



Sussex County Council Public/Media Packet

**MEETING:
April 16, 2019**

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

COUNTY COUNCIL

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



Sussex County

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SUSSEX COUNTY COUNCIL

A G E N D A

APRIL 16, 2019

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

10:15 a.m. Public Hearing

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES III AND XXVII, SECTIONS 115-15 AND 115-210 REGARDING A DETERMINATION BY THE SUSSEX COUNTY PLANNING & ZONING COMMISSION AS TO PERMITTED USES”

10:30 a.m. Public Hearing

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, VIII, IX, X, XI, XIA, AND XII, SECTIONS 115-22, 115-23, 115-31, 115-32, 115-39, 115-40, 115-55, 115-56, 115-63, 115-64, 115-71, 115-72, 115-77, 115-80, 115-83.2, 115-83.6, 115-87 AND 115-88”



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

Hans Medlarz, County Engineer

1. **Angola North Expansion – SR 24, Love Creek & Camp Arrowhead Road, Project 17-04**
 - A. **Final Balancing Change Order and Substantial Completion**
2. **Consultant Selections – Recommendation to Award**
 - A. **Aviation Planning Services RFP**
 - B. **Geotech Engineering Services and Land Survey and Mapping Services RFP**

John Ashman, Director of Utility Planning

1. **Request permission to prepare and post notices for the Lighthipe Annexation**
2. **Infrastructure Use Agreement – Fenwick Light**
3. **Infrastructure Use Agreement – Allen Harim Hatchery**

Jim Hickin, Airport Manager

1. **Delaware Coast Line Railroad**
 - A. **Sublease Approval**

Grant Requests

1. **Sussex Community Crisis Housing Services (Crisis House) for community garden project**
2. **Marine Corps League for Delaware Devil Dogs Detachment annual golf tournament fundraiser**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

Change of Zone No. 1874 filed on behalf of Leanna and Hung Nguyen

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS” (lying on the northeast corner of Old Landing Road and Marina Drive) (Tax I.D. No. 334-19.00-1.06) (911 Address: None Available).

Conditional Use No. 2164 filed on behalf of Leanna and Hung Nguyen

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS” (lying on the northeast corner of Old Landing Road and Marina Drive) (Tax I.D. No. 334-19.00-1.06) (911 Address: None Available)

Conditional Use No. 2165 filed on behalf of Vanderwende Acres, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.99 ACRES, MORE OR LESS” (lying on the southwest corner of Briarhook Road and Atlanta Road also being the northwest corner of Atlanta Road and Owls Nest Road (Tax I.D. No. 531-6.00-72.00 (portion of) (911 Address: 22304 Atlanta Road, Seaford).

Conditional Use No. 2172 filed on behalf of Iris Downing

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRANSITIONAL HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.3028 ACRES, MORE OR LESS” (lying on the south side of Wild Cherry Street, approximately 141 feet west of South Old State Road) (Tax I.D. No. 230-26.20-18.00) (911 Address: 18366 Wild Cherry Street, Ellendale).

Adjourn

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

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 9, 2019 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 9, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 9, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 175 19
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of April 2, 2019 were approved by consent.

**Public
Comments**

Public Comments

Howard Gorrell (with the assistance of an interpreter) spoke regarding the lack of affordable housing, the lack of year-round rental housing, his support of tiny home communities, and the cost of Airbnb accommodations.

Paul Reiger commented on scrap tires.

Jim Martin commented on the housing shortage for the working class poor.

Greg Lake commented on the need for funding to help the poor, on his support of tiny home communities, and the need for careers and opportunities. Mr. Lake played a recording of a song.

Public Comments (continued)	<p>Hugh Leahy spoke on behalf of the eleven (11) independent libraries in the County. He thanked the Council for its continued support; discussed activities at the libraries; discussed the growing use of libraries; thanked the Council for recognizing National Library Week; and proposed an increase in the Council's funding for the libraries.</p>
Proclamation/ Library Week	<p>A Proclamation entitled "PROCLAIMING THE WEEK OF APRIL 7 THROUGH APRIL 13, 2019 AS <i>SUSSEX COUNTY LIBRARY WEEK</i>" was presented to Kathy Graybeal, Library Director, and representatives of the libraries in Sussex County.</p>
Sussex County EMS JEMS Team Recognition	<p>The Sussex County Council recognized the Sussex County Paramedics JEMS Team. The EMS competition team returned home as Silver Medal winners from the JEMS (Journal of Emergency Medical Services) games where the team competed against 24 other teams from three different countries. The Council recognized and congratulated Jason Hansen, Bonnie O'Bier, Chas Tennerman and Matt Troutman, members of the Sussex County EMS JEMS Team.</p>
Correspondence	<p>Mr. Rieley read a letter into the record from a constituent complimenting several Sussex County paramedics as well as paramedic services overall.</p>
Presentation/ Property Set-backs and Tax Ditch Right-of-ways	<p>Mr. Lawson gave a presentation on property set-backs and tax ditch right-of-ways (ROW). He noted that recent issues involve structures being built in violation of the setback and right-of-way requirements; that County staff has identified "gaps" in the system; that members of the Board of Adjustment requested increased staff scrutiny; and that DNREC's Drainage Program section contacted the County seeking better coordination. Mr. Lawson presented issues identified and provided an overview of the County's current building permit process, tax ditch information including adjusting the tax ditch ROW, and adjusting the building process and the adjust inspection process. Mr. Lawson noted that while the Board of Adjustment may provide a variance for violations, it is hoped that some changes to the process will help eliminate the variance requests. Also in attendance were representatives of DNREC; Michelle Garner of the DNREC Drainage Program spoke regarding the tax ditch program and setbacks, including the grandfathering of legal non-conforming uses.</p>
Administrator's Report	<p>Mr. Lawson read the following information in his Administrator's Report:</p> <ol style="list-style-type: none"><u>1. Advisory Committee on Aging & Adults with Physical Disabilities Conference Planning Subcommittee Meeting</u> <p>The Advisory Committee on Aging & Adults with Physical Disabilities Conference Planning Subcommittee will meet on Monday, April 15th, at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. The Subcommittee will continue to discuss planning for their upcoming conference on May 9th at Crossroad Community Church, 20684 State Forest Road,</p>

**Administrator's
Report
(continued)**

Georgetown. A copy of the agenda is attached.

2. County Computer Software Upgrade

On Friday, April 12th, the County will be initiating a computer software upgrade at 3:00 p.m. which will go through the weekend. During this time County permitting and payment processing will be unavailable. The County's website that accesses these systems will also be unavailable. All systems are expected to be back up and available by Monday, April 15th. We ask that patrons plan accordingly.

3. Sussex County Comprehensive Land Use Plan

Last week Sussex County was notified that Delaware Governor John C. Carney has certified the Sussex County Comprehensive Land Use Plan, effective March 19, 2019, marking the official end to a more-than-two-year process to review and rewrite the County's Comp Plan. In his April 1st letter, Governor Carney said his approval follows a recommendation from the Cabinet Committee on State Planning Issues, and he thanked the County for its work with State officials throughout the process. A copy of the Governor's letter is attached.

4. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Tidewater Landing – Phase 5A received Substantial Completion effective April 2nd.

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

**IBRWF
Effluent
Flow
Diversion
Design/
Contract
Amendment**

Hans Medlarz, County Engineer, presented for approval Amendment No. 14 to the original North Coastal Planning Area base contract associated with the effluent flow diversion to the Artesian Wastewater Resources facility and the addition of a pressure regulating stand pipe serving the entire effluent water loop in an amount not to exceed \$175,000.00 (Inland Bays Facility).

**M 176 19
Approve
Contract
Amend-
ment/
IBRWF
Design
Contract**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 14 to the Base Engineering Contract for the North Coastal Planning Area with Whitman, Requardt and Associates be approved in the amount not to exceed \$174,907.00 for the Inland Bays Regional Wastewater Facility Effluent Flow Diversion Design.

Motion Adopted: 5 Yeas.

**M 176 19
(continued)**

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

**Delaware
Coastal
Business
Park
Phase I/
Change
Order**

Hans Medlarz, County Engineer, presented for approval Change Order No. 1 to the Delaware Coastal Business Park Phase 1 Construction, Project C19-15. Mr. Medlarz reported that in the course of construction, differing site conditions were uncovered requiring additional stump removal and associated import of fill material. The Engineering Department recommends approval of Change Order No. 1 in the amount of \$194,508.00 allowing for better marketing of the lease areas associated with this phase of the project.

**M 177 19
Approve
Change
Order/
Delaware
Coastal
Business
Park
Phase I**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract C19-15, Delaware Coastal Business Park Phase 1 Construction be approved, which increases the contract amount by \$194,508.00 for a new total of \$1,641,141.75.

Motion Adopted: 5 Yeas.

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

**Post
Notices for
Frankford
Business
Park
Annexation**

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the annexation of the Frankford Business Park into the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area). The request was made by Plitko, LLC on behalf of their Clients, Chesapeake Plumbing & Heating, for Parcels 433-11.00-21.00 and 21.02. The expansion would consist of 20.34 acres, more or less. The Engineering Department is recommending that several small parcels also be included in the annexation to maintain uniform boundary. No connection will be provided for them at this time, so they will not be billed. It is proposed that the project will connect to existing infrastructure installed by the County and an Infrastructure Use Agreement will be required. The property owners will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.

**M 178 19
Authorize
Posting of
Notices/
Frankford
Business
Park
Annexation**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Frankford Business Park Expansion of the Sussex County Unified Sanitary Sewer District to include parcels located along Dupont Boulevard (SR 113) south of Frankford, as presented on April 9, 2019.

Motion Adopted: 5 Yeas.

**M 178 19
(continued)**

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

**Old
Business/
CZ 1870**

Under Old Business, the Council considered Change of Zone No. 1870 filed on behalf of Coroc/Rehoboth III, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on January 24, 2019 at which time action was deferred. On February 14, 2019, the Commission recommended approval.

The Sussex County Council held a Public Hearing on this application on February 19, 2019 at which time action was deferred.

**M 179 19
Adopt
Ordinance
No. 2463/
CZ 1870**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to Adopt Ordinance No. 2643 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.001 ACRES, MORE OR LESS" (Change of Zone No. 1870) filed on behalf of Coroc/Rehoboth III, LLC.

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

**M 180 19
Countywide
Youth
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$1,000.00 from Countywide Youth Grants to Ducks Unlimited for Delaware Ducks Unlimited Greenwing Event.

Motion Adopted: 5 Yeas.

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

**M 181 19
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$500.00 from Mr. Rieley's Councilmanic Grant Account to Sussex Central High School for Business Professionals of America conference expenses.

Motion Adopted: 5 Yeas.

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

M 182 19
Council-
manic
Grant

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$500.00 from Mr. Hudson's Councilmanic Grant Account to Rehoboth Beach Main Street for Rehoboth in Bloom to help beautify Downtown Rehoboth Beach.

Motion Adopted: 4 Yeas, 1 Nay.

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

M 183 19
Countywide
Youth
Grant

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$500.00 from Countywide Youth Grants to First State Community Action Agency for a golf tournament fundraiser.

Motion Adopted: 4 Yeas, 1 Nay.

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

Introduction of Proposed Zoning Ordinances

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2177) filed on behalf of Ingrid Hopkins (Tax I.D. No. 334-10.00-53.00 (portion of) and 334-10.00-55.00 (portion of) (911 Address: 30249 Fisher Road, Lewes).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 787.787 ACRES, MORE OR LESS” (Change of Zone No. 1883) filed on behalf of OA-BP Marina Bay-Lakeside, LLC. (Tax I.D. No. 234-30.00-1.00 through 430.00) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

M 184 19
Go Into
Executive
Session

At 11:49 a.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending litigation and land acquisition.

Motion Adopted: 5 Yeas.

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

Executive
Session

At 11:56 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending litigation and land acquisition. The Executive Session concluded at 12:34 p.m.

M 185 19
Reconvene
Regular
Session

At 12:36 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

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

E/S Action

There was no action on Executive Session matters.

M 186 19
Adjourn

At 12:36 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn.

Motion Adopted: 3 Yeas, 2 Absent.

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

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

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

JANELLE M. CORNWELL, AICP
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Sussex County
DELAWARE
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 10, 2019

RE: County Council Report for Ord 19-3 (Determination of Uses Ordinance)

The Planning and Zoning Commission held a public hearing on March 14, 2019 to amend the Zoning Code. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ord 19-3 (Determination of Uses Ordinance)

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES III AND XXVII, SECTIONS 115-15 AND 115-210 REGARDING A DETERMINATION BY THE SUSSEX COUNTY PLANNING & ZONING COMMISSION AS TO PERMITTED USES.

The Commission found that Mr. Robertson stated for an example if it is permitted use in a zoning district there are often times if someone would like to do a specific use, it may not be in the terminology listed in the Code; that the Planning and Zoning staff can say if that use is intended by the words used in the Code; that if a question raises it would go to the Board of Adjustment for clarification; that if a question is in the L-1 or L-2 Zone, it would come before the Planning and Zoning Commission; that it is odd because Planning and Zoning Commission and County Council are the ones that handle land uses and rezoning's; that the question is if someone applies for a use that is not listed, it would go to Ms. Cornwell and often the question would go to Mr. Robertson; that there often times the questions about permitted uses have put on the Planning and Zoning Commission agenda for clarification; and that the questions of permitted uses would get the clarification from the Planning and Zoning Commission under this Ordinance and not have to go to the Board of Adjustments.

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

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

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



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Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney and applicant

Date: March 21, 2019

RE: Staff Analysis for Ord. 19-3 Determination of Uses

This memo is to provide background and analysis for the Planning Commission to consider as a part of application Ord. 19-3 Determination of Use to be reviewed during the March 28, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The proposed ordinance is to provide clarity on which body can make a determination regarding uses. Currently both the Board of Adjustment and the Planning Commission have the ability to determine if a use is similar to other uses permitted with a district. The Ordinance will remove the conflict by having only the Planning and Zoning Commission to make determination of uses. This will streamline the process for a determination as it remove the requirement of a public hearing.



ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES III AND XXVII, SECTIONS 115-15 AND 115-210 REGARDING A DETERMINATION BY THE SUSSEX COUNTY PLANNING & ZONING COMMISSION AS TO PERMITTED USES.

WHEREAS, from time to time a use is proposed that is not listed as a “Permitted Use”, but is similar or nearly identical to a use that is specifically identified as a “Permitted Use” in a given zoning district; and

WHEREAS, due to a change in terminology describing the use, or the evolution of the type of use since “Permitted Uses” were first identified in the Zoning Code of Sussex County, or due to other factors a determination is necessary as to whether the proposed use should be considered a “Permitted Use” in a given Zoning District; and

WHEREAS, the Zoning Code of Sussex County needs to be consistent as to the method of determining whether a proposed use shall be in keeping with uses specifically identified as “permitted” in a given Zoning District; and

WHEREAS, by way of example, the Planning & Zoning Commission is charged with making this determination in the LI-2 Zoning District, but the Board of Adjustment is also given this authority elsewhere in the Zoning Code of Sussex County; and

WHEREAS, Because the Planning & Zoning Commission is charged with reviewing all changes in zone, conditional uses and commercial site plans, it is appropriate to provide that the Planning & Zoning Commission shall have the authority to make this determination.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article III, §115-15 “Prohibited Uses” is hereby amended by adding the italicized and underlined language:

§115-15. Prohibited Uses.

For the purpose of this Chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this chapter, uses not specifically listed are prohibited. *The Commission shall have the*

authority to determine whether a use shall be permitted because it is clear from the context of the lists or other regulations that it should be permitted due to its similarity to those uses that are listed as permitted.

Section 2. The Code of Sussex County, Chapter 115, Article XXVII, §115-210 “Special Exceptions” is hereby amended by deleting the language in brackets and re-lettering the subsections that follow:

§115-210. Special Exceptions.

In order to provide for adjustments in the relative location of uses and buildings, to promote the usefulness of these regulations and to supply the necessary elasticity to their efficient operation, special use exceptions, limited as to locations described in this Article, and special yard and height, exceptions are permitted by the terms of these regulations. The following buildings and uses are permitted as special exceptions if the Board finds that, in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property.

A. Special Use Exceptions.

...

(3) Other special use exceptions as follows, which are specified in each district:

- (a) Private garages for more than four automobiles and with floor area of more than 900 square feet in a residential district.
- (b) Cemeteries for pets.
- (c) Commercial greenhouses, wholesale or retail.
- (d) Convalescent homes, nursing homes or homes for the aged.
- (e) Day nurseries or child-care centers.
- (f) (Reserved)
- (g) Nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises.

(h) In any HI-1 Heavy Industrial District, those heavy industrial uses upon which the Board is required to pass under Article XV.

[(i)] A determination, in cases of uncertainty, of the district classification of any use not specifically named in these regulations; provided, however, that such use shall be in keeping with uses specifically permitted in the districts in which such use is to be classified.]

[(j)](i) Telephone central offices, in any AR, MR, GR, HR, UR, RPC and VRP Districts, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed building.

[(k)](j) Structures of mixed use, commercial and residential, in B-1 and UB Districts, subject to the provisions of Articles IV through XX and § 115-219.

[(l)](k) (Reserved)

[(m)](l) The alteration, extension or replacement of a nonconforming manufactured home, subject to the provisions of § 115-196.

[(n)](m) More than one manufactured home may be permitted on a farm of 10 acres or more pursuant to § 115-21A(5), provided that all manufactured homes or dwellings on the property are the primary place of residence for persons employed on the premises or immediate members of the family owning or operating the farm, and provided that the granting of this exception will not adversely affect the values or uses of adjacent properties.

[(o)](n) Tourist home (also referred to as "bed-and-breakfast inns") in any AR, MR, GR, UR and B-1 Districts.

[(p)]((o)) In any C-1 General Commercial District, off-premises signs, not exceeding 600 square feet total, subject to the provisions of § 115-81A(2).

[(q)](p) A manufactured home, used as a single-family dwelling, and originally placed and permitted on a property of five acres or more prior to March 25, 1997, may be permitted on a property of less than five acres pursuant to Article IV, § 115-23C.

106 [(r)](q) A multisectional manufactured home as a detached single-family
107 dwelling on individual lots of not less than 1/2 nor more than 3/4 acre, existing
108 on the effective date of this ordinance and subject to the provisions of § 115-
109 20A(1)(a) through (g) inclusive.
110

111 **Section 3.** Effective Date.

112 This ordinance shall take effect upon the date of adoption by Sussex County Council.

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 10, 2019

RE: County Council Report for Ord 19-4 (Assisted Living Ordinance)

The Planning and Zoning Commission held a public hearing on March 14, 2019 to amend the Zoning Code. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ord 19-4 (Assisted Living Ordinance)

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, VIII, IX, X, XI, XIA, AND XII, SECTIONS 115-22, 115-23, 115-31, 115-32, 115-39, 115-40, 115-55, 115-56, 115-63, 115-64, 115-71, 115-72, 115-77, 115-80, 115-83.2, 115-83.6, 115-87 AND 115-88 (Assisted Living Ordinance).

The Commission found that Mr. Robertson stated this Ordinance is called Assisted Living Ordinance but it is also be Assisted Living Facilities or similar uses; that the old part of the Code does not have a clear definition of Code; that the Code states for convalescent homes, nursing homes, or homes for the aged but no of the terms defined for Assisted Living; that in the past there has been uncertainty and lack of uniformity because of the terms that are used; that should it go to the Board of Adjustment or if it should go through the Planning and Zoning Commission and County Council; that there had been times when the Planning and Zoning Commission and County Council have a land use application that is covered by the Code and tied to an Assisted Living application; that it splits the process, that the Board of Adjustment does not what Planning and Zoning Commission and County Council is doing on the rezoning or conditional use process; that Planning and Zoning Commission and County Council does not know what the Board of Adjustment is doing about Assisted Living; that there are two separate paths that do not cross without good information; that County Council has expressed a concern and would like it all to go through Planning and Zoning Commission and County Council; that all the new Commercial Zones have definitions created for the type of uses like assisted living facilities, graduate care facilities, extended care facilities, independent care facilities, intermediate care facilities, nursing and similar care facilities; that they are all defined terms; that this will make all those permitted in the B-1, C-1, CR-1 Districts and would make it a conditional uses in the other Districts; that it makes the applications go through the process through Planning and Zoning Commission and County Council now; and that they are already permitted in the new Commercial Districts.



