufficient detail to determine whether the agreed upon Service Standards are met;
  7. Presence, and frequency of transit service;
  8. Any bicycle and pedestrian facilities not covered under Item 4 above.
- E. For updates to the **LUTP**, the **DEPARTMENT** shall forecast traffic on the facilities boundary road network for the Target Horizon Year, shall determine what locations would need improvement to meet the Service Standards, in that year, and shall identify conceptually what improvements are needed in those locations.
- F. The **DEPARTMENT** shall provide an updated Exhibit C each time the **LUTP** is amended.
- SECTION 5. TID CAPITAL TRANSPORTATION PROGRAM (TID-CTP)**

- A. The parties hereby agree on the TID Capital Transportation Program, hereinafter referred to as the **TID-CTP**, which is incorporated into this **AGREEMENT** as Exhibit C.
- B. When updating the **LUTP**, for the deficient locations identified in the adopted **LUTP**, the **DEPARTMENT** shall identify a set of projects needed to address those deficiencies and shall develop cost estimates for those projects. The **DEPARTMENT** shall update the cost estimates periodically as needed. Subject to review and approval by the **COUNTY**, this set of projects shall constitute the **TID** Capital Transportation Program (**TID-CTP**).
- C. The **COUNTY** shall, in odd numbered years to coincide with development of the DelDOT Capital Transportation Program, recommend projects from the **TID-CTP** for inclusion in the **DEPARTMENT**'s 6-year Capital Transportation Program. Inclusion of recommended projects shall be subject to the **DEPARTMENT**'s process for development of the 6-year program. Projects included in the **DEPARTMENT**'s 6-year Capital Transportation Program shall be eligible to receive funding from the **COUNTY** consistent with Paragraph 7D below, in addition to applicable State and Federal funds.

#### **SECTION 6. DEVELOPMENTS EXCLUDED FROM PARTICIPATION**

- A. Where a proposed development is determined by the **DEPARTMENT** and the **COUNTY** to be inconsistent with the land use element of the **LUTP**, and to generate sufficient traffic to warrant a Traffic Impact Study (TIS), the **DEPARTMENT** and the **COUNTY** shall require a TIS and, as necessary, off-site improvements in accordance with the **DEPARTMENT**'s Development Coordination Manual.
- B. The development of Garage Studio Apartments shall be excluded from the requirements of this agreement.
- C. The development of Minor Subdivisions, as defined by Chapter 99, Section 99-4 of the Code of Sussex County. This exemption shall be limited to a maximum of one minor subdivision application per parent parcel.

#### **SECTION 7. INFRASTRUCTURE FEE PROGRAM**

- A. The **COUNTY** shall require that any activity requiring a subdivision or site plan, except as provided in Section 6, within the Participant Boundary of the **TID** participate in the improvement of transportation facilities within the Facilities Boundary of the **TID** in accordance with the current **LUTP** and this **AGREEMENT**. The **DEPARTMENT** and the **COUNTY** shall require that the manner and extent of that participation be documented on the recorded subdivision or site plan and in a recorded infrastructure recoupment agreement with the developer. The manner of participation shall be through the payment of a fee, right-of-way dedication or the construction of physical improvements identified in the **TID-CTP**,

or some combination thereof. The extent of participation shall be in accordance with Paragraph E below. The **COUNTY** shall collect any fees prior to issuance of building permits. The schedule for construction of physical improvements shall be specified on the recorded subdivision or site plan and in the recorded infrastructure recoupment agreement with the developer and shall be subject to approval by both the **DEPARTMENT** and the **COUNTY**.

- B. Dedication of rights-of-way in lieu of some or all of the fee shall be by agreement between the developer and the **DEPARTMENT**, with payment of the fee being required if any party is not amenable to the proposed dedication. The value of the rights-of-way to be dedicated shall be determined in accordance with **DEPARTMENT** policies and regulations. The creditable area shall be determined based on highway plans acceptable to the **DEPARTMENT** and shall exclude the standard dedications provided in **DEPARTMENT**'s Development Coordination Manual, rights-of-way for any proposed subdivision streets and any lands needed to accommodate the site entrance.
- C. Design and/or Construction of physical improvements in lieu of some or all of the fee shall be by agreement between the developer, the **DEPARTMENT** and the **COUNTY**, with payment of the fee being required if any party is not amenable to the proposed construction. If a developer seeks to design and/or construct physical improvements in lieu of paying into the Fee, the developer shall be required to obtain a minimum of three bids for the work. The bids shall be subject to review and approval by the **DEPARTMENT**. Credit toward the fee shall be based on the developer's payments to the selected contractor. Design and Construction of improvements required by the **DEPARTMENT** and the **COUNTY** as part of the development's entrance construction or on-site infrastructure, e.g. subdivision streets, and curb ramps, turn lanes, acceleration lanes at development entrance, shall not be creditable toward the fee. At their discretion, the **DEPARTMENT** and the **COUNTY** may require improvements beyond the site entrance to correct an unsafe condition that they find would be created or worsened by the proposed development. Such improvements may include, but are not limited to, the addition or widening of shoulders, and/or the construction of a shared-use path or sidewalk along the development's frontage. In that case, the cost of that work shall be determined by the **DEPARTMENT**, using the Shared-Use Path and Sidewalk Fee Calculation Form for those items and current comparable contract bid prices as a guide for other items, and shall be creditable toward the fee.
- D. The **COUNTY** shall create and administer a separate account or accounts expressly for the purpose of managing the funds needed to pay for design and construction costs of work identified in the **TID-CTP** under the terms of this **AGREEMENT**. The account shall be funded by Infrastructure Fee payments from developers as called for by this **AGREEMENT**. The **COUNTY** shall, at the **DEPARTMENT**'s request, transfer funding from the **TID** account to the **DEPARTMENT** for the design and/or construction of the improvements identified in the **TID-CTP**.

- E. Developers shall participate in the improvement of transportation facilities within the Facilities Boundary of the **TID** in accordance with the current **LUTP** as follows:
1. In the Target Horizon Year, the **LUTP** shows that a total number of trips will be generated within the Participant Boundary of the **TID** in an average weekday evening peak hour. The total estimated cost to construct the improvements identified in the **TID-CTP** can also be determined. Development within the Participant Boundary of the **TID** can be grouped into broad land use categories, each with an associated trip generation per square foot or per dwelling unit. The **DEPARTMENT** and the **COUNTY** will establish per unit costs for residential development and per square foot costs for non-residential development. Therefore, for each subdivision or site plan, the **COUNTY** shall require participation consistent with the established rates in Exhibit D, which amounts shall be adjusted annually as set forth in paragraph F below. Where there is a question as to how to characterize a specific development, the **COUNTY** shall refer to the **LUTP** and may consult the **DEPARTMENT** as necessary.
  2. Maintenance activities are excluded from the **TID-CTP** and are not eligible for funding through the Infrastructure Fee Program.
- F. While transportation improvement projects await construction funding, the costs of constructing the project will escalate at the rate of inflation for highway construction projects. The amounts paid by developers, therefore, shall be subject to an increase of up to four percent (4%) per year, not compounded, beginning on January 31, 2021 and increasing by the established amount on January 31 of each year thereafter. The actual amount of the increase shall be set by DelDOT in January of each year based upon the change in the Consumer Price Index (CPI) for Delaware Region during the previous year. The established rate shall not exceed four percent (4%) in any one year and escalation shall only apply to contributions unpaid on January 31 of each year.

**SECTION 8. TRANSITIONAL RULES FOR DEVELOPMENTS PRIOR TO EXECUTION OF THIS AGREEMENT**

- A. The property owner and/or developer of any subdivision or site plan, submitted to the **DEPARTMENT** and/or the **COUNTY** before the effective date of this **AGREEMENT**, may request participation in the **TID** for that subdivision or land development plan, in lieu of completing a Traffic Impact Study and/or making off-site contributions.
- B. Should existing Record Plan transportation improvement requirements conflict with the requested participation in the **TID**, the **DEPARTMENT**, the **COUNTY**, and the Property Owner shall work together to expedite the modification(s) to the Record Plan notes. The

revision will be a ministerial review, incorporating the **TID** participation into the Record Plan notes. The **DEPARTMENT** and the **COUNTY** review fees for this reconciliation will be considered satisfied from the initial Record Plan Review fees. For any other changes requiring a resubdivision plan and review, the associated fees will be the responsibility of the legal owner.

#### **SECTION 9. MONITORING PROGRAM**

- A. The **DEPARTMENT** shall monitor traffic volumes within the Facilities Boundary of the **TID** and shall report to the **COUNTY** in calendar year 2022 and at regular intervals not to exceed every 5 years their findings and their recommendations as to what improvements in the **TID-CTP** are needed at the time of the report and what improvements in the **TID-CTP** are likely to be needed in the next six years.
- B. The extent of the monitoring effort shall be at the **DEPARTMENT**'s discretion but the **DEPARTMENT** will accommodate reasonable requests from the **COUNTY** for the inclusion of specific information.

#### **SECTION 10. PUBLIC INVOLVEMENT**

Absent a specific agreement to the contrary, to the extent that a public meeting, workshop or hearing is needed pertaining to procedural matters relating to this **AGREEMENT**, said public meeting, workshop or hearing shall be publicized and hosted by the **COUNTY**. The **DEPARTMENT** shall send appropriate representatives to such events as necessary. For specific improvements to be made in the **TID**, the **DEPARTMENT**'s Public Involvement Process shall govern.

#### **SECTION 11. SCOPE OF AGREEMENT**

This **AGREEMENT** constitutes the sole understanding by and between the **DEPARTMENT** and the **COUNTY** and nothing outside of this **AGREEMENT** shall be construed as an alteration, modification and/or revision hereof. This **AGREEMENT** shall not be modified except in writing subscribed by all parties.

#### **SECTION 12. SUCCESSOR AND ASSIGNMENTS**

The **DEPARTMENT** and the **COUNTY** each binds itself, its successors, legal representatives, agents, employees, officers, and assigns, to each other to this Contract.

#### **SECTION 13. LAWS OF DELAWARE**

This **AGREEMENT** and the terms thereof shall be construed in accordance with the laws

of the State of Delaware.

**IN WITNESS WHEREOF**, the parties hereunto have caused this **AGREEMENT** to be executed in quadruplicate, the date and year first above written.

FOR THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION:

\_\_\_\_\_  
Jennifer Cohan, Cabinet Secretary

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Charlanne Thornton, Director, Finance

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Kenneth S. Feaster Jr., Deputy Attorney General

DATE: \_\_\_\_\_

FOR SUSSEX COUNTY:

\_\_\_\_\_  
Michael H. Vincent, President of Council

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Vincent G. Robertson, Assistant County Attorney

DATE: \_\_\_\_\_





Exhibit B to accompany Henlopen TID Agreement

Service Standards for Henlopen TID

These standards describe the standards to which DelDOT will work in developing transportation improvement projects that are to be built as part of the Henlopen TID. They in no way obligate DelDOT or Sussex County to make specific improvements. They describe the form and function that improvements are to have if improvements are to be made.

I. Inside Participant Boundary

A. Capacity and Level of Service Standards

1. To account for seasonal variations in traffic, DelDOT shall adjust weekday traffic counts to approximate annual average (May and October) volumes.
2. DelDOT may adjust specific volumes to account for errors in the counted volumes where such errors become apparent and for instances where it is apparent that traffic has increased since the counts were done.
3. The same standards for all roads in the study area shall be assumed except as specified in this Exhibit.
4. Use of 2010 Highway Capacity Manual procedures and applicability only to the Automobile Mode are assumed except as specified in this document. Those standards are summarized in the tables below for reference.

Control delay is the delay associated with vehicles slowing in advance of an intersection, the time spent stopped on an intersection approach, the time spent as vehicles move up in the queue, and the time needed for vehicles to accelerate to their desired speed.

Signalized Intersections		
Control Delay (sec/veh)	Volume-to-Capacity Ratio $\leq 1.0$	Volume-to-Capacity Ratio $> 1.0$
$\leq 10$	A	F
>10-20	B	F
>20-35	C	F
>35-55	D	F
>55-80	E	F
>80	F	F

Unsignalized Intersections		
Control Delay (sec/veh)	Volume-to-Capacity Ratio $\leq 1.0$	Volume-to-Capacity Ratio $> 1.0$
$\leq 10$	A	F
$>10-15$	B	F
$>15-25$	C	F
$>25-35$	D	F
$>35-50$	E	F
$>50$	F	F

5. Minimum intersection Levels of Service (LOS) are as follows.
  1. Overall intersection LOS for weekday (Tuesday through Thursday) evening peak hours at signalized, roundabout and all-way stop-controlled intersections: D. LOS for specific approaches and movements may be E or F.
  2. Overall intersection LOS for weekday (Tuesday through Friday) morning peak hours at signalized, roundabout and all-way stop-controlled intersections: D. LOS for specific approaches and movements may be E or F.
  3. For all facilities, 95<sup>th</sup> percentile queue lengths should not exceed available turning lane lengths and through movements should not queue through adjacent intersections.
  4. For unsignalized intersections where traffic on the major street does not stop or yield, an overall intersection LOS cannot be calculated. The minimum LOS standard for stop-controlled movements shall be D. However it is recognized that where traffic volumes are insufficient to warrant delaying the through traffic with an all-way stop, roundabout or signal, this standard may be unobtainable. In such situations DelDOT and the County shall agree on what, if any, remedies are appropriate to mitigate congestion.
6. In the following specific locations, DelDOT and the County agree that improvements outside the existing right-of-way will not be required, regardless of Levels of Service and queue lengths:
  - a. None at present
7. Facilities to be analyzed shall include all at-grade intersections of one or more State-maintained roads with:

1. Other State-maintained roads; and
2. Commercial or institutional driveways served by traffic signals;
3. Specific streets under private maintenance as follows:
  - i. Nassau Commons Boulevard (private);
  - ii. Salt Marsh Boulevard (private);

B. Geometric Standards

1. Use of posted speed limits is assumed.
2. The DelDOT Functional Classification Map, applicable DelDOT design standards and DelDOT's Complete Streets Policy are assumed.
3. With specific regard to typical sections on State-maintained roads, the following minimum widths are required:
  - a. 11-foot through lanes;
  - b. 10-foot turning lanes (13-foot for two-way left turn lanes, 15-foot for a right turn lane if a 5-foot bicycle lane is included);
  - c. 5-foot shoulders on local roads;
  - d. 8-foot shoulders on collector and minor arterial roads; and
  - e. 10-foot shoulders on principal arterial roads.

C. Fixed Route Transit

Existing DART First State bus service is assumed to continue. Addition of new stops and the amenities required at each stop shall be at the discretion of the Delaware Transit Corporation.

D. Aesthetic Standards

Plain bituminous pavement with Portland cement concrete curbs and sidewalks, galvanized steel signal poles and streetlight heads, grass or concrete medians and grass or bituminous-paved shoulders are assumed.

