



Sussex County Council Public/Media Packet

**MEETING:
May 10, 2022**

****DISCLAIMER****

This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.

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

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

MAY 10, 2022

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes – April 26, 2022

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Sewer Infrastructure Agreement, IUA 873
Bay Knolls, Fenwick Island Area**
2. **Use of Existing Sewer Infrastructure Agreement, IUA 1141
Scenic Manor, Mulberry Knoll Area**

Todd Lawson, County Administrator

1. **Proclamation – EMS Week**
2. **Proclamation – Community Action Month**
3. **Administrator's Report**



Christopher Keeler, Director of Assessment

1. **Reassessment Update**
2. **Recommendation and Possible Action to Enter into an Agreement for Building Outline Pictometry**

John Ashman, Senior Manager of Utility Planning & Design Review

1. **Resolution Establishing the Indian River Acres Area**

10:30 a.m. Public Hearings

1. **Brookland Farm Annexation into the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area)**
2. **The Knoll Annexation into the Sussex County Unified Sanitary Sewer District (Holt's Landing Area)**

Hans Medlarz, County Engineer

1. **South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2**
 - A. **General Construction, Project C19-11 Change Order No. 22**
 - B. **Electrical Construction, Project C19-17, Change Order No. 17**
2. **Bulk Delivery of Sodium Hypochlorite, Project M22-29**
 - A. **Recommendation to Award**
3. **Western Sussex Area of the Unified Sanitary Sewer District**
 - A. **Recommendation to Award Contract 5 – Segment C Rebid, Project S19-29**
 - B. **Davis, Bowen & Friedel, Inc. – Amendment No. 4**
4. **Georgetown Water Interconnection & Wastewater Redirection, Project A21-02**
 - A. **Davis, Bowen & Friedel, Inc. – 2019 Misc. Eng. Base Contract Amendment No. 6 – Water Interconnection & Wastewater Redirection Inspection Services**
 - B. **Teal Construction, Inc. - Wastewater Redirection Directional Drill Award**
5. **Mallard Creek Sewer Expansion, Project S20-26**
 - A. **Recommendation to Award**
 - B. **GMB amendment No. 1**
6. **Sale of County Owned Parcel 334-5.00-178.01**

Grant Requests

1. Lewes Historical Society for their Canalfront Maritime Museum Initiative
2. Town of Laurel for the Independence Day Committee's July 4th fireworks display

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

Conditional Use No. 2290 filed on behalf of Toback Development, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CONTRACTOR FLEX SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS” (property lying on the west side of the intersection of Lewes Georgetown Highway [Route 9] and Prettyman Road [S.C.R. 254]) (911 Address: N/A) (Tax Parcel: 235-30.00-6.21 [portion of])

Conditional Use No. 2315 filed on behalf of American Storage of Delaware, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” (property lying on the west side of John J. Williams Highway [Route 24], approximately 0.25 mile south of the intersection of Autumn Road [S.C.R. 299] and Bay Farm Road [Route 299]) (911 Address: N/A) (Tax Parcels: 234-29.00-49.02 [portion of], 49.03 & 50.00)

Change of Zone No. 1954 filed on behalf of American Storage of Delaware, LLC

“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 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS” (property lying on the west side of John J. Williams Highway [Route 24], approximately 0.25 mile south of the intersection of Autumn Road [S.C.R. 299] and Bay Farm Road [Route 299]) (911 Address: N/A) (Tax Parcel: 234-29.00-49.02 [portion of])

Change of Zone No. 1955 filed on behalf of American Storage of Delaware, LLC

“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 PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” (property lying on the west side of John J. Williams Highway [Route 24] approximately 0.25 mile south of the intersection of Autumn Road [S.C.R. 299] and Bay Farm Road [Route 299]) (911 Address: N/A) (Tax Parcels: 234-29.00-49.02 [portion of], 49.03 & 50.00)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 3, 2022 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 26, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 26, 2022, at 10:00 a.m., in Council Chambers, with the following present:

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

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Vincent. Mr. Vincent called the meeting to order.
M 164 22 Approve Agenda	A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda as presented. Motion Adopted: 5 Yeas. Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
Minutes	The minutes of the April 5, 2022 meeting were approved by consensus.
Correspondence	There was no correspondence. Public Comments were heard.
Public Comment	Mr. Moore read a statement received from Mr. Howard Lee Gorrell. Mr. Gorrell wrote about Sussex senior citizens that are sacrificing their retirement to help local businesses and requested Council's consideration of recognizing county retirees. Ms. Adele Jones spoke about her concerns of the overdevelopment in Sussex County.
Presentation Joshua M. Freeman Foundation	Ms. Patti Grimes, Executive Director of the Joshua M. Freeman Foundation gave a presentation providing an update of the state of the arts and the impact that the organization has had over the years. Ms. Grimes thanked the Council for their support of the foundation.

**M 165 22
Approve
Consent
Agenda Item**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to approve the following items listed under the Consent Agenda:

**Use of Existing Sewer Infrastructure Agreement
Estuary Phase 4 & Oak Acres (County), Miller Creek Area**

**Use of Existing Sewer Infrastructure Agreement, IUA 807-1
Oyster House Village, West Rehoboth Area**

Motion Adopted: 5 Yeas.

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

**Tribute/
Cape
Henlopen**

A Tribute was presented to the Cape Henlopen High School Cheerleading Squad honoring them for achieving the 2022 DSCA State Championship title.

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Acadia Landing – Phase 1B (Construction Record) and Oyster House Village – Phase 3A (Construction Record) received Substantial Completion effective April 6th and April 11th respectively.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for March 2022 is attached listing the number of violent crimes arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 188 troopers assigned to Sussex County for the month of March.

3. Sussex County Council FY 2023 Budget Workshop

On Tuesday, May 3rd, the Sussex County Council will meet for its annual budget workshop. The Fiscal Year 2023 Budget Workshop will be held at 9:00 a.m. at the Sussex County West Complex. The next regularly scheduled County Council meeting will be held on Tuesday, May 10th, at 10:00 a.m.

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

Dewey Beach Station Lease Agreement

Robbie Murray, Emergency Medical Services Director presented a lease agreement with the Town of Dewey Beach to support the expansion of seasonal paramedic services along the coastal community for Council's consideration. The agreement would allow for a single person only daytime unit from Memorial Day until Labor Day. Mr. Murray explained that last summer the department experienced significant increases in response to the Lewes and Rehoboth fire districts. The agreement includes a cost of \$500 per year to help offset utility costs.

M 166 22 Approval of Dewey Beach Station Lease Agreement

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that Sussex County enter into the proposed lease agreement with the Town of Dewey Beach to support the expansion of seasonal paramedic service along the coastal community.

Motion Adopted: 5 Yeas.

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

Eastern Shore Poultry Company, Inc. Lease Renewal

Bill Pfaff, Economic Development Director presented two leases for the Delaware Coastal Business Park for Council's consideration.

The first lease presented is for Eastern Shore Poultry Company, Inc. for an extension; they have been in the park since 1992. This is their third amendment to their lease extension; the request is for a ten-year extension.

M 167 22 Approval of Lease Extension/ Eastern Shore Poultry Company, Inc. Lease

A Motion was made by Mr. Rieley, seconded by Mr. Hudson that the Sussex County Council approve the lease renewal with Eastern Shore Poultry Company, Inc., located in the Delaware Coastal Business Park, 21724 Broad Creek Ave., Georgetown, DE. The term of the lease shall be ten (10) years, with CPI rent adjustment made in five (5) years.

Motion Adopted: 5 Yeas.

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

JDJS, LLC/ Jenny Gems/ Lease Agreement

The second lease presented was for JDJS, LLC (dba) JennyGems, a new tenant to the park. The lease will be for thirty years (30) with two additional five-year (5) renewals with CPI rent adjustments every five (5) years.

M 168 22 Approval of Lease/JDJS, LLC/Jenny

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley that the Sussex County Council approve the lease agreement with JDJS, LLC (dba) JennyGems in the Delaware Coastal Business Park, located at 21348 Cedar Creek Ave., Georgetown, DE. The term of the lease shall be thirty (30) years with two a (2) additional five (5) year renewals, with CPI rent adjustments

Gems every five (5) years.

Motion Adopted: 5 Yeas.

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

Proposed Ordinance Mulberry Knoll Hans Medlarz, County Engineer presented for consideration a Proposed Ordinance to authorize the issuance of up to \$1,329,000 of general obligation bonds of Sussex County in connection with increased costs with the Mulberry Knoll Sewer District Project and authorizing all necessary actions in connection therewith.

Introduction of Proposed Ordinance Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,329,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

The Proposed Ordinance will be advertised for Public Hearing.

Chapel Green/Project S20-16 Hans Medlarz, County Engineer presented a recommendation to award Project S20-16, Chapel Green, Conley’s Chapel Village & Wil King Road South Area for Council’s consideration.

M 169 22 Project S20-16 Approval A Motion was made by Mr. Schaeffer, seconded by Mrs. Green that based upon the recommendation of the Sussex County Engineering Department, that Contract S20-16, Chapel Green, Conley’s Chapel Village & WIL Road South Area, be awarded to Pact One, LLC for Bid Alternates B, C, & D in the amount of \$2,129,050.00.

Motion Adopted: 5 Yeas.

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

FEMA Mitigation Grant/25867 Berry Street Hans Medlarz, County Engineer presented a FEMA Mitigation Grant contract award for 25867 Berry Street, Long Neck for Council’s consideration.

M 170 22 Contract Award / FEMA Mitigation Grant A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that based upon the recommendation of the Sussex County Engineering Department, that the FEMA Mitigation project for 25867 Berry Street, be awarded to East Coast Structural Movers, Inc. for their base bid and alternate 2 deduct in the amount of \$158,150.00, contingent upon FEMA concurrence.

Old Business/ Ordinance to Amend Chapter 99 and 115 (Wetland, Water Resources and Buffers)

Jamie Whitehouse, Planning and Zoning Director reminded Council that at the regular meeting on March 22nd, an update was provided for the Proposed Ordinance. He then reviewed the timeframe of the Proposed Ordinance.

Vince Robertson, Assistant County Attorney explained that the feedback that was received during the March 22nd meeting. The feedback received was incorporated into a form of a draft ordinance. Mr. Robertson then discussed the changes that were made to the Proposed Ordinance.

Mr. Robertson explained in the current code, Chapter 99 has a requirement that if there are wetlands on the site, there has to be a notice in the deed. A change was made to expand that existing requirement to reference that the notice now has to incorporate the fact that if there are resources and resource buffers on a site in addition to wetlands, that notice has to be within the deeds and restrictive conveyance. In addition, there is the possibility that if there is a disturbance of a resource or resource buffer, that may result in a violation of the Sussex County Zoning and Subdivision Code and penalties that are included in the Proposed Ordinance.

In Section 6, additional language was added to state that the boundary of the resource shall be marked on the site itself with permanent markers and signage, with the location and type of signage depicted on the final plat. It was also added further into the Proposed Ordinance to state “the upland edge of all Resource Buffers shall be clearly marked with permanent in-ground markers and signage located at one-hundred-foot intervals. Such signage shall be at least five inches by seven inches in size.” Mr. Robertson explained that the one-hundred-foot intervals came from looking at the width of typical lots within cluster subdivisions. At one-hundred feet, that would be essentially one every two lots with the idea that you would be able to see one of the signs regardless of where you are located in the subdivision.

The next change made was within Resource Buffer Width Averaging. Based on the feedback received, it was changed that the averaging can occur within Resource Buffers adjacent to the same Resource to adjust the required Zone B Resource Buffer.

Under Table 2: Resource Buffer Activities by Zone, clarifications were made to clarify the language. One of those was to state “Walking Trails where any impervious area runoff is managed under a Sussex Conservation District Permit that are generally perpendicular to a Resource for the purpose of providing access to the Resource or a Permitted Activity with the Resource Buffer” would be permitted in both Zone A and B. In addition, language was added to read “Walking Trails running by and with a Resource (i.e., generally parallel with the Resource) where any impervious area runoff is managed under a Sussex Conservation District Permit” is not permitted in Zone A but permitted in Zone B.

A discussion was held about averaging and if any buffer widths in new developments would be less than they currently are today. Mr. Medlarz

Old Business/ Ordinance to Amend Chapter 99 and 115 (Wetland, Water Resources and Buffers) (continued)

explained that it could occur, however it would be a rare case that it would occur. Mr. Robertson replied that currently, there is no buffer from non-tidal wetlands. Therefore, in most situations, there are non-tidal wetlands which have a buffer that is required, and you cannot average away.

A discussion was held about the current requirements and the proposed requirements regarding buffer sizes.

Mr. Robertson reviewed the options section of the Proposed Ordinance. It was eliminated for any of them to apply to Zone A. In addition, language was added that the options can only be used as follows “but only for those Resource Buffers adjacent to Perennial Non-Tidal Rivers and Streams, Non-Tidal Wetlands and Intermittent Streams.”

It was clarified to add language to state “a residential subdivision, residential conditional use or residential planned community” in Section G. In addition, language was included to state “but only for those Resource Buffers adjacent to Perennial Non-Tidal Rivers and Streams, Non-Tidal Wetlands and Intermittent Streams.” This eliminates the possibility of using those options in Zone A.

When there is an off-site buffer, language was included for clarification. The language added states as follows “the area within this conservation easement shall adhere to the requirements of subsection D, herein, and shall not be used for agricultural purposes”.

Mr. Robertson then reviewed the violations and penalties section. Under this section, the following language was added:

“(a) A fine of \$10,000.00 per quarter-acre of disturbance or part thereof shall be imposed; and

(b) Resource Buffer rehabilitation and replanting; in the area where the violation occurred, in accordance with a Mitigation Plan approved by the Director that complies with the following:

- (i) For every tree removed or destroyed with a caliper of six inches or greater at breast height, there shall be at least three replacement trees planted within the buffer area.**
- (ii) The replacement trees shall be a native species.**
- (iii) The quality and size of the replacement trees shall be at least two inches caliper at breast height. Any tree that was removed or destroyed shall be replaced through the Mitigation Plan at a ratio of at least one inch per caliper at breast height for each inch of caliper removed. The property owner and/or party who violates this Section shall be responsible for the health and survival of the replacement trees, including regular necessary watering, for a minimum of two years and shall replace any trees that die within two years of planting.**

Old Business/ Ordinance to Amend Chapter 99 and 115 (Wetland, Water Resources and Buffers) (continued)

(c) No building or zoning permits shall be issued, nor shall any inspections occur within the Phase where the violation occurred (including, but not limited to building code and utility inspections) until the buffer rehabilitation is complete and approved by the Director.”

Mr. Hudson questioned how it can be determined and verified the size and/or diameter of the trees that were removed. Mr. Medlarz replied that prior to development, the line of disturbance and buffer line is marked out and staff inspects these sites daily. Mr. Whitehouse added when inspections occur, the stump is typically visible and evidence of the diameter of the tree that has been cut. He added that if that occurs, a picture is taken for documentation purposes.

Grant Requests

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

M 171 22 Seaford Historical Society

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$2,000 (\$2,000 from Mr. Vincent’s Councilmanic Grant Account) to the Seaford Historical Society for the Nanticoke Heritage Byway project.

Motion Adopted: 5 Yeas.

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

M 172 22 First State Community Action Agency

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Countywide Youth Account) to First State Community Action Agency, Inc. for a golf tournament fundraiser.

Motion Adopted: 5 Yeas.

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

M 173 22 Shoes that Fit

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$1,500 (\$1,500 from Mrs. Green’s Councilmanic Grant Account) to Shoes that Fit for School Uniforms for Sussex County students.

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

M 174 22 Lord Baltimore Lions Charities, Inc.

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$2,000 (\$2,000 from Mr. Hudson’s Councilmanic Grant Account) to Lord Baltimore Lions Charities, Inc. for their community medical equipment loaner program.

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

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

M 175 22 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$1,500 (\$1,500 from Countywide Youth Grant) to Optimist International Foundation for Essay Contest, Youth Appreciation Day, and Respect for Law project.**

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

M 176 22 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$1,000 (\$1,000 from Mr. Hudson’s Councilmanic Grant Account) to Indian River Soccer Club**

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

Introduction of Proposed Ordinances **Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.03 ACRES, MORE OR LESS”**

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM RESIDENTIAL DISTRICT FOR MULTI-FAMILY (60 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.45 ACRES, MORE OR LESS”

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.45 ACRES, MORE OR LESS”

The Proposed Ordinances will be advertised for Public Hearing.

Council Member Comments’

Mr. Schaeffer recognized the passing of Joe Hudson yesterday.

Mr. Hudson recognized that yesterday was a year since the passing of Cpl. Keith Heacock’s during the line of duty for the Delmar Police Department.

M 177 22 **At 11:26, a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Recess** **recess to go out to the Emergency Operation Center for the Topping**

Ceremony.

M 178 22 Reconvene At 12:58 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to come out of recess back into Regular Session.

Motion Adopted: 5 Yeas.

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

M 179 22 Go Into Executive Session A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to land acquisition.

Motion Adopted: 5 Yeas.

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

Executive Session At 1:05 p.m., an Executive session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to land acquisition. The Executive Session concluded at 1:28 p.m.

M 180 22 Reconvene At 1:31 p.m., a Motion was made by Mr. Hudson, seconded by Mrs. Green to come out of Executive Session and into Regular Session.

Motion Adopted: 5 Yeas.

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

M 181 22 ES Action/ Parcel 2022-G A Motion was made by Mr. Rieley, seconded by Mr. Hudson authorizing the County Administrator to negotiate, enter into a contract and proceed to closing for a parcel identified as 2022-G.

Motion Adopted: 5 Yeas.

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

Rules Mr. Moore read the procedure for public hearings on zoning matters.

Public Hearing/ A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-

CU2285

1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOURIST HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.831 ACRES, MORE OR LESS” (Conditional Use No. 2285) filed on behalf of Ashley DiMichele (property lying on the south side of Cave Neck Road [S.C.R. 88] approximately 0.43 mile west of Diamond Farm Road [S.C.R. 257]) (911 Address: 26182 Cave Neck Road, Milton) (Tax Parcel: 235-21.00-48.00)

The Planning and Zoning Commission held a Public Hearing on this application on February 10, 2022 and on March 24, 2022, the Commission recommended denial of the application for the ten reasons stated.

(See the minutes of the Planning and Zoning Commission dated February 10, 2022 and March 24, 2022.)

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

The Council found Ms. Ashley DiMichele spoke on behalf of her Application; that she owns a tiny home; that her and her husband plan to use it as a potential retirement spot; that they plan to buy a piece of land to relocate it; that when the COVID-19 pandemic hit, business and income went down; that once things began to open up she desired to make money with the idea of an Airbnb to recoup some of the money spent; that the home received more traffic than expected; that she did not realize it was required to get a conditional use as a tourist home; that in regards to the campground clause, there are definitions under 115-14 for a bed and breakfast, a boarding house known as a tourist home, a guest house, a hotel, lodging house known as a tourist home, a manufactured home park, a motel, motel court, tourist court or motel lodge, a rental unit, a rooming house also known as a tourist home, a tenting site and a tourist home; that the information in regards to campgrounds under Section 115-172H, there is no breakdown of what a campground is under definitions; that under tenting area, is defined as any park, tourist park, camp court site, parcel or tract of land which is designed, maintained or intended for the purpose of supplying a location or accommodation for two or more tents, trailers, camp trailer or other camping vehicles or facilities as temporary living or sleeping quarters for persons; that she only has one tourist home; that she questioned if that is what defines a tenting area and if it is two or more; that she does not intend to have another person bringing in another trailer; that her closest neighbor submitted a letter of support; that in Section 115-4, the code defines a dwelling as any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as, a residence and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof; that “dwelling” shall not include hotels, motels, motor lodges, boarding and lodging houses, tourist houses or similar structures; that since this is not a dwelling, she has not rented it out full-time; that it cannot be rented out

**Public
Hearing/
CU2285
(continued)**

full-time based on the definition of a dwelling; that in Section 115-141.2, recreational vehicles are defined as a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest, horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use; that she has only rented it out short-term; that if you were to view this as a dwelling, it is built to the standards of a home in Sussex County Code, other than the space requirements; that Ordinance 2152 limited the amount of square feet for a habitable space; that the Building Code says that a habitable space can be 150 square feet for the first person and 150 square feet for an additional person after that; that it does meet the efficiency apartment standards; that it meets the standards for the square feet living for the Building Code requirements but not the Council's Ordinance; that there is water that goes into a grade tank and is pumped out as needed; that there is a composting toilet that breaks down.

Public comments were heard.

Mr. Michael Rhue of Seaford spoke in favor of the application. Mr. Rhue discussed the need for affordable housing in Sussex County. Mr. Rhue submitted pictures showing an example of a tiny home. He spoke about the need for a district or zoning for tiny homes.

Mr. Jeff Bender spoke in favor of the application. He stated that he was in favor of tiny homes; they do more with less. They are more affordable to build and use less resources. Mr. Bender believes that the clientele that would be renting these out should be accommodated. He feels that it should be made easier to explore these types of opportunities.

The Public Hearing and Public Record were closed.

**M 182 22
Defer
Action/
CU 2285**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOURIST HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.831 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ1953**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL

**Public
Hearing/
CZ1953
(continued)**

DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.646 ACRES, MORE OR LESS” (Change of Zone No. 1953) filed on behalf of Brasure Holdings, LLC (property lying on the northwest side of Lighthouse Road [Rt. 54] approximately .27 mile south of Zion Church Road [Rt. 20]) (911 Address: 35131 Lighthouse Road, Selbyville) (Tax Parcel: 533-19.00-13.02)

The Planning and Zoning Commission held a Public Hearing on this application on March 10, 2022, and recommended approval of the application subject to the eight reasons outlined.

(See the minutes of the Planning and Zoning Commission dated March 10, 2022.)

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

The Council found that Mrs. Heather Brasure, the wife of Mr. Justin Brasure, Vice President spoke on behalf of the application and also present was Mr. David Brasure, President of Brasure’s Carpet Care.

Mrs. Brasure stated they are seeking a rezoning of the proposed property, which is located between their current business on property zoned as C-1 (General Commercial) and the property owned by Mr. David Brasure and Ms. Peggy Brasure; that the property they are seeking to rezone is owned by Brasure Holdings, LLC, which is owned by Mr. David Brasure and Ms. Peggy Brasure; that the property is leased to Brasure’s Carpet Care, Inc.; the subject property is currently zoned AR-1 (Agricultural Residential);that the request to have the property rezoned to C-2 (Medium Commercial); that they request this rezoning to allow an 80’x100’ storage facility; that due to the new development in the area, they have outgrown their current building; that by adding the proposed storage facility, they would be able to purchase padding and chemicals in bulk; that purchasing in bulk would allow them to purchase materials at a discounted rate; that they currently have two high-top sprinters which do not fit in the current garages; that the proposed building would be able to accommodate the high-top vehicles, in addition to the two vehicles used to provide estimates; that they require a climate controlled room for the storage of rugs and cushions which are awaiting delivery, as well as rugs being stored for their customers; that they currently employ 14 full-time employees and the business seems to grow every day.

There were no public comments.

The Public Hearing and Public Record were closed.

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt

**M 183 22
Adopt
Ordinance
No. 2848
/CZ1953**

Ordinance No. 2848 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.646 ACRES, MORE OR LESS” (Change of Zone No. 1953) filed on behalf of Brasure Holdings, LLC for the following reasons given by the Planning and Zoning Commission:

- 1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.**
- 2. The Applicant’s property is currently zoned AR-1 along Lighthouse Road. It is adjacent to the Applicant’s property and business that is zoned C-1 and adjacent to other lands owned by the Applicant. This is an appropriate location for C-2 zoning.**
- 3. C-2 Zoning at this location along Lighthouse Road will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.**
- 4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**
- 5. The site is mostly in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.**
- 6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**
- 7. No parties appeared in opposition to the rezoning application.**
- 8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

Mr. Moore stated that the next three Applications are combined CZ1967, CZ1968 and CU2334.

**Public
Hearing/
CZ1967/
CZ1968/
CU2334**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 43.777 ACRES, MORE OR LESS” (Change of Zone No. 1967) filed on behalf of Henlopen Properties, LLC (property lying on the southeast side of Kings Highway [Rt. 9] and north side of Gills Neck Road [S.C.R. 267]) (911 Address:

**Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)**

N/A) (Tax Parcel: 335-8.00-37.00 [portion of])

The Planning and Zoning Commission held a Public Hearing on this application on March 10, 2022 and on April 14, 2022, the Commission recommended approval of the application subject to the seven reasons outlined.

(See the minutes of the Planning and Zoning Commission dated March 10, 2022 and April 14, 2022.)

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.041 ACRES, MORE OR LESS” (Change of Zone No. 1968) filed on behalf of Henlopen Properties, LLC (property lying on the southeast side of Kings Highway and on the north side of Gills Neck Road) (911 Address: N/A) (Tax Parcel: 335-8.00-37.00 [portion of])

The Planning and Zoning Commission held a Public Hearing on this application on March 10, 2022 and on April 14, 2022, the Commission recommended approval of the application subject to the seven reasons outlined.

(See the minutes of the Planning and Zoning Commission dated March 10, 2022 and April 14, 2022.)

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM RESIDENTIAL DISTRICT FOR MULTI-FAMILY (267 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 43.777 ACRES, MORE OR LESS” (Conditional Use No. 2334) filed on behalf of Henlopen Properties, LLC (property lying on the southeast side of Kings Highway [Rt. 9] and on the north side of Gills Neck Road [S.C.R. 267]) (911 Address: N/A) (Tax Parcel: 335-8.00-37.00 [portion of])

The Planning and Zoning Commission held a Public Hearing on this application on March 10, 2022 and on April 14, 2022, the Commission recommended approval of the application subject to the twelve reasons and subject to the eighteen recommended conditions as outlined.

(See the minutes of the Planning and Zoning Commission dated March 10, 2022 and April 14, 2022.)

Jamie Whitehouse, Planning and Zoning Director, presented the

Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)

applications.

