



Sussex County Council Public/Media Packet

**MEETING:
February 1, 2022**

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**Sussex County Council
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Georgetown, DE 19947
(302) 855-7743**

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
DOUGLAS B. HUDSON, VICE PRESIDENT
CYNTHIA C. GREEN
JOHN L. RIELEY
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

February 1, 2022

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes – January 25, 2022

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Caroling on The Circle Food Drive Recognition
2. Administrator's Report

10:15 a.m. Public Hearing

1. Community Development Block Grant (CDBG) Program

Robert Bryant, Airport Manager

1. Airport Advisory Committee Member Appointments Discussion and Recommendation

Gina Jennings, Finance Director

1. Pension Committee Appointment Discussion and Recommendation



J. Everett Moore, Jr., County Attorney

- 1. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO REPEAL ORDINANCE NO. 2227, AS AMENDED BY ORDINANCE NO. 2243, AND CHAPTER 11, §§ 11-1 THROUGH 11-5 OF THE SUSSEX COUNTY CODE, RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING NEW COUNCILMANIC ELECTION DISTRICTS.”**

Old Business

Change of Zone No. 1948 filed on behalf of The Grande at Canal Point Maintenance Corporation

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL NUMBER 15 OF C/Z 1538 (ORDINANCE NO. 1700) AND C/Z 1926 (ORDINANCE NO. 2786) IN RELATION TO PIERS, DOCKS, BOAT RAMPS AND OTHER WATER RELATED RECREATIONAL FACILITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 180.60 ACRES, MORE OR LESS.” (property lying on the east side of Hebron Road, approximately 0.19 mile south of the intersection of Hebron Road and Holland Glade Road [S.C.R. 271]) (911 Address: N/A) (Tax Parcel: 334-13.00-334.00, 1448.00-1750.00)

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

Conditional Use No. 2279 filed on behalf of Ron Sutton

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (11 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALITMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.035 ACRES, MORE OR LESS.” (property lying on the east side of Kent Avenue [S.C.R 361], approximately 0.66 mile south of Garfield Parkway [Rt. 26]) (911 Address: 33309 Kent Avenue, Bethany Beach) (Tax Parcel: 134-17.11-6.00)

Conditional Use No. 2282 filed on behalf of Lawrence Davies

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALITMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.35 ACRES MORE, OR LESS.” (property lying on the southeast corner of the intersection of Cedar Neck Road [S.C.R. 359]) (911 Address: 38450 Hickman Road, Ocean View) (Tax Parcel: 134-9.00-27.00)

Change of Zone No. 1940 filed on behalf of Community Bank of Delaware c/o Stephen W. Spence

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.76 ACRES, MORE OR LESS.” (property lying on the southwest corner of the intersection of Indian Mission Road [Rt. 5] and John J. Williams Highway [Rt. 24]) (911 Address: 31816 & 24882 Indian Mission Road, Millsboro) (Tax Parcel: 234-23.00-262.00)

Change of Zone No. 1944 filed on behalf of Executive Lawn Management Property, LLC c/o John Huss

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.68 ACRES, MORE OR LESS.” (property lying on the north side of Lewes Georgetown Highway [Rt. 9] approximately 0.55 mile west of Prettyman Road [S.C.R. 254]) (911 Address: 25141 Lewes Georgetown Highway, Georgetown) (Tax Parcel: 235-30.00-6.20)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on January 25, 2022 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 25, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 25, 2022, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
John L. Rieley	Councilman
Mark G. Schaeffer	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 027 22
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of the January 11, 2022 were approved by consensus.

**Corres-
pondence**

Mr. Moore read correspondence received from Delmarva Clergy United in Social Action Foundation and Barbara K. Brooks Transition House, Inc. in appreciation of the Council's support.

**Public
Comment**

There were no public comments.

**M 028 22
Approve
Consent
Agenda Item**

A motion was made by Mr. Rieley, seconded by Mr. Hudson to approve the following item listed under the Consent Agenda:

**Use of Existing Wastewater Infrastructure Agreement, IUA-724-1
Egret Shores, Millville Area**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;

**M 028 22
(continued)**

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Recognition
of Retirees**

The Council recognized the following employees that are retiring:

Deborah (Debbie) Holding, Paramedic II, who is retiring after 30 years of service with the County.

Bradbury (Brad) Hawkes, Director of Environmental Services, who is retiring after 30 years of service with the County.

Robin Griffith, Clerk of the Council, who is retiring after 30 years of service with the County.

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Walden (formerly known as Burton's Pond) – Phase 2 effective January 5th, Showfield – Addendum 1/Revision #5 (Monroe Avenue Extension) Part of Phase 3 effective January 14th, and Middle Creek Preserve – Phase 6 (Construction Record) effective January 19th.

2. Reassessment

The property reassessment efforts continue in Sussex County with the County's vendor moving into the Angola, Long Neck and Oak Orchard areas starting January 24th, 2022. The public can track reassessment in their immediate areas through the Sussex County Reassessment page found on the County's website, www.sussexcountyde.gov.

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

**Proposed
Budget
Amendment
Ordinance**

Mrs. Jennings presented for consideration a Proposed Ordinance to amend the Annual Operating Budget Ordinance for Fiscal Year 2022 to incorporate additional Sussex County Realty Transfer Tax revenue and State passthrough grant revenue and the allowable expenditures related to the additional revenue in the Annual Operating Budget for the Fiscal Year Ending June 30, 2022.

Mrs. Jennings reported to the Council that there is additional revenue coming in due to Realty Transfer Tax. She added that the budgeted amount this year for RTT was \$24,900,000. Mrs. Jennings reminded the Council

**Proposed
Budget
Amendment
Ordinance
(continued)**

that RTT funds “shall be expended solely for the capital and operating costs of public safety services, economic development programs, public works services, capital projects and improvements, infrastructure projects and improvements, and debt reduction.”

All the recommendations brought forward today fall into those categories. Mrs. Jennings is recommending the amount \$12 million; allocating \$6,444,000 to the county’s town and cities (using a formula that revolves around the \$250,000 that was given to each ambulance company last year) and \$5,556,000 for land acquisition for open space. Mrs. Jennings also requested that Council amend the budget for unanticipated pass-through grants that were received from the State.

Mrs. Jennings further explained the City & Town RTT grant would be a one-time funding. The formula used to determine funding allocations was based on population and municipality’s budget. The grant amounts were \$100,000 minimum to \$500,000 maximum. She added that funding was only eligible for public safety services, economic development programs (approved by County Economic Development Director Bill Pfaff), Public Works and Infrastructure and capital projects. There is no match requirement for the first \$100,000 and a \$1 for \$1 match for anything above the \$100,000.

Mrs. Jennings then shared the fundings amounts that would be given to each municipality. If the Proposed Ordinance is approved, she would mail out letters to each Municipality to let them know how much they will receive.

Mrs. Jennings then asked for Council’s consideration to incorporate the grants received in the budget. This would increase the grant revenue by \$216,000 and decrease the grant revenue by \$216,000.

The next steps would include introduction of the Ordinance today, with a public hearing to be held on March 1st.

**Introduction
of Proposed
Ordinance**

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022 TO INCORPORATE ADDITIONAL REALTY TRANSFER TAX REVENUE AND STATE PASSTHROUGH GRANT REVENUE AND THE ALLOWABLE EXPENDITURES RELATED TO THE ADDITIONAL REVENUE.”

**Proposed
Pintail
Pointe
Project
Ordinance**

Mr. Medlarz presented for consideration a Proposed Ordinance to authorize the issuance of up to \$959,888 for General Obligation bonds of Sussex County in connection with the emergency Pintail Pointe Project and Authorize all necessary actions in connection therewith.

Introduction of Proposed Ordinance **Mr. Shaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$959,888 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EMERGENCY PINTAIL POINTE PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH.”**

Proposed Oak Acres and Tanglewood Project Ordinance **Mr. Medlarz presented for consideration a Proposed Ordinance to authorize the issuance of up to \$2,376,356 of general obligation bonds of Sussex County in connection with the Oak Acres and Tanglewood septic elimination project and authorizing all necessary actions in connection therewith.**

Introduction of Proposed Ordinance **Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,376,356 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE OAK ACRES AND TANGLEWOOD SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

South Coastal & Rehoboth Beach WRT Project Change **Mr. Medlarz explained that South Coastal RWF has an existing return sludge pumping station with three pumps of which two have been upgraded. The third unit recently experienced a failure, and the Environmental Services team requested the replacement of the pump and piping be integrated in the project.**

Orders Nos. 17 & 18 **In addition, it was determined that the pipe support configuration for the replacement of oxidation ditch influent piping at the City’s WTP required additional supports.**

M 029 22 South Coastal & Rehoboth WRT Treatment Project **A Motion was made by Mr. Shaeffer, seconded by Mr. Hudson to approve the recommendation of the Sussex County Engineering Department, that Change Order Nos. 17 and 18 for contract C19-11, South Coastal WRT Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 – General Construction, be approved, increasing the contract by \$8,992.49 and \$31,101.61 respectively.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Granting of Residential Access Easement **Mr. Medlarz shared that he was approached by the attorney for the buyer and seller’s that there is a parcel right behind the County’s pump station off Route 26 which is land locked. The pump station property was acquired along with the deeded access; however, it was never granted. Mr. Medlarz did not ask for any compensation due to this was a pre-existing condition of**

the property.

M 030 22
Granting of
Residential
Access
Easement

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to approve the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve the granting of a residential access easement to Janice Jarus for Tax Parcel 134-13.00-34.03.

Old
Business/
Proposed
Ordinances/
Land Use
Map
Amendment
(Delmar
Area)

Jamie Whitehouse, Planning and Zoning, Director, reported that a public hearing was held at the December 14, 2021, Council meeting. At that meeting, it was decided to leave the record open for receipt of comments. It was then bought back as Old Business at the January 11, 2022, Council meeting, where it was also decided to leave the record open for additional comments. Mr. Whitehouse confirmed that there have been twenty-five (25) letters received in response along with one petition consisting of five hundred eighteen (518) signatures. All the additional comments and letters that have been received since the last meeting were included in the packet or circulated. A letter and exhibit from the applicant were also received that was included in the packet.

Mr. Vincent closed the public record on this Ordinance Amendment.

Old
Business/
Proposed
Ordinances/
Land Use
Map
Amendment
(Route 1)

Mr. Whitehouse reported that a public hearing was held at the December 14, 2021, Council meeting. At that meeting, it was decided to leave the record open for receipt of comments. It was then bought back as Old Business at the January 11, 2022, Council meeting, where it was also decided to leave the record open for additional comments. Mr. Whitehouse confirmed that one hundred fifty-two (152) responses in opposition, fifty-three (53) in support for a total of two hundred five (205) comments received. A letter and an exhibit book have also been received from the applicant that were included in the packet.

Mr. Vincent close the public record on this Ordinance Amendment.

Grant
Requests

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

M 031 22
SuperHero
5K
Run/Walk
Fundraiser

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$250 from Mr. Vincent's Councilmanic Grant Account to the Kim and Evans Family Foundation, Inc. for their SuperHero 5K Run/Walk Fundraiser.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 032 22
Tether

A Motion was made by Mr. Hudson, seconded by Mr. Vincent to give \$4,000.00 (\$1,500 from County-wide youth grant, \$500 from Mr. Rieley

**Foundation
for Camp
Abilities
Delaware
(continued)**

Councilmanic Grant Account, \$500 from Mrs. Green’s Councilmanic Grant Account, \$500 from Mr. Schaeffer’s Councilmanic Grant Account, \$500 from Mr. Hudson’s Councilmanic Grant Account, \$500 from Mr. Vincent’s Councilmanic Grant Account) to the Tether Foundation for Camp Abilities Delaware.

**Introduction
of Proposed
Ordinances**

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS.” (Conditional Use 2322) filed on behalf of Spencer B. Yoder (Tax I.D. No. 531-12.00-110.00) (911 Address: 25981 Butler Branch Road, Seaford)

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOURIST HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.831 ACRES, MORE OR LESS.” (Conditional Use 2285) filed on behalf of Ashley DiMichele (Tax I.D. No. 235-21.00-48.00) (911 Address: 26182 Cave Neck Road, Milton)

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A KITCHEN AND BATHROOM SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.248 ACRES, MORE OR LESS.” (Conditional Use 2321) filed on behalf of Coastal Properties, LLC (Tax I.D. No. 334-5.00-196.00) (911 Address: 17677 Stingey Lane, Lewes)

Mr. Schaeffer 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 MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.72 ACRES, MORE OR LESS.” (Change of Zone 1959) filed on behalf of Charles E. Turner, Jr. (Tax I.D. 135-11.00-65.00) (911 Address: N/A)

Mr. Schaeffer 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 C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING

- Introduction of Proposed Ordinances (continued)** **1.23 ACRES, MORE OR LESS.” (Change of Zone 1962) filed on behalf of Jeff-Kat, LLC (Tax I.D. 335-8.00-37.00) (911 Address: 1005 Kings Highway, Lewes)**
- Council Members’ Comments** **The Proposed Ordinances will be advertised for Public Hearing.**
- M 033 22 Go Into Executive Session** **At 10:34 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation, personnel, and land acquisition.**
- Motion Adopted:** **5 Yeas.**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**
- At 10:45 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matter relating to pending/potential litigation, land acquisition and personnel. The Executive Session concluded at 11:55 a.m.**
- M 034 22 Reconvene** **At 12:03 p.m., a Motion was made by Mr. Hudson seconded by Mr. Rieley to reconvene.**
- Motion Adopted:** **5 Yeas.**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**
- E/S Action** **There was no action on Executive Session matters.**
- M 035 22 Recess** **At 12:03 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to recess until 1:30 p.m.**
- Motion Adopted:** **5 Yeas.**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**
- M 036 22 Reconvene** **At 1:36 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to reconvene.**
- Rules** **Mr. Moore read rules and procedures for public hearings.**

**Public
Hearing/
CU2277**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO DESIGNATE LOT 39, BLOCK A WITHIN THE EXISTING AVALON WOODS SUBDIVISION AS OPEN SPACE AND TO ALLOW FOR A SHED AMENITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.42 ACRES, MORE OR LESS.” (Conditional Use No. 2277) filed on behalf of Avalon Woods Owners Association, Inc. (Tax Parcel: 234-15.00-81.00) (911 Address: 27826 Avalon Drive, Georgetown).

The Planning and Zoning Commission held a Public Hearing on this application on December 16, 2021 at which time action was deferred. On January 13, 2022, the Commission recommended approval with the following conditions:

- a. The site shall be located within a portion of the Open Area of the Avalon Woods Subdivision.**
- b. The use shall be limited to the existing shed, which is approximately 12 feet by 20 feet in size. This shed shall only be used for the storage of Homeowner’s Association documents and other items. The shed shall not be used for meetings of any kind.**
- c. The shed shall be kept in a neat and orderly appearance.**
- d. The failure to comply with these conditions of approval may be grounds for termination of this Conditional Use.**
- e. The Final Site Plan shall be subject to review and approval of the Sussex County Planning & Zoning Commission.**

(See the minutes of the Planning & Zoning Commission dated December 16, 2021 and January 13, 2022.)

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

The Council found that Ms. Mackenzie Peet, Esq. was present on behalf of the Applicant, Avalon Woods Owners Association, Inc. Ms. Peet stated that the applicants are requesting a Conditional Use in an AR-1 and a General Residential (GR) zoning district to designate Lot 39A within the existing Avalon Woods Community as Open Area to allow for a shed amenity to be located on the property on the southwest side of Avalon Drive. She noted that the lot has always been used as Open Area and has one of the two pump houses on this lot; that a shed was placed on the lot and used for HOA meetings. She added that the HOA received a notice of violation on October 2, 2019, for placing a shed on a lot without the presence of a main dwelling for a period exceeding six months.

Ms. Peet explained that the shed was originally placed on the lot with the

**Public
Hearing/
CU2277
(continued)**

intention of using for storage and to hold HOA meetings. However, it was found that this was not an ideal space to have meetings. The applicant is requesting permission for the shed to remain on site for the purpose of storage.

Ms. Peet informed the Council that this lot is the location of one of two pump houses which makes this lot unbuildable.

Ms. Peet explained that the applicant is seeking that this be designated as open area. The dimensions of the shed are 10x20 and is being proposed to be used as an amenity to serve as storage. The Board of Directors would be the only parties with access to the shed during the hours of 7:00 a.m. until 7:00 p.m. from Sunday through Monday. It is anticipated that most of the access will occur during the evenings or weekends since all board members are employed full-time. Ms. Peet shared that there was a sign on site that has been removed; the shed meets the setback requirements, and this use will not adversely affect the surrounding properties.

There was no one from the public present that desired to speak.

The Public Hearing and public record were closed.

**M 037 22
Adopt
Ordinance
No. 2825/
CU 2277**

A motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2825 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO DESIGNATE LOT 39, BLOCK A WITHIN THE EXISTING AVALON WOODS SUBDIVISION AS OPEN SPACE AND TO ALLOW FOR A SHED AMENITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.42 ACRES, MORE OR LESS.” (Conditional Use No. 2277) filed on behalf of Avalon Woods Owners Association, Inc. (Tax Parcel: 234-15e.00-81.00) (911 Address: 27826 Avalon Drive, Georgetown) with the following conditions:

- 1. The use is an existing shed located within a portion of the Open Space of the Avalon Woods subdivision. The Avalon Woods Homeowner’s Association intends to use the shed for the storage of the Association’s records and other items.**
- 2. This is a very small use that will not adversely impact traffic or area roadways or any neighboring properties within the development.**
- 3. The use will be a benefit to the Avalon Woods Homeowner’s Association and the community’s residents by providing a convenient and secure location for storing the HOA’s records.**
- 4. The use will not require any water or sewer service.**
- 5. No parties appeared in opposition to this application.**
- 6. Ordinarily, the Commission is reluctant to allow a conditional use within a subdivision. However, this is a unique situation because the Applicant is the subdivision’s HOA, and the use is for the benefit of**

**M 037 22
Adopt
Ordinance
No. 2825/
CU 2277
(continued)**

- the HOA and the residents of the subdivision.
7. This recommendation is subject to the following conditions:
- A. The site shall be located within a portion of the Open Area of the Avalon Woods Subdivision.
 - B. The use shall be limited to the existing shed, which is approximately 12 feet by 20 feet in size. This shed shall only be used for the storage of Homeowner’s Association documents and other items. The shed shall not be used for meetings of any kind.
 - C. The shed shall be kept in a neat and orderly appearance.
 - D. The failure to comply with these conditions of approval may be grounds for termination of this Conditional Use.
 - E. The Final Site Plan shall be subject to review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ1947**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.33 ACRES AND 0.08 ACRE, MORE OR LESS.” (property lying on the southwest side of DuPont Boulevard (Route 113) approximately 351 feet northwest of Governor Stockley Road [S.C.R. 432]) (911 Addresses: 25116, 25076 & 25136 DuPont Boulevard, Georgetown) (Tax Parcels: 133-6.00-50.00 & p/o 50.02)

The Planning and Zoning Commission held a Public Hearing on this application on December 16, 2021 at which time action was deferred. On January 13, 2022, the Commission recommend approval.

(See the minutes of the Planning and Zoning Commission dated December 16, 2021 and January 13, 2022.)

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

The Council found that David Hutt, Esq., was present on behalf of the Applicant. Mr. Bob Stickles, General Manager of Joseph Family Companies and Mr. Mark Davidson, Principal Land Planner with Pennoni were also in attendance for the application.

Mr. Hutt explained that the application being presented today is for a total

**Public
Hearing/
CZ1947
(continued)**

of 4.41 acres of which sits on two parcels of land. There will be no improvements made on the portion of parcel 50.02; he further explained there is a drive aisle from the runway to the Melvin Joseph building. On parcel 50, there are several buildings and the private runway which is no longer being used. Mr. Hutt noted that there are other C-1 zoning in this area and a large parcel across Governor Stockley Road which is designated as Medium Commercial District (C-2); in addition, to the commercially zoned properties, there are several Conditional Use permits in this area that were shown. Mr. Hutt stated that Chapter 4 of the Comprehensive Plan states that the goal is to encourage tourism and other responsible commercial and industrial job providers to locate and invest in the County. He noted that this Application provides for the County to provide for those opportunities; when businesses are looking for locations, they are looking for property that is situated on highways and major routes on intersections.

Mr. Hutt stated that the Commercial Area in the Comprehensive Plan is described as including concentrations of retail and service used mainly located on Arterial Roads and Highway. It further states that it includes commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. Mr. Hutt pointed out that this site would be appropriate to locate other medium and larger scale commercial uses not primarily targeted to the immediate adjacent residential areas.

Mr. Hutt reported that there are no wetlands located on site, the property meets the bulk area requirements of the County Code, the property is in flood zone X, the site has well-drained soils which will be suitable for on-site wastewater disposal system. The property is in a fair and good ground water recharge area; there was no Traffic Impact Study as that will be based on the end use for this property.

Mr. Hutt noted that reason #6 listed on the Commission's approval should be corrected to read that the water and sewer will be served by on-site rather than central water and sewer.

Mr. Rieley asked if the runway was decommissioned or planned to be used in the future. Mr. Hutt replied that it is not planned to be used in the future and is only used for vehicular traffic. Mr. Moore added that there are large X's placed in several areas on the runway.

There was nobody from the public that desired to speak.

The Public Hearing and public record were closed.

**M 038 22
Amend
Ordinance
No. 2826/
CZ1947**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to amend Item #6 to read "The site will be served by onsite water and sewer."

Motion Adopted: 5 Yeas.

(continued) **Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 039 22
Adopt
Ordinance
No. 2826/
CZ1947

A motion was made by Mrs. Green, seconded by Mr. Schaeffer to adopted Ordinance No. 2826 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.33 ACRES AND 0.08 ACRE, MORE OR LESS.” (property lying on the southwest side of DuPont Boulevard (Route 113) approximately 351 feet northwest of Governor Stockley Road [S.C.R. 432]) (911 Addresses: 25116, 25076 & 25136 DuPont Boulevard, Georgetown) (Tax Parcels: 133-6.00-50.00 & p/o 50.02) for the reasons given by Planning and Zoning and amended by Council as follows:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices, and vehicle service stations.
2. The site is adjacent to C-1 property that is currently used by the Applicant’s company for its construction, site work, and paving operations.
3. The property is generally located at the corner of Route 113 and Governor Stockley Road. The land on the opposite side of Governor Stockley Road is zoned C-1 and C-2. This is an appropriate location for an expansion of the Applicant’s commercial zoning by adding additional C-3 land to he existing C-1 Zoning.
4. This location currently has several accessory buildings on the site, including a former airplane hangar. These buildings will be incorporated into the Applicant’s existing operations at the site.
5. As stated by the Applicant, there will continue to be interconnectivity between this land and the existing C-1 land that is next to it.
6. The site will be served by onsite water and sewer.
7. The site is in the Commercial Area according to the Sussex County Land Use Plan. C-3 Zoning is appropriate in this Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
9. Any future use of the property will be subject to the Site Plan review by the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

**Public
Hearing
CZ 1948**

A Public Hearing on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL NUMBER 15 OF C/Z 1538 (ORDINANCE NO. 1700) AND C/Z 1926 (ORDINANCE NO. 2786) IN RELATION TO PIERS, DOCKS, BOAT RAMPS AND OTHER WATER RELATED RECREATIONAL FACILITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 180.60 ACRES, MORE OR LESS.” (property lying on the east side of Hebron Road, approximately 0.19 mile south of the intersection of Hebron Road and Holland Glade Road [S.C.R. 271]) (911 Address: N/A) (Tax Parcel: 334-13.00-334.00, 1448.00-1750.00)

The Planning and Zoning Commission held a Public Hearing on this application on December 9, 2021 at which time action was deferred. On January 13, 2022, the Commission recommended approval for the seven reasons and subject to the amended condition wording as outlined within the motion as follows:

- 1. This matter was previously considered by the Commission, and the Commission recommended an amendment to Condition #15 to allow one dock for kayaks and paddleboards. Since both DNREC and the U. S. Army Corps of Engineers have jurisdiction over the location and dimensions of such a dock, the recommended approval was subject to their jurisdiction. After the Council hearing, the Commission’s recommendation was amended by Council to include specific dimensions of the dock, which evidently are impossible or impractical to meet according to the record from this current application. For this reason, I move that the Commission’s original recommendation be followed, with the County approval being subject to the review and approval of the state and federal agencies who have jurisdiction over a dock like this. This recommendation is again based upon the following reasons:**
- 2. Condition #15 of CZ # 1926 and Ordinance #1700 currently states that “No piers, docks, boat ramps or other water-related facilities shall be permitted” within the Canal Pointe RPC.**
- 3. The Canal Pointe RPC is adjacent to the Lewes-Rehoboth Canal, which is a source of water-related activities for many Sussex County residents and visitors.**
- 4. It was shown during the public hearing that this area of the Lewes-Rehoboth Canal has developed with many personal docks attached to individual lots as well as a large marina associated with the Town of Henlopen Acres.**
- 5. The revised condition #15, which will be limited to non-motorized boats, will have less of an impact on the waterway and the**

**Public
Hearing
CZ 1948
(continued)**

environment than many of these existing docks and the motorized boats that they serve.

6. With one point of access to the Lewes-Rehoboth Canal, there will be a well-designed and permitted dock available to the residents of Canal Pointe instead of multiple undefined points of access that could cause more damage to the Canal and the environment.
7. Condition #15 of CZ # 1926 and Ordinance # 1700 should be amended to state as follows:

“15. Subject to the receipt of all applicable permits from the U.S Army Corps of Engineers, DNREC, and any other agencies having jurisdiction, this RPC shall be permitted to have only one dock for the use of residents. This dock shall only be utilized for kayaks and paddleboards. No motorized boats shall be launched or docked at this location. No storage of kayaks, paddleboards, boats, or other marine equipment shall be permitted along the dock or landward of it within the RPC. There shall be an amendment to the Canal Pointe Master Plan and a subsequent final site plan showing the dock and its point of access from the RPC. No other piers, docks, boat ramps, or other water-related facilities shall be permitted.”

Mr. Jamie Whitehouse, Director of Planning and Zoning presented the application.

