



# **Sussex County Council Public/Media Packet**

**MEETING:  
March 28, 2023**

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

**COUNTY COUNCIL**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

**SUSSEX COUNTY COUNCIL**

**A G E N D A**

**MARCH 28, 2023**

**10:00 A.M.**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes – March 21, 2023**

**Reading of Correspondence**

**Public Comments**

**Presentation – Delaware Department of Transportation Update**

**Todd Lawson, County Administrator**

**1. Administrator’s Report**

**10:15 a.m. Public Hearing**

**“AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2023 TO INCORPORATE NEW FEES AND EXPENSES FOR THE KITCHEN INCUBATOR PROJECT”**

**Gina Jennings, Finance Director**

**1. American Rescue Plan Act Update**

**John Ashman, Director of Utility Planning & Design**

**1. Permission to prepare and post notices for Forest Landing (Ellendale Area)**



## **Grant Requests**

- 1. Nanticoke Senior Center for a new sound system**
- 2. H.O. Brittingham Elementary School for their Robotics World Championship**
- 3. H.O. Brittingham Middle School for their Robotics World Championship**
- 4. Cape Henlopen Senior Center for their Rehoboth Concert Band Fundraiser**
- 5. Fraternal Order of Police Sussex County Lodge No. 2 Inc. for their charities supported by the FOP Lodge #2 program**

## **Introduction of Proposed Zoning Ordinances**

## **Council Members' Comments**

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

## **Possible action on Executive Session items**

**1:30 p.m. Public Hearings**

**Conditional Use No. 2366 filed on behalf of IMPACT Life, Inc.**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 17.26 ACRES, MORE OR LESS” (property lying on the north side of Boyce Road [S.C.R. 547], approximately 0.15 mile east of Neals School Road [S.C.R. 553]) (911 Address: 4973 Boyce Road, Seaford) (Tax Map Parcel: 531-9.00-7.03)**

**Conditional Use No. 2367 filed on behalf of AtTack Addiction Foundation**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.86 ACRES, MORE OR LESS” (property lying on the east side of Hurdle Ditch Road [S.C.R. 290], approximately 0.28 mile north of Hollyville Road [Rt. 48]) (911 Address: 22703 Hurdle Ditch Road, Harbeson) (Tax Map Parcel: 234-10.00-69.01)**

**Conditional Use No. 2371 filed on behalf of Georgetown Business Plaza, LLC**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BUSINESS PARK TO INCLUDE WAREHOUSES AND OFFICE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 22.29 ACRES, MORE OR LESS” (property lying on the southwest side of Prettyman Road [S.C.R. 254] approximately 0.52-mile northwest of Lewes Georgetown Highway [Rt. 9]) (911 Address: N/A) (Tax Map Parcel: 235-30.00-6.00)**

**Change of Zone No. 2003 filed on behalf of KAR Farming Company, LLC**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 167 ACRES, MORE OR LESS” (properties lying on the west side of Sussex Highway [Route 13] and the north side of E. Newton Road [S.C.R. 584]) (911 Address: N/A) (Tax Map Parcels: 530-16.00-11.00 & 12.00)**

**Adjourn**

**-MEETING DETAILS-**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on March 21, 2023 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.

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

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

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

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**  
**Conference Code: 570176**

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

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

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 21, 2023**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 21, 2023, at 10:00 a.m., in Council Chambers, with the following present:**

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

**Call to Order**

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

**Mr. Vincent called the meeting to order.**

**M 123 23  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas**

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

**Minutes**

**The minutes from March 7, 2023, were approved by consensus.**

**Corre-  
spondence**

**Mr. Moore read correspondence received from the Delaware Seaside Railroad Inc. thanking Council for their support.**

**Public  
Comments**

**Public comments were heard.**

**Ms. Janet Digabel commented on the AR-1 zoning and the Cluster Subdivision language.**

**Town of  
Ocean View  
Presentation**

**Ms. Carol Houck, Town Manager for Ocean View gave a presentation on the Berzins Natural Area. Ms. Houck reported that the Town began discussing the purchase of this property located at the corner of Muddy Neck Road and Double Bridges Road in March of 2022. The final purchase of the property took place in November of 2022. Ms. Hock explained that**

**Town of Ocean View Presentation (continued)** the Town utilized two grant funding sources to complete the purchase. The property consists of 4.06 acre and is adjacent to the Assawoman Canal. The funding sources were Sussex County Excess Tax Revenue Grant in the amount of \$288,253 and American Rescue Plan Act (APRA) Grant funds in the amount of \$211,747.

Ms. Houck shared an early concept drawing showing the entrance for the parking lot as well as the trail and raised boardwalk. The walking trail will be a quarter mile with the hope to get closer to a mile.

Since the purchase of the property, the Town of Ocean View has been working on obtaining grant funds to assist with the development. To date, an Outdoor Recreation Parks, and Trails (ORPT) grant from DNREC has been received in the amount of \$60,000. In addition, a Transportation Alternative Program (TAP) Grant from DelDOT in the amount of \$825,000 has been received.

Ms. Houck stated that she is present to share the success and the excitement of the property. Ms. Houck added that work has already been completed and noted that the Town of Ocean View will always maintain it. She added that the Town is seeking any additional development funds support from Sussex County to help the project.

**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, Millville by the Sea – Peninsula Village 1-B received Substantial Completion effective March 9<sup>th</sup>.

2. **Delaware State Police Activity Report**

The Delaware State police year-to-date activity report for February 2023 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 191 troopers assigned to Sussex County for the month of February.

3. **Delaware Animal Services Performance Report – Fourth Quarter & Annual Report**

The Delaware Animal Services Performance Report for the fourth quarter as well as the annual report for 2022 is attached listing the total of number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total

there were 1,537 calls for service in the fourth quarter and 6,218 calls for the year.

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

**Public Hearing/  
Newdale Acres Extension into SCUSSD**

A Public Hearing was held for Newdale Acres Extension Annexation into the Sussex County Unified Sanitary Sewer District (Ellendale Area).

John Ashman, Director of Utility Planning and Design reported that County Council granted permission to prepare and post notices for a public hearing on February 7, 2023. The Engineering Department received a request from Lenape Properties Management, Inc., the owners/developers of parcel 230-31.00-31.00 along Route 113 and adjacent to their existing project of Newdale Acres. The parcel has been annexed into the Town of Ellendale and Sussex County provides the sanitary sewer service for the town. The parcel is located in the Tier 2 area for sewer service and will be responsible for System Connection Charges of \$6,600 per EDU based on current rates. The property was posted on February 28, 2023, and posted on the county website. To date, there has been no correspondence received either in support or opposition to this annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 124 23  
Adopt Resolution No. R 008 23**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to Adopt Resolution No. R 008 23 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ELLENDALE AREA, TO INCLUDE ONE PARCEL ON THE EAST SIDE OF DUPONT HIGHWAY LOCATED IN THE CEDAR CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

**Shenandoah Cable Television, LLC Lease Agreement**

Dwayne Kilgo, Director of Information Technology presented a lease agreement with Shenandoah Cable Television, LLC for Council's consideration. Mr. Kilgo reported that the lease agreement will allow Shenandoah to lease a small tract of County owned land, located at the rear of the Sussex County EMS Station #104 on Plantation Road in Rehoboth Beach.

Mr. Kilgo reported that Sussex County has been working with the State on bridging the digital divide when it comes to broadband. Mr. Kilgo explained that work has been done on this incentive for many years. He noted that when he solicited Shenandoah Cable, they didn't ask for anything from the County; they are bank rolling this on their own.

Mr. Danny Agey from Shenandoah Cable Television came forward to



provide a history of the company and what they do. Mr. Agey explained the work that the company does and where they currently serve. In addition, he noted, that they will be investing a lot of capital and will have a competitive offering. The building of this location will be completed in June with fiber installation starting sometime in the third quarter.

**M 125 23  
Approve  
Shenandoah  
Cable  
Television,  
LLC Lease  
Agreement**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley that be it moved that Sussex County Council approves the lease agreement with Shenandoah Cable Television, LLC and authorizes the IT Director to execute said agreement with Shenandoah as a step to providing seamless and secure broadband services within Sussex County.

**Motion Adopted: 5 Yeas**

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

**Great  
Outdoor  
Cottages  
Lease  
Agreement**

Bill Pfaff, Economic Development Director presented a lease agreement with Great Outdoor Cottages for Council's consideration. Mr. Pfaff added that they currently lease 7 acres in the Delaware Coastal Business Park, and they are seeking to lease an additional 4.3 acres bringing their total acreage to 11.3 acres.

**M 126 23  
Approve  
Great  
Outdoor  
Cottages  
Lease  
Agreement**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that the Sussex County Council approve the second amendment and lease agreement with Great Outdoor Cottages, LLC in the Delaware Coastal Business Park located at 21498 Baltimore Ave, Georgetown, DE for an additional acreage of 4.3 acres, bringing their total lease area to 11.3 acres as presented.

**Motion Adopted: 5 Yeas**

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

**Proposed  
Ordinance/  
Setbacks,  
Building  
Heights/  
Through  
Lots**

Jamie Whitehouse, Director of Planning and Zoning presented a Proposed Ordinance related to setbacks and building heights on Through Lots. Mr. Whitehouse shared an example of what would be considered a Through Lot. He explained that they are lots that have multiple frontages on roughly parallel streets. He explained that this can lead to uncertainty as to where you can build or what you can build. Mr. Whitehouse reported that this Proposed Ordinance will provide clarification and provide what is not permitted on the additional front yard or back of the property. The Proposed Ordinance inserts some text into the definition of what a rear yard is. In addition, it states that where you have a Through Lot, the yard opposite the entrance to the property that functions as a rear yard that has any accessory structure can not be taller than 22 feet in height.

**Introduction of Proposed Ordinance** Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, SECTION 115-4 “DEFINITIONS” OF THE CODE OF SUSSEX COUNTY REGARDING “YARD, FRONT” AND “YARD, REAR” OF THROUGH LOTS”.

**Proposed Ordinance/ Amenities** Vince Robertson, Assistant County Attorney presented a Proposed Ordinance related to amenities within residential developments. Mr. Robertson explained that when residential land use applications are received, there is a requirement that amenities be built by a certain point in the construction of the development. The Proposed Ordinance will make it so that they are all built to the same standard; 60% of all residential building permits. Therefore, by the time you get to your 60<sup>th</sup> building permit, all amenities must be completed.

**Introduction of Proposed Ordinance** Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE III, SECTION 99-21 “PUBLIC SITES AND OPEN SPACES” AND CHAPTER 115, ARTICLE XXV, “SUPPLEMENTAL REGULATIONS” OF THE CODE OF SUSSEX COUNTY REGARDING THE TIMING OF CONSTRUCTION FOR AMENITIES IN RESIDENTIAL DEVELOPMENTS”.

**T-Hangar Bldg./ Award Recommendation** Mark Parker, Assistant County Engineer presented an award recommendation for T-Hangar Building, Project A22-23 for Council’s consideration. Mr. Parker explained that the project was put back out to bid due to the first bid received being out of the budgeted amount. The alternative bid structure included re-packing the T-Hangar Building to only include furnishing and installed the structure. All of the site and utility support work would be provided by a separate site contract through a direct solicitation pricing structure. There were two bids received with the low and most responsible bid being from The Whayland Company.

**M 127 23 Approve T-Hangar Award Recommendation** A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department, that T-Hangar Building, Project A22-23, be awarded to The Whayland Company in the amount of \$ 467,900.00.

**Motion Adopted:** 5 Yeas

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

**DE Coastal Business Park/ CO No. 3** Mark Parker, Assistant County Engineer presented change order no. 3 for Delaware Coastal Business Park Improvements, Project A21-11 for Council’s consideration. Mr. Parker reported that pricing was requested from three separate reputable site contractors to cover the required site/utility support work for the project. The low-price bid was submitted by A-Del Construction.

**M 128 23**  
**Approve Co**  
**No. 3/DE**  
**Coastal**  
**Business**  
**Park**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 3 for the Delaware Coastal Business Park Improvements Project be approved to A-Del Construction in the not-to-exceed amount of \$ 319,900.00.

**Motion Adopted: 5 Yeas**

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

**EMS Public**  
**Safety Bldg./**  
**CO No. 23**

Hans Medlarz, County Engineer presented change order no. 23 for the EMS Safety Building, Project C19-04 for Council's consideration. Mr. Medlarz reported that the change order consists of replacing deteriorating caulking and raising of the plaza bench wall. In addition, there was some items that needed to be addressed from previous change orders.

**M 129 23**  
**Approve CO**  
**No. 23/ EMS**  
**Public**  
**Safety Bldg.**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 23 for contract C19-04, Sussex County Public Safety Building, be approved, for an increase amount of \$19,180.00.

**Motion Adopted: 5 Yeas**

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

**SC General**  
**& Electrical**  
**Construc-**  
**tion/ CO No.**  
**27 & CO**

Hans Medlarz, County Engineer presented General Construction change order no. 27 and electrical construction change order no. 22 for the South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 for Council's consideration.

**No. 22**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department and Finance Departments, that change order no. 27 for contract C19-11, South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP capital improvement program, phase 2 – general construction, be approved, increasing the contract by \$88,787.72.

**M 130 23**  
**Approve CO**  
**No. 27**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department and Finance Departments, that change order no. 27 for contract C19-11, South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP capital improvement program, phase 2 – general construction, be approved, increasing the contract by \$88,787.72.

**Motion Adopted: 5 Yeas**

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

**M 131 23**  
**Approve CO**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering

**No. 22** Department, that change order no. 22 for contract C19-17, SCWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – electrical construction, be approved, for an increase of \$33,342.10.

**Motion Adopted:** 5 Yeas

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

**Grant  
Requests**

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

**M 132 23** A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000  
**Autism** (\$200 from each Councilmanic Grant Account) to Autism Delaware for  
**Delaware** their 25<sup>th</sup> Anniversary Gala.

**Motion Adopted:** 5 Yeas

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

**M 133 23** A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,500  
**Mariner** (\$1,500 from Mrs. Green’s Councilmanic Grant Account) to Mariner  
**Middle** Middle School (Business Professionals of America) for the MMS Business  
**School** Professional of America 2023 NLC.

**Motion Adopted:** 5 Yeas

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

**M 134 23** A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$500  
**Georgetown** (\$500 from Mr. Rieley’s Councilmanic Grant Account) to Georgetown  
**Elementary** Elementary School (GE Robotic Club) for the VEX IQ Elementary  
**School** Robotics Challenge World Championships.

**Motion Adopted:** 5 Yeas

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

**Introduction** Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE  
**of Proposed** TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
**Ordinances** AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL  
KITCHEN TO BE LOCATED ON A CERTAIN PARCEL OF LAND

**Introduction  
of Proposed  
Ordinances  
(continued)**

**LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS”**

**Mr. Hudson reintroduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY WITH RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 14.34 ACRES, MORE OR LESS”**

**Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A PRIVATE TENTING AREA TO BE LOCATED ON A 1.8 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.61 ACRES, MORE OR LESS (PORTION OF)”**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A HOLISTIC THERAPY CENTER – TRANSITION HOUSE FOR RECOVERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.9 ACRES, MORE OR LESS”**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRES, MORE OR LESS”**

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A PROPOSED SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 61.15 ACRES, MORE OR LESS”**

**The Proposed Ordinances will be advertised for Public Hearings.**

**Council  
Member  
Comments**

**There were no Council member comments.**

**M 135 23  
Go Into  
Executive**

**At 10:55 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session, and go into Executive Session to discuss matters relating to land acquisition, collective bargaining and pending/potential litigation.**



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

**Rules**                    **Mr. Moore read the rules and procedures for public hearings.**

**Public Hearing/  
Ordinance  
No. 23-03**                    **A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, §99-39B.(2)(c) OF THE CODE OF SUSSEX COUNTY RELATING TO THE TIME PERIOD FOR COUNCIL TO RENDER A DECISION ON APPEAL”.**

**The Planning & Zoning Commission held a Public Hearing on the application on February 9, 2023. At the meeting of February 9, 2023, the Planning & Zoning Commission recommended approval of the Ordinance for the reasons provided.**

**(See the minutes of the Planning & Zoning Commission dated February 9, 2023.)**

**Mr. Jamie Whitehouse, Planning and Zoning Director, presented the Proposed Ordinance.**

**Mr. Whitehouse stated that when there is an appeal against a Planning and Zoning Commission decision, an appellant will submit an appeal and a fee; that they must also submit a transcript; that once the transcript is submitted to the County the time period starts; that the current time period is 60 days from receipt of the transcript; that this Ordinance will increase the time that County Council has the time to render a decision on the appeal; that the time period will be increased to 120 days.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 140 23**                    **A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to amend**  
**Correct**                    **line-item number 8 to change “with” to the word “which”.**

**Line-Item**  
**No. 8/Ord.**                    **Motion Adopted:        5 Yeas**  
**No. 23-03**

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

**M 141 23**                    **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt**  
**Adopt**                    **Ordinance No. 2912 entitled “AN ORDINANCE TO AMEND CHAPTER**  
**Ordinance**                    **99, §99-39B.(2)(c) OF THE CODE OF SUSSEX COUNTY RELATING TO**  
**No. 2912/**                    **THE TIME PERIOD FOR COUNCIL TO RENDER A DECISION ON**  
**Ord. No. 23-**                    **APPEAL” for the reasons given by the Planning and Zoning Commission.**  
**03**

**Motion Adopted: 5 Yeas**

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

**Public  
Hearing/  
CU2374**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ESTHETICIAN BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRE, MORE OR LESS” filed on behalf of Jose Netto and Karyne Da Silva (property lying on the west side of John J. Williams Highway [Rt. 24], approximately 0.38 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: 20036 John J. Williams Highway, Lewes) (Tax Parcel: 334-12.00-23.00)**

**The Planning & Zoning Commission held a Public Hearing on the application on February 9, 2023. At the meeting of February 9, 2023, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 8 recommended conditions as outlined.**

**(See the minutes of the Planning & Zoning Commission dated February 9, 2023.)**

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

**The Council found that Ms. Mackenzie Peet, Esq., with Baird Mandalas Brockstedt Federico & Cardea, spoke on behalf of the Application; that Ms. Da Silva was also present; that the Applicant submitted a Conditional Use application on June 3, 2022, to pursue a Conditional Use of land in AR-1 (Agricultural Residential) district to operate an esthetician business within the existing residential structure located on the property; that an esthetician is a trained professional that specializes in skin beautification and performs skin treatments such as facials, chemical peels, body treatments, and waxing; that there is a significant demand for the proposed use; that on February 9, 2023, the applicants appeared before the Planning and Zoning Commission; that it was recommended for approval by a vote of 5-0; that the subject property is located along Rt. 24; that adjacent properties are zoned AR-1 (Agricultural Residential); that an MR (Medium-Density Residential) zoned property is located nearby; that nearby uses include residential developments, such as Saddle Ridge, Beacon Middle School, Love Creek Elementary School and Olive + Jules Hair Company; that an adjacent property to the site was the subject of a previous Conditional Use for Bee Wise, LLC, for a real estate business; that this plan is consistent with the Comprehensive Plan and all requirements of the zoning code; that**



for all of these reasons, the applicant requests the Council approval.

There were no public comments.

The Public Hearing and public record were closed.

**M 142 23  
Adopt  
Ordinance  
No. 2913/  
CU2374**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to Adopt Ordinance No. 2913 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ESTHETICIAN BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRE, MORE OR LESS" for the reasons and conditions given by the Planning and Zoning Commission as follows:

1. The Application seeks approval for a small esthetician business within an existing structure located along Route 24. This area of Route 24 is an appropriate location for this small business use.
2. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. The Coastal Area supports offices uses such as this.
3. This use is compatible with area uses which include a small real estate office next door, two schools, and other residential developments.
4. The use will not adversely affect nearby properties or roadways.
5. No parties appeared in opposition to this Application.
6. This recommendation is subject to the following conditions:
  - a. The use shall be limited to office space for an esthetician business.
  - b. The use shall occur within the existing onsite structure.
  - c. The hours of operation shall be between 8:00 a.m. and 5:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays.
  - d. The use shall comply with all Sussex County parking requirements. The Final Site Plan shall designate all parking areas associated with this use. The parking may remain pervious.
  - e. The Applicant intends to place a sign on the property as permitted by the Zoning Ordinance for Sussex County, Delaware.
  - f. All entrances, intersections, and roadway improvements, if any, shall be completed by the developer in accordance with all DelDOT requirements, including the Transportation Improvement District (TID).
  - g. A Revised Preliminary Site Plan, either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
  - h. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

**Motion Adopted: 5 Yeas**

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

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

**Public  
Hearing/  
CU2376**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SWIMMING POOL BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.56 ACRES, MORE OR LESS” filed on behalf of Jose Hernandez (property lying on the north side of Hollyville Road [S.C.R. 48], approximately 0.28 mile southwest of Harbeson Road [Rt. 5]) (911 Address: 23086 Hollyville Road, Harbeson) (Tax Parcel: 234-10.00-70.03)**

**The Planning & Zoning Commission held a Public Hearing on the application on February 9, 2023. At the meeting of February 23, 2023, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 10 recommended conditions as outlined.**

**(See the minutes of the Planning & Zoning Commission dated February 9, 2023, and February 23, 2023.)**

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

**The Council found that Ms. Shannon Carmean-Burton, Esq., with Sergovic Carmean Weidman McCartney & Owens, P.A. spoke on behalf of the Application; that also present was Mr. Jose Hernandez, with Pool Stars, LLC; that the Applicant had applied for a Conditional Use of land within the AR-1 (Agricultural Residential), to operate an existing pool contracting business; that the pool contracting business is known as Pool Stars, LLC; that exhibit booklets were submitted for the Council’s consideration; that the submitted exhibits included Applicant’s proposed Findings of Fact and Conditions of Approval; that the property is located along Hollyville Rd.; that the property contains approximately 6.56 acres of land; that the property is a large, deep parcel; that the property is currently improved with a single-family residential dwelling, which is currently used and occupied by the Applicant as his primary residence; that additionally the property is improved with accessory structures, which are also currently being used by the Applicant in connection with Pool Stars, LLC; that despite Pool Stars, LLC being formed in 2021, Mr. Hernandez is not new to the pool industry; that Mr. Hernandez has provided his clients with outdoor experiences with personalized pool services for more than 15 years; that in addition to pool construction, renovation and equipment repair, Pool Stars, LLC also provide outdoor living spaces; that the proposed Conditional Use is a permitted Conditional Use under the Zoning Code; that the proposed use is compatible with the goals and directions of the Sussex County Comprehensive Plan; that the property is located within the AR-1**

**Public  
Hearing/  
CU2376  
(continued)**

**(Agricultural Residential) district; that the purpose of the AR-1 district is to provide a full range of agricultural activities and to protect agricultural lands; that Conditional Uses permitted within the AR-1 district include, among other uses, agricultural related industries, as well as residential, business, commercial or industrial uses, when the purpose of the Chapter are more fully met by issuance of a Conditional Use permit; that the property is located within a Low Density area per the 2018 Sussex County Comprehensive Plan; that the Comprehensive Plan provides that the primary uses envisioned within the Low Density areas include agricultural activities and homes; that the Comprehensive Plan further provides that business development should be confined to businesses addressing agricultural and residential needs; that focus of retail and offices uses in Low Density areas should be providing convenience, goods and services to nearby residents; that the proposed use will not have an adverse impact on neighboring properties or the surrounding area and uses, as the proposed use is an extension of an existing commercial and business area; that properties located to the east of the site are zoned for Commercial; that the property directly north of the site is zoned B-1 (Neighborhood Business); that there is an existing Conditional Use located northwest of the site; that the applicant has received letters of support from neighboring property owners; that the proposed use will have no adverse impact on traffic within the area; that DelDOT did not recommend a Traffic Impact Study (TIS) be performed for the proposed use; that Pool Stars, LLC currently employ ten employees, with six business trucks; that the business trucks will be parked at the rear of the property; that the property is not open to the public; that there is no sales facility at the site; that the proposed hours of operation are Monday through Saturday, from 7:00 a.m. to 5:00 p.m.; that there is an existing sign on the property, which advertises Pool Stars, LLC; that the Applicant seeks permission to maintain the existing sign; that the Applicant does not seek any additional signs; that the Applicant is not proposing any new structures be placed on the property; that storage of pool equipment and material will be maintained within the existing structures or outside on the site; that materials such as pavers, stone, sand, and pipes will be stored outside to the side and rear of the property; that chlorine is properly stored in containers and is returned to the pool suppliers when they are empty or no longer needed; that the proposed use is of a public or semi-public character; that the use is desirable for the general convenience and welfare of neighboring properties and use within the area; that the proposed use will facilitate the Applicant's ability to reside on the property while continuing his established local business at the property; that the Applicant requests the Council recommend approval of the Conditional Use request based upon the record and the presentation.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 143 23  
Adopt**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2914 entitled "AN ORDINANCE TO GRANT A**

**Ordinance  
No. 2914/  
CU2376**

**CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SWIMMING POOL BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.56 ACRES, MORE OR LESS” for the reasons given by the Planning and Zoning Commission as follows:**

- 1. The Applicant seeks approval of Conditional Use to operate a swimming pool business located on the property where he resides.**
- 2. The site is located in the Coastal Area according to the Sussex County Comprehensive Plan. The Coastal Area allows small businesses such as this one.**
- 3. There are other commercial and light industrial type uses in the vicinity of the land that is the subject of this application. This small business use will be consistent with those other types of businesses and uses in the area.**
- 4. The use will not have an adverse impact on neighboring properties or area roadways.**
- 5. The use has a semi-public character by providing support for commercial and residential pools throughout this area of Sussex County from a convenient location.**
- 6. No parties appeared in opposition to this application.**
- 7. This recommendation is subject to the following conditions:**
  - a. The use shall be limited to a swimming pool business. No other business shall be conducted from the site.**
  - b. As stated by the Applicant, no sales shall occur from the site.**
  - c. The hours of operation shall be from 7:00 a.m. until 5:00 p.m., seven days per week.**
  - d. All trucks, equipment, and materials associated with the use shall be located at the rear and side of the property. The locations for these items shall be shown on the Final Site Plan and clearly marked on the site itself.**
  - e. All dumpsters shall be screened from the view of neighboring properties and roadways.**
  - f. All lighting shall be directed downward so that it does not shine on neighboring properties or roadways.**
  - g. One lighted sign shall be permitted. It shall not be larger than 32 square feet on each side.**
  - h. All chemicals associated with the use shall be properly stored and disposed of in accordance with all State and Federal requirements.**
  - i. The Applicant shall comply with all applicable DNREC, DelDOT, and Sussex Conservation District requirements associated with the use.**
  - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

**Motion Adopted: 5 Yeas**

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

**M 144 23  
Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at  
1:54 p.m.**

**Motion Adopted: 5 Yeas**

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

**Respectfully submitted,**

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

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

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2023 TO INCORPORATE NEW FEES AND EXPENSES FOR THE KITCHEN INCUBATOR PROJECT**

WHEREAS, on June 21, 2022, the Sussex County Council adopted the Annual Operating Budget for Fiscal Year 2023; and

WHEREAS, the Sussex County Kitchen Incubator Project is a program that will create a collaborative community, providing shared kitchen space combined with business assistance to help aspiring and existing entrepreneurs build great food companies, create jobs, improve healthy food access, and strengthen our regional food economy; and