E. Scenic Byways

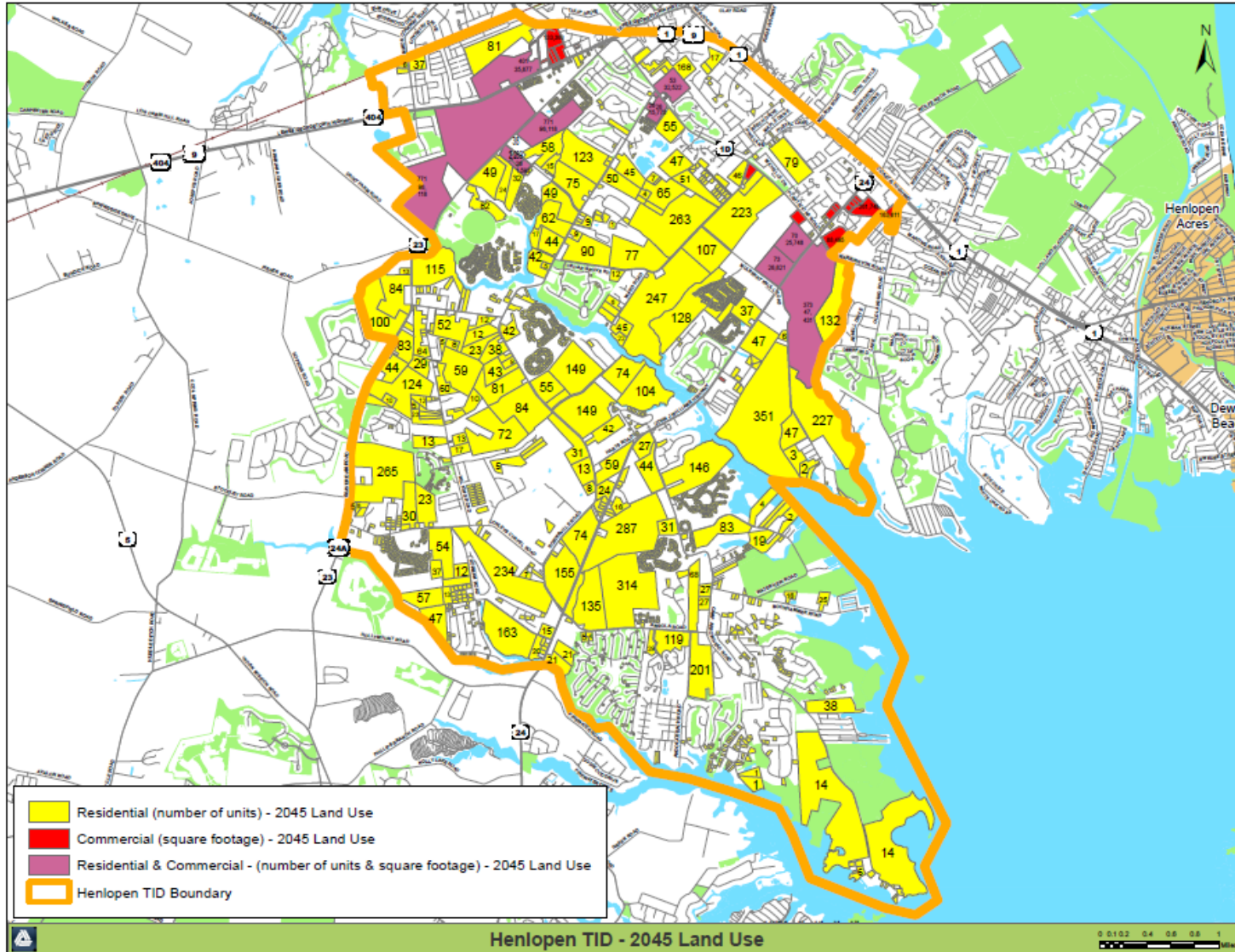
If a road is designated by DelDOT as part of a Scenic Byway and there is a Corridor Management Plan, and/or a Master Plan, for that Byway, the Plan(s) shall govern the implementation of these standards with respect to that road.

II. Outside Participant Boundary but within Facilities Boundary – Same as inside.

Exhibit C to accompany Henlopen TID Agreement

Exhibit C Land Use and Transportation Plan

Figure 1: 2045 Land Use Map





# Exhibit C Land Use and Transportation Plan

## Figure 2: Transportation Improvements



Exhibit C TID-CTP

Table 1: Henlopen TID Capital Transportation Program

Segment Number	Road Name	Cost Estimate
1	Minos Conaway Road	\$5,519,250
3	US Route 9	\$19,825,593
13	SR 23, Indian Mission Road to Kendale Road	\$11,469,065
14	SR 23, Kendale Road to Plantation Road	\$22,410,565
15	Kendale Road	\$3,292,808
16	Wil King Road	\$9,543,170
17	Conleys Chapel Road	\$4,931,755
18	Dorman Road	\$6,816,425
20	SR 24, Hollylake Road to Camp Arrowhead Road	\$19,973,998
21	SR 24, Camp Arrowhead Road to Plantation Road	\$21,812,370
23	Robinsonville Road, SR24 to Kendale Road	\$18,247,953
24	Robinsonville Road, Kendale Road to Plantation Road	\$14,852,680
26	Plantation Road	\$20,819,863
27	Warrington Road (with Roundabout)	\$4,022,175
28	Shady Road	\$3,455,025
29	Postal Lane	\$4,584,498
30	Old Landing Road	\$6,503,570
31	Cedar Grove Road	\$9,738,320
33	Mulberry Knoll Road	\$11,536,483
33A	Mulberry Knoll Road Extension, Cedar Grove Road to US9	\$9,989,178
34	Airport Road (Existing Alignment), Old Landing Road to SR1	\$5,127,890
	Airport Road Extension (Alternative B), SR24 to Old Landing Road	\$6,377,228
35	Miller Road	\$1,555,798
36	Angola Road	\$4,077,605
38	Jolyns Way	\$4,058,945
39	Harts Road (Shortened)	\$847,810
40	Webbs Landing Road	\$1,753,613
41	Camp Arrowhead Road	\$10,376,953
42	Waterview Road	\$3,471,338
43	New Connector Road 1, Mulberry Knoll Road to Plantation Road	\$3,769,295
44	New Connector Road 2, Cedar Grove Road to New Connector Road 1	\$2,510,433
45	Airport Road Extension, SR 24 to Postal Lan	\$4,615,160
46	Nassau Commons Boulevard	\$5,705,898
<b>Total</b>		<b>\$283,592,710</b>

Exhibit D to accompany Henlopen TID Agreement

***Initial Contribution Rates***

Residential Rates	
Single family detached residential	\$4,900 per unit by phase
	\$5,145 per unit by lot
Multi-family residential, low-rise, 1-2 floors	\$3,822 per unit by phase
	\$4,013 per unit by lot
Multi-family residential, mid-rise, 3 or more floors	\$2,842 per unit by phase
	\$2,984 per unit by lot
Non-Residential Rates	
Under 21 trips per 1,000 SF GFA	\$2.88 per sq ft
At least 21 but less than 34 trips per 1,000 SF GFA	\$3.38 per sq ft
At least 34 but less than 75 trips per 1,000 SF GFA	\$3.88 per sq ft
At least 75 but less than 200 trips per 1,000 SF GFA	\$4.38 per sq ft
200 or more trips per 1,000 SF GFA	\$4.88 per sq ft
Notes: Low-rise Multi-family rate is 78% of single-family detached rate. Mid-rise Multi-family rate is 58% of single-family detached rate. Townhomes are considered low-rise multi-family. All non-residential rates are based on the number of trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 10th Edition.	



## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## Proposed Friendship Hall Expansion of the Sussex County Unified Sanitary Sewer District

### PUBLIC HEARING FACT SHEET

- Permission to Prepare and Post Notice was granted on September 22, 2020 for an expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area)
- Includes parcel 134-16.00-39.00
- The Engineering Department had received a request from Solutions IPEM on behalf of their client RH Orr, LLC the owners/developers of the proposed Friendship Hall project.
- Friendship Hall is proposed 133 Condos with a clubhouse, located south of the Forest Landing community along Central Avenue.
- The Engineering Department prepared the notices and posted the area on October 7, 2020 and advertised the weeks of October 14<sup>th</sup> and 21<sup>st</sup>.
- To date we have received one request from an adjacent property owner to be included in the annexation and I have depicted the parcel on the second map. No other calls in support or opposition to the annexation.
- The Engineering Department supports the inclusion of this additional parcel.





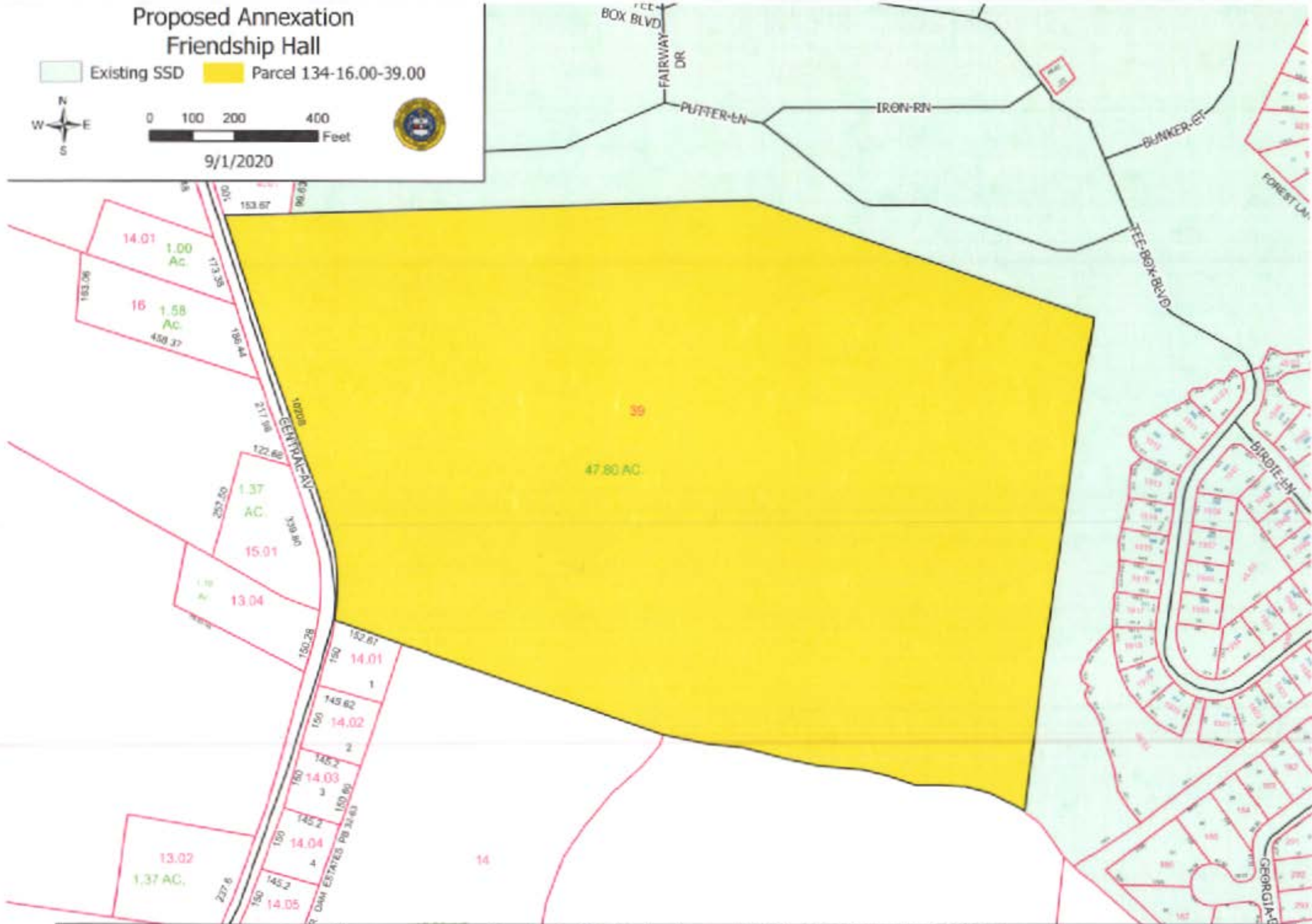
# Proposed Annexation Friendship Hall

Existing SSD Parcel 134-16.00-39.00



0 100 200 400 Feet

9/1/2020



The proposed annexation is scheduled to be discussed October 20, 2020 at 10:15 AM at the  
Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947  
For more information please visit: <https://www.sussexcountype.gov/legal-notices/sewer-water>  
Or call Sussex County Utility Planning at 302-855-1299



# **PUBLIC NOTICE**

## **PROPOSED FRIENDSHIP HALL EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (MILLER CREEK AREA)**

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on **September 22, 2020** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Miller Creek Area, to include the Friendship Hall subdivision on Central Avenue, being situate in Baltimore Hundred, Sussex County, Delaware.

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

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

**Beginning** at a point, said point being on the SCUSSD (Miller Creek Area) boundary, said point also being on the Forest Landing subdivision boundary, said point further being the southeasternmost property corner of lands Now or Formerly (N/F) of Andrea R. Brossus, et. al.; then continuing by and with said subdivision and sewer district boundary in a northeasterly, southeasterly and southwesterly direction respectively a distance of 3,158'± to a point, said point being on the northerly property line of lands N/F of Dianne H. & Russell W. Archut; thence leaving said subdivision and sewer district boundary and continuing by and with said Archut lands in a northwesterly direction a distance of 891'± to a point, said point being then easternmost property corner of lands N/F Brent D. & Carol P Hurley, Trustees; thence leaving said Archut lands and continuing by and with said Hurley lands in a northwesterly direction a distance of 660'± to a point, said point being the northwesternmost property corner of said lands of Hurley; thence continuing 153' with lands of Hurley to a point, said point being on the easterly Right-of-Way (ROW) of Central Avenue; thence leaving said other lands of Hurley and continuing by and with said ROW in a northwesterly direction a distance of 1,004'± to a point, said point being the southwesternmost property corner of lands N/F of Andrea R. Brossus, et al.; thence leaving said ROW and continuing by and with said Brossus lands in a northeasterly direction a distance of 153.67' to a point, said point being that of the **BEGINNING**.

**NOTE:** The above description has been prepared using Sussex County Tax Map 134-16.00 & 134-19.00 and Sussex County property assessment records. The annexation contains 47.80 acres more or less.

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

**The public hearing will be held on this issue at 10:15 a.m. on October 27, 2020 in the Sussex County Council Chambers, 2 The Circle, Georgetown, Delaware 19947.** All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299).

Hans M. Medlarz, P.E.  
County Engineer



SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT  
FRIENDSHIP HALL  
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )(

COUNTY OF SUSSEX )(

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

- A. On October 7, 2020 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On October 7, 2020 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:

Notices were posted in the expansion area in the following four (4) locations:

- 1. On a post in the easterly ROW of Central Ave. across from DEC pole 14457;
- 2. On a post in the easterly ROW of Central Ave. across from DEC Pole 14452;
- 3. On a post in the easterly ROW of Central Ave., across from DEC Pole 14450;
- 4. On a post in the easterly ROW of Central Ave. across from DEC Pole 14447;

Notices were posted in the existing sewer district in the following four (4) locations.

- 5. On a post in front of a yield sign in the northerly ROW of Tee Box Blvd. @ Central Ave.;
- 6. On a post in front of a yield sign in the northerly ROW of Beaver Dam Road @ Central Avenue;
- 7. On a post in front of pedestrian crossing sign in the southerly ROW of Substation Road @ Beaver Dam Road.
- 8. On a post in front of stop sign in the easterly ROW of Substation Road @ Burbage Road.

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 15<sup>th</sup> day of Oct. A.D., 2020

*[Handwritten Signature]*  
NOTARY PUBLIC

My Commission Expires 6/14/22



SHARON E. SMITH  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires on 6/14/22

10/13/2020

To: John J. Ashman

Re: Friendship Hall Sewer Expansion (parcel 134-16.00-39.00)

From: Justin D. Brasure

34370 Central Ave

Frankford DR 19945

302-542-1943

justin@brasurescarpetcare.com

I live directly across from the proposed development and sewer expansion. I would like my property to be included in this expansion. The proposed development runs along Central Ave., on the north east side of Central Ave, once the Development has sewer I do not see the County running a separate line to pick up the few houses across the street.

