



Sussex County Council Public/Media Packet

**MEETING:
March 12, 2019**

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



Sussex County

DELAWARE
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SUSSEX COUNTY COUNCIL

AGENDA

MARCH 12, 2019

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation – Ken Bock, Chief Executive Officer, CHEER

Todd Lawson, County Administrator

1. Administrator's Report

Gina Jennings, Finance Director

1. First Quarter Employee Recognition Awards

Hans Medlarz, County Engineer

1. South Coastal Library Reading Garden Alterations, Project L19-03
 - A. Balancing Change Order and Substantial Completion
2. Inland Bays Regional Wastewater Facility Irrigation Rig Replacement, Project 19-21
 - A. Recommendation to Award



3. Western Sussex Property Maintenance

A. Change Order No. 1

John Ashman, Director of Utility Planning

- 1. Request to Post Notices for the Sherwood Forest North Expansion of the Sussex County Unified Sanitary Sewer District**

Old Business

Conditional Use No. 2162 filed on behalf of Yellow Metal, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR A PAVING CONSTRUCTION BUSINESS WITH AN OFFICE AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 39.630 ACRES, MORE OR LESS” (Tax I.D. No. 135-11.00-31.00) (911 Address: 20288 Broadogs Place, Georgetown)

Conditional Use No. 2157 filed on behalf of Country Lawn Care & Maintenance, LLC (c/o Gerald and Stephania Dougherty)

“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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.26 ACRES, MORE OR LESS” (Tax I.D. No. 234-11.00-78.07) (911 Address: 30435 Hollymount Road, Harbeson)

Grant Requests

- 1. Lewes – Rehoboth Beach Rotary Club for Great Walks & Trails publication**
- 2. Indian River High School Boys Volleyball Boosters for expenses**
- 3. Western Sussex Chamber of Commerce for Bike and Brew Tour fundraiser**
- 4. Police Unity Tour, Chapter 10 for Annual Police Unity Memorial Bicycle Tour**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Executive Session – Collective Bargaining pursuant to 29 Del.C.§10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2158 filed on behalf of Millsboro Solar, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 91.304 ACRES, MORE OR LESS” (lying on the north side of Nine Foot Road, approximately 0.27 mile west of Gum Tree Road, and on the south side of Nine Foot Road, approximately 0.2 mile west of Gum Tree Road) (Tax I.D. No. 233-15.00-57.01 & 57.02) (911 Address: None Available)

Change of Zone No. 1871 filed on behalf of Masten Realty, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0 ACRES, MORE OR LESS” (lying on the east side of South Rehoboth Boulevard, approximately 0.51 mile south of Southeast 2nd Street) (Tax I.D. No. 330-11.00-46.01) (911 Address: 6103 South Rehoboth Boulevard, Milford)

Change of Zone No. 1873 filed on behalf of Captain’s Way Development, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO ALLOW FOR AMENDMENTS TO CONDITIONS OF APPROVAL FOR CZ 1721 (ORDINANCE NO. 2295) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 154.72 ACRES, MORE OR LESS” (lying on the northeast side of Milton Ellendale Highway (Route 16), approximately 0.34 mile east of Hollytree Road) (Tax I.D. No. 235-13.00-2.00, 2.06, 2.07, 2.08 and 235-13.00-32.00 through 332.00) (911 Address: None Available)

Adjourn

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

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on March 5, 2019 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 26, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 26, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Irwin G. Burton III	Vice President
Douglas B. Hudson	Councilman
John L. Rieley	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 099 19
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of February 19, 2019 were approved by consent.

**Public
Comments**

Jim Martin commented on the lack of affordable housing in Sussex County; in particular, the need for affordable tiny homes and/or micro apartments.

Paul Reiger made comment regarding the County's building permit and inspection process.

Dan Kramer commented on a recent Board of Adjustment Hearing and the County's overall determination of setbacks.

Richard Borrasso, representing the Sussex Alliance for Responsible Growth (SARG), distributed and briefly reviewed copies of, "SARG 2018 Sussex County Comprehensive Plan Priorities Survey" that was done at the completion of the Sussex County Comprehensive Land Use Plan.

**Inland Bays
Engineering
Services/**

Hans Medlarz, County Engineer, presented Contract Amendments No. 1 – 3 to RK&K's Base Engineering Agreement for the environmental professional services for the Inland Bays and the Sussex County portion of

**RK&K/
Amend-
Ments
No.
1 - 3**

the Chesapeake Bay Watersheds. Mr. Medlarz reviewed the 3 amendments. Amendment No. 1, in the amount not to exceed \$50,000, covers specialized assistance to the Sussex County's Working Group on buffers. Amendment No. 2, in the amount not to exceed \$25,000, aims to develop a stormwater management master plan for the Delaware Coastal Airport to cover future expansion of impervious areas, including the pending Water Quality Offsets/Banking program, as well as assisting with the application for possible FAA funding. Amendment No. 3, in the amount not to exceed \$25,000, is to develop a restoration plan for the Bridgeville Branch Project. The Engineering Department is now requesting Council to approve the three amendments in the total amount not to exceed \$100,000.00.

**M 100 19
Approve
Inland Bays
Engineering
Services/
RK&K/
Amendment
No. 1 - 3**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 1 through 3 to the Professional Environmental Services Contract with RK&K be approved in the total amount not to exceed \$100,000.00, providing specialized assistance addressing a wide range of environmental issues.

Motion Adopted: 5 Yeas.

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

**FY 2019
Project No.
19-01/
Change
Order 1**

Mr. Medlarz presented Change Order 1 for the FY 2019 General Labor and Equipment Contract, for Project No. 19-01. The change order is needed to complete the Taxiway A Lighting Project at the Delaware Coastal Airport in the amount of \$475,000.00, utilizing funds from the Delaware Coastal Airport FY19 Budget.

**M 101 19
Approve
Change
Order No. 1/
Project No.
19-01/
Taxiway A
Lighting
Project**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract No. 19-01, FY19 General Labor & Equipment, in the amount of \$475,000.00, be approved, for installation of the Taxiway A Lighting Project utilizing funds from the FY19 Budget.

Motion Adopted: 4 Yeas.

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

**Public
Hearing/
Proposed
Ordinance/
Pension
Benefits**

A Public Hearing was held on the Proposed Ordinance entitled, "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES TO BRING THE CODE INTO COMPLIANCE WITH THE UNITED STATES INTERNAL REVENUE CODE". The Proposed Ordinance was introduced on February 5, 2019.

(Con't.)

Mrs. Jennings reported that County Code needs to be amended to ensure the County Pension Plan continues to be considered a qualified Pension Plan under the Internal Revenue Code and to allow the County to receive a determination letter from the IRS. The revisions ensure that the Pension Plan stays in a favorable tax status with the IRS so County employees are not taxed on the contributions made by the County to the Pension Plan. Mrs. Jennings reviewed a Fact Sheet noting the importance of qualification and the proposed Code changes.

There were no public comments.

The Public Hearing was closed.

M 102 19
Adopt
Ordinance
No. 2634/
Pension
Ordinance

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2634 entitled, "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES TO BRING THE CODE INTO COMPLIANCE WITH THE UNITED STATES INTERNAL REVENUE CODE".

Motion Adopted: 5 Yeas.

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

Public
Interview

The Council conducted a public interview for Board of Adjustment Nominee John Williamson (nominated by Councilman Hudson, District 4).

M 103 19
Approve
Board of
Adjustment
Appoint-
ment

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of John Williamson to the Sussex County Board of Adjustment, effective immediately and until such time as the term expires in June 2020.

Motion Adopted: 5 Yeas.

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

Comp Plan
Priorities

Mr. Lawson provided a PowerPoint presentation based on the two documents distributed to Council; "Sussex County Comprehensive Land Use Plan – Council Priorities Discussion – February 26, 2019" and "2019 Comprehensive Plan Strategies". Mr. Lawson noted that the Comp Plan is with the State awaiting their final approval, and that the County has begun working on two items within the scope of the Comp Plan – affordable housing, as well as buffers and wetlands.

Within the Comp Plan there are 322 total strategies that staff then organized by theme and developed "Strategy Categories", along with

(Con't.)

descriptions. As a result of that organization, there are 30 categories with 72 action items. The spreadsheet reflects 'action items', 'strategy category', 'strategies', and 'description'. Within the strategy categories, the strategy numbers reflect what is included in the Comp Plan. Based on Council's previous feedback, the top 5 priorities (of the 30 categories) are: 1. Roads/DelDOT, 2. Economic Development, 3. Open Space, 4. Agriculture, and 5. Telecommunications/Utilities. Within these top 5 categories, 19 action items are included, which Mr. Lawson reviewed.

Council then held discussion as to how they would want to proceed (subsets; timeline necessary for the action steps; ranking the 19 action items; feedback possibly needed from staff, attorney, and the consultant; etc.).

It was the consensus of the Council that Mr. Lawson will work with staff as to all that would be required to implement the top 5 priorities and report back to Council.

Administrator's Report

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Camp Arrowhead Force Main received Substantial Completion effective February 20.

2. Council Meeting Schedule

A reminder that Council will not meet on March 5. The next regularly scheduled Council meeting will be held on Tuesday, March 12, at 10:00 a.m.

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

Presentation Chapter 115 County Code/Cluster Ordinance

Janelle Cornwell, Planning and Zoning Director, and Vince Robertson, County Attorney, were in attendance to review and discuss a draft Ordinance amending Chapter 115 (Cluster Subdivisions) of the Sussex County Code. Councilman Burton requested that the item be placed on the agenda to better understand the original intent of a 2008 recommendation by Planning and Zoning versus the ordinance (Ordinance No. 2024) passed by County Council; in 2008 Mr. Burton served on the Planning & Zoning Commission. The original Cluster Ordinance (Ordinance No. 1709) was adopted in 2004.

In 2008, "Superior Design" criteria was established by Planning and Zoning; the intent by Planning and Zoning for Council's passage of Ordinance No. 2024 was to require that in the subdivision design process, the applicant would identify: 1. wetlands, woods and waterways; secondly, identify tree lines, scenic views and prime farmland; and

(Con't.)

ultimately, the potential development area. When this was presented to County Council, it was Council's concern that these mandatory requirements placed too much of a burden on the applicant, so 'superior design' was made optional. As a result, the applicant could choose between two options: 1. the old way that that contained the existing undefined and unspecified 'superior design' criteria or 2. the new way that made the new, specific design criteria optional and provided incentives to an applicant in the land application process seeking to use these criteria.

Discussion was held regarding the need for standardized guidelines to be established to receive the "Superior Design" designation.

It was explained that if the proposed Ordinance is introduced, public hearings would be held by Planning and Zoning and County Council.

Mr. Burton read a statement into the record, which provided an overview and history of the cluster ordinance, the intent of Planning and Zoning in their 2008 "Superior Design" criteria, and his concern that Ordinance No. 2024 negated the true intent.

Introduction of Proposed Ordinance/ Cluster Ord.

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS".

The Proposed Ordinance will be advertised for Public Hearing.

Software Demonstration/CAMA

Mr. Keeler, Director of Assessment, provided a PowerPoint presentation as to the County's new assessment software – the Computer Assisted Mass Appraisal System (CAMA). Mr. Keeler used the County's website to demonstrate the public access portion of the system, which went live this past fall. He reviewed the uses (maintaining property data, public access to property information and ensuring tax equity through uniform values) and the benefits of the system. Mr. Keeler also explained the time-consuming methods in which staff had to perform tasks prior to implementation of the new software system. Mr. Keeler thanked the staff of Mapping and Addressing, Information Technology, and Assessment in the many hours spent in getting this new software system online.

Mr. Andy Wright, Chief of Building Code, presented a brief overview and demonstrated how the public could access the "Citizen's Self Service" portal to view projects and inspections using the new software. Mr. Wright thanked Council for their support in purchasing the tools to assist their offices to perform their jobs more efficiently, which, ultimately, allows better service to the public.

Use of Existing Infrastructure

John Ashman, Director of Utility Planning, presented for Council's consideration a Use of Existing Infrastructure Agreement with Ferguson

**Agreement/
Ferguson
HVAC** **Enterprises, Inc. for the Ferguson HVAC project in the West Rehoboth area. The arrangement allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County. Under the proposed arrangement, Ferguson HVAC project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure, Ferguson Enterprises, Inc. will contribute \$6,497.00 for the financial catch-up contribution of the existing infrastructure to serve an additional 8.76 Equivalent Dwelling Units.**

M 104 19 **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon**
Approve **the recommendation of the Sussex County Engineering Department, that**
Use of **the Sussex County Council approves the “Use of Existing Infrastructure**
Existing **Agreement” between Sussex County and Ferguson Enterprises, Inc. for a**
Infra- **capacity allocation in the regional transmission system, as presented on**
structure **February 26, 2019.**

**Agreement/
Ferguson
HVAC/
Ferguson
Enterprise**

Motion Adopted: 5 Yeas.

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

Use of **Mr. Ashman presented for Council’s consideration a Use of Existing**
Existing **Infrastructure Agreement with L.W. & J.T. Mitchell Family Limited**
Infra- **Partnership for the Zwaanendael Farm Lot #1 project in the West**
structure **Rehoboth area. This arrangement allows the wastewater originating from**
Agreement/ **the approved project to be conveyed through the existing transmission**
Mitchell **system previously constructed by the County. Under the proposed**
Family **arrangement, Zwaanendael Farm Lot #1 will connect to the existing County**
 owned infrastructure. In return for utilization of said infrastructure, L.W.
 & J.T. Mitchell Family Limited Partnership will contribute \$26,774.00 for
 the financial catch-up contribution of the existing infrastructure to serve an
 additional 39.34 Equivalent Dwelling Units.

M 105 19 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon**
Approve **the recommendation of the Sussex County Engineering Department, that**
Use of **the Sussex County Council approves the ‘Use of Existing Infrastructure**
Existing **Agreement’ between Sussex County and L.W. & J.T. Mitchell Family**
Infra- **Limited Partnership for a capacity allocation in the regional transmission**
structure **system, as presented on February 26, 2019.**

**Agreement/
Mitchell
Family/
Zwannen-
dael Farm**

Motion Adopted: 5 Yeas.

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

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

M 106 19 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give**
Council- **\$1,150.00 from Mr. Vincent's Councilmanic Grant Account to the Town of**
manic **Blades for Kids Night in the Park.**
Grant

Motion Adopted: 5 Yeas.

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

M 107 19 **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give**
Countywide **\$1,000.00 from Countywide Youth Grants to Big Brothers Big Sisters of**
Youth **Delaware for the Sussex County Bowl for Kids' Sake Fundraiser.**
Grant

Motion Adopted: 5 Yeas.

