



Sussex County Council Public/Media Packet

**MEETING:
February 6, 2018**

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

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



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sussexcountyde.gov
ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

FEBRUARY 6, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Bill Andrew, President & CEO, Delaware Electric Cooperative – Check Presentation

Consent Agenda

1. Wastewater Agreement No. 387-2
Sussex County Project No. 81-04
Oak Creek – Phase 2 (a/k/a Sawgrass North)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
2. Wastewater Agreement No. 387-3
Sussex County Project No. 81-04
Oak Creek – Phase 3 (a/k/a Sawgrass North)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

Todd Lawson, County Administrator

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

Vince Robertson, Assistant County Attorney

1. Discussion and Possible Introduction of Various County Code Updates



10:15 a.m. Public Hearing

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$250,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

Grant Request

- 1. Laurel Lions Club Foundation for recreation complex renovation project**
- 2. Delaware Technical & Community College for Sussex County Science Fair**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2110 filed on behalf of Gaw Venture Group, LLC c/o John Gaw

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOUSE CONSTRUCTION AND SALES BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS” (located on the northwest side of John J. Williams Highway (Route 24) approximately 1,824 feet west of Mulberry Knoll Road) (Tax I.D. No. 334-12.00-24.00) (911 Address: 20028 John J. Williams Highway, Lewes)

Conditional Use No. 2111 filed on behalf of Michael Moutzalias

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV/PARK MODEL/TRAILER REPAIR AND REFURBISHMENT BUSINESS WITH OUTDOOR STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS, OF A 32.16-ACRE PARCEL OF LAND” (located on the south side of Whites Neck Road, approximately 754 feet east of Holts Landing Road (Tax I.D. No. 134-8.00-5.00 (portion of) (911 Address: 30190 Whites Neck Road, Dagsboro)

Conditional Use No. 2112 filed on behalf of Mitchell Family Limited Partnership

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE AND ANCILLARY MEDICAL USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.30 ACRES, MORE OR LESS” (located on the southeast corner of Kings Highway and Gills Neck Road) (Tax I.D. No. 335-8.00-37.01 and 335-8.00-37.00 (portion of) (911 Address: Not Available)

Adjourn

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

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

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 30, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 30, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

George B. Cole, Vice President, was absent.

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 070 18
Amend
and
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting “Introduction of Proposed Zoning Ordinances”, “Executive Session – Potential Litigation pursuant to 29 Del. C. §10004(b)”, and “Possible Action on Executive Session Items”, and to approve the agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of January 23, 2018 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger commented on information provided on Board of Adjustment agendas. Mr. Reiger also commented on definitions in the County Code and referenced an 88-bed Assisted Living Facility in a MR community that only went to the Board of Adjustment for approval.

Mr. Vincent raised questions regarding Board of Adjustment agendas. Mr. Moore responded that he will speak with Jamie Sharp, Assistant County Attorney, and will report back to Council.

**M 071 18
Approve
Consent
Agenda
Items**

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

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

Motion Adopted: 4 Yeas, 1 Absent.

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

**Adminis-
trator's
Report**

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

1. Sussex County Comprehensive Land Use Plan Workshop

The next Sussex County Council Comprehensive Land Use Plan Workshop will be held on Wednesday, January 31st, at 9:30 a.m. in Council Chambers. A copy of the agenda is attached.

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

**Herring
Creek
Sewer
Extension
Project /
Loan
Resolution
and Pro-
posed
Ordinance**

Hans Medlarz, County Engineer, reported that on July 9, 2016, the voters of the proposed Herring Creek Sewer Area approved the sewer district expansion. On August 2, 2016, the Council issued a determination and officially created the Herring Creek Area Expansion of the Sussex County Unified Sanitary Sewer District. On March 20, 2017, the Finance Department filed an overall funding application for approximately \$20,500,000 with USDA/Rural Development, Rural Utility Service. Due to the size of the project, USDA approached the County with a phasing plan. On June 21, 2017, the County accepted the letter's conditions and the obligating document associated with Phase 1 in the amount of \$4,287,000 of loan and \$990,000 of grant funding. Mr. Medlarz reported that the Finance and Engineering Departments recommend Council's approval of the USDA Loan Resolution and the introduction of the associated ordinance authorizing the issuance of up to \$4,287,000 of General Obligation Bonds of Sussex County in connection with the construction and equipping of Phase 1 of the Herring Creek Area Expansion of the Unified Sanitary Sewer District.

**M 072 18
Approve
Loan
Resolution
and
Introduction
of Proposed
Ordinance/
Herring
Creek
Sewer
Extension
Project**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering and Finance Departments, that the USDA Loan Resolution authorizing supplemental indebtedness for the Herring Creek Sewer Extension Project be approved and that the associated Debt Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,287,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO THE HERRING CREEK AREA AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH" be introduced and be voted on after a requisite public hearing is conducted.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Grant
Request**

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

**M 073 18
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to give \$500.00 (\$250.00 each from Mr. Arlett's and Mr. Vincent's Councilmanic Grant Accounts) to the Dunbar Elementary School Wellness Committee for Dunbar Dash Track Night.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Council
Members'
Comments**

Council Members' Comments

Mr. Arlett referenced public comments earlier in the meeting regarding an application for an Assisted Living Facility going to the Board of Adjustment for approval. Mr. Moore responded that he will speak with Jamie Sharp, Assistant County Attorney, and/or Vince Robertson, Assistant County Attorney, regarding this issue and will report back to Council.

**M 074 18
Recess**

At 10:20 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to recess until 1:30 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

Profile Luncheon At 12:00 Noon, the Council attended the Sussex County Profile Luncheon held at the Sussex County Association of Realtors office building in Georgetown.

M 075 18 Reconvene At 1:32 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to reconvene.

Motion Adopted: 4 Yeas, 1 Absent.

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

Rules Mr. Moore read the rules of procedure for public hearings.

**Public Hearing/
CZ 1840** A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.72 ACRES, MORE OR LESS" (Change of Zone No. 1840) filed on behalf of Preston and Brenda Brasure (Tax I.D. No. 134-11.00-200.00 and 134-11.00-200.01) (911 Address: 32026 and 32014 Roxana Road, Ocean View).

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

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

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

It was noted that an Exhibit Book was previously provided by the Applicant.

The Council found that Shannon Carmean Burton, Attorney, was present with Steven Hutchins of Axiom Engineering, LLC. They provided a history of the property and a review of area commercial uses; stated that the proposed commercial zoning is compatible and consistent with neighboring uses along Route 26 and Route 17; stated that, at the time, they have no intention of developing the property; reported on the commercial trend of development in the area; stated that DelDOT has advised that a Traffic Impact Study is not required at this time, however, the need will be reevaluated when a use is proposed; stated that the closest sewer service is at the intersection of Route 26 and Route 17; and referenced the rezoning's compliance with the County's Comprehensive Land Use Plan.

**Public
Hearing
(continued)**

There were no public comments.

The Public Hearing and public record were closed.

**M 076 18
Adopt
Ordinance
No. 2544/
CZ 1840**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to Adopt Ordinance No. 2544 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.72 ACRES, MORE OR LESS” (Change of Zone No. 1840) filed on behalf of Preston and Brenda Brasure.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CZ 1841**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.29 ACRES, MORE OR LESS” (Change of Zone No. 1841) filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut (Tax I.D. No. 134-19.00-22.00 (portion of) (911 Address: Not Available).

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

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

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

It was noted that an Exhibit Book was previously provided by the Applicant.

