

Sussex County Council Public/Media Packet

**MEETING:
February 7, 2023**

****DISCLAIMER****

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

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

FEBRUARY 7, 2023

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes – January 31, 2023

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Board of Assessment Review Appointment
2. Administrator's Report

10:15 a.m. Public Hearing

1. Community Development Block Grant (CDBG) Program

John Ashman, Director of Utility Planning & Design Review

1. Permission to Prepare and Post Notices for Newdale Acres Extension Annexation into the Sussex County Unified Sanitary Sewer District (Ellendale Area)

Hans Medlarz, County Engineer

1. EMS Public Safety Building – Project C19-04
 - A. Change Order 21



Jamie Whitehouse, Director of Planning & Zoning

1. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO DELETE CHAPTER 115, ARTICLE XVII VACATION RETIREMENT – RESIDENTIAL PARK DISTRICT SECTIONS 115-132 THROUGH 115-140 IN ITS ENTIRELY AND TO INSERT ARTICLE XVII MASTER PLAN ZONE, SECTIONS 115-132 THROUGH 115-140 IN ITS PLACE”
2. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XXIV, SECTION 115-172 AND ARTICLE XXV, SECTION 115-194.5 TO ADD PROVISIONS FOR SPECIAL REQUIREMENTS FOR SOLAR FARM CONDITIONAL USES”
3. Demonstration of the new document management software

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

Ordinance No. 22-08

“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-65.00” (property located on the north side of Lewes Georgetown Highway [Rt. 9], approximately 620 feet northeast of Gravel Hill Road [Rt. 30]) (911 Address: N/A) (Tax Parcel: 135-11.00-65.00)

Change of Zone No. 1959 filed on behalf of Charles E. Turner, Jr.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.72 ACRES, MORE OR LESS” (property located on the north side of Lewes Georgetown Highway [Rt. 9], approximately 620 feet northeast of Gravel Hill Road [Rt. 30]) (911 Address: N/A) (Tax Parcel: 135-11.00-65.00)

Conditional Use No. 2320 filed on behalf of Charles E. Turner, Jr.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (42 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.72 ACRES, MORE OR LESS” (property located on the north side of Lewes Georgetown Highway [Rt. 9], approximately 620 feet northeast of Gravel Hill Road [Rt. 30]) (911 Address: N/A) (Tax Parcel: 135-11.00-65.00)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on January 31, 2023 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

##

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 31, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 31, 2023, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Vincent. Mr. Vincent called the meeting to order.
M 049 23 Approve Agenda	A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve the Agenda, as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
Minutes	The minutes from January 24, 2023, were approved by consensus.
Corre- spondence	There was no correspondence.
Public Comments	Public comments were heard, and the following people spoke: Mr. Keavney Watson spoke about a grant that he is trying to apply for through Sussex County.
M 050 23 Approve Consent Agenda	A Motion was made by Mr. Hudson, seconded by Mr. Rieley to approve the following item under the Consent Agenda: Use of Existing Sewer Infrastructure Agreement, IUA 1161 The Knoll, Holt's Landing Area Motion Adopted: 5 Yeas Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;

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

Caroling on the Circle Recognition Mr. Lawson recognized those that participated in the Caroling on the Circle Food Drive effort and thanked everyone that volunteered and contributed.

Mr. Vincent recognized Representative Gray and Senator Hocker who were present.

MOU/ DNREC/ White Creek Mr. Lawson reviewed a Memorandum of Understanding between the County and the Department of Natural Resources and Environmental Control related to the White Creek dredging project. Mr. Lawson reported that the MOU has been reviewed and approved to form by both the County legal team and the DNREC Attorney General.

Mr. Lawson explained that the origins of this initiative began in 2019 when the County Council supported legislation to establish an accommodation tax in Sussex County for hotels, motels, and tourist homes. That legislation, House Bill 228, was approved by the General Assembly in June 2019 and signed into law in July 2019.

The funding from the accommodation tax is earmarked for beach nourishment, waterway dredging, economic development, tourism programs, recreational activities, water quality projects, and flood control projects. Thus far, the County has collected \$1.9M in funding.

The County Council agreed that waterway dredging should be its to priority for the initial use of this funding. In order to facilitate a dredging project, the most prudent and efficient approach is to partner with DNREC because the department already administers dredging projects throughout the State. The referenced MOU established the partnership with DNREC and spells out each party's roles and responsibilities for the pending White Creek dredging project only.

In particular, the MOU defines specific terms; outlines the project's scope; and the project's cost. Specifically, the project cost is \$4,685,000.00 and the County's contribution is \$1,000,000.00.

Mr. Lawson reported that the project will improve navigability in White Creek and a portion of Assawoman Canal. Approximately 55,000 to 75,000 cubic yards of materials will be removed. Dredged sediments will be used to restore an area of highly degraded coastal salt marsh at the Assawoman Wildlife Area (Muddy Neck).

Mr. Lawson reviewed the project timeline. Currently in progress are pipelines, personnel, pumps, and dredges are being mobilized to the site. Dredging is expected to begin approximately February 3rd. Completion of the project is required by March 31 due to habitat/wildlife restrictions. DNREC will monitor the restored wetland area through 2028, as a condition

of the permit.

M 051 23
Approve
MOU/
DNREC/
White Creek
dredging

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved that the Sussex County Council approves the Memorandum of Understanding with the Delaware Department of Natural Resources and Environmental Control related to the White Creek Dredging project as presented and the County's contribution of \$1M to this same project as specified in the terms of the MOU.

Motion Adopted: 5 Yeas

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

MOU/
Bay Beach
Association

Mr. Lawson discussed a Memorandum of Understanding between the County and the Bay Beach Association related to the federal Water Resources Department Act Implementation.

Mr. Lawson reminded Council that BBA is an organization representing the Delaware Bay coastal communities in Kent and Sussex counties. BBA representatives made a presentation to the County Council during its January 10th meeting.

The BBA was formed to advocate on behalf of its members to preserve and protect the unique character of the Delaware Bay shoreline by focusing on the preservation of the coastal ecosystems that are at risk due to sea level rise, more frequent coastal storms, wildfires, and saltwater intrusion.

The BBA is seeking the counties' assistance in hiring a consultant to lead their advocacy work with a specific focus on the newly passed WRDA legislation. The WRDA bill contains specific initiatives designed to assist the Delaware coastal regions. BBA is seeking \$30,000 per county; Kent County Levy Court has voted to approve their contribution.

The MOU establishes the roles and responsibilities of each party, including the deliverables required by BBA. Sussex County will pay its contribution via the Greater Lewes Foundation, which will manage the payments to BBA. The County will pay on a monthly basis and can terminate the agreement at any time and cease payments. The term of the BBA MOU is for one year and any extension past the twelfth month will require County Council approval.

M 052 23
Approve
MOU/BBA

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved that the Sussex County Council approves the Memorandum of Understanding with Bay Beach Association related to the implementation of the WRDA Act of 2022 as presented and the County's contribution of \$30,000 for the same initiative as specified in the terms of the MOU.

Motion Adopted: 5 Yeas

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

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for December 2022 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 191 troopers assigned to Sussex County for the month of December.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Marlin Chase (FKA Marlin Run, Oceanside Vista Subdivision, The Preserve at Cedar Pines) received Substantial Completion January 20th.

3. Public Integrity Commission Workshop – February 2nd

The County Council will host a workshop on the State of Delaware's Code of Ethics. The workshop will take place on Thursday, February 2nd at 1:00 p.m. at Delaware Tech Georgetown Campus. During that time, members of Council and County staff will hear from Deborah J. Moreau, Esq., Counsel for the Public Integrity Commission.

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

**Public
Hearing/Salt
Air
Annexation
Into
SCUSSD**

A Public Hearing was held on the Proposed Salt Air Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area). John Ashman, Director of Utility Planning and Design Review reported that County Council approved permission to prepare and post notices for the public hearing on December 13, 2022. The parcels are located in the Tier 2 Area for sewer service however, they are not contiguous to the existing boundary. The owner/developer has entered into agreements with the intervening property owners and the department has received letters from those parcels requesting their parcels be annexed, based upon the agreed upon conditions with the developer. The only parcel a request letter was not received from was parcel 104.00. Therefore, it is being proposed to only include the front section encompassing the driveway at this time to maintain contiguous path to the existing sewer district boundary. The department

**Public
Hearing/Salt
Air
Annexation
Into
SCUSSD
(continued)**

has requested a letter from the developer to provide a timeline that the existing intervening parcels will be served. They have provided that letter and it states that all parcels will be served by June 30, 2025, regardless of the status of their project. The project will be responsible for System Connection Charges of \$6,600 per EDU based on current rates and subject to an Infrastructure Use Agreement. The Engineering Department advertised January 18 and 25, 2023 and on the County webpage. The area was posted on January 10, 2023. To date, there has been correspondence from one resident in the neighboring community of Edgewood Manor. The property owner expressed interest in being included in the annexation. The County will not be installing infrastructure that would serve this community, however, when the plans were reviewed for the Salt Air project, a connection to that community will be attempted to be provided in the rear.

There were no public comments.

The Public Hearing and public record were closed.

**M 053 23
Adopt
Resolution
R 005 23/
Salt Air**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Resolution No. R 005 23 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLVILLE AREA, TO INCLUDE THE PROPOSED SALT AIR SUBDIVISION AND SEVERAL ADJOINING PARCELS LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas

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

Mr. Ashman clarified an item under the mass annexation request that he presented last week. He reported that parcel 134-7.00-118.00 requested their annexation fee be refunded. Therefore, that parcel will not be changed on the maps.

**East
Bridgeville/
Morningside
Village/
Request to
Poll**

Hans Medlarz, County Engineer presented information relating to East Bridgeville Area (Morningville Village) polling letters. Mr. Medlarz reported that the Sussex County Engineering Department has been involved in helping to provide a solution. Additionally, staff has participated in onsite community meetings in an effort to collect responses. However, in the end, staff was unable to achieve the required fifty petitions. Therefore, staff is proposing to send a polling letter.

M 054 23

A Motion was made by Mrs. Green, seconded by Mr. Hudson, be it moved,

**Approve
Polling
Letters/
Morningside
Village**

based upon the recommendation of the Sussex County Engineering Department, that polling letters be distributed to the Morningside Village Development and to the surrounding subdivisions to determine boundaries for a possible inclusion in the Unified Sewer District.

Motion Adopted: 5 Yeas

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

**FEMA
Mitigation
Grant
Application**

Hans Medlarz, County Engineer presented balancing change order no. 1 and granting of final acceptance for FEMA Mitigation Grant Application: FMA-PJ-03-DE-2018-002. Mr. Medlarz reported that the Engineering Department has done the final inspection and the contractor has concluded all of the punch list items.

**M 055 23
Approve CO
No. 1 &
Final
Acceptance**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 1 for contract G22-04, residential home elevation, be approved, decreasing the contract amount by \$8,200.00, for a new final contract total of \$149,950.00, and that substantial completion be granted for January 10, 2023, and any held retainage be released in accordance with the contract documents.

Motion Adopted: 5 Yeas

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

**Wolfe
Runne
Sewer
Expansion**

Hans Medlarz, County Engineer presented Wolfe Runne sewer expansion closeout amendment no. 1 and a standalone USDA engineering agreement for Council's consideration. Mr. Medlarz reported that the supplemental funding has tight underwriting deadlines requiring the alternative design and permitting to be completed in no more than three months. GMB reviewed the available staffing and declined to design the alternate, but they were asked to be made whole and to close out their contract. Subsequently, DBF was approached who indicated that they were able to meet the anticipated schedule.

**M 056 23
Wolfe
Runne/
Approve
Closeout
Amendment
No. 1**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 1 to the Wolfe Runne sewer expansion agreement with George, Miles & Buhr be approved in the amount not to exceed \$29,057.72, for design services associated with the lift station, contingent upon USDA concurrence.

Motion Adopted: 5 Yeas

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

M 057 23 A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it
Wolfe moved, based upon the recommendation of the Sussex County Engineering
Runne/ Department, that the Engineering Services Agreement with Davis, Bowen &
Approve Friedel be approved in the amount not to exceed \$98,000.00 for an alternate
DBF design of Sussex County Project S20-13, Wolfe Runne sewer expansion
Agreement contingent upon approval by the USDA.

Motion Adopted: 5 Yeas

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

**Grant
Requests**

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

M 058 23 A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to give
Greater \$1,000.00 (\$1,000.00 from Mr. Schaeffer's Councilmanic Grant Account) to
Lewes Greater Lewes Foundation for their garden expansion and improvement
Foundation program.

Motion Adopted: 5 Yeas

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

M 059 23 A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, to give
Pop Warner \$4,000 (\$4,000 from Mrs. Green's Councilmanic Grant Account) to Pop
Scholars Warner Scholars (Woodbridge) for their Youth Football program.
(Woodbri-
dge)

Motion Adopted: 5 Yeas

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

Introduction Mrs. Green introduced a Proposed Ordinance entitled "AN ORDINANCE
of Proposed TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
Ordinances COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR CERTAIN
PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK
HUNDRED, SUSSEX COUNTY, CONTAINING 167 ACRES, MORE OR
LESS" filed on behalf of KAR Farming Company, LLC

Introduction of Proposed Ordinances (continued)

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL–RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR CHANGE OF ZONE NO. 1557 (ORDINANCE NO. 1763) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 63.71 ACRES, MORE OR LESS” filed on behalf of Longview Jefferson Creek, LLC

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 42.95 ACRES, MORE OR LESS” filed on behalf of Frankford Community Energy Initiative II, LLC

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” filed on behalf of Augusto Morales Morales

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS” filed on behalf of Love Creek Acquisition, LLC

The Proposed Ordinances will be advertised for Public Hearings.

Council Member Comments

There were no Council Member comments.

M 060 23 Go Into Executive Session

At 10:51 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session, and go into Executive Session for the purpose of discussing matters relating to land acquisition and personnel.

Motion Adopted: 5 Yeas

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

Executive Session **At 10:57 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to land acquisition and personnel. The Executive Session concluded at 11:38 a.m.**

M 061 23 Reconvene **At 11:41 a.m., a Motion was made by Mr. Rieley, seconded by Mrs. Green, to come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent

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

E/S Action **There was no Executive Session action.**

M 062 23 Adjourn **A Motion was made by Mr. Rieley, seconded by Mrs. Green to adjourn at 11:42 a.m.**

Motion Adopted: 4 Yeas, 1 Absent

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

Respectfully submitted,

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

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

BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
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MEMORANDUM

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

FROM: Brandy B. Nauman, Director

RE: **FY2023 Community Development Block Grant Application**

DATE: February 3, 2023

During Tuesday's County Council meeting, I will be presenting Sussex County's Community Development Block Grant (CDBG) application request for the FY2023 CDBG grant year. The Community Development & Housing Department has held public hearings at the towns/cities identified in the proposed application request, and the projects associated with each town/city represent their individual application requests.

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

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

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



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

Contract Period - From: July 1, 2023 To: June 30, 2024

Summary of Program Activities
 Amount of Source

I. PROGRAM ACTIVITIES	CDBG PROGRAM FUNDS	LOCAL FUNDS	OTHER FUNDS	TOTAL
A. Bridgeville - (4) Rehab	\$80,000	\$0	\$0	\$80,000
B. Delmar - (4) Rehab	\$80,000	\$0	\$0	\$80,000
C. Ellendale - (4) Rehab	\$80,000	\$0	\$0	\$80,000
D. Frankford - (4) Rehab	\$80,000	\$0	\$0	\$80,000
E. Greenwood - (4) Rehab	\$80,000	\$0	\$0	\$80,000
F. Laurel - (6) Rehab	\$120,000	\$0	\$0	\$120,000
G. Milton - (4) Rehab	\$80,000	\$0	\$0	\$80,000
H. Seaford - (6) Rehab	\$120,000	\$0	\$0	\$120,000
I. Selbyville - (6) Rehab	\$120,000	\$0	\$0	\$120,000
O. Cool Spring - (4) Rehab	\$80,000	\$0	\$0	\$80,000
P. Coverdale Crossroads - (4) Rehab	\$80,000	\$0	\$0	\$80,000
R. Greentop - (4) Rehab	\$80,000	\$0	\$0	\$80,000
Q. Rural Ellendale - (4) Rehab	\$80,000	\$0	\$0	\$80,000
L. Handicap Accessibility - (8) Rehab	\$44,000	\$0	\$0	\$44,000
K. Scattered Emergency Rehab - (10) Rehab	\$65,000	\$0	\$0	\$65,000
M. Scattered Hookups - (4) Hookups	\$14,000	\$0	\$0	\$14,000
J. Scattered Rehab - (20) Rehab	\$360,000	\$0	\$0	\$360,000
N. Scattered Roofing - (12) Rehab	\$144,000	\$0	\$0	\$144,000
TOTAL PROGRAM ACTIVITY COST	\$1,787,000.00	\$0.00	\$0.00	\$1,787,000.00
II. ADMINISTRATION	CDBG PROGRAM FUNDS	LOCAL FUNDS	OTHER FUNDS	TOTAL
A. Salaries	\$250,000.00	\$150,000.00	\$0.00	\$400,000.00
B. Other Employment Costs	\$0.00	\$210,000.00	\$0.00	\$210,000.00
C. Travel	\$0.00	\$0.00	\$0.00	\$0.00
D. Contractural Services	\$0.00	\$0.00	\$0.00	\$0.00
E. Supplies & Materials	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL ADMINISTRATIVE COSTS	\$250,000.00	\$360,000.00	\$0.00	\$610,000.00
III. TOTAL PROGRAM COSTS	\$2,037,000.00	\$360,000.00	\$0.00	\$2,397,000.00

* Denotes Cash Match

** Denotes In-kind Match

RESOLUTION NO. R
AUTHORIZATION TO SUBMIT APPLICATIONS

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

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

BE IT FURTHER RESOLVED by the Sussex County Council that Todd F. Lawson, County Administrator, is hereby authorized to submit the Fiscal Year 2023 Community Development Block Grant applications with all understandings and certifications contained therein to the State of Delaware Housing Authority.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R PASSED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF FEBRUARY 2023.

TRACY N. TORBERT
CLERK OF THE COUNTY COUNCIL

RESOLUTION

AFFIRMATIVELY FURTHERING FAIR HOUSING

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

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

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

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

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

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF FEBRUARY 2023.

ATTEST: _____

TRACY N. TORBERT
CLERK OF THE COUNTY COUNCIL

CITIZEN PARTICIPATION
CERTIFICATE OF ASSURANCE

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

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

The Sussex County Council has held a public hearing on February 7, 2023 with required notice for all citizens, including low and moderate-income persons, to have an opportunity to present their views and proposals.

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

ATTEST:

SUSSEX COUNTY COUNCIL

Todd F. Lawson
County Administrator

**DELAWARE STATE HOUSING AUTHORITY (DSHA)
FY2023 DELAWARE CDBG APPLICATION FORM**

I. General Application Information

A. Name, address, phone number, UEI number, and EIN number of Applicant:

Sussex County Council	
2 The Circle Georgetown, DE 19947	
302-855-7743	
EIN #: 51-6000161	
DUNS #: 175532589	

B. Name, position and signature of Person Submitting Application:

Todd F. Lawson
County Administrator
Signature and Date:

C. Application on behalf of: (Name, address, UEI number, and EIN number)

Sussex County

Name, position, and e-mail address of authorizing official:

N/A	
E-Mail Address:	
Signature and Date:	

D. For “On Behalf of” applications, written documentation authorizing each “on behalf of” application request must be attached as Exhibit 1. If information contained in a county’s application for its unincorporated areas is to be repeated in the body of the “on behalf of” applications, e.g. administrative budget, management capacity, etc., then these sections contained in the “on behalf of” applications may simply reference the appropriate section in the county’s application.

E. Name, address and phone number of Contact Person (if different from B above):

Brandy Nauman, Director 302-855-7777

CERTIFICATION BY APPLICATIONS
FOR
THE DELAWARE CDBG PROGRAM

The application hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of Federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
 - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);
 - 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated April 13, 2020 and Section 508 of the Housing and Community Development Act of 1987; and
 - 3) Each applicant certifies that it has included in its notice of public meeting the following language:

“...In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals...”
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low-and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the application certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
- (e) Its chief executive officer or other officer of the applicant approved by DSHA:
 - (1) Consents to assume the state of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1(a)(3) and carry out this responsibility in accordance with the “Overview of Environmental Review Procedures” issued for the Delaware CDBG Program and dated July 1989; and meet the requirement of 24 CFR Part 58 and 24 CFR 570.604; and

- (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (f) The program will be conducted and administered in compliance with:
- (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and implementing regulations issued in 24CFR Part 1;
 - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
 - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);
 - (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
 - (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the state review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
 - (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
 - (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
 - (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
 - (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
 - (10) The labor standard requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
 - (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
 - (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
 - (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of Federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
 - (14) Section 106 of the National Historic Preservation Act 1966, As amended via the Advisory Council on Historic Preservation's regulations, Protection of Historic and Cultural Properties (36 CFR 80);
 - (15) The provisions of the Hatch Act, which limits the political activity of employees;
 - (16) The lead-based paint requirements of 24CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).
- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with HUD Standards of Conduct issued on November 1, 1985.

- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification;
- (i) It will give HUD, DSHA and the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following "special condition" is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts:

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD's final regulations related thereto, which supersede or are not provided in the FY23 Program Guidelines shall govern the use of the assistance provided by the state to local government units in FY23-FY24.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low-and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
 - 2) for purposes of assessing any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income.
- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

Date

Signature of Authorized Official

Title of Official

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Newdale Acres Expansion of the Sussex County Unified Sanitary Sewer District (Ellendale Area)

PERMISSION TO POST FACT SHEET

- We are here to request permission to prepare and post notices for a public hearing for the Newdale Acres Expansion.
- The Engineering Department has received a request from the owners/developers of parcel 230-31.00-31.00 along Route 113 and adjacent to their existing project of Newdale Acres.
- The parcel has preliminary subdivision approval.
- The parcels are located in the Tier 2 Area for sewer service.
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates.



Permission to Prepare and Post Notices Newdale Acres

Existing SSD TMP 230-31.00-31.00



0 75 150 300
Feet



1/18/2023

5
Ac.

6

7

31
9.94 Ac.

1397 S

PB 113-45

78.21

39

1.00
Ac.S

658S

40.01
19.82 Ac.