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

M 108 19 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give**
Council- **\$1,000.00 from Mr. Burton's Councilmanic Grant Account to the Greater**
manic **Lewes Foundation for the Lewes Community Garden.**
Grant

Motion Adopted: 5 Yeas.

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

M 109 19 **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give**
Council- **\$1,500.00 (\$750.00 each from Mr. Wilson's and Mr. Burton's Councilmanic**
manic **Grant Accounts) to the Milford Little League for concession stand**
Grant **reconstruction.**

Motion Adopted: 5 Yeas.

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

M 110 19 **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give**
Countywide **\$750.00 from Countywide Youth Grants to the Delaware 4-H Association**
Youth **for the 2019 Delaware 4-H Indoor Archery State Championship to be held**
Grant **in Sussex County.**

(Con't.) Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

Mr. Burton introduced the Proposed Ordinance entitled, “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO ALLOW FOR GARAGE STUDIO APARTMENTS FOR CHANGE OF ZONE NO. 1721 (ORDINANCE NO. 2295) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 154.72 ACRES, MORE OR LESS” (Change of Zone No. 1878) filed on behalf of Captain’s Way Development, LLC (Tax I.D. No. 235-13.00-2.00, 2.06, 2.07, 2.08, and 235-13.00-32.00 through 332.00) (911 Address: None Available).

Mr. Hudson introduced the Proposed Ordinance entitled, “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS” (Change of Zone No. 1880) filed on behalf of Craig Kormanik (Tax I.D. No. 234-23.00-261.00) (911 Address: 31792 Indian Mission Road, Millsboro).

The Proposed Ordinances will be advertised for Public Hearing.

**M 111 19
Adjourn**

At 12:00 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

**Nancy J. Cordrey
Assistant Clerk of the Council**

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: *South Coastal Library Reading Garden, Project No. L19-03
Balancing Change Order No. 3 & Substantial Completion*

DATE: March 12, 2019

The outdoor Reading Garden at the South Coastal Library did not have ADA compliant access and experienced water intrusion into the building, short-circuiting of the garden lighting and settlement of the pavers all caused by inadequate drainage.

Initially, the project was bid on August 22, 2016. The two (2) bids received were significantly above the architect's estimate. Hence, Council rejected all bids with the instruction to rebid the project. In June of 2018, the project was re-bid with a reduced scope and an increased budget and on August 1, 2018, two (2) bids were opened.

John L. Briggs & Co. provided the lowest base bid in the amount of \$204,800.00. The Engineering Department applied for renewal of the Fire Marshall's permit, but was now advised that installation of the proposed roof panels would require a fire suppression system. The information was received too late for an addendum but discussions with John L. Briggs & Co. regarding the removal of materials associated with the roof panels resulted in a reduction change order no.1 of \$10,012.00. On August 14, 2018, the project and change order no.1 were awarded to John L. Briggs & Co. for a revised total project of \$194,788.00.

On November 27, 2018, Council approved change order no. 2 for improved lighting fixtures, expanded paver coverage as well as edge support, all offset by a partial credit for the removal of the labor costs associated with the roof panels installation, for a \$0 adjustment.

The proposed balancing change order no. 3 adds sixty-one (61) calendar days to the contract, the installation of new irrigation lines to each flower bed and planter and covers the cost associated with rotary head type pressure washing of the existing pavers for a consistent overall appearance. The additional scope is offset by removing the remaining labor costs



associated with the roof panel installation resulting in a credit of \$1269.69 and a final contract price of \$193,518.31.

Construction began on October 8, 2018 and was declared substantially complete on February 12, 2019. The Engineering Department now recommends approval of the balancing change order no. 3 and substantial completion for Project No. L19-03.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **South Coastal Library Reading Garden Alterations**
2. Sussex County Project No. L19-03
3. Change Order No. 3
4. Date Change Order Initiated - 2/14/18
5.
 - a. Original Contract Sum \$204,800.00
 - b. Net Change by Previous Change Orders (\$10,012.00)
 - c. Contract Sum Prior to Change Order \$194,788.00
 - d. Requested Change \$ (1,269.69)
 - e. Net Change (No. of days) 61
 - f. New Contract Amount \$193,518.31
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:

New Drip Irrigation was added to the flower beds and planters. Existing pavers were power washed to obtain an uniform look. Additional contract days are being requested due to weather related delays and scope of work revisions. Balancing of costs, as related to bid item A-1, is also included.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. John L. Briggs & Co., Contractor

Kari D. Long 3/7/19
Signature Date

KARI D. LONG / SEC. TREA
Representative's Name in Block Letters

2. Sussex County Engineer

[Signature] 3/7/19
Signature Date

3. Sussex County Council President

Signature Date

**SOUTH COASTAL LIBRARY READING GARDEN ALTERATIONS (CONTRACT L19-03)
CHANGE ORDER NO. 3 - FINAL
(ADDITIONAL WORK ITEMS AND BALANCING OF BID ITEM A-1)**

LINE ITEM	DESCRIPTION	CHANGE IN PRICE	
		INCREASE	DECREASE
1	Drip Irrigation Added to Each Flower Bed and Each Bench Planter	\$892.50	
	Non-Compensatory Contract Time Extension - 3 Calendar Days	-	
2	Cleaning of the Existing Pavers	\$564.38	
	Non-Compensatory Contract Time Extension - 0 Calendar Days	-	
3	Non-Compensatory Contract Time Extension - 58 Calendar Days	-	-
	Weather Related Delays & Changes to the Scope of Work		
4	South Coastal Library Reading Garden Alterations, Item A-1		(\$2,726.57)
	Part A - Lump Sum Bid Items (Base Bid)		
Total Change Order No. 3 - Final (Credit)			(\$1269.69)

Summary of Contract Change Orders - Contract L19-03

Original Contract Amount (Item A-1)	\$204,800.00
Amount of Previous Change Orders: No. 1 through No. 2	<u>(\$10,012.00)</u>
Contract Total Including Previous Change Orders	\$194,788.00
+	
Total of Change Order No. 3 - Final	Decrease <u>(\$1,269.69)</u>
=	
Revised Contract Total (Includes All Change Orders)	\$193,518.31

John L. Briggs & Co.
106 E. Laurel Street
P.O. Box 90
Georgetown, DE 19947
(P) 302-856-7033 (F) 302-856-7085

January 15, 2019

Mr. Anthony DiGiuseppe Jr.
Sussex County
2 The Circle
Georgetown, DE 19947


Re: South Coastal Library Reading Garden Alterations
Contract Modifications

Dear Mr. DiGiuseppe, Jr.:

Add one irrigation zone to new beds in patio area. Drip irrigation will be added to each bed and 6 different pots in total which are distributed (2) to each bed. Price is assuming that conduit pipe is already ran underneath pavers. *Note: This will require a three (3) day extension.

McCabe Lawn Care:	\$ 850.00
5% P&O:	\$ <u>42.50</u>
TOTAL:	\$ 892.50

Please let us know if you need any more information.

Sincerely,

KEITH B. LONG
John L. Briggs & Co.

1807SCRG CO

John L. Briggs & Co.

106 E. Laurel Street
P.O. Box 90
Georgetown, DE 19947
(P) 302-856-7033 (F) 302-856-7085

December 19, 2018

Mr. Anthony DiGiuseppe Jr.
Sussex County
2 The Circle
Georgetown, DE 19947

Re: South Coastal Library Reading Garden Alterations
Contract Modifications

Dear Mr. DiGiuseppe, Jr.:

We are pleased to submit a price for cleaning pavers with pressure washer and rotary pressure head.

Thompson & Sons:	\$ 537.50
5% P&O:	<u>\$ 26.88</u>
TOTAL:	\$ 564.38

Please let us know if you need any more information.

Sincerely,

KEITH B. LONG
John L. Briggs & Co.

1807SCRG CO #5

John L. Briggs & Co.
106 E. Laurel Street
P.O. Box 90
Georgetown, DE 19947
(P) 302-856-7033 (F) 302-856-7085

February 13, 2019

Mr. Anthony DiGiuseppe, Jr.
Sussex County
Engineering Department
2 The Circle
Georgetown, DE 19947

Re: South Coastal Library Reading Garden Alterations
Sussex County Project No. L19-03

Mr. DiGiuseppe, Jr.

The final inspection for the South Coastal Reading Garden Alteration project has been scheduled for tomorrow, February 14, 2019. We have been informed by the Town of Bethany that no Certificate of Occupancy will be issued because there was no interior work.

This project completion was delayed because of rain days and scope changes.

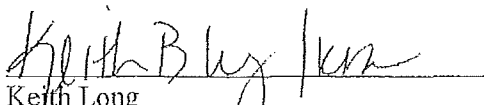
There were approximately 10 rain days which added about 30-40 days for drying time. The site needed to be dry enough to complete compaction testing.

There were a couple change orders which impacted the completion date. The additional pavers added approximately two weeks to completion date.

Four (4) calendar days were added to install additional support members to the existing trellis structure and supplemental blocking for the new light bases.

Please let us know if any further information is required.

Sincerely,
John L. Briggs & Co.


Keith Long
Secretary / Treasurer

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

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sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: ***IBRWF Irrigation Rigs Replacement, Project No. 19-21
Recommendation to Award***

DATE: March 12, 2019

The Inland Bays Regional Wastewater Facility applies treated effluent to a total of eight (8) center pivot type spray irrigation rigs. Three (3) of these center pivot irrigation rigs were part of the original 1990s Inland Bays Regional Wastewater Facility. Today these rigs are past their useful life and require frequent repairs. The Environmental Services Division determined that the largest two (2) of the rigs are beyond rebuilt and in need of full replacement. The third rig is slated for eventual replacement with a fixed head type system and therefore only slated for temporary upgrades.

The specifications created for this project contained an alternate bid item for the rebuilding of one (1) of the rigs from the best sections of the existing rigs instead of replacing its entire main trunk line.

In February 2019, invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website and directly sent to several contractors. Seven (7) contractors were plan holders and three (3) attended the pre-bid meeting. On February 22, 2019, three (3) bids were received and a copy of the bid results are attached.

The Engineering Department recommends award of base bid items A-1, A-2 constituting the removal and full replacement of the largest two original rigs and alternate bid item B-1 for the rebuilding effort in the amount of \$126,060.00 to Sussex Irrigation of Laurel, Delaware. Sufficient funds have been budgeted in the FY19 budget.



IBRWF IRRIGATION RIGS REPLACEMENT PROJECT NO. 19-21				Sussex Irrigation	SMW Sales	Walls Irrigation
Bid Item	Description of Work	Quantity	Unit	Bid Price	Bid Price	Bid Price
PART A - BASE BID						
A-1	Remove and Replace Center Pivot Spray Irrigation Equipment for South Rig	1	LS	\$59,600.00	\$58,229.00	\$67,923.55
A-2	Remove and Replace Center Pivot Spray Irrigation Equipment for North Rig	1,680	LF	\$61,600.00	\$59,487.00	\$67,923.55
A-3	North Burton Irrigation Trunk Line Modifications	340	LF	\$32,950.00	\$22,510.00	NO BID
TOTAL FOR PART A				\$154,150.00	\$140,226.00	\$135,847.10
PART B - Alternate Bid Item						
B-1	Rebuild North Burton Rig from Existing Sections	800	CY	\$4,860.00	\$10,200.00	\$14,750.00
TOTAL FOR PART B				\$4,860.00	\$10,200.00	\$14,750.00
TOTAL BID (SUM OF A-1, A-2 & B-1)				\$126,060.00	\$127,916.00	\$150,597.10

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: *Western Sussex County Property Site Maintenance
Change Order No. 1*

DATE: March 12, 2019

Each year, property maintenance services had been solicited multiple times for various Sussex County owned properties. Altogether, the total costs met the requirements for a nonprofessional service procurement, per Delaware code. Therefore, the Engineering Department advertised a request for proposals for a one (1) year site maintenance agreement, with the option to renew annually, at the discretion of the Department, for up to five (5) years. The contract covers three properties known as Woodland Park Site, Woodland Dredge Site and the Consalo Site adjacent to the County's Bridgeville legacy landfill.

On August 29, 2017, Council awarded the contract to the low bidder, William F. Betts II, with a base bid of \$3,650.00 for the first partial year, and \$9,700.00 for each remaining year of the contract.

In the original scope, property maintenance at the Woodland Park was scheduled every three weeks. Experience from the last season led us to consider that a two-week cycle would be more appropriate for a publicly accessible park. Increasing the frequency would cost an additional \$3,600.00 per year for the Woodland Park Site, bringing the total yearly cost of maintenance for all sites to \$13,300.00. In addition, the Department requests a one-time payment of \$1,500.00 for labor, equipment & disposal associated with clearing of the Woodland Park trail head.

The Sussex County Engineering Department is requesting approval of change order no. 1 in the amount of \$5,100.00 for more appropriate recurring property maintenance and additional one-time trail clearing at the Woodland Park Site. The Department is also requesting the discretion to approve the new yearly contracts of \$13,300.00 through 2022, based on performance.