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

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

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

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney and applicant

Date: March 21, 2019

RE: Staff Analysis for Ord. 19-4 Assisted Living Facilities

This memo is to provide background and analysis for the Planning Commission to consider as a part of application Ord. 19-4 Assisted Living Facilities to be reviewed during the March 28, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The proposed ordinance is to provide clarify the process for assisted living facilities, convalescent homes, nursing homes or homes for the aged. Currently the Board of Adjustment can approve the aforementioned uses through the Special Use Exception process in the AR-1, MR, GR, UR, UB, B-1, C-1 and CR-1 Zoning Districts. As part of the new commercial districts the uses were included as part of institutional, residence, care, confinement and medical facilities. The terms were clarified and defined. The change in the ordinance would bring all of the terms into alignment with the new definitions. It would also change the approval process. The uses would be a Conditional Use within the AR-1, MR, GR, UR, and UB Zoning District. The uses would be a permitted use within the B-1, C-1 and CR-1 Zoning Districts. The uses as a permitted use in the B-1, C-1 and CR-1 Zoning District is in alignment with the permitted uses of the new commercial zoning districts.



1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**
2 **CHAPTER 115, ARTICLES IV, V, VI, VIII, IX, X, XI, XIA, AND XII,**
3 **SECTIONS 115-22, 115-23, 115-31, 115-32, 115-39, 115-40, 115-55, 115-56, 115-**
4 **63, 115-64, 115-71, 115-72, 115-77, 115-80, 115-83.2, 115-83.6, 115-87 AND 115-**
5 **88.**

6
7 WHEREAS, the Zoning Code of Sussex County currently identifies “Convalescent
8 homes, nursing homes or homes for the aged” as requiring a Special Use Exception
9 approval from the Sussex County Board of Adjustment in several zoning districts;
10 and

11 WHEREAS, “Convalescent homes, nursing homes or homes for the aged” are not
12 defined terms in the Zoning Code of Sussex County; and

13 WHEREAS, the Zoning Code of Sussex County was recently amended to create and
14 define more specific examples of these types of uses, including “Nursing and Similar
15 Care Facilities”, which incorporates “Assisted Living Facilities”, “Extended Care
16 Facilities”, “Graduate Care Facilities”, “Independent Care Facilities”, “Intermediate
17 Care Facilities”, “Long Term Care Facilities” and other similar types of facilities
18 within that definition; and

19 WHEREAS, Sussex County Council desires all such uses to be allowed either as a
20 permitted use in a zoning district or as a conditional use following a hearing before
21 both the Sussex County Planning and Zoning Commission and Sussex County
22 Council; and

23 WHEREAS, these amendments affect the AR-1, MR, GR, UR, UB, B-1, C-1, CR-1
24 and M Districts where “Convalescent homes, nursing homes or homes for the aged”
25 were previously listed as requiring a Special Use Exception.

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

27
28 **Section 1.** The Code of Sussex County, Chapter 115, Article IV, §115-22
29 “Conditional Uses” is hereby amended by inserting the following italicized and
30 underlined language after “Manufactured home parks” and before “Parks or
31 campgrounds for mobile campers, tents, camp trailers, touring vans and the like”:

32 **§115-22. Conditional Uses.**

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this chapter:

...

Nursing and similar care facilities

...

Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-23 “Special Use Exceptions” is hereby amended by deleting the language in brackets and renumbering the subsequent items:

§115-23. Special Use Exceptions.

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

...

C. Other special use exceptions as follows:

(1) Private garages for more than four automobiles and with floor area of more than 900 square feet in a residential district.

(2) Cemeteries for pets.

(3) Commercial greenhouses, wholesale or retail.

[(4) Convalescent homes, nursing homes or homes for the aged.]

(4) [(5)] Day nurseries or child-care centers.

(5) [(6)] Garage/studio apartments, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

(6) [(7)] Nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises.

(7) [(8)] Public telephone booths in residential areas.

(8)[(9)] Telephone central offices, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed building.

Section 3. The Code of Sussex County, Chapter 115, Article V, §115-31 “Conditional Uses” is hereby amended by inserting the following italicized and underlined language after “Multifamily dwelling structures, subject to the provisions of Articles IV through XX...” and before “Private clubs”:

§115-31. Conditional Uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this chapter:

...

Nursing and similar care facilities

...

Section 4. The Code of Sussex County, Chapter 115, Article V, §115-32 “Special Use Exceptions” is hereby amended by deleting the language in brackets:

§115-32. Special Use Exceptions.

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

...

C. Other special use exceptions as follows:

...

[Convalescent homes, nursing homes or homes for the aged.]

...

88

89 **Section 5.** The Code of Sussex County, Chapter 115, Article VI, §115-39
90 “Conditional Uses” is hereby amended by inserting the following italicized and
91 underlined language after “Multifamily dwelling structures, subject to the provisions
92 of Articles IV through XX...” and before “Private clubs”:

93 **§115-39. Conditional Uses.**

94 The following uses may be permitted as conditional uses when approved in
95 accordance with the provisions of Article XXIV of this chapter:

96 . . .

97 *Nursing and similar care facilities*

98 . . .

99

100

101 **Section 6.** The Code of Sussex County, Chapter 115, Article VI, §115-40 “Special
102 Use Exceptions” is hereby amended by deleting the language in brackets:

103 **§115-40. Special Use Exceptions.**

104 Special use exceptions may be permitted by the Board of Adjustment in accordance
105 with the provisions of Article XXVII of this chapter and may include:

106 . . .

107 C. Other special use exceptions as follows:

108 . . .

109 [Convalescent homes, nursing homes or homes for the aged.]

110 . . .

111

112

113 **Section 7.** The Code of Sussex County, Chapter 115, Article VIII, §115-55
114 “Conditional Uses” is hereby amended by inserting the following italicized and

underlined language after “Multifamily dwelling structures, subject to the provisions of §115-219” and before “Private clubs”:

§115-55. Conditional Uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this chapter:

...

Nursing and similar care facilities

...

Section 8. The Code of Sussex County, Chapter 115, Article VIII, §115-56 “Special Use Exceptions” is hereby amended by deleting the language in brackets:

§115-56. Special Use Exceptions.

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

...

C. Other special use exceptions as follows:

...

[Convalescent homes, nursing homes or homes for the aged.]

...

Section 9. The Code of Sussex County, Chapter 115, Article IX, §115-63 “Conditional Uses” is hereby amended by inserting a new subsection F. therein:

§115-63. Conditional Uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this chapter:

...

F. Nursing and similar care facilities.

Section 10. The Code of Sussex County, Chapter 115, Article IX, §115-64 “Special Use Exceptions” is hereby amended by deleting the language in brackets:

§115-64. Special Use Exceptions.

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

C. Other special use exceptions as follows:

[Convalescent homes, nursing homes or homes for the aged.]

Section 11. The Code of Sussex County, Chapter 115, Article X, §115-71 “Conditional Uses” is hereby amended by inserting the following italicized and underlined language after “Multifamily dwelling structures, subject to the provisions of Articles IV through XX...” and before “Public or governmental buildings and uses, including parks, parkways playgrounds and public boat landings”:

§115-71. Conditional Uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this chapter:

Nursing and similar care facilities

170

171 **Section 12.** The Code of Sussex County, Chapter 115, Article X, §115-72 “Special
172 Use Exceptions” is hereby amended by deleting the language in brackets:

173 **§115-72. Special Use Exceptions.**

174 Special use exceptions may be permitted by the Board of Adjustment in accordance
175 with the provisions of Article XXVII of this chapter and may include:

176 . . .

177 C. Other special use exceptions as follows:

178 . . .

179 [Convalescent homes, nursing homes or homes for the aged.]

180 . . .

181

182

183 **Section 13.** The Code of Sussex County, Chapter 115, Article XI, §115-77
184 “Permitted Uses” is hereby amended by inserting the following italicized and
185 underlined language after “Multifamily dwelling dwellings and structures of mixed
186 commercial and residential use, subject to the mixed use provisions of Articles XXII,
187 XXIII ” and before “Printing, publishing and engraving establishments”:

188 **§115-77. Permitted Uses.**

189 A. A building or land shall be used only for the following purposes:

190 . . .

191 *Nursing and similar care facilities*

192 . . .

193

194

195 **Section 14.** The Code of Sussex County, Chapter 115, Article XI, §115-80 “Special
196 Use Exceptions” is hereby amended by deleting the language in brackets:

197 **§115-80. Special Use Exceptions.**

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

...

C. Other special use exceptions as follows:

...

[Convalescent homes, nursing homes or homes for the aged.]

...

Section 15. The Code of Sussex County, Chapter 115, Article XIA, §115-83.2 “Permitted Uses” is hereby amended by inserting the following italicized and underlined language after “Monument sales establishments with incidental processing to order, but not including the shaping of headstones” and before “Printing, publishing and engraving establishments”:

§115-83.2. Permitted Uses.

A. A building or land shall be used only for the following purposes:

...

Nursing and similar care facilities

...

Section 16. The Code of Sussex County, Chapter 115, Article XIA, §115-83.6 “Special Use Exceptions” is hereby amended by deleting the language in brackets:

§115-83.6. Special Use Exceptions.

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

...

C. Other special use exceptions as follows:

226 . . .

227 [Convalescent homes, nursing homes or homes for the aged.]

228 . . .

229

230

231 **Section 17.** The Code of Sussex County, Chapter 115, Article XII, §115-87
232 “Conditional Uses” is hereby amended by inserting the following italicized and
233 underlined language after “Marine or oceanographic laboratories or experimental
234 stations” and before “Parks or campgrounds for mobile campers, tents, camp trailers,
235 touring vans and the like”:

236 **§115-87. Conditional Uses.**

237 The following uses may be permitted as conditional uses when approved in
238 accordance with the provisions of Article XXIV of this chapter:

239 . . .

240 *Nursing and similar care facilities*

241 . . .

242

243

244 **Section 18.** The Code of Sussex County, Chapter 115, Article XII, §115-88 “Special
245 Use Exceptions” is hereby amended by deleting the language in brackets:

246 **§115-88. Special Use Exceptions.**

247 Special use exceptions may be permitted by the Board of Adjustment in accordance
248 with the provisions of Article XXVII of this chapter and may include:

249 . . .

250 C. Other special use exceptions as follows:

251 . . .

252 [Convalescent homes, nursing homes or homes for the aged.]

253 . . .

254

255

256 **Section 19.** Effective Date.

257 This ordinance shall take effect upon the date of adoption by Sussex County Council,
258 but shall not apply to any completed applications previously made to the Sussex
259 County Board of Adjustment for a Special Use Exception for “Convalescent homes,
260 nursing homes or homes for the aged” as of the date of adoption.

261

262

263

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
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: **ANGOLA NORTH EXPANSION-SR 24, LOVE CREEK &
CAMP ARROWHEAD ROAD, PROJECT NO. 17-04
BALANCING CHANGE ORDER AND SUBSTANTIAL COMPLETION**

DATE: April 16, 2019

The northern sewer extension of the Angola Neck area of the Unified Sewer District was approved by County Council via resolution on October 7, 2014. The extension area contains the Love Creek Woods and Fox Hallow subdivisions as well as the "Boat Hole", Pelican Landing and Peddlers Village commercial parcels along John L. Williams Highway (S.R. 24). On October 25, 2016, County Council approved the Love Creek Woods Sewer Participation Agreement and subsequently the associated "Boat Hole" easement was acquired.

The infrastructure to be constructed included one sub-regional pump station, two duplex grinder pumps and three simplex grinder pump stations, approximately 16,800 linear feet of gravity sewer, 12,000 linear feet of force main. The Project #17-04, "Angola North Expansion-SR 24, Love Creek & Camp Arrowhead Road", was publicly advertised and bids were opened on January 26, 2017. Four (4) bids were received and on February 7, 2017, Council awarded the project to Pact One in the amount of \$5,826,250.00.

On July 24, 2018, Council approved Change Order No. 1 in the credit amount of \$58,500.42 for additional milling and grading of existing deteriorated pavement, modification to creek crossing using directional drilling as opposed to a guided boring system and Non-compensatory time extension related to abnormal weather and site conditions.

The project was substantially complete September 27, 2018. The proposed Change Order No. 2 includes a credit for additional field engineering and inspection resulting from a 67-calendar day extension. In addition, it covers costs associated with duplex grinder pump station modifications, hot mix and concrete driveway transitions, right-of-way restoration and a credit for reduction of bid item quantities. The Engineering Department recommends approval of Change Order No. 2 in the credit amount of \$506,601.82 for a final contract value of \$5,261,147.76 and granting of substantial project completion.



STATE OF DELAWARE
DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF WATER RESOURCES
FINANCIAL ASSISTANCE BRANCH

CHANGE ORDER NO. 2-Final
PAGE 1 of 2

DATE: 4/16/2019

STATE: Delaware

SEPARATELY FUNDED PROJECT

COUNTY: Sussex

CONTRACT CHANGE ORDER

CONTRACT FOR: Angola North Expansion – SR-24, Love Creek & Camp Arrowhead Road (Contract 17-04)

OWNER: Sussex County Engineering Department

To: PACT One, LLC.
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE In Contract Price	INCREASE In Contract Price
Line Item No. 1 - Balance Unused/Used Contract 17-04 Bid Item Quantities.	\$ (567,765.16)	
Line Item No. 2 - Field Engineering / Inspection.	\$ (40,000.00)	
Line Item No. 3 - Duplex Grinder Pump Station Modifications (GPS-1, GPS-2)		\$ 11,583.08
Line Item No. 4 - Contract Time Extension (67 Calendar Days) - No Cost.		\$ 0.00
Line Item No. 5 - Fox Hollow Concrete Driveway Transitions.		\$ 60,000.00
Line Item No. 6 - Fox Hollow Hot Mix Driveway Transitions.		\$ 18,000.00
Line Item No. 7 - Fox Hollow Topsoil / Right of Way Restoration.		\$ 11,580.26
TOTALS	\$ (607,765.16)	\$ 101,163.34
NET CHANGE IN CONTRACT PRICE	\$ (506,601.82)	

JUSTIFICATION: (Differing Construction Method) (Design Change) (Factors Affecting Time of Completion)

(Item 1) Balancing of Used/Unused Contract Bid Item Quantities. (Item 2) Additional Engineering/RPR Inspection Services. (Item 3) Concrete and Pipe Support Modifications to the Duplex Grinder Pumping Stations. (Item 4) "Zero" Dollar Contract Time Extension Related to the Completion of the Contract 17-04 Work. (Item 5) DelDOT Required Transitions from Bituminous Pavement into Concrete Driveways. (Item 6) DelDOT Required Transitions from Bituminous Pavement into Hot Mix Driveways. (Item 7) DelDOT Modifications to Required R.O.W. / Road Shoulder Restoration within the Fox Hollow Subdivision.

The original amount of the Contract: Five Million, Eight Hundred Twenty-Six Thousand, Two Hundred Fifty Dollars and Zero Cents: _____ Dollars (\$5,826,250.00)

The amount of the Contract as adjusted by all previously approved Change Orders: Five Million, Seven Hundred Sixty-Seven Thousand, Seven Hundred Forty-Nine Dollars and Fifty-Eight Cents: _____ Dollars (\$5,767,749.58)

The amount of the Contract will be (Decreased) through this Change Order by the sum of: Five Hundred Six Thousand, Six Hundred One Dollars and Eighty-Two Cents: _____ Dollars (\$ 506,601.82)

The Contract Total including this and all previous Change Orders will be: Five Million, Two Hundred Sixty-One Thousand, One Hundred Forty-Seven Dollars and Seventy-Six Cents: _____ Dollars (\$5,261,147.76)

The Contract Period provided for completion will be (Changed) by: _____ (67) Calendar Days

DATE: 4/16/2019

This document will become a supplement to the contract and all provisions will apply hereto.

Requested: _____
(Owner - Sussex County Engineering Department) (Date)

Recommended: _____
(Owner's Architect/Engineer - Whitman, Requardt and Associates, LLP) (Date)

Accepted: HI _____ 4/9/19
(Contractor - PACT One, LLC) (Date)

Approved by State of Delaware: _____
(Dept. of Natural Resources and Environmental Control, Division of Water Resources) (Date)

After all four (4) copies of the Change Order have been signed and dated by authorized representatives of all the applicable parties in the spaces provided above, transmit one (1) copy to each party as listed below.

- () State of Delaware's Copy
- () Contractor's Copy
- () Borrower/Grantee's Copy
- () Architect/Engineer's Copy

Contract 17-04

Angola North Expansion – SR-24, Love Creek & Camp Arrowhead Road Change Order No. 2 - Final (Cost Summary Sheet) (Addition and/or Changes of Various Items)
--

Change Order Cost Summary Sheet with Proposed Line Item Costs and/or Credits							
Line Item No.	Description of Individual PCO Line Items	Proposed Quantity	Unit	Unit Price	Actual Quantity	Contract Added Cost	Contract Credit
1	Balancing of Final Used/Unused Contract 17-04 Bid Item Quantities - (Credit)	1	LS	\$ (567,765.16)	1	\$ -	\$ (567,765.16)
2	Field Engineering / Inspection (Credit)	1	LS	\$ (40,000.00)	1	\$ -	\$ (40,000.00)
3	Duplex Grinder Pump Station Modifications (GPS-1, GPS-2) - Cost	1	LS	\$ 11,583.08	1	\$ 11,583.08	\$ -
4	Contract Time Extension (67 Calendar Days) - No Cost (Starting after C.O. No. 1 Extension 7/23/18 to 9/27/18 Substantial Completion)	67	DAY	\$ -	67	\$ -	\$ -
5	Fox Hollow Concrete Driveway Transitions - (Cost)	1	LS	\$ 60,000.00	1	\$ 60,000.00	\$ -
6	Fox Hollow Hot Mix Driveway Transitions - (Cost)	1	LS	\$ 18,000.00	1	\$ 18,000.00	\$ -
7	Fox Hollow Topsoil / Right of Way Restoration - (Cost)	1	LS	\$ 11,580.26	1	\$ 11,580.26	\$ -

Sub-Totals for Costs and Credits \$ 101,163.34 \$ (607,765.16)

Total Change Order No. 2 - Final (Credit) \$ (506,601.82)

Summary of Contract Change Orders - Contract 17-04

Original Contract Amount	\$ 5,826,250.00
Amount of Previous Change Orders: No. 0 through No. 1	<u>\$ (58,500.42)</u>
Contract Total Including Previous Change Order No. 1	\$ 5,767,749.58
+	
Total of Change Order No. 2 - Final	Decrease <u>\$ (506,601.82)</u>
=	
Revised Contract No. 17-04 Total (Including Change Order No. 2 - Final)	\$ 5,261,147.76

Line Item No. 1

Balancing of Used/Unused Quantities
(Part A through Part C - Contract Bid Items)

Contract 17-04 Cost Credit = (\$567,765.16)

Part A: Utilities & Pump Station Bid Items

Part B: Stipulated Contingent Bid Items

Part C: Unstipulated Contingent Bid Items

Contract 17-04

Angola North Expansion - SR-24, Love Creek and Camp Arrowhead Road
C.O. No. 2 - Final Bid Items Credit
(Includes Balancing of Quantities Change Order Cost Summary Sheet with WRA Verified Quantities)

Final Adjustment and Balancing (Overrun/Underrun) of Unit Price Items and Change Orders