The Council found that Mr. David Hutt, Esq. with Morris James spoke on behalf of Applications CZ 1967, CZ 1968 and CU 2334 for Henlopen Properties, LLC; that he is representing both the owners of the property, Mitchell Family, LLC and the Applicant, Henlopen Properties, LLC; that also present were Mr. Robert Mitchell and Mr. Jerry Mitchell, members of the Mitchell Family, LLC, Mr. John Myer and Mr. Jon Hoffman, representatives of Henlopen Properties, LLC., Mr. Ring Lardner, civil engineer with Davis, Bowen & Friedel, Inc.; Mr. Dennis Hughes, II, the traffic engineer with Davis, Bowen & Friedel, Inc., Mr. Steven Cahill, geologist and Mr. Mark Davidson, a principal land planner with Pennoni; that the current Applications were not the first Applications to be filed for the project; that the first proposed plan for the property was filed in April 2019; that the name of the project has changed several times; that the project was called “The Mitchell Farm” with the submission of the first Application; that the approved name became Zwaanendael Farm; that the property is currently known as Mitchell’s Corner; that a number of things have changed since the Applications were filed; that there has been a change in the directorship of Sussex County Planning & Zoning, from Ms. Janelle Cornwell to Mr. Jamie Whitehouse; that since the submission of the Application there have been numerous conversations and correspondence regarding the scheduling of the public hearings for the Applications; that in order to have a public hearing on a land use application, pursuant to the memorandum of understanding between DelDOT and Sussex County, a Traffic Impact Study (TIS) Review Letter was required; that the Applicant was awaiting the completion of the TIS Review Letter; that the initial response to the TIS Review Letter occurred October 2021; that the response was to the TIS performed for the initial Application; that initially there was a total of five submitted applications; that since then, the applications have been reduced; that the current Applications received a Supplemental TIS Review letter; that the currently proposed Applications reduced the commercial impact of the project; that stated within the Supplemental TIS Review Letter, the Applications being heard are a trip generation reduction of approximately 50% from the initial Applications; the subject property is located across the street from the Cape Henlopen High School; that next to the Cape Henlopen School is the Jack Lingo Real Estate office; that currently under construction is the Lewes Medical Campus, which is proposed to be an assisted living facility; that west of Gills Neck Road is the future location of the Village Center; that located on the same side as the subject property, at the corner of Gills Neck Road and Kings Highway is the Cape Henlopen Medical Center; that the Mitchell Family filed a previous Conditional Use Application (CU 2112) in 2018 for the Cape Henlopen Medical Center; that the Cape Henlopen Medical Center is a good demonstration of the need for professional services within Sussex County as it serves many residents within the immediate area; that continuing down Kings Highway, on the same side as the subject property, towards the City of Lewes, are the offices of Lane Builders; that the next property is the Big Oyster Brewery; that on the northern boundary of the

Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)

property is Jefferson Apartments and Bay Breeze Estates, both of which are located within the City of Lewes; that on the eastern side of the subject property is The Moorings, formally known as Cadbury at Lewes; that the most detailed history of the project can be found within the Cultural Resource Assessment, prepared by Dr. Ed Otter; that the majority of the mentioned culturally significant resources are found closer to Pot Hook Creek than the subject site; that the historical item mentioned is the existing farmhouse located on the subject property; that the farmhouse is still occupied by Mr. Jerry Mitchell; that the subject property has been with the Mitchell Family since the late 1800's; that the first Mitchell family member was a Robinson; that if one looks at the George Robinson ownership in the late 1800's, that is when the Mitchell Family ownership began; that most recently Mr. Mitchell and his family have owned the 58-acre farm; that from 1998 until 2013 the property was located within the Agricultural Preservation; that with the development around the subject property, the farmland was becoming very difficult to farm, which resulted in the decision to sell the property; that as the Mitchell Family was working towards selling the property, they were approached by adjacent property owners; that several portions of the 58-acre parcel was sold to adjacent neighbors; that the portion to the rear of the property was sold to The Moorings; there was a portion sold to The Big Oyster, which was the subject of an application for rezoning from AR-1 to C-3; that the parcel, located on the corner of Kings Highway and Gills Neck Road was the subject of CU 2112 for the Cape Henlopen Medical Center; that after the pieces of lands were sold off, the property currently consists of 47-acres; that the current Applications request a Change of Zone, for approximately three acres, next to the site of the Cape Henlopen Medical Center; that the Change of Zone Application seeks to change the zoning designation from AR-1 to C-2 Medium Commercial; that an additional Change of Zone Application requests to change the zoning classification of approximately 44-acres of the property from AR-1 to MR (Medium-Density Residential); that there is also a Conditional Use Application seeking approval for a multi-family use of the property, for 267 units, on the MR zoned portion of the property; that the final Application is a Subdivision application, which was necessary to create all the various component parts of the project; that currently the property is completely zoned AR-1; that immediately south of the proposed site is B-1 Neighborhood Business Zoning, which is the location of the Village Center Project; that moving closer toward Route 1, there is existing C-1 and B-1 properties at the corner of Clay Road and Kings Highway; that more toward the City of Lewes, the Big Oyster property is zoned C-1, with C-3 property immediately behind it; that across the street from the subject site are two properties, located within the City of Lewes, zoned as General Commercial; that immediately behind that property is R-5 Zoning, which is the City of Lewes' mixed residential zoning; that continuing on the North side, the area is zoned R-2, Residential Low Density within in the City of Lewes; that adjacent to those properties is the City of Lewes, CFHC Zoning, which is Community Facilities Health Care Zoning; that this is the site of the Lewes Senior Campus; that located closer to the City of Lewes is more General Commercial properties.

**Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)**

The Council found that Mr. Ring Lardner spoke on behalf of the Applications; that he is a professional engineer with Davis, Bowen & Friedel, Inc.; that the property is a total of 46.81-acres; that the portion of land requesting C-2 Zoning is located along Kings Highway, adjacent to the Cape Henlopen Medical Center; that per DelDOT, Kings Highway is classified as an Other Principal Arterial, and furthermore identified as a major arterial roadway per No. 7 of the definition found in 115-4 of the County Code; that the remaining portion of land is approximately 43.77-acres; that this portion of land also has frontage along Kings Highway and along Gills Neck Road; that Gills Neck Road is classified as a local road per DelDOT Functional Classification Map; that the layout of the site first began with a 20-ft. forested buffer along The Moorings, Bay Breeze and Jefferson Apartments; that this provides some additional open area to help establish the rear lot lines and allow for drainage; that this was how the lot lines were established for the townhomes and the duplexes; that they looked at the existing entrance, which is currently being utilized for Cape Henlopen Medical Center and will be jointly used by the professional office building; that the developer desired to do more residential and move away from the grid street which currently exist; that they designed a curbed entrance, which allows the service road to access both commercial properties; that they looked at how to best connect with the adjacent Big Oyster property; that Mr. Mitchell, the developer and Big Oyster have worked together on various land acquisitions and interconnectivity; that their goal was to separate the commercial traffic from Big Oyster from interacting with the residential traffic; that they designed a mini round-about; that the round-about will be designed allowing vehicles of all types to navigate the circle; that the round-about will be reviewed by both the Fire Marshal and Sussex County Engineering; that once those spots were created, they then focused on a plan which offered a mixture of duplexes and townhomes; that there are various prototypes offered within the proposed community; that the roads will be designed to Sussex County standards; that the right-of-way has been narrowed; that this allows them to bring the houses closer to the roadway; that all houses were designed to provide two car garages; that every lot will have the ability to park four vehicles; that No Parking signs will be added to prevent on street parking; that on street parking is always a concern of emergency apparatus; that all lots were designed so no lots were backed up against each other; that all lots have some type of open space between them; that this will help facilitate drainage and landscaping; that sidewalks will be located on both sides of the road for all roadways within the community, with the exception of Road C; that the reasoning is the shared-use path is adjacent to the roadway; that it would not make sense to have a shared-use path and sidewalk next to each other; that active amenities will include a dog park, a mail center, a community center, a pool, a playground and sports courts for the community to use; that they have added some additional walking paths to promote pedestrian connectivity and walkability within the community; that stormwater management will be provided by infiltration through grass swales, which are located in the open area, to the rear of the lots, perforated

**Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)**

pipes and an infiltration basin with the primary and secondary basins being located along Gills Neck Road; that higher volume storms, like the 10-yr. and 100-yr. storm events, will discharge via stormpipe through the lands of JG Townsend, which will discharge into a tidal discharge; that the plan was previously approved by the Sussex Conservation District for the previous Application; that the pipe will still be able to be used for the current project; that the project does not contain any wetlands; that the project is not located within a flood plain; that the State Housing Preservation Office provided information regarding a known archeological site and some known prehistorical sites with high potential resources due to the known historic structures; that they hired Dr. Edward Otter to complete the Cultural Resource Assessment; that the Resource Assessment can be found in Appendix R of the Exhibit Booklet; that the existing buildings are proposed to be demolished; that Dr. Otter has confirmed he will perform the documentation for the existing buildings, should the Application receive approval; that about 6.34-acres of the project is located within the Wellhead Protection Area and must comply with Chapter 89 of the Sussex County Code; that Verdantas was hired to provide an Environmental Assessment Report; that there was a supplemental environmental assessment report completed and distributed.

The Council found that Mr. Steve Cahill spoke on behalf of the Applications; that he works for Verdantas; that he has been a professional geologist for about 36 years in Delaware; that within the well head area, about 2.8 million gallons of water goes into the ground; that Post-Development by collecting all of the water from the impervious covering, there is a surplus of almost 4 million gallons per year going into the well head area; that by controlling all of this water, you will reduce the runoff from the site substantially; that storm water from other areas of the project can be brought to this basin; that millions of water can be added to this well head area; that the City of Lewes is worried about water quality and quantity; that this can bring millions of gallons of water into this well head area for the City of Lewes; that it will go from sheet flow of storm water off of an agricultural field to green technology with best management practices; that the storm water runoff will be controlled, slow it down and reduce soil erosion and nutrient load; that the Lewes well head serves a lot of residential and commercial use; that the Cape Henlopen High School is near a well field and not impacted; that Cape Henlopen High School has over a million square feet of impervious cover, over 600 parking spaces, bus parking and large above ground storage tank with diesel fuel; that they have a greenhouse, a large maintenance building; that they all drain into their large recharge basin; that are several thousands of vehicles in their parking lot per year; that the Lewes water quality has been fine to his knowledge; that these type of land uses do not typically impact supply wells; that typically the operations that do include dry cleaning operations, underground storage tanks, manufacturing industries, agriculture and poultry operations; that none of those are planned for this project; that New Castle County was one of the first government agencies to get involved with water resource protection areas and their Building Codes; that they

**Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)**

worked closely with the University of Delaware and DNREC to generate the maps; that some of their projects had water management agreements where you had to monitor the groundwater prior to development and after development; that the water resource agency for the University of Delaware did a study for New Castle County and looked at a number of the projects; that the cover page of the report read that ground water quality and quantity had largely been preserved under the provisions of New Castle County; that if you dig into the report, for most of the projects, the ground water improved after development or remained unchanged; that New Castle County permits recharge basins to accept both rooftop water and water from pavement but they do like to see pretreatment structures like what is being recommended for this project; that in 2016 for the Village Center, a member of the Planning and Zoning Commission reached out to DNREC to ask if the purity of the water changed for the Lewes Supply Wells; that DNREC's response was based on the sample results for the last five to ten years that were available to DNREC by the Office of Drinking Water, there has been no change in water quality; that there is the ability to drastically increase the recharge of water to this well head; that the soil conditions and depth to ground water are very good on the site for taking recharge; that there is the ability to take a good amount of water into the ground, take the runoff down and supply more water to the City of Lewes.

The Council found that Mr. Ring Lardner spoke on behalf of the Applications; that the pretreatment structure that is being proposed to be installed is above and beyond what DNREC requires for regulations; that the pretreatment structure will handle floatables along with hydrocarbons from leaking vehicles; that an oil water separator will be installed for stormwater purposes and design for the flow rates; that porous and pervious pavement are not appropriate stormwater practices for this type of project; that it does not provide pretreatment; that it has a longer and more expensive maintenance requirements for systems; that you must vacuum the road in order to keep the porous pavement open; that the property is located within the Sussex County Unified Sewer District; that the property will be served by a gravity sewer system, which will discharge to the Governors pump station; that the property may be served by both the City of Lewes Board of Public Works and Delaware Electric Cooperative as the parcel is split by both providers based on the map for electric territories; that water can be provided to the project by the City of Lewes Public Works or Tidewater Utilities; that both utilities have waterlines along the property frontage; that a CPCN will be required for either utilities; that Tidewater Utilities did provide a Willing & Able Letter to serve the project; that natural gas is available from Chesapeake Utilities; that a Traffic Impact Study was prepared in 2019; that an addendum was prepared in April 2020 for the previous withdrawn Application; that the withdrawn Application consisted of 206,500 sq. ft. of medical office buildings, 60 single-family homes and 150 multi-family homes; that the TIS Review Letter was prepared on October 7, 2021; that the improvements included within that letter were right-of-way dedication, interim improvements and build-out improvements; that subsequent to the review

Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)

letter, a new plan, which is currently being proposed was submitted to DelDOT and Sussex County; that as part of the submission the developer stated to DelDOT that despite the reduction of traffic of approximately 50%, they would abide by the recommendations from the original study; that after review of the request in the reduction of traffic, DelDOT did not require a new TIS; that DelDOT provided an amended study and a letter; that during the same time, DelDOT had sped up the design of the DelDOT US Route 9., Kings Highway, Dartmouth Drive to Freeman Highway, DelDOT Contract T202212901 or also known as the dualization of Kings Highway; that the dualization of Kings Highway was first identified in 2009 as part of a larger agreement involving projects which have all completed their construction and their portions of overall improvements; that the improvements include Gills Neck Road and Kings Highway; that the improvements would add turn lanes on Kings Highway and Gills Neck Road; that DelDOT held a public workshop on February 23, 2022, on their improvement project; that the developer was agreeable with the interim improvements; that the developer began working on various projects for the current public hearing before the information from the DelDOT workshop was available and before final interim improvements were negotiated; that after further discussion and the developers willingness and desire to provide some temporary relief, DelDOT has agreed to interim improvements; that the improvements are slightly different from what was originally required in the October 7, 2021 letter; that DelDOT proposed additional requirements; that DelDOT's first requirement is the developer will mill and overlay approximately 3,500 linear feet of Kings Highway.; that they will convert the through lane from Gills Neck Road onto Kings Highway into a dedicated left turn lane; that this will create two left turn lanes from Gills Neck Road onto Kings Highway; that the right turn lane will be converted to a through right turn lane; that a bike lane will be worked on with DelDOT as part of the improvements; that the developer is to improve Kings Hwy., Gills Neck Road and Cape Henlopen High School; that they will convert the through lane from Gills Neck Road onto Kings Highway into a dedicated left turn lane; that this will create two left turn lanes from Gills Neck Road onto Kings Highway; that the right turn lane will be converted to a through right turn lane; that this will allow traffic to go through to Cape Henlopen High School or turn right in the intersection; that they will be adding a second through lane in the southbound direction; that a separate right turn lane will remain; that they will be shifting the intersections roadway approximately 10-ft. into the site to accomplish the improvement; that there will be two through lanes in the southbound direction and a dedicated left turn lane going onto Gills Neck Road; that the dual through lane will continue south; that a separate bicycle lane will be provided through the intersection; that they will also install a shared-use path from Cape Henlopen High School to Clay Road to complete pedestrian connectivity to Clay Road; that the developer will enter into an agreement to provide an equitable contribution to the dualization project; that the developer will dedicate 50-ft. of right of way from the center line of the road; that the developer will reserve an additional 30-ft. of right of way parallel to Kings Highway for the dualization of the project; that a 30-ft.

**Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)**

dedication will occur along Gills Neck Road; that in addition to the reservation and dedicated right of way, a 15-ft. permanent easement will be provided for a shared-use path; that the developer will enter into an agreement to provide an equitable contribution to the Clay Road and Marsh Road intersection as part of the overall realignment project; that they will provide connections and cross-access easements between the onsite lots; that they will provide bicycle, pedestrian and transit improvements to include the shared-use paths; that the developer had a meeting with select individuals of the Lewes Byway Committee; that the meeting was held prior to the release of the dualization plan; that during the meeting the developer committed to working with the committee on the shared use path, landscaping and fencing; that after the release of the dualization plan, the developer reached out to the Lewes Byway Committee to reconfirm their commitment; that DelDOT is equally supportive of the development of the 10-ft shared-use path, landscaping and maintenance within the permanent easement; that an aerial view of the proposed project was shown that the project was reviewed by PLUS on December 15, 2021; that the PLUS comments and responses can be found in Exhibit M; that the PLUS comments provided were general in nature and will comply with all regulatory requirements; that Davis, Bowen & Friedel, Inc. (DBF) prepared an Environmental Assessment and Public Facility Evaluation Report in accordance of Sussex County Code, Chapter 115-194.3; that the written responses can be located within Exhibit K; that they have analyzed all of the respected items; that all mitigation measures are consistent with the Comprehensive Plan.

The Council found that Mr. David Hutt, Esq. with Morris James spoke on behalf of the Applications; that project is located within the Coastal Area according to the Future Land Use Map; that surrounding areas to the project are also located within the Coastal Area or a commercial area; that the Coastal Area is designated as one of the Sussex County's seven growth areas; that Chapter 4 of the Comprehensive Plan includes Table 4.5-2, which compares zoning districts applicable to Future Land Use categories; that both the C-2 (Medium Commercial District) and the MR Medium-Density Residential District are applicable zoning districts within the Coastal Area; that the County Code describes the purpose of the C-2 (Medium Commercial Zoning District) as a district which supports retail sales and performance of consumer services, permitting a variety of retail, professional and services businesses; that the district should be primarily located near arterial and collector streets; that the district accommodates community commercial users who do not have outside storage or sales; that the County Codes description of the C-2 Medium Commercial District exactly describes the purpose the Applicant desires with the proposed project; that the project proposes to provide additional professional and business services in an area where the services are needed; that this need is demonstrated best by the success of the Cape Henlopen Medical Center; that the previously approved Conditional Use for the Cape Henlopen Medical Center mirrors the purpose proposed for the property; that the developer hired an architect to design a building for the site; that the

Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)

architect studied the architecture in the area; that the architect provided a letter explaining the proposed building, as shown on the rendering; that there are comments on record regarding the architecture along Kings Highway; that the architect described the architecture along Kings Highway as numerous architectural motifs in the context which may be evoked rationalize any architectural style; that due to the various architectural styles along Kings Highway it is difficult to match any one of those; that the developer requested the architect consider the nearest architectural style and blend the building to those nearest to the property; that features from the Cape Henlopen Medical Center and Cape Henlopen High School, compliment those features while performing the same idea for the proposed townhomes along Kings Highway; that the developer determined the square footage of all buildings in the surrounding area; that some of the buildings considered were Cape Henlopen High School at 367,000 sq. ft., Lewes Senior Living Campus at 223,000 sq. ft., The Moorings at 117,000 sq. ft., the future Village Center at 75,000 sq. ft. and Cape Henlopen Medical Center at 39,000 sq. ft.; that the building proposed for the project is smaller than almost all other studied buildings, being just slightly bigger than the Cape Henlopen Medical Center; that the proposed building is an appropriate size and scale for the area; that the County Code states commercial properties should be located along arterial and collector streets; that Kings Highway is a perfect match for the proposed use as it is considered a major arterial by Sussex County; that the same process and considerations were made regarding the proposed rezoning of about 43-acres to be MR Medium-Density Residential with a Conditional Use of the 267 units; that according to the Sussex County Code, the MR District is to provide for medium-density residential development in areas which are, or expected to become generally urban in character and where sanitary sewer and water supplies may or may not be available at the time of construction; that a permitted Conditional Use is for multi-family dwelling structures, which created the need for the Conditional Use application, which accompanies the Change of Zone application; that the purpose of a Conditional Use is to provide uses which are generally public or semi-public in character, being essential and desirable for the convenience and welfare; that because of the nature of the use, the importance to the relationship of the Comprehensive Plan and possible impact on neighboring properties and Sussex County, create the requirement for extra planning judgement on location and site plan; that the purpose of the presented Applications are to provide for medium residential development, in areas which are becoming more urbanized; that there are many communities that exist along Gills Neck Road; that if you stay along Kings Highway, you begin with The Village Center commercial site along with a number of other commercial uses; that the same is true along the opposite site of the street; that the City of Lewes is nearby which is urban in character in and of itself; that there are townhomes and duplexes located within Governors, Admirals Chase, Breakwater, The Moorings and The Lewes Senior Living Campus; that within the City of Lewes, multifamily housing is offered at Jefferson Apartments, Dutchman's Harvest and Henlopen Gardens; that Bay Breeze Estates is a single-family use, located within the R-2 zoning classification

Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)

with the City of Lewes, that the density within Bay Breeze Estates is still three units to an acre; that multifamily is located adjacent to the subject property, as well as across the street from the property; that in correspondence in the file, there is reference to the density for the project; that include in the project book, are the densities for the surrounding communities; that Dutchman's Harvest is 17.7 units to the acre; that Jefferson Apartments is 9.8 units to the acre; that The Moorings is 6.4 units to the acre; that Henlopen Gardens is 5.5 units to the acre; that BayBreeze Estates is 3 units to the acre; that directly across the street from the proposed commercial area are commercial properties; that the project fits into the proposed area; that the layout for the property was done purposefully with good land use principals in mind; that the more intense uses should be located closer to the highway, decreasing in intensity moving further away from the highway; that moving closer to Bay Breeze Estates and The Moorings the uses become duplexes, which are a less intense use; that the Comprehensive Plan states lands within the Coastal Area should be able to accommodate both commercial and residential; that medium to higher densities, between 4 to 12 units to the acre, can be appropriate in certain locations; that an appropriate location for this is where there is central water and sewer, when near a significant number of commercial uses and employment centers, when keeping with the character of the area, when situated along a main road or near a major intersection; that the project meets all of those characteristics; that the TIS Review Letter did state there are several intersections without adequate levels of service within the area; that the final solution to the issue is the dualization of Kings Highway; that waiting on the improvements would not be beneficial to the community; that due to this, the developer and DelDOT agreed upon interim improvements, to allow traffic to be improved for the time period it takes for DelDOT to complete the dualization project; that the Memorandum of Understanding seeks to have a Level of Service Detainer sections; that the most recent Memorandum of Understanding recognizes the Level of Service D is not always obtainable and this requirement may create an undue burden on a property owner looking to develop a property, given the prior development which has occurred in an area contributing to the existing level of service; that a level of service cannot be degraded by a project; that with the proposed interim improvements, there will be no degrading by the proposed project; that the improvements will provide an upgrade of service until DelDOT provides the final solution with the dualization of Kings Hwy; that they will be market rate units; that during the February 23, 2022 workshop with DelDOT, it was said the estimate for the construction improvements was \$23,000,000.00; that it would be an undue burden to require the last property owner to dualize Kings Highway; that although the Applicant cannot provide the dualization of Kings Highway, they did desire to provide some temporary relief, which will be afforded through the interim improvements; that the property is located within the Level 1 Investment area according to the State Strategies Map; that PLUS had no objection to the proposed project; that Investment Level 1 reflect areas which are already developed in an urban or suburban fashion, where infrastructure is available and where future redevelopment

**Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)**

or infill projects are expected and encouraged by state policy; that State Strategies Map, Comprehensive Plan and the Zoning Code were all guideposts for the project's design and layout; that a letter was submitted from Mr. Jerry Mitchell and Mr. Bob Mitchell, owners of the property; that in their letters, it discusses how much pride the family has taken in its ownership of the property and discusses how farming is no longer a viable option for this property; that the letter states how they believe that they have found a quality developer to complete the project; that the developer will help to maintain the buffer area; that the County Code Chapter 89 describes in detail what an applicant has to do within these areas; that the proposed project will be able to comply with those requirements; that there will be significant enhancements and benefits to this well head protection area including the elimination of the farming soil, using best management practices for stormwater; that there will be approximately 4 million gallons of water into the wellhead protection area just from that area; that the concerns with the Conditional Use was largely due to the wellhead protection area; that there will be enhancements and benefits to that wellhead protection area; that the Conditional Use had eighteen conditions (A-R) as recommended by the Planning and Zoning Commission; that Condition K relates to construction sitework and deliveries; that those activities occur Monday through Saturday from 7:00 a.m. until 6:00 p.m. with no Sunday hours; that the Planning and Zoning Commission recommended no Saturday hours, only Monday through Friday from 7:00 a.m. until 6:00 p.m.; that the developer proposes and asks for consideration to modify that condition to allow Saturday hours that match DeDOT's timeframe for construction in the Coastal areas of Sussex County; that those hours are from October 1st through April 30th, Saturday construction, site work services and deliveries can occur and then between May 1st and September 30th, the prohibition on any activities would occur; that the letter from Bob Mitchell received was distributed.

Public comments were heard.

Mr. Robert Mitchell spoke in support of the Application. Mr. Mitchell stated that his family has owned and been in control of this property for seven generations. When it came time to make the decision to sell this property, it was a family discussion and not taken lightly. The family was involved in the surrounding community by involvement in local civic groups and churches. When the decision was made to sell the property, it was recognized that there was an obligation to make sure that it was chosen wisely of what would be done with the property. Mr. Mitchell shared that Henlopen Properties has been fantastic to work with; his family is very comfortable leaving this to them.

Mr. Thomas Panetta from the Lewes Board of Public Works spoke on the Application. The Lewes Board of Public Works (LBPW) has been monitoring this application through the planning process due to the property sitting within the wellhead protection area. He added that given the importance of providing quality water to the citizens of both Lewes and

**Public
Hearing/
CZ1967/
CZ1968/
CU2334
(continued)**

the County, LBPW has hired their own geotechnical firm to do a study to review the applicant's report and the current situation for advisement to LBPW. The final report is expected to be received in another week. Mr. Panetta asked for consideration of an extension of the public comment period to allow their professional engineers and geologist input. He added that today was the first time that he has viewed the revised report; he would like to provide that to their geologist for review. Mr. Panetta discussed if approval of the project is given, would this set a precedent for approving the remainder of the projects without having an underlying guidance of how the wells would be protected. Mr. Panetta requested that the public comment period be left open for a two-week period.

Ms. Keri McDaniel spoke in opposition of the Application. She asked for reconsideration of the rezoning applications submitted by Henlopen Properties. She believes that we need to be brave and have forward thinking to keep growth in Sussex County in check. She added that the current zoning rules of the property should not be adjusted. Ms. McDaniel commented that the community's safe drinking water should be protected along with the health and well being of all citizens. Ms. McDaniel explained that the higher density and commercial use of this rezoned area along this highway will directly impact the City's five water wells that are adjacent to the property as well as the well head protection area. Ms. McDaniel is encouraged that LBPW is hiring their own geologist and environmental team. Ms. McDaniel questioned if the infrastructure in Lewes is ready for this development along with other projects that are in the process. Ms. McDaniel asked for everyone to be part of the best management practices for the long-term solution for growth in Sussex County. Ms. McDaniel believes that allowing for rezoning here ignores our responsibility to protect our small spaces. The bottom line is that more people equals more traffic and pollution. Ms. McDaniel discussed the struggles with clean water in Sussex County.

Ms. Gail Vanguilder from Lewes, DE spoke on the Application. Ms. Vanguilder expressed concerns regarding traffic issues. Ms. Vanguilder asked for consideration for the County to have an independent consultant to evaluate the traffic in the area. She questioned the date of completion of the interim project and if the County is requiring the interim project be completed prior to this project going under construction. She then spoke about interconnectivity issues. Ms. Vanguilder expressed concerns of the open drainage vs. the closed drainage. She then spoke on the building design.

The Public Hearing was closed.

**M 184 22
Defer Action
on CZ1967**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF

**M 184 22
Defer Action
on CZ1967
(continued)**

LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 43.777 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1 through 7 and to defer for a period of two weeks to May 6th for the Lewes Board of Public Works and any other member of the public to submit their reports on the well head protection issue. Subsequent to that, the Applicant would have an additional period of time until May 20th to submit any response to that.

Motion Adopted: 5 Yeas.

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

**M 185 22
Defer Action
on CZ1968**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.041 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1 through 7 and to defer for a period of two weeks to May 6th for the Board of Public Works and any other member of the public to submit their reports on the well head protection issue. Subsequent to that, the Applicant would have an additional period of time until May 20th to submit any response to that.

Motion Adopted: 5 Yeas.

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

**M 186 22
Defer Action
on CU2334**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM RESIDENTIAL DISTRICT FOR MULTI-FAMILY (267 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 43.777 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1 through 12 with conditions 13 A through R and to defer for a period of two weeks to May 6th for the Board of Public Works and any other member of the public to submit their reports on the well head protection issue. Subsequent to that, the Applicant would have an additional period of time until May 20th to submit any response to that.