The Council found that Dennis Schrader, Attorney, was present with Brenton Archut, Applicant and Beneficiary of the Hickman Trust. They provided a history of the property; reviewed the growth of the surrounding area and uses in the area; stated that a retail and landscaping/garden center are proposed; presented and reviewed a concept plan; reviewed the layout of the entrance and reported on multiple intersection upgrades; stated that the property is located in a sewer planning district and that water would be provided by Tidewater; and stated that, due to the size of the property, the

**Public
Hearing/
CZ 1841
(continued)**

use would not become a large commercial use.

Mr. Schrader commented on the application's compliance with the County's Comprehensive Land Use Plan and the Strategies for State Policies and Spending Map.

There were no public comments.

The Public Hearing and public record were closed.

**M 077 18
Defer
Action/
CZ 1841**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to defer action on Change of Zone No. 1841 filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CZ 1842**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.4968 ACRES, MORE OR LESS" (Change of Zone No. 1842) filed on behalf of Carmelita L. Pavlosky and Karl Meek (Tax I.D. No. 533-11.00-82.03) (911 Address: 36169 Zion Church Road, Frankford).

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

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

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

It was noted that an Exhibit Booklet was previously provided by the Applicant.

The Council found that Carmen Pavlosky and Karl Meek, Applicants, were present. They reported on the history of the property and its prior commercial uses; reviewed other commercial uses in the area; stated that they plan to market the site to businesses to serve the area; stated that the B-1 zoning would permit multiple uses to benefit the community; stated that they plan to improve the building and the property; stated that there are two existing buildings on the site; and stated that DelDOT did not require a

**Public
Hearing/
CZ 1842
(continued)**

Traffic Impact Study.

A question was raised regarding sewer capacity and representatives from the Engineering Department (John Ashman, Director of Utility Planning, and Hans Medlarz, County Engineer) joined the meeting and confirmed that sewer capacity is allocated on the basis of 4.0 EDUs per acre.

There were no public comments.

The Public Hearing and public record were closed.

**M 078 18
Adopt
Ordinance
No. 2545/
CZ 1842**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2545 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.4968 ACRES, MORE OR LESS" (Change of Zone No. 1842) filed on behalf of Carmelita L. Pavlosky and Karl Meek.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 079 18
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to adjourn at 2:49 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 26, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
OAK CREEK - PHASE 2 (A/K/A SAWGRASS NORTH)
AGREEMENT NO. 387 - 2

DEVELOPER:

Mr. Tim Green
Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

LOCATION:

Old Landing Road CR # 274
Tidewater
45 Lots; Lots 9-18,33-38,51-73 & 127-132

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

45 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$259,875.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/29/05

Department of Natural Resources Plan Approval
06/20/05

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60
Construction Admin and Construction Inspection Cost – \$25,924.20
Proposed Construction Cost – \$172,828.00



ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
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Sussex County

DELAWARE

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 26, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
OAK CREEK - PHASE 3 (A/K/A SAWGRASS NORTH)
AGREEMENT NO. 387 - 3

DEVELOPER:

Mr. Tim Green
Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

LOCATION:

Old Landing Road CR # 274
Tidewater
45 Lots; Lots 74-94,98-117 & 120-126

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

48 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$277,200.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/29/05

Department of Natural Resources Plan Approval
06/20/05

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60
Construction Admin and Construction Inspection Cost – \$24,536.70
Proposed Construction Cost – \$163,578.00



COUNTY ADMINISTRATIVE OFFICES
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LAW OFFICES

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JOHN C. ANDRADE
MARK F. DUNKLE (also GA & PA)
WILLIAM A. DENMAN
MICHAEL W. ARRINGTON (also MD & DC)
CHRISTINE P. SCHILTZ
MICHAEL W. TEICHMAN
KASHIF I. CHOWDHRY (also PA)
JAMES D. NUTTER
JAMES D. GRIFFIN
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TO: County Council

FROM: Vince Robertson, Esq.
Assistant County Attorney

RE: Corrective/Clarifying Ordinance Amendments

DATE: February 2, 2018

As you may recall from some prior discussions, staff has been working on a list of certain areas of the Sussex County Zoning Code where corrections or clarifications are required. For example, these have originated from: (a) questions that have arisen during implementation; (b) areas that staff or Council recognize need updating; and (c) inconsistencies found in our Code. These are not the only items that possibly need attention. But, Administration and staff agree that these are a good starting point with some of the less complex issues.

I will briefly describe these during Council on Tuesday, February 6, 2018. It is my hope that the ordinances can be introduced on that date to start the advertising and hearing process.

The following list outlines the topics addressed. Note that this information may change slightly between now and the Council meeting on February 6.

1. **Administrative variances.** We are looking to amend the Code to allow more administrative variances and to streamline the process. For example, we are seeking

to give the Director the ability to grant variances in limited situations where the need for the variance is due to a prior County error.

2. **Non-conforming lot set-backs.** The Board of Adjustment regularly sees variances applications for setbacks in older developments with lots smaller than what would be permitted today. These variances are routinely granted as the current setback standards do not fit within the smaller lot sizes. This will create separate, uniform setbacks for these smaller lots.

3. **Multi-Family Building Length.** We are looking to clarify the maximum building length and the method of measuring it, and at the same time add a slight increase in permissible length to meet current building practices.

4. **Decks 5 feet to rear and side set-backs.** Allow decks to be located closer to the side and rear property lines, consistent with other structures such as sheds.

5. **Handicap ramps.** This is an amendment to match what is currently allowed in manufactured home parks, by allowing handicap ramps to extend into setbacks.

6. **Expiration of Board of Adjustment Approvals.** This seeks to extend the duration of an approval from 1 year to 2 years. Currently, many applicants need more than 1 year to comply, and extensions are routinely granted. 1 year is one of the shortest time periods we have for approvals (consider that subdivisions are 5 years, and conditional uses are 3 years).

7. **P&Z waivers for loading areas versus parking spaces.** This eliminates the contradiction in code between waivers for loading areas (Board of Adjustment) and parking areas (Planning Commission); both will now be considered by the Commission as part of site plan review.

8. **Amendments to conditions of approval.** This will require an amendment to a Condition imposed as part of a CU or RPC to go to the Council, regardless of whether it originated at the Commission or Council.

9. **Mixed use length.** This Eliminates the maximum length of a mixed-use building.

10. **Inner-connectivity – commercial only.** This requires interconnection for commercial uses with the ability of a waiver by the Commission.

As stated above, I will be explaining these briefly during Tuesday's meeting, with the possibility of them being introduced at that time. Extensive discussions or

questions should be withheld until the public hearing following their introduction, if that should occur.

VGR

Cc: Todd Lawson
J. Everett Moore, Esq.
Jamie Sharp, Esq.
Janelle Cornwell
Robin Griffith

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
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Sussex County

DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

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

RE: **CONCORD ROAD UTILITY UPGRADE – EXPANSION OF THE UNIFIED
SANITARY SEWER DISTRICT PUBLIC HEARING OF DEBT ORDINANCE**

DATE: February 1, 2018

On Tuesday, there will be a public hearing on the Concord Road supplemental debt ordinance to authorize an additional \$250,000 in loan.

On September 24, 2013, Council approved the Concord Road expansion of the Blades Sanitary Sewer District. A funding request was submitted to USDA, Rural Development, Rural Utility Service on January 28, 2014, and the County received obligation documentation on August 19, 2014. On July 21, 2015, Council accepted the conditions associated with the original \$729,000 loan and \$449,000 grant.