Thank you for your consideration

A handwritten signature in black ink, appearing to read 'Justin D. Brasure', with a large, stylized flourish at the end.

Justin D. Brasure



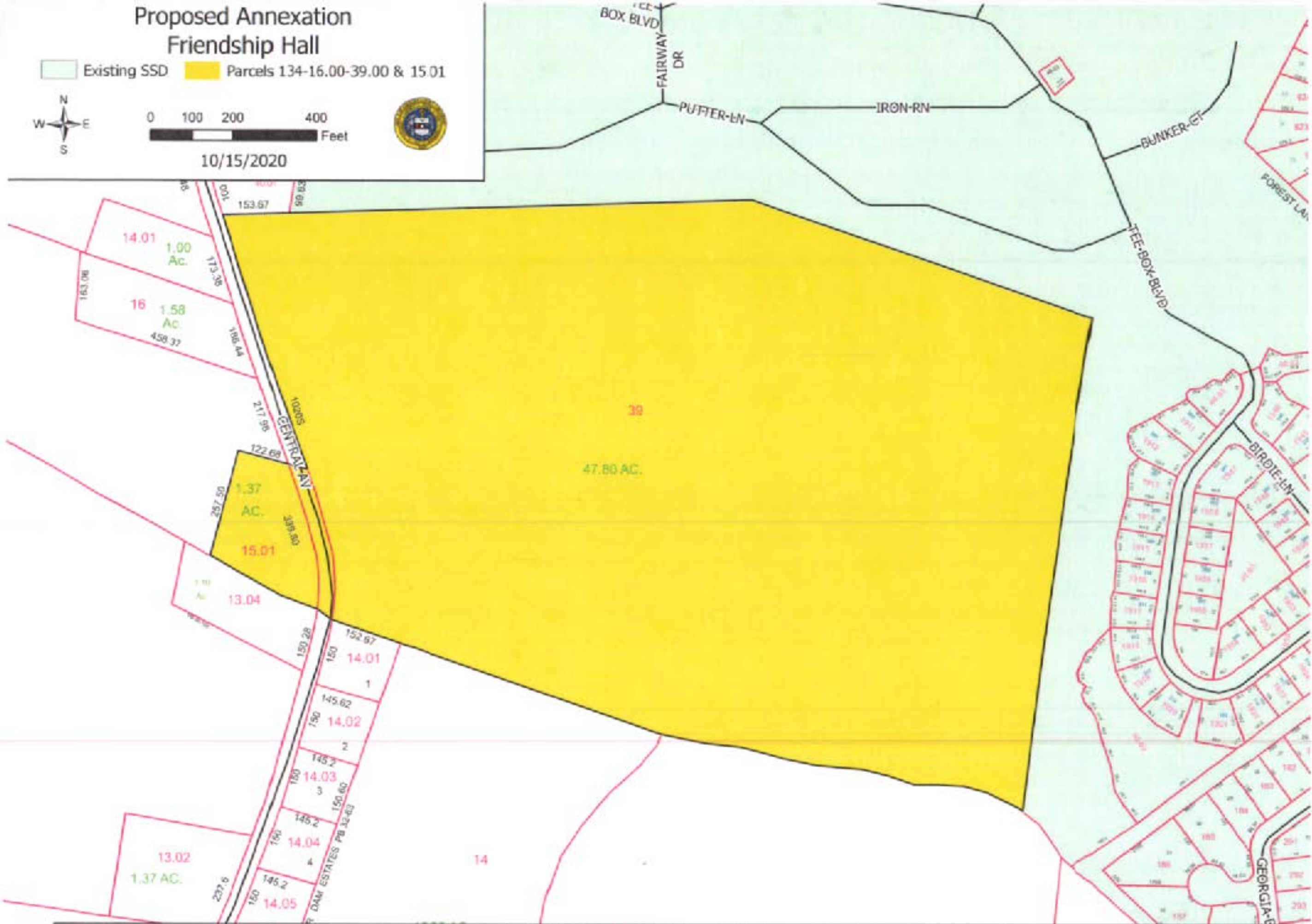
# Proposed Annexation Friendship Hall

Existing SSD    Parcels 134-16.00-39.00 & 15.01



0 100 200 400  
Feet

10/15/2020



The proposed annexation is scheduled to be discussed October 20, 2020 at 10:15 AM at the  
Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947  
For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>  
Or call Sussex County Utility Planning at 302-855-1299



## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## Proposed Countryside Hamlet Expansion of the Sussex County Unified Sanitary Sewer District

### PUBLIC HEARING FACT SHEET

- Permission to Prepare and Post Notices was granted on September 22, 2020. For an expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area)
- Includes parcel 533-4.00-20.00
- The Engineering Department had received a request from Matthew Davis, Manager of the Countryside Hamlet.
- Countryside Hamlet Mobile Home Park is an existing (47) lot subdivision located south of Frankford on Lazy Lagoon Road consisting of 10.98± acres.
- The Engineering Department prepared the notices and posted the area on October 7, 2020 and advertised the week of the 14<sup>th</sup> and 21<sup>st</sup>.
- To date we have received not correspondence either in support or opposition to the annexation.



# Proposed Annexation Countryside Hamlet

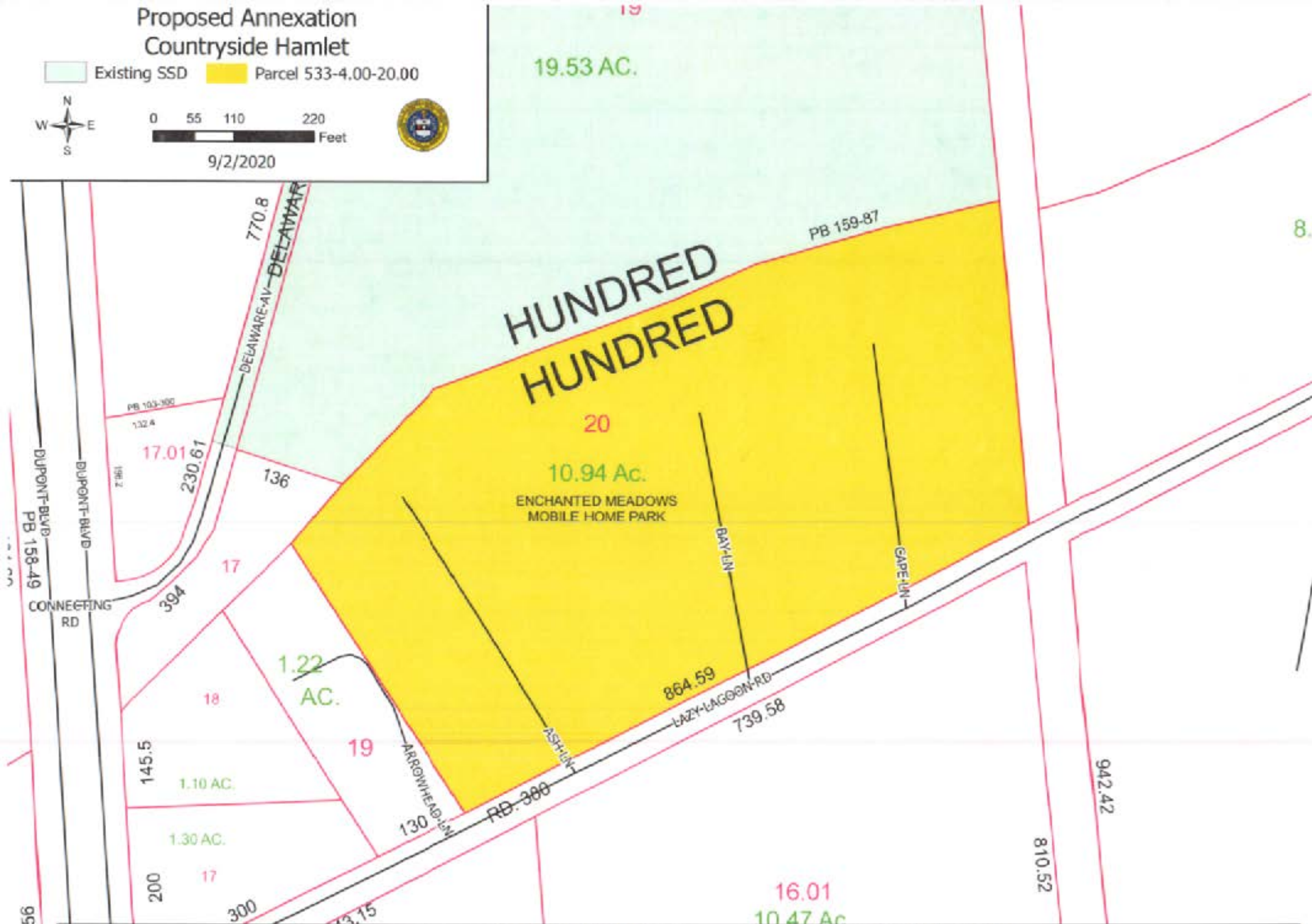
Existing SSD Parcel 533-4.00-20.00



0 55 110 220 Feet



9/2/2020



The proposed annexation is scheduled to be discussed October 20, 2020 at 10:15 AM at the  
Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947  
For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>  
Or call Sussex County Utility Planning at 302-855-1299



# PUBLIC NOTICE

## PROPOSED COUNTRYSIDE HAMLET MHP EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (DAGSBORO/FRANKFORD AREA)

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on **September 22, 2020** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Dagsboro/Frankford Area, to include the Countryside Hamlet MHP on the north side of Lazy Lagoon Road and south of the Town of Frankford, being situate in the Dagsboro & Baltimore Hundred, Sussex County, Delaware.

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

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

**Beginning** at a point, said point being on the Sussex County Unified Sanitary Sewer District (SCUSSD) boundary, said point also being on the southern property line of lands Now-or-Formerly (N/F) of Wesley H. Hayes, Sr., said point further being the easternmost property corner of lands N/F of Delmarva Land Company LLC; thence proceeding by and with said sewer district boundary and Hayes lands in a northeasterly direction a distance of 998'± to a point being on the Delaware and Maryland Railroad Right-of-Way (ROW); thence leaving said sewer district boundary and Hayes lands and continuing by and with said ROW in a southeasterly direction a distance of 441'± to a point, said point being on the northerly ROW of Lazy Lagoon Road; thence leaving said Railroad ROW and continuing by and with said Lazy Lagoon Road ROW in a southwesterly direction a distance of 864'± to a point, said point being the easternmost property corner of lands N/F of Lisa M. Waters et. al.; thence leaving said ROW and proceeding by and with said Waters lands in a northwesterly direction a distance of 436'± to a point, said point being on the southerly property line of lands N/F of Delmarva Land Company LLC; thence leaving said Waters lands and proceeding by and with said Delmarva Land Company lands in a northeasterly direction a distance of 107'± to a point, said point being the **Point of Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 433-11.00, 5-33-4.00 and Sussex County property assessment records. The annexation contains 10.94 acres more or less.

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

The public hearing will be held on this issue at 10:15 a.m. on **October 27, 2020** in the **Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware**. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299).

Hans M. Medlarz, P.E.  
County Engineer



SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT  
COUNTRYSIDE HAMLET MHP  
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )(

COUNTY OF SUSSEX )(

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

- A. On October 7, 2020 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On October 7, 2020 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:

Notices were posted in the expansion area in the following four (4) locations:


- 1. On a post south of mailboxes on Bay Lane in Countryside Hamlet MHP;
- 2. On a post in the northerly ROW of Lazy Lagoon Road, in front of Countryside Hamlet MHP sign;
- 3. On a post on the west side of Ash Lane @ intersection with Lazy Lagoon Road;
- 4. On a post on the east side of Cape Lane @ intersection with Lazy Lagoon Road;

Notices were posted in the existing sewer district in the following four (4) locations.

- 5. On a post in front of stop sign in the southerly ROW of Delaware Ave. @ Main Street, Frankford DE;
- 6. On a post in front of a yield sign in the northerly ROW of Frankford Ave @ DuPont Hwy, Frankford DE;
- 7. On a post in front of stop sign in the southerly ROW of Hickory St. @ Clayton Ave.
- 8. On a post 1'± north of Delmarva Power Pole #57325/98365 at the edge of the parking lot for Trinity Holiness Church, in the westerly ROW of Delaware Avenue Extended.

  
PHILLIP C. CALIO

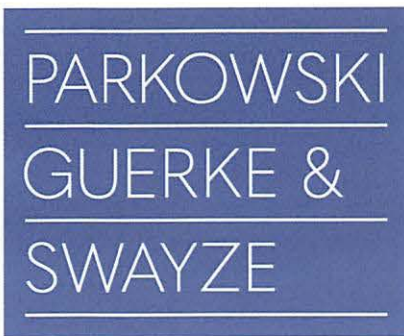
SWORN TO AND SUBSCRIBED before me on this 15<sup>th</sup> day of Oct. A.D., 2020

  
NOTARY PUBLIC

My Commission Expires 6/14/22



SHARON E. SMITH  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires on 8/14/22



Attorneys at Law

TO: Sussex County Council  
FROM: Vince Robertson, Esq.  
Assistant County Attorney  
RE: Coastal Area Subdivision  
Code Amendment

DATE: October 22, 2020

In accordance with the direction given at the last Council Meeting, staff has prepared the attached ordinance for possible introduction. It is an amendment to Section 115-194.3 of the Zoning Code regarding subdivisions in the Coastal Area.

In summary, it leaves the current Coastal Area requirements in place, which most notably includes the requirement of an “Environmental Assessment and Public Facility Report.” It brings in the “yield plan” requirements that formerly existed in Section 115-25 for cluster subdivisions. It then incorporates the same “superiority” requirements of an AR-1 cluster subdivision that are found in Section 115-25, with minor adjustments in wording to make it consistent with the context of Section 115-194.3, so that both AR-1 Cluster subdivisions and Coastal Area subdivisions will be required to follow the same superior design standards.

If introduced, this ordinance will be required to go through public hearings before both Planning and Zoning and Council.