Item No.	Description	Bid Quantity	Unit	Unit Price	Actual Quantity	ADD	DEDUCT
Part A - Utilities							
A-1	Mobilization	1	LS	\$ 30,000.00	1	\$ -	\$ -
A-2	Furnish and Install Precast Manholes - 4' Diameter	530	EA	\$ 400.00	485.04	\$ -	\$ (17,984.00)
A-3	Furnish and Install Precast Manholes - 5' Diameter	49	EA	\$ 500.00	45.05	\$ -	\$ (1,975.00)
A-4	Furnish and Install Drop Connection - 8"	4	EA	\$ 1,000.00	4	\$ -	\$ -
A-5	Furnish and Install Terminal Clean-Outs - 8"	10	EA	\$ 1,200.00	8	\$ -	\$ (2,400.00)
A-6	Furnish & Install Frames and Covers	72	EA	\$ 400.00	73	\$ 400.00	\$ -
A-7	Furnish & Install PVC Laterals - 6"	8,000	LF	\$ 55.00	8,070.00	\$ 3,850.00	\$ -
A-8	Furnish & Install PVC Laterals - 8"	50	LF	\$ 65.00	503.50	\$ 29,477.50	\$ -
A-9	Furnish & Install PVC Wye Branches - 8" x 6"	227	EA	\$ 100.00	222	\$ -	\$ (500.00)
A-10	Furnish & Install PVC Wye Branches - 8" x 8"	1	EA	\$ 150.00	6	\$ 750.00	\$ -
A-11	Furnish & Install PVC Gravity Sewer - 8"	15,000	LF	\$ 100.00	15040.24	\$ 4,024.00	\$ -
A-12	Furnish & Install PVC Gravity Sewer - 10"	300	LF	\$ 110.00	291.83	\$ -	\$ (898.70)
A-13	Furnish & Install PVC Force Main - 1.5"	1,000	LF	\$ 70.00	607	\$ -	\$ (27,510.00)
A-14	Furnish & Install PVC Force Main - 2.5"	800	LF	\$ 72.00	852	\$ 3,744.00	\$ -
A-15	Furnish & Install PVC Force Main - 8"	4,700	LF	\$ 75.00	4737	\$ 2,775.00	\$ -
A-16	Furnish & Install PVC Force Main - 10"	2,450	LF	\$ 80.00	2414	\$ -	\$ (2,880.00)
A-17	Furnish & Install PVC Force Main - 12"	4,000	LF	\$ 85.00	3959	\$ -	\$ (3,485.00)
A-18	Furnish & Install Combination ARV and Manhole - 3"	4	EA	\$ 7,500.00	4	\$ -	\$ -
A-19	Furnish and Install Type "C" Hot Mix Overlay - 1.75"	16,500	SY	\$ 12.00	15345.10	\$ -	\$ (13,858.80)
A-20	Furnish and Install Type "C" Hot Mix Overlay - 2.00"	17,400	SY	\$ 14.00	17648.71	\$ 3,481.94	\$ -
A-21	Record Drawings	1	LS	\$ 2,000.00	1	\$ -	\$ -
A-22	Isolation Valve - 1.25"	1	EA	\$ 200.00	1	\$ -	\$ -
A-23	Isolation Valve - 2"	1	EA	\$ 300.00	1	\$ -	\$ -
A-24	Isolation Valve - 4"	1	EA	\$ 500.00	1	\$ -	\$ -
A-25	Isolation Valve - 6"	1	EA	\$ 800.00	1	\$ -	\$ -
A-26	Isolation Valve - 10"	1	EA	\$ 1,600.00	1	\$ -	\$ -
A-27	Angola North Pump Station	1	LS	\$ 740,000.00	1	\$ -	\$ -
A-28	Duplex Grinder Pump	2	EA	\$ 25,000.00	2	\$ -	\$ -
A-29	Simplex Grinder Pump**	3	EA	\$ 7,500.00	2.760933	\$ -	\$ (1,793.00)
A-30	Grinder Pump Terminal Flushing Connection	1	EA	\$ 3,500.00	1	\$ -	\$ -
A-31	Directional Drill - Love Creek Force Main	1	LS	\$ 80,000.00	1	\$ -	\$ -
A-32	Daniels Trailer Park Sewer Constr. - SR-24 Crossing	1	LS	\$ 125,000.00	1	\$ -	\$ -
A-33	Replacement of Existing Storm Drain Pipes - 24"	30	LF	\$ 150.00	0	\$ -	\$ (4,500.00)
A-34	Boathole Building Removal	1	LS	\$ 5,000.00	2	\$ 5,000.00	\$ -
A-35	Furnish & Install PVC Lateral Clean-Outs - 6"	228	EA	\$ 350.00	229	\$ 350.00	\$ -
A-36	Pilot Tube Microtunnel - Love Creek	1	LS	\$ 175,000.00	1	\$ -	\$ -

**A-29 Includes Materials Only - 3rd Pump Unit

Subtotals for Parts A: \$ 53,852.44 \$ (77,784.50)

Item No.	Description	Bid Quantity	Unit	Unit Price	Actual Quantity	ADD	DEDUCT
Part B - Stipulated Contingent Bid Items							
B-1	Contingent Unclassified Excavation	400	CY	\$11.00	12.50	\$ -	\$ (4,262.50)
B-2	Contingent Aggregate - Graded Type "B" Crusher Run	500	Ton	\$21.00	500.00	\$ -	\$ -
B-3	Contingent Poured Fill - No. 57 Stone	1,000	Ton	\$23.00	1000.00	\$ -	\$ -
B-4	Contractor Lateral (Small) - Crew Down Time	40	HR	\$250.00	40.00	\$ -	\$ -
B-5	Contractor Main Line - Crew Down Time	30	HR	\$400.00	30.00	\$ -	\$ -
B-6	Furnish and Place 5,000 PSI Concrete	100	CY	\$150.00	4.00	\$ -	\$ (14,400.00)
B-7	Contingent Borrow Material - Type "C" Borrow	8,000	CY	\$16.00	155.90	\$ -	\$ (125,505.60)
B-8	Replacement of Ex. Storm Drain Pipes < 18"	60	LF	\$30.00	124.00	\$ 1,920.00	\$ -
B-9	Contingent Hot Mix	150	Ton	\$75.00	150.00	\$ -	\$ -

Subtotals for Part B: \$ 1,920.00 \$ (144,168.10)

Note: Includes SCED approved quantities for Bid Items B-1 (Excavation), B-2 (CR-6), B-4 (Down Time) and B-9 (Hot Mix) for added P.S. Paving.

Note: Includes SCED approved quantities for Bid Items B-1 (Excavation), B-4 (Down Time) and B-6 (Concrete) for Sunset Lane GPS-1 Concrete.

Note: Includes 74 L.F. quantity for Bid Item B-8 (Storm Drain Pipe <18") for 12" CMP under (3) Fox Hollow Subdivision driveways.

Contract 17-04 - Continued

Angola North Expansion - SR-24, Love Creek and Camp Arrowhead Road

C.O. No. 2 - Final Bid Items Credit

(Includes Balancing of Quantities Change Order Cost Summary Sheet with WRA Verified Quantities)

		Bid			Actual		
Item No.	Description	Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part C - Unstipulated Contingent Bid Items							
C-1	Relocation of F.M. from Grass Shoulder to Travel Lane	2,000	LF	\$40.00	0.00	\$ -	\$ (80,000.00)
C-2	Contingent Well Replacement	2	EA	\$5,000.00	1.00	\$ -	\$ (5,000.00)
C-3	Contingent On-Site Soil Testing	1,200	HR	\$100.00	386.00	\$ -	\$ (81,400.00)
C-4	Contingent Soils Laboratory Tests	30	EA	\$300.00	5.00	\$ -	\$ (7,500.00)
C-5	Contingent Clearing and Grubbing - Pelican Landing	2,000	LF	\$15.00	969.00	\$ -	\$ (15,465.00)
C-6	Contingent Well Pointing (First 200')	1	LS	\$25,000.00	1.00	\$ -	\$ -
C-7	Contingent Well Pointing	5,500	LF	\$45.00	784.00	\$ -	\$ (212,220.00)

Subtotals for Part C: \$ - \$ (401,585.00)

Grand Total = Parts (A + B + C): \$ 55,772.44 \$ (623,537.60)

Balancing of Used/Unused 17-04 Bid Item Quantities for C.O. 2 - Final

Decrease

\$ (567,765.16)

(Total Decrease Based Upon All Final Quantities Part A through Part C)

APPROVED
 PENDING COUNTY COUNCIL
 CONCURRENCE *[Signature]*
 SUSSEX COUNTY UTILITY
 CONSTRUCTION DIVISION

Line Item No. 2

Field Engineering / Inspection

Contract 17-04 Cost Credit = (\$40,000.00)



ATTACHMENT "A"
APPROVED

CONTRACTOR TO FUND \$40,000
PENDING COUNTY COUNCIL REVIEW
SUSSEX COUNTY UTILITY CONSTRUCTION DIVISION *Bjorn*

**SCOPE OF WORK FOR
ANGOLA NORTH EXPANSION
CONSTRUCTION ADMINISTRATION
AND
RESIDENT PROJECT REPRESENTATION
COMPLETION SERVICES**

This attachment outlines the required Scope of Services for the Angola North Expansion: Construction Administration and Project Inspection Completion Services. This work effort will generally include services during the Construction as required to provide Construction Administration and Inspection Services during the period beyond the original contract completion date of July 9, 2018 through December 21, 2018 as well as additional inspection services for the Love Creek Woods sewer lateral connections. All costs shall not exceed **Eighty Four Thousand and Nine Hundred and Twenty Three (\$84,923.00)**. The Derivation of Man-hours and Estimated Fee for these tasks are provided in the summary spreadsheets included with this document.

PART A - CONSTRUCTION ADMINISTRATION

1. **General Construction Administration.** WRA will consult with Sussex County and act as the County's representative during the duration of the construction project. This effort involves the day to day coordination of in-house and field personnel during the construction phase.
2. **Monthly Progress Meetings.** WRA will prepare meeting agendas, conduct monthly progress meetings and issue meeting minutes.
3. **Applications for Payment.** Based on WRA's observations and on a review of the Contractor's Monthly Applications for Payment and accompanying supporting documentation, determine the amounts that WRA recommends the Contractor be paid by Sussex County. Such observations and review, mean that, to the best of WRA's knowledge, information and belief, the Contractor's work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents, subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled insofar as it is WRA's responsibility to observe the Contractor's Work. In the case of unit price work, WRA's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).

PART B - RESIDENT PROJECT REPRESENTATION

WRA shall furnish one Resident Project Representative (RPR) from July 9, 2018 to December 21, 2018 for the Angola North Expansion. Inspection for the Love Creek Woods Master Plumber Contract shall be on an as needed basis during this same duration. The RPR will observe the work done by the Contractor and promptly inform the County of deviations from the Contract Documents. The RPR will serve as the County's representative in the field, providing information on the daily progress of the job to technical personnel.

Line Item No. 3

Duplex Grinder Pump Station Modifications
(GPS-1 and GPS-2)

Contract 17-04 Cost = \$11,583.08

PACT ONE, LLC

P.O. BOX 74, RINGOES, NJ 08551

PHONE 908-788-1985

FAX 908-788-5780

February 5, 2019

Mr. Will Hinz, P.E. (via email only WHinz@wrallp.com)

Whitman, Requardt, & Associates, LLP

801 South Carline Street

Baltimore, MD 21231

RE: Angola Neck Sanitary Sewer District (ANSSD): Angola North Expansion – SR-24, Love Creek and Camp Arrowhead Road.
Contract 17-04.

Subject: P.C.O No.6 – Grinder Pump #1 Concrete Collar and SS Brackets.

Dear Mr. Hinz,

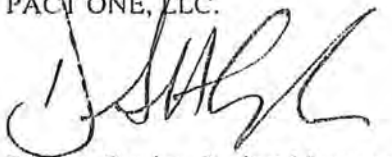
Grinder Pump #1 (GP #1) is a sewage lift station that was installed to serve a portion of the community located in the Private Subdivision of Sunset Lane. Sunset Lane itself is an unpaved/stone road that provides access solely for the residents that live within the Private Subdivision. As called out in the contract documents, only frames and covers that are installed within DELDOT's ROW are required to have a concrete collar. The request was made by the County to install a concrete collar on GP #1 to mitigate migration of stone into the Grinder Pump Wet Well.

One of the milestones required for Substantial Completion to be granted was the start-up and commissioning of the Grinder Pump Stations. Before the Grinder Pump Stations could be placed in-service, a SS Bracket was required to be installed in each of the units to support the PVC discharge piping.

As the work outlined in this letter is considered additional to the contract, PACT seeks compensation for the sum of \$11,583.08.

Please let me know if you have any questions or need anything further.

Sincerely Yours,
PACT ONE, LLC.



Duncan Gordon, Project Manager

APPROVED

\$11,583.08 PENDING COUNTY COUNCIL
CONCURRENCE

SUSSEX COUNTY UTILITY
CONSTRUCTION DIVISION

Master Cost Sheet

PACT CONSTRUCTION INC.
PO Box 74, Ringoes, NJ 08551
Phone: (908) 788-1985 Fax: (908) 788-5780

CONTRACT: Angola Neck Sanitary Sewer District (ANSSD): Angola North Expansion - SR-24, Love Creek and Camp Arrowhead Road.

Change Order Request #6 - Grinder Pump #1 Concrete Collar and SS Brackets.

DESCRIPTION: As previously outlined in the letter and as documented in the following attachments.

LABOR COSTS:	Quantity	Unit	Rate	Total
Project Executive		HR	\$ 90.00	\$ -
General Superintendent		HR	\$ 90.00	\$ -
Project Manager		HR	\$ 70.00	\$ -
Project Administration		HR	\$ 45.00	\$ -
Foreman	18	HR	\$ 63.78	\$ 1,148.04
Backhoe Operator		HR	\$ 73.40	\$ -
Pipelayer		HR	\$ 61.23	\$ -
Carpenter	26	HR	\$ 77.92	\$ 2,025.92
H & H Laborers/Flaggers		HR	\$ 61.63	\$ -
			Subtotal	\$ 3,173.96
			46% Insurance & Taxes	\$ 1,460.02

TOTAL LABOR COSTS \$ 4,633.98

EQUIPMENT COSTS:	Quantity	Unit	Rate	Total
Caterpillar 330DL Excavator		HR	\$ 164.97	\$ -
Stanley Rock Hammer		HR	\$ 67.82	\$ -
Case CX135 Excavator w/ hoepack		HR	\$ 68.35	\$ -
Komatsu PC78MR-6		HR	\$ 43.62	\$ -
Case 149 Excavator		HR	\$ 124.00	\$ -
Caterpillar Model 322CL Excavator w/o hoepack		HR	\$ 105.75	\$ -
Caterpillar Model 312BL Excavator with hoepack		HR	\$ 61.20	\$ -
Kato Model 450 Crawler Excavator with hoepack		HR	\$ 59.43	\$ -
Kato Model 1250 Excavator		HR	\$ 114.87	\$ -
Caterpillar 938H Wheel Loader		HR	\$ 66.60	\$ -
Caterpillar Model IT28F Loader		HR	\$ 50.47	\$ -
Caterpillar 936 Wheel Loader		HR	\$ 57.23	\$ -
Caterpillar 963 Track Loader		HR	\$ 132.91	\$ -
Komatsu WA200 Rubber Tire Loader		HR	\$ 48.40	\$ -
Daewoo Skid Steer Loader		HR	\$ 30.21	\$ -
Case Model 580 Backhoe with Hoepack	18	HR	\$ 37.01	\$ 666.18
Caterpillar D3C Dozer		HR	\$ 53.37	\$ -
Asphalt Zipper Model AZ480		HR	\$ 87.32	\$ -
Ingersoll Rand ECM370 Drill and Compressor		HR	\$ 112.62	\$ -
Navistar Water Tank Truck		HR	\$ 60.84	\$ -
Four Ford F250 Pickup Truck w/ Tools	8	HR	\$ 29.55	\$ 236.40
Four Ford F150 Pickup Truck w/ Tools		HR	\$ 23.13	\$ -
International Dump Truck		HR	\$ 56.95	\$ -
22' Tool Trailer with contents	18	HR	\$ 1.92	\$ 34.56
35' Tool Trailer with contents	18	HR	\$ 2.58	\$ 46.44
I R D1855Q Portable Air Compressor	18	HR	\$ 65.76	\$ 1,183.68
Laymor Brooms/John Deere Tractor Model 850 Sweeper		HR	\$ 74.66	\$ -
Dynapac Rollers		HR	\$ 79.33	\$ -
Case 252 Roller		HR	\$ 29.58	\$ -
Trench Box #1 Box 20x8		HR	\$ 7.03	\$ -
Trench Box #2 Box 10x24		HR	\$ 10.00	\$ -
Manhole Box		HR	\$ 6.07	\$ -
Generator		HR	\$ 36.18	\$ -
Wacker		HR	\$ 16.00	\$ -
Blasting Truck with Mats, Seismograph		HR	\$ 35.00	\$ -
Joy 175 Compressor w/Jack Hammer		HR	\$ 19.66	\$ -
6" Pumps (Self Priming Trash Pumps)		HR	\$ 18.09	\$ -
Operated Trucks		HR	\$ 100.00	\$ -

TOTAL EQUIPMENT COSTS \$ 2,167.26

MATERIAL/OTHER COSTS:	Quantity	Unit	Price	Total
Concrete	1	As Bought	\$ 601.00	\$ 601.00
Concrete Consumables and Anchors	1	Apportioned	\$ 300.00	\$ 300.00
PennFab SS Brackets	1	LS	\$ 2,370.00	\$ 2,370.00

TOTAL MATERIAL COSTS \$ 3,271.00

PACT Cost \$ 10,072.24
Overhead and Profit (15%) \$ 1,510.84
PACT Cost \$ 11,583.08

Subcontractor Cost
Profit (5%) \$ -
Subcontractor Cost \$ -
TOTAL \$ 11,583.08

Atlantic Concrete Co., Inc.

P.O. Box 321
Milford, DE 19963-0321
(302) 422-8017

PLANTS

Dover (302) 734-0530
Milford (302) 422-8017
Lewes (302) 856-7847
Harrington (302) 398-8920
Dagsboro (302) 934-8101

AUTHORIZATION

Additional Water

Gal _____

Signature _____

CUSTOMER ID 26982	P.O. NUMBER	JOB NUMBER	TIME 10:18:42	DATE 08/22/18	TICKET L596913
SOLD TO FACT ONE LLC P O BOX 74 RINGOES NJ 08551		DELIVER TO SUNSET LANE LEWES			Depart 156981 Return 156994
QUANTITY 4.00	PRODUCT CODE 4500	PRODUCT DESCRIPTION 4500 psi Concrete Small Load Fuel Charge		UNIT OF MEASURE yd(s)	UNIT PRICE EXTENDED PRICE
TRUCK A08	PLANT Lewes	SLUMP Thank You!			SUB TOTAL TAX TOTAL 601.-
DELIVERY INSTRUCTIONS: W 9 LT 10 LT PLANTATION RD RT 24 2 MILES ON RT RT SUNSET LANE					

Unloading

Drivers are not permitted to add water to the mix to exceed the maximum slump. Drivers are prohibited from delivering concrete except under the truck's own power, and where site conditions do not permit the safe and proper operation of equipment. Drivers are not permitted to go beyond the curb line, except upon the customer's authorization and acceptance of risk for any loss or damage to the property or our equipment. This includes any wrecker or towing charges for getting out of the location.

Caution!

Contains Portland cement. Freshly mixed concrete, or grout may cause skin injury.

TAKE THESE PRECAUTIONS:

- Avoid all contact with eyes.
- Wear rubber boots and gloves, and avoid prolonged contact directly with skin or through porous materials.
- In case of contact with skin or eyes, flush thoroughly with water. If irritation persists, get medical attention promptly.
- Keep children away.

Receipt and Release:



Customer's representative

RECEIVED SUBJECT TO CONDITIONS ON REVERSE SIDE



PennFab, Inc.
 20 Steel Road South
 Morrisville, PA 19067
 Phone: (215) 245-1577
 Fax: (215) 245-1868
 www.PennFab.com

Original Invoice

Sold To:
 Pact Two Construction
 554 Route 31 North
 Ringoes, NJ 08551
Ship To:
 Pact Two Construction
 Mt. Joy Water Treatment Plant
 Mt. Joy, PA 17552
 Attn: Duncan Gordon

Invoice Number	24340
Invoice Date	October 17, 2018
Date Shipped	October 10, 2018
Our Job No.	18050.04
Your Order No.	
Terms	Net 30 Days
F.O.B.	
Shipped Via	Pick Up

Item #	Qty	U/I	Description	Price	U/M	Amount
1	2	Ea.	Stainless Steel Pipe Support Brackets	\$1,185.00		\$2,370.00
<input checked="" type="checkbox"/> Packing List Attached <input type="checkbox"/> Bill of Lading Attached Remarks:						
Bank Wire Instructions: Bank: Fulton Bank 101 Floral Vale Blvd Yardley, PA 19067 (215)579-6100 Routing #: 031301422 Account #: 0090879724						
Sub-Total Sales Tax - 6% PA Shipping & Handling Total Amount Due This Invoice						\$2,370.00 \$0.00 \$2,370.00

Thank you for your Business!