Mr. Tim Willard, Esq. spoke on behalf on the Applicant, Ms. Melissa Donnelly and Mr. Ken Larson were also present to represent the application.

Mr. Willard explained that the Applicant is requesting to have the previous Conditions of Approval amended to be permitted to build their proposed dock. He added that the County Council did approve the Application and added a Condition that gave Conditions for construction of the dock. Mr. Launay has stated that based off the condition for construction of the dock, it would not be approved by DNREC, and The Army Corp of Engineers based on the dimensions. Therefore, the request was refiled to amend Ordinance No. 2786 for the deletion of Paragraph F.

Mr. Willard noted that if approval is granted to allow the dock, the Applicant will have to go to DNREC and The Army Corp of Engineers for approval.

Mr. Willard pointed out that the public already has access to the waterway, and this will make it safer for them to use this amenity.

Mr. Willard stated that Mr. Paradee’s documents reference a compromise, he believes there is no compromise.

Mr. Willard asked for consideration for an amended to paragraph 15 as follows:

**Public
Hearing
CZ 1948
(continued)**

“15. Subject to the receipt of all applicable permits from the U.S Army Corps of Engineers, DNREC, and any other agencies having jurisdiction, this RPC shall be permitted to have only one dock for the use of residents. This dock shall only be utilized for kayaks and paddleboards. No motorized boats shall be launched or docked at this location. No storage of kayaks, paddleboards, boats, or other marine equipment shall be permitted along the dock or landward of it within the park. There shall be an amendment to the Canal Pointe Master Plan and a subsequent final site plan showing the dock and its point of access from the RPC. No other piers, docks, boat ramps, or other water-related facilities shall be permitted.”

Mr. Willard discussed the opposition letter received from Mr. Paradee who represents residents of Henlopen Acres. It was noted that the dock may have to shift North due to a land issue but that does not seem to be an issue. He added that representatives of the HOA are up to speed of what they can do on the canal.

Mr. Willard noted that if this is approved, it would come back for site plan review.

Mr. Robert West, member and resident of Canal Point HOA came forward to speak in favor of the application. He shared that the feeling of neighbors in the community is that their side has not been considered as much as the other side.

Mr. John Paradee from Baird, Mandalas, Brockstedt, LLC came forward to speak in opposition of the application. Mr. Paradee represents a group of homeowners that live across the canal that will have to view this dock every day from their homes. He added that when this subdivision was approved in 2004, many of those people expressed concerns about 600 residents on the edge of this canal. Those concerns were echoed by DNREC and numerous other homeowners and neighbors in the area. At that time, it was decided to protect the Canal.

Mr. Paradee encouraged the Council to not accept the blind faith of the Applicant’s assertions that DNREC and the Army Corps of Engineers will not permit the dock of more limited size and scope. He added that it is not known if the Application would be denied since an Application has not been submitted to those agencies.

Mr. Paradee shared a compromise design to the Council that would meet the needs that have been expressed. It would also protect his client’s concern about the size of the dock.

Mr. Paradee requested that the compromise plan be considered. He added that there is a question about the location. Currently, where the dock is proposed, it would need to cross over private property. He added that an easement has been negotiated with that property owner that would allow

**Public
Hearing
CZ 1948**

the dock to cross the property.

The Public Hearing and public record were closed.

**M 040 22
Defer Action
on CZ 1948**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on Change of Zone No. 1948 filed on behalf of The Grande at Canal Point Maintenance Corporation.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 041 22
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to adjourn at 2:41 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

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

BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
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MEMORANDUM

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Douglas B. Hudson, Vice President
The Honorable Cynthia Green
The Honorable John L. Rieley
The Honorable Mark Schaeffer
Todd F. Lawson, County Administrator

FROM: Brandy B. Nauman, Director

RE: **FY2022 Community Development Block Grant Application**

DATE: January 28, 2022

During Tuesday's County Council meeting, I will be presenting Sussex County's Community Development Block Grant (CDBG) application request for the FY2022 CDBG grant year. The Community Development & Housing Department has held public hearings at the towns/cities identified in the proposed application request, and the projects associated with each town/city represent their individual application requests.

For the County's unincorporated rural communities grant requests, we utilized the Sussex County Community Development Rural Community Funding Plan to ensure an equitable and fair application system.

In addition, I have consulted with and received approval from the Sussex County Community Development Advisory Committee for the submission of this application request.

Attached are two (2) required Resolutions for your consideration, as well as the proposed application request.

Please do not hesitate to contact me with any questions. Thank you.



STATE OF DELAWARE
 DELAWARE STATE HOUSING AUTHORITY
DELAWARE CDBG PROGRAM - PROJECT COST SUMMARY
 SUSSEX COUNTY

Contract Period - From: July 1, 2022 To: June 30, 2023

Summary of Program Activities
 Amount of Source

I. PROGRAM ACTIVITIES	CDBG PROGRAM FUNDS	LOCAL FUNDS	OTHER FUNDS	TOTAL
A. Bethel - (4) Rehab	\$80,000	\$0	\$0	\$80,000
B. Blades - (4) Rehab	\$80,000	\$0	\$0	\$80,000
C. Bridgeville - (4) Rehab	\$80,000	\$0	\$0	\$80,000
D. Frankford - (4) Rehab	\$80,000	\$0	\$0	\$80,000
E. Laurel - (6) Rehab	\$105,000	\$0	\$0	\$105,000
F. Milford - (6) Rehab	\$105,000	\$0	\$0	\$105,000
G. Milton - (6) Rehab	\$105,000	\$0	\$0	\$105,000
H. Seaford - (6) Rehab	\$105,000	\$0	\$0	\$105,000
I. Selbyville - (6) Rehab	\$105,000	\$0	\$0	\$105,000
O. Cool Spring - (4) Rehab	\$80,000	\$0	\$0	\$80,000
P. Coverdale Crossroads - (4) Rehab	\$80,000	\$0	\$0	\$80,000
R. Mount Joy - (4) Rehab	\$80,000	\$0	\$0	\$80,000
Q. Rural Dagsboro/Diamond Acres - (4) Rehab	\$80,000	\$0	\$0	\$80,000
L. Handicap Accessibility - (10) Rehab	\$48,000	\$0	\$0	\$48,000
K. Scattered Emergency Rehab - (10) Rehab	\$78,000	\$0	\$0	\$78,000
M. Scattered Hookups - (20) Rehab	\$20,000	\$0	\$0	\$20,000
J. Scattered Rehab - (20) Rehab	\$320,000	\$0	\$0	\$320,000
N. Scattered Roofing - (16) Rehab	\$162,000	\$0	\$0	\$162,000
TOTAL PROGRAM ACTIVITY COST	\$1,793,000.00	\$0.00	\$0.00	\$1,793,000.00
II. ADMINISTRATION	CDBG PROGRAM FUNDS	LOCAL FUNDS	OTHER FUNDS	TOTAL
A. Salaries	\$250,000.00	\$105,000.00	\$0.00	\$355,000.00
B. Other Employment Costs	\$0.00	\$195,190.00	\$0.00	\$195,190.00
C. Travel	\$0.00	\$0.00	\$0.00	\$0.00
D. Contractural Services	\$0.00	\$10,000.00	\$0.00	\$10,000.00
E. Supplies & Materials	\$0.00	\$5,000.00	\$0.00	\$5,000.00
TOTAL ADMINISTRATIVE COSTS	\$250,000.00	\$315,190.00	\$0.00	\$565,190.00
III. TOTAL PROGRAM COSTS	\$2,043,000.00	\$315,190.00	\$0.00	\$2,358,190.00

* Denotes Cash Match

** Denotes In-kind Match

CITIZEN PARTICIPATION
CERTIFICATE OF ASSURANCE

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

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

The Sussex County Council has held a public hearing on February 1, 2022 with required notice for all citizens, including low and moderate-income persons, to have an opportunity to present their views and proposals.

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

ATTEST:

SUSSEX COUNTY COUNCIL

Todd F. Lawson
County Administrator

RESOLUTION NO. R
AUTHORIZATION TO SUBMIT APPLICATIONS

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

WHEREAS, the County Administrator, Todd F. Lawson, is hereby authorized to certify that matching funds in excess of \$250,000.00 will be made available upon the approval by the Delaware State Housing Authority.

BE IT FURTHER RESOLVED by the Sussex County Council that Todd F. Lawson, County Administrator, is hereby authorized to submit the Fiscal Year 2022 Community Development Block Grant applications with all understandings and certifications contained therein to the State of Delaware Housing Authority.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R PASSED BY THE SUSSEX COUNTY COUNCIL ON THE 1ST DAY OF FEBRUARY 2022.

TRACY N. TORBERT
CLERK OF THE COUNTY COUNCIL

RESOLUTION

AFFIRMATIVELY FURTHERING FAIR HOUSING

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

WHEREAS, the Sussex County Council supports the goals of the Federal Fair Housing Law,

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

AND BE IT FUTHER RESOLVED, that the Sussex County Council take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

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

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1ST DAY OF FEBRUARY 2022.

ATTEST: _____

TRACY N. TORBERT
CLERK OF THE COUNTY COUNCIL

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DELAWARE COASTAL AIRPORT ADVISORY COMMITTEE

2022 Committee Appointments

One representative of the Fixed Base Operator	Garrett Dernoga
One non-commercial Airport tenant	Larry Kelley
One commercial Airport tenant	Jeff Reed
Two Airport-based aircraft owners	Rick Garner
	Ezra Rickards
One Industrial Business/Business Park tenant representative	Mark Ryan
One tourism industry representative	Scott Thomas
One representative at large	Ray Hopkins

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Sussex County

DELAWARE
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MEMORANDUM:

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Douglas B. Hudson, Vice President
The Honorable Cynthia C. Green
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

FROM: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **Pension Committee Appointment**

DATE: January 26, 2022

On Tuesday, I will be requesting your approval to appoint a new member to our pension committee. The committee is made up of seven members. Whoever is serving in the position of the County Finance Director, County Administrator, and County Human Resources Director are always members of the Committee. Two Sussex County community members, a current Sussex County employee and a retired Sussex County employee, who currently receives a County pension are appointed by County Council for a four-year term.

Mr. David Baker who served on the committee in the capacity as a current pensioner has resigned due to his recent appointment as USDA's Rural Development Director for Delaware and Maryland. Mr. Baker will be missed on the committee.

The role as a current County pensioner on the committee is primarily to be the eyes and ears of the current pensioners. Therefore, I wanted to recommend someone that I know is well respected by the current and future pensioners. Thus, I am recommending Ms. Robin Griffith as Mr. Baker's replacement.

If you have any questions, please feel free to contact me.

GAJ/bla

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL ORDINANCE NO. 2227, AS AMENDED BY ORDINANCE NO. 2243, AND CHAPTER 11, §§ 11-1 THROUGH 11-5 OF THE SUSSEX COUNTY CODE, RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING NEW COUNCILMANIC ELECTION DISTRICTS

WHEREAS, Sussex County Code, Chapter 11, §§ 11-1 through 11-5 establishes Sussex County's five Councilmanic Districts; and

WHEREAS, following the 2020 US Census, the Sussex County Council has revised Sussex County's five Councilmanic Districts; and

WHEREAS, the Sussex County Council desires to repeal Ordinance No. 2227, as amended by Ordinance No. 2243, and as codified in Sussex County Code, Chapter 11, §§ 11-1 through 11-5, in its entirety and establish new Councilmanic Districts.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Ordinance No. 2227, adopted on November 15, 2011, as amended by Ordinance No. 2243 adopted on February 28, 2012, and as codified in Chapter 11, §§ 11-1 through 11-5, is hereby repealed in its entirety as follows:

[§ 11-1. First Councilmanic District.

The First Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of Seashore Highway (Delaware Route 404) and the Sussex County line, and proceeding easterly along Seashore Highway to West Newton Road (also known as County Road 582), and proceeding easterly along West Newton Road to Adams Road (also known as County Road 583), and proceeding southerly along Adams Road to East Newton Road (also known as County Road 584), and proceeding easterly along East Newton Road to Fawn Road (also known as County Road 600), and proceeding easterly along Fawn Road to Long Branch Road (also known as County Road 598), and proceeding southerly along Long Branch Road to Sharps Mill Road (also known as County Road 611), and proceeding southerly along Sharps Mill Road to Sunnyside Road (also known as County Road 565), and proceeding easterly along Sunnyside Road to Apple Tree Road (also known as County Road 591), and proceeding easterly along Apple Tree Road to Oak Road (also known as County Road 594), and proceeding westerly along Apple Tree Road to Delaware Route 404 (known at that point in its course as Seashore Highway), and proceeding westerly along Delaware Route 404 to the center line of the Nanticoke River, and proceeding southerly along the center line of the Nanticoke River to Old Furnace Road (also known as County Road 46), and proceeding easterly along Old Furnace Road to Dove Road (also known as County Road 526A), and proceeding easterly along Dove Road to King Road (also known as County Road 525), and proceeding southerly along King Road to Concord Pond Road (also known as

County Road 516), and proceeding southerly along Concord Pond Road to the center line of Concord Pond, and proceeding northeasterly along the center line of Concord Pond to Deep Creek, and proceeding northeasterly along the center line of Deep Creek to the center line of Tyndall Branch, and proceeding southeasterly along the center line of Tyndall Branch to Fleetwood Pond Road (also known as County Road 484), and proceeding northerly along Fleetwood Pond Road to the center line of Fleetwood Pond, and proceeding southeasterly along the center line of Fleetwood Pond to the center line of Tyndall Branch, and proceeding southerly along the center line of Tyndall Branch to the center line of an unnamed ditch, and proceeding northeasterly along the center line of the said unnamed ditch to Conaway Road (also known as County Road 444A), and proceeding northerly along Conaway Road to Old Furnace Road (County Road 46), and proceeding easterly along Old Furnace Road to Whaley's Corner Road (also known as County Road 329), and proceeding easterly along Whaley's Corner Road and a continuation of County Road 329 known as Piney Grove Road to Shortly Road (also known as County Road 431), and proceeding southerly along Shortly Road to the center line of Shoals Branch, and proceeding easterly along the center line of Shoals Branch to Cross Keys Road (also known as County Road 432), and proceeding south-southwesterly along Cross Keys Road to Carey's Camp Road (also known as County Road 421), and proceeding south-southwesterly along Carey's Camp Road to Whaley's Road (also known as County Road 62), and proceeding northerly along Whaley's Road to the center line of Thompson Branch, and proceeding northerly along the center line of Thompson Branch to the center line of Terrapin Pond, and proceeding westerly along the center line of Terrapin Pond to the center line of Thompson Branch, and proceeding westerly along the center line of Thompson Branch to the center line of Trap Pond, and proceeding westerly along the center line of Trap Pond to the center line of Hitch Pond Branch, and proceeding westerly along the center line of Hitch Pond Branch to the center line of Hitch Pond, and proceeding westerly along the center line of Hitch Pond to the center line of Hitch Pond Branch, and proceeding westerly along the center line of Hitch Pond Branch to the center line of James Branch, and proceeding westerly along the center line of James Branch to the center line of Records Pond, and proceeding westerly along the center line of Records Pond to the Laurel Town line, and proceeding along the Laurel Town line around the southern part of the town to its intersection with the center line of Broad Creek, and proceeding westerly along the center line of Broad Creek to the center line of the Nanticoke River, and proceeding southwesterly along the center line of the Nanticoke River to the Sussex County line, also being at that point in its course Delaware's western boundary with the State of Maryland, and proceeding northerly along the Sussex County line to the point of beginning.

§ 11-2. Second Councilmanic District.

The Second Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the Kent/Sussex County line and Delaware's western boundary with the State of Maryland, and proceeding easterly along the Kent/Sussex County line to Delaware

Route One (known at that point in its course as Coastal Highway), and proceeding southerly along Delaware Route One to Cedar Creek Road, which becomes Delaware Route 30, and proceeding southerly along Delaware Route 30 to Fleatown Road (also known as County Road 224), and proceeding westerly along Fleatown Road to Old State Road (also known as County Road 213), and proceeding southerly along Old State Road to Robbins Road (also known as County Road 579), and proceeding easterly along Robbins Road to Saw Mill Road (also known as County Road 238), and proceeding southerly along Saw Mill Road to Pine Road (also known as County Road 239), and proceeding southerly along Pine Road to Redden Road (also known as County Road 565), and proceeding easterly along Redden Road to Downs Road (also known as County Road 243), and proceeding southerly along Downs Road to Savannah Road (also known as County Road 246), and proceeding southerly along Savannah Road to Rudd Road (also known as County Road 245), and proceeding easterly along Rudd Road to Sand Hill Road (also known as County Road 319), and proceeding southerly along Sand Hill Road to U.S. Route 9 (known at that point in its course as Lewes- Georgetown Highway), and proceeding easterly along U.S. Route 9 to Delaware Route 30 (known at that point in its course as Gravel Hill Road), and proceeding southerly along Delaware Route 30 to Springfield Road (also known as County Road 47), and proceeding westerly along Springfield Road to Peterkins Road (also known as County Road 317), and proceeding southerly and southwesterly along Peterkins Road to Patriot Way (also known as County Road 318), and proceeding southerly along Patriot Way to Avenue of Honor Road (County Road 86), and proceeding westerly along Avenue of Honor Road to U.S. 113 (known at that point in its course as DuPont Highway), and proceeding southerly along U.S. 113 to Sheep Pen Road (also known as County Road 328), and proceeding westerly along Sheep Pen Road to Godwin's School Road (also known as County Road 410), and proceeding westerly along Godwin's School Road to Country Living Drive (also known as County Road 433), and proceeding southerly along Country Living Drive to Cross Keys Road (also known as County Road 432), and proceeding southerly along Cross Keys Road to the center line of Shoals Branch, and proceeding westerly along the center line of Shoals Branch to Shortly Road (also known as County Road 431), and proceeding northerly along Shortly Road to Whaley's Corner Road (also known as County Road 329), and proceeding westerly along Whaley's Corner Road to Old Furnace Road (also known as County Road 46), and proceeding westerly along Old Furnace Road to Conaway Road (also known as County Road 444A), and proceeding southerly along Conaway Road to the center line of an unnamed ditch, and proceeding westerly along the center line of the said unnamed ditch to the center line of Tyndall Branch, and proceeding northerly along the center line of Tyndall Branch to the center line of Fleetwood Pond, and proceeding westerly along the center line of Fleetwood Pond to the center line of Tyndall Branch, and proceeding westerly along the center line of Tyndall Branch to Fleetwood Pond Road (also known as County Road 484), and proceeding southerly along Fleetwood Pond Road to the center line of Tyndall Branch, and proceeding westerly along the center line of Tyndall Branch to the center line of

Deep Creek, and proceeding southerly along the center line of Deep Creek to the center line of Concord Pond, and proceeding westerly along the center line of Concord Pond to the center line of Deep Creek, and proceeding northerly along the center line of Deep Creek to Concord Pond Road (also known as County Road 516), and proceeding northerly along Concord Pond Road to King Road (also known as County Road 525), and proceeding northerly along King Road to Dove Road (also known as County Road 526A), and proceeding northerly along Dove Road to Old Furnace Road (also known as County Road 46), and proceeding westerly along Old Furnace Road to the center line of the Nanticoke River, and proceeding easterly along the center line of the Nanticoke River to Delaware Route 404 (known at that point in its course as Seashore Highway), and proceeding easterly along Delaware Route 404 to Oak Road (also known as County Road 594), and proceeding northerly along Oak Road to Apple Tree Road (also known as County Road 591), and proceeding northerly along Apple Tree Road to Sunnyside Road (also known as County Road 565), and proceeding westerly along Sunnyside Road to Sharps Mill Road (also known as County Road 611), and proceeding northerly along Sharps Mill Road to Long Branch Road (also known as County Road 598), and proceeding northerly along Long Branch Road to Fawn Road (also known as County Road 600), and proceeding westerly along Fawn Road to East Newton Road (also known as County Road 584), and proceeding westerly along East Newton Road to Adams Road (also known as County Road 583), and proceeding northerly along Adams Road to West Newton Road (also known as County Road 582), and proceeding westerly along West Newton Road to Delaware Route 404 (also known at that point in its course as Seashore Highway), and proceeding westerly along Delaware Route 404 to Delaware's western boundary with the State of Maryland, and proceeding northerly along the said western boundary to the point of beginning.

§ 11-3. Third Councilmanic District.

The Third Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of Old State Road (also known as County Road 213) and Robbins Road (also known as County Road 579), and proceeding northerly along Old State Road to Fleatown Road (also known as County Road 224), and proceeding easterly along Fleatown Road to Delaware Route 30 (known at that point in its course as Cedar Creek Road), and proceeding northerly along Delaware Route 30 to a continuation of Cedar Creek Road, and proceeding along the said continuation of Cedar Creek Road to Delaware Route One (also known as Coastal Highway at that point in its course), and proceeding northwesterly along Delaware Route One to the Kent/Sussex County line, which at that point in its course follows the center line of the Mispillion River, and proceeding easterly along the said Kent/Sussex County line to the shoreline of the Delaware Bay at Mispillion Inlet, and proceeding due east from the center line of the Mispillion Inlet to Delaware's eastern boundary with the State of New Jersey, and proceeding generally southeasterly and then southerly along Delaware's eastern boundary to a point due east of the point of intersection between the southern boundary of Cape Henlopen State

Park and the Atlantic Ocean, and proceeding westerly from Delaware's eastern boundary to the said southern boundary line of Cape Henlopen State Park, and proceeding westerly along the said state park boundary line to Ocean Drive (also known as County Road 300), and proceeding northerly along Ocean Drive to an unnamed vehicular trail, and proceeding westerly along the said unnamed vehicular trail to the center line of an unnamed tributary of the Lewes-Rehoboth Canal, and proceeding westerly along the center line of the said unnamed tributary to a nonvisible boundary line, and proceeding westerly along the said nonvisible boundary line to the Rehoboth Beach City line, and proceeding southerly along the Rehoboth Beach City line to the center line of Holland Glade, and proceeding westerly along the center line of Holland Glade to the Delaware Coast Line Railroad right-of-way (now known at that point in its course as the Junction-Breakwater Trail), and proceeding northerly along the Delaware Coast Line RR right-of-way to Wolfe Neck Road (also known as County Road 270), and proceeding westerly along Wolfe Neck Road to Delaware Route One (known at that point in its course as Coastal Highway), and proceeding northerly along Delaware Route One to Delaware Route 24 (known at that point in its course as John J. Williams Highway), and proceeding southerly along Delaware Route 24 to Delaware Route 5 (known at that point in its course as Indian Mission Road), and proceeding northwesterly along Delaware Route 5 to Cannon Road (also known as County Road 307), and proceeding southerly along Cannon Road to Inland Bay Road (also known as County Road 306), and proceeding westerly along Inland Bay Road to Townsend Road (also known as County Road 303), and proceeding southerly along Townsend Road to Mount Joy Road (also known as County Road 297), and proceeding westerly along Mount Joy Road to Delaware Route 30 (known at that point in its course as Gravel Hill Road), and proceeding northerly along Delaware Route 30 to Zoar Road (also known as County Road 48), and proceeding westerly along Zoar Road to Peterkins Road (also known as County Road 317), and proceeding northerly along Peterkins Road to Springfield Road (also known as County Road 47), and proceeding easterly along Springfield Road to Delaware Route 30 (known at that point in its course as Gravel Hill Road), and proceeding northerly along Delaware Route 30 to U.S. Route 9 (also known at that point in its course as Lewes-Georgetown Highway), and proceeding westerly along Delaware Route 9 to Sand Hill Road (also known as County Road 319), and proceeding northerly along Sand Hill Road to Rudd Road (also known as County Road 245), and proceeding westerly along Rudd Road to Savannah Road (also known as County Road 246), and proceeding northerly along Savannah Road to Downs Road (also known as County Road 243), and proceeding northerly along Downs Road to Redden Road (also known as County Road 565), and proceeding westerly along Redden Road to Pine Road (also known as County Road 239), and proceeding northerly along Pine Road to Saw Mill Road (also known as County Road 238), and proceeding westerly along Saw Mill Road to Robbins Road (also known as County Road 579), and proceeding westerly along Robbins Road to the point of beginning.

§ 11-4. Fourth Councilmanic District.