Davis, Bowen and Friedel, Inc., the Town of Blades' Engineer of Record, designed a USDA/RD/RUS funded water distribution system expansion in the same vicinity of Concord Road as the County's sewer project. On October 3, 2017, Council approved a construction agreement with the Town and an amendment with the engineer to complete both projects concurrently for a cost-effective construction approach.

The combined project was advertised and bid in one construction document with separate bid schedules for the County Sewer Project and for the Blades Water Project. The Blades Town Council approved the alternate water bid on November 13, 2017, and County Council subsequently awarded the complete project on November 14, 2017 to Zack's Excavating for the sewer base bid at \$1,605,824.75 and the alternate bid at \$797,957.25 - for a total award of \$2,403,782.00 - contingent upon USDA/RD concurrence which has since been received.

This ordinance is supplemental to the already committed \$729,000 loan and \$449,000 grant. The ordinance is attached for your review. The debt will be paid by the users at a rate of 2.125% over 40 years. The Town of Blades is independently pursuing their supplemental funding through USDA.

Attachment



ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$250,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

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

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Concord Road Wastewater Expansion (the "Project");

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

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

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

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$250,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

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

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Concord Road Wastewater Expansion.

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

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

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

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

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

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

SYNOPSIS: This Ordinance provides for the issuance of up to \$250,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Concord Road Wastewater Expansion (the "Project").

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ___ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF JANUARY, 2018.

Robin A. Griffith
Clerk of the Sussex County Council

(Concord Road-Subsequent Funding Ordinance)

PROPOSED



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: LAUREL LIONS CLUB FOUNDATION

PROJECT NAME: LAUREL LIONS CLUB RECREATION COMPLEX RENOVATION

FEDERAL TAX ID: 51-0371085 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: PROVIDE CHARITABLE ASSISTANCE TO PEOPLE IN NEED. IN THIS SPECIFIC REQUEST IT IS TO PROVIDE RENOVATED BASKETBALL COURTS AND TENNIS COURTS IN LAUREL, DE.

ADDRESS: P.O. BOX 10

LAUREL DE 19956
(CITY) (STATE) (ZIP)

CONTACT PERSON: JOHN J. SHWED John J Shwed

TITLE: TRUSTEE

PHONE: 302-841-4007 EMAIL: JJSHWED@VERIZON.NET

TOTAL FUNDING REQUEST: \$ 7,500.00

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

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 7.5%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

- | | | |
|---|---|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input checked="" type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input checked="" type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>ADULTS</u> | |

BENEFICIARY NUMBER

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

4,000

SECTION 3: PROGRAM SCOPE

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

THE LAUREL LIONS CLUB HAS OPERATED BASKETBALL COURTS AND TENNIS COURTS AT THE CORNER OF S. CENTRAL AND EVERGREEN AVENUES IN LAUREL, DE SINCE 1969. NOW AFTER ABOUT 50 YEARS OF OPERATION THE FACILITIES NEED REPAIRS. THIS PROJECT WILL INSTALL ALL NEW ENERGY EFFICIENT LIGHTING, NEW FENCING, AND REPAIR CRACKS IN COURT SURFACES. TOTAL COST \$100,000.

THE YOUTH OF THE COMMUNITY PLAY BASKETBALL ON THIS SITE JUST ABOUT EVERY DAY. NOW THE LIGHTS DON'T WORK SO THEY CAN'T PLAY AFTER DARK.

ADULTS PLAY TENNIS. THESE COURTS HAVE CRACKS IN THE COURT SURFACES AND NETS THAT NEED REPLACING.

POPULATION SERVED IS ABOUT 4,000 IN TOWN OF LAUREL AND 15,000 IN THE LAUREL SCHOOL DISTRICT.

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

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

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

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

n/a

SECTION 4: BUDGET

REVENUE		
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	\$1,227.00	
TOTAL REVENUES	1,227.00	
EXPENDITURES		
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)		
UP GRADE LIGHTING	\$64,676	
REPLACE FENCING	19,800	
REPLACE UTILITY BUILDING ROOF	800	
REMOVE TWO OLD TREES	1,000	
RESEAL CONAT SURFACES TO ELIMINATE CRACKS	750	
CONSTRUCT OPEN SIDED METAL ROOFED SUN SHELTER	9,500	
CONSTRUCTION ESTIMATE — TOTAL EXPENDITURES	\$100,000	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	98,773	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the LAUREL LIONS CLUB FOUNDATION agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

LAUREL LIONS CLUB FOUNDATION / J. R. J. JENNINGS, TRUSTEE 1/17/18
Applicant/Authorized Official Date

Donna Ward 1/17/18
Witness Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

LAUREL LIONS CLUB FOUNDATION
Applicant/Authorized Official

John J. Shwed
JOHN J. SHWED, TRUSTEE

Dorina Ward
Witness

Title
1/17/18
Date

Vincent
1-19-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Sussex County Science Fair / <i>Delaware Technical Community College</i>		
PROJECT NAME:	Annual Science Fair		
FEDERAL TAX ID:	46-5047566 <i>51-6000279</i>	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO *IF YES, FILL OUT SECTION 3B.			
ORGANIZATION'S MISSION:	To sponsor an annual science fair for all students from 6th to 12th grade in Sussex County. Students from public, private, charter, religious as well as those who are home schooled are eligible.		
ADDRESS:	Sussex County Science Fair		
	PO Box 570		
	Nassau	DE	19969
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Lew Killmer		
TITLE:	Board Member		
PHONE:	302-537-2881	EMAIL:	lew.killmer@mac.com

Check to be sent to Delaware Technical Community College

TOTAL FUNDING REQUEST:

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

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

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

YES NO

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

YES NO

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

Mike 1/30

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

- | | | |
|---|--|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input type="checkbox"/> Other _____ | |

BENEFICIARY NUMBER

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

100 to 150

SECTION 3: PROGRAM SCOPE

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

The SCSF holds an annual science fair at the Owens Campus of Delaware Technical and Community College in Georgetown. This one day event starts early in the morning and ends in the afternoon. On average the entire event costs \$3000. The money that we are requesting from Sussex County Council will be sent directly to Del Tech to pay for our costs associated with holding the event at their location (set-up, tear-down, lunch for judges and students, security and janitorial support). Each year Del Tech subtracts the requested \$1000 grant from our bill and SCSF covers the outstanding balance. Since SCSF is not a 501-3C the requested funds go directly to Del Tech.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$3000.00 to \$4000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Student Cash Awards	-\$1000.00
Printing Programs	-\$300.00
Lunch for Students and Judges	-\$1200.00
Set-up, Tear-down, Security, Janitorial	-\$500.00
Dow Grant, Sussex County Council, various Non-Profits	\$4000.00
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

Sussex County Science Fair

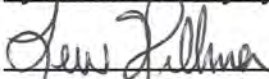
If this grant application is awarded funding, the _____ agrees that:

(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

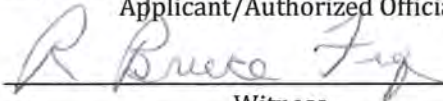
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



Applicant/Authorized Official

25 JANUARY 2018

Date



Witness

1/25/2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Jew Killmer (Member of Board)
Applicant/Authorized Official

Board Member / Treasurer
Title

R Bruce Fry
Witness

1/25/2018
Date

Vincent
1/30/18

To Be Introduced 02/06/18

**Council District No. 4 – Cole
Tax I.D. No. 134-9.00-21.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.53 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of January 2018, a conditional use application, denominated Conditional Use No. 2131, was filed on behalf of CBB Cedar Pines, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2131 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2131 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Cedar Neck Road, approximately 722 feet north of Yacht Basin Road, and being more particularly described per the attached legal description, said parcel containing 11.53 acres, more or less.