ALL ORDERS ACCEPTED SUBJECT TO TERMS STATED AND A 1.5 % SERVICE CHARGE PER MONTH ON ALL OVERDUE BALANCES
 Any and all claims must be made within 5 Days of receiving goods

Line Item No. 4

Contract Time Extension
67 Calendar Days

July 23rd to Sept. 27th, 2018 = 67 CD's
(Starting after C.O. No. 1 Time Extension to Date of Substantial Completion)

Contract 17-04 Cost = (\$0.00)



APPROVED

April 8th, 2019

Duncan A. H. Gordon
PACT One, LLC
P.O. Box 74
Ringoos, New Jersey 08551

PENDING COUNTY COUNCIL
CONCURRENCE
SUSSEX COUNTY UTILITY
CONSTRUCTION DIVISION *Byline*

Re: Sussex County Contract 17-04 - PACT Contract Time Extension Request Review
Angola North Expansion - SR-24 Love Creek and Camp Arrowhead Road

Dear Mr. Gordon:

WRA has received PACT One, LLC's (PACT) April 4th, 2019 letter requesting a 67-calendar day, "Non-Compensatory" time extension on Angola North Expansion - SR-24 Love Creek and Camp Arrowhead Road project (Contract 17-04). The purpose of this correspondence is to provide WRA's assessment of PACT's request and formally state our recommendation to Sussex County Engineering Department (SCED).

Fox Hollow Road Restoration Items: PACT's letter references revisions to pipe trench and road restoration details within the Fox Hollow (DelDOT) Subdivision and additional incidental work items resulting from the proposed work scope changes. The revised Fox Hollow road restoration work scope included additional topsoil placement/grading work, as well as, eighteen (18) driveways requiring the removal/replacement of residential driveway entrance areas to transition from the restored roadway into the driveways in accordance with DelDOT Standards. The scope of these additional Contract work item, as required and directed by DelDOT supervisors, was finalized during the June 14th, 2018 Progress Meeting No. 12.

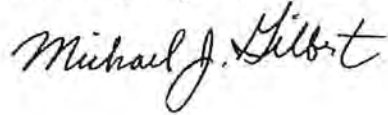
Grinder Pump Station Modifications: WRA has also reviewed and hereby confirms PACT's claim of modifications (stainless steel pipe support system) to Duplex Grinder Pump Stations GPS-1 and GPS-2 (as requested by Sussex County during preliminary start-up operations) delaying the final "start-up and commissioning" of these facilities (turnover to and operational use by Sussex County). The successful and complete operational start-up of the GPS-1 and GPS-2 facilities is included in the Contract 17-04 specifications as a requirement for Substantial Completion.

In summary, WRA hereby makes our recommendation that a non-compensatory time extension of (67) Contract calendar days, for work progress delays associated with the above referenced Fox Hollow - DelDOT road restoration directives and Duplex Grinder Pump Station modifications. Pending SCED's review of WRA's recommendation and SCED's final decision, a total (67) Contract calendar day, non-compensatory, time extension (or any SCED approved portion thereof) will be accounted for as part of the anticipated Change Order No. 2 documents.

Please feel free to contact me at 302-855-9840 should you have any questions or need to discuss any concerns pertaining to the above referenced statements.

Very truly yours,

Whitman, Requardt & Associates, LLP



Michael J. Gilbert

cc: Hans Medlarz, P.E. (Sussex County)
Brad Hawkes (Sussex County)
Carlos Costa (PACT One, LLC)
Henrik Maxian, P.E. (PACT One, LLC)
Will F. Hinz, P.E. (WRA)
Ken Stubbs (WRA)
File No: 14256-022



PACT ONE, LLC

P.O. BOX 74, RINGOES, NJ 08551

PHONE 908-788-1985

FAX 908-788-5780

April 4, 2019

Mr. Will Hinz, P.E. (via email only whiz@rallp.com)
Whitman, Requardt, & Associates, LLP
801 South Carline Street
Baltimore, MD 21231

RE: Angola Neck Sanitary Sewer District (ANSSD): Angola North Expansion – SR-24, Love Creek and
Camp Arrowhead Road.
Contract 17-04.

Subject: Non-Compensatory Time Extension.

Dear Mr. Hinz,

PACT ONE, LLC agreed to perform all work for the construction of the ANSSD – Angola North Expansion within the time set forth in the Contract Documents. PACT ONE, LLC received the Notice to Proceed on the July 10th, 2017 after which PACT ONE, LLC had 365 days in which to fully complete the project and finish no later than the July 9th, 2018. On March 1st, 2018 PACT ONE, LLC was granted a time extension of 13 contract calendar days which resulted in a revised completion date of July 22nd, 2018.

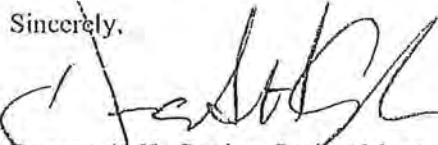
As you are aware, PACT ONE, LLC's March 2nd, 2018 time extension request was tabled until after the completion of the restoration of Fox Hollow DELDOT Subdivision. On June 12th, 2018, at Progress Meeting No. 12, PACT received direction from SCED to proceed with the revised trench and road restoration detail for the Fox Hollow DELDOT Subdivision. SCED was aware that there may be some additional incidental work items that would be a result of this scope change. The revised trench and road restoration detail resulted in need for additional topsoil restoration and a number of driveways had to be removed/re-installed so that the required DELDOT transition could be achieved.

In addition, one of the milestones required for Substantial Completion to be granted was the start-up and commissioning of the Grinder Pump Stations. Before the Grinder Pump Stations could be placed in-service, some modifications were required to be performed that were not part of the original scope.

Due the above-mentioned incidental work and required modifications the project continued past the revised completion date of July 22nd, 2018. PACT ONE, LLC was granted Substantial Completion on September 27th, 2018; therefore, PACT ONE, LLC formally requests a non-compensatory time extension of sixty-seven (67) calendar days, which would bring the project completion date in line with when Substantial Completion was granted.

Please do not hesitate to contact me if you need any further information or have any questions.

Sincerely,


Duncan A. H. Gordon, Project Manager
DAHG/sy
Enclosure(s)

04/04/19

Line Item No. 5

Concrete Driveway Transitions
(Fox Hollow)

Contract 17-04 Cost = \$60,000.00

PACT ONE, LLC

P.O. BOX 74, RINGOES, NJ 08551

PHONE 908-788-1985

FAX 908-788-5780

February 5, 2019

Mr. Will Hinz, P.E. (via email only WHinz@wrallp.com)

Whitman, Requardt, & Associates, LLP

801 South Carline Street

Baltimore, MD 21231

RE: Angola Neck Sanitary Sewer District (ANSSD): Angola North Expansion – SR-24, Love Creek and Camp Arrowhead Road.
Contract 17-04.

Subject: P.C.O No.4a – Fox Hollow Concrete Driveways.

Dear Mr. Hinz,

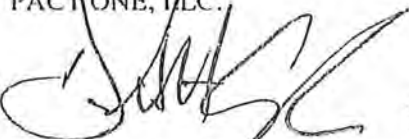
On May 28th, 2018, PACT and SCED discussed the upcoming road way restoration of the Fox Hollow DELDOT Subdivision. It was noted that the existing pavement had considerable surface cracking, which raised concern about the longevity of planned road restoration of a 1.75" thick overlay. SCED felt that the cracks in the existing pavement would migrate up.

PACT provided a cost analysis to SCED for a revised trench restoration detail and road restoration detail, which was acceptable to SCED. SCED and DELDOT met on June 1st, 2018, where the revised trench and road restoration was accepted by DELDOT. At Progress Meeting No. 12, PACT received direction from SCED to proceed with the revised trench and road restoration detail for the Fox Hollow DELDOT Subdivision. SCED was aware that there may be some additional incidental costs associated with the revised scope and they would be handled on a case-by-case basis.

As a result of the increased thickness of the revised road restoration overlay, the roadway/concrete driveway transition detail in the contract drawings could not be followed. In order to remain in compliance with DELDOT, the entrance to each concrete driveway had to be removed/re-installed so that the required transition could be achieved for the Fox Hollow DELDOT Subdivision. PACT considers this work to be out of scope and seeks to be compensated for the sum of \$134,520.94.

Please let me know if you have any questions or need anything further.

Sincerely Yours,
PACT ONE, LLC.



Duncan Gordon, Project Manager

* APPROVED

12 @ \$5,000 = \$60,000

PENDING COUNTY
COUNCIL CONCURRENCE

SUSSEX COUNTY UTILITY
CONSTRUCTION DIVISION



Record Drawing (Stubbs Field) Measurements
(Concrete Driveway Locations and S.Y.'s)

Concrete Driveway	Parcel No.	Total Area	Total S.F.	Driveway Notes S.Y.'s
#33155 Fairfield Road	#53	23' x 9.25' =	212.75	Transition Slope > 10%
#33175 Fairfield Road	#51	23.57' x 4.0' =	94.28	Transition Slope > 10%
#33185 Fairfield Road	#50	23.83' x 6.84' =	163.00	Transition Slope > 10%
#33223 Fairfield Road	#47	29.83' x 4.36' =	130.06	Transition Slope > 10%
#33204 Wandering Lane	#39	20.17' x 4.50' =	90.77	Transition Slope > 10%
#33156 Wandering Lane	#34	14.00' x 8.50' =	119.00	Transition Slope > 10%
#33146 Wandering Lane	#33	22.73' x 3.17' =	72.05	Transition Slope > 10%
#33110 Wandering Lane	#30	21.80' x 9.20' =	200.56	Transition Slope > 10%
#33145 Perrydale Green	#24	11.00' x 11.00' =	121.00	Transition Slope > 10%
#20900 Pickwicke Road	#9	25.42' x 4.33' =	110.07	Transition Slope > 10%
#20890 Pickwicke Road	#10.01	28.90' x 7.50' =	216.75	Transition Slope > 10%
#33115 Wandering Lane	#28	12.00' x 10.00' =	120.00	Transition Slope > 10%
Total Pay Est. S.Y.'s			183.37	

Line Item No. 6

Hot Mix Driveway Transitions
(Fox Hollow)

Contract 17-04 Cost = \$18,000.00

PACT ONE, LLC

P.O. BOX 74, RINGOES, NJ 08551

PHONE 908-788-1985

FAX 908-788-5780

February 5, 2019

Mr. Will Hinz, P.E. (via email only WHinz@wrallp.com)

Whitman, Requardt, & Associates, LLP

801 South Carline Street

Baltimore, MD 21231

RE: Angola Neck Sanitary Sewer District (ANSSD): Angola North Expansion – SR-24, Love Creek and Camp Arrowhead Road.
Contract 17-04.

Subject: P.C.O No.4c – Fox Hollow Asphalt Driveways.

Dear Mr. Hinz,

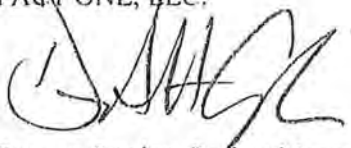
On May 28th, 2018, PACT and SCED discussed the upcoming road way restoration of the Fox Hollow DELDOT Subdivision. It was noted that the existing pavement had considerable surface cracking, which raised concern about the longevity of planned road restoration of a 1.75" thick overlay. SCED felt that the cracks in the existing pavement would migrate up.

PACT provided a cost analysis to SCED for a revised trench restoration detail and road restoration detail, which was acceptable to SCED. SCED and DELDOT met on June 1st, 2018, where the revised trench and road restoration was accepted by DELDOT. At Progress Meeting No. 12, PACT received direction from SCED to proceed with the revised trench and road restoration detail for the Fox Hollow DELDOT Subdivision. SCED was aware that there may be some additional incidental costs associated with the revised scope and they would be handled on a case-by-case basis.

* Prior to final paving of the Fox Hollow DELDOT Subdivision, painted limits were established during a walkthrough for each of the asphalt driveways in the subdivision. After final paving, six (6) asphalt driveways had to have the transitions revised as directed by DELDOT. PACT considers this work to be extra and seeks to be compensated for the sum of \$70,060.91.

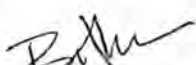
Please let me know if you have any questions or need anything further.

Sincerely Yours,
PACT ONE, LLC.


Duncan Gordon, Project Manager

2/5/19.

* APPROVED

6 @ \$3,000 = \$18,000 PENDING COUNTY
COUNCIL CONCURRENCE
SUSSEX COUNTY UTILITY
CONSTRUCTION DIVISION 

Record Drawing (Stubbs Field) Measurements
(Hot Mix Driveway Locations and S.Y.'s)

Hot Mix Driveway	Parcel No.	Total Area	Total S.F.	Driveway Notes S.Y.'s
#33165 Fairfield Road	#52	12.0' x 17.0' =	204.00	Transition Slope > 10%
#33165 Fairfield Road	#52	4'.0 x 3.0'	12.00	24 L.F. of 12" CMP
#33135 Fairfield Road	#55	13.50' x 9.33' =	125.96	Transition Slope > 10%
#33135 Fairfield Road	#55	4'.0 x 3.5'	14.00	
#33205 Fairfield Road	#48	13.50' x 18.50' =	249.75	Transition Slope > 10%
#33205 Fairfield Road	#48	4.00' x 4.00'	16.00	20 L.F. of 12" CMP
#33121 Wandering Lane	#29	14.67' x 12.50' =	183.38	Transition Slope > 10%
#33121 Wandering Lane	#29	4.00' x 6.00'	24.00	
#33124 Wandering Lane	#31	19.00' x 8.50' =	161.50	Transition Slope > 10%
#33124 Wandering Lane	#31	3.00' x 2.00' =	6.00	
#20891 Pickwicke Road	#58	21.50' x 13.50' =	290.25	Transition Slope > 10%
#20891 Pickwicke Road	#58	4.00' x 3.00' =	12.00	30 L.F. of 12" CMP
Total Extra S.Y.'s			144.32	

Line Item No. 7

Fox Hollow Topsoil Restoration

Road Shoulder / Right-of-Way Restoration

Contract 17-04 Cost = \$11,580.26

PACT ONE, LLC

P.O. BOX 74, RINGOES, NJ 08551

PHONE 908-788-1985

FAX 908-788-5780

February 5, 2019

Mr. Will Hinz, P.E. (via email only WHinz@wrallp.com)

Whitman, Requardt, & Associates, LLP

801 South Carline Street

Baltimore, MD 21231

RE: Angola Neck Sanitary Sewer District (ANSSD): Angola North Expansion -- SR-24, Love Creek and Camp Arrowhead Road.
Contract 17-04.

Subject: P.C.O No.4b -- Fox Hollow Additional Topsoil Restoration.

Dear Mr. Hinz,

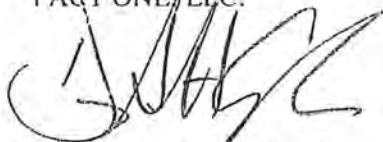
On May 28th, 2018, PACT and SCED discussed the upcoming road way restoration of the Fox Hollow DELDOT Subdivision. It was noted that the existing pavement had considerable surface cracking, which raised concern about the longevity of planned road restoration of a 1.75" thick overlay. SCED felt that the cracks in the existing pavement would migrate up.

PACT provided a cost analysis to SCED for a revised trench restoration detail and road restoration detail, which was acceptable to SCED. SCED and DELDOT met on June 1st, 2018, where the revised trench and road restoration was accepted by DELDOT. At Progress Meeting No. 12, PACT received direction from SCED to proceed with the revised trench and road restoration detail for the Fox Hollow DELDOT Subdivision. SCED was aware that there may be some additional incidental costs associated with the revised scope and they would be handled on a case-by-case basis.

As a result of the increased thickness of the revised road restoration overlay, additional topsoil was required to be furnished and installed for the asphalt/topsoil transition as called out on the contract drawings. Due to the existing characteristics of each property parcel, the asphalt/topsoil transition was tailored for each as to not negatively impact the parcel's drainage while achieving the required transition for the Fox Hollow DELDOT Subdivision. PACT considers this work to be additional and seeks to be compensated for the sum of \$69,626.29.

Please let me know if you have any questions or need anything further.

Sincerely Yours,
PACT ONE, LLC.



Duncan Gordon, Project Manager

2/5/19.

* **APPROVED**

\$11,580.24

PENDING COUNTY

COUNCIL CONCURRENCE

SUSSEX COUNTY UTILITY

CONSTRUCTION DIVISION



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
sussexcountye.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

FROM: Patrick Brown, P.E., Project Engineer III

RE: ***CONSULTANT SELECTION – RFP 19-25 AVIATION PLANNING SERVICES
RECOMMENDATION TO NEGOTIATE PROFESSIONAL SERVICES CONTRACT***

DATE: April 16, 2019

The Delaware Coastal Airport completed a master plan in the early 2000s that forecasted 20-year activity levels (2002 – 2021) with three (3) development phases for capital projects. Numerous improvements outlined by the document were completed including the extension of Runway 4-22, lighting upgrades, and apron and hangar expansions. As we are now in the third development phase, nearing the completion of the planning period, a Master Plan Update (MPU) is recommended for compliance with Federal Aviation Administration (FAA) practice.

The Engineering Department received County Administrator approval of RFP scope and selection committee, including members Jim Hickin, Rick Garner, Brad Hawkes and Patrick Brown. I was designated as the person in responsible charge for the selection process. The Request for Proposals (RFP) was publicly advertised on February 11, 2019, for professional services to perform a Master Plan Update (MPU) at the Delaware Coastal Airport in accordance with FAA Advisory Circulars and federal, state and local guidelines. Two (2) firms responded by the deadline of March 15, 2019.

Each selection committee member received a copy of the proposals received along with a scoring sheet for their use in evaluating and ranking firms. As per the County Consultant Selection Policy and Delaware Code, proposals are evaluated based on approved Consultant Rating Criteria. The Criteria was weighted by distributing percentage points as published in the RFP: 25% Experience and Reputation; 20% Expertise; 20% Capacity to meet



Requirements; 20% Demonstrated Ability; and 15% Familiarity with Public Work and its Requirements.

The selection committee met on Tuesday, April 2, 2019 to discuss the proposals, rating criteria and whether in their discretion oral presentations should be requested to supplement the evaluation process. It was agreed that interviews were not necessary given the scope of services and high level of qualifications apparent in both responding firms. Committee evaluation sheets were later assembled and checked. The Selection Committee results are summarized as follows:

Firm	Avg. Committee Rank	Overall Ranking
MacFarland Johnson	1.25 / 2	1
Delta Airport Consultants	1.75 / 2	2

It is the recommendation of the referenced Selection Committee that Council direct the Engineering Department to begin contract negotiation with MacFarland Johnson for a professional service agreement to perform a Master Plan Update at the Delaware Coastal Airport. The terms of such agreement, including scope, schedule and fee shall be reviewed for FAA compliance then returned to Council for final discussion and contract approval.

cc: Hans Medlarz
Todd Lawson

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

FROM: Patrick Brown, P.E., Project Engineer III

RE: ***CONSULTANT SELECTIONS***
RFP 19-23 FOR GEOTECHNICAL ENGINEERING SERVICES
RFP 19-24 FOR LAND SURVEY AND MAPPING SERVICES
RECOMMENDATION TO AWARD PROFESSIONAL SERVICE CONTRACTS

DATE: April 16, 2019

The Engineering Department undertakes a variety of improvement projects each year concurrent with the annual operation and maintenance of County assets. From time to time the need arises for specific professional services to supplement and support County personnel. Although a Miscellaneous Engineering contract is maintained annually for as-needed expertise and supplemental service, the specific geotechnical engineering and land survey fields were identified as unique disciplines where a firm qualified in the individual service area will compliment Department project needs.