The Fourth Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the center line of the Indian River and the center line of Swan Creek, and proceeding northerly along the center line of Swan Creek to Mount Joy Road (County Road 297), and proceeding easterly along Mount Joy Road to Townsend Road (also known as County Road 303), and proceeding northerly along Townsend Road to Inland Bay Road (also known as County Road 306), and proceeding easterly along Inland Bay Road to Cannon Road (also known as County Road 307), and proceeding northerly along Cannon Road to Delaware Route 5 (also known as Indian Mission Road at that point in its course), and proceeding southerly along Delaware Route 5 to Delaware Route 24 (also known as John J. Williams Highway at that point in its course), and proceeding easterly along Delaware Route 24 to Delaware Route One (also known as Coastal Highway at that point in its course), and proceeding southerly along Delaware Route One to Wolfe Neck Road (also known as County Road 270), and proceeding northeasterly along Wolfe Neck Road to the right-of-way of the old Delaware Coast Line RR (now known at that point in its course as the Junction-Breakwater Trail), and proceeding southerly along the old Delaware Coast Line RR right-of-way to the center line of Holland Glade, and proceeding easterly along the center line of Holland Glade to the Rehoboth Beach City line, and proceeding northerly along the Rehoboth Beach City line to a nonvisible boundary line, and proceeding easterly along the said nonvisible boundary line to the center line of an unnamed tributary of the Lewes- Rehoboth Canal, and proceeding easterly along the center line of the said unnamed tributary to an unnamed vehicular trail within Cape Henlopen State Park, and proceeding easterly along the said unnamed vehicular trail to Ocean Drive (also known as County Road 300), and proceeding southerly along Ocean Drive to the southern boundary line of Cape Henlopen State Park, and proceeding easterly along the said boundary line to its intersection with the Atlantic Ocean, and proceeding due east across the waters of the Atlantic Ocean to Delaware's eastern boundary line, and proceeding in a generally southerly direction along Delaware's eastern boundary line to a point due east of the point where the northern boundary line of the Town of South Bethany meets the Atlantic Ocean, and proceeding westerly across the waters of the Atlantic Ocean from the said point to the point where the northern boundary line of the Town of South Bethany meets the Atlantic Ocean, and thence proceeding westerly along the said northern South Bethany boundary line to Kent Avenue (also known as County Road 361), and proceeding westerly along Kent Avenue, which becomes Muddy Neck Road, and proceeding westerly along Muddy Neck Road to Beaver Dam Road (also known as County Road 368), and proceeding westerly along Beaver Dam Road to Parker House Road (also known as County Road 362), and proceeding southerly along Parker House Road to Beaver Dam Road (County Road 368), and proceeding westerly along Beaver Dam Road to Ocean Air Drive, and proceeding southerly

along Ocean Air Drive to Ocean Air Lane, and proceeding westerly along Ocean Air Lane to Ocean Air Drive, and proceeding westerly along Ocean Air Drive to Beaver Dam Road and proceeding westerly along Beaver Dam Road to Central Avenue (also known as County Road 84), and proceeding northerly along Central Avenue to Windmill Road (also known as County Road 352), and proceeding northwesterly along Windmill Road to Burbage Road (also known as County Road 353), and proceeding westerly along Burbage Road to Omar Road (also known as County Road 54), and proceeding southerly along Omar Road to Delaware Route 20 (known at that point in its course as Armory Road), and proceeding northwesterly along Delaware Route 20 to the Dagsboro Town line, and proceeding northwesterly along the Dagsboro Town line in its various courses to the center line of Pepper Creek, and proceeding easterly along the center line of Pepper Creek to a nonvisible boundary between Holland Point and Kildee Point, and proceeding northerly along the said nonvisible boundary to an unnamed local road situated approximately .765 miles west of the intersection of Piney Neck Road (also known as County Road 336) and Adams Road (also known as County Road 335A), and proceeding northerly along the said unnamed local road to Piney Neck Road, and proceeding easterly along Piney Neck Road to Adams Road, and proceeding northerly along Adams Road to Bunting Road (also known as County Road 335), and proceeding westerly along Bunting Road to Power Plant Road (also known as County Road 332), and proceeding northerly along Power Plant Road to the center line of the western extension of Island Creek, which runs to the Indian River just east of the Sandy Beach subdivision, and proceeding northeasterly along the center line of the said western extension of Island Creek to its intersection with the center line of the Indian River, and proceeding westerly along the center line of the Indian River to its intersection with the center line of Swans Creek, the point of beginning.

§ 11-5. Fifth Councilmanic District.

The Fifth Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the center line of the Nanticoke River and Delaware's western boundary line with the State of Maryland, and proceeding easterly along the center line of the Nanticoke River to its point of intersection with the center line of Broad Creek, and proceeding easterly along the center line of Broad Creek to the Laurel Town line, and proceeding generally southerly and southeasterly along the Laurel Town line to the center line of Records Pond, and proceeding easterly along the center line of Records Pond to the center line of James Branch, and proceeding easterly along the center line of James Branch to the center line of Hitch Pond Branch, and proceeding southerly along the center line of Hitch Pond Branch to the center line of Hitch Pond, and proceeding easterly along the center line of Hitch Pond to the center line of Hitch Pond Branch, and proceeding southeasterly along the center line of Hitch Pond Branch to the center line of Trap Pond, and

proceeding southerly along the center line of Trap Pond to the center line of Thompson Branch, and proceeding southeasterly along the center line of Thompson Branch to the center line of Terrapin Pond, and proceeding easterly along the center line of Terrapin Pond to the center line of Thompson Branch, and proceeding southerly along the center line of Thompson Branch to Whaley's Road (also known as County Road 62), and proceeding southerly along Whaley's Road to Carey's Camp Road (also known as County Road 421), and proceeding easterly along Carey's Camp Road to Cross Keys Road (also known as County Road 432), and proceeding northerly along Cross Keys Road to Country Living Road (also known as County Road 433), and proceeding northerly along Country Living Road to Godwin School Road (also known as County Road 410), and proceeding easterly along Godwin School Road to Sheep Pen Road (also known as County Road 328), and proceeding northerly along Sheep Pen Road to U.S. 113 (known at that point in its course as DuPont Highway), and proceeding northerly along U.S. 113 to Avenue of Honor (also known as County Road 86), and proceeding easterly along Avenue of Honor to Patriot's Way (also known as County Road 318), and proceeding north-northwesterly along Patriot's Way to Peterkins Road (also known as County Road 317), and proceeding northeasterly along Peterkins Road to Zoar Road (also known as County Road 48), and proceeding easterly along Zoar Road to Delaware Route 30 (known at that point in its course as Gravel Hill Road), and proceeding southerly along Delaware Route 30 to Mount Joy Road (also known as County Road 297), and proceeding easterly along Mount Joy Road to the center line of Swan Creek, and proceeding southerly along the center line of Swan Creek to its intersection with the center line of the Indian River, and proceeding southwestward along the center line of the Indian River to the center line of the western extension of Island Creek, entering the river just northeast of the Sandy Beach subdivision, and proceeding along the center line of the said western extension of Island Creek to Power Plant Road (also known as County Road 332), and proceeding southerly along Power Plant Road to Bunting Road (also known as County Road 335), and proceeding easterly along Bunting Road to Adams Road (also known as County Road 335A), and proceeding southerly along Adams Road to Piney Neck Road (also known as County Road 336), and proceeding westerly along Piney Neck Road to its intersection with an unnamed local road approximately .765 miles west of the intersection of Piney Neck Road and Adams Road, and proceeding southerly along the said unnamed local road to a nonvisible boundary situated on the north side of Pepper Creek between Holland Point and Kildee Point, and proceeding southerly along the said nonvisible boundary to the center line of Pepper Creek, and proceeding westerly along the center line of Pepper Creek to the Dagsboro Town line, and proceeding generally southerly along the Dagsboro Town line in its various courses to Delaware Route 20 (also known as Armory Road at that point in its course), and proceeding easterly along Delaware Route 20 to Omar Road (also known as County Road 54), and proceeding easterly along Omar Road to Burbage Road (also known as County Road 353), and proceeding easterly along Burbage Road to

Windmill Road (also known as County Road 352), and proceeding easterly along Windmill Road to Central Avenue (also known as County Road 84), and proceeding southerly along Central Avenue to Beaver Dam Road (also known as County Road 368), and proceeding easterly along Beaver Dam Road to Ocean Air Drive, and proceeding northerly along Ocean Air Drive to Ocean Air Lane, and proceeding easterly along Ocean Air Lane to Ocean Air Drive, and proceeding easterly along Ocean Air Drive to Beaver Dam Road (County Road 368), and proceeding easterly along Beaver Dam Road to Parker House Road (also known as County Road 362), and proceeding northerly along Parker House Road to Beaver Dam Road, and proceeding easterly along Beaver Dam Road to Muddy Neck Road (also known as County Road 361), and proceeding easterly along Muddy Neck Road, which becomes Kent Avenue, to its intersection with the northern boundary line of the Town of South Bethany, and proceeding easterly along the said northern South Bethany boundary line to the point where it meets the waters of the Atlantic Ocean, and proceeding due east from said point across the waters of the Atlantic Ocean to Delaware's eastern boundary, and proceeding in a generally southerly direction with the said eastern boundary to Delaware's southern boundary with the State of Maryland, and proceeding westerly along the said southern boundary to the middle point of the Delmarva Peninsula, marking Delaware's southwestern point, and turning northerly at the said middle point and proceeding northerly along Delaware's western boundary with the State of Maryland to the point of beginning.]

Section 2. A new Chapter 11, §§ 11-1 through 11-5 of the Sussex County Code establishes five (5) new Councilmanic Districts for Sussex County as set forth in the underlined language as follows:

§ 11-1. First Councilmanic District.

The First Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of nonvisible boundary and the Sussex county line, and proceeding easterly along nonvisible boundary to stream/river, and proceeding easterly along stream/river to nonvisible boundary, and proceeding easterly along nonvisible boundary to Bucks Br, and proceeding easterly along Bucks Br to shoreline, and proceeding easterly along shoreline to stream/river, and proceeding southerly along stream/river to Hearn's Pond Rd, and proceeding easterly along Hearn's Pond Rd to Sussex Hwy, and proceeding northerly along Sussex Hwy to Rd 46, and proceeding easterly along Rd 46 to the Seaford/Georgetown census county division line, and proceeding easterly along the Seaford/Georgetown census county division line to nonvisible boundary, and proceeding southerly along nonvisible boundary to the Georgetown/Seaford census county division line, and proceeding easterly along the Georgetown/Seaford census county division line to the Georgetown/Millsboro census county division line, and proceeding easterly along the Georgetown/Millsboro census county division line to E Trap Pond Rd, and proceeding southerly along E Trap Pond Rd to Big Mill Rd, and proceeding southerly along Big Mill Rd to Parsons Rd, and proceeding easterly along Parsons Rd to Rd 435, and proceeding southerly along Rd 435 to the Laurel-Delmar/Millsboro census county division line, and proceeding westerly along the Laurel-Delmar/Millsboro census county division line to Rd

74, and proceeding westerly along Rd 74 to nonvisible boundary, and proceeding southerly along nonvisible boundary to Rd 436, and proceeding southerly along Rd 436 to Phillips Hill Ln, and proceeding easterly along Phillips Hill Ln to nonvisible boundary, and proceeding southerly along nonvisible boundary to stream/river, and proceeding southerly along stream/river to Pocomoke Riv, and proceeding easterly along Pocomoke Riv to Pear Tree Rd, and proceeding southerly along Pear Tree Rd to powerline, and proceeding easterly along powerline to the Millsboro/Laurel-Delmar census proceeding easterly along Blueberry Ln to nonvisible boundary, and proceeding county division line, and proceeding southerly along the Millsboro/Laurel-Delmar census county division line to the Millsboro/Selbyville-Frankford census county division line, and proceeding easterly along the Millsboro/Selbyville-Frankford census county division line to Blueberry Ln, and southerly along nonvisible boundary to Cypress Rd, and proceeding westerly along Cypress Rd to the Selbyville-Frankford/Laurel-Delmar census county division line, and proceeding southerly along the Selbyville-Frankford/Laurel-Delmar census county division line to the Sussex county line, and proceeding westerly along the Sussex county line to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050401, blocks 1007 through 1010, 1017 through 1021, 1024 through 1063, and 2000 through 2058.
- b. In census tract 050403, blocks 1000 through 1021, and 2000 through 2070.
- c. In census tract 050405, blocks 1003 through 1051, and 2000 through 2117.
- d. In census tract 050406, blocks 1015 through 1020, 1028, 1029, 1033, 1034, 1036 through 1049, 1051, 2000 through 2048, 3000 through 3035, and 4000 through 4042.
- e. In census tract 050407, blocks 1021 through 1031, 1033 through 1048, and 3000 through 3037.
- f. In census tract 050408, blocks 1000 through 1026, 2000 through 2034, and 3000 through 3022.
- g. In census tract 050501, block 3067.
- h. In census tract 050601, blocks 1047 through 1067.
- i. In census tract 051502, blocks 3033 and 3034.
- j. In census tract 051701, blocks 1004 through 1008, 1011, 1012, 1014 through 1016, 1019 through 1028, 1032 through 1044, 2000 through 2058, and 3000 through 3045.
- k. In census tract 051702, blocks 1002 through 1004, 1006 through 1116, 2000 through 2057, and 3000 through 3077.
- l. In census tract 051801, blocks 1000 through 1036, 2000 through 2032, 3000 through 3024, and 4000 through 4041.
- m. In census tract 051802, blocks 1000 through 1072, 2000 through 2028, and 3000 through 3035.

- n. In census tract 051900, blocks 1000 through 1060, 2000 through 2049, and 3000 through 3061.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE FIRST COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



§ 11-2. Second Councilmanic District.

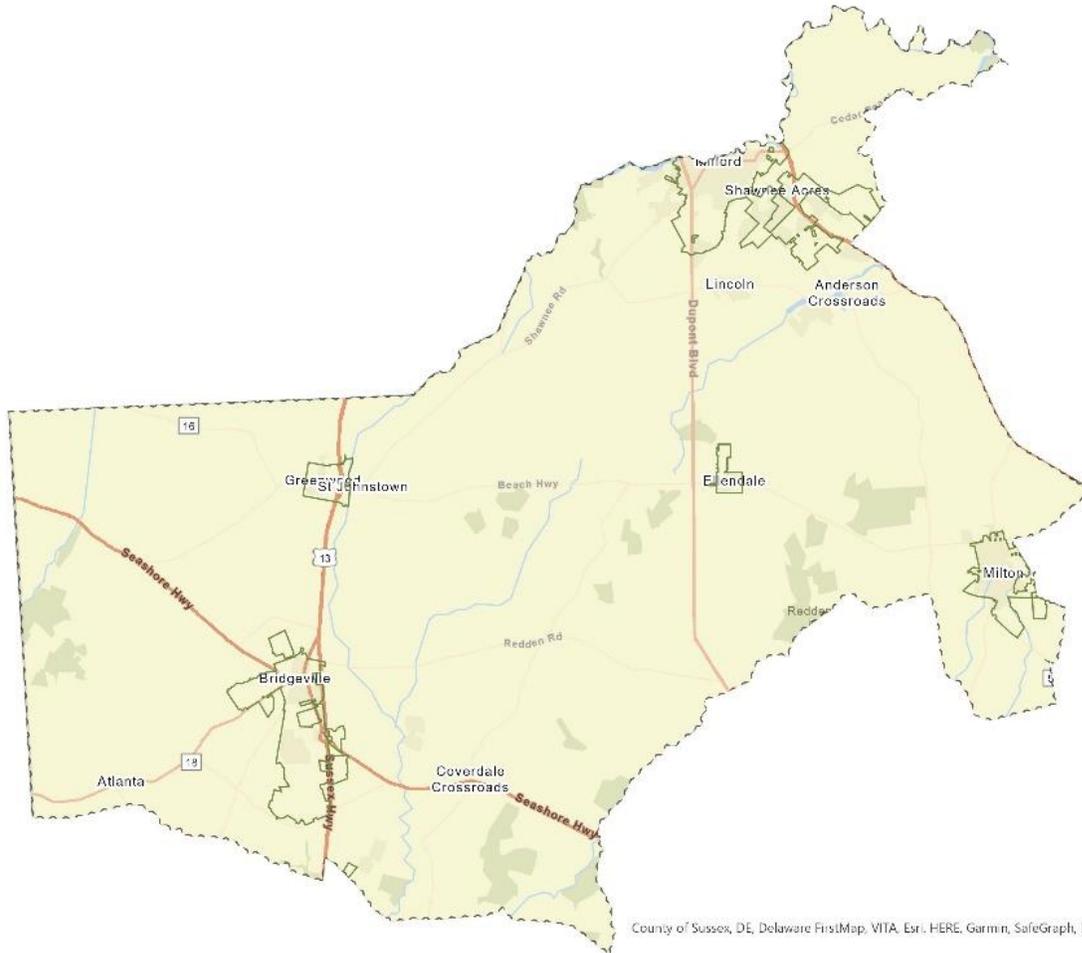
The Second Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: All of that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the Sussex county line and nonvisible boundary, and proceeding easterly along the Sussex county line to Atlantic, and proceeding southerly along Atlantic to nonvisible boundary, and proceeding westerly along nonvisible boundary to shoreline, and proceeding southerly along shoreline to Cedar Crk, and proceeding southerly along Cedar Crk to nonvisible boundary, and proceeding easterly along nonvisible boundary to Dockside Dr, and proceeding southerly along Dockside Dr to Bay Ave, and proceeding westerly along Bay Ave to Cedar Beach Rd, and proceeding westerly along Cedar Beach Rd to Shockley Rd, and proceeding easterly along Shockley Rd to Cedar Neck Rd, and proceeding southerly along Cedar Neck Rd to Sharps Rd, and proceeding easterly along Sharps Rd to Coastal Hwy, and proceeding easterly along Coastal Hwy to Brick Granary Rd, and proceeding easterly along Brick Granary Rd to Coastal Hwy, and proceeding southerly along Coastal Hwy to Rd 224, and proceeding westerly along Rd 224 to Coastal Hwy, and proceeding easterly along Coastal Hwy to the Milford South/Milton census county division line, and proceeding southerly along the Milford South/Milton census county division line to the Lewes/Milton census county division line, and proceeding southerly along the Lewes/Milton census county division line to Coastal Hwy, and proceeding easterly along Coastal Hwy to Broadkill Rd, and proceeding westerly along Broadkill Rd to Country Rd, and proceeding southerly along Country Rd to Rte 22A, and proceeding southerly along Rte 22A to nonvisible boundary, and proceeding southerly along nonvisible boundary to Broadkill Riv, and proceeding easterly along Broadkill Riv to stream/river, and proceeding southerly along stream/river to Cave Neck Rd, and proceeding easterly along Cave Neck Rd to Diamond Farm Rd, and proceeding southerly along Diamond Farm Rd to Carpenter Rd, and proceeding westerly along Carpenter Rd to Harbeson Rd, and proceeding southerly along Harbeson Rd to nonvisible boundary, and proceeding westerly along nonvisible boundary to Prettyman Rd, and proceeding westerly along Prettyman Rd to Gravel Hill Rd, and proceeding northerly along Gravel Hill Rd to the Milford South/Milton census county division line, and proceeding northerly along the Milford South/Milton census county division line to Sand Hill Rd, and proceeding westerly along Sand Hill Rd to Burton Rd, and proceeding westerly along Burton Rd to the Georgetown/Milford South census county division line, and proceeding westerly along the Georgetown/Milford South census county division line to Rd 565, and proceeding westerly along Rd 565 to Hunting Club Rd, and proceeding southerly along Hunting Club Rd to stream/river, and proceeding westerly along stream/river to Deep Crk, and proceeding westerly along Deep Crk to Seashore Hwy, and proceeding easterly along Seashore Hwy to Rd 484, and proceeding southerly along Rd 484 to the Seaford/Georgetown census county division line, and proceeding westerly along the Seaford/Georgetown census county division line to nonvisible boundary, and proceeding westerly along nonvisible boundary to the Georgetown/Seaford census county division line, and proceeding southerly along the Georgetown/Seaford census county division line to Rd 46, and proceeding westerly along Rd 46 to Sussex Hwy, and proceeding southerly along Sussex Hwy to Hearn's Pond Rd, and proceeding westerly along Hearn's Pond Rd to stream/river, and proceeding northerly along stream/river to shoreline, and proceeding westerly along shoreline to Bucks Br, and proceeding westerly along Bucks Br to nonvisible boundary, and proceeding westerly

along nonvisible boundary to stream/river, and proceeding westerly along stream/river to nonvisible boundary, and proceeding westerly along nonvisible boundary to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050101, blocks 1000 through 1043, 2000 through 2015, and 3000 through 3040.
- b. In census tract 050103, blocks 1025 and 1026, 1034 and 1035, 1040 and 1041, 2000 through 2044, 3000 through 3037, 4001 through 4009, 4013 through 4015, 4021, 4024, 4025, 4028 through 4056, 4060, 4063, and 4066
- c. In census tract 050104, blocks 1000 through 1049, 2000 through 2052, and 3000 through 3029.
- d. In census tract 050105, blocks 1000 through 1030, 2000 through 2038, 3000 through 3018, and 4000 through 4027.
- e. In census tract 050200, blocks 1000 through 1054, 2000 through 2017, and 3000 through 3088.
- f. In census tract 050302, blocks 1000 through 1047, 2000 through 2045, and 3000 through 3052.
- g. In census tract 050303, blocks 1000 through 1044, and 2000 through 2083.
- h. In census tract, 050304, blocks 1000 through 1078, 2000 through 2039, and 3000 through 3081.
- i. In census tract 050401, blocks 1000 through 1006, 1011 through 1016, 1022, 1023
- j. In census tract 050405, blocks 1000 through 1002.
- k. In census tract 050406, blocks 1000 through 1014, 1021 through 1027, 1030 through 1032, 1035, and 1050.
- l. In census tract 050407, blocks 1000 through 1020, 1032, and 2000 through 2025.
- m. In census tract 050501, tracts 2000 through 2021, 3000 through 3002, 3008 through 3010, 3052 through 3054, 3065, 3066, and 3075 through 3077.
- n. In census tract 050801, blocks 1000 through 1034, 2000 through 2033, and 3000 through 3037.
- o. In census tract 050805, blocks 2000 through 2052, 2055, 2057, and 2063 through 2075.
- p. In census tract 050805, blocks 1003 through 1007.
- q. In census tract 050805, blocks 2017 through 2021.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE SECOND COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

§ 11-3. Third Councilmanic District.

The Third Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: All of that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of Sharps Rd and Coastal Hwy, and proceeding northerly along Sharps Rd to Cedar Neck Rd, and proceeding northerly along Cedar Neck Rd to Shockley Rd, and proceeding westerly along Shockley Rd to Cedar Beach Rd, and proceeding easterly along Cedar Beach Rd to Bay Ave, and proceeding easterly along Bay Ave to Docksider Dr, and proceeding northerly along Docksider Dr to nonvisible boundary, and proceeding westerly along nonvisible boundary to Cedar Crk, and proceeding northerly along Cedar Crk to shoreline, and proceeding northerly along shoreline to nonvisible boundary, and proceeding easterly along nonvisible boundary to Atlantic, and proceeding easterly along Atlantic to the Sussex county line, and proceeding easterly along the Sussex county line to the Selbyville-Frankford/Lewes census county division line, and proceeding westerly along

the Selbyville-Frankford/Lewes census county division line to the Selbyville-Frankford/Millsboro census county division line, and proceeding westerly along the Selbyville-Frankford/Millsboro census county division line to nonvisible boundary, and proceeding northerly along nonvisible boundary to stream/river, and proceeding northerly along stream/river to Long Neck Rd, and proceeding westerly along Long Neck Rd to Rd 23, and proceeding westerly along Rd 23 to the Lewes/Millsboro census county division line, and proceeding northerly along the Lewes/Millsboro census county division line to John J Williams Hwy, and proceeding northerly along John J Williams Hwy to Sarah Run, and proceeding northerly along Sarah Run to Rd 277, and proceeding northerly along Rd 277 to Kendale Rd, and proceeding westerly along Kendale Rd to the Milton/Lewes census county division line, and proceeding northerly along the Milton/Lewes census county division line to Rd 261, and proceeding westerly along Rd 261 to Sweet Briar Rd, and proceeding northerly along Sweet Briar Rd to Cave Neck Rd, and proceeding westerly along Cave Neck Rd to stream/river, and proceeding northerly along stream/river to Broadkill Riv, and proceeding westerly along Broadkill Riv to nonvisible boundary, and proceeding northerly along nonvisible boundary to Rte 22A, and proceeding northerly along Rte 22A to Country Rd, and proceeding northerly along Country Rd to Broadkill Rd, and proceeding easterly along Broadkill Rd to Coastal Hwy, and proceeding westerly along Coastal Hwy to the Milton/Lewes census county division line, and proceeding westerly along the Milton/Lewes census county division line to the Milton/Milford South census county division line, and proceeding northerly along the Milton/Milford South census county division line to Coastal Hwy, and proceeding northerly along Coastal Hwy to Rd 224, and proceeding easterly along Rd 224 to Coastal Hwy, and proceeding northerly along Coastal Hwy to Brick Granary Rd, and proceeding westerly along Brick Granary Rd to Coastal Hwy, and proceeding westerly along Coastal Hwy to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050103, blocks 1000 through 1024, 1027 through 1033, 1036 to 1039, 1042, 4000, 4010 through 4012, 4016 through 4020, 4022, 4023, 4026, 4027, 4057 through 4059, 4061, 4062, 4064, and 4065
- b. In census tract 050706, blocks 1000 through 1039, 1053, and 1054
- c. In census tract 050709, blocks 1000 through 1035, and 2000 through 2023.
- d. In census tract 050710, blocks 1000 through 1053, and 2000 through 2021.
- e. In census tract 050711, blocks 1000 through 1030, and 2000 through 2021.
- f. In census tract 050801, blocks 3000 through 3002, and 3038.
- g. In census tract 050804, blocks 2000 through 2007.
- h. In census tract 050806, blocks 2000 through 2015, and 3000 through 3007.
- i. In census tract 050807, blocks 1000 through 1013, and 2000 through 2037.
- j. In census tract 050808, blocks 1000 through 1023, 2000 through 2038, and 3000 through 3015.
- k. In census tract 050903, blocks 1000 through 1029, and 2000 through 2036.
- l. In census tract 050904, blocks 1000 through 1044, and 2000 through 2046.

- m. In census tract 050905, blocks 1000 through 1051, 2000 through 2024, 3000 through 3032, and 4000 through 4022.
- n. In census tract 051008, blocks 1000 through 1020, 2000 through 2018, and 3000 through 3040.
- o. In census tract 051009, blocks 1000 through 1011, 2000 through 2025, and 3000 through 3022.
- p. In census tract 051010, blocks 1000 through 1013, 2000 through 2013, and 3000 through 3009.
- q. In census tract 051011, blocks 1000 through 1032, 2000 through 2014, and 3000 through 3012.
- r. In census tract 051012, blocks 1000 through 1004, 1006 through 1023, and 2000 through 2012.
- s. In census tract 051014, blocks 1000 through 1018, and 2000 through 2019.
- t. In census tract 051015, blocks 1000 through 1022, and 2000 through 2004.
- u. In census tract 051016, blocks 1000 through 1019, and 2000 through 2033.
- v. In census tract 051017, blocks 1000 through 1029, 2000 through 2047, and 3000 through 3014.
- w. In census tract 051101, blocks 1000 through 1018, 2000 through 2022, and 3000 through 3035.
- x. In census tract 051102, blocks 1000 through 1027, 2000 through 2037, and 3000 through 3031.
- y. In census tract 051103, blocks 1000 through 1013, 2000 through 2058, and 3000 through 3003.
- z. In census tract 980000, blocks 1000 through 1016.
- aa. In census tract 990000, blocks 0001 through 0009.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE THIRD COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



County of Sussex: DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, MFTI/NASA, USGS, FPA, NPS, USDA

§ 11-4. Fourth Councilmanic District.