Motion Adopted: 5 Yeas.

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

**M 186 22
Defer Action
on CU2334
(continued)**

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

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to adjourn at
4:35 p.m.**

**M 187 22
Adjourn**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

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



Sussex County


DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement*
Bay Knolls-IUA-873
File: OM 9.01

DATE: May 10, 2022

The Existing Wastewater Infrastructure Use Agreement is an arrangement that 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 existing wastewater infrastructure use with **Gulfstream Development, LLC** for the **Bay Knolls** 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, the **Bay Knolls** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Gulfstream Development, LLC** will contribute **\$43,407.00** for the financial catch-up contribution of the existing infrastructure to serve **87.00** Equivalent Dwelling Units. Payment of the contribution will be required prior to connection permits being issued. System Connection Charges in place at the time of building permit request will still apply.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Bay Knolls IUA-873

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2022, by and between:

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

GULFSTREAM DEVELOPMENT, LLC. a Limited Liability Company and developer of a project (as defined below), hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcels 533-19.00-52.00 & 533-19.00-56.05 be known as **Bay Knolls Subdivision** (“Project”);

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 **87.00** 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 **\$43,307.00** 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 a connection permit being issued.**
- (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 **27 Atlantic Ave., Suite 101 Ocean View, Delaware 19970.**

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

FOR THE COUNTY:

{Seal}

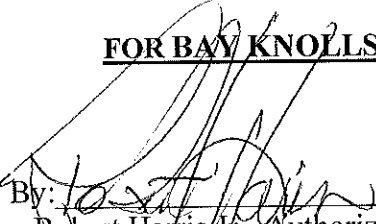
By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

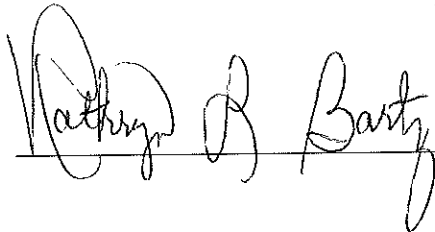
Tracy N. Torbert
Clerk of the County Council

FOR BAY KNOLLS, LLC

By:  _____ (Seal)
Robert Harris Jr. - Authorized Signatory

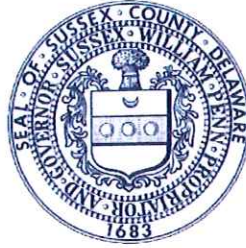
4/21/22 _____ (DATE)

WITNESS:

 _____

ENGINEERING DEPARTMENT

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




Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Scenic Manor – IUA 1141
File: OM 9.01*

DATE: May 10, 2022

The Existing Wastewater Infrastructure Use Agreement is an arrangement that 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 existing wastewater infrastructure use with **MKR Land Investment, LLC** for the **Scenic Manor** project in the Mulberry Knoll 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, the **Scenic Manor** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **MKR Land Investment, LLC** will contribute **\$940,940.00** for the financial catch-up contribution of the existing infrastructure to serve **324.00** Equivalent Dwelling Units. Payment will be required on a phased approach based on number of building permits obtained. System Connection Charges in place at the time of building permit request will still apply.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Scenic Manor – IUA1141

THIS AGREEMENT (“Agreement”), made this 21 day of
APRIL 2022, by and between:

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

MKR LAND INVESTMENT, LLC a Delaware limited liability corporation and developers of a project known as **Scenic Manor**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as part-of Tax Map parcel 334-18.00-43.00 to be known as **Scenic Manor** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Mulberry Knoll 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 324.00 additional equivalent dwelling units to County’s existing sanitary sewer system and to utilize the existing transmission capacity in said system, Developer agrees to financial catch-up contribution in the net amount of \$940,940.00 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) First installment of the contribution in the amount of \$250,000.00 is due prior to the County’s building permit issuance of the 50th lot; and;
Second installment of the contribution in the amount of \$250,000.00 is due prior to the County’s building permit issuance of the 101st lot; and;
Third and final installment of the contribution in the amount of \$440,940.00 is due prior to the County’s building permit issuance of the 201st lot.

- (5) All the conditions of this agreement must be disclosed to any and all third-party purchasers of the project and/or part of the project prior to the time of settlement.
- (6) 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.
- (7) 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).
- (8) 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.
- (9) 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.
- (10) 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*.
- (11) 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.
- (12) 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.

- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (19) 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.

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
260 Hopewell Road, Churchville VA 21028.

MD

M

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:

Tracy N. Torbert
Clerk of the County Council

FOR MKR LAND INVESTMENT, LLC

By: _____ (Seal)
Shawn Pyle - Authorized Signatory

4/21/2022 (DATE)

WITNESS:

CHRIS KEELER
DIRECTOR OF ASSESSMENT
(302) 855-7824 T
(302) 855-7828 F
ckeeler@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

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

FROM: Christopher S. Keeler, Director of Assessment

DATE: May 5, 2022

RE: Real Property Reassessment Update/Eagleview Contract Enhancement

During the May 10, 2022 Council meeting, I and Mary Noldy, Tyler Technologies Project Supervisor, will give you an update on how the reassessment project is progressing since Tyler began last fall. Mary's update is attached to review prior to the meeting.

Then, Megan Nehrbas, Manager of GIS, will present the benefits of entering into an agreement with Eagleview to enhance the contract Tyler already has with Eagleview for our reassessment project. In summary, we would like to enhance the contract to access building footprint aerial views. These views will provide an added benefit to the County during both the reassessment process and for future County processes long after the project is completed. The benefits of these enhancements will be presented by Megan during the meeting. Her presentation is also attached for your review.

At the end of both presentations, I will present a motion for your consideration to enter into an agreement with Eagleview in the amount of \$59,400 to purchase the building footprints already accessible through Eagleview's contract purchased by Tyler Technologies.

Please let me know if you have any questions or concerns.





May 5, 2022

Chris Keeler, Director of Assessment
2 The Circle
Georgetown, DE 19947

556 Liberty HWY
Unit #9
Putnam, CT 06260
P: 800.271.8605
www.tylertech.com

The following is a listing of current activities and the status of each for the Sussex County, DE Revaluation Project to date. Current activities are in bold.

I. Public Communications

- **Monthly project status update – held on the 2nd Wednesday each month. Weekly work-sessions between Tyler and County held on Thursdays.**
- **6 public meetings were held in the fall of 2021.**
- **Special meetings were held for SCAT, DE Farm Bureau, and the Sussex Co Board of Assessment**
- **A project website was created and is updated weekly to show current activity and staff:**
<https://empower.tylertech.com/Sussex-County-Delaware.html>

II. Project Set Up

- **Tyler utilizes office space within the West Complex at 22215 Dupont Blvd. This is our 'home base' in Sussex.**
- **Modifications to the County's assessment property database are underway. This will facilitate the valuation of property data collected and updated in the system during the reval.**

III. Imagery

- **Field data collectors are capturing street-level photos of each improved property visited during data collection. Approximately 19k photos have been collected to date. All improved properties will have been photographed by the end of the data collection phase. All photos will begin to be uploaded into the county's**

property database and will be visible by the county – beginning in early summer 2022.

- As part of the appraisal services contract, Tyler Technologies entered into an agreement with Eagleview for the purchase of aerial and ortho photography. This agreement provides both Tyler and County employees access to current and historical aerial imagery during the revaluation project.

IV. Field Data Collection

- As of 5/4/2022, 19,680 parcels have been visited for data collection. This represents 11% of the full parcel inventory.
- Currently, there are 21 Tyler employees working to collect property data in the field in Sussex County. This is 4 short of our goal of 25 field data collectors. Interviews/Hiring is ongoing. Employee turnover rate continues to hinder data collection, exit interviews with resigning data collectors indicates that they are seeking jobs with higher pay. Competing jobs are in retail management, sales, and chicken processing plants.
- Commercial data collection began in early April. Gynt Grube, Commercial Supervisor, will oversee this phase of the project. Initial collection efforts will begin in the Georgetown area, tax district 135.
- Data collection is expected to be complete in May of 2023.

V. Data Entry

- The Data Entry Office is staffed with 5 Tyler employees who support the field operations and also handle requests from the public who inquire about the reassessment process. The office is staffed between the hours of 8:30 AM – 4:00 PM, Mon – Fri.
Our phone # is: (302) 854-5274



VI. Sales & Valuation Analysis

- Three Tyler employees are dedicated to reviewing sales for the purpose of market analysis. The period of review for sales in Sussex County is 1/1/2021 – 6/30/2023.
- Identification of market neighborhoods is underway. Tentatively, 70% of the parcels in Sussex county have been mapped for neighborhood delineation.

VII. Valuation Analysis

- Safeground Organic Analytics, (SOA), a third-party vendor who is working for Tyler began collecting income and cost data for commercial and industrial properties. Sources for this data include local real estate listing services, published rental data, local construction estimates, and national sources for cost data such as Core-Logic (aka Marshall and Swift cost estimator).

ACTION ITEMS

Tyler:

- Ongoing - Hiring/Training of office staff & field staff
- Field data collection
- Projected field data collection work areas for dashboard view – see attached for review



Respectfully Submitted,
 Mary M. Noldy
 Senior Project Manager

Cc: Derek Arnold, Tyler Director of Operations
 Gina Jennings, Sussex County Director of Finance

Sussex County Delaware
 Project Dates

RFP Section	Project Timetable*	Start Date	% Complete	Finish Date
4.2	Project Timetable Delivery	7/1/2021	100%	7/1/2021
4.3	Public Information Program Delivery	8/1/2021	100%	2/15/2024
4.4.1	Data Collection Training	9/1/2021	100%	11/1/2021
4.8.1, 4.8.2	Data Collection Preparation and Planning	9/1/2021	100%	11/1/2021
4.4	Local Staff has been fully trained in all phases of the project completed to date.		100%	11/1/2021
Appendix E	County Sign Off Document #1			11/1/2021
4.8	Subject Inventory Data Collection and Data Entry	11/1/2021	8.7%	7/1/2023
4.9	Sales Verification and Data Entry	3/1/2022	5%	7/1/2023
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.		50%	7/1/2023
Appendix E	County Sign Off Document #2			7/1/2023
4.8.8	Post Inspection Parcel Inventory (Data Mailer or Web Site Alternative) and Updates	7/1/2023		9/1/2023
4.8.9	Acquisition of Street-Level Photography	3/1/2022	5%	9/1/2023
4.10	Data Edits	5/1/2023		9/1/2023
4.8.8	Acquisition of Market Data (Income & Expense questionnaires)	3/1/2023		7/1/2023
4.11	Grouping of Data (neighborhood analysis/delineation)	7/1/2023	25%	9/1/2023
4.11	Valuation Exploratory Analysis and Pre-planning	1/1/2023	5%	7/1/2023
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.			9/1/2023
Appendix E	County Sign Off Document #3			9/1/2023
4.11	Valuation Model Production	7/1/2023		10/1/2023
4.12	Value Review	9/1/2023		10/15/2023

Appendix E	County Sign Off Document #5			11/1/2023
4.14	Informal Review Meetings (including Field Related Activities)	11/1/2023		2/1/2024
4.15	Notice of Proposed Assessment from Informal Review Production/Mailing	11/1/2023		2/1/2024
4.16	Finalize Tentative Assessment Roll	2/1/2024		2/15/2024
7.0	Project Deliverables to Assessors	2/15/2024		2/15/2024
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.			12/15/2023
Appendix E	County Sign Off Document #6			2/15/2024
	Project Completion			2/15/2024

4.12	Assessor's Value Review with Contractor	9/1/2023		10/15/2023
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.			10/15/2023
Appendix E	County Sign Off Document #4			10/15/2023
4.13	Notice of Proposed Assessment Production	10/15/2023		11/1/2023
4.13	Notice of Proposed Assessment Mailing	11/1/2023		11/1/2023
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.			11/1/2023

MANAGEMENT

Derek Arnold
Mary M. Noldy
Amy Cyrus
Ali Zarrabi
Georgianna Trietley

Northeast Regional Manager
Senior Project Supervisor/Analyst
Appraisal Office Manager
Technical Support Senior Project Supervisor
Residential Supervisor

Note: Staffing will be determined by availability based on commitments to other projects and may differ from the plan. All staff is subject to the approval of the

Assessor. Actual dates may differ and will be finalized once detailed project plan is completed.



BENEFITS

- **Historical data – shows changes to land and improvements over the years**
- **Efficient Workflow for assessors – assessing continues even during inclement weather**
- **Supports confirmation of valid assessment changes made by data collectors**
- **Access to properties where those properties are otherwise inaccessible**

BENEFITS

- **Change finder – enables discovery of improvements; particularly useful in areas where permit information is lacking; increased tax base/added revenue**
- **Support during appeals or property review**
 - **Anticipate 10% of property database to file a formal appeal in the first year of a countywide reassessment**
 - **Aerial imagery used as a defense during the appeal process**

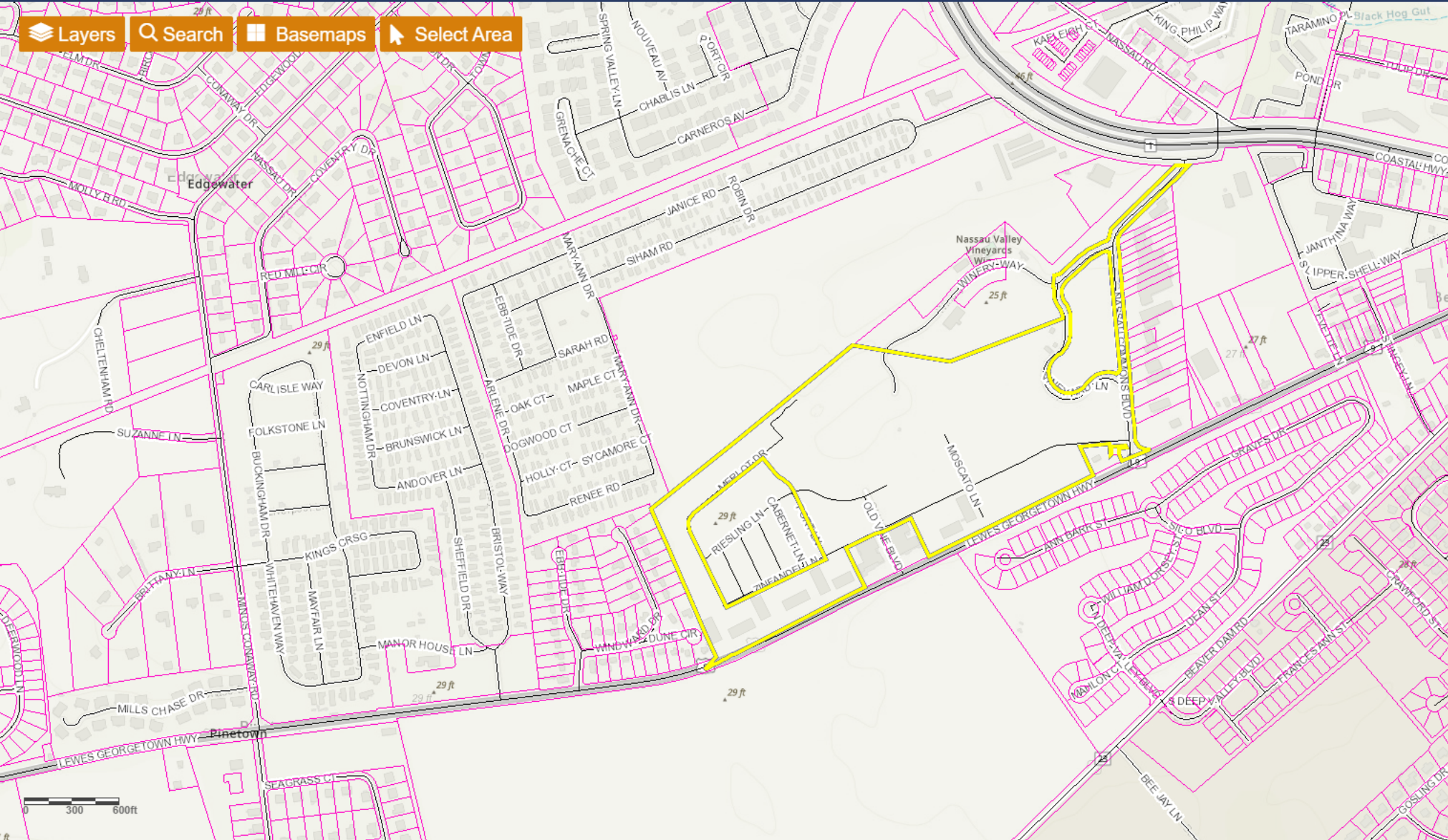
- **Sussex County Scenario**

- **The Vineyards :**

- **We based this demonstration on a true site under construction in Sussex County.**
- **All attribute information is fictional and has been created for the purpose of demonstration.**

• Current Data Available: Parcel level Assessment Data

Layers Search Basemaps Select Area



Hide search results

Search results

Clear Selected

Selected Features: Parcels (139)

▼ 1) 334-5.00-152.06 [Zoom](#)

Book	5199
Page	225
Owner Name	BAR-SGR LLC
Mailing Address	32193 WINERY WAY
City	LEWES
State	DE
Sewer Account	10-04-152.6-D302
Description	THE VINEYARDS AT
Description 2	NASSAU VALLEY
Description 3	N/R/T 9 PARCELA
Land Code	999
Town Code	00
LND Improvement	174400
PIN with Unit	334-5.00-152.06
PIN	334-5.00-152.06
Zipcode	19958
Frontage	0

▶ 2) 334-5.00-152.06 [Zoom](#)

▶ 3) 334-5.00-152.06 [Zoom](#)

▶ 4) 334-5.00-152.06 [Zoom](#)

▶ 5) 334-5.00-152.06 [Zoom](#)

Selected Features (1 - 5 of 139)

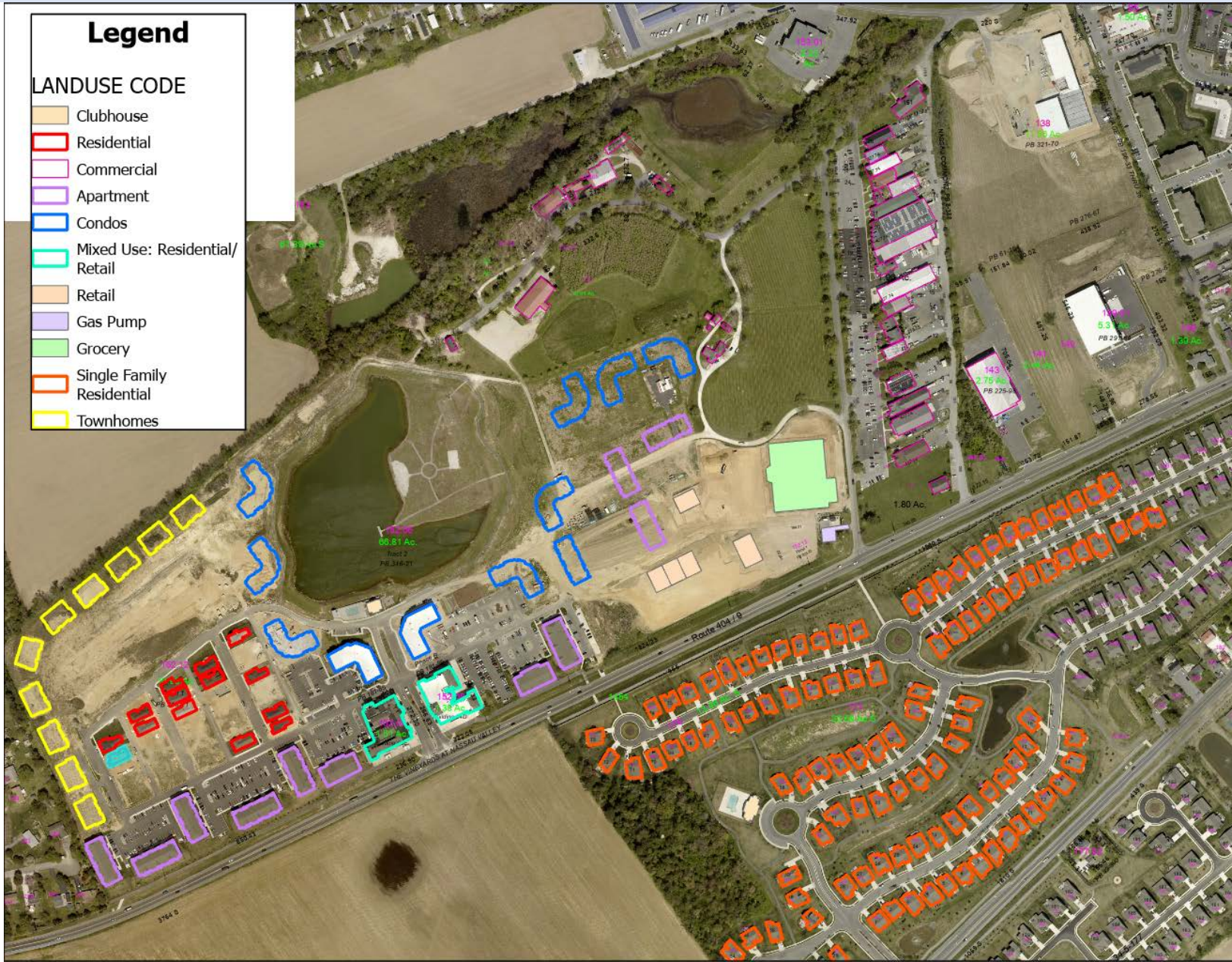
- 2017 imagery vs 2021 Imagery



- Recent Imagery 2021 – 2022 soon to come



• At a Glance : Building Use



• At a Glance : Construction Status



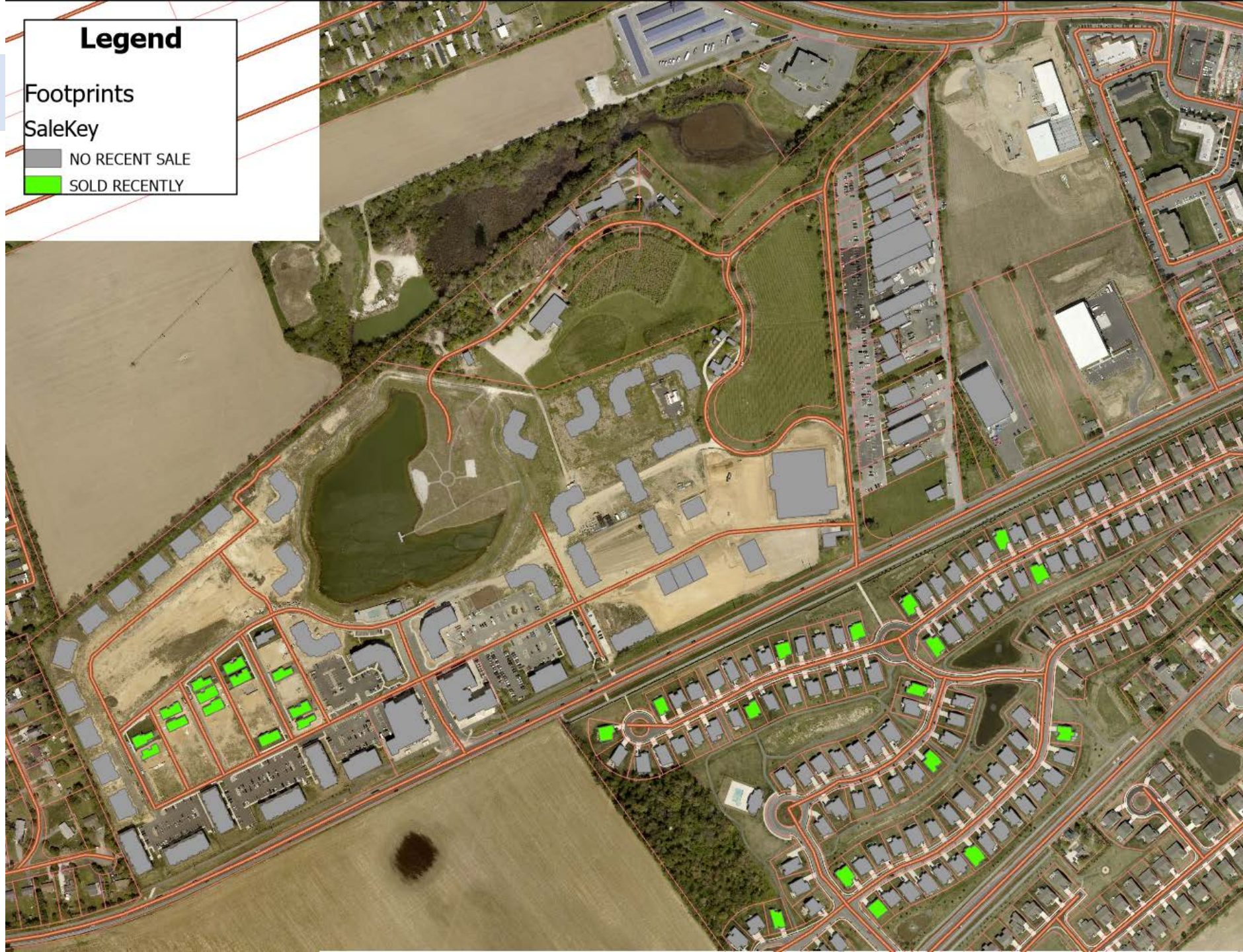
Legend

Footprints

SaleKey

NO RECENT SALE

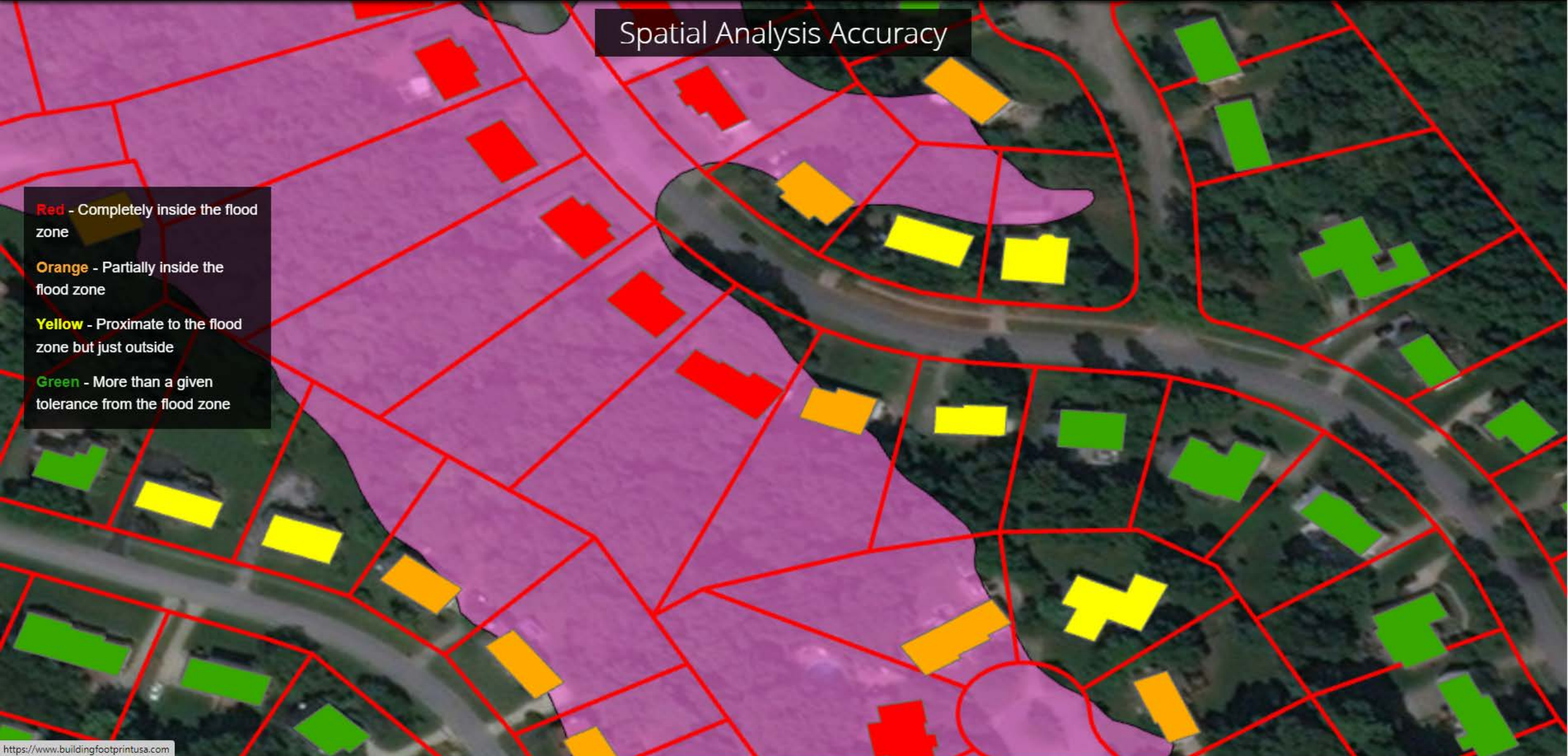
SOLD RECENTLY



• At a Glance : Flood Zone Vulnerability

Spatial Analysis Accuracy

- Red** - Completely inside the flood zone
- Orange** - Partially inside the flood zone
- Yellow** - Proximate to the flood zone but just outside
- Green** - More than a given tolerance from the flood zone