VGR

Cc: Todd Lawson  
J. Everett Moore, Esq.  
Jamie Whitehouse  
Bob Wheatley  
Robin Griffith

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA.**

WHEREAS, pursuant to the provisions of Title 9, Chapter 68 and 69, Delaware Code, the Sussex County government has the power and the authority to regulate the use of land and to adopt a Comprehensive Plan; and

WHEREAS, pursuant to Chapter 115 of the Code of Sussex County, as amended, the Sussex County government has undertaken to regulate the use of land; and

WHEREAS, the Sussex County Council adopted a Sussex County Comprehensive Plan Update on September 2, 2002, which established an “Environmentally Sensitive Developing Area” with “special environmental design and protection requirements”; and

WHEREAS, Sussex County Council adopted a Sussex County Comprehensive Plan that was certified by the Governor on March 19, 2019, and this Plan expanded what was formerly identified as the “Environmentally Sensitive Developing Area” and renamed that Area as the Coastal Area in the Future Land Use Map contained therein; and

WHEREAS, it is the intent of the Sussex County Council to balance the need to protect land equity with the need to reasonably protect the County’s environment and to protect and enhance the water quality of the County’s “Inland Bays”; and

WHEREAS, Goal 4.6 and Strategy 4.6.2 of the Sussex County Comprehensive Plan states that Sussex County should “Recognize the importance of the Inland Bays” and “Recognize the Inland Bays, their tributaries and other waterbodies as valuable open space areas of ecological importance”; and

WHEREAS, Goal 4.3 of the Sussex County Comprehensive Plan states that Sussex County should “Identify and designate future development areas in a manner that protects the County’s natural and cultural resources from the adverse impacts of development as outlined in the Conservation [Element of the Plan]”; and

33 WHEREAS, Goal 4.3 of the Sussex County Comprehensive Plan includes Objective  
34 4.3.2 which states that Sussex County should “Promote new development that  
35 incorporates preserved usable open space and mitigates for the protection or  
36 replacement of environmental resources in subdivision design” and Strategy 4.3.2.3  
37 and 4.3.2.4 which state that Sussex County should “Strengthen County development  
38 regulations to ensure that open space dedicated by developers contains contiguous  
39 open space” and “Revisit County Code to determine if modifications are needed to  
40 open space requirements to promote less fragmentation of open space”; and

41 WHEREAS, it has been determined that in order to promote and protect the health,  
42 safety, convenience, orderly growth and welfare of the inhabitants of Sussex County,  
43 and to assist in the proper development of land.

44 NOW, THEREFORE, THE COUNTY OF SUSSEX ORDAINS:

45  
46 **Section 1.** The Code of Sussex County, Chapter 115, Article xxv §115-194.3  
47 “Coastal Area” is hereby amended by deleting the language in brackets and adding  
48 the italicized and underlined language:

49  
50 **§ 115-194.3. Coastal Area.**

51  
52 A. Delineation of the zoning district.

53  
54 (1) The Coastal Area shall include all lands designated as the "Coastal Area" in the  
55 adopted Sussex County Comprehensive Plan dated March 19, 2019, or as  
56 subsequently amended.

57  
58 (2) Where the boundary of the Coastal Area is formed by a roadway, the overlay  
59 zone shall be deemed to include the contiguous property on the far side of the  
60 roadway, provided that depth of the Coastal Area on contiguous property shall not  
61 exceed 600 feet.

62  
63 B. Application process.

64  
65 (1) All rezoning, subdivision, business and industrial site plans and conditional use  
66 applications involving one or a combination of the following shall be subject to the  
67 process and performance requirements as described hereinafter:

68  
69 (a) Any residential planned community application.



70  
71 (b) Any development containing 50 or more dwelling units.  
72

73 (c) Any development containing 75,000 square feet or more of floor area used  
74 for commercial or industrial uses.  
75

76 (d) Any use or activity that requires a permit in the Coastal Zone.  
77

78 (2) The applicant shall submit an environmental assessment and public facility  
79 evaluation report and sketch plan (report) to the Director of Planning and Zoning, a  
80 copy of which will be forwarded to the Office of State Planning Coordination and  
81 members of the Technical Advisory Committee for review and comment. The sketch  
82 plan shall address the following issues for the property to be developed and, where  
83 appropriate to the context, for the contiguous property. Information submitted by the  
84 applicant shall at a minimum contain the following:  
85

86 (a) Proposed drainage design and the effect on stormwater quality and  
87 quantity leaving the site, including methods for reducing the amount of  
88 phosphorous and nitrogen in the stormwater runoff and the control of any  
89 other pollutants such as petroleum hydrocarbons or metals.  
90

91 (b) Proposed method of providing potable and, where appropriate, irrigation  
92 water and the effect on public or private water systems and groundwater,  
93 including an estimate of average and peak demands.  
94

95 (c) Proposed means of wastewater treatment and disposal with an analysis of  
96 the effect on the quality of groundwater and surface waters, including  
97 alternative locations for on-site septic systems.  
98

99 (d) Analysis of the increase in traffic and the effect on the surrounding  
100 roadway system.  
101

102 (e) The presence of any endangered or threatened species listed on federal or  
103 state registers and proposed habitat protection areas.  
104

105 (f) The preservation and protection from loss of any tidal or nontidal wetlands  
106 on the site.  
107

108 (g) Provisions for open space as defined in § 115-4.  
109

110 (h) A description of provisions for public and private infrastructure.

111  
112 (i) Economic, recreational or other benefits.

113  
114 (j) The presence of any historic or cultural resources that are listed on the  
115 National Register of Historic Places.

116  
117 (k) [An affirmation that] A description of how the proposed application and  
118 proposed mitigation measures are in conformance with the current Sussex  
119 County Comprehensive Plan.

120  
121 (l) Actions to be taken by the applicant to mitigate the detrimental impacts  
122 identified relevant to Subsection B(2)(a) through (k) above and the manner by  
123 which they are consistent with the Comprehensive Plan.

124  
125 (3) The Director of Planning and Zoning shall prepare (with input from the County  
126 Administrator) guidelines describing the application process and the form and  
127 content of information to be submitted by the applicant and shall review all  
128 applications, plans, assessments and other information submitted and prepare a  
129 written report summarizing his findings and the comments of state agencies and  
130 other County offices. The Planning and Zoning Commission shall make a  
131 determination as to whether adequate information has been presented for the project  
132 to proceed. A completed report shall be required prior to any preliminary plan  
133 approval for a development subject to this section. Approval of the report does not  
134 constitute final approval of the commenting agencies.

135  
136 C. Permitted uses and densities.

137  
138 (1) Uses permitted in the Coastal Area will be those uses permitted in the underlying  
139 zoning category as established by the Sussex County Zoning Ordinance.

140  
141 (2) Uses prohibited in the underlying zone are also prohibited in the overlay zone.

142  
143 (3) Subject to the design requirements set forth in §115-194.3D, [T]he maximum  
144 density shall be the allowable density of the underlying zoning district for  
145 developments using a central water and wastewater collection and treatment system.  
146 "Central sewer system" means centralized treatment and disposal facilities as  
147 defined in § 115-194A. Within [this Overlay District] the Coastal Area, clustering  
148 of single-family detached lots to a minimum lot size of 7,500 square feet is permitted  
149 in all residential zoning districts using a central water and sewer system. For



150 dwelling units using on-site individual wastewater disposal systems, the allowable  
151 density shall be based upon a minimum lot size of 3/4 of an acre. The applicant has  
152 the option of clustering the lots to a minimum lot size of 1/2 of an acre where soil  
153 conditions are suitable as determined by DNREC, provided, however, that the  
154 number of lots or dwelling units permitted shall not exceed the number permitted in  
155 the underlying district. [For purposes of this subsection, the "allowable density" shall  
156 be determined by calculating the lot area and the area of land set aside for common  
157 open space or recreational use but shall exclude any area designated as a tidal  
158 tributary stream or tidal wetlands by § 115-193.]

159  
160 (4) For areas within the Conservation Zone, as currently defined in the Sussex  
161 County Zoning Ordinance, the minimum lot size and dimension requirements in the  
162 Conservation Zone shall apply.

163  
164 D. Design Requirements for Coastal Area development.

165  
166 (1) The applicant must submit a "yield plan" that accurately depicts the maximum  
167 number of dwelling units possible on the same tract under the current applicable  
168 conventional (non-cluster/non-Coastal Area) development regulations.

169 (a) The yield plan shall be completed to scale, and accurately depict  
170 potential lots, streets, and storm drainage facilities. However, the yield plan  
171 is not required to contain the same level of engineering detail required for a  
172 subdivision plan.

173 (b) The yield plan shall depict all wetlands, wooded areas, waterways or  
174 other water bodies.

175 (c) The maximum number of dwelling units allowed on a cluster  
176 development tract shall not be greater than the maximum number of dwelling  
177 units determined to be possible under the yield plan prepared for that same  
178 tract.

179 (d) The yield plan shall not have any legal standing except for the purposes  
180 of determining maximum density allowed under a cluster development.

181 (2) The Planning and Zoning Commission shall determine that the following  
182 requirements are met before approving any preliminary plan.

183  
184 (a) The preliminary plan of the Coastal Area subdivision provides for a  
185 total environment and design which is superior, in the reasonable judgment

186 of the Planning Commission, to that which would be allowed under the  
187 regulations for a conventional (non-cluster/non-Coastal Area) standard  
188 subdivision. For the purposes of this subsection a proposed subdivision which  
189 provides for a total environment and design which are superior to that  
190 allowed under the conventional (non-cluster/non-Coastal Area) standard  
191 subdivision is one which, in the reasonable judgment of the Planning  
192 Commission meets all of the following criteria:

193  
194 [1] Homes shall be clustered on the environmentally suitable portions  
195 of the tract, specifically those portions of the tract least encumbered by  
196 sensitive environmental features, including but not limited to wetlands,  
197 mature woodlands, waterways and other water bodies. This does not  
198 inhibit the development of wooded parcels.

199  
200 [2] Required open space shall comply with the following criteria:

201  
202 [a] All required open space must meet the official definition of  
203 acceptable open space contained in § 115-4.

204  
205 [b] Required open space must be designed to be beneficial to the  
206 residents or users of the open space. It shall not be constituted of  
207 fragmented lands with little open space value. Accordingly, 30%  
208 of all required open space shall be located on one contiguous  
209 tract of land, except that such open space may be separated by  
210 water bodies and a maximum of one street.

211  
212 [c] If one of the following physical conditions exists adjacent to  
213 the proposed Coastal Area development tract, at least 30% of all  
214 required open space must be adjacent to:

215  
216 [i] An existing or officially planned public park, land  
217 preserved by easement, or land preserved as open space  
218 and in municipal, County, state, or federal ownership.

219  
220 [ii] Existing wetlands, waterways, wildlife corridors, or  
221 other ecology-sensitive land.

222  
223 [iii] Existing farmland and/or woodlands.  
224

225 [iv] If more than one of these physical features exist on  
226 adjacent properties, then one of these features will be  
227 identified and utilized to satisfy this requirement.

228  
229 [v] If the open space is proposed to be dedicated to a  
230 municipality, a County, state, or federal agency or a  
231 homeowners' association, an agreement shall be provided,  
232 in advance, stipulating that such entity agrees in advance  
233 to accept that dedication and maintain that land for public  
234 recreation or as a nature preserve.

235  
236 [vi] Open space in a Coastal Area development may  
237 include a pedestrian trail system accessible to residents.  
238 Construction materials for the proposed trail shall be  
239 identified, and a typical construction detail for the  
240 proposed trail shall be shown. Trail construction  
241 materials shall be pervious in nature.

242  
243 [3] A minimum of 25 feet of permanent setback must be maintained  
244 around the outer boundaries of all wetlands, except for tidal waters,  
245 tidal tributary streams and tidal wetlands and from the ordinary high  
246 water line of perennial nontidal rivers and nontidal streams as  
247 provided for in § 115-193B where a fifty-foot permanent setback is  
248 required. No buildings or paving shall be placed within these setbacks.

249  
250 [4] Stormwater management shall be designed to promote  
251 groundwater recharge and protect groundwater quality. Natural  
252 drainage flows shall be maintained to the greatest extent possible.  
253 Drainage from rooftops shall be directed to vegetated areas or allow  
254 green technology. Stormwater detention and retention facilities should  
255 be designed to resemble natural ponds as referenced by DNREC in the  
256 National Resource Conservation Service's (NRCS) Pond Code 378,  
257 Visual Resource Design.

258  
259 [5] Removal of healthy mature trees shall be limited.

260  
261 [6] Scenic views that can be seen from within the tract should be  
262 preserved to the greatest extent possible.

263

264 [7] Design consideration should be given by the applicant toward the  
265 establishment of a greenways system which utilizes schools, parks,  
266 wildlife habitat areas, river and stream corridors, wetlands,  
267 floodplains, historic sites, business parks, urban sidewalks, abandoned  
268 rail lines, roads, beach areas and vacant land. Greenways should  
269 provide benefits like safe pedestrian, bicycling and equestrian routes  
270 for recreationists and commuters; and natural wildlife corridors and  
271 biological reserves.

272  
273 [8] The applicant for a Coastal Area development shall illustrate that  
274 the following sequence and process was followed in the site design of  
275 the Coastal Area development:

276  
277 [a] Identify lands that should be preserved. First, areas worthy  
278 of preservation should be mapped, including wetlands, wooded  
279 areas, waterways, other water bodies, and natural drainage  
280 areas. Then, other features that are important should be mapped,  
281 such as tree lines, scenic views, historic buildings, and prime  
282 farmland. The areas with the fewest important natural, scenic  
283 and historic features should be considered the "potential  
284 development area."

285  
286 [b] Identify developable areas. Next, the most appropriate  
287 locations for development should be chosen to minimize the  
288 impact to the most important features mapped in the first step.

289  
290 [c] Locate roads and trails. After the developable areas are  
291 determined, a road system should be designed to serve those  
292 homes. A trail system that links homes to destinations outside of  
293 the tract should be designed.

294  
295 [d] Locate lot lines. The last step is to configure lot lines and  
296 make necessary adjustments to satisfy the various reviewing  
297 agencies' comments.

298  
299 [D]E. Exemptions from the Coastal Area. The following are exempted from the  
300 requirement of this section:

301  
302 (1) Single-family residential lots of record as of the date of this section.

303

304 (2) Existing developments and developments which have filed for approval as of the  
305 date of this section.

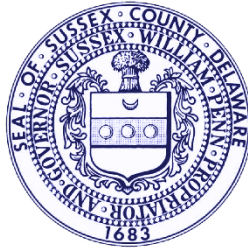
306

307 [E. Design consideration should be given by the applicant toward the establishment  
308 of a greenways system which utilizes schools, parks, wildlife habitat areas, river and  
309 stream corridors, wetlands, floodplains, historic sites, business parks, urban  
310 sidewalks, abandoned rail lines, roads, beach areas and vacant land. Greenways  
311 should provide benefits like safe pedestrian, bicycling and equestrian routes for  
312 recreationists and commuters; and natural wildlife corridors and biological reserves.]

TO BE INTRODUCED

## 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

## Memorandum

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

**FROM:** Patrick Brown, Project Engineer III

**RE:** *Robinsonville Road Core Infrastructure, Project S19-16*  
*A. Approve Final Balancing Change Order and Substantial Completion*

**DATE:** October 27, 2020

On June 26, 2018, County Council granted permission to post notices for the Robinsonville Road expansion of the Unified Sanitary Sewer District. The Public Hearing was held on July 31, 2018 and following the hearing County Council passed a resolution revising the district boundary to include several large parcels. A core sewer infrastructure approach was presented covering the three (3) proposed projects in the expansion per County Code § 110-97. The Department worked with the Engineers and Developers of the projects to construct a common gravity interceptor, a central pump station and a forcemain utilizing a single connection point to the existing transmission main. This approach avoided construction of two additional pump stations as well as tapping the existing main in various locations, significantly reducing the County's long-term maintenance.

The Department in connection with Counsel developed "Use of Existing & Proposed Infrastructure Agreements" containing sections pertaining to the use of the existing infrastructure as well as proposed improvements. The three respective development entities executed this type of document and posted the required security. On September 25, 2018, County Council approved the three agreements and affirmed Solutions IPEM, Inc. as the Engineer of Record for the project.

This project required acquisition of three sewer easements, shared or paralleled by water easements for Tidewater Utilities. The largest easement is located on an agricultural property and the owner only granted it under the condition of a one-time interruption of farming activities with stringent topsoil removal & restoration requirements. This condition, written in



**A. *Approve Final Balancing Change Order and Substantial Completion***

both easements, forced a combined water/sewer construction project. With the sewer being the deeper installation, the County had to take the lead requiring a Financing Agreement with Tidewater Utilities, Inc. (TUI). Based on recommendations by the Finance Director and Department, the Agreement was authorized by Council during the October 22, 2019 meeting.