WHEREAS, the Sussex County Kitchen Incubator Project anticipates being operational before year end; and

WHEREAS, to establish new fees and to reflect revenues and expenditures for anticipated operations for the incubator operations, the Sussex County Council desires to amend the Anticipated General Fund Revenues, the Anticipated General Fund Expenditures and the fee section in the Annual Operating Budget Ordinance for the Fiscal Year Ending June 30, 2023, as more fully set forth herein.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The “Anticipated General Fund Revenues” for the Fiscal Year Ending June 30, 2023 set forth in the Annual Operating Budget Ordinance for the Fiscal Year 2023 is hereby amended by deleting the language in brackets and adding the language in bold and underlined as follows:

	Amount Year Ending June 30, 2023
Revenues:	
<u>Taxes</u>	
Real Property - County	\$ 15,944,000
Real Property - Library	1,868,000
Realty Transfer	32,800,000
Fire Service	1,860,000
Lodging Tax	1,000,000
Penalties and Interest	150,000
<u>Intergovernmental</u>	
Federal Grants	
Emergency Operations	200,000
Housing and Urban Development	2,403,000
Library	9,000

	Amount Year Ending June 30, 2023
Payments in Lieu of Taxes	6,100
State Grants	
Economic Development	150,000
Local Emergency Planning Commission	72,000
Library	350,000
Other	100,000
Paramedic	5,200,000
<u>Charges for Services</u>	
Constitutional Office Fees	
Marriage Bureau	175,000
Recorder of Deeds	5,488,000
Recorder of Deeds - Maintenance	60,000
Recorder of Deeds - Town Realty Transfer Tax	135,000
Register of Wills	1,300,000
Sheriff	750,000
General Government Fees	
Building Permits & Zoning Fees	2,630,000
9-1-1 System Fee	559,630
Manufactured Home Placement Fee	150,000
Building Inspection Fees	1,960,000
Airport Operations/Economic Development [670,000]	<u>691,000</u>
Miscellaneous Fees	62,000
Private Road Review & Inspection Fees	2,200,000
<u>Miscellaneous Revenue</u>	
Fines and Forfeits	50,000
Investment Income	1,000,000
Miscellaneous Revenues	227,200
<u>Other Financing Sources</u>	
Interfund Transfers In	47,000
Appropriated Reserve	<u>6,059,900</u>
Total Revenues	<u>\$ 85,656,830</u>

[85,635,830]

Section 2. The “Anticipated General Fund Appropriations and Expenditures” for the Fiscal Year Ending June 30, 2023 is hereby amended by deleting the language in brackets and adding the language in bold and underlined as follows:

Expenditures	Amount Year Ending June 30, 2023
General Government	
County Council	737,463
Administration	618,822
Legal	550,000
Finance	2,587,040
Assessment	5,847,200
Building Code	1,487,313
GIS	1,056,527
Human Resources & General Employment	1,025,649
Records Management	333,607
Facilities Management	2,413,626
Information Technology	2,509,600
Planning and Zoning	
Planning and Zoning	1,787,548
Constable	1,539,346
Paramedics	21,187,553
Emergency Preparedness	5,606,655
Engineering	2,234,269
Library	
Administration	891,913
Operations	2,682,816
Economic Development	
Economic Development	[553,460]
Safety and Security	<b><u>574,460</u></b>
Airport and Business Park	1,013,341
Community Development	2,965,945
Grant-in-aid	22,085,609
Constitutional Offices	
Marriage Bureau	280,471
Recorder of Deeds	1,001,135
Register of Wills	690,456
Sheriff	742,300
Other Financing Uses	
Transfers Out	115,500
Reserve for Contingencies	600,000
Total Expenditures	[85,635,830]
	<b><u>\$ 85,656,830</u></b>



Section 3. The “New Sources of Revenue” for the Fiscal Year Ending June 30, 2023 set forth in the Annual Operating Budget Ordinance for the Fiscal Year 2023 is hereby amended by adding the language in bold and underlined as follows:

New Sources of Revenue:

- 14.) **Kitchen Incubator - Application fee to use facility - \$100**
- 15.) **Kitchen Incubator - Security deposit to use facility - \$300**
- 16.) **Kitchen Incubator - Monthly facility charge to use kitchen up to 15 hours - \$300. Any additional hours used will be charged at the rate of \$24 per hour.**
- 17.) **Kitchen Incubator – Facility charge for non-monthly subscribers - \$35 per hour with a minimum of three hours**
- 18.) **Kitchen Incubator – Dry storage fee - \$75 per month**
- 19.) **Kitchen Incubator – Small refrigeration area - \$45 per month**
- 20.) **Kitchen Incubator –Large refrigeration area - \$75 per month per shelf**

Section 4. This Ordinance shall become effective immediately upon its adoption.

#### SYNOPSIS

This ordinance amends the Anticipated General Fund Revenues, the Anticipated General Fund Expenditures and the fee section in the Annual Operating Budget Ordinance for the Fiscal Year Ending June 30, 2023, to incorporate new fees and expenses associated with the Kitchen Incubator Project.

All new language is in bold and is underlined. All deleted language is in brackets.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. \_\_\_\_ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

---

TRACY N. TORBERT  
CLERK OF THE COUNCIL

GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR

(302) 855-7741 T  
(302) 855-7749 F  
gjennings@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

MEMORANDUM:

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

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

RE: **American Rescue Plan Act Grant Update**

DATE: March 24, 2023

At the March 8, 2022 Council meeting, I discussed the \$45.5 million that the County has been granted through the American Rescue Plan Act. At that time, I gave a presentation on the Treasury guidelines and made a recommendation on how to best utilize these funds following those guidelines.

At the meeting on Tuesday, I will be giving you an annual update on those funds. You will hear that we have some funds that can be reallocated. I will be making a recommendation to reallocate these funds to our successful ARPA affordable housing initiatives and a non-profit small grant program. The non-profit small grant program is to supplement the large grant program we rolled out last year. It will be a formula-based grant program.

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

pc: Todd F. Lawson

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## Proposed Forest Landing Expansion of the Sussex County Unified Sanitary Sewer District (Ellendale Area)

### PERMISSION TO POST FACT SHEET

- We are here to request permission to prepare and post notices for a public hearing for the Forest Landing Expansion.
- The Engineering Department has received a request from Davis, Bowen & Friedel, Inc. on behalf of their client OA Forest Landing, LLC owners/developers of parcels 230-19.00-112.00 & 230-20.00-12.00 along N. Old State Road.
- The parcels have been annexed into the Town of Ellendale and Sussex County provides the sanitary sewer service for the town.
- The parcels are located in the Tier 3 Area for sewer service and with annexation into the town Sussex County is the best option for service.
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates.



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

*Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.*

March 6, 2023

Sussex County Engineering Department  
2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

Attn: Mr. John Ashman

Re: **Forest Landing – Sewer Annexation**  
N. Old State Road (Sussex Road 213)  
TM# 230-19.00-112.00  
DBF # 0818C062.H01

Dear Mr. Ashman,

On behalf of our client, OA Forest Landing, LLC, we are hereby requesting that Sussex County Council consider extending the Unified Sanitary Sewer District boundaries. The purpose of this extension would be to provide sanitary sewer service to a parcel of land referenced by Sussex County Tax Map as Parcel Number 230-19.00-112.00.

Please find enclosed the application fee in the amount of \$1,500.00 (Check #3837), and a boundary plan for the parcel.

Thank you for your assistance in this matter. If you should have any questions of concerns, please contact me at (302) 424-1441 or via e-mail at [kjk@dbfinc.com](mailto:kjk@dbfinc.com).

Sincerely,  
DAVIS, BOWEN AND FRIEDEL, INC.



Karl J. Kreppin  
Sr. Civil Designer

Enclosures

P:\Ocean Atlantic\0818C062 Forest Landing\DOCS\SCE\0818C062 - Forest Landing - County Sewer Annexation.docx

# Permission to Prepare and Post Notices Forest Landing

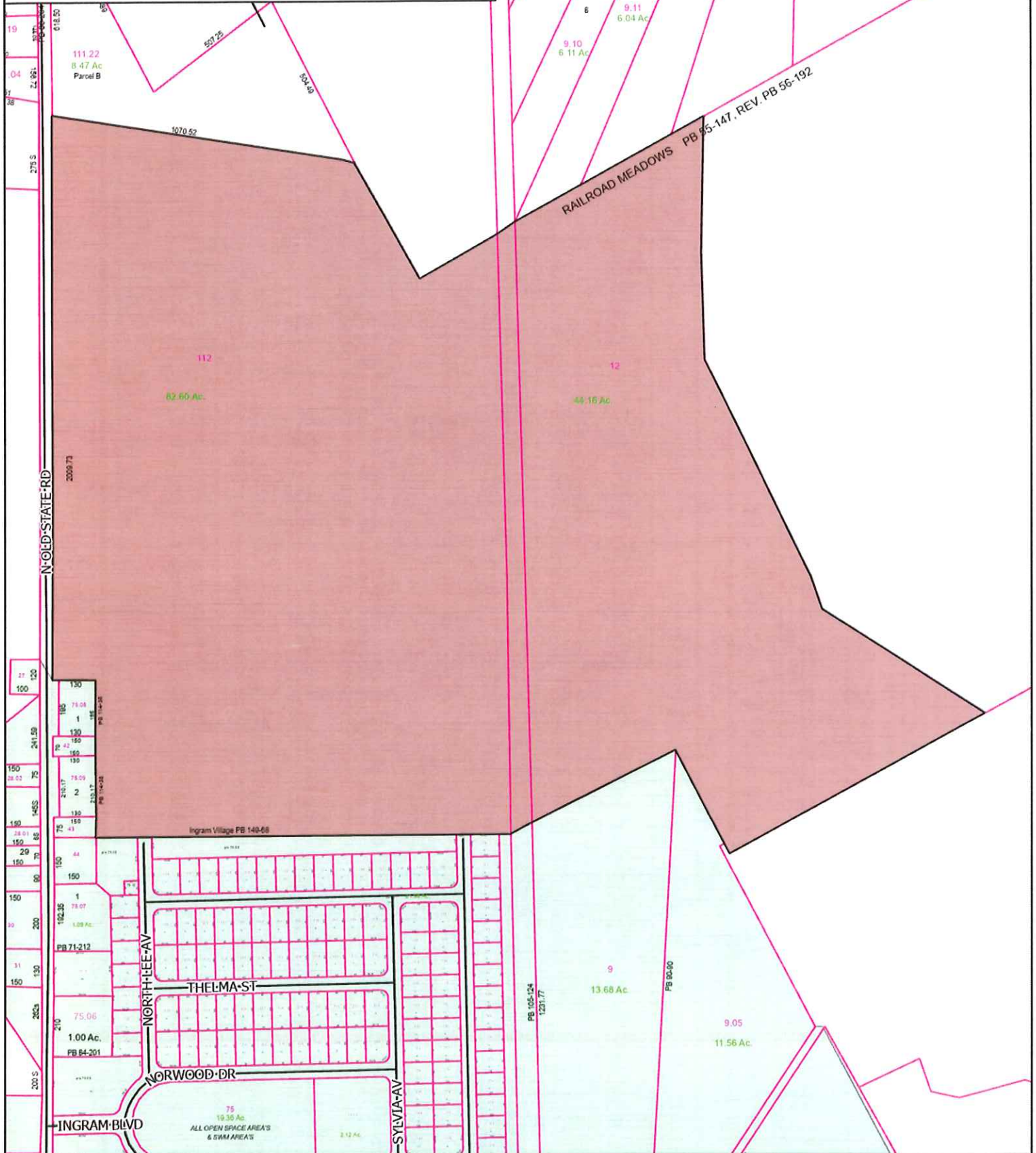
Existing SSD    Parcels of Interest



0 150 300 600 Feet



3/23/2023



VINCENT  
YES. 3/17.

## Council Grant Form

<b>Legal Name of Agency/Organization</b>	Nanticoke Senior Center ✓
<b>Project Name</b>	Sound System
<b>Federal Tax ID</b>	23-7202136 ✓
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	to provide a place for members to meet and participate in leisure and educational activities that address their health, happiness and independence. NSC also is dedicated to providing meals to homebound seniors who are unable to come to the center.
<b>Address</b>	1001 W Locust Street
<b>Address 2</b>	PO Box 406
<b>City</b>	Seaford
<b>State</b>	DE
<b>Zip Code</b>	19973
<b>Contact Person</b>	Margaret Parks

<b>Contact Title</b>	Assistant Director
<b>Contact Phone Number</b>	3026294939
<b>Contact Email Address</b>	<a href="mailto:margaret.parks@nanticokeseniorcednter.com">margaret.parks@nanticokeseniorcednter.com</a>
<b>Total Funding Request</b>	7948.00
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	6000.00
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A
<b>Program Category (choose all that apply)</b>	Cultural, Educational, Health and Human Services

**Program Category**  
**Other**

**Primary Beneficiary Category** Elderly Persons (62 +)

**Beneficiary Category**  
**Other**

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program**

1000

**Scope**

Nanticoke Senior Center needs to up-grade the sound system in the facility. NSC shows movies, does presentations and has several organizations come to the facility to address health, nutritional and recreational activities that require the use of sound system, microphones and blue tooth connections. Our system is an old analog system that is not compatible with current systems. Most of the speakers in the ceiling do not work and must be replaced.

**Religious Components**

**Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)**

0.00



**Description**

**Amount**

**Description** Estimate for Sound Systeme

**Amount** 7,948.00

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**TOTAL EXPENDITURES** 7,948.00

**TOTAL DEFICIT FOR  
PROJECT OR  
ORGANIZATION** -7,948.00

**Name of Organization** Nanticoke Senior Center

**Applicant/Authorized  
Official** Margaret Parks

**Date** 03/16/2023

**Affidavit  
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.

GREEN  
YES. 3/17

## Council Grant Form

<b>Legal Name of Agency/Organization</b>	H.O. Brittingham Elementary 19968C Vikings Robotics Club
<b>Project Name</b>	2023 VEX-IQ Robotics World Championship
<b>Federal Tax ID</b>	51-6000-279
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	VEX-IQ Mission Statement: The mission of the robotics club is to provide students the opportunity to explore, create, and innovate using robotics technology.
<b>Address</b>	402 MULBERRY STREET
<b>Address 2</b>	
<b>City</b>	MILTON
<b>State</b>	Delaware
<b>Zip Code</b>	19968-1628
<b>Contact Person</b>	Nina Wilkinson
<b>Contact Title</b>	H.O.B. Robotics Coach

**Contact Phone Number** (w) 3026848522 or (c) 2017579622

**Contact Email Address** [nina.wilkinson@cape.k12.de.us](mailto:nina.wilkinson@cape.k12.de.us)

**Total Funding Request** \$1000

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

**If YES, how much was received in the last 12 months?** N/A

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

**If YES, approximately what percentage of the project's funding does the Council grant represent?** 13

**Program Category (choose all that apply)** Educational

**Program Category Other**

**Primary Beneficiary Category** Youth

**Beneficiary Category Other**

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program** 4

**Scope** Team 19968C engineers have been dedicated to our H.O.B. Robotics Club. They come twice a week to design, create, collaborate, and update their journal to share all of the progress they have made. Team 19968C earned the 2023 Teamwork Award during our regional competition, which qualifies them for the World Championship in Dallas, Texas from April 2-May 5, 2023!

**Religious Components**

**Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)** 0.00

**Description** Registration Fees

**Amount** 1,200.00

**Description** Airfare for team members

**Amount** 1,675.00

**Description** Lodging

**Amount** 4,000.00

**Description** Meals

**Amount** 600.00

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**TOTAL EXPENDITURES** 7,475.00

**TOTAL DEFICIT FOR  
PROJECT OR  
ORGANIZATION** -7,475.00

**Name of Organization** CHSD c/o 19968C Vikings Robotics

**Applicant/Authorized  
Official** Nina Wilkinson

**Date** 03/13/2023

**Affidavit** Yes

**Acknowledgement**

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.

GREEN  
YES. 3/17

### Council Grant Form

<b>Legal Name of Agency/Organization</b>	19968M Vikings Robotics (Middle School) c/o HO Brittingham Elementary Robotics Club CAPE HENLOPEN DISTRICT
<b>Project Name</b>	2023 VEX-IQ World Championships
<b>Federal Tax ID</b>	51-6000-279
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	The mission of the robotics club is to provide students the opportunity to explore, create, and innovate using robotics technology.
<b>Address</b>	402 Mulberry St.
<b>Address 2</b>	
<b>City</b>	Milton
<b>State</b>	DE
<b>Zip Code</b>	19968
<b>Contact Person</b>	Cathy Ward
<b>Contact Title</b>	HOB Robotics Coach



**Contact Phone Number** c (302)542-6544, w(302)684-8522

**Contact Email Address** [cathy.ward@cape.k12.de.us](mailto:cathy.ward@cape.k12.de.us)

**Total Funding Request** \$1000.00

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

**If YES, how much was received in the last 12 months?** N/A

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

**If YES, approximately what percentage of the project's funding does the Council grant represent?** 13

**Program Category (choose all that apply)** Educational

**Program Category Other**

**Primary Beneficiary Category** Youth

**Beneficiary Category Other**

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program** 3

**Scope** Team 19968M Vikings Robotics engineers have earned their invitation to participate in the 2023 VEX-IQ World Championships. They have been meeting twice a week since the end of September to design, build, and modify their robot. They use the robot to participate in SuperBot Saturday on Saturday, March 4, 2023. They were part of the final teamwork alliance in the middle school division. Having earned the highest score with their alliance partnership, they received the TEAMWORK award, therefore, qualifying them to participate in the VEX-IQ World Championships.

**Religious Components**

**Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)** 0.00

**Description** Registration Fees for participating

**Amount** 1,200.00

**Description** Airfare for team members

**Amount** 1,675.00

**Description** Lodging

**Amount** 4,000.00

**Description** Meals

**Amount** 600.00

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**TOTAL EXPENDITURES** 7,475.00

**TOTAL DEFICIT FOR  
PROJECT OR  
ORGANIZATION** -7,475.00

**Name of Organization** CHSD c/o 19968M Vikings Robotics

**Applicant/Authorized  
Official** Cathy D. Ward

**Date** 03/14/2023

**Affidavit  
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.

### **Council Grant Form**

<b>Legal Name of Agency/Organization</b>	Cape Henlopen Senior Center ✓
<b>Project Name</b>	Rehoboth Concert Band Fundraiser
<b>Federal Tax ID</b>	510105667 ✓
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	The mission of the Cape Henlopen Senior Center, Inc. is to enhance the quality of life of our senior citizens by adding life to years and years to life.
<b>Address</b>	11 Christian Street
<b>Address 2</b>	
<b>City</b>	Rehoboth
<b>State</b>	DE
<b>Zip Code</b>	19971
<b>Contact Person</b>	Linda Bonville
<b>Contact Title</b>	Administrator

**Contact Phone Number** 302-227-2055

**Contact Email Address** [Lindachsc@aol.com](mailto:Lindachsc@aol.com)

**Total Funding Request** 1800.00

**Has your organization received other grant funds from Sussex County Government in the last year?** Yes

**If YES, how much was received in the last 12 months?** 5500.00

**Are you seeking other sources of funding other than Sussex County Council?** No

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

**Program Category (choose all that apply)** Cultural, Other

**Program Category Other** Fundraiser

<b>Primary Beneficiary Category</b>	Elderly Persons (62 +)
<b>Beneficiary Category Other</b>	Senior
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	850
<b>Scope</b>	<p>The Cape Henlopen Senior has been actively serving the older population in Rehoboth Beach and surrounding communities since 1966. We are seeking financial support from Sussex County Council to offset expenses for our Annual Rehoboth Band Concert Fundraiser. Many fundraisers are planned to maintain our operating budget. With support over the years from civic and community organizations, we are most grateful. The support from the County will enable us to continue to provided the much needed and high quality services that benefits our members and the community. Expenses include, desgin and printing of ads, tickets, posters, music, programs and rental fees for the facility where the event will be held. We greatly appreciate Sussex County for your support in the past. The proceeds from the fundraiser will help insure that we can continue to provide the social activities, programs, trips and services that our members depend on and enjoy..</p>
<b>Religious Components</b>	N/A
<b>Please enter the current support your</b>	0.00

**organization receives  
for this project (not  
entire organization  
revenue if not  
applicable to request)**

**Description**                      Advertisement Newspapers

**Amount**                              550.00

**Description**                      Church Rental and Fees

**Amount**                              900.00

**Description**                      Tickets and Program Printing

**Amount**                              350.00

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**



**Amount**

**TOTAL EXPENDITURES** 1,800.00

**TOTAL DEFICIT FOR  
PROJECT OR  
ORGANIZATION** -1,800.00

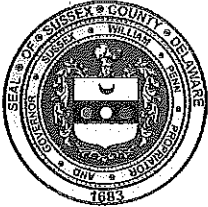
**Name of Organization** Cape Henlopen Senior Center

**Applicant/Authorized  
Official** Linda Bonville

**Date** 01/17/2023

**Affidavit  
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.



## SUSSEX COUNTY GOVERNMENT

### GRANT APPLICATION

#### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Sussex County Fraternal Order of Police Lodge #2 ✓  
~~Sussex County Lodge No 2 Inc.~~

PROJECT NAME: Charaties supported by FOP Lodge #2

FEDERAL TAX ID: 51-0255625 ✓ 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: Support: Concerns of Police Survivors (COP's), Share Your Christmas (with a needy family), Share your Thanksgiving with a needy family, Home of the Brave (veteran's home), Tunnel to Towers, Cape Life Vikings, FOP Scholarship program, Dep. Sheriff Glenn Hilliard Memorial Fund (Wicomico Deputy killed in LODD), Retired Officers needing help with health issues, Police Unity Tour (bicycle tour), Camp Barnes (a youth camp for disadvantaged youths run by the DE State Police). We continue to be a steward of our Sussex County communities while inflation continues to rise, however we would like to do more, recognizing the need to see the charatable and positive side of our officers.

ADDRESS: 36 Autumnwood Way  
Chapel Green

<u>Lewes</u>	<u>DE</u>	<u>19958</u>
<small>(CITY)</small>	<small>(STATE)</small>	<small>(ZIP)</small>

CONTACT PERSON: Jerry Gibson

TITLE: Lodge Treasurer

PHONE: 302-381-5595 EMAIL: jegibson7@aol.com

**TOTAL FUNDING REQUEST: \$3000**

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? \$2000

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? \_\_\_\_\_

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

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

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

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

N/A

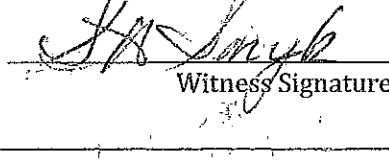
**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 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.**

 Jerry F. Gibson  
Applicant/Authorized Official Signature

03/15/2023

Date

 S.H. Smylek  
Witness Signature Secretary

03/15/2023

Date

Completed application can be submitted by:

Email: [gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)

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

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

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

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

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

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

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

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

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

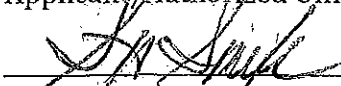
I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

  
\_\_\_\_\_  
Applicant/Authorized Official Signature

Jerry E. Gibson

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Title

  
\_\_\_\_\_  
Witness Signature

SECRETARY

\_\_\_\_\_  
3/15/2023

\_\_\_\_\_  
Date

To Be Introduced: 3/28/23

Council District 5: Mr. Rieley  
Tax I.D. No. 135-11.00-82.00  
911 Address: 20093 Gravel Hill Road, Georgetown

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL DISTRICT TO AN LI-1 LIMITED INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14.426 ACRES, MORE OR LESS**

WHEREAS, on the 8th day of February 2022, a zoning application, denominated Change of Zone No. 1976 was filed on behalf of John H. Legg; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1976 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County 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 LI-1 Limited Industrial 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 Georgetown Hundred, Sussex County, Delaware, and lying on the northeast side of Gravel Hill Road (Rt. 30), approximately 0.14 mile southeast of Lewes Georgetown Highway (Rt. 9) and being more particularly described in the attached legal description prepared by William E. Wright, said parcel containing 14.426 ac., more or less.

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

To Be Introduced: 3/28/23

Council District 1: Mr. Vincent  
Tax I.D. No.: 332-2.00-79.01  
911 Address: 32120 Old Stage Road, Laurel

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.219 ACRES, MORE OR LESS**

WHEREAS, on the 31<sup>st</sup> day of October, 2022, a zoning application, denominated Change of Zone No. 1997 was filed on behalf of Waste Management of Delaware Inc.; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1997 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 and C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying on the west side of Old Stage Road (S.C.R. 461) at the intersection of Old Stage Road (S.C.R. 461) and Trussum Pond Road (S.C.R. 462) and being more particularly described in the attached legal description prepared by Karins and Associates, Professional Land Surveyors said parcels containing 5.219 ac., more or less.

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

To Be Introduced: 03/28/2023

Council District 1: Mr. Vincent  
Tax I.D. No.: 532-6.00-32.00  
911 Address: 35204 Cast Rite Drive, Delmar

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A 23.357 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 53.891 ACRES, MORE OR LESS**

WHEREAS, on the 30<sup>th</sup> day of June 2022, a conditional use application, denominated Conditional Use No. 2386 was filed on behalf of Consolidated Edison Development, Inc.; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2386 be \_\_\_\_\_; and

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2386 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying on the east and west side of Cast Rite Drive on the south side of Bacons Road (S.C.R. 515), approximately 0.39 miles west of Country Walk and being more particularly described in the attached legal description prepared by Robert W. Telschow Jr., said parcel containing 53.891 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.



JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
pandz@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: March 24, 2023

RE: County Council Report for C/U 2366 filed on behalf of IMPACT Life, Inc.

---

The Planning and Zoning Department received an application (C/U 2366 filed on behalf of Impact Life, Inc.) for a Conditional Use for parcel 531-9.00-7.03 for a group home for more than 10 people. The property is located at 4973 Boyce Road, Seaford. The parcel size is 17.26 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on February 23, 2023. At the meeting of March 9, 2023, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 13 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of February 23, 2023 and March 9, 2023.

Minutes of the February 23, 2023, Planning & Zoning Commission Meeting

### C/U 2366 IMPACT Life, Inc.

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 17.26 ACRES, MORE OR LESS.** The property is lying on the north side of Boyce Road (S.C.R. 547), approximately 0.15 mile east of Neals School Road (S.C.R. 553). 911 Address: 4973 Boyce Road, Seaford. Tax Map Parcel: 531-9.00-7.03.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Property Survey, the DelDOT Service Level Evaluation Response, a legal description of the property, the Staff



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

Analysis, and a letter from Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse advised the Commission that one letter of support from the Delaware Housing Authority and one letter of opposition were received on behalf of the Application.