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

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Adjust the maintenance schedule at Woodland Park from a 3-week cycle to a 2-week cycle for the remainder of the contract and a one-time fee for clearing of the parks' trailhead.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. William F. Betts, II

Signature Date

Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date

Sherwood Forest North Expansion of SCUSSD

Long Neck Area Fact Sheet

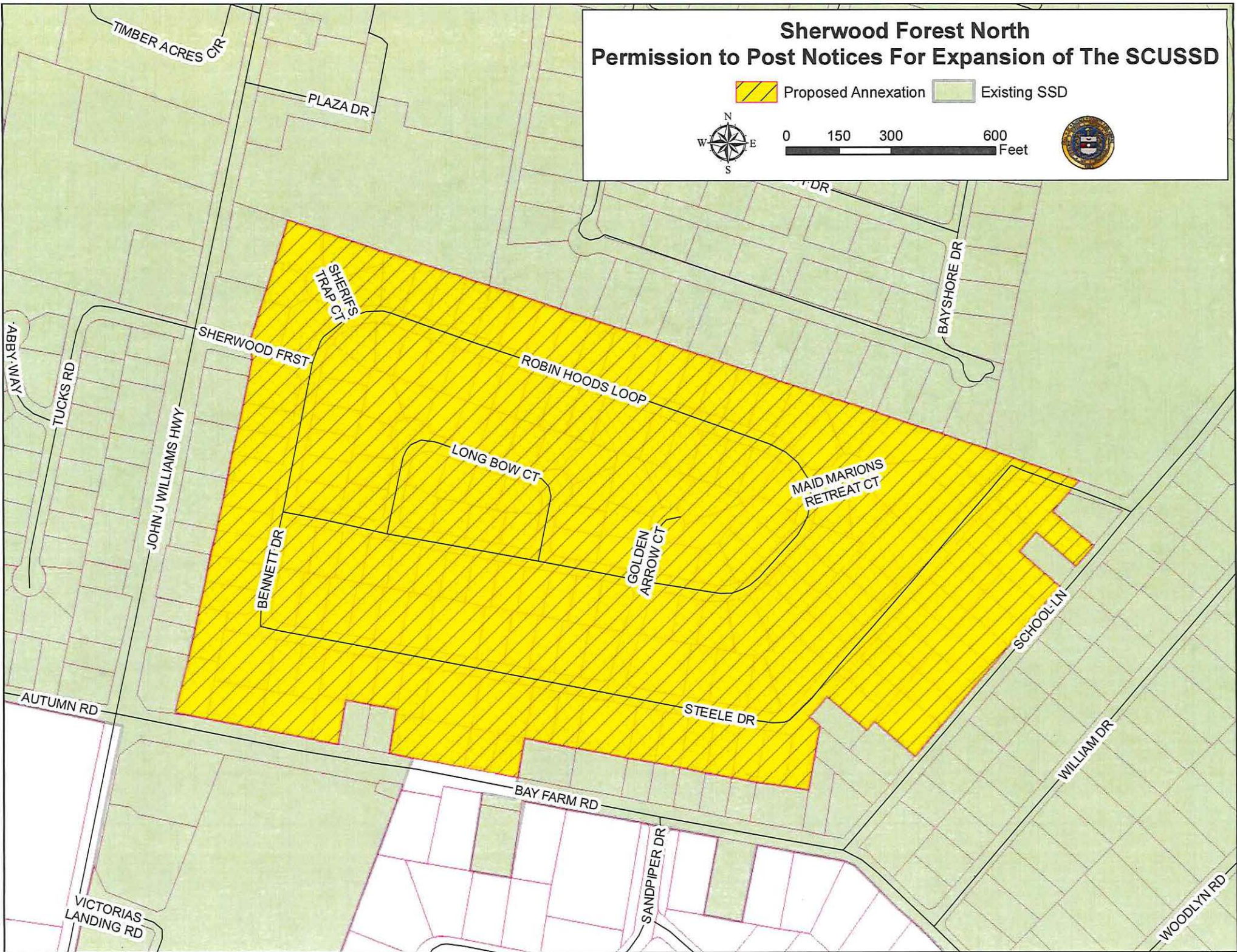
- Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area)
- Includes all remaining parcels within the Sherwood Forest Subdivision and miscellaneous parcels along Bay Farm Road.
- The Engineering Department had received requests from many property owners interested in having the County extend the Sewer District Boundary over the past several years.
- In response we sent out a polling letter on March 15, 2018, based on a slow response we sent a second letter on May 9, 2018.
- The polling letter asked the owners to respond:
 - YES, they would like to be included in the sewer district.
 - NO, they would not like to be included in the sewer district.
- The results of the poll to date show 67 (40%) parcels in support, 53 (32%) opposed
- In total 167 parcels were polled with 120 responding. The six parcels along Bay Farm Road were not polled but included at this time as service is available for those parcels.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.
- A tentative date of April 25th has been established for a Public Hearing at the Conley's United Methodist Church on Jolyns Way, Lewes DE

Sherwood Forest North Permission to Post Notices For Expansion of The SCUSSD

 Proposed Annexation  Existing SSD



0 150 300 600 Feet



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



Sussex County

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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 5, 2019

RE: County Council Old Business Report CU 2162 Yellow Metal, LLC

The County Council held a public hearing on February 5, 2019. County Council deferred action for the Planning Commission recommendation and left the record open for 5 days for written comments regarding the Planning Commission recommendation. The Planning Commission made a recommendation at their meeting of February 14, 2019. A letter from the application regarding certain conditions was submitted to the Planning Office. The record is closed.

The Planning and Zoning Department received an application (CU 2162 Yellow Metal, LLC) to allow for a Conditional Use to allow for a paving construction business with an office and equipment storage for parcel 135-11.00-31.00 to be located on Broadogs Pl. off of Lewes-Georgetown Hwy. (Rt. 9). The Planning and Zoning Commission held a public hearing on January 10, 2019. The following are the minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record is a staff analysis, Applicant's exhibit booklet, comments from the Sussex County Engineering Department of Utility Planning Division, Sussex Conservation District, results of the Preliminary Land Use Service ("PLUS") response, and results from the DelDOT TIS.

The Commission found that Mr. Blake Carey, Attorney with The Smith Firm, LLC and Mr. Fletcher Kenton, Principal of Yellow Metal, LLC were present on behalf the application; that Mr. Carey stated a portion of the property is zoned C-1 (General Commercial Zoning District) and that is narrow in shape; that the Applicant would like to extend his business back to the AR-1 area; that the Applicant has outgrown the existing site; that there is an existing office building in the C-1 portion of the property that would be used for two to four employees with no retail sales; that the storage of the equipment would be undertaken in the AR-1 portion of the site; that there are 25 to 30 pieces of equipment for the paving business as well as 15 trucks and he has 15 to 20 employees depending on the time of year; that the employees typically arrive at 5:45 am; that there is no work physically undertaken at the site; that there would be two to four employees in the office; that there would not be any manufacturing or retail sales to the public on the site; that there are a lot of trees out front shielding the equipment that is stored in the rear of the property; that the property would be served by an on-site well and on-site septic system; that there are several construction and industrial sites in the area; that there are thick, dense trees on-site; that the first few feet of the property is zoned C-1



and it is very narrow; that the AR-1 portion of the property is low density; that this is not an intense commercial use; that the Applicant does provide convenient service to the area; that the Applicant would like to have a 32 square foot sign; that any exterior lighting on the property would be downward screened; that the dumpsters would be screened from any neighboring properties; that the hours of operation would be 5:30 am to 6:30 pm; that Mr. Kenton stated that all maintenance of trucks would take place inside the building wherever possible; that there would not be any sales on the site and with very few clients visiting the site; that they would transport unused asphalt back to the site and would recycle it into stone with small milling machines each day; that they would typically recycle one or two tons of 'black-top' material into stone each day; that they would typically be undertaking 20 to 30 minutes (max) of milling each day; that the milled items are moved on the front of the skid steer; that they would keep stone on-site; that he is okay with any conditions on the hours restricting the milling the asphalt and possible restriction of the amount of crushed piles of material to be stored on-site; that it would just be asphalt and no other waste materials from other third parties; that he is okay to limit the time to crush and/or mill waste to between 3:00 pm to 6:00 pm; that he would limit the amount of cubic yards of materials to five to six tons for a maximum amount of material on site at any given time of 50 tons; that there was a discussion on whether the whole 39 acres would be needed for the Conditional Use for the business; that Mr. Carey stated the Applicant would like to grow his business in the future; and that the Applicant is operating his business on six acres and it would be preferable to have space to be able to grow his business in future.

The Commission found that no one spoke in favor of or in opposition to the application.

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

The Commission held a discussion on the proposed use, and the maximum amount of storage on-site; that the business would need to comply with all requirements of the Zoning Code; that the Commission would prefer to ensure that there are no additional waste materials coming to the site from elsewhere; that there is a limit on any hours of grinding/milling and the overall amount of materials capable of being stored on-site; that the Applicant should be allowed to grind for one hour per day between the window of 3:00 pm to 6:00 pm, to allow for flexibility in the return time of employees; that the stored materials should be stored in a specific location on the site; and that any conditions of approval should reference a list of ancillary activities permitted.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 4-0.

At their meeting of January 24, 2019, the Planning Commission discussed the application which has been deferred since January 10, 2019.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 3-0. Ms. Stevenson was absent.

At their meeting of February 14, 2019, the Planning Commission discussed the application which has been deferred since January 10, 2019.

Ms. Stevenson moved that the Commission recommend approval of C/U 2162 for Yellow Metal, LLC in an AR-1 and C-1 District for a paving construction business with an office and equipment storage based upon the record made during the public hearing and for the following reasons:

1. The use is situated on a 39.63-acre parcel of land. It has C-1 frontage on Route 9, but the bulk of the site is to the rear situated among other larger parcels of land. With the conditions and stipulations of approval, the use will not have a negative impact on the neighboring properties.
2. There are other commercial and contracting uses in this area of Route 9. This conditional use is appropriate for this location along Route 9.
3. No retail sales will occur from the property.
4. The Applicant provides construction services throughout the Delmarva Peninsula, with a focus on site preparation, paving, seal coating, line striping and roadway work for residential, agricultural and commercial uses.
5. The applicant has stated that most of the work is offsite, so there is not a lot of activity that occurs on this site during the day.
6. The site is large enough that with the buffering required by this approval it will not be visible from surrounding properties and will not adversely affect nearby properties or uses.
7. The use will not have an adverse impact on the traffic or area roadways.
8. No parties appeared in opposition to this application.
9. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a paving construction business with an office and the storage of equipment associated with that use.
 - B. There shall be a 50-foot buffer around the site. The existing woodlands and vegetation shall not be disturbed in these buffer areas.
 - C. According to information presented during the hearing, there are wetlands on this site. The Final Site Plan shall contain a wetlands delineation, and there shall be a 50-foot vegetated buffer from all wetland areas. The existing trees and vegetation shall not be disturbed in these buffer areas.
 - D. There shall not be any outside storage of paint, seal coating or other liquid materials associated with the use.
 - E. No retail sales shall occur from the site.
 - F. No vehicle or equipment repairs shall occur outside.
 - G. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - H. All dumpsters on the site are to be located near the interior of the property and they must be screened from the view of neighboring properties and roadways.
 - I. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
 - J. The hours of operation shall be Monday through Saturday from 5:30 a.m. until 6:30 p.m. No deliveries to or from the site shall occur before 7:00 a.m.
 - K. One lighted sign shall be permitted on the site. It shall be no larger than 32 square feet per side.
 - L. All vehicle parking and large equipment storage areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself. All vehicles, including the applicant's vehicle and employees' vehicles, must only be parked within the designated areas.
 - M. No outside burning of any materials shall occur on the site.
 - N. No materials such as asphalt, stone, or millings shall be permanently stored on the site.
 - O. No junked, in-operable or untitled vehicles shall be located on the site.
 - P. The applicant has stated that there will be milling operation proposed for the site. Any milling operations that occur shall be subject to the following additional conditions:

1. The Applicant shall only mill asphalt materials that are the result of its own roadwork and paving operations. No materials shall be accepted for milling from any third parties.
 2. No milling of trees, stumps, mulch or materials other than the Applicant's own asphalt materials shall occur on the site.
 3. Milling shall only occur between 3:00 p.m. and 6:00 p.m., Monday through Friday. No milling operations shall occur on Saturday or Sunday.
 4. Milling operations shall only occur in the central area of the site, as far away from the property boundaries as possible.
 5. No more than 50 tons (approximately 2 dump truck loads) shall be milled and stored on the site at any one time. These materials shall be located on a concrete pad which is no longer than 50 by 100-feet in size. The concrete pad shall be clearly shown on the Final Site Plan.
 6. The pile of millings shall not be higher than 10-feet.
- Q. Failure to comply with any of these conditions shall be grounds for the termination of the Conditional Use approval.
- R. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

THE SMITH FIRM, LLC

ATTORNEYS AT LAW

MICHAEL R. SMITH
smith@vslegal.net

CHAD R. LINGENFELDER*
lingenfelder@vslegal.net

*ADMITTED IN DE & MD

323 Rehoboth Avenue
Suite D
REHOBOTH BEACH, DE 19971
PHONE: (302) 875-5595
FAX: (302) 231-2718

BLAKE W. CAREY
carey@vslegal.net

JAMES E. DEAKYNE, JR.**
deakayne@vslegal.net
**OF COUNSEL

February 19, 2019

**VIA FAX (302-854-5079)
& HAND DELIVERY**

RECEIVED

FEB 19 2019

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Planning & Zoning /Sussex County Council
Attn: Janelle Cornwell
2 The Circle
Georgetown, DE 19947

Re: C/U 2162 – Yellow Metal, LLC

To whom it may concern:

As you may know, this office represents Yellow Metal, LLC, which is the Applicant of Conditional Use Application 2162 (“C/U 2162”). C/U 2162 relates to real property located at 20288 Broadogs Place, Georgetown, DE 19947 and bearing Sussex County Tax Map No.: 1-35-11.00-31.00 (the “Property”). I am writing in response to the Sussex County Planning & Zoning Commission’s vote to recommend approval of C/U 2162 subject to various conditions. More specifically, I am writing with respect to proposed conditions P(3) and P(5) to be placed upon C/U 2162. Condition P(3) restricts any milling conducted by the Applicant to the hours of 3:00 pm and 6:00 pm, Monday through Friday, with no milling activity permitted on Saturday or Sunday. Condition P(5) requires all millings to be stored upon a concrete pad on the Property no larger than 50 feet by 100 feet. I will respectfully address the Applicant’s comments for consideration regarding the aforesaid conditions hereinbelow.

Regarding condition P(3), which limits milling to Monday through Friday between the house of 3:00 pm and 6:00 pm, the Applicant respectfully requests that

Sussex County Planning & Zoning/Sussex County Council
February 19, 2019
Page 2

consideration be given to also permitting milling on Saturdays between the hours of 8:00 am and 4:00 pm. It is typical that the Applicant does not know what material will be left-over from job-sites until the end of the work day – usually 5:00 pm. Employees then normally return to the contractor's yard at or around 6:00 pm. Accordingly, it would prove extremely difficult to return to the Property and mill leftover material during the suggested conditional time frame of Monday through Friday, 3:00 pm to 6:00 pm. Allowing milling to also take place on Saturday between the hours of 8:00 am and 4:00 pm would provide a time for milling that correlates with the Applicant's business operations. Notably, proposed Condition J allows hours of operation on Monday through Saturday from 5:30 am to 6:30 pm; therefore, Saturday milling hours from 8:00 am to 4:00 pm would not contradict the conditional hours of operation.

With respect to condition P(5), which requires any millings be stored upon a **concrete (emphasis added)** pad no greater than 50 feet by 100 feet, the Applicant respectfully requests that a concrete pad not be required. Rather, the Applicant would request that it be permitted to construct a 50X100 area using jersey blocks or a 50X100 asphalt pad. The construction of a 50X100 foot concrete pad would be financially burdensome to the Applicant after its purchase of the Property – likely between \$25,000.00 and \$30,000.00. Further, upon information and belief, recycled asphalt is not stored on concrete pads at the yards of the asphalt suppliers the Applicant utilizes in Sussex County. Assuming the purpose of the 50X100 foot concrete pad was to restrict the size of any stored millings on the Property, as stated hereinabove, the Applicant would gladly confine the area using asphalt pavement or jersey blocks.