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

To Be Introduced 02/06/18

**Council District No. 3 – Burton
Tax I.D. No. 335-12.06-58.00
911 Address: 33995 Clay Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HAIR STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS

WHEREAS, on the 23rd day of January 2018, a conditional use application, denominated Conditional Use No. 2132, was filed on behalf of Dorothy Darley; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2132 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2132 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Clay Road, approximately 600 feet east of Marsh Road, and being more particularly described per the attached deed prepared by Schab & Barnett, P.A., said parcel containing 0.504 acre, more or less.

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

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



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

Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date January 11, 2017

Application: CU 2110 GAW Venture Group, LLC KH

Applicant: GAW Venture Group, LLC
9 Cornwall Rd.
Rehoboth Beach, DE 19971

Owner: Robin R. May
32246 Brandy Cir,
Millsboro, DE 19966

Site Location: 20028 John J Williams Hwy. Northwest side of John J. Williams Hwy.
(Rt. 24) approximately 1,824 ft. west of Mulberry Knoll Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: House Construction and Sales Business

Comprehensive Land
Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 0.709 ac. +/-

Tax Map ID.: 334-12.00-24.00



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Sussex County
DELAWARE
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 31, 2018

RE: County Council Report for CU 2110 GAW Venture Group, LLC

The Planning and Zoning Department received an application (CU 2110 GAW Venture Group, LLC) to allow for a house construction and sales business to be located at 20028 John J Williams Hwy. The Planning and Zoning Commission held a public hearing on January 11, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

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

The Commission found Rick Berl, Attorney with Berl and Feinberg, LLP, Chuck Adams, with Adams and Kemp, and John Gaw were present on behalf of the application; that Mr. Berl stated the applicants have a small custom building business; that the brothers run the business; that they describe their business as an infill as they go to almost built out subdivisions and build on vacant lots; that most of the lots they build on are unique in shape and size; that they do a handful of construction projects a year; that this site is intended to be an office; that it will not be used as a retail space or a showroom or have walk-in business; that it will be for them to meet with their sub-contractors, material suppliers and perhaps a client; that the previous conditional use for the property was for window treatments and lighting, which was more of a retail use with work done offsite; that there will not be as much traffic with the proposed conditional use as there was with the prior use; that the site will not be a staging area; that there will be no employees; that they use subcontractors to do the work; that there will not be employees showing up to the site; that there will not be equipment on the site; that the site is approximately $\frac{3}{4}$ ac. in size; that things have changed since the original Conditional Use was granted in 2005/2006; that there are a lot more businesses on Route 24 along with other Conditional Use and other uses on the road; that in the vicinity there are Cape Henlopen schools on both sides of Rt. 24; that the site is surrounded by farm land; that there are other residential developments in the area; that there are several Conditional Uses in the area along with small businesses; that it was originally a house that was converted into the window blinds use that is no longer in use; that Mr. Adam stated the applicant would use the building and site as is and there is parking in front yard setback; that the they are asking for a waiver for the front yard parking in the setback; that they do not plan on doing any improvements; that



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DelDOT has given their initial consent; that they would like to put up a new sign that would comply code; that there are no plans to enlarge the building or site; that Mr. Berl stated that a TIS was not required; that they expect there will be a maximum of two to three cars per day and days in which there are no cars; that this use will not generate a great deal of traffic; that it is currently served by an old cesspool and the County is running sewer in the area; that they will connect to County sewer once it is completed; that there are no proposed hours of operation due to possible late nights or weekends needed; that there is a 1% chance to have late hours or weekend to meet with a subcontractor or client; that there are mature trees in the rear yard and they are asking for a waiver to continue to park in the front yard setback as was previously approved; that there are no tax ditches on the property; that known need for stormwater management; that sewer will be coming in within the next year or two; that the was a previous use; that is consistent with the other uses in the area; that there is adequate off street parking; that there is no adverse impact on neighboring properties; that Mr. Gaw stated that they would like one lighted sign; that they would be fine will reserving area for parking if the road is widened; that when sewer comes that opens up the area in which the cesspool is located that can be used for parking; that the rear of the property has some elevation issues; that is no proposed residence on the site; that they would be fine with hours of operation from 7:00 am to 7:00 pm, Monday through Saturday; that there will be no storage of materials on the site; that every once in a while a sample may be dropped off; and that the previous Conditional Use Ordinance No. 1860 and was adopted in July 2006.

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

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

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

At their meeting of January 25, 2018, the Planning Commission discussed the application which had been deferred since January 11, 2018.

Mr. Hopkins moved that the Commission recommend approval of CU# 2110 for GAW VENTURE GROUP, LLC, c/o JOHN GAW for a house construction and sales business based upon the record made during the public hearing and for the following reasons:

1. The site was previously approved with a Conditional Use for a lamp store as Conditional Use # 1659. That conditional use occurred within the existing structure on the site, which was formerly a residential dwelling.
2. The applicant intends to use the same residential-style structure for an office for its home construction business.
3. The applicant has stated that it builds homes within existing subdivisions, and that this site will only be for sales and office uses and not for storage of construction materials or equipment.
4. The proposed use will not generate a significant amount of traffic, and it will not have any adverse effect on area roadways.
5. The proposed use is very limited in nature within the existing residential-style structure and it will not have any adverse impact on neighboring properties or the community.
6. No parties appeared in opposition to the application.

7. As permitted as part of CU # 1659, parking is permitted within the front yard setback. However, sufficient space shall be set aside for parking elsewhere on the property in the event that Route 24 is widened at some point.
8. This recommendation is subject to the following conditions:
 - A. The use shall be limited to an office for home construction and sales within the existing structure.
 - B. No outside storage of construction materials or equipment shall be permitted on the site.
 - C. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - D. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
 - E. Parking shall be permitted in the front yard setback. In addition, sufficient space shall be set aside for parking elsewhere on the property in the event that Route 24 is widened at some point.
 - F. Failure to comply with these conditions shall result in the revocation of the Conditional Use approval.
 - G. The Final Site Plan shall be subject to the review and approve of the Sussex County Planning and Zoning Commission.

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

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Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 6, 2018
RE: Staff Analysis for CU 2110 Gaw Venture Group, LLC C/O John Gaw

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2110 Gaw Venture Group, LLC C/O John Gaw to be reviewed during the January 11, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 334-12.00-24.00 to allow for the use of a house construction and sales business. The size of the property is 0.709 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