The Commission found that Ms. Domenica Personte spoke on behalf of the Application; that she is the Founder and CEO of IMPACT Life, Inc.; that she is an individual in long-term recovery; that she has served, in some capacity, within Delaware for 25 years; that she was born and raised in Delaware; that IMPACT Life, Inc. was started during the COVID-19 pandemic, offering help to those who were sick and suffering, and unable to access treatment; that during the pandemic, the hospitals were over run by COVID positive patients, there were individuals overdosing and/or needing treatment, but were unable to obtain a hospital bed; that her program would triage individuals in parking lots, to help get them care; that when CARES Act became available, they began the program with two staff members; that the program has grown, currently to 26 staff members; that she began working in the field as a peer since 1998; that the proposed property is a farm consisting of 17 acres; that they started with 10 beds; that they applied for the HUD (Housing and Urban Development) grant; that they added a handicap accessible bedroom; that they performed renovations, which provided for additional room; that the program serves woman and their children; that the Conditional Use request is to add three beds; that this will allow the program to help three additional women; that they do have a Compliance Director who has been working in residential treatment for 20 years; that together, with the Compliance Director, it was determined they could safely offer three additional beds, which led to the Conditional Use request; that the program currently offers services to adolescents and adults statewide; that they have a harm reduction program, which offers outreach within the community; that they provide all types of outreach; that they recently provided 101 meals for the community; that they have also provided safe-sex kits, healthcare navigation and workforce development for members of the community; that they provide outreach within the schools; that six months ago they began an outreach program within multiple schools in New Castle; that they are currently working their way into Kent and Sussex County schools; that they operate houses in partnership with AtTack Addiction Foundation; that their program currently operates 52 beds; that the program offers beds in Seaford; that they recently acquired the program, Square One; that they run a Mommy & Me house, as well as a house for men; that they operate a house in Milford, in partnership with AtTack Addiction Foundation; that they provided houses in New Castle County; that the Conditional Use would add three additional beds for a total of 13 beds; that they have a property they are operating in partnership with AtTack Addiction, located in Harbeson; that they are currently in partnership with another organization, to acquire their 86 beds; that she has a background in running much larger facilities of 140 to 180 beds; that she is fully confident she can manage the proposed 13 beds; that she was invited to speak at Whitehouse in 2016, relating to residential treatment program, evidence-based practices and how to run them safely and effectively; that everything they implemented in 2016, has become a whitepaper, being everything implemented within the programs they operate; that she is a licensed clinician; that the program is licensed through the Division of Substance Abuse and Mental Health; that their program is also governed by a the organization NARR (National Reliance of Recovery Residences); that NARR requires certain perimeters which the program must follow in order to remain credentialed with the NARR organization; that their program is familiar with and in full compliance of the NARR standards; that they are in compliance with the State of Delaware to operate a licensed residential facility; that she entered into treatment at the age of 14, within the State of Delaware; that upon getting sober, she enrolled within a 4-H program; that she feels participating in the 4-H program greatly contributed to her sobriety; that she had a child at the age of 18; that she participated in a program called Bayard House in Wilmington; that the Bayard House program teaches moms, who may not be ready for motherhood, how to perform the duties of a mother; that she is a domestic

abuse survivor; that the program offered her the most lifechanging experience, by providing life skills she needed; that the Application proposes to make the 17 acre farm a safe environment, allowing the program to teach mothers the life skills needed; that through compassion, connection and kinship, the program will allow mothers to build their self-esteem; that the programs purpose is that mothers will not feel the need to use substances; that the program hopes to decrease the rates of relapse, which will decrease the rates of overdoses; that in 2023, the rates of overdoses have increased significantly; that Sussex County specifically has been impacted the most; that the programs goal is to create a long term program, which is intended to be a nine to 12 month program; that woman would have a place to stay, where their children can join them; that having children is a huge barrier which hinders people from attending treatment; that the program will teach mothers how to do thing differently, allowing them the tools to stay sober; that the program is staffed 24 hours per day, seven days per week; that there is never a time staff is not located on site; that security systems have been installed; that the house is alarmed; that they have internal and external cameras; that the closest staff member resides seven minutes from the property; that other staff members live within 10 to 15 minutes from the site in the event additional staff would be required; that their program is based off other programs which are evidenced to be successful; that the program will add 15 full-time employment positions for residents of Sussex County; that they have a leadership team comprised of 26 staff members who oversee the program statewide; that individuals are coming into the program sober and the proposed use is neither a detox facility or a rehabilitation facility.

Chairman Wheatley questioned if the property was currently operating under an existing permit or approval, or if a violation was issued.

Mr. Whitehouse advised the Commission that the Code does permit housing up to 10 people with disabilities, with State approval, who share a single kitchen facility; that once 10 individuals are exceeded, regardless of whether being State-operated or not, it requires a Conditional Use; that there has been no violation; that the Applicant came to the Planning & Zoning Department with the Conditional Use request.

Mr. Hopkins questioned if the proposed use is for 13 adults, if the goal is to help the women obtain employment; that he questioned how the detox process work in relation to the program; that he questioned if the residents would participate in the economics of the housing, where the room is rented and provides accountability; that he questioned if the goal is to assist the women for nine to 12 months, have the residents move on and bring in new residents; that he questioned how the program will allow children to be with their mothers; that he questioned how potential relapse is handled in the program; that he questioned how often drug tests are performed; that he questioned the current number of homes and residents Ms. Personte is overseeing and he questioned the success rate of the program and if the program has any history of adjacent neighbors experiencing problems.

Ms. Wingate questioned if the NARRS organization had any jurisdiction over the facility, if the NARRS organization would perform random compliance checks on the facility, if the facility would have a curfew; that she read for the record, *“Delaware has the highest rate of opioid death per capita in the Country, and Sussex County is the worst of the three counties.”*, and she expressed her appreciation for the service the program and its staff are providing.

Ms. Personte stated the proposed use is not yet in operation; that there is no current residence on the property, as they are waiting to receive approval from the State Fire Marshal for the sprinkler system; that they currently have staff hired for the proposed locations; that they currently have no residents;

that the Conditional Use request is to increase the beds offered by three, for a total of 13 beds offered; that the program proposed to initially operate with 13 women; that they will provide services to the adolescents through case management services with the community or with Division of Family Services; that once they are comfortable in the future, they plan to return to request permission for additional individuals to accommodate the children of the mothers; that the woman will come into the program; that the program allows the women 60 days to focus on treatment, sobriety, overcoming trauma and to find employment; that the program has a Workforce Development Program; that their goal is to create a sustainable program at the proposed location; that individuals come into the program sober, and must remain sober; that detox periods depend on the substance the individual is detoxing from; that the detox period is typically anywhere from five days for 14 days; that their program has no medical components; that their residents will arrive to them from a higher level of care; that the process typically starts with detox and then moves for residential, typically lasting for 21 days; that once residents enter their program, they are provided 60 days to move in, get stable, before the program will require the residents to obtain employment; that they recently received a Federal grant to operate an animal assisted therapeutic program at the farm, as well as an agricultural assisted therapeutic program; that they have partnered with University of Delaware to help create a sustainable farm model; that this will allow the program to teach the women all the duties and skills required to run a fully operational farm, as well as the animal assisted therapy; that the goal of the program, is to provide the women all the tools necessary to stay sober, while learning workforce development; that where the property is located, the employment piece will be extremely difficult for the residents due to lack of transportation; that the program will provide as much assistance in house as possible; that the program will help find the women employment once they are prepared to move out; that the program does not charge any fees; that the program has obtained a Federal grant; that the residents will not rent to stay on the farm; that currently, they only proposed to operate with 13 women, with no children; that there is a pond located on the property; that before kids would be permitted to stay there, the program would need to provide safety measures from the pond; that the women will have their children for visitation only; that the majority of mothers who come into the programs are involved with DFS (Division of Family Services) or a family member has custody of the children; that their goal is reunification, allowing for rebuilding of the family unit; that the mother will either reunite with her children after graduating the program or they will work with them; that typically, a mother obtaining custody of her children is contingent on the mother completing their program; that eventually, in the future, the program does desire to provide housing for children; that currently, the program is not prepared for the housing of children; that currently within the program, a few things can take place with the occurrence of relapse; that if there is any suspicion of abuse, the resident is tested; that if the resident is found positive, a referral to treatment is offered; that the program works with the individual until they can be placed in a in-patient treatment program; that residents are then required to follow the recommendations of the treatment program in order to return to the IMPACT Life, Inc. program; that the program performs random drug testing once a week; that drug testing is provided more frequently when warranted; that she currently oversees seven different locations, with 52 total residents; that the current homes, are considered lower level housing; that there is a house in New Castle County that has minimal turnover; that their program sits at about 95% occupancy at any given time; that the women's houses have a bit more turnover than the men's housing; that typically the average stay in the program is six to nine months; that they do have some residents who have been in their programs for 18 months; that each house has its own culture, which makes a difference in the turnaround rate; that success rates are difficult to obtain; that she can provide data on individuals who stayed in touch with the program; that they do have individuals who complete the program, leave the program and are never heard from again; that they reach out a few months after the individual leaves the program; that the touch points are not consistent as there is no requirement for individuals to

touch base with the program; that drug testing is provided at random, to every resident, every week; that the drug testing is performed and tracked by staff; that over the past 18 months, in partnership with AtTack Addiction, the police have been required twice; that on both occasions, it involved two residents getting into a verbal altercation, where a resident felt threatened and called 911; that both of these occasions occurred in Wilmington; that the program has never experienced an issue involving a resident and adjacent neighbor; that the residents at a home in Wilmington mow the neighbor's lawn; that the neighbors at a different location cook for their residents; that the program does not tolerate nonsense; that the program is very structured; that residents must attend meetings five days per week; that residents must have a sponsor; that residents must be enrolled in a support group; that the residents must meet with a case manager; that not everyone is ready for the structure the program provides; that those individuals are not for the program; that if individuals tend to not meet the program requirements, they are referred to a different program; that Division of Substance Abuse and Mental Health will have jurisdiction over the facility, allowing for the ability to perform random compliance checks once licensed; that these inspections are typically performed annually, but can be performed at any time unannounced; that once they are licensed, Division of Substance Abuse and Mental Health will perform an inspection within the first 90 days, with annual inspections annually following the first inspection; that with NARR, the program is placed through a process and are provided credentials, which allow for NARR to arrive unannounced to perform spot checks as well; that there is no set time for NARR spot checks; that the facility is proposing a curfew of 8:00 pm and the program's goal is that residents stay in the house and stay on the property.

The Commission found that there were four people present who wished to speak in favor of the Application.

The Commission found that Ms. Lauren Steward spoke in support of the Application; that she is the controller of IMPACT Life, Inc. and AtTack Addiction Foundation; that she does understand the concern of adjacent neighbors; that these areas, comprised of neighbors who care about their communities, are communities the program desires their residents to be a part of; that IMPACT Life, Inc. and AtTack Addiction are different from a lot of other programs because the programs are structured; that their residents love the programs because the programs are structured, but still allow residents the ability to have a say; that the programs teach residents to be self-sustainable; that the programs help individuals place their lives back together; that Ms. Personte created the program to bridge the gaps, as there are many factors that play into the individual's situation; that she worked in healthcare for a long time; that her sister was a heroin addict; that her sister is now a nurse manager for women of high risk pregnancies; that she is thankful for second chances and programs like IMPACT Life, Inc. and AtTack Addiction; that people will want these types of organizations accessible for their loved ones; that they are attempting to help addicts become productive citizens; that the residents are coming into the programs voluntarily to put their lives back together; that if at any point, a resident decides they are not ready to be in the program, staff help the individual access the level of care they require; that they do not force residents to stay; that the program currently has waitlists; that there are not enough houses to get the people in; that if you were to speak to a loved one of an addict, they will tell you, there are not enough services; that their goal is to help individuals, help control the increasing addiction numbers, and prevent deaths; that the amount of people dying from overdose in Sussex County is heartbreaking and she appreciated the opportunity to potentially offer more of the services that are desperately needed in Sussex County.

The Commission found that Ms. Leslie Palladino spoke in support of the Application; that she is the Director of Outreach for IMPACT Life, Inc.; that she is a staff member for the program; that she is

in long-term recovery; that she became sober 11 years ago; that without programs, like the programs they offer, she would not be here today; that the programs she went through were not nearly as dedicated as the programs they have created; she requested the Commission take great consideration with the Conditional Use request; that she did understand the amount of push back from the community; that they are attempting to address the concerns with a different approach; that the statistics are read about addiction but does not always have a face and she doubted there was a person present who had not been impacted in some way by addiction.

The Commission found that Mr. Bradley Owens spoke in support of the Application; that he is the Executive Director of IMPACT Life, Inc.; that he was born and raised in Lewes, Delaware; that he attended Cape Henlopen High School; that he tragically lost his sister to alcohol in 2009; that the subject of drugs and alcohol is important to him; that he inspires to educate himself, and work in a professional setting which allows him the ability to have a positive impact of these issues; that he has worked in corrections and behavioral health; that he previously attended law school, obtaining a law degree; that he had been offered many other jobs in law, which would provide him more money; that he chose public and social service; that he takes his reputation extremely seriously; that he has only been a part of IMPACT Life, Inc. for nine weeks; that he made the decision to join IMPACT Life, Inc. because of their team and the services and work they provide; that IMPACT Life, Inc. and AtTack Addition Foundation are both support by the Delaware Housing Authority, Lieutenant Governor, and the Behavioral Health Commission; that these programs are supported tremendously by organizations which run the State; that he believed in the programs enough to leave his previous job to join the team for the reputation they have and the work they do; that he trusts the organization; that the organization's goal is to address a need and he had faith the organization will address the need better than any other organization.

The Commission found that Mr. Steven Frotum spoke in support of the Application; that he felt there was one piece of recovery he wished to speak to, which is the subject of children; that he has been sober 37 years; that he has five children and ten grandchildren; that there was a time he did not have his five children; that the only way, he was able to get his children back to a place they trusted him was to go through the process of recovery; that he did that process; that the process was sustainable; that he had to place the pieces back, allowing his family to come back together; that by doing this, he now has ten grandchildren; that addiction seems to be running rapid through the Country and the world; that he would like to focus on the positives; the he and every other person who goes through the process of recovery is a miracle; that this is the beauty of recovery; that everyone in the industry will say the exact same thing; that in recovery it is about living, not about dying and living is the focus.

Chairman Wheatley advised the Commission and the public that the focus of the Application is very narrow; that although the Commission greatly appreciated the testimonies given, the issue before them today is related to the land use of the property.

The Commission found that one person was present in the room who wished to speak in opposition to the Application.

The Commission found that Mr. Dale Short spoke in opposition to the Application; that he resides along Boyce Rd., adjacent to the property; that he was hoping to obtain information from the presentation, but he was left with a lot of questions; that he questioned the number of individuals who will be living in the house, that he is not in favor of the request, as he believed there were too many unanswered questions to the Application; that he understood the Application request; that he believed

the request made sense and being an adjacent land owner, who has seen the previous uses of the farm, he would like to see the farm stay as it currently is.

Chairman Wheatley stated the Conditional Use request is for 13 beds; that should the Applicant want to increase the number, they will be required to submit a new application request.

The Commission found there were three people present by teleconference who wished to speak on the Application.

The Commission found that Ms. Kelsey Mumford spoke by teleconference in opposition to the Application, with concerns relating to safety, potential relapse, the number of individuals proposed, the potential for noise, increase in pedestrian and vehicle traffic, the amount of time required for State Police to respond to calls, the lack of Police employed for the area, potential decrease in property values; she stated that no one has been taking care of the goats currently existing on the site and she stated the storyline has changed multiple times which has led to a lot of confusion.

The Commission found that Mr. Derek Calloway spoke by teleconference in opposition to the Application; that he stated if the organization cared about the community, they would have provided the opportunity to meet and address the concerns the community had; that he had concerns relating to the density of the site, if children are allowed to stay, the potential the site could become a rehabilitation center in the future, the security measures being placed; that he questioned if insurance had been obtained in the circumstance residents may cause damage to the community and he expressed concerns of additional building potentially being placed on the property.

The Commission found that Ms. April Calloway spoke by teleconference in opposition to the Application; that she agrees with all concerns previously mentioned; that Ms. Personte had previously relayed to the community different information relating to the proposed use; that she had concerns relating to decreasing property values; that the community felt they had been lied to and now the community has no trust in the organization.

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

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

In relation to C/U 2366 IMPACT Life, Inc. Motion by Mr. Hopkins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

#### Minutes of the March 9, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since February 23<sup>rd</sup>, 2023.

Mr. Hopkins moved that the Commission recommend approval of C/U 2366 for Impact Life, Inc. for a group home for more than ten (10) people based upon the record made during the public hearing and for the following reasons:

1. This application seeks a residential recovery home for women recovering from drug addiction along with their children.
2. The Sussex County Zoning Code permits “A group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a twenty-four-hour-per-day basis”. The Applicant is seeking a residential recovery home for up to 13 women, plus their children.
3. It is undisputed that there is a serious opioid and drug addiction crisis in Sussex County. This Applicant seeks to provide decent and safe housing in a structured home environment for women who are successfully addressing their addiction. It will not be a detox or rehabilitation facility. Instead, it will provide transitional housing for women and their children after they have completed their detox and/or rehabilitation programs.
4. There was testimony in the record that this program will be structured, with programming and 24-hour on-site supervision. The organization that will operate the home is licensed and has prior experience running other residential facilities in Delaware, including ones in Seaford, Milford, and New Castle County.
5. It is a Goal throughout the Sussex County Comprehensive Plan to provide safe and decent housing for Sussex County residents, including group homes. This application is in furtherance of that Goal.
6. The Delaware State Housing Authority, or DSHA, has provided its support for this Application noting that Sussex County has one of the highest opioid overdose rates in Delaware and that Delaware has one of the highest per capita overdose rates in the United States. As a result, the DSHA has stated that it is critical for the state and county to support housing initiatives such as this one to address this crisis.
7. This site is an existing home on 17 acres of land in a rural area of Sussex County. It will maintain its residential and agricultural character. This is an appropriate location for this type of use, and the acreage will allow the residents and their children to participate in agricultural activities on the property.
8. There is no compelling evidence in the record that the use will have a negative effect on area roadways or nearby properties.
9. This use satisfies the purpose of a conditional use under our Sussex County Zoning Code. Because it addresses the serious opioid crisis in Sussex County, it has a public or semipublic character and is essential and desirable for the general convenience and welfare of Sussex County and its residents.
10. This recommendation is subject to the following conditions:
  - A. The property shall be operated as a residential recovery home for women and their children. There shall be no more than 13 adults, in addition to resident supervisors, living in the home at any one time. This number does not include the children of the women who reside in the home.
  - B. The home shall not be used as a detoxification facility.
  - C. The home shall be staffed by qualified supervisors at all times.
  - D. The home shall maintain its residential appearance all times.
  - E. The home shall be operated in accordance with all federal, state, and county requirements governing the use as a residential recovery home.



- F. The use of the home shall comply with all of the standard state agency requirements that may apply, including, but not limited to those mandated by DelDOT, DNREC, the Sussex Conservation District, and the State Fire Marshall's Office.
- G. There shall be sufficient parking on the site for the use. The parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself.
- H. There shall be a curfew between 8:00 pm and 5:30 am for all residents of the facility.
- I. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- J. Any dumpsters or trash receptacles shall be enclosed and screened from the view of neighboring properties or roadways.
- K. The Final Site Plan shall not be issued without confirmation that DNREC has approved a septic system that is suitable for the number of residents who will reside on this property.
- L. The failure to comply with any of these conditions may be grounds for the termination of this Conditional Use.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2366 IMPACT Life, Inc. for the reasons and conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Ms. Wingate – yea, Chairman Wheatley - yea

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: February 23<sup>rd</sup>, 2023

Application: CU 2366 IMPACT Life, Inc.

Applicant: IMPACT Life Inc.  
115 Arielle Drive  
Newark, DE 19702

Owner: IMPACT Life Inc.  
115 Arielle Drive  
Newark, DE 19702

Site Location: North side of Boyce Road (S.C.R. 547), approximately 0.15 mile east of Neals School Road (S.C.R. 553)

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

Proposed Use: Group home for more than 10 persons

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Vincent

School District: Seaford School District

Fire District: Seaford Fire Co.

Sewer: On-site septic

Water: On-site well

Site Area: 17.05 acres +/-

Tax Map ID.: 531-9.00-7.03



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Ms. Lauren DeVore, AICP, Planner III (on behalf of Mr. Chase Phillips, Planner II)  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 16<sup>th</sup>, 2023  
RE: Staff Analysis for C/U 2366 IMPACT Life, Inc.

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The purpose of this Memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2366 IMPACT Life, Inc. to be reviewed during the February 23<sup>rd</sup>, 2023, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 531-9.00-7.03 to allow for a Group Home for more than ten (10) persons (with accommodations for up to thirteen (13) persons) to be located at 4973 Boyce Road in Seaford, Delaware. The proposal will also include three (3) small offices to be constructed in the current shed/outbuilding. The property is lying on north side of Boyce Road (S.C.R. 547), approximately 0.15 mile east of Neals School Road (S.C.R. 533). The parcel consists of 17.05 acres +/-.

### Further Site Considerations

The subject property is not located within any established Transportation Improvement Districts. The County's Online Mapping System also confirms that there are no Tax Ditches or Tax Ditch Rights-Of-Way (ROW) on the property. Additionally, the County's Online Mapping System confirms that the rear portion of the site is located within Flood Zone "A" – Areas inundated by the 1% annual chance flood.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Rural Area Future Land Use Map designation of "Low Density". The surrounding and adjacent parcels to the north, east and west of the subject property also contain the "Low Density" Future Land Use Map designation. All parcels on the opposite side of Boyce Road have a Future Land Use Map designation of "Low Density." The balance of the remaining lands surrounding the property have a Future Land Use Map designation of Low Density Area.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre (Sussex



County Comprehensive Plan, 4-18). Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. The Comprehensive Plan also states that, “More intense commercial uses should be avoided in these areas” (Sussex County Comprehensive Plan, 4-19). While residential growth is expected and permitted within the Low Density Area, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, west and east of the property are also zoned Agricultural Residential (AR-1) District. All remaining surrounding land within a 0.50-mile radius are zoned Agricultural Residential (AR-1) District, with the exception of a cluster of parcels which are zoned General Residential (GR) District which span the entire length of the lands between Wild Turkey Road and Neal’s School Road.

Existing Conditional Uses within the Vicinity of the Subject Property

Although there have been several Conditional Use Applications in the vicinity of the Application Site, there have only been four (4) that are within a 2-mile radius of the Application site. Of these Applications, a total of three (3) were recommended approval by the Planning and Zoning Commission and were subsequently approved by the Sussex County Council. One (1) Application appears to have been withdrawn (C/U 211 Geoffrey Scholfield for a 2-unit townhouse).

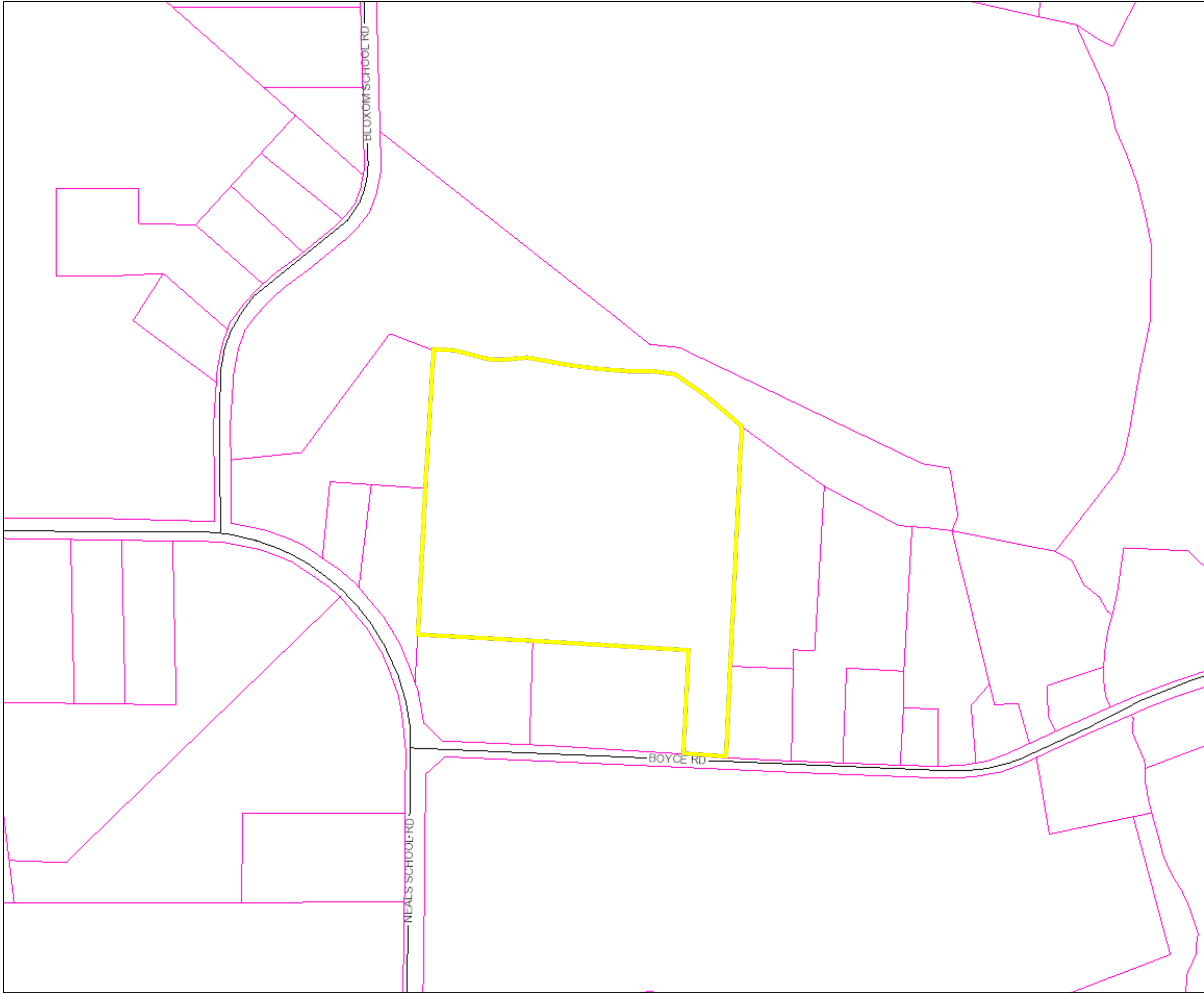
A Supplemental Table has been provided which contains further information regarding the abovementioned Conditional Use Applications which are located within a 2-mile radius of the Application site.

Conditional Use Applications (w/in a 2-mile radius of the subject site)*								
Application Number	Application Name	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
C/U 211	Geoffrey Scholfield	AR-1	2-unit townhouse	Withdrawn	Withdrawn	Withdrawn	Withdrawn	Withdrawn
C/U 1095	Harry W. & Vesta Mitchell	AR-1	Electrical contractor storage/parts	Recommended Approval	12/8/1994	Approved	1/3/1995	1002
C/U 1923	Donna Massey	AR-1	Multi-family dwelling structure	Recommended Approval	3/22/2012	Approved	1/22/2013	2290
C/U 2165	Vanderwende Acres, LLC	AR-1	Event Venue	Recommended Approval	3/28/2019	Approved	4/16/2019	2648

Based on the analysis provided, the Conditional use to allow for a Group Home for more than ten (10) persons (with accommodations for up to thirteen (13) persons) in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.