In sum, the Applicant respectfully requests the following revisions to the conditions placed upon C/U 2162 by the Planning and Zoning Commission:

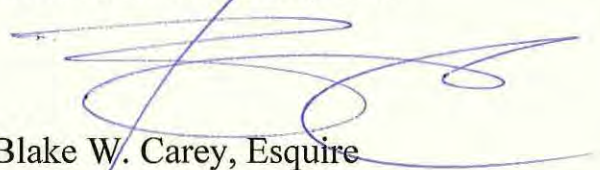
- Condition P(3) be amended to permit milling operations between the hours of 3:00 pm to 6:00 pm on Monday through Friday, and between the hours of 8:00 am to 5:00 pm on Saturday, with no milling operations taking place on Sunday.
- Condition P(5) be amended to require asphalt millings to be stored upon a 50X100 foot area confined by either jersey blocks or an asphalt pavement pad. A photo depicting a jersey block barrier is enclosed.

Sussex County Planning & Zoning/Sussex County Council
February 19, 2019
Page 3

The Applicant and I thank you for your consideration of the comments herein.

Respectfully submitted,

THE SMITH FIRM, LLC



Blake W. Carey, Esquire
DE Bar I.D. No.: 5145

Enc. (photo of jersey block barrier)
Cc: Yellow Metal, LLC (via e-mail)



 Barrier Block:
518-887-5560

Introduced 11/27/18

**Council District No. 3 – Burton
Tax I.D. No. 135-11.00-31.00
911 Address: 20288 Broadogs Place, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR A PAVING CONSTRUCTION BUSINESS WITH AN OFFICE AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 39.630 ACRES, MORE OR LESS

WHEREAS, on the 14th day of November 2018, a conditional use application, denominated Conditional Use No. 2162, was filed on behalf of Yellow Metal, LLC; and

WHEREAS, on the ____ day of _____ 2019, 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. 2162 be _____; and

WHEREAS, on the ____ day of _____ 2019, 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, Articles IV and XI, Subsections 115-22 and 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2162 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 Georgetown Hundred, Sussex County, Delaware, and lying on the north side of Lewes-Georgetown Highway (Route 9), approximately 0.64 mile west of Gravel Hill Road, and being more particularly described in the attached legal description, said parcel containing 39.630 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.

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



Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 5, 2019

RE: County Council Old Business Report CU 2157 Country Lawn Care & Maintenance, LLC

The County Council held a public hearing on February 19, 2019. County Council deferred action for the Planning Commission recommendation and left the record open for 5 days for written comments regarding the Planning Commission recommendation. The Planning Commission made a recommendation at their meeting of February 28, 2019. A letter from the application regarding the recommendation was submitted to the Planning Office. The record is closed.

The Planning and Zoning Department received an application (CU 2157 Country Lawn Care & Maintenance, LLC) to allow for a Conditional Use to allow for a Landscaping Business for parcel 234-11.00-78.07 to be located on Hollymount Rd. The Planning and Zoning Commission held a public hearing on January 24, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record is a staff analysis, exhibit booklet, Site Plan, comments from the DelDOT Service Level Evaluation request confirming that a Traffic Impact Study ("TIS") was not required, comments from the Sussex Conservation District and comments from the Sussex County Engineering Department of Utility Planning Division.

The Commission found that Ms. Shannon Carmean Burton, Attorney with Sergovic, Carmean, Weidman, McCartney and Owens, Gerald Dougherty and Stephania Dougherty, owners of Country Lawn Care & Maintenance, LLC and Alan Decktor, Pennoni Associates were present on behalf the application; Ms. Burton stated the exhibit booklet includes a copy of the application, Conditional Use Site Plan, DelDOT response letter, letters in support of the application, and photos of the site; that the application is in compliance with the Zoning Code and the Comprehensive Plan; that the Applicants have owned their lawn and landscape business for nine years and had purchased the property with the intent to reside at the property but also to operate their landscaping business from the property which they have done for the past 2 ½ years; that the previous owners of the property had operated a landscaping business from the property during their ownership; that the applicants were unaware that the activities required a Conditional Use permit until a violation notice was received from Sussex County, that the proposed use of the property is consistent with the purposes and goals of the Sussex County Comprehensive Plan; that the property contains approximately 4.26 acres of land; that the property is zoned AR-1; that this proposed use is similar to other Conditional Uses



within the AR-1 Zoning District; that the property is located in the low-density area; that the property is located in an area of agricultural uses and single-family residents which would allow the applicants to provide their services to nearby residents; that the applicants currently have 10 employees; that hours of operation occur from 7:00 am to 7:00 pm, Monday through Friday and that these hours may be extended for snow removal or responding to other emergency purposes; that there would only be one person on the site all day during business hours; that the office is not open to the public; that all the equipment repairs would be undertaken off-site; that there are no mechanics based on the site; that the only routine maintenance would be undertaken on-site such as the changing of the blades; that the applicant does not stock bulk materials and they use bag materials only and any waste is disposed of in a dumpster located behind the dwelling; that there is a natural forested buffer that surrounds the property and also a privacy fence around the side and rear of the property; that Mr. Dougherty stated that the job is important for his family; that the Applicant's future plan is to buy commercial parcel; that Mr. Decktor stated the site is adjacent to residential properties that are zoned AR-1; that the lot to the west of this site is a vacant wooded lot and to the east is a single-family dwelling; that to the east of that property is the new entrance to Spring Breeze Subdivision and it extends behind this site; that the property is served by existing well and septic; that the employees would be able to use a porta-potty; that the property does drop down in the rear where the woods are located; that the house is located 260-feet from the road; that there is a detached garage on the site; that the trucks and trailers are stored in the rear of the property with a lot of smaller sheds; that the sheds would eventually be removed and the applicants would like to expand the detached garage for storage; that the property is outside of the floodplain; that Ms. Burton stated that the Applicant has received letters in support of the application; that the proposed Conditional Use would not have any adverse impact on traffic; that DelDOT did not recommend that a TIS be performed; that proposed use would meet the landscaping needs of Sussex County.

Mr. Hopkins asked about the type of landscaping activities undertaken, and the history of the site.

Mr. Dougherty stated he does not undertake any tree services for trees over 6-feet in height; that there would not be a need to bring any stumps back to the site and that he would not be grinding any stumps at all; that the previous owner of the property had a lawn mowing business; that the Applicant has been in business for seven years and his number of employees/contractors has reduced from 21 to 10 people; that the Applicant is okay with the number of employees that he currently has now; that the Applicant is not looking to increase the size of the site he currently has now; that the neighbor to the right of the site is okay with the Conditional Use; that they have 13 construction vehicles; that Mr. Decktor stated the construction vehicles are standard pick-up trucks with trailers; that Mr. Dougherty stated a few of the employees do take the pick-up trucks home; that the Applicant stated you cannot see the site from the road; that when there buffer grows, it would provide a buffer between his own home and the business; that the hours of operation are 7:00 am to 7:00 pm; that there would be no weekend hours; that the Applicant would be careful about the back-up alarms used in the construction equipment; that the Applicant does not want a sign; that they do provide hardscape services; that there would be no materials stored on the site; that the employees arrive in the morning to pick up the trucks and return in the afternoon; and that the previous owner owned the house for 10 years and the applicant was not sure how long the previous business was there.

The Commission found that Mr. Steve Castiglione, Mr. Christopher Warren, and Mr. Corey Henry spoke in favor of the application; that Mr. Castiglione stated he works for Country Lawn Care and his job depends on the Conditional Use approval; that they provide high-end landscaping and hardscaping services; that Mr. Warren stated he is an employee with Country Lawn Care; that there is a set of core

values at the business; that he enjoys his job; Mr. Henry stated he is an employee for Country Lawn Care; and that it is nice that the house is right there where the business located if help is needed loading equipment.

The Commission found that Mr. James Spellman, Mr. Albert Stanley and Mr. John Furbush spoke in opposition of the application; that Mr. Spellman owns the vacant lot that is adjacent to the site; that the business has been operating for three years; that the Conditional Use application has been submitted due to the Applicant having been in violation of the restrictions of AR-1 Zoning Code; that the Conditional Use request was submitted after his complaint; that the owner of Country Lawn Care should not be granted the Conditional Use sought; that the owners should have known that they needed a Conditional Use Permit beforehand; that the applicant is now seeking to obtain a Conditional Use for the site after the commencement of the use; that this is not consistent with the purpose of the AR-1 zoning; that the AR-1 zoning is to provide for a full range of agricultural activities, protect agricultural lands and that, in Mr. Spellman's view, the proposed use is not consistent with the definition of agriculture as per Delaware State law, as the use does not involve activities relating to the production or sale of food useful to humans; that the proposed Conditional Use would have a depreciating value of his land; that this use is not safe for the environment, health impact of people and for the land; that the applicant should find a commercial zoned tract of land for his business; that there are private covenants on the lot relating to commercial activities; that this business results in Mr. Spellman's inability to sell his vacant lot; that there was a business operating on the parcel prior to the current owners; that Mr. Spellman is concerned with potential contaminants, including sprays weed-killers, and pesticides being used, and the potential for harm to human health, and potential harm to the aquifer; that the siting of commercial uses adjacent to residential uses upsets the current balance; that Mr. Stanley stated he owns property two lots away from this site; that he built his home four years ago in a wooded lot; that there are deed restrictions applying to his property and to the adjoining parcels; that he has concerns with noise and traffic including potential back-up alarms; that he can see the house and the mechanical repairs through his woods; that he believes that there was no evidence of a prior business being undertaken on the site.

Ms. Burton stated that there are no restrictions in the applicant's deeds and the restricted covenants were not provided to the applicant at the time of closing; that the prior deed does have covenants; that the enforceability of the covenants would depend on the chain of title; that the covenants have not been enforced and there are other lot owners in the vicinity that have items (walls, fences, etc.) that are not in compliance with the covenants; that there is no mechanism to amend the covenants; that the applicant has taken measures to amend the covenants; that the applicant has reached out to adjoining landowners in relation to this.

Ms. Wingate asked the applicant about whether dump trucks have been accessing the site. Mr. Dougherty stated that he does not have any dump trucks and that the dump trucks observed/heard by neighbors are associated the Spring Breeze development behind his lot and the associated tree removal; that none of his trucks have tail gates.

Mr. Furbush stated the 21 lots were originally developed by a single developer and that all the lots are restricted to residential use; that if the Conditional Use is approved the deed restrictions would be ignored and this would be detrimental to the other 20 owners within the development; that there is no active Home Owners Association ("HOA"); that they have never needed a HOA; that the previous owner of the applicant's lot owned one riding mower, and that this should not be considered as a commercial use; and that there is no commercial use elsewhere on the road and that he believes that

this is the wrong location for a commercial use; that the proposed conditional use does not provide a benefit to other lot owners.

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

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration and to leave the record open to allow the applicant to submit the requested information in relation to the deed restrictions for the property. Motion carried 3-0. Ms. Stevenson was absent.

At their meeting of February 14, 2019, the Planning Commission discussed the application which has been deferred since January 24, 2019. Ms. Stevenson indicated that she had listened to the record and was prepared to vote on the application.

Mr. Robertson provided an overview of the chain of title and the deed restrictions that affect lots 9A, 10A, 11A and 12A; that the Commission does not enforce deed restrictions; that the determination of abandonment of the restrictions would be considered by the courts; and that the chain of title goes back to Springbreeze.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to close the record and defer action for further consideration. Motion carried 4-0.

At their meeting on February 28, the Planning Commission discussed the application which has been deferred since January 24, 2019.

Mr. Mears abstained himself. Mr. Mears was not on the Commission at the time of the hearing.

Ms. Wingate moved that the Commission recommend denial of C/U 2157 for Country Lawn Care & Maintenance, LLC (c/o Gerald and Stephania Dougherty) for a Conditional Use for a landscaping business based upon the record and for the following reasons:

1. This application is for a Conditional Use to operate a landscaping business on land that is zoned AR-1.
2. The site is within a residential subdivision that has 15 developed within single-family homes on large lots.
3. The applicant is the owner of the property and has been operating the landscaping business from the site without any approvals. As a result, the applicant received a violation notice from Sussex County and applied for a Conditional Use.
4. According to the record, the applicant's use would include parking and storage of vehicles, trailers, and equipment used in the business, and as a meeting place with parking for employees who pick up the company's equipment to head out to job sites in the morning and return in the evening.
5. There are no other business or commercial uses in existence within the subdivision where the property is located.
6. There are no other business or commercial uses in this area on Hollymount Road.
7. There was opposition from the owners of neighboring properties within this subdivision that the use would be inconsistent with the residential nature of the subdivision and the area of Hollymount Road.

8. There was testimony from neighbors opposing the application that it would adversely affect the use and enjoyment of their properties as a result of the additional traffic coming to and from the property by employees and the noise and traffic generated by the vehicles and equipment on the site including motor noise, equipment banging and back-up warnings.
9. There was testimony in the record that there are recorded Restrictive Covenants in the chain of title to this property and the adjacent lots prohibiting any commercial uses on the property. These Restrictions are recorded in the Sussex County Office of the Recorder of Deeds at Deed Book 2709 Page 113. They state that “No commercial activities are permitted.
10. Absent any compelling evidence to the contrary, Sussex County should not ignore restrictive covenants that prohibit a use. Because there are Restrictive Covenants prohibiting this Conditional Use, this application should be denied.
11. There are other more appropriate locations for this use that are not within a residential subdivision and where the proposed use would be more consistent with the surrounding area.
12. For all these reasons this Conditional Use application shall be denied.

Motion by Ms. Wingate failed as there was no second of the motion.

The Commission held a discussion regarding the application; that Mr. Hopkins stated there are other conditions have been broken; that this is a situation where a young family and the business has been operating for a number of years from the site; that he has concerns about how it would impact the family and the business; that Mr. Wheatley stated the Restrictions that are in the chain of title are there for a reason; that whether they have been broken or not broken or ignored or not enforced that is not a decision for the Commission to make; that the Commission makes a recommendation to Sussex County Council and Sussex County Council would have a different hearing and may take a different view; that Mr. Wheatley cannot second a motion; that Ms. Stevenson stated that based on the fact that a business there previously and then this family moved there had basically had the same business and they did expand the business; and that it seems like the Covenants had already been abandoned; that the Restrictions have been abandoned.

Motion by Mr. Hopkins, seconded by Ms. Stevenson to defer action for further consideration. Motion was 2-2. The motion has failed due to the lack of 3 votes.