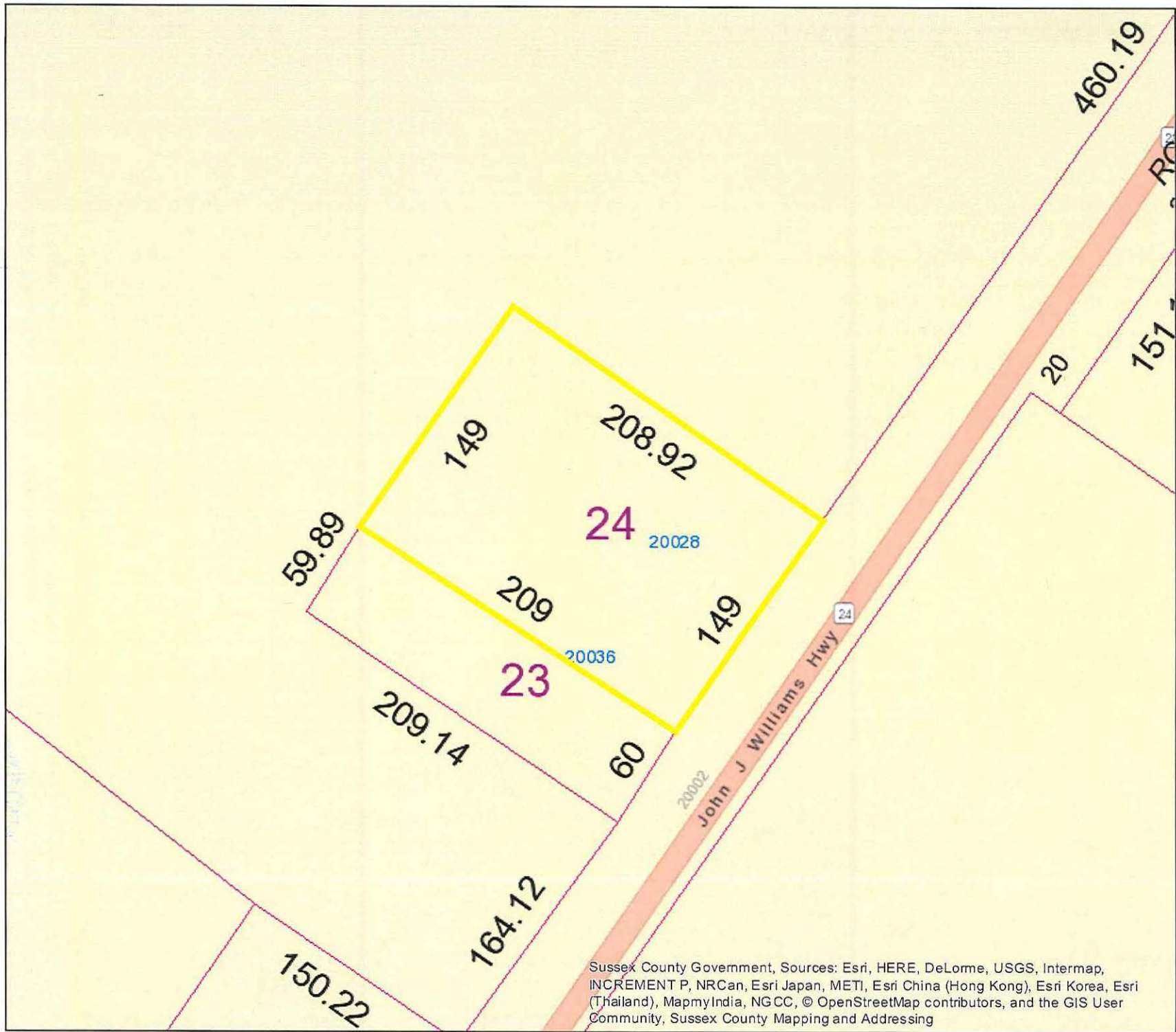
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south, east and west is Environmentally Sensitive Developing Areas. The Environmentally Sensitive Developing Areas land use designations recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south and east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District) and MR (Medium Density Residential District). There are several Conditional Uses in the area (schools and a garden center).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for a house construction and sales business could be considered consistent with the land use, surrounding zoning and uses.



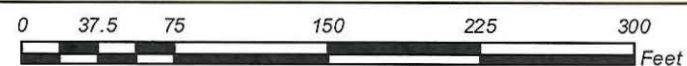


- Addresses / Parcels**
- TaxParcels
- Council Districts**
- Fire Districts
 - County District 01
 - County District 02
 - County District 03
 - County District 04
 - County District 05
 - County Boundaries
- Schools/Libraries**
- School Buildings (Various)
 - School Library
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 - DOE VoTech School Districts
- Hydrology**
- Streams / Rivers
 - Lakes, Ponds, Bays
- Flood Zones**
- 0.2% Annual Chance Flood Hazard
 - A
 - AE
 - AO
 - Open Water
 - VE
 - Public Protected Lands
 - Municipalities
 - Communities
 - Boundaries State County

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



Sussex County Map





Addresses / Parcels

□ TaxParcels

Council Districts

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- County District 01
- County District 02
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Schools/Libraries

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

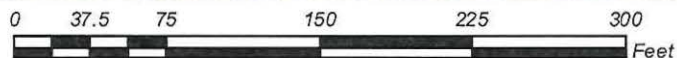
Hydrology

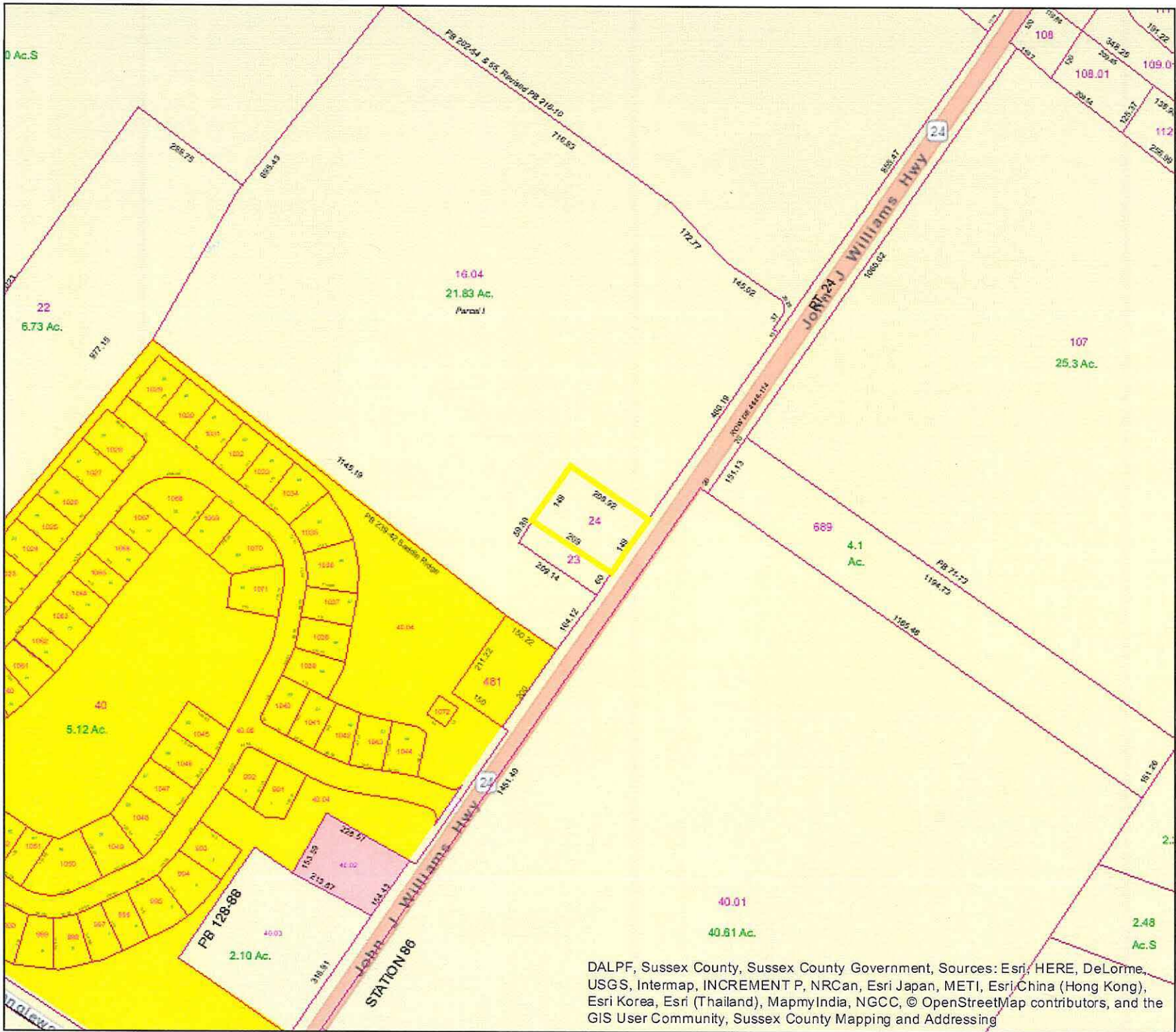
- ~ Streams / Rivers
- ▮ Lakes, Ponds, Bays