Contract Documents for the combined water/sewer project were assembled and advertised on October 4, 2019. Three (3) bids for Robinsonville Road Core Infrastructure, Project S19-16 were received and read aloud on October 31, 2019. On November 5, 2019, after hearing a summary of bid results and project reimbursement estimates, Council awarded the project to Teal Construction, Inc. in the amount of \$ 1,635,126.00.

Notice to Proceed was issued effective January 15, 2020. Weather conditions and a delay in securing the dewatering permit resulted in construction starting in March. During construction only one change order was presented and approved by Council on May 12, 2020.

A field inspection was recently held with Teal Construction and a final punch-list developed. With project improvements completed and punch-list satisfied, Substantial Completion is recommended effective October 1, 2020.

In coordination with close-out of the project, anticipated final quantities and invoicing were reviewed to develop a Final Balancing Change Order. A minor overrun of sewer items occurred for vertical feet of manholes, gravity pipe length and dewatering, along with underruns and non-use of contingent water and common construction items. These items and their respective project value result in a \$34,285.99 decrease of the final contract amount as presented by Change Order 2. Additionally, a no-cost time extension is included under the change order to reconcile contract workdays.

The Engineering Department recommends approval of Change Order 2, for Final Balancing of Project S19-16, with Substantial Completion approved as of October 1, 2020.

Upon closure of the contract, reimbursement coordination will begin to recover costs in accordance with the referenced "Use of Existing & Proposed Infrastructure Agreements" and TUI Financing Agreement.



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **ROBINSONVILLE ROAD CORE INFRASTRUCTURE**
2. Sussex County Project No. S19-16
3. Change Order No. 2 – Final Balancing
4. Date Change Order Initiated - 10/10/2020
5.
  - a. Original Contract Sum \$ 1,635,126.00
  - b. Net Change by Previous Change Orders \$ 4,197.58
  - c. Contract Sum Prior to Change Order \$ 1,639,323.58
  - d. Requested Change \$ (34,285.99)
  - e. Net Change (No. of days) 98
  - f. New Contract Amount \$ 1,605,037.59
6. Contact Person: Hans Medlarz, P.E.  
Telephone No. (302) 855-7718

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

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



**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

Change Order 2 addresses Final Balancing of the Contract Amount to decrease the total as more fully detailed below:

**Quantity Overrun Items:**

- Sewer Infrastructure:	A-1, A-3, A-15	\$13,605.76
- Water Infrastructure:	N/A	\$ 0
- General:	N/A	\$ 0

**Quantity Underrun Items:**

- Sewer Infrastructure:	N/A	\$ 0
- Water Infrastructure:	B-14	\$ (16,592.00)
- General:	C-7, C-9, C-10	\$ (31,299.75)

---

**Net Change: \$ (34,285.99)**

With no-cost time extension as detailed by Teal Construction letter dated October 9, 2020 (attached).

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes   X   No \_\_\_\_\_

**E. APPROVALS**

1. Teal Construction, Inc., Contractor

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Representative's Name in Block Letters

2. Sussex County Engineer

\_\_\_\_\_  
Signature Date

3. Sussex County Council President

\_\_\_\_\_  
Signature Date

October 9, 2020

Mr. Patrick J. Brown, P.E.  
Project Engineer  
Sussex County Engineering  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

RE; Robinsonville Road Core Infrastructure  
Sussex County Project S19-16

Dear Mr. Brown:

Teal Construction, Inc., is requesting additional days be added to the contract based on the following:

1. Notice to proceed was the end of January 2020. Teal Construction, Inc., did not start until March due to approval of the dewatering permit.

Time Needed = 30 days

2. Weather Days

Time Needed = 26 days

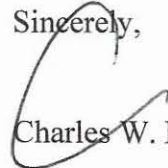
3. Construction delays and scope changes

Time Needed = 42 days

**Total Time Requested = 98 days**

If you have any questions, please call. Thank you.

Sincerely,

  
Charles W. Reed, III

CWR/vll

MEMBER  
Delaware Utility and Transportation  
Contractors Association, Inc.  
National Utility Contractors Association



Nancy Cordrey *Bieley-ok*

---

**From:** Sussex County DE <webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, October 20, 2020 8:23 AM  
**To:** Nancy Cordrey  
**Subject:** Form submission from: Council Grant Form

<b>Council Grant Form</b>	
<b>Legal Name of Agency/Organization</b>	Town of Delmar, Delaware
<b>Project Name</b>	Tree Lighting Ceremony
<b>Federal Tax ID</b>	52-6002077
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	The Town of Delmar is committed to protect and enrich the quality of life by providing a high level of services in an effective and approachable manner for all the citizens of Delmar.
<b>Address</b>	100 S. Pennsylvania Avenue
<b>Address 2</b>	
<b>City</b>	Delmar
<b>State</b>	DE/MD
<b>Zip Code</b>	19940

<b>Contact Person</b>	Sara Bynum-King
<b>Contact Title</b>	Town Manager
<b>Contact Phone Number</b>	(302) 846-2664
<b>Contact Email Address</b>	townmgr.delmar@verizon.net
<b>Total Funding Request</b>	\$500.00
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	500.00
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A
<b>Program Category (choose all that apply)</b>	Cultural
<b>Program Category Other</b>	
<b>Primary Beneficiary Category</b>	Other

<b>Beneficiary Category Other</b>	Townwide Event for All persons
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	1609
<b>Scope</b>	<p>The purpose of the funds is to cover the rental expense of the light/sound stage from the Town of Georgetown. Annually the Town host a Community Love Light Tree - Tree Lighting Ceremony. This years ceremony will be held on Sunday, November 29, 2020. The purpose of the Tree Lighting Ceremony is to give residents an opportunity to honor deceased or living love ones who have served in the following capacities: Veteran, Activity Duty Military, Police Officer, Fire Fighter, Paramedic, EMT, Teacher, School Administrator, Elected and Appointed Town Officials, etc. The ceremony also allows individuals to recognize family members or significant others who has succumb to or are battling a terminal disease or living with a chronic illness.</p> <p>Individuals can donate \$5.00 to have their love ones name printed on a large banner that is displayed during the winter season at a designated location within the Town's State Street Park, Delmar, DE. All the proceeds from the donations are given to the local soup kitchen, which serves lunch to the homeless and local families in need every Saturday throughout the year. The meals are served at Camelot Hall, 103 E. State Street, Delmar. DE.</p>
<b>Religious Components</b>	N/A
<b>Please enter the current support your organization receives for this project (not entire organization)</b>	2,000.00

revenue if not applicable to request)

**Description** 25' Tree

**Amount** 400.00

**Description** Lights

**Amount** 400.00

**Description** Lift Equipment - Rental

**Amount** 250.00

**Description** Entertainment

**Amount** 300.00

**Description** Banner with names of individuals (Local Business Donation)

**Amount** 650.00

**Description** Lighted Stage Rental (Proposed Grant

**Amount** 500.00

**Description**

**Amount**

**Description**

**Amount**

**TOTAL** 2,500.00

**EXPENDITURES**



<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-500.00
<b>Name of Organization</b>	Town of Delmar
<b>Applicant/Authorized Official</b>	Sara Bynum-King
<b>Date</b>	10/19/2020
<b>Affidavit Acknowledgement</b>	Yes

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email [info@d3forms.com](mailto:info@d3forms.com) with any questions.

Nancy Cordrey Hudson - OK

**From:** Sussex County DE <webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, October 20, 2020 10:01 AM  
**To:** Nancy Cordrey  
**Subject:** Form submission from: Council Grant Form

### Council Grant Form

Legal Name of Agency/Organization	Delaware Center for the Inland Bays
Project Name	James Farm Master Plan Implementation: Phase 2
Federal Tax ID	51-0365565 OK
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To preserve, protect, and restore Delaware's Inland Bays and their watershed.
Address	39375 Inlet Road
Address 2	
City	Rehoboth Beach
State	DE
Zip Code	19971
Contact Person	Anna Short



<b>Contact Title</b>	Development Coordinator
<b>Contact Phone Number</b>	302-226-8105
<b>Contact Email Address</b>	ashort@inlandbays.org
<b>Total Funding Request</b>	\$1,000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	26200
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	1
<b>Program Category (choose all that apply)</b>	Educational, Other
<b>Program Category Other</b>	Outdoor Recreation
<b>Primary Beneficiary Category</b>	Other

<b>Beneficiary Category Other</b>	All Sussex County Residents
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	234225
<b>Scope</b>	<p>The program for which funds are being requested is Phase 2 implementation of the James Farm Ecological Preserve (Preserve) Master Plan. Specifically, funds would be used for shovel-ready design, engineering, permitting and construction documentation for a new maintenance building. The budget included below only represents revenue and expenditures for this feature.</p>
	<p>As the venue for the Day on the Bay program, the Preserve is the centerpiece of the Center's youth environmental education efforts. However, the existing educational facility also serves as storage for maintenance equipment. This shared space results in program disruptions when education programming and maintenance activities are happening simultaneously. Erecting a new maintenance building in a different location will decrease program disruptions and ensure top-notch programming for Day on the Bay students.</p>
	<p>Established as a partnership with the Indian River School District, Day on the Bay has served over 19,000 students with curriculum-aligned, science-based environmental education. Of the students enrolled in IRSD schools, nearly 52% are minorities, 32% come from low-income families, and 17% are disabled, all of which represent at-risk populations that reside in the western Sussex. For many, a day at the Preserve is their first opportunity to experience the Bays despite living less than 20 miles inland.</p>
	<p>The general population, including the significant number of families and senior citizens who currently utilize the Preserve,</p>

will also benefit from this project in its full scope. As Sussex County's population continues to grow, the need for natural places providing beneficial outdoor recreation will also increase. The Preserve is an important resource to satisfy this need and enhanced facilities will improve access and quality of experience for all who visit.

**Religious Components**

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 10,680.00

**Description** Design, engineering, permitting, and construction documentation - Maintenance building

**Amount** 13,000.00

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>TOTAL EXPENDITURES</b>	13,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-2,320.00
<b>Name of Organization</b>	Delaware Center for the Inland Bays
<b>Applicant/Authorized Official</b>	Anna Short
<b>Date</b>	10/20/2020
<b>Affidavit Acknowledgement</b>	Yes

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email [info@d3forms.com](mailto:info@d3forms.com) with any questions.

## Nancy Cordrey

---

**From:** Sussex County DE <webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, October 21, 2020 8:08 AM  
**To:** Nancy Cordrey  
**Subject:** Form submission from: Council Grant Form

### Council Grant Form

**Legal Name of Agency/Organization** Sussex County Health Coalition

**Project Name** Delaware Goes Purple

**Federal Tax ID**

222804785

<sup>ok</sup>

- Delaware Community Foundation

**Non-Profit** Yes

**Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)**

No

**Organization's Mission**

The Sussex County Health Promotion Coalition exists to engage the entire community in collaborative family-focused effort to improve the health of children, youth and families in Sussex County.

**Address** 21133 Sterling Ave. Suite 12

**Address 2**

**City** Milford

**State** DE

**Zip Code** 19963



<b>Contact Person</b>	Crystal Timmons-Bryant
<b>Contact Title</b>	Grants Manager
<b>Contact Phone Number</b>	3024802020
<b>Contact Email Address</b>	ctunderwood@pmgconsulting.net
<b>Total Funding Request</b>	5000.00
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A
<b>Program Category (choose all that apply)</b>	Health and Human Services
<b>Program Category Other</b>	
<b>Primary Beneficiary Category</b>	Other

<b>Beneficiary Category Other</b>	At Risk Populations for addiction
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	150000
<b>Scope</b>	<p>The Sussex County Health Coalition is seeking to expand the Delaware Goes Purple Campaign across the entire Sussex County Landscape and build on the momentum of the last two years. Delaware Goes Purple is a program to bring awareness to substance abuse to engage our community and youth to stand up against substance abuse. Nearly every day, someone in Delaware loses their battle with heroin, prescription painkillers, or other addictive drugs. Teens need to know about the risks and consequences. One of the greatest challenges for people seeking help from addiction is the stigma surrounding their addiction. Those struggling should know that their disease is not one that they should be ashamed of or keep hidden. Delaware Goes Purple empowers the community to stand up to erase the stigma and to support individuals who need it the most.</p> <p>Last year we reached over 150,000 Delawareans with messages on treatment, prevention, and hope to help end the stigma of addiction and to share that recovery is possible! We had the direct support of over 100 organizations with over 4,500 people actively participating in the "Delaware Goes Purple" campaign.</p> <p>Our goal is to double these numbers this year to increase our impact in the community.</p> <p>We have all faced challenges due to COVID-19, but unfortunately, we have seen a significant increase in rates of addiction and overdose as a result of the COVID-19 crisis. Physical and mental health are precursors to individual and community well-being. Data shows the state struggling with drug addiction.</p>

Illicit Drug Use in on the rise in Delaware, higher than the national average according to the data we have now (10% of Delawareans reported using illicit drugs in the last 30 days compared to national average of 8.6%) Illicit drug use by youth (ages 12-17) is also reported at 10% and not falling. Sussex County has several High Need geographic areas such as Georgetown (19947), Seaford (19973) and Long Neck - Millsboro, (19966). SCHC is seeking funding to expand over a larger portion of the county This is in tandem with high rates of poverty, lack of jobs and minimal mental health services to rates as in addiction and mental health as high as our Wilmington counterparts.

- Significant gaps in youth prevention education and afterschool activity
- Lack of Awareness Campaign efforts
- Lack of Substance Abuse Treatment opportunities and referral systems
- Lack of family support education awareness and resources.
- High rate of heroin overdoses, deaths, and use.
- Need for Harm Reduction strategies in targeted high risk and need areas

SCHC identified several strategic community-wide goals to address Substance Abuse can be expanded to encompass Sussex County starting with Georgetown with targeted approaches and harm reduction strategies to address the key problems of prescription drug misuse across the lifespan. Moving forward SCHC efforts will focus on building, strengthening, and mobilizing community capacity to address identified local needs and the means to change them from a countywide perspective.

**Religious Components**

Please enter the current support your organization receives for this project (not entire organization)	75,000.00
--	-----------



revenue if not applicable to request)

**Description** Community Outreach utilize those dollars specifically for youth prevention education and support.

**Amount** 5,000.00

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**TOTAL** 5,000.00

**EXPENDITURES**

<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	70,000.00
<b>Name of Organization</b>	Sussex County Health Coalition
<b>Applicant/Authorized Official</b>	Crystal Timmons- Bryant
<b>Date</b>	10/20/2020
<b>Affidavit Acknowledgement</b>	Yes

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email [info@d3forms.com](mailto:info@d3forms.com) with any questions.