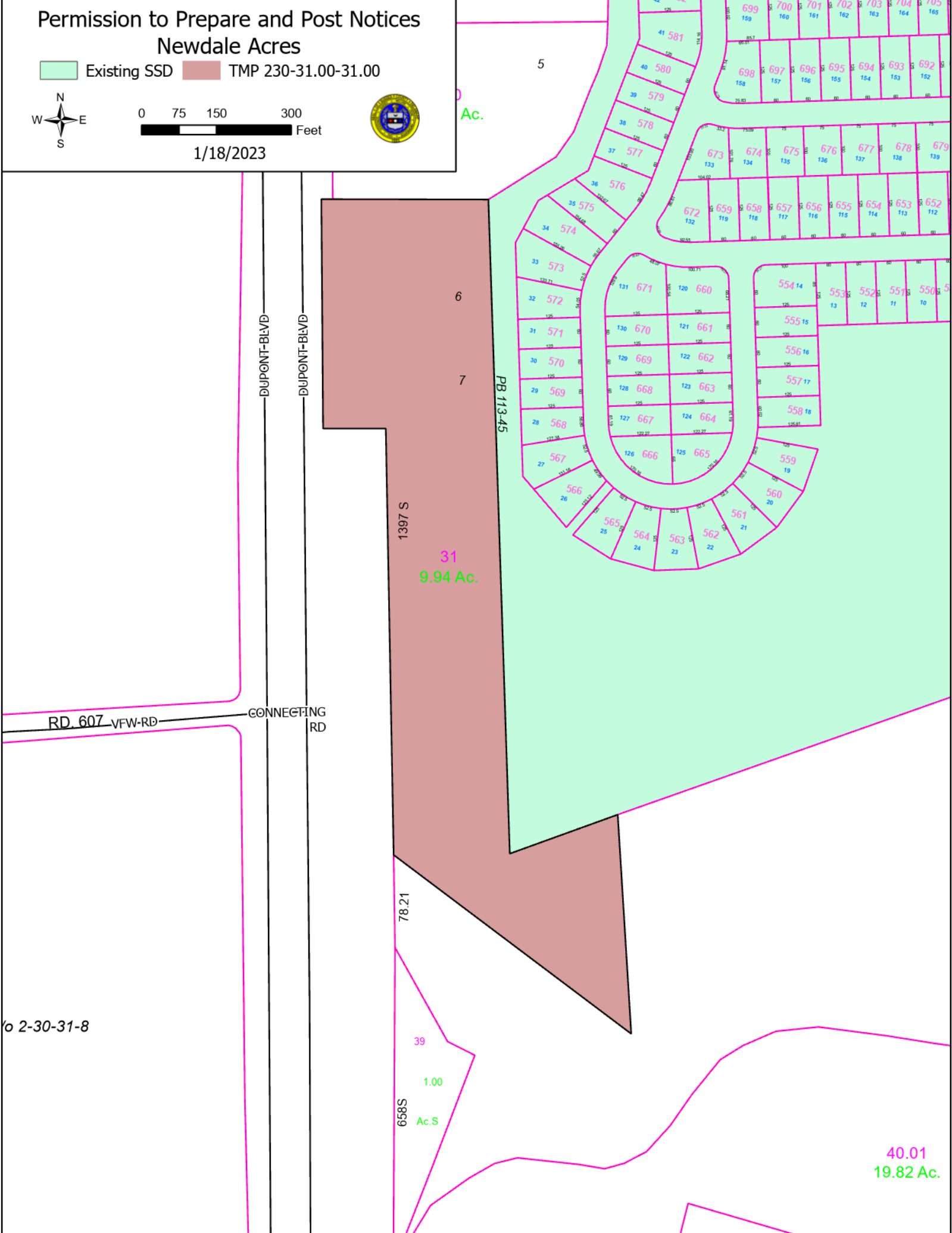
DUPONT-BLVD

DUPONT-BLVD

RD. 607 VFW-RD

CONNECTING RD

o 2-30-31-8



ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F

hans.medlarz@sussexcountycle.gov



Sussex County

DELAWARE
sussexcountycle.gov

Memorandum

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

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

RE: ***EMS Public Safety Building – Project C19-04***
A. Change Order No. 21

DATE: February 7, 2023

The single Public Safety Building concept was first introduced in the FY 2019 Budget Ordinance consolidating all EMS training, administration, and logistics functions in one facility. The scope and cost were updated in accordance with a space allocation programming effort in the FY 2020 Budget Ordinance and further refined based on design stages in the FY 2021 & FY 2022 Budget Ordinances reflecting a total project expense of \$12.00 million. The anticipated overall project expenses are still well within budget.

Following a publicly advertised process, Council awarded the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. The subsequent Public Safety Building Project C19-04 base agreement covered professional services for an initial not to exceed amount of \$300,000.00.

The State's fire prevention regulations required a single-entry point necessitating a full sprinkler distribution system design and due to the critical nature of the facility, a secondary air conditioning backup in the form of a cooling tower was desired. Council authorized a \$31,720.00 stand-alone purchase order to RMF Engineering for these specialty designs.

In October of 2020, the Departments presented the 60% design review to County Council followed by a 75% design presentation in March of 2021. Based on the County's request, GMB was asked to create fiber optic cabling, audio/visual, security/alarm and fit out specialty scopes for procurement under Cooperative Purchasing Agreements, increasing the project design complexity. Hence, Council approved on March 23, 2021, GMB's Amendment No.1 increasing the not to exceed threshold by \$61,500.00.

Following the March Council presentation, the scope still evolved considerably due to design revisions and added design features. Consequently, GMB and its subconsultants exceeded the



previously approved allocations bringing the project to bid. GMB offered a discounted fee of \$75,000.00 to cover these services. In addition, they proposed a construction services fee of \$244,500.00. Overall, the professional services were well below 10% of construction, comparing favorably with industry standards and on August 10, 2021, County Council authorized issuance of GMB's Amendments No. 2 & 3 increasing the overall not to exceed amount to \$681,000.00.

In June the Public Safety Building, Project C19-04 was publicly advertised. On July 14, 2021, eight (8) bids were received and on August 10, 2021, Council awarded the project to Bancroft Construction Company in the amount of \$8,282,169.00.

The documents as bid included provisions to recover pandemic related price increases between *bid and award* for structural and light weight steel material costs. Therefore, on August 31, 2021, Council approved Change Order No. 1 in the not to exceed amount of \$40,000 for structural and Change Order No. 2 in the amount of \$8,800 for light weight steel material price increases.

The structural steel material change order no.1 was based on August 12, 2021, pricing. When Bancroft transmitted the "letter of intent to award", their subcontractor Iron Works, Inc. on August 30th in turn issued material purchase orders. However, the material suppliers responded that material quotations are only binding for one week due to supply chain impacts and volatile steel markets. In consultation with County Leadership, the Engineering Department authorized Bancroft to lock in at the August 30th material costs triggering a \$22,829.00 revision to change order no. 1 approved by Council on September 14, 2021.

When the project bid, the Fire Marshall site permit had been issued but the associated building permit was still under review. When it was finalized two issues had to be addressed (i) fire protection details in the plenum and (ii) a secondary emergency egress from the mezzanine.

The plenum needed to be either sprinkled or all materials had to be fire rated. The only material not meeting the rating was the water piping. The County requested the PVC piping for ease of maintenance and the mechanical subcontractor suggested to add fire rated insulation but switch the valving to PVC under a partial credit for a net Change Order No. 3 cost of \$13,554.94. In addition, the County EMS team had initiated a proposed Change Order No. 4 for air filtration system safety upgrades, paid for through American Rescue Plan Act funds in the amount of \$4,740.28. On November 20, 2021, County Council approved both change orders.

The Department and the contractor concluded the change order scope associated with the emergency mezzanine exit required a permit. The work was complex requiring scope modifications for eight (8) trades. The electrical trade also included some minor changes to the outlet configurations to accommodate the selected A/V equipment for a total \$58,245.80 which County Council approved under Change Order No. 5 on January 11, 2022.

The existing EOC allegedly had dual primary electric power feeds based on original design drawings, staff recollection as well as DP&L records. Upon examination of the actual EOC transformer by DP&L, it was determined that the facility had only one feed. Prior to that, the electrical sub-contractor had initiated some limited conduit installations, Council issued a reimbursement Change Order No. 6 in the amount of \$1,905.85.

However, for the project to proceed, DP&L and the County's General Labor & Equipment contractor had to extend primary power to the existing transformer from the opposite side of Rudder Lane. In addition, the transformer and generator location for the building was revised, as

well as vehicle charging circuits added. These changes were priced out and approved by Council on March 1, 2022, under Change Order No. 9 in the amount of \$56,830.98.

In December 2021, following a detailed Miss Utility locate, the Team recognized that there were conflicts between the proposed gravity storm drainage pipe and the existing high voltage lines off site. The stormwater management design had the stormwater pipe system crossing the intersection of Airport Road and Aviation Avenue. Close examination revealed that this crossing was not plausible as the stormwater pipe intersected approximately eight other utilities primarily high voltage electric lines and sewer force mains at different elevations.

While investigating stormwater options, two existing roof drainage pipe conflicts came to light. The combination of both these impacts required a re-work of the entire grading plan, along with the redirection of the storm drainage piping along Airport Road. The Department and the contractor agreed on the scope and pricing, including the required fill and on March 1, 2022, Council issued the associated Change Order No. 7 in the amount of \$62,924.75.

In the filling process of “Lake Thomas”, unsuitable soils were encountered. The site work contractor undercut these areas and restored them with suitable materials. This work was performed on a time and materials basis under Change Order No. 11. Also covered under this request is an adjustment to a drop ceiling and bulkhead location in the corridor leading to the northside of the existing EOC building. On March 22, 2022, Council accepted Change Order No. 11 in the amount of \$5,427.58.

Bancroft had submitted RFI#44 seeking clarification regarding the EOC kitchen renovations due to a lack of existing condition documentation on the mechanical drawings and insufficient detailing of connections. GMB’s plan envisioned an open ceiling concept with cabinet & countertop which was unable to incorporate the two roof drains in the existing exercise room and kitchen. With an acceptable resolution plan needed, the Department worked with Bancroft and developed the attached “Owner Resolution Plan No.3 addressing the existing conditions and on March 22, 2022, Council accepted credit Change Order No. 12 in the amount of (\$15,118.52).

The heating and hot water systems were designed based on availability of natural gas. Chesapeake Utilities’ service extension project from the Coastal Business Park to Rudder Lane is delayed and may not be ready at the time of building commissioning. The utility directed us to seek an interim solution using their subsidiary, Sharp Energy, which already supplies propane to the Joint Maintenance Facility under this arrangement. The Engineering & Finance Departments developed a purchase order, and the line is installed.

Due to a conflict in the existing lobby, the stud wall had to be extended alongside the existing beam, allowing the proposed wall to bypass the structural steel. Bancroft submitted PCO #013 to modify said exterior stud wall framing and to extend the drywall and batt insulation to the structure in the rooms. Team EMS had made this request for sound attenuation based on sensitive medical discussions. For the extension of the drywall and batt insulation, the price per unit is \$11.57/sf of wall in the event more rooms are added. On May 17, 2022, County Council approved Change Order No. 13 in the amount of \$16,711.84 and the unit of \$11.57/sf.

The EOC staff has made the Engineering Department aware of issues with the State Police IT equipment server room. The room is overheating frequently because equipment has been added over time. This room is the only server room w/o a dedicated source of cooling.

J.T. Richardson is the mechanical subcontractor for Bancroft working on the Public Safety Building. They were working for the County directly with the concurrence of Bancroft and in March 2022 when we issued an on-call mechanical PO for urgent repairs at the Complex. We advised Council on May 17, 2022, that we would follow this same approach in this case based on the same hourly rates and agreed upon mark-ups.

On June 21, 2022, County Council approved Change Order No. 14 in the aggregate amount of \$26,371.68 addressing the modifications listed below:

1. Special floor tile color selection.
2. Separation of the decorative architectural wall from one to two location.
3. Back-up cooling tower protection by bollards.
4. Structural modifications to the he primary cooling tower support.
5. Roof membrane boots to cover penetrations in six (6) locations.
6. Additional epoxy coating.
7. Lobby storefront modifications.

Change Order No. 15 is the result of RFI-60 and a field change for the gutter support in the mechanical well of the sloped roof system. The latter was needed to build out the wall section around the well to allow the installation of the gutter system. RFI-60 exposed an issue related to the door jams of the overhead door in the logistics warehouse. The original approach left an exposed brick veneer edge which was addressed by adding a secondary steel channel on each jam. On July 26, 2022, Council approved Change Order No. 15 in the aggregate amount of \$11,357.87.

The EMS team requested modifications to the room signage in February of 2022. It went through several iterations reducing the costs. The final version, Change Order 16, was approved by Council on August 23, 2022, in the amount of \$2,361.79.

On September 20, 2022, Council approved Change Order No. 17 in the aggregate amount of \$30,089.13, addressing the modifications listed below:

1. Light fixture change and deletion of ceiling baffles in Circuit Training Room.
2. Garage door manufacturer change from Dalton Door to Overhead Door due to extended lead times.
3. Replacement of damaged temporary construction fence.
4. Concrete pad for relocated MCU cabinets.
5. Flag Pole model change to avoid conflict with a pole mounted LED light fixture.
6. Decorative fence extension to enclose MCU cabinets at the new location.
7. Ductwork re-routing to avoid conflict with roof access ladder.
8. Credit for deletion of HVAC transfer ducts and grilles in Logistics Warehouse offices.

On November 15, 2022, County Council approved Change Order Nos. 18 and 20 in the respective amounts of \$19,574.73 and \$10,330.17 which addressed the modifications and issues listed below.

1. Modification of the concrete slab in the plaza to support the new EMS memorial.

2. A removable bollard was added in the plaza area.
3. Additional demolition of sidewalk and new concrete underneath the new supplemental chiller.
4. Concrete apron modification outside the Logistics Warehouse.
5. Raising a section of sprinkler main in an EMS office corridor.
6. Electrical credit for scope reduction and additional work for plaza lighting revisions.

On December 13, 2022, Council approved Change Order No. 19 in the aggregate amount of \$31,724.89. Included were site design changes at the Rudder Lane intersection for drainage improvements. Along with the installation of a gate in the ornamental fence enclosing the restricted, employee only areas.

The Department is now presenting Change Order No. 21 for Council's consideration, the details of which are as follows:

1. An additional 6' section of solar shade is needed on the West side of the new lobby area. In an effort to keep the sections as uniform in length as possible, some adjustments were made to final layout so that there wouldn't be a small 1'-2' solar shade section at the end. This last section is required to make up the difference.
2. A credit was issued by Bear Industries for the deletion of the dry sprinkler system serving the exterior entrance canopy. Coordination with the Fire Marshall revealed that this system was not required by DE Fire Prevention Code.
3. The ductwork changes in Corridors 118, 134 and 159 which the Department has been tracking for several months is included. As mentioned previously, and during the tour these changes allowed ductwork, piping and light fixtures to stay as high as possible and still avoiding steel framing conflicts.
4. Several miscellaneous site work changes were addressed including, additional striping at the employee entrance gate, raising the lid of an existing County fiber-optic manhole, adding a sidewalk on the West side of the building to allow access to the mechanical/electrical room without walking on the grass and lastly stone level spreader was added on either side of the southern driveway to help prevent soil erosion during.
5. The electrical requirements for the cooling tower and rooftop unit differed slightly from the breaker and disconnect sizes shown in the electrical drawings. Because of this, new circuit breakers and disconnects were required for the units to function.

Therefore, the Department request Council's approval of Change Order No. 21 in the aggregate amount of \$40,127.15. In addition, the Department is still tracking several items which will be brought to Council for approval at a later date. Some of these items are part of an effort to update the interior of the existing EOC to better match the new building.

The items are summarized below.

- (i) Updating EOC room signage to match the signage in the new building.
- (ii) Painting the EOC corridors.

- (iii) Additional fencing around the dumpster and supplemental chiller along with privacy screening to help conceal the condensing units, electrical cabinets, and transformer on the East side of the EOC.
- (iv) Re-caulking masonry expansion joints on the existing EOC which have deteriorated overtime.
- (v) Additional landscaping work including several arborvitaes to help conceal the generator and landscape boulders along Airport Road near the intersection and the new Airport sign preventing vehicles from coming onto the property after failing to navigate the turn.
- (vi) Any additional material required for the new Delaware Coastal Airport sign, and the lettering for the sign and the new EMS building.
- (vii) Additional drywall was needed on the exterior walls in several offices within the Logistics Warehouse to close off openings in the structural steel not individually detailed.
- (viii) The electrical subcontractor, at the County’s direction, added numerous wall sleeves throughout the building to give the data cabling a path from the cable tray, inside the various rooms. This allowed Advantech, Assurance Media and Visual Sound to keep their cabling for the most part out of sight for an improved finished product look.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SUSSEX COUNTY PUBLIC SAFETY BUILDING**
2. Sussex County Project No. C19-04
3. Change Order No. 21
4. Date Change Order Initiated - 2/7/23
5.
 - a. Original Contract Sum \$8,282,169.00
 - b. Net Change by Previous Change Orders \$ 408,662.76
 - c. Contract Sum Prior to Change Order \$8,690,831.76
 - d. Requested Change \$ 40,127.15
 - e. Net Change (No. of days) _____
 - f. New Contract Amount \$8,730,958.91
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Additional section of solar shade, deletion of the dry sprinkler system, ductwork changes and electrical requirements.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Bancroft Construction Company, Contractor

Michael Kalafut 02/02/23
Signature Date

MICHAEL KALAFUT
Representative's Name in Block Letters

- 2. Sussex County Engineer

James DeLong 2/2/2023
Signature Date

- 3. Sussex County Council President

Signature Date



Bancroft Construction
2324 West Zion Road Suite 108
Salisbury, Maryland 21801
Phone: (410) 844-8080

Project: CSED0001 - Public Safety Bldg. Addition
21911 Rudder Lane
Georgetown, Delaware 19947

DRAFT

Prime Contract Potential Change Order #021: Approved Changes

Table with 4 columns: Field Name, Value 1, Field Name, Value 2. Includes fields like TO, FROM, PCO NUMBER/REVISION, CONTRACT, REQUEST RECEIVED FROM, CREATED BY, STATUS, CREATED DATE, REFERENCE, PRIME CONTRACT CHANGE ORDER, FIELD CHANGE, LOCATION, ACCOUNTING METHOD, SCHEDULE IMPACT, PAID IN FULL, TOTAL AMOUNT.

POTENTIAL CHANGE ORDER TITLE: Approved Changes

CHANGE REASON: No Change Reason

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)

CE #085 - Additional solar shade section

The solar shades were released for fabrication based on approved shop drawings. Based on the as built condition a small section of additional solar shade is required on the wall between the garage door and the existing building.

CE #092 - Credit for eliminating dry system to the exterior canopy

Eliminate the dry sprinkler system to the canopy. Current code does not require fire protection to an exterior canopy. Sprinkler shop drawings were approved by the Fire Marshall without the dry system.

CE #093 - Duct work changes per Owner request

Modify duct work in corridors per Owner request.

CE #095 - Miscellaneous site work changes per County request

Add stone edging at south parking lot. Raise fiber optic MH west side of building. Add sidewalk to MER.

CE #098 - Revisions to cooling tower and DOAS electric

Revisions to the breakers and disconnects and electrical feeds to the cooling tower and DOAS units per RFI 080 response.

ATTACHMENTS:

CO 10 - RFI 80 Mechanical Changes.pdf Sussex PSB.msg COR#15-COR#16-COR#17 SUSSEX PUBLIC SAFETY BUILDING.pdf PCO #10 Duct Mods for Corr. 159.pdf sussex eoc delete canopy bear change 12 21 2022.pdf SCPSB Added Sunshade Pricing CO#6.pdf

Table with 5 columns: #, Cost Code, Description, Type, Amount. Lists items like Entrances and Storefronts, Sprinkler System, Mechanical, and Site Construction with their respective amounts.



#	Cost Code	Description	Type	Amount
5	16-001 - Electrical		Subcontract	\$7,133.00
			Subtotal:	\$36,036.14
			BCC GCs (5.00% Applies to all line item types.):	\$1,801.81
			Bond (1.00% Applies to all line item types.):	\$378.38
			Profit (5.00% Applies to all line item types.):	\$1,910.82
			Grand Total:	\$40,127.15

Morgan Helfrich (George, Miles & Buhr, LLC)
 400 High Street
 Seaford Delaware 19973

Sussex County Delaware
 2 The Circle P.O. Box 589
 Georgetown Delaware 19947

Bancroft Construction Company
 1300 N. Grant Avenue Suite 101
 Wilmington Delaware 19806

 SIGNATURE DATE

 SIGNATURE DATE

Michael Kalafut 01/25/23
 SIGNATURE DATE



Bancroft Construction
 2324 West Zion Road Suite 108
 Salisbury, Maryland 21801
 P: (410) 844-8080

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown, Delaware 19947

CHANGE EVENT #085 - Additional solar shade section

Origin:

Date Created: 12/12/2022 **Created By:** Mike Kalafut
Status: Pending **Scope:** Out of Scope
Type: Contract Change **Change Reason:** Unforeseen/Differing Condition
Description: The solar shades were released for fabrication based on approved shop drawings. Based on the as built condition a small section of additional solar shade is required on the wall between the garage door and the existing building.

Attachments: [SCPSB Added Sunshade Pricing CO#6.pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost				Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.	Latest Cost		
08-400.06	Charles Brown Glass Entrances and Storefronts.Subcontract	\$3,399.00	\$3,399.00	\$3,399.00	\$3,399.00			\$3,399.00	\$0.00	
1-511.02	Sr. Project Manager.Regular Labor	\$169.95	\$169.95	\$169.95				\$0.00	\$169.95	
90-999.10	Fee.Fee & Field Cost	\$215.92	\$215.92	\$215.92				\$0.00	\$215.92	
Grand Totals		\$3,784.87	\$3,784.87	\$3,784.87	\$3,399.00	\$0.00	\$0.00	\$3,399.00	\$385.87	\$0.00



Charles Brown Glass Co.
 Serving Delmarva Since 1959
 P.O. Box 1702 6581 Hobbs Rd.
 Salisbury, Maryland 21802
 (410) 749-3316
 Fax (410) 749-1037 • Fax (410) 749-2248
 www.charlesbrownglass.com

CHANGE ORDER

ADDITIONAL WORK ORDER

TO Bancroft Construction
 1300 N. Grant Avenue
 Suite 110
 Wilmington DE 19806

PHONE	DATE 12/12/22
JOB NAME / LOCATION Sussex County Public Safety Building Georgetown, DE Change Order #6	
CONTRACT / JOB NUMBER	JOB PHONE

We hereby agree to the change(s) or additional work specified below:

Price for CBG to furnish and install one (1) thus additional Sunshade as required to extend 'Sunshade Layout 6' required for new wall dimensions. Price includes two (2) thus additional outriggers and one thus (1) additional bracket with finishing and freight as required.

Price includes quoted AGS total (\$2,685.00), six hours of labor at \$67.50 (\$405.00), and ten percent overhead and profit markup (\$309.00).

TOTAL: \$3,399.00

NOTE: This Change Order becomes part of and in conformance with the existing contract.

We Agree hereby to make the change(s) specified above at this price

See Above

Date of agreement: 12/12/22
 Authorized Signature:
 (CONTRACTOR)

PREVIOUS CONTRACT AMOUNT

REVISED CONTRACT TOTAL

Payment will be made as follows:

As requisitioned.

Accepted — The above prices and specifications of this Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

Authorized Signature: _____
 (OWNER)

Date of acceptance: _____



AGS INC.

22442 S. Fey Dr. · Frankfort, IL 60423
(708) 479-9458 ph. · (708) 479-9478 fax

www.agsshade.com

Architectural Grilles & Sunshades, Inc.