Flood Zones

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

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





Addresses / Parcels

▭ TaxParcels

Council Districts

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▭ County District 05

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▭ DOE VoTech School Districts

Hydrology

▭ Streams / Rivers

▭ Lakes, Ponds, Bays

Flood Zones

▭ 0.2% Annual Chance Flood Hazard

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▭ AE

▭ AO

▭ Open Water

▭ VE

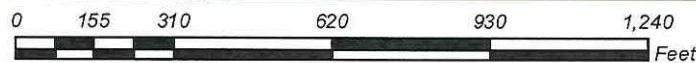
▭ Public Protected Lands

▭ Municipalities

▭ Communities

▭ Boundaries State County

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Introduced 09/19/17

**Council District No. 3 – Burton
Tax I.D. No. 334-12.00-24.00
911 Address: 20028 John J. Williams Highway, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOUSE CONSTRUCTION AND SALES BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS

WHEREAS, on the 8th day of August 2017, a conditional use application, denominated Conditional Use No. 2110, was filed on behalf of Gaw Venture Group, LLC c/o John Gaw; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2110 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2110 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northwest side of John J. Williams Highway (Route 24), approximately 1,824 feet west of Mulberry Knoll Road and being more particularly described in attached deed prepared by Schab & Barnett, P.A., said parcel containing 0.709 acres, more or less.

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

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



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date January 11, 2017

Application: CU 2111 Michael Moutzalias DH

Applicant: Michael Moutzalias
30190 Whites Neck Rd.
Dagsboro, DE 19939

Owner: Banks Family Partnership, LLC c/o David L. Banks
35196 Old Mill Rd.
Dagsboro, DE 19939

Site Location: 30190 White Neck Rd. South side of White Neck Rd., approximately
754 feet east of Holts Landing Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: RV/park model/trailer repair and refurbishment business with outdoor
storage and sales.

Comprehensive Land
Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic
District: Mr. Cole

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 1.00 ac. of a 32.16 ac. +/- parcel

Tax Map ID.: 134-8.00-5.00 (portion of)



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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 31, 2018

RE: County Council Report for CU 2111 Michael Moutzalias

The Planning and Zoning Department received an application (CU 2111 Michael Moutzalias) to allow for a RV/park model/trailer repair and refurbishment business with outdoor storage and sales to be located at 30190 White Neck Rd. The Planning and Zoning Commission held a public hearing on January 11, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, a site plan, comments from the Sussex Conservation District, results from the DelDOT Service Level Evaluation and one (1) letter of opposition that stated concerns with the use of the property, concerns about decrease in property value, and possible environmental concerns.

The Commission that found Maxwell Morris, a Surveyor and Michael Moutzalias were present on behalf of the application; that Mr. Morris stated that the applicant buys, sells, used RV's and park model trailers; that he stores them on the 1 acre of a 32 acre parcel; that the conditional use area is setback 200 feet to 300 feet off the road and it is screened by the existing home and out buildings; that back of the parcel is screened by fencing and woods; that it is not a traditional sales lot; that it is designed to store the RV's and trailers while they are being repaired for resale; that he sells these items via internet; that there is not a lot of traffic associated with the business; that all sales are handled via a phone call and he meets them on site; that there is no sales people; that there are no lights on the property; that he is only open during day time hours; that it is not a noisy business as the majority of the work is done to the interior of the units; that there is no additional traffic on the road; that it is a convenient location because there is a campground in the area; that he done a lot of work with the campground; that there is an existing paved driveway; that this will not alter the character of the neighborhood; that they are asking for a little sign along the road and it will not be lit; that Mr. Moutzalias stated that he used to have several employees but he does have any employees now; that he lives on the site; that most of the repair work is inside of the unit and might change tires; that he does not do outside work on the items; that he delivers the items to the people purchasing the vehicle; that there maybe five cars a week besides himself; that there will only daylight hours; that there are a maximum of 22 units stored on the site; that the DMV license is at another location; that sometimes a subcontractor comes in and does work; that the RV's only come there if they have value, if there is no value they do not come there; that he has had some RV's as



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little as a day and some up to one year and they all go away; that there are several sheds on the site which typically comes with the RV's or park models; that the site plan shows what they could have on the site; that everything on the site is existing; that most of the RV's and park models are non-motorized; that he hauls 50% to the location and the new location; that in a season he will make two trips a week, in the off season he will make two to three trips a week up to four trips; that the hours of operation are 7:00 am to 7:00 pm; that he would like one employee; that no storage of materials on the property; that he would like to be able to store up to 21 RVs on the site; that he would like a 3'x5' unlit sign; that there is a fence from the horse pasture and trees along the back and on one side; that the hours of operation are 7:00 am till 7:00 pm, Sunday through Saturday that there could be one employee; and that there is no storage of equipment or chemicals on the site.

The Commission found Daniella LeCates spoke in support of this application; that Ms. Lecates stated she lives caddy corner to the property; that he does inside repair work to the RV's; that there is no noise and no chemicals being used; that it is not an eyesore; that is nothing dirty on the site; and that she has no issues.

The Commission found Ted Banks, Kami Banks and Guy Rickards spoke in opposition to this application; that Mr. Banks stated that the land owner is his Uncle; that he can see it from his back yard; that the site is not screened; that the land is in a Preservation Trust; that he has documents stating that the property is to only be used as farm land and as a horse business; that Ms. Banks stated the business has been operating for a few years; that the applicant is not the land owner; that the site is an eyesore; that it does not fit into the area; that the closest campground community is two miles away; that Mr. Banks stated that there are other locations to use for the business; Mr. Rickards stated he lives adjacent to the site and is the closest neighbor; that there are two farms in the area; that Michael is a good guy but he does not like the business; that he thought he was going to set up business in Frankford; that at times there have been over 20 RV's on the site and the number has been reduced now; that now there are a lot of sheds on the site; that there is agricultural and residential uses in the area; that there is an RV storage business on Route 26; that there is no buffer other than a horse fence which he does not consider screening; that this is detrimental to property value; that this impacts quality of life; and that he hears generators running and other noises.

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

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

At their meeting of January 25, 2018, the Planning Commission discussed the application which had been deferred since January 11, 2018.

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

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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 6, 2018
RE: Staff Analysis for CU 2111 Michael Moutzalias

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2111 Michael Moutzalias to be reviewed during the January 11, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 134-8.00-5.00 (portion of) to allow for the use of RV/park model/trailer repair and refurbishment business with outdoor storage and sales. The Conditional Use proposed to use 1.00 ac. of the 32.16 ac. +/- parcel. The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land use to the north, south, east and west is Environmentally Sensitive Developing Areas. The Environmentally Sensitive Developing Areas land use designations recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

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

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for a RV/park model/trailer repair and refurbishment business with outdoor storage and sales may not be considered consistent with the land use, surrounding zoning and uses.





