

Sussex County Council Public/Media Packet

**MEETING:
January 30, 2018**

****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**

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



2 THE CIRCLE | PO BOX 589
GEORGETOWN, DE 19947
(302) 855-7743 T
(302) 855-7749 F
sussexcountyde.gov
ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

JANUARY 30, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 844-7
Sussex County Project No. 81-04
Fairway Village – Phase 6
Bethany Beach Sanitary Sewer District
2. Wastewater Agreement No. 1053-2
Sussex County Project No. 81-04
Belle Terre – Phase 1A
Goslee Creek Planning Area

Todd Lawson, County Administrator

1. Administrator's Report

Hans Medlarz, County Engineer

1. Herring Creek Area Expansion of the Unified Sanitary Sewer District
 - A. Approval of USDA Loan Resolution, Phase I



- B. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,287,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**

Grant Request

- 1. Dunbar Elementary School Wellness Committee for Dunbar Dash Track Night**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Executive Session – Potential Litigation pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

12:00 Noon Sussex County Profile Luncheon

Location: Sussex County Association of Realtors, Park Avenue, Georgetown

1:30 p.m. Public Hearings

Change of Zone No. 1840 filed on behalf of Preston and Brenda Brasure

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.72 ACRES, MORE OR LESS” (located on the west side of Roxana Road, approximately 709 feet south of Atlantic Avenue) (Tax I.D. No. 134-11.00-200.00 and 134-11.00-200.01) (911 Address: 32026 and 32014 Roxana Road, Ocean View)

Change of Zone No. 1841 filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.29 ACRES, MORE OR LESS” (located on the northeast corner of Bayard Road and Double Bridges Road)) (Tax I.D. No. 134-19.00-22.00 (portion of) (911 Address: Not Available)

Change of Zone No. 1842 filed on behalf of Carmelita L. Pavlosky and Karl Meek

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.4968 ACRES, MORE OR LESS” (located on the north side of Zion Church Road, approximately 1,115 feet northwest of Bayard Road (Tax I.D. No. 533-11.00-82.03) (911 Address: 36169 Zion Church Road, Frankford)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 23, 2018 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 23, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 23, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 048 18
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of January 16, 2018 were approved by consent.

**Corre-
spondence**

The following correspondence was received:

Rehoboth Beach Museum, Rehoboth, Beach, Delaware.
RE: Letter in appreciation of grant.

People's Place, Milford, Delaware.
RE: Letter in appreciation of grant.

**Public
Comments**

Public Comments

Bobby Horsey commented on the 2018 Comprehensive Land Use Plan.

**M 049 18
Consent
Agenda**

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

**M 049 18
Approve
Consent
Agenda
Items**

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

Motion Adopted: 5 Yeas.

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

**Procla-
mation/
Cape
Henlopen**

The Council presented a Proclamation to the Cape Henlopen High School Field Hockey Team upon winning the 2017 DIAA Division I Championship. The team won the title in November capping a 16-2 season.

**Board
Appoint-
ment**

Mr. Lawson reported that the term of Julie Rigby (District 1) on the Board of Assessment Review expires February 2018.

**M 050 18
Reappoint-
ment to
Board of
Assessment
Review**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to reappoint Julie Rigby to the Board of Assessment Review for a term of five years.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, The Woods at Johnson's Corner, a/k/a Fenwick Hamlet, a/k/a Fox Haven – Phase 4 received Substantial Completion effective January 18th.

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

**Public
Hearing/
CDBG**

A Public Hearing was held on the development of a Community Development Block Grant application, which is to be submitted to the Delaware State Housing Authority. The Community Development Block Grant (CDBG) is a federal grant from the Department of HUD to the

**Public
Hearing/
CDBG
(continued)**

Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for the funding by making application to the DSHA.

Brad Whaley, Director of Sussex County Community Development & Housing, announced that the purpose of the Public Hearing is to give the citizens the opportunity to participate in the application process. Mr. Whaley stated that Sussex County's application will consist of projects in the County and in the municipalities. He reported that staff has met with all the municipalities who have asked for the County's assistance to make application to the DSHA and that the Department has held Public Hearings in all of the municipalities listed and the projects presented represent their requests.

Mr. Whaley reported that, over the past five years, the County and the communities within the County have received over \$7.4 million in Community Development Block Grant and HOME funding and have been able to assist 858 households and over 1,423 residents (including housing rehabilitation, demolition, and sewer and water hook-ups).

Mr. Whaley advised that part of the CDBG requirements is that a status report be given. Mr. Whaley reported on the allocation of the funding during FY2016: approximately \$1.5 million was received in CDBG & HOME funding and 135 low-to-moderate income households received assistance. Mr. Whaley noted that more than 70% of these projects were completed by companies that qualify under Section 3 and/or WBE/MBE/VBE designations.

Mr. Whaley presented a program status update for 2017.

Mr. Whaley reviewed the income guidelines and other requirements to qualify for housing rehabilitation.

Mr. Whaley reported on a new plan implemented this year – a prioritization plan in rural communities.

Mr. Whaley noted that the public hearing on this date is held to collect information to make application for funding.

Mr. Whaley presented a list of the projects to be submitted to the Delaware State Housing Authority for CDBG funding, as follows:

Municipality Applications:

Blades (Rehabs)	\$ 80,000.00
Bridgeville (Rehabs)	\$ 80,000.00
Ellendale (Rehabs)	\$ 80,000.00
Frankford (Rehabs)	\$ 80,000.00
Georgetown (Rehabs)	\$105,000.00
Laurel (Rehabs)	\$140,000.00
Milford (Rehabs)	\$105,000.00

Public	Milton (Rehabs)	\$105,000.00
Hearing/	Seaford (Rehabs)	\$140,000.00
CDBG	Selbyville (Rehabs)	\$140,000.00
(continued)		

County Application:

Scattered Rehab	\$488,000.00
Scattered Demo:	\$ 40,000.00
Scattered Emergency Rehab:	\$ 78,000.00
Scattered Hookups:	\$ 40,000.00
Handicapped Accessibility	\$ 48,000.00
Cedar Creek	\$ 44,000.00
Concord	\$ 36,000.00
Green Top	\$ 36,000.00
West Clarksville (Rehabs):	\$ 32,000.00
Polly Branch (Rehabs):	\$ 50,000.00
West Rehoboth (Rehabs):	\$ 36,000.00

TOTAL REQUESTED \$1,983,000.00

Mr. Whaley noted that the total funding available is \$2,000,000 - \$2,500,000 for Sussex and Kent Counties and that the Delaware State Housing Authority will review the applications and determine how the funding will be awarded.

Mr. Whaley stated that, over the years, the County Council has provided funding for emergency projects: FY2013 - \$220,000; FY2014 - \$250,000; FY2015 - \$300,000; FY2016 - \$100,000; FY2017 - \$150,000; FY2018 - \$175,000 (75% complete). Mr. Whaley reviewed the primary uses for this funding and the number of households assisted.

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, was in attendance to assist with the presentation and presented two proposed Resolutions for the Council's consideration.

Public comments were heard.

Dan Kramer questioned how the City of Milford is handled with the City being partially in both Kent and Sussex counties.

Mr. Whaley responded that Sussex County includes only the south side; however, a dual public hearing is held each year with Sussex County and Kent County governments participating.

There were no additional public comments.

The Public Hearing and public record were closed.

M 051 18 Adopt R 001 18	A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Resolution No. R 001 18 entitled "RECOGNIZING THE IMPORTANCE OF FAIR HOUSING".
-------------------------------	--

**M 051 18
(continued)**

Motion Adopted: 5 Yeas.

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

**M 052 18
Adopt
R 002 18**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Resolution No. R 002 18 entitled "AUTHORIZATION TO SUBMIT APPLICATIONS" (COMMUNITY DEVELOPMENT BLOCK GRANT)".

Motion Adopted: 5 Yeas.

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

**Sussex
Sports
Center
Foundation
Proposal/
MOU**

Mr. Lawson presented for Council's consideration a Draft Memorandum of Understanding for the Sussex Sports Center Foundation. Mr. Lawson also presented the White Paper submitted by the Foundation, including the Articles of Incorporation and the Bylaws. Mr. Lawson reviewed the Draft MOU, including some proposed changes; he noted that the proposed changes are not substantial.

Discussed during the presentation were proposal terms: property (56 acres) donated to the Sports Center Foundation; deed recorded in Foundation's name; Foundation to construct Sports Center to include 8 grass fields, 3.1 miles of walking/running trail, 3 pickle ball courts, and ancillary facilities including restrooms; property located in the Town of Georgetown; County has the option to take-over the property and facility after Year 10; property deed restricted to remain a public park facility into perpetuity; public-private partnership; approximately 60 % private funding and 40 % public funding; estimated \$4.0 million construction cost; \$2.5 million private funds to be raised; \$1.5 million County loan (Foundation raises and spends \$1.5 million first); County funds made available after \$1.5 million spent; County processes payments after invoices received - \$100,000 increments) Foundation responsible for any expenses after \$3 million; \$1.5 million County loan (50 years @ 0% interest, no payments for first 10 years, lien placed on property, purchase option for \$1 on Year 10 of operations, loan forgiven if County purchases facility for \$1.00, \$37,500/year payments if not purchased, annual financial audits required); Foundation Board responsible for the operations of the facility; County to have two positions on the Foundation Board, Board has 15 members.

Also in attendance for the discussion was Bobby Horsey, Vice President of the Foundation.

Mr. Lawson advised that the next step is to vote on the MOU and to authorize a Contract to be drafted. He explained that the MOU outlines the business terms and that the Contract outlines the legal and financial terms,

Sussex Sports Center Foundation Proposal/ MOU (continued)	<p>codifying the arrangement. The Contract would be drafted by Mr. Moore, if authorized.</p> <p>Mr. Vincent questioned the Town of Georgetown's participation and asked that it be made a requirement. Also discussed was DelDOT's commitment (intersection improvements) to the project. Council and staff discussed addendums to be signed by the Town of Georgetown and DelDOT. Mr. Lawson noted that, as with all projects, agency approvals will be required.</p>
M 053 18 Approve MOU/ Sussex Sports Center Foundation	<p>A Motion was made by Mr. Burton, seconded by Mr. Cole, that the Sussex County Council approves a Memorandum of Understanding between Sussex County and the Sussex Sports Center Foundation for the purposes of the design and construction of a sports facility, including the County's loan commitment of \$1.5 million, to the Sussex Sports Center Foundation for the same purposes; and Be It Further Moved, that the Sussex County Council authorizes the County Administrator and County Attorney to draft a legal contract between Sussex County and the Sussex Sports Center Foundation codifying the legal and financial terms of the \$1.5 million loan, as described on this date.</p> <p>Motion Adopted: 3 Yeas, 2 Nays.</p> <p>Vote by Roll Call: Mr. Arlett, Nay; Mr. Burton, Yea; Mr. Wilson, Nay; Mr. Cole, Yea; Mr. Vincent, Yea</p>
Emergency Shelter Funding	<p>Mrs. Jennings reported that, per Council's direction, she met with Susan Kent of Code Purple Sussex County about shelter funding. Code Purple provides shelters during cold weather months and consists of six main shelters and three overflow shelters. Code Purple sees a real need for emergency funds to keep these shelters open. Mrs. Jennings reported she has identified \$25,000 that can be used as an emergency fund; the requests would be administered by Susan Kent of Code Purple Sussex County through the coordination of the County's Finance Department. The funds will cover costs such as increases in utilities, unexpected building repairs, and increased need in supplies.</p>
Airport Advisory Committee Appointments	<p>Jim Hickin, Airport Manager, advised that the terms of the members of the Airport Advisory Committee expire every year at the end of December. Mr. Hickin recommended that the Council reappoint the current Committee members.</p>
M 054 18 Approve Appointments Airport Advisory Committee	<p>A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council appoints Guss Croll, Garrett Dernoga, Rick Garner, Larry Kelley, Jeffrey Reed, Mark Ryan, and Richard Wilson to the Delaware Coastal Airport Advisory Committee for 2018.</p> <p>Motion Adopted: 5 Yeas.</p>

M 054 18
(continued)

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

**MOU/
Clinical
Agreement/
Nanticoke
Memorial
Hospital**

Jeffrey Cox, Deputy Director of Administration, Sussex County EMS, presented a Memorandum of Understanding with Nanticoke Memorial Hospital to allow the County's paramedics to practice clinical skills in the operating room and emergency department and to observe and learn in other clinical departments. Mr. Cox stated that the MOU is integral to their quality improvement program and a continuation of the clinical and educational partnership with Nanticoke Memorial.