Company: **Charles Brown Glass Company**

Address: 6581 Hobbs Rd

Attn: **Nathaniel Brown**

City: Salisbury

Phone: 410-749-3316

State: MD

Email: nate@charlesbrownglass.com

Zip: 21804

Project: **Sussex County Replacement**

Date: 12/05/22

Proposal #: **22-6986**

Quote is for:

Per your request we offer the following proposal to **FURNISH ONLY** the architectural Sunshades.

Per: November 30, 2022 Email

Quantity	Size x	Infill Qty.	Finish
1	66.75 x 27	4	Class I Clear Anodized

\$2,685.00

Lot Price, including freight to jobsite, Price does not include sales tax.

Make-Up: Four (4) Planer Blade Infills
 One (1) 2 1/2" x 5" Rectangular Tube Front Fascia
 Two (2) 5" Plate Outriggers 27" Long
 1 Attachment Brackets Are Included

Qualifications: Price Includes Assembling unless otherwise noted
 Price Excludes Shop Drawings & Engineered Calculations
 Price is based on Shipping in Box Trucks - Flatbed Delivery is NOT included
 Quantities and sizes listed on quote are for Estimating purposes only
 Contractor is responsible for actual quantities and sizes and must field verify before fabrication
 Price is Valid for Thirty (30) days
 Unless otherwise noted a Standard Ten (10) year warranty is included on all Kynar Finishes
 Unless otherwise noted a Standard Five (5) year warranty is included on all Anodized Finishes
 Wood Grain Finishes to be Selected from Group of (15) Standard Colors
 Unless otherwise noted AGS, Inc. Standard Perforated Pattern is 1/4" Diameter Holes on 3/8" Centers
 Price Includes Hardware to Attach AGS, Inc material to AGS, Inc material
 Price Excludes Hardware to Attach AGS, Inc Brackets to the Substrate
 Any Changes in the scope of this quote may change pricing
 This quote is based on current market conditions, and is subject to market fluctuations
 AGS Does Not ship any material to a customer with an invoice over 90 days
 Streaks will be Present in shapes larger than 10" when anodized
 TERMS - 1% 10 Net 30 - No Retention is allowed

Exclusions:

a) Sales Tax	h) Stamped Calculations
b) Metallic/exotic paint	i) Installation
c) Steel Support	j) Sex Bolts
d) Anchors	k) Signage
e) Shims, sealants	l) Field Measurement
f) Mock-Up-Unless Specifically called out above	
g) Finishing of Stainless Steel Fasteners	

Accepted By: _____

Charles Brown Glass Company

Date: _____

Estimator / Sales: Eric Niemeyer
708-479-9458
eric@agsshade.com

"THE BEST AD IS A GOOD PRODUCT" - Alan H. Meyer



AGS INC.

22442 S. Fey Dr. · Frankfort, IL 60423
(708) 479-9458 ph. · (708) 479-9478 fax

www.agsshade.com

Architectural Grilles & Sunshades, Inc.

Company: **Charles Brown Glass Company**

Address: 6581 Hobbs Rd

Attn: **Nathaniel Brown**

City: Salisbury

Phone: 410-749-3316

State: MD

Email: nate@charlesbrownglass.com

Zip: 21804

Project: **Sussex County Replacement**

Date: 12/05/22

Proposal #: **22-6986**

Quote is for:

Per your request we offer the following proposal to **FURNISH ONLY** the architectural Sunshades.

Per: November 30, 2022 Email

Quantity	Size x	Infill Qty.	Finish
1	66.75 x 27	4	Class I Clear Anodized

\$2,685.00

Lot Price, including freight to jobsite, Price does not include sales tax.

Make-Up: Four (4) Planer Blade Infills
 One (1) 2 1/2" x 5" Rectangular Tube Front Fascia
 Two (2) 5" Plate Outriggers 27" Long
 1 Attachment Brackets Are Included

Qualifications: Price Includes Assembling unless otherwise noted
 Price Excludes Shop Drawings & Engineered Calculations
 Price is based on Shipping in Box Trucks - Flatbed Delivery is NOT included
 Quantities and sizes listed on quote are for Estimating purposes only
 Contractor is responsible for actual quantities and sizes and must field verify before fabrication
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 Wood Grain Finishes to be Selected from Group of (15) Standard Colors
 Unless otherwise noted AGS, Inc. Standard Perforated Pattern is 1/4" Diameter Holes on 3/8" Centers
 Price Includes Hardware to Attach AGS, Inc material to AGS, Inc material
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b) Metallic/exotic paint	i) Installation
c) Steel Support	j) Sex Bolts
d) Anchors	k) Signage
e) Shims, sealants	l) Field Measurement
f) Mock-Up-Unless Specifically called out above	
g) Finishing of Stainless Steel Fasteners	

Accepted By: _____
Charles Brown Glass Company

Date: _____

Estimator / Sales: Eric Niemeyer
708-479-9458
eric@agsshade.com

"THE BEST AD IS A GOOD PRODUCT" - Alan H. Meyer



Bancroft Construction
 2324 West Zion Road Suite 108
 Salisbury, Maryland 21801
 P: (410) 844-8080

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown, Delaware 19947

CHANGE EVENT #092 - Credit for eliminating dry system to the exterior canopy

Origin:

Date Created: 12/28/2022 **Created By:** Mike Kalafut
Status: Pending **Scope:** Out of Scope
Type: Contract Change **Change Reason:** Regulatory Change/Agency Request
Description: Eliminate the dry sprinkler system to the canopy. Current code does not require fire protection to an exterior canopy. Sprinkler shop drawings were approved by the Fire Marshall without the dry system.
Attachments: [sussex eoc delete canopy bear change 12 21 2022.pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost				Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.	Latest Cost		
15-301.06 Sprinkler System.Subcontract	Bear Industries, Inc. CSED0001-004	\$(3,919.36)	\$(3,919.36)	\$(3,919.36)	\$(3,919.36)			\$(3,919.36)	\$0.00	
1-511.02 Sr. Project Manager.Regular Labor		\$(195.97)	\$(195.97)	\$(195.97)				\$0.00	\$(195.97)	
90-999.10 Fee.Fee & Field Cost		\$(248.98)	\$(248.98)	\$(248.98)				\$0.00	\$(248.98)	
Grand Totals		\$(4,364.31)	\$(4,364.31)	\$(4,364.31)	\$(3,919.36)	\$0.00	\$0.00	\$(3,919.36)	\$(444.95)	\$0.00



Bancroft Construction
 2324 West Zion Road Suite 108
 Salisbury, Maryland 21801
 P: (410) 844-8080

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown, Delaware 19947

CHANGE EVENT #093 - Duct work changes per Owner request

Origin:

Date Created: 1/6/2023 **Created By:** Mike Kalafut
Status: Pending **Scope:** Out of Scope
Type: Owner Change **Change Reason:** Owner Directive
Description: Modify duct work in corridors per Owner request.
Attachments: [PCO #10 Duct Mods for Corr. 159.pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost			Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.		
15-001.06 Mechanical.Subcontract	Joseph T Richardson CSED0001-007	\$24,444.00	\$24,444.00	\$24,444.00	\$24,444.00			\$24,444.00	\$0.00
1-511.02 Sr. Project Manager.Regular Labor		\$1,222.20	\$1,222.20	\$1,222.20				\$0.00	\$1,222.20
90-999.10 Fee.Fee & Field Cost		\$1,552.81	\$1,552.81	\$1,552.81				\$0.00	\$1,552.81
Grand Totals		\$27,219.01	\$27,219.01	\$27,219.01	\$24,444.00	\$0.00	\$0.00	\$24,444.00	\$2,775.01

Joseph T. Richardson, Inc.

MECHANICAL CONTRACTOR

ELECTRIC
PLUMBING
HEATING AND
AIR CONDITIONING

FAX: 302-398-9504

P.O. BOX 269 • HARRINGTON, DELAWARE 19952 • PHONE: 302-398-8101

January 5, 2023

Mike Kalafut
Bancroft Construction

Re: Sussex Co. Public Safety Bldg. – Emergency Operations Center
Duct Modifications
PCO #10

We are pleased to quote on duct changes for Corridor 159. Revised oval duct and revised round duct as follows:

Duct Sub.....	\$22,739.00
OH – 7 ½ %	<u>1,705.00</u>
Total	\$24,444.00

Twenty Four Thousand Four Hundred Forty Four Dollars

All prices are for acceptance within 30 days and subject to change without notice. All work to be performed under OPEN SHOP conditions. All quotations are accepted subject to our ability to secure sufficient, satisfactory materials and labor to perform the job. Terms: monthly payment on account of work performed and/or materials delivered to the job will be required and balance in thirty (30) days net cash after completion of our work: thereafter, a 1 ½% monthly charge will be added. Any State or Federal tax not included in this quote will be charged for extra.

Yours truly,
JOSEPH T. RICHARDSON, INC.



John Dunbar, President

QUALITY HTG. & A/C

JOB: Sussex Public Safety

DATE 15-Dec-22

REF: Duct Modifications

CHANGE ORDER REQUEST 5-R1

LABOR COST
 SUPERVISOR \$88.00
 SKETCHER \$79.00
 MECHANIC \$74.75
 APPRENTICE \$63.54
 0.12 LABORER \$31.77
 SHOP CHARGE

NEW LBS. 0
 ORIGINAL LBS. 0
 DIFFERENCE 0
 WASTE FACTOR 0.00
 TOTAL LBS. 0.00
 LINING SQ. FT. 0

This price is for the changes required at Corridor 159 as discussed in meeting

	LBS.	COST	MANHOURS
IN HOUSE DOCUMENTATION	0.00	\$0.00	0.00
SKETCHING & SHOP DRAWING	0.00	\$158.00	2.00
FIELD MEASURE/VERIFY		\$0.00	0.00

SHOP

SHOP SUPERVISION	0.00	\$0.00	0.00
LABOR	0.00	\$0.00	0.00
DUCT SEALING	0.00	\$0.00	0.00
MATERIAL (METAL ETC.)	0.00	\$0.00	
MISC MAT. (SEALER)		\$0.00	
SHOP EQUIPMENT CHARGE	0.00	\$0.00	0.00
CORNERS	0.00	\$0.00	
DELIVERY & HANDLING	0.00	\$0.00	0.00
PLASTIC WRAP	0.00	\$0.00	0 pcs
DUCT LINING SQ FT	0	\$0.00	

FIELD

FIELD SUPERVISION	0.00	\$88.00	1.00
INSTALL LABOR	0.00	\$0.00	0.00
SEALING LABOR	0.00	\$0.00	0.00
TESTING ASSISTANCE	0.00	\$0.00	0.00
MATERIAL (HANGING)	0.00	\$0.00	
MATERIAL (JOINT)	0.00	\$0.00	

12"ø D-Wall Spiral Duct
 Material \$486.00
 Labor \$1,794.00 24.00

SAFETY 2.00% \$35.88

SUBTOTAL COST \$2,561.88

OVERHEAD % 10.00% \$256.19

SUBTOTAL \$2,818.07

PROFIT % 5.00% \$140.90

GRAND TOTAL \$2,959.00

NOTES

QUALITY HTG. & A/C

JOB: Sussex Public Safety

DATE 15-Dec-22

REF: Corridor 118 Sketch

CHANGE ORDER REQUEST 4

		LABOR COST	
		SUPERVISOR	\$88.00
NEW LBS.	0	SKETCHER	\$79.00
ORIGINAL LBS.	0	MECHANIC	\$74.75
DIFFERENCE	0	APPRENTICE	\$63.54
WASTE FACTOR	0.00	0.12 LABORER	\$31.77
TOTAL LBS.	0.00	SHOP CHARGE	
LINING SQ. FT.	0		

This price is for changing the 16"/14"/&12"ø D-Wall Pipe to Oval 26x10/ 24x8/ 16x8 with corresponding taps.

	LBS.	COST	MANHOURS
IN HOUSE DOCUMENTATION	0.00	\$0.00	0.00
SKETCHING & SHOP DRAWING	0.00	\$158.00	2.00
FIELD MEASURE/VERIFY		\$0.00	0.00

SHOP

SHOP SUPERVISION	0.00	\$0.00	0.00
LABOR	0.00	\$0.00	0.00
DUCT SEALING	0.00	\$0.00	0.00
MATERIAL (METAL ETC.)	0.00	\$0.00	
MISC MAT. (SEALER)		\$0.00	
SHOP EQUIPMENT CHARGE	0.00	\$0.00	0.00
CORNERS	0.00	\$0.00	
DELIVERY & HANDLING	0.00	\$190.62	3.00
PLASTIC WRAP	0.00	\$0.00	0 pcs
DUCT LINING SQ FT	0	\$0.00	

FIELD

FIELD SUPERVISION	0.00	\$88.00	1.00
INSTALL LABOR	0.00	\$0.00	0.00
SEALING LABOR	0.00	\$0.00	0.00
TESTING ASSISTANCE	0.00	\$0.00	0.00
MATERIAL (HANGING)	0.00	\$0.00	
MATERIAL (JOINT)	0.00	\$0.00	

Changed Oval Duct Material \$14,252.00
Labor \$0.00 Contract

SAFETY 2.00% \$0.00

SUBTOTAL COST \$14,688.62

OVERHEAD % 10.00% \$1,468.86

SUBTOTAL \$16,157.48

PROFIT % 5.00% \$807.87

GRAND TOTAL \$16,965.00

NOTES

QUALITY HTG. & A/C

JOB: Sussex Public Safety

DATE 20-Sep-22

REF: Directive #1

CHANGE ORDER REQUEST 3

		LABOR COST	
		SUPERVISOR	\$88.00
		SKETCHER	\$79.00
		MECHANIC	\$74.75
		APPRENTICE	\$63.54
	0.12	LABORER	\$31.77
		SHOP CHARGE	
NEW LBS.	0		
ORIGINAL LBS.	0		
DIFFERENCE	0		
WASTE FACTOR	0.00		
TOTAL LBS.	0.00		
LINING SQ. FT.	0		

This price is for adding the 90'45's to the 12"Ø to run up in the bar joists and changing the 20x14 to 22x20.

	LBS.	COST	MANHOURS
IN HOUSE DOCUMENTATION	0.00	\$0.00	0.00
SKETCHING & SHOP DRAWING	0.00	\$158.00	2.00
FIELD MEASURE/VERIFY		\$0.00	0.00
SHOP			
SHOP SUPERVISION	0.00	\$0.00	0.00
LABOR	0.00	\$0.00	0.00
DUCT SEALING	0.00	\$0.00	0.00
MATERIAL (METAL ETC.)	0.00	\$0.00	
MISC MAT. (SEALER)		\$0.00	
SHOP EQUIPMENT CHARGE	0.00	\$0.00	0.00
CORNERS	0.00	\$0.00	
DELIVERY & HANDLING	0.00	\$0.00	0.00
PLASTIC WRAP	0.00	\$0.00	0 pcs
DUCT LINING SQ FT	0	\$0.00	
FIELD			
FIELD SUPERVISION	0.00	\$88.00	1.00
INSTALL LABOR	0.00	\$0.00	0.00
SEALING LABOR	0.00	\$0.00	0.00
TESTING ASSISTANCE	0.00	\$0.00	0.00
MATERIAL (HANGING)	0.00	\$0.00	
MATERIAL (JOINT)	0.00	\$0.00	
12"Ø D-Wall Spiral Duct	Material	\$486.00	
	Labor	\$448.50	6.00
22x12 Lined Oval	Material	\$1,248.00	
	Labor	\$0.00 Contract	

SAFETY 2.00% \$8.97

SUBTOTAL COST **\$2,437.47**

OVERHEAD % **10.00% \$243.75**

SUBTOTAL **\$2,681.22**

PROFIT % **5.00% \$134.06**

GRAND TOTAL **\$2,815.00**

NOTES



Bancroft Construction
 2324 West Zion Road Suite 108
 Salisbury , Maryland 21801
 P: (410) 844-8080

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown , Delaware 19947

CHANGE EVENT #095 - Miscellaneous site work changes per County request

Origin:

Date Created: 1/17/2023 **Created By:** Mike Kalafut
Status: Pending **Scope:** Out of Scope
Type: Owner Change **Change Reason:** Owner Directive
Description: Add stone edging at south parking lot. Raise fiber optic MH west side of building. Add sidewalk to MER.
Attachments: [Sussex PSB.msg](#), [COR#15-COR#16-COR#17 SUSSEX PUBLIC SAFETY BUILDING.pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost			Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.		
02-001.06 Site Construction.Subcontra ct	Thompson & Sons ContractingInc CSED0001001	\$4,979.50	\$4,979.50	\$4,979.50	\$4,979.50			\$4,979.50	\$0.00
1-511.02 Sr. Project Manager.Regular Labor		\$248.98	\$248.98	\$248.98				\$0.00	\$248.98
90-999.10 Fee.Fee & Field Cost		\$316.32	\$316.32	\$316.32				\$0.00	\$316.32
Grand Totals		\$5,544.80	\$5,544.80	\$5,544.80	\$4,979.50	\$0.00	\$0.00	\$4,979.50	\$565.30

Fearn, Cheryl

From: Kalafut, Michael
Sent: Wednesday, January 11, 2023 3:01 PM
To: Bonnie Thompson; PIERCE THOMPSON JR
Cc: Reed, Wesley
Subject: Sussex PSB

Bonnie/Pierce,

We just met with the County and they would like to make a few changes:

1. Add some striping at the Phase B parking lot entrance
2. Raise the fiber optic MH on the west side of the addition by 1' using concrete brick
3. Add a section of sidewalk around the mezzanine stairs to the entrance of the mech/elect equipment room
4. Add a 1' wide section of stone along the edge of the pavement section at the small south parking lot

Pierce, if you could stop by our trailer, we can discuss and better define the scope between us and the County for you to price these changes. Since you'll be striping soon, please stop by as soon as you can.

Thanks,
Mike

Michael Kalafut, PE, LEED AP
Senior Project Manager



M. 302.354.8953 E. mkalafut@bancroftusa.com

WILMINGTON | PRINCETON | SALISBURY

www.bancroftconstruction.com | [facebook](#) | [twitter](#) | [linkedin](#)

Thompson & Sons Contracting Inc.
300 Torbert RD
Milford, DE 19963

CHANGE ORDER DETAIL FORM
 (Provided by contractor, subcontractor or sub tier contractor)

DATE SUBMITTED: 1/12/2023
 CONTRACT: Public Safety Building CSED0001-Sitework
 CONTRACTOR: Thompson & Sons Contracting Inc.
 PROJECT NAME: Sussex County Public Safety Building
 CHANGE ORDER REQUEST:#15 Furnish & Install #57 Stone at Small Parking Lot Entrance3 1' Wide & Approx 110 Lf

LABOR SECTION			
TRADESMAN(s):	LABOR HOURS	RATE (per schedule)	SUBTOTAL
LABOR	6hrs	\$40.00	\$240.00
Subtotal			\$240.00

MATERIAL SECTION			
MATERIAL:	QUANTITY	UNIT COST	SUBTOTAL
#57 Stone			\$350.00
Subtotal			\$350.00

EQUIPMENT SECTION			
EQUIPMENT:	QUANTITY	UNIT COST	SUBTOTAL
Equipment			\$80.00
Subtotal			\$80.00

Work Must be done while T&S is on site
 to Complete the finishe grading Next Week
 WEEK OF 1/16/23

SUBTOTAL	\$670.00
SUBCONTRACTOR/ SUB TIER*	
OH & PROFIT (15% GC only)	\$100.50
10 % OH & PROFIT	
OH & PROFIT (7.5% sub)	
GRAND TOTAL	\$770.50

Thompson & Sons Contracting Inc.
300 Torbert RD
Milford, DE 19963

CHANGE ORDER DETAIL FORM
 (Provided by contractor, subcontractor or sub tier contractor)

DATE SUBMITTED: 1/12/2023
CONTRACT: Public Safety Building CSED0001-Sitework
CONTRACTOR: Thompson & Sons Contracting Inc.
PROJECT NAME: Sussex County Public Safety Building
CHANGE ORDER REQUEST:#16 Raise Fiber Optic MH Cover 1' Using Concrete Brick & Grade Around Area

LABOR SECTION			
TRADESMAN(s):	LABOR HOURS	RATE (per schedule)	SUBTOTAL
LABOR	16hrs	\$40.00	\$640.00
Subtotal			\$640.00

MATERIAL SECTION			
MATERIAL:	QUANTITY	UNIT COST	SUBTOTAL
Material			\$100.00
Subtotal			\$100.00

EQUIPMENT SECTION			
EQUIPMENT:	QUANTITY	UNIT COST	SUBTOTAL
Subtotal			

This Work Needs to be Completed while we are on site to complete the finish grading Next Week
 WEEK OF 01/16/2023

SUBTOTAL	\$740.00
SUBCONTRACTOR/ SUB TIER*	
OH & PROFIT (15% GC only)	\$111.00
10 % OH & PROFIT	
OH & PROFIT (7.5% sub)	
GRAND TOTAL	\$851.00

Thompson & Sons Contracting Inc.
300 Torbert RD
Milford, DE 19963

CHANGE ORDER DETAIL FORM
 (Provided by contractor, subcontractor or sub tier contractor)

DATE SUBMITTED: **1/12/2023**
 CONTRACT: **Public Safety Building CSED0001-Sitework**
 CONTRACTOR: **Thompson & Sons Contracting Inc.**
 PROJECT NAME: **Sussex County Public Safety Building**
 CHANGE ORDER REQUEST:#17 **ADD 4" Concrete Sidewalk around Mezzanine stairs 38'x5' & Regrade Area**

LABOR SECTION			
TRADESMAN(s):	LABOR HOURS	RATE (per schedule)	SUBTOTAL
LABOR	32hrs	\$40.00	\$1,280.00
Eskridge	190 Sf	\$7.00	\$1,330.00
Subtotal			\$2,610.00

MATERIAL SECTION			
MATERIAL:	QUANTITY	UNIT COST	SUBTOTAL
GABC			\$210.00
Subtotal			\$210.00

EQUIPMENT SECTION			
EQUIPMENT:	QUANTITY	UNIT COST	SUBTOTAL
Equipment			\$100.00
Subtotal			\$100.00

This Work Needs to be Completed while we are on site when pouring the remainder of the Court yard Sidewalks

SUBTOTAL	\$2,920.00
SUBCONTRACTOR/ SUB TIER*	
OH & PROFIT (15% GC only)	\$438.00
10 % OH & PROFIT	
OH & PROFIT (7.5% sub)	
GRAND TOTAL	\$3,358.00



Bancroft Construction
 2324 West Zion Road Suite 108
 Salisbury, Maryland 21801
 P: (410) 844-8080

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown, Delaware 19947

CHANGE EVENT #098 - Revisions to cooling tower and DOAS electric

Origin: RFI #80: Electrical requirements for the DOAS and CT rooftop units

Date Created: 1/24/2023 **Created By:** Mike Kalafut

Status: Pending **Scope:** Out of Scope

Type: Contract Change **Change Reason:** Design Change

Description: Revisions to the breakers and disconnects and electrical feeds to the cooling tower and DOAS units per RFI 080 response.