The Engineering Department received County Administrator approval of the scope of two Request for Proposals (RFP), and a selection committee including members John Ashman, Edwin Tennefoss, Brad Hawkes and Patrick Brown. I was designated as the person in responsible charge for the selection process.

Each Request for Proposals was publicly advertised on February 4, 2019; RFP 19-23 for professional services to perform Geotechnical Engineering Services on an as-needed basis, and RFP 19-24 for professional services to perform Land Survey and Mapping Services on an as-needed basis.



RFP 19-23 FOR GEOTECHNICAL ENGINEERING SERVICES

Three (3) firms responded by the deadline of March 1, 2019.

Each selection committee member received a copy of the proposals received along with a scoring sheet for their use in evaluating and ranking firms. As per the County Consultant Selection Policy and Delaware Code, proposals are evaluated based on approved Consultant Rating Criteria. The Criteria was weighted by distributing percentage points as published in the RFP: 15% Experience and Reputation; 25% Expertise; 20% Capacity to meet Requirements; 10% Location; 20% Demonstrated Ability; and 10% Familiarity with Public Work and its Requirements.

The selection committee met on Thursday, March 21, 2019 to discuss the proposals, rating criteria and whether in their discretion oral presentations should be requested to supplement the evaluation process. It was agreed that interviews were not necessary given the scope of services and high qualifications of responding firms. Committee evaluation sheets were assembled and checked. The Selection Committee results are summarized as follows:

Firm	Average Committee Rank	Overall Ranking
Hillis-Carnes Engineering	1.0 / 3	1
Duffield Associates	2.5 / 3	2 (tie)
John D. Hynes & Associates	2.5 / 3	2 (tie)

It is the recommendation of the referenced Selection Committee that Council authorize the Engineering Department to negotiate and execute a professional service agreement with Hillis-Carnes Engineering for on-call Geotechnical Engineering Services to supplement and support the Department over a five (5) year contract period, with an annual cost not to exceed fifty thousand dollars (\$50,000.00).

RFP 19-24 FOR LAND SURVEY AND MAPPING SERVICES

Ten (10) firms responded by the deadline of March 1, 2019.

Each selection committee member received a copy of the proposals received along with a scoring sheet for their use in evaluating and ranking firms. As per the County Consultant Selection Policy and Delaware Code, proposals are evaluated based on approved Consultant Rating Criteria. The Criteria was weighted by distributing percentage points as published in the RFP: 15% Experience and Reputation; 15% Expertise; 20% Capacity to meet Requirements; 20% Location; 20% Demonstrated Ability; and 10% Familiarity with Public Work and its Requirements.

The selection committee met on Thursday, March 21, 2019 to discuss the proposals, rating criteria and whether in their discretion shortlisting for oral presentations should be requested to supplement the evaluation process. It was agreed short-listing with interviews was not

necessary given the scope of services and qualifications of responding firms. Committee evaluation sheets were later assembled and checked.

The three (3) highest scoring firms are identified in the Selection Committee summary below:

Firm	Average Committee Rank	Overall Ranking
DBF, Inc	1.25 / 10	1
Solutions IPEM	2 / 10	2
Century Engineering	3.75 / 10	3

It is the recommendation of the referenced Selection Committee that Council authorize the Engineering Department to negotiate and execute a professional service agreement with DBF, Inc (Davis, Bowen & Friedel) for on-call Land Survey and Mapping Services to supplement and support the Department over a five (5) year contract period, with an annual cost not to exceed seventy-five thousand dollars (\$75,000.00).

cc: Hans Medlarz
Todd Lawson

Lighthipe Expansion Facts

- Expansion of the Sussex County Unified Sanitary Sewer District (Bethany Beach Area).
- The parcel is located off Muddy Neck Road near the canal.
- Requested by Davis Bowen & Friedel on behalf of their clients Convergence Communities for parcels 132-17.00-12.00.
- The front half of the project is near completion and the final step of annexation into the district was never confirmed by the consulting engineers. Apparently, their request and check were lost in the mail.
- The expansion will consist of 54.35 acres more or less.
- The property owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.
- A tentative Public Hearing is currently scheduled for May 14, 2019 at the regular County Council meeting.

Lighthiipe Proposed Expansion of The SCUSSD



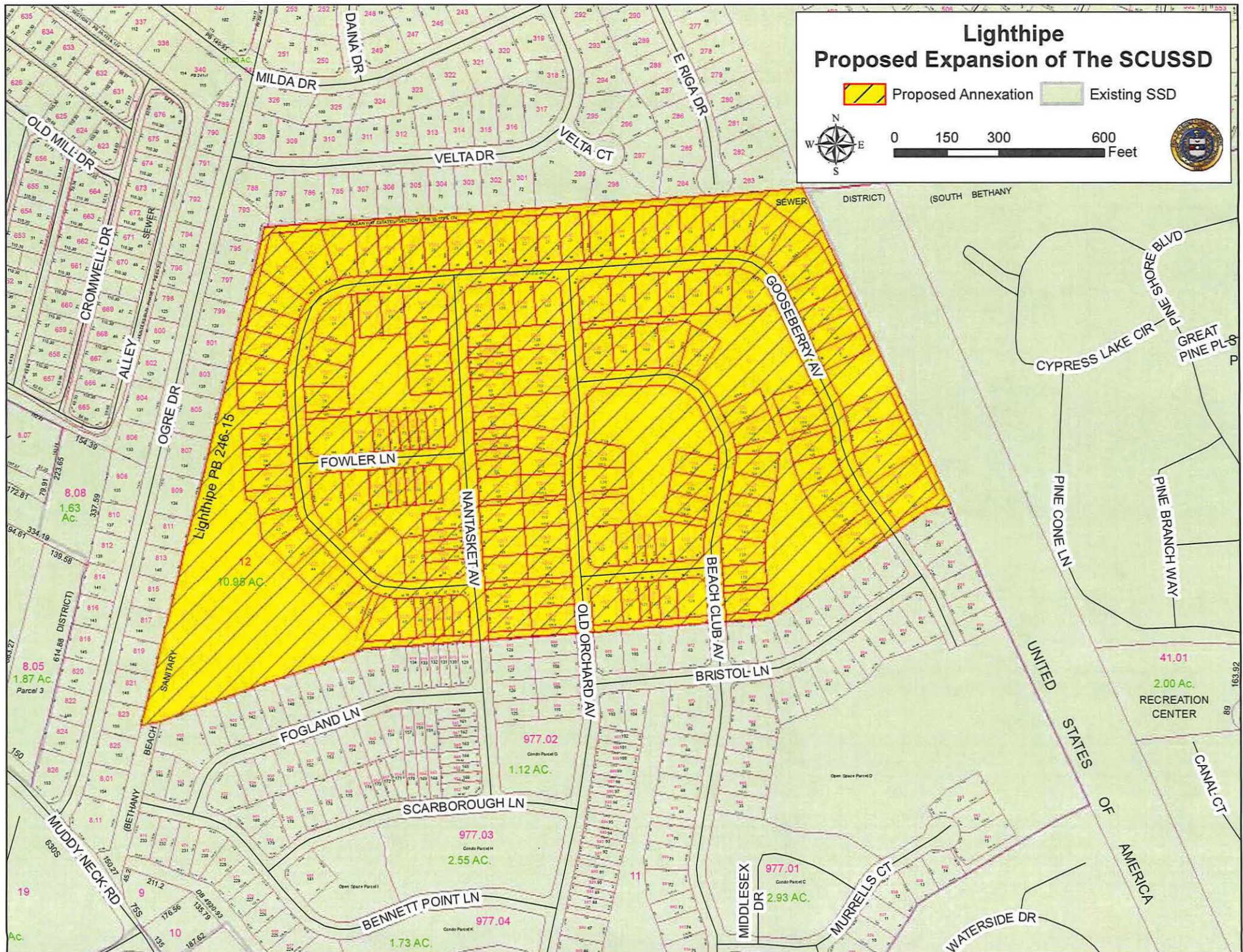
Proposed Annexation



Existing SSD



0 150 300 600 Feet





DAVIS
BOWEN &
FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheelleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.

March 28, 2019

Mr. Rob Davis
Utility Planning Division
Sussex County Engineering Department
2 The Circle, Box 589
Georgetown, Delaware 19947

RE: Lighthipe MR-RPC
Bethany Beach Planning Area
TM# 132-17-12
DBF# 1443F001

Dear Mr. Davis:

On behalf of our client, Convergence Communities, we are hereby requesting that Sussex County Council consider extending the Bethany Beach 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 132-17-12.

The application fee in the amount of \$1,500.00 (Check #2911) is enclosed as well as a copy of the deed for the property which provides a metes and bounds description.

Thank you for your assistance in this matter. If you should have any questions of concerns, please contact me at (302) 424-1441.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

W. Zachary Crouch, P.E.
Principal

P:\Integrity Communities\1443F001 Lighthipe\DOCS\Sussex County\1443F001 Sussex Co Swr Dist Boundary Expansion.docx

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
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UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

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sussexcountysde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John Ashman
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Christopher Management, Inc.
File: OM 9.01

DATE: April 16, 2019

In July of 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

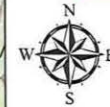
The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Christopher Management Inc.** for the **Fenwick Light** project in the Fenwick Island Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Fenwick Light** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Christopher Management Inc.** will contribute **\$15,206.00** for the financial catch-up contribution of the existing infrastructure to serve **10.0** Equivalent Dwelling Units. Payment will be required prior to receiving a connection permit for the facility. System Connection Charges in place at the time of building permit request will still apply.

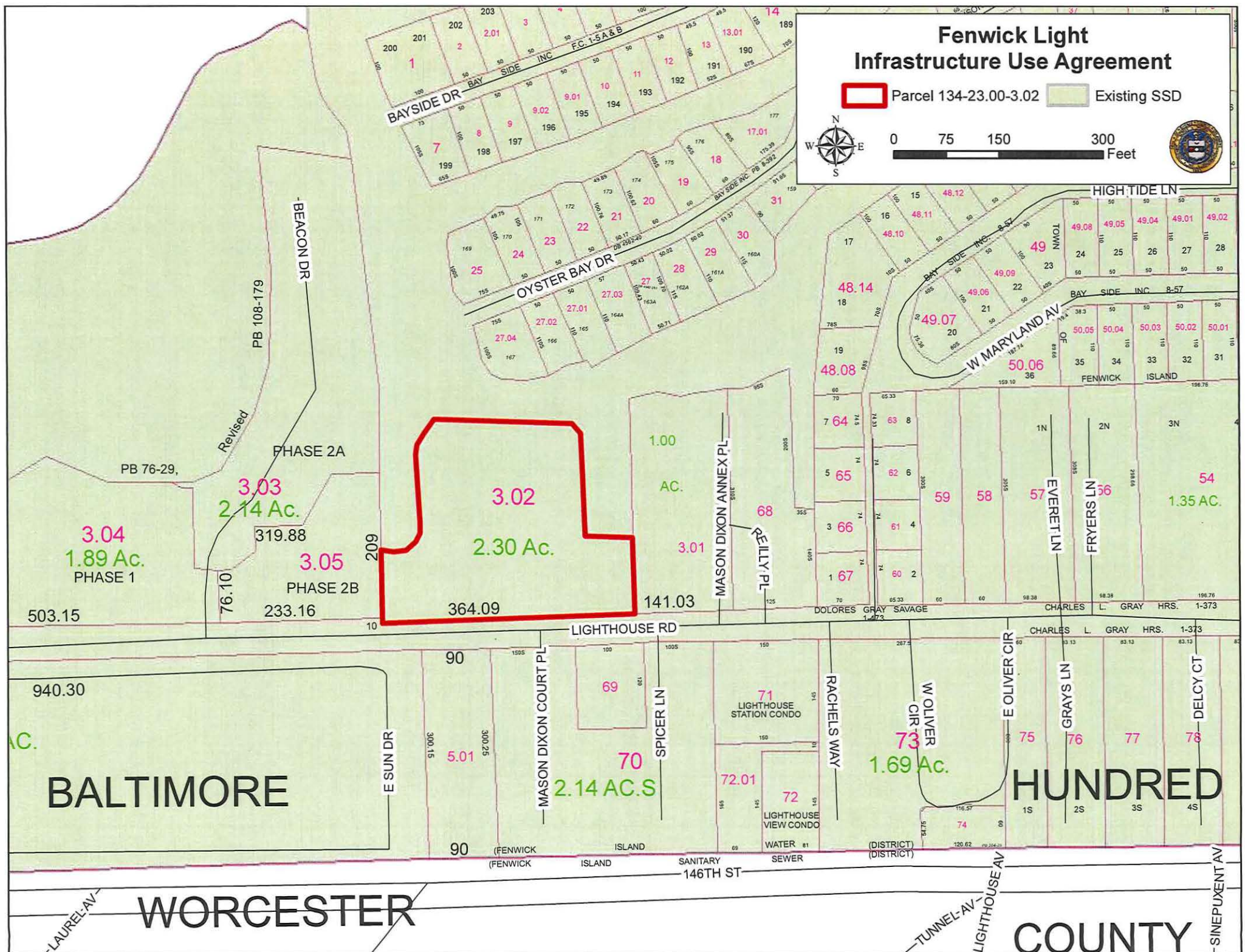


Fenwick Light Infrastructure Use Agreement

 Parcel 134-23.00-3.02  Existing SSD



0 75 150 300
Feet



USE OF EXISTING INFRASTRUCTURE AGREEMENT

FENWICK LIGHT – IUA207

THIS AGREEMENT ("Agreement"), made this 20th day of MARCH 2019, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the "County," and;

CHRISTOPHER MANAGEMENT, INC. a Virginia Based Corporation and developer of a project known as **Fenwick Light**, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 134-23.00-3.02 to be known as **Fenwick Light** ("Project") and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **10.00** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$15,206.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving a building permit for the facility.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **10461 White Granite Drive, Suite 103, Oakton Virginia 22124.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands
and seals the day and year aforesaid.

FOR THE COUNTY:

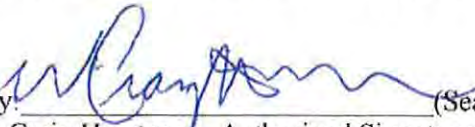
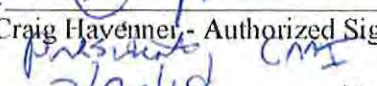
{Seal}

By: _____
(President - Sussex County Council)
_____(DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR CHRISTOPHER MANAGEMENT, INC.

By:  (Seal)
Craig Havenner - Authorized Signatory

3/20/19 (DATE)

WITNESS: _____

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
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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

Memorandum

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

FROM: John Ashman
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Allen Harim Foods, LLC
File: OM 9.01

DATE: April 16, 2019

In July of 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Allen Harim Foods, LLC** for the **Allen Harim Hatchery** project in the Dagsboro/Frankford Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Allen Harim Hatchery** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Allen Harim Foods, LLC** will contribute **\$19,390.00** for the financial catch-up contribution of the existing infrastructure to serve **65.71** Equivalent Dwelling Units. Payment will be required prior to receiving a connection permit for the facility. System Connection Charges in place at the time of building permit request will still apply.



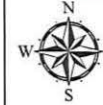
Allen Harim Hatchery Infrastructure Use Agreement



Parcel 233-10.00-78.00



Existing SSD



0 112.5 225 450 Feet



USE OF EXISTING INFRASTRUCTURE AGREEMENT

ALLEN HARIM HATCHERY IUA1066

THIS AGREEMENT ("Agreement"), made this 15th day of February 2019, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the "County," and:

ALLEN HARIM FOODS, LLC, a Limited Liability Corporation and developer of a project known as Allen Harim Hatchery, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 233-10.00-78.00 to be known as Allen Harim Hatchery ("Project") and:

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to 65.71 additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of \$19,390.00 for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) Payment of the contribution must be submitted prior to receiving a connection permit for the facility.
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

160091

CER# 301562

19312906

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is 29984 Pinnacle Way, Millsboro DE 19966.

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands
and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR ALLEN HARIM FOODS, LLC.

By: Rory DeWeese (Seal)
Rory DeWeese, Director of Live Operations

2/15/19 (DATE)

WITNESS: Blondy Wingate

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) 855-7773



Sussex County

DELAWARE

sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JAMES A. HICKIN, A.A.E.
AIRPORT MANAGER

MEMORANDUM

TO: Sussex County Council

THROUGH: Todd Lawson
County Administrator

FROM: Jim Hickin, A.A.E.
Airport Manager

DATE: April 12, 2019

RE: DELAWARE COAST LINE RAILROAD

In November 2018, Council approved a new six year lease with Delaware Coast Line Railroad (DCLR) for portions of Lots 19 and 20 and the unique railroad facility in the Delaware Coastal Business Park. The terms of the lease require written County approval prior to any sublease of the property.

DCLR is requesting approval to sublease a portion of the property to The Andersons, Inc. The Andersons, a Fortune 500 company, specializes in rail car repair and will use the DCLR facility for this. The Andersons expects to employ four people in the Business Park.

The Andersons' use of the property will be in accordance with the current lease. No amendment to the lease is required.

Council's approval to sublease is recommended.

Please feel free to call me at 855-7775 with any questions.

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



AIRPORT TERMINAL BUILDING
21553 RUDDER LANE | PO BOX 589
GEORGETOWN, DELAWARE 19947



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: SCCHS, Inc (Crisis House)

PROJECT NAME: Community Garden

FEDERAL TAX ID: 51-0257434 NON-PROFIT: ☒ YES ☐ NO

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

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

ORGANIZATION'S MISSION: The Mission of SCCHS is to provide safe and secure emergency and transitional housing for the homeless. To facilitate resources to enable housing and financial independence.

ADDRESS: Main office: 204 E. North Street

Shelter: 110 N. Railroad Ave.

Georgetown DE 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Marie Morole

TITLE: Executive Director

PHONE: 3028567524 EMAIL: scchs@comcast.net

TOTAL FUNDING REQUEST: \$2000

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? 38%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

200+

SECTION 3: PROGRAM SCOPE

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

This newly proposed innovated project is to support and facilitate the development of a community garden for the residents of Crisis House, Northport and SJK transitional housing program and surrounding neighbors. The Crisis house is adjacent to cleared lot owned by the agency, which has been vacant for approximately ten years. It is the perfect spot to create a functional garden that will provide a food source for our residents and local neighbors. Most of the residents of the CH and surround community are impoverished and many experience chronic diseases as a result of poor nutrition. The garden will not only provide a food source, but also a learning experience for our residents.

We have tried to start this program for several years without success of financial support, until this year. With the financial support and coordination of St. Georges Chapel Women's and Men's groups this project will come to fruition. Along with volunteers from St. Georges and several local Master Gardeners, the residents of the Crisis House will be encouraged to participate in the maintenance of the garden, receive hands on lessons on horticulture, wellness, nutrition and the benefits and reward of growing and harvesting their own food. As a result this will help instill pride and belonging to a meaningful activity. St. Georges has already raised \$3000 for the project, several other businesses and organizations have been approached to donate supplies and plants. Additional funds are also needed for kitchen equipment for preserving of the harvest, fencing for the lot, tools and additional supplies. Mr. Sam Wilson met with St. Georges Chapel volunteers on 3/29 to review the project. An article about the project was featured in the Cape Gazette on April 2nd.

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

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

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

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

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	3,200.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Gate and Fencing	-\$ 2,325.00
Lumber, screws, black garden plastic for raised beds, compost bin	-\$ 650.00
Top soil, fertilizers	-\$ 350.00
Hand tools, gloves, shovels rakes, soaker hoses , baskets etc	-\$ 300.00
Storage shed, locks for gates and shed	-\$ 500.00
Increased water bill for garden watering	-\$ 500.00
Plants, trees, vines, etc	-\$ 325.00
Kitchen supplies	-\$ 250.00
TOTAL EXPENDITURES	-\$ 5,200.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 2,000.00

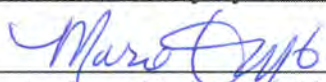
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Crisis House agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official Signature

4/6/2019

Date



Witness Signature

4/6/2019

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

57

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

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

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

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

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

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


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

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

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



Applicant/Authorized Official Signature



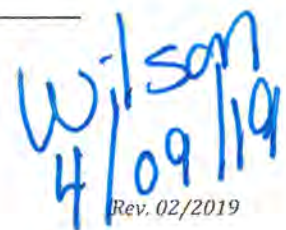
Witness Signature

Executive Director

Title

4/6/2019

Date


Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:

DE DEVIL DOGS DETACHMENT, #780
MARINE CORPS LEAGUE

PROJECT NAME:

7TH ANNUAL GOLF TOURNAMENT

FEDERAL TAX ID:

46-4606352

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:

Veterans Organization founded in 1923 to perpetuate the traditions and spirit of the United States Marine Corps and its warriors who currently wear or have worn the Eagle, Globe and Anchor insignia of the USMC.