M 055 18
Approve
MOU
with
Nanticoke
Memorial
Hospital

A Motion was made by Mr. Wilson, seconded by Mr. Burton, that Sussex County Council approves the Memorandum of Understanding between Sussex County and Nanticoke Memorial Hospital to allow Sussex County EMS Paramedics to practice clinical skills within Nanticoke Memorial Hospital.

Motion Adopted: 5 Yeas.

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

**Old
Business/
Commercial
Zoning
Ordinance**

Under Old Business, Vince Robertson, Assistant County Attorney, and Janelle Cornwell, Planning and Zoning Director, discussed the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW "B-2 BUSINESS COMMUNITY" DISTRICT; "B-3 BUSINESS RESEARCH" DISTRICT; "C-2 MEDIUM COMMERCIAL" DISTRICT; "C-3 HEAVY COMMERCIAL" DISTRICT; "C-4, PLANNED COMMERCIAL" DISTRICT; "C-5, SERVICE/LIMITED MANUFACTURING" DISTRICT, AND "I-1, INSTITUTIONAL" DISTRICT; TO CLOSE THE CR-1 AND B-1 DISTRICTS; TO AMEND "115 ATTACHMENT 3, SUSSEX COUNTY TABLE III"; TO CREATE "115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV".

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on December 21, 2017. The Commission recommended approval of the revised Proposed Ordinance with the following further recommendations:

1. That County Council should increase the height permissible in the C-2, C-3, C-4, C-5 and I-1 districts upon a showing that the increased height

**Old
Business/
Commercial
Zoning
Ordinance
(continued)**

preserves such things as open space, interconnectivity or setbacks.

2. Remove the language "... but not including major repair work such as motor replacement, body and fender repair or spray painting" from lines 210 and 211 of the ordinance.

The Council held a Public Hearing on the Proposed Ordinance on January 2, 2018 at which time action was deferred and the record was left open for seven (7) days for written comments only (thereafter, staff would have one week to review and consider the comments and report back to Council).

Ms. Cornwell reported that no written comments were received within the seven day timeframe.

Mr. Robertson reviewed some comments made during the Public Hearing.

Council and staff discussed the separation between businesses and residential homes (buffers/fencing), minimum lot sizes, landscape buffers versus fencing, screening the back property line (i.e. screening dumpsters from residential areas), and interconnectivity on some of the major roads.

No action was taken.

**Old
Business/
CU 2075**

Under Old Business, the Council considered Conditional Use No. 2075 filed on behalf of Burton's Pond.

The Planning and Zoning Commission held a Public Hearing on this application on April 6, 2017. On May 11, 2017, the Commission recommended that the application be approved for the following reasons and with the following conditions:

1. This property is currently zoned MR Medium Density Residential District and the proposed project meets the purposes and requirements of the District.
2. This application is for a conditional use in a MR Medium Density Residential District to allow for the construction of townhouses. The Applicant proposes 100 dwelling units on 30.95 acres, located in Indian River Hundred, adjacent to John J. Williams Highway (Route 24) at Sloan Road (County Road 49).
3. This project was previously approved as a MR-RPC by Ordinance No. 1919 (CZ No. 1610) with 102 dwelling units, adopted by County Council on July 31, 2007.
4. The property is in an Environmentally Sensitive Development District Overlay Zone (ESDDOZ).
5. The applicant has submitted the application to PLUS and has responded appropriately to the PLUS comments and provided the Commission with the required information for its consideration.
6. The property contains no wetlands and is not located in a Wellhead Protection Area.

**Old
Business/
CU 2075
(continued)**

- 7. The project is designed to preserve wooded areas and the natural buffer next to the adjacent residential communities. Dwelling units will be adjacent to open space, sidewalks and walking, jogging and bike trails, promoting interconnectivity within the project. The design preserves 19 acres of open space when a grid MR subdivision would preserve significantly less open space.**
- 8. The Applicant has proposed 100 dwelling units within the project, which is permissible density of 3.23 units per acre within a MR Medium Density Residential District.**
- 9. The project will not adversely affect neighboring or adjacent properties. The project is consistent with existing residential development in the area.**
- 10. The proposed project will be served by central water and sewer, in accordance with Federal, State and County requirements.**
- 11. Through consultation with DelDOT, the proposed project shall have one (1) entrance on Sloan Road (County Road 49).**
- 12. The proposed project will have both active and passive open space.**
- 13. The proposed project meets the purposes and standards of the Sussex County Zoning Code and the purposes of the MR Medium Density Residential District.**
- 14. This recommendation for approval is subject to the following conditions and stipulations:**
 - A. There shall be no more than 100 townhouse units within the project.**
 - B. The Applicant shall create a fee simple townhome community which will be part of the Burton Pond Communities Homeowners Association, possibly through a separate sub-homeowners association, to be responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas including the Environmental Management Plan for Burton's Pond as stated in the conditions for Burton's Pond Section I.**
 - C. The project shall be served by a central sewer system in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations as part of the Sussex County Unified Sanitary Sewer District North Coastal Planning Area.**
 - D. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations through Tidewater Utilities, Inc.**
 - E. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements including the requirements of the Sussex Conservation District and PCS. The Applicant, its successors and assigns shall operate the stormwater management facilities utilizing Best Management Practices (BMP) and Best Available Technologies (BAT). The final site plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**

**Old
Business/
CU 2075
(continued)**

- F. All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT. In addition, the relocation of Sloan Road shall be completed within the first phase of the development.**
- G. The recreational amenities in Section II shall be constructed and open to the use by residents upon the issuance of the 50th residential building Certificate of Occupancy for Section II.**
- H. Streetlighting shall be provided and the location of the streetlights shall be shown on the Final Site Plan.**
- I. Sidewalks shall be installed on one side of all streets within the project and shall be shown on the Final Site Plan. There shall also be walking, jogging, and bike paths throughout the subdivision as shown on the Preliminary Site Plan.**
- J. The undisturbed forested areas shall be shown on the Final Site Plan.**
- K. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- L. A school bus stop area with parking shall be located within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop area. The location of the bus stop area, with the approval of the local school district, shall be shown on the Final Site Plan.**
- M. The Applicant shall provide agricultural buffers and wetland buffers, as necessary, in accordance with the applicable regulations. The Agricultural Use Notice shall be included in covenants, conditions, and restrictions or instruments of conveyance.**
- N. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
- O. The Developer shall design and install a landscape buffer of berms and plantings running South to North along the entire property boundary with John J. Williams Highway (Route 24) and running East to West along the entire property boundary with the relocated Sloan Road (County Road 49). The Final Site Plan shall contain a landscape plan showing the proposed design and vegetation of all landscape buffer areas.**
- P. The interior street design shall be in accordance with or exceed Sussex County street requirements and/or specifications. Street design shall include curbs, sidewalks, and street lighting.**
- Q. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. and 1:00 p.m.**
- R. A revised Preliminary Site Plan either depicting or noting these**

Old
Business/
CU 2075
(continued)

conditions must be submitted to the Sussex County Office of Planning and Zoning.

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

The County Council held a Public Hearing on the Proposed Ordinance on January 2, 2018 at which time action was deferred for additional information regarding the timing of (schedule for) the traffic signal.

Mr. Moore reported that it is not in the County's jurisdiction for the placement of traffic lights nor the timing for the placement of traffic lights and that the Council cannot tell DelDOT nor a developer when to install a traffic light. He advised, however, that if Council decides to do it, he asks that Council not use that as precedence. Mr. Cole stated that he would still like to see this included in any proposed conditions since the road is to be redesigned and realigned and that the Developer has indicated he is willing to include a traffic light.

M 056 18
Amend
Conditions/
CU 2075

A Motion was made by Mr. Burton, seconded by Mr. Cole, to amend Condition 14F, to read as follows: All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT. In addition, the relocation of Sloan Road shall be completed within the first phase of the development. The relocation and improvements to Sloan Road, Route 24 and Hollymount Road to include a traffic signal located at the new intersection of Sloan Road, Route 24 and Hollymount Road is to be completed within the first phase of the development.

Motion Adopted: 5 Yeas.

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

M 057 18
Amend
Conditions/
CU 2075

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to amend Condition 14Q to read as follows: Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. and 5:00 p.m.

Motion Adopted: 4 Yeas, 1 Nay.