Addresses / Parcels

- TaxParcels

Council Districts

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- County District 02
- County District 03
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- County District 05
- County Boundaries

Schools/Libraries

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

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

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

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

DALPF, FEMA, Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT-P, NRCAn, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing, DNREC, Division of Water





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DALFF, FEMA, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Google Earth Digital Globe, Geocode, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, DNREC, Division of Water



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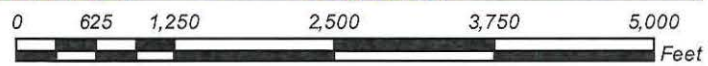
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Sussex County Map



Introduced 12/12/17

**Council District No. 4 – Cole
Tax I.D. No. 134-8.00-5.00 (portion of)
911 Address: 30190 Whites Neck Road, Dagsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV/PARK MODEL/TRAILER REPAIR AND REFURBISHMENT BUSINESS WITH OUTDOOR STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS, OF A 32.16-ACRE PARCEL OF LAND

WHEREAS, on the 15th day of August 2017, a conditional use application, denominated Conditional Use No. 2111, was filed on behalf of Michael Moutzalias; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2111 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2111 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Whites Neck Road, approximately 754 feet east of Holts Landing Road, and being more particularly described per the attached legal description prepared by Delaware Surveying Services, said parcel containing 1.0 acre, more or less, of a 32.16-acre parcel of land.

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

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



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date January 11, 2017

Application: CU 2112 Mitchell Family Limited Partnership KS

Applicant/ Owner: Mitchell Family Limited Partnership
1019 Kings Hwy.
Lewes, DE 19958

Site Location: Southeast corner of Kings Hwy. and Gills Neck Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Medical Office and Ancillary Medical Uses
Comprehensive Land

Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: Tidewater

Site Area: 3.30 ac. +/-

Tax Map ID.: 335-8.00-37.01



JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 31, 2018

RE: County Council Report for CU 2112 Mitchell Family Limited Partnership

The Planning and Zoning Department received an application (CU 2112 Mitchell Family Limited Partnership) to allow for a medical office and ancillary medical uses to be located at the southeast corner of Kings Hwy. and Gills Neck Rd. The Planning and Zoning Commission held a public hearing on January 11, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

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

The Commission found David Hutt, Attorney with Morris James, LLP, Ring Lardner, Engineer with Davis, Bowen and Friedel, Bob McLeish, with Lighthouse Construction and Michael Fiori, Jeffrey Lord were present on behalf of the application; that Mr. Hutt stated the application is for a conditional use for 39,000 square feet medical office building; that the site will be for an orthopedic provider; that the site is 3.3 acre parcel; that the surrounding uses in the area include commercial uses and a church; that across the highway there is a strip commercial center and lands that are within the City of Lewes; that a new assisted living facility was recently approved in the City of Lewes; that also across the street is Cape Henlopen High School; that there are other office uses down the street and the Crooked Hammock if further down the street; that the property is zoned AR-1 (Agricultural Residential District); that there are B-1 (Neighborhood Business District), C-1 (General Commercial District) zonings in the area along with other conditional uses; that Mr. Lardner stated the parcel is in the State Strategy Level 1; that property is located in the Environmentally Sensitive Developing Area land use classification; that a letter was submitted to comply with 115-194.3 code; that the property does not contain any wetlands; that the site is not located in the floodplain; that the proposed project is for a two story building; that the building will be setback 80 feet from both roads; that the intersection was recently upgraded; that they will meet with the Byway group if approved; that the site needs a TIS; however, it has a minor impact with the traffic as it is less than 200 trips per day and they can pay into an area wide study; that the proposed project requires 89 parking spaces and this plan proposes 156 parking spaces; that the plan currently shows parking in the front yard setback and they can revise the site plan to remove the parking from the front yard setback if approved; that the Byways requirements may have impact and DelDOT



COUNTY ADMINISTRATIVE OFFICES
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may require some additional right-of-way dedications; that the corner front yard setback could go down to 15 feet; that they will provide interconnectivity in at least one location; that the parcel will be served by central sewer; that water will be served by Tidewater; that the parcel is located in excellent ground water recharge area and will comply with Chapter 89 of the Sussex County Code; that the developer will provide stormwater management for the site; that they will use best management practices for stormwater management; that Mr. Fiori stated they are trying to provide a continuity of care within the building; that they will be able to take a patient from medical exam to diagnosis radiology to physical therapy all in one building; that the excess parking is for other members attending the appointments; that they have oversized the parking spaces; that this will make it easier to recruit doctors and other tenants; that they have done this model in other locations; that this is good in other communities and people like having an all in one building; that are two other sites in Delaware; that Mr. Hutt stated there will be screening of the dumpsters and signage for the site; that they would like a 50 square foot wall sign which is for naming the building; that there will be two 32 square feet ground signs, one on each road; that this use will help with traffic as it will reduce visits; that they are proposing a condition that the building will match the commercial setback along Kings Highway; that Mr. Lardner stated the entrance will have to meet DelDOT standards; that they expect a left turn into the site and they will work with DelDOT for further entrance development when the rest of the site may be developed; that this portion of the access road to be built with this project; that there is no known development plans for the larger parcel and it is currently used as farmland; that there is not a master plan for the larger parcel; and that there was discussion about the location of the of the road off of Gills Neck Road and concerns how the larger site to the rear could develop and possibility of interconnection.

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

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

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

At their meeting of January 25, 2018, the Planning Commission discussed the application which had been deferred since January 11, 2018.

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

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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 6, 2018
RE: Staff Analysis for CU 2112 Mitchell Family Limited Partnership

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2112 Mitchell Family Limited Partnership to be reviewed during the January 11, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 335-8.00-37.01 to allow for the use of medical office and ancillary medical uses. The size of the property is 3.30 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