Attachments: [CO 10 - RFI 80 Mechanical Changes.pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost				Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.	Latest Cost		
16-001.06 Electrical.Subcontract	Continental Electrical Service CSED0001-016	\$7,133.00	\$7,133.00	\$7,133.00	\$7,133.00			\$7,133.00	\$0.00	
1-511.02 Sr. Project Manager.Regular Labor		\$356.65	\$356.65	\$356.65				\$0.00	\$356.65	
90-999.10 Fee.Fee & Field Cost		\$453.12	\$453.12	\$453.12				\$0.00	\$453.12	
Grand Totals		\$7,942.77	\$7,942.77	\$7,942.77	\$7,133.00	\$0.00	\$0.00	\$7,133.00	\$809.77	\$0.00

CONTINENTAL Electrical Services LLC.

CHANGE ORDER REQUEST

Submitted To: Bancroft Construction
 Job Name: Sussex County Public Safety Bldg
 Job #: 21-257

Original Contract: _____
 Date: 1/24/2023
 Change Order #: 10

This Change Order Request (C.O.R.) contains an itemized quotation for changes in the Contract Sum or Contract Time in response to proposed modifications to the Original Contract: _____.

Description of Proposed Changes:

- RFI # 80 Changes for Mechanical Equipment Electrical

Attached supporting information from: Subcontractor Supplier

<u>Labor:</u>				<u>Total</u>
<u>Class</u>	<u>Rate</u>	<u>Hours</u>		
Foreman	\$ -			\$ -
Journeyman	\$ 95.00	13		\$ 1,208.40
Apprentice	\$ -			\$ -
PM/Office	\$ 175.00	1		\$ 175.00
Labor Total =				\$ 1,383.40
<u>Material:</u>				
Misc. Material				\$ 986.60
Quoted Material		Graybar		\$ 3,785.07
Quoted Material				\$ -
Quoted Material				\$ -
Quoted Material				\$ -
Material Total =				\$ 4,771.67
Safety				\$ 34.59
Shipping / Receiving				\$ 66.80
Consumables				\$ 71.58
Warranty				\$ 27.67
Gross / Receipts Tax				\$ 61.55
Bond				\$ -
Misc. Total =				\$ 262.18
Sub Total =				\$ 6,417.25
Overhead & Profit				\$ -
				\$ 715.75
Grand Total =				\$ 7,133

We propose hereby to furnish material and labor in accordance with above specifications for the sum of:

Seven Thousand One Hundred Thirty Three Dollars and 00/100..... \$ 7,133

Above additional work to be performed under same conditions as specified in original contract unless otherwise stipulated. The Revision becomes part of and in conformance with, the existing contract and can be voided.

Authorized Signature: John McKee Signature: _____
 Date: _____

PRICING SHEET

PROJECT: Sussex County Public Safety

WORK ITEM: DOAU - 1

SHT 2

OF _____

DATE _____

EXT BY _____

EST BY _____

CHK BY _____

DESCRIPTION	QTY	MATERIAL		LABOR HOURS		LIFT
		UNIT	TOTAL	LABOR	TOTAL	
			-		-	
100 AMP Disconnect	-1		-	2.000	(2.00)	
Equipment Connection	-1	50.000	(50.00)	1.000	(1.00)	
200 AMP Disconnect	1		-	4.000	4.00	
Equipment Connection	1	100.000	100.00	2.000	2.00	
1 1/4" EMT	-100	2.150	(215.00)	0.060	(6.00)	
			-		-	
1 1/4" Connector	-2	3.000	(6.00)	0.100	(0.20)	
			-		-	
1 1/4" Coupling	-10	2.000	(20.00)	0.085	(0.85)	
			-		-	
Supports	-10	3.250	(32.50)	0.120	(1.20)	
			-		-	
1 1/2" EMT	100	2.950	295.00	0.072	7.20	
			-		-	
1 1/2" Connector	2	5.000	10.00	0.140	0.28	
			-		-	
1 1/2" Coupling	10	5.750	57.50	0.115	1.15	
			-		-	
Supports	10	4.000	40.00	0.150	1.50	
			-		-	
# 8 THHN	-100	0.500	(50.00)	0.008	(0.80)	
			-		-	
# 4 THHN	-400	1.175	(470.00)	0.010	(4.00)	
			-		-	
1/0 THHN	400	2.650	1,060.00	0.016	6.44	
			-		-	
# 6 THHN	100	0.802	80.20	0.010	1.00	
			-		-	
			-		-	
Scizzor lift	-		-		-	0
TOTAL MATERIAL			799.20	TOTAL HOURS		7.52

CONTINENTAL ELECTRICAL SERVICES, LLC

PRICING SHEET

PROJECT: _____

WORK ITEM: CT-1

SHT 3

OF 3

DATE _____

EXT BY _____

EST BY _____

CHK BY _____

DESCRIPTION	QTY	MATERIAL		LABOR HOURS		LIFT
		UNIT	TOTAL	LABOR	TOTAL	
			-		-	
30 AMP Disconnect	-1		-	1.000	(1.00)	
Equipment Connection	-1	25.000	(25.00)	1.000	(1.00)	
60Amp Disconnect	1		-	2.000	2.00	
Equipment Connection	1	50.000	50.00	2.000	2.00	
			-		-	
3/4" EMT	-80	0.800	(64.00)	0.040	(3.20)	
			-		-	
3/4" Coupling	-8	1.250	(10.00)	0.050	(0.40)	
			-		-	
3/4" Connector	-2	0.750	(1.50)	0.100	(0.20)	
			-		-	
1" EMT	80	1.500	120.00	0.070	5.60	
			-		-	
1" Coupling	8	2.250	18.00	0.070	0.56	
			-		-	
1" Connector	2	1.950	3.90	0.100	0.20	
			-		-	
# 8 THHN	-320	0.500	(160.00)	0.008	(2.56)	
			-		-	
# 10 THHN	-80	0.275	(22.00)	0.007	(0.56)	
			-		-	
# 6 THHN	320	0.800	256.00	0.010	3.20	
			-		-	
# 10 THHN	80	0.275	22.00	0.007	0.56	
			-		-	
			-		-	
			-		-	
			-		-	
			-		-	
Scizzor lift	-		-		-	0
TOTAL MATERIAL			187.40	TOTAL HOUR	5.20	



43 BOULDEN BLVD
 NEW CASTLE DE 19720-2065
 Phone: 215-336-2211
 Fax: 215-334-2227

To: CONTINENTAL ELECTRICAL SERVICES
 3 MILL PARK CT.
 NEWARK DE 19713-1901
 Attn: John McKee
 Phone: 302-294-6311
 Fax: 302-286-7240
 Email: continental@continentalelect.com

Date: 01/23/2023
Proj Name: SUSSEX
GB Quote #: 0242468527
 Release Nbr:
 Purchase Order Nbr:
 Additional Ref#
 Valid From: 01/16/2023
 Valid To: 02/15/2023
 Contact: Lawrence Hewes
 Email: larry.hewes@graybar.com

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

Notes: Material will be held up to 30 days ARO. After that, storage charges will apply.

Item	Item/Type	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100	1 EA SQUARE D CO.	1	QDA32125	QDA32125	MOLDED CASE CIRCUIT BREAKER 240V 125A	\$1,118.26	1	\$1,118.26
GB Part #: 22076382		UPC #: 78590170290						
200	1 EA SQUARE D CO.	1	HDA36125	HDA36125	MOLDED CASE CIRCUIT BREAKER 600V 125A	\$1,513.20	1	\$1,513.20
GB Part #: 25040631		UPC #: 78590141999						
300	1 EA SQUARE D CO.	1	BDA36050	BDA36050	MOLDED CASE CIRC BRKR 600Y/347 V 50A	\$557.44	1	\$557.44
GB Part #: 25862229		UPC #: 78590101075						
500	3 EA COOPER BUSSMANN INC	3	FRS-R-125	FRS-R-125	FUSETRON DUAL ELEMENT FUSE CLASS RK5	\$79.55	1	\$238.65
GB Part #: 88050718		UPC #: 05171250845						
600	1 EA SQUARE D CO.	1	H364RB	H364RB	SWITCH FUSIBLE HD 600V 200A 3P... NEMA3R	\$942.84	1	\$942.84
GB Part #: 88240655		UPC #: 78590148271						

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com 24-Hour Emergency Phone#: 1-800-GRAYBAR

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill. Unless noted the estimated ship date will be determined at the time of order placement.

To: CONTINENTAL ELECTRICAL SERVICES
3 MILL PARK CT.
NEWARK DE 19713-1901
Attn: John McKee

Date: 01/23/2023
Proj Name: SUSSEX
GB Quote #: 0242468527

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

700	1 EA	SQUARE D CO. H362RB	SWITCH FUSIBLE HD 600V 60A 3P NEMA3R	\$441.02	1	\$441.02
-----	------	---------------------	--	----------	---	----------

GB Part #: 88240633 UPC #: 78590148218

800	3 EA	COOPER FRS-R-50 BUSSMANN INC	FUSETRON DUAL ELEMENT FUSE CLASS RK5	\$30.64	1	\$91.92
-----	------	---------------------------------	--	---------	---	---------

GB Part #: 88050751 UPC #: 05171250838

Total in USD (Tax not included): ~~\$4,903.33~~

\$3,785.07

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com

24-Hour Emergency Phone#: 1-800-GRAYBAR

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill. Unless noted the estimated ship date will be determined at the time of order placement.



Bancroft Construction
2324 West Zion Road Suite 108
Salisbury, Maryland 21801
Phone: (410) 844-8080

Project: CSED0001 - Public Safety Bldg. Addition
21911 Rudder Lane
Georgetown, Delaware 19947

Electrical requirements for the DOAS and CT rooftop units

TO:	Deane Townsend (George, Miles & Buhr, LLC) Thomas Van Dyke (Sussex County Delaware)	FROM:	Mike Kalafut (Bancroft Construction Company) 1300 N Grant Ave Ste 101 Wilmington, Delaware 19806
DATE INITIATED:	12/30/2022	STATUS:	Open
LOCATION:		DUE DATE:	01/06/2023
PROJECT STAGE:		COST CODE:	
COST IMPACT:		SCHEDULE IMPACT:	
DRAWING NUMBER:		SPEC SECTION:	
LINKED DRAWINGS:		REFERENCE:	

RECEIVED FROM: Suellen Lewandowski (Continental Electrical Service)

COPIES TO:
Wesley Reed (Bancroft Construction Company)

Question from Mike Kalafut (Bancroft Construction Company) at 07:33 AM on 12/30/2022

Clarify electrical requirements for the DOAS and cooling tower. The drawings and submittal requirements differ.

Attachments:
[RFI - 02 HVAC UNIT Questions.pdf](#)

Awaiting an Official Response

All Replies:

Response from Thomas Van Dyke (Sussex County Delaware) at 01:10 PM on 01/13/2023

Attached is the revised panel schedule showing the new breaker and wire size. Below is the response from RMF.

DOAU-1

- Provide 125A breaker in Panel MDP
- Extend 4#1/0, #6G, in 1-1/2" conduit from panel to disconnect on roof.
- Provide 125A fused disconnect on roof.
- Extend circuitry from disconnect to mechanical unit.

CT-1

- Provide 50A breaker in Panel MDP
- Extend 4#6, #10G in 1" conduit from panel to disconnect on roof.
- Provide 50A fused disconnect on roof.
- Extend circuitry from disconnect to mechanical unit.

Attachments:
[Revised MDP Schedule.png](#)

BY _____ DATE _____ COPIES TO _____

REQUEST FOR INFORMATION

Continental Electrical Services, LLC
3 Mill Park Court
Newark, DE 19713

Phone: 302-294-6311

Fax: 302-286-7240

REQUESTED BY: John McKee
REQUEST NUMBER: 02

DATE SENT: 12/29/2022

METHOD SENT: FAX: EMAIL: X

TO: Bancroft Construction Company

ATTENTION: Michael Kalafut
EMAIL:
PHONE:
FAX:

TRADE AFFECTED: Electric
JOB NAME: Sussex County Public Safety Bldg

SPECIFICATION SECTION #:
PROJECT #:

Reason for Request:

Insufficient Information
 Engineering Conflict
 Alternate Proposal
Other: _____

Possible Effect:

Increase Cost Increase Time
 Decrease Cost Decrease Time
 No Cost Charge No Time Impact

Action Requested:

Clarification
 Direction
 Approval

PLEASE SUPPLY THE FOLLOWING INFORMATION:

Please provide some clarification for the DOAU 1 and CT-1 HVAC Units.
The electrical drawings call for UNIT DOAU-1 unit to receive a 70 AMP breaker with 1 1/4" conduit containing (4) # 4 THHN Copper conductors and (1) # 8 ground and the details show it having a load of 55 AMPS.
The name plate of this unit calls out a load of 107 AMPS and a recommended breaker of 125 AMPS

Unit CT-1 calls out 3/4" conduit with (4) # 8 THHN Copper conductors and (1) # 10 ground with a load of 24.2 AMP
The nameplate of this unit calls out a load of 39.5 AMPS and recommended breaker of 50AMPS.
PLEASE PROVIDE UPDATED CONDUIT/WIRE AND BREAKER SIZING PER INSTALLED UNITS...

RESPONSE:

Proceed with recommendation Proceed with the following instructions:

Signature: _____

BILLING TO BE: Unit Price: Cost Plus: Lump Sum: N/A:
A formal Change Order is requested before proceeding.

Owner Signature: _____

12/29/2022

1 **AN ORDINANCE TO DELETE CHAPTER 115, ARTICLE XVII**
2 **VACATION RETIREMENT – RESIDENTIAL PARK DISTRICT**
3 **SECTIONS 115-132 THROUGH 115-140 IN ITS ENTIRETY AND TO**
4 **INSERT ARTICLE XVII MASTER PLAN ZONE, SECTIONS 115-132**
5 **THROUGH 115-140 IN ITS PLACE.**

6 WHEREAS, Article XVII Vacation Retirement – Residential Park District is
7 a closed District and no land within Sussex County has been zoned with this
8 District classification and because it is a closed District no land can ever be zoned
9 to it in the future; and

10 WHEREAS Sussex County Council desires to replace Article XVII
11 Vacation Retirement – Residential Park District with a new Zoning District
12 identified as Article XVII Master Plan Zone; and

13 WHEREAS, the 2019 Sussex County Comprehensive Plan’s Future Land
14 Use Element states that the “Plan seeks to encourage the County’s most
15 concentrated forms of new development to Growth Areas, including most higher
16 density residential development and most commercial development” and
17 development designed in accordance with this Master Plan Community Zone can
18 be in accordance with this encouragement; and

19 WHEREAS, Master Planned development is appropriate in the Growth
20 Areas designated as the Coastal Area, Developing Area, Town Center Area, and
21 Commercial Area of the Future Land Use Map of the 2019 Comprehensive Plan
22 where adequate infrastructure is available; and

23 WHEREAS, Mixed-use residential and commercial developments can be
24 appropriate in the Coastal Area, Developing Area, Town Center Area, and
25 Commercial Area of the Future Land Use Map of the 2019 Comprehensive Plan
26 and the Master Plan Zone promotes such mixed-use development where
27 appropriate; and

28 WHEREAS, Strategy 4.4.1.5 of the Future Land Use Element of the 2019
29 Comprehensive Plan states that it is a goal of the County to “[e]ncourage master
30 planning for large-scale developments on large parcels or groups of parcels in the
31 Town Center, Coastal Area, Developing Area, and Commercial land use
32 classifications to provide flexibility in design” and this ordinance is in furtherance
33 of that Strategy; and

34 WHEREAS, this ordinance creating a Master Plan Zone within Sussex
35 County promotes the health, safety, and welfare of Sussex County.

36 NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

37 **Section 1. The Code of Sussex County, Chapter 115, is hereby amended to**
38 **delete Article XVII, Vacation Retirement – Residential District in its entirety**
39 **by deleting the language in brackets as follows:**
40

41 [§115-132 Purpose.

42 In order to encourage planned vacation, retirement and general residential park
43 developments which are compatible with the surrounding area and are
44 economically feasible and to achieve the goals of the Comprehensive Plan, the
45 Vacation-Retirement-Residential-Park District (VRP District) is hereby
46 established.

47 § 115-133 Superimposed district; effect on other provisions.

48 A. To enable the district to operate in harmony with the plan for land use and
49 population density embodied in these regulations, the VRP District is created as a
50 special district to be superimposed on other districts contained in these regulations
51 and is to be so designated by a special symbol for its boundaries on the Zoning
52 District Map.

53 B. Uses for this district shall be determined by the requirements and procedure set
54 forth in this article and shall prevail over other regulations or ordinances governing
55 the subdivision of land which may be in conflict herewith.

56 § 115-134 Minimum district area; leasing of lots.

57 A. The minimum area for a VRP District shall be 25 acres. In calculating the
58 minimum area for a district, measurement shall not include the area of any streets
59 or roads.

60 B. The lots in a VRP District shall be leased and shall not be sold as lots as long as
61 said land remains within a VRP District.

62 § 115-135 Required procedures; completion dates for stages of development.

63 A. Procedures for establishment of a VRP District and approval and amendment of
64 site plans are contained in Article XXVIII. Before any application is filed, the
65 applicant shall hold an informal conference with the Commission. The Park shall
66 follow all applicable procedures, standards and requirements of the ordinances and
67 regulations governing the subdivision of land. No building permit shall be issued

68 until a final plot of the proposed park or part thereof is approved, filed and
69 recorded.

70 B. A date or dates for the completion of certain stages of development of the park
71 may be established by the Commission, provided that such date or dates shall be
72 set after taking into consideration various factors, such as the state of the economy,
73 the going rate of interest, the market acceptance of the park, the size of the park
74 and the quantity and quality of the proposed facilities, including roads and the
75 water and sewer system.

76 § 115-136 Review standards; conditions.

77 A. The Commission shall evaluate the park by the standards of the Comprehensive
78 Plan and recognized principles of civic design, land use planning and landscape
79 architecture.

80 B. The Commission may impose conditions regarding the layout, circulation and
81 performance of the park and, where applicable, may require that appropriate deed
82 restrictions be filed and recorded, enforceable by the Commission, for a period of
83 20 years from the date of recording.

84 § 115-137 Types and sizes of dwellings.

85 A. Completely factory-built manufactured homes no less than 660 square feet and
86 no more than 1,570 square feet in size and not more than 14 feet in height,
87 hereinafter referred to as "manufactured homes," excluding porches, decks,
88 breezeways and the like, and completely factory-built modular homes no less than
89 1,000 square feet in size and no more than 18 feet in height, hereinafter referred to
90 as "modular homes," shall be permitted in the park. The word "dwellings," as used
91 in this article, as the text requires, shall refer to both types of homes.

92 B. The size and height of a manufactured home or a modular home shall be
93 determined as of the date it is originally moved into the park and shall be based on
94 the dimensions as received from the manufacturer.

95 § 115-138 Minimum lot area; irregularly shaped lots; markers.

96 A. The minimum area of all lots shall be no less than 5,500 square feet, with a
97 minimum width of 50 feet for all typical lots. Atypical or irregular-shaped lots
98 shall be of such size as shall be approved by the Planning and Zoning Commission
99 upon submission of a survey therefor.

100 B. Corners of all lots shall be visibly marked and numbered by a permanent
101 marker.

102 § 115-139 Additional requirements.

103 A. There shall be no more than one dwelling and one accessory structure on any
104 one lot.

105 B. Manufactured homes may be placed on lots immediately adjacent to other
106 manufactured homes. Modular homes may be placed on lots immediately adjacent
107 to other modular homes. A modular home may be placed on a lot immediately
108 adjacent to a manufactured home; however, a manufactured home may not be
109 placed on a lot immediately adjacent to a modular home.

110 C. No part of any dwelling or any accessory structure shall be closer than 25 feet to
111 any front boundary line. Steps with related landing, not exceeding 28 feet of lot
112 coverage, may project four feet into the required setback.

113 D. No part of any dwelling, addition or accessory structure shall be closer than two
114 feet to any side or five feet to any rear boundary line; provided, however, that no
115 part of any dwelling, addition or accessory structure shall be closer than 15 feet to
116 any other dwelling, addition or accessory structure.

117 E. Central sewer and water supply facilities and electric connections shall be
118 provided.

119 F. All streets in the park shall have a right-of-way of at least 40 feet. No less than
120 24 feet in width of the streets shall be paved with three coats of surface treatment
121 (tar and chip) and shall be properly lighted. Additional road improvements, if
122 required by the Commission, shall be provided for proper and sufficient drainage.

123 G. Access to the park shall be from a major thoroughfare and shall be at least 50
124 feet in width. The number and location of access drives shall be controlled for
125 traffic, safety and protection of surrounding properties. No lot shall be designed for
126 direct access to a street outside the boundaries of the park.

127 H. The topography of the lots shall be such as to facilitate rapid drainage, and
128 adequate drainage facilities shall be provided.

129 I. Open spaces or areas left in their natural state shall be provided within the park
130 at a ratio of 300 square feet minimum per lot.

131 J. The park shall be surrounded by a landscaped strip of open space at least 50 feet
132 in width.

133 K. Two off-street parking spaces shall be provided on each lot.

134 L. Small retail businesses intended primarily for occupants of the park shall be
135 permitted within the park area. Grocery stores, automatic laundries, beauty shops
136 and similar uses are appropriate.

137 M. The occupier of each lot in the park shall provide receptacles for trash and
138 garbage which shall be so located and kept as not to be generally visible from any
139 interior road in the park, except on days when such receptacles may be placed out
140 for purposes of collection only.

141 § 115-140 Closed district.

142 As of the date of adoption of this amendment, the VRP District shall be considered
143 a closed district and shall not be applied to any additional lands in Sussex County.
144 The district and its various provisions and regulations shall continue to exist as
145 they apply to a VRP District legally established under the procedures of this
146 chapter.]

147
148 **Section 2. The Code of Sussex County, Chapter 115, is hereby amended to**
149 **establish Article XVII, “Master Plan Zone” §§115-132 through 115-140 by**
150 **inserting the italicized language as follows:**

151
152 **§ 115-132 *Purpose and Intent.***

153 *The intent of the Master Plan Zone (“MPZ”) is to create a walkable, bikeable and*
154 *pedestrian-friendly, economically viable professional, commercial and mixed-use*
155 *neighborhood that is superior in design to a standard residential subdivision,*
156 *commercial site plan, or combination of both. Its intent is also to preserve and*
157 *enhance the natural landscape and buffer the development from adverse external*
158 *influences. The provisions of this Article are intended to encourage greater*
159 *integration of land-uses and diversity of lot sizes than is permitted under other*
160 *provisions of Chapter 99 and this Chapter 115. It may provide design flexibility*
161 *that will aid in the fulfillment of Sussex County’s Comprehensive Plan. Lastly, it*
162 *will promote greater interconnectivity of roadways and coordination with DelDOT*
163 *for new state-maintained roadways within a large-scale development.*

164
165 **§ 115-133 *Definitions.***

166 **General Overall Master Plan:** A document composed of a set of maps of a
167 subject property and a Master Manual that reflects a Master Plan. The
168 General Overall Master Plan is to be submitted to the Planning and Zoning
169 Commission and Sussex County Council as materials to support the rezoning
170 of a land area for development as an MPZ. The General Overall Master Plan
171 shall designate the Areas identified in Section 115-137 and shall include a
172 Spatial Distribution Plan.