The Fourth Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: All of that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the Laurel-Delmar/Selbyville-Frankford census county division line and the Sussex county line, and proceeding northerly along the Laurel-Delmar/Selbyville-Frankford census county division line to Cypress Rd, and proceeding easterly along Cypress Rd to nonvisible boundary, and proceeding northerly along nonvisible boundary to Blueberry Ln, and proceeding easterly along Blueberry Ln to Delaware Ave, and proceeding northerly along Delaware Ave to the Millsboro/Selbyville-Frankford census county division line, and proceeding northerly along the Millsboro/Selbyville-Frankford census county division line

to Delaware Ave, and proceeding northerly along Delaware Ave to Gum Tree Rd, and proceeding easterly along Gum Tree Rd to the Millsboro/Selbyville-Frankford census county division line, and proceeding easterly along the Millsboro/Selbyville-Frankford census county division line to powerline, and proceeding easterly along powerline to the Millsboro/Selbyville-Frankford census county division line, and proceeding northerly along the Millsboro/Selbyville-Frankford census county division line to nonvisible boundary, and proceeding westerly along nonvisible boundary to shoreline, and proceeding northerly along shoreline to Swan Crk, and proceeding northerly along Swan Crk to John J Williams Hwy, and proceeding easterly along John J Williams Hwy to Long Neck Rd, and proceeding easterly along Long Neck Rd to stream/river, and proceeding southerly along stream/river to nonvisible boundary, and proceeding southerly along nonvisible boundary to the Millsboro/Selbyville-Frankford census county division line, and proceeding easterly along the Millsboro/Selbyville-Frankford census county division line to the Lewes/Selbyville-Frankford census county division line, and proceeding easterly along the Lewes/Selbyville-Frankford census county division line to the Sussex county line, and proceeding southerly along the Sussex county line to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050703, blocks 1000 through 1005, blocks 1016 through 1032, and 2000 through 2019.
- b. In census tract 050706, blocks 1040 through 1052, 2000 through 2054, and 3000 through 3025.
- c. In census tract 050708, blocks 1000 through 1030, and 2000 through 2031.
- d. In census tract 050708, and blocks 1000 through 1039.
- e. In census tract 051201, blocks 1000 through 1039, and 2000 through 2024.
- f. In census tract 051202, blocks 1000 through 1028, and 2000 through 2037.
- g. In census tract 051203, blocks 1000 through 1016, 2000 through 2007, 3000 through 3002, and 4000 through 4020.
- h. In census tract 051204, blocks 1000 through 1027, 2000 through 2028, 3000 through 3008, and 4000 through 4027.
- i. In census tract 051205, blocks 1000 through 1042, and 2000 through 2026.
- j. In census tract 051302, blocks 1000 through 1058, 2000 through 2043, and 3000 through 3079.
- k. In census tract 051307, blocks 1000 through 1077.
- l. In census tract 051308, blocks 1000 through 1046, 2000 through 2021, and 3000 through 3031.
- m. In census tract 051309, blocks 1000 through 1016, and 2000 through 2019.
- n. In census tract 051310, blocks 1000 through 1033.
- o. In census tract 051311, blocks 1000 through 1041, and 2000 through 2008.
- p. In census tract 051312, blocks 1000 through 1025, and 2000 through 2042.
- q. In census tract 051313, blocks 1000 through 1028, 2000 through 2044, and 3000 through 3040.
- r. In census tract 051314, blocks 1000 through 1035, and 2000 through 2045.

- s. In census tract 051400, blocks 1000 through 1039, 2000 through 2037, and 3000 through 3049.
- t. In census tract 051501, blocks 1000 through 1053, and 2000 through 2030.
- u. In census tract 051502, blocks 1000 through 1042, 2000 through 2048, and 3000 through 3024, 3029 through 3032, and 3035 through 3052.
- v. In census tract 990000, block 0010.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE FOURTH COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

§ 11-5. Fifth Councilmanic District.

The Fifth Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: All of that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of Rd 484 and the Seaford/Georgetown census county division line, and proceeding northerly along Rd 484 to Seashore Hwy, and proceeding westerly along Seashore Hwy to Deep Crk, and proceeding northerly along Deep Crk to stream/river, and proceeding easterly along stream/river to Hunting Club Rd, and proceeding northerly along Hunting Club Rd to Rd

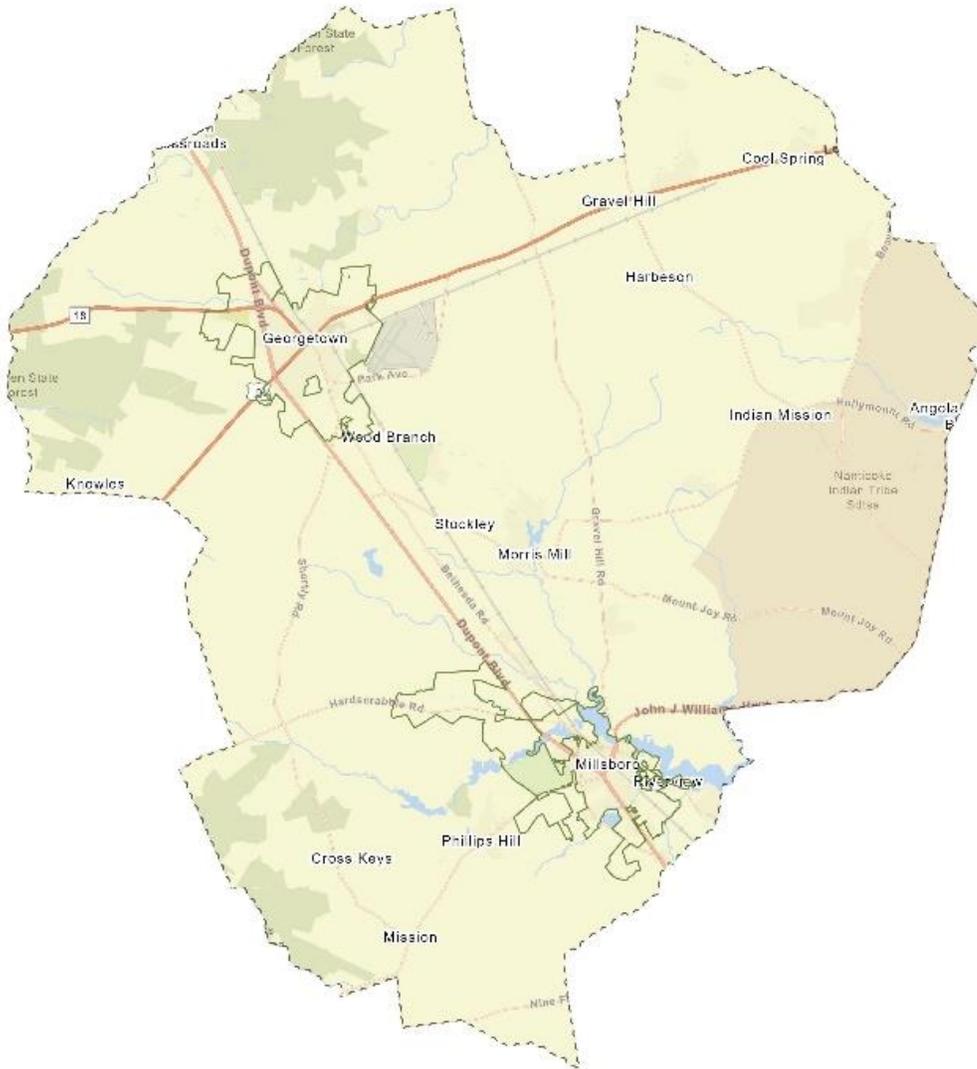
565, and proceeding easterly along Rd 565 to the Milford South/Georgetown census county division line, and proceeding easterly along the Milford South/Georgetown census county division line to Burton Rd, and proceeding northerly along Burton Rd to Sand Hill Rd, and proceeding easterly along Sand Hill Rd to the Milton/Milford South census county division line, and proceeding southerly along the Milton/Milford South census county division line to Gravel Hill Rd, and proceeding southerly along Gravel Hill Rd to Prettyman Rd, and proceeding easterly along Prettyman Rd to nonvisible boundary, and proceeding easterly along nonvisible boundary to Harbeson Rd, and proceeding northerly along Harbeson Rd to Carpenter Rd, and proceeding easterly along Carpenter Rd to Diamond Farm Rd, and proceeding northerly along Diamond Farm Rd to Cave Neck Rd, and proceeding easterly along Cave Neck Rd to Sweet Briar Rd, and proceeding easterly along Sweet Briar Rd to Rd 261, and proceeding southerly along Rd 261 to the Lewes/Milton census county division line, and proceeding westerly along the Lewes/Milton census county division line to Kendale Rd, and proceeding easterly along Kendale Rd to Rd 277, and proceeding southerly along Rd 277 to Sarah Run, and proceeding southerly along Sarah Run to John J Williams Hwy, and proceeding southerly along John J Williams Hwy to the Millsboro/Lewes census county division line, and proceeding southerly along the Millsboro/Lewes census county division line to Rd 23, and proceeding easterly along Rd 23 to John J Williams Hwy, and proceeding southerly along John J Williams Hwy to Swan Crk, and proceeding southerly along Swan Crk to shoreline, and proceeding southerly along shoreline to nonvisible boundary, and proceeding southerly along nonvisible boundary to the Selbyville-Frankford/Millsboro census county division line, and proceeding westerly along the Selbyville-Frankford/Millsboro census county division line to powerline, and proceeding westerly along powerline to the Selbyville-Frankford/Millsboro census county division line, and proceeding westerly along the Selbyville-Frankford/Millsboro census county division line to Gum Tree Rd, and proceeding westerly along Gum Tree Rd to Delaware Ave, and proceeding southerly along Delaware Ave to the Selbyville-Frankford/Millsboro census county division line, and proceeding southerly along the Selbyville-Frankford/Millsboro census county division line to Delaware Ave, and proceeding southerly along Delaware Ave to Blueberry Ln, and proceeding westerly along Blueberry Ln to the Selbyville-Frankford/Millsboro census county division line, and proceeding westerly along the Selbyville-Frankford/Millsboro census county division line to the Laurel-Delmar/Millsboro census county division line, and proceeding northerly along the Laurel-Delmar/Millsboro census county division line to powerline, and proceeding westerly along powerline to Pear Tree Rd, and proceeding northerly along Pear Tree Rd to Pocomoke Riv, and proceeding westerly along Pocomoke Riv to stream/river, and proceeding northerly along stream/river to nonvisible boundary, and proceeding northerly along nonvisible boundary to Phillips Hill Ln, and proceeding westerly along Phillips Hill Ln to Rd 436, and proceeding northerly along Rd 436 to nonvisible boundary, and proceeding northerly along nonvisible boundary to Rd 74, and proceeding easterly along Rd 74 to the Millsboro/Laurel-Delmar census county division line, and proceeding easterly along the Millsboro/Laurel-Delmar census county division line to Rd 435, and proceeding northerly along Rd 435 to Parsons Rd, and

proceeding westerly along Parsons Rd to Big Mill Rd, and proceeding northerly along Big Mill Rd to E Trap Pond Rd, and proceeding northerly along E Trap Pond Rd to the Millsboro/Georgetown census county division line, and proceeding westerly along the Millsboro/Georgetown census county division line to the Seaford/Georgetown census county division line, and proceeding westerly along the Seaford/Georgetown census county division line to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050200, blocks 2018 through 2021.
- b. In census tract 050501, blocks 1000 through 1044, 3003 through 3007, 3011 through 3051, 3055 through 3064, 3068 through 3074, and 3078 through 3081.
- c. In census tract 050503, blocks 1000 through 1061, 2000 through 2034, and 3000 through 3041.
- d. In census tract 050505, and blocks 1000 through 1058.
- e. In census tract 050506, blocks 1000 through 1052, and 2000 through 2039.
- f. In census tract 050601, blocks 1000 through 1046, 1068 through 1098, 2000 through 2031, and 3000 through 3039.
- g. In census tract 050603, blocks 1000 through 1039, and 2000 through 2047.
- h. In census tract 050604, blocks 1000 through 1054, 2000 through 2024, and 3000 through 3065.
- i. In census tract 050701, blocks 1000 through 1024, 2000 through 2040, and 3000 through 3039.
- j. In census tract 050703, blocks 1006 through 1015.
- k. In census tract 050804, blocks 050804, blocks 1000 through 1040, and 2008 through 2046.
- l. In census tract 050805, blocks 1000 through 1025, 2053, 2054, 2056, and 2058 through 2062.
- m. In census tract 050806, blocks 1000 through 1002, 1008 through 1032, and 4000 through 4041.
- n. In census tract 051012, block 1005.
- o. In census tract 051013, blocks 1000 through 1030, and 2000 through 2018.
- p. In census tract 051502, blocks 3025 through 3028.
- q. In census tract 051701, blocks 1000 through 1003, 1009, 1010, 1013, 1017, 1018, and 1029 through 1031.
- r. In census tract 051702, blocks 1000, 1001, and 1005.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE FIFTH COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



County of Sussex, DE, Delaware Fin. Map, VITA, Carl I. ERL, Garmin, SeisGraph, MET/NASA, USGS, EPA, NPS, USDA

Section 3. This Ordinance shall become effective upon its adoption.

SYNOPSIS

This ordinance repeals Ordinance No. 2227 adopted on November 15, 2011, as amended by Ordinance No. 2243 adopted on February 28, 2012, and as codified in Chapter 11, §§ 11-1 through 11-5 of the Sussex County Code, which established Councilmanic Districts for Sussex County. The repealed language is shown in brackets. This ordinance further establishes and adopts new Councilmanic Districts for Sussex County and codifies each newly established Councilmanic District in Chapter 11, §§ 11-1 through 11-5 of the Sussex County Code as set forth in the underlined language herein.

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

CC: Everett Moore, County Attorney

Date: January 26, 2022

RE: County Council Report for C/Z 1948 filed on behalf of The Grande at Canal Point Maintenance Corporation

The Planning and Zoning Department received an application (C/Z 1948 filed on behalf of The Grande at Canal Point Maintenance Corporation) for a Change of Zone of parcels 334-13.00-334.00, 1448.00-1750.00 from a MR-RPC Medium-Density Residential District, Residential Planned Community to a MR-RPC Medium-Density Residential District, Residential Planned Community to amend Conditions of Approval Number 15 of C/Z 1538 (Ordinance No. 1700) and C/Z 1926 (Ordinance No. 2786) in relation to piers, docks, boat ramps and other water related recreational facilities for a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County, containing 180.60 acres, more or less.

The Planning and Zoning Commission held a public hearing on December 9, 2021. At the meeting of January 13, 2022, the Commission recommended approval of the application for the 7 reasons and subject to the amended condition wording as outlined within the motion (included below).

The County Council held a public hearing on the application at its meeting of January 25, 2022. At the conclusion of the public hearing, action on the application was deferred for further consideration.

Below are the draft minutes from the Planning & Zoning Commission meeting of December 9, 2021 and the draft minutes of the Planning & Zoning Commission meeting of January 13, 2022.

Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

C/Z 1948 The Grande at Canal Point Maintenance Corporation

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC Medium-Density Residential District, Residential Planned Community to a MR-RPC Medium-



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

Density Residential District, Residential Planned Community to amend Conditions of Approval Number 15 of C/Z 1538 (Ordinance No. 1700) and C/Z 1926 (Ordinance No. 2786) in relation to piers, docks, boat ramps and other water-related recreational facilities for a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County, containing 180.60 acres, more or less. The property is lying on the east side of Hebron Road, approximately 0.19 mile south of the intersection of Hebron Road and Holland Glade Road (S.C.R. 271). 911 Address: N/A. Tax Parcel: 334-13.00-334.00, 1448.00-1750.00.

Mr. Whitehouse stated submitted into the record a copy of the Applicant's exhibit booklet, a letter received from the Applicant, a copy of a letter requesting the reconsideration of C/Z 1926, a copy of C/Z 1538, a copy of comments from Sussex County Engineering Department Utility Planning Division, a copy of the Notice of Decision for C/Z 1926, 67 letters of support, one letter in opposition and eight mail returns.

The Commission found that Mr. Tim Willard, Esq. spoke on behalf of the Application C/Z 1948 The Grande at Canal Point Maintenance Corporation; that also present were Applicants Ms. Melissa Donnelly and Mr. Ken Larson; that Applicant is requesting to have the previous Conditions of Approval amended to be permitted to build their proposed dock; that previously the Commission issued recommended approvals with a sound Condition; that he previously represented the Applicant for the previous County Council public hearing; that at that hearing County Council did approve the Application, but not in a way they previously have in accepting the Planning & Zoning recommendations; that County Council added a Condition (Paragraph F), that in the Condition the Council gave Conditions for construction of the dock; that Mr. Ed Launay stated based off the Conditions for construction of the dock, it would not be approved by DNREC and The Army Corp of Engineers based on the dimensions; that the recommendation from Planning & Zoning stated the approval was subject to all applicable permits from The Army Corp of Engineers, DNREC and any other agencies having jurisdiction; that these agencies have the jurisdiction over navigable waterways; that he stated Chairman Wheatley mentioned, at the previous public hearing, people have access to the waterway, but it is unsafe in the manner they are accessing it; that after the County Council's decision he wrote a letter requesting reconsideration of the Condition; that the Applicant then re-applied; that he stated this is not re-application as the Ordinance 2786 has already passed; that the only way the Applicant could get back to Commission was to re-apply; that the Applicant is currently applying to amend Ordinance 2786; that the current Application request is the deletion of Paragraph F; that a dock was already approved by the Planning & Zoning Commission, as well as County Council for the use of kayaks and canoes; that he just received Mr. Spence's letter of opposition that day; that there are 67 letters supporting the Application request; that the current subdivision is constructed of single-family homes; that there is nothing within the Homeowner Association covenants forbidding a dock; that the HOA owns the subject parcel; that the parcel is referred to as the Park Area; that the HOA took a vote; that there were 163 votes in favor out of 180 people voting; that this equals to 90% of votes being in favor for the Application request; that the Comprehensive Plan encourages access and boating recreation; that within Ordinance 2786 are indications for all of the reasons the amendment request should be added; that in Mr. Spence's opposition letter it mentions what was permitted when the subdivision was originally approved, questioning why the laws should be changed; that he states things have changed; that at the time the subdivision was approved it was only the developer; that within the previous meeting minutes there was note of opposition; that now there are 150 residents living there, requesting to recreate; that in the opposition letter it references Rule 15.5 where it

is stated only in extraordinary cases should reconsideration be permitted; that the Applicant does not consider the request as a reconsideration; that the request is to amend the Ordinance; that in the opposition letter it references the Statue 216 D, which states reconsideration is not permitted until one year has passed; that this is only subject to Applications which have been denied; that the Applicant is requesting to amend the Ordinance; that in the opposition letter it stated they opposition would be in support of the previously designed dimensions supplied by Mr. Robert Whitford of Precision Marine; that since the Applicant began this process, it has been found there is a slither of land which comes out toward the public area; that due to this, the dock would be required to move slightly north; that due to this the previously designed dimension will not be approved; that if Commission would approve the dock, without dictation to the structure of it, The Army Corp of Engineers and DNREC will designed the dock; that it will then be required to come back to the Commission for final site plan approval; that this is similar to how the Commission would not try to construct an entrance to a subdivision; that DNREC and The Army Corp of Engineers has jurisdiction over navigable waterways; that he has prepared options for removing Paragraph F; that one option would be to delete the whole paragraph and re-recommend the previous Conditions; that this Condition stated approval would be subject to the receipt of all applicable permits from The US Army Corp of Engineers, DNREC and any other agency having jurisdiction; the Condition also stated the RPC was permitted for only one dock, for the use of residents and only being used to kayaks and canoes; that another option is to delete Paragraph 15 in its entirety; that he does not recommend this option as he believes it may open up the permitted use of motorized marine vehicles; that another option would be to delete Paragraph 15 F; that this deletion would remove only the portion which dictates the construction of the dock; that submitted into the record was the letter of reconsideration and a draft from Mr. Ed Launay regarding tract conditions; that the Applicant has no objection to any of the other Conditions proposed in Ordinance 2786 and the Applicant only request amending Paragraph F, allowing the Applicant to proceed with regulatory approval.

Ms. Stevenson questioned if electricity will be required if a gate with a fob pass will be present.

Mr. Hopkins questioned if the Applicant was opposed to having lighting in the park; that he questioned if the concern was if the lighting would be intrusive to the environment if conduit was run to the park and questioned if the lighting would be favored from a safety standpoint.

Mr. Willard stated in Paragraph E of the Conditions stated there shall be no bathrooms, running water, electricity, lighting, or parking; that in Mr. Ed Launay's previous letter to County Council he deleted this section of the paragraph because of the same reason Ms. Stevenson was asking; that the Applicant chose to not upset any of the other Conditions set by Council; that if this was a Condition the Commission would like to change the Applicant would not oppose it; that the Applicant proposed the fob be up near the street, not directly in the park; that this was a subject objectional to the Applicant, but chose not to request, due to the main concern being the proposed dock; that the Applicant was not going to challenge the Condition, but would like to see some low lighting in the park for security reasons.

Chairman Wheatley stated the issue is lighting for safety purposes; that Commission does have the ability to stipulate the lighting; that he understands lighting could be a concern from the residents across the canal and this is a subject the Commission would have to be very careful about.

The Commission found Mr. Steven Spence spoke in opposition to the Application; that he presented previously with the prior disputes over the original Application; that Ms. Mackenzie Peet represent the

original Application to the Planning & Zoning Commission and Mr. John Paradee represented the original Application in front of County Council; that he did submit a letter of opposition; that there were many drafts of the letter before submission; that the question was whether to stick solely with the procedural issues they have raised concerning Applicant's requesting to remove a Condition based upon their inability to perform what they want; that battlelines were drawn regarding whether boating should be permitted at all based off the previous Condition from 2004; that if a dock should be placed, it would be for unmotorized vehicles only; that the dock proposed to the County Council was much larger than needed; that when County Council adopted the Ordinance, which is not the subject of the current Application, some Conditions were proposed to the size and shape of the dock; that the Applicant originally came in requesting a deletion of a Condition; that the Applicant received changes to the Condition, which were not the changes the Applicant asked for; that there has been a lot of questions between Councils as to what type of Application is it considered to be; that it is his view the original Application was not granted; that the Applicant received a modification to a Condition after applying to delete the Condition all together; that the Applicant did not like the Conditions proposed; that there is no evidence in the record showing the Applicant applied the proposed dimensions to The Army Corp of Engineers or DNREC, were denied and told in writing by those agencies what was required to change; that he has read Mr. Ed Launay's letter; that he does not understand what the letter is stating other than he proposed to build the dock the way it was proposed before; that the previously proposed dock was not permitted by County Council; that he feels the Applicant is requesting the Commission reconsider something within the same year; that he feels this should not be allowed; that the Applicant should have to contact DNREC and The Army Corp of Engineers, providing a design which is compliant, have those agencies comment and then return to Commission; that he asked an independent party to design a dock which complied with the Conditions; that the only issue from the independent party design was the distance from the landward side, out into the canal; that there was difficulty, without any other evidence, determining if the dock as Conditioned by County Council would be long enough to provide the depth necessary at low tide to launch a kayak or a canoe; that he does not want persons other than members of the community to be able to use the facility; that the wanted to area to be secure; that electricity may or may not be required; that this was an issue which was not completely addressed; that in the record there is a reconsideration tract document which presents a cross out for electricity; that he is uncertain who submitted the document; that he does not want to see overhead lighting or lighting at 11:00 pm; that he does not want after dark use of the canal; that the County Council imposed conditions; that the Applicant did not like them; that the Applicant did not apply for permits; that he opposes the procedural process first; that he feels the Applicant should have to wait or be required to obtain evidence to what will work and not work; that he does not want to see the dock size originally presented; that it is too big and beyond what is necessary for the proposed limitations; that where the Applicant originally appeared to want to place the dock would cross over the property line onto Canal Corkran property; that this is one of the problems which must be resolved; that to the right of the proposed site is wetlands; that there is only so much room for what can go into the area; that he feels the Commission should express no position or recommend against any change; that they are concerned with the size, volume of use and timing of use he feels the Applicant should be going through the design phase first before requesting any change.

The Commission found there was no one present by teleconference who wished to speak in support or opposition to the Application.

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

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to Application C/Z 1948 The Grande at Canal Point Maintenance Corporation. Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

Minutes of the January 13, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since December 9, 2021.

Mr. Mears moved that the Commission recommend approval of an amendment to Condition #15 of Change of Zone # 1926 and Ordinance #1700 regarding docks within the Grande at Canal Pointe RPC based upon the record made during the public hearing and for the following reasons:

1. This matter was previously considered by the Commission, and the Commission recommended an amendment to Condition #15 to allow one dock for kayaks and paddleboards. Since both DNREC and the U. S. Army Corps of Engineers have jurisdiction over the location and dimensions of such a dock, the recommended approval was subject to their jurisdiction. After the Council hearing, the Commission's recommendation was amended by Council to include specific dimensions of the dock, which evidently are impossible or impractical to meet according to the record from this current application. For this reason, I move that the Commission's original recommendation be followed, with the County approval being subject to the review and approval of the state and federal agencies who have jurisdiction over a dock like this. This recommendation is again based upon the following reasons:
2. Condition #15 of CZ # 1926 and Ordinance #1700 currently states that "No piers, docks, boat ramps or other water-related facilities shall be permitted" within the Canal Pointe RPC.
3. The Canal Pointe RPC is adjacent to the Lewes-Rehoboth Canal, which is a source of water-related activities for many Sussex County residents and visitors.
4. It was shown during the public hearing that this area of the Lewes-Rehoboth Canal has developed with many personal docks attached to individual lots as well as a large marina associated with the Town of Henlopen Acres.
5. The revised condition #15, which will be limited to non-motorized boats, will have less of an impact on the waterway and the environment than many of these existing docks and the motorized boats that they serve.
6. With one point of access to the Lewes-Rehoboth Canal, there will be a well-designed and permitted dock available to the residents of Canal Pointe instead of multiple undefined points of access that could cause more damage to the Canal and the environment.
7. Condition #15 of CZ # 1926 and Ordinance # 1700 should be amended to state as follows:

"15. Subject to the receipt of all applicable permits from the U.S Army Corps of Engineers, DNREC, and any other agencies having jurisdiction, this RPC shall be permitted to have only one dock for the use of residents. This dock shall only be utilized for kayaks and paddleboards. No motorized boats shall be launched or docked at this location. No storage of kayaks, paddleboards, boats, or other marine equipment shall be permitted along the dock or landward of it within the RPC. There shall be an amendment to the Canal Pointe Master Plan and a subsequent final site plan showing the dock and its point of access from the RPC. No other piers, docks, boat ramps, or other water-related facilities shall be permitted."