# Sussex County



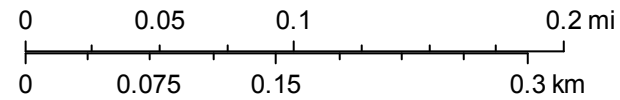
<b>PIN:</b>	531-9.00-7.03
<b>Owner Name</b>	IMPACT LIFE INC
<b>Book</b>	5698
<b>Mailing Address</b>	115 ARIELLE DR
<b>City</b>	NEWARK
<b>State</b>	DE
<b>Description</b>	N/RT 547
<b>Description 2</b>	705' E/RT 553
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

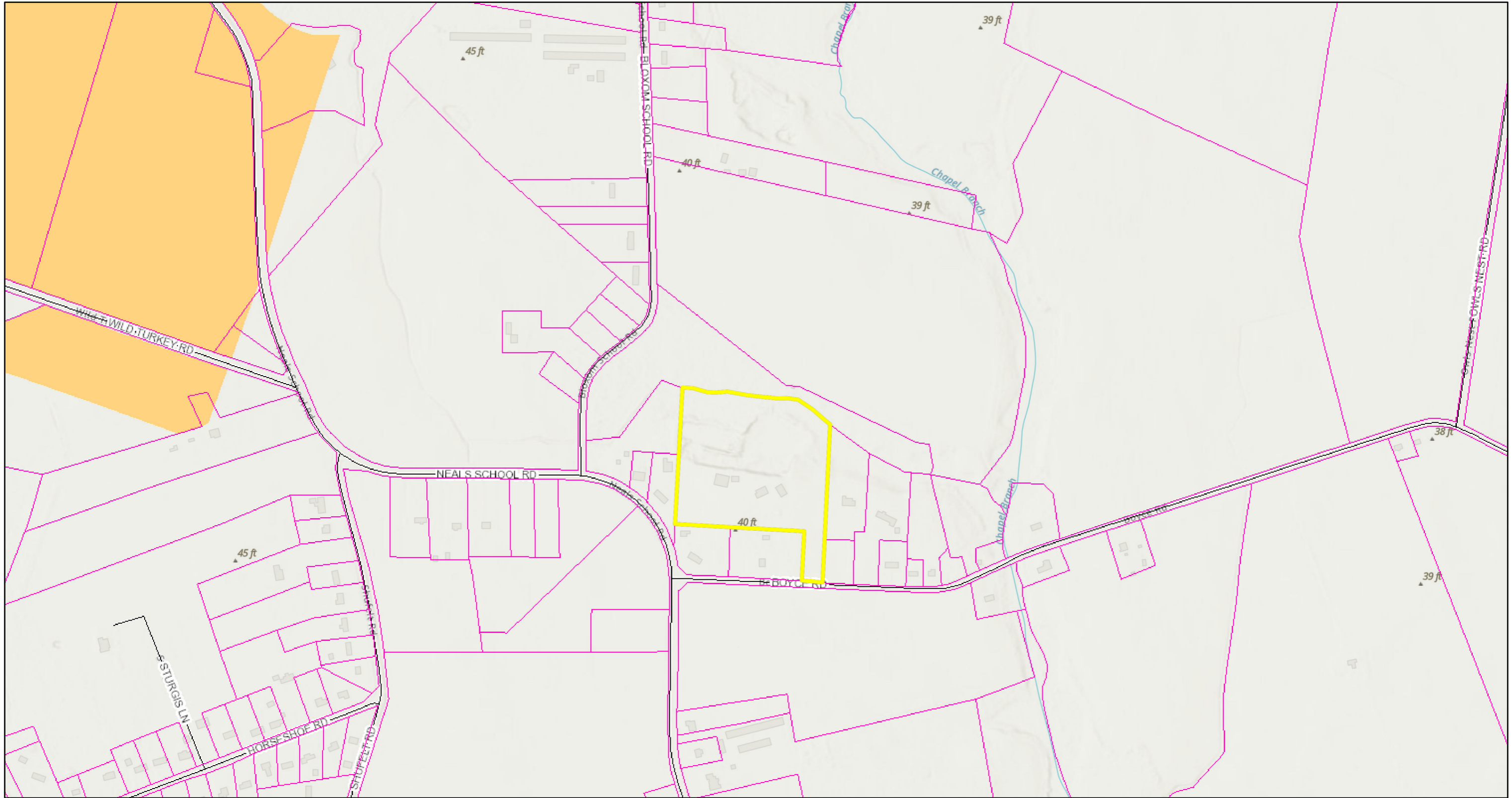
  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- Streets
- County Boundaries

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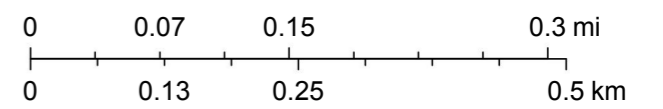
# Sussex County



January 23, 2023

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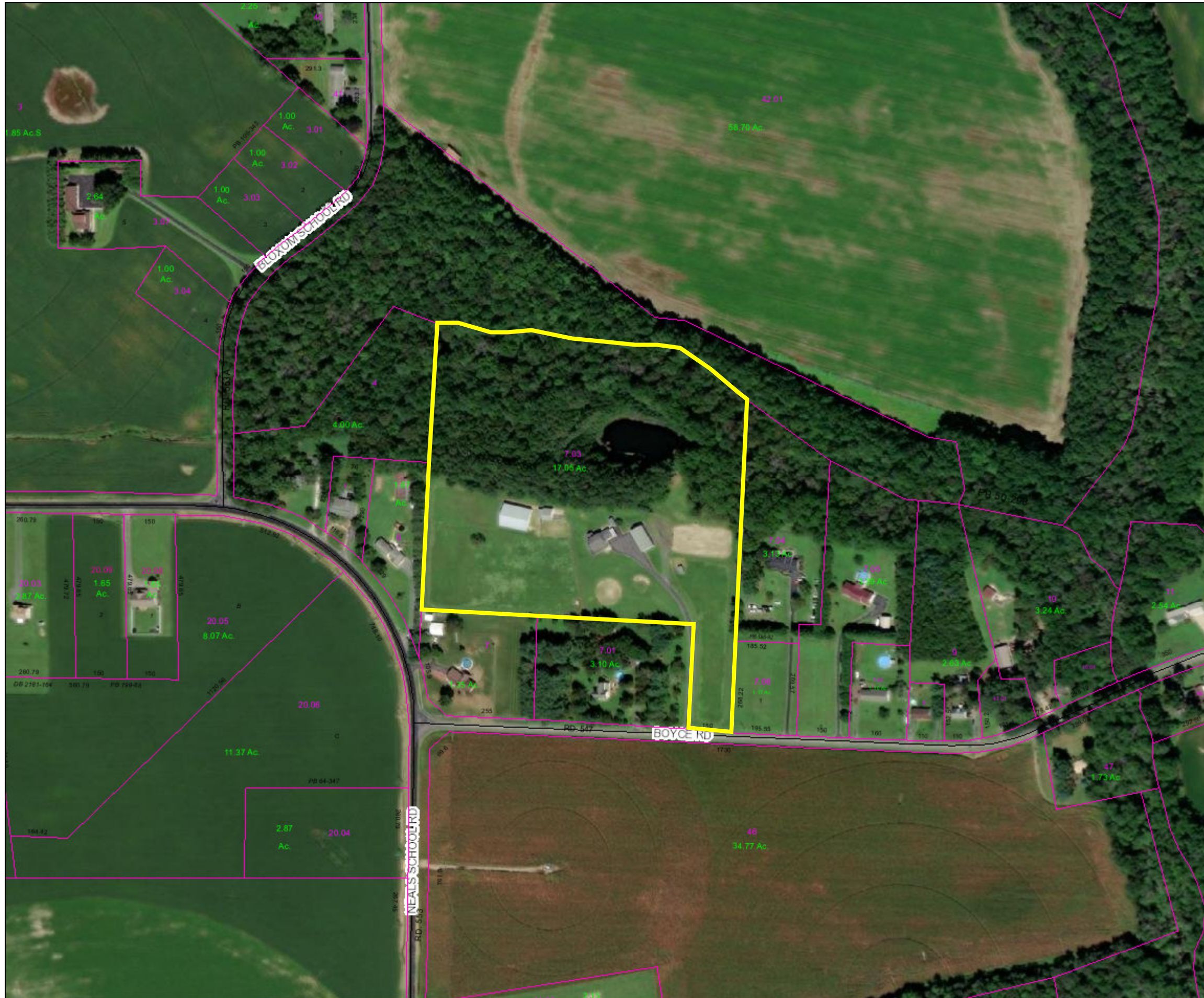
- |                                 |                                  |                             |                               |                         |
|---------------------------------|----------------------------------|-----------------------------|-------------------------------|-------------------------|
| Override 1                      | Agricultural Residential - AR-2  | Neighborhood Business - B-1 | General Commercial - C-4      | Light Industrial - LI-2 |
| Override 1                      | Medium Residential - MR          | Neighborhood Business - B-2 | General Commercial - C-5      | Heavy Industrial - HI-1 |
| Tax Parcels                     | General Residential - GR         | Business Research - B-3     | Commercial Residential - CR-1 | County Boundaries       |
| Streets                         | High Density Residential - HR-1  | General Commercial - C-1    | Institutional - I-1           |                         |
| <b>Zoning</b>                   | High Density Residential - HR-2  | General Commercial - C-2    | Marine - M                    |                         |
| Agricultural Residential - AR-1 | Vacation, Retire, Resident - VRP | General Commercial - C-3    | Limited Industrial - LI-1     |                         |



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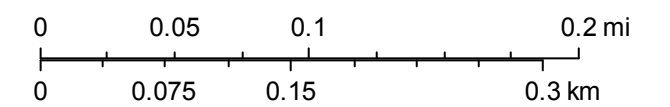
# Sussex County



<b>PIN:</b>	<b>531-9.00-7.03</b>
<b>Owner Name</b>	IMPACT LIFE INC
<b>Book</b>	5698
<b>Mailing Address</b>	115 ARIELLE DR
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<b>Land Code</b>	

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

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Introduced: 12/13/22

Council District 1: Mr. Vincent  
Tax I.D. No. 531-9.00-7.03  
911 Address 4973 Boyce Road, Seaford

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 17.26 ACRES, MORE OR LESS**

WHEREAS, on the 12<sup>th</sup> day of April 2022, a conditional use application, denominated Conditional Use No. 2366 was filed on behalf of Impact Life, Inc.; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2366 be \_\_\_\_\_; and

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2366 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 Seaford Hundred, Sussex County, Delaware, and lying on north side of Boyce Road (S.C.R. 547) approximately 0.15 mile east of Neals School Road (S.C.R. 553) and being more particularly described in the attached legal description prepared by The Pelsa Company, said parcel containing 17.26 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.

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
pandz@sussexcountyde.gov



**Sussex County**

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## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: March 24, 2023

RE: County Council Report for C/U 2367 filed on behalf of AtTack Addiction Foundation

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The Planning and Zoning Department received an application (C/U 2367 filed on behalf of AtTack Addiction Foundation) for a Conditional Use for parcel 234-10.00-69.01 for a group home for more than 10 people. The property is located at 22703 Hurdle Ditch Road, Harbeson. The parcel size is 1.86 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on February 23, 2023. At the meeting of March 9, 2023, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 14 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of February 23, 2023 and March 9, 2023.

Minutes of the February 23, 2023, Planning & Zoning Commission Meeting

### C/U 2367 AtTack Addiction Foundation

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.86 ACRES, MORE OR LESS.** The property is lying on the east side of Hurdle Ditch Road (S.C.R. 290), approximately 0.28 mile north of Hollyville Road (Rt. 48). 911 Address: 22703 Hurdle Ditch Road, Harbeson. Tax Map Parcel: 234-10.00-69.01.

Chairman Wheatley stated due to the Application being similar to the application before it, he would



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allow the comments and testimony that were given for C/U 2366 IMPACT Life, Inc. to be incorporated into the record on behalf of C/U 2367 AtTack Addiction Foundation.

Mr. Robertson advised the Commission and the public that the Commission's focus relates to the land use aspect of the Application, deciding if the proposed use is appropriate for the proposed parcel of land.

Mr. Whitehouse advised the Commission that submitted into the record were the DelDOT Service Level Evaluation Response, the legal description, the Staff Analysis, a letter received from the Sussex County Engineering Department Utility Planning Division, and a letter received from Delaware State Housing Authority. Mr. Whitehouse advised the Commission that one letter of support was received for the Application.

The Commission found that Mr. Don Keister spoke on behalf of the Application; that he represents the Applicant, AtTack Addiction Foundation; that currently, there are zero residents on the property; that the program is permitted for 10 residents; that the Conditional Use request is to increase that number to 16 residents; that square footage calculations, they would be permitted to house up to 16 residents; that AtTack Addition is a 501(c)(3); that he and his wife began the organization in October 2013, following the death of their 24 year old son, Tyler; that the board is currently comprised of five parents who have lost children; that the remainder of the board is comprised of individuals who have been impacted by Substance Use Disorder (SUD); that aside from one part-time financial staff member, the board consists of all volunteers; that there are no paid employees; that through the years the organization has consulted and taken an active roll in supporting 34 separate bills and State legislature; that nine of the 34 bills were initiated by AtTack Addition Foundation, and passed within the same year; that they currently own three recovery residences; that two residences are for all males and one residence is all females; that these residences are operated by IMPACT Life, Inc.; that two of the board members have been appointed by Attorney General Jennings to the Opioid Settlement Distribution Commission; that the organizations have received numerous awards which include the Governor's Outstanding Volunteer Award; that the goal is to stabilize and help those in recovery and their families; that the Conditional Use request is to increase the number of residents for their fourth recovery residence, located in Harbeson; that the dwelling on the site was built in 2010 by Mr. Evans Norwood, who was also the owner of the property; that the organization obtained the property through a grant procedure, which was conducted by the Delaware State Housing Authority, by a project they call the Recovery Housing Project (RHP); that the deed states the organization must maintain the house as a recovery residence for 20 years; that the Application was submitted on November 30<sup>th</sup>, 2021; that settlement was conducted on May 20<sup>th</sup>, 2022; that since the time of settlement, they have been working on the installation of fire sprinkler system, by Wayman Fire Protection, Inc.; that an alarm system will be installed by Security Instrument; that these processes have been drawn out by the requirements of the State Fire Marshal; that currently the residence is furnished and ready for occupancy; that the interior of the home is just under 6,000 sq. ft.; that the property is comprised of just under two acres; that the property is zoned AR-1 (Agricultural Residential); that the future residents have the potential to make a real difference in Sussex County; that the interior of the dwelling has been adapted to provide offices, bedrooms for the housing managers, large meeting spaces, exercise area and room for individual counseling sessions; that the residence is handicap accessible; that the large lot would provide several opportunities for gardening, exercise and other agricultural activities; that the space provided is more than adequate to house 16 residents; that the proposed use is a vital need in Sussex County; that this need has been recognized in the past three quarters of 2022, as reported by the Delaware Drug Monitoring Initiative, there are

85 drug related deaths; that the final results for 2022 have not yet been reported; that in the third quarter alone, 968 drug arrests were made in Sussex County; that currently there are 10 State supported recovery residences located in Sussex County, comprised of four homes for men, four homes for women and children, and two homes for women; that all of the homes are considered NARR Level 2 or Level 3 residences; that the new residence, located in Harbeson, will be considered a NARR Level 4 residence; that the residence will also be considered a 3.1 residence according to Audience American Society of Addiction Medicine (ASAM); that the proposed property, along with the proposed property for IMPACT Life, Inc, will be the first 3.1 ASAM residence located in Sussex County; that both properties are subject to a host of State guidelines, which can be found with the 6001 Substance Abuse Facility Licensing Standards; that these regulations help promote the health and wellbeing of customers/clients receiving services in substance abuse treatment centers located within the State; that the department is authorized by the Delaware Code, Title 16, Chapter 22 for the Substance Abuse Treatment Act; that no organization or entity should operate a substance abuse treatment facility within the State of Delaware, unless the organization has been licensed by the department; that there are 19 standards within the required guidelines, which AtTack Addiction and IMPACT Life must adhere to in order to remain licensed; that Ms. Dominica Personte with IMPACT Life, Inc. will be operating the residence for AtTack Addition; that Ms. Personte has been a fixture within the recovery community for many years; that Ms. Personte is highly respected throughout the State; that Ms. Personte was recently the CEO of a property owned by Recovery Centers of America; that part of the licensing requirements, is to maintain staff, 24 hour, seven days per week, 365 days per year staff, to monitor the facility; that staff will include one part-time physician, being a licensed Practitioner, to be onsite during the day, and on-call around the clock when not onsite; that additional staff will include several house managers, with someone awake to provide supervision around the clock; that there will be several persons available to establish provision, support and a safe environment for the residents; that the need for this assistance in Sussex County is evident; that by supporting additional residents at the Harbeson location will benefit the citizens of Sussex County, especially those individuals who will be able to receive help; that both organizations have demonstrated their ability to provide meaningful opportunities to persons with Substance Use Disorder, in a safe, healthy and supportive environment; that the Harbeson residence will be inspected, licensed and under the direct supervision from the State; that increasing the density of the proposed property, will allow six additional residents within Sussex County to receive suitable treatment and support; that the dwelling is capable of accommodating the requested number of residents, while providing adequate space, programs and safety; that the organization provides meaningful programs for their residents; that the residents are not criminals, they are not bad people; that the residents are sick people, who are taking steps to become well, and take back their life; that he requested the Commission grant approval, allowing the program to assist 16 Sussex County residents rather than 10 residents.

Mr. Robertson requested Mr. Keister speak to the proposed property, the surrounding neighborhood, any potential impacts the proposed use may have on surrounding properties, and if the dwelling will maintain its current residential appearance.

Ms. Wingate questioned if a curfew will be in place for the residents and she questioned if the proposed residence would fall under the same regulations and jurisdictions for unannounced spot-check inspections by authorities to ensure compliance.

Mr. Mears questioned if there were any measures taken to provide sound control for the property.

Mr. Hopkins questioned if staff remain at the property 24 hours per day, seven days a week.

Mr. Keister stated adjacent neighbors submitted concerns as part of Not In My Backyard (NIMBY); that the organization has conducted two formal meetings with the neighbors and with Ruth Briggs King; that the organization conducted a few informal meetings with neighbors as well; that they were provided a list from the neighbors of things they would like the organization to provide; that the organization has responded to two items on the list; that they have provided privacy fencing and covered windows provided at the two edges of the house; that he feels this property will have no negative impact to adjacent properties; that their other locations have not generated any negative impacts; that their other locations have had no negative impact of adjacent property values; that many of the neighbors to the other locations, find it helpful to visit and interact with the residents; that they currently do not have any residences holding more than ten residents; that consider the positive impact the organization makes, and the services needed in the community, the organization feels it is important they provide as many opportunities as they can; that the organization has attempted to incorporate with the concerns of the neighbors; that he does not feel the organization can address the concerns, until the adjacent neighbors see how well the residence will be run; that there will be little to no interaction between the residents and the adjacent properties; that all residents will be supervised, managed and taken care of; that the residence will remain its existing appears as a single-family dwelling; that there are guidelines established, by the rules and regulations the residents receive; that he believed the current curfew is 10:00 pm; that in all their other residences, the residents stay to the rear of the house; that there is no lounging around the front of the house; that the proposed residence is designated a 3.1 house by ASAM; that ASAM place very strict rules, which the organization and residence must abide by; that there will be 16 residents, however, all 16 residents will not be located in the backyard at the same time; that the property has cameras established at three corners of the house; that they have installed interior cameras; that they will be monitoring the cameras; that staff members will be located at the residence at all times, being 24 hours per day, seven days per week; that a counselor will be located onsite 16 hours; that the counselor will be on call around the clock when not onsite and there will be supervision provided 24 hours per day.

The Commission found that five people were present in the room who wished to speak in support of the Application.

The Commission found Ms. Lauren Steward spoke in support of the Application; that she performs gardening projects with residents; that residents enjoy the work and the pride it brings; that she had met a lot of adjacent neighbors, of the existing houses while performing gardening projects; that the adjacent neighbors love the residents; that their residents are not mean, violent people; that they are simply people who found themselves in a bad way; that the residents are people who are trying to put their lives back together again; that she feels there are still existing stigmas; that AtTack Addition has performed a lot of work in the attempt to address stigmas; that there is still work to do in that regard; that they are good neighbors and she hopes adjacent neighbors will allow them the chance to prove it.

The Commission found that Mr. Ron Romine spoke in support of the Application; that he is board member of AtTack Addiction; that he ran an existing men's AtTack Addiction house, in New Castle, for five years; that when they first open the house, the adjacent neighbors expressed the same concerns that were currently being expressed; that there were a lot of fear-based concerns; that within his five years, he had the New Castle County Police to the property on two occasions; that on both occasions, a member had relapsed; that through the New Castle County Police and the Hero Help program, he was able to assist in getting the resident help; that relating to crime, there was crime within their

neighborhood; that one of the residents had their bicycle stolen; that there is always crime somewhere; that the crime was not being generated from his residents; that his residence was located on a cul-de-sac; that when he moved in, the two adjacent properties valued at \$110,000; that in 2018, one of the homes sold for just under \$300,000; that in 2021, the other adjacent property sold for \$349,000; that on trash pick-up days, his residents would deliver the trash cans to adjacent neighbors houses; that the residents helped shovel snow on sidewalks for the adjacent neighbors; that the adjacent neighbors loved the residents; that one would not know the home was a recovery house; that the house is very family oriented; that having the support of someone going through the same thing as you, is the benefit of a recovery house; that everyone is there for the same reason, to get better and the more beds they can provide, the more people they can assist in getting well.

The Commission found that Mr. Nick Gregory spoke in support of the Application; that he is the Housing Supervisor for IMPACT Life, Inc. and AtTack Addition; that he is also a person in long-term recovery; that he went through a long-term program, similar to the programs being started in Sussex County; that the men will be programming all day; that the men will not be running in and out of the house; that they will not be leaving to go to the store; that they will not have visitors; that there will already be ten men on the site; that by adding six additional men, it will allow six additional lives to be impacted and saved in Delaware; that the organization takes pride in what they do; that they run their programs really well; that they have a great reputation in the community and there do what they do to help their fellow human beings.

The Commission found that Ms. Charla Sharp spoke in support of the Application; that she is an employee of IMPACT Life, Inc.; that she part of a healthcare employment, which was the cause of the opioid epidemic; that while she was in the role of medical employment her mindset was much different; that an individual would walk through the door and she would know exactly what the individual was coming in for; that by chance, she fell into the recovery community; that she has learned a lot about recovery and the people in recovery; that she used to be someone with no experience in recovery and had a lot of judgement; that with the education and understanding she now has, it has completely changed her mentality and compassion for others; that she can understand why adjacent neighbors would not understand the need and the importance of six additional beds; that allowance of six more beds will allow them to help six more people and their program will allow their residents to become productive citizens within their communities, who will raise their children who will become other productive citizens.

The Commission found that Mr. Brad Owens spoke in support of the Application; that the back yard of the site is huge; that with staff being present at the site, around the clock, there will be a increase in traffic and parking on the site; that the existing driveway is extremely long; that that four cars can park at the interior of the driveway, with several other vehicles parking along the driveway; that there will be no need to park anywhere else on or around the site; that the residents do not have vehicles; that even if all 16 men were outside at the same time, there is ample amount of space and property to accommodate the residents; that there is no intention to have frequent outdoor parties; that there is ample amount of space and privacy in the rear yard; that there will be constant supervision to make sure the property is maintained and control; that they will make sure the driveway is maintained and all parking is located within the driveway area and they will have the security cameras with constant surveillance.

The Commission found that six people spoke in opposition to the Application.

The Commission found that Ms. Norma Kline spoke in opposition to the Application; that she resides directly adjacent to the site; that she has lived there for two years; that she is an Iraq Veteran; that she is a survivor of military sexual trauma; that she has accepted the fact the recovery house will be located there regardless of the Commission's approval; that her goal is to stop the approval of more than ten men being permitted to reside at the property; that her safety concerns have increased; that her post traumatic stress (PTSD) as increased; that as a sexual assault survivor, darkness scares her; that she is not trying to insinuate the men will be dangerous people; that she hopes the Commission can understand her fear, when there is the presence of ten or more people residing beside her, potentially being heard during the night; that currently the community is very quiet; that she would request the home be left as is, with the approval of ten men residents; that she moved to her property from Rehoboth for the quietness; that the area she lives allowed her to heal some of her PTSD and her sexual trauma; that the fencing placed only comes half way up the side yard; that she does not feel safe with the presence of the men being there; that she understands that her fear is based on her own personal history; that her fear is not a judgement against the residents; that as a veteran, loud noises trigger her; that she fears the residents may get fireworks for the Fourth of July; that she questioned if the program and residents will take into consideration her history of an Iraq veteran who served two tours and she would like to see a change to the residents curfew.

Chairman Wheatley stated the Conditional Use process does allow the Commission to place specific conditions on an application; that ten residents are currently permitted; that because the Application has come before the Commission, it does allow the opportunity for the Commission to enforce conditions and limitations of the proposed use.