173 **Implementation Manual:** A document prepared in narrative and graphic form
174 that describes all details of the development relative to the elements reflective
175 of the design principles of this Article and the specific requirements of Section
176 115-135. This should include, but is not limited to, details of the design
177 elements of the project such as architectural standards, relationships between
178 uses and different scales of buildings, parking and open spaces. It shall also
179 contain an explanation of how the Manual conforms to the approved General
180 Overall Master Plan and the Master Manual. All subsequent plan review and
181 development activities shall be governed by the Implementation Manual.

182 **Implementation Plan:** A document composed of a set of maps and an
183 Implementation Manual that describes the anticipated physical development of
184 a property. The document shall conform with the General Overall Master Plan
185 and the Master Manual and should reflect the design principles of this Article
186 and the Implementation Manual.

187 **Master Manual:** A document prepared in narrative and graphic form that
188 explains the concepts behind the implementation of the proposed Master Plan
189 Zone on the parcel or parcels and in the community. It should identify the
190 concepts and approaches to each of the elements and types of uses identified in
191 Sections 115-135 and 138.

192 **Spatial Distribution Plan:** A Plan showing how the overall density is
193 allocated throughout the MPZ. Resembling a topographic rendering (i.e., lines
194 demarcating 2 units per acre, 4 units per acre, 6 units per acre, etc.), this Plan
195 shall show the densities of individual areas within the MPZ. The intent of this
196 Plan is to visually show how the MPZ density is designed, taking into account
197 factors including, but not limited to: (a) lower density development radiating
198 away from higher density development at the interior of the MPZ; (b) the
199 location of higher densities along main roadways within the MPZ; (c) the
200 relationship with the location and type of development along the outside
201 perimeter of the MPZ; or (d) such other planning factors that may be relevant.

202 **§ 115-134 Eligibility Requirements.**

203 No land area shall be zoned MPZ unless the following conditions are met:

- 204 a) *The entire land area of the MPZ must exceed 200 acres;*
- 205 b) *The MPZ shall include at least 20% of the land area designated to*
206 *non-residential use;*
- 207 c) *The residential density of the entire MPZ shall not exceed 12 units*
208 *per acre (excluding Tidal Wetlands);*
- 209 d) *The land area shall have access to an existing or planned arterial or*
210 *collector road;*
- 211 e) *The land area shall be served by adequate existing or planned*
212 *infrastructure, including central sewer and water;*
- 213 f) *The land area may contain a single or multiple parcels. The rezoning*
214 *application for the land area shall be filed jointly by all owners of the*
215 *involved land area;*
- 216 g) *A finding by the Planning Commission and Sussex County Council*
217 *that the proposed MPZ location is generally consistent with the*
218 *Comprehensive Plan; and*
- 219 h) *The “Purposes of Regulations” set forth in Title 9, Chapter 69,*
220 *Section 6904 of the Delaware Code shall be satisfied.*
- 221 (i) *At least 20% of all multifamily dwellings shall be set aside as SCRP*
222 *units governed by Chapter 72.*

223 **§ 115-135 Design and Development Principles and Standards.**

224 *The following standards and principles of design and development shall apply to*
225 *the MPZ:*

226
227 A. *Bulk standards including setback, lot area, height, parking, signs, and*
228 *landscaping shall be governed by the approved Master Manual and shall prevail*
229 *over conflicting requirements of this Chapter and Chapter 99.*

230
231 B. *The MPZ design principles below shall be reflected in the Spatial*
232 *Distribution Plan, the Implementation Plan, the General Overall Master Plan, and*
233 *the Implementation Manual, consistent with the purpose and intent section of this*
234 *Article.*

235 1. *The design for the entire zone shall follow an environmentally*
236 *sustainable approach to development. To accomplish this, the design shall*
237 *take advantage of natural drainage patterns on site and minimize*
238 *unnecessary earthmoving, erosion, tree clearance and other disruption of*

239 *the natural environment. Existing vegetation and habitats shall be preserved*
240 *wherever possible. Where extensive natural tree cover and vegetation do not*
241 *exist or cannot be preserved on the site, landscaping shall be undertaken in*
242 *order to enhance the appearance of the development, screen streets and*
243 *parking areas, and enhance the privacy of private dwellings. Native plant*
244 *species shall be used whenever possible and practical. Natural drainage*
245 *systems shall be preserved wherever possible. Where natural drainage*
246 *systems do not exist, drainage patterns shall be developed similar to the*
247 *natural pattern to the extent practical.*

248 *2. Development shall be compatible with existing historic buildings,*
249 *landscapes and urban design within or adjacent to the zone. Any existing*
250 *cultural resources shall be analyzed for creative preservation and/or*
251 *adaptive reuse in the new development.*

252 *3. Permanent, publicly accessible Open Space outside of individual lots*
253 *comprising a minimum of ten percent (10%) of the land area shall be*
254 *provided in the MPZ. Land owned by government or non-profit entities that*
255 *is included in the approved Implementation Plan and is open to the public*
256 *may count toward this requirement. At least one-half of the minimum*
257 *required open space land must be free of wetlands or storm water*
258 *management areas containing permanently standing water in order to be*
259 *readily accessible and usable for active and passive recreation. Significant*
260 *natural features shall be incorporated into permanent public open space*
261 *whenever possible. A portion of the permanent public open space shall be*
262 *designed as a contiguous area to provide access throughout the full project*
263 *site and a portion shall be interspersed within all areas so as to provide*
264 *access from the surrounding neighborhood, active recreation space and/or a*
265 *visual amenity.*

266 *4. Open space within residential areas shall be oriented to the fronts of*
267 *the buildings. Isolated open spaces in the rear of properties are*
268 *discouraged.*

269 *5. Landscape plantings in parks, greens or significant open spaces shall*
270 *create an immediate positive visual impact on the community.*

271 *6. The MPZ shall have a pedestrian walkway and/or bicycle system*
272 *through the open spaces that connects to the street system or connects a*
273 *series of open spaces. Bicycle parking/locking facilities should be provided*
274 *in public spaces as appropriate.*

275 7. *The design of streets shall form a connected system with dimensions*
276 *and speed reasonable to serve the development and adjacent properties and*
277 *roadways, but also to create an environment that is friendly to pedestrians*
278 *and bicycle riders.*

279 8. *Service alleys shall be used throughout the development whenever*
280 *practical, particularly in areas with attached and multiple family dwellings.*
281 *Garbage storage and pick up areas shall be located along alleys where they*
282 *exist. Driveway access may be from the street or an alley, if an alley is*
283 *provided.*

284 9. *Residential neighborhoods and their individual blocks, to the extent*
285 *possible, shall contain a mixture of a variety of house and lot types and sizes*
286 *to strengthen community interactions.*

287 10. *Nonresidential uses in a primarily residential area shall be of a*
288 *character, size, scale and design to compliment a mixed sustainable*
289 *community.*

290

291 **§ 115-136 Permitted Uses.**

292 *In an MPZ, and subject to any conditions of approval imposed upon the MPZ and*
293 *General Master Plan, only those uses that are permitted in the LI-1 Limited*
294 *Industrial District, the L-2 Light Industrial District and the HI-1 Heavy Industrial*
295 *District shall be prohibited. Provided, however, that all non-residential uses shall*
296 *be of a superior design that is consistent with the Purpose and Intent of the MPZ.*
297 *The design and integration shall be reflected in the approved Implementation*
298 *Manual and the General Overall Master Plan.*

299

300 **§ 115-137 Areas Within the MPZ**

301 *In addition to the areas that are primarily residential within the MPZ, the*
302 *following areas are encouraged to facilitate mixed uses and sub-planning within*
303 *the entire MPZ project. Provided, however, that the total acreage set aside for the*
304 *following areas shall not exceed fifty percent (50%) of the entire MPZ:*

305

306 **1. Neighborhood Commercial Area.**

307 *A Neighborhood Commercial Area is optional in an MPZ, subject to the additional*
308 *requirements below. Its purpose is to provide a range of commercial/retail,*
309 *business/office and other non-residential services supportive of the residential*
310 *character of the MPZ. Residential use in the district, including that of upper*

311 *floors, is encouraged. The following design principles shall be reflected in the*
312 *Implementation Manual for the neighborhood commercial area:*

313

314 *A. Building height shall be no greater than fifty (50) feet. Buildings may be*
315 *connected but must retain fire separation. Mixed-use buildings are encouraged.*

316

317 *B. The Neighborhood Commercial Area shall be designed around and shall have*
318 *frontage on an internal main street that connects to the street and road system*
319 *outside of the MPZ. It is preferred that such “main streets” shall become State*
320 *maintained roadways. Buildings within the Area shall be organized in relation to*
321 *this internal main street to create a walkable connection among the different uses*
322 *and buildings.*

323

324 *C. Off-street parking shall be provided in a manner so that it is screened from the*
325 *right of way by buildings, landscaping or other means. Off-street parking shall be*
326 *screened from adjacent non-commercial uses and consideration should be given to*
327 *locating parking to the side or rear of the building. Off-street parking may be*
328 *shared by adjacent uses.*

329

330 *D. Service drives shall be designed and used for loading and trash collection.*

331

332 *E. Public areas for seating, gathering, and public amenities such as fountains,*
333 *amphitheaters, display areas, public art, kiosks, and recreational activity shall be*
334 *integrated into the area.*

335

336 *F. To promote walkability within the MPZ generally and the Neighborhood*
337 *Commercial Area specifically, no restaurants with drive-through service or retail*
338 *uses with drive-through service shall be permitted. Banking services with drive-*
339 *through services shall be permitted.*

340

341 *2. Professional Office, Medical and Financial Area.*

342 *A Professional Office, Medical and Financial Area is optional in the MPZ, subject*
343 *to the additional requirements below. Its purpose is to provide a range of*
344 *professional, medical, and financial office space with the opportunity to*
345 *incorporate a variety of residential uses. Residential use of part of such areas is*
346 *encouraged to make them more active and secure after the workday is over.*

347

348 A. *Building height shall be no greater than fifty (50) feet. Buildings may be*
349 *connected but must retain fire separation and have a distinct connection. Mixed-*
350 *use buildings are encouraged.*

351
352 B. *The Professional Office, Medical, and Financial Area shall be designed*
353 *around a through street or streets which connect to the street and road system*
354 *outside the area and also interconnect within the overall plan. Buildings within the*
355 *Area shall be organized in relation to this internal main street to create a*
356 *walkable connection among the different uses and buildings.*

357
358 C. *Off street parking shall be provided in a manner so that it is screened from*
359 *the right of way by buildings, landscaping or other means. Off street parking shall*
360 *be screened from adjacent noncommercial uses and consideration should be given*
361 *to locating parking to the side or rear of the building. Off street parking may be*
362 *shared among the adjacent uses.*

363
364 D. *Service drives for loading and trash collection are encouraged.*

365
366 E. *Public areas for seating, gathering, and public amenities, such as fountains,*
367 *amphitheaters, display areas, public art, kiosks, and recreational activities, shall*
368 *be integrated into the Area.*

369
370 3. *Civic Area.*

371 *A Civic Area is optional in the MPZ, subject to the additional requirements below.*
372 *Its purpose is to provide a range of civic uses including government buildings,*
373 *education buildings, libraries, meeting halls, museums, recreational facilities,*
374 *places of worship, or other similar cultural, civic or social uses with the*
375 *opportunity to incorporate a variety of residential uses. Residential use of part of*
376 *such areas is encouraged to make them more active and secure after the workday*
377 *is over.*

378
379 A. *The MPZ may have one or more Civic Areas, but the total acreage*
380 *dedicated to the areas shall not exceed ten percent (10%) of the total MPZ.*

381
382 B. *Building height shall be no greater than fifty (50) feet. Buildings may be*
383 *connected but must retain fire separation and have a distinct connection. Mixed-*
384 *use buildings are encouraged.*

385

386 C. *The Civic Area shall be designed around a through street or streets which*
387 *connect to the street system outside the area and also interconnect within the*
388 *overall plan. Buildings within the Area shall be organized in relation to this*
389 *internal main street to create a walkable connection among the different uses and*
390 *buildings.*

391
392 D. *Off street parking shall be provided in a manner so that it is screened from*
393 *the right of way by buildings, landscaping or other means. Off street parking shall*
394 *be screened from adjacent noncommercial uses and consideration should be given*
395 *to locating parking to the side or rear of the building. Off street parking may be*
396 *shared among the adjacent uses.*

397
398 E. *Service drives for loading and trash collection are encouraged.*

399
400 F. *Public areas for seating, gathering, and public amenities, such as fountains,*
401 *amphitheaters, display areas, public art, kiosks, and recreational activities, shall*
402 *be integrated into the Area.*

403
404 **§ 115-138 Master Manual.**

405 A. *The Master Manual, once approved by County Council, shall constitute an*
406 *agreement by the landowner/developer to follow the standards and guidelines*
407 *contained therein during the design, construction and maintenance of land*
408 *developed according to this Article. The Master Manual also establishes the*
409 *nature and identity of the community for potential future residents prior to its*
410 *completion. The Master Manual addresses a series of items pertaining to the*
411 *physical character of the MPZ development.*

412
413 B. *The Master Manual shall consist of a brief written and graphic description*
414 *of the landowner/developer's proposed approach to the MPZ as a whole and it*
415 *shall address the Areas and types of uses set forth in Section 115-137. The*
416 *architectural, lighting, signage and landscape examples may be vignettes of styles*
417 *with graphic and narrative descriptions for this submission. The purpose of the*
418 *Master Manual is to insure that the owner/developer gives adequate thought to the*
419 *nature of a MPZ designation and understands the impacts of such a designation*
420 *on site development; and it provides a way for the County to be involved early in*
421 *the planning process to confirm that the Purpose and Intent of this Article will be*
422 *followed.*

423

424 C. *The Master Manual shall address the items listed in Section 115-135*
425 *“Design and Development Principles and Standards” through evidence of*
426 *substantive research and physical guidelines. The extensive use of photographs,*
427 *drawings and other graphic methods is strongly encouraged. The results of this*
428 *work may be organized in a manner that best represents the*
429 *landowner/developer's intent as long as all the items are substantively addressed.*

430
431 D. *The following items are required to be included in the Master Manual:*

432
433 1. *Nearby developed precedents - a discussion and illustration of local*
434 *and regional precedents in the design of the County’s existing*
435 *neighborhoods, communities, buildings, and landscape and how they will be*
436 *reflected in the proposed development.*

437
438 2. *Existing natural features – plans showing existing natural features*
439 *including topography, soils, wetlands, drainage, vegetation and any*
440 *potential limitations on development as a result of these features.*

441
442 3. *Circulation and transportation - classification and illustration of a*
443 *system of roads, streets, alleys, parking areas and pedestrian and bicycle*
444 *routes that creates an integrated network serving the MPZ development and*
445 *links it to adjacent areas. Detailed design standards and illustrations for*
446 *each component of the system are required. A plan of the circulation*
447 *systems shall be included along with a Master Transportation Plan*
448 *approved by DelDOT.*

449
450 4. *Uses – an overall program of uses showing general use locations and*
451 *the locations of Neighborhood Commercial Areas, Professional Office,*
452 *Medical and Financial Areas and Civic Areas and the acreage or square*
453 *footage of each type of use or Area.*

454
455 5. *Building lots - a classification and illustration of the full range of*
456 *proposed lot types, sizes and setbacks, locations of potential accessory*
457 *buildings, and access by auto and foot. A plan of their location throughout*
458 *the development shall be included.*

459
460 6. *Density – the total residential density of the entire MPZ, in*
461 *accordance with the Spatial Distribution Plan.*

462

- 463 7. *Housing Types - The housing types, broken down by area within the*
464 *MPZ as appropriate.*
465
- 466 8. *Buildings - a classification of the full range of buildings, residential,*
467 *commercial, office or mixed, to be constructed including detailed guidelines*
468 *addressing their architectural character and essential required elements,*
469 *such as size, height, composition and massing, windows, doors, porches,*
470 *roof design, fenestration, and all materials. A plan of their location by use*
471 *type throughout the development shall be included.*
472
- 473 9. *Accessory structures - detailed design guidelines for accessory*
474 *structures including, but not limited to, fences, sheds, pools, garages,*
475 *gazebos shall be included and compatible with the MPZ design principles.*
476
- 477 10. *Open spaces - a classification of a system of landscaped open spaces*
478 *(in addition to private yards) with a plan of the network created by the open*
479 *spaces and pedestrian and bicycle circulation systems.*
480
- 481 11. *Landscape design - a palette of hard (paving) and plant materials*
482 *along with street furniture, major focal elements and ornamentation shall be*
483 *provided. These shall be located on a plan of the development. Details of*
484 *plant species and hard materials shall be included.*
485
- 486 12. *Stormwater management – a preliminary design of anticipated*
487 *stormwater management areas.*
488
- 489 13. *Lighting design - placement of public and private lighting throughout*
490 *the development and design of the lighting fixtures, globes, illumination*
491 *patterns and intensities.*
492
- 493 14. *Signage – a preliminary design including the typical size, type, height*
494 *and placement of all sign for public and private uses within the MPZ.*
495
- 496 15. *Coastal Area – if the MPZ is within the Coastal Area, the Master*
497 *Manual shall include the information required by Section 115-134B.(2).*
498
- 499 15. *Application and administration - a presentation of the manner in*
500 *which the Master Manual requirements and guidelines will be administered*
501 *and enforced on behalf of the developer. The roles and responsibilities of*

502 *the developer, builders and homeowners and/or homeowners' association in*
503 *overall administration of the Manual's requirements shall be addressed.*

504
505 *16. Sussex County Engineer Approval – the approval by the Sussex*
506 *County Engineer of the street, sidewalk and drainage designs to be utilized*
507 *in the MPZ.*

508

509 **§ 115-139 Procedure.**

510 *An application for rezoning of a land area to an MPZ shall be required to obtain*
511 *approvals as follows:*

512 *A. Application for an MPZ rezoning and General Overall Master Plan review.*
513 *After an application is received, but prior to any further action being taken with*
514 *regard to it, the applicant shall meet with the Director and the County Engineer*
515 *for a preliminary review of the MPZ and the General Overall Master Plan and the*
516 *Master Manual for compliance with the Design and Development Principles and*
517 *Standards of Section 115-135, the requirements of Section 115-138, the other*
518 *requirements and guidelines of this Article, and incorporating their land planning*
519 *experience and technical knowledge. This shall be a collaborative effort to refine*
520 *the application and design of the MPZ.*

521 *Thereafter, each application for a rezoning to an MPZ shall be heard by the*
522 *Planning Commission for a recommendation to the County Council, which will*
523 *make the final action on the MPZ, the General Overall Master Plan and the*
524 *Master Manual. The Commission may recommend, and County Council may*
525 *impose, conditions upon the MPZ Zoning and/or the approval of the General*
526 *Overall Master Plan and Master Manual.*

527 *The application for rezoning to a MPZ shall include, in addition to the Eligibility*
528 *Requirements of Section 115-134, the following:*

- 529 *1. A narrative on the nature of the applicant's interest in the*
530 *development;*
- 531 *2. A narrative explaining the manner in which the application conforms*
532 *to the Purpose and Intent of this Article;*
- 533 *3. The development team involved in the proposed development;*
- 534 *4. A General Overall Master Plan; and*
- 535 *5. A narrative Master Manual;*

536 *B. Application for Implementation Plan Review. After an MPZ, General Overall*
537 *Master Plan and Master Manual is approved by County Council, the Commission*
538 *shall review the MPZ Implementation Plan and Implementation Manual. The*
539 *Implementation Plan and Implementation Manual shall abide by and match the*
540 *approved General Overall Master Plan and the Master Manual incorporated*
541 *therein. The submission for the individual Areas as described in Section 115-137*
542 *may be considered separately by the Commission. The Director shall determine*
543 *whether any Implementation Plan and Implementation Manual submitted meet the*
544 *minimum requirements of this Article and Section, including but not limited to the*
545 *requirements, elements and principles of the General Overall Master Plan, the*
546 *Master Manual and the Comprehensive Plan prior to submitting the application to*
547 *the Commission for review. The Commission may approve the Implementation*
548 *Plan and the Implementation Manual once it has determined that they meet the*
549 *purpose and intent of this Article and Chapter and the approved General Overall*
550 *Master Plan.*

551 *All elements of any Implementation Plan shall include the following:*

- 552 *1. The Implementation Manual.*
- 553 *2. Detailed plans of existing natural features showing topography, soils,*
554 *drainage and vegetation.*
- 555 *3. Detailed plans of the proposed building locations, actual street, road*
556 *and transportation networks, parking areas with counts, recreation and*
557 *open space with area calculations, stormwater management and a phasing*
558 *plan.*
- 559 *4. Final program of uses including building footprints for*
560 *commercial/office uses and buildable envelope for residential portions,*
561 *building height, and total square feet by use and housing type.*
- 562 *5. The proposed development pattern, materials, dimensions and*
563 *architectural styles as shown in the Master Manual.*

564 *Once approved, the Implementation Plan shall be considered as an approved*
565 *Preliminary Site Plan in accordance with Sections 115-220 and Chapter 99, as*
566 *appropriate.*

567 *C. Action Following Implementation Plan Approval. Following*
568 *Implementation Plan approval, the Director shall perform an administrative*
569 *review of subsequent Final Site Development Plans for compliance with the*
570 *approved Implementation Plan in accordance with the following:*

571 1. *Site development plan: the approval of Final Site Development Plans*
572 *for areas or phases within the MPZ shall adhere to the Final Site Plan*
573 *process and requirements set forth in Section 115-221.*

574 2. *Implementation Plan amendments: The Director will entertain only*
575 *minor, clarifying amendments to the plans or the Master Manual in*
576 *considering a Final Site Development Plan. Minor amendments may*
577 *include, but are not limited to, the addition of a material for landscaping,*
578 *adjustments to the specific street or alley placement of less than 50 feet, or*
579 *change in location of structures in an active recreation space. Any major*
580 *amendments, as determined by the Director, will be required to be approved*
581 *by the Planning Commission. Provided, however, that amendments that are*
582 *inconsistent with the approved MPZ, General Overall Master Plan and*
583 *Master Manual shall require an amendment to both following a public*
584 *hearing before the Commission and County Council.*

585 3. *The development of the site in accordance with the Implementation*
586 *Plan and Final Site Development Plan shall be subject to all applicable*
587 *bonding requirements set forth in Chapters 99 and 115.*

588 4. *The approved Implementation Plan and Final Site Development Plan*
589 *shall be rendered null and void if substantial construction is not commenced*
590 *thereon within five years of the approval thereof.*

591
592 **§ 115-140. (Reserved).**

1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**
2 **CHAPTER 115, ARTICLE XXIV, SECTION 115-172 AND**
3 **ARTICLE XXV, SECTION 115-194.5 TO ADD PROVISIONS FOR**
4 **SPECIAL REQUIREMENTS FOR SOLAR FARM**
5 **CONDITIONAL USES.**

6
7 WHEREAS, Pursuant to the provisions of Title 9, Chapters 68 and 69 of
8 the Delaware Code, the Sussex County Government has the power and
9 authority to regulate the use of land and adopt a Comprehensive Land Use
10 Plan; and

11
12 WHEREAS, Pursuant to Chapters 99 and 115 of the Code of Sussex
13 County, the Sussex County Government has undertaken to regulate the
14 use of land; and

15
16 WHEREAS, The Utilities Element of the Sussex County Comprehensive
17 Plan, at Section 7.5 thereof, provides that “The County should encourage
18 the development of renewable energy from a utility-level standpoint in
19 order to realize the potential for more prevalent uses of renewable energy
20 across the state as suppliers work to meet their future energy goals”; and

21
22 WHEREAS, Goal 7.3 and Objective 7.3.2 of the Sussex County
23 Comprehensive Plan seek to “Reduce energy consumption through
24 encouragement of energy conservation and renewable energy” and
25 “Encourage renewable energy options”; and

26
27 WHEREAS, Strategy 7.3.2.1 of the Sussex County Comprehensive Plan
28 seeks to “Encourage renewable energy sources from a utility level
29 standpoint with a committed power company integration”; and

30
31 WHEREAS, Strategy 7.3.2.2 of the Sussex County Comprehensive Plan
32 directs the County to “be adaptive to new renewable energy sources and
33 revisit County Code as needed”; and

35 WHEREAS, this Ordinance is in furtherance of the foregoing Goals,
36 Objectives and Strategies of the Sussex County Comprehensive Plan; and

37
38 WHEREAS, Sussex County has experienced an increase in applications
39 for Solar Farms and Solar Arrays approved as conditional uses and Sussex
40 County seeks to create uniform conditions to be imposed upon them in
41 addition to others that may be necessary given the particular
42 circumstances of an application; and

43
44 WHEREAS, it has been determined that this Ordinance promotes and
45 protects the health, safety, convenience, orderly growth and welfare of
46 the inhabitants of Sussex County.