Ms. Wingate moved that the Commission recommend denial of C/U 2157 for Country Lawn Care & Maintenance, LLC (c/o Gerald and Stephania Dougherty) for a Conditional Use for a landscaping business based upon the record and for the following reasons:

1. This application is for a Conditional Use to operate a landscaping business on land that is zoned AR-1.
2. The site is within a residential subdivision that has 15 development with single-family homes on large lots.
3. The applicant is the owner of the property and has been operating the landscaping business from the site without any approvals. As a result, the applicant received a violation notice from Sussex County and applied for a Conditional Use.
4. According to the record, the applicant’s use would include parking and storage of vehicles, trailers, and equipment used in the business, and as a meeting place with parking for employees who pick up the company’s equipment to head out to job sites in the morning and return in the evening.

5. There are no other business or commercial uses in existence within the subdivision where the property is located.
6. There are no other business or commercial uses in this area on Hollymount Road.
7. There was opposition from the owners of neighboring properties within this subdivision that the use would be inconsistent with the residential nature of the subdivision and the area of Hollymount Road.
8. There was testimony from neighbors opposing the application that it would adversely affect the use and enjoyment of their properties as a result of the additional traffic coming to and from the property by employees and the noise and traffic generated by the vehicles and equipment on the site including motor noise, equipment banging and back-up warnings.
9. There was testimony in the record that there are recorded Restrictive Covenants in the chain of title to this property and the adjacent lots prohibiting any commercial uses on the property. These Restrictions are recorded in the Sussex County Office of the Record of Deeds at Deed Book 2709 Page 113. They state that “No commercial activities are permitted.
10. Absent any compelling evidence to the contrary, Sussex County should not ignore restrictive covenants that prohibit a use. Because there are Restrictive Covenants prohibiting this Conditional Use, this application should be denied.
11. There are other more appropriate locations for this use that are not within a residential subdivision and where the proposed use would be more consistent with the surrounding area.
12. For all these reasons, this Conditional Use application shall be denied.

Motion by Ms. Wingate, seconded by Ms. Stevenson to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated. Motion was 2-2. Motion failed due to the lack of 3 votes.

Mr. Robertson explained that the rules state that it requires 3 affirmative votes to approve any matter within the jurisdiction of the Planning and Zoning Commission, this is Rule 5.5; that failure to receive 3 affirmative votes shall be deemed to disapprove any matter; that since it did not receive 3 votes it is equivalent to disapproval of that application.

Motion by Ms. Stevenson, seconded by Mr. Hopkins to forward this application to the Sussex County Council with a recommendation that the application be approved. Motion was 2-2. Motion failed due to lack of 3 votes.

Janelle Cornwell

From: Lynn Stanley <lynn.stanley@yahoo.com>
Sent: Friday, March 1, 2019 4:25 PM
To: IG Burton; Samuel R Wilson Jr; Doug Hudson; Michael H. Vincent; John Rieley; Janelle Cornwell; Robin Griffith
Subject: Comment on P & Z recommendation for c/u2157

Good afternoon Council Members,

Please accept the following points in support of the denial of c/u2157:

1. This conditional use is for a landscaping business that is on land that is zoned AR-1.
2. The site is within a residential subdivision that has 15 developed single family homes on large lots.
3. The applicant is the owner of the property and has been operating the landscaping business from the site without any approvals. As a result the applicant received a violation notice from Sussex County, and applied for a conditional use.
4. According to the record the applicants use would include the parking and storage of vehicles, trailers, and equipment used in the business and as a meeting place with parking of the employees who pick up the company equipment to head out to job sites in the morning and return in the evening.
5. There are no other businesses or commercial uses in existence within the subdivision where this property is located.
6. There are no other businesses or commercial uses in this area of Hollymount Road.
7. There was opposition from the owners of neighboring properties within this subdivision that the use would be inconsistent with the residential nature of the subdivision and this area of Hollymount Road.
8. There was testimony from neighbors opposing the application that it would adversely affect the use and enjoyment of their properties as a result of the additional traffic coming to and from the property by employees and the noise and traffic generated by the vehicles and equipment on the site including motor noise, equipment banging, and back-up warnings.
9. There was testimony in the record that there are recorded restrictive covenants, in the chain of title, to this property and the adjacent lots prohibiting any commercial uses on this property. These restrictions are recorded in the Sussex County Office of the recorded deeds , at deed book 2709, page 113. They state no commercial activities are permitted.
10. Absent any compelling evidence to the contrary Sussex County should not ignore restrictive covenants that prohibit a use. Because there are restrictive covenants prohibiting this conditional use this application should be denied.

11. There are other more appropriate locations for this use that are not within a residential subdivision and where the proposed use would be more consistent with the surrounding area.

12. For all these reasons, this conditional use application should be denied.

Thank you for your consideration,

Sincerely,

Lynn Stanley

30401 Hollymount Road

Introduced 10/02/18

Council District No. 3 – Burton

Tax I.D. No. 234-11.00-78.07

911 Address: 30435 Hollymount Road, Harbeson

ORDINANCE NO. ____

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.26 ACRES, MORE OR LESS

WHEREAS, on the 18th day of September 2018, a conditional use application, denominated Conditional Use No. 2157, was filed on behalf of Country Lawn Care & Maintenance, LLC (c/o Gerald and Stephania Dougherty); and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2157 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2157 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 side of Hollymount Road, approximately 0.42 mile east of Beaver Dam Road, and being more particularly described in the attached deed prepared by Schab & Barnett, P.A., said parcel containing 4.26 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.



SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: *Lewes Rehoboth Rotary Club*
PROJECT NAME: *Great Walks & Trails in Sussex County*
FEDERAL TAX ID: *546016484* NON-PROFIT: YES NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
YES NO *IF YES, FILL OUT SECTION 3B.
ORGANIZATION'S MISSION: *The mission of the Lewes-Rehoboth Rotary Club is to make the greater Lewes Community a better place to live, work, go to school and raise a family through both service and fundraising projects.*
ADDRESS: *P.O. Box 91, Lewes*
(CITY) *Lewes* (STATE) *DE* (ZIP) *19958*
CONTACT PERSON: *Mike South*
TITLE: *Member*
PHONE: *540.974.3544* EMAIL: *MR.SOUTH@YMAIL.COM*

TOTAL FUNDING REQUEST: \$35.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? *.02%*

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing
Infrastructure¹

Health and Human Services
 Other _____

Cultural
Educational

BENEFICIARY CATEGORY

Disability & Special Needs
Elderly Persons
Minority

Victims of Domestic Violence
Low to Moderate Income²
Other Tourists & Citizens

Homeless
Youth

BENEFICIARY NUMBER

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

20

SECTION 3: PROGRAM SCOPE

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

The Great Walks & Trails in Sussex County is a guide to our community's hiking & biking trails. It serves our citizens and tourists of the numerous services, companies and advantages of our area.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	<i>\$ 20,000</i>
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
<i>Various Relationships and SOIAs</i>	
<i>Organizations Requesting</i>	
<i>donations.</i>	
TOTAL EXPENDITURES	<i>\$ 20,000</i>
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	<i>- 0 -</i>

SECTION 5: STATEMENT OF ASSURANCES

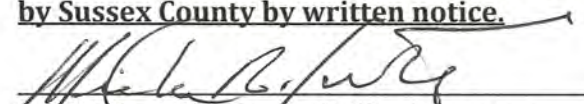
If this grant application is awarded funding, the _____ agrees that:

(Name of Organization)


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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official Signature

Date 2/25/19


Witness Signature

Date 2/25/19

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

867

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

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

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

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

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

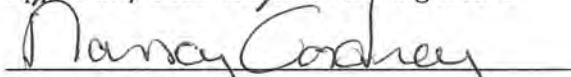
For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County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

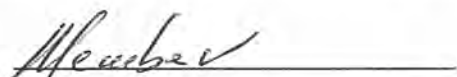
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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

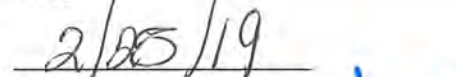
In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

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


Applicant/Authorized Official Signature


Witness Signature


Title


Date





SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Indian River Boys Volleyball Boosters**

PROJECT NAME:

FEDERAL TAX ID: NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: To provide boys the ability to play volleyball as a high school sport.

ADDRESS: **29772 Armory Road**

Dagsboro **De** **19939**
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Kathleen Barnes**

TITLE: **Indian River Boys Volleyball Booster President**

PHONE: **3025423045** EMAIL: **homestagingseaside@gmail.com**

TOTAL FUNDING REQUEST: \$500.00-\$1500.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? **10-25**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing
Infrastructure¹

Health and Human Services
 Other Youth Sports

Cultural
Educational

BENEFICIARY CATEGORY

Disability & Special Needs
Elderly Persons
Minority

Victims of Domestic Violence
Low to Moderate Income²
Other

Homeless
 Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
10-20

SECTION 3: PROGRAM SCOPE

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

February 20, 2019

Dear Members of the Sussex County Council,

I am writing to you on behalf of the student members of the Indian River High school Boys Volleyball team in hopes that you will consider a financial contribution to the team.

The boys' volleyball team was just formed in the spring of 2018, so this will be our second season beginning on March 1st. The team is not funded by the school or the district, so all of our funds come from parents and fundraising. Last year the season cost us \$ 5232.00 for uniforms, referees, and transportation. Since our uniforms are already paid for our budget for this season will be approximately \$5000.00 for transportation and referees as our coaches are volunteers.

Last year our team made it to the state playoffs and took 3rd place overall. What an accomplishment for a new team. Two players were first team all-state and one player was rookie of the year. With the core group of players returning they have a good chance to go further this season.

We would greatly appreciate any grant that you would be able to provide us with.

If you have any questions, please contact me at 302-462-5945.

302-542-3045

Sincerely,

Kathleen Barnes

Indian River Boys Volleyball Boosters

29772 Armory Road

Dagsboro, De 19939

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
5000.00	
transportation and referee fees	\$ 5,000.00
TOTAL EXPENDITURES	\$ 5,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 5,000.00

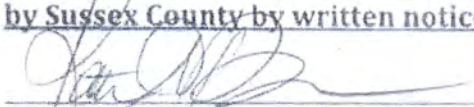
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Indian River Boys Volleyball Boosters agrees that:
(Name of Organization)

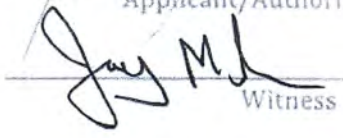
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official



Witness

2/20/19
Date

2/20/19
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

887

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

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

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

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


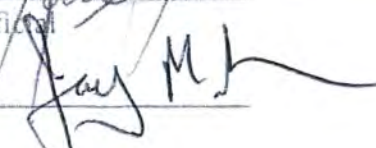
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

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

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

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

Kathleen Barnes		President Indian River Boys Volleyball Boosters
Applicant/Authorized Official		Title
Jay McGee		2-20-19
Witness		Date

Rieley
2-27-19
Rev. 08/2018



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Western Sussex Chamber of Commerce**
 PROJECT NAME: **Bike and Brew Tour 2019**
 FEDERAL TAX ID: **51-0109649** NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: Our mission is to promote and meet the needs of our businesses. To create the best community in which to live, work and do business. To promote tourism and economic development.

ADDRESS: **PO Box 26**
Seaford DE 19973
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Susan Michel/Lynn Harman**
 TITLE: **Event & Program Coordinator/Executive Director**
 PHONE: **302-228-5934** EMAIL: **susanmichel888@gmail.com**

TOTAL FUNDING REQUEST: \$1000.00

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

If YES, how much was received in the last 12 months? **\$1000.0**

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? **7%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

120

SECTION 3: PROGRAM SCOPE

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

A portion of the funds collected from the Bike and Brew will be used to promote travel and tourism to Western Sussex County.

Another portion of funds collected, will be provided to Nanticoke Health Services - Healing Harvest Food Closet. The goal of Healing Harvest Food Closet is to provide food to patients who were admitted into the hospital sick and upon discharge, do not have food at home to aid in their healing. Patients are identified as being in need as a part of the patient care process. While many communities in our area have a community food bank, it may take some time for a patient, recovering from a hospital stay, to connect with these resources.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$30,000
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Advertising	\$1500.00
Donation to Food Closet	\$7500.00
Equipment Rental	\$1700.00
Event Food	\$5000.00
General Promotions	\$5500.00
Insurance/License/Permits	\$1000.00
Supplies	\$ 250.00
TOTAL EXPENDITURES	\$22450.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$7550.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Western Sussex Chamber of Commerce agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

[Signature]
 Applicant/Authorized Official

2/22/19
 Date

[Signature]
 Witness

 Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

[Handwritten Signature]
Applicant/Authorized Official

Susam Michel
Witness

Executive Director/Sec
Title

2/22/19
Date

Vincent
2-27-19
Rev. 08/2018



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Police Unity Tour, Chapter 10
PROJECT NAME: Annual Police Unity Memorial Bicycle Tour 2019
FEDERAL TAX ID: 80-0940011 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION:

The annual memorial bicycle tour is a tremendous and emotional mission (for more than 25 years) about the awareness and support of fallen in law enforcement in the United States. Men and women who've died in the line of duty are recognized by the National Law Enforcement Officer's Memorial Fund and Monument in Washington, DC. Recently a national museum was dedicated in 2018. We raise money for these programs, maintenance, service and operations. The bicycle tour comprises 3000 cyclists (from across the globe) in several chapters across the greater mid-Atlantic states and are active and retired police personnel and survivors who are family/descendants of the fallen. I am a direct descendant of a fallen officer and constable in Sussex County. Our grand-father Charles W. Futcher, Sr. died in the line of duty in 1939 while a town officer for the Lewes PD. My personal role is to ride for our grand-father while remembering his legacy and that of my family while dedicating my ride to all of Delaware's fallen and our county fallen including Seaford, Ocean View, Georgetown PD and Delaware State Police. I ride in the chapter that combines with a separate delegation that arrives in Lewes from NJ on the Cape May Lewes Ferry in May every year. This mission is not only deeply personal but also about unity of law enforcement with community. I am honored and blessed to represent the Lewes PD, State of Delaware, Sussex County and the Futcher/Graves Family.

ADDRESS:

11 Iowa Avenue

Lewes

(CITY)

Delaware

(STATE)

19958

(ZIP)

CONTACT PERSON:

JuneRose Futcher

TITLE:

Cyclist/Survivor

PHONE:

302-645-8829

EMAIL: jfutcher@dtcc.edu

TOTAL FUNDING REQUEST: \$500

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 15%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

200

SECTION 3: PROGRAM SCOPE

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

The grant money will enable me to complete my fundraising goal and permit me to ride as registered member cyclist/survivor of the Police Unity Tour while officially representing Lewes PD. The money supports the cycling tour operation, logistics, provisions and accommodations. We ride approximately 300 miles protected by police motorcades from New Jersey to Washington DC. The highlight is arriving in Lewes/Sussex County and my home town and county, on 5/10/2019. About half of the combined proceeds are dedicated to the National Law Enforcement Officer's Memorial Fund.