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

**M 058 18
Adopt
Ordinance
No. 2542/
CU 2075**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2542 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100 TOWNHOUSE UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.95 ACRES, MORE OR LESS” (Conditional Use No. 2075) filed on behalf of Burton’s Pond, LLC (Burton’s Pond Section II), with the following conditions, as amended:

- A. There shall be no more than 100 townhouse units within the project.**
- B. The Applicant shall create a fee simple townhome community which will be part of the Burton Pond Communities Homeowners Association, possibly through a separate sub-homeowners association, to be responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas including the Environmental Management Plan for Burton’s Pond as stated in the conditions for Burton’s Pond Section I.**
- C. The project shall be served by a central sewer system in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations as part of the Sussex County Unified Sanitary Sewer District North Coastal Planning Area.**
- D. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations through Tidewater Utilities, Inc.**
- E. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements including the requirements of the Sussex Conservation District and PCS. The Applicant, its successors and assigns shall operate the stormwater management facilities utilizing Best Management Practices (BMP) and Best Available Technologies (BAT). The final site plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- F. All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT. In addition, the relocation of Sloan Road shall be completed within the first phase of the development. The relocation and improvements to Sloan Road, Route 24 and Hollymount Road to include a traffic signal located at the new intersection of Sloan Road, Route 24 and Hollymount Road is to be completed within the first phase of the development.**
- G. The recreational amenities in Section II shall be constructed and open to the use by residents upon the issuance of the 50th residential building Certificate of Occupancy for Section II.**
- H. Streetlighting shall be provided and the location of the streetlights shall be shown on the Final Site Plan.**
- I. Sidewalks shall be installed on one side of all streets within the project and shall be shown on the Final Site Plan. There shall also be walking,**

**M 058 18
Adopt
Ordinance
No. 2542/
CU 2075
(continued)**

- jogging, and bike paths throughout the subdivision as shown on the Preliminary Site Plan.
- J. The undisturbed forested areas shall be shown on the Final Site Plan.**
 - K. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
 - L. A school bus stop area with parking shall be located within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop area. The location of the bus stop area, with the approval of the local school district, shall be shown on the Final Site Plan.**
 - M. The Applicant shall provide agricultural buffers and wetland buffers, as necessary, in accordance with the applicable regulations. The Agricultural Use Notice shall be included in covenants, conditions, and restrictions or instruments of conveyance.**
 - N. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
 - O. The Developer shall design and install a landscape buffer of berms and plantings running South to North along the entire property boundary with John J. Williams Highway (Route 24) and running East to West along the entire property boundary with the relocated Sloan Road (County Road 49). The Final Site Plan shall contain a landscape plan showing the proposed design and vegetation of all landscape buffer areas.**
 - P. The interior street design shall be in accordance with or exceed Sussex County street requirements and/or specifications. Street design shall include curbs, sidewalks, and street lighting.**
 - Q. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. and 5:00 p.m.**
 - R. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Sussex County Office of Planning and Zoning.**
 - S. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Old
Business/
CZ 1827
and
CU 2098**

Under Old Business, the Council discussed Change of Zone No. 1827 and Conditional Use No. 2098 filed on behalf of Fenwick Commons, LLC.

The Planning and Zoning Commission held a Public Hearing on these applications on October 12, 2017. On November 16, 2017, the Commission recommended approval of Change of Zone No. 1827 and Conditional Use

The County Council held a Public Hearing on these applications on November 14, 2017 at which time action was deferred for further consideration.

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (Change of Zone No. 1827) filed on behalf of Fenwick Commons, LLC.

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

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (62 DUPLEX UNITS) STRUCTURE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (Conditional Use No. 2098) (Tax I.D. No. 533-19.00-52.00) (911 Address: Not Available).

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

Mrs. Jennings presented a grant request for the Council's consideration.

A Motion was made by Mr. Wilson, seconded by Mr. Arlett to give \$150.00 from Mr. Wilson's Councilmanic Grant Account to the Greenwood Memorial VFW Post Ladies Auxiliary 7478 for convention book.

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

**Intro-
duction of
Proposed
Ordinances**

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0381 ACRES, MORE OR LESS” (Conditional Use No. 2128) filed on behalf of Larry Martin (Tax I.D. No. 532-19.00-12.21) (911 Address: 9534 Shadow Point Lane, Delmar).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS” (Conditional Use No. 2129) filed on behalf of Brian P. Lessard, Lessard Builders, Inc. (Tax I.D. No. 230-7.00-95.00, 96.00, and 97.00) (911 Address: 22754 Argos Corner Road, Lincoln).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (20 TOWNHOMES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.3817 ACRES, MORE OR LESS” (Conditional Use No. 2130) filed on behalf of The Evergreen Companies, LLC (Tax I.D. No. 134-13.00-72.00 and 72.01) (911 Address: 30733 Cedar Neck Road, Ocean View).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY (EXTENSION OF CHANGE OF ZONE NO. 1471) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.236 ACRES, MORE OR LESS” (Change of Zone No. 1850) filed on behalf of Swann Cove West, LLC.

The Proposed Ordinances will be advertised for Public Hearing.

**Stafford
Farms/
Loss Com-
pensation
and Farm
Lease**

Hans Medlarz, County Engineer, presented a Tenant Farmer Loss Compensation of Stafford Farms (Wolfe Neck Regional Wastewater Facility) and a Farm Lease Modification with Stafford Farms (Inland Bays Regional Wastewater Facility).

M 062 18

A Motion was made by Mr. Cole, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that the Sussex County Council approves to pay Stafford Farms, Inc. \$44,835.20, the difference

- M 062 18**
Approve
Farmer
Loss
Compensation and
Farm Lease
(continued)
- between Farmer Loss Compensation determinations at the Wolfe Neck Wastewater Facility and the past due balance for the Inland Bays Regional Wastewater Facility Farm Lease payment held by the same entity (Stafford Farms, Inc.) and for the approval of modifications to the Inland Bays Regional Wastewater Facility Farm Lease, as presented.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea
- M 063 18**
Go Into
Executive
Session
- At 12:28 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending litigation and land acquisition.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea
- Executive**
Session
- At 12:30 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending litigation and land acquisition. The Executive Session concluded at 1:25 p.m.
- M 064 18**
Reconvene
Regular
Session
- At 1:30 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.
- Motion Adopted:** 3 Yeas, 2 Absent.
- Vote by Roll Call:** Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Absent;
Mr. Vincent, Yea
- E/S Action**
- There was no action on Executive Session matters.
- M 065 18**
Go Into
Public
Hearings
- A Motion was made by Mr. Wilson, seconded by Mr. Burton, to go into Public Hearings.
- Motion Adopted:** 3 Yeas, 2 Absent.
- Vote by Roll Call:** Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Absent;
Mr. Vincent, Yea
- Rules**
- Mr. Moore reviewed the rules of procedure for public hearings

Mr. Arlett and Mr. Cole joined the meeting.

**Public
Hearing/
CZ 1839**

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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS: (Change of Zone No. 1839) filed on behalf of Dale Lomas/Seashore Highway Associates, LLC (Tax I.D. No. 334-4.00-37.04) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on December 21, 2017 at which time action was deferred. On January 11, 2018, the Commission recommended denial.

(See the minutes of the Planning and Zoning Commission dated December 21, 2017 and January 11, 2018.)

Janelle Cornwell, Planning and Zoning Director, presented the application and stated that, since the Commission’s Public Hearing, one letter of support has been received.

An Exhibit Book was previously provided by the Applicant.

Mark Davidson of Pennoni Associates, Inc. was present representing the Applicant, Dale Lomas. Mr. Davidson stated that the subject property has been owned by Seashore Highway Associates, LLC since 2016 and is immediately adjacent to a parcel also owned by Seashore Highway Associates, LLC and is currently zoned CR-1 Commercial Residential; that the proposed rezoning and adjacent existing CR-1 commercially zoned parcel are in the immediate vicinity of other C-1 Commercial and in the vicinity of other commercial uses; that the property abuts Penn Central Railroad to the north and US Route 9 to the south; that the existing land use on the existing commercially zoned property is Builders Supply of Delmarva and they are looking to expand their facility and need approximately 6 acres in order to stay at their current location; that this is not spot zoning; that the property is not suitable for agricultural or residential use; that water and sewer service is planned; that an onsite system or holding tank will be used for sewer until sewer service is provided; and that there would be one entrance to the combined two parcels.

Mr. Davidson commented on the application’s compliance with the Comprehensive Land Use Plan, the Zoning Ordinance, and the Strategies for State Policies and Spending Map.

Public comments were heard.

**Public
Hearing/
CZ 1839
(continued)**

There were no comments in support of the application.

Jim Griffin, owner of land across Route 9 (on the south side of Route 9) from the subject property, spoke in opposition to the application. Mr. Griffin stated that he is joined in opposition by a number of people in the area and he submitted into the record a petition containing 43 signatures in opposition to the application. Mr. Griffin stated that the only commercial use in the area on the south side of Route 9 is the Habitat ReStore; that the vast majority of the uses in the immediate area are residential; that Builder's Supply is a regional business and not a local business and, therefore, the expansion would not only serve the immediate area; that the area is not a designated growth area; that sewer would not be planned within the next five years; that approval of this rezoning would give the Applicant 8 acres of commercial land and any large commercial complex could be constructed with a more intensive use; and that traffic is already a problem along the Route 9 Corridor. Mr. Griffin commented on the application's non-compliance with the Comprehensive Land Use Plan.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 066 18
Defer
Action/
CZ 1839**

A Motion was made by Mr. Burton, seconded by Mr. Cole, to defer action on Change of Zone No. 1839 filed on behalf of Dale Lomas/Seashore Highway Associates, LLC.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1836**

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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.00 ACRES, MORE OR LESS" (Change of Zone No. 1836) filed on behalf of Softball World, LLC (Tax I.D. No. 135-15.00-82.00 (portion of) (911 Address: 22518 Lewes Georgetown Highway, Georgetown).

The Planning and Zoning Commission held a Public Hearing on this application on December 14, 2017 at which time action was deferred. On December 21, 2017, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated December 14 and 21, 2017.)

**Public
Hearing/
CZ 1836
(continued)**

Janelle Cornwell, Planning and Zoning Director, presented the application. An Exhibit Book was previously provided by the Applicant.

Mark Davidson of Pennoni Associates, Inc. was present on behalf of the application, Softball World / Sports at the Beach, with D.J. Hughes of Davis, Bowen & Friedel. They stated that this is an application for the rezoning of lands on a portion of AR-1 Agricultural Residential District with a Conditional Use for a commercial baseball/softball park with supporting recreational activity areas located on 87.52 acres, more or less; that the property is currently connected to the Town of Georgetown sanitary sewer system; that the site will connect to the Town of Georgetown for both domestic and fire suppression water; that annexation to the Town of Georgetown is not possible; that at this time, a Traffic Impact Study is warranted if the rezoning is approved; that the Applicant will update the existing signal analysis that was prepared in 2016 by DelDOT; that an 8 acre commercial portion (along the front of the property) is proposed that would complement and support existing uses; that a three-story, 90 room, hotel and restaurant are proposed; that a convenience store is also planned in the future; and that the proposed uses will be open to the public. Mr. Davidson discussed the history of the property, the restriction on a portion of the land due to the expansion of the airport runway which eliminated the planned parent dormitories, thereby resulting in the need for a hotel on the site. Mr. Davidson commented on the benefits of having a hotel and restaurant on site. Mr. Davidson reviewed other commercial uses in the area, and discussed the economic benefit of the proposal.

Mr. Davidson commented on the application's compliance with the Comprehensive Land Use Plan, the Zoning Ordinance, and the Strategies for State Policies and Spending Map.

Mr. Hughes commented on traffic matters and discussed submissions to be made to DelDOT and anticipated DelDOT requirements, improvements to be paid for by the Developer, easements, intersections, and a bike lane.

Public comments were heard.

Tommy Cooper with Cooper Realty Associates spoke in support of the application. Mr. Cooper discussed the economic impact of the project, commented that tourism is the lifeblood of Sussex County, and stated that the proceeds of the sale of the land is earmarked for improvements to the programs and additional programs onsite.

Mr. Cooper read a letter into the record from Scott Thomas, Executive Director of Southern Delaware Tourism, in support of the proposal.

Three owners of properties on Park Avenue spoke in opposition to the application. They commented on the impact of commercial growth and traffic and accidents; stated that the area is primarily agricultural and

**Public
Hearing/
CZ 1836
(continued)**

residential; stated that the proposed use would not be beneficial to the area and is not compatible with the area; and stated that a four-story building should not be located on an airport runway approach.

There were no additional public comments.

The Public Hearing and public record were closed.