The Commission found Mr. Tim Willard, Esq., with Fuqua, Willard & Schab, P.A, spoke on behalf of Mr. Daniel Bezzerro, Mr. Carol Thomas, and Mr. Joseph Gordon, who were in opposition to Application; that the opposition was in a weird place; that if the Application does not get approved, the organization can carry on, as is, with no conditions; that if the Application is approved, conditions and restrictions are able to be placed on the Application; that he requested the Commission recommend approval for one additional resident, while placing conditions on the Application; that he understands the request for six additional residents, as it allows help to six additional people; that when this use is being place in a residential neighborhood, he felt the organization should first get their foot in the door; that the organization met the group residential facility approval, which is required to obtain a license; that currently they are permitted to have ten residents, being individuals with disabilities, in a home with one shared kitchen; that his clients are concerned about transparency and accountability; that he informed his clients the organization has many licensing requirements, but by placing conditions, it allowed adjacent residents to have some teeth in restrictions as well; that the Conditional Use section of the Code states the Preliminary Site Plan must comply with Article 28, which states an application shall accompany the application for conditional use with such information required for the determination of the nature of the proposed use and the impact on the neighborhood and surrounding properties; that all applications for zoning permits, shall be accompanied by a drawing or plat, including such other information which may be necessary to provide for the enforcement of these regulations; that the drawing shall contain suitable notations indicating the proposed use of the land and buildings; that with this Application, the submitted site plan is a basic survey of the property; that in previous applications he has been involved in, they are remised if the site plan or survey does not include some detail pertaining to the proposed use; that the Applicant's have discussed parking, yet there is no notes relating to parking on the submitted plan; that with the current approval for ten residents could generate a lot of parking; that the submitted plan did not reflect any proposed fencing; that in their proposed conditions, they have requested more fencing, as well as additional conditions

relating to the site plan; that the Comprehensive Plan designates the property to be within the Low Density area; that all surrounding properties to the north, south, east and west are also located within the Low Density area; that the Staff Memorandum and Sussex County Mapping System confirms the property is not located within a Flood Zone; that the property is not located within a Transportation Improvement District; that Low Density areas call for single-family housing; that the property is located with AR-1 (Agricultural Residential); that all properties adjacent to the north, west and east are all zoned AR-1; that the surrounding area is important when considering proposed uses; that the Commission should not allow more residents, due to the density guidance provided by the Code; that

The Commission found that Mr. Joseph Gordon spoke in opposition to the Application; that he resides approximately 100 yards from the property; that since was made aware of the half-way house, he has learned many new things, such as NIMBY (Not In My Back Yard) and NARR (National Alliance Recovery Residences); that he had also learned that his current neighbors are good people, with good hearts; that they too, have lost loved ones, and have had to live lives where their friends and family's lives were destroyed because of the opioid epidemic; that no one denies that individual need help; that there is a right way and wrong way of doing everything; that they need reassurances that the needs and wellbeing of the community are being addressed, as well as the needs and wellbeing of the participants in the program; that the community has worked hard together, to create a quiet, peaceful neighborhood; that each of them have moved to the area, because they value the peace and quiet the area brings; that the community's primary concern is that the peace and quiet that they worked hard to create will be disrupted or compromised by the presence of the program; that NARR Standard 3.0 Living Space states the living space is conducive to building community of the participants; that there must be verification of a meeting place that is large enough to accommodate all residents; that there must be verification that the kitchen and dining areas are large enough to accommodate all residents while sharing meals together; that the standard building industry recommends a 24 inch minimum width for each individual at a table; that they have been in the proposed residence; that he does not understand how the NARR Standard is met; that nearly a half a year, AtTack Addiction proceeded to establish the assisted living facility with absolutely no contact with the neighborhood; that it was only by word-of-mouth the community became aware of the proposed use; that meetings were not scheduled by AtTack Addition, but rather by Ruth Briggs King, per the community's request; that per the briefing of St. Leonard's Society of Canada, it was stated to be successfully integrated into a community, a half-way house needs a public that understands the purpose and neighbors who are comfortable with its procedures; that from the community's perspective, AtTack Addition did not do their due diligence in preparing their neighborhood for their assisted living facility as documented by nearly every recovery residence organization; that by eliminating this important step, they have unfortunately created additional resentment and lack of trust towards AtTack Addition, as well as fear against future participants; that the community has received conflicting information from AtTack Addiction, such as the level of the house and the proposed fencing; that they were told participants will be driven everywhere; that online it stated the organization does not provide transportation; that they were told visitors are not permitted; that in the presentation it was stated family members and sponsors may visit; that they were told no participants with felony charges are permitted within the first two years; that in their next meeting they were told no participants with felony charges within the first year; that felony charges means the individual is a convict, therefore, there would be convicts residing at the site; that they were originally told participants would be arriving between October and November; that currently no participants are residing on the property; that there has been a lot of conflicting information provided by the organization; that it seemed to him that the organization is getting their feet wet in the establishment of the facility; that the quiet, residential neighborhood is comprised of a vulnerable population of



elderly, handicap and very young children within feet of the site; that they have valid concerns for their safety, as the average police response time is 30 minutes at best; that NARR Standard 3.0 states responsiveness should be provided to neighbors concerns; that Principal J states the organization should be a good neighbor; that the NARR Code of Ethics states that operators are to maintain an environment that promotes the peace and safety of surrounding neighborhood and the community at large; that they collectively feel that AtTack Addition has not been a good neighbor and did not take the community's concerns seriously; that the community feels like they were a nuisance to AtTack Addiction; that every organization stated AtTack Addiction must grab the community's buy-in for not only the house, but for the participants who will be living there; that when you try to force 16 people into a house, rather than six or ten, without communicating anything to the community, they are asking for trouble; that he feels by doing this, the organization has not done a good job achieving their goals; that more residents will create more conflict; that he has concerns to the ratio of staff to residents; that he questioned if a four residents to one staff member is a good ratio to have; that NARR Code of Ethics states a safe, homelike environment should be provided, while meeting NARR standards; that in his opinion, 16 residents is too many to allow for a homelike environment; that he felt six participants would be more appropriate for the area; that if he was running the company, he would not have angered everyone in the neighborhood, scare them to death, creating lack of sleep, creating them to purchase guns and security lights and place security cameras; that the organization could have placed only six people, get the facility established, while educating the community; that the organization could have then asked the community if they felt comfortable increasing the number of residents; that it is the community's neighborhood that the organization is, in another person's words, "blowing up"; that given AtTack Addiction is new to providing a Level 3.1 house, the community requests that AtTack Addiction bring up their staffing levels, which will bring up the comfort level of the community prior to increasing their number of participants; that one study, published in the Journal of Substance Abuse Treatment, analyzed factors associated with positive outcomes of sober living houses; that the study found that facilities having a smaller number of residents were associated with higher rates of employment, which could reflect the benefits of low resident to staff ratio, with greater focus and attention afforded to each individual; that similar to class sized in school, the community would much rather see lower numbers, with a higher success rate, than a higher number of participants with a lower success rate; that based on the meetings had with AtTack Addition, it was much as said, the federal government wants this, and there is not much anyone can do; that the community hopes that this is not the case; that they hope that everyone's concerns will be addressed; that the organization has had an economic impact on the community by making them feel the need to buy security lights and security cameras; that he did not feel he needed to tell the Commission what the proposed use will do to adjacent property values; that according to the Not In My Back Yard article, the impact of a substance abuse treatment centers on property values, specifically to treat opioid addiction will lose as much as 17% in property values; that he questioned if the Commission would want their 26 year old daughter, who's career is just taking off, to move into a house next two 16 recovering drug addicts and that he would not want his daughter in that situation.

Chairman Wheatley questioned what authority was quoted in Mr. Gordon's presentation relating to decreased property values; that only the title of the article was quoted; that sources are required to be stated when providing facts of that nature, and that otherwise the statements are considered an opinion.

The Commission found that Mr. Carl Thomas spoke in opposition to the Application; that the NARR Standards state, *operator, attests and claims made in marketing materials and advertising be honest and substantiated, and does not employ any of the following: false or misleading statements, unfounded claims or exaggerations;* that he

visited AtTack Addictions website, where he found many discrepancies; that additionally, he visited Ms. Personte's Facebook page, which advertised that, *the sanctuary at IMPACT Life farm, located in Seaford, will serve 13 pregnant and/or parenting women; that the men's program is located in Harbeson and will serve 13 men*; that he believed the information was misleading; that regardless of the source, the information advertised and is misleading to the public; that the residents will be in their early stages of recovery per AtTack Addition's website; that the nearest area to access DART transportation is 4.2 to 4.4 miles away in either direction; that the area roads are not conducive to walking or bicycle pedestrians; that Zillow, the real estate site, rated the roads a zero out of 100 relating to walking suitability; that Zillow rated a 27 out of 100, relating to biking suitability; that he had concerns to the non-compliance of the property; that he understands everyone needs a second chance; that what had not been discussed, is what happens when a situation turns bad; that he had seen the situation when things turn bad; that he works as a nurse in an Intensive Care Unit; that he is the person who cleans up the mess that is made when people fall out of recovery; that it is heart wrenching to see; that his wife was a Probation & Parole officer for five years; that she had also witnessed the devastation that comes from relapse; that he is happy to hear about the success stories; that what he wanted to hear was the stories of what happens when the individuals fall off the path; that he does not feel his question had been addressed in anyway; that it was testified the organization scheduled two meetings; that in fact, it was a total of four meetings; that the organization staff only attended two meetings out of the four; that the organization is not responsive to the community; that they have not been good neighbors; that he questioned to organization's past history; that a lot of what was provided was personal testimony; that the statements relating to the organization's successes does not compare to what is presented on the organization's website, down to the number of beds in the houses and the number of current houses; that there are discrepancies and inaccuracies everywhere; that the organization spoke about helping the residents find employment; that he visited Indeed.com, an employment site; that in the surrounding communities, Harbeson is the third worst for employment postings; that there are many other places in Sussex County, which would have placed the residents in much closer proximity to employment; that the program is to help low to moderate income individuals; that there are additional challenges, such as transportation, for low to moderate income individuals to find employment and he would like to see conditions placed to allow for local oversight of the property and use.

Mr. Keister stated at the organization's other houses, they have very few individuals who park vehicles or use vehicles at the homes, and they did purchase a seven-passenger van, which will be utilized to provide transportation to a variety of places for the residents.

Ms. Personte stated both facilities have seven-passenger vans; that all their case managers transport residents as well; that all case managers are required to go through a driving record investigation; that the organization confirms they can insure the case manager; that the organization ensures the case managers, allowing them to transport residents individually and as a group; that the organization did not initially offer the transportation by the vans, as the recently purchased the vans within the past month and the case managers have been providing transportation for the residents since the program started.

Ms. Wingate questioned the square footage of the home.

Mr. Keister stated the home is approximately 6,000 square feet.

Mr. Mears questioned how circumstances of relapse and overdose are handled and the protocol relating to altercations between residents.

Mr. Hopkins questioned how many chances a resident is provided related to relapse.

Ms. Personte stated if a resident relapses, the organization directs them to treatment; that staff will remain with the resident until they can get into treatment; that all the facilities have Narcan; that all staff members are trained to administer Narcan, recovery breathing, and recovery positioning; that in the event of an overdose, the policy is that a staff member would provide Narcan, call 911 and the resident would be transported to the hospital via EMS; that the resident would not be permitted to return to the home until the individual completes the treatment plan of care; that the organization has never had an overdose at any of their facilities; that if a resident were to relapse, the individual would be required to leave the home, attending treatment; that the only circumstance a resident may be permitted to stay in the home is with alcohol; that if a resident were to drink alcohol, the resident is provided one additional opportunity before being required to leave the home; that if a resident were to relapse with opioids in any form, the resident will be required to leave the home and placed into treatment; that the policy is not negotiable; that once a resident attends treatment, the organization follows the treatment plan provided by the medical recommendation; that typically the recommendation is 21 to 30 days; that once the resident completes treatment, they are permitted to return to the home; that upon returning, the resident will be provided a higher level of case management; that if a resident were to relapse for a second time, the resident is referred onto a different program; that in the event of an altercation between the residents, they attempt to determine who began the altercation; that in cases where they can clearly determine who began the altercation, the individual who began the fight is required to leave the home; that staff will remain with the individual, helping the individual pack their belongings, and the individual leaves the home that day; that the organization does work with the resident until they have a place to go; that any physical altercation does require the resident to leave the home; that in the event the organization cannot determine who began the altercation, the organization has been required to discharge both residents involved and the facilities do have internal cameras, which allows staff to determine to individual responsible.

The Commission found that Mr. Daniel Bezerra spoke in opposition to the Application; that he resides across the road from the site; that Mr. Keister was cutting grass one day, when Mr. Bezerra decided to approach him with questions; that he had attended meetings with the organization, where a lot of information was provided that differed from information provided in a different meeting; that he expressed his concern of safety with his wife and young daughter alone, across the street from 16 men, while he is at work; that he is aware of addiction as he had experienced the issue in his family; that Mr. Keister had told him, it would not be an issue; that the residents are human beings; that they are not bad people and not violent; that Mr. Bezerra understood these things, but Mr. Keister never addressed the concern Mr. Bezerra had for his family; that he would have appreciated an initial response providing the information that the residents would be monitored by staff; that he was told the cameras were installed in the case the staff need to check on the residents; that it was his understanding that the cameras would not be monitored around the clock, as was implied during the presentation; that all of the community's questions and concerns regarding safety were not addressed by the organization; that the fencing has only been placed half way on the sides of the property; that he was under the impression the property would be fenced in; that his questions made to the organization were never answered; that Ms. Personte arrived an hour late to their first scheduled meeting; that when Ms. Personte did arrive, they were required to start the meeting all over because the answers provided did not match what Ms. Personte stated; that he felt there was a lot of misleading information provided by the organization; that he was expecting to see the house plans during the presentation; that a lot of

the communities concerns cannot be addressed as there is only a basic survey submitted for the property; that he questioned how it can be determined that the organization has a kitchen large enough to accommodate 16 residents at the same time; that one of the NARR standards is to answer questions from the community; that nothing has been provided to the community proving the 16 residents are able to eat in the kitchen at the same time; that there was never an attempt from the organization to each out to the community; that he was the first member of the community to reach out to the organization and for his safety concerns, he was opposed to increasing the number of residents.

Chairman Wheatley stated the housing requirements are determined by the elected State regulators; that the community would not have any regulation over this requirement; that he was concerned by the consistent testimony of discrepancies with the organization's provided information, and he questioned if the discrepancies were a result of the fact the program was just taking shape.

Mr. Willard stated he felt the organization got off on the wrong foot with a lack if provided information; that he submitted proposed conditions for the Commission's consideration; that he requested the Commission request to see the floor plan of the facility; that he believes the floor plan was of relevance; that he believed the covenants provided by the Housing Authority should be part of the imposed conditions; that he felt if the County included the covenants in the Conditions of Approval, it will allow a better ability to regulate the covenants; that he also requested the NARR Code and the Delaware ASAM Level 3.1 requirements be placed in the conditions; that he additionally requested the Final Site Plan approved by the Commission include, all required agency approvals, which include DeIDOT, DNREC, Sussex Conservation District and State Fire Marshal, if necessary; that he stated the property used to have a septic system for three bedrooms; that the standard for a nursing or assisted living home is 100 gallon units per day; that the previously issued permit was for 720 gallons per day and he submitted a petition which was signed by 45 individuals located near the property.

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

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

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

In relation to C/U 2367 AtTack Addiction Foundation. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 4-0.

#### Minutes of the March 9, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since February 23<sup>rd</sup>, 2023.

Ms. Wingate moved that the Commission recommend approval of C/U 2367 for AtTack Addiction Foundation for a group home of more than ten (10) people based upon the record made during the public hearing and for the following reasons:

1. This application seeks a residential recovery home for men recovering from drug addiction.

2. The Sussex County Zoning Code permits “A group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a twenty-four-hour-per-day basis”. The Applicant is seeking a residential recovery home for up to 16 men.
3. It is undisputed that there is a serious opioid and drug addiction crisis in Sussex County. This Applicant seeks to provide decent and safe housing in a structured home environment for men who are successfully addressing their addiction. It will not be a detox or rehabilitation facility. Instead, it will provide transitional housing for men after they have completed their detox and/or rehabilitation programs.
4. There was testimony in the record that this program will be structured, with programming and 24-hour on-site supervision. The organization that will operate the home owns three other recovery residences. This one, like the others, will be operated by Impact Life, Inc., which itself has experience operating similar facilities throughout Delaware.
5. It is a Goal throughout the Sussex County Comprehensive Plan to provide safe and decent housing for Sussex County residents, including group homes. This application is in furtherance of that Goal.
6. The Delaware State Housing Authority, or DSHA, has provided its support for this Application noting that Sussex County has one of the highest opioid overdose rates in Delaware and that Delaware has one of the highest per capita overdose rates in the United States. As a result, the DSHA has stated that it is critical for the state and county to support housing initiatives such as this one to address this crisis.
7. This site is a large lot with an existing residential home that is owned by the Applicant. It will maintain its residential character.
8. There is no compelling evidence in the record that the use will have a negative effect on area roadways or nearby properties. The concerns raised by neighboring property owners will also be mitigated by the conditions imposed upon this conditional use.
9. This use satisfies the purpose of a conditional use under our Sussex County Zoning Code. Because it addresses the serious opioid crisis in Sussex County, it has a public or semipublic character and is essential and desirable for the general convenience and welfare of Sussex County and its residents.
10. This recommendation is subject to the following conditions:
  - A. The property shall be operated as a residential recovery home for men. There shall be no more than sixteen (16) men, in addition to resident supervisors, living in the home at any one time.
  - B. The property shall not be operated as a detoxification facility.
  - C. The home shall be staffed by qualified supervisors at all times.
  - D. The home shall maintain its residential appearance all times.
  - E. There shall be a curfew between 10:00 pm and 5:30 am for all residents of the facility.
  - F. The home shall be operated in accordance with all Federal, State, and County requirements governing the use as a residential recovery home.
  - G. The use of the home shall comply with all of the standard State agency requirements that may apply, including, but not limited to those mandated by DelDOT, DNREC, the Sussex Conservation District, and the State Fire Marshall’s Office.

- H. There shall be sufficient parking on the site for the use. The parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself.
- I. With the exception of the property boundary along Hurdle Ditch Road, the perimeter of the site shall be fenced with residential-style fencing to screen it from the view of neighboring properties.
- J. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- K. Any dumpsters or trash receptacles shall be enclosed and screened from the view of neighboring properties or roadways.
- L. The Final Site Plan shall not be issued without confirmation that DNREC has approved a septic system that is suitable for the number of residents who will reside on this property.
- M. The failure to comply with any of these conditions may be grounds for the termination of this Conditional Use.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to recommend approval of C/U 2367 AtTack Addiction Foundation, for the reasons and conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Ms. Wingate – yea, Chairman Wheatley – yea

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: February 23<sup>rd</sup>, 2023

Application: CU 2367 Attack Addiction, Inc.

Applicant: atTAcK Addiction Foundation  
P.O. Box 36  
Bear, DE 19701

Owner: atTAcK Addiction Foundation  
22703 Hurdle Ditch Road  
Harbeson, DE 19951

Site Location: East side of Hurdle Ditch Road (S.C.R. 290), approximately 0.28 mile north of Hollyville Road (Rt. 48)

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

Proposed Use: Group Home for more than 10 persons

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Rieley

School District: Cape Henlopen School District

Fire District: Millsboro Fire Co.

Sewer: On-site septic system

Water: On-site well

Site Area: 1.86 acres +/-

Tax Map ID.: 234-10.00-69.01



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Ms. Lauren DeVore, AICP, Planner III (on behalf of Mr. Chase Phillips, Planner II)  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 16<sup>th</sup>, 2023  
RE: Staff Analysis for C/U 2367 atTack Addiction Foundation, Inc.

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The purpose of this Memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2367 atTack Addiction Foundation, Inc. to be reviewed during the February 23<sup>rd</sup>, 2023, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 234-10.00-69.01 to allow for a Group Home for more than ten (10) persons (with accommodations for up to sixteen (16) persons) to be located at 22703 Hurdle Ditch Road in Harbeson, Delaware. The property is lying on the east side of Hurdle Ditch Road (S.C.R. 290), approximately 0.28 mile north of Hollyville Road (Route 48). The parcel consists of 1.86 acres +/-.

### Further Site Considerations

The subject property is not located within any established Transportation Improvement Districts. The County's Online Mapping System also confirms that there are no Tax Ditches or Tax Ditch Rights-Of-Way (ROW) on the property. Additionally, the County's Online Mapping System confirms the site is located within Flood Zone "X" – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Rural Area Future Land Use Map designation of "Low Density". The surrounding and adjacent parcels to the north, east and west of the subject property also contain the "Low Density" Future Land Use Map designation. All parcels on the opposite side of Hurdle Ditch Road have a Future Land Use Map designation of "Low Density."

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre (Sussex County Comprehensive Plan, 4-18). Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. The Comprehensive Plan also states that, "More intense





commercial uses should be avoided in these areas” (Sussex County Comprehensive Plan, 4-19). While residential growth is expected and permitted within the Low Density Area, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

### Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, west and east of the property are also zoned Agricultural Residential (AR-1) District. There are a cluster of parcels to the north on the north side of Harbeson Road (Route 5) which are zoned Medium Density Residential (MR) District, to include all parcels located within the Danfield Acres Subdivision.

There is a single parcel to the northeast of the subject site on the south side that is zoned Neighborhood Business (B-1) District and there are approximately eleven (11) parcels on the south side of Harbeson Road (Route 5) that are zoned General Commercial (C-1) District.

### Existing Conditional Uses within the Vicinity of the Subject Property

Although there have been several Conditional Use Applications within a one (1) mile radius of the Site, there have only been six (6) Conditional Use Applications within a 0.25-mile radius of the Application site. Of these Applications, a total of five (5) were recommended approval by the Planning and Zoning Commission and were subsequently approved by the Sussex County Council. There is also one (1) Conditional Use Application (C/U 2376 for Jose Hernandez for a pool business) which is currently pending and awaiting a recommendation of the Planning and Zoning Commission.

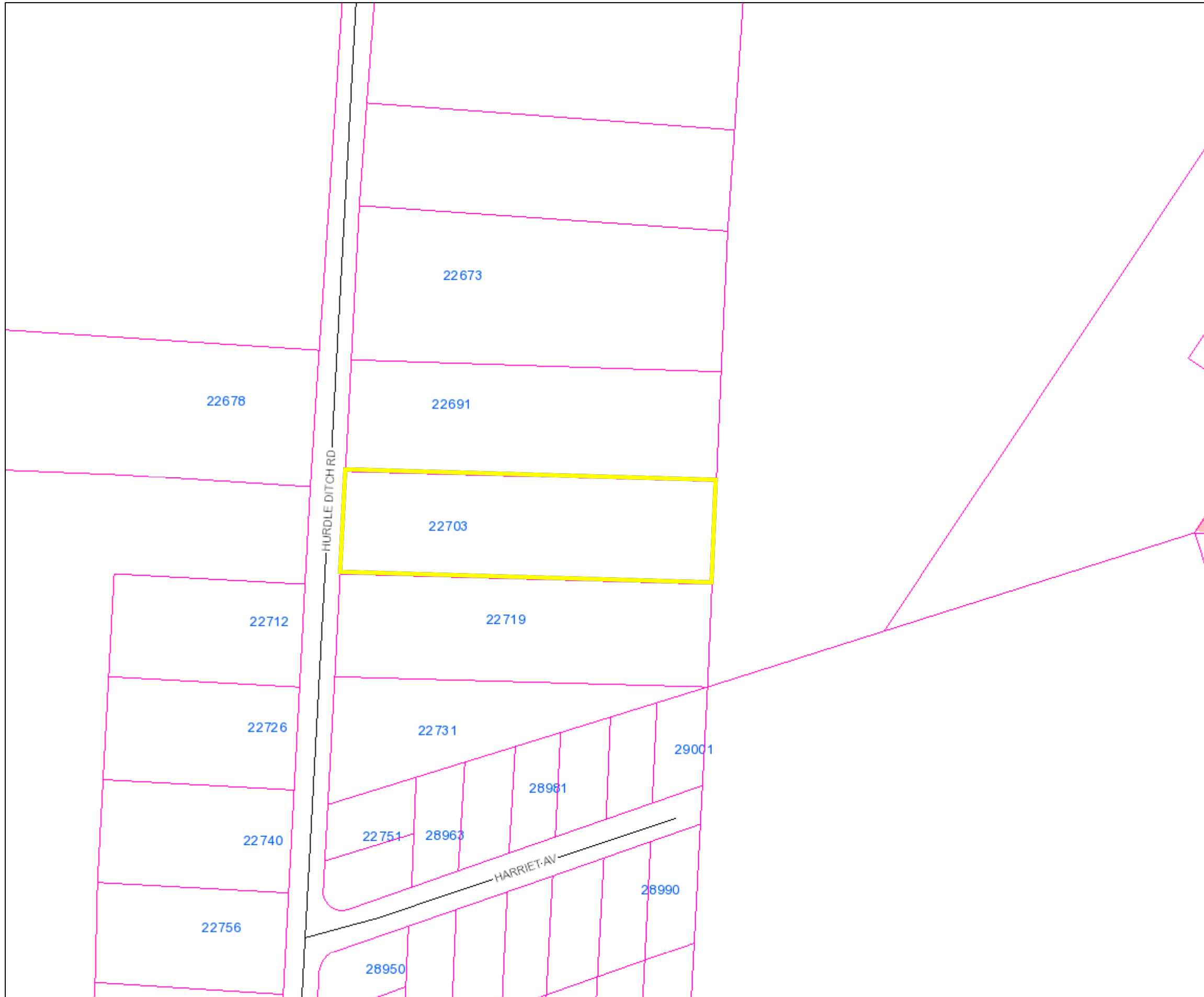
A Supplemental Table has been provided which contains further information regarding the abovementioned Conditional Use Applications which are located within a 0.25-mile radius of the Application site.