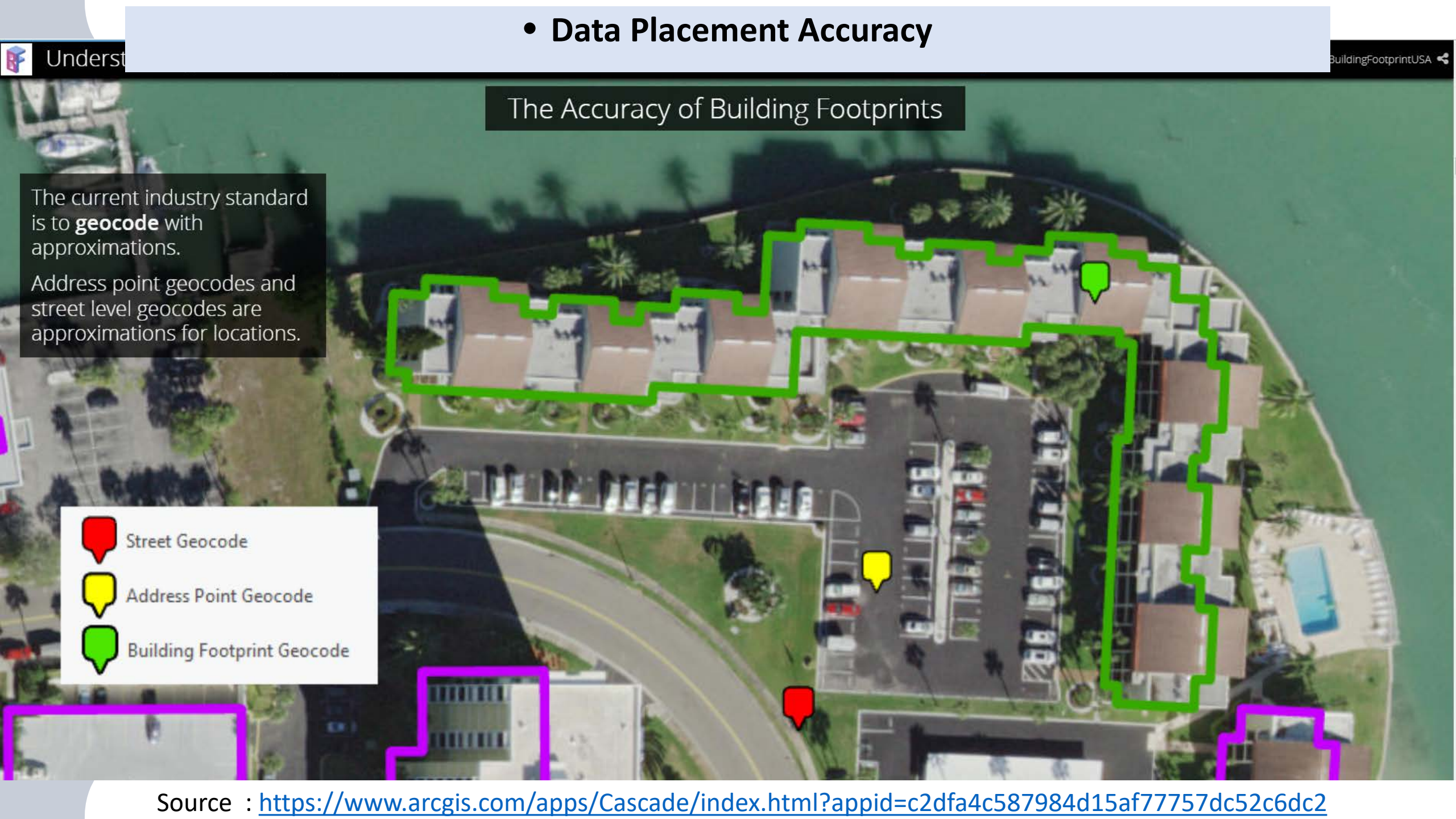
• Data Placement Accuracy

The Accuracy of Building Footprints

The current industry standard is to **geocode** with approximations.

Address point geocodes and street level geocodes are approximations for locations.

-  Street Geocode
-  Address Point Geocode
-  Building Footprint Geocode

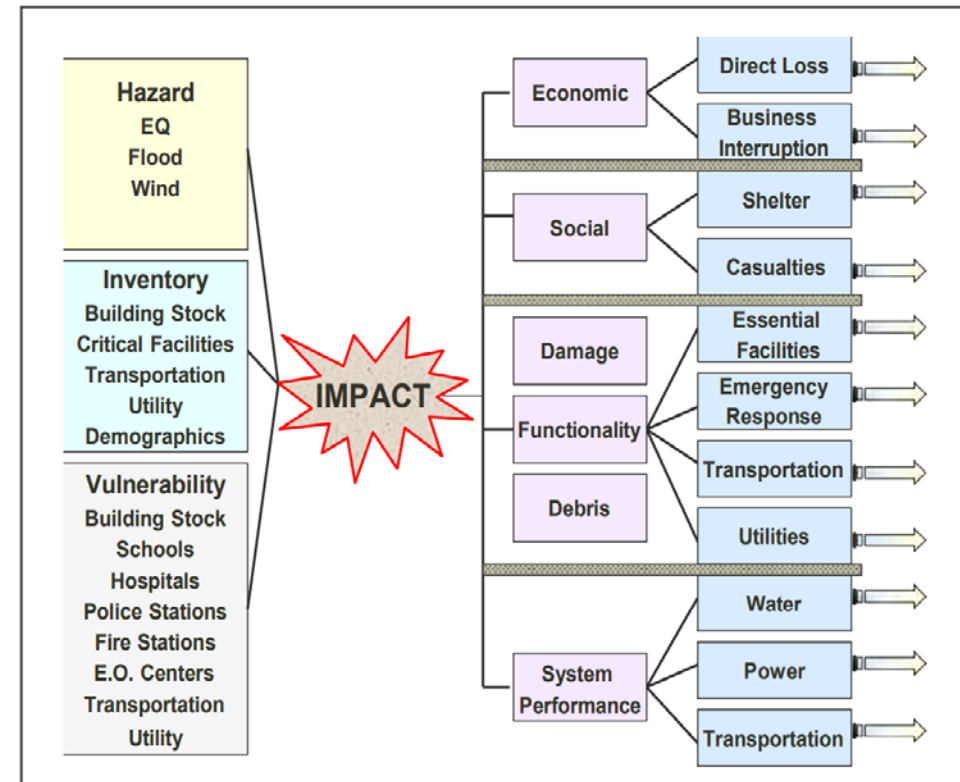


County Hazard Mitigation Plan : Goals For Improvement

- The county hazard mitigation plan is due this year. We were unable to provide any numbers beyond general census information because we did not have what is referred to as “building stock” which is what is necessary for the methodology.
- Listed in plan of action for the next 5 year plan : include better GIS capability. (ie better local data sources for building stock) The cost today is a small portion of the anticipated costs listed 5 years ago.
- here: <https://sussexcountyde.gov/all-hazard-mitigation-plan>

Risk and Vulnerability Assessment

Figure 4-1: Conceptual Model of HAZUS-MH Methodology



					Operations Center		
20	Increase the county GIS capability to enable more detailed hazard specific overlay mapping to better address vulnerabilities to the county and jurisdictions.	All	Short term	Pending grant funding	Director of the Emergency Operations Center	FMA, HMGP, PDM	150,00
	Actively pursue mitigation of Repetitive and Severe				Director of the		

- **Summary of Benefits shown:**

- **For 911**

- Size Up (square footage, number of stories, type of construction)
- "Grouping" unit/apartment numbers to a fixed area (polygon) quick identification
- Search how many "homes" in a certain radius for a disaster/evacuation
- Incident Command "Dashboard" quick glance. No time to analyze images with trees and other obstructions

- **Planning**

- Hazard mitigation
- Change Detection/Growth (comparison to existing data)
- Flood prediction
- Impervious Surface

- **Engineering**

- "Connections" for critical infrastructure datasets such as sewer lines, overhead and underground electrical utilities, waterlines,
- Contours and slope analysis
- Base maps for planning and analysis

Indian River Acres Area of the SCUSSD Fact Sheet

- The Engineering Department appeared before Council on October 12, 2021 to request Permission to prepare and post notices for a Public Meeting to establish a proposed Boundary for the Indian River Acres area of the SCUSSD.
 - The Engineering Department held a Public Hearing on November 20, 2021 with the community at the Community Lutheran Church in Omar.
 - County Council approved the Final Boundary on December 14, 2021.
 - The department sent notices to all property owners pertaining to the referendum with explanation of how to request absentee ballots.
 - The Engineering Department held a referendum on March 26, 2022 at the Community Lutheran Church in Omar.
 - The results of the Referendum, including the 25 absentee ballots, are as follows:
 - 51 for (27 in-person, 24 absentee)
 - 2 against (1 in-person, 1 absentee)
-

RESOLUTION NO. R_____

INDIAN RIVER ACRES AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE

WHEREAS, the eligible voters of the proposed Indian River Acres Area approved the creation of the sewer area by a vote of **51** to **2** in an election held on March 26, 2022; and

WHEREAS, Title 9, Delaware Code, Section 6507 requires the County Council to issue a determination of the sewer district within thirty days of its approval by the eligible voters.

NOW, THEREFORE,

BE IT RESOLVED that the County Council of Sussex County, Delaware hereby determines that the eligible voters of the Indian River Acres Area of the Sussex County Unified Sanitary Sewer District have approved the creation of said area, that the description of the Indian River Acres Area is described in Exhibit "A"; and that the said district is hereby declared to be validly constituted under the provisions of Title 9, Chapter 65 of the Delaware Code.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and rights-of-way by purchase, agreement, or condemnation in accordance with the existing statutes.

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any structures required to provide for the safe disposal of sewage in the sanitary sewer district.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Finance Director and County Engineer to apply for, accept, and receive grants, loans, and other funding necessary to provide adequate financing for the planning, design, construction, and all other phases of the sanitary sewer district.

Exhibit "A"

Description of the Indian River Acres Area of the Sussex County Unified Sanitary Sewer District

Beginning at a point, said point being the northwesternmost property corner of lands now or formerly (N/F) of Paul D. & Frances E. Esposito Charitable Trust and the southwesternmost property corner of lands N/F Indian River Acres subdivision, thence following the subdivision boundary northwest, generally southeast (following the highwater line of Indian River Bay), thence southeasterly and then southwesterly to a point, said point being that of the **Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 134-7.00

The Indian River Acres Area of the Sussex County Unified Sanitary Sewer District is within these boundaries. A map drawn to scale indicating the boundaries of the area is attached.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
PROPOSED INDIAN RIVER ACRES AREA
AFFIDAVIT FOR REFERENDUM

±
STATE OF DELAWARE) (
:
COUNTY OF SUSSEX) (

BE IT REMEMBERED That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On February 16, 2022, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On February 16, 2022, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
1. On a post in front of a Stop sign in the easterly Right-of-Way (ROW) of Sussex Road at the intersection with New Castle Road,
 2. On a post in front a Stop sign in the westerly ROW of Sussex Road at the intersection with Kent Road,
 3. On a post in front of a SPEED LIMIT 15 sign in the southerly ROW of New Castle Road,
 4. On a post in front of DEC pole 4598 in the southerly ROW of Kent Road,
 5. On a post in front of BEGIN STATE MAINT. Sign in the northerly ROW of Sussex Road 900' northeast of Sandy Landing Road,
 6. On a post in front of a END OF STATE MAINT. Sign in the southerly ROW of Sussex Road 900' northeast of Sandy Landing Road,
 7. On a post in front of a stop sign in the northerly ROW of Sussex Road at the intersection with Sandy Landing Road,
 8. On a post in front of a stop sign in the westerly ROW of Sandy Landing Road at the intersection with Vines Creek Road.


Phillip C. Calio

SWORN TO AND SUBSCRIBED before me on this 17th day of Feb. A.D., 2022

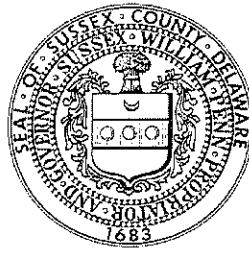

NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on 6/14/22

My Commission Expires 6/14/22

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

**NOTICE OF REFERENDUM
PROPOSED INDIAN RIVER ACRES AREA OF THE SUSSEX COUNTY UNIFIED
SANITARY SEWER DISTRICT**

Notice is hereby given that the Sussex County Council will hold a referendum on Saturday, March 26, 2022, between the hours of **9:00 a.m. and 12:00 p.m.**, at Community Lutheran Church, 30897 Omar Road, Frankford, Delaware. The referendum will be for eligible voters whose property and/or residence is located within the shaded area of the map on the reverse side.

The question to be voted on at the referendum will be, "Do you support the creation of the Indian River Acres Area of the Sussex County Unified Sanitary Sewer District?"

Those unable to vote in person at the referendum can vote by absentee ballot. The absentee process can be completed in person at the County office building below, please contact Sharon Smith to arrange a date and time, or an affidavit to vote by absentee ballot can be obtained by mail or by telephone. This is a multiple step process so please request early, all ballots must be received by 12:00pm March 25, 2022.

Sharon Smith
Sussex County Engineering Department
Utility Planning Division
2 The Circle, P. O. Box 589
Georgetown, DE 19947
(302) 855-7718

The cost of the project is expected to be funded through the State of Delaware Water Pollution Control Revolving Fund, Rural Development USDA and any other available resources for which this project is eligible.

The **estimated charges** are as follows:

Charge	Costs
Annual Service Charge	\$296.00 per EDU
Annual Assessment Fee	\$954.00 per EDU
Estimated Total Annual User Charges	\$1,250.00
One-time System Connection Charge (SCC)	\$0.00 per EDU*

* For existing homes, the SCC is paid through the financing. Future connections will pay the SCC rate at that time. New construction will pay current SCC.

For further information, please call the Sussex County Utility Planning Department at (302) 855-7370 during the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Hans Medlarz, P.E.
County Engineer



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

Indian River Acres Referendum

Proposed SSD Boundary



2/9/2022



The referendum is scheduled for Saturday, March 26, 2022 between the hours of 9:00 AM and 12:00 PM at the Community Lutheran Church, 30897 Omar Road, Frankford, DE 19945
 For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370
<https://www.sussexcountyde.gov/legal-notices/sewer-water>

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Brookland Farm Expansion **of the Sussex County Unified Sanitary Sewer District**

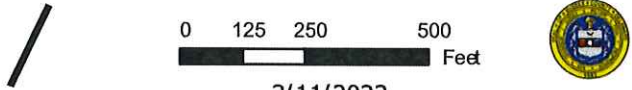
PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for Brookland Farm Expansion of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area)
- The Engineering Department had received a request from Land Tech Planning, LLC on behalf of their Gulfstream Development, LLC the owners/developers of a project to be known as Brookland Farm.
- The request includes parcel 533-11.00-87.00 and is proposed at 92 single family homes.
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates and an Infrastructure Use Agreement will be required.
- The Engineering Department posted notices on April 11, 2022, added to the county website and advertised on April 27th and May 3rd.

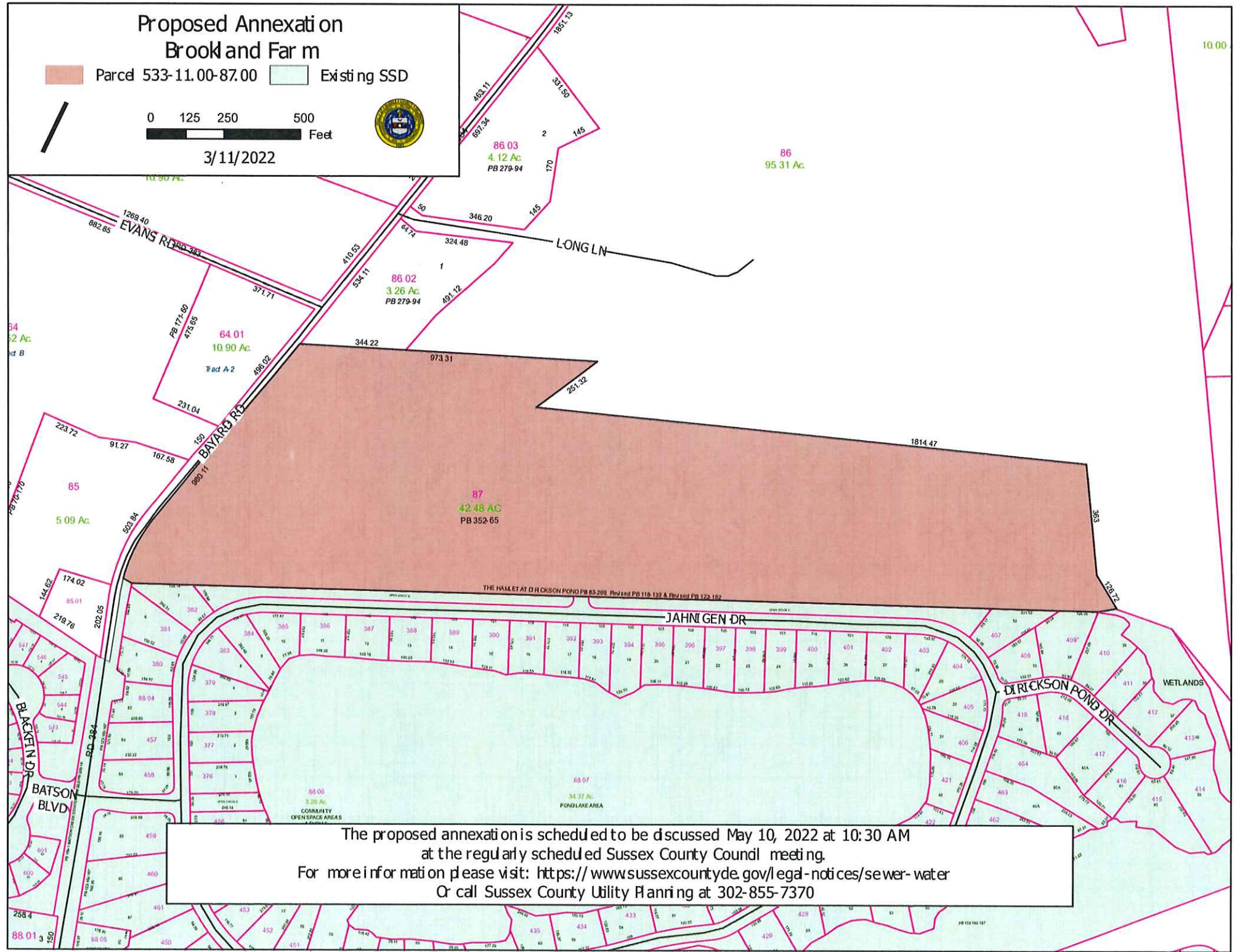


Proposed Annexation Brook and Farm

Parcel 533-11.00-87.00 Existing SSD



3/11/2022



The proposed annexation is scheduled to be discussed May 10, 2022 at 10:30 AM
at the regularly scheduled Sussex County Council meeting.
For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>
Or call Sussex County Utility Planning at 302-855-7370

PUBLIC NOTICE

**PROPOSED BROOKLAND FARM EXPANSION OF THE SUSSEX COUNTY UNIFIED
SANITARY SEWER DISTRICT (JOHNSON'S CORNER AREA)
FILE NUMBER: OM 24.02.C**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on March 22, 2022, to consider expanding the boundary of the Johnson's Corner Area of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include a property, 533-11.00-87.00, situated on the east side of Bayard Road (SCR 384). The parcel is located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, situate at the easterly right of way (ROW) of Bayard Road, said point also being a on the existing boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), said point also being a common property corner of lands N/F Brookland Farm and lands N/F of The Hamlet at Dirickson Pond thence leaving said SCUSSD boundary and proceeding by and with said ROW in a northeasterly direction a distance of 980'± to a point, said point being the southwesternmost point of lands N/F of L.D. Long, LP; thence following said Long lands the following five (5) courses and distances (1) S86°14'29"E a distance of 973.31' (2) S53°31'52"W a distance of 251.32', (3) S84°03'41"E a distance of 1814.47', (4) S 05°13'08"E a distance of 363.00', (5) S31°05'58"E a distance of 126.72' to a point, said point being the northeasternmost property corner of lands N/F of The Hamlet at Dirickson Pond; thence proceeding by and with said Hamlet lands N88°26'44"W 3,254.90' to a point, said point being that of the **BEGINNING**.

The proposed expansion of the SCUSSD is within these boundaries and said to contain 42.48 acres more or less. The boundary description has been prepared using Sussex County tax map numbers 533-11.00.

A map outlining and describing the extension to the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:30 am on May 10, 2022 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370.

Hans M. Medlarz, P.E.
County Engineer

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) JOHNSON'S CORNER AREA, TO INCLUDE THE BROOKLAND FARM AREA AND LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Brookland Farm, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Brookland Farm area and further described as follows:

BEGINNING at a point, situate at the easterly right of way (ROW) of Bayard Road, said point also being a on the existing boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), said point also being a common property corner of lands N/F Brookland Farm and lands N/F of The Hamlet at Dirickson Pond thence leaving said SCUSSD boundary and proceeding by and with said ROW in a northeasterly direction a distance of 980'± to a point, said point being the southwesternmost point of lands N/F of L.D. Long, LP; thence following said Long lands the following five (5) courses and distances (1) S86°14'29"E a distance of 973.31' (2) S53°31'52"W a distance of 251.32', (3) S84°03'41"E a distance of 1814.47', (4) S 05°13'08"E a distance of 363.00', (5) S31°05'58"E a distance of 126.72' to a point, said point being the northeasternmost property corner of lands N/F of The Hamlet at Dirickson Pond; thence proceeding by and with said Hamlet lands N88°26'44"W 3,254.90' to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-11.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
BROOKLAND FARM EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On April 11, 2022 he was a Planning Technician IV for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 11, 2022 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of stop sign at the intersection of Jhanigan Boulevard and Bayard Road.
 - 2. On a post in front of a stop sign at the intersection of Batson Boulevard and Bayard Road.
 - 3. On a post in front of a stop sign at the intersection of Savage Farm Court and Johnson Road.
 - 4. On a post in front of a stop sign at the intersection of Johnson Store Road and Zion Church Road.
 - 5. On a post in the easterly Right-of-way (ROW) of Bayard Road across the road from DEC Pole 21910.
 - 6. On a post in the easterly ROW of Bayard Road in front of DEC Pole 119161.
 - 7. On a post in the easterly ROW of Bayard Road in front of DEC Pole 119160.
 - 8. On a post in the easterly ROW of Bayard Road in front of DEC Pole 119159.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 13th day of April A.D., 2022


NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on 6/14/22

My Commission Expires 6/14/22

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

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

The Knoll Expansion **of the Sussex County Unified Sanitary Sewer District**

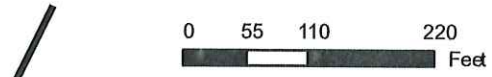
PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for The Knoll Expansion of the Sussex County Unified Sanitary Sewer District (Holt's Landing Area) on March 22, 2022.
- The Engineering Department had received a request from Land Tech Planning, LLC on behalf of their Irons Knoll, LLC the owners/developers of a project to be known as The Knoll.
- The request includes parcel 134-7.00-163.00 and is proposed at 33 lots.
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates and an Infrastructure Use Agreement will be required.
- The Engineering Department posted notices on April 11, 2022, added to the county website and advertised on April 27th and May 3rd.
- The department received an email request from the intervening parcel on April 4th requesting their parcel 134-7.00-164.00 be included in the annexation.
- We would request to include this parcel as part of the annexation at this time.