Mr. Cole suggested that action be deferred for the purpose of obtaining information from the County's Airport Manager regarding the proposed hotel in the flight path of the Airport.

**M 067 18
Defer
Action/
CZ 1836**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to defer action on Change of Zone No. 1836 filed on behalf of Softball World, LLC for the purpose of requesting a report from the County's Airport Director.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1837**

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 AND A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 16.211147 ACRES, MORE OR LESS" (Change of Zone No. 1837) filed on behalf of ABC Woodlands, LLC (Tax I.D. No. 234-23.00-273.01, 234-23.00-273.02, and 234-23.00-273.03) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on December 14, 2017 at which time action was deferred. On December 21, 2017 the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated December 14 and 21, 2017.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

An Exhibit Book was previously provided by the Applicant.

Mark Davidson of Pennoni Associates, Inc. was present on behalf of the application, with the Applicant, Charles Eggleston. Mr. Davidson stated that the proposed rezoning to CR-1 is adjacent to existing C-1 Commercial parcels; that other Commercial and B-1 Neighborhood Business parcels are in the area; and that a Traffic Impact Study (TIS) was not required as a

**Public
Hearing/
CZ 1837
(continued)**

part of this rezoning application but when a development plan is considered for the property, a TIS may be required; that County sewer is available; that the area is highly commercial; and that the proposed rezoning is consistent with surrounding zonings and uses.

Mr. Davidson commented on the application's compliance with the Comprehensive Land Use Plan, the Zoning Ordinance, and the Strategies for State Policies and Spending Map.

There were no public comments.

The Public Hearing and public record were closed.

**M 068 18
Adopt
Ordinance
No. 2543/
CZ 1837**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2543 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 16.211147 ACRES, MORE OR LESS" (Change of Zone No. 1837) filed on behalf of ABC Woodlands, LLC.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 069 18
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to adjourn at 3:30 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

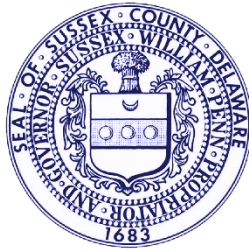
Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 18, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
FAIRWAY VILLAGE - PHASE 6
AGREEMENT NO. 844 - 7

DEVELOPER:

Mr. Louis Capano, III
Fairway Cap, LLC
105 Foulk Road
Wilmington, DE 19803

LOCATION:

Town of Ocean View, County Road 84 and
County Road 368.

SANITARY SEWER DISTRICT:

Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

74 Townhouses

SYSTEM CONNECTION CHARGES:

\$427,350.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
11/30/06

Department of Natural Resources Plan Approval
12/15/06

SANITARY SEWER CONSTRUCTION DATA:

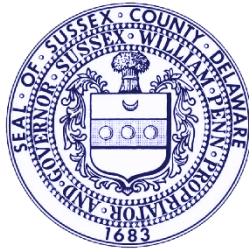
Construction Days – 90
Construction Admin and Construction Inspection Cost – \$18,129.90
Proposed Construction Cost – \$120,866.00



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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 18, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BELLE TERRE - PHASE 1A
AGREEMENT NO. 1053 - 2

DEVELOPER:

Mike Irons
K. Hovanian's Four Seasons at Belle Terre, LLC
2499 South Dupont Blvd.
Suite G
Smyrna, DE 19977

LOCATION:

SW/Mulberry Knoll Road (Road 284), Approx.
1771', NW/John J. Williams Highway (Route 24).

SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

TYPE AND SIZE DEVELOPMENT:

30 Single Family Homes

SYSTEM CONNECTION CHARGES:

\$173,250.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
06/27/17

Department of Natural Resources Plan Approval
08/01/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 24
Construction Admin and Construction Inspection Cost – \$32,271.00
Proposed Construction Cost – \$215,140.00



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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

FROM: Hans Medlarz, P.E., County Engineer
Gina A. Jennings, MPA, MBA, Finance Director

DATE: January 30, 2018

RE: **HERRING CREEK AREA EXPANSION OF THE UNIFIED SANITARY SEWER DISTRICT, APPROVAL OF USDA FUNDING OFFER, PHASE 1**

On July 9, 2016, the voters of the proposed Herring Creek Sewer Area approved the sewer district expansion. On August 2, 2016, County Council issued a determination and officially created the Herring Creek Area expansion of the Unified Sewer District.

On November 1, 2016, County Council approved WRA Associates, Inc.'s professional services Amendment No. 8 for Aerial Mapping & Environmental Assessment in the Herring Creek expansion area. During the same business meeting, County Council further directed the County Engineer to procure the necessary lands and rights-of-way, as well as prepare plans and specifications for the project. Since then, the Engineering Department identified several key easement acquisitions, approached owners, ordered appraisals and secured a number of key easements but not all.

On March 20, 2017, the Finance Department filed an overall funding application for approximately \$20,500,000 with USDA/Rural Development, Rural Utility Service. Due to the size of the project, USDA approached the County with a phasing plan. Phase 1 would encompass the local transmission systems, i.e. pump stations and pressure mains in conjunction with the necessary the right-of-way acquisitions. On June 21, 2017, the County accepted the letter conditions and the obligating document associated with the Phase 1 in the amount of \$4,287,000 of loan and \$990,000 of grant funding.

The Finance and Engineering Departments recommend Council's approval of the USDA Loan Resolution and introduction of the associated ordinance authorizing the issuance of up to \$4,287,000 of general obligation bonds of Sussex County in connection with the construction and equipping of Phase 1 of the Herring Creek Area Expansion of the Unified Sanitary Sewer District.



LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE County CouncilOF THE Sussex County Council

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Sewer services

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Sussex County Council

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Four Million Two Hundred Eighty-Seven Thousand & 00/100pursuant to the provisions of Delaware; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 990,000.00

under the terms offered by the Government; that the Finance Director

and _____ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the County Council _____ of the

Sussex County Council _____ has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____, _____ day of _____

(SEAL)

Attest:

By

Gina Jennings

Title

Finance Director

Title _____

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,287,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of an extension of sanitary sewer services to Herring Creek (the "Project");

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$4,287,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any,

on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Herring Creek extension.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding 40 years from the date of issue of the Bonds, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the United States of America, Rural Utilities Service (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

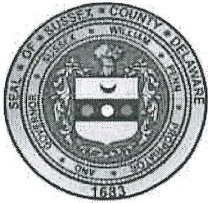
Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

SYNOPSIS: This Ordinance provides for the issuance of up to \$4,287,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of an extension of sanitary sewer services to Herring Creek (the "Project").

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ____ DAY OF _____, 2018.

Robin A. Griffith
Clerk of the Sussex County Council

(Herring Creek Ordinance)



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Dunbar El. Wellness Committee
PROJECT NAME: Do Dunbar Dash 5k and Wellness Walk
FEDERAL TAX ID: 51-6000-279 NON-PROFIT: ☒ YES ☐ NO

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

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

Dunbar Elementary... providing wellness awareness for our children one step at a time.

ADDRESS:

499 W. 6th Street

Laurel, DE 19956
(CITY) (STATE) (ZIP)

CONTACT PERSON:

Donna Sava

TITLE:

Committee 5k Chair

PHONE:

302/875-6140

EMAIL: donna.sava@laurel.k12.de.us

TOTAL FUNDING REQUEST: \$ 500⁰⁰

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

2017 Sponsorship 500⁰⁰

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

☐ YES ☐ NO

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? N/A

Are you seeking other sources of funding other than Sussex County Council?

☒ YES ☐ NO

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

~ 50%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

- ☐ Health and Human Services
☒ Other health & wellness

- ☐ Cultural
☒ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
☐ Elderly Persons
☐ Minority

- ☐ Victims of Domestic Violence
☐ Low to Moderate Income²
☒ Other Community members, surrounding comm. members

- ☐ Homeless
☐ Youth

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

The 5th Annual Dunbar 5k is sponsored by the Dunbar Wellness Committee. The committee goal is to reach our youth and their families on the importance of healthy eating, fitness, and leading a healthy lifestyle. The 5k is a family friendly event for members of our committee and surrounding communities. The event shares the importance of healthy living and exercise.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	1000 ⁰⁰
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
operating costs	2,700
equip., food, shirts	
leasing of Races 2 Run	
TOTAL EXPENDITURES	2,700 \$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	- 1700 \$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Dunbar Wellness Comm agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

W. Sauer
Applicant/Authorized Official

1/23/18
Date

[Signature]
Witness

1-23-18
Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

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

88

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

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

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

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

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

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

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

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

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

Don Sauer
Applicant/Authorized Official

[Signature]
Witness

Committee 5k Chair
Title

1-23-18
Date

Arlett
1/23/18

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



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

Sussex County Planning & Zoning Commission

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

Application: CZ 1840 Preston & Brenda Brasure DH

Applicant/Owner: Preston & Brenda Brasure
12896 Deer Forest Rd.
Bridgeville, DE 19933

Site Location: 32026 & 32014 Roxana Rd.
West side of Roxana Rd., approximately 709 feet south of Atlantic Ave.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

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

Councilmatic
District: Mr. Burton

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Private on-site septic

Water: Private on-site well

Site Area: 2.72 ac. +/-

Tax Map ID.: 134-11.00-200.00 and 200.01



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

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 24, 2018

RE: County Council Report for CZ 1840 Preston & Brenda Brasure

The Planning and Zoning Department received an application (CZ 1840 Preston & Brenda Brasure) to allow for a change in zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) to be located at 32026 & 32014 Roxana Rd. The Planning and Zoning Commission held a public hearing on December 21, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit booklet, survey, comments from the Sussex Conservation District, Sussex County Engineering Department Utility Planning Division, the results of the DelDOT Service Level Evaluation, and one letter of support and one letter of opposition.