Based on the analysis provided, the Conditional use to allow for a Group Home for more than ten (10) persons (with accommodations for up to sixteen (16) persons) in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Conditional Use Applications (w/in a 0.25 mile radius of the subject site)*								
Application Number	Application Name	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
C/U 1364	Melvin A. & Judi A. Foracre	AR-1	Sales/Service of Recreational Vehicles	Recommended Approval	10/26/2000	Approved	11/14/2000	1413
C/U 1585	Hellens Heating and Air, Inc.	AR-1	Office/shop heat & air business	Recommended Approval	1/20/2005	Approved	2/8/2005	1753
C/U 1755	T-Tops, etc.	B-1	Install Boat Tops	Recommended Approval	1/22/2009	Approved	1/27/2009	2029
C/U 1978	John W. Davidson	AR-1	Professional Office w/Contractor Storage	Recommended Approval	2/24/2014	Approved	3/8/2014	2340
C/U 2118	John W. Davidson	AR-1	Professional Office w/Contractor Storage	Recommended Approval	3/8/2018	Approved	3/20/2018	2570
C/U 2376	Jose Hernandez	AR-1	Pool Business	Pending	Pending	Pending	Pending	Pending



# Sussex County



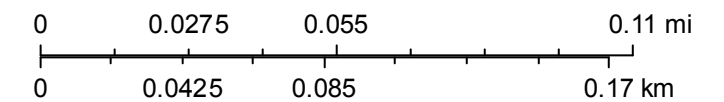
<b>PIN:</b>	234-10.00-69.01
<b>Owner Name</b>	ATTACK ADDICTION FOUNDATION INC
<b>Book</b>	5705
<b>Mailing Address</b>	P.O. BOX 36
<b>City</b>	BEAR
<b>State</b>	DE
<b>Description</b>	E/RT 290
<b>Description 2</b>	LOT 2
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

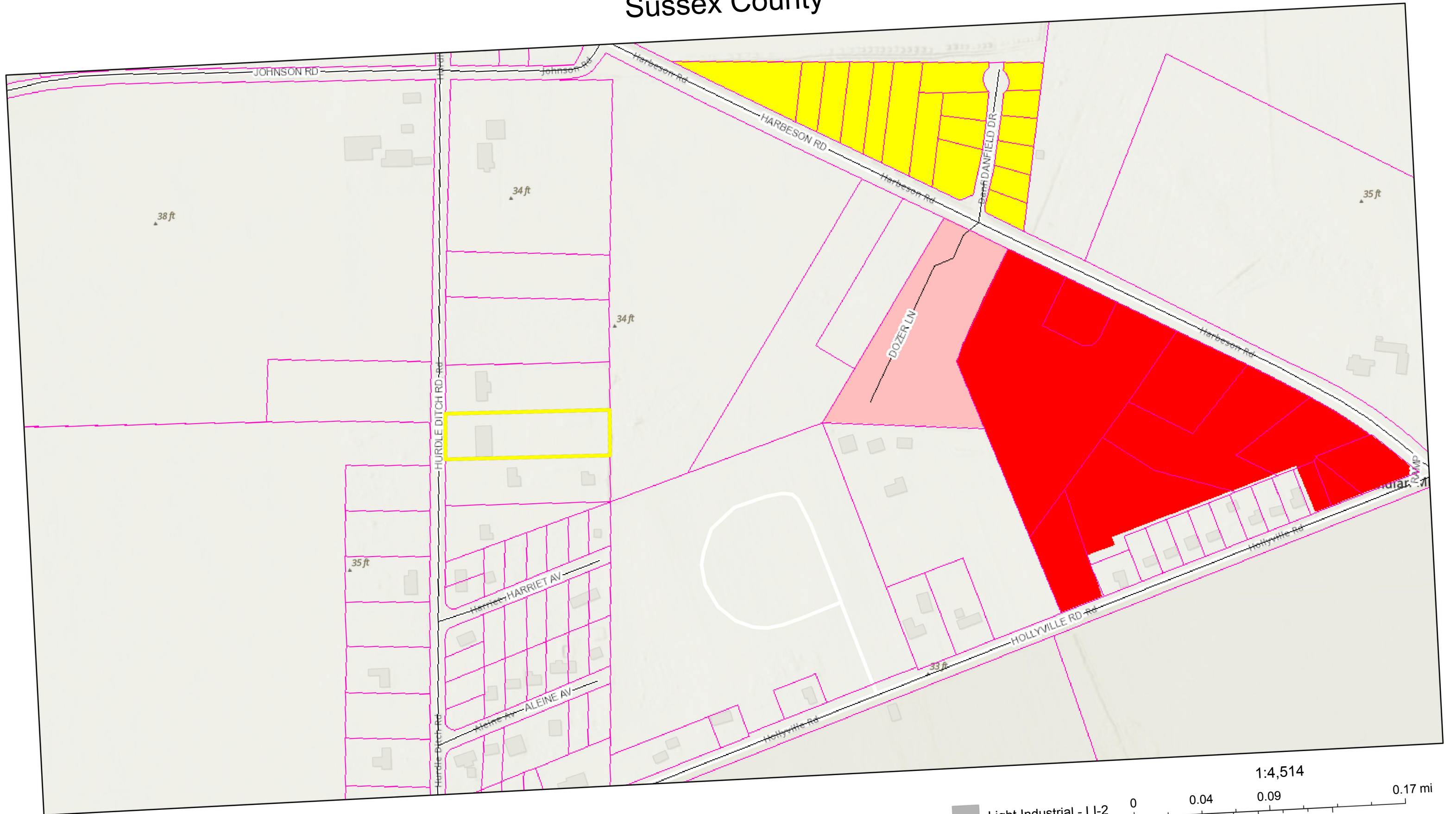
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  - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

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# Sussex County



January 23, 2023

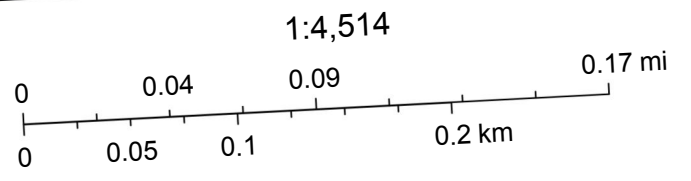
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- Override 1
- Tax Parcels
- Streets
- Zoning
- Agricultural Residential - AR-1

- 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
- Neighborhood Business - B-2
- Business Research - B-3
- General Commercial - C-1
- General Commercial - C-2
- General Commercial - C-3

- General Commercial - C-4
- General Commercial - C-5
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1

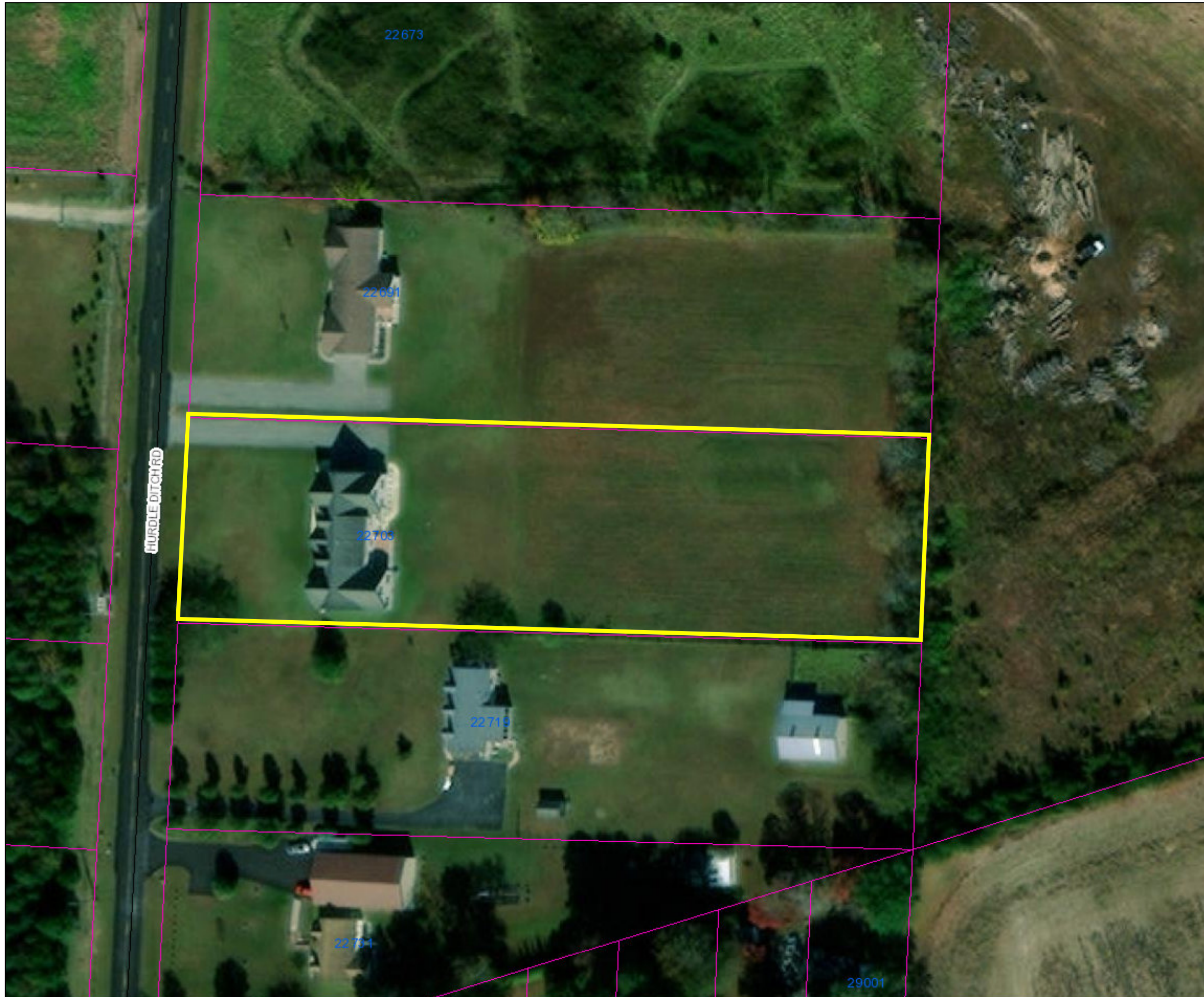
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- County Boundaries



Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, ©



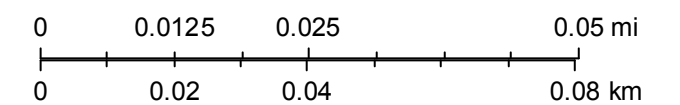
# Sussex County



<b>PIN:</b>	234-10.00-69.01
<b>Owner Name</b>	ATTACK ADDICTION FOUNDATION INC
<b>Book</b>	5705
<b>Mailing Address</b>	P.O. BOX 36
<b>City</b>	BEAR
<b>State</b>	DE
<b>Description</b>	E/RT 290
<b>Description 2</b>	LOT 2
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:1,128



Introduced: 12/13/22

Council District 5: Mr. Rieley  
Tax I.D. No. 234-10.00-69.01  
911 Address 22703 Hurdle Ditch Road, Harbeson

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.86 ACRES, MORE OR LESS**

WHEREAS, on the 26<sup>th</sup> day of April 2022, a conditional use application, denominated Conditional Use No. 2367 was filed on behalf of Attack Addiction Foundation; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2367 be \_\_\_\_\_; and

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2367 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 east side of Hurdle Ditch Road (S.C.R. 290), approximately 0.28 mile north of Hollyville Road (Rt. 48), and being more particularly described in the attached legal description prepared by Foresight Services, said parcel containing 1.86 acres, more or less.

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



## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: March 24, 2023

RE: County Council Report for C/U 2371 filed on behalf of Georgetown Business Plaza, LLC

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The Planning and Zoning Department received an application (C/U 2371 filed on behalf of Georgetown Business Plaza, LLC) for a Conditional Use for parcel 235-30.00-6.00 for a business park to include warehouses and office buildings. The property is located on the southwest side of Prettyman Road (SCR 254) approximately 0.52-mile northwest of Lewes Georgetown Highway (Rt. 9). The parcel size is 22.29 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on February 23, 2023. At the meeting of March 9, 2023, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 16 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of February 23, 2023 and March 9, 2023.

### Minutes of the February 23, 2023, Planning & Zoning Commission Meeting

#### **C/U 2371 Georgetown Business Plaza, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BUSINESS PARK TO INCLUDE WAREHOUSES AND OFFICE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 22.29 ACRES, MORE OR LESS.** The property is lying on the southwest side of Prettyman road (S.C.R. 254) approximately 0.52-miles northwest of Lewes Georgetown Highway (Rt. 9). 911 Address: N/A. Tax Map Parcel: 235-30.00-6.00.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibit Booklet, the Staff Analysis, a letter from the Sussex County Engineering Department Utility Planning Division, a copy of the PLUS response, an email received from DelDOT, the DelDOT Service Level Evaluation Response, a copy of the Traffic Impact Study (TIS) letter for Prettyman Road Subdivision. Mr. Whitehouse advised the Commission that one letter of opposition was received, and the opposition letter was included within the Commission's paperless packet.

Mr. Robertson stated there had been confusion circulating around, relating to the actual area requested for Conditional Use.

Mr. Whitehouse advised the Commission that the Application initially began along with a subdivision application; that the two land use applications were traveling parallel with each other, as they were related to the same property; that the subdivision request was for the rear portion of the property; that reflected in Exhibit E, the proposed subdivision has been removed from the revised drawings; that the subdivision application was withdrawn and Exhibit E reflects the current request currently before the Commission.

The Commission found that Ms. Mackenzie Peet, Esq. with Baird Mandalas Brockstedt Federico & Cardea, spoke on behalf of the Application; that also present on behalf of the Applicant were Mr. G. Michael Glick, Vice President of Lighthouse Construction, and Mr. Jamie Sechler, Professional Engineer with Davis, Bowen & Friedel, Inc.; that the Applicant submitted a Conditional Use application to pursue a Conditional Use of land within the AR-1 (Agricultural Residential) Zoning District, for a business park to include warehouses and office buildings to be located on a very uniquely shaped property; that the property consists of a 22.285-acre parcel, located on the southwest side of Prettyman Road and the northwest side of Rt. 9; that the site is located to the recently approved Toback Development for contractor flex space, as well as Executive Lawns, LLC; that Executive Lawns, LLC property was recently rezoned from AR-1 to C-2; that the site is also located next to Mr. John Lingo's forested parcel and Wynford Preserve; that Wynford Preserve was recently approved for 100 single-family homes; that the proposed use is a business park intended to be developed in two phases; that Phase 1 will consist of two medical and professional office buildings, with a total area of 39,520 sq. ft., to be located on a 2.8-acre portion of the site, along Rt. 9; that to the rear of the property, seven flex buildings are proposed as Phase 2; that the flex spaces would consist of office and warehouse spaces, being located on 8.269 acre portion of the property; that the subdivision application was withdrawn, leaving the remainder of the property as residual land; that parking calculations for each phase are reflected on the cover page of the revised plan; that 161 parking spaces are provided for Phase 1, which include six handicap parking spaces; that 67 parking spaces, with 14 handicap spaces are provided for Phase 2; that the parking is proposed behind the proposed buildings; that central parking is proposed within the flex space portion of the property; that the flex spaces is proposed to be for office and warehouse space; that the Code defines an office as *"a room, or group of rooms used for conducting the affairs of a business, profession, service industry or government and generally furnished with desks, tables, files and communications equipment"*; that the Code also defines a warehouse as *"a building use primarily for storage of goods and materials"*; that the use of each flex building may consist of just office or warehouse space, as defined in the Code, or a mix of each, depending on the demand of the end user; that provided parking will be driven by the ultimate use of the site; that the site does have additional room for parking if needed; that the entire concept is driven by the fact that existing professional and medical office space in the Rehoboth and Lewes area, are looking for the opportunity to expand; that expansion will allow for businesses to see more clients or patients, by relocating administrative staff to places similar to the proposed use; that this need is what is driving the



Application request; that the property will be accessed from Rt. 9; that an updated Exhibit A was submitted to the Commission; that previously submitted exhibits reflected access from Prettyman Rd., which was incorrect; that currently, for the development of the proposed portion of the site, there is no intention to utilize the Prettyman Rd. access, primarily for the reasons is that portion of the property is not the subject of the current Conditional Use request; that to gain access from the Conditional Use area to Prettyman Rd., existing vegetation would be required to be cleared; that the Prettyman Rd. access is more of a private driveway; that there are easements recorded that benefit the property owners who live along Old Wood Dr.; that the Developer desires to ensure service oriented traffic does not travel through the residential area; that the access may serve as an emergency access for future development of the parcel; that currently access from Prettyman Rd. is not intended, planned or desired for the reasons previously stated; that the Applicant submitted an Exhibit Booklet, which was prepared by DBF, Inc.; that the Exhibit Booklet included, a project overview, a data column, the Conditional Use application, the original Site Plan, the amended Site Plan and the Landscape Plan; that the Landscape Plan reflects the proposed buffers and the existing vegetation that is to remain; that residential and commercial uses surround the property; that the property is located within Investment Level 4; that the property is designated as a Low Density area; that the property is located within the AR-1 Zoning District; that the Exhibit Booklet does include aerial maps which reflect the information; that property and deed information was also included, confirming that the record owner of the property is the Applicant, Georgetown Business Plaza, LLC; that DelDOT's response to the Service Level Evaluation Request and Memorandum of Understanding were also included within the Exhibits; that within the Memorandum of Understanding, for land development coordination with Sussex County, DelDOT found that the proposed use will have a minor impact on local area roadways; that the Developer will be required to pay an Area Wide Study Fee in lieu of performing a Traffic Impact Study (TIS), make necessary roadway and frontage improvements, as well as enter into a Traffic Signal Agreement for the intersection of Rt. 9 and Prettyman Rd.; that PLUS comments and responses are also included; that the PLUS comments and responses, specifically address the initial application request; that some of the comments relate to the proposed vegetation removal and environmental concerns, which are not necessarily applicable to the current Conditional Use request, now that the subdivision request has been withdrawn; that the property is proposed as a Low Density area on the Future Land Use Map; that as of 2018, all lands designated as Low Density are also located within AR-1 (Agricultural Residential); that §4.4.3 on the Plan details the permitted uses envisioned within the Low Density area; that the Comprehensive Plan describes the permitted uses to be agricultural activities and homes; that business development should be largely confined to businesses addressing the needs of the agricultural activity and home uses; that industrial and agribusiness uses that support or depend on agricultural should be permitted; that the focus of retail and office uses in Low Density areas should be providing convenience, goods and services, to nearby residents; that commercial uses within the residential areas should be limited in their location, size and hours of operation; that the Applicant has proposed some limitations within the proposed Conditions of Approval; that the proposed Conditional Use is compatible with the surrounding land uses, being a mix of residential, business and commercial uses, along developing Rt. 9; that the Comprehensive Plan states that the area is possible to develop, and is developing as a business corridor, with a mix of residential and commercial uses; that the property is located between commercially zoned properties, located to the west, at the intersection of Rt. 5 and Rt. 9; that there are commercial zoned properties located to the east of the site, at the intersection of Rt. 30 and Rt. 9; that properties located at the various intersections are zoned as C-1 (General Commercial), CR-1 (Commercial Residential), MR (Medium-Density Residential) and HI-1 (High Industrial); that surrounding properties have Future Land Use designations within the Low Density, Existing Development, Commercial and Industrial areas; that nearby commercial and industrial uses include Royal Farms, Besche Furniture, McGee

Plumbing, AP Croll & Sons, Inc., Peninsula Paving, the Route 9 Industrial Center and the Gravel Hill DelDOT Maintenance yard; that a contractor flex space was recently approved for Toback Builders on the property adjacent; that there was a recent approval for a rezoning request, from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for Executive Lawns; that Bayhealth Medical facility is also located near the site; that the Future Land Use Map suggests that Rt. 9 will continue to develop commercially, with some parcels developing industrially; that the subject area has developed residentially, and continues to develop commercially with services that support residential growth; that the proposed project is consistent with the guidelines for projects within the Low Density area; that the Low Density purpose is to provide convenient areas for businesses addressing the needs of homes and property owners in the rapidly growing area of Sussex County; that the proposed use is a commercial use, permitted as a Conditional Use, when the purposes of the Zoning Chapter are more fully met by the issuance of a Conditional Use permit; that the Code states Conditional Uses are to provide for uses which cannot be well adjusted to their environment in particular locations, with full protection to surrounding properties by ridged application of the district regulations; that these uses are generally of public or semi-public character, being essential and desirable for the general convenience and welfare; that due to the nature of the use, the importance of the relationship with the Comprehensive Plan and possible impact on neighboring properties and the County, require exercise of planning judgement on location and site plan; that the use is of semi-public character, as it will provide needed services to present and future Sussex County residents; that the proposed use is compatible with surrounding uses, as there are a number of approved Conditional Uses located nearby the site; that the Memorandum prepared by the staff reference C/U 1882 for professional office spaces within the CR-1 District; that C/U 2210 for a microbrewery located in a C-1 District, C/U 2290 for contractor flex space located adjacent to the site; that there are numerous properties located nearby which have been rezoned for commercial use; that C/Z 1831 was rezoned from AR-1 to B-1 (Neighborhood Business), being the location of the Two Farms property; that the Two Farms property is intended to be a retail center; that C/Z 1902 was rezoned from CR-1 to HI-1; that C/Z 1944 was amended from AR-1 to C-2 for Executive Lawns; that there are no wetlands located on the site; that the site is not located with an Excellent Groundwater Recharge area; that the project is not located within a Wellhead Protection area; that Artesian Water Company and Artesian Wastewater Management have indicated they are willing and able to serve the site with public water, fire protection and public sewer; that Delaware Electric Coop will provide electricity; that that proposed use is not anticipated to adversely impact neighboring properties; that the use is consistent with surrounding uses; that significant vegetated buffers are proposed between the commercial use and the adjacent residential properties; that the proposed Conditions of Approval were submitted as Exhibit F; that the proposed conditions, are general conditions relating to utilities, stormwater management, and site plan requirements; that the proposed conditions do state the use will be limited to a business park to include warehouse and office buildings; that the proposed use will occur within the proposed structures; that there shall be no outside storage, including boat materials, RVs or equipment within the site; that there shall be no vehicle repair or fueling operations performed on the site; that there shall be no manufacturing work performed on the site; that all performed work shall occur indoors; that the hours of operation shall be between 7:00 am to 8:00 pm, Monday through Friday, with additional hours by emergency only; that emergency hours are intended for the potential medical office needs and there shall be adequate parking provided for all tenants and employees as required by the Code.

Ms. Wingate questioned the acreage of the property proposed for the Conditional Use, if retail sales or restaurant uses are proposed, and stated she appreciated the provided landscape buffer, as it was a concern for many adjacent properties.

Ms. Peet stated the portion proposed for medical and professional office buildings consisted of 2.89 acres; that the portion proposed for flex spaces consisted of 8.269 acres; that 11.159 acres total for the proposed Conditional Use; that the change materialized within the month prior to the scheduled public hearing; that they chose to keep the original plan in the record, to allow for explanation and for the benefit of the Commission and the public; that the Conditional Use is not proposed for the total property acreage of 22.29 acres and that no retail sales or restaurant uses are proposed.

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

The Commission found there was one person present who had questions regarding the Application.

Mr. Joseph Warren presented with questions regarding the Application; that he lives off Prettyman Rd.; that he originally had a concern about the subdivision plans and the location of the proposed cul-de-sac, as it would be located adjacent to his driveway; that he understood the subdivision request had been withdrawn; that he questioned when the subdivision proposal would be proposed in the future; that he questioned if the Applicant has control of Old Wood Drive and he questioned who is responsible for maintenance and snow removal of Old Wood Drive.

Chairman Wheatley stated if the Applicant were to resubmit a Subdivision Application, it would be processed as a different application, requiring a separate public hearing, where provided public notice would be required; that the subdivision Application would be considered separately, regardless of if the Conditional Use application is approved or denied; that the Commission cannot speak to whom is responsible for the maintenance of Old Wood Drive and encouraged Mr. Warren to speak with Ms. Peet following the public hearing.

Mr. Robertson stated the Commission could not speak to the ownership or control of Old Wood Drive, as the question would require a Title Search and he did recall Old Wood Drive being a subject of concern on a previous Conditional Use for a landscape business.

Ms. Peet stated a Title Search was performed for Old Wood Drive; that Old Wood Drive is considered part of the Applicant's property; that all of the properties located along Old Wood Drive do have private easements recorded in the record for the residential property owners' benefit and the Applicant cannot prohibit the use of Old Wood Drive to the adjacent property owners.

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

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

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

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

Ms. Wingate stated that she was initially confused as to whether residential use was included in the Application, but the presentation answered all of her questions.

Chairman Wheatley stated that the proposed use for flex space may generate different parking requirements between the buildings; that it may be beneficial for the Commission to give thought to the types of uses, and whether the uses could be defined in required conditions, should the Commission act favorably upon the Application.

In relation to C/U 2371 Georgetown Business Plaza, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 4-0.

Minutes of the March 9, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since February 23<sup>rd</sup>, 2023.

Ms. Wingate moved that the Commission to recommend approval of C/U 2371 for Georgetown Business Plaza, LLC, for a business park to include warehouses and office buildings based upon the record made during the public hearing and for the following reasons:

1. The site is located along Route 9, which is classified as a Principal Arterial Roadway in Sussex County. This use is appropriate for this location. This Application seeks approval of two medical or office buildings closest to Route 9 with warehouse space in buildings behind them.
2. The use is situated on a part of a larger 22.285-acre parcel of land. This conditional use shall only be located on the eastern portion of the site as depicted during the public hearing. The remainder of the site shall not be developed without an additional public hearing.
3. There are other small businesses and structures in the area including a similar project nearby approved as Conditional Use #2290. It is also near the Route 9 and Harbeson Road intersection. There are various zoning districts in this area, including MR, C-1, CR-1, and C-2. With the limitations placed upon it, this use is compatible with the surroundings.
4. DELDOT has stated that traffic generated by the proposed use will be minor and will not have a negative impact on the neighboring properties or roadways.
5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County. It is also a location along Route 9 that is convenient for residents and small businesses.
6. The property is located in the Low Density Area according to the Sussex County Comprehensive Plan. The conditional use is consistent with the Plan's guidelines for the Low Density Area, since it will provide convenient areas for businesses addressing the needs of homeowners and property owners in this area of Sussex County.
7. The site is served by central water and sewer.
8. This recommendation is subject to the following conditions:
  - A. The project shall consist of 2 medical or professional office buildings fronting on Route 9 and 7 warehouse buildings behind them.
  - B. No businesses that primarily involve or are similar to the following uses shall be permitted: retail; gyms or fitness centers; breweries or brewpubs; or restaurants and food service.
  - C. This conditional use is limited to the eastern portion of the site as depicted during the public hearing. The remainder of the site shall not be developed without an additional

- public hearing. The Preliminary and Final site plans shall clearly depict limits of this conditional use.
- D. There shall not be any outside storage, including boats, construction materials, RVs, or equipment within the site.
  - E. No vehicle repair or fueling operations shall be performed on-site.
  - F. There shall be no manufacturing on the site, and any contractor work shall only occur indoors.
  - G. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
  - H. A 20-foot landscaped buffer shall be installed along the perimeter of this project. The buffer shall comply with the planting requirements for the Forested and/or Landscaped Buffer Strip contained in Section 99-5 of the Sussex County Code.
  - I. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
  - J. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
  - K. There shall be an adequate parking area for all tenants and employees as required by Code. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. There shall be no parking within the property's setbacks.
  - L. Signage for the Property shall comply with the following requirements: One indirectly illuminated on-premises ground sign shall be permitted along Route 9, not to exceed 64 square feet of sign area per side; and one On-premises wall, illuminated awning, marquee, or projecting sign with a total sign area of 32 square feet shall be permitted with respect to each building.
  - M. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall also identify all "Limits of Disturbance" within the Property. These "Limits of Disturbance" shall be clearly marked on the Property itself.
  - N. There shall not be any access to this site from Prettyman Road.
  - O. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
  - P. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to recommend approval of C/U 2371 Georgetown Business Plaza, LLC for the reasons and conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Ms. Wingate – yea, Chairman Wheatley - yea

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: February 23<sup>rd</sup>, 2023

Application: CU 2371 Georgetown Business Plaza, LLC

Applicant: Davis Bowen & Friedel  
1 Park Avenue  
Milford, DE 19963

Owner: Georgetown Business Plaza, LLC  
859 Golf Links Lane  
Magnolia, DE 19962

Site Location: Southwest side of Prettyman Road (S.C.R. 254), approximately 0.52-  
miles northwest of Lewes Georgetown Highway. (Rt. 9)

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

Proposed Use: Warehouses and office buildings

Comprehensive Land  
Use Plan Reference: Low Density

Councilmanic  
District: Mr. Rieley

School District: Cape Henlopen School District

Fire District: Georgetown Fire Co.

Sewer: Artesian Wastewater Management

Water: Artesian Water Company Inc.

Site Area: 22.285 acre +/-

Tax Map ID.: 235-30.00-6.00



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Mr. Elliott Young, Planner I  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 14, 2023  
RE: Staff Analysis for CU 2371 Georgetown Business Plaza, LLC

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The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2371 Georgetown Business Plaza, LLC to be reviewed during the February 23<sup>rd</sup>, 2023, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 235-30.00-6.00, to allow for warehousing and office spaces to be located off of Prettyman Road (S.C.R. 48), Harbeson, Delaware. The property is lying on the north side of Lewes Georgetown Highway (Rt. 9), approximately 0.39-miles southwest of the intersection of Prettyman Road and Lewes Georgetown Highway (Rt. 9). The parcel consists of 22.285-acres +/-.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Low Density". The surrounding and adjacent parcels to the north, east and west also contain the "Low Density" Future Land Use Map designation. The parcels to the south across Lewes Georgetown Highway (Rt. 9) also have the Future Land Use Map Designation of "Low Density."

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

### Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. Most adjacent properties to the north, west and east of the subject property are also zoned Agricultural Residential (AR-1) District. One adjoining parcel to the southwest of the subject parcel is zoned Medium Commercial



(C-2) Zoning District. The parcels to the south of the subject property across Lewes Georgetown Highway are also zoned Agricultural Residential (AR-1) District.

Existing Conditional Uses within the Vicinity of the Subject Property

Although there are numerous other Conditional Use applications within a mile radius, since 2011, there have only been four (4) Conditional Use applications within a mile radius of the application site. Three (3) out of the four (4) applications were approved by the County Council, while one (1) of the four (4) were withdrawn. The first application was CU 1882 represented by John Lingo and was approved by the County Council on March 29<sup>th</sup>, 2011, through ordinance No. 2185. The Second application was CU 2210 represented by Dewey Beer Company and was approved by County Council on August 11<sup>th</sup>, 2020, through ordinance No. 2729. The third application is CU 2290 represented by Toback Development, LLC and was approved by the County Council on May 10<sup>th</sup>, 2022, through ordinance No. 2849. The fourth and last application was CU 2299, and this application was withdrawn by the applicant.