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval for C/Z 1948 The Grande at Canal Point Maintenance Corporation for the reasons stated in the motion.
Motion carried 5-0.

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 9th, 2021

Application: CZ 1948 The Grande at Canal Point Maintenance Operations Corp.

Applicant: The Grande at Canal Point Maintenance Operations Corp.
P.O. Box 1418
Rehoboth Beach, DE 19971

Owner: The Grande at Canal Point Maintenance Operations Corp.
P.O. Box 1418
Rehoboth Beach, DE 19971

Site Location: The property is lying on the east side of Hebron Rd., approximately 0.19 mile south of the intersection of Hebron Rd. and Holland Glade Rd. (S.C.R. 271)

Current Zoning: Medium Residential (MR-RPC) Residential Planned Community

Proposed Zoning: Medium Residential (MR-RPC) Residential Planned Community

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Department

Sewer: Sussex County

Water: City of Rehoboth

Site Area: 180.60 acres +/-

Tax Map ID.: 334-13.00-334.00. 1448.00 through 1750.00



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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 3, 2021
RE: Staff Analysis for CZ 1948 The Grande at Canal Point Maintenance Corp.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1948 The Grande at Canal Point Maintenance Corp. to be reviewed during the December 9, 2021 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 an Amendment to the Conditions of Approval for the existing Change of Zone (CZ 1538) for Rebay, LLC, for a change of zone from AR-1 to MR/RPC on Tax Parcel 334-13.00-334.00, recently amended by CZ 1926 for CP Townhomes, LLC, for a change of zone from AR-1 to MR/RPC on Tax Parcel 334-13.00-334.00. Specifically, the applicant is requesting an amendment to Condition "F" which requires specific dimensions for the dock construction. The applicant has suggested that this condition be struck from the Conditions of Approval and all other conditions would remain. The previous Change of Zone application was recommended for approval by the Planning and Zoning Commission at their meeting of Thursday, May 13, 2021 and approved by the Sussex County Council at their meeting of Tuesday June 29, 2021 and the change of zone was adopted through Ordinance No. 2786. Copies of the Meeting Minutes from both of these meetings have been attached to this memo for circulation to members of the Commission and Council.

The community lies on the east side of Hebron Road approximately 0.19 mile southeast of Holland Glade Road (S.C.R 271). The property consists of 180.60 acres +/-.

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

The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.



Based on the analysis of the land use, surrounding zoning, and uses, an Amendment to Condition “F” of the previously approved Change of Zones (CZ 1538 and CZ 1926) could be considered as being consistent with the land use, area zoning, and surrounding uses.

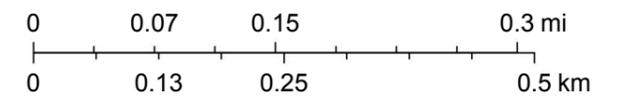
Sussex County



November 17, 2021

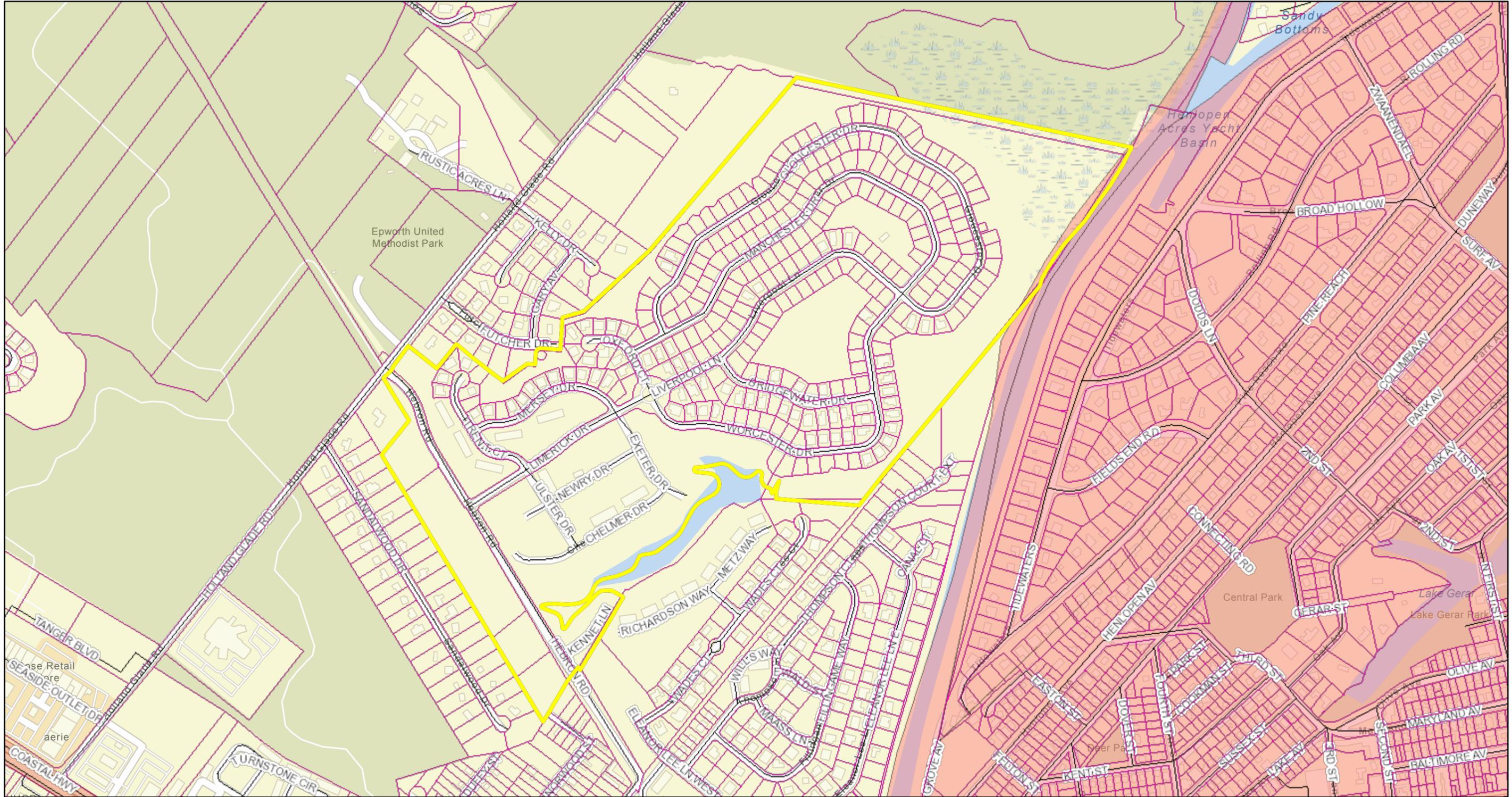
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- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries
- TID

1:9,028



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, ©

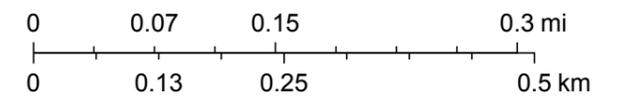
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November 17, 2021

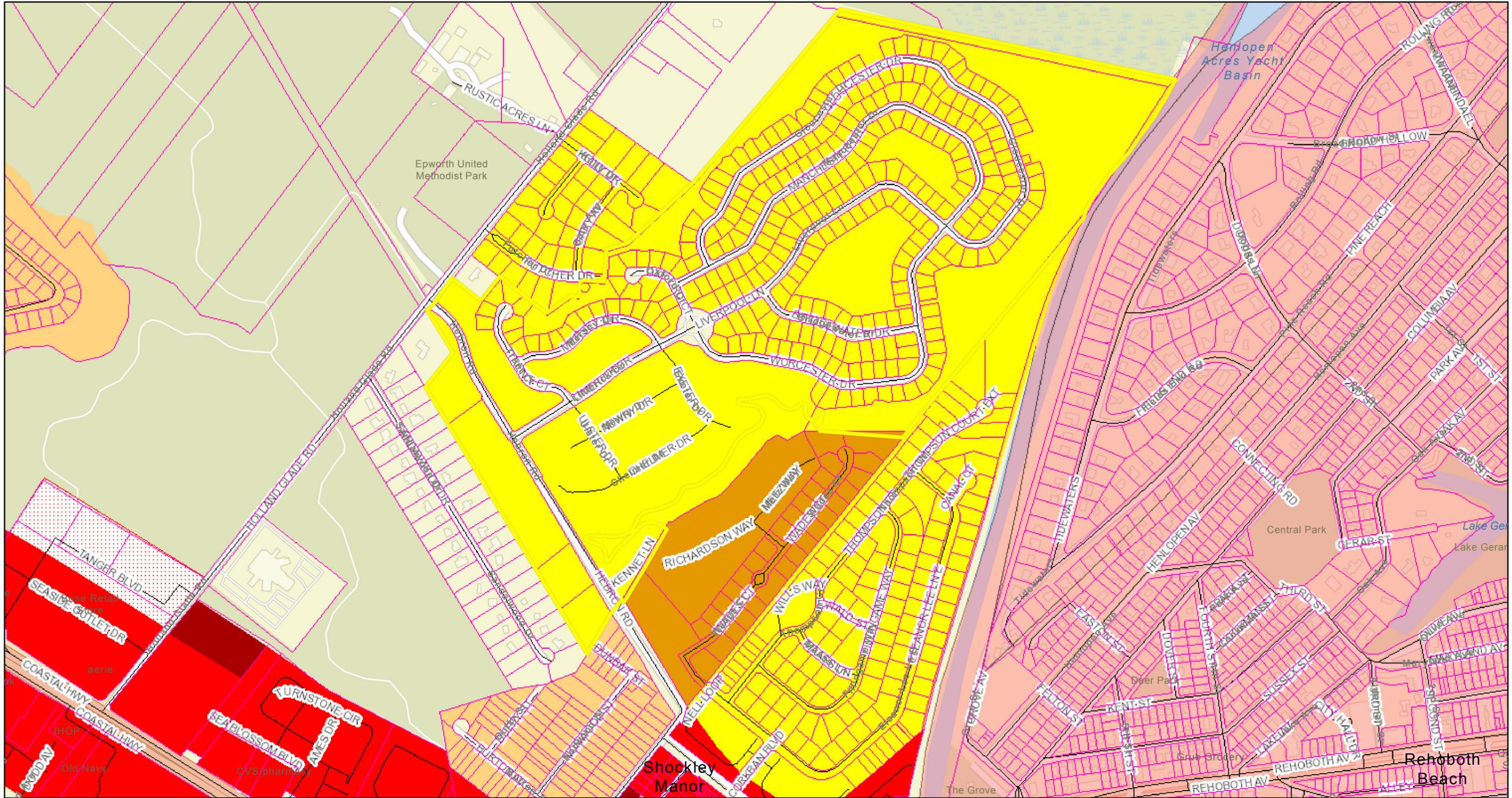
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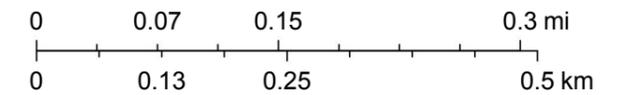
DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Sussex County



November 17, 2021

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DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

To Be Introduced: 2/1/22

Council District 2: Ms. Green
Tax I.D. Nos: 230-6.17-19.00
911 Address: 8465 Front Street, Lincoln, DE

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRES, MORE OR LESS

WHEREAS, on the 5th day of October 2021, a zoning application, denominated Change of Zone No. 1957 was filed on behalf of Ronicca J. Payton; and

WHEREAS, on the ____ day of ____ 2022, 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. 1957 be _____; and

WHEREAS, on the ____ day of ____ 2022, 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 B-1 Neighborhood Business District and adding in lieu thereof the designation of AR-1 Agricultural 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the east side of Front Street (S.C.R. 38B), approximately 200 feet south of Washington St. (S.C.R. 225C), being more particularly described in the attached survey prepared by Douglas Annand P.L.S., said parcel containing 0.28 acres, more or less.

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

To Be Introduced: 2/1/22

Council District 3: Mr. Schaeffer
Tax I.D. No. 335-8.00-37.00 (portion of)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 43.777 ACRES, MORE OR LESS

WHEREAS, on the 5th day of January 2022, a zoning application, denominated Change of Zone No. 1967 was filed on behalf of Henlopen Properties, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 1967 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 MR Medium Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Kings Highway (Rt. 9) approximately 390 feet northeast of Gills Neck Road (S.C.R. 267) and on the north side of Gills Neck Road (S.C.R. 267) approximately 329 feet southeast of Kings Highway (Rt. 9) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 43.777 ac., more or less.

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

To Be Introduced: 2/1/22

Council District 3: Mr. Schaeffer
Tax I.D. No. 335-8.00-37.00 (portion of)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.041 ACRES, MORE OR LESS

WHEREAS, on the 5th day of January 2022, a zoning application, denominated Change of Zone No. 1968 was filed on behalf of Henlopen Properties, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 1968 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Gills Neck Road (S.C.R. 267) approximately 329 feet southeast of Kings Highway (Rt. 9) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 3.041 ac., more or less.

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

To Be Introduced: 2/1/22

Council District 3: Mr. Schaeffer
Tax I.D. No. 335-8.00-37.00 (portion of)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM RESIDENTIAL DISTRICT FOR MULTI-FAMILY (267 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 43.777 ACRES, MORE OR LESS

WHEREAS, on the 5th day of January 2022, a conditional use application, denominated Conditional Use No. 2334 was filed on behalf of Henlopen Properties, LLC; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2334 be _____; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2334 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Kings Highway (Rt. 9) approximately 390 feet northeast of Gills Neck Road (S.C.R. 267) and on the north side of Gills Neck Road (S.C.R. 267) approximately 329 feet southeast of Kings Highway (Rt. 9) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 43.777 acres, more or less.

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

To Be Introduced: 2/1/22

Council District 5: Mr. Rieley
Tax I.D. No: 134-15.00-20.06
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR 703 STORAGE UNITS AND OUTDOOR STORAGE FOR BOATS AND RV'S TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.424 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of June 2021, a conditional use application, denominated Conditional Use No. 2293 was filed on behalf of Ronald and Candice Gray; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2293 be _____; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2293 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 (Route 17), approximately 0.68-miles northeast of the intersection of Roxana Road and Daisey Road (Route 370), being the remaining lands shown on the survey prepared by Christopher Waters, P.L.S. and being more particularly described in the attached survey, said parcel containing 8.424 acres, more or less.

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

To Be Introduced: 2/1/22

Council District 5: Mr. Rieley
Tax I.D. Nos: 134-15.00-20.12
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.564 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of June 2021, a zoning application, denominated Change of Zone No. 1946 was filed on behalf of Ronald & Candice Gray; and

WHEREAS, on the ____ day of _____ 2022, 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. 1946 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Roxana Road (Rt. 17), approximately 0.69-miles northeast of the intersection of Roxana Road and Daisey Road (S.C.R. 370), being more particularly described in the attached survey prepared by Christopher Waters, P.L.S., said parcel containing 1.564 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.

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Sussex County

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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

CC: Everett Moore, County Attorney

Date: January 28, 2022

RE: County Council Report for CU 2279 filed on behalf of Ron Sutton.

The Planning and Zoning Department received an application (CU 2279 filed on behalf of Ron Sutton) for a Conditional Use for parcel 134-17.11-6.00 for multi-family dwellings (11 units). The property is within the Medium Residential (MR) Zoning District and is located at 33309 Kent Avenue, Bethany Beach. The parcel size is 1.03 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on December 9, 2021. At the meeting of January 13, 2022, the Planning & Zoning Commission recommended denial of the application for the 9 reasons outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of December 9, 2021 and the minutes of the January 13, 2022 meeting.

Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

C/U 2279 Ron Sutton

An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for multi-family dwellings (11 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.035 acres, more or less. The property is lying on the east side of Kent Avenue (S.C.R. 361), approximately 0.66 mile south of Garfield Parkway (Rt. 26). 911 Address: 33309 Kent Avenue, Bethany Beach. Tax Parcel: 134-17.11-6.00.

Mr. Whitehouse advised the Commission submitted into the record is a copy of the staff analysis, a copy of the Applicant's site plan, a copy of a letter from Sussex County Engineering Department Utility Planning Division, a petition of opposition containing 64 signatures, with some appearing to be duplicated, 10 letters of opposition, zero letters in support and three mail returns.



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE

The Commission found that Mr. Ron Sutton, with Civil Engineering Associates, was present on behalf of the Applicant, The Christopher Companies for the Application Ron Sutton; that the owners are looking to construct 10 condominium units; that they submitted their design booklet along with the supplemental data which handle Coastal Zoning and design requirements; that the proposed project is called Windward Village; that it is a redevelopment of an existing 14 room motel, or also known as a bed and breakfast; that the site is approximately 1.04 acres; that the proposed project will create approximately 50 vehicle trips per day according to DelDOT's analysis; that the vehicle trips will have minimal impact on the surrounding area; that a DelDOT Service Level Evaluation request was submitted; that DelDOT does require the Applicant perform entrance improvements; that currently there are two entrances on the current property, an entrance on the north and south; that the Applicant will be eliminating both entrances and placing one entrance in the center; that this will also include the right-of-way dedications and shared-use path for pedestrian traffic; that sewer will be provided by Sussex County; that water will be provided by public water; that there is adequate capacity with a 12-inch water main running in front of the property; that stormwater management will be provided by two stormwater management ponds; that the tree line on the property will remain; that there are sporadic trees throughout the property; that the Applicant proposes to keep as many trees as possible; that the trees located in the middle of the property would have to be removed to facilitate construction; that the trees on the north side property line will remain; that currently there is a parking lot located almost up against the property line; that all the trees on the south side property line will remain; that currently there is a parking lot located very close to the property line, as well as dumpster storage areas from the adjacent condominium complex; that the proposed plan has changed some from the initial submission of 11 units; that the Applicant has reduced it to 10 units; that all units are 24-feet in width; that all units will have a total of four parking spots; that the units will have parking underneath, as well as two parking spots in front; that proposed is a pool and gazebo and other amenities within the area for residents to enjoy; that the stormwater management ponds are located on both sides of the entrance; that the impervious area on the existing site is approximately 1.33 acres; that the impervious area on the proposed site is approximately 1.48 acres; that the increase in impervious surface led to the two stormwater management areas; that the proposed project is a redevelopment of an existing bed and breakfast, consisting of 10 condominiums; that the property is surrounded by existing landscaping and woods, which will be maintained; that sufficient landscaping will also be installed to supplement the surrounding woods; that there will be minimum use of wetlands and flood plains; that there are no wetlands located on the property; that there is a small sliver of wetlands located in the right rear corner of the property; that there are no natural historical features located on the property; that the trees and buffers are important; that other than the trees and buffers there are no other views; that they are proposing the minimum requirement of 30% open space for the project; that there will be a minimization of tree, vegetation and soil removal; that there will be no soil removal; that they will be importing some soil to raise the site out of the flood plain; that they intend to keep as many trees as possible; that they will plant additional trees to create additional screening around the entire project; that they pulled all the units as far toward Kent Avenue as possible, while maintaining the buffer areas around the stormwater management; that there will be screening from objectual features, neighboring properties and roadways; that the property is surrounded by existing woods which will be maintained and supplemented with additional landscaping; that the original submission showed a four foot and a five foot fence; that they are now proposing an eight foot fence around the sides and rear of the property; that central water is available at the front of the property; that the site has access to sewer at the front of the property; that there is a Public Works document stating there is capacity and the Applicant will need to upgrade to provide service to the 10 units; that there will be minimization of erosion, sedimentation, changes in ground water levels and rates of runoff, that all of this will be

controlled by the proposed stormwater management areas; that the stormwater management areas are in compliance with DNREC and Sussex Conservation District requirements; that there will be one entrance; that there will be a 16-ft wide one-way lane which meets the Fire Marshal requirements for one way traffic and firetrucks; that they believe the proposed project will increase the surrounding areas property values; that the units in the surrounding area are currently being constructed in The Towns of Bayshore, which was approved in 2020; that the current price range for those units begins in the \$600,000 and moves into the \$800,000 range; that there is no preservation or farmland located on the proposed site; that there will be no negative impact to the surrounding schools, public buildings or communities due to the proposed community; that it is expected the proposed units will be second homes; that DelDOT stated there would be minimal impact and no Traffic Impact Study is required; that the road improvements are a minor extension as a hammerhead entrance; that the property is located in the MR Medium Residential Zoning District; that HR High Residential is located to the south and the west of the property; that MR Zoning is located to the north and east of the property; that they do not anticipate any effects on area waterways, as they will comply with the stormwater management requirements of the State and Sussex Conservation District; that according to the memo from Planning Staff the project is consistent with the 2018 Comprehensive Plan; that the same memo states the project could be considered as being consistent with the land use area, zoning and surrounding uses; that according to the Strategies for State Policies and Spending the property site is located in Level I, which is the highest priority for funding; that on October 27, 2021 the client held a public awareness meeting; that all residents within 200 feet were invited by certified registered mail; that approximately 30 letters were mailed out, including letters to Sea Colony Condominium Complex; that he has signatures for 13 neighbors, that the meeting was held at the Blue Water Ballroom in Bethany Beach Ocean Suites Residents Inn; that most of the current PowerPoint was presented at the meeting; that they have made some adjustments to one slide based off of comments made at the meeting; that based off of the comments provided they have reduced the density, increased fencing, supplemented and added to the buffer and trees from the area residents; that following the presentation neighbors voiced concerns regarding traffic, pedestrian traffic, density, proximity to the property line, fencing, trees, stormwater management, building height, condominium regime, ownership, parking and types of units; that they will be installing a shared use path across the frontage, which should increase the pedestrian travel way; that they can only change what is along their frontage; that they are unable to change anything not located on their property; that the current size of the property permits 11 units; that they have reduced the density to 10 units; that they increased the widths of the units to allow for additional parking; that by reducing the units they created better buffering; that originally they had proposed the proposed four to five foot fencing; that they are now proposing eight foot fencing; that they will keep all trees within the building restriction lines on both sides; that they will plant additional trees; that the current trees on the property are pretty mature; that a lot of the canopy begins at eight feet high; that they believe eight foot high fencing will create a nice buffer; that the building height is within the Sussex County regulation to building height, which is 42-ft.; that regarding the condominium regime, there all federal and state regulations and Sussex County requirements will be met for the condominium regime; that in the original plan there were three overflow parking spots located to the rear of the property; that the original plan proposed 22-ft. wide units, which offered less parking than what is currently proposed; that once they changed to 24-ft. wide units, they were able to create four parking spots per unit; that this created two times the required amount; that the units are three stories with optional fourth floor lofts and these are the same type units which were approved and currently being constructed in The Towns of Bayshore.

Mr. Mears stated all letters of opposition refer to a flooding issue and questioned if the proposed stormwater management will handle the flooding concerns with handling stormwater more efficiently

than what neighbors are currently seeing on the property.

Mr. Sutton stated according to the current topography, most of the property site is not located within a flood plain; that the only portion of the property within the flood plain is in the right rear corner; that the proposed construction would elevate the proposed units to be out of the flood plain and the stormwater management will meet the regulations and more efficiently handle stormwater.

Ms. Wingate questioned if the existing units were one-bedroom units, how many units exist currently; that she questioned if the existing vehicle traffic was one to two vehicles per unit; that she questioned the height of the Sea Colony units or other neighboring properties and confirmed the multi-use path would be placed along the frontage of the property.

Mr. Sutton stated the current units are one-bedroom; that there is currently 11 to 14 units; that each unit accounted for one to two vehicles; that the units in Sea Colony are two-story units and single-story units are around the property and he confirmed a multi-use path is proposed along the frontage of the property.

Ms. Stevenson questioned the maximum fence height required in Sussex County Code; that she questioned the size of the pool and questioned how many bedrooms per unit are proposed.

Mr. Whitehouse stated a maximum residential height of 7-ft. fencing is permitted on the side and rear of the property; that the maximum residential height in the front yard setback is 3.5-ft and what is currently being shown would require a variance.

Mr. Sutton stated the proposed pool size is 15' x 30'.

The Commission found that Mr. Rick Normoyle, General Sales Manager of the Christopher Companies, spoke on behalf of the Application, stating the units are three to four bedrooms, depending on the options the customer chooses.

Mr. Whitehouse stated Sussex County Code states townhomes should have an aggregate minimum yard of 40-ft.; that some of the units look a bit close to the fence; that he questioned if all the units meet the requirement and stated this can be worked out by staff in the site plan review stage.

Mr. Sutton stated some of the units are backed along the 10-ft. setbacks along the sides, with the larger units in the back; that they meet the 40-ft. setback in the front and they would have to run the calculations, and if adjustments are needed they do have room to make adjustments.

The Commission found that Mr. Dale Minner spoke in opposition to the Application; that he has owned a second property on Jefferson Bridge Rd. in Bethany Beach for the last 25 years; that Argyle Lane runs parallel to Kent Ave.; that his property is on the corner of Jefferson Bridge Rd. and Argyle Ln.; that he is concerned about heavy vehicular traffic on Jefferson Bridge Rd. due to its narrowness and its lack of a bicycle lane or shoulder; that motorists use this road to avoid Rt. 26; that he is concerned about the number of vehicles associated with the proposed Application; that he does understand the number of units has been reduced to 10 units; that he stated four-story buildings are proposed; that four bedrooms for each unit are proposed; that he is concerned about water runoff; that Bethany floods in the north and south; that there is a lot of ditching between Jefferson Bridge Rd. and Argyle Ln.; that Argyle Ln. is lower than Jefferson Bridge Rd.; that there are no other units in

the adjacent area similar to the proposed four-story units; that the proposed units do not keep with the character of the area; that in Sea Colony the units are two-story condos; that he feels the proposed project will only exacerbate the issues which already exist; that he is concerned about the proposed lighting for parking and he feels, even with an 8-ft. fence, the light could still disrupt adjacent properties.