ADDRESS:

DE DEVIL DOGS DETACHMENT, #780

PO Box 1476

SEAFORD,

DE

19973

(CITY)

(STATE)

(ZIP)

CONTACT PERSON:

DIANE GEORGE

TITLE:

PAYMASTER

PHONE:

(302) 629-2225

EMAIL:

DGEORGE53@comcast.net

TOTAL FUNDING REQUEST: \$600.00

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

☒ YES ☐ NO

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

\$600.00

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

N/A ☐ 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?

6%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

☐ Health and Human Services

☒ Other

COMMUNITY
PROJECTS TO
INCLUDE

☐ Cultural

☒ Educational

HIGH SCHOOL
ROTC
SCHOLARSHIPS

BENEFICIARY CATEGORY

☐ Disability & Special Needs

☐ Elderly Persons

☐ Minority

☐ Victims of Domestic Violence

☐ Low to Moderate Income²

☐ Other

DE VETS

☒ Homeless

☒ Youth

BENEFICIARY NUMBER

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

2,500

SECTION 3: PROGRAM SCOPE

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

The MCL Detachment's Annual Gold Tournament helps to support the following projects in Western Sussex County:

- ① Financial emergencies for Veterans to include homeless and family service, especially children of Veterans.
- ② Annual Toys for Tots holiday program, that being fundraising for Christmas toys for low income and needy families in the County.
- ③ Providing Good Citizen Award to those Eagle Scouts deserving of this Marine Corps League Award who are members of various Boy Scouts of America Troops in the Western part of the County.
- ④ Helping to fund the Veterans Affairs Voluntary Service programs throughout the County.
- ⑤ Providing financial assistance to the various High School ROTC programs in the form of gifts and scholarships.

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

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

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

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

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	\$10,000
TOTAL REVENUES	PROJECTED
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
① HERITAGE STORES GOLF COURSE	
② BUFFET LUNCH	
③ BREAKFAST (CONTINENTAL)	
④ GOLF ASSURIES	
⑤ PRINTING OF SIGNS	
TOTAL EXPENDITURES	\$ 5000.00 PROJECTED
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 5000.00 PROJECTED

100% OF PROFIT WILL BE SPENT ON COMMUNITY PROJECTS

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the _____ agrees that:
(Name of Organization)

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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.**

*CHARLES A. LANDON, PAST COMMANDANT
DE DEVIL DOGS DET, #780*

Applicant/Authorized Official

Darlene New Some

Witness

3/30/19

Date

3/30/19

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

JD

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

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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.

CHARLES H. LONDON
Applicant/Authorized Official

Dorene Newsome
Witness

PAST COMMANDER
DE DEVIL DOGS DET, #780
MARINE CORPS LEAGUE
Title
3/30/19
Date

Vincent
4-09-19

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 10, 2019

RE: County Council Report for CZ 1874 Leanna & Hung Nguyen

The Planning and Zoning Department received an application (CU 2164 Leanna & Hung Nguyen) to allow for a C change of zone from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District) for parcel 334-19.00-10.06 to be located on Old Landing Rd. The Planning and Zoning Commission held a public hearing on March 14, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

At the request of the applicant, the Commission agreed to consolidate the next two items C/Z #1874 and C/U #2164 into one public hearing. Chairman Wheatley explained that, although the two applications will be heard together that there would ultimately be two votes, one for each application, when any action is taken by the Commission.

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

The Commission found that Mr. Mark Davidson with Pennoni Associates, Leanna Nguyen and Hung Nguyen, the Applicants and Alan Decktor with Pennoni Associates were present on behalf of the application; that Mr. Davidson stated this is an application for a Change in Zone from AR-1 (Agricultural Residential District) to MR (Medium Density Residential); that the land is located in the Environmentally Sensitive Developing District Overlay Zone; that the proposed Conditional Use is for a multi-family structure; that the project is located on 1.3 acres; that the property is located almost at the end of Old Landing Road; that the property is adjacent to the north and east of Mr. Warrington's property which was approved to rezone the property to MR with a Conditional Use for 22 multi-family units; that to the south of the site is a mobile home park which is non-conforming; that the property is currently vacant; that the project is in character with the neighborhood; that they are proposing five units within the dwelling; that there are no wetlands on the property; that there is approximately 60% to 70% of open space and the density is 3.85 units per acre; that Mr. Warrington's property had a density of 3.93 units per acre; that the Sawgrass Subdivision is in the area and has a density of 3.68 units per acre; that the mobile home park has a density of 3.2 units per acre and Port



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

Delmarva has a density of 9.87 units per acre; that the proposed style of home is Vietnamese style single-family attached building that provides for five dwelling units within one building for the family; that the first level would be two dwelling units; that the building would be 3 ½ stories tall; that the second floor would be two dwelling units; that the third floor would only have one dwelling unit for the Nguyen's and their children at this time; that as the children grow older, the children would move out and live in one of the other units; that this is their cultural practice and as the children age, each one would acquire a unit on the lower level; that the Nguyen's own a business on Route 1 and would like to be closer to their business; that on the top of the house would have a 518 square foot room (Zen room); that each one of the floors would consist of 4,100 square feet; that the home would be a total of 12,100 square feet; that each unit would be designed to almost at grade so each unit would be accessible; that there would be a few steps to be able to enter each one of the units; that they are proposing one building with five units; that the project is within the growth area and is characterized as the Environmentally Sensitive Developing Area; that there is MR Zoning in the area; that the parcel is located in the State Spending Strategies Level 5; that a portion of the project is located in the AE flood zone with a base flood level of five and six and the majority of the parcel is located in the X floodplain; that there are no wetlands on the site; that the project would utilize stormwater filtration throughout; that the Applicant would manage the stormwater management on the site; that the Applicant would obtain approval from the Sussex Conservation District to maintain all stormwater on the property; that they would provide landscape buffer around the site; that there are none known historical or cultural features on the property; that the sewer would be provided by the Sussex County Engineering Department; that Tidewater Utilities would provide both domestic and fire protection; that DelDOT did not require a TIS; that the project would generate approximately 19 vehicles per day; that there were some limited conditions of approval submitted into the record; that the Nguyen's have done a lot of research on the project; that they are still working on the stormwater management and the different designs to be able to handle the water within the site; that there are no plans to rent the units; that the other units would be unfinished and open space until the children are grown and of age; and that the density is consistent with the neighborhood.

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

The Commission found that Ms. Mary Beth McDonough spoke in opposition to the application; that Ms. McDonough stated she has concerns as to whether the Applicant could possibly rent the units.

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

In reference to Change of Zone 1874, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 4-0.

The Commission held a discussion regarding Conditional Use 2164; that there were concerns with density and the design; that if the design goes through the process and would the stormwater design have an impact towards the density.

In reference to Conditional Use 2164, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 4-0.

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

The Commission held a discussion regarding the Change of Zone and the change of use; that Ms. Stevenson stated the Applicants are wanting to build a home for their family so as the children grow, and the children can stay where they are; that it is necessary to change the zoning; that why can't they build a big dwelling and into apartments as one child grows of age; that Ms. Cornwell stated the issue with one big dwelling, is that the dwelling can only have one cooking facility in the dwelling; that per the Zoning Code, if you have more than one cooking facility it is consider a multi-family dwelling; that Ordinance only permits one kitchen per dwelling; Mr. Robertson stated it is not the amount of family members living in the dwelling; that it is the concerns with culinary; that Ms. Cornwell stated if the Conditional Use is not substantially underway within three years, the use does expire; that Mr. Robertson stated the surrounding Zoning is MR; that if the Applicant requested for a single-family dwelling, they probably would not have Sussex Conservation District oversight; that the conditions that are part of the Conditional Use would it effect the adjoining neighbors; that Ms. Stevenson has concerns with the drainage; that she does not have any concerns about the style of dwelling that would be built; that the way the application was presented for a family home and all the process the Applicant had to go through and put in a parking lot with handicap parking spaces.

Ms. Stevenson moved that the Commission recommend approval of Change of Zone 1874 for Leanna and Hung Nguyen for a change in zone from AR-1 to MR Medium Density Residential based upon the record made during the public hearing and for the following reasons:

1. The site is along Old Landing Road, which has developed with a variety of housing types, including single-family homes, MR-RPC's, multi-family dwellings and manufactured home communities. MR Zoning is consistent with the development trends of this area.
2. The property to the north and east of this property was recently approved for MR Zoning. This application is a reasonable extension of that existing MR Zoning.
3. The site is in the Environmentally Sensitive Developing Area according to the current Sussex County Comprehensive Plan, which is a Growth Area. MR Zoning is appropriate in this area according to the Plan.
4. The site is served by central sewer provided by Sussex County.
5. This site is served by central water provided by a publicly regulated water system.
6. The Sussex County Zoning Code states that the purpose of MR Zoning is to provide Medium Density Residential development in areas which are, or expect to become, generally urban in character and where central water and sewer are available. Here, the property is one of the last vacant parcels in this area of Old Landing Road, and it is surrounded by MR Zoning on two sides and on the other side by manufactured home communities. It is basically an infill rezoning to MR. This location is appropriate for MR Zoning according to the stated purpose of the District.
7. The change in zone will not adversely affect neighboring properties or roadways.
8. For all of these reasons, my recommendation is to approve the application for a change in zone from AR-1 to MR.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney and applicant

Date: March 5, 2019

RE: Staff Analysis for CZ 1874 Leanna & Hung Nguyen

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1874 Leanna & Hung Nguyen to be reviewed during the March 14, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 334-19.00-1.06 to allow for change of zone from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District) to be located on Old Landing Rd. The size of the property is 1.20 ac. +/-.

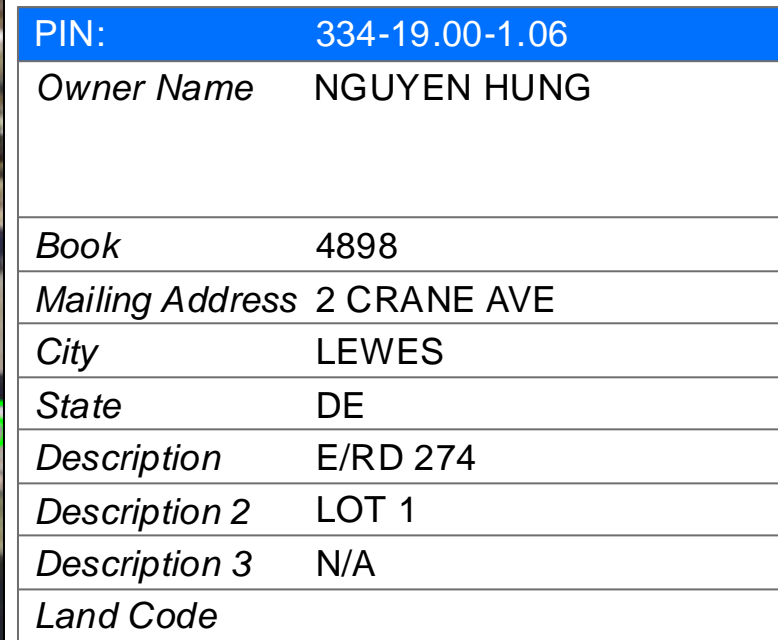
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south, east and west is Environmentally Sensitive Developing Area. The Environmentally Sensitive Developing Area land use designation recognizes that a range of housing types should be permitted including single-family, townhouses and multi-family and that office and retail uses are appropriate but larger shopping centers and office parks should be confined to access to arterial road. It also recognizes that a careful mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home. MR is a zoning district that can be considered in the Environmentally Sensitive Developing Areas land use.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and east are zoned MR (Medium-Density Residential District). The properties to the south and east are zoned AR-1 (Agricultural Residential District). There is a Conditional Use in the area (multi-family (CU 2151)).

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone to allow for a change from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District) could be considered consistent with the land use, area zoning and uses.





Override 1

Override 1

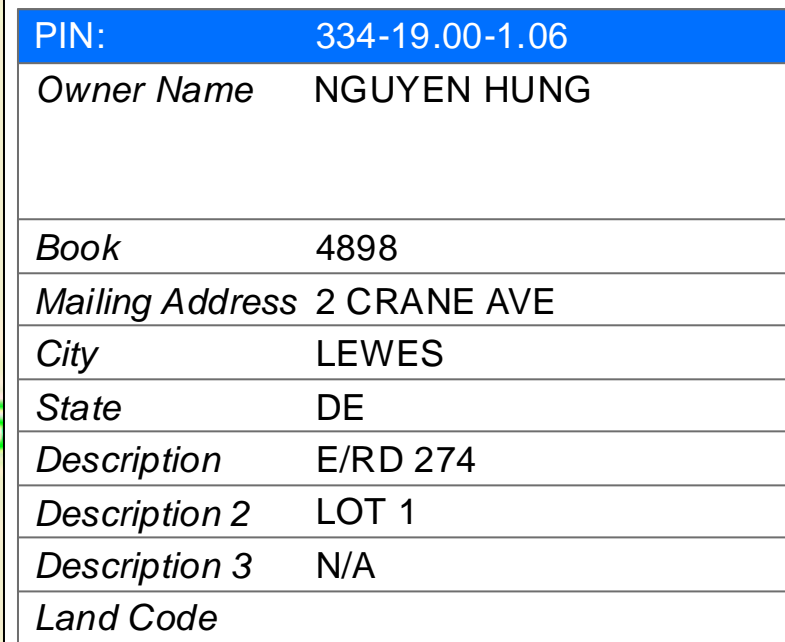
911 Address

County

 County Boundaries

1:1,128

A number line with two scales. The top scale is labeled in miles (mi) and has major tick marks at 0, 0.0125, 0.025, and 0.05. The bottom scale is labeled in kilometers (km) and has major tick marks at 0, 0.02, 0.04, and 0.08. Vertical lines connect the corresponding tick marks between the two scales, showing that 0.0125 miles is equivalent to 0.02 kilometers, 0.025 miles is equivalent to 0.04 kilometers, and 0.05 miles is equivalent to 0.08 kilometers.



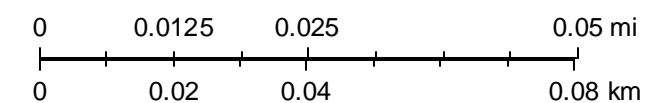
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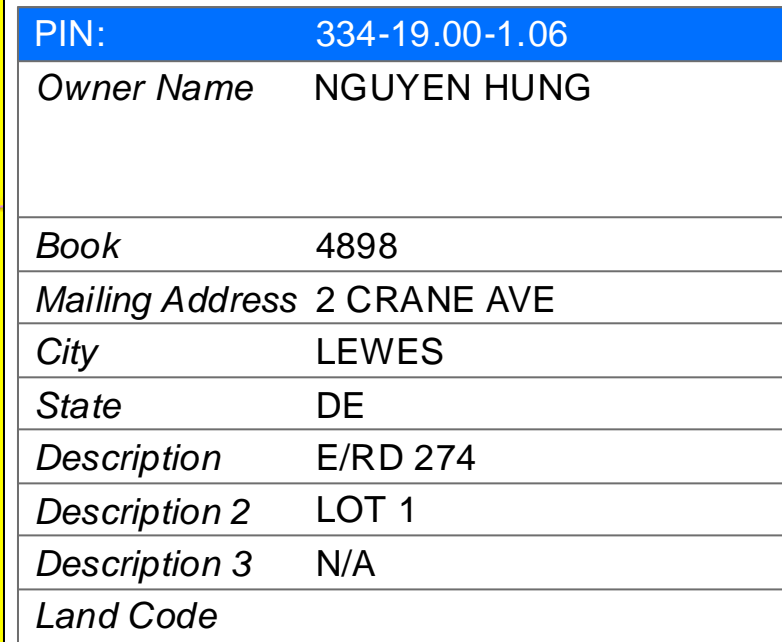
Override 1

— Streets

 County Boundaries

1:1,128





— Streets

Introduced 12/11/18

**Council District No. 4 - Cole
Tax I.D. No. 334-19.00-1.06
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS

WHEREAS, on the 20th day of November 2018, a zoning application, denominated Change of Zone No. 1874, was filed on behalf of Leanna and Hung Nguyen; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1874 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying at the northeast corner of Old Landing Road and Marine Drive and being more particularly described in the attached legal description prepared by Hudson Jones Jaywork & Fisher, said parcel containing 1.2 acres, more or less.

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

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 10, 2019

RE: County Council Report for CU 2164 Leanna & Hung Nguyen

The Planning and Zoning Department received an application (CU 2164 Leanna & Hung Nguyen) to allow for a Conditional Use to allow for multi-family for parcel 334-19.00-10.06 to be located on Old Landing Rd. The Planning and Zoning Commission held a public hearing on March 14, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

At the request of the applicant, the Commission agreed to consolidate the next two items C/Z #1874 and C/U #2164 into one public hearing. Chairman Wheatley explained that, although the two applications will be heard together that there would ultimately be two votes, one for each application, when any action is taken by the Commission.

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

The Commission found that Mr. Mark Davidson with Pennoni Associates, Leanna Nguyen and Hung Nguyen, the Applicants and Alan Decktor with Pennoni Associates were present on behalf of the application; that Mr. Davidson stated this is an application for a Change in Zone from AR-1 (Agricultural Residential District) to MR (Medium Density Residential); that the land is located in the Environmentally Sensitive Developing District Overlay Zone; that the proposed Conditional Use is for a multi-family structure; that the project is located on 1.3 acres; that the property is located almost at the end of Old Landing Road; that the property is adjacent to the north and east of Mr. Warrington's property which was approved to rezone the property to MR with a Conditional Use for 22 multi-family units; that to the south of the site is a mobile home park which is non-conforming; that the property is currently vacant; that the project is in character with the neighborhood; that they are proposing five units within the dwelling; that there are no wetlands on the property; that there is approximately 60% to 70% of open space and the density is 3.85 units per acre; that Mr. Warrington's property had a density of 3.93 units per acre; that the Sawgrass Subdivision is in the area and has a density of 3.68 units per acre; that the mobile home park has a density of 3.2 units per acre and Port



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

Delmarva has a density of 9.87 units per acre; that the proposed style of home is Vietnamese style single-family attached building that provides for five dwelling units within one building for the family; that the first level would be two dwelling units; that the building would be 3 ½ stories tall; that the second floor would be two dwelling units; that the third floor would only have one dwelling unit for the Nguyen's and their children at this time; that as the children grow older, the children would move out and live in one of the other units; that this is their cultural practice and as the children age, each one would acquire a unit on the lower level; that the Nguyen's own a business on Route 1 and would like to be closer to their business; that on the top of the house would have a 518 square foot room (Zen room); that each one of the floors would consist of 4,100 square feet; that the home would be a total of 12,100 square feet; that each unit would be designed to almost at grade so each unit would be accessible; that there would be a few steps to be able to enter each one of the units; that they are proposing one building with five units; that the project is within the growth area and is characterized as the Environmentally Sensitive Developing Area; that there is MR Zoning in the area; that the parcel is located in the State Spending Strategies Level 5; that a portion of the project is located in the AE flood zone with a base flood level of five and six and the majority of the parcel is located in the X floodplain; that there are no wetlands on the site; that the project would utilize stormwater filtration throughout; that the Applicant would manage the stormwater management on the site; that the Applicant would obtain approval from the Sussex Conservation District to maintain all stormwater on the property; that they would provide landscape buffer around the site; that there are none known historical or cultural features on the property; that the sewer would be provided by the Sussex County Engineering Department; that Tidewater Utilities would provide both domestic and fire protection; that DelDOT did not require a TIS; that the project would generate approximately 19 vehicles per day; that there were some limited conditions of approval submitted into the record; that the Nguyen's have done a lot of research on the project; that they are still working on the stormwater management and the different designs to be able to handle the water within the site; that there are no plans to rent the units; that the other units would be unfinished and open space until the children are grown and of age; and that the density is consistent with the neighborhood.