The Commission found that Shannon Carmean Burton, Attorney with Sergovic, Carmean, Weidman, McCartney and Owens, Steven Hutchins, with Axiom Engineering, LLC, and Preston and Brenda Brasure were present on behalf of the application; that Mrs. Carmean Burton asked Mr. Brasure questions; that he stated that the property has been owned by the family since 1946; that he was raised on the property; that his father built the house that he was raised in; that the area was farms in the area and quiet; that there were chickens on the property at one time; that a family member owned land that is now Millville by the Sea; that they moved in 2005 as traffic got bad and to live in a rural area like where he grew up; that they tried to rent the property as a residential use and it was hectic; that he has no intent to develop the property at this time; that he filled this application because he is in poor health and it could help the family; that it was zoned commercial he would know what is going to go in there and whether he would want to sell the property to them or not; that there are commercial uses in the area; that the proposed commercial zoning is therefore is consistent with the character of surrounding areas and uses; that Mr. Hutchins stated that the application is to rezone two parcels of land totaling 2.72 acres from AR-1 to CR-1; that an aerial shows the parcels are trending toward commercial uses for some time; that Mr. Brasure has lived on the property for most of the last 70 years and has witnessed this trend; that he went over aerial photos from 1937-1968 showing agricultural area with limited residential uses; that the 1992 aerial shows the commercial trend that had begun including the grocery store, boat storage, etc.; that by 1997 the chicken houses were removed from one of the parcels in questions and additional commercial uses grew in the area; that the 2002 aerial there was additional growth to the Hocker



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

site; that the 2012 aerial shows additional commercial uses in the area; that the zoning map shows C-1 and CR-1 zoning in the area; that there have been three CR-1 rezoning in the area since 2006 one of which is adjacent to one of these parcels; that the land use is Highway Commercial Area and is in Level 2 of the State Strategies; that there is commercial zoning across the street; that the properties are in a sewer planning area where Sussex County plans to construct sanitary sewer; that the closest sewer is located at the intersection of Route 26 and Route 17; that a TIS was not required at part of this rezoning but may be required as part of the site plan; that Mrs. Carmean Burton stated that there are many commercial uses in the area; that the parcel to the south is zoned AR-1; however, it is owned by 84 Lumber; that the applicants have been unsuccessful using this site as residential use; that the proposed rezoning is in keeping with the character of the area; that the best use of the property would be for commercial uses; that the property is located in the Highway Commercial Area and Environmentally Sensitive Developing Area land use; that the land use classification changed from the 2003 plan to the 2008 plan; that the proposed zoning is compatible with the area; that the comp plan states commercial uses be allowed and is compatible with the comprehensive plan; that the purpose of the CR-1 zoning district is to provide sufficient space in appropriate locations a wide variety of commercial and miscellaneous service activities generally serving a wide area located particularly along thoroughfares serving a mixture of service and commercial uses exist; that there is no adverse or detrimental impact on neighboring uses in the areas; that water and sewer will be provided in the future; that there are commercial uses in the area on well and septic; and that the change of zone is consistent with the surrounding uses, zonings and comprehensive plan; that Ms. Stevenson asked about the density of the zoning district and Mr. Robertson indicated that residential requires a Conditional Use and an applicant could ask for up to 12 units per acre.

The Commission found that Kelly Jensen spoke in favor to the application; that her parents ran into difficulty taking care of the site; that Bob's Marina, Hockers grocery complex and 84 Lumber are in the area; that it is a question of when it will be rezoned commercial not if it will be rezoned; that this will not change the character of the community; that the area is commercial; and that she wished it could have stayed the agricultural area same but the area has changed.

The Commission found that Brenda Bove spoke in opposition to the application; that property is a small property; that one site has a failing septic system; that until it has access to County sewer it should not be rezoned; and that there are tax ditches in the area.

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

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

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

Mr. Hudson moved that the Commission recommend approval of Change in Zone # 1840 for Preston and Brenda Brasure, for a change in zone from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

1. This property is adjacent to property that is currently zoned commercial. It is also near an intersection that is completely zoned commercially. There are intensive commercial uses at the intersection, including a large supermarket, 84 Lumber, Bob's Marine, and other similar types of commercial uses.

2. The property is no longer appropriate for residential use. The applicant testified that the existing commercial uses are not compatible with the continued residential use of the property.
3. There was evidence in the record that the entire area is trending towards commercial zoning, with multiple commercial rezonings approved over the past several years.
4. According to the Sussex County Comprehensive Plan, the site is in the Highway Commercial Area and the Environmentally Sensitive Development Area. CR-1 zoning is appropriate in these areas.
5. The rezoning will not adversely affect neighboring properties or roadways.
6. Any development of the property will require site plan review by the Planning and Zoning Commission, as well as entrance approval from DelDOT.
7. The rezoning complies with the purpose of the CR-1 District as set forth in the Sussex County Zoning Code.

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

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 13, 2017
RE: Staff Analysis for CZ 1840 Preston & Brenda Brasure

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1840 Preston & Brenda Brasure to be reviewed during the December 21, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 134-11.00-200.00 and 200.01 to allow for a Change of Zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The size of the properties is 2.72 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Highway Commercial Areas & Environmentally Sensitive Developing Areas.

The surrounding land use to the north, south, east and west are Low Density Areas. The Highway Commercial Areas land use designation recognizes that the area includes highway commercial corridors, shopping centers and other large commercial vicinities geared toward vehicular traffic and other commercial uses not primarily targeted towards residents of the immediate adjacent residential areas. The Environmentally Sensitive Developing Areas land use designation recognized that that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home. CR-1 (Commercial Residential District) is a zoning district that can be considered in the Highway Commercial Areas & Environmentally Sensitive Developing Areas land use classifications.

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

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) would be considered consistent with the land use surrounding zoning and uses.





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

■ County Boundaries

Schools/Libraries

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

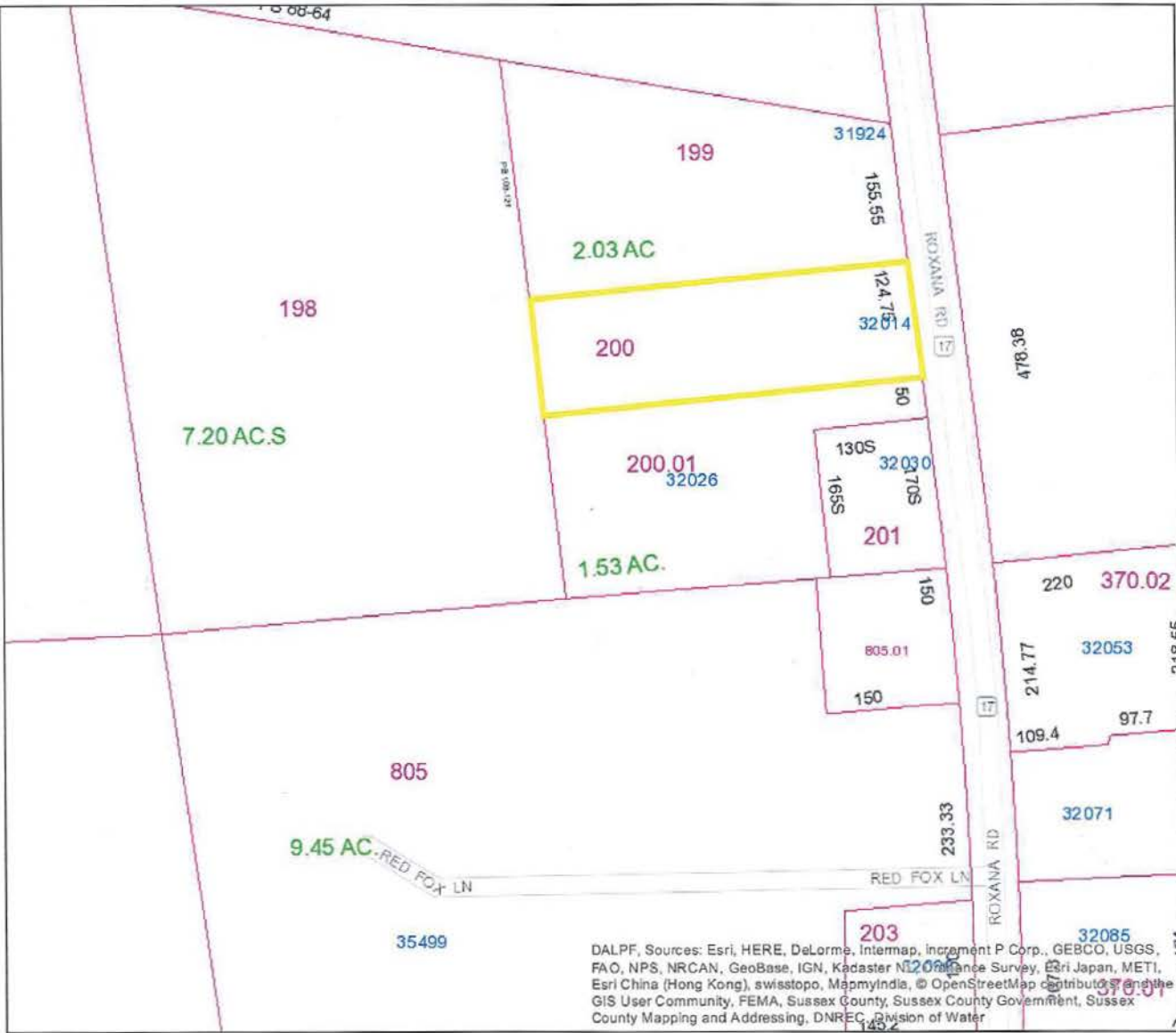
■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County



Sussex County Map

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

0 75 150 300 450 600 Feet



Addresses / Parcels

■ Tax Parcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County

Sussex County Map

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

0 75 150 300 450 600 Feet



Addresses / Parcels

■ Tax Parcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

■ County Boundaries

Schools/Libraries

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

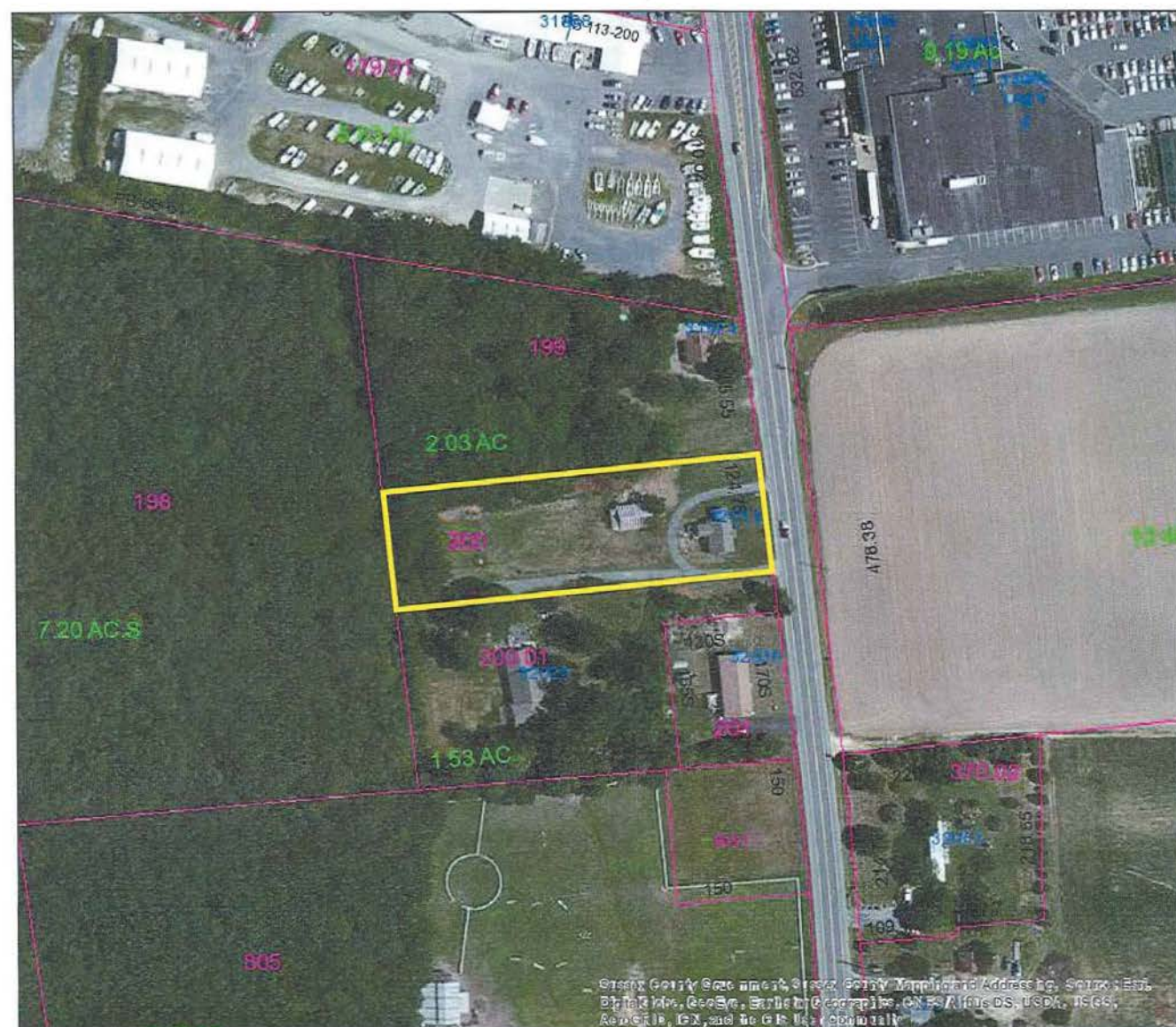
■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County



Sussex County Map

0 75 150 300 450 600 Feet

Introduced 08/22/17

**Council District No. 4 - Cole
Tax I.D. No. 134-11.00-200.00 and 134-11.00-200.01
911 Address: 32026 and 32014 Roxana Road, Ocean View**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.72 ACRES, MORE OR LESS

WHEREAS, on the 29th day of June 2017, a zoning application, denominated Change of Zone No. 1840, was filed on behalf of Preston and Brenda Brasure; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1840 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Roxana Road, approximately 709 feet south of Atlantic Avenue, and being more particularly described per the attached deed prepared by Tunnell & Raysor, said parcel containing 2.72 acres, more or less.