47
48 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**
49 **ORDAINS:**

50
51 **Section 1. The Code of Sussex County, Chapter 115, Article XXIV,**
52 **§115-172 is hereby amended by adding a new subsection I. by**
53 **inserting the italicized language as follows:**

54
55 **§115-172. Special Requirements.**

56
57 . . .

58
59 *I. Installation of solar panels, solar farms or solar arrays, provided that:*

60
61 *(1) The solar panels, solar farm or solar array area shall be surrounded*
62 *by a landscaped buffer strip of open space a minimum of 100 feet from*
63 *any street lines and a minimum distance of 50 feet from all property lines.*
64 *The landscape buffer plan may be included within the 100 feet buffer*
65 *strip. The buffer strip shall remain free of any buildings or streets.*
66 *Provided, however, that the Commission may require greater setbacks or*
67 *buffering due to particular site-related conditions.*

68

69 (2) The solar panels, solar farm or solar array area shall be at least
70 200 feet from any dwelling on property of other ownership.

71
72 (3) Any transformers or similar equipment and structures shall be
73 centrally located on the site and shall be at least 200 feet from any
74 dwelling on property of other ownership.

75
76 (4) The use shall be for a ground-mounted solar farm and the storage
77 through batteries or similar means of solar-generated electricity.~~solar~~
78 ~~storage only. No other types of electric generation shall be permitted at~~
79 ~~the site.~~

80
81 (5) One unlighted sign, not to exceed 32 square feet in size, shall be
82 permitted. The sign shall identify the operator of the use and shall provide
83 contact information and instructions to first responders in case of
84 emergency.

85
86 (6) The area of the solar panels, solar farm or solar array shall be
87 secured by fencing with a gate with an emergency key box to
88 accommodate emergency access by the local fire company or other
89 emergency responders. The fence line shall be shown on the Final Site
90 Plan.

91
92 (7) In order to assure a complete reclamation upon the abandonment,
93 discontinuance or termination of the use, there shall be a
94 decommissioning plan that includes a financial security sufficient to
95 ensure that funds are available for decommissioning and removal of the
96 solar panels, solar farm or solar arrays in their entirety.

97
98 (8) Prior to issuance of a notice to proceed with development of the
99 solar panels, solar farm or solar array, a site plan shall be submitted to
100 the Commission for review. The site plan shall be prepared in compliance
101 with this subsection, Article XXVII of this chapter and the following:

102

103 (a) *Site plans shall designate the existing site conditions,*
104 *including the existing topography of the site, the locations of all*
105 *existing woodlands and wetlands. The site plans shall designate the*
106 *proposed area where the solar panels or solar arrays will be*
107 *located, the buffer area including the vegetation included within*
108 *them, and the proposed decommissioning plan.*

109
110 (b) *Approvals shall be required from the appropriate government*
111 *agencies for the use, including, but not limited to, the State Fire*
112 *Marshal, the Department of Transportation and for any required*
113 *stormwater management and erosion and sedimentation control.*

114
115 **Section 2. The Code of Sussex County, Chapter 115, Article XXV, is**
116 **hereby amended by adding a new §115-194.5 by inserting the**
117 **italicized language as follows:**

118
119 ***§115-194.5. Solar Facilities.***

120
121 A. *Solar panels and similar uses that are accessory to the principal use*
122 *on the same lot and not used for commercial purposes shall be*
123 *permitted in all Districts.*

124
125 B. *All other solar panels, solar farms or solar arrays shall require a*
126 *conditional use and shall comply with the requirements of §115-*
127 *172.I.*

128
129 **Section 3. Effective Date.**

130 This Ordinance shall take effect upon the date of adoption by Sussex
131 County Council.

132

133

134

135

136

137

To Be Introduced: 02/07/23

Council District 1: Mr. Vincent
Tax I.D. No.: 532-19.00-57.00
911 Address: 8517 West Line Road, Delmar

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A 17.45 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 29.45 ACRES, MORE OR LESS

WHEREAS, on the 30th day of June 2022, a Conditional Use Application, denominated Conditional Use No. 2385 was filed on behalf of Consolidated Edison Development, Inc.; and

WHEREAS, on the ____ day of _____ 2023, 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. 2385 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2385 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying on the north side of West Line Road (S.C.R. 512) approximately 0.67 mile west of Delmar Road (Route 54) and being more particularly described in the attached legal description prepared by Bergmann, said parcel containing 29.45 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: 02/07/23

Council District 4: Mr. Hudson
Tax I.D. No.: 233-5.00-187.00
911 Address: 30561 Thorogoods Road, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.81 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2022, a conditional use application, denominated Conditional Use No. 2380 was filed on behalf of Dagsboro Thorogoods Solar 1, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 2380 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2380 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the east side of Thorogoods Road (S.C.R. 333) approximately 0.41 mile northeast of Dagsboro Road (Rt. 20) and being more particularly described in the attached legal description prepared by Jack Cordrey, said parcel containing 28.81 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: 02/07/23

Council District 5: Mr. Rieley
Tax I.D. No.: 234-6.00-6.01, 6.02, & 6.03
911 Address: N/A, 30857 & 30862 Saddle Ridge Way, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2022, a conditional use application, denominated Conditional Use No. 2379 was filed on behalf of Lewes Saddle Ridge Solar 1, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 2379 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2379 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the north and south side of Saddle Ridge Way and on the west side of Beaver Dam Road (S.C.R. 23) approximately 0.57 mile northeast of Hopkins Road (S.C.R. 286) and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 15.97 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.



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: February 3, 2023

RE: County Council Report for Ordinance No. 22-08 relating to the Future Land Use Map Element of the Comprehensive Plan

On September 13, 2022, the Planning & Zoning Department received an application requesting an amendment to the Future Land Use Map element of the Comprehensive Plan. The request was to amend the area designation of Tax Parcel No. 135-11.00-65.00 from the Low-Density Area to the Existing Development Area. The property is located at on the north side of Lewes Georgetown Highway (Rt. 9) approximately 620 feet northeast of Gravel Hill Road (Rt. 30). The parcel size is 9.72 acres +/-.

On September 30, 2022, an Ordinance was introduced by the County Council to consider the requested amendment. **Please note that, in accordance with the procedure agreed with the State Planning Office, a PLUS review will be required for the amendment to the Comprehensive Plan should the County Council wish to adopt the Ordinance.** Written comments would then be provided to the County Council once received from the Office of State Planning.

The Planning & Zoning Commission held a Public Hearing on the application on December 8, 2022. At the meeting of January 12, 2023, the Planning & Zoning Commission recommended denial of the application for the 7 reasons stated as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of December 8, 2022 and January 12, 2023.

Minutes of the December 8, 2022 Planning & Zoning Commission Meeting

Chairman Wheatley announced that the following cases Ord. 22-08, C/Z 1959 Charles E. Turner, Jr., and C/U 2320 Charles E. Turner, Jr. are related applications, and that the Applicant has requested



that they make one presentation. Chairman Wheatley noted that each Application will be voted on separately.

ORD 22-08

AN ORDINANCE TO AMEND THE FUTURE LANDS USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-65.00. The property is located on the north side of Lewes Georgetown Highway (Rt. 9), approximately 620 feet northeast of Gravel Hill Road (Rt. 30). 911 Address: N/A Tax Parcel: 135-11.00-65.00.

Mr. Whitehouse stated that specifically the request is to amend the area designation on the Future Land Use Map from a Low-Density Area to the Existing Development Area.

Mr. Whitehouse advised the Commission that submitted into the record for all three applications are a copy of the draft ordinance, a copy of the Applicant's exhibits, a copy of the DelDOT Service Level Evaluation Response, for the CZ and CU applications – there are copies of the staff analysis, a copy of the Applicant's PLUS submittal, a copy of the Applicant's proposed conditions of approval for the Conditional Use application, a copy of the Applicant's conceptual site plan, a copy of the deed for the property, a copy of written comments received from DNREC Watershed Stewardship, a letter received from Artesian Resources, and a copy of a letter from Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that there were no comments received for any of the three applications.

The Commission found that Ms. Mackenzie Peet, Esq. was present on behalf of the Applicant, Mr. Charles Turner; that also present are Mr. Turner and Mr. Roger Gross, P.E. with Merestone Consultants; that the existing property is 9.72 acres and is the present location of Silver Oaks Trailer Park; that this area is adjacent to the open space within the Hawthorne Community and the location of the former Burns Pet Store; that to the rear of the property is a tax ditch prong; that across the road are some residential homes and some property that was rezoned to B-1 (Neighborhood Business District) which is owned by Two Farms, Inc.; that the existing Silver Oaks Trailer Park was established on April 6, 1966 and was approved for 38 mobile home lots in 1970; that today there are eleven (11) mobile home lots on the site; that all existing mobile home owners have been notified of Mr. Turner's plan to develop the site; that the property is currently zoned AR-1 (Agricultural Residential District); that the properties adjacent to the subject property are also zoned AR-1; that along Route 9 there is a mixture of zoning districts mainly C-1, AR-1 and some B-1; that further out there are some MR, CR-1, and HI-1 zoning districts; that the Future Land Use Designation presently is Low-Density Area and is surrounded by properties designated as Commercial Area and Industrial Area; that the project is located in Investment Level IV and the Land Use Map amendment is scheduled before PLUS on December 21, 2022; that PLUS comments will be responded to before the County Council public hearing; that with respect to the Future Land Use Map request the property is currently designated as a Low-Density Area; that the Low Density Area is considered to be a rural area; that as of 2018, all lands designated as Low Density Areas are also zoned AR-1 which permit single-family detached lots; that Ordinance 22-08 seeks to amend the Future Land Use Map from Low Density to and Existing Development Area – a growth area; that Chapter 4 of the Comprehensive Plan explains that this area consists of primarily existing residential developments similar to this one presently under General Residential or Medium Residential zoning districts and some commercial uses; that these areas are scattered throughout the County and often times next to Low Density Areas; that the land use history of the property is relevant in that this property was permitted as a Mobile Home Park and approved for 38 lots as reflected in Exhibit B in the record; that this property has been an existing residential

development since 1966; that the established Mobile Home Park predated Sussex County Code and this property should have been designated as an Existing Development Area; that this area permits a full range of housing types; that the proposed use is consistent with the Existing Development Area; that there are Existing Development Area in the vicinity of the subject property close to Route 9 and Route 5; that infrastructure is already in the area and central water and sewer are encouraged for the Existing Development Area; that sewer and water will be provided by Artesian; and that the applicable zoning districts in the Existing Development Area include MR and would be consistent with the Land Use change.

Chairman Wheatley asked for Clarification about the additional 8 units approved by Board of Adjustment.

Ms. Peet stated that the Mobile Home Park was originally approved for 38 units, however, only 21 were developed and the BOA Case 116 was for an additional 8 units which brought the total to 29 units.

Ms. Peet stated that the Applicant's second request is CZ 1959 to rezone the property from AR-1 to MR to ultimately develop 42 multi-family units; that the MR district provides for medium density residential development in areas which are or are expected to become generally urban in character where sanitary sewer and public water may or may not be available at the time of construction; that as previously discussed, there is availability here; that although AR-1 permits low-density multi-family through the pursuit of a Conditional Use application but the Applicant wishes to rezone to MR which permits the medium density residential to allow for 42 multi-family units; that the proposed rezoning is compatible with the surrounding land uses which includes a mix of residential, business, and commercial uses nearby; that there are other multi-family residential units nearby including Weston Willows Apartment Complex, Azelea Woods single-family subdivision, and Hawthorne subdivision; that Table II shows the bulk requirements for multi-family units must meet the same height, area and bulk requirements; that this is relevant considering the C-1 zoning district near the property; that there were three change of zone applications approved within a mile of this site; and that Table 4.5-2 Title Zoning Districts applicable to Future Land Use Categories confirms that the MR district is an applicable district in the Existing Development Area.

Ms. Peet stated that the final request is CU 2320 for a Conditional Use of land in an MR zoning district for the development of 42 multi-family units; that the proposed multi-family development will be accessed off of Route 9; that the proposed density for the development is 4.36 units per acre which is less than the permitted density in MR; that there are eight (8) buildings proposed and each building contains between 3 and 6 units; that there is also a community building and pool amenity proposed; that 6.4 acres or 66.7% of the site to remain as open space subject to final site engineering; that there will be 92 parking spaces which exceed the 84 required spaces; that the non-tidal wetlands will remain undisturbed; that stormwater management will be in accordance with local and state regulations; that water and sewer will be served by Artesian; that the increase in traffic on area roadways will be analyzed and approved by DelDOT; that preliminarily the response to the Service Level Evaluation Request state that the impact is considered to be negligible; that section 115-31 of the Code concerning multi-family units confirms that these units may be permitted as conditional uses subject to other provisions in the Code; that the proposed use is in compliance with all Code requirements including section 115-188 of the Code; that if the Future Land Use Amendment is adopted then the proposed use will be compliant and consistent with the Comprehensive Development Plan; that the Planning and Zoning office memorandum confirms that there have been three conditional use applications near this

property; that proposed conditions of approval have been submitted into the record; and that for all these reasons the request is compatible with the surrounding uses and County Code.

Mr. Whitehouse asked about the PLUS submittal.

Ms. Peet stated that the application will go to PLUS on December 21, 2022, and that the Applicant is aware that the PLUS response is required before the County Council public hearing.

The Commission found that there was no one present who wished to speak in favor of or in opposition to this application.

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

At the conclusion of the public hearings, the Commission discussed the Applications.

In relation to Ordinance 22-08. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 3-0.

Draft Minutes of the January 12, 2023 Planning & Zoning Commission Meeting

The Commission discussed the Ordinance which had been deferred since December 8, 2022.

Ms. Stevenson moved that the Commission recommend denial of an Ordinance 22-08 to amend the Future Land Use Map of the Comprehensive Plan in relation to Tax Parcel 135-11.00-65.00 based upon the record made during the public hearing and for the following reasons:

1. This Ordinance seeks to amend the Future Land Use Map within the Sussex County Comprehensive Plan from its current land use designation as a “Low-Density Area” to an “Existing Development Area”. The property that is the subject of this Ordinance is Sussex County Tax Map and Parcel # 135-11.00-39.00.
2. The “Existing Development Area” is designated in the Comprehensive Plan for “existing residential development under the current General Residential and Medium Residential zoning districts, as well as some commercial uses.” The Plan further states that “this particular classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map.” The Plan emphasizes that this Area should only be used for existing GR or MR-zoned properties. This property is currently zoned AR-1, which is not permitted within the “Existing Development Area” designation. The current “Low-Density Area” designation is consistent with the land’s existing AR-1 zoning.
3. The Comprehensive Plan also reiterates that the Existing Development Area is limited to existing GR and MR land by providing that, “There is no intention to expand this land use classification.”
4. Here, the land in question is currently zoned AR-1, not GR or MR. Although the applicant has also applied to amend the zoning to MR so that a multi-family conditional use can be developed on the property, this possible future zoning and use is not consistent with the intent of the “Existing Development Area”, which is to provide a designation for existing GR or MR land scattered throughout the County. Again, the “Existing Development Area” designation is not intended to accommodate future rezoning of land in the County.

5. There is no dispute that the property is currently developed as a small, manufactured home park that has been in existence for decades. However, it is situated upon land that is zoned AR-1 and it was never rezoned to GR. As a result, it is a legally non-conforming manufactured home park. In other words, it is grandfathered as a manufactured home park on AR-1 zoned land.
6. Because this land is not currently zoned GR General Residential or MR Medium Density Residential, and because the Comprehensive Plan states that “There is no intention to expand this land use classification”, this requested Map Amendment to add a new “Existing Development Area” on AR-1 land is not appropriate.
7. For all of these reasons, the proposed Map Amendment in Ordinance #22-08 should be denied.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend denial of Ordinance 20-08 for the reasons and conditions stated in the Motion. Motion carried 4-0.

The vote by roll call: Ms. Stevenson - yea, Mr. Hopkins - yea, Ms. Wingate - yea, Chairman Wheatley - yea

To Be Introduced: 9/30/22

Council District 5: Mr. Rieley
Tax I.D. No. 135-11.00-65.00

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-65.00.

WHEREAS, on September 13th, 2022, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of a portion of Sussex County Parcel No. 135-11.00-65.00 from the Low Density Area to the Existing Development Area; and

WHEREAS, the Parcel approximating 9.63 acres of land, lying and being within Georgetown Hundred, and located on the north side of Lewes Georgetown Highway (Route 1), approximately 600 feet northeast of the intersection of Gravel Hill Road (Route 30) and Lewes Georgetown Highway.

WHEREAS, The Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on Ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel No. 135-11.00-65.00 from the Low Density Area to the Existing Development Area. The entirety of Sussex County Parcel No. 135-11.00-65.00 so changed is identified in Exhibit A, attached hereto, and incorporated herein.

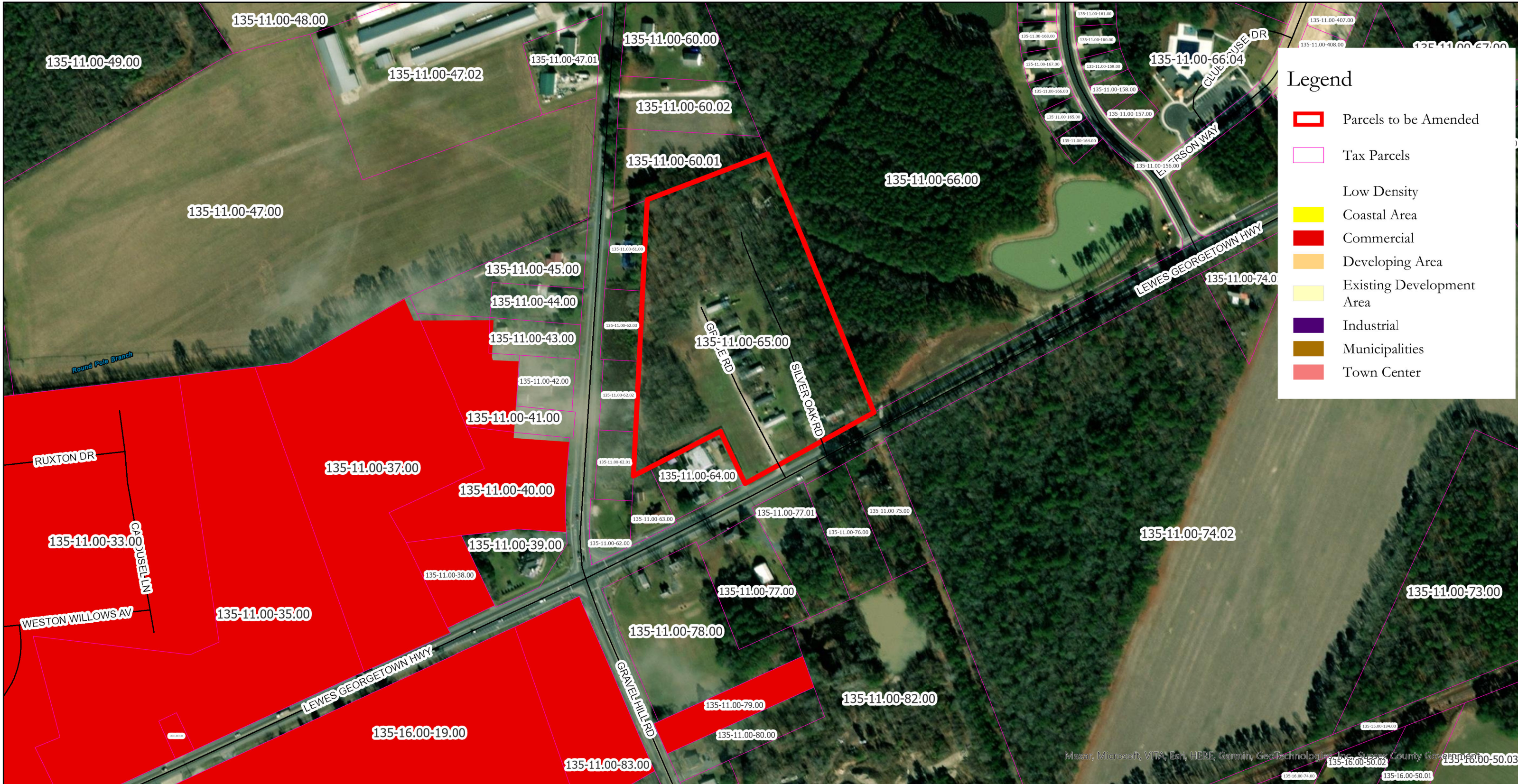
Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

EXHIBIT A:

Potential Comprehensive Plan
Amendment Parcels

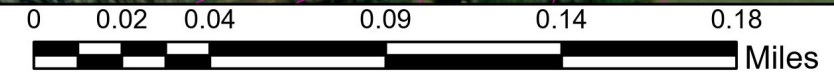


Sussex County



Legend

- Parcels to be Amended
- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



Maxar, Microsoft, VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., Sussex County Government



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: February 3, 2023

RE: County Council Report for C/Z 1959 filed on behalf of Charles E. Turner, Jr.

The Planning and Zoning Department received an application (C/Z 1959 filed on behalf of Charles E. Turner, Jr.) for a Change of Zone of Tax Parcel No. 135-11.00-65.00 from an AR-1 Agricultural Residential District to a MR Medium Residential District. The property is located at on the north side of Lewes Georgetown Highway (Rt. 9) approximately 620 feet northeast of Gravel Hill Road (Rt. 30). The parcel size is 9.72 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on December 8, 2022. At the meeting of January 12, 2023, the Planning & Zoning Commission recommended denial of the application for the 5 reasons stated as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of December 8, 2022 and January 12, 2023.