This program while raising awareness for fallen men and women in law enforcement, provides me the opportunity to preserve community legacy, recognize our fallen grand-father and all of law enforcement right here in my hometown and community. And ultimately my role and commitment is a show of gratitude to law enforcement for their support in our family's journey of memorial dedications in Delaware and Washington, DC. T

The costs of equipment, bicycle, maintenance gear, and logistics are substantial and require year long planning, training and transportation. I need all the help that may be offered.

Note: I am active member of the Delaware Chapter, Concerns of Police Survivors. The legacy of historical fallen over many generations and decades is an important element of law enforcement memorial programs.

As a survivor (and grand-daughter) I qualify as a cyclist and a civilian representative of the Lewes PD.

Our family will always be remembered for their loss 80 years ago and our grand-father's sacrifice to community will never be forgotten. Officer Charles W. Futch, Lewes PD; "He was fearless and constant in the performance of his duties." End of Watch, 13 August, 1939.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	3,500.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
TOTAL EXPENDITURES	13,500 \$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 3,500.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the JuneRose Futcher/PUT 10 agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Junerosse JR Fitcher
Applicant/Authorized Official

Jane Fitcher
Witness
(MOTHER OF APPLICANT)

2/12/2019
Date

15 Feb 19
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

[Handwritten initials]

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

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

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

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

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

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

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

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

JuneRose Fatcher

Applicant/Authorized Official

IG Burton

Witness

[Handwritten signature of JuneRose Fatcher]
[Handwritten signature of IG Burton]
MOTHER OF APPLICANT

Cyclist member/survivor

Title

2/12/2019

Date

15 Feb '19
Burton
2/22/19
Rev. 08/2018

To Be Introduced 03/12/19

Council District No. 3 – Burton

Tax I.D. No. 235-16.00-75.00 and 77.00

911 Address: 14904 Coastal Highway, Milton

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WELLNESS CLASSES (INCLUDING YOGA, MASSAGE MEDITATION, ACUPUNCTURE AND LECTURES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.33 ACRES, MORE OR LESS

WHEREAS, on the 11th day of September 2018, a conditional use application, denominated Conditional Use No. 2156, was filed on behalf of Christine and Joseph R. Hudson; and

WHEREAS, on the ____ day of _____ 2019, 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. 2156 be _____; and

WHEREAS, on the ____ day of _____ 2019, 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. 2156 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northwest side of Coastal Highway (Route 1), approximately 0.28 mile south of Hudson Road, and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 3.33 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 03/12/19

**Council District No. 5 – Rieley
Tax I.D. No. 134-21.00-6.00 (portion of)
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 38.13 ACRES, MORE OR LESS

WHEREAS, on the 4th day of January 2019, a conditional use application, denominated Conditional Use No. 2170, was filed on behalf of Old Mill Bridge, LLC; and

WHEREAS, on the ____ day of _____ 2019, 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. 2170 be _____; and

WHEREAS, on the ____ day of _____ 2019, 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. 2170 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying at the northeast corner of Old Mill Bridge Road and Millers Neck Road, and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 38.13 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 03/12/19

**Council District No. 5 - Rieley
Tax I.D. No. 134-19.00-13.03 and 134-18.00-38.00
911 Address: 34703 Cider Lane, Frankford**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.754 ACRES, MORE OR LESS

WHEREAS, on the 4th day of December 2018, a zoning application, denominated Change of Zone No. 1881, was filed on behalf of Norman Stephen Price Revocable Trust (Lakelynns); and

WHEREAS, on the _____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1881 be _____; and

WHEREAS, on the _____ day of _____ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast corner of Peppers Corner Road and Lizard Hill Road, and also being on the north side of Lizard Hill Road approximately 823 feet southeast of Peppers Corner Road, and being more particularly described in the attached legal descriptions prepared by The Smith Firm,

LLC, and Phillips, Goldman & Spence, P.A., said parcel containing 71.754 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

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

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 5, 2019

RE: County Council Report for CU 2158 Millsboro Solar, LLC

The Planning and Zoning Department received an application (CU 2158 Millsboro Solar, LLC) to allow for a Conditional Use to allow for a solar array facility for parcels 233-15.00-57.01 & 57.02 to be located on Nine Foot Rd. The Planning and Zoning Commission held a public hearing on February 14, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit booklet, Site Plan, comments from the Sussex Conservation District, Sussex County Engineering Department of Utility Planning Division, and results from the DelDOT Service Level Evaluation response indicating that a Traffic Impact Study ("TIS") was not required.

The Commission found that Ms. Linda Nwadike, Engineer with SunEnergy 1, LLC, Ms. Carla Rickards and Andrew Willey, owners of property were present on behalf of the application; that Ms. Nwadike stated SunEnergy is one of the top five solar developers in the United States; that this is a proposed six-megawatt project; that the land is zoned AR-1 (Agricultural Residential District); that SunEnergy would lease the farm land; that a fence and landscape buffers would be provided along the roads; that they are proposing a landscaping buffer and that, for every 100 linear feet, there would be 12 evergreen trees, 10 shrubs with additional ornamental grass; that they have talked to the adjacent land owners in regards to the proposed solar array facility; that the late Mr. Rickards wanted utility scale solar for this land and has passed away since starting on this project; that Mr. Rickards' family would like to continue with the project; that the closest solar panel would be 200-feet from the house and 500-feet from adjacent house that is not owned by the land owner; that the property is located in a low-density area; that the property is located in the State Spending Strategies Level 4; that DelDOT did not require a Traffic Impact Study (TIS); that this would be there first project in Delaware; that there is two solar facilities in the area and one was approved one year ago; that SunEnergy tries to hire local constructors for the project; that there would be no water and sewer on the site; that there would be no noise after construction is completed; that the construction would take approximately five months; that only a few people would visit the site after the construction is completed; that Mr. Willey stated he is Mr. Rickards' grandson; that Mr. Rickards was pro-solar, and pro clean energy and the family would like to proceed with his wishes; that Ms. Nwadike stated the panels have a warranty of 25 years; that after 25 years the energy efficiency of the panels lowers due to degradation but would



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

still work at up to 80%; that SunEnergy would monitor the panels from the headquarters from a scanner system and would have a local person would check on the panels if there are any issues; that SunEnergy would be working with Delmarva Power; and that it would take five years for the system to return and pay for itself.

The Commission found that no one spoke in favor of to the application.

The Commission found that Ms. Adrienne Miller and Mr. Bryan Miller spoke in opposition to the application; that Ms. Miller and Mr. Miller stated they are adjoining neighbors and that Ms. Nwadike had not spoken to them about the project; that they have concerns with the look of the fence and/or tree line; that they had concerns with their property value; that they have concerns with the potential medical impacts from electromagnetic radiation and that Mrs. Miller has had previous health issues; that they had purchased their property a little over two years ago; that they wanted to live in a rural area; that there is some negatives to the project such as noise, appearance of the panels instead of vegetation; and that they do not want to see solar panels.

The Commission found that Ms. Nwadike stated that the only noise would be during the construction; that after construction there would be a humming noise from the transformers which are located on the interior of the site; that they would be willing to add more landscaping; that the panels do not have emissions or radiation; that the panels are made with sand and glass and it is not toxic: and that some people have sheep that graze in the area and eat the grass; that the panels are regulated by the Environmental Protection Agency.

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

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting on February 28, 2019, the Planning Commission discussed the application which has been deferred since February 14, 2019.

Ms. Wingate moved the Commission recommend approval of Conditional Use 2158 for Millsboro Solar, LLC for a solar array farm in an AR-1 District based upon the record made at the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code and it meets the purposes of a Conditional Use in that it is of a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighboring or adjacent properties.
3. The proposed solar generation facility will not result in any noticeable increase in traffic on adjacent and neighboring roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance or repair of the solar panels.
4. No noise. Dust or odor will be generated by the facility.
5. This recommendation is subject to the following conditions:
 - A. No storage facilities shall be constructed on the site.

- B. Lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- C. One unlighted sign, not to exceed 32 square feet in size, shall be permitted.
- D. The site shall be secured by fencing with a gate with a ‘Knox Box’ to accommodate emergency access by the local fire company or other emergency responders.
- E. There shall be a vegetated buffer between the boundary of the conditional use area and the perimeter fence to screen the use from the view of neighboring properties. This buffer shall be at least 30-feet wide, with at least 12 evergreen trees and 10 shrubs per 100 linear feet. This buffer shall be located along Nine Foot Road, Fox Run and the northeast border of the site between Nine Foot Road and Fox Run.
- F. Any transformers or similar equipment shall be centrally located on the site away from all nearby residential uses.
- G. All grounds, including the area outside of the fence, shall be maintained so that they do not become overgrown.
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Ms. Wingate seconded by Ms. Stevenson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and conditions stated in the motion. Motion carried 5-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: February 10, 2019
RE: Staff Analysis for CU 2158 Millsboro Solar, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2158 Millsboro Solar, LLC to be reviewed during the February 14, 2019 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 parcels 233-15.00-57.01 & 57.02 to allow for solar array facility to be located on Nine Foot Rd. The size of the properties is 91.304 ac. +/-.

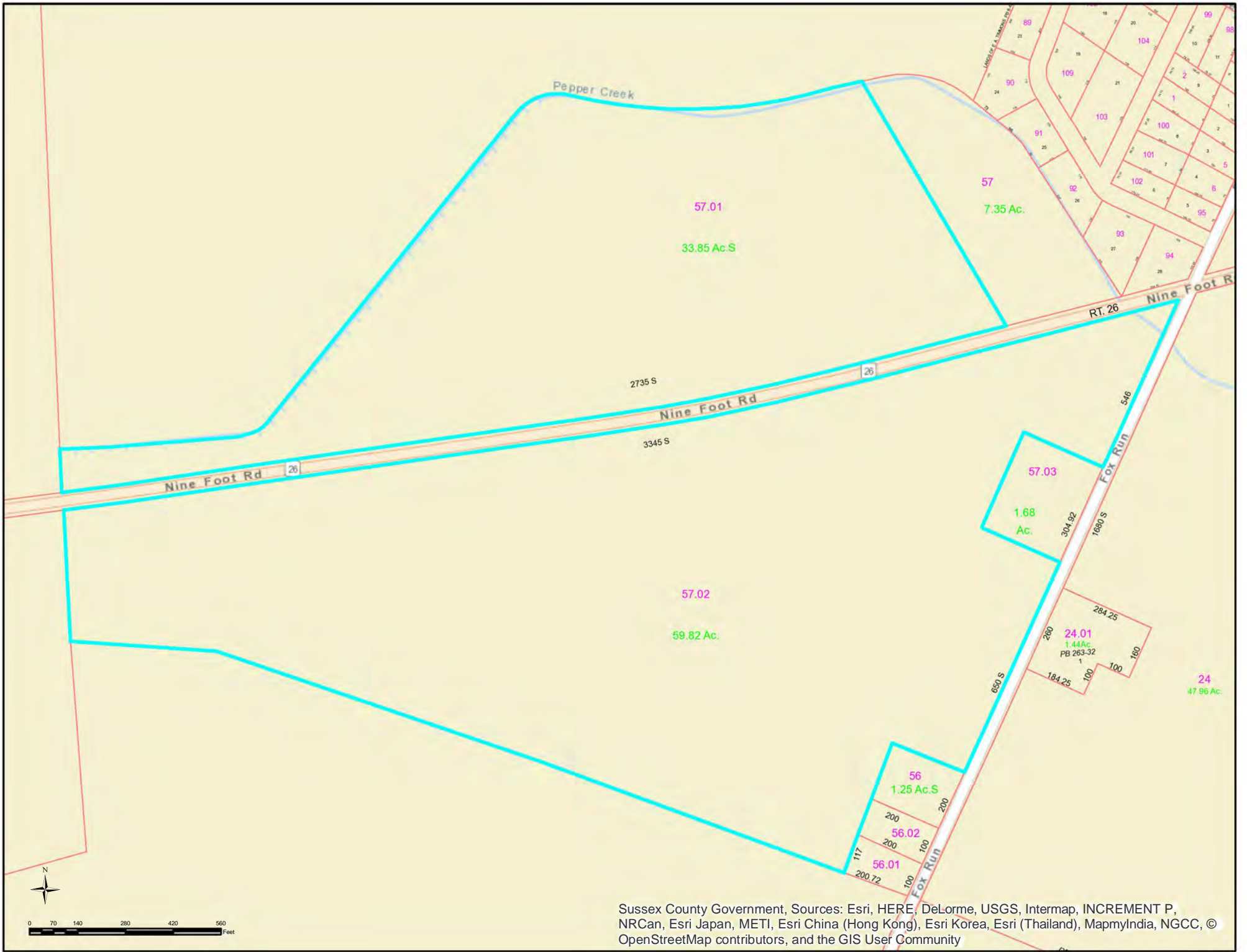
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