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

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



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

Sussex County Planning & Zoning Commission

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

Application: CZ 1841 Lemuel H. Hickman DH

Applicant/Owner: Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut
36219 Old Church Cemetery Rd.
Frankford, DE 19945

Site Location: Northeast corner of Bayard Rd. and Double Bridges Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: B-1 (Neighborhood Business District)

Comprehensive Land
Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic
District: Mr. Arlett

School District: Indian River School District

Fire District: Millville Fire District & Roxana Fire District

Sewer: Sussex County

Water: Private on-site well

Site Area: 5.29 ac. +/-

Tax Map ID.: 134-19.00-22.00 (portion of)



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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 24, 2018

RE: County Council Report for CZ 1841 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

The Planning and Zoning Department received an application (CZ 1841 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut) to allow for a change in zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District) to be located on the northeast corner of Bayard Rd. and Double Bridges Rd. The Planning and Zoning Commission held a public hearing on December 21, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit booklet, survey, and comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division.

The Commission found that Dennis Schrader, Attorney with Morris James Wilson Halbrook & Bayard, LLP and Brenton Archut were present on behalf of the application; that Mr. Schrader stated that the only a portion of the parcel (5.11ac. +/-) is requesting a change of zone; that the parcel is currently zoned AR-1 (Agricultural Residential District); that the parcel is currently being used for agricultural purposes; that the proposed classification is for B-1 (Neighborhood Business District); that they would like to do small retail and garden center; that the Land Use classification per the Comprehensive Plan is Environmentally Sensitive Developing Area; that the parcel is in the Level 2 and 3 with the State Strategy Level; that sewer will soon be available to the parcel through an adjacent subdivision; that the DelDOT Service Level indicated that there will be less than 50 vehicle trips per hour or 500 vehicle trips per day; that a TIS was not required; that there are maps of existing land use, future land use and state strategies in the exhibit book; that proposed findings of fact are included in the exhibit booklet; that Mr. Archut stated that the property has owned been by his family since the late 1930's/early 1940's; that the parcel is approximately 25 ac. in size on both sides of the road; that that area requested to be rezoned is the front half of the portion of the parcel on the north side of the road; that the site is completely surrounded by a subdivision; that there are around 80 homes in that development; that The Estuary subdivision with approximately 800 homes is under construction down the road; that a small subdivision is across the road and several other major subdivisions in the area; that the closest dwelling would be across the street and the several to the rear of the property line; that the proposed entrance will be across from the subdivision across



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

the road; that it was a formerly poultry farm and the chicken houses were removed in the 90's and has been farmed since then; that there is a wooded/wetland area on the adjacent subdivision; that the proposed business is for landscape and garden center, and potentially a small convenience store similar that was in the area in the past; that they do not propose any fuel; that this will be a place where the new 800 homes can come and get something to eat and keep them off the main road; that the closest area to purchase something is along Rt. 54 or in Ocean View; there are no real convenience business in the area; that they are proposing 5 buildings for a total of 7,000 square feet is retail with 3,500 SF to 4,000 SF of greenhouse and landscape use; that there will be adequate space for parking; that there will be a significant space for stormwater management area on the site; that there are no known wetlands on the site; that the two parallel private farm ditches on the property along with another ditch that is a tax ditch with a 25 foot right-of-way; that the road classification is a major collector; that they expect to do road improvements and willing to do them to make the area safer; that they expect to have to make a right-of-way dedication to State of Delaware; that there is water on the property and they have talked to the Sussex County Engineering Department about sewer through the subdivision in the rear; that the proposed rezoning is consistent with the development in the area; that this type of neighborhood business is consistent with the type of growth that has occurred in the area; that the types of uses are needed based on the 800 homes in the area; that the proposed development did not require PLUS review; that the concept plan and if the rezoning is approved they will be back with a preliminary site plan providing more detail; and that Mr. Robertson reminded the Commission that the zoning is what the Commission is to consider.

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

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

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

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

Mr. Hudson moved that the Commission recommend approval of Change in Zone # 1841 for Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut, for a change in zone from AR-1 to B-1 based upon the record made during the public hearing and for the following reasons:

1. The property is located at the intersection of Bayard Road and Double Bridges Road. The property is also in an area with a substantial amount of existing and approved residential lots and dwellings. This is an appropriate location for B-1 zoning, which is intended to provide neighborhood business and small scale commercial and retail activities.
2. The location will lessen congestion on area roads and streets by providing small neighborhood businesses serving residents and visitors in the nearby area without having to travel to Route 26, or other beach areas.
3. The property will be served by central water and sewer.
4. According to the Sussex County Comprehensive Plan, the site is in the Environmentally Sensitive Development Area. B-1 zoning is appropriate in this area.
5. The rezoning will not adversely affect neighboring properties or roadways.
6. Any development of the property will require site plan review by the Planning and Zoning Commission, as well as entrance approval from the Department of Transportation.

7. This recommendation for approval of B-1 Neighborhood Business and the limited uses permitted in that District should not be viewed as a precedent for additional, more intensive commercial rezonings in the area. This zoning to B-1, at this location at this intersection, is appropriate to serve the residents and visitors of the area.
8. No parties appeared in opposition to the rezoning application.
9. The rezoning complies with the purpose of the B-1 District as set forth in the Sussex County Zoning Code.

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

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 13, 2017
RE: Staff Analysis for CZ 1841 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1841 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut to be reviewed during the December 21, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for a portion of parcel 134-19.00-22.00 to allow for a Change of Zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District). The size of the portion of the property to be rezoned is 5.29 ac. +/-.

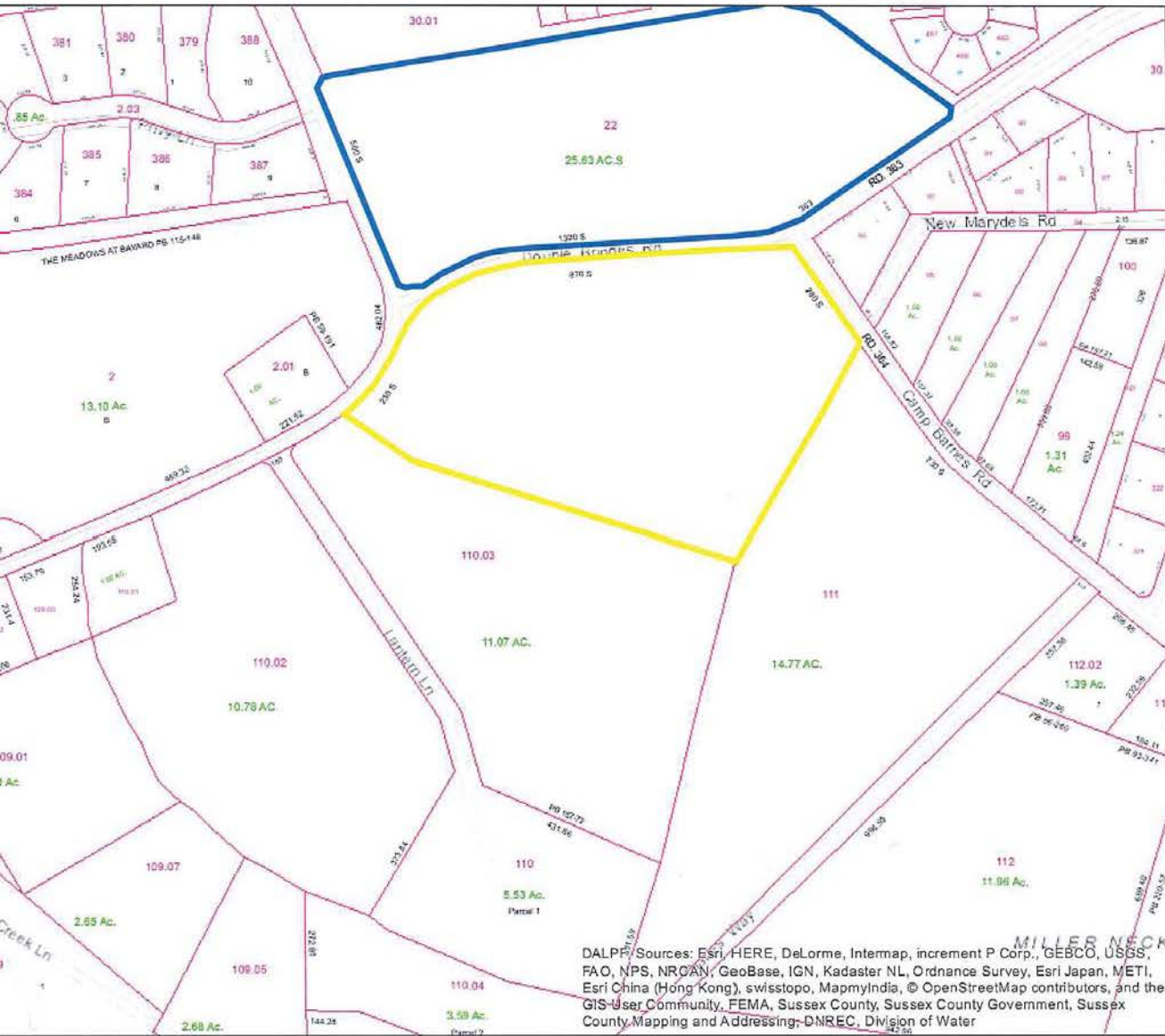
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Environmentally Sensitive Developing Areas.

The surrounding land use to the north, south and east are Environmentally Sensitive Developing Areas. The surrounding land use to the west are Environmentally Sensitive Developing Areas and Low Density Areas. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home. B-1 (Neighborhood Business District) is a zoning district that can be considered in the Environmentally Sensitive Developing Areas land use classification.