The Commission found that Mr. Nick Kypreos spoke in opposition to the Application; that he lives on Kent Ave.; that in the summer he is unable to leave his driveway; that at times he has had to wait 10 minutes to make a left from his driveway; that when he tries to quickly get out, there are pedestrians, joggers, and bicyclist; that if he is trying to make a right, the traffic is often backed up from the traffic light passed his driveway; that the only way he leaves his driveway is if another driver lets him out; that he does not agree with the comments stating the proposed development will not have a traffic impact; that he currently lives in the traffic; that he is unsure if DelDOT pulls their information for the whole year; that for the 10 weeks of summer, Kent Ave. is the only road that leads to Rt. 1, aside from Rt. 26; that on Saturdays in the summer, the traffic congestion backs up one mile to Muddy Neck Rd. and Double Bridges Rd.; that on Double Bridges Rd. and Camp Barns Rd. there has been development of Insight Homes, Woodland of Bethany, The Estuary by NV Homes; Jefferson Creek by Lennar and Schell Brothers; Brighton Homes; that currently in construction is Evergreene Homes and recently finished is the Ocean View Beach Club; that he states this is over a thousand homes which have access to Double Bridges Rd. and Kent Ave.; that the traffic all comes through and exit to Jefferson Bridge Rd.; that South Bethany is not accessible to Short Rd., Bayberry Rd., Errett Rd. and Bridge Rd.; that in the summer they block Black Gum Dr. and have a police officer present from 9:00 am until 5:00 pm to designate traffic; that further down there is a private road, which is monitored by security, not allowing traffic down the road; that all the traffic funnels to Jefferson Bridge Rd.; that the exit of Sea Colony is without a traffic light; that the proposed development's exit will be right across from the exit of Sea Colony; that DelDOT placed traffic control strips on Jefferson Bridge Rd.; that when drivers are coming back from Rt. 1 to Jefferson Bridge Rd. to enter Kent Ave., the traffic is backed up to Rt. 1; that the turn lane on Rt. 1 fills up and drivers cannot stop on Rt. 1; that there is major congestion; that for these reasons he does not agree with the statement made by DelDOT; that the addition of traffic from the development will cause major problems for residents; that when it rains, both ditches on both sides of the road flood; that the ditch on the east side of Kent Ave. floods back to Argyle Ln.; that the proposed retention pond is not going to remedy the current issue with the impervious ground the development is going to create; that the water will run off to adjacent properties; that there is a major flooding issue with Bethany; that adding the proposed type of development will not help the current issue; that Sea Colony is the only area where there are townhomes; that the townhomes were built in the 1970s; that there are no high-density buildings in the surrounding area; that the builder will come in, make their profit and leave; that he stated the current and future residents will be the ones left with the issues; that he requested the Planning & Zoning Commission look after the interest of the current residents by denying the approval for the proposed Application due to the traffic congestion, flooding and the negative precedence it sets.

The Commission found Mr. Thomas Fise spoke in opposition to the Application; that he and his wife have property within 500-ft. of the proposed property; that they have owned their property for the last 42 years; that for the first 10 years they owned property on Ocean Pines Ln. and now have a home on Argyle Ln.; that the maps presented were a bit disoriented as it did not show the Ellian's property; that his property is within 20-ft. of the boundary line of the subject property; that he did submit written comment for the record; that also submitted into the record is a petition signed by 30 property owners within the immediate community; that all of Argyle Ln. has a total of 13 single-family dwelling units

over approximately 1/3-mile; that proposed is almost the same number of buildings on one acre as there is on Argyle Ln.; that he just learned the Applicant reduced the units from 11 to 10; that he also learned the Applicant has increased the number of parking spots from 44 to 45 spaces; that at peak season, his guess is, there are no more than 25 parked vehicles on the entire lane consisting of 13 properties; that it is a dramatic difference; that he feels the other speakers have underscored the traffic issues; that Sea Colony does have a security guard posted; that within the next year, it is Sea Colony's intention to have a security card system installed; that this will make it impossible for anyone coming along Kent Ave., from Double Bridge Rd., all the way to Jefferson Bridge Rd. to travel eastward until they arrive at Jefferson Bridge Rd.; that it will be completely blocked off; that there has been one pedestrian fatality on Jefferson Bridge Rd.; that he feels the traffic issues will only be exacerbated by Sea Colony's situation and the proposed development; that he has personal experience with the swales and the drainage issues; that he had a car, located 20-ft from the proposed development site; that during a storm the vehicle sustained sufficient water damage, which was declared as a total loss; that this happened 20-ft. eastward of the proposed development; that the current proposal is pushing everything to the maximum; that he is not stating the property should never be developed; that the previous, 11 one-bedroom units were not, was small and not troublesome in any way; that proposed is 40 bedrooms; that with 42-ft. high units, only being 20-ft. away from adjacent units, causes a privacy issue; that he requested the Commission to deny the Application in its current form and proposed development is inconsistent with the current single-family dwelling nature and characteristics of the neighborhood.

Chairman Wheatley mentioned the road of Sea Colony is currently a private road and has always been intended to be a private road to be used for the property it serves; that the height of 42-ft. for buildings is permitted in Sussex County Code within the MR Medium Residential Zoning District and would not be a basis for denying the Application.

The Commission found that Ms. Jan Seilhamer spoke in opposition to the Application; that she is representing her husband, Mr. Levon Ellian and her mother-in-law, Ms. Sue Ellian; that they own the property behind the proposed property; that they are completely opposed to the overdevelopment of the proposed property; that she realizes the property will be developed at some point, but they support smart development not overdevelopment; that just because you can place 11 units, 42-ft. high on the property, does not mean that you should; that if the developer would like their support, she would suggest building something which fits the esthetic of the surrounding neighborhood; that her family has had their home for 41 years; that they have seen a lot of change take place in those 41 years; that a building towering 42-ft. overtop of their home, at 20-ft. away, is a bit much; that she feels the property owners on the opposite side would feel the same as they do; that during peak season, the vehicular traffic will most likely be doubled from the 50 trips stated by DelDOT; that it is treacherous trying to exit Argyle Ln. as it is with all of the beach traffic being pushed their way; that the proposed development will cause increased traffic coming from Kent Ave.; that she has not seen a traffic impact study of traffic during peak season on Kent Ave.; that she requested smart development, that Bethany Beach has always been a quaint, beautiful beach town; that she would like to see Bethany Beach remain that way; that she would request the construction of a few homes, rather than units which do not fit into the neighborhood; that she is concerned about lighting and noise pollution and she requested the Commission deny the Application.

The Commission found that Mr. Steve Sitton spoke in opposition; that he has lived on Ocean Pines Lane for the last 60 years; that he has seen the development of Bethany Beach; that the infrastructure is the same as it was in 1966; that the road sizes is the same, there are no sidewalks, and is very

dangerous; that the traffic this past summer was unbelievable; that it is faster to walk anywhere than to try to drive out of Ocean Pines Ln.; that one street east of Argyle, one could spend 10 minutes attempting to get out; that getting back in is impossible unless another driver lets you in; that at one time he had to park his car on Jefferson Bridge Rd. and walk to his house; that the traffic issue is a major concern for him; that it seems the buildings have outstripped the infrastructure; that this has led to increased danger when walking at night due to there being no sidewalks; that he would like to see the sidewalk issue addressed before he would like to see 11 condo units developed; that east of the proposed property, the only drainage management they have are ditches that were constructed in the 1900's; that these ditches have been built upon and backed up; that the neighbors have gone around the neighborhood and cleaned the ditches out; that he spent \$34,000 the past year in flood control, including swales; that this was a result of Evergreene Companies building homes across the street from his property; that this put him under water; that he never had the issue prior to the homes being built; that any runoff from Argyle is going to run to his property and other speakers have covered the other topics concern for him.

The Commission found that Mr. Andy Beck spoke in opposition to the Application, that he lives on Ocean Pines Lane; that he currently owns several vacant lots on Ocean Pines Lane; that he did send in a letter for the record, prior to the public hearing; that his eight points of objection were listed in the letter; that he has been in the building business since 1975 and understands the building process; that he finds it difficult to assume the Applicant will be able to keep any trees on the property, proposing building so close to the setback at 42-ft in height; that this will require all the trees to come down; that any trees they bring in to replant, will do nothing to buffer from the 42-ft. buildings they are proposing to place; that he is a firm believer in private property rights; that he feels if the builder wants to do what is in the current constraints, he does not feel anyone can object to it; that what the Applicant is asking for is a special Conditional Use; that the request affects all neighbors who have spent most of their lives in the neighborhood; that he request denial of the Application with a request the developer come back with an Application within the Ordinances; that the traffic situation is horrible; that he has substantial holdings at the end of Ocean Pines Lane; that there is a primary ditch which drains all the area; that he believes the subject area will also drain into the same ditch and then into the Swan Pond at Sea Colony and from there flow into the Assawoman Canal; that over the last six to seven years, he has received multiple letters from Sussex Conservation District requesting to come onto his property to survey the ditch to improve the drainage; that despite this nothing has been done in regards to the drainage; that his wife has mentioned the drainage issue; that there is a small 10-ft lane to the east of Ocean Pines Lane; that this lane was filled by a developer about 20 years ago; that there is 12 to 13 lots serviced by the 10-ft wide Louise Lane; that this lane is so narrow trash trucks cannot get down the lane; that an ambulance would not get down the lane; that in the last 18-months Evergreene Homes has built seven homes; that these homes are 3.5-stories at 42-ft. tall, setback on setback; that five of them are on the 10-ft. wide lane; that two of the homes are on Ocean Pines Lane; that four of the homes are currently under construction; that this construction has made a muddy mess of Ocean Pines Lane; that the proposed development is pushing development of most of the buildable envelope; that it is overbuilding to the max; that most of the villas within Sea Colony area single-story villas and the proposed development does not stay in character with the surrounding homes.

The Commission found that Mr. Arseny Bogomolov and Mr. Tom Gugerty spoke by teleconference with concerns regarding traffic, pedestrian safety, drainage and flooding, and privacy issues.

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

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to Application C/U 2279 Ron Sutton. Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

Minutes of the January 13, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since December 9, 2021.

Mr. Mears moved that the Commission recommend denial of C/U 2279 for Ron Sutton for 11 Multi-Family Dwellings based on the record made during the public hearing and for the following reasons:

1. The Applicant seeks a Conditional Use to permit 11 multi-family units on a 1.035-acre parcel of land. Such a high-density development is not appropriate for this small parcel of land.
2. The Application is not consistent with the other uses and single-family homes in the vicinity. While there are other multi-family developments in the area, they are located on much larger parcels that can accommodate the necessary parking, safe vehicular movement, stormwater management, and other features. This small, one-acre parcel is not suitable for 11 units.
3. The 11 multi-family dwellings would allow an increase in density on this site along Kent Avenue. Kent Avenue is a relatively small, two-lane road with no sidewalks. It is heavily traveled already, and it cannot support the increased traffic that would result from this increased density.
4. Although the current Sussex County Comprehensive Plan indicates that this property is in the Coastal Area, it does not mandate that a Conditional Use for 11 multi-family dwelling units must be approved on this small, one-acre parcel. The Plan states that “Sussex County’s base density of 2 units per acre is appropriate throughout this classification.” That statement supports the continuation of the existing MR zoning and the 4 units per acre base density that is permitted in the MR District.
5. The current Sussex County Comprehensive Plan suggests that densities greater than 2 units per acre can be justified in the Coastal Area under certain circumstances. However, several of the conditions for this this greater density, as mentioned in the Plan, are not satisfied. For example, the proposed 11-unit multi-family development is not in keeping with the area. The proposed multi-family development is not on a main road at or near a major intersection. Instead, Kent Avenue is a narrow, two-lane road at this location. Also, it is not appropriate to create such a small, standalone Conditional Use property that would be overburdened with the planned 11 multi-family units.
6. Several neighbors appeared in opposition to the application, citing concerns about traffic; the drainage problems that exist in the area that would be increased by this project; the difficulty in accommodating stormwater management on this small parcel in addition to the 11 proposed homes; and other associated impacts. I find this testimony to have merit.
7. For the reasons stated, the proposed Conditional Use does not promote the overall health, safety, convenience, and general welfare of the neighborhood or the County.
8. There is nothing in the record to suggest that the 11-unit Conditional Use is more appropriate than the four dwelling units that are permitted under the existing MR zoning on this small property.
9. For all of these reasons, it is my recommendation that this Conditional Use be denied.

Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to recommend denial of C/U 2279 Ron Sutton for the reasons and conditions stated in the motion. Motion carried 4 – 1.

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

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 9th, 2021

Application: CU 2279 Ron Sutton (Winward Village)

Applicant: Ron Sutton
55 W. Main St
Middletown, DE 19709

Owner: Christopher Land, LLC
10461 White Granite Drive Suite 250
Oakton, VA 22124

Site Location: Lying on the east side of Kent Ave. (S.C.R 361) approximately 0.66 mile south of Garfield Parkway. (Route 26)

Current Zoning: Medium Density (MR) Zoning District

Proposed Use: Multi-Family (11 Units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Bethany Beach Fire Department

Sewer: Artesian

Water: Sussex County

Site Area: 1.035 acres +/-

Tax Map ID.: 134-17.11-6.00



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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: December 2, 2021
RE: Staff Analysis for CU 2279 Ron Sutton

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2279 Ron Sutton to be reviewed during the December 9, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 134-17.11-6.00 to allow for multi-family condominiums. The parcel is lying on the east side of Kent Avenue (S.C.R. 361), approximately 0.66 mile south of Garfield Parkway (Route 26). The parcel consists of 1.035 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area". The surrounding and adjacent parcels to the north, south, west and east also contain the "Coastal Area" land use designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned Medium Residential (MR). The adjacent properties to the north and east of the subject site are also zoned Medium Residential (MR). The adjacent properties to the south and across Kent Avenue are zoned High Density Residential (HR-1). Properties further east are zoned General Commercial (C-1) Zoning District.

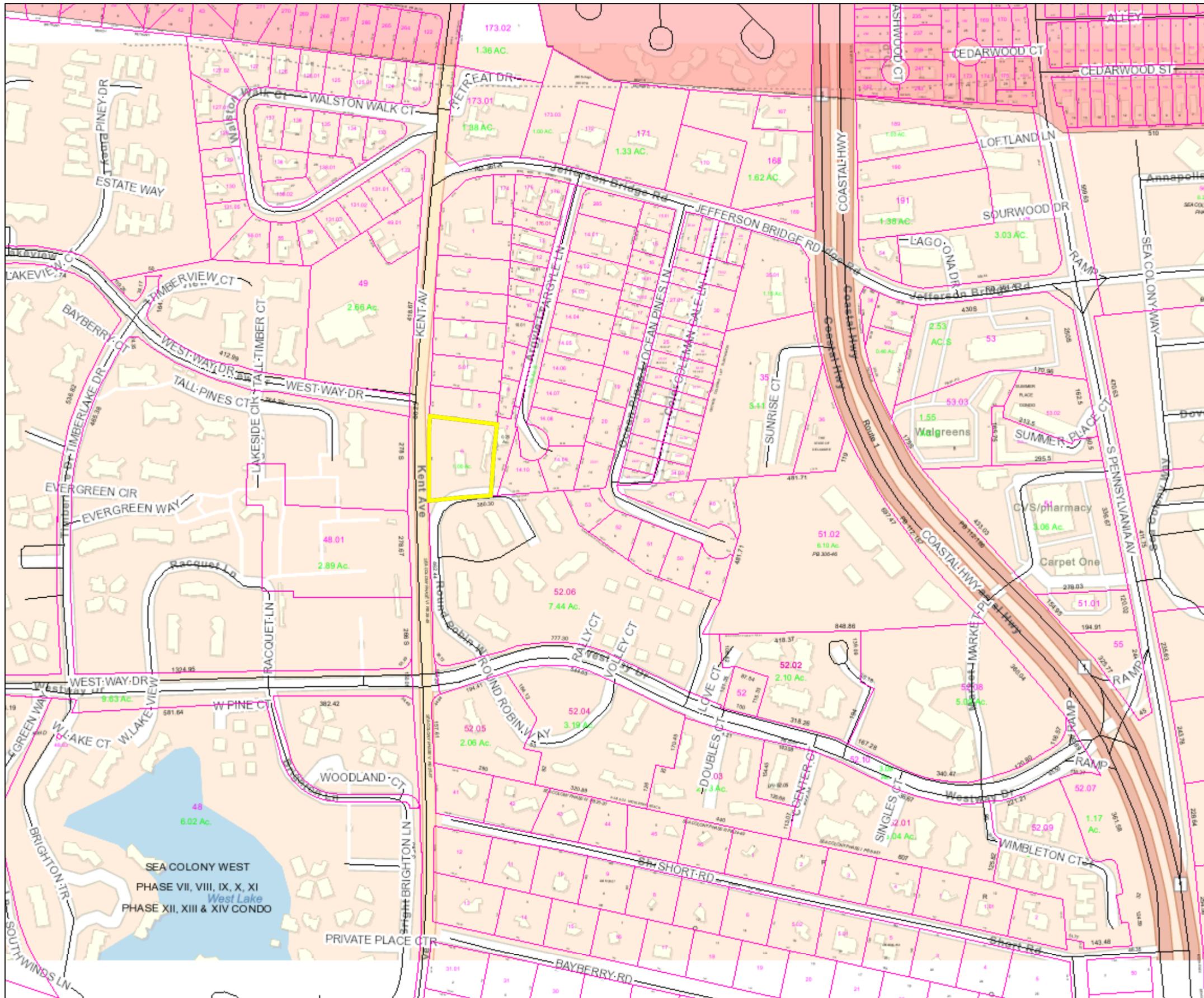
Since 2011, there has been one (1) Conditional Use application within a 1-mile radius of the application site. Conditional Use No. 2222 was approved by the Sussex County Council on Tuesday, June 9, 2020, through Ordinance No. 2713, to allow for a mini golf course.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use for multi-family condominiums, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





Sussex County



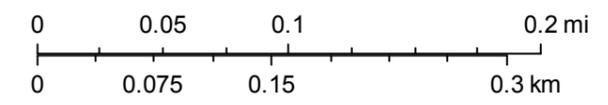
PIN:	134-17.11-6.00
Owner Name	MERGARD LLC
Book	4432
Mailing Address	33309 KENT AVE
City	BETHANY BEACH
State	DE
Description	E/RD BETHANY BH TO
Description 2	JEFFERSON BRIDGE
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

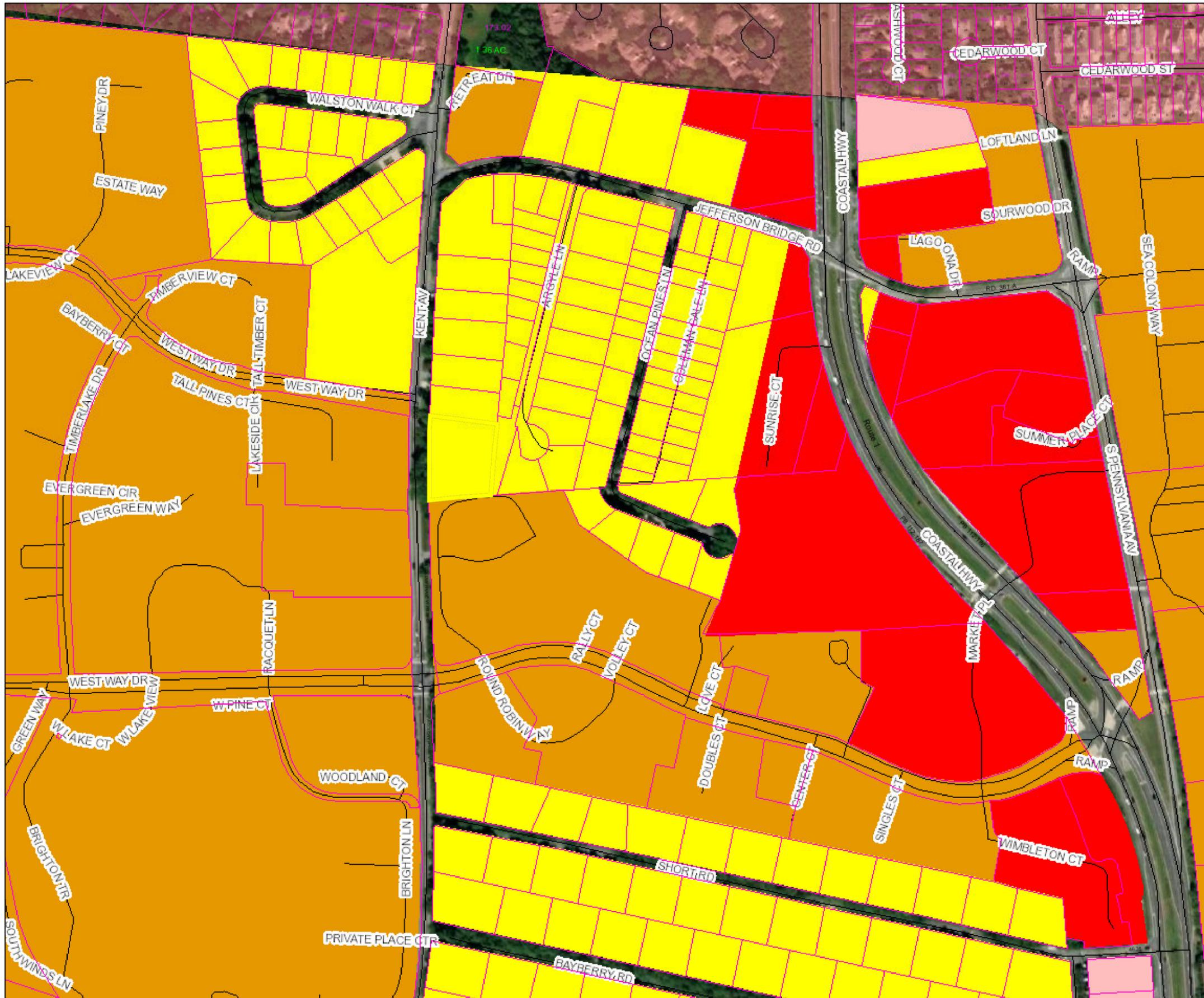
 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries
 - Municipal Boundaries

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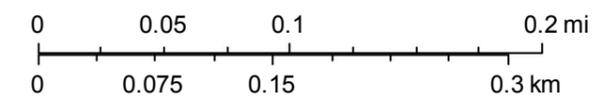
Sussex County



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Sussex County

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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

CC: Everett Moore, County Attorney

Date: January 28, 2022

RE: County Council Report for CU 2282 Lawrence Davies

The Planning and Zoning Department received an application (CU 2282 Lawrence Davies) for a Conditional Use for parcel 134-9.00-27.00 for a microbrewery. The property is within the General Commercial (C-1) Zoning District and is located at 38450 Hickman Road, Ocean View. The parcel size is 2.35 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on December 9, 2021. At the meeting of January 13, 2022, the Planning & Zoning Commission recommended approval of the application for the 7 reasons and subject to the 7 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of December 9, 2021 and the minutes of the January 13, 2022 meeting.

Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

C/U 2282 Lawrence Davies

An Ordinance to grant a Conditional Use of land in a C-1 General Commercial District for a microbrewery to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.35 acres, more or less. The property is lying on the southeast corner of the intersection of Cedar Neck Road (S.C.R. 357) and Hickman Road (S.C.R. 359). 911 Address: 38450 Hickman Road, Ocean View. Tax Parcel: 134-9.00-27.00

Mr. Whitehouse advised the Commission submitted into the record is a copy of the Applicant's site plans, a copy of the DelDOT Service Level Evaluation Response, a copy of the Applicant's exhibit booklet including photos and proposed conditions of approval, three letters of approval, two letters



of support submitted by the Applicant, zero letters of opposition and one mail return.