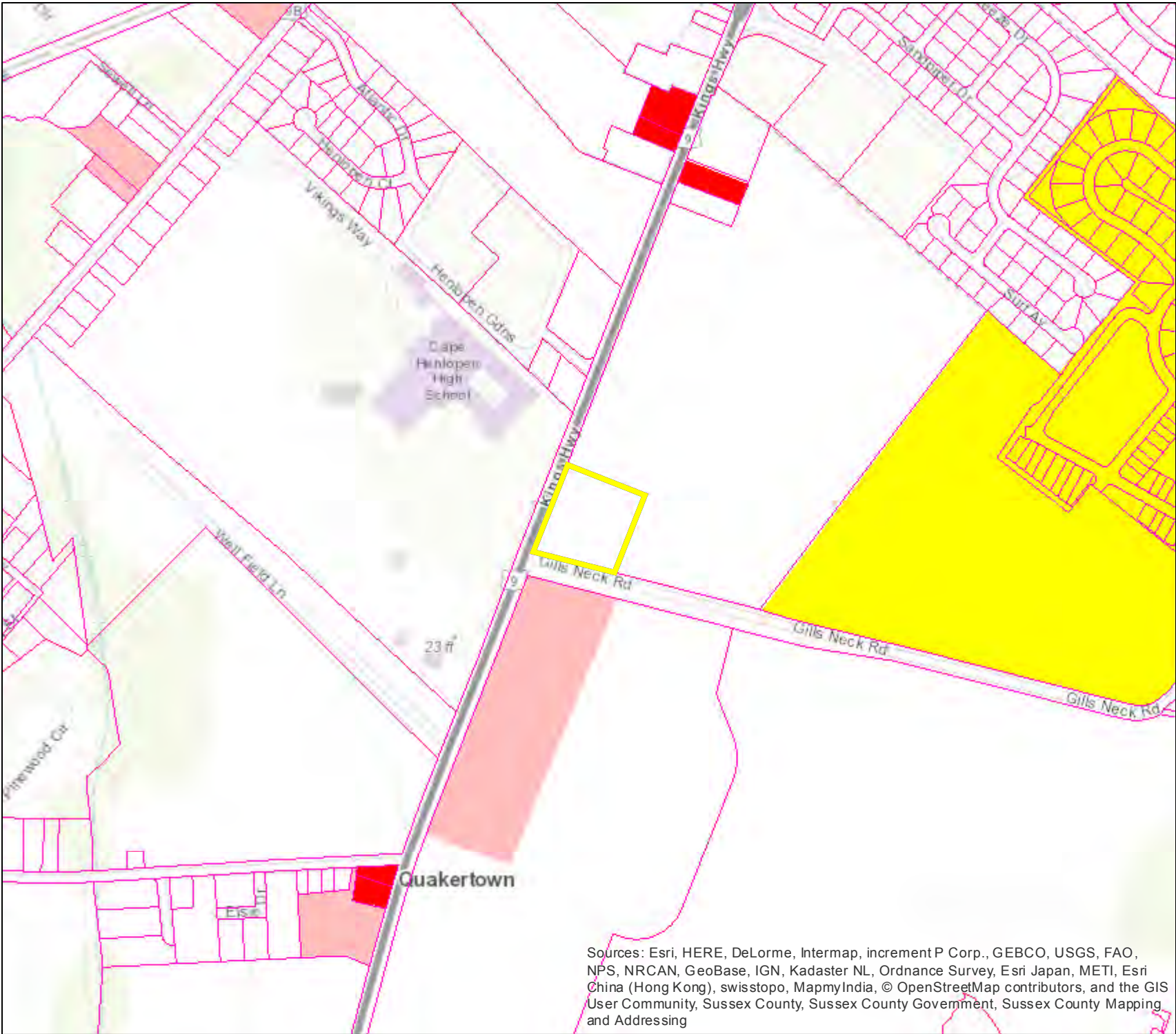
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south, east and west is Environmentally Sensitive Developing Areas. The Environmentally Sensitive Developing Areas land use designations recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and east are zoned AR-1 (Agricultural Residential District). There are also several parcels across Kings Hwy. located within the City of Lewes. The properties are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District) and B-1 (Neighborhood Business District). There are several Conditional Uses in the area (school and multi-family).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for medical office and ancillary medical uses could be considered consistent with the land use, surrounding zoning and uses.





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

▬ School Buildings (Various)

📖 School Library

📖 Public Library

📖 Special Library

📖 DOE School Districts

📖 DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

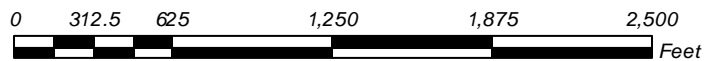
■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County

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





Addresses / Parcels

- TaxParcels

Council Districts

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

Schools/Libraries

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

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

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

- Public Protected Lands

- Municipalities

- Communities

- Boundaries State County



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Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

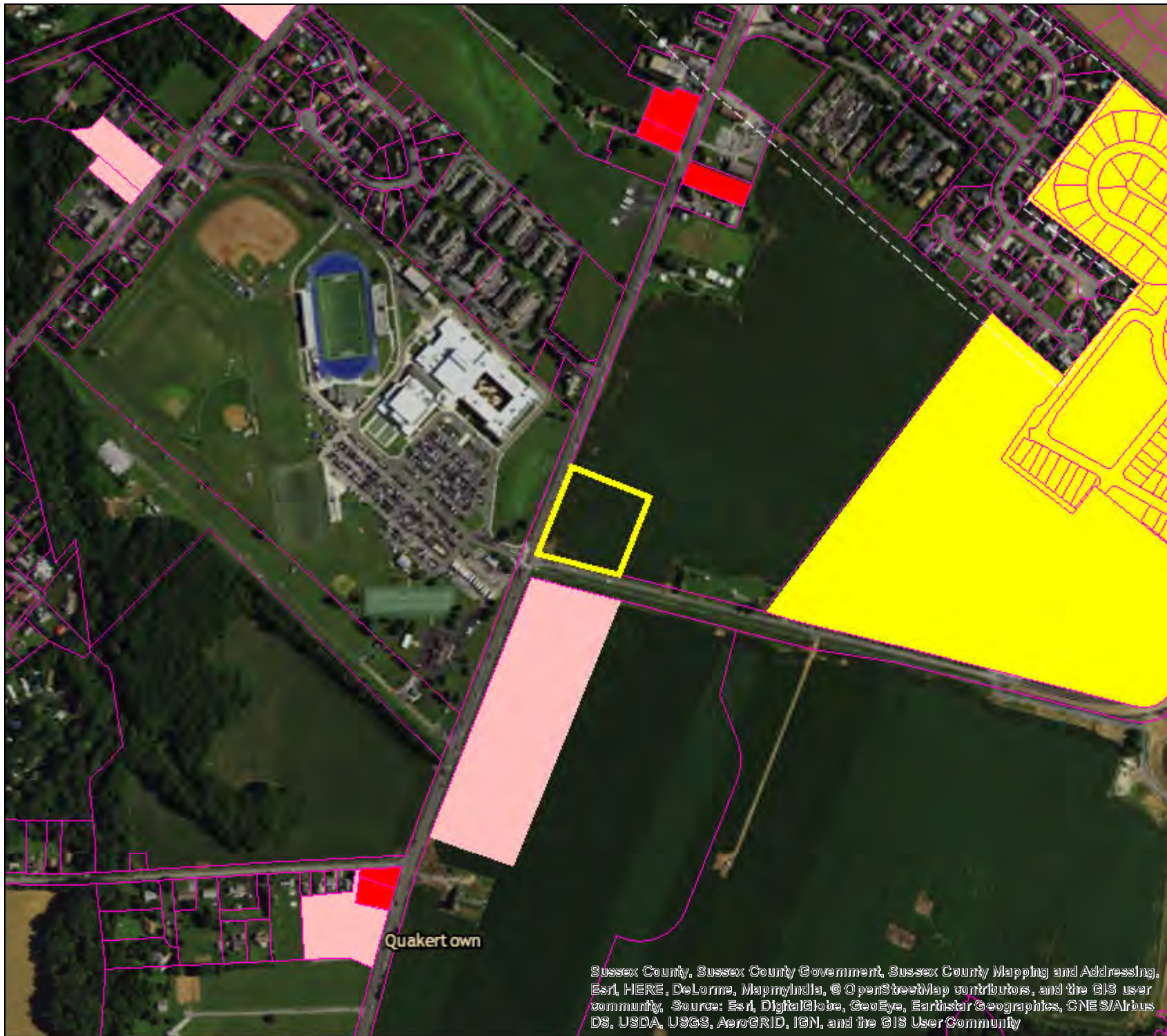
■ VE

■ Public Protected Lands

■ Municipalities

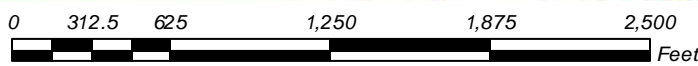
■ Communities

■ Boundaries State County



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Introduced 09/19/17

**Council District No. 3 – Burton
Tax I.D. No. 335-8.00-37.01 and 335-8.00-37.00 (portion of)
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE AND ANCILLARY MEDICAL USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.30 ACRES, MORE OR LESS

WHEREAS, on the 17th day of August 2017, a conditional use application, denominated Conditional Use No. 2112, was filed on behalf of Mitchell Family Limited Partnership; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2112 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2112 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast corner of Kings Highway and Gills Neck Road and being more particularly described per the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 3.30 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.