Minutes of the December 8, 2022 Planning & Zoning Commission Meeting

C/Z 1959 Charles E. Turner Jr.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Residential District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 9.72 acres, more or less. The property is located on the north side of Lewes Georgetown Highway (Rt. 9), approximately 620 feet northeast of Gravel Hill Road (Rt. 30). 911 Address: N/A Tax Parcel: 135-11.00-65.00.

Mr. Whitehouse advised the Commission that submitted into the record for all three applications are a copy of the draft ordinance, a copy of the Applicant's exhibits, a copy of the DelDOT Service Level Evaluation Response, for the CZ and CU applications – there are copies of the staff analysis, a copy



of the Applicant's PLUS submittal, a copy of the Applicant's proposed conditions of approval for the Conditional Use application, a copy of the Applicant's conceptual site plan, a copy of the deed for the property, a copy of written comments received from DNREC Watershed Stewardship, a letter received from Artesian Resources, and a copy of a letter from Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that there were no comments received for any of the three applications.

The Commission found that Ms. Mackenzie Peet, Esq. was present on behalf of the Applicant, Mr. Charles Turner; that also present are Mr. Turner and Mr. Roger Gross, P.E. with Merestone Consultants; that the existing property is 9.72 acres and is the present location of Silver Oaks Trailer Park; that this area is adjacent to the open space within the Hawthorne Community and the location of the former Burns Pet Store; that to the rear of the property is a tax ditch prong; that across the road are some residential homes and some property that was rezoned to B-1 (Neighborhood Business District) which is owned by Two Farms, Inc.; that the existing Silver Oaks Trailer Park was established on April 6, 1966 and was approved for 38 mobile home lots in 1970; that today there are eleven (11) mobile home lots on the site; that all existing mobile home owners have been notified of Mr. Turner's plan to develop the site; that the property is currently zoned AR-1 (Agricultural Residential District); that the properties adjacent to the subject property are also zoned AR-1; that along Route 9 there is a mixture of zoning districts mainly C-1, AR-1 and some B-1; that further out there are some MR, CR-1, and HI-1 zoning districts; that the Future Land Use Designation presently is Low-Density Area and is surrounded by properties designated as Commercial Area and Industrial Area; that the project is located in Investment Level IV and the Land Use Map amendment is scheduled before PLUS on December 21, 2022; that PLUS comments will be responded to before the County Council public hearing; that with respect to the Future Land Use Map request the property is currently designated as a Low-Density Area; that the Low Density Area is considered to be a rural area; that as of 2018, all lands designated as Low Density Areas are also zoned AR-1 which permit single-family detached lots; that Ordinance 22-08 seeks to amend the Future Land Use Map from Low Density to and Existing Development Area – a growth area; that Chapter 4 of the Comprehensive Plan explains that this area consists of primarily existing residential developments similar to this one presently under General Residential or Medium Residential zoning districts and some commercial uses; that these areas are scattered throughout the County and often times next to Low Density Areas; that the land use history of the property is relevant in that this property was permitted as a Mobile Home Park and approved for 38 lots as reflected in Exhibit B in the record; that this property has been an existing residential development since 1966; that the established Mobile Home Park predated Sussex County Code and this property should have been designated as an Existing Development Area; that this area permits a full range of housing types; that the proposed use is consistent with the Existing Development Area; that there are Existing Development Area in the vicinity of the subject property close to Route 9 and Route 5; that infrastructure is already in the area and central water and sewer are encouraged for the Existing Development Area; that sewer and water will be provided by Artesian; and that the applicable zoning districts in the Existing Development Area include MR and would be consistent with the Land Use change.

Chairman Wheatley asked for Clarification about the additional 8 units approved by Board of Adjustment.

Ms. Peet stated that the Mobile Home Park was originally approved for 38 units, however, only 21 were developed and the BOA Case 116 was for an additional 8 units which brought the total to 29 units.

Ms. Peet stated that the Applicant's second request is CZ 1959 to rezone the property from AR-1 to MR to ultimately develop 42 multi-family units; that the MR district provides for medium density residential development in areas which are or are expected to become generally urban in character where sanitary sewer and public water may or may not be available at the time of construction; that as previously discussed, there is availability here; that although AR-1 permits low-density multi-family through the pursuit of a Conditional Use application but the Applicant wishes to rezone to MR which permits the medium density residential to allow for 42 multi-family units; that the proposed rezoning is compatible with the surrounding land uses which includes a mix of residential, business, and commercial uses nearby; that there are other multi-family residential units nearby including Weston Willows Apartment Complex, Azelea Woods single-family subdivision, and Hawthorne subdivision; that Table II shows the bulk requirements for multi-family units must meet the same height, area and bulk requirements; that this is relevant considering the C-1 zoning district near the property; that there were three change of zone applications approved within a mile of this site; and that Table 4.5-2 Title Zoning Districts applicable to Future Land Use Categories confirms that the MR district is an applicable district in the Existing Development Area.

Ms. Peet stated that the final request is CU 2320 for a Conditional Use of land in an MR zoning district for the development of 42 multi-family units; that the proposed multi-family development will be accessed off of Route 9; that the proposed density for the development is 4.36 units per acre which is less than the permitted density in MR; that there are eight (8) buildings proposed and each building contains between 3 and 6 units; that there is also a community building and pool amenity proposed; that 6.4 acres or 66.7% of the site to remain as open space subject to final site engineering; that there will be 92 parking spaces which exceed the 84 required spaces; that the non-tidal wetlands will remain undisturbed; that stormwater management will be in accordance with local and state regulations; that water and sewer will be served by Artesian; that the increase in traffic on area roadways will be analyzed and approved by DelDOT; that preliminarily the response to the Service Level Evaluation Request state that the impact is considered to be negligible; that section 115-31 of the Code concerning multi-family units confirms that these units may be permitted as conditional uses subject to other provisions in the Code; that the proposed use is in compliance with all Code requirements including section 115-188 of the Code; that if the Future Land Use Amendment is adopted then the proposed use will be compliant and consistent with the Comprehensive Development Plan; that the Planning and Zoning office memorandum confirms that there have been three conditional use applications near this property; that proposed conditions of approval have been submitted into the record; and that for all these reasons the request is compatible with the surrounding uses and County Code.

Mr. Whitehouse asked about the PLUS submittal.

Ms. Peet stated that the application will go to PLUS on December 21, 2022, and that the Applicant is aware that the PLUS response is required before the County Council public hearing.

The Commission found that there was no one present who wished to speak in favor of or in opposition to this application.

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

At the conclusion of the public hearings, the Commission discussed the Applications.

In relation to C/Z 1959 Charles E. Turner, Jr. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 3-0.

Draft Minutes of the January 12, 2023 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since December 8, 2022.

Ms. Stevenson moved that the Commission recommend denial of C/Z 1959 Charles E. Turner Jr. for a Change in Zone from AR-1 Agricultural Residential District to MR Medium Residential District based upon the record made during the public hearing and for the following reasons:

1. This property is also the subject of a request to amend the Future Land Use Map within the Sussex County Comprehensive Plan from its current designation as a “Low-Density Area” to a new “Existing Development Area” designation. The Commission has recommended denial of that change to the Future Land Use Map.
2. Under the current “Low-Density Area” designation, a change to MR Medium Density Residential Zoning is not appropriate according to Table 4.5-2 of the Future Land Use Element of the Comprehensive Plan. The property is also surrounded by land with the Low-Density Area Designation.
3. There is no other land with an MR zoning classification in the vicinity of this property. In addition to the inconsistency with the Future Land Use Map, a rezoning of this property to MR would be inconsistent with the zoning and use of the surrounding area.
4. While there is some commercially zoned land in the area, that is primarily oriented to the Route 9/Gravel Hill Road intersection and Route 9 leading to Georgetown. There is no commercially zoned land in the immediate area of this property, particularly the northeast quadrant of the intersection.
5. For all of these reasons, it is not appropriate to rezone this property to an MR Medium Density Residential Zoning District.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend denial of C/Z 1959 Charles E. Turner, Jr. for the reasons and conditions stated in the Motion. Motion carried 4-0.

The vote by roll call: Ms. Stevenson - yea, Mr. Hopkins - yea, Ms. Wingate - yea, Chairman Wheatley - yea

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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: November 28, 2022
RE: Staff Analysis for CZ 1959 Charles E. Turner

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1959 Charles E. Turner to be reviewed during the December 8, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 135-11.00-65.00 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential (MR) District. The property is lying on the north side of Lewes Georgetown Highway (Rt. 9) approximately 600-feet northeast of the intersection of Lewes Georgetown Highway and Gravel Hill Road (Rt. 30). The parcel to be rezoned contains 9.72 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Existing Developing Area". The properties to the north, east and west have the land use designation of "Low Density Area". The properties to the south across Lewes Georgetown Highway (Rt. 9) have the land use designations of "Low Density Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Existing Development Area consists of primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map. The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-residential development consists of uses found in the neighborhood business districts and commercial districts.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north, east, and west are zoned Agricultural Residential (AR-1) Zoning District. The properties to the south across Lewes Georgetown Highway are zoned Agricultural Residential (AR-1) Zoning District and Neighborhood Business (B-1) Zoning District.

The 2018 Sussex County Comprehensive Plan Outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land



Use Categories,” the Medium Residential Zoning District (MR) is listed as an applicable zoning district in the “Existing Development Area.” This is contingent upon the approval of FLUM Ord. 22-08.

Since 2011, there has been three (3) Change of Zone applications within a 1-mile radius of the application site. The First application being, Change of Zone No. 1838 for a change of zone from AR-1 (Agricultural Residential) to B-1 (Neighborhood Business). This application was approved by the County Council at their meeting of January 1st, 2018, and was adopted through ordinance 2539. The Second Application was Change of Zone No. 1902 for a change of zone from CR-1 (Commercial Residential) to HI-1 (Heavy Industrial). This application was approved by the County Council at their meeting of February 18th, 2020, and was adopted through ordinance 2708. The third and last application was Change of Zone No. 1944 for a change of zone from AR-1 (Agricultural Residential) to C-2 (Medium Commercial).

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

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 8th, 2022

Application: CZ 1959 Charles E. Turner, Jr.

Applicant: Charles E. Turner, Jr.
29762 Oliver Wolcott Drive
Millsboro, DE 19966

Owner: Charles E. Turner, Jr.
29762 Oliver Wolcott Drive
Millsboro, DE 19966

Site Location: Located on the north side of Lewes Georgetown Highway (Route 9), approximately 600-feet northeast of the intersection of Lewes Georgetown Highway and Gravel Hill Road (Route 30).

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

Proposed Use: Multi-family Dwellings

Comprehensive Land Use Plan Reference: Low Density (Pending change to Existing Development Area)

Councilmanic District: Mr. Schaeffer

School District: Sussex Central School District

Fire District: Georgetown Fire Department

Sewer: Artesian Wastewater Management

Water: Artesian Water

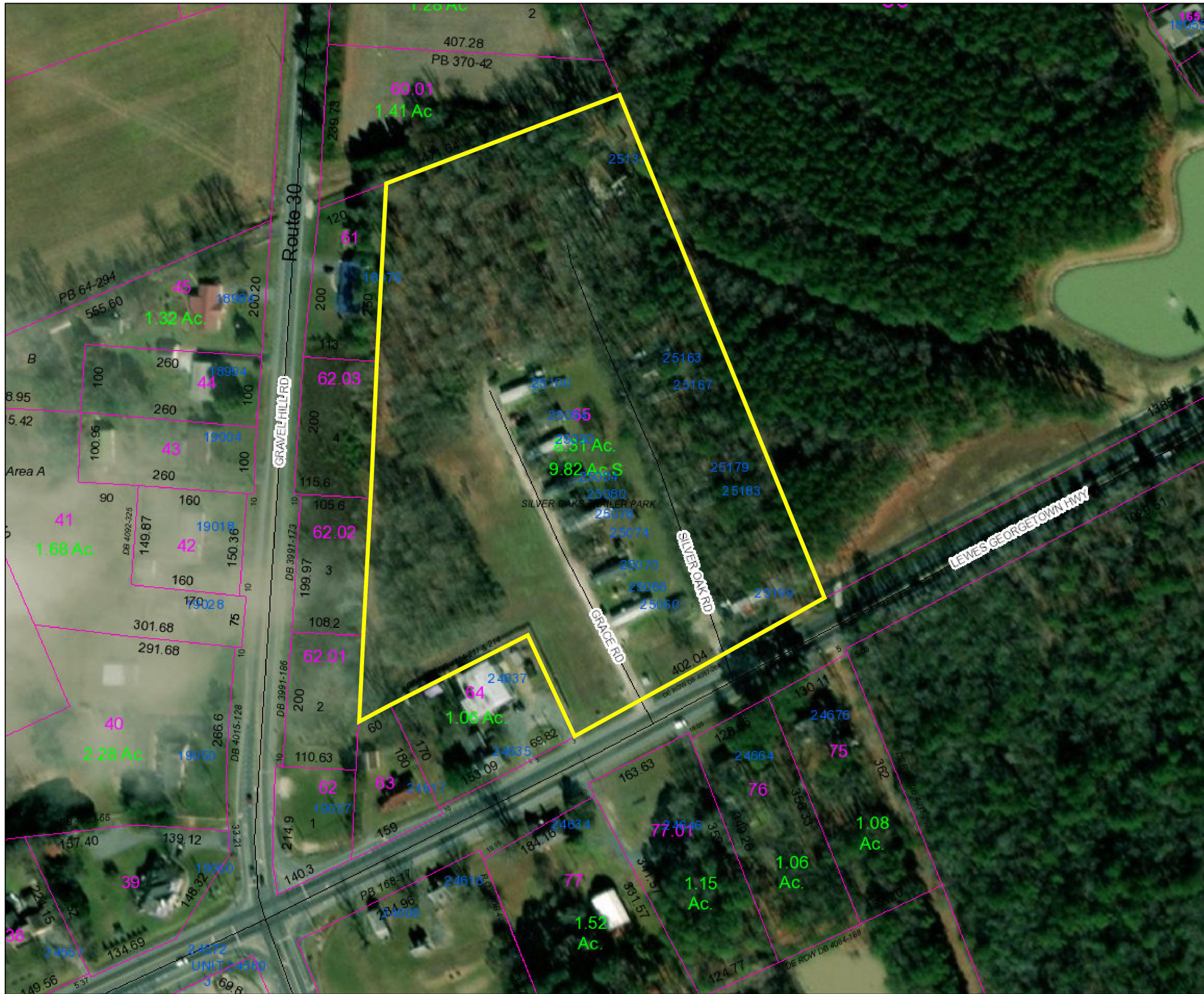
Site Area: 9.72 ac. +/-

Tax Map ID.: 135-11.00-65.00





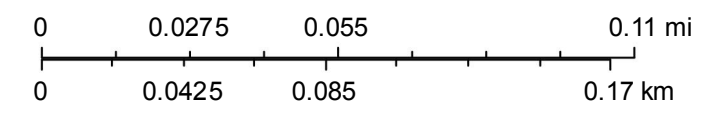
Sussex County

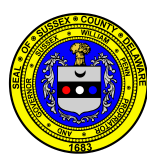


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Book	0
Mailing Address	29762 OLIVER WOLCOTT D
City	MILLSBORO
State	DE
Description	GIS TIEBACK
Description 2	DUMMY ACCOUNT
Description 3	
Land Code	

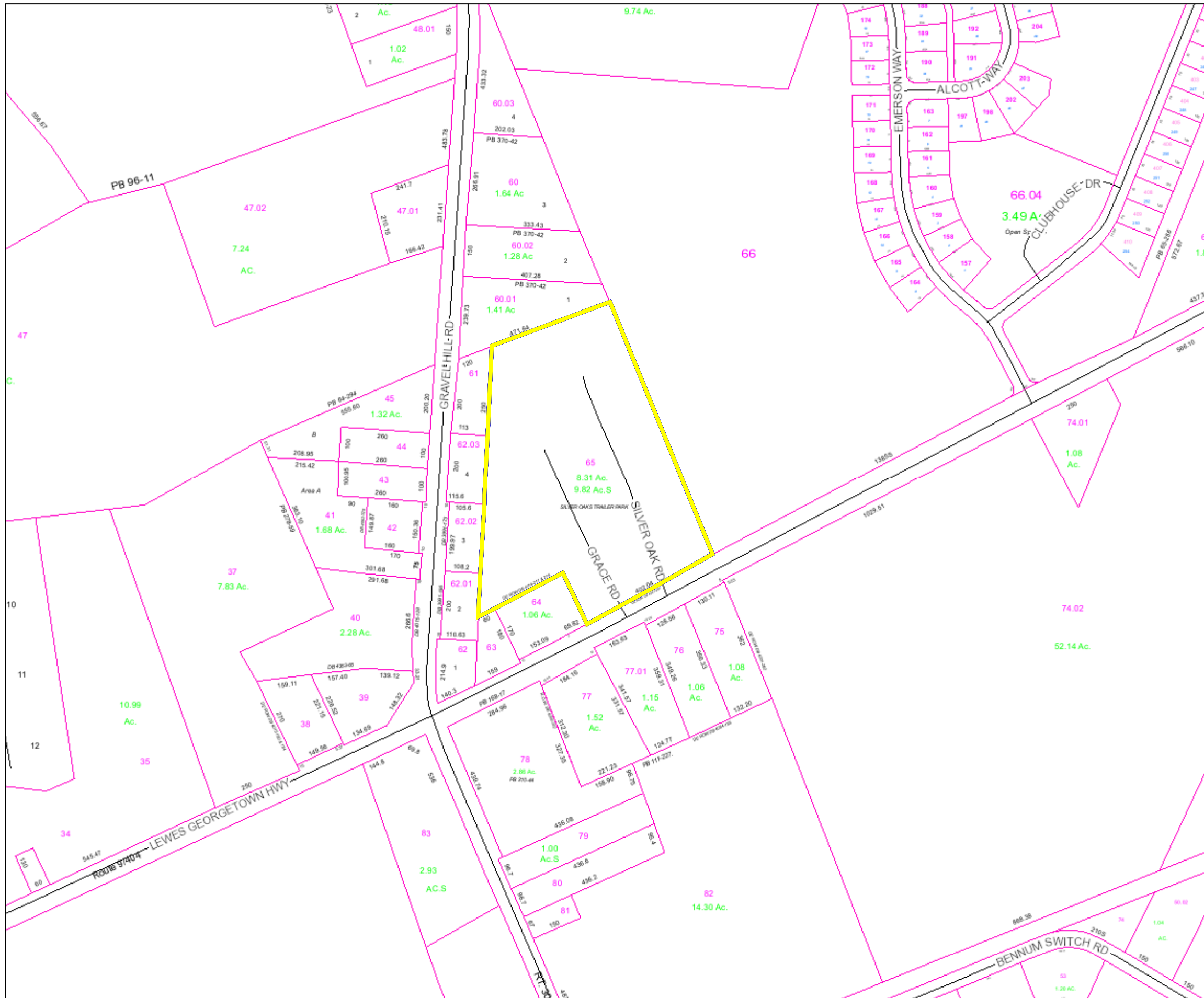
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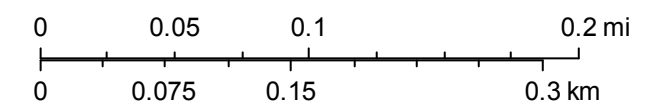
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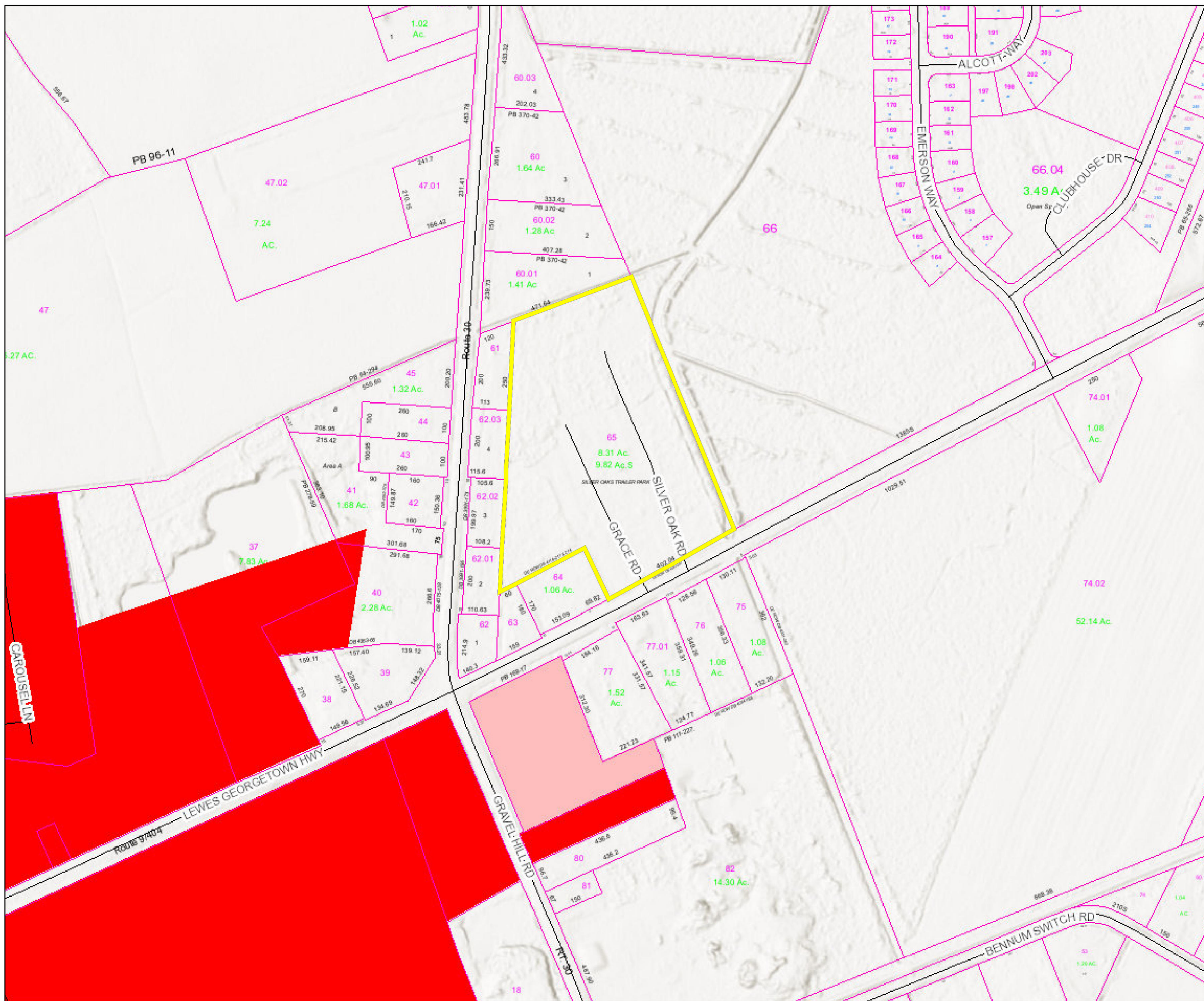
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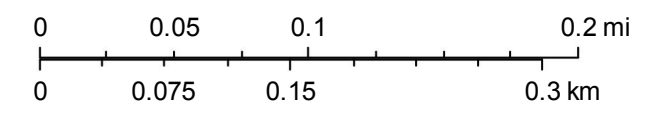
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- polygonLayer**

Override 1
- polygonLayer**

Override 1
- ⋯ Tax Parcels
- Streets

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: February 3, 2023

RE: County Council Report for C/U 2320 filed on behalf of Charles E. Turner, Jr.