The Commission found that Ms. Mackenzie Peet, Esq. spoke on behalf of the Applicant, Bethany Bay Brewing Company, LLC; that also present are Mr. Steve Spence, Co-Council, Mr. Pete Backus and Larry Davies who are members of the LLC; that the Applicant is requesting a Conditional Use of land in a C-1 General Commercial district for a microbrewery at the southeast corner of the intersection of Cedar Neck Rd. and Hickman Rd.; that the Applicant's submission included Sussex County's Conditional Use Application, DelDOT's Service Level Evaluation Response which made the determination the proposed use impact is insignificant and no TIS Traffic Impact Study is required, property and deed information confirming the property is presently owned by Jackk, LLC; that Bethany Bay Company, LLC present rents space from Jakk, LLC; that also included in the submission is a copy of preliminary site plan and interior plans, copies of relevant sections of the Zoning Code, ariel images of the property showing nearby commercial uses, which include nine other Conditional Uses within a one mile radius of the property, street front images, a zoning district map confirming presence of adjacent properties zoned, copies of two notices of violation issued for failure to obtain a conditional use for a microbrewery on the property and failure to obtain a building permit for interior remodel; two letters of support in addition to the other letters submitted in support and proposed conditions of approval; that on August 25, 2021 her clients received two notices of violation after letters were received on August 24, 2021; that her clients were surprised to receive the notices of violation as they were under the impression, based off previous conversations with various agencies, including Building & Licensing and Sussex County Engineering, that a permit was required due to no new building structure being involved to renovate the interior of the existing building; that the existing building previously operated as an Italian restaurant; that after review of the Sussex County Permitting requirements and emails with agency representatives involved in the permitting of a microbrewery, her clients recognized their misinterpretation of the requirement to receive a building permit for the interior renovations performed; that upon the receipt of the violations, all work immediately ceased; that her clients immediately contacted Sussex County to receive a building permit, to learn that such permits could only be issued after approval of a Conditional Use; that there are present holds on the permits subject to the outcome of the current Conditional Use request; that despite her client submitting their Conditional Use Application on April 23, 2021, they received a second notice of violation for failure to obtain a Conditional Use; that her client's oversight was inconsistent with all other efforts to meet other County and State microbrewery regulatory and permitting requirements; that the issue is a result to incomplete advice received; that her client request the approval of a Conditional Use in effort to remedy the violation of record and open their business subject to any other necessary requirements; that should the Conditional Use be approved the Applicant's will seek building permits from Sussex County Building & Licensing; that reflecting on this experience her clients acknowledge the fact they should have consulted with professionals, including legal council who would be knowledgeable of Sussex County zoning and building requirements despite their best intentions to comply with all requirements; that Section 115-179 of Sussex County Code requires a Conditional Use for business and commercial uses; that her clients are before the Commission to request a Conditional Use to operate a microbrewery; that the property is located within the C-1 General Commercial District; that properties to the south and east are in the MR Medium Residential Zoning District; that the immediate property to the south and across Hickman Rd. are zoned C-1; that there are nine approved Conditional Uses operating within a one mile radius of the property; that nearby businesses include a restaurant across the street, a small strip mall adjacent to the property which includes a seafood takeout business, liquor store, laundry mat and two vacant spaces; that one of the vacant spaces is anticipated to be another take out eatery; that the site previously operated as an Italian restaurant, where alcohol was served; that the proposed use will include the microbrewery, a tasting room, indoor seating and outdoor patio seating are; that no food will be served at the site,

however patrons will be permitted to bring food into the microbrewery, ordered from nearby takeout eateries; that the building the proposed microbrewery is located on is located on a larger parcel and an existing 2,773 sq. ft. building; that access to the property exist off Hickman Rd.; that there are 20 existing parking spaces on existing paved and gravel parking areas, as shown on the site plan; that the Applicant is in the process of determining the number of parking spaces required based on the patrons space to be compliant with Sussex County parking requirements, which requires one parking space for every 50 sq. ft. assigned for patron use; that also required is one parking space per two employees; that there is room for additional parking spaces to the south and east of the building if the gravel area is expanded; that approximately 70% will be occupied by patrons, with 30% of the building spaced for business operations and equipment; that the patio is approximately 1,200 sq. ft., fenced in on three sides with the exterior building wall serving as the fourth side enclosing the patio; that the Applicant plans to place six picnic tables on the outdoor patio area to accommodate a maximum of 36 patrons; that there will also be additional seating located around a fire pit where a cornhole game will be set up; that there will be no live music outside; that the Applicant anticipates being open from 11:00 am until 10:00 pm at latest, and to be adjusted seasonally; that the Applicant plans to hire four to five full-time employees year round, which will adjust seasonally as needed; that the Applicant is interested in installing a sign compliant with Sussex County's standards; that for all reasons stated the proposed use is compatible with surrounding uses and is consistent with the character of zoning district and the Applicant requests the Commission's favorable consideration of their Application.

Mr. Mears questioned if there will be live music on the inside and when would the live music stop.

Ms. Peet stated there could possibly be live music inside and live music would stop at 10:00 pm at the latest.

Ms. Wingate questioned if what is proposed will be placed in the original footprint of the existing building.

Ms. Peet confirmed everything proposed is being placed within the original footprint of the pre-existing Italian restaurant.

Mr. Robertson stated since the proposed property is located within C-1, the Applicant is by right entitled to signs permitted within the C-1 District unlike the majority of the Conditional Use Applications they see.

Chairman Wheatley stated it is a common misconception that anything is permitted in C-1 Zoning and even some State agencies are under this impression.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

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

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to Application C/U 2282 Lawrence Davies. Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

Minutes of the January 13, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since December 9, 2021.

Mr. Mears moved that the Commission recommend approval of C/U 2282 for Lawrence Davies for a Microbrewery based upon the record made at the Public Hearing and for the following reasons:

1. The use will be located in an existing building at the intersection of Cedar Neck Road and Hickman Road where other commercial and business uses currently exist. This location is consistent with the adjacent zoning and uses.
2. This small use will not adversely impact traffic or area roadways.
3. This small use will not adversely affect the neighboring properties or community.
4. As a small microbrewery, there will not be many deliveries to or from the premises.
5. As a microbrewery, the Applicant will be required to comply with all State and Federal requirements governing the use.
6. The use will be served by Sussex County Sewer.
7. No parties appeared in opposition to this application.
8. This recommendation is subject to the following conditions:
 - a. The use as a microbrewery shall comply with all State and Federal requirements for its use and operation.
 - b. The use shall comply with all Sussex County Engineering Department requirements concerning the connection of the microbrewery operation to the Sussex County Sewer System. In addition, any waste or spent materials associated with the brewing operations shall be stored inside of the building until removed by legal and appropriate methods.
 - c. The hours of operation for public access to the microbrewery shall be between 11:00 am and 10:00 pm each day.
 - d. There shall be no outdoor music on the patio. The location and size of the patio shall be shown on the Final Site Plan and clearly marked on the site itself.
 - e. Since this property is zoned C-1, the signage shall comply with the requirements of the C-1 Zoning District.
 - f. All roadway and intersection improvements shall be subject to the requirements of DelDOT.
 - g. The Final Site Plan shall be subject to review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2282 Lawrence Davies for the reasons and conditions stated in the motion. Motion carried 5 – 0.

PLANNING & ZONING COMMISSION

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



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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 9th, 2021

Application: CU 2282 Lawrence Davies

Applicant: Lawrence Davies
85 Windjammer Drive
Ocean Pines, MD 21811

Owner: Bethany Bay Brewing Co., LLC
38450 Hickman Road
Ocean View, DE 19970

Site Location: The property is lying on the southeast corner of the intersection of Cedar Neck Rd. (S.C.R. 357) and Hickman Rd. (S.C.R. 359)

Current Zoning: General Commercial (C-1) Zoning District

Proposed Use: Microbrewery

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Department

Sewer: Sussex County

Water: Sussex Shores Water Co.

Site Area: 2.35 acres +/-

Tax Map ID.: 134-9.00-27.00



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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: December 2, 2021
RE: Staff Analysis for CU 2282 Lawrence Davies

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2282 Lawrence Davies to be reviewed during the December 9, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 134-9.00-27.00 to allow for a microbrewery. The parcel is lying on the southeast corner of the intersection of Cedar Neck Road (S.C.R. 357) and Hickman Road (S.C.R. 359). The parcel consists of 2.35 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area". The surrounding and adjacent parcels to the north, south, west and east also contain the "Coastal Area" land use designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned General Commercial (C-1). The adjacent properties to the south and east of the subject site are zoned Medium Residential (MR). An adjacent property to the south and properties across Hickman Road are zoned General Commercial (C-1). Properties across Cedar Neck Road are zoned Neighborhood Business (B-1) and General Residential (GR).

Since 2011, there has been nine (9) Conditional Use applications within a 1-mile radius of the application site. Please refer to the attached map and spreadsheet that references the Conditional Use applications within a 1-mile radius of this site that have been approved since 2011.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use for a microbrewery, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





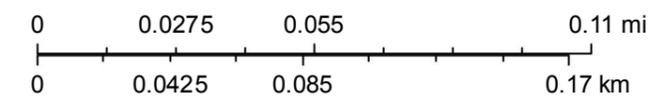
Sussex County



PIN:	134-9.00-27.00
Owner Name	JAKK LLC
Book	4686
Mailing Address	30447 CEDAR NECK RD
City	OCEAN VIEW
State	DE
Description	RD OCEAN VIEW TO
Description 2	COTTON PATCH HILLS
Description 3	N/A
Land Code	

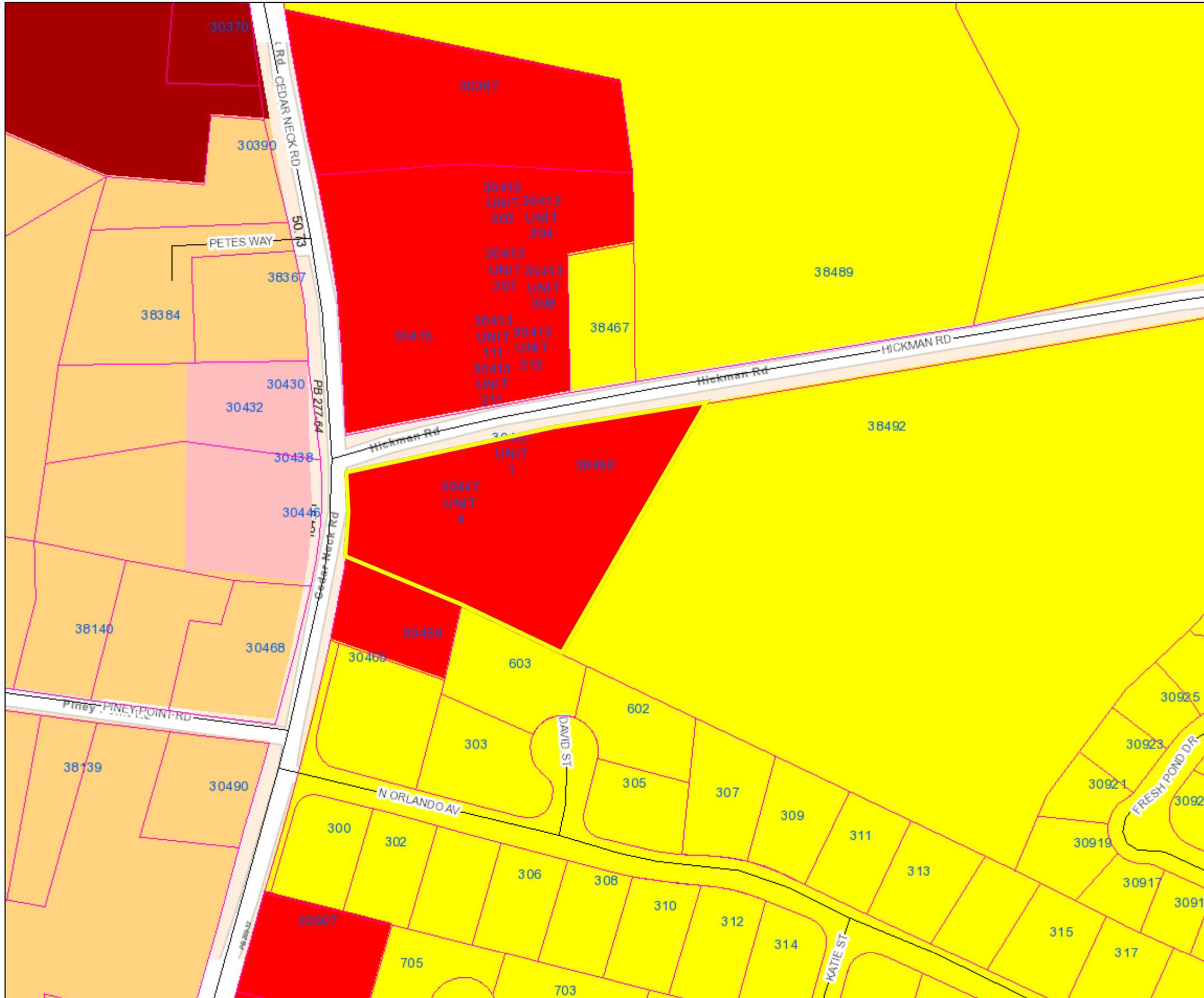
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 - Override 1
- polygonLayer**
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID

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Sussex County



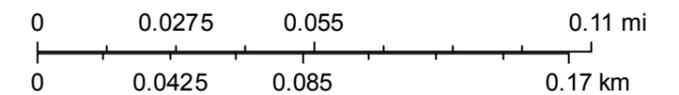
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Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257



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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

CC: Everett Moore, County Attorney

Date: January 28, 2022

RE: County Council Report for C/Z 1940 filed on behalf of Community Bank of Delaware c/o Stephen W. Spence

The Planning and Zoning Department received an application (C/Z 1940 filed on behalf of the Community Bank of Delaware c/o Stephen W. Spence) for a Change of Zone of parcel 234-23.00-262.00 from Agricultural Residential Zoning District (AR-1) to a Medium Commercial District (C-2). The parcel is located at 31816 & 24882 Indian Mission Road, Millsboro. The change of zone is for a 1.76 acre parcel, more or less.

The Planning & Zoning Commission held a Public Hearing on the application on December 9, 2021. At the meeting of December 16, 2021, the Planning & Zoning Commission recommended approval of the application for the 9 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of December 9, 2021 and the minutes of the December 16, 2021 meeting.

Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

C/Z 1940 Community Bank Delaware c/o Stephen W. Spence

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 1.76 acres, more or less. The property is lying on the southwest corner of the intersection of Indian Mission Road (Rt. 5) and John J. Williams Highway (Rt. 24). 911 Address: 31816 & 24882 Indian Mission Road, Millsboro. Tax Parcel: 234-23.00-262.00.

Mr. Whitehouse advised the Commission submitted into the record a copy of the DelDOT Service Level



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

Evaluation Response, a copy of the Applicant's exhibit booklet, a copy of the Applicant's site plan, a copy of the staff analysis, a letter from the Sussex County Engineering Department Utility Planning Division, zero comments, and zero mail returns.

The Commission found Ms. Mackenzie Peet, Esq. spoke on behalf of the Applicant, Community Bank Delaware; that also present was Mr. Steven Spence and Mr. John Snow, both Member of Directors of Community Bank Delaware, Mr. Alan Decktor with PENNONI and Mr. Doug Warner, architect; that Mr. Alexander Pires, CEO and Mr. Jack Riddle, President of Community Bank Delaware wished to be present, but could not attend due to personal and family illness issues; that the Applicant is proposing to rezone .76-acre parcel located on the southwest corner of the intersection of Rt. 24 and Rt. 5 from AR-1 Agricultural Residential to C-2 Medium Commercial; that the Applicant's submission included their Land Use Application, DelDOT's Service Level Evaluation Response recommending a TIS Traffic Impact Study or the alternative of a area wide study fee of \$10 per daily trip in lieu of performing a TIS; Sussex County Engineering Department Utility Planning Division & Design Review comments, a boundary plat and legal description, conceptual site plan; that should the property be rezoned to allow for development of a future bank or similar use intend to comply with Sussex County setbacks required for C-2 and applicable parking requirements; that the site plan shows access to the property off of Rt. 5; that the Applicant had a project coordination meeting with DelDOT where they were directed to acquire the owner of the adjacent shopping center to obtain access through the nearby shopping center; that the Applicant has contacted the owner of the shopping center and currently engaged in discussions with them; that if the discussions are not successful the Applicant will circle back with DelDOT; that Tidewater Utilities Will Serve letter is also included; that the Sussex County Sewer District map confirms the properties location in Tier I; that ariel images of the site, the County Zoning District map and Future Land Use Map are included; that the property is an AR-1 zoned property in a sea of commercially zoned properties; that also included is the 2020 State Strategies & Investment Level map which identify the property as being within Level I and Level II; that currently Ms. Sandy Trantino Norwood is the record owner of the property; that Community Bank Delaware is the equitable owner of the property having entered into a contract to purchase the property; that the Applicant's reason for rezoning the property from AR-1 to C-2 is to develop a future branch office, or a similarly permitted use in C-2, at the proposed location; that the only request is to rezone the property from AR-1 to C-2; that the Applicant does understand the property will have to proceed through site plan approval should the rezoning be approved; that currently the property consist of a dwelling in poor condition, overgrown vegetation and a small cemetery; should the rezoning be recommended for approval by the Commission and County Council, the existing home will be demolished, landscaping will be cleared soon after the bank acquires the property and the small cemetery will be maintained; that the rezoning from AR-1 to C-2 is consistent with Sussex County's Comprehensive Plan and Future Land Use Map; that rezoning will not diminish or impair property values in the surrounding neighborhood, will not create a public nuisance, and will not result in an increase of public expenditures; that there are no wetlands located on the property; that the property is located within Flood Zone X; that any sensitive historical features present onsite, including the cemetery, will not be impacted by construction or future use; that stormwater will be provided onsite in accordance with State of Delaware regulations; that the property is not located within the Groundwater Protection Zone; that the property will be served by public water and sewer service; that the Future Land Use Map designates the property within the Coastal Area and Commercial Area; that all properties to the south have the same land use designation; with all properties surrounding the site having the designation as Coastal Area; that retail and office uses are appropriate in the area, including large shopping centers and office parks confined to selected locations with access along arterial roads; that retail service and mixed uses located along arterial roads and highways, like Rt. 24, are also considered appropriate uses in the commercial area; that Table 4.5-2 for Zoning Districts applicable to Future Land Use categories

designates C-2 as an applicable zoning district in the Coastal Area; that the purpose of the C-2 District is to support uses which include retail sales and performance consumer services; that the proposed district permits a variety of retail, professional and services businesses; that rezoning of the property to C-2 is also in character with similarly zone properties adjacent to and with the vicinity of the site; that the current AR-1 property is in a sea of commercially zoned properties, with the adjacent parcel to the north being zoned C-2; that the adjacent property to the south has split zoning of C-1 and CR-1; that the proposed site is located with the immediate vicinity of other properties located in C-1, CR-1 and B-1 Zoning Districts; that Pennoni did prepare a PowerPoint slide which identified the number of medium to large scale commercial uses adjacent to, and within the vicinity of the proposed site; that these commercial uses include Wawa, Rite Aid, Giant and healthcare facilities; that for all the reasons stated the proposed rezoning of the property from AR-1 to C-2 is consistent with the Comprehensive Plan and Future Land Use Map; that the site is appropriately located at the intersection of Rt. 24 and Rt. 5; that the site is located within the vicinity of other commercially zoned properties where a general mixture of commercial and service activities presently exist; that this promotes the general convenience, orderly growth, prosperity, and welfare of the County; that the Applicant requests the Commissions favorable consideration.

Ms. Wingate questioned the location of the cemetery on the proposed site.

Mr. Steven Spence located the cemetery on the map for the Commission.

Mr. Robertson stated he appreciated the information regarding the cemetery but mentioned the cemetery does not play a role in the decision regarding the rezoning of the property and it will be reviewed on the site plan.

The Commission found no one was present in the room or by teleconference who wished to speak in support or opposition to the Application.

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

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to Application C/Z 1940 Community Bank Delaware c/o Stephen W. Spence. Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

Minutes of the December 16, 2021 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since December 9, 2021.

Mr. Mears moved that the Commission recommend approval of C/Z 1940 for Community Bank Delaware for a change in zone from AR-1 to C-2 based upon the record made during the public hearing and for the following reasons:

1. The applicant is seeking a change in zone to C-2 Medium Commercial. The purpose of this district is to allow retail sales and consumer services. It is intended to be located near arterial and collector streets. In this case, the Applicant seeks to construct one of its bank branches at this location.

2. This property is located at the intersection of Routes 5 and 24. This is an appropriate for the uses that are permitted in the C-2 District.
3. This property is the last remaining AR-1 property at this busy intersection and is surrounded by properties that are currently zoned C-1, CR-1, and C-2. This rezoning is consistent with the adjacent zoning.
4. The property is the “Coastal Area” and “Commercial Area” according to the Sussex County Comprehensive Plan. C-2 Zoning is appropriate in these Areas according to the Comprehensive Plan.
5. The rezoning will not have a significant impact upon neighboring properties or roadways.
6. The property will be served by central water and Sussex County Sewer.
7. Any development that occurs on the property will require site plan review by the Sussex County Planning & Zoning Commission after taking into account all required agency reviews, including DelDOT, State Fire Marshall, and the Sussex Conservation District.
8. No parties appeared in opposition to this Application.
9. For all of these reasons, it is appropriate to rezone this property from AR-1 to C-2 Medium Commercial.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1940 Community Bank Delaware c/o Stephen W. Spence, for the reasons stated in the motion. Motion carried 5 – 0.

PLANNING & ZONING COMMISSION

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



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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 9th, 2021

Application: CZ 1940 Community Bank Delaware c/o Stephen W. Spence

Applicant: Community Bank Delaware c/o Stephen W. Spence
16982 Kings Highway
Lewes, DE 19958

Owner: Sandy Trantino Norwood
P.O. Box 205
Milton, DE 19968

Site Location: The property is lying on the southwest corner of the intersection of Indian Mission Rd. (Rt. 5) and John J. Williams Hwy. (Rt. 24)

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

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area & Commercial Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 1.76 acres +/-

Tax Map ID.: 234-23.00-262.00



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: December 2, 2021
RE: Staff Analysis for CZ 1940 Community Bank Delaware

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1940 Community Bank Delaware to be reviewed during the December 9, 2021, 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 Tax Parcel 234-23.00-262.00 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2). The property is lying on the southwest corner of the intersection of Indian Mission Road (Rt. 5) and John J. Williams Highway (Rt. 24). The parcel to be rezoned contains 1.76 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area" and "Commercial Area." The properties to the north, south, east, and west also have the land use designation of "Commercial Area" with properties directly adjacent to the south having a land use designation of "Coastal Area" and "Commercial Area". The properties further north, south, east, and west have a land use designation of "Coastal Area".

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. Commercial Areas are areas that include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.



The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcel to the north is zoned Medium Commercial (C-2) Zoning District. The adjacent property to the south is split zoned General Commercial (C-1) Zoning District and Commercial Residential (CR-1) Zoning District. Across Indian Mission Road and John J. Williams Highway, properties are zoned General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and Neighborhood Business (B-1) Zoning District.

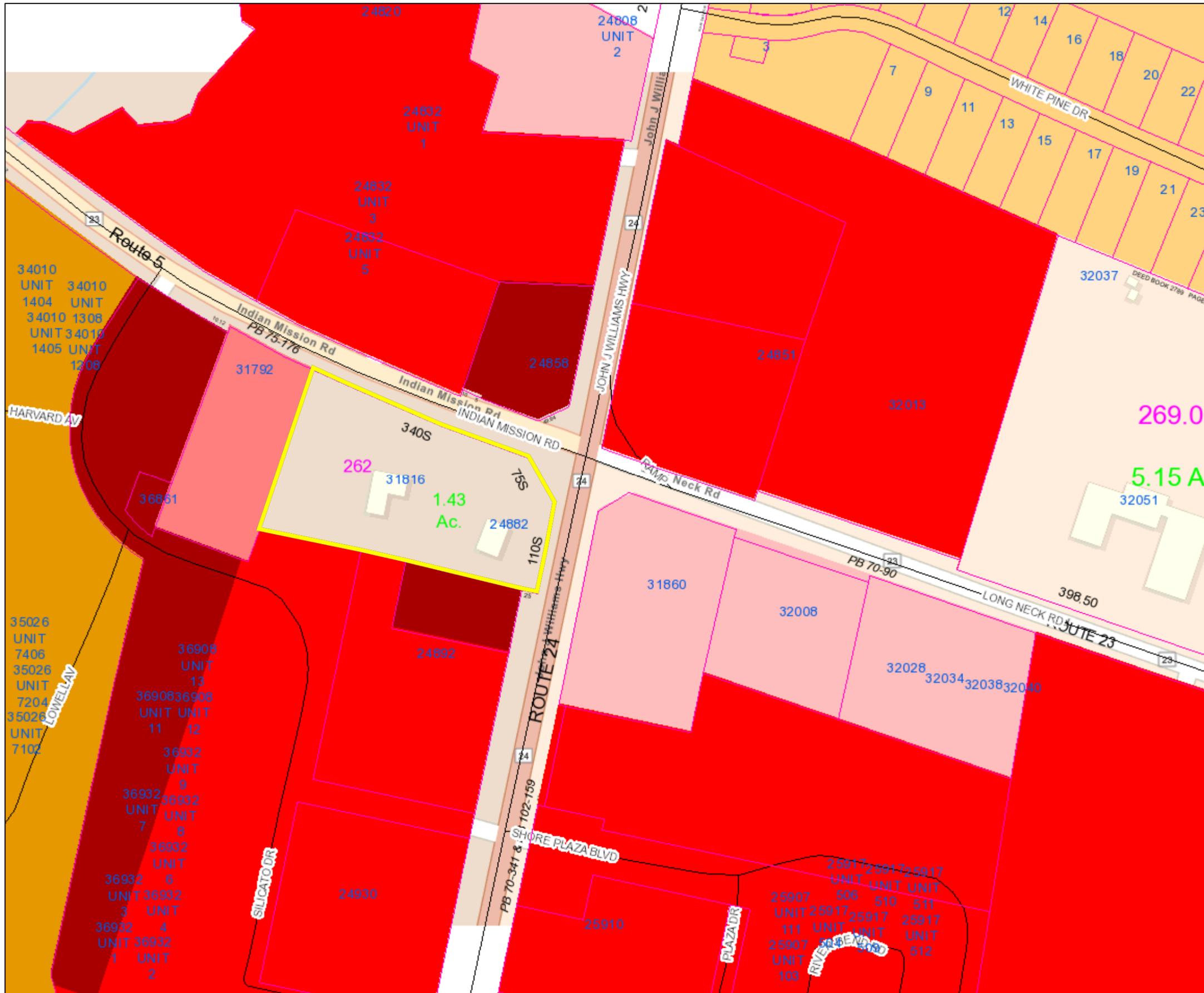
The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Medium Commercial District (C-2) is listed as an applicable zoning district in the “Coastal Area” and “Commercial Area”.

Since 2011, there have been three (3) Change of Zone applications within a 1-mile radius of the application site. Change of Zone 1788 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, December 1, 2015 through Ordinance No. 2427. Change of Zone 1880 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2) was approved by the Sussex County Council on Tuesday, July 16, 2019 through Ordinance No. 2669. And Change of Zone 1791 for a change of zone from an Agricultural Residential Zoning District (AR-1) and General Commercial Zoning District (C-1) to a High-Density Residential Zoning District (HR-1) was approved by the Sussex County Council on Tuesday, April 12, 2016 through Ordinance No. 2444.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2) could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.