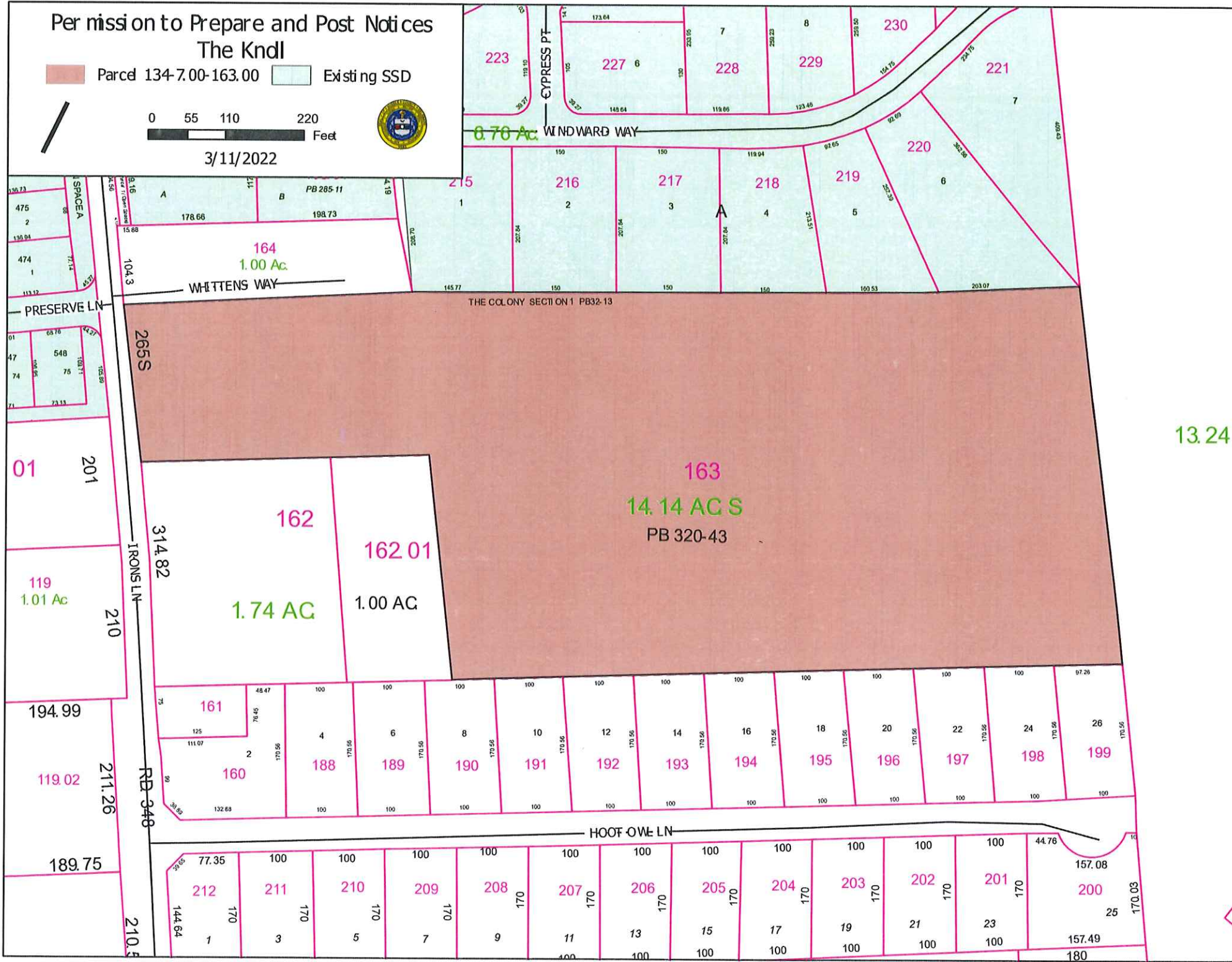


Per mission to Prepare and Post Notices
The Kndl

Parcel 134-7.00-163.00 Existing SSD



3/11/2022



John J. Ashman

From: Chris Calio
Sent: Monday, April 4, 2022 10:50 AM
To: John J. Ashman
Subject: FW: annexation into sewer district

John,

Mr. Absher's confirmation is below.

Thanks,

Chris

From: Bradley Absher <Brad@truenorthls.com>
Sent: Monday, April 4, 2022 10:09 AM
To: Chris Calio <ccalio@sussexcountyde.gov>
Subject: annexation into sewer district

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good morning!

Please accept this email as confirmation that I WOULD like my property, tax map 1-34-7.00-164.00, 34947 & 34953 whittens way, to be annexed in to the sewer district!

Thanks!

BRADLEY A. ABSHER, PRESIDENT
DE & MD PROFESSIONAL LAND SURVEYOR

TRUE NORTH LAND SURVEYING, INC.
**** CELEBRATING OUR 15TH YEAR! ****

***** **WE'VE MOVED** *****
35380 ATLANTIC AVENUE
MILLVILLE, DE 19967
302.539.2488

Proposed Annexation The Knoll

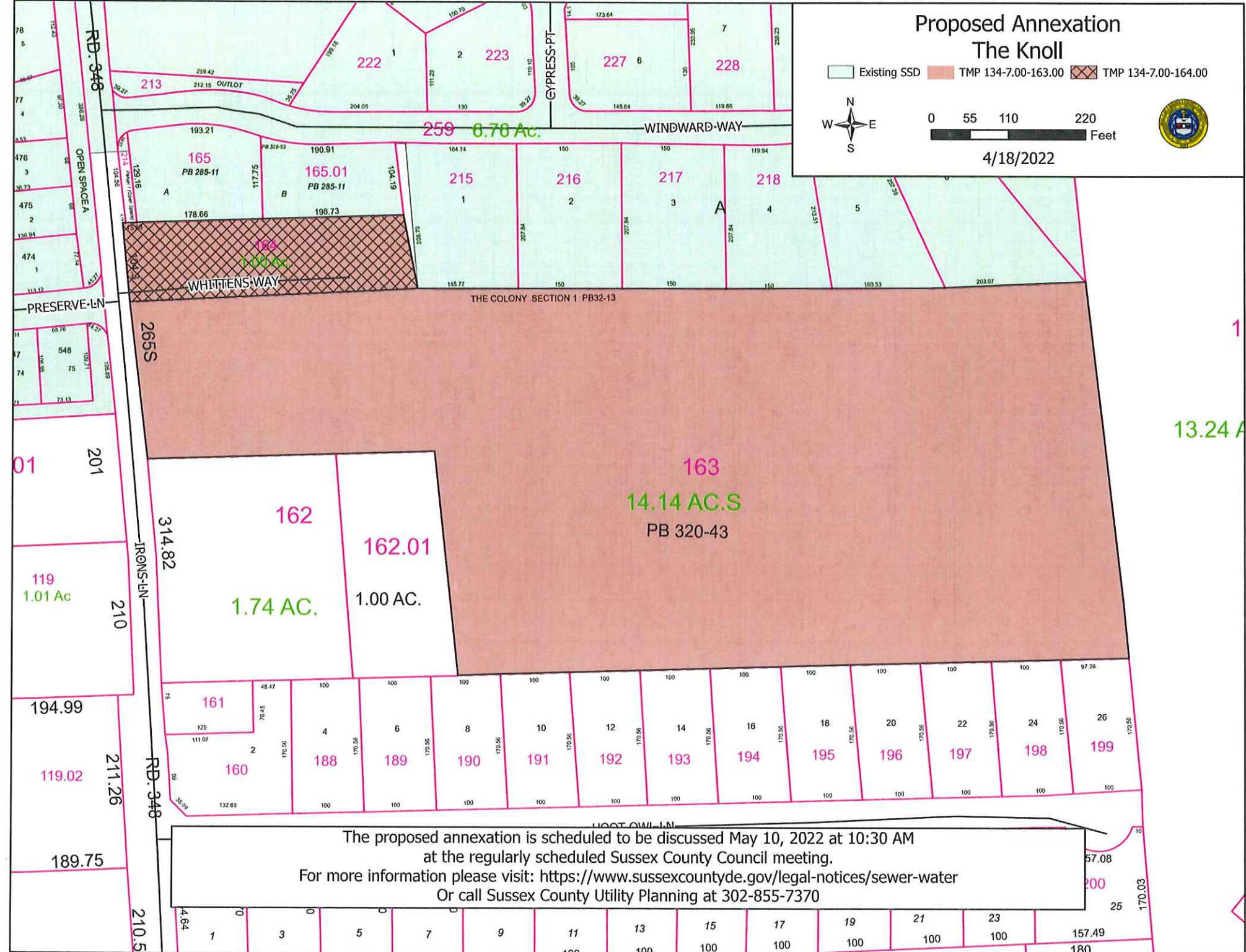
Existing SSD TMP 134-7.00-163.00 TMP 134-7.00-164.00



0 55 110 220 Feet



4/18/2022



The proposed annexation is scheduled to be discussed May 10, 2022 at 10:30 AM at the regularly scheduled Sussex County Council meeting. For more information please visit: <https://www.sussexcountype.gov/legal-notice/sewer-water> Or call Sussex County Utility Planning at 302-855-7370

PUBLIC NOTICE

**PROPOSED THE KNOLL EXPANSION OF THE SUSSEX COUNTY UNIFIED
SANITARY SEWER DISTRICT (HOLTS LANDING AREA)
FILE NUMBER: HL-10.08**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on March 22, 2022 to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Holts Landing Area, to include The Knoll subdivision and Parcel 134-7.00-164.00, east of Irons Lane, being situate in Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

Beginning at a point, said point being on the westerly right-of-way (ROW) of Irons Lane (SCR 348), said point also being on the easterly property line of lands Now-or-Formerly (N/F) of The Preserve at Irons Landing; thence leaving said ROW and Preserve lands and proceeding, across the road, in an easterly direction a distance of 50'± to a point, said point being on the easterly ROW of Irons Lane (SCR 348), said point also being the northwesternmost property corner of lands N/F of Kalel Holdings, Inc; thence proceeding by and with said Kalel lands in an easterly and southerly direction respectively a total distance of 500'± to a point, said point being on the northern boundary line of Irons Knoll LLC; thence leaving said Kalel lands and proceeding by and with said Irons Knoll lands in an easterly, southerly, westerly, northerly and westerly directions respectively a total distance of 3,175'± to a point, said point being on the easterly ROW of Irons Lane (SCR 348); thence proceeding in a westerly direction, crossing said Irons Lane, a distance of 50'± to a point, said point being on the westerly ROW of Irons Lane (SCR 348); thence proceeding by and with said ROW in a northerly direction a distance of 328'± to a point, said point being the place of **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 134-7.00 and Sussex County property assessment records. The annexation contains 15.14 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:30 p.m. on May 10, 2022 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Hans M. Medlarz, P.E.
County Engineer

PROPOSED THE KNOLL EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(
:

COUNTY OF SUSSEX)(
:

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On April 11, 2022 he was a Planning Technician IV for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 11, 2022 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post at the stop sign at the southerly exit on Colony Drive at the intersection with Irons Lane,
 - 2. On a post at the stop sign exiting Cripple Creek Drive at the intersection with Irons Lane,
 - 3. On a post at the stop sign exiting Winward Way at the intersection with Irons Lane,
 - 4. On a post in front of the stop sign at the exit of Preserve Lane at the intersection with Irons Lane,
 - 5. In front of Wittens Way sign in the easterly Right-of-Way (ROW) of Irons Lane,
 - 6. In the easterly ROW of Irons Lane, 40'± south of Whittens Way,
 - 7. In the easterly ROW of Irons Lane, across the road from DEC Pole 16549,
 - 8. In the easterly ROW of Irons Lane, 265'± south of Whittens Lane.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 13th day of April A.D., 2022


NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on 6/14/22

My Commission Expires 6/14/22

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) HOLTS LANDING AREA, TO INCLUDE THE PROPOSED THE KNOLL SUBDIVISION AND AN ADJACENT PARCEL, LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of the proposed The Knoll subdivision, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in The Knoll subdivision area and further described as follows:

BEGINNING at a point, said point being on the westerly right-of-way (ROW) of Irons Lane (SCR 348), said point also being on the easterly property line of lands Now-or-Formerly (N/F) of The Preserve at Irons Landing; thence leaving said ROW and Preserve lands and proceeding, across the road, in an easterly direction a distance of 50'± to a point, said point being on the easterly ROW of Irons Lane (SCR 348), said point also being the northwesternmost property corner of lands N/F of Kalel Holdings, Inc; thence proceeding by and with said Kalel lands in an easterly and southerly direction respectively a total distance of 500'± to a point, said point being on the northern boundary line of Irons Knoll LLC; thence leaving said Kalel lands and proceeding by and with said Irons Knoll lands in an easterly, southerly, westerly, northerly and westerly directions respectively a total distance of 3,175'± to a point, said point being on the easterly ROW of Irons Lane (SCR 348); thence proceeding in a westerly direction, crossing said Irons Lane, a distance of 50'± to a point, said point being on the westerly ROW of Irons Lane (SCR 348); thence proceeding by and with said ROW in a northerly direction a distance of 328'± to a point, said point being the place of **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 134-7.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2***
A. General Construction, Project C19-11 Change Order No. 22
B. Electrical Construction, Project C19-17, Change Order No. 17

DATE: May 10, 2022

In summary, the South Coastal WRF Treatment Process Upgrade No.3 encompasses the following components and statuses:

- a. Effluent Forcemain Relocation/Replacement; Completed in fall of 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;
This scope was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded the stand alone Change Order Request 554-001 to Ronca & Sons, Inc. in the amount of \$104,592.96 on March 10, 2020. The construction was completed in July 2020.
- d. **General Construction Project C19-11**; awarded on December 17, 2019, to M.F. Ronca & Sons, Inc.

On March 10, 2020, Council authorized Change Order No.1 in the net amount of \$97,294.31 for deletion of the record drawing requirement and the modification of the RBWTF influent forcemains.



On May 12, 2020, Council authorized credit Change Order No. 2 in the amount of (\$12,705.00) eliminating an explosion proof motor requirement.

On July 28, 2020, Council approved credit Change Order No. 3 in the combined amount (\$9,764.30) for use of surplus materials projects.

Change Order No.4 in the amount of \$871,000.00 for the repairs of partial failures at the two City of Rehoboth's wastewater treatment plant oxidation ditch systems was also approved on July 28, 2020. M.F. Ronca & Sons, Inc. completed the scope in May of 2021 and the County increased the flow contribution to the City's plant.

On December 15, 2020, County Council approved Change Order No. 6 for steel framing repairs in the first oxidation ditch on a time & material basis up to \$10,500.00. This is in addition to the concrete repairs which are being conducted per the awarded contingent unit price schedules.

The County initiated RFP-019 addressing modifications to the interior headworks piping the second one and RFP-023 covering the addition of a cross connection between the existing 14-inch process drain header for Aeration Tank Nos. 1-4 and the new header for the Aeration Tank Nos. 5-8. On September 22, 2020, Council approved Change Order No.5 in the combined amount of \$32,991.66.

GHD issued RFP-031 for the installation of plug valves on each of the 12-inch recycle influent pipes to be connected to the existing Aeration Tank Nos. 1-4 and to the new Aeration Tank Nos. 7-8. On December 15, 2020, Change Order No. 7 was approved for said shut off valves in the amount of \$31,974.51.

The new South Coastal aeration basin had to be connected to the existing large diameter sludge return piping requiring a forward flow stoppage. Minimizing the joint risk M. F. Ronca proposed a line stop approach under Change Order No. 8. Since it also gained construction efficiency, they offered to only charge for the subcontractor work.

In the spring of 2021, the Rehoboth Beach WTP oxidation ditch rehabilitation was receiving expansive attention including:

- Contingent Unit Price Concrete Repairs, Bid Items F-19 & F-20
- Steel Repairs authorized under Change Order No. 6
- Steel Coatings authorized as part of Change Order No. 4

In addition, all of the leaking expansion joints have been repaired under a time & material approach. On March 9, 2021, County Council approved Change Order Nos. 8 and 9 in the respective amounts of \$34,765.50 and \$45,600.00.

Only one of the two headworks influent pipes has a shut off valve and we requested another 20" valve in the second vertical influent pipe. In addition,

two of the existing headworks slide gates were compromised in need of replacement and we requested the replacement. On May 25, 2021, Council approved Change Order No. 10 in the aggregate amount of \$34,160.64.

The County initiated RFP-039 addressing modifications to two slide gates avoiding conflict with the new air piping. In addition, it was discovered during the rehabilitation work in the grit tanks, that the existing influent chutes to the stacked tray grit removal systems were significantly compromised. On June 22, 2021, Council approved Change Order No. 11 in the aggregate amount of \$59,557.16.

The design team initiated RFP-038 for exhaust duct modifications associated with the new turbo blowers and RFP-041 correcting the elevation difference in the headworks cross channel. On July 13, 2021, Council approved Change Order No. 12 to M.F. Ronca & Sons in the aggregate amount of \$14,700.07.

The contract as bid includes concrete repairs to the City's headworks and influent splitter box. With the structures by-passed and accessible, the full extent of the damage required an alternative approach detailed in RFP-037 including full demolition of the upper level as well as the channel between it and the splitter box. All the associated gates and plating had to be replaced in a massive effort. GHD, the City Engineer and the County Engineer supported the approach, and the change order was within budget of the City's financing arrangements previously approved by the City and County elected officials. Therefore, Council approved Change Order No. 13 to M.F. Ronca & Sons in the amount of \$1,043,243.92 on August 10, 2021.

The City requested M.F. Ronca & Sons' assistance in the wetwell cleaning of the State Rd. pump station to allow a full evaluation in preparation of the upgrade design. In addition, the City requested to modify the air intake for B-10 Building ventilation from a roof mount to an existing window opening. On November 30, 2022, County Council approved Change Order No. 14 in the aggregate amount of \$7,380.37.

Upon exposure of the normally submerged piping at the oxidation ditches, GHD formulated an initial repair scope for the influent, return sludge & air piping including replacement of valves and fittings. It was subsequently reduced and Michael F. Ronca & Sons, Inc. proposed to perform the modified repair scope for \$324,996.81. GHD, the City Engineer and the County Engineer supported the modified approach. However, this amount is not within budget of the City's financing arrangements previously approved. The City will pay for this change order directly out of City funds. County Council approved Change Order No. 15 on January 11, 2022, subject to direct payment by the City. Since then, it was determined that the pipe support configuration for the replacement of oxidation ditch influent piping at the City's WTP required additional supports and RFP-056 issued. Michael F. Ronca & Sons, Inc. proposed to perform the expanded repair scope for \$8,992.49. County

Council approved Change Order No. 17 to M.F. Ronca & Sons in the amount of \$8,992.49 on January 25, 2022.

GHD's design scope included a separate task for the hydraulic transient analysis of the South Coastal effluent force under various pumping scenarios. After County approval of the findings, GHD issued RFP-052 for replacing air valves on the effluent force main and installing additional air valves at new locations. This work scope was not known at time of base bid and hence not included. On January 11, 2022, County Council issued Change Order No. 16 to M.F. Ronca & Sons in the amount of \$88,132.23.

The South Coastal RWF's return sludge pumping station has three (3) pumps, two of which have been upgraded. The third unit recently experienced a failure, and the Environmental Services requested replacement of the pump and piping to be integrated in the project as per RFP-053. Michael F. Ronca & Sons, Inc. proposed Change Order No. 18 in the amount of \$ 31,101.61, which Council approved on January 25, 2022.

Under RFP-053 the Environmental Services staff requested replacement of two (2) compromised pumps and rail systems in the existing filtrate return pump station in the filter building. Under RFP-057 the City staff requested new fiberglass baffles and a guide bracket assembly to replace the original wooden baffle assembly located in the flow splitter box. M.F. Ronca & Sons proposed to complete the work for \$90,081.84 and \$8,132.66 respectively which Council approved on February 8, 2022, via Change Order 19.

The City requested M.F. Ronca & Sons' assistance in the installation of a lintel above the screen chute complete with control joints limiting vertical cracking. Ronca proposed to complete this work for \$7,426.59.

Starting in 2021, Environmental Services started experiencing more frequent malfunctions and alarm call outs with the influent screens at the Inland Bays RWF. In addition, a reduction in screen bar opening from ¼-inch to 3/16-inch opening will help the facilities sludge accumulation. The units were commissioned in the fall of 2010 and normally have a 15-year service life. The Engineering Department requested the assistance of Michael F. Ronca & Sons, Inc. and their investigation revealed that a full replacement could be accomplished for \$ 253,417.58, which was only 10% more expensive than a full rebuilt. Therefore, County Council approved Change Order No. 20 in the aggregate amount of \$260,844.17 on March 8, 2022 for the replacement in kind of two screens at Inland Bays and the masonry work at the City's plant.

The South Coastal facility requires alkalinity adjustments. In the past caustic soda was used however with the upgrade project the approach was switched to magnesium hydroxide. The as bid design included an innovative low energy consumption type Enviromix gas mixing system with a performance guarantee which was not met at start up. Therefore, the design approach was switched to

a traditional impeller type mixing system. Michael F. Ronca & Sons, priced the modification including the full contract credits relating to the original Enviromix system and on March 29, County Council approved Change Order No. 21 in the aggregate amount of \$45,989.72.

The FY2022 Environmental Services budget included roof repairs of the South Coastal administration building and conversion of an existing pole building to an electrical panel shop. Michael F. Ronca & Sons, already has subcontractors in their scope of work who perform this type of work. They priced the building modification and selectively investigated the roof conditions. The roof dating to the original construction needs full replacement and has areas of compromised decking. Due to market volatility, long lead times and anticipated incremental increases in roofing material (membrane & tapered insulation) costs, pricing includes a material escalation allowance. Upon delivery of roofing materials final costs will be incorporated in a corrective change order reflecting actual material increases. Existing roof decking to be fully evaluated upon removal of existing roof. Roof decking replacement will be performed at a unit cost of \$25.00 per SF and also incorporated into corrective change order. The Department recommends issuance of Change Order No. 22 in the aggregate amount of \$306,692.52 for pole building enclosure and admin building roof replacement followed by a later corrective change order adjusting unit costs and material pricing.

- e. **Electrical Construction Project C19-17**; awarded on December 17, 2019, to BW Electric, Inc.

On February 4, 2020, Council awarded Change Order No.1 in the credit amount of (\$759,374.80) mostly for changes to the conduit materials. A second credit change order was approved on March 10, 2020, in the amount of (\$6,800.00) for ductbank modifications.

On April 7, 2020, Council approved Change Order No.3 in the not to exceed amount of \$235,637.33 for DP&L requested changes to the utility power service entrance location at the RBWTP.

On May 12, 2020, Council authorized Change Order No.4 in the amount of \$11,350.00 for reconstruction of the original electrical equipment in South Coastal's sludge handling building electrical room.

On July 28, 2020, Council approved Change Order No.5 in the combined amount of \$37,830.00 for the removal of an existing electrical handhole and duct bank and the modification of the duct bank between the DP&L utility switching pedestal and the transformer.

On September 22, 2020, Council approved Change Order No.6 in the amount of \$16,550.00 for the change of the sewer service for the return sludge building No. 2 from a gravity drain to a pumped approach.

On September 22, 2020, Council approved Change Order No. 7 in the not to exceed amount of \$307,300.00 for the City's oxidation ditch complete electrical equipment replacement. This change order had an allowance for sensor replacements which proved too low and required an increase of \$6,582.80. Council approved the modification to Change Order No. 7 on November 10, 2020.

On November 10, 2020, Council approved Change Order No. 8 in the aggregate amount of \$2,249.00 covering RFP-027, RFP-028, RFP-029 & RFP-030. GHD has concluded that RFP-029 can be rescinded in its entirety. Therefore, the scope of work in the Sludge Building reverts to the Drawings, as modified by Change Order No. 4 associated with RFP-016. However, on December 15, 2020, Council approved the modification reducing Change Order No. 8 by \$9,040.00 for a modified net total credit of (\$6,791.00).

On February 9, 2021, Council approved Change Order No. 9 in the aggregate amount of \$30,554.00 covering RFPs-032 & 033. The first RFP provided upsized control panels, conduit and conductors associated with the two (2) Jet Mixing Pump VFDs while the second dealt with a modified temporary electrical feeder arrangement and a redirection of the medium voltage loop.

On August 10, 2021, Council approved Change Order No. 10 in the aggregate amount of \$7,320.00 covering RFP- 035 for waterproofed convenience receptacles at the return sludge building's pump room and RPP-040 for additional site lighting in the area of the generator and blower buildings.

On October 12, 2021, Council approved Change Order No. 11 in the aggregate amount of \$47,328.70 covering the City's initiated RFPs-042 & 44. The first one replaces the deteriorated pull box at building B-10 with a stainless steel one and the second one addresses modifications to the garage feeder.

Also on October 12, 2021, Council approved Change Order No. 12 in the amount of \$4,779.38 covering RFP-045 for modification to the aeration basin lighting out of operational safety concerns.

On January 11, 2022, County Council issued Change Order No. 13 in the aggregate amount of \$20,018.56 for City initiated RFPs -043 & 049. The first one relates to the electrical control requirements for a booster pump in Building T-1. The second one addresses rewiring of the two (2) level sensors and dissolved oxygen probes at the oxidation ditches.

Also On January 11, 2022, County Council issued Change Order No. 14 in the credit amount of (\$6,485.87) for the elimination of four valve actuators.

The City's lighting in the headworks building and the panelboard in the chemical building are compromised by corrosion and City staff requested

replacement as per RFP-050. The County Environmental Services and IT staff reanalyzed the facility's fiber optic cabling needs and requested inner duct modifications under RFP-059. BW Electric proposed to make the changes for \$12,018.72 and \$16,100.70 respectively and on February 8, 2022, Council issued Change Order No. 15 in the aggregate amount of \$28,119.42.

On March 29, 2022, County Council issued Change Order No. 16 in the aggregate amount of \$52,003.13 for the DP&L metering modifications at the City's plant and dedicated VFD cabinet ventilation.

The following RFPs were requested by Environmental Services over the last two months:

1. RFP-064 for float-controlled effluent pump backup control panel in the event of a failure in the digital pump control system or level transmitter in the amount of \$29,895.13.
2. RFP-065 for the demolition and replacement of the original 1970s lighting in the Headworks Pump Room, Headworks Grit Dewatering Room, Mechanical Building Pump Room, and outdoor wallpacks around perimeter of Mechanical Building in the amount of \$80,099.11.
3. RFP-066 for additional circuits and conduits associated with a conveyor warning alarm in the Cake Storage Building, and for separation of 120 VAC circuits from 24 VDC circuits originating in Cake Storage Building in the amount of \$3,090.30.
4. RFP-068 for the electrical work associated with replacing the compressed gas mixing system with a mechanical mixing system in the amount of \$83,738.84. This is the companion change order to Michael F. Ronca & Sons' Change Order No. 21 for the mechanical work.
5. RFP-069 for a change in the existing 6-way DB-5A allowing for the MH-47 to be eliminated at a credit of (\$7,500.00).

In summary, the Engineering Department recommends accepting BW Electric, Inc.'s Change Order No. 17 in the aggregate amount of \$189,323.38.

Up to this point the electrical change order balance still reflected a total net credit despite mayor work required for DP&L's power service and the City's oxidation ditch rehabilitations. The project Team consisting of the engineers at GHD as well as the contractors Michael F. Ronca & Sons and BW Electric, Inc. is performing exceptionally well in three different site locations including Inland Bays. Therefore, the Department will recommend to approach the Inland Bays treatment plant expansion in a design built approach utilizing this team.

- f. Mobile Belt Filter Press; awarded on January 7, 2020, Council to Kershner Environmental Technologies. The unit was deployed at the Inland Bays RWF, reducing legacy lagoon solids accumulation and at the LBPW Plant, reducing digester volumes and currently stationed at South Coastal in anticipation of the aeration basin transfer.

- g. DP&L direct expenses; on February 4, 2020, Council approved the electric utility service relocation contract with the utility.
- h. The Rehoboth Beach WTP was built on a municipal landfill and Council approved a stand-alone competitive purchase order to Melvin L. Joseph Construction Company, Inc. for material hauling & screening on July 14, 2020.

The updated expenses associated with the South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program; Phase 2 are summarized in the attached spreadsheet.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – General Construction**
2. Sussex County Project No. C19-11
3. Change Order No. 22
4. Date Change Order Initiated - 5/10/22
5.
 - a. Original Contract Sum \$39,526,400.00
 - b. Net Change by Previous Change Orders \$3,229,728.93
 - c. Contract Sum Prior to Change Order \$42,756,128.93
 - d. Requested Change \$ 306,692.52
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$43,062,821.45
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

6. Factors Affecting Time of Completion

 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

South Coastal Admin Building roof replacement and conversion of pole building to an electric panel shop.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. M.F. Ronca & Sons, Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

Michael F.
RONCA
& Sons, Inc.

TELEPHONE 610/759-5100
FACSIMILE 610/746-0974



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

April 29, 2022

Mr. Hans M. Medlarz, P.E
Sussex County
2 The Circle PO Box 589
Georgetown, DE 19947

Re: Sussex County
SCRWF-RBWWTP CIP Phase 2 Upgrades
Proposed Change Order Request No. 554-032
Admin Roof Replacement and Pole Building Enclosure

Dear Mr. Medlarz:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Three Hundred Six Thousand Six Hundred Ninety Two Dollars and 52 Cents.....(\$306,692.52).