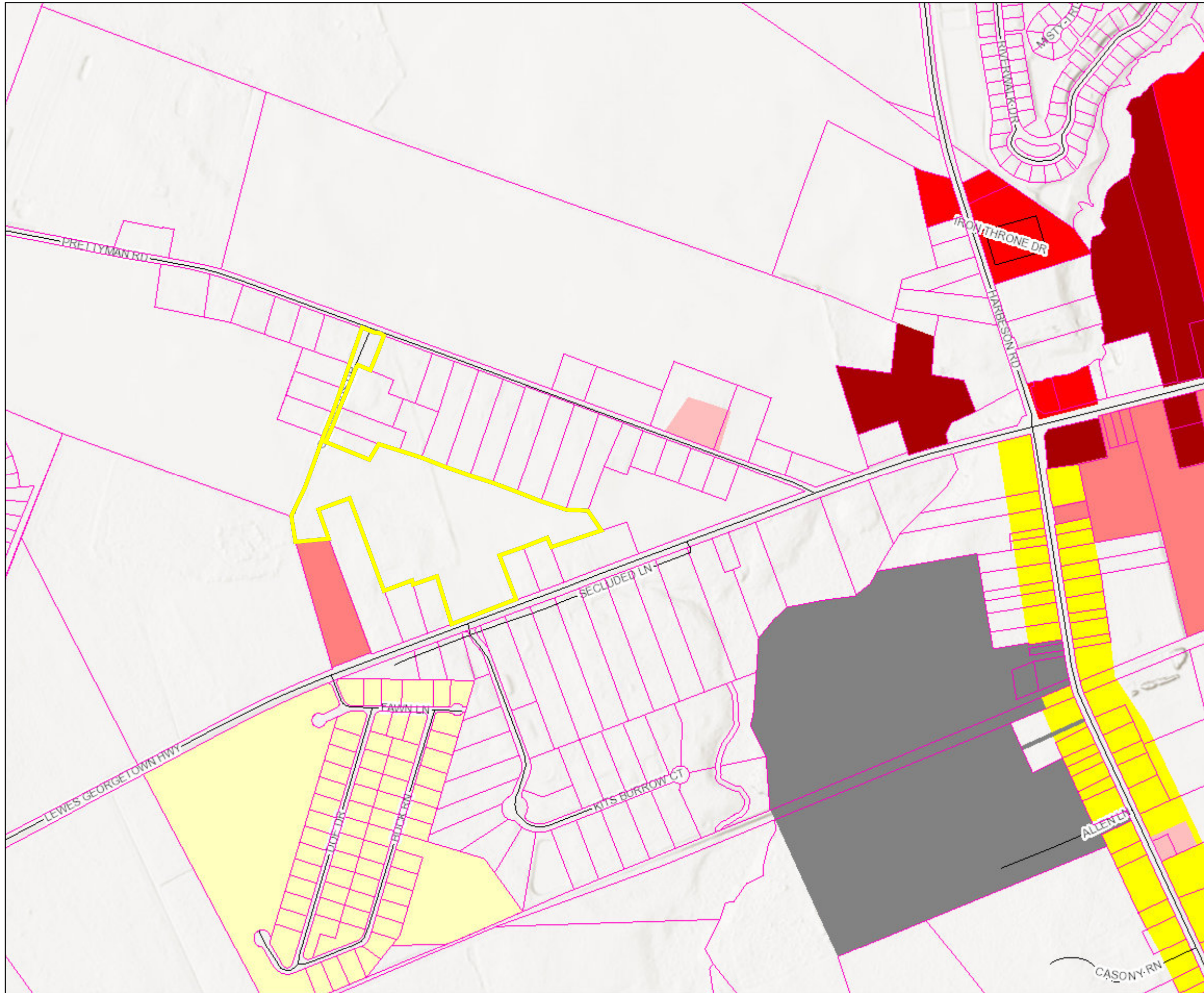
Conditional Use No.	Applicant	Use	Zoning	CC Approval Date	Ordinance No.
1882	John Lingo	Professional Offices	CR-1	3/29/2011	2185
2210	Dewey Beer Company	Microbrewery	C-1	8/11/2020	2729
2290	Toback Development, LLC	Contractor Flex Space	AR-1	5/10/2022	2849
2299	Warren Munroe & David Rohrbaugh	Multifamily Unites	AR-1 & MR	Withdrawn	N/A

Based on the analysis provided, the Conditional use to allow for warehousing and office spaces in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.





# Sussex County



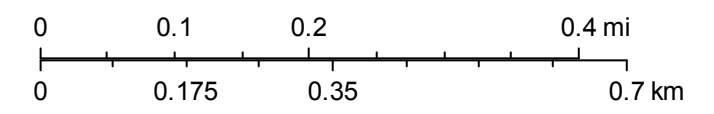
<b>PIN:</b>	235-30.00-6.00
<b>Owner Name</b>	GEORGETOWN BUSINESS PLAZA LLC
<b>Book</b>	5535
<b>Mailing Address</b>	859 GOLF LINKS LN
<b>City</b>	MAGNOLIA
<b>State</b>	DE
<b>Description</b>	NW/RT 9
<b>Description 2</b>	SW/RD 254
<b>Description 3</b>	FX
<b>Land Code</b>	

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  - Override 1
- polygonLayer**

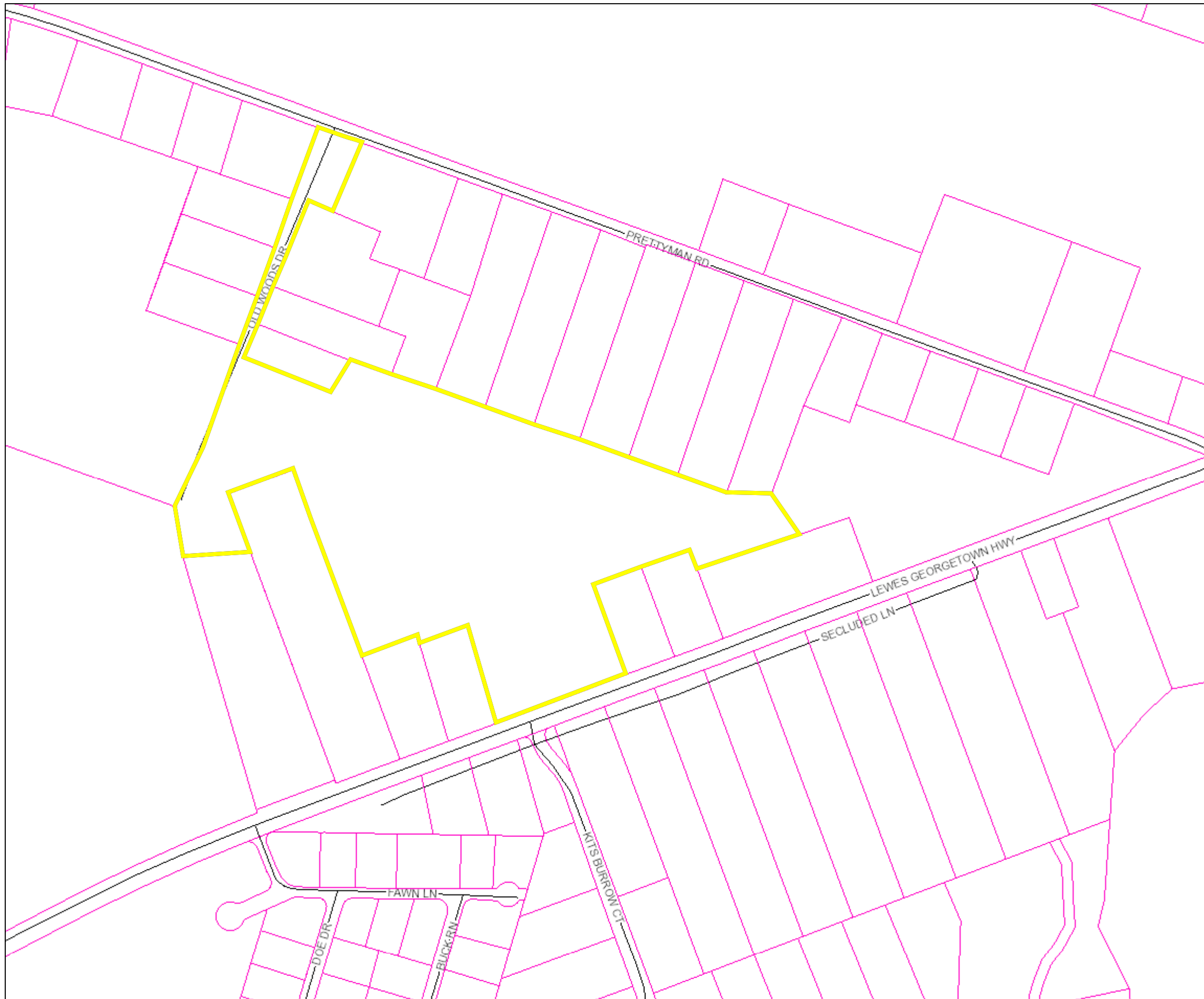
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- Tax Parcels
- Streets

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# Sussex County



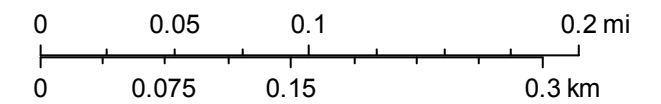
<b>PIN:</b>	235-30.00-6.00
<b>Owner Name</b>	GEORGETOWN BUSINESS PLAZA LLC
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<b>Description 3</b>	FX
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514

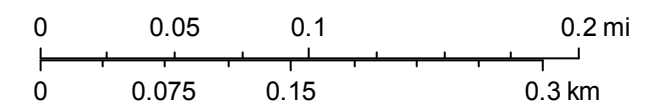




<b>PIN:</b>	235-30.00-6.00
<b>Owner Name</b>	GEORGETOWN BUSINESS PLAZA LLC
<b>Book</b>	5535
<b>Mailing Address</b>	859 GOLF LINKS LN
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<b>State</b>	DE
<b>Description</b>	NW/RT 9
<b>Description 2</b>	SW/RD 254
<b>Description 3</b>	FX
<b>Land Code</b>	

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

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To Be Introduced: 07/26/22

Council District 5: Mr. Rieley  
Tax I.D. No.: 235-30.00-6.00  
911 Address: N/A

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BUSINESS PARK TO INCLUDE WAREHOUSES AND OFFICE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 22.29 ACRES, MORE OR LESS.**

WHEREAS, on the 12<sup>th</sup> day of May 2022, a conditional use application, denominated Conditional Use No. 2371 was filed on behalf of Georgetown Business Plaza, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2371 be \_\_\_\_\_; and

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2371 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 Broad Kill Hundred, Sussex County, Delaware, and lying on the north side of Lewes Georgetown Highway (Route 9), approximately 0.39 miles south of Prettyman Road (S.C.R. 254), and being more particularly described in the attached legal description and site plans prepared by Jamie Sechler P.E., said parcel containing 22.29 acres, more or less.

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



## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: March 24, 2023

RE: County Council Report for C/Z 2003 filed on behalf of KAR Farming, LLC

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The Planning and Zoning Department received an application (C/Z 2003 filed on behalf of KAR Farming, LLC) for a Change of Zone of parcels 530-16.00-11.00 & 12.00 from a HI-1 Heavy Industrial Zoning District. The property is located on the west side of Sussex Highway (Rt. 13) and the north side of E. Newton Road (SCR 584). The parcel size is 167 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 23, 2023. At the meeting of March 9, 2023, the Planning & Zoning Commission recommended approval of the application for the 11 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of February 23, 2023 and March 9, 2023.

### Minutes of the February 23, 2023, Planning & Zoning Commission Meeting

Mr. Robertson recused himself from the next Application. Mr. Robertson left Council Chambers.

### **C/Z 2003 KAR FARMING COMPANY, LLC**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 167 ACRES, MORE OR LESS.** The properties are lying on the west side of Sussex Highway (Route 13) and the north side of E. Newton Road (S.C.R. 584). 911 Address: N/A. Tax Map Parcel: 530-16.00-11.00 & 12.00.



Mr. Whitehouse advised the Commission that submitted into the record were both property's legal descriptions, the Applicant's Exhibit Booklet, the DelDOT Service Level Evaluation Response, the Staff Analysis, and a letter from Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse advised the Commission that 16 letters were received in support of the Application, which included letters from the Delaware Department of Agriculture, Delaware Farm Bureau, Georgetown Chamber of Commerce, and Delmarva Central Railroad Company; that the Application had received no opposition and three mail returns.

The Commission found that Mr. David Hutt, Esq., with Morris James, LLP, spoke on behalf of the Application and the Applicant, KAR Farming Company, LLC; that KAR Farms is a subsidiary of Mountaire Farms; that also present were the President of Mountaire, Mr. Phillip Plylar, the Director of Line Operations, Mr. David Bledsoe, the Senior Director of Line Operations, Mr. Gerald White, Jr., the Vice President of Operation Services, Mr. Scott Thompson, the Community Relations Manager, Mr. Zach Evans, the Regional Feed Mill Manager, Mr. JR LaPearl, the Director of Communications, Ms. Catherine Bassett, the Director of Environmental Services, Ms. Tanya Rogers-Vickers, and the Director of Grain Facilities, Mr. Samuel Parker; that the property is located immediately west of Rt. 113, being immediately north of E Newton Rd., which is also known as Rt. 404; that the Application seeks to change the zoning of two parcels which consist of 167 acres from AR-1 (Agricultural Residential) to HI-1 (Heavy Industrial); that should the Application be acted favorably upon, the proposed use will create 87 full-time employment positions in the very important agribusiness industry for Sussex County; that agribusiness is one of the dominant forces for Sussex County's economy; that the subject Application will support agribusiness on a number of levels; that it will provide a location for farmers to sell grains and crops; that the Application will provide poultry growers with a source of feed for poultry farms and houses; that due to the proposed location within Sussex County, the location of the properties in relation to transportation and the properties location to similar uses within the area, the proposed use seems to make sense; that Rt. 13 forms the eastern boundary of the property; that E Newton Rd. (Rt. 404) forms the southern boundary of the property; that the property's western boundary had two neighbors, the Delmarva Central Railroad, and the DelDOT's Bridgeville Maintenance Yard; that the northern boundary contains a wooded area, which contains Polk Branch and the Grubby Neck Branch; that the branches feed into the Nanticoke Branch which ultimately feeds into the Nanticoke River; that there are significant transportation features available to the site; that Rt. 13 and Rt. 404 are major highways within Sussex County, being classified as other arterials by DelDOT; that the Sussex County Zoning Code defines both roads as major arterials; that to the west of the property is another source of transportation feature, being the railroad; that these are part of the reasons the properties were chosen for the potential location of a feed mill; that the site is located within Investment Level 2 along E Newton Road, moving in an Investment Level 3 area according to the State Strategies Map; that Level 2 areas are areas where the State anticipates growth in the near term future; that within the State Strategies it states that State investments and policies should support and encourage a wide range of uses within the Level 2 areas; that the State Strategies go on to state Level 2 areas are considered "priority areas" for job creation and retention; that the proposed location will allow for job creation and retention for the area; that according to Sussex County's 2045 Future Land Use Map the property is located within the Industrial Area; that properties to the west and some to the south are also located within and Industrial Area; that other surrounding properties are located within the Developing Area, which is another Sussex County growth area; that a nearby property was also the subject property for a Conditional Use in 2020; that on the east side of Rt. 13 there are more properties located within the Developing Area; that the Zoning Map reflects the Future Land Use Map with a mixture of industrial and commercial zoning designation near the site along E

Newton Rd and Rt. 13; that in 2020, a Change of Zone application, being C/Z 1919 on behalf of Newton Farms was filed; that the application requested to change the zoning classification of 23.7 acres, from C-1 (General Commercial) to LI-2 (Light Industrial – 2); that C/Z 1919 was approved by County Council; that the first eight acres of the rezoning request, is currently under construction, and will be the home of Miller Metal; that there are several Conditional Uses surrounding the area, which also reflect the commercial and industrial nature of the uses for the area; that the immediate Conditional Uses to the west belongs to the DelDOT maintenance yard; that the immediate property to the north contains two Conditional Uses, being for warehouses and contractor flex space for Artic Air; that south of the site, along Emma Jane Lane, there are multiple Conditional Uses which serve Sharp Energy's natural gas compressor stations; that the Woodbridge High School is located northwest of the site; that Insight Homes, A.C. Shultes of Delaware, Inc. are located east of the site; that south of the property are multiple industrial uses, belonging to O.A. Newton, Lindenmere Store, Miller Metal, News Print Shop, Old Dominion Freight Line, a solar array and the Eastern Shore Natural Gas compressor station; that along the western side, on the other side of the railroad track, is Perdue's Feed Mill Granary, that the site meets the bulk area requirements with a minimum requirement of two acres and a minimum depth and width of 200-ft. in either direction; that water and sewer would be provided by onsite systems; that the majority of the property is not located within a flood plain; that a small portion of the property, along Polk Branch and Grubby Neck Branch, is located within Flood Zone A; that the site area located within Flood Zone A will have no impact or interference on the proposed use or development; that if any wetlands are present, they would be within the wooded areas along the branches; that any environmental features within the wooded area would not be impacted by the proposed development; that a Service Level Evaluation Request was filed with DelDOT; that DelDOT's responses stated the traffic impact would be considered minor; that the definition of a minor impact states more than 50 vehicle trips are anticipated within a peak hour, with more than 500 vehicle trips per day, but less than 200 vehicle trips in any peak hour and less than 2,000 vehicle trips per day; that DelDOT also noted the proposed use would not require a Traffic Impact Study (TIS); that the project would be able to avail itself of paying the Area Wide Study fee; that the Zoning Code described the HI (Heavy Industrial) zoning to provide for a variety of industrial operations, to preserve the land within the district for industrial use, excluding new residential or commercial development, except for certain specified uses deemed appropriate uses in addition to industrial operations; that there is no residential development within the nearby areas of the site; that the surrounding uses are commercial and industrial; that the proposed use of the site is for a feed mill, which would produce 30,000 tons of feed per week; that feed mills do not require outdoor activities or storage of items; that the only industrial zoning district that specifically describes the permitted use for feed mills is the HI-1 (Heavy Industrial) Zoning District; that within the HI-1 Zoning District, feed mills are described as a potentially hazardous use; that due to this, the proposed use will require approval from County Council for the Change of Zone request, and will then be required to attend a public hearing before the Board of Adjustment for a potential hazardous use determination; that the operations of a feed mill include five basic steps; that first, ingredients, such as corn, are delivered by rail or trucks; that second, the ingredients are blended into a recipe; that third, the recipe is made into various-sized pellets; that fourth, the pellet feed is sorted and stored in feed bins; that lastly, the feed is then loaded onto trucks and delivered to local farmers; that a common question is why the need for 167 acres to be rezoned to HI-1; that Mr. Hutt presented the Commission with a preliminary print of the site, reflecting the location of the feed mill plant and the area where the railroad loop would be located; that the railroad loop is part of the reasons why the proposed amount of acreage is necessary for the facility; that Mountaire has a similar feed mill site within Scotland County, North Carolina, which was awarded 2022 Integrator Facility

of the Year; that the proposed feed mill is similar to the Perdue Feed Mill located across from the site on E Newton Road; that the proposed application complies with any number of chapters, goals, strategies and objectives stated in the Comprehensive Plan; that Chapter 4, for Future Land Use, reflects the Industrial Zoning District as an applicable zoning district for the site; that the Comprehensive Plan stated industrial lands are lands devoted to larger industrial uses, including heavy industry, light industry warehouse and flex space, and large, more intensive, stand-alone uses should also be directed to these areas; that within Chapter 4.4 states the future land use of Sussex County should be handled to promote farming, preserving agricultural land values and agrobusiness; that the proposed project achieves this in two ways; that the proposed use will create a place for local farmers to sell their grains, as well as create a source for growers to obtain feed for their bird; that within Goal 9.3 within the Comprehensive Plan states preservation and encouragement should be given to the expansion of the agricultural industry; that Strategy 9.3.1.2 is to promote and expand land use, zoning and conservation policies and incentives that keep agriculture economically viable in Sussex County; that Strategy 9.3.1.3 states the accomplishment of the goal will come from ensuring zoning regulations accommodate the agrobusiness, forestry and similar uses in appropriate locations including businesses that promote new uses for agricultural products; that they believe the requested zoning is appropriate to achieve the economic development goal; that Goal 13.5 within the Mobility Chapter of the Comprehensive Plan states the goal is to facilitate freight movement throughout Sussex County; that Strategy 13.5.1.3 states exploration should be given to incentives for businesses to switch from truck to rail freight, which can reduce freight costs and road traffic congestion; that another strategy suggests to work with railroad partners, to aid in their strategic planning efforts, helping to identify potential rail customers; that one of the submitted letters of support was provided by the railroad company immediately to the west of the site; that a number of support letters were submitted for the Application, being from State Senators, State representatives, the Department of Agriculture, the Department of Education, the Farm Bureau, the Delmarva Chicken Association and many agricultural business partners, which support the Application's importance and the investment the project will bring to Sussex County and the support letter provided by the Delmarva Central Railroad Company summarized the Application best by stating, *"The Delmarva Central Railroad Company heartedly backs this generational investment in the sustainable future of Bridgeville, Sussex County, the State of Delaware, and the entire Delmarva Peninsula."*

The Commission found that Mr. Zach Evans, Mountaire Farms Community Relations Manager, spoke on behalf of the Application; that the proposed project is important not only for Mountaire Farms, but also for agriculture within the Sussex County community; that currently, Mountaire is celebrating the 100<sup>th</sup> Anniversary of the chicken industry on Delmarva, which was started in Sussex County; that in 1923, Ms. Cecile Long Steele from Ocean View, Delaware began the industry; that this woman would typically order 50 chicks; that she received 500 chicks in error; that by the end of the year, Ms. Steele sold all 500 birds at 62 cents per pound in 1923, which equates to almost \$11.00 of buying power today; that prior to 1923, chicken was not considered a table-meat; that chicken was not accessible to an affordable protein; that at the time, people maintained chickens primarily for eggs; that Ms. Steele revolutionized the way chicken was seen as an agricultural product; that by 1928 there were over 500 farmers who had adopted the business model within the Delmarva region; that the Delmarva region had support to feed the birds, with access and proximity to markets; that Mountaire was founded in 1914 by Mr. Guy Cameron of Little Rock, Arkansas, who owned and started a family-owned feed company; that in 1968, current Chairman, Mr. Ronnie Cameron joined Mountaire; that Mr. Ronnie Cameron is the third generation of the Cameron family to own and operate Mountaire Farms; that Mountaire's current CEO, Mr. Kevin Garland is the fourth generation of the Cameron family to own and operate Mountaire Farms; that the fifth generation



of the Cameron family recently married and moved to Sussex County; that Mountaire Farms is a family owned and operated business; that in 1977 Mountaire purchased their first poultry plant on Delmarva, in Selbyville, Delaware; that they have been expanding slowly and strategically since that time, acquiring the assets necessary to support the farmer who raise the birds; that in 1996, Mountaire expanded into North Carolina; that in 2000, Mountaire purchased the complex located in Millsboro; that in 2019, Mountaire built their fourth plant in Siler City, North Carolina; that they invested in granaries, hatcheries and feed mill resources to support their farmers; that currently Mountaire is a billion dollar plus business, with over 10,000 employees; that Mountaire currently does business in five states; that Mountaire is nationally ranked as the fourth largest chicken company within the United States; that Mountaire support 5,000 jobs across Delmarva, which creates 35,000 indirect jobs; that based on an Economic Impact Study performed by Beacon with Salisbury University, for every direct agricultural job supports up to seven jobs indirectly in the communities where they do business; that their farmers and agrobusiness rely on many third-party vendors, contractors and input providers to sell their products; that Mountaire has 581 growers on Delmarva; that Mountaire has more growers than any other integrator on Delmarva; that Mountaire believes in high performance for a higher purpose; that Mountaire strives to do well as a company, so the company can do well by its employees and communities; that Mountaire Cares has participated in programs such as Thanksgiving for Thousands; that Mountaire Cares delivers free chicken to 45 food pantries on Delmarva monthly, support thousands of local charities and events annually, participate in quarterly service projects such as Habitat for Humanity, Boys and Girls Clubs, locals schools and public libraries; that Mountaire Cares also participates in volunteer projects on Earth Day, Arbor Day and Christmas; that on Thanksgiving, Christmas and Easter, the Selbyville plant will package over 20,000 food boxes which are distributed throughout Sussex County; that each food box can feed a family of four; that Mountaire has built playground for schools, which allows their employees the opportunity to give back to their community; that during the Covid-19 pandemic, Mountaire donated over 350 tons of chicken to local healthcare workers, first responders and families that experience food insecurity; that over 2022 fiscal year, Mountaire Cares supported over 500 organizations, donated 1,142,060 pounds of chicken, which equates to 2,855,150 servings of chicken, hosted over 25 events, provided 976 volunteer opportunities and provided 3,904 volunteer hours; that the proposed project is great for agriculture and the community at large.

Mr. Hopkins stated he has observed Mountaire for 35 years; that in his opinion there is no better company that cares more for their employees, their customers, and the environment, that the moto, Mountaire Cares, is fitting for Mountaire; that he believed Mountaire's accomplishments are due to Mr. Cameron's way of conducting business; that he supports anything the Commission can do to help the Application receive approval and the property is the perfect location for the proposed use.

The Commission found there were five people present who spoke in support of the Application.

The Commission found that Mr. Richard Wilkins spoke in support of the Application; that he is the Executive Director of the Mid Atlantic Soybean Association; that he is a farmer in Greenwood; that the Mid Atlantic Soybean Association represents approximately 9,000 soybean farmers in the Mid Atlantic states, with approximately 1.4 million acres of soybeans; that Mid Atlantic Soybean Association is in full support of the rezoning request; that agricultural crop production within the Mid Atlantic states is dominated by soybeans, corn and other feed grains; that the Delmarva poultry companies are the primary purchasers of agricultural crop productions; that in 2021, Delmarva poultry companies purchased 1.3 billion dollars of soybeans, grains and other feed ingredients; that there are nearly 1,400 farm families contracted to raise poultry on Delmarva; that nearly 18,000 employees work directly for the Delmarva

poultry operations; that the wholesale value of Delmarva Poultry Production was 4.2 billion dollars in 2021; that there is a number of small businesses and workers, who provide inputs and support services to the grain farmers, poultry farmers and the poultry companies; that a University of Delaware Economic Analysis confirmed that every dollar of direct revenue, received by a Delaware farmer, creates and additional eight dollars, or more, of economic activity in our local community; that agriculture is the largest economic driver to Sussex County and the State of Delaware; that agriculture is the least expensive type of economic activity for government entities to provide services to; that our County and State have been blessed for centuries, by the inspiration of work ethic and dedication to community, which is exhibited by the agrarian lifestyle and traditional values of its farmers; that they contend it should be very desirable to ensure agriculture remain a viable pursuit for Sussex County; that the greater the ability of Sussex County's agricultural land, to provide for our families, educate our children, support our community institutions, provide for our retirements and senior care, without expecting or requiring support from the government, make our social fabric stronger; that due to this, it becomes less enticing to allow our agricultural land to be converted for other uses, which do require greater services to be provided by government entities; that the subject rezoning request will allow for Mountaire Farms to make a significant investment in the future of agriculture and poultry production in Sussex County, as well as surrounding counties; that the proposed feed mill project will include advanced, state of the art technology, for feed manufacturing; that the project would ensure help to our county and region, by maintaining a competitive place within the domestic and world market of broiler production; that the project would relieve the pressure currently being placed upon older feed manufacturing facilities, who may be nearing the end of their useful life; that the project would provide for a substantial number of jobs during development and construction, as well as, provide for full-time skilled positions once the mill were to begin operations; that the request for the zoning change, follows Sussex County's long term Comprehensive Plan, for future agricultural growth and tracks the future land use for the proposed parcels; that the intended project would be compatible with surrounding land use; that the Mid Atlantic Soybean Association become very excited when they see an agricultural company, such as Mountaire Farms, willing to make investments, such as the proposed project, into long-term infrastructure; that the long-term infrastructure will ensure that they, and future generations of farmers, continue to grow the industry; that the zoning change would provide additional significance as they celebrate the 100<sup>th</sup> Anniversary of the broiler industry, which was born in Sussex County, by Ms. Cecile Steele; that Sussex County has the distinction of not only being the birthplace of meat, bird and chicken production, as Sussex County continues to maintain its prominence as the No. 1 broiler producing county within the United States; that the request makes good sense and they ask Sussex County, as well as all other required authorities, to approve the Change of Zone request, which will pave the way for a continued prosperous agriculture industry, and related businesses, for at least another 100 years.