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

The Commission found that Ms. Mary Beth McDonough spoke in opposition to the application; that Ms. McDonough stated she has concerns as to whether the Applicant could possibly rent the units.

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

In reference to Change of Zone 1874, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 4-0.

The Commission held a discussion regarding Conditional Use 2164; that there were concerns with density and the design; that if the design goes through the process and would the stormwater design have an impact towards the density.

In reference to Conditional Use 2164, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 4-0.

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

Ms. Stevenson moved that Commission recommend approval of Conditional Use 2164 for Leanna and Hung Nguyen for multi-family dwellings in an MR (Medium Density Residential District) based upon the record made at the public hearing and for the following reasons:

1. This application seeks the approval of 5 multi-family units on approximately 1.20 acres.
2. The proposed density is approximately 3.85 units per acre. This density is appropriate within the MR Zone, which permits up to 4 units per acre.
3. The property is in an area where other residential development has occurred, including the adjacent Warrington property, which is a density of approximately 3.93 units per acre. The area also includes the Sawgrass MR/RPC with 282 units and other single family and multi-family developments. It is also next to two manufactured home communities. One has 474 units and a density of 3.2 units per acre and the other is 144 units with a total density of 9.87 units per acre. This project is basically an infill development and it is consistent with these nearby uses.
4. The site is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this area according to the Plan, which states that “a range of housing types” are acceptable here.
5. The proposed development will not have an adverse impact on the neighboring properties or roadways.
6. The development will be served by central sewer provided by Sussex County.
7. The development will be served by central water.
8. This recommendation is subject to the following conditions:
 - A. The maximum number of residential units shall be 5.
 - B. All entrance, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - C. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - D. The project shall be served by central water to provide drinking water and fire protection.
 - E. The Applicants have proposed a 20-foot wide vegetated buffer in accordance with Section 115-218 of the Zoning Code. There shall be a vegetated or forested buffer of at least 20-feet in width around the entire perimeter of the project, with the exception of entrances area to the project.
 - F. 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.
 - G. Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 am and 5:00 pm, Monday through Friday, and between 8:00 am and 2:00 pm on Saturdays. There shall be no construction activities at the site on Sundays.
 - H. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - I. The Applicants have proposed a unique design of the proposed building that includes substantial changes to the current grade of the property. These grade changes will have a significant impact on runoff and stormwater management on the property. The stormwater management system shall be carefully designed in cooperation with the Sussex Conservation District to meet or exceed the requirements of the State and County and shall not permit runoff from this property onto neighboring properties. It shall be constructed and maintained using Best Management Practices.

- J. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- K. This project shall not become a dormitory, boarding house or similar type of use and must comply at all times with the occupancy requirements for multi-family dwellings set forth in the Zoning Code.
- L. All streetlights shall be downward screened so that they do not shine on neighboring properties or roadways.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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(302) 854-5079 F



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney and applicant

Date: March 5, 2019

RE: Staff Analysis for CU 2164 Leanna & Hung Nguyen

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2164 Leanna & Hung Nguyen to be reviewed during the March 14, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 334-19.00-1.06 to allow for multi-family to be located on Old Landing Rd. The size of the property is 1.20 ac. +/-.

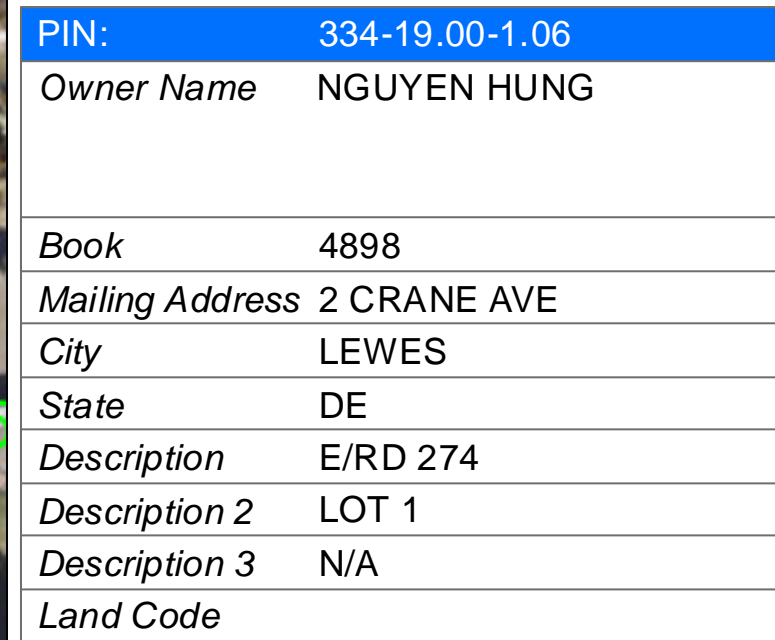
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south, east and west is Environmentally Sensitive Developing Area. The Environmentally Sensitive Developing Area land use designation recognizes that a range of housing types should be permitted including single-family, townhouses and multi-family and that office and retail uses are appropriate but larger shopping centers and office parks should be confined to access to arterial road. It also recognizes that a careful mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and east are zoned MR (Medium-Density Residential District). The properties to the south and east are zoned AR-1 (Agricultural Residential District). There is a Conditional Use in the area (multi-family (CU 2151)).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow multi-family could be considered consistent with the land use, area zoning and uses.





Override 1

Override 1

911 Address

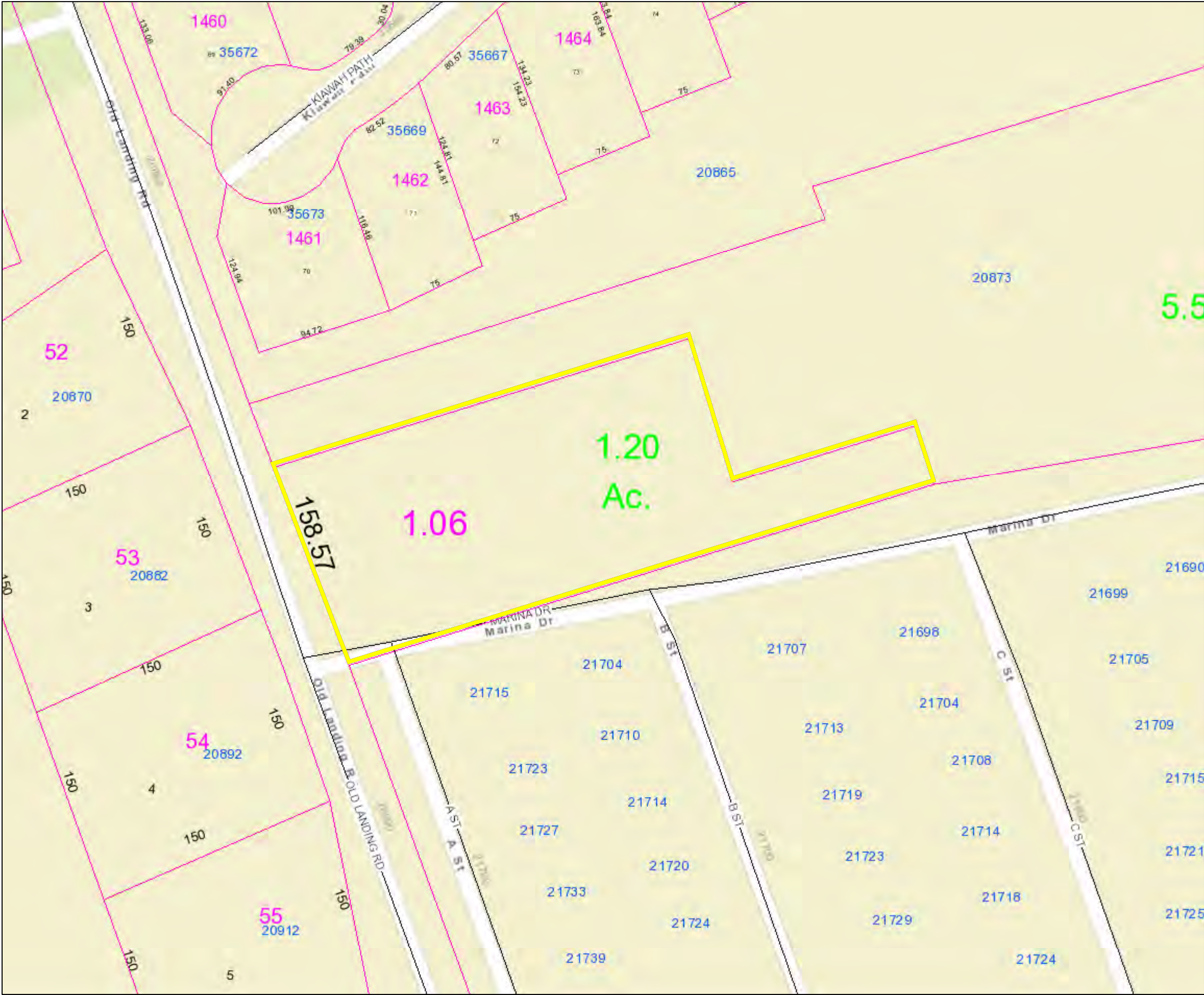
County

1:1,128

A horizontal number line with two scales. The top scale is labeled in miles (mi) and has major tick marks at 0, 0.0125, 0.025, and 0.05. The bottom scale is labeled in kilometers (km) and has major tick marks at 0, 0.02, 0.04, and 0.08. Vertical lines connect the corresponding tick marks between the two scales, showing that 0.0125 miles is equivalent to 0.02 kilometers, 0.025 miles is equivalent to 0.04 kilometers, and 0.05 miles is equivalent to 0.08 kilometers.



Sussex County



PIN:	334-19.00-1.06
Owner Name	NGUYEN HUNG
Book	4898
Mailing Address	2 CRANE AVE
City	LEWES
State	DE
Description	E/RD 274
Description 2	LOT 1
Description 3	N/A
Land Code	

polygonLayer

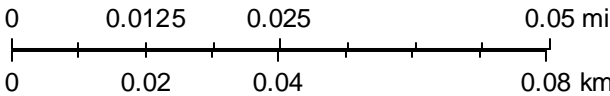
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polygonLayer

Override 1

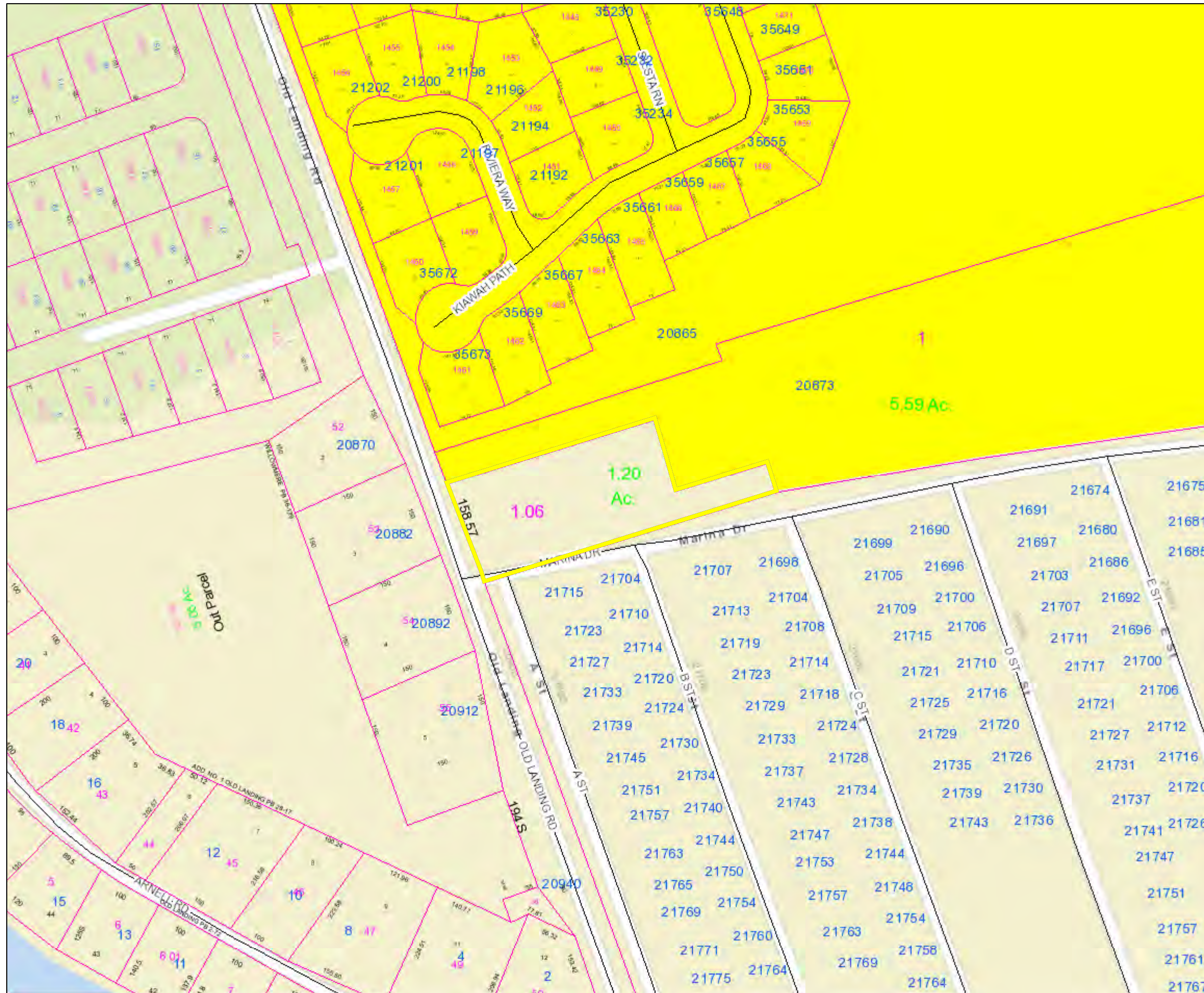
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:1,128





Sussex County



PIN:	334-19.00-1.06
Owner Name	NGUYEN HUNG
Book	4898
Mailing Address	2 CRANE AVE
City	LEWES
State	DE
Description	E/RD 274
Description 2	LOT 1
Description 3	N/A
Land Code	


polygonLayer


Override 1

polygonLayer

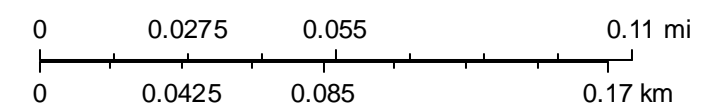
Override 1

 Tax Parcels

 911 Address

 Streets

1:2,257



Introduced 12/11/18

**Council District No. 4 – Cole
Tax I.D. No. 334-19.00-1.06
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM - DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS

WHEREAS, on the 20th day of November 2018, a conditional use application, denominated Conditional Use No. 2164, was filed on behalf of Leanna and Hung Nguyen; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2164 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2164 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast corner of Old Landing Road and Marina Drive and being more particularly described in the attached legal description prepared by Hudson Jones Jaywork & Fisher, said parcel containing 1.2 acres, more or less.

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

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 10, 2019

RE: County Council Report for CU 2165 Vanderwende Acres, LLC

The Planning and Zoning Department received an application (CU 2165 Vanderwende Acres, LLC) to allow for a Conditional Use to allow for event venue for parcel 531-6.00-72.00 to be located at 22304 Atlanta Rd. The Planning and Zoning Commission held a public hearing on March 14, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

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

The Commission found that Mr. D. J. Hughes with Davis, Bowen, and Friedel and Mr. Zac Crouch with Davis, Bowen, and Friedel were present on behalf of the application; that Mr. Hughes stated the proposed conditional use area is 8.99 acres; that the proposed conditional use is for a special event venue; that there are 40 parking spaces in the area and there is ample room for overflow parking; that there is a long drive that goes back to the property and there would be no issues of vehicles stacking out on the main road; that there are no homes within a ¼ mile of the site; that there are no known wetlands on the site; that DelDOT did not require a TIS; that they have received approval from the Office of State Fire Marshal; that the Applicant owns the land on both sides of the proposed conditional use area; that the barn sits back away from the road; and that the proposed use, as per Fire Marshall requirements, is only for the first-floor of the barn and not the second floor.

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

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

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

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



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GEORGETOWN, DELAWARE

Mr. Hopkins moved that Commission recommend approval of Conditional Use 2165 for Vanderwende Acres, LLC for an event venue based upon the record made at the public hearing and for the following reasons:

1. The site is an 8.99-acre parcel of land owned by the applicant. It is surrounded by farmland owned by the family that owns the LLC that is the applicant here. This use will occur within a renovated barn and the surrounding area, including pavilions.
2. The use is an extension of the historical agricultural use of this property and it is consistent with the surrounding farmland.
3. The applicant intends to hold events that include weddings, birthday parties, and similar events.
4. The site will have 40 parking spaces, plus plenty of room for overflow parking.
5. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.
6. This use promotes agricultural activities in Sussex County and is an innovative agritourism destination.
7. No parties appeared in opposition to this application.
8. This recommendation is subject to the following conditions:
 - A. Food and beverage service and music or similar entertainment is permitted.
 - B. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
 - C. All entrance locations shall be subject to the review and approval of DelDOT.
 - D. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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(302) 854-5079 F



Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney and applicant

Date: March 5, 2019

RE: Staff Analysis for CU 2165 Vanderwende Acres, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2165 Vanderwende Acres, LLC to be reviewed during the March 14, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for a portion of parcel 531-6.00-72.00 to allow for an event venue to be located at 22304 Atlanta Rd. The size of the property to be used as the Conditional Use is 8.99 ac. +/-.

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

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

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

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow an event venue could be considered consistent with the land use, area zoning and uses.