**To Be Introduced 10/27/20**

**Council District 3 - Burton**

**Tax I.D. No. 235-13.00-2.02 & 2.03**

**911 Address: 20723 & 20715 Milton Ellendale Highway, Ellendale**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.5 ACRES, MORE OR LESS**

**WHEREAS, on the 15<sup>th</sup> day of September 2020, a conditional use application, denominated Conditional Use No. 2245 was filed on behalf of Jonathan Plump; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2245 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2245 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 Broadkill Hundred, Sussex County, Delaware, and lying on the northeast side of Milton Ellendale Highway (Route 16), approximately 0.55 southeast of Holly Tree Road (S.C.R. 226), and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 4.5 acres, more or less.**

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

**To Be Introduced 10/27/20**

**Council District 5 - Rieley  
Tax I.D. No. 533-18.00-59.00  
911 Address: 33006 Lighthouse Road, Selbyville**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.62 ACRES, MORE OR LESS**

**WHEREAS, on the 22<sup>nd</sup> day of September 2020, a zoning application, denominated Change of Zone No. 1933 was filed on behalf of Route 54 Limited Partnership; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1933 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

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

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Lighthouse Road (Route 54) approximately 0.39 mile east of Johnson Road (S.C.R 390) and being more particularly described in the attached legal description prepared by Sergovic, Carmean, Weidman, McCartney & Owens, P.A, said parcel containing 1.62 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 10/27/20**

**Council District 5 - Rieley  
Tax I.D. No. 533-18.00-58.00  
911 Address: None Available**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.18 ACRES, MORE OR LESS**

**WHEREAS, on the 22<sup>nd</sup> day of September 2020, a zoning application, denominated Change of Zone No. 1934 was filed on behalf of Bunting Holdings LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1934 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

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

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and being a landlocked parcel of land lying on the south side of Lighthouse Road (Route 54) approximately 0.39 mile east of Johnson Road (S.C.R. 390) and being more particularly described in the attached legal description prepared by Sergovic, Carmean, Weidman, McCartney & Owens, P.A, said parcel containing 3.18 acres, more or less.**

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 23, 2020

RE: County Council Report for CZ 1906 Eliud Ramirez-Mejia

---

The Planning and Zoning Department received an application (CZ 1906 filed on behalf of Eliud Ramirez-Mejia) for a Change of Zone of parcel 233-5.00-172.00 from Agricultural Residential (AR-1) Zoning District to C-2 Medium Commercial Zoning District for 27436 Dagsboro Road, Dagsboro. The size of the property is 2.53 acres +/-.

The Planning and Zoning Commission held a public hearing on September 24, 2020. At the meeting of October 8, 2020, the Commission recommended approval of the application for the 9 reasons outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of September 24, 2020 and October 8, 2020.

Approved Minutes of the Planning & Zoning Commission Meeting of September 24, 2020

### C/Z 1906 Eliud Ramirez-Mejia

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS.** The property is lying on the west side of Dagsboro Road, approximately 0.24 mile south of Crickett Street. 911 Address: 27436 Dagsboro Road, Dagsboro. Tax Parcel: 233-5.00-172.00.

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, a staff analysis, a copy of the DelDOT service level evaluation response, and comments from the Sussex County



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

Engineering Department Utility Planning Division.

The Commission found that Mr. Tim Willard, Esquire was present on behalf of the Applicant, Mr. Eliud Ramirez-Mejia; that also present was Mr. Eliud Ramirez-Mejia; that this is a request for a change of zone for a 2.5-acre parcel; that the property is located off Route 113 on Dagsboro Road adjacent to the business park; that the property is improved with a residence and a pole building; that the Applicant is a contractor with 47 employees; that the Applicant purchased this property with the intent to improve the lot with some pole buildings which could be used for his contractors business; that there is commercial zoning in the area and all along Route 113; that the property is located in the Coastal Area per the Comprehensive Plan; that the property is served by a septic system and a well; that a traffic impact study was not required by DelDOT; and that the Applicant has submitted proposed conditions of approval.

Mr. Eliud Ramirez-Mejia stated that the statements made by Mr. Willard are true and correct.

Ms. Wingate asked if this case was on a previous agenda. Mr. Willard stated that Mr. Ramirez-Mejia had submitted the Application but then hired Mr. Willard to represent him, so the Application was refiled.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/Z 1906 Eliud Ramirez-Mejia. Motion by Ms. Wingate, second by Mr. Mears, to defer action for further consideration. Motion carried 5-0.

#### Approved Minutes of the Planning & Zoning Commission Meeting of October 8, 2020

The Commission discussed this application which has been deferred since September 24, 2020.

Ms. Wingate moved that the Commission recommend approval for Change of Zone 1906 Eliud Ramirez-Mejia based upon the record made during the Public Hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is currently zoned AR-1, but it is in an area along Dagsboro Road where other commercial zonings and commercial uses exist. This is an appropriate location for C-2 zoning.
3. This location is generally in a wedge of properties between Route 113 and Dagsboro Road that has developed commercially. As a result, residential use of this property under the current AR-1 zoning is no longer viable.
4. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for small retail and service uses.
5. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.

6. The site is in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. No parties appeared in opposition to the rezoning application.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

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



**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date September 24, 2020.

Application: (CZ 1906) Eliud Ramirez-Mejia

Applicant: Eliud Samuel Ramirez Mejia  
153 Clayton Avenue  
Frankford, DE 19945

Owner: Eliud Samuel Ramirez Mejia  
153 Clayton Avenue  
Frankford, DE 19945

Site Location: Located on the west side of Dagsboro Road (Route 20) approximately 0.24 mile south of Crickett Street at 27346 Dagsboro Road, Dagsboro, DE 19947.

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial (C-2)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Rieley

School District: Indian River School District

Fire District: Dagsboro Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 2.53 acres +/-

Tax Map ID.: 233-5.00-172.00



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 2, 2020  
RE: Staff Analysis for CZ 1906 Eliud Samuel Ramirez-Mejia

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1906 Eliud Samuel Ramirez-Mejia to be reviewed during the September 24, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 233-5.00-172.00 to facilitate a change from an Agricultural Residential (AR-1) Zoning District to the Medium Commercial (C-2) Zoning District and is located at 27436 Dagsboro Road on the west side of Dagsboro Road (Route 20), approximately 0.24 miles south of Crickett Street. The size of the property is 2.60 acres +/-.

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

The areas to the north, east and south are also designated "Coastal Areas." "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. The "Coastal Areas" also supports a range of housing types including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Mixed-use development should also be allowed. The parcels to the northwest of parcel 172.00 are designated "Commercial Areas." "Commercial Areas" include concentrations of retail and service including commercial corridors, shopping centers

The Medium Commercial (C-2) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is zoned Agricultural Residential (AR-1). The properties to the southeast, south and north sides of the application site on the opposite side of Dagsboro Road (Route 20) are zoned Agricultural Residential (AR-1) Zoning District. Properties to the west side of the application site are zoned General Commercial (C-1) as well as several properties to the southwest.



Since 2011, there have been two Change of Zone applications within the vicinity of the application site: To the east is CZ 1781 (Tax Parcel: 233-10.00-17.00) to facilitate a Change of Zone from an Agricultural Residential (AR-1) Zoning District to General Commercial (C-1) Zoning District, which was approved by County Council on September 22<sup>nd</sup>, 2015 through Ordinance #2418. The second application, to the west is CZ 1756 (Tax Parcel: 233-5.00-135.00) to facilitate a change of zone from an Agricultural residential (AR-1) Zoning District to a General Commercial (C-1) Zoning District, which was approved by County Council on October 7<sup>th</sup>, 2014 through Ordinance #2369.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Medium Commercial (C-2) in this location, subject to parcel size and proposed zoning, could be considered as having a degree of consistency with the land use, surrounding area zoning and surrounding uses.



Mailing List Exhibit Map  
Planning Commission  
CZ 1906 Eliud Ramirez-Mejia  
233-5.00-172.00

Eliud Samuel Ramirez-Mejia  
153 Clayton Avenue  
Frankford, DE 19945

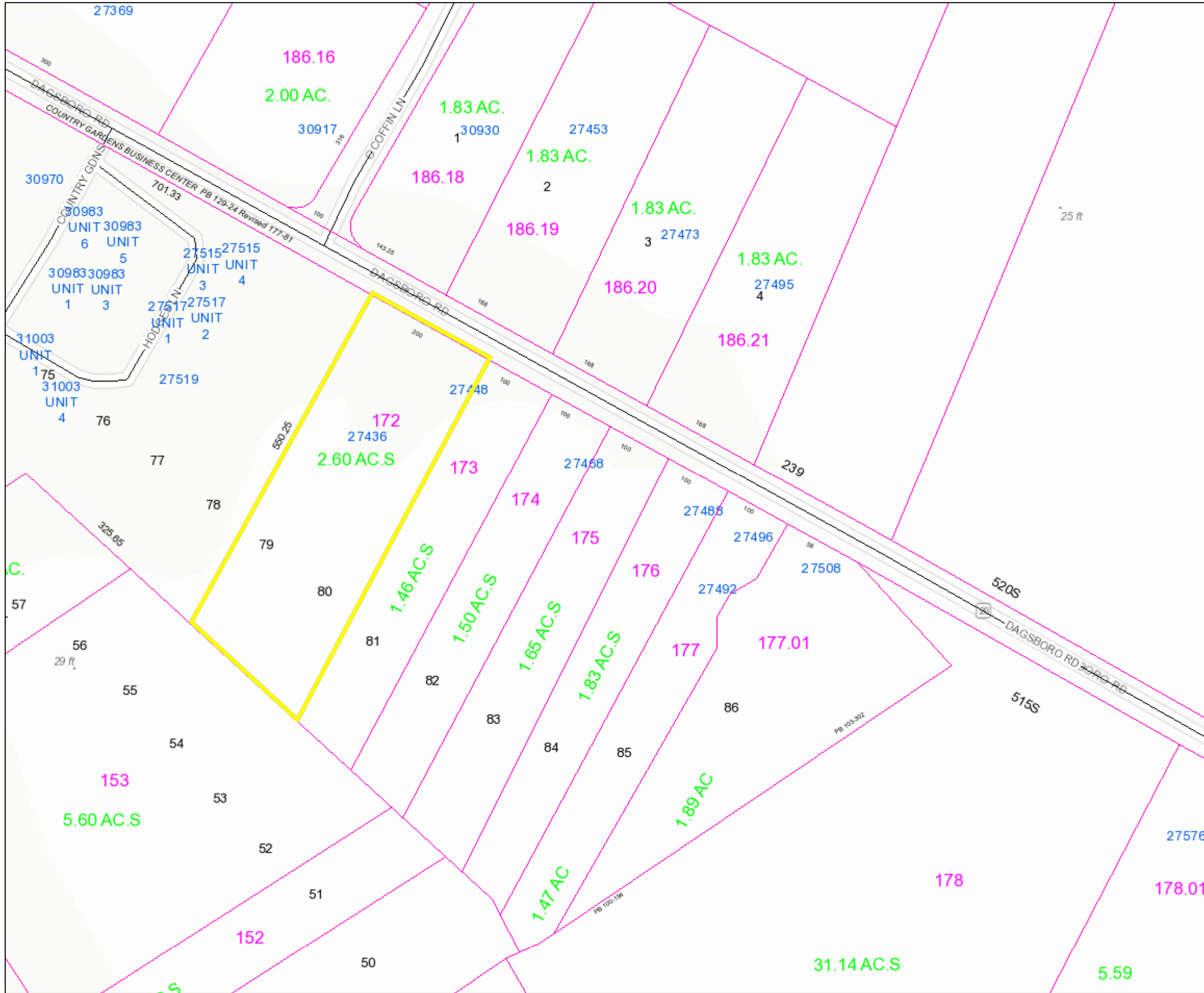
Located on the south side of Dagsboro Road (Route 20) at 27436 Dagsboro Road, Dagsboro,  
DE 19947.







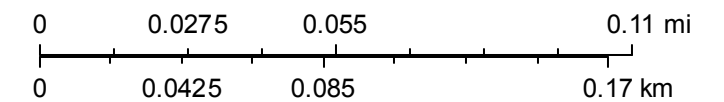
# Sussex County



<b>PIN:</b>	233-5.00-172.00
<b>Owner Name</b>	RAMIREZ-MEJIA ELUID
<b>Book</b>	4906
<b>Mailing Address</b>	153 CLAYTON AVE
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	W/HWY. LOT 79 & 80
<b>Description 2</b>	HOUSTON ACRES
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:2,257







**Introduced 10/22/19**

**Council District No. 5 – Rieley  
Tax I.D. No. 233-5.00-172.00  
911 Address: 27436 Dagsboro Road, Dagsboro**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS**

**WHEREAS, on the 9th day of October 2019, a zoning application, denominated Change of Zone No. 1906, was filed on behalf of Eliud Samuel Ramirez-Mejia; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1906 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the west side of Dagsboro Road, approximately 0.24 mile south of Crickett Street, and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 2.53 acres, more or less.**

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 23, 2020

RE: County Council Report for CU 2237 Samuel C. Warrington II

---

The Planning and Zoning Department received an application (CU 2237 filed on behalf of Samuel C. Warrington II) for a Conditional Use for parcel 334-12.00-55.01 (portion of) to allow for outdoor RV and boat storage. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 2.5 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on September 24, 2020. At the meeting of October 8, 2020, the Commission discussed the application and deferred consideration of the application. At the meeting of October 22, 2020, the Commission recommended approval of the application for the 7 reasons and subject to the 14 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of September 24, 2020 and October 8, 2020 and the draft minutes of the September 22, 2020 Planning & Zoning Commission meeting.

[Approved Minutes of the September 24, 2020 Planning & Zoning Commission Meeting](#)

### C/U 2237 Samuel C. Warrington II

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES MORE OR LESS.** The property is lying on the southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1). 911 Address: 34378 Postal Lane, Lewes. Tax Parcel: 334-12.00-55.01 (portion of).



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

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, a staff analysis, a copy of the DelDOT service level evaluation response, and comments from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that 90 letters of opposition have been submitted to the Planning and Zoning Department.

The Commission found that Mr. Tim Willard, Esquire was present on behalf of the applicant, Samuel C. Warrington, II, that also present are Sam Warrington, II and Sam Warrington, III; that the Warrington family have owned this property since 1914; that the Applicant and his son live on Postal Lane; that tourism is a big part of Sussex County which is encouraged and that includes boating; that the conditional use for boat storage will support and encourage that use in an area where it is needed and that it is an appropriate use for this property; that the Sussex County Comprehensive Plan states that the eastern portion of Sussex County is characterized by popular ocean side seasonal vacation towns; that Sussex County is a draw for seasonal visitors and tourism has become an indispensable part of the local economy; that the Future Land Use Plan encourages tourism; that in 2015 tourism spent 1.8 billion dollars; that the tourism sector employs over 19,000 individuals; that the Future Land Use Plan also encourages recreation, the county is famous for beaches, boat launches with access to the ocean and inland bays; that the property is identified as being in the Coastal Area which is a growth area and allows for light commercial; that the property is surrounded by MR and HR which are high density and medium density; that there are several conditional uses in the area; that this use would not generate a lot of traffic as people would come periodically to pick up or drop off their RVs or boats; that it would be consistent with the land use for the area based on the surrounding uses; that the use would be on 2.5 acres of a 40-acre property; that the entrance to the storage area would be on Postal Lane adjacent to Sam Warrington III residence; that the Applicant has submitted proposed findings and conditions; and that for all the reasons stated this is an appropriate use as it will not adversely affect the neighborhood and is semi-public in nature as it supports tourism in the area.

Mr. Samuel C. Warrington, III confirmed that the statements made by Mr. Willard were true and correct and that he would be managing the RV and Boat storage if it gets approval.

Ms. Stevenson asked about the type of lighting. Mr. Willard stated that the lighting will be inward facing and for security purposes only.

Ms. Wingate asked Mr. Willard to elaborate on the type of landscaping that will be used. Mr. Willard stated that there will be fencing; that the landscaping will be outside the fence around the perimeter of the storage area and will be a buffer from neighboring properties.