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manger

cc: HO file 554
David A. Ronca – M.F. Ronca

Sussex County - SCRWF-RBWTP CIP Phase 2 Upgrades

PCOR 554-032 SCRWF Admin Roof Replacement and Pole Building Enclosure

4/29/2022

CHANGE ORDER SUMMARY

Item 1 Enclose Ex. 32' x 76' x 12' Electric Storage Pole Building to Include 5" Thick Concrete Base Slab, Framing, Insulation, 2 EA 16' x 10' Garage Doors, 4 EA 36"x36" Vinyl Windows, 2 EA 3'-0" x 6'-8" Fiberglass Exterior Doors, New Soffit/Fascia, Etc. Work as Further Clarified in County Furnished Proposal Dated 03.04.22 from Oliphant Builders, Inc.

Labor	\$0.00
Materials	\$0.00
Equipment	\$0.00
Subcontract	\$72,500.00
Subtotal	\$72,500.00
Contractor Overhead & Profit @ 15%	\$0.00
Contr. Overhead & Profit on Subcontr. @ 5%	\$3,625.00
Item Total	\$76,125.00

Item 2 Replace Ex. Admin Building Roofing System to Include Removal and Disposal of Ex. System, New Tapered Polyisocyanurate Insulation Sloped to Drains/Scuppers, New 1/2" ISOGARD HD over Entire Roof Deck, New Fully Adhered.060 TPO, Flashing and Termination of all Penetrations, New Terminedge Fascia, 20 year Manufacturer Roof Warranty and 2 Year Workmanship Warranty.

Labor	\$0.00
Materials	\$0.00
Equipment	\$0.00
Subcontract	\$219,588.11
Subtotal	\$219,588.11
Contractor Overhead & Profit @ 15%	\$0.00
Contr. Overhead & Profit on Subcontr. @ 5%	\$10,979.41
Item Total	\$230,567.52

Change Order Total	\$306,692.52
---------------------------	---------------------

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-032 SCRWF Admin Roof Replacement and Pole Building Enclosure

4/29/2022

<u>Item</u>	<u>Description</u>						
Item 1	Enclose Ex. 32' x 76' x 12' Electric Storage Pole Building to Include 5" Thick Concrete Base Slab, Framing, Insulation, 2 EA 16' x 10' Garage Doors, 4 EA 36"x36" Vinyl Windows, 2 EA 3'-0" x 6'-8" Fiberglass Exterior Doors, New Soffit/Fascia, Etc. Work as Further Clarified in County Furnished Proposal Dated 03.04.22 from Oliphant Builders, Inc.						
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Labor Total:	\$0.00
	Materials:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Material Total:	\$0.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Equipment Total:	\$0.00
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
	Pole Building Enclosure Subcontractor	1.00	LS	\$72,500.00	\$72,500.00	Subcontract Total:	\$72,500.00
						Item Total:	\$72,500.00

Item 2	Replace Ex. Admin Building Roofing System to Include Removal and Disposal of Ex. System, New Tapered Polyisocyanurate Insulation Sloped to Drains/Scuppers, New 1/2" ISOGARD HD over Entire Roof Deck, New Fully Adhered.060 TPO, Flashing and Termination of all Penetrations, New Terminedge Fascia, 20 year Manufacturer Roof Warranty and 2 Year Workmanship Warranty.						
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Labor Total:	\$0.00
	Materials:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Material Total:	\$0.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Equipment Total:	\$0.00
N1,N2	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
	Roofing Subcontractor	1.00	LS	\$219,588.11	\$219,588.11	Subcontract Total:	\$219,588.11
						Item Total:	\$219,588.11

Notes:

- N1 Due to current market volatility, long lead time for materials and anticipated incremental increases in roofing material costs, roofing subcontractor pricing above includes an Material Escalation Allowance of \$46,102.73. Current pricing for roofing materials is \$76,837.87 as supported by material proposals included with backup information. Upon delivery of roofing materials final material costs to be evaluated and a corrective change order will be issued to reflect actual material increases recognized.
- N2 Existing roof decking to be evaluated upon removal of existing roofing material. Should existing roof decking need to be replaced it will be performed at a unit cost of \$25.00 per SF. Costs associated with replacing roof decking will be incorporated into corrective change order upon completion of the work.

Oliphant Builders Inc.

31019 Conaway Rd.

Millsboro DE, 19966

302-542-0912

County Building South Coastal

3/4/2022

Close existing 32' x 76' x 12' Pole Building

Building will be lathed with 2 x 4 perling on inside and outside 2' O.C. Install 6 x 6 post on each gable end and frame for 2- 16' x 10' garage doors. All exterior and interior will have 29 gauge metal installed. All exterior walls will be sprayed with 1.5 cell spray foam. Ceiling will be R-30 blown in insulation. New soffit and fascia will be installed on the existing building.

4- 36" x 36" single hung vinyl new construction windows will be installed. 2- 3.0 -6.8 Nine light fiberglass exterior doors will be installed. Doors will have vinyl frame and brick molding.

Building will have 2- 16' x 10' overhead doors commercial grade w/insulation and commercial grade operators. Operators will be installed on each gable end. Concrete floor will be poured.

Concrete will be 5" thick 3500 lb mix w/fiber 4' aprons on each end.

WE PURPOSE HEREBY TO FURNISH MATERIAL AND LABOR-COMPLETE IN ACCORDANCE WITH ABOVE SPECIFICATIONS, FOR THE SUM OF-\$72,500.00

Due at start--\$36,250.00

***price subject to change due to rising lumber prices.**

Balance due at completion.

QUALITY EXTERIORS, INC.

60 HOPKINS CEMETERY RD.
HARRINGTON, DELAWARE 19952

Telephone 302-398-9283
Fax 302-398-9290

April 29, 2022

Attention: Estimating Department

We hereby submit our **Revised Proposal** for the roofing work to be performed at SCRWF No.3 Administration Building. The work we propose includes the following:
Replace Roof

Scope:

1. Remove existing membrane, insulation and flashings from roof, walls and mechanical units. Inspect deck for damaged or deteriorated metal decking. Any necessary repairs to the deck will be assessed at \$25.00 per sf. of decking replaced. This will be an additional charge over and above the price quoted herein.
2. Remove existing metal edge fascia and replace with new .050 metal edge fascia.
3. Install flat and tapered Polyisocyanurate Insulation sloped to drains and or scuppers.
4. Install ½" ISOGARD HD 80 PSI over entire roof deck.
5. All insulation and coverboard to be mechanically attached, based on having a metal substrate for attachment.
6. Roof insulation minimum thickness to match existing.
7. Install fully adhered .060 TPO SA over entire roof deck.
8. Complete all flashings and terminations per the manufacture's specifications for a 20-year warranty.
9. Remove all trash and debris from the jobsite.

This job carries a two (2) year warranty on all workmanship

Our price for this work is: \$219,588.11

Note: We have included a Material Escalation Allowance of \$46,102.73 in the above pricing. Our Manufacturer's expect material increases of 15% per calendar quarter. Current lead times and materials priced at time of shipment will affect final cost. See below for anticipated increased pricing for this work:

Allowance breakdown:

1st quarter increase: \$11,525.68
2nd quarter increase: \$23,051.37
3rd quarter increase: \$34,577.05
4th quarter increase: \$46,102.73

Any alteration or deviation from the above specifications involving extra costs, not herein specified, will be executed only upon written orders, and will become an extra charge over and above the base bid. Workmen's Compensation Insurance on this work is covered by American Interstate Insurance Company and Liability Insurance on this work is covered by Westfield Insurance.

We appreciate the opportunity to provide you with a quotation for this work. If you have any questions or require additional information regarding this matter, please feel free to contact Jason Stallings.

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment terms are Net 30 days with a 1.5% Late Charge per month added to any open balance over 30 days.

If Quality Exteriors, Inc must initiate proceedings of any kind to enforce its rights under this Agreement; the customers shall be responsible for all costs, including attorney's fees.

Quality Exteriors, Inc:

Signature: _____
Jason Stallings, President

Date: _____

Owner:

Approved by (please print): _____

Signature: _____

Date: _____



BID PROPOSAL SCRWP

BID NUMBER: 7734934	PREPARED FOR: 329331	BRANCH LOCATION: 346
Bid Date: 3/25/22 <div style="border: 2px solid gray; border-radius: 15px; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> Valid Until Tuesday, May 24, 2022 </div>	QUALITY EXTERIORS INC 60 HOPKINS CEMETERY ROAD HARRINGTON, DE 19952 Telephone: 302-398-9283	PHILADELPHIA BRANCH BEACON BUILDING PRODUCTS 2430 EAST TIOGA ST PHILADELPHIA, PA 19134-4616 Telephone: 215-425-6780 Sls id: PQ5 Ent Ini: HEH

LINE	QUANTITY	DESCRIPTION	UNIT PRICE	DISCOUNT	NET UNIT PRICE	EXTENDED PRICE
10	219	PC FIR ISOGARD 1/2 4X8 HD CB 80PSI (.3200 SQ Per PC) 80 PSI 46PCS/UNIT W848CC050H	SQ 30.04PC		93.9000	6,580.51
20	8	RL FIR 060 TPO SA 10X100 WHITE W56TSA3699	RL		1,935.0000	15,480.00
30	2	PL FIR SA LVOC MEMBRANE PRIMER 5G #W563587092	PL		366.3642	732.73
40	6	BX FIR FSTNR ALL PURPOSE PH 8.00" (500) .235" THREAD W56RAC4210	BX		369.4247	2,216.55
50	3	CTN FIR METAL INS PLATE 3" 1000/PAIL W56RAC4190 FORMERLY 2-7/8"	CTN		220.0579	660.17
60	456	PC FIR 2.50 ISO 4X8 GRADE-II 20PSI (.3200 SQ Per PC) 19PCS/BDL W841112508	SQ 43.41PC		135.6700	19,796.97
70	6	RL FIR TPO QS RPFS STRIP 6"X100' SOLD BY THE RL 2/CTN W56TPO30T1	RL		211.8907	1,271.34
80	1	RL FIR TPO UNSPRTD FLASHING 24" WH WHITE 24"X50' W56TPO3017	RL		315.9063	315.91
90	20	PC FIR TPO ULTRAPLY I/O CNR WHITE (.0500 CTN Per PC) W56TPO301C SOLD BY THE PIECE 20PCS/CTN	CTN 7.82PC		156.5297	156.53
100	3	RL FIR UP TPO WALKWAY 30"X50' WHT W56TPO3024 ULTRAPLY WHITE REPLACES W56TPO3019P	RL		539.4917	1,618.48
110	36	TB FIR EP TP WATER BLOCK SEAL TUBE 25/CASE W563587071	TB		5.9262	213.34
120	15	BX FIR FSTNR #12 ASAP PH 8.00" (200) .196" THREAD W56RAC4170 PRE-ASSEMBLED	BX		212.1895	3,182.84
130	1	EA FIR TAPERED ISO SYSTEM DIRECT SCRWF ADMIN V1	EA		12,270.0000	12,270.00



BID PROPOSAL SCRWP

BID NUMBER: 7734934	PREPARED FOR: 329331	BRANCH LOCATION: 346
Bid Date: 3/25/22 <div style="border: 2px solid gray; border-radius: 15px; padding: 10px; text-align: center; width: fit-content; margin: auto;"> Valid Until Tuesday, May 24 , 2022 </div>	QUALITY EXTERIORS INC 60 HOPKINS CEMETERY ROAD HARRINGTON, DE 19952 Telephone: 302-398-9283	PHILADELPHIA BRANCH BEACON BUILDING PRODUCTS 2430 EAST TIOGA ST PHILADELPHIA, PA 19134-4616 Telephone: 215-425-6780 Sls id: PQ5 Ent Ini: HEH

LINE	QUANTITY	DESCRIPTION	UNIT PRICE	DISCOUNT	NET UNIT PRICE	EXTENDED PRICE
						Fuel Surcharge 50.00
						Other Charges Total 50.00
<p>PLEASE BE ADVISED THAT BEACON CAN ONLY HONOR A MANUFACTURERS QUOTE TO THE SAME EXTENT THAT THE MANUFACTURER HONORS THEIR QUOTE. ALL MATERIALS WILL BE PRICED AT THE TIME OF SHIPMENT. DUE TO THE CURRENT VOLATILITY OF THE MARKET, EXPECT EXTENDED LEAD TIMES AND POSSIBLE MISSED LOADS. WHERE PROJECT PRICING IS BASED ON FULL TRUCKLOAD QUANTITIES; WAREHOUSE ORDERS CANNOT BE SOLD AT THE FULL TRUCK PRICE. ALL QUOTES ARE SUBJECT TO FREIGHT, MATERIAL/FUEL SURCHARGES, HAZMAT FEES, AND DEFICIT FREIGHT FEES FOR PARTIAL TRUCKS THAT CAN NOT BE FILLED OUT DUE TO PRODUCT AVAILABILITY ISSUE. QUANTITIES AND MATERIAL LISTED ARE BASED ON OUR INTERPRETATION OF THE PROJECT, IT IS THE CUSTOMER RESPONSIBILITY TO REVIEW ALL PLANS AND SPECS FOR ACCURACY. LISTED QUANTITIES ARE ESTIMATES ONLY. BEACON BUILDING PRODUCTS WILL NOT BE RESPONSIBLE FOR OVERAGES OR SHORTAGES ON THE QUANTITIES PROVIDED. NON-STOCK, SPECIAL ORDER MATERIAL CANNOT BE RETURNED TO A BEACON FACILITY. PLEASE REFERENCE THE PROJECT QUOTE # WHEN PLACING AN ORDER FOR THIS PROJECT.</p>						

Subtotal:	64,545.37
Tax:	.00
Bid Total:	64,545.37

HICKMAN METALS LLC
304 HESSIAN DRIVE
KENNETT SQUARE, PA 19348
610-368-4019

QUOTATION

DATE: 4/26/2022
TO: QUALITY EXTERIORS, INC.
ATTN: DOUG

PROJECT
SCRWP ADMIN.

<u>GAUGE</u> .050"	<u>MATERIAL</u> ALUMINUM	<u>FINISH</u> 2 COAT KYNAR	<u>COLOR</u> PREFINISHED STANDARD
-----------------------	-----------------------------	-------------------------------	--------------------------------------

PRODUCT

UNIT PRICE

TERMINEDGE FASCIA WITH GALVANIZED CLEAT

FACE: 8.5"

PER LF	\$18.85	\$10,367.50
PER MITER	\$52.50	\$1,575.00

FREIGHT:	\$350.00	\$350.00
----------	----------	----------

TOTAL:		\$12,292.50
--------	--	-------------

-
1. PRICING GOOD FOR 30 DAYS FROM DATE OF QUOTE
 2. QUOTATION DOES NOT INCLUDE SALES TAX
 3. QUANTITIES AND SIZES SUBJECT TO FIELD VERIFICATION
 4. MINIMUM FREIGHT ALLOWED TO DESTINATION, F.O.B. THE MANUFACTURES PLANT
 5. PLEASE ALLOW 2 WEEKS FOR DELIVERY AFTER APPROVALS RECEIVED AT THE FACTORY

Bob Hickman

Bob Hickman



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – Electrical Construction**
2. Sussex County Project No. C19-17
3. Change Order No. 17
4. Date Change Order Initiated - 5/10/22
5.
 - a. Original Contract Sum \$22,178,674.00
 - b. Net Change by Previous Change Orders (\$220,532.67)
 - c. Contract Sum Prior to Change Order \$21,958,141.33
 - d. Requested Change \$ 189,323.38
 - e. Net Change (No. of days) _____
 - f. New Contract Amount \$22,147,464.71
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

6. Factors Affecting Time of Completion

 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Upgrades to the Headworks pump room, additional circuits and conduits in the Cake Storage Building and electrical work associated with replacing the compressed gas mixing system.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. B.W. Electric, Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



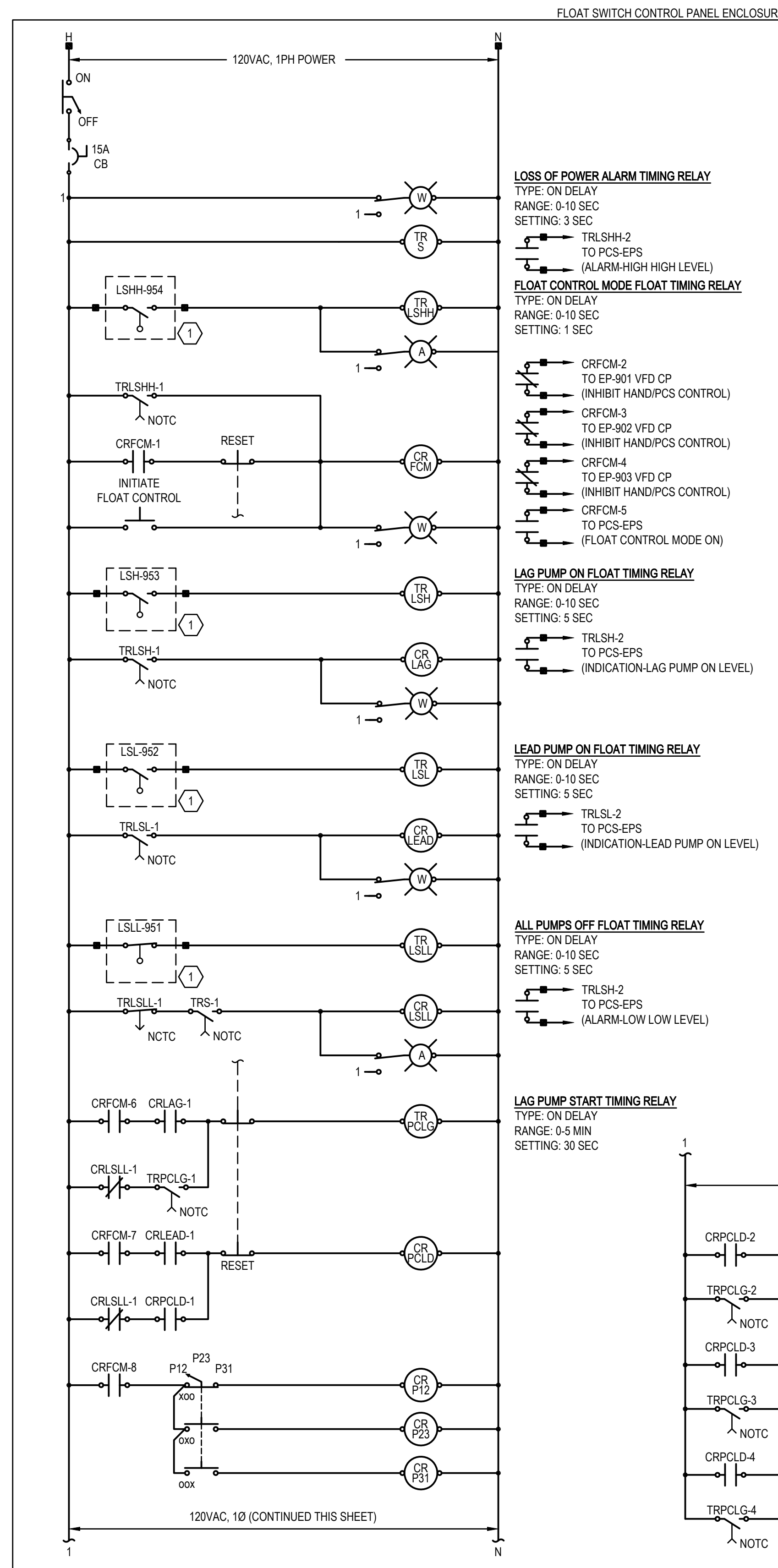
Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	064		
RFP Subject	SCRWF Effluent Pump Station Float Switch CP		
Issued By	D. Murray	Issue Date	April 4, 2022

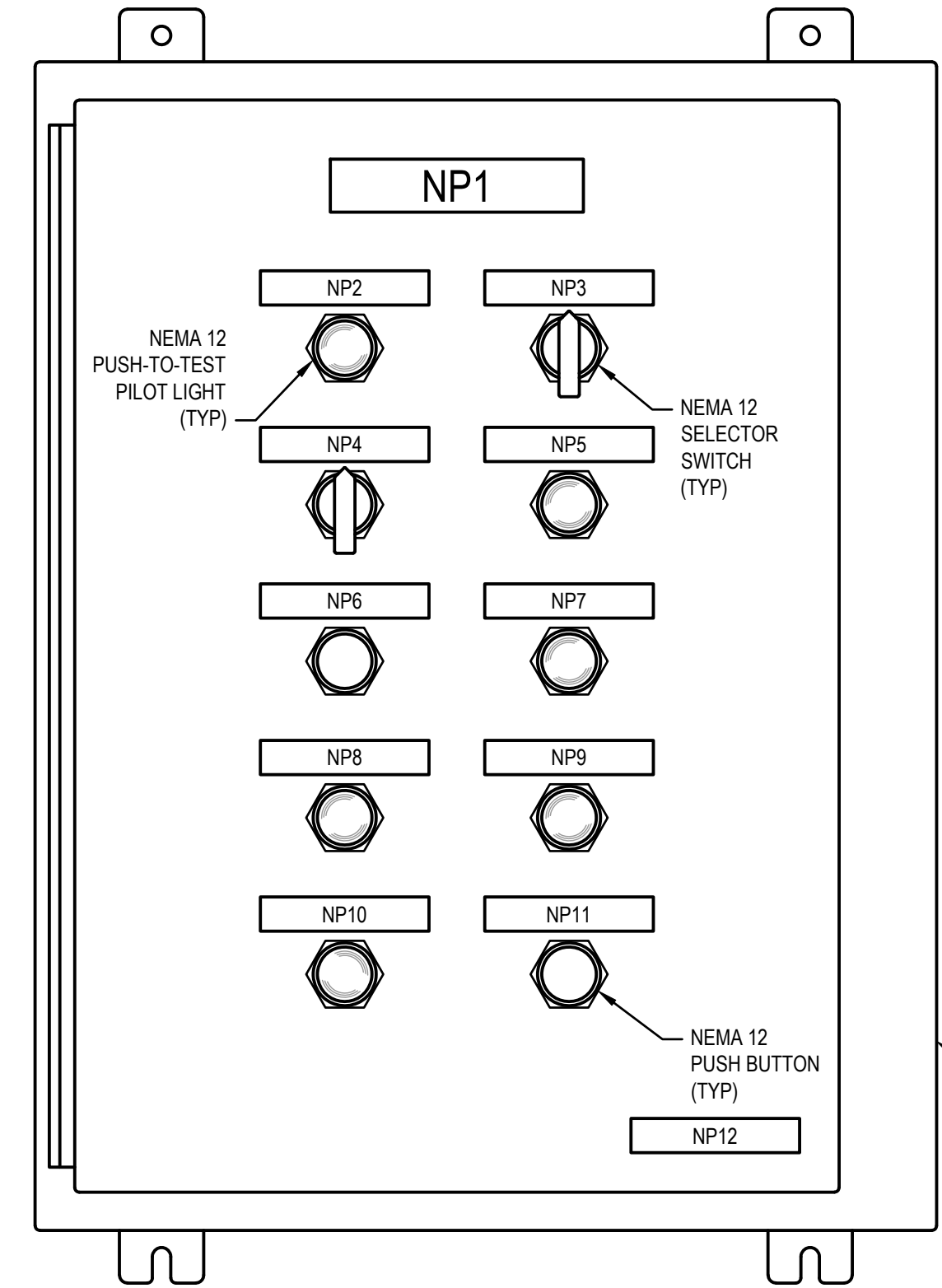
Description of proposed changes:

Contractor is requested to submit a proposal for a float-controlled backup automatic control panel to control Effluent Pumps EP-901, EP-902, and EP-903 in the event of a PCS or level transmitter failure:

1. CSI to furnish backup control panel per the elementary diagram and elevation on attached Figure RFP-064-01. Mount the panel in the Effluent Pump Station – Electrical Building as close to Effluent Pump EP-901,902,903 VFD CPs as practical.
2. CSI to furnish VFD control panels for Effluent Pumps EP-901, EP-902, and EP-903 shown on the attached markup of wiring diagram from submittal 17480-05-02.
3. CSI to furnish four new float switches listed below at the Effluent Pump Station. These are in addition to the two new floats shown on the Drawings at the Effluent Pump Station. Mount the four additional float switches on a separate float mast per Detail 1 on Drawing E6007. Provide "Effluent Pump Station Float Switch Control Mode Termination Panel" with nameplate to terminate the float switch cables for floats listed below:
 - A. LSL-951: All pumps off – elev. 2.58
 - B. LSL-952: Lead pump on – elev. 5.25
 - C. LSH-953: Lag pump on – elev. 8.25
 - D. LSHH-954: High level – start lead and lag pumps with staggered timing for starting of pumps – elev. 11.50 – latch in Float Switch Control Mode
4. Provide conduit and conductors shown on the conduit riser diagram on attached figure RFP-064-01.
 - Route float switch circuits (CC-950) in duct bank DB-SP7[C1] with other conductors shown on the Drawings and added in FO-033.
5. Add a 15A circuit breaker from lot of spares per Section 16470 in panelboard GPEPS-17.