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

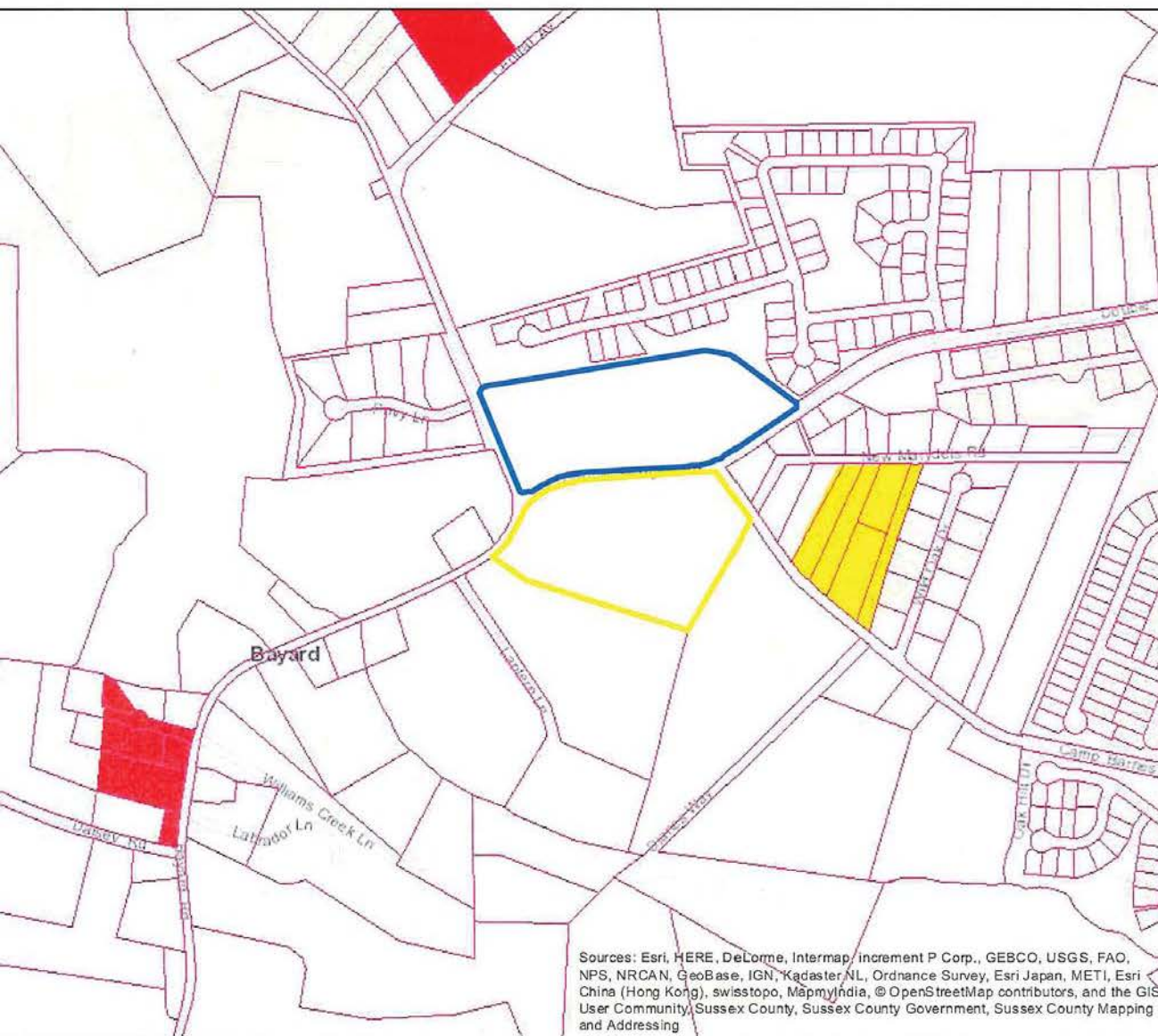
Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District) could be considered consistent with the land use; however, it may not be considered consistent with the surrounding zoning and uses.





Sussex County Map

0 155 310 620 930 1,240 Feet



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

Addresses / Parcels

- TaxParcels

Council Districts

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

- County Boundaries

Schools/Libraries

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

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

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

- Public Protected Lands

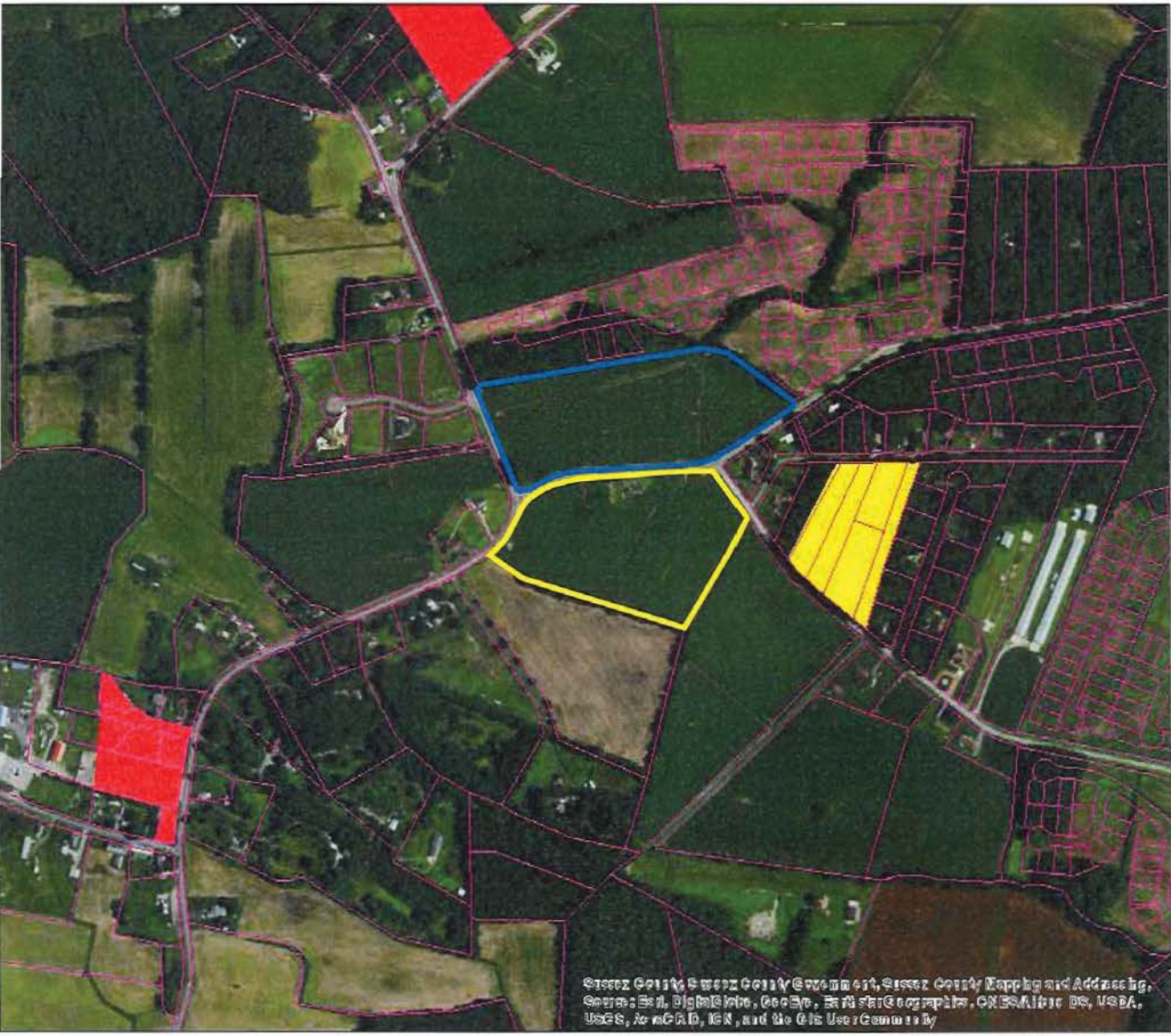
- Municipalities

- Communities

- Boundaries State County

Sussex County Map

0 312.5 625 1,250 1,875 2,500 Feet



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

Addresses / Parcels

- TaxParcels

Council Districts

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

Schools/Libraries

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

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

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

Public Protected Lands

- Municipalities
- Communities
- Boundaries State County

Sussex County Map



Introduced 08/22/17

**Council District No. 5 - Arlett
Tax I.D. No. 134-19.00-22.00 (portion of)
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.29 ACRES, MORE OR LESS

WHEREAS, on the 11th day of July 2017, a zoning application, denominated Change of Zone No. 1841, was filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1841 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying at the northeast corner of Bayard Road and Double Bridges Road, and being more particularly described per the attached description prepared by Land Design, Inc., said parcel containing 5.29 acres, more or less.

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

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



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

Sussex County Planning & Zoning Commission

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

Application: CZ 1842 Carmelita L. Pavlosky RW

Applicant/Owner: Carmelita L. Pavlosky
37236 Wooded Way
Frankford, DE 19945

Site Location: 36169 Zion Church Rd.
North side of Zion Church Rd., approximately 1,115 feet northwest of
Bayard Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: B-1 (Neighborhood Business District)

Comprehensive Land
Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic
District: Mr. Arlett

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Sussex County

Water: Private on-site well

Site Area: 2.4968 ac. +/-

Tax Map ID.: 533-11.00-82.03



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

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 24, 2018

RE: County Council Report for CZ 1842 Carmelita L. Pavlosky and Karl Meek

The Planning and Zoning Department received an application (CZ 1842 Carmelita L. Pavlosky and Karl Meek) to allow for a change in zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District) to be located at 36169 Zion Church Rd. The Planning and Zoning Commission held a public hearing on December 21, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted in to record were a staff analysis, survey, comments from the Sussex Conservation District, DelDOT and Sussex County Engineering Department Utility Planning Division.

The Commission found that Carmen Pavlosky and Karl Meek were present on behalf of the application; that Ms. Pavlosky stated that the previous owner originally had a Conditional Use for a garden center and then he changed it to a BBQ stand; that they decided not to pursue the BBQ stand; that they have been approached by several business wanting to use it as a lawn care facility/garden center or using it as a dance center; that there are two buildings on the property; that she is thinking using the smaller building as refurbishing of furniture and the other building as the garden center; that that B-1 (Neighborhood Business District) gives them opportunity for multiple uses to benefit the community such as a bakery; that there are other commercial uses and buildings in the area; that Mr. Meeks stated that they are planning on improving the building; that they no longer have time to run the BBQ business; that there is a proposed medical center proposed further along Zion Church Rd.; that the zoning would be consistent with the area and zoning surrounding them; that the types of businesses they have been approached by are beneficial to the area; that they submitted photos for the record; that they have owned the property since April 2015; that they are not currently operating a business on site; and that the only house in the area is Ms. Pavlosky's insurance agent and was not opposed to the application.

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

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



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

Motion by Mr. Wheatley, seconded by Mr. Hopkins, and carried unanimously to defer action.
Motion carried 4-0. Mr. Ross was absent.