Mr. Mears asked if the boat storage would be only for seasonal use. Mr. Willard stated that it may also be used by weekend boaters, but the Applicant does not anticipate people coming on a day to day basis to drop off or pick up their boats.

Mr. Wheatley asked if the Applicant would be offering shrink wrap services, fuel sales, accessory sales, or boat engine service. Mr. Willard stated there will be no fuel sales, accessory sales or engine service on the property.

The Commission found that no one spoke in favor of and two people spoke in opposition to the Application.

Mr. Ron Scala spoke on behalf of the 146 homeowners in Heritage Village. Mr. Scala stated the Heritage Village is located on the south side of Postal Lane and are adjacent to the subject property; that the community of Sandy Brae lies on the northside of Postal Lane for a total of over 400 homes making Postal Lane a heavily traveled road; that the request for RV and Boat storage will greatly increase the large vehicle traffic for the area; that it will pose many safety and environmental concerns for the residents; that there were over 90 requests to deny the Application; that the residents of Heritage Village feel that this location is not appropriate for this use; that there are no sidewalks in this area; that the Commission previously denied an application for 14 townhomes citing a heavily traveled road and it would not support health, safety, convenience and general welfare of the neighborhood and County; and that for all these reasons the residents of Heritage Village are opposed to this request.

Mr. John Luzzi spoke on behalf of the residents of Sandy Brae. Mr. Luzzi stated that the residents of Sandy Brae are requesting that the Commission deny the Application for safety reasons and that a commercial use on Postal Lane is not in keeping with the residential character of the area; that there are school bus stops on Postal Lane; entrances to single-family homes; that traffic cuts through Sandy Brae trying to avoid Postal Lane causing confusion and more safety issues; and that having commercial use in the area will affect property values.

Ms. Wingate asked who owns the roads within Sandy Brae. Mr. Luzzi responded that they are County roads.

Ms. Joy Greevy spoke by teleconference. Ms. Greevy stated that she agreed with the previous speakers and has further safety concerns about vehicles using Bethpage Drive to turn around.

Upon there being no further questions or comments, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2237 Samuel C. Warrington, II. Motion by Ms. Stevenson, second by Mr. Mears, to defer action for further consideration. Motion carried 5-0.

#### Approved Minutes of the October 8, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since September 24, 2020.

Ms. Stevenson said that she has concerns about this project because of traffic and safe access to the site by large vehicles.

Ms. Wingate stated that this property has been farmed for several years and tractors and trailers have accessed the site and that they are similar size to trucks towing boats.

Mr. Mears stated that boat or RV traffic should not be frequent as this location would be mostly used as an off-season storage; that it is a large parcel with only approximately 3 acres for this requested use; and that farmers need to be able to supplement their undependable income in other ways. Mr. Mears also noted that the Applicant's plan is to put the storage area next to the adjacent golf course and away from residential properties; that the Applicant is offering a buffer of trees in addition to the fencing; and that the traffic is a DelDOT issue.

Mr. Wheatley stated that his concerns are about the traffic entering and exiting the subject property.

Mr. Hopkins stated that he expects that traffic would make a right in, right out and he expects that DelDOT may require a deceleration lane and an acceleration lane.

Mr. Robertson stated that DelDOT will mandate the necessary right-of-way from the Applicant and when DelDOT looks at this Application, they may deem economically infeasible to meet the requirements for a commercial venture.

Ms. Stevenson stated that if the entire property was to be developed in the future, there could be a much higher impact to traffic in this area.

Mr. Wheatley reminded the Commission members that this is a recommendation with conditions to County Council and the conditions could note traffic concerns to be addressed by DelDOT at the appropriate time and in a way that keeps citizens safe.

Motion by Ms. Stevenson, second by Mr. Mears, to defer action for further consideration. Motion carried 5-0.

#### Draft Minutes of October 22, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 8, 2020.

Mr. Mears moved that the Planning & Zoning Commission recommend approval of Conditional Use #2237 for Samuel C. Warrington for an outdoor RV and boat storage facility within the AR-1 District based upon the record made during the public hearing and for the following reasons:

1. The Applicant seeks approval for an RV and boat storage facility on approximately 2.5 acres of a much larger 40-acre tract owned by the Applicant and his family. This is one of the last undeveloped tracts in the area between Plantations Road and Route One, and some type of appropriate development is to be expected at this location.
2. The area of the proposed use is located on the front section of the larger property and it is oriented away from the nearby adjacent residential units.
3. There is a need for the use proposed by the Applicant in this area of Sussex County.
4. This use is limited in nature and will not involve any new buildings. It is an appropriate transition from the heavier commercial uses that exist within the Route One commercial corridor.
5. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.

6. The use as a boat storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.
7. While there were concerns about traffic and the size of vehicles and trailers leaving the premises, I believe that this type of use will generate less daily traffic than nearly any other type of development that could occur on this property. DelDOT will also require the Applicant to make roadway improvements that will enable the safe entrance and exit from this use onto Postal Lane.
8. This recommendation for approval is subject to the following conditions and stipulations:
  - A. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.
  - B. The facility shall only be accessible during daylight hours, and the access gate shall be locked to prevent after-hours access to the site.
  - C. The perimeter of the site shall be fenced with a 6-foot high fence that screens the property from neighboring and adjacent properties and roadways.
  - D. There shall be a landscaping buffer between the outside of the fence and Bethpage Drive to screen the use and the fence from Bethpage Drive and the adjacent golf course. The Final Site Plan for this use shall include a landscaping plan for this buffer area.
  - E. No maintenance of boats or RVs shall occur on the site.
  - F. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
  - G. No more than 60 boats and RVs shall be permitted on the site.
  - H. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the final site plan.
  - I. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site. It is anticipated that DelDOT will require sufficient right-of-way dedication from the Applicant to accommodate the entrance.
  - J. The entrance drive from Postal Lane to this site shall have a paved width of at least 24 feet to accommodate vehicles with boat trailers and RVs and to allow sufficient space for such vehicles to safely wait to exit the premises onto Postal Lane.
  - K. No hazardous materials or fuel shall be stored on the property.
  - L. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.
  - M. No sales shall occur on the site.
  - N. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Hopkins to recommend approval for the reasons and with the conditions stated in the Motion. Motion carried 3-1 with Ms. Hoey Stevenson dissenting.



**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: September 24, 2020

Application: CU 2236 Sam C. Warrington II

Applicant/Owner: Sam Warrington II  
34378 Postal Lane  
Lewes, DE 19958

Site Location: On the southeast side Postal Lane (S.C.R. 238), approximately 0.38 mile southwest of the intersection of Coastal Highway (Route 1) and Postal Lane (S.C.R. 238)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: RV & Boat Storage

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Septic

Water: Private

Site Area: 2.5 Acres

Tax Map ID.: 334-12.00-55.01 (Portion of)



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



Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 1, 2020  
RE: Staff Analysis for CU 2237 Samuel C. Warrington II

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2237 Samuel C. Warrington II to be reviewed during the September 24, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 334-12.00-55.01 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for outdoor boat and RV storage. The parcel is located on the southeast side of Postal Lane in Lewes, Delaware. The size of the property is approximately 40 acres +/-, and approximately 2.5 acres is proposed to be allocated towards the boat and RV storage use.

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

The Coastal Area is designated to encourage growth and development without diminishing special ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is typically standard. Medium and higher densities (4-12 units per acre may be appropriate in selection locations.

This parcel is within an Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north and west and southwest are also zoned Agricultural Residential (AR-1). The adjacent parcel to the northeast is zoned Medium Density Residential (MR). The parcel to the south is zoned High Density Residential (HR-1).

Since 2011, there have been seven (7) Conditional Use applications in a one-mile radius. Conditional Use 2209, to allow for a 14-unit multifamily development, was denied by County Council on July 28, 2020. Conditional Use 2153, to allow for a real estate and investing office, was approved by County Council on February 5, 2019 and adopted through Ordinance No. 2630. Conditional Use 2073, to allow for an expansion of an existing electrical substation, was approved by County Council on March 7, 2017 and adopted through Ordinance No. 2486. Conditional Use 2059, to allow for a beauty salon, was approved by County Council on October 25, 2016 and adopted through Ordinance No. 2478. Conditional Use 2016, to allow for an elementary school,



was approved by County Council on June 16, 2015 and adopted through Ordinance No. 2402. Conditional Use 2015, to allow for a public service facility, was approved by County Council on June 16, 2015 and adopted through Ordinance No. 2401. Conditional Use 1938, to allow for a therapist's office, was approved by County Council on September 11, 2012 and adopted through Ordinance No. 2289.

Land use and zoning have been analyzed for both this subject site and other nearby properties. A Conditional Use to allow for the outdoor storage of boats and RVs, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





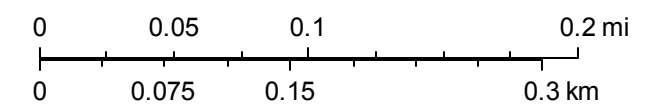
# Sussex County



<b>PIN:</b>	334-12.00-55.01
<b>Owner Name</b>	WARRINGTON SAMUEL C II
<b>Book</b>	3350
<b>Mailing Address</b>	34378 POSTAL LN
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	SE/RD 283
<b>Description 2</b>	1597' SW/RT 1
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries

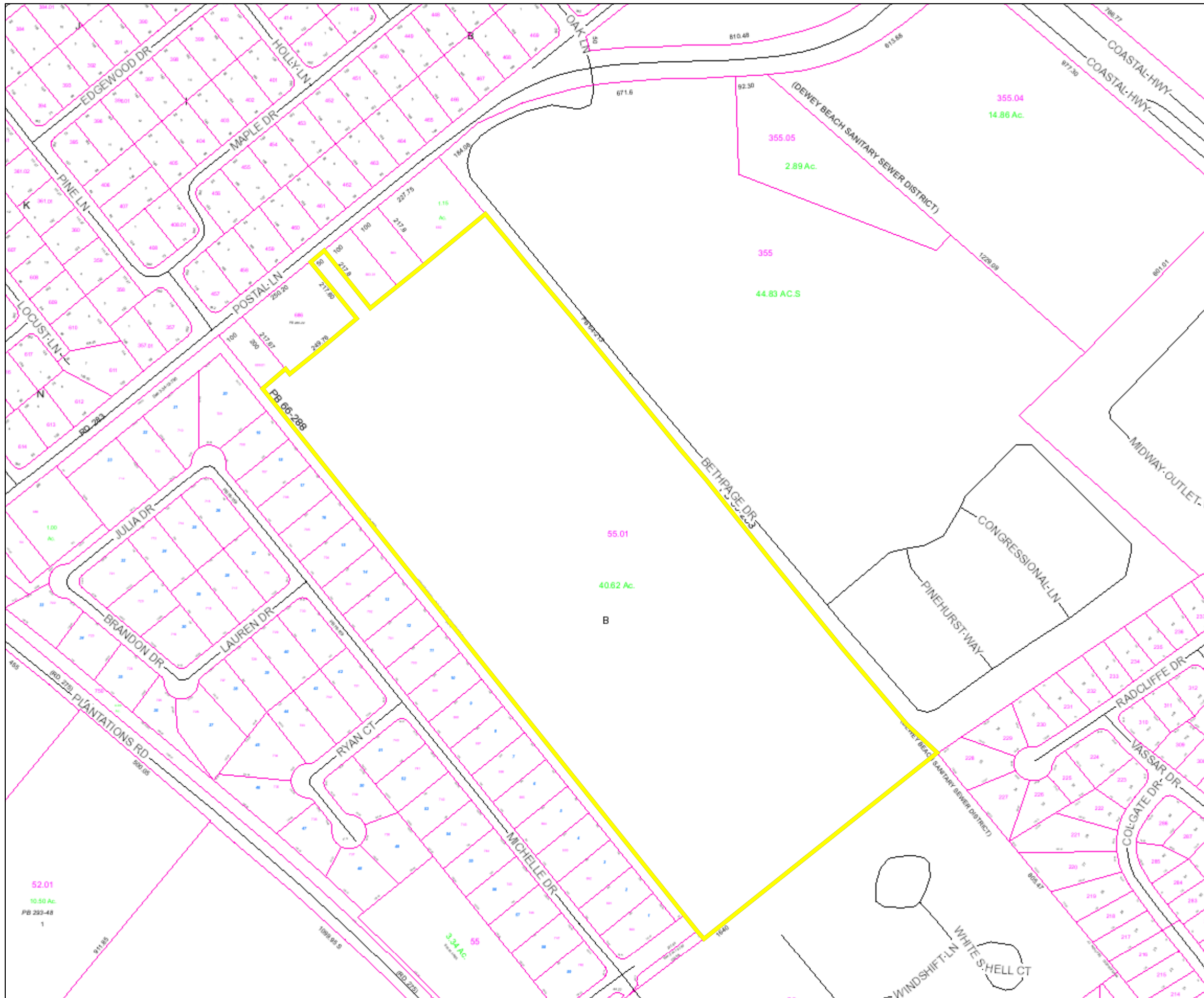
1:4,514







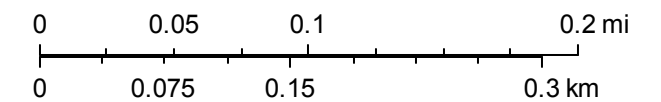
# Sussex County



<b>PIN:</b>	334-12.00-55.01
<b>Owner Name</b>	WARRINGTON SAMUEL C II
<b>Book</b>	3350
<b>Mailing Address</b>	34378 POSTAL LN
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	SE/RD 283
<b>Description 2</b>	1597' SW/RT 1
<b>Description 3</b>	
<b>Land Code</b>	