The Commission found that Ms. Karen Breeding spoke in support of the Application; that she is an Agricultural Science teacher for Woodbridge High School; that the Woodbridge Agricultural Science Program looks forward to working with Mountaire in the Department of Education's Work Based Learning Program; that the program is similar to what is known as an internship or co-op; that the program pushes for all seniors, by their senior year, to go out of school for work-based learning; that the site is located nearby Woodbridge High School, which is very convenient for Woodbridge students who may have transportation difficulties; that Woodbridge High School would have the ability to transport students to the site and back; that the proposed project would allow students to meet industry mentors, who can help guide students in their careers within the agricultural industry; that the Woodbridge program additionally look forward to partnering with Mountaire Care projects; that they have been working with

Mountaire to provide farm to table dinners; that the students need guidance, which helps the students move into and stay in the agricultural industry; that many of her current students are not coming from farms; that only 20% of her students within her Animal Science Pathway Program were raised on a farm; that she felt any time an industry location can be located within the nearby community, allowing for better guidance and growth in the area, the better; that in doing this, it allows the students to grow as people, and also allows the students to give back to the community; that giving back to the community is an important factor that can be provided for today's youth; that there is no better investment than the students she teaches; that she believed Mountaire serves as a good role model for students and she looks forward to the recommended approval of the Application.

The Commission found that Ms. Holly Porter, Executive Director of the Delmarva Chicken Association, spoke in support of the Application; that the infrastructure being proposed with the rezoning request is important as it allows us to look at where the industry will be 100 years from now; that it will help to ensure the area is still raising wholesome, healthy protein on Delmarva; that the proposed infrastructure is exactly what is needed; that often times, when she discusses the chicken community, she refers to the three-legged stool; that the three-legged stool is comprised of the chicken companies and growers, the grain farmers and the necessary infrastructure; that there are 1,300 chicken growers on Delmarva; that the proposed feed mill will help the industry be successful, specifically on the grain-side of the business; that in 2022, the industry spent 1.6 billion dollars for feed ingredients on Delmarva; that the total included 89 million bushels of corn, 39 million bushels of soybeans and over 420,000 bushels of wheat; that much of these totals came from farmers on Delmarva, as well as corn which was railed in from the railroads; that the wholesale value topped five billion dollars for the value of chicken on Delmarva; that the chicken community is very important for the economy of Delmarva; that Sussex County is still No. 1 in the broiler industry for the country; that the most concentration of the broiler farms are located within Sussex County and they would appreciate a recommended approval for the rezoning Application.

The Commission found that Mr. David Wilson, Senator of District 18, spoke in support of the Application; that he agreed with many of the statements previously made; that the Mountaire industry and programs contribute greatly to the community; that when looking at the Mountaire previous programs, as well as the benefits the proposed facility will provide to local farmers, the agribusiness and jobs, the decision to approve is a no-brainer; that Sussex County does not have a beef or swine industry; that Sussex County has the golden calf in front of them, with the poultry industry; that he requested the Commission give favorable consideration to the Application, allowing the proposed project to move forward and to further promote the chicken industry for Sussex County.

The Commission found that Mr. Robert Rider, with O.A. Newton & Son Company. spoke in support of the Application; that he represented the fourth-generation property owner for the land, the Newton Family; that the Newton family business began in 1916; that his grandfather, Mr. Warren Newton returned from the University of Delaware, at which time he decided to breed chickens and develop feed for chickens; that this process developed into a life poultry operation; that when they were first approached with the opportunity, it was shrouded in secrecy; that they did not completely understand the proposal; that initially, the Newtown family declined the offer; that he quickly learned that no was not a viable answer; that after peeling back the layers for the proposal; that once they realized the proposal was for the poultry industry through feed milling, they agreed the proposal represented the Newton family values; that the proposal represents their family business beginnings on Delmarva and he, on behalf of the Newton Family, is in support of the Application.

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

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

Chairman Wheatley advised the Commission that the Application request is for a Change of Zone to HI-1 (Heavy Industrial) Zoning District; that should the Application be approved, anything permitted within HI-1 could be placed by-right on the site.

Chairman Wheatley requested Mr. William Pfaff, Sussex County Director of Economic Development, to speak on the general situation regarding HI-1 (Heavy Industrial) Zoning within Sussex County; that Chairman Wheatley questioned Mr. Pfaff, to confirm if there are other locations, consisting of 167 acres, within Sussex County, where Mountaire could place their proposed feed mill; that Chairman Wheatley questioned how much HI-1 Zoning currently exists within Sussex County;

Mr. William Pfaff stated there was no other area, consisting of 167 acres, within Sussex County, which could accommodate the proposed Mountaire feed mill project and he answered there is currently very little HI-1 Zoning within Sussex County.

Mr. Wheatley advised the Commission that he did not have great concern that what is being proposed, would not be developed on the property; that he did want to put on record how little HI-1 Zoning currently exists in Sussex County; that the Commission should still be sensitive to the fact that the request is for a Change of Zone, however, take into consideration the little to no applicable locations for the proposed use.

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

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

Chairman Wheatley advised the Commission that he requested Mr. Pfaff to speak to the rarity of the property; that there is little H-1 (Heavy Industrial) zoning within Sussex County; that it would be extremely difficult to find a similarly sized parcel within a similar area anywhere else in Sussex County and that the Commission should consider this information when making a motion.

In relation to C/Z 2003 KAR Farming Company, LLC. Motion by Mr. Hopkins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

#### Minutes of the March 9, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since February 23<sup>rd</sup>, 2023.

Mr. Whitehouse read Mr. Hopkins's prepared motion into the record per Mr. Hopkins's request.

Mr. Hopkins moved that the Commission recommend approval of C/Z 2003 for KAR Farming Company, LLC, for a Change in Zone from AR-1 to HI-1 based upon the record made during the public hearing and for the following reasons:

1. In the 2019 Sussex County Comprehensive Plan update, this property was identified as being within the Industrial Area according to the Plan's Future Land Use Map. The properties to the west and south are designated as being within either an Industrial Area or the Developing Area. The properties to the east are designated as being within the Developing Area. The Industrial Area is a Growth Area and Table 4.5-2 titled "Zoning Districts Applicable to Future Land Use Categories" identifies HI-1 (Heavy Industrial District) as an applicable zoning district for the Industrial Area.
2. The description of the Industrial Area within Chapter 4 of the Comprehensive Plan describes this Area as containing "lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. . . [l]arge, more intensive stand-alone industrial uses should also be directed to these areas."
3. This site is in on a property that has frontage along East Newton Road in close proximity to Route 13 and near a rail line. This is an appropriate location for HI-1 Zoning.
4. The purpose of the HI-1 Heavy Industrial District is to "provide for a variety of industrial operations. . .to preserve the land in the district for industrial use and to exclude new residential or commercial development, except for certain specified uses deemed appropriate adjuncts to industrial operations." The intended use of the property (feed mill) is consistent with these permitted uses.
5. There are industrially and commercially zoned properties in the area and there are a variety of uses nearby, including a large grain operation, an agricultural supply business, and a new manufacturing company. The proposed HI-1 area is compatible with the surrounding zoning and uses.
6. The nearby railroad is operated by the Delmarva Central Railroad Company, which connects to other rail service providers. The rezoning to HI-1 will promote additional economic opportunities for rail service in Sussex County. It is also in furtherance of Goal 13.5 of the Comprehensive Plan to "[f]acilitate freight movement throughout Sussex County".
7. It has been stated that the rezoning to HI-1 is needed to construct a feed mill on the property with rail access. This promotes the continued vitality of agricultural operations in Sussex County, which is a goal stated throughout Sussex County's Comprehensive Plan. This rezoning is in furtherance of that goal.
8. This rezoning to HI-1 promotes transportation goals in the Sussex County Land Use Plan, which states in Section 13.2.2 that "The County's goods movement (freight) network is an integral component of the transportation network as well as the economy." However, "the main element of the freight network is the roadway system, which carries trucks (motor freight)." One means of reducing truck impacts is to shift more freight to rail, although opportunities to do that are limited. This site presents an opportunity to achieve this goal.
9. No parties appeared in direct opposition to the rezoning.
10. The proposed project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and is consistent with the County's goals of promoting agribusiness and, specifically, Goal 9.3 of the Economic Development Chapter of the Comprehensive Plan, which is to "[p]reserve and encourage the expansion of the agriculture industry, forestry industry, and other similar industries in the County."

11. Any future development of the property will require site plan review by the Sussex County Planning & Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Wingate, and carried unanimously to recommend approval of C/Z 2003 KAR Farming Company, LLC for the reasons and conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Ms. Wingate – yea, Chairman Wheatley - yea

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: February 23<sup>rd</sup>, 2023

County Council Public Hearing Date: March 28th, 2023

Application: C/Z 2003 – CZ 2003 KAR Farming Company, LLC (Mountaire Farms)

Applicant: KAR Farming Company, LLC  
(A Subsidiary of Mountaire Farms of Delaware, Inc.)  
P.O. Box 1320  
Millsboro, DE 19966

Owner: Newton Farms, LLC and TREW R2, LLC  
P.O. Box 397  
Bridgeville, DE 19933

Site Location: Lying on the west side of Sussex Highway (Route 13) and the north side of E. Newton Road (S.C.R. 584) at the intersection of Sussex Highway and E. Newton Road.

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

Proposed Zoning: Heavy Industrial (HI-1) Zoning District

Proposed Use: Feed Milling Facility and Feed Mill Storage

Comprehensive Land Use Plan Reference: Industrial Area

Councilmanic District: Ms. Green

School District: Woodbridge School District

Fire District: Bridgeville Fire Department

Sewer: On-site (OWTDS)

Water: On-site (Well(s))

Site Area: 167 acres +/-

Tax Map IDs: 530-16.00-11.00 & 530-16.00-12.00



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



**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Mr. Michael Lowrey, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: January 19, 2023  
RE: Staff Analysis for C/Z 2003 –KAR Farming Company, LLC (Mountaire Farms)

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 2003 KAR Farming Company, LLC (Mountaire Farms) to be reviewed during the February 23<sup>rd</sup>, 20XX, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcels: 530-16.00-11.00 & 530-16.00-12.00 from Agricultural Residential (AR-1) District to Heavy Industrial (HI-1) District to allow for a feed milling facility and feed mill storage on the parcel. The properties are located on the west side of Sussex Highway (Route 13) and the north side of E. Newton Road (S.C.R. 584) at the intersection of Sussex Highway and E. Newton Road. The parcels are comprised of a total area of 167 acres +/-.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Growth Area designation of “Industrial Area.” The adjacent parcels to the south of the subject property have the Future Land Use Map designation of “Industrial Area” and “Developing Area.” The properties adjacent to the east across Sussex Highway (Route 13) are designated as “Developing Area.” The (HI-1) Zoning District is listed as an Applicable Zoning District in the “Industrial” Category under Table 4.5-2 in the Plan.

The Comprehensive Plan notes that Industrial Areas are growth areas “devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space.” Additional guidelines in the Plan include a notation that “Large, more intensive stand-alone industrial uses should also be directed to” these Industrial Areas designated in the Plan (2018 Sussex County Comprehensive Plan, 4-17). Under the guidelines in the Plan, if the Applicant’s proposed Zoning Map amendment were to be approved by County Council, the proposed change of zone to Heavy Industrial (HI-1) could be seen as appropriate, as (HI-1) is listed as an applicable zoning district on lands classified as “Industrial Area” per Table 4.5.2 in the Plan.

### Zoning Information





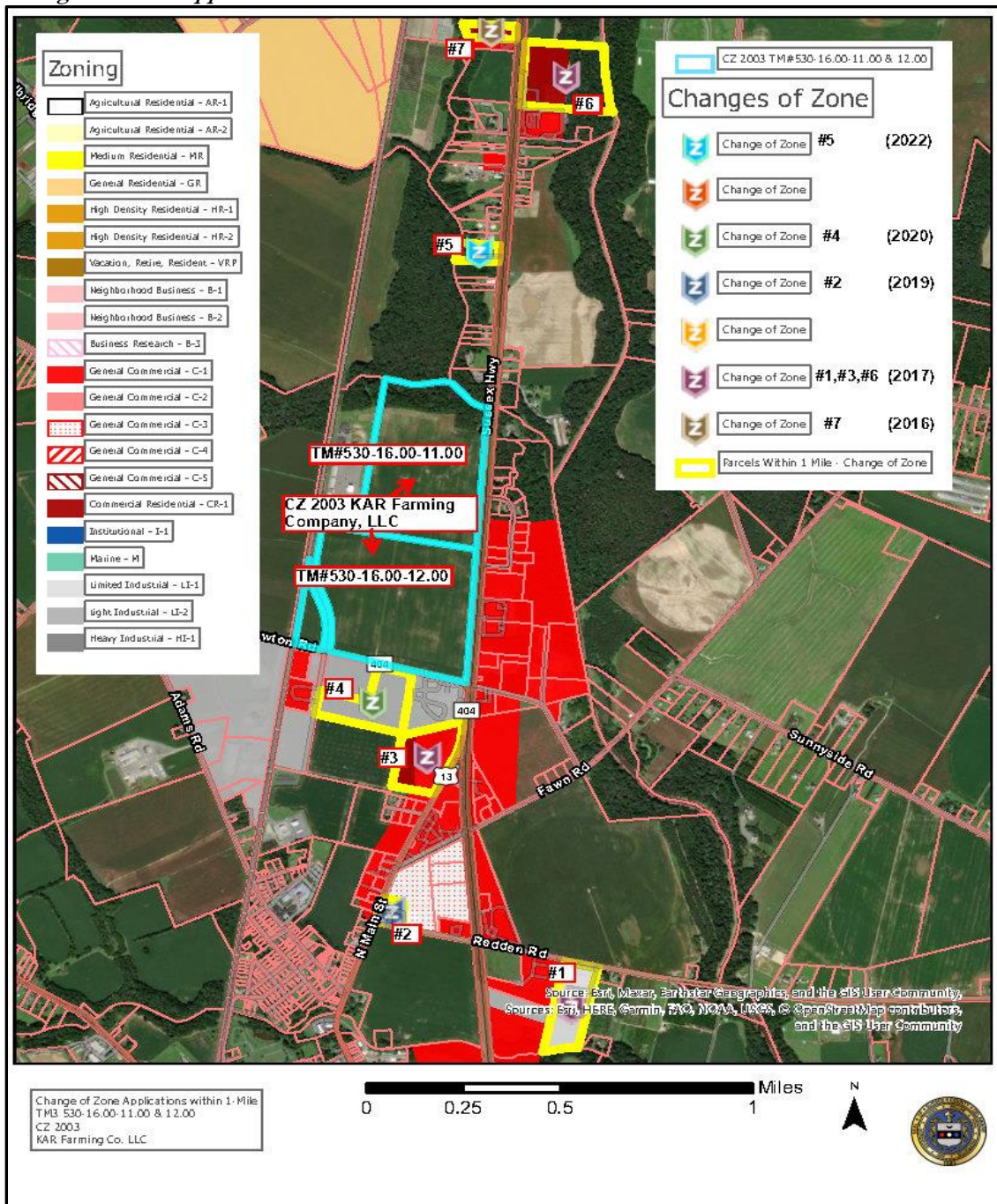
The subject parcel is zoned Agricultural Residential (AR-1) District. The adjacent properties to the north and west are zoned Agricultural Residential (AR-1) District. The parcels adjacent to the south are zoned (LI-2) and the parcels adjacent to the east of the subject property across Route 13 are zoned General Commercial (C-1) District and Agricultural Residential (AR-1) District.

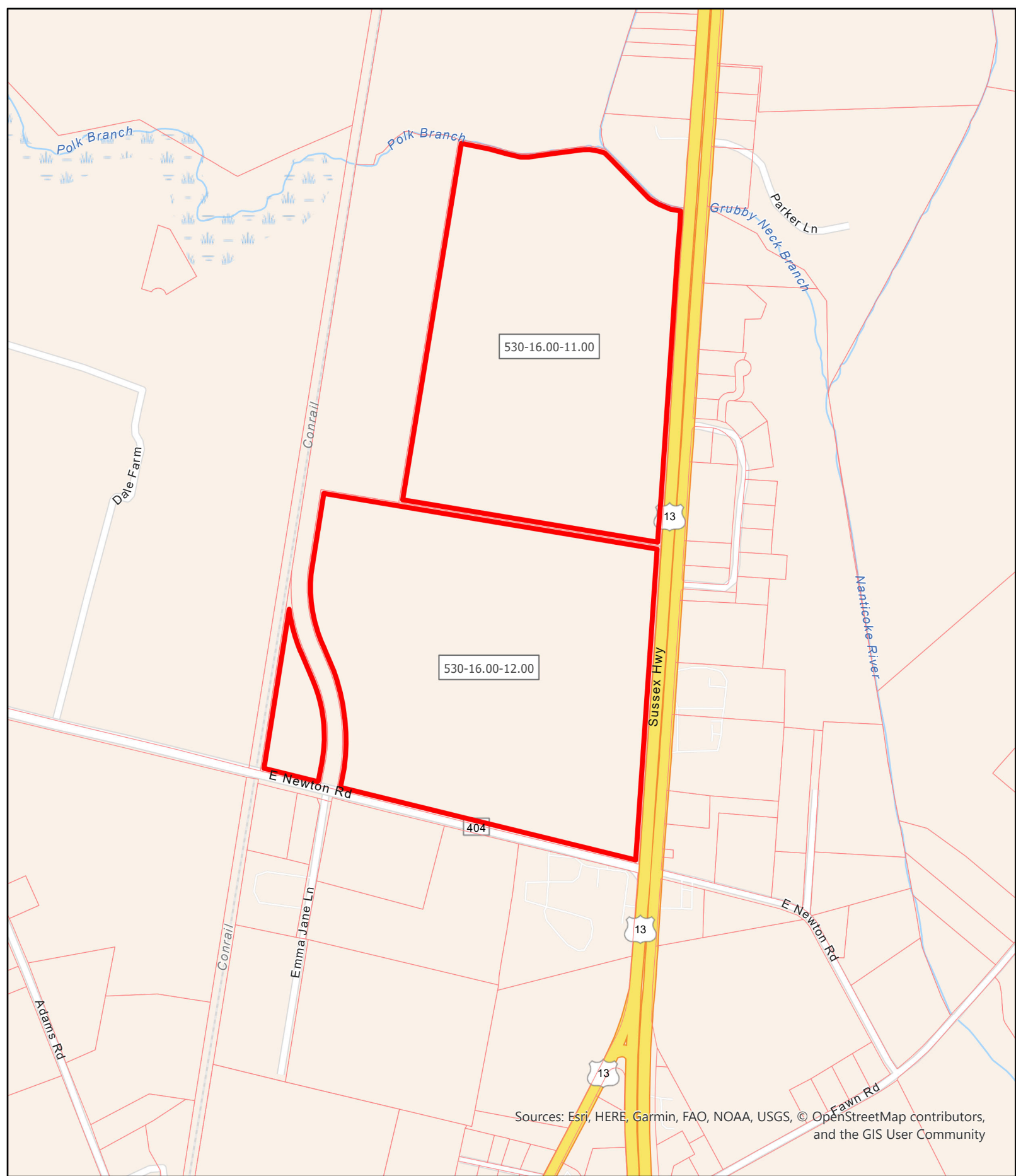
Existing Changes of Zone within the Vicinity of the Subject Site

	<b>Change of Zone Applications</b> (Within a 1.0-mile radius of the subject site)						
Item # on Attached Map	Application Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
1	<u><b>CZ 1813</b></u>	Delaware Animal Product, LLC	LI-1	LI-2	Withdrawn	N/A	N/A
2	<u><b>CZ 1872</b></u>	T.S. Smith & Sons, Inc.	AR-1	C-3	Approved	3/19/2019	Ord. No. 2640
3	<u><b>CZ 1826</b></u>	JKJ Properties, LLC	AR-1	C-1	Approved	10/03/2017	Ord. No. 2523
4	<u><b>CZ 1919</b></u>	Newton Farms, LLC	C-1	LI-2	Approved	10/20/2020	Ord. No. 2747
5	<u><b>CZ 1939</b></u>	Gerald R. & Valerie V. Campbell, Trustee	AR-1	B-2	Approved	02/22/2022	Ord. No. 2832
6	<u><b>CZ 1819</b></u>	MTC Properties, LLC	AR-1	CR-1	Approved	7/25/2017	Ord. No. 2512
7	<u><b>CZ 1806</b></u>	WYWJ Ventures, LLC	AR-1	CR-1	Approved	10/04/2016	Ord. No. 2467

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to allow for a feed milling facility and feed mill storage on this site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

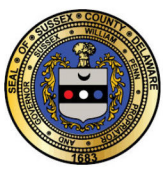
**Changes of Zone Applications within 1 Mile of CZ 2003**


























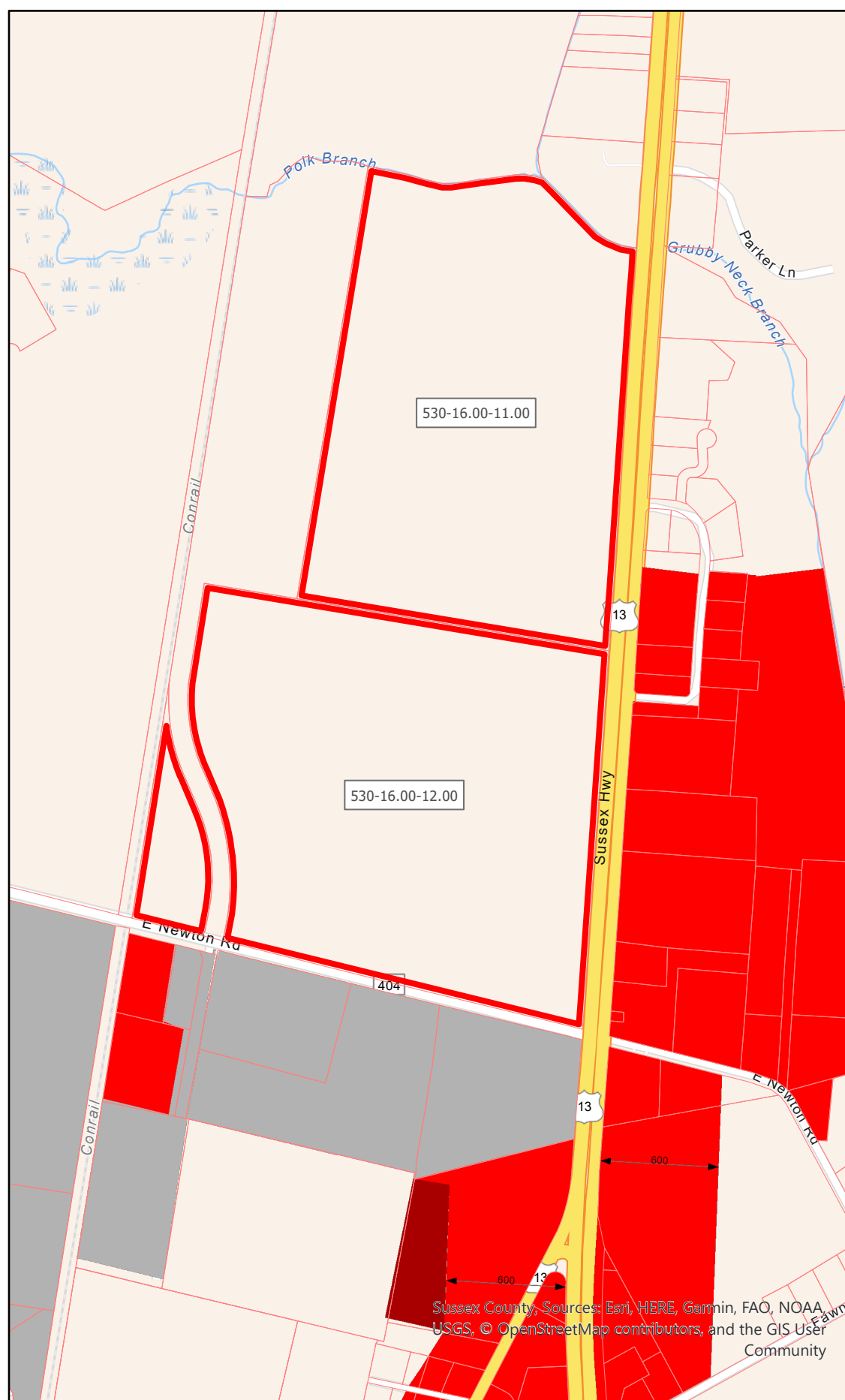
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CZ 2003 KAR Farming Company, LLC (Mountaire Farms)  
Aerial Map  
TP#s 530-16.00-11.00 & 12.00



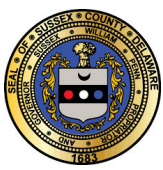
# Zoning

-  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
-  Neighborhood Business - B-2
-  Business Research - B-3
-  General Commercial - C-1
-  General Commercial - C-2
-  General Commercial - C-3
-  General Commercial - C-4
-  General Commercial - C-5
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1



Sussex County, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CZ 2003 KAR Farming Company, LLC (Mountaire Farms)  
 Zoning Map  
 TP#s 530-16.00-11.00 & 12.00



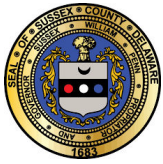
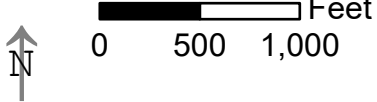


530-16.00-11.00

530-16.00-12.00

Sources: Esri, Maxar, Earthstar Geographics, and the GIS User Community,  
 Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors,  
 and the GIS User Community

CZ 2003 KAR Farming Company, LLC (Mountaire Farms)  
 Aerial Map  
 TP#s 530-16.00-11.00 & 12.00



Introduced: 01/31/23

Council District 2: Mrs. Green  
Tax I.D. No.: 530-16.00-11.00 & 12.00  
911 Address: N/A

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 167 ACRES, MORE OR LESS**

WHEREAS, on the 13<sup>th</sup> day of January 2023, a zoning application, denominated Change of Zone No. 2003 was filed on behalf of KAR Farming Company, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2003 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 HI-1 Heavy Industrial 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Route 13) and the north side of E. Newton Road (S.C.R. 584) at the intersection of Sussex Highway and E. Newton Road and being more particularly described in the attached legal description prepared by Karins and Associates, said parcels containing 167 ac., more or less.

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