The Planning and Zoning Department received an application (C/U 2320 filed on behalf of Charles E. Turner, Jr.) for a Conditional Use for parcel 135-11.00-65.00 for multi-family dwellings (42 Units). The property is located at on the north side of Lewes Georgetown Highway (Rt. 9) approximately 620 feet northeast of Gravel Hill Road (Rt. 30). The parcel size is 9.72 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on December 8, 2022. At the meeting of January 12, 2023, the Planning & Zoning Commission recommended denial of the application for the 3 reasons stated as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of December 8, 2022 and January 12, 2023.

Minutes of the December 8, 2022 Planning & Zoning Commission Meeting

C/U 2320 Charles E. Turner Jr.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (42 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.72 ACRES, MORE OR LESS. The property is located on the north side of Lewes Georgetown Highway (Rt. 9), approximately 620 feet northeast of Gravel Hill Road (Rt. 30). 911 Address: N/A Tax Parcel: 135-11.00-65.00.

Mr. Whitehouse advised the Commission that submitted into the record for all three applications are a copy of the draft ordinance, a copy of the Applicant's exhibits, a copy of the DelDOT Service Level



Evaluation Response, for the CZ and CU applications – there are copies of the staff analysis, a copy of the Applicant's PLUS submittal, a copy of the Applicant's proposed conditions of approval for the Conditional Use application, a copy of the Applicant's conceptual site plan, a copy of the deed for the property, a copy of written comments received from DNREC Watershed Stewardship, a letter received from Artesian Resources, and a copy of a letter from Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that there were no comments received for any of the three applications.

The Commission found that Ms. Mackenzie Peet, Esq. was present on behalf of the Applicant, Mr. Charles Turner; that also present are Mr. Turner and Mr. Roger Gross, P.E. with Merestone Consultants; that the existing property is 9.72 acres and is the present location of Silver Oaks Trailer Park; that this area is adjacent to the open space within the Hawthorne Community and the location of the former Burns Pet Store; that to the rear of the property is a tax ditch prong; that across the road are some residential homes and some property that was rezoned to B-1 (Neighborhood Business District) which is owned by Two Farms, Inc.; that the existing Silver Oaks Trailer Park was established on April 6, 1966 and was approved for 38 mobile home lots in 1970; that today there are eleven (11) mobile home lots on the site; that all existing mobile home owners have been notified of Mr. Turner's plan to develop the site; that the property is currently zoned AR-1 (Agricultural Residential District); that the properties adjacent to the subject property are also zoned AR-1; that along Route 9 there is a mixture of zoning districts mainly C-1, AR-1 and some B-1; that further out there are some MR, CR-1, and HI-1 zoning districts; that the Future Land Use Designation presently is Low-Density Area and is surrounded by properties designated as Commercial Area and Industrial Area; that the project is located in Investment Level IV and the Land Use Map amendment is scheduled before PLUS on December 21, 2022; that PLUS comments will be responded to before the County Council public hearing; that with respect to the Future Land Use Map request the property is currently designated as a Low-Density Area; that the Low Density Area is considered to be a rural area; that as of 2018, all lands designated as Low Density Areas are also zoned AR-1 which permit single-family detached lots; that Ordinance 22-08 seeks to amend the Future Land Use Map from Low Density to and Existing Development Area – a growth area; that Chapter 4 of the Comprehensive Plan explains that this area consists of primarily existing residential developments similar to this one presently under General Residential or Medium Residential zoning districts and some commercial uses; that these areas are scattered throughout the County and often times next to Low Density Areas; that the land use history of the property is relevant in that this property was permitted as a Mobile Home Park and approved for 38 lots as reflected in Exhibit B in the record; that this property has been an existing residential development since 1966; that the established Mobile Home Park predated Sussex County Code and this property should have been designated as an Existing Development Area; that this area permits a full range of housing types; that the proposed use is consistent with the Existing Development Area; that there are Existing Development Area in the vicinity of the subject property close to Route 9 and Route 5; that infrastructure is already in the area and central water and sewer are encouraged for the Existing Development Area; that sewer and water will be provided by Artesian; and that the applicable zoning districts in the Existing Development Area include MR and would be consistent with the Land Use change.

Chairman Wheatley asked for Clarification about the additional 8 units approved by Board of Adjustment.

Ms. Peet stated that the Mobile Home Park was originally approved for 38 units, however, only 21 were developed and the BOA Case 116 was for an additional 8 units which brought the total to 29 units.

Ms. Peet stated that the Applicant's second request is CZ 1959 to rezone the property from AR-1 to MR to ultimately develop 42 multi-family units; that the MR district provides for medium density residential development in areas which are or are expected to become generally urban in character where sanitary sewer and public water may or may not be available at the time of construction; that as previously discussed, there is availability here; that although AR-1 permits low-density multi-family through the pursuit of a Conditional Use application but the Applicant wishes to rezone to MR which permits the medium density residential to allow for 42 multi-family units; that the proposed rezoning is compatible with the surrounding land uses which includes a mix of residential, business, and commercial uses nearby; that there are other multi-family residential units nearby including Weston Willows Apartment Complex, Azelea Woods single-family subdivision, and Hawthorne subdivision; that Table II shows the bulk requirements for multi-family units must meet the same height, area and bulk requirements; that this is relevant considering the C-1 zoning district near the property; that there were three change of zone applications approved within a mile of this site; and that Table 4.5-2 Title Zoning Districts applicable to Future Land Use Categories confirms that the MR district is an applicable district in the Existing Development Area.

Ms. Peet stated that the final request is CU 2320 for a Conditional Use of land in an MR zoning district for the development of 42 multi-family units; that the proposed multi-family development will be accessed off of Route 9; that the proposed density for the development is 4.36 units per acre which is less than the permitted density in MR; that there are eight (8) buildings proposed and each building contains between 3 and 6 units; that there is also a community building and pool amenity proposed; that 6.4 acres or 66.7% of the site to remain as open space subject to final site engineering; that there will be 92 parking spaces which exceed the 84 required spaces; that the non-tidal wetlands will remain undisturbed; that stormwater management will be in accordance with local and state regulations; that water and sewer will be served by Artesian; that the increase in traffic on area roadways will be analyzed and approved by DelDOT; that preliminarily the response to the Service Level Evaluation Request state that the impact is considered to be negligible; that section 115-31 of the Code concerning multi-family units confirms that these units may be permitted as conditional uses subject to other provisions in the Code; that the proposed use is in compliance with all Code requirements including section 115-188 of the Code; that if the Future Land Use Amendment is adopted then the proposed use will be compliant and consistent with the Comprehensive Development Plan; that the Planning and Zoning office memorandum confirms that there have been three conditional use applications near this property; that proposed conditions of approval have been submitted into the record; and that for all these reasons the request is compatible with the surrounding uses and County Code.

Mr. Whitehouse asked about the PLUS submittal.

Ms. Peet stated that the application will go to PLUS on December 21, 2022, and that the Applicant is aware that the PLUS response is required before the County Council public hearing.

The Commission found that there was no one present who wished to speak in favor of or in opposition to this application.

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

At the conclusion of the public hearings, the Commission discussed the Applications.

In relation to C/U 2320 Charles E. Turner, Jr. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 3-0.

Draft Minutes of the January 12, 2023 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since December 8, 2022.

Ms. Stevenson moved that the Commission recommend denial of C/U 2320 Charles E. Turner Jr. for a Conditional Use for Multi-family Dwellings (42 Units) based upon the record made during the public hearing and for the following reasons:

1. This application is for a property that is the subject of a change to the Future Land Use Map from its current “Low-Density Area” designation to a new “Existing Development Area” designation and a Change in Zone from its existing AR-1 zoning to MR zoning. The Commission has recommended that both of these changes be denied.
2. The Rezoning and the Future Land Use Map amendment are necessary to accomplish the multi-family conditional use for 42 units that is the subject of this application.
3. Because the Commission has recommended a denial of both the Map Amendment and the Rezoning, the Commission must recommend a denial of this Conditional Use.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend denial of C/U 2320 Charles E. Turner, Jr. for the reasons and conditions stated in the Motion. Motion carried 4-0.

The vote by roll call: Ms. Stevenson - yea, Mr. Hopkins - yea, Ms. Wingate - yea, Chairman Wheatley - yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 8th, 2022

Application: CU 2320 Charles E. Turner, Jr.

Applicant: Charles E. Turner, Jr.
29762 Oliver Wolcott Drive
Millsboro, DE 19966

Owner: Charles E. Turner, Jr.
29762 Oliver Wolcott Drive
Millsboro, DE 19966

Site Location: Located on the north side of Lewes Georgetown Highway (Route 9), approximately 600-feet northeast of the intersection of Lewes Georgetown Highway and Gravel Hill Road (Route 30).

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

Proposed Use: Multi-family Dwellings

Comprehensive Land Use Plan Reference: Existing Development Area (Pending FLUM Ord. 22-08)

Councilmanic District: Mr. Schaeffer

School District: Sussex Central School District

Fire District: Georgetown Fire Department

Sewer: Artesian Wastewater Magement

Water: Artesian Water

Site Area: 9.72 ac. +/-

Tax Map ID.: 135-11.00-65.00



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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: November 28th, 2022
RE: Staff Analysis for CU 2320 Charles E. Turner

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 23320 Charles E. Turner to be reviewed during the December 8, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 135-11.00-65.00, to allow for forty-two (42) multi-family units to be located off the north side of Lewes Georgetown Highway (Rt. 9). The property is lying on the north side of Lewes Georgetown Highway, approximately 600-feet northeast of the intersection of Lewes Georgetown Highway and Gravel Road (Rt. 30).

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Existing Developing Area". The properties to the north, east and west have the land use designation of "Low Density Area". The properties to the south across Lewes Georgetown Highway (Rt. 9) have the land use designations of "Low Density Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Existing Development Area consists of primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map. The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-residential development consists of uses found in the neighborhood business districts and commercial districts.

The property is zoned Medium Density Residential (MR) contingent on a change of zone application from Agricultural Residential (AR-1) to Medium Density Residential (MR) (CZ 1959).

Since 2011, there has been three (3) Conditional Use application within a 1-mile radius of the application site. The first application was for Conditional Use No. 2162 to allow for a paving construction business with an office and equipment storage. The application was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, February 14, 2019.

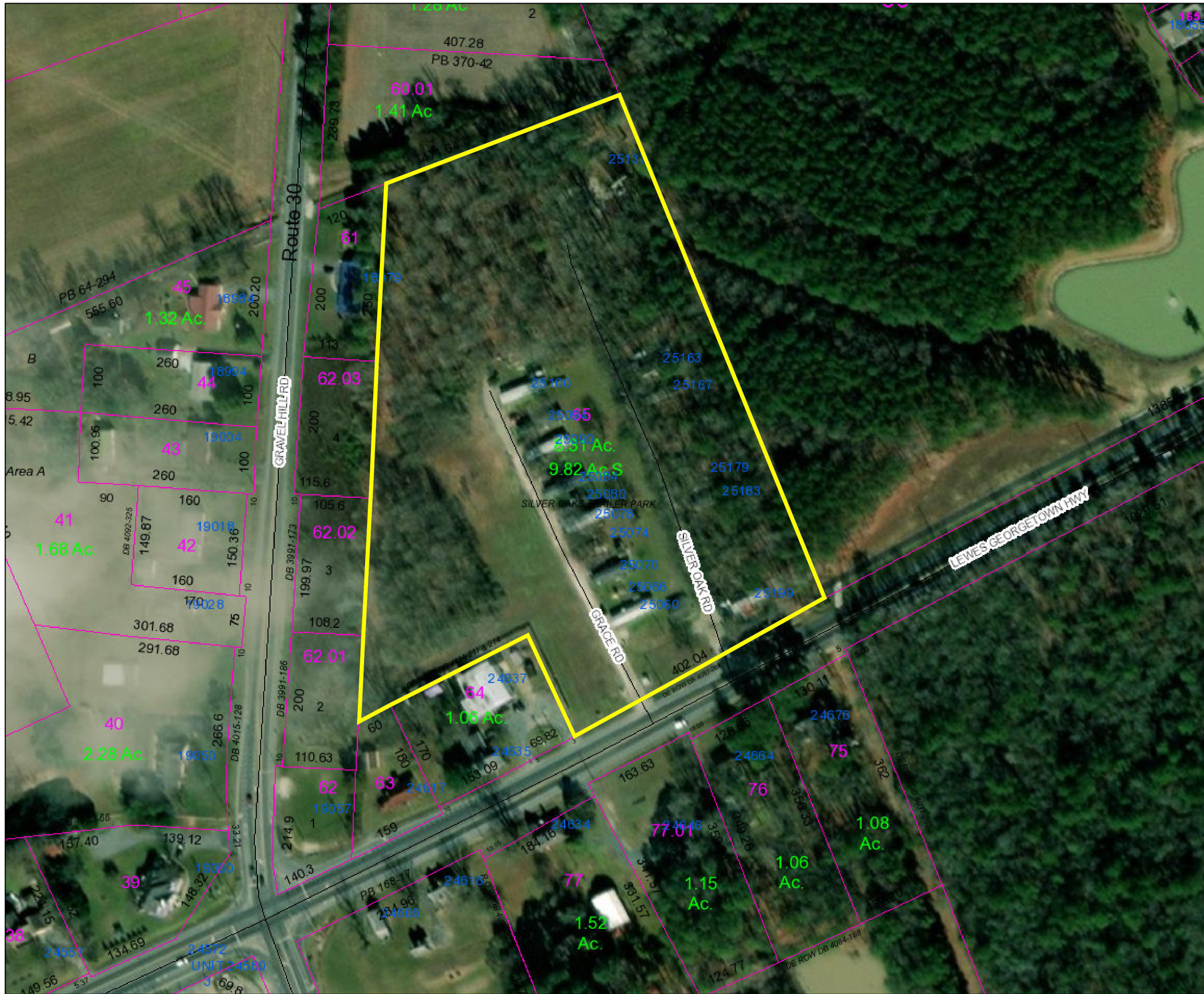


The application was approved by the Sussex County Council at their meeting of Tuesday, March 26, 2019, and the use was adopted through Ordinance No. 2641. The second application was for Conditional Use No. 2343 to allow for a solar farm to be located on the parcel. This application has an upcoming Commission hearing date for December 15, 2022. The third and last application is for Conditional Use No. 2371 to allow for a business plaza to include warehouses and office buildings. This application is schedule to be heard by the Commission on February 23, 2022.

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



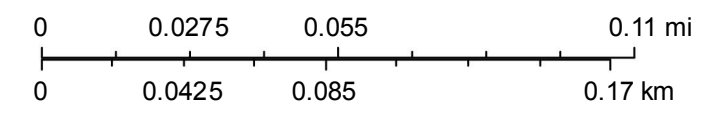
Sussex County

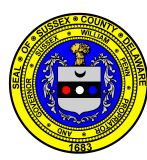


PIN:	135-11.00-65.00
Owner Name	TURNER CHARLES E JR
Book	0
Mailing Address	29762 OLIVER WOLCOTT D
City	MILLSBORO
State	DE
Description	GIS TIEBACK
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Land Code	

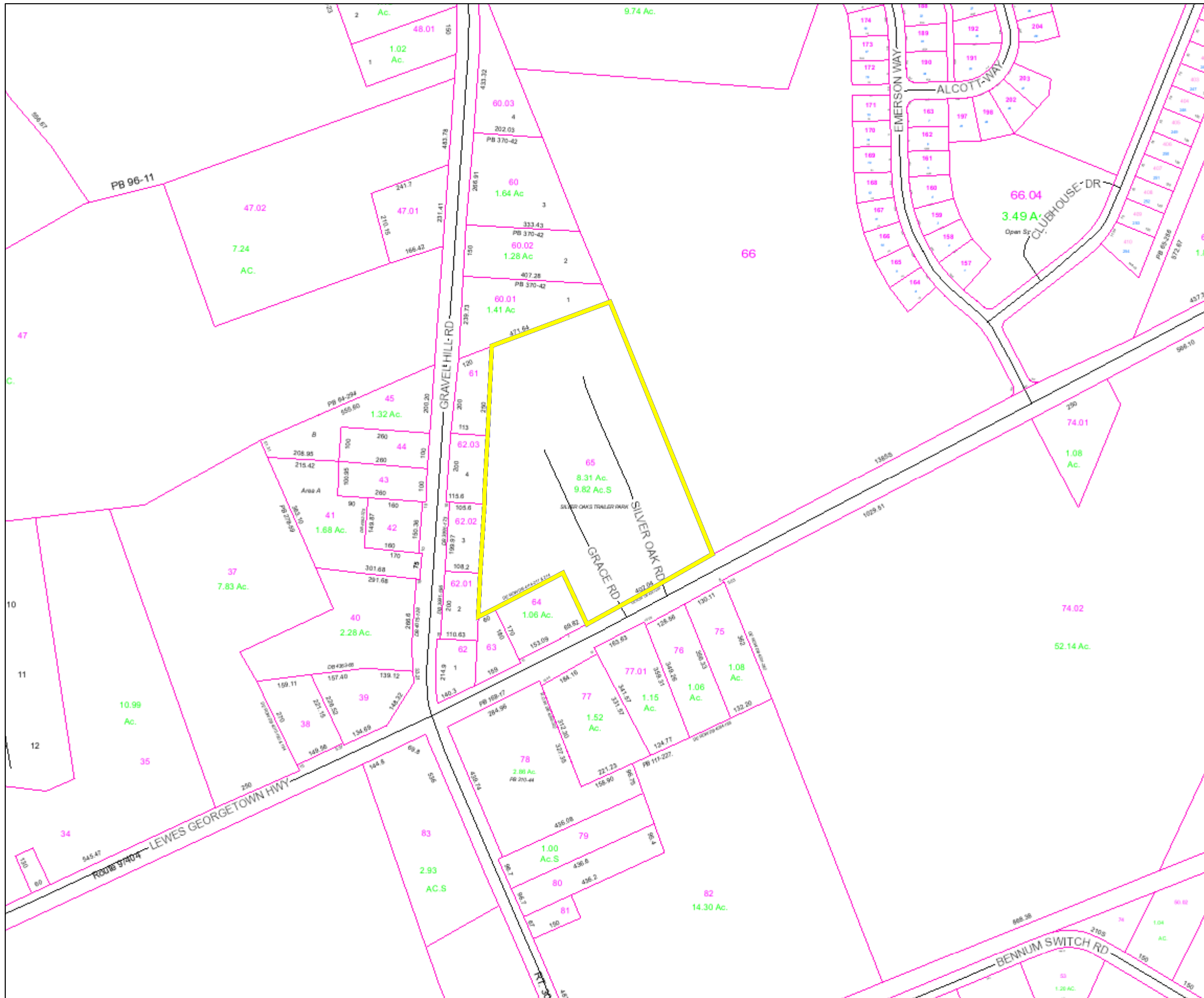
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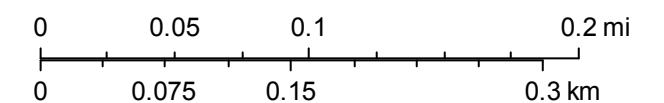
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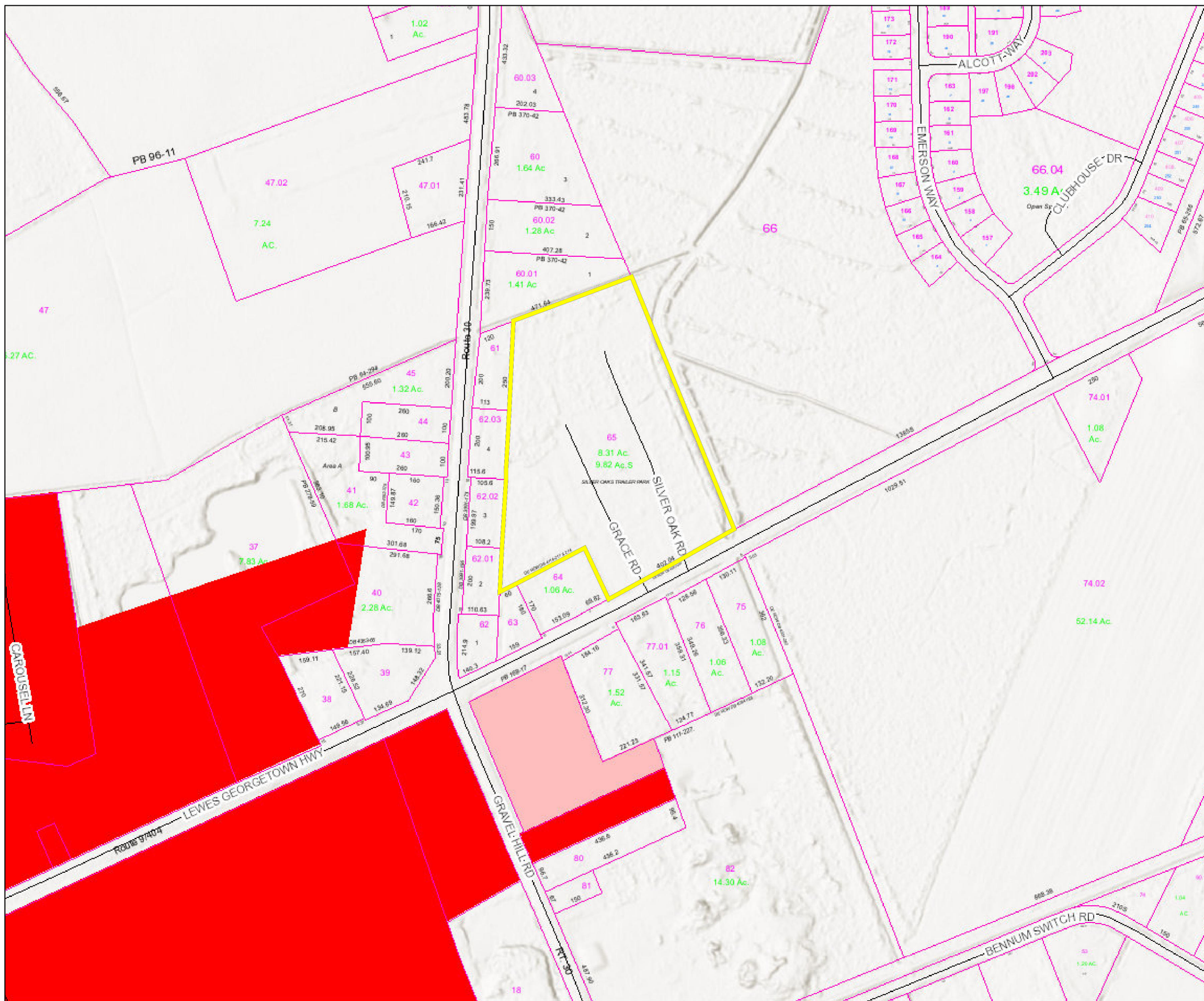
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