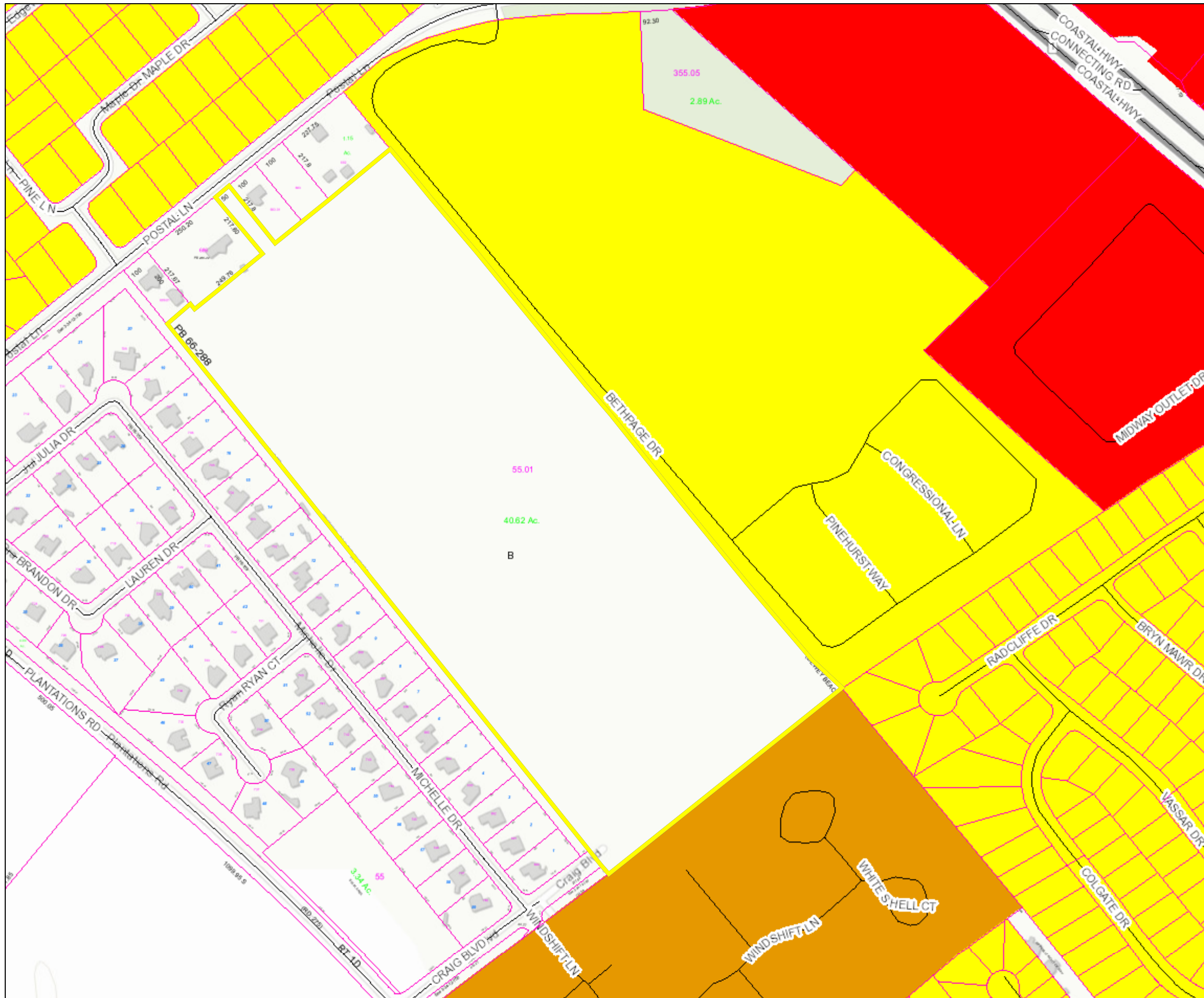
- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries

1:4,514





# Sussex County



<b>PIN:</b>	334-12.00-55.01
<b>Owner Name</b>	WARRINGTON SAMUEL C II
<b>Book</b>	3350
<b>Mailing Address</b>	34378 POSTAL LN
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	SE/RD 283
<b>Description 2</b>	1597' SW/RT 1
<b>Description 3</b>	
<b>Land Code</b>	

**polygonLayer**

Override 1

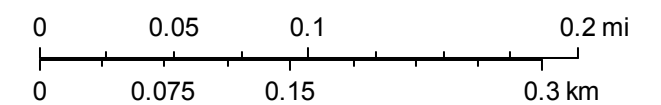
**polygonLayer**

Override 1

Tax Parcels

Streets

1:4,514





**Introduced 8/25/20**

**Council District 3 - Burton  
Tax I.D. No. 334-12.00-55.01 (Portion of)  
911 Address: None Available**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS**

**WHEREAS, on the 17<sup>th</sup> day of July 2020, a conditional use application, denominated Conditional Use No. 2237 was filed on behalf of Sam C. Warrington II; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2237 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2237 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 southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1), and being more particularly described in the attached legal description prepared by Atlantic Surveying & Mapping, LLC, said parcel containing 2.5 acres, more or less.**

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 23, 2020

RE: County Council Report for CU 2239 Coastal Services, LLC

---

The Planning and Zoning Department received an application (CU 2239 filed on behalf of Coastal Services, LLC) for a Conditional Use for parcel 134-9.00-67.00 to allow for a general contracting business at 30430 & 30432 Cedar Neck Road, Ocean View. The parcel is zoned GR General Residential Zoning District and B-1 Neighborhood Business District. The parcel size is 1.08 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on September 24, 2020. At the meeting of October 8, 2020, the Commission recommended approval of the application for the 7 reasons and subject to the 9 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of September 24, 2020 and October 8, 2020.

[Approved Minutes of the September 24, 2020 Planning & Zoning Commission Meeting](#)

### C/U 2239 Coastal Services, LLC

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS.** The property is lying on the west side of Cedar Neck Rd. (Rt. 357) approximately 0.64 mile north of Fred Hudson Rd. (S.C.R. 360). 911 Address: 30430 & 30432 Cedar Neck Rd., Ocean View. Tax Parcel: 134-9.00-67.00.



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

Mr. Whitehouse advised the Commission that submitted into the record is an exhibit book, a staff analysis, a boundary survey from the Applicant, and comments from the Sussex County Engineering Department Utility Planning Division.

The Commission found that Ms. Mackenzie Peet, Esquire was present on behalf of the applicant, Coastal Services, LLC, that also present are Mr. George Elliott, owner of Coastal Services, LLC; that the business has been in operation in Sussex County for more than 20 years; that the Applicant is requesting a conditional use for a contracting business to be located in Neighborhood Business (B-I) and General Residential (GR) zoning districts; that the Applicant purchased the GR property to the rear of the B-1 zoned property already owned by him and combined the lots creating the split zoned property; that the business is a permitted use in the B-1 zoned area of the property; that the request is for the GR zoned portion of the property; that a pole barn of over 6,000 sf is being proposed; that an application for a side yard variance has been submitted for a public hearing before the Board of Adjustment; that the properties to the north and west of the subject property are zoned GR, the property to the east is zoned General Commercial (C-1) and the property to the side is split zoned as B-1 and GR zoning; that the Applicant has spoken with adjacent landowners and has their support; that one property has requested that a fence be installed on the perimeter of the property and the Applicant will comply with that request; that the business operates from 7:00 am – 5:00 pm; that employees do not necessarily visit this site before going to the work site and therefore there would be no impact on traffic; that the location of this business is compatible with surrounding uses; that all existing buildings meet setbacks; that the staff memo states that the proposed could be consistent with surrounding uses.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2239 Coastal Services, LLC. Motion by Mr. Mears, second by Ms. Wingate, to defer action for further consideration. Motion carried 5-0.

Approved Minutes of the October 8, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since September 24, 2020.

Mr. Mears moved that the Commission recommend approval for Condition Use 2239 Coastal Services, LLC based upon the record made during the Public Hearing and for the following reasons:

1. The site is split-zoned with the frontage having B-1 zoning, and the rear area being zoned GR-General Residential. The applicant has operated a contracting business from the B-1 portion of the site for some time, and this conditional use will bring the entire parcel under one approval.
2. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Small business uses like this one are appropriate within this Area according to the Plan.

3. The site is located along Cedar Neck Road and is partially zoned for B-1 uses. There are also commercially zoned properties on the opposite side of Cedar Neck Road. This use is appropriate for this location.
4. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.
5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
6. The site is served by Sussex County sewer.
7. No parties appeared in opposition to the application.
8. This recommendation is subject to the following conditions:
  - a. The project shall be used for a General Contracting business.
  - b. There shall be no retail sales from the GR portion of the property.
  - c. There shall be no manufacturing on the site.
  - d. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
  - e. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
  - f. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
  - g. Because the front portion of the conditional use area is currently zoned B-1, the use shall comply with the B-1 District's sign requirements.
  - h. As stated by the Applicant pursuant to an agreement with the neighbors, the boundaries of the property with GR zoning shall be fenced with 6-foot vinyl fencing to screen it from view of neighboring residential properties. The location and type of fencing shall be shown on the final site plan.
  - i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: September 24, 2020

Application: CU 2239 Coastal Services, LLC

Applicant/Owner: Coastal Services, LLC  
30430 Cedar Neck Rd.  
Ocean View, DE 19970

Site Location: On the west side of Cedar Neck Rd. (Rt. 357) approx..0.64 mile north  
of Fred Hudson Rd. (S.C.R. 360)

Current Zoning: GR (General Residential) & B-1 (Neighborhood Business)

Proposed Use: General Contracting Business

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Sussex County

Water: Well

Site Area: 1.08 Acres

Tax Map ID.: 134-9.00-67.00





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



Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 17, 2020  
RE: Staff Analysis for CU 2239 Coastal Services, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2239 Coastal Services, LLC to be reviewed during the September 24, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 134-9.00-67.00 to allow for a Conditional Use of land in a General Residential (GR) Zoning District and Neighborhood Business (B-1) Zoning District for a general contracting business. The parcel is located on the west side of Cedar Neck Rd. (Rt. 357) in Ocean View, Delaware. The size of the property is approximately 1.08 acres +/-.

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

The Coastal Area is designated to encourage growth and development without diminishing special ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is typically standard. Medium and higher densities (4-12 units per acre may be appropriate in selected locations.

This parcel is a split zoned parcel within a General Residential (GR) Zoning District and Neighborhood Business (B-1) Zoning District. The adjacent parcels to the north and west are zoned General Residential (GR). The parcel to the east is zoned General Commercial (C-1). The parcel to the south is also a split zoned parcel with the General Residential (GR) and Neighborhood Business (B-1) Zoning Districts.

Since 2011, there has been one (1) Conditional Use application in a one-mile radius. Conditional Use 2130, to allow for a 20-unit multifamily development, was approved by County Council on October 30, 2018 and adopted through Ordinance No. 2609.

Land use and zoning have been analyzed for both this subject site and other nearby properties. A Conditional Use to allow for a general contracting business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.







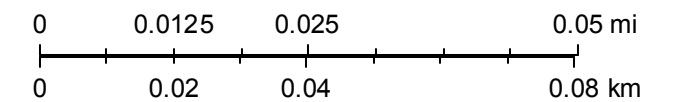
# Sussex County



<b>PIN:</b>	134-9.00-67.00
<b>Owner Name</b>	COASTAL PROPERTIES LLC
<b>Book</b>	5026
<b>Mailing Address</b>	30430 CEDAR NECK RD
<b>City</b>	OCEAN VIEW
<b>State</b>	DE
<b>Description</b>	W/OCEAN VIEW
<b>Description 2</b>	QUILLENS PT RD
<b>Description 3</b>	2 LOTS
<b>Land Code</b>	

- polygonLayer**
  - Override 1
- polygonLayer**
  - Override 1
  - Tax Parcels
  - 911 Address
  - Streets
  - County Boundaries
- Tax Ditch Segments**
  - ▶ Tax Ditch Channel
  - Pond Feature
  - ▬ Special Access ROW
  - Extent of Right-of-Way
  - Municipal Boundaries

1:1,128

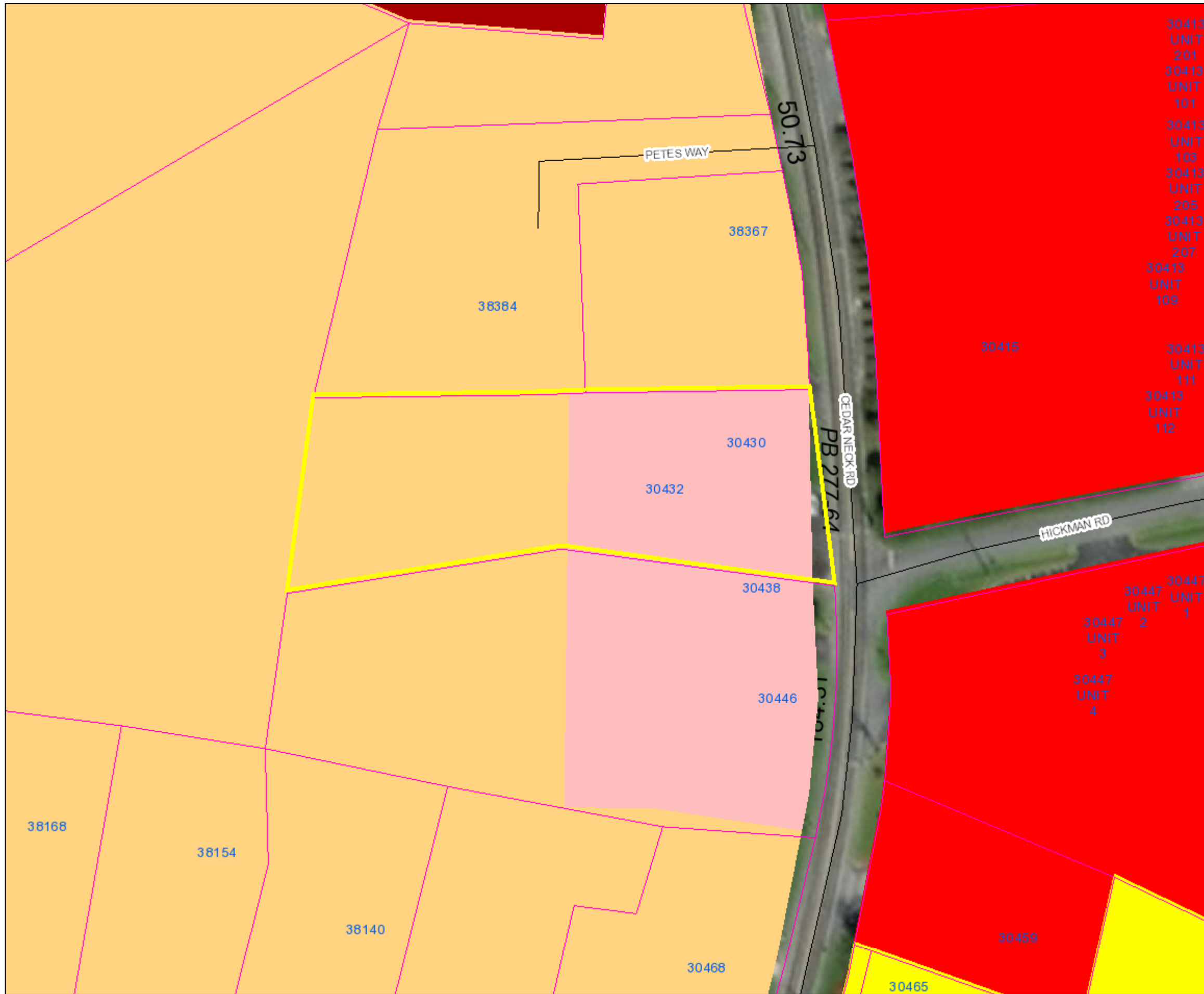






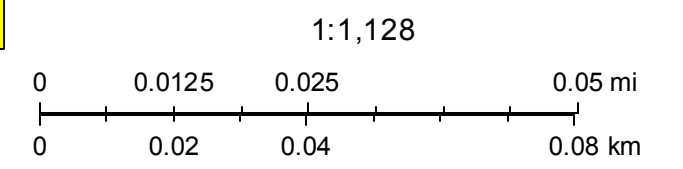


# Sussex County



<b>PIN:</b>	134-9.00-67.00
<b>Owner Name</b>	COASTAL PROPERTIES LLC
<b>Book</b>	5026
<b>Mailing Address</b>	30430 CEDAR NECK RD
<b>City</b>	OCEAN VIEW
<b>State</b>	DE
<b>Description</b>	W/OCEAN VIEW
<b>Description 2</b>	QUILLENS PT RD
<b>Description 3</b>	2 LOTS
<b>Land Code</b>	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets



**Introduced 8/11/20**

**Council District 4 - Hudson**

**Tax I.D. No. 134-9.00-67.00**

**911 Address: 30430 & 30432 Cedar Neck Rd., Ocean View**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS**

**WHEREAS, on the 26th day of May 2020, a conditional use application, denominated Conditional Use No. 2239 was filed on behalf of Coastal Services, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2239 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2239 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Cedar Neck Rd. (Rt. 357) approximately 0.64 mile north of Fred Hudson Rd. (S.C.R. 360) and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 1.08 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.**