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

Mr. Wheatley moved that the Commission recommend approval of CZ# 142 for Carmelita Pavlosky and Karl, for a change in zone from AR-1 and B-1 based upon the record made during the public hearing and for the following reasons:

1. The property has historically been used for commercial purposes, including two prior conditional uses. Prior uses include a lawn care service and BBQ stand. With this historical use of the property, this is an appropriate location for B-1 zoning, which is intended to provide for neighborhood businesses and small scale commercial and retail activities.
2. This use will allow the property owners to redevelop and clean up the property with appropriate small-scale uses that are permitted under the B-1 zone.
3. The property will be served by Sussex County sewer.
4. According to the Sussex County Comprehensive Plan, the site is in the Environmentally Sensitive Developing Area. B-1 zoning is appropriate in this area.
5. The rezoning will not adversely affect neighboring properties or roadways.
6. Any development of the property will require site plan review by the Planning and Zoning Commission, as well as entrance approval from the Department of Transportation.
7. No parties appeared in opposition to the rezoning application.
8. The rezoning complies with the purpose of B-1 District as set forth in the Sussex County Zoning Code.

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

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



Sussex County
DELAWARE
sussexcountysde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 13, 2017
RE: Staff Analysis for CZ 1842 Carmelita L. Pavlosky

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1842 Carmelita L. Pavlosky to be reviewed during the December 21, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 533-11.00-82.03 to allow for a Change of Zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District). The size of the property is 2.4968 ac. +/-.

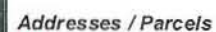
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Environmentally Sensitive Developing Areas.

The surrounding land use to the north, east and west are Environmentally Sensitive Developing Areas. The surrounding land use to the south are Environmentally Sensitive Developing Areas and Mixed Residential Areas. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home. B-1 (Neighborhood Business District) is a zoning district that can be considered in the Environmentally Sensitive Developing Areas land use classification.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the south are zoned GR (General Residential District) and B-1 (Neighborhood Business District). The parcel has had two Conditional Uses on the property (CU 1795 and 1914). There are no known other Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District) would be considered consistent with the land use, surrounding zoning and uses.





-  TaxParcels

Council Districts

- ☐ Fire Districts

- County District 01
■ County District 02
■ County District 03
■ County District 04
■ County District 05
■ County Boundaries

Schools/Libraries

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

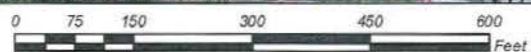
Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

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

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





Addresses / Parcels

Tax Parcels

Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

Schools/Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE VoTech School Districts

Hydrology

Streams / Rivers

Lakes, Ponds, Bays

Flood Zones

0.2% Annual Chance Flood Hazard

A

AE

AO

Open Water

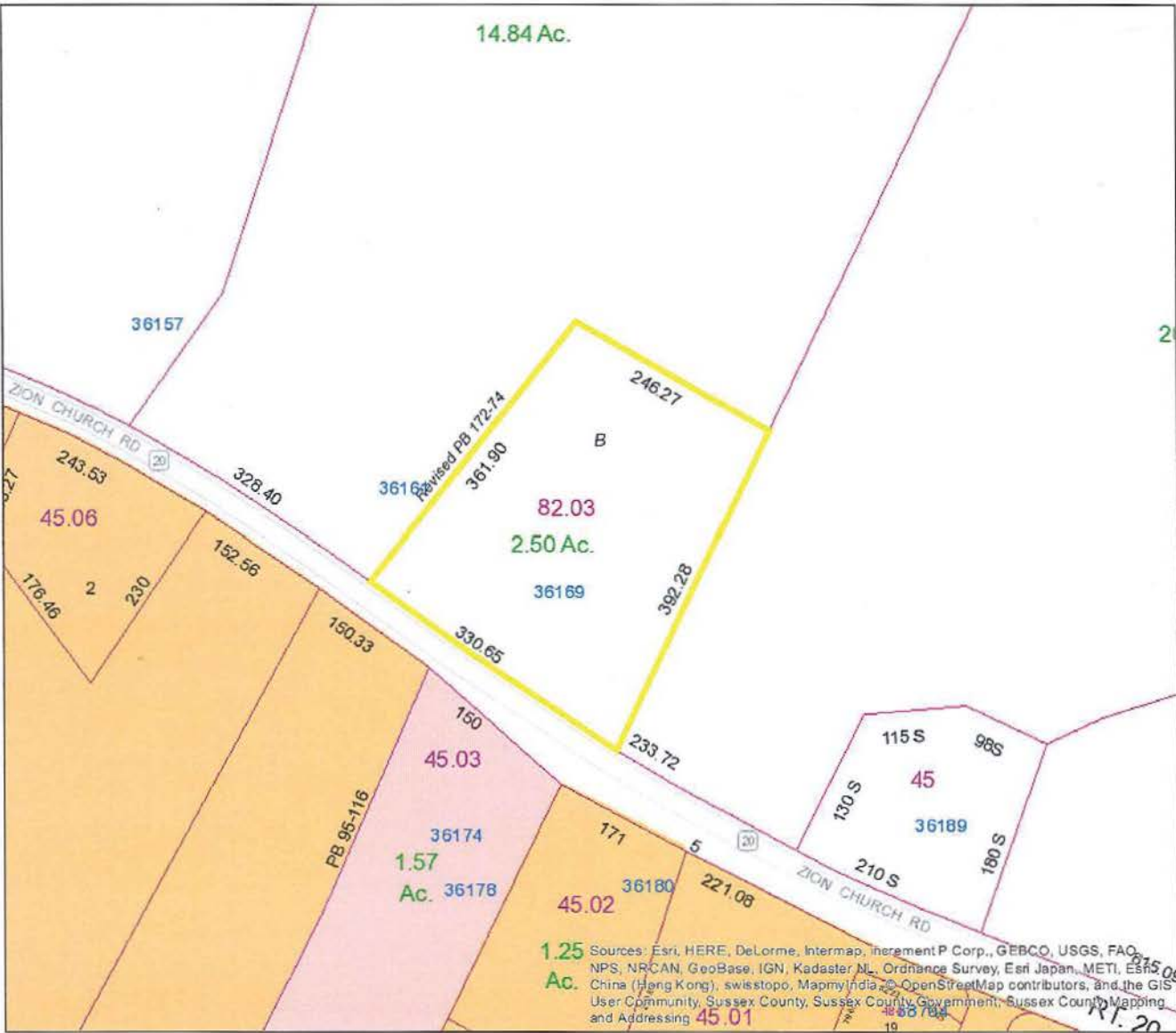
VE

Public Protected Lands

Municipalities

Communities

Boundaries State County



Sussex County Map





Addresses / Parcels

■ Tax Parcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

■ School Buildings (Various)

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

■ DOE VoTech School Districts

■ DOE VoTech School Districts

Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

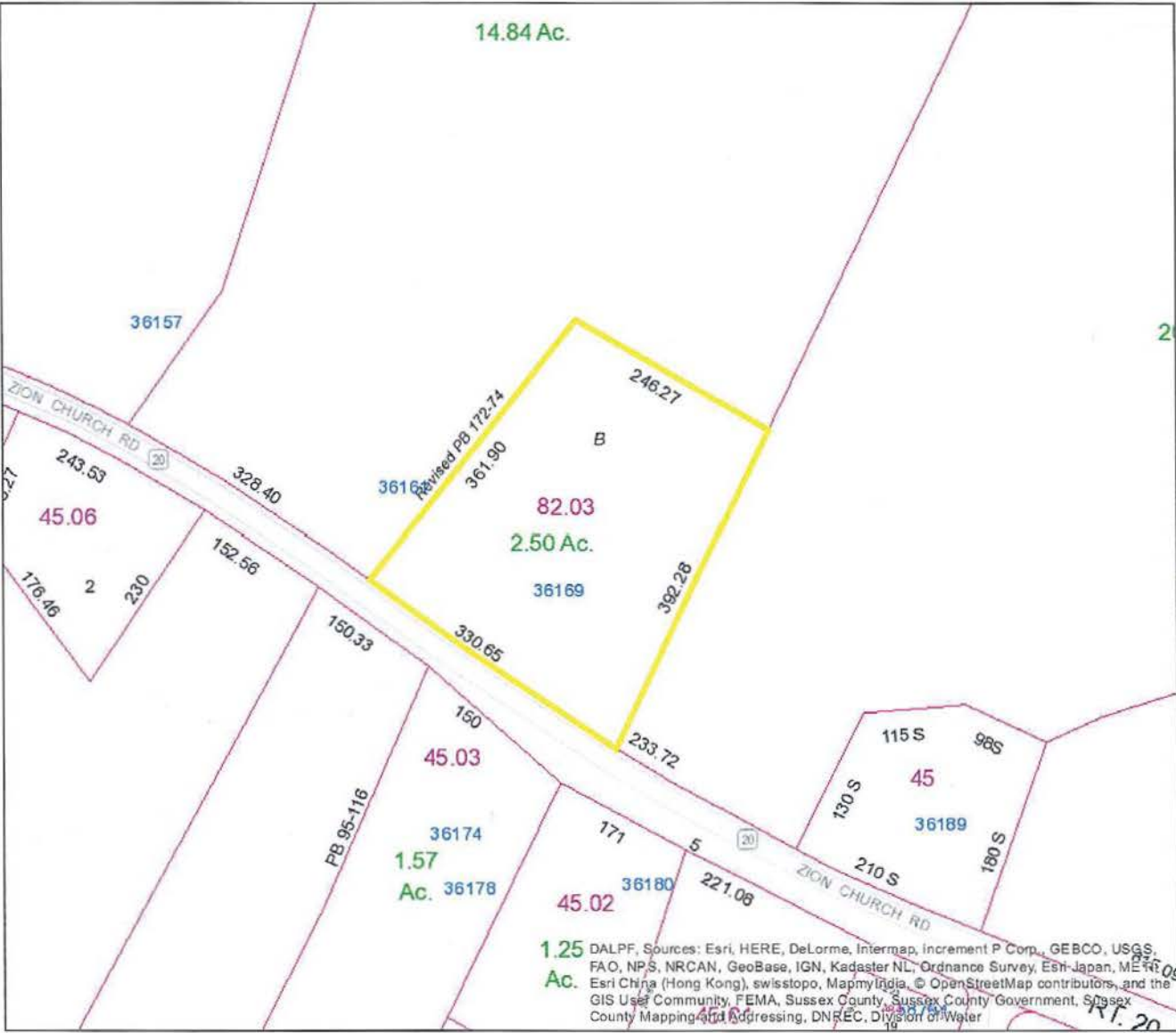
■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County



Introduced 08/22/17

**Council District No. 5 – Arlett
Tax I.D. No. 533-11.00-82.03
911 Address: 36169 Zion Church Road, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.4968 ACRES, MORE OR LESS

WHEREAS, on the 28th day of July 2017, a zoning application, denominated Change of Zone No. 1842, was filed on behalf of Carmelita L. Pavlosky and Karl Meek; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1842 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of B-1 Neighborhood Business 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 north side of Zion Church Road, approximately 1,115 feet northwest of Bayard Road, and being more particularly described per the attached deed prepared by Tomasetti Law, LLC, said parcel containing 2.4968 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.