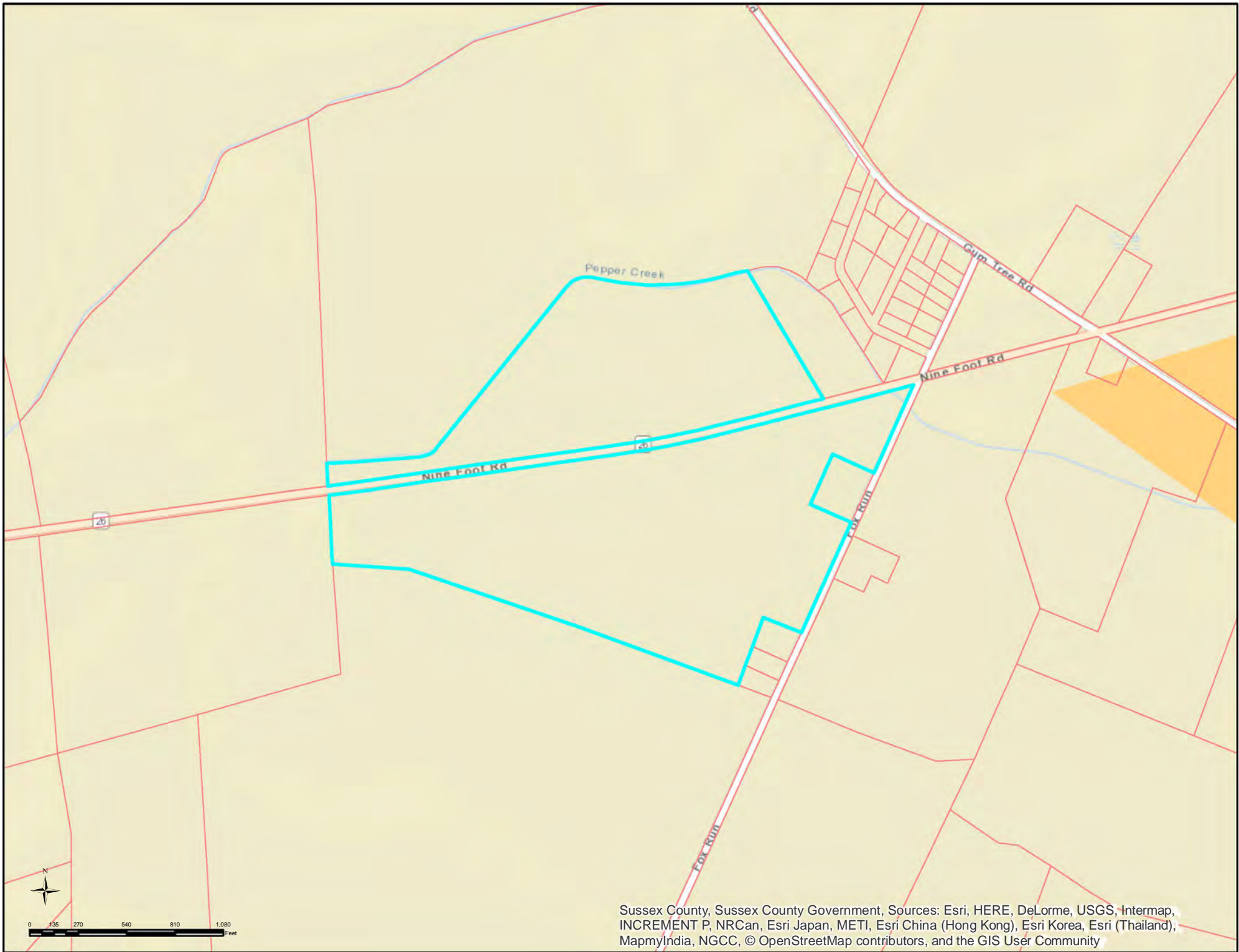
The surrounding land use to the north, south, east and west is Low Density Area. The Low Density Areas land use designation recognizes that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The use as auto repair and gasoline sales, should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). Further to the east are parcels zoned GR (General Residential District). There is a Conditional Uses in the area (CU 1799 compost facility).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a solar array facility could be considered consistent with the land use, area zoning and uses.







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

Introduced 11/13/18

**Council District No. 5 – Arlett
Tax I.D. No. 233-15.00-57.01 & 57.02
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 91.304 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of October 2018, a conditional use application, denominated Conditional Use No. 2158, was filed on behalf of Millsboro Solar, LLC; and

WHEREAS, on the ____ day of _____ 2019, 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. 2158 be _____; and

WHEREAS, on the ____ day of _____ 2019, 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. 2158 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 north side of Nine Foot Road, approximately 0.27 mile west of Gum Tree Road, and on the south side of Nine Foot Road, approximately 0.2 mile west of Gum Tree Road, and being more particularly described in the attached legal description prepared by Smith O'Donnell Feinberg & Berl, LLP, and D. Stephen Parsons, P.A., said parcel containing 91.304 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.

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

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 5, 2019

RE: County Council Report for CZ 1871 Masten Realty, LLC

The Planning and Zoning Department received an application (CZ 1871 Masten Realty, LLC) to allow for a Change of Zone for parcel 330-11.00-46.01 to allow for change from AR-1 (Agricultural Residential District) to B-2 (Business Community District) to be located at 6103 S. Rehoboth Blvd. The Planning and Zoning Commission held a public hearing on February 14, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record is a staff analysis, comments from the Sussex County Engineering Department of Utility Planning Division, and the results from DelDOT Service Level Evaluation request confirming that a Traffic Impact Study ("TIS") was not required. One letter was received by Mr. Robert Rescigno with questions about parking on the north side of the property. Ms. Cornwell stated this is an application for a Change in Zone, if the application is approved, it would come through a Site Plan process and the number of parking spaces and location would be reviewed by the Planning and Zoning Commission. Mr. Rescigno also had questions if the parcel is the road that borders their property and does the road go back to the woods, that he thought there was a second parcel that was the Masten residence, he also concerns about the private road, rezoning of additional properties, the liquor store which is adjacent to the property and it is zoned AR-1 (Agricultural Residential District). Ms. Cornwell stated this is a legal non-conforming use and it existed prior to the zoning going into effect in 1970, he had questions about the impact decision on the rezoning for the liquor store and was entered into the record.

Mr. Robertson explained that this is an application for a change in zone; that whilst there is conceptional information presented in the form of a Site Plan, this is not the matter interest; that the issue is whether if B-2 (Business Community District) is appropriate for this site; that if the Planning and Zoning Commission and County Council approve the application; and that the Site Plan would come back to the Planning and Zoning Commission as an other business item for review.

The Commission found that Mr. Jamie Masten the Applicant was present on behalf of the application; that Mr. Masten stated that he currently has a small office on Route 113 with limited parking; that he lives right behind this parcel; that the property is located adjacent to a liquor store; that the existing would make a nice office; that the existing dwelling is 5,200 square feet; that he would keep the look like a house; that the application did go to the State of Delaware Preliminary Land Service (PLUS);



that the property is located in the State Spending Strategies Level 1 area; that he was asked to look into annexation to the City of Milford and it was not viable; that the City of Milford would require a 6-foot tree line buffer around the entire property; that he would like to preserve the open space of the yard; that there is no commercial in the area; that adjacent to the property is a liquor store and an old gas station; that across the street from the site is the Country Club with a commercial kitchen and bar; that the area is transitioning to commercial; that there is a new church being built to the north of this site; and that he would like to keep the parcel the way it is.

The Commission found that no one wished to speak in favor of or in opposition to the application.

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

Mr. Hopkins moved that the Commission recommend approval of Change in Zone 1871 for Masten Realty, LLC for a change in zone from AR-1 to B-2 (Business Community) based upon the record made during the public hearing and for the following reasons:

1. B-2 (Business Community Zoning) is designed to allow office, retail shopping and personal service uses that serves a relatively small area, including low-density and medium-density neighborhoods.
2. The site is in the Town Center Area according to the current Sussex County Comprehensive Plan and it is surrounded by this classification on the north, south, east, and west, with a portion of the western boundary running along the boundary with the City of Milford. B-2 uses are appropriate in the Town Center Area according to the Plan.
3. The site is located along South Rehoboth Boulevard in an area where there is a mix of small businesses including a liquor store next door and residential uses. This location is appropriate for B-2 Zoning.
4. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
5. No parties appeared in opposition to the application.
6. The property next to a liquor store, is no longer suitable for residential use.
7. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and conditions stated in the motion. Motion carried 5-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: February 10, 2019
RE: Staff Analysis for CZ 1871 Masten Realty, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1871 Masten Realty, LLC to be reviewed during the February 14, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 330-11.00-46.01 to allow for change from AR-1 (Agricultural Residential District) to B-2 (Business Community District) to be located at 6103 S. Rehoboth Blvd. The size of the properties is 3.0 ac. +/-.

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

The surrounding land use to the north, south, east and west is Town Center. Some of the land to the west is located within the City of Milford. The Town Center land use designation recognizes that a range of housing types are appropriate including single family, townhouse and multi-family. It also recognizes that commercial uses should serve the daily needs of residents, worker and visitors and retail and office uses compatible with adjacent uses are appropriate; however, large intense shopping centers should be encouraged in the Highway Commercial land use designation. Smaller low impact industrial uses may be appropriate within the land use classification.

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

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to B-2 (Business Community District) could be considered consistent with the land use, area zoning and uses.





Sussex County



PIN:	330-11.00-46.01
Owner Name	KOLOBIELSKI KAREN M TRUSTEE
Book	1942
Mailing Address	9 STOCKLEY ST
City	REHOBOTH BEACH
State	DE
Description	NE SIDE RT 14 800'
Description 2	NW OF RT 209A
Description 3	N/A
Land Code	

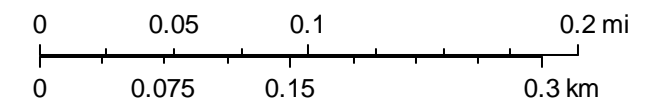
polygonLayer
Override 1

polygonLayer
Override 1

□ Tax Parcels
— Streets

- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - General Commercial - C-1
 - Commercial Residential - CR-1
 - Marine - M
 - Limited Industrial - LI-1
 - Limited Industrial - LI-2
 - Heavy Industrial - HI-1

1:4,514





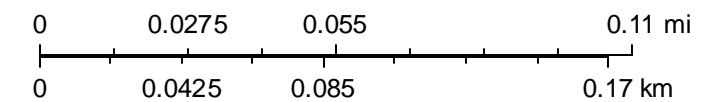
Sussex County



PIN:	330-11.00-46.01
Owner Name	KOLOBIELSKI KAREN M TRUSTEE
Book	1942
Mailing Address	9 STOCKLEY ST
City	REHOBOTH BEACH
State	DE
Description	NE SIDE RT 14 800'
Description 2	NW OF RT 209A
Description 3	N/A
Land Code	

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

1:2,257





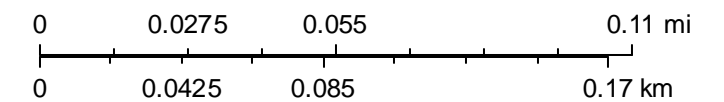
Sussex County



PIN:	330-11.00-46.01
Owner Name	KOLOBIELSKI KAREN M TRUSTEE
Book	1942
Mailing Address	9 STOCKLEY ST
City	REHOBOTH BEACH
State	DE
Description	NE SIDE RT 14 800'
Description 2	NW OF RT 209A
Description 3	N/A
Land Code	

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

1:2,257



Introduced 10/09/18

Council District No. 2 - Wilson

Tax I.D. No. 330-11.00-46.01

911 Address: 6103 South Rehoboth Boulevard, Milford

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0 ACRES, MORE OR LESS

WHEREAS, on the 26th day of September 2018, a zoning application, denominated Change of Zone No. 1871, was filed on behalf of Masten Realty, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1871 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the east side of South Rehoboth Boulevard, approximately 0.51 mile south of Southeast 2nd Street, and being more particularly described in the attached legal description, said parcel containing 3.0 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.

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



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 5, 2019

RE: County Council Report for CZ 1873 Captain's Way Development, LLC

The Planning and Zoning Department received an application (CZ 1873 Captain's Way Development, LLC) to allow for a Change of Zone for parcels 235-13.00-2.00, 2.06, 2.07, 2.08, and 32.00 – 332.00 to allow for amendments to conditions of approval of CZ 1721 (Ord. 2295) for the GR-RPC (General Residential District – Residential Planned Community) located on Milton-Ellendale Hwy. (Rt. 16). The Planning and Zoning Commission held a public hearing on February 14, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, Site Plan, and comments from Sussex Conservation District Utility Planning Division.

The Commission found that Mr. Pret Dyer, Member of Captain's Way Development and Mr. Mark Davidson, with Pennoni Associates were present on behalf of the application; that Mr. Dyer stated they have a desire to change the clubhouse; that they would like to amend Condition 'F' to change the following language to amenities contain within Phases 1, 2 and 3 shall be open and available for use by residents prior the construction of the 2nd Phase of construction; that in the original conditions in the rear section of Phase 6 of the project that there are additional amenities; that they would not be able to access the amenities because the roads would not be completed; that they would like to relocate the clubhouse to a new area and more visible upon arrival to the project; that the amenities to be built in Phases 1, 2 and 3 shall include a clubhouse with a parking lot, outdoor pool, tot lot, dog park, one pickle ball court, a natural surface walking path, the DART bus stop would be built along Route 16 and a school bus stop would be built within the clubhouse parking lot; that they would like to change Condition P to area to be used as a school bus shelter with parking for five vehicles shall be set aside in the parking lot for the community center; that both the DART bus stop and the school bus stop shall be constructed at the same time that DelDOT entrances are constructed; that they are working with the school district for the bus to come in and pick up the students and it is safer for the children and the bus; that they have rearranged the parking lot so the bus can navigate in the parking lot and subdivision; that the DART bus stop will still be located along Route 16; that the amendment to both of these conditions are to be believed to be both consistent with, and an improvement to, the previous conditions that were granted; that their desire is to both accommodate the construction of the amenities; that Mr. Davidson stated they have been working with the school district and transportation manager from the Cape Henlopen School District; that they have given several different choices; that



they are working through the process and looking into how they are going to accommodate the school bus; and that the Cape Henlopen School District has not yet agreed to the change.

The Commission found that no one wished to speak in favor of or in opposition to the application.

The hearing for this application was closed.

Motion by Mr. Hopkins, seconded by Ms. Wingate, and carried unanimously to forward this application to amend Condition F of Ordinance No. 2295 to state that the amenities contained with Phases 1, 2 and 3 shall be open and available to use by residents prior to the commencement of the 2nd Phase of construction and to amend Condition P to state the area to be used as a school bus shelter with parking for five vehicles shall be set aside in the parking lot for the community center, and that both the DART bus stop and the school bus stop shall be constructed at the time that the DelDOT entrance is also constructed and that this shall be per the approval of the Cape Henlopen District, to the Sussex County Council with recommendation that the application be approved for the reasons stated and conditions stated in the motion. Motion carried 5-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: February 10, 2019
RE: Staff Analysis for CZ 1873 Captains Way Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1873 Captains Way Development, LLC to be reviewed during the February 14, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 235-13.00-2.00, 2.06, 2.07, 2.08, and 32.00 – 332.00 to allow for amendments to conditions of approval of CZ 1721 (Ord. 2295) for the GR-RPC (General Residential District – Residential Planned Community) located on Milton-Ellendale Hwy. (Rt. 16). The size of the properties is 154.71 ac. +/-.

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

The surrounding land use to the south, east and west is Low Density. The land uses to the north are Low Density and Mixed Residential Areas. The Low Density Areas land use designation recognizes that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation.