Sussex County



PIN:	531-6.00-72.00
Owner Name	VANDERWENDE ACRES LLC
Book	4674
Mailing Address	5067 SCOTTS STORE RD
City	BRIDGEVILLE
State	DE
Description	RD SEAFORD TO WESLEY
Description 2	CHURCH
Description 3	FX
Land Code	

- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
- Streets
- Zoning**

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

General Commercial - C-1

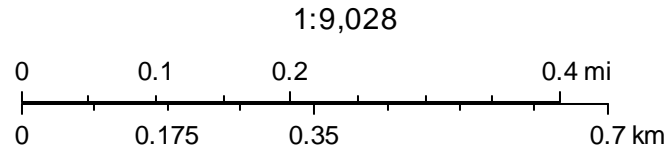
Commercial Residential - CR-1

Marine - M

Limited Industrial - LI-1

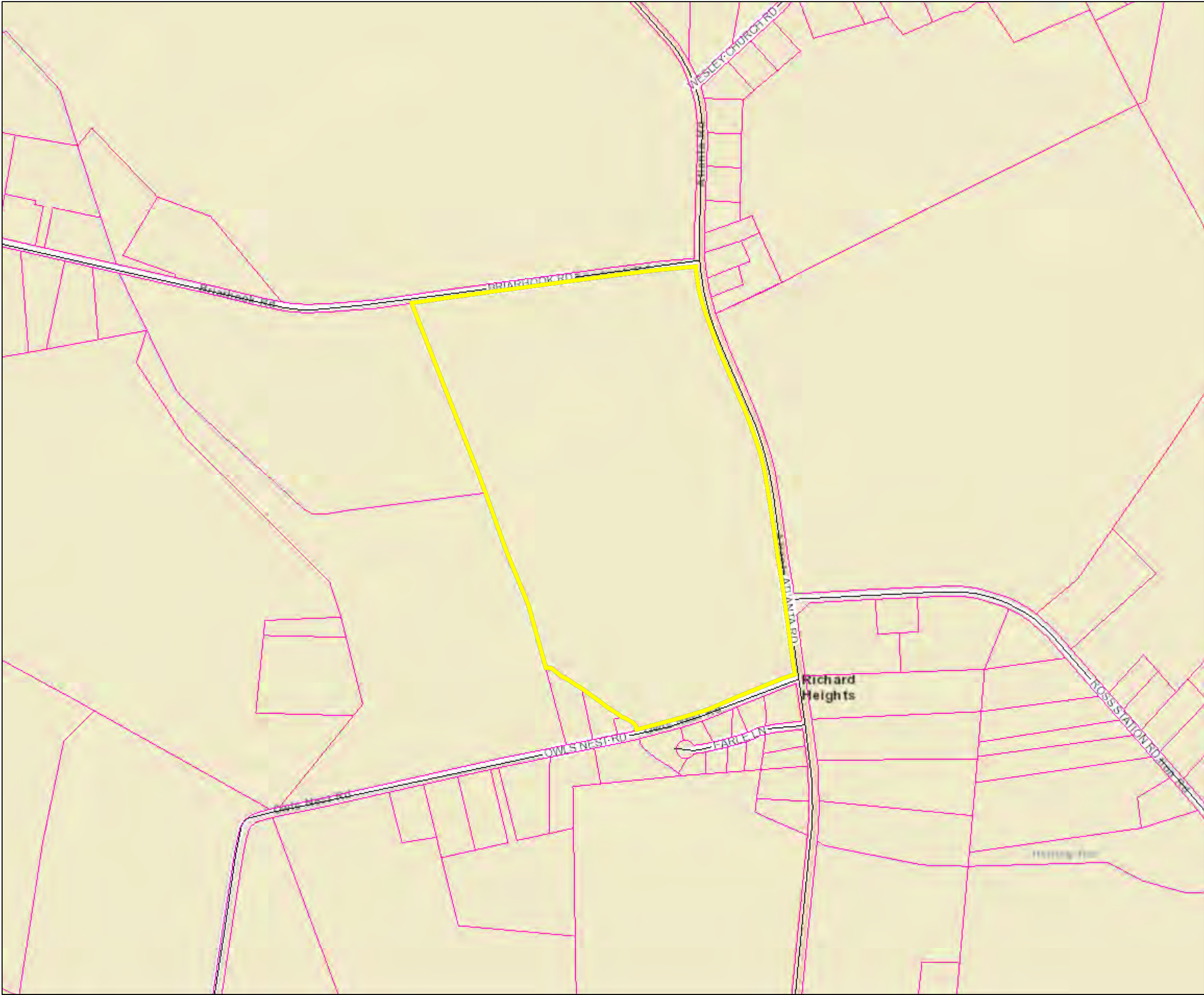
Limited Industrial - LI-2

Heavy Industrial - HI-1





Sussex County



PIN:	531-6.00-72.00
Owner Name	VANDERWENDE ACRES LLC
Book	4674
Mailing Address	5067 SCOTTS STORE RD
City	BRIDGEVILLE
State	DE
Description	RD SEAFORD TO WESLEY
Description 2	CHURCH
Description 3	FX
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets
- Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

General Commercial - C-1

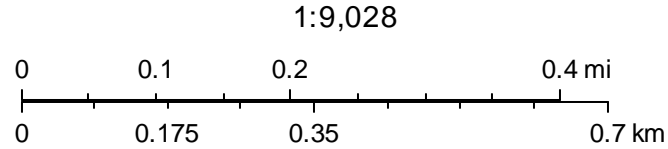
Commercial Residential - CR-1

Marine - M

Limited Industrial - LI-1

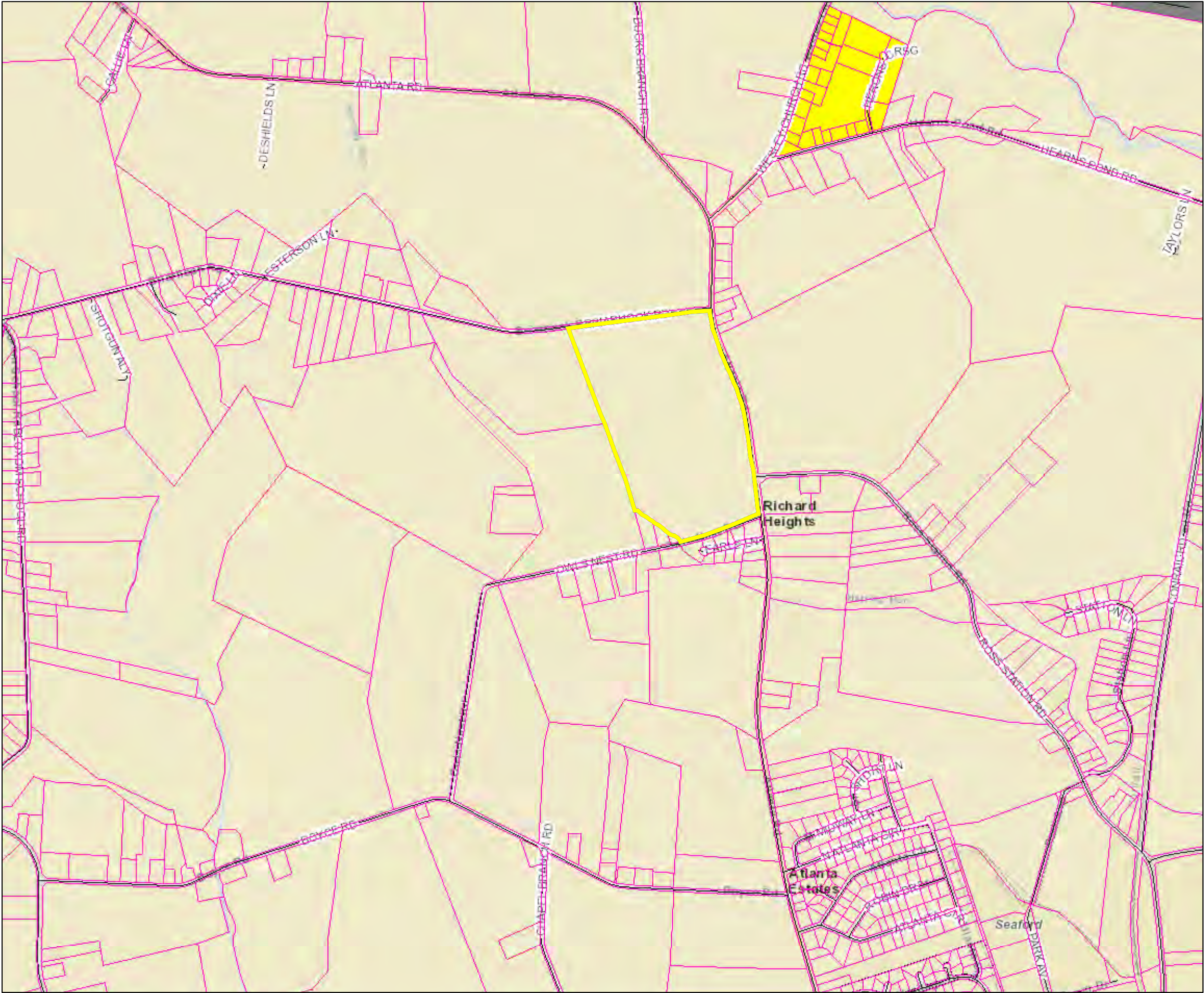
Limited Industrial - LI-2

Heavy Industrial - HI-1





Sussex County



PIN:	531-6.00-72.00
Owner Name	VANDERWENDE ACRES LLC
Book	4674
Mailing Address	5067 SCOTTS STORE RD
City	BRIDGEVILLE
State	DE
Description	RD SEAFORD TO WESLEY
Description 2	CHURCH
Description 3	FX
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels

Streets
- Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

General Commercial - C-1

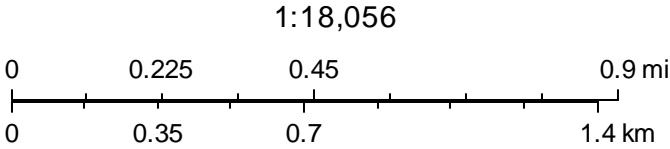
Commercial Residential - CR-1

Marine - M

Limited Industrial - LI-1

Limited Industrial - LI-2

Heavy Industrial - HI-1



Introduced 1/08/19

**Council District No. 1 - Vincent
Tax I.D. No. 531-6.00-72.00 (portion of)
911 Address: 22304 Atlanta Road, Seaford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.99 ACRES, MORE OR LESS

WHEREAS, on the 7th day of December 2018, a conditional use application, denominated Conditional Use No. 2165, was filed on behalf of Vanderwende Acres, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2165 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2165 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 the southwest corner of Briarhook Road and Atlanta Road also being the northwest corner of Atlanta Road and Owls Nest Road and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, said parcel containing 8.99 acres, more or less.

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

JANELLE M. CORNWELL, AICP
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janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 10, 2019

RE: County Council Report for CU 2172 Iris Downing

The Planning and Zoning Department received an application (CU 2172 Iris Downing) to allow for a Conditional Use to allow for a transitional home for parcel 230-26.20-18.00 to be located 18366 Wild Cherry St. The Planning and Zoning Commission held a public hearing on March 14, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, Site Plan, the results from DelDOT Service Level Evaluation request confirming that a Traffic Impact Study ("TIS") was not required and comments from Sussex Conservation District.

The Commission found that Ms. Iris Downing, the Applicant and Mr. John Roach with John B. Roach Engineering; that Ms. Downing stated she is requesting a Conditional Use for a transitional home to help the homeless; that the transitional home would be a private home; that the proposed transitional home would have up to 10 rooms; that proposed transitional home would provide support for education, housing, and to be able to give support as needed; that once the home is renovated, it would include security, staff to accommodate residents' needs, transportation, and computers to help find employment; that Mr. Roach stated the home was once used as a daycare facility with a Special Use Exception, but it is no longer being used as one now; that there are single-family residents in the area; that there is a daycare in the area; that there would be 24-hour staffing each day; that the staffing would include herself and others; that Applicant is working with a person who has a shelter and they have been working on guidelines to determine whom can stay at the shelter and whom can not stay at the shelter; that the Applicant has talked to her neighbors and have made them aware of the proposal; that there is security on the site; that there would be adequate parking; that there is a DART bus stop in the area; that Mr. Roach stated the Applicant would use the existing driveway for a parking lot; that Ms. Downing stated she would not like a sign and would try to keep the home private; that she would start out with five or six people and the maximum would eight; that she would have twelve to four staff members including herself; and that there would be someone present on-site at all times.

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

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



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

The Commission held a discussion regarding Conditional Use 2172; that there were potential concerns with how the use was to be managed, and that the overall use was a beneficial one.

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

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

The Commission held a discussion regarding the Conditional Use; that Mr. Hopkins stated he had concerns with the term of duration the residents can stay; that should there be a limit on the duration of stay and is so, what should the limit be; that Mr. Robertson stated he had talk with the Sussex County Community Division because they interact with transitional housing and homelessness issues; that some of the conditions in the motion reflect the issues; that this be a transitional home and not permanent resident for anyone; that range of housing could be three to six months and up to 12 to 18 months; that the Applicant has partnered with a local organization that is familiar with homelessness and to assist in the qualification, referral and placement of residents in the home; that this is needed in Sussex County; that there were concerns about signage; that if this is a referral program and there is a waiting list; and that the signage may impact the people also in need of it and has gone through the qualification process.

Mr. Hopkins moved that Commission recommend approval of Conditional Use 2072 for Iris Downing for a transitional home based upon the record made at the public hearing and for the following reasons:

1. The Applicant is proposing a transitional housing facility to provide housing, food, transportation, employment and counseling assistance to homeless residents of Sussex County. The housing will be on a temporary or a transitional basis until the residents can find more permanent housing.
2. The use is of a public or semi-public character in that it provides a service to homeless residents of Sussex County. This is an important service, and there is a great need for it in Sussex County.
3. The application is for a site that has been approved for a daycare center. This use will be no more intensive than the prior use.
4. There was no evidence that the use will adversely affect neighboring properties.
5. The site will have little or no impact upon traffic or area roadways.
6. No parties appeared in opposition to this application.
7. The use will be served by central sewer provided by Sussex County.
8. This recommendation is subject to the following conditions:
 - A. Transitional housing shall be available on this site to no more than 12 individuals, plus the staff required to operate the facility.
 - B. As proposed by the Applicants, the housing will be on a temporary or transitional basis and it shall not become a long-term boarding house. No residents shall remain in the home for more than 18 months, except for support staff.
 - C. The use shall maintain its residential appearance.
 - D. The facility shall be staffed on a 24-hour, 7 day per week basis to control compliance with the occupancy limitations and to ensure that it is operated in a clean and organized manner at all times.

- E. The use shall comply with all Sussex County parking requirements.
- F. The site shall comply with any requirements of the Sussex Conservation District.
- G. No signage shall be permitted.
- H. As stated by the Applicant, staff at the home shall partner with a local organization familiar with homeless to assist in the qualification, referral, and placement of residents to the home.
- I. The operator of the home shall comply with all Federal, State, and local laws governing the operation of the home.
- J. The site shall comply with all requirements of the Delaware Department of Transportation.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney and applicant

Date: March 5, 2019

RE: Staff Analysis for CU 2172 Iris Downing

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2172 Iris Downing to be reviewed during the March 14, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 230-26.20-18.00 to allow for a transitional home to be located at 18366 Wild Cherry St. The size of the property is 0.3028 ac. +/-.

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

The surrounding land use to the north, south, and west is Developing Area. The land uses to the east is Developing Area and within the Town of Ellendale. The Developing Area land use designation recognizes that a range of housing types should be permitted including single-family, townhouses and multi-family and that variety of office and retail uses would be appropriate in many areas and that business and industrial parks with good road access would be appropriate. It also recognizes that mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home.

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

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow transitional home could be considered consistent with the land use, area zoning and uses.





Sussex County



PIN:	230-26.20-18.00
Owner Name	DOWNING EARL & IRIS DOWNING
Book	1178
Mailing Address	18366 WILD CHERRY ST
City	ELLENDALE
State	DE
Description	WALKER ACRES
Description 2	LOT 33
Description 3	S/WILD CHERRY ST.
Land Code	

polygonLayer

Override 1

polygonLayer

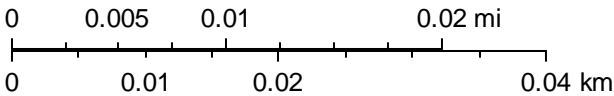
Override 1

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Young Farmers Loan

Forest Land Preservation

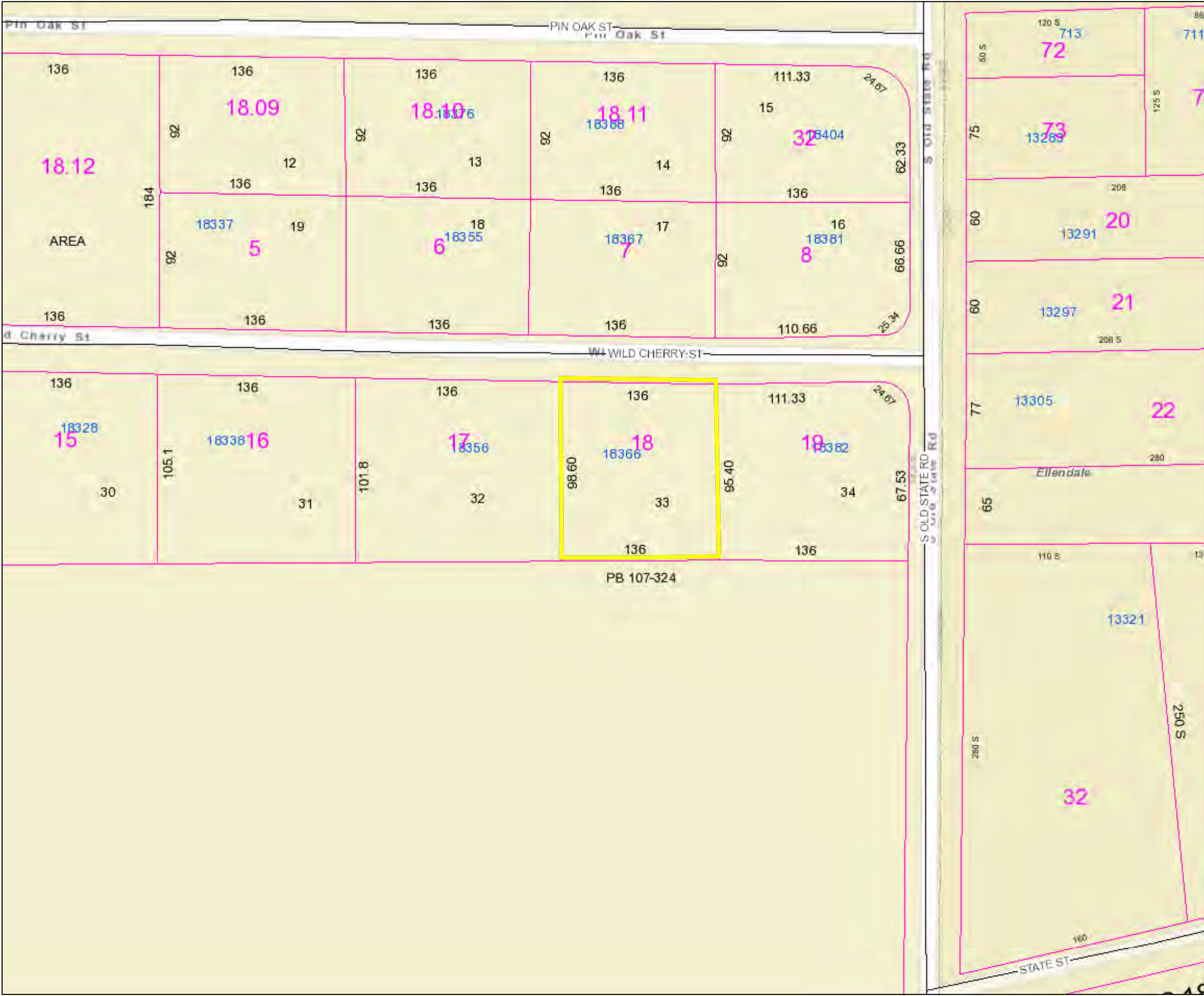
- Forestland Preservation Area
- Forestland Preservation Easement
- Municipalities

1:564





Sussex County



PIN:	230-26.20-18.00
Owner Name	DOWNING EARL & IRIS DOWNING
Book	1178
Mailing Address	18366 WILD CHERRY ST
City	ELLENDALE
State	DE
Description	WALKER ACRES
Description 2	LOT 33
Description 3	S/WILD CHERRY ST.
Land Code	

polygonLayer

Override 1

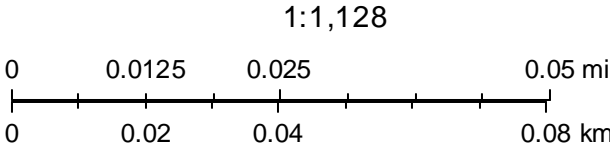
polygonLayer

Override 1

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Young Farmers Loan

Forest Land Preservation

- Forestland Preservation Area
- Forestland Preservation Easement
- Municipalities





Sussex County

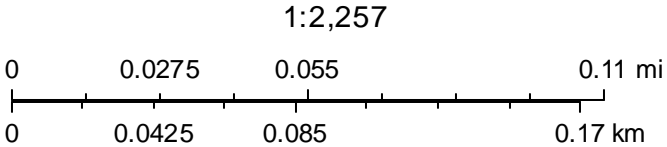


PIN:	230-26.20-18.00
Owner Name	DOWNING EARL & IRIS DOWNING
Book	1178
Mailing Address	18366 WILD CHERRY ST
City	ELLENDALE
State	DE
Description	WALKER ACRES
Description 2	LOT 33
Description 3	S/WILD CHERRY ST.
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets



Introduced 1/29/19

Council District No. 2 - Wilson

Tax I.D. No. 230-26.20-18.00

911 Address: 18366 Wild Cherry Street, Ellendale

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRANSITIONAL HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.3028 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of January 2019, a conditional use application, denominated Conditional Use No. 2172, was filed on behalf of Iris Downing; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2172 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2172 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the south side of Wild Cherry Street approximately 141 feet west of S. Old State Road and being more particularly described in the attached legal description prepared by the United States Department of Agriculture, said parcel containing 0.3028 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.