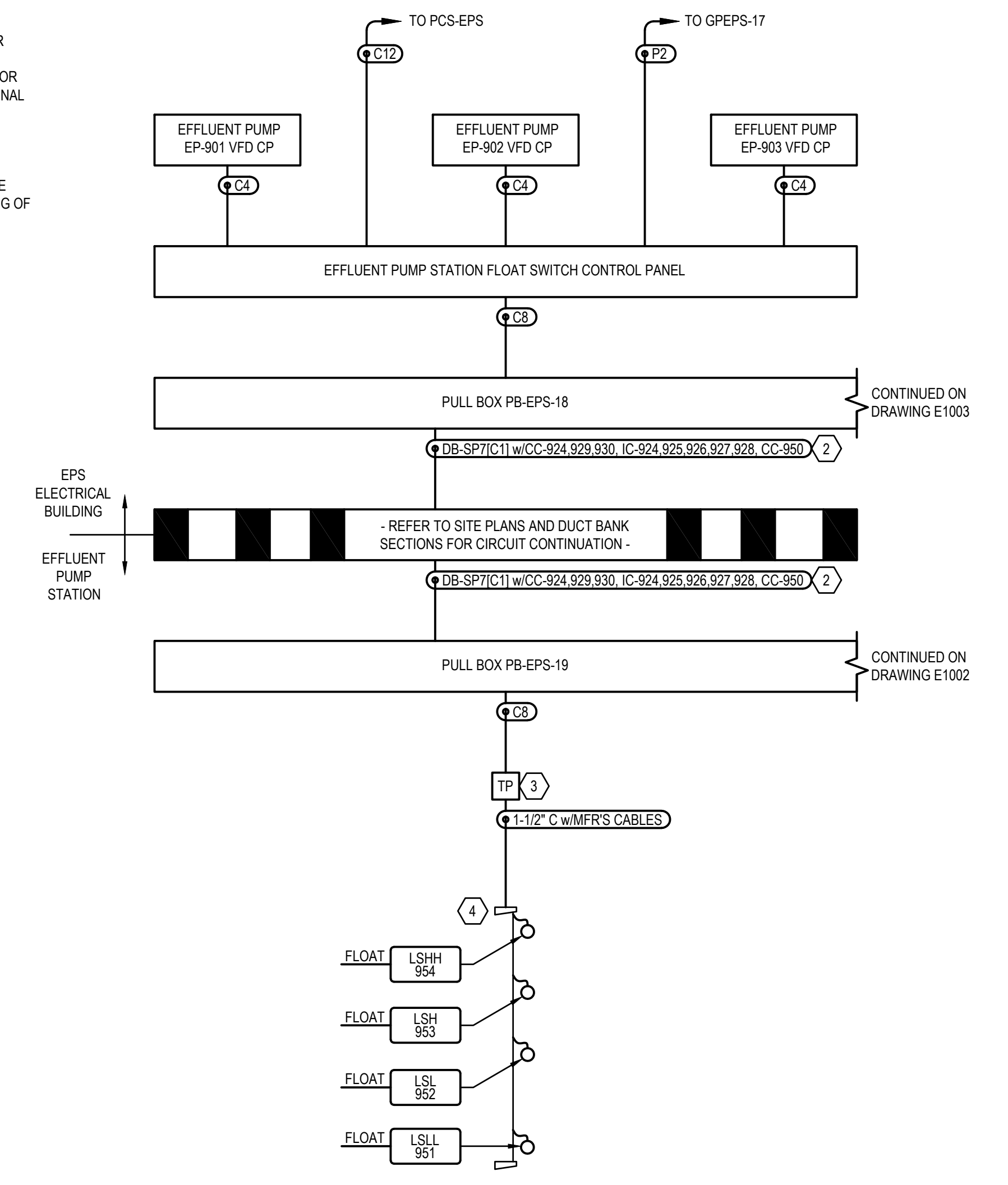
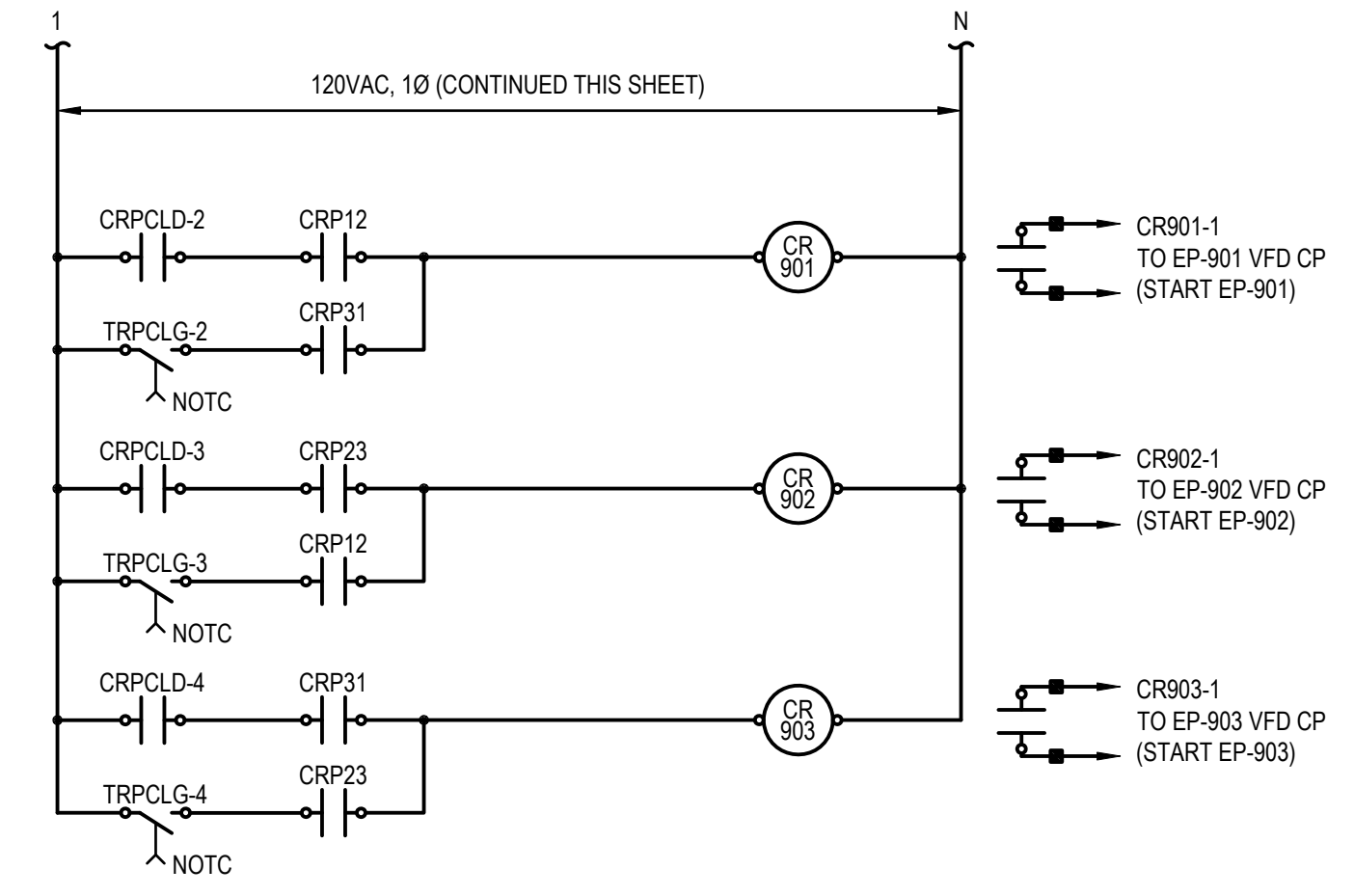
1 EFFLUENT PUMP STATION FLOAT SWITCH CONTROL PANEL ELEMENTARY DIAGRAM
 SCALE: NTS



NAMEPLATE LEGEND
 NP1: EFFLUENT PUMP STATION FLOAT SWITCH CONTROL PANEL
 NP2: CONTROL POWER ON
 NP3: CONTROL POWER ON/OFF
 NP4: PUMP SELECTOR
 NP5: FLOAT CONTROL MODE ON
 NP6: INITIATE FLOAT CONTROL
 NP7: HIGH LEVEL
 NP8: LAG PUMP ON LEVEL
 NP9: LEAD PUMP ON LEVEL
 NP10: LOW LEVEL
 NP11: RESET
 NP12: WARNING: THIS EQUIPMENT IS POWERED BY MULTIPLE SOURCES

NOTES:
 1. EQUIPMENT SHOWN IN THE ENCLOSURE IS FOR GENERAL INFORMATION ONLY. ALL COMPONENTS/DEVICES MAY NOT BE SHOWN FOR BREVIETY. CONTRACTOR SHALL COORDINATE FINAL SIZE AND ARRANGEMENT OF THE ENCLOSURE. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
 2. ALL ACCESSORIES AND MODIFICATIONS TO THE ENCLOSURE SHALL MAINTAIN THE NEMA RATING OF THE ENCLOSURE AFTER FABRICATION AND INSTALLATION.

2 EFFLUENT PUMP STATION FLOAT SWITCH CONTROL PANEL ELEVATION
 SCALE: NTS



3 EFFLUENT PUMP STATION FLOAT SWITCH CONTROL PANEL CONDUIT RISER DIAGRAM
 SCALE: NTS

DRAWING NOTES:

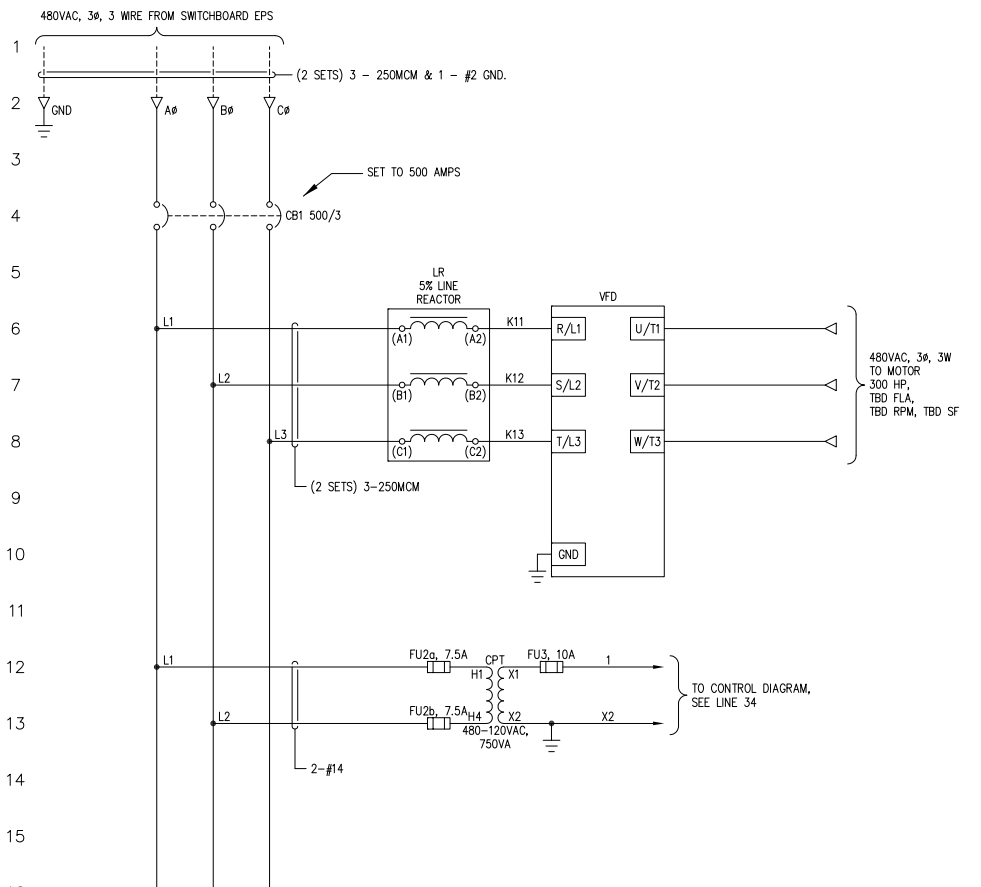
- LOCATED IN EFFLUENT PUMP STATION WET WELL.
- ONLY ADDITIONAL CIRCUIT IN DUCT BANK DB-SB7, CONDUIT C1 TO WHAT IS SHOWN ON THE CONTRACT DRAWINGS IS CC-950. CC-950 INCLUDES 8-#14, 1-#12G FOR FOUR NEW FLOAT SWITCHES ADDED IN THIS RFP. NOTE CIRCUITS SHOWN INCLUDE THOSE ADDED IN FO-033.
- EFFLUENT PUMP STATION FLOAT SWITCH CONTROL MODE TERMINATION PANEL:** PROVIDE NEMA 4X TERMINATION PANEL WITH INSULATED TERMINAL BLOCKS TO TRANSITION FROM FLOAT SWITCH CABLES TO HARD-WIRED CONDUCTORS.
- PROVIDE ADDITIONAL FLOAT MAST IN ADDITION TO THE FLOAT MAST SHOWN ON DRAWING E1002 FOR THE FOUR ADDITIONAL FLOAT SWITCHES INCLUDED IN THIS RFP.

Graphics scale, north arrow, client logo, etc.

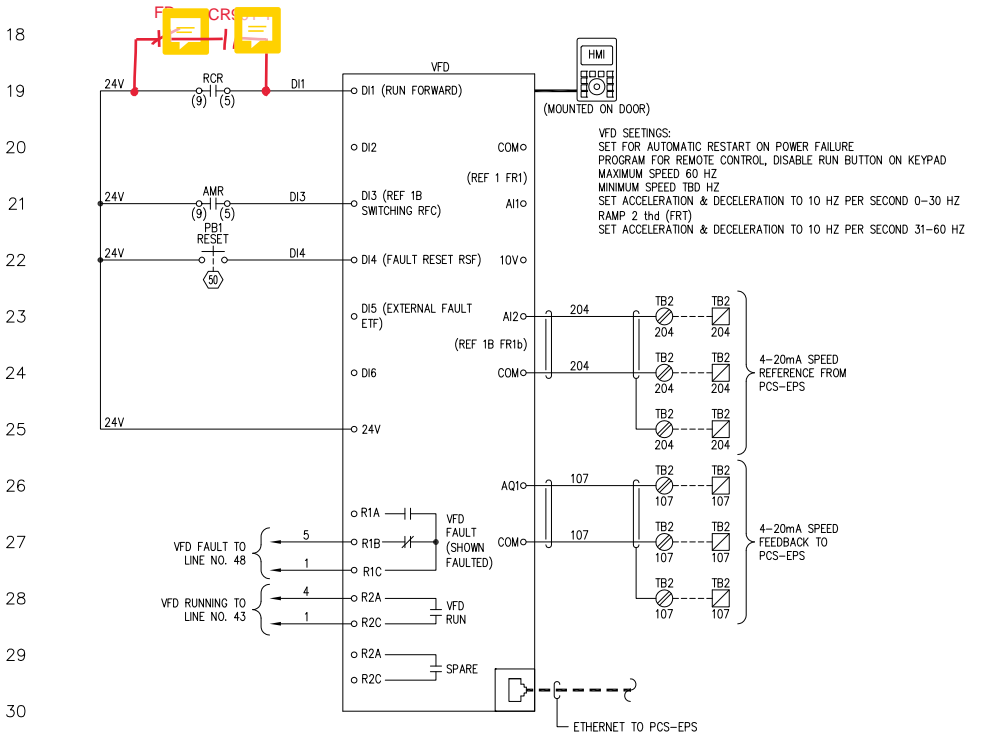


SUSSEX COUNTY, DELAWARE
SCRWF NO. 3 AND RBWWTP CIP PHASE 2
UPGRADES
FIGURE RFP-064-01

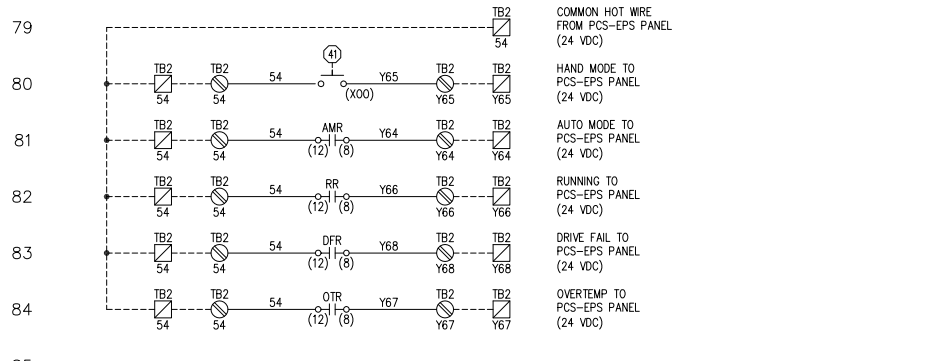
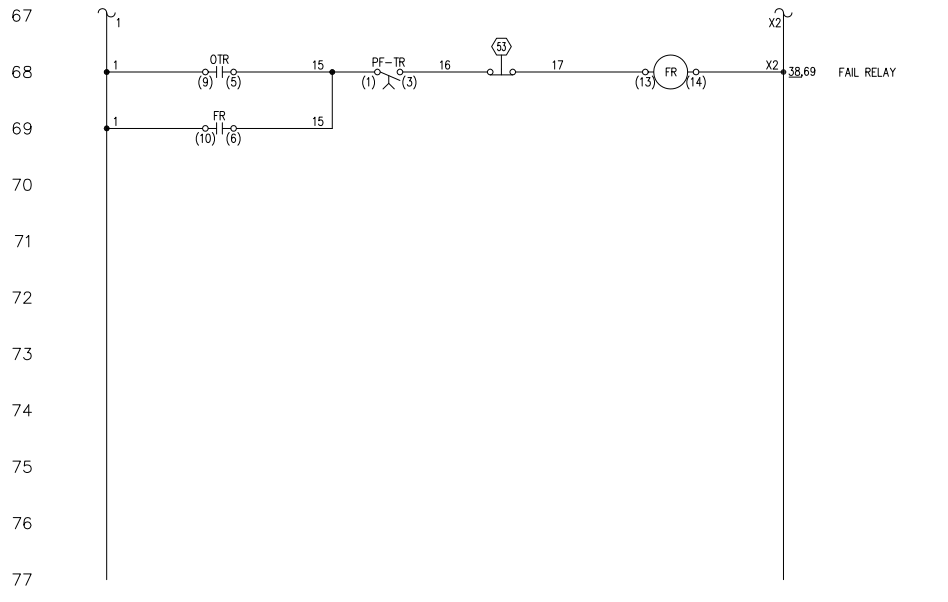
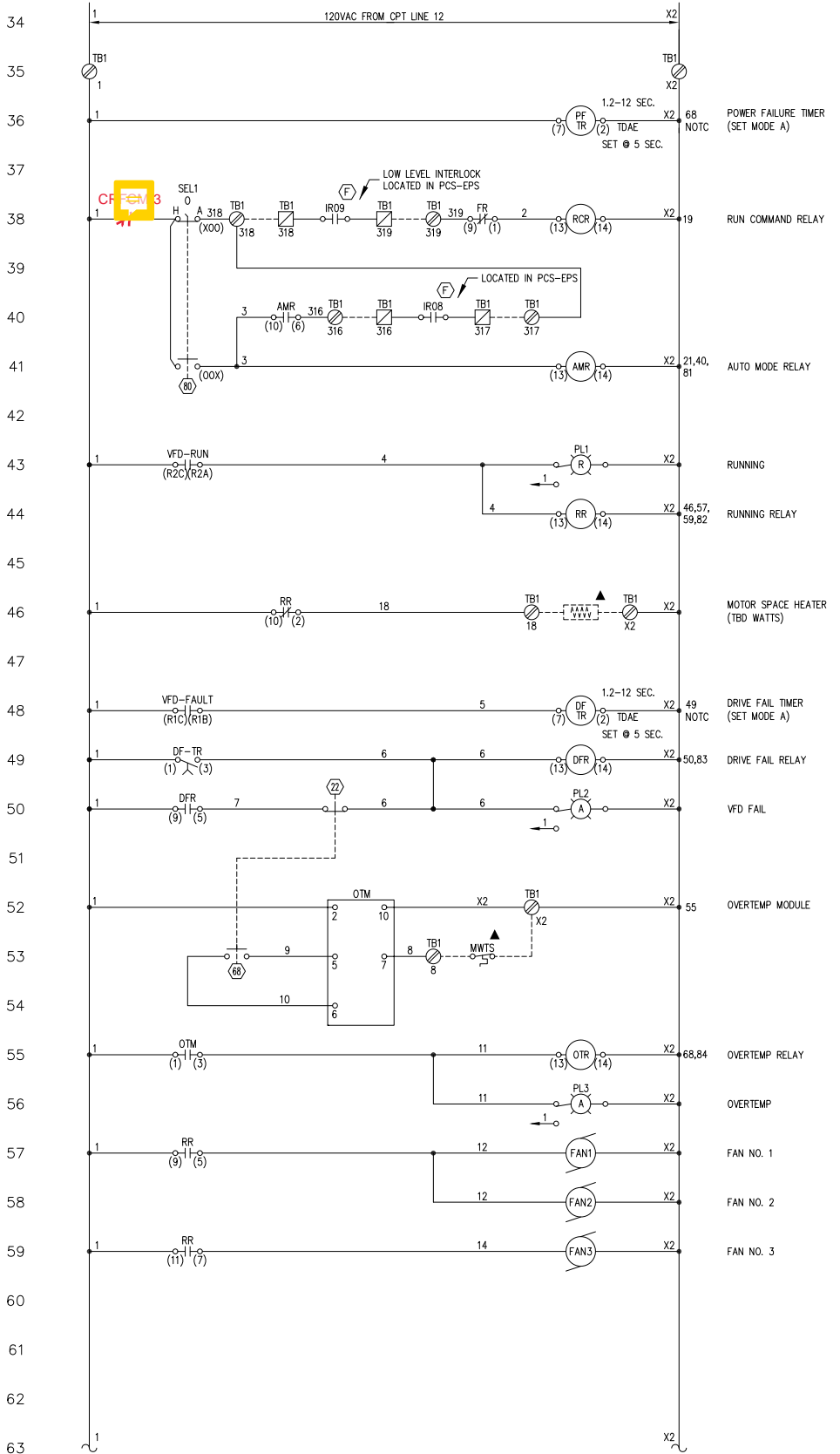
Project No. 1121182
 Report No. RFP-064
 Date 3/29/2022



VFD POWER WIRING



VFD CONTROL WIRING



- LEGEND:**
- ⊗ TERMINAL BLOCK CONNECTION
 - ⊘ WIRING DIAGRAM CONNECTOR. zz INDICATES LINE NUMBER
 - Ⓡ DEVICE LOCATED IN FIELD, SUPPLIED BY MTD, INC.
 - ▲ DEVICE REMOTE, FURNISHED BY OTHERS
 - ⊠ REMOTE DEVICE TERMINAL CONNECTION
 - DEVICE SUPPLIED BY OTHERS, INSTALLED BY MTD INC.
 - ⊙ PLUG APART TERMINAL CONNECTION

SERIAL NUMBER 200103-SC-44

NO.		REVISION DESCRIPTION		DATE		BY	
DRAWN BY		DATE		CHECKED BY			
WFM		4/28/20		CBF			
Micro-Tech Designs, Inc. 4312 Black Rock Road, Suite 1 Hampstead, MD 21074-2641 <small>THIS DRAWING CANNOT BE MODIFIED OR REPRODUCED WITHOUT PRIOR WRITTEN CONSENT FROM MICRO-TECH DESIGNS, INC.</small>							
TITLE SCRWF UPGRADE NO. 3 & RBWTP BEACH EFFLUENT PUMP EP-905 VFD PANEL							
DESCRIPTION WIRING DIAGRAM				LOCATION SUSSEX COUNTY, DE			
CUSTOMER BW ELECTRIC, INC.				DRAWING NO. 200103sc44b.dwg			
SHEET 2 OF 2 SHEETS							



15342 S. DuPont Hwy
Harrington DE 19952

Office: 302.566.6248
Fax: 302.566.6251

Bryon Warren
President
302-270-5719

Email(s):
office@bwelectricinc.com
estimates@bwelectricinc.com

April 14, 2022

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 64

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 64. Our price does not include the use of Prevailing Wages. Our price is **\$29,895.13** and includes the following:

Description of proposed changes:

Contractor is requested to submit a proposal for a float-controlled backup automatic control panel to control Effluent Pumps EP-901, EP-902, and EP-903 in the event of a PCS or level transmitter failure:

1. CSI to furnish backup control panel per the elementary diagram and elevation on attached Figure RFP064-01. Mount the panel in the Effluent Pump Station – Electrical Building as close to Effluent Pump EP901,902,903 VFD CPs as practical.
2. CSI to furnish VFD control panels for Effluent Pumps EP-901, EP-902, and EP-903 shown on the attached markup of wiring diagram from submittal 17480-05-02.
3. CSI to furnish four new float switches listed below at the Effluent Pump Station. These are in addition to the two new floats shown on the Drawings at the Effluent Pump Station. Mount the four additional float switches on a separate float mast per Detail 1 on Drawing E6007. Provide “Effluent Pump Station Float Switch Control Mode Termination Panel” with nameplate to terminate the float switch cables for floats listed below:

- A. LSSL-951: All pumps off – elev. 2.58
 - B. LSL-952: Lead pump on – elev. 5.25
 - C. LSH-953: Lag pump on – elev. 8.25
 - D. LSHH-954: High level – start lead and lag pumps with staggered timing for starting of pumps – elev. 11.50 – latch in Float Switch Control Mode
4. Provide conduit and conductors shown on the conduit riser diagram on attached figure RFP-064-01. Route float switch circuits (CC-950) in duct bank DB-SP7[C1] with other conductors shown on the Drawings and added in FO-033.
5. Add a 15A circuit breaker from lot of spares per Section 16470 in panelboard GPEPS-17

If this RFP is accepted, we are requesting 15 days be added to the contract.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.
4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/

**#SCRWF Upgrade No.3 and RBWWTP CIP Upgrade Phase 2 : RFP No. 064
Totals (Summary) - Bid Summary: Default**

Material	
Non-Quoted	\$5,379.43
Quotes	10,552.00
Sales Tax (0.00%)	0.00
Total Material	\$15,931.43
Labor	
Direct (133.15 hours @ \$70.00)	\$9,320.50
Non-Productive Labor	0.00
Total Labor (133.15 hours)	\$9,320.50
Direct Job Expenses	\$0.00
Tools and Miscellaneous Materials	0.00
Subcontracts	0.00
Job Subtotal (Prime Cost)	\$25,251.93
Overhead (10.00%)	2,525.19
Profit (5.00%)	1,388.86
Job Total	\$29,165.98
Bond	
Bond	729.15
Job Total with Bond	\$29,895.13
Actual Bid Price	\$29,895.13
Material to Direct Labor ratio: 0.63	
Prime Cost per square foot	\$0.00
Job Total per square foot	\$0.00
Actual Bid Price per square ft	\$0.00
Labor cost per square foot	\$0.00
Labor hours per square foot	0.00
Gross Profit %	15.53
Gross Profit \$	\$4,643.20
Net Profit %	7.08



Micro-Tech Designs, Inc.

4312 Black Rock Rd., Suite 1
Hampstead, MD 21074-2641
Phone (410) 239-2885
Fax (410) 239-3736

QUOTE

We're In Control

April 6, 2022

Mr. Jason Walters
BW Electric, Inc.
15342 S. DuPont Highway
Harrington, DE 19952
(302) 566-6248
fax:

Re.: SCRWF Upgrade No.3 & RBWWTP Beach RFP-064

Dear Mr. Walters,

We are pleased to quote on the following scope of work for the above project:

The below work to be performed at the South Coastal site. Effluent Float Backup Panel

- Control Panel – Effluent Pump Station Float Switch Backup Panel
 - Terminals for field installation
 - Pilot Devices in Door
 - Relays and Timers per RFP-064
 -
- (4) Float Switches and Float Mast Mounting bracket
- Modifications to VFD panels 901, 902, & 903
- Modifications to PCS-EPS drawings
- Startup
- Submittal & O&M

Junction box provided by others.

No field installation

Lot Price \$10,552.00 + tax if applicable

The above quotation is valid for 30 days

If there are any questions concerning the above, please contact me. I look forward to working with you and your staff on this and future projects.

Sincerely,
Micro-Tech Designs, Inc.

Wes Martin Jr.



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	065		
RFP Subject	SCRWF Headworks and Mechanical Building Additional Lighting		
Issued By	C. Mansfield	Issue Date	Mar. 28, 2022

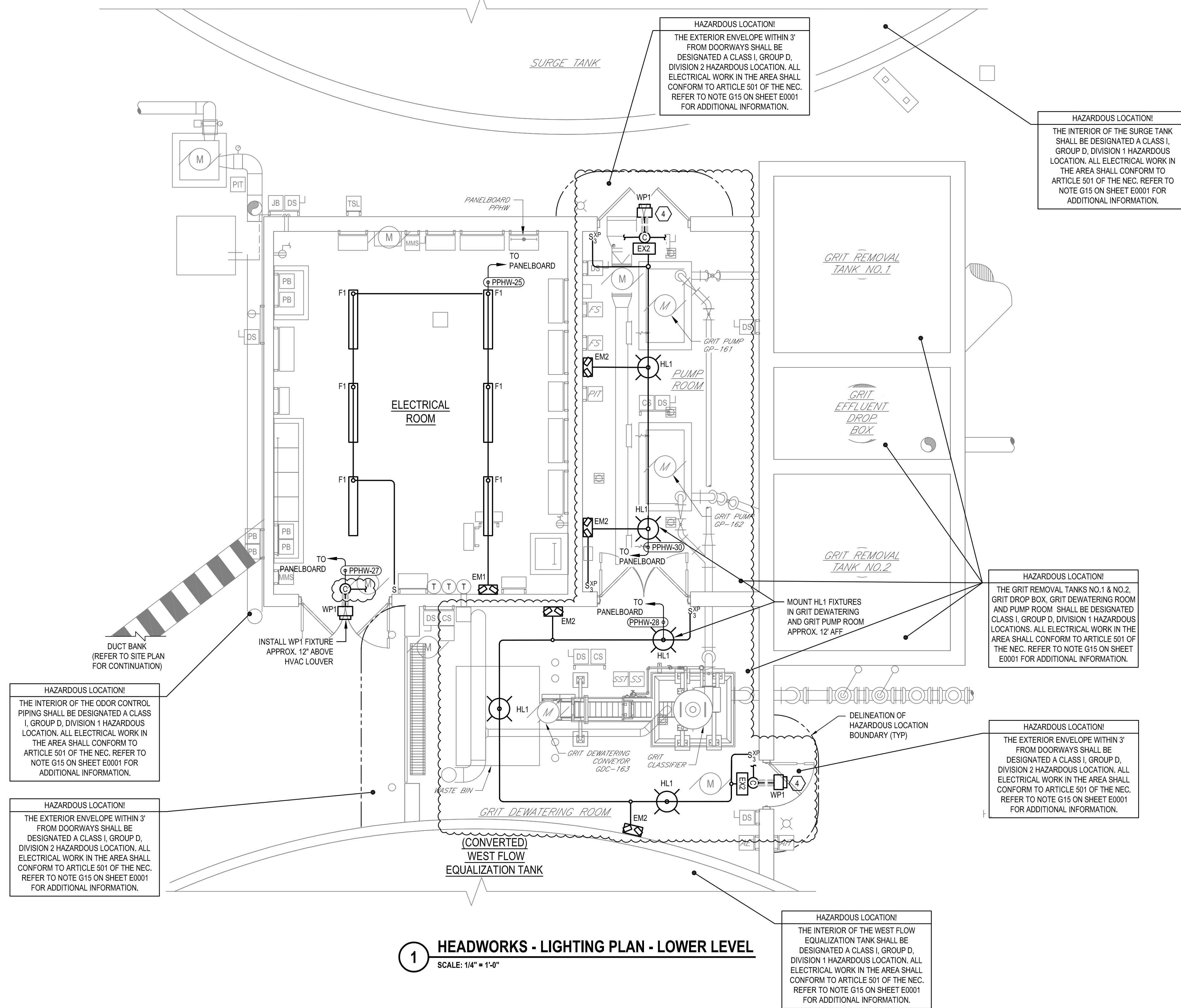
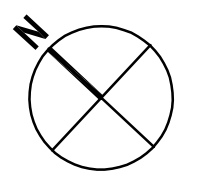
Description of proposed changes:

Contractor is requested to submit a proposal for demolition and removal of the existing lighting and providing new lighting in the Headworks Pump Room, Headworks Grit Dewatering Room, Mechanical Building Pump Room, and outdoor wallpacks around perimeter of Mechanical Building as shown on attached Figures RFP-065-01, RFP-065-02, and RFP-065-03. Contractor shall remove existing lighting circuits back to panelboard and relabel branch circuit as spare. New lighting branch circuits are as follows:

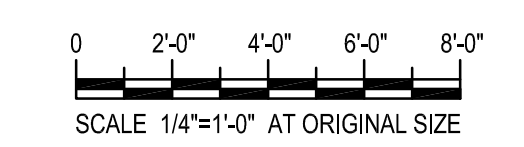
1. Remove 30A/3P spare circuit breaker from Panelboard PPHW, spaces 26,28,30.
2. Provide a new 15A/1P circuit breaker in PPHW, space 30 for Headworks Pump Room lighting. Provide a new "P2" (3/4"C w/2-#12, 1-#12G) circuit from PPHW-30 to Pump Room lighting.
3. Provide a new 15A/1P circuit breaker in PPHW, space 28 for Headworks Grit Dewatering Room lighting. Provide a new "P2" (3/4"C w/2-#12, 1-#12G) circuit from PPHW-28 to Dewatering Room lighting.
4. Provide a new 15A/1P circuit breaker in PPHW, space 26. Label as "Spare".
5. Utilize Spare 15A/1P circuit breaker in PPMB, ckt 42 for Mechanical Building Pump Room Lighting.
6. Do not re-use existing wallpack conduit or conductors.

"F1", "EM1", "HL1", and "EM2" light fixtures shall be those that have been submitted and approved.

"EX2" fixtures shall be AZZ Model XPEX-1-R-DT-WP-EMSD, or approved equal.

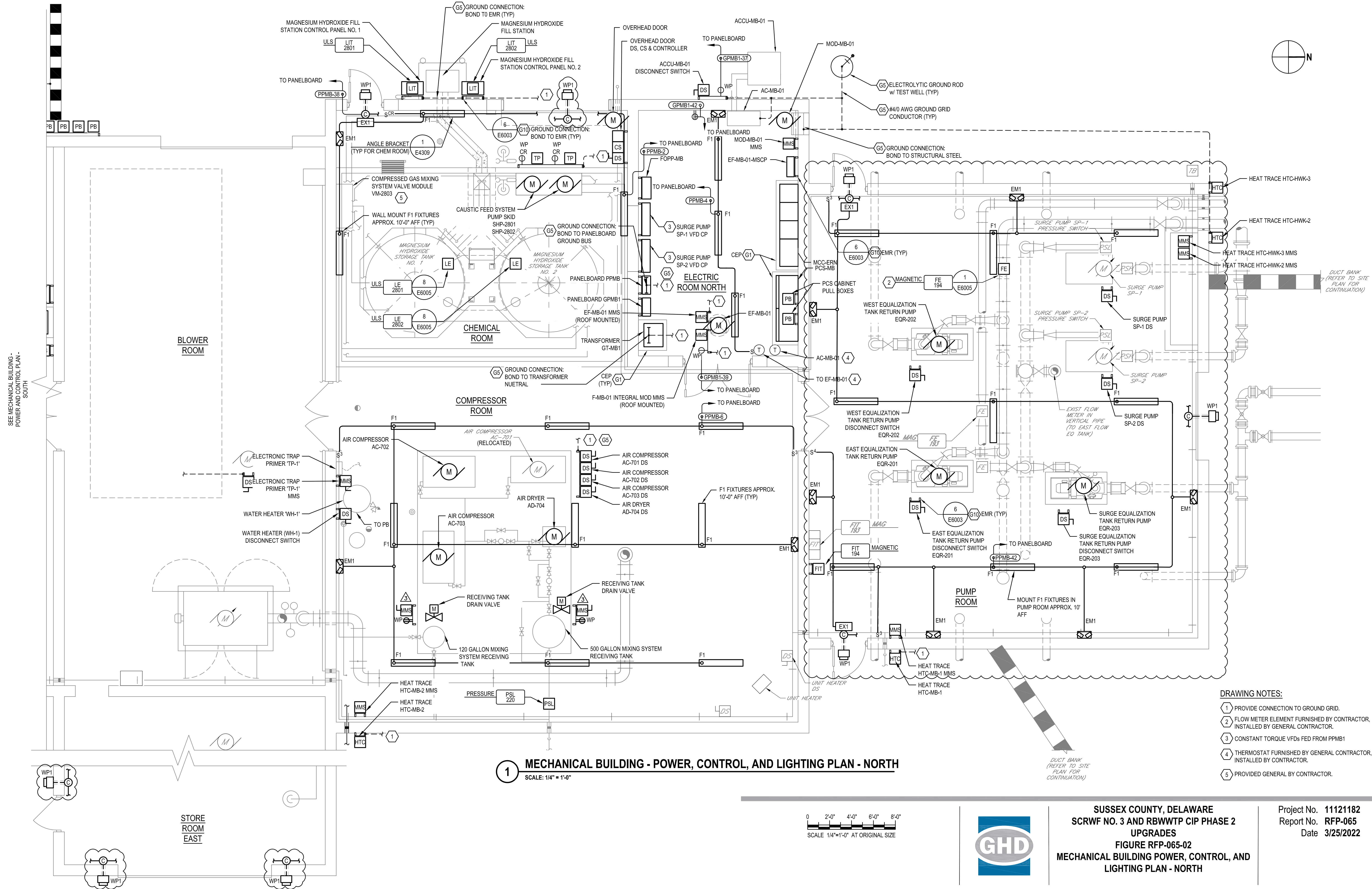


- DRAWING NOTES:**
- 1 CONTRACTOR SHALL COORDINATE FINAL LIGHTING FIXTURE LOCATIONS WITH MECHANICAL, HVAC, STRUCTURAL, ARCHITECTURAL, AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS. PROVIDE LIGHTING FIXTURE SUPPORT BRACKETS AS REQUIRED TO MOUNT EACH FIXTURE FROM OVERHEAD OR WALL SUPPORTS.
 - 2 CONTRACTOR SHALL MOUNT OUTDOOR WALLPACK FIXTURES SUCH THAT THE BOTTOM OF THE FIXTURE IS APPROX. 12" ABOVE TOP OF LOUVER.
 - 3 EMERGENCY AND BUILDING LIGHTING: WIRE ALL EMERGENCY, BUILDING, AND EXIT LIGHTING UNITS AND EXIT FIXTURES UPSTREAM OF SWITCHES. ALL EMERGENCY LIGHTING FIXTURES SHALL BE MOUNTED APPROX. 8'-0" AFF.
 - 4 CONTRACTOR SHALL MOUNT WALLPACK FIXTURE GREATER THAN 3FT FROM DOOR SUCH THAT LIGHT IS OUTSIDE HAZARDOUS LOCATION BOUNDARY SHOWN.



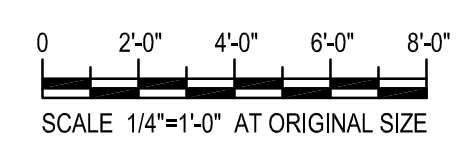
SUSSEX COUNTY, DELAWARE
SCRWF NO. 3 AND RBWTP CIP PHASE 2
UPGRADES
FIGURE RFP-065-01
HEADWORKS BUILDING LOWER LEVEL
LIGHTING PLAN

Project No. **11121182**
 Report No. **RFP-065**
 Date **3/25/2022**



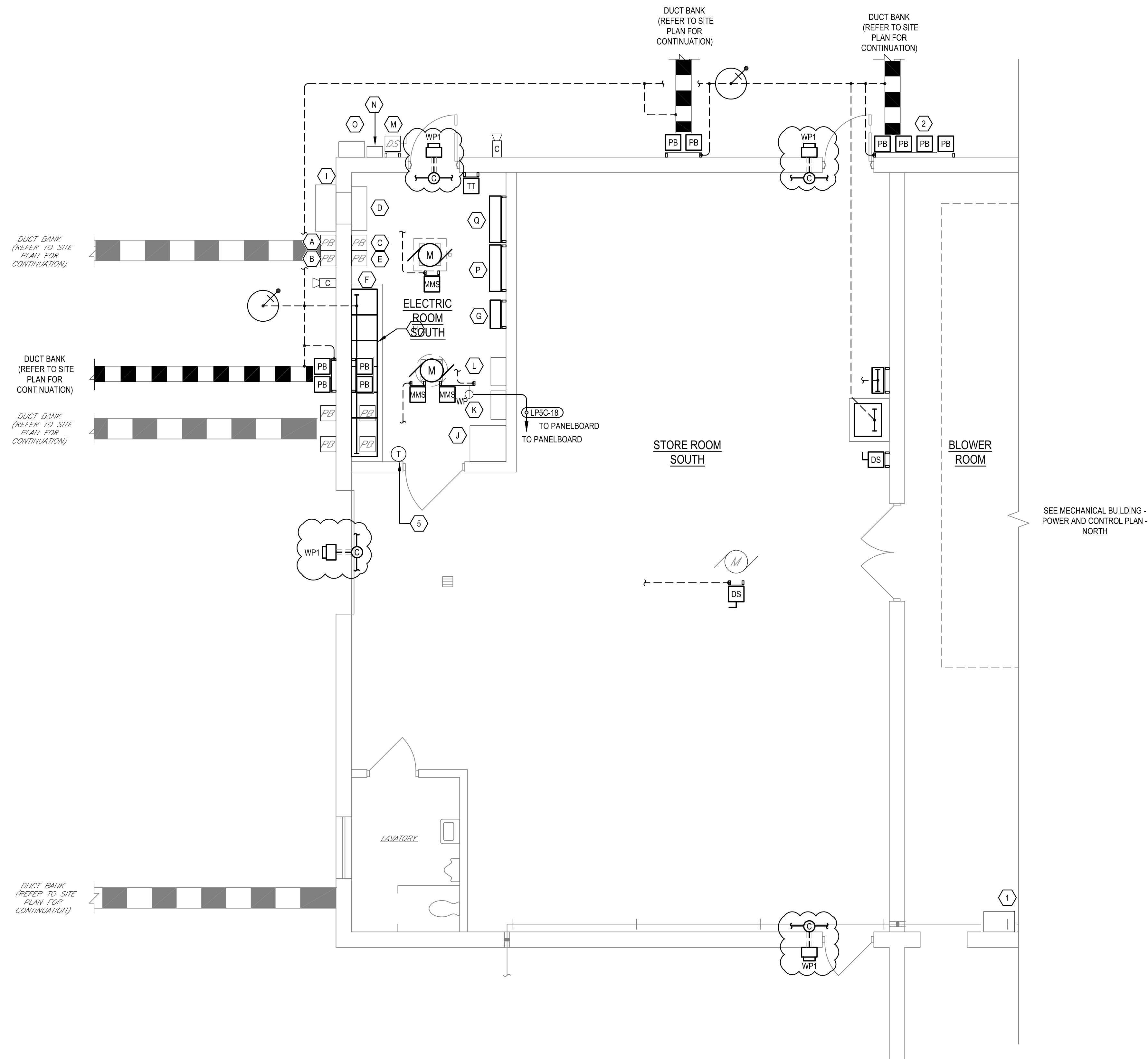
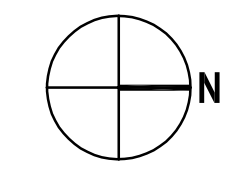
1 MECHANICAL BUILDING - POWER, CONTROL, AND LIGHTING PLAN - NORTH
 SCALE: 1/4" = 1'-0"

- DRAWING NOTES:**
- 1 PROVIDE CONNECTION TO GROUND GRID.
 - 2 FLOW METER ELEMENT FURNISHED BY CONTRACTOR, INSTALLED BY GENERAL CONTRACTOR.
 - 3 CONSTANT TORQUE VFDs FED FROM PPMB1
 - 4 THERMOSTAT FURNISHED BY GENERAL CONTRACTOR, INSTALLED BY CONTRACTOR.
 - 5 PROVIDED GENERAL BY CONTRACTOR.



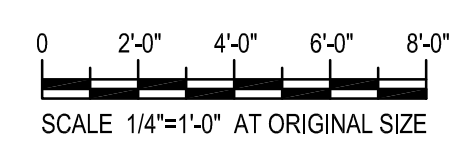
SUSSEX COUNTY, DELAWARE
SCRWF NO. 3 AND RBWTP CIP PHASE 2
UPGRADES
FIGURE RFP-065-02
MECHANICAL BUILDING POWER, CONTROL, AND
LIGHTING PLAN - NORTH

Project No. 11121182
 Report No. RFP-065
 Date 3/25/2022



1 MECHANICAL BUILDING - POWER, CONTROL, AND LIGHTING PLAN - SOUTH
 SCALE: 1/4" = 1'-0"

- DRAWING NOTES:**
- 1 REFER TO ELEMENTARIES FOR MODIFICATIONS TO SURGE TANK BLOWER BL-501 VFD CONTROL PANEL.
 - 2 MECHANICAL BUILDING PUMPING STATION EXTERIOR PULL BOXES:
 - MOUNT ON EXTERIOR OF WALL APPROXIMATELY 5'-0" ABOVE GRADE.
 - PB-MB-7: MPS-1801 AND MPS-1802 PUMP MOTOR BRANCH CIRCUITS AND SPARE DUCT (VFD CABLES).
 - PB-MB-8: 120 VAC CONTROL CIRCUITS AND SPARE DUCT
 - PB-MB-9: LV PUMP CONTROL CIRCUITS
 - PB-MB-10: INTRINSICALLY SAFE CIRCUITS
 - 3 PROVIDE CONNECTION TO GROUND ROD AND PARTIAL GROUND GRID TO BE INSTALLED ON WEST SIDE OF BUILDING ADJACENT TO STORE ROOM SOUTH.
 - 4 CONNECT EXISTING CAMERAS MOUNTED ON BUILD EXTERIOR WALL TO NEW PCS-MB.
 - 5 THERMOSTAT FURNISHED BY GENERAL CONTRACTOR, INSTALLED BY CONTRACTOR.
 - 6 ROOF MOUNTED EXHAUST FANS TO BE RE-FED FROM MCC-MB. LOCATIONS INDICATED FOR FANS ARE APPROXIMATE WITHIN 10 FEET OF ACTUAL LOCATION.



SUSSEX COUNTY, DELAWARE
 SCRWF NO. 3 AND RBWWTP CIP PHASE 2
 UPGRADES
 FIGURE RFP-065-03
 MECHANICAL BUILDING POWER, CONTROL, AND
 LIGHTING PLAN - SOUTH

Project No. 11121182
 Report No. RFP-065
 Date 3/25/2022



15342 S. DuPont Hwy
Harrington DE 19952

Office: 302.566.6248
Fax: 302.566.6251

Bryon Warren
President
302-270-5719

Email(s):
office@bwelectricinc.com
estimates@bwelectricinc.com

April 4, 2022

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 65

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 65. Our price does not include the use of Prevailing Wages. Our price is **\$80,099.21** and includes the following:

Description of proposed changes:

Contactors are requested to submit a proposal for demolition and removal of the existing lighting and providing new lighting in the Headworks Pump Room, Headworks Grit Dewatering Room, Mechanical Building Pump Room, and outdoor wallpacks around perimeter of Mechanical Building as shown on attached Figures RFP-065-01, RFP-065-02, and RFP-065-03. Contractor shall remove existing lighting circuits back to panelboard and relabel branch circuit as spare. New lighting branch circuits are as follows:

1. Remove 30A/3P spare circuit breaker from Panelboard PPHW, spaces 26,28,30.
2. Provide a new 15A/1P circuit breaker in PPHW, space 30 for Headworks Pump Room lighting. Provide a new "P2" (3/4" C w/2-#12, 1-#12G) circuit from PPHW-30 to Pump Room lighting.
3. Provide a new 15A/1P circuit breaker in PPHW, space 28 for Headworks Grit Dewatering Room lighting. Provide a new "P2" (3/4" C w/2-#12, 1-#12G) circuit from PPHW-28 to Dewatering Room lighting.

4. Provide a new 15A/1P circuit breaker in PPHW, space 26. Label as "Spare".
5. Utilize Spare 15A/1P circuit breaker in PPMB, ckt 42 for Mechanical Building Pump Room Lighting.
6. Do not re-use existing wallpack conduit or conductors.

"F1", "EM1", "HL1", and "EM2" light fixtures shall be those that have been submitted and approved.

"EX2" fixtures shall be AZZ Model XPEX-1-R-DT-WP-EMSD, or approved equal.

If this RFP is accepted, we are requesting 15 days be added to the contract.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.
4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/

#SCRWF Upgrade No.3 and RBWWTP CIP Upgrade Phase 2 : RFP No. 065

Totals (Summary) - Bid Summary: Default

Material	
Non-Quoted	\$14,157.31
Quotes	27,596.19
Sales Tax (0.00%)	0.00
Total Material	\$41,753.50
Labor	
Direct (341.50 hours @ \$70.00)	\$23,905.00
Non-Productive Labor	0.00
Total Labor (341.50 hours)	\$23,905.00
Direct Job Expenses	\$0.00
Tools and Miscellaneous Materials	2,000.00
Subcontracts	0.00
Job Subtotal (Prime Cost)	\$67,658.50
Overhead (10.00%)	6,765.85
Profit (5.00%)	3,721.22
Job Total	\$78,145.57
Bond	
Bond	1,953.64
Job Total with Bond	\$80,099.21
Actual Bid Price	\$80,099.21
Material to Direct Labor ratio: 0.64	
Prime Cost per square foot	\$0.00
Job Total per square foot	\$0.00
Actual Bid Price per square ft	\$0.00
Labor cost per square foot	\$0.00
Labor hours per square foot	0.00
Gross Profit %	15.53
Gross Profit \$	\$12,440.71
Net Profit %	7.08

Expiration Date: 04/29/22

Quotation

TO:

 YAL BW ELEC INC
 15342 S DUPONT HWY
 HARRINGTON, DE 19952-3114

Project Info:

 Project: SCRWF
 Job #: 336976
 Bid Date: 03/30/22
 Bid Time: 02:00 PM EDT
 Quoter: RAYMOND L BIDUS

Type	Quantity	Vendor	Description	Unit or Lot#	Unit Price	Ext Price
EM1	6		COMPASS			
EM2	4		RIGALITE - AZZ			
EX1	2		COMPASS			
EX2	2		RIGALITE - AZZ			
F1	9		COLUMBIA			
HL1	5		RIGALITE - AZZ			
WP1	13		HUBBELL			

This quotation is subject to the terms and conditions of U.S. Electrical Services Inc. and manufactures terms of sale, return, warranties and freight policies. Quote is valid for 30 days. Bill of materials is based upon our interpretation of plans and specifications provided, and is subject to approval. No miscellaneous items or spares are included unless noted above. If our proposal is accepted, material must be released within 90 days or it could be subject to cost increases. All shipments are quoted as "FOB Shipping Point". Prices quoted are based upon quantities shown for one (1) shipment. We reserve the right to add freight on split releases and pre-shipments of anchor bolts. Shipping dates furnished are estimated, not guaranteed, and are subject to

From:

 YALE WEST CHESTER C371
 MAIN OFFICE 610-719-9253
 200 GARFIELD AVENUE
 WEST CHESTER, PA 19380-4512
 Printed By: RAYMOND L BIDUS
 Ray Bidus
 rbidus@yaleelectricsupply.com
 302-218-5800

Notes

Project: SCRWF

Expiration

04/29/22

Quotation

Type	Quantity	Vendor	Description	LOT #	Unit Price	Ext Price
------	----------	--------	-------------	-------	------------	-----------

possible manufacturer's scheduling changes. Orders are subject to credit approval. Payment terms are Net 30 days unless otherwise noted.

PLEASE NOTE TAX IS NOT INCLUDED / CREDIT CARD PAYMENTS NOT ACCEPTED

From:

YALE WEST CHESTER C371
 MAIN OFFICE 610-719-9253
 200 GARFIELD AVENUE
 WEST CHESTER, PA 19380-4512
 Printed By: RAYMOND L BIDUS
 Ray Bidus
 rbidus@yaleelectricsupply.com
 302-218-5800

Total

27,596.19

Notes

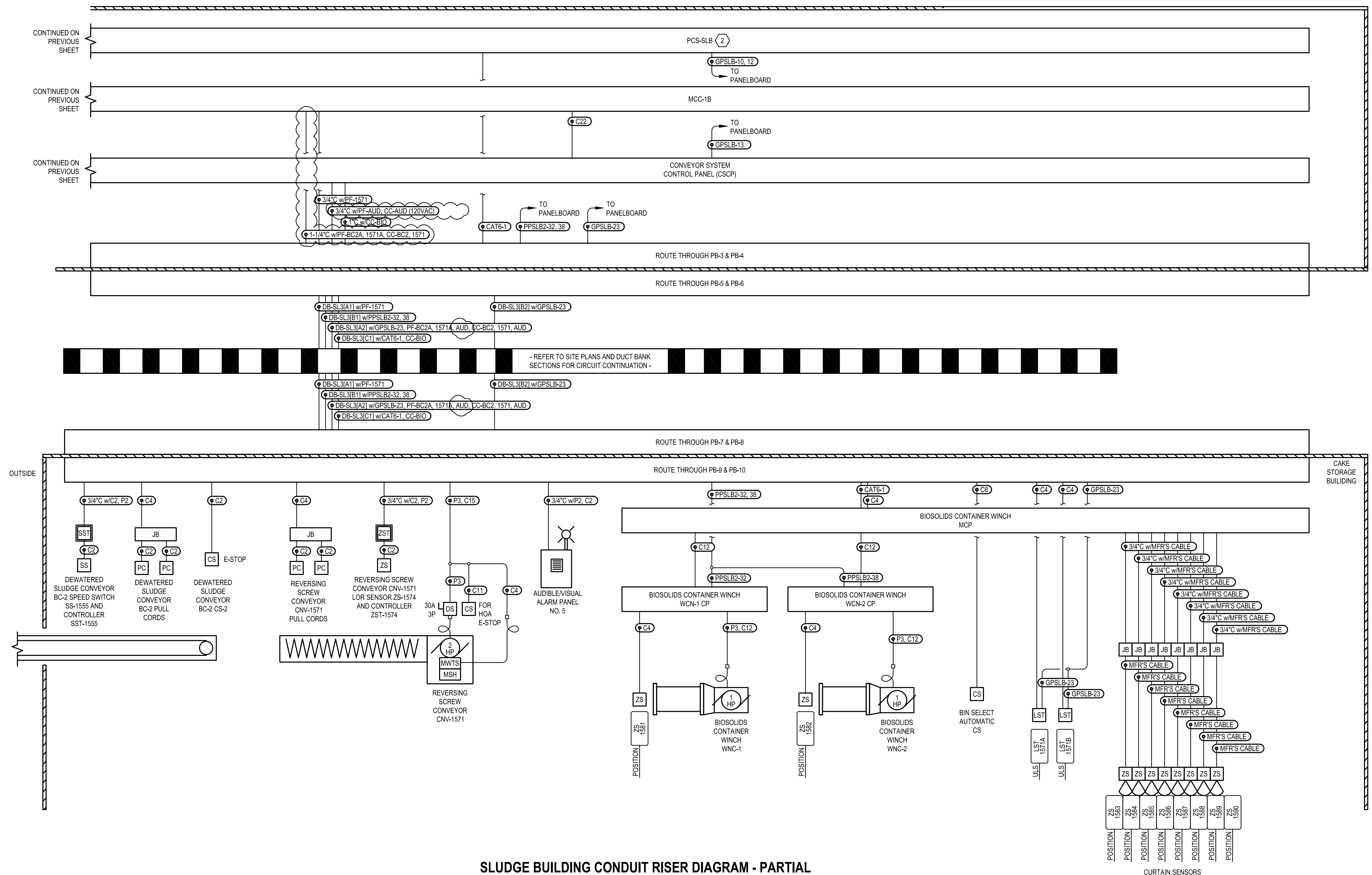


Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	066		
RFP Subject	SCRWF Circuits from Cake Building		
Issued By	R. Cardinal	Issue Date	April 6, 2022

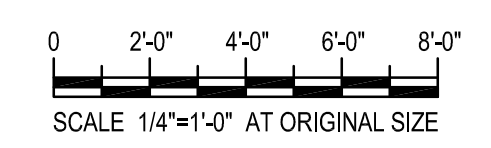
Description of proposed changes:

Contractor is requested to submit a proposal to provide additional circuits and conduits as indicated on the attached Figure RFP-066-01. The