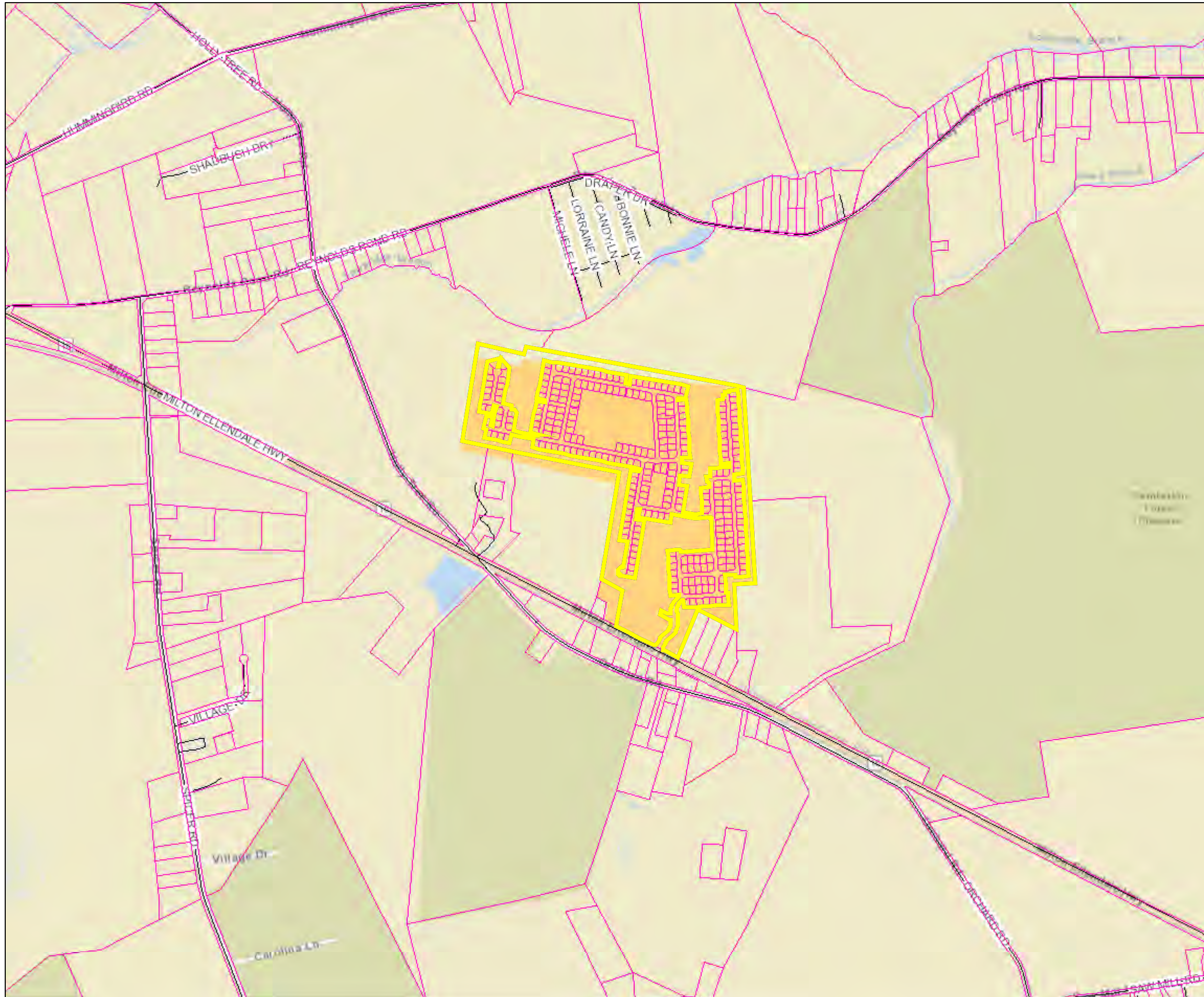
The property is zoned GR-RPC (General Residential District – Residential Planned Community). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are no known Conditional Uses in the area.

The request is to amend conditions F and P. Condition F states “All amenities shall be clearly shown on the final site plan and they shall be open and available to use by residents prior to the construction of the second phase of the development.” The request is to have condition F state “The amenities contained within Phases 1, 2, and 3 shall be open and available for use by residential prior to the construction of the second phase of construction”. Condition P currently states “Area to be used as a DART bus stop and school bus shelter with parking for 5 vehicles shall be set aside near the entrance of the project. The areas for the bus stops shall be constructed at the time the DelDOT entrance is also constructed.” The request is to have condition P state “Area to be used as a DART bus stop and school bus shelter with parking for 5 vehicles shall be set aside in the parking lot for the community center. Both the DART Bus Stop and School Bus Stop shall be constructed at the time the DelDOT entrance is also constructed.





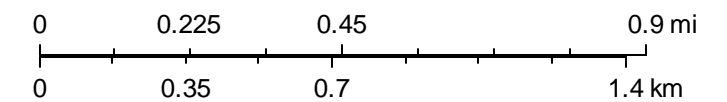
Sussex County



PIN:	235-13.00-2.00
Owner Name	CAPTAINS WAY DEVELOPMENT LLC
Book	3543
Mailing Address	P O BOX 212
City	LEWES
State	DE
Description	NE/RT 16
Description 2	1878' E/RD 226
Description 3	
Land Code	

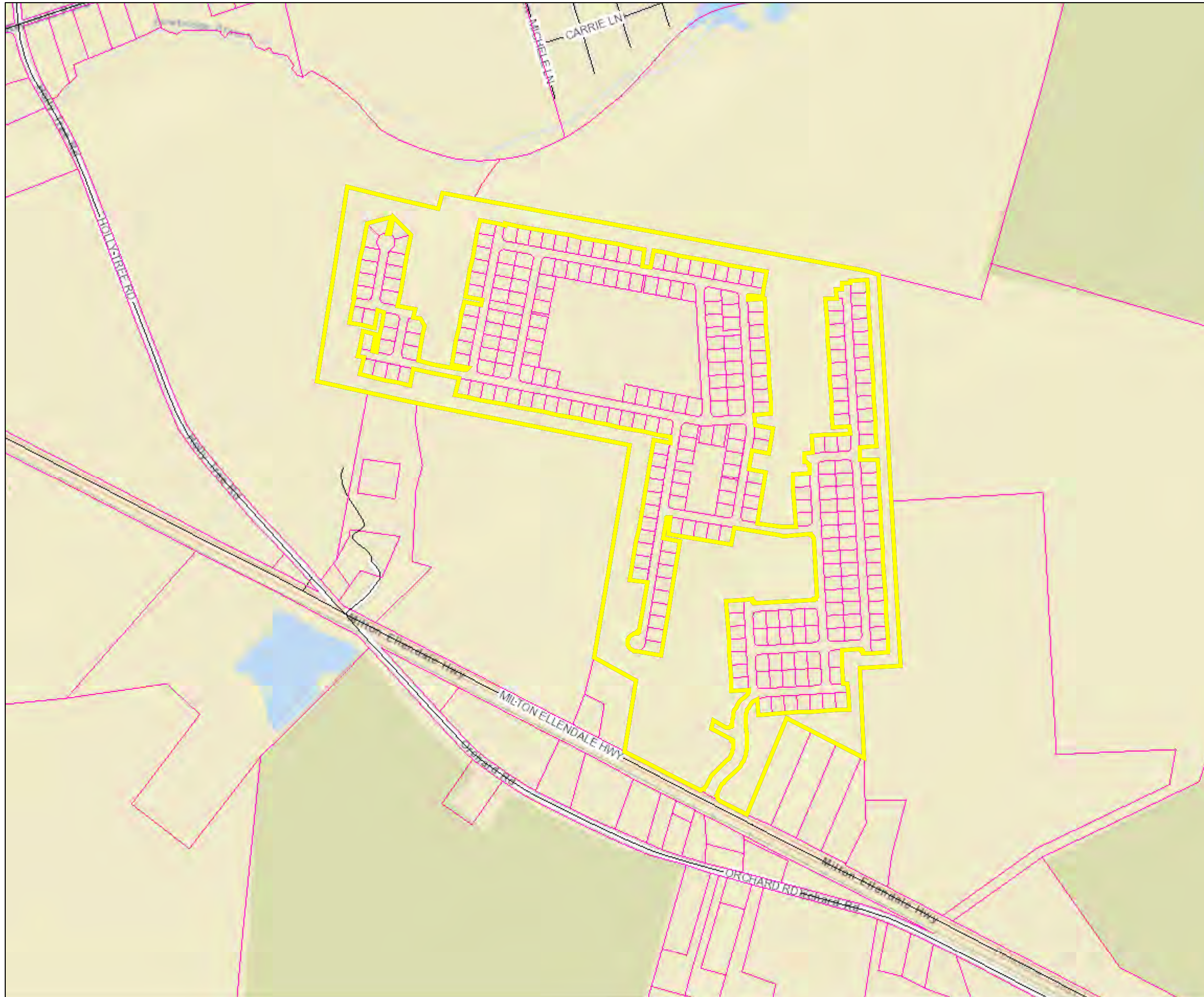
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 - Streets
- Zoning**
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 - Agricultural Residential - AR-2
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 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - General Commercial - C-1
 - Commercial Residential - CR-1
 - Marine - M
 - Limited Industrial - LI-1
 - Limited Industrial - LI-2
 - Heavy Industrial - HI-1

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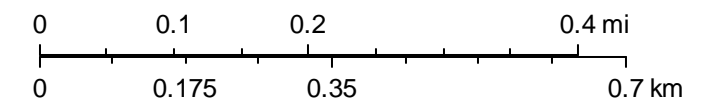
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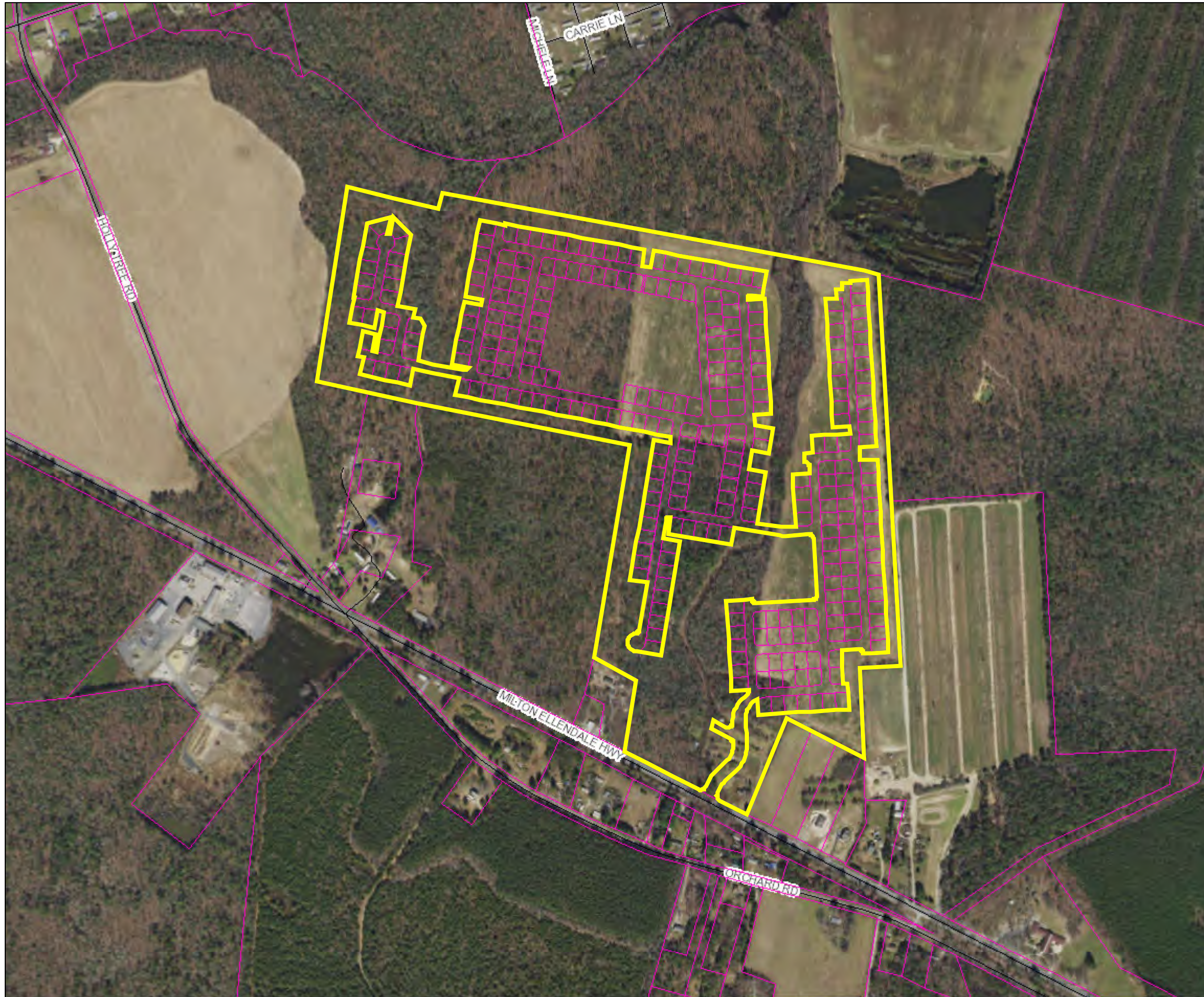
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-  Streets
-  County Boundaries

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





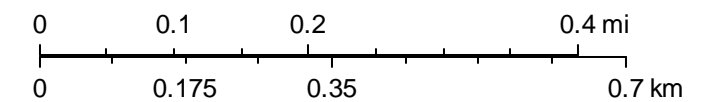
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- Override 1
- polygonLayer**
- Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:9,028



Introduced 1/08/19

Council District No. 3 – Burton

Tax I.D. No. 235-13.00-2.00, 2.06, 2.07, 2.08 and 235-13.00-32.00 through 332.00

911 Address: None Available

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO ALLOW FOR AMENDMENTS TO CONDITIONS OF APPROVAL FOR CZ 1721 (ORDINANCE NO. 2295) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 154.72 ACRES, MORE OR LESS”

WHEREAS, on the 11th day of October 2018, a zoning application, denominated Change of Zone No. 1873, was filed on behalf of Captain’s Way Development, LLC; and

WHEREAS, on the _____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1873 be _____; and

WHEREAS, on the _____ day of _____ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [GR-RPC General Residential District – Residential Planned Community] and adding in lieu thereof the designation of GR-RPC General Residential District – Residential Planned Community to allow for amendments to conditions of approval for CZ 1721 (Ordinance No. 2295) as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northeast side of Milton Ellendale Highway (Route 16) approximately 0.34 mile east of Hollytree Road and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A., Griffith & Hackett, P.A. and Griffin & Robertson, P.A., said parcel containing 154.72 acres, more or less.

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

PROPOSED