Sussex County



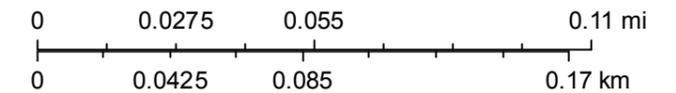
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Book	1892
Mailing Address	PO BOX 205
City	MILTON
State	DE
Description	RD HARBESON TO
Description 2	MILLSBORO
Description 3	N/A
Land Code	

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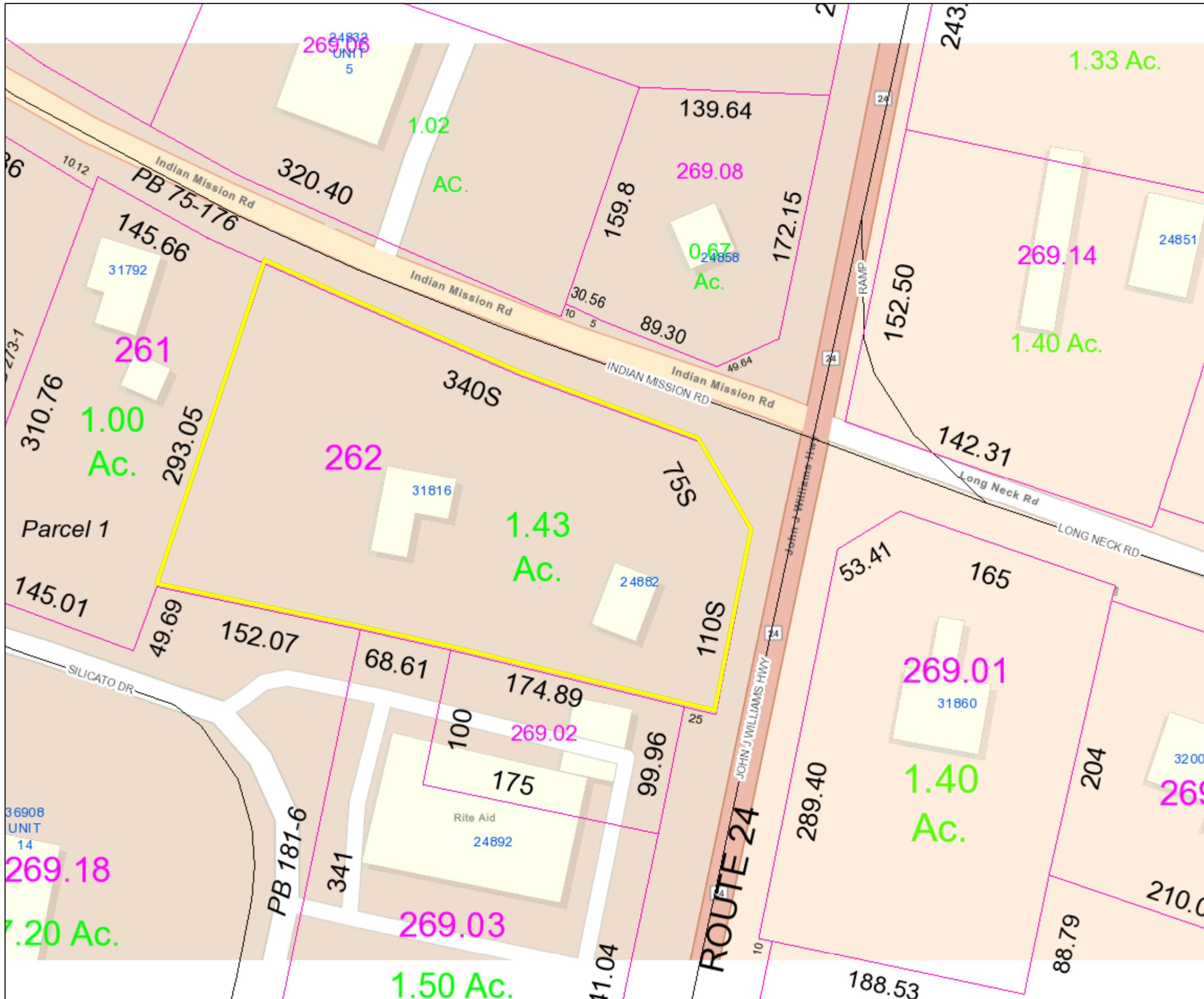
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- 911 Address
- Streets

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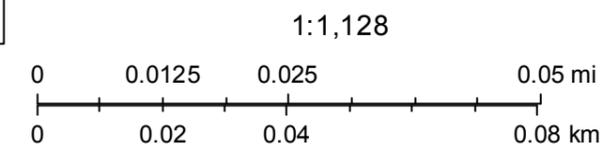


Sussex County



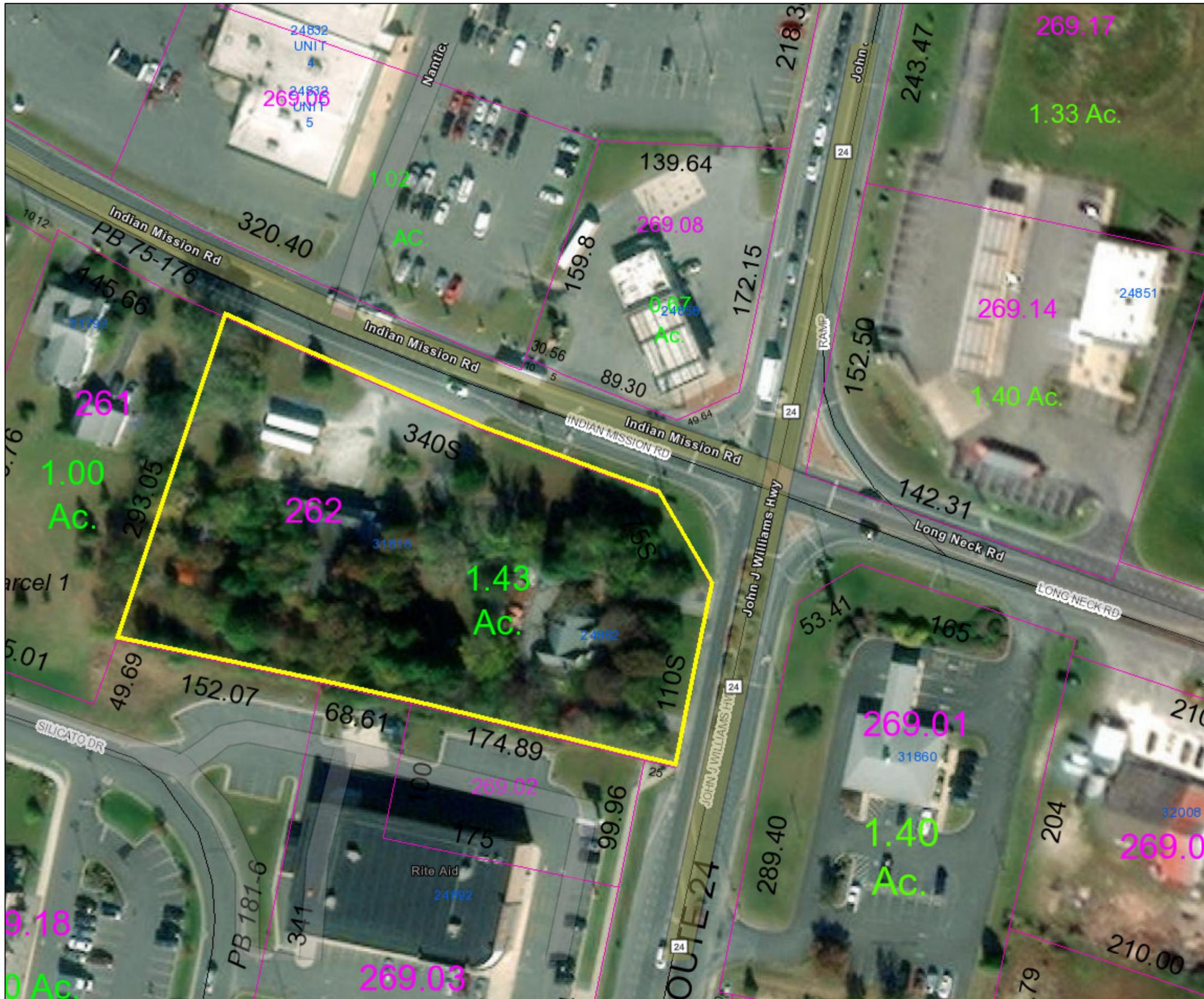
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- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID



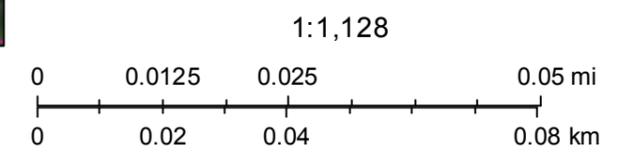


Sussex County



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Owner Name	NORWOOD TRANTINO SANDY
Book	1892
Mailing Address	PO BOX 205
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Description	RD HARBESON TO
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- polygonLayer**
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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

CC: Everett Moore, County Attorney

Date: January 28, 2022

RE: County Council Report for C/Z 1944 filed on behalf of Executive Lawn Management Property, LLC c/o John Huss

The Planning and Zoning Department received an application (C/Z 1944 filed on behalf of Executive Lawn Management Property, LLC c/o John Huss) for a Change of Zone of parcel 235-30.00-6.20 from Agricultural Residential Zoning District (AR-1) to a Medium Commercial District (C-2). The parcel is located at 25141 Lewes Georgetown Highway, Georgetown. The change of zone is for a 3.68 acre parcel, more or less.

The Planning & Zoning Commission held a Public Hearing on the application on December 9, 2021. At the meeting of January 13, 2022, the Planning & Zoning Commission recommended approval of the application for the 8 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of December 9, 2021 and the minutes of the January 13, 2022 meeting.

Minutes of the December 9, 2021 Planning & Zoning Commission Meeting

C/Z 1944 Executive Lawn Management Property, LLC (c/o John Huss)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.68 acres, more or less. The property is lying on the north side of Lewes Georgetown Highway (Route 9) approximately 0.55 mile west of Prettyman Road (S.C.R. 254). 911 Address: 25141 Lewes Georgetown Highway, Georgetown. Tax Parcel: 235-30.00-6.20.

Mr. Whitehouse advised the Commission submitted into the record is a copy of the Applicant's exhibit



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booklet, a copy of the staff analysis, a copy of the DelDOT Service Level Evaluation Response, a copy of the Applicant's site plan, a copy of Ordinance 2521 from September 26, 2017, comment from Sussex County Engineering Department Utility Planning Division; a copy of minutes from the Planning & Zoning meeting of October 1, 2019, zero comments and zero mail returns.

The Commission found Ms. Mackenzie Peet, Esq. spoke on behalf of the Applicant, Executive Lawn Management Property, LLC; that also present is Mr. Jay Huss; that the Applicant requests a change of zone from AR-1 Agricultural Residential to C-2 Medium Commercial District; that Executive Lawns is a family-run business; that Executive Lawns has seen steady growth since formation in 2006; that Executive Lawns purchased the property in 2017 after recognizing their need for more space than their former site; that shortly after the purchase of the property, the Applicant pursued a Conditional Use; that Ordinance 2521 granted a Conditional Use of land for Executive Lawns to operate its landscaping business with equipment storage; that currently the only request is for rezoning of the property; that the property presently operates as a landscape business with equipment storage permitted by a Conditional Use, Ordinance 2521; that the Conditional Use was granted on September 26, 2017; that on October 1, 2021 the Applicant, through council Glenn Mandalas, requested clarification on Conditions of Approval for the Conditional Use; that minutes from the meeting are included; that the minutes from the meeting confirm the Applicant requested clarification of Condition A which required the use to be limited to a landscaping business with equipment storage and prohibited retail sales to be conducted onsite; that in supporting material submitted to the County requesting clarification of Condition A the Applicant stated that in addition to a landscape business, he would like to acquire stock of plants, off premise, to be kept, maintained, nurtured, treated and possibly repotted on premise with mature plants; that these plants will eventually be used in connection with the lawncare and landscaping business and sold to the public from the premise; that in addressing the request, the Commission had to address if the additional business specific activity fell under the definition of a nursery; that council suggested Conditions of Approval for a Conditional Use cannot be prohibited for an otherwise permitted use in AR-1; that ultimately the Commission confirmed the Applicant could have a nursery onsite as a permitted use on the site, as long as there was an agricultural step in the process of growing some of the plants to be sold; that this could include the growing of plants from seed or making the brought onsite larger; that the Commission concluded acquiring stocks of plants, off premise, to be kept and maintained, nurtured, treated and possibly repotted on the premise and eventually using the mature plants in connection with the Applicant's lawn and landscape business, or sold to the public did fall within the definition of a nursery; that this therefore was a permitted activity; that during the Commission's deliberation in coming to the conclusion Mr. Robertson confirmed there was a prohibition on certain types of retail sales not permitted through the underline AR-1 District; that such activity include the sale of material and resemble a use more like a garden center; that Mr. Huss understands the Conditional Use limited his ability to engage in wholesale retail activity; that the Applicant is interested in developing the site to operate a garden center at the property, which would include wholesale retail activity; that rather than expanding on a use which is otherwise not permitted and without the authority to do so the Applicant request to rezone the property to Medium Commercial density in hopes of expanding his business; that his business has experienced steady growth since 2006; that the Applicant considers the growth to be rapid within the past two years in response to Sussex County's residential development and growing population; that the rezoning of the property from AR-1 to C-2 is consistent with the Comprehensive Plan and Future Land Use Map; that it is located in an ideal location to be further developed which will support types of business which include C-2 related permitted uses; that the property is designated as a low density area where C-2 Medium Commercial District is an applicable zoning district as of 2018 all lands designated as low density within AR-1; that Section 4.4.3 of the CDP Comprehensive Development Plan details the permitted uses envisioned in a low density area; that these uses include agricultural, residential and development which

is largely confined to businesses addressing the needs of agricultural and residential uses; that the Future Land Use Map suggest that Rt. 9 will continue to develop commercially, with some parcels developing industrially; that the Applicant's business supports and serves residential uses by providing services to Sussex County homeowners and developers consistent with the Comprehensive Plan; that with increased development in the vicinity of Rt. 9 there will be an increase demand for residential services, such as those provided by the Applicant; that the C-2 District is purposed on supporting uses which include retail sales, performance of consumer services and permits a variety of retail and professional business; that C-2 Districts are primarily located near arterial and collector streets; that wholesale retail nurseries for sale of products is permitted for retail establishment which are less than 75,000 sq. ft.; that the Comprehensive Plan confirms that commercial uses may be appropriate in low density areas depending on surrounding uses; the property is located between commercially zoned properties, a couple miles west of the intersection of Rt.5 and Rt. 9; that there are commercially zoned properties located to the east at the intersection of Rt. 30 and Rt. 9; that properties located at the intersections are zoned C-1, CR-1, MR and HI-1; that properties located in all directions are zoned AR-1 with residential and agricultural uses in which the Applicant's business could serve; that such uses include Royal Farms and Besche Furniture; that there have been six Change of Zone Applications within a .5-mile radius of the property; that approved Applications were included in the memorandum submitted within the packet; that the meeting minutes suggested the one denial of Change of Zone Application, C/Z 1868, was due to an insufficient record; that the proposed rezoning is compatible with the surrounding community; that the rezoning will not have a negative impact on land adjacent to the property and properties located in the vicinity of the site; that the site is an appropriate location on a commercializing Rt. 9 and will support C-2 uses, which can serve nearby residential uses; that for all the reasons stated the proposed rezoning of the property from AR-1 to C-2 is consistent with the Comprehensive Plan and Future Land Use Map and it is appropriately located along Rt. 9 within the vicinity of commercial businesses, residential and other business uses.

Ms. Stevenson questioned if it is permitted to use Old Woods Drive.

Mr. Robertson stated it was part of the previous Conditions of Approval; that Old Woods Drive is closed off; that it was due to questions regarding who had rights to use the drive and he believes there was a uniform agreement from the neighborhood to close off Old Woods Drive.

Mr. Hopkins requested confirmation that the proposed business performed at the front of the property is not permitted under the current Conditional Use.; that he was shocked the Applicant did not request commercial zoning from the start; that the proposed use sounds like it would accommodate the nearby developments and the downside is if the rezoning is approved, should the Applicant ever sell a future buyer could develop anything permitted within commercial zoning.

Ms. Peet stated it currently is not a permitted use under the current Conditional Use; that the wholesale retail activity is what exceeds the current conditions; that there can be a lot of hesitancy with rezoning a property; that the Applicant first wanted to see how the business would do; that the business has done very well at the current site; that the Applicant is looking to now expand and states in their opinion C-2 is a more limited commercial use district.

The Commission found Mr. John Lingo spoke in support of the Application; that he owns the property adjacent to the Applicant; that Mr. Huss has been a good neighbor; that they have had no disputes or disagreements regarding their common property line; that he has attended other public hearings regarding other properties adjacent to his, specifically Hawthorne Development by Insight Homes; that he found

the information presented at the public hearing did not reflect what was carried out in practice; that he questioned if the Applicant is requesting any modifications or exceptions to existing Code requirements; that he questioned if the Application is approved, who he or any concerned party be notified of any other subsequent modifications or exceptions which may be granted by other agencies and stated he remains in support of the Change of Zone.

Chairman Wheatley requested Mr. Lingo refrain from his comment regarding the Hawthorne Development and provide comment only for the subject property for C/Z 1944 Executive Lawn Management Property, LLC.

Mr. Robertson stated the Applicant is requesting a Change of Zone to C-2 District; that if the Applicant would like to change any uses or structures on the site, the Applicant will be required to have site plan approval; that if the Applicant is required to have site plan approval, they will be posted on the agenda to be acted on by the Commission; that if the Applicant requested a variance or things of that nature, they will be required to go before the Board of Adjustment and adjacent properties would receive notice of those public hearings.

The Commission found there was no one present who wished to speak in opposition to the Application.

The Commission found there was no one present by teleconference wishing to speak in support or opposition to the Application.

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

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to Application C/Z 1944 Executive Lawn Management Property, LLC (c/o John Huss). Motion by Mr. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

Minutes of the January 13, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since December 9, 2021.

Ms. Stevenson moved that the Commission recommend approval of C/Z 1944 for Executive Lawn Management Property, LLC for a change in the zone from AR-1 Agricultural-Residential zoning to C-2 "Medium Commercial" zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is currently zoned AR-1 along Route 9. It was previously approved for use as a landscape business in 2017 as Conditional Use # 2093 and Ordinance #2521. The Applicant seeks to convert the existing conditional use to the C-2 Medium Commercial District to allow greater flexibility in his landscaping business and to allow more retail sales associated with that use to occur from the site. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location along Route 9 will benefit nearby residents of Sussex County by providing a commercial location for the Applicant's business. Nearby residents will not have

to travel to Lewes, Milton, Long Neck, or Georgetown for the retail and service uses that can be provided at this site.

4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is mostly in the “Low-Density Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
7. No parties appeared in opposition to the rezoning application.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval for C/Z 1944 Executive Lawn Management Property, LLC (c/o John Huss) for the reasons stated in the motion. Motion carried 5-0.

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 9th, 2021

Application: CZ 1944 Executive Lawn Property Management, LLC

Applicant: Executive Lawn Property Management, LLC c/o John Huss
P.O. Box 91
Nassau, DE 19969

Owner: Executive Lawn Property Management, LLC, a Delaware LLC
P.O. Box 91
Nassau, DE 19969

Site Location: The property is lying on the north side of Lewes Georgetown Highway (Route 9), approximately 0.55 mile west of Prettyman Road (S.C.R. 254).

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

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: Mr. Schaeffer

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Private (On-Site Septic)

Water: Private (On-Site Well)

Site Area: 3.68 acres +/-

Tax Map ID.: 235-30.00-6.20



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Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 3, 2021
RE: Staff Analysis for CZ 1944 Executive Lawn Property Management, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1944 Executive Lawn Property Management, LLC to be reviewed during the December 9, 2021, 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 Tax Parcel 235-30.00-6.20 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial District (C-2). The property is lying on the north side of Lewes-Georgetown Highway (Route 9), approximately 0.55 mile west of Prettyman Road (S.C.R. 254) at 25141 Lewes-Georgetown Highway in Georgetown, Delaware. The parcel to be rezoned contains 3.68- acres +/-.

It is worth noting that the property was also the subject of a previously approved Conditional Use application (C/U 2093 John Huss & DA Huss, Inc. (Executive Lawns)) to permit a landscape business with equipment storage to be located on the property. The Sussex County Council approved this application at their meeting of September 26, 2017 through Ordinance No. 2521.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Low Density Area." The properties to the north, south, east, and west also have the land use designation of Low Density Area.

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size, and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north, east and west are also zoned Agricultural Residential (AR-1) Zoning District. The properties



to the south on the opposite side of Route 9 are all zoned Agricultural Residential (AR-2). To the east, at the intersection of Lewes-Georgetown Highway (Route 9) and Harbeson Road (Route 5) are several parcels with various zoning designations including General Commercial (C-1), Commercial Residential (CR-1), Medium Density Residential (MR) and Heavy Industrial (HI-1).

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Medium Commercial (C-2) Zoning District is listed as an applicable zoning district in the Low Density Area.

Since 2011, there have been (6) Change of Zone application within a 0.5-mile radius of the application site. The first application is Change of Zone 1726 Robert M. and Sandra E. Davidson for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential District (CR-1) which was approved by the Sussex County Council on Tuesday, March 26, 2013 and adopted through Ordinance No. 2298. The second application is Change of Zone 1778 John Floyd Lingo for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential District (CR-1) which was approved by the Sussex County Council on Tuesday, August 11, 2015 and adopted through Ordinance No. 2412. The third application is Change of Zone 1838 Two Farms, Inc. for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Neighborhood Business District (B-1) which was approved by the Sussex County Council on Tuesday, January 9, 2018 through Ordinance No. 2539. The fourth application is Change of Zone 1868 Ronald Nanney for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial District (C-2) which was denied by the Sussex County Council on Tuesday, April 30, 2019.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial District (C-2) could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.



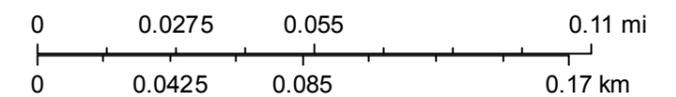
Sussex County



PIN:	235-30.00-6.20	
Owner Name	EXECUTIVE PROPERTY	LAWN
Book	4899	
Mailing Address	PO BOX 91	
City	NASSAU	
State	DE	
Description	LOT 1 W / IMPROVEMENTS	
Description 2	N/A	
Description 3	N/A	
Land Code		

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- ⋯ Tax Parcels
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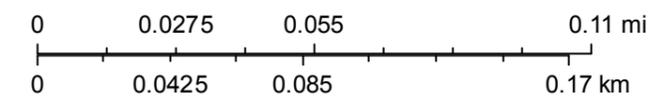
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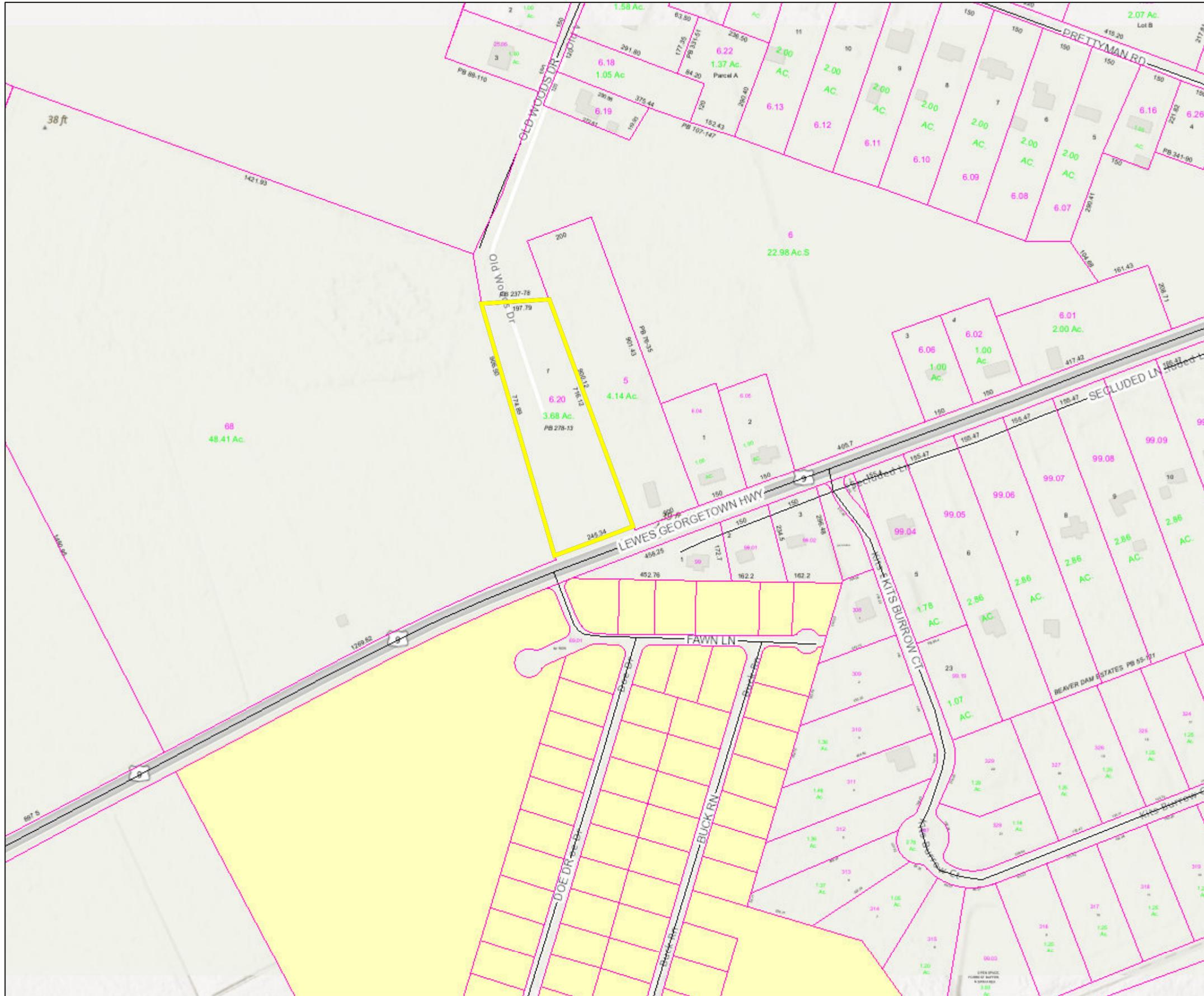
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Sussex County



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Description 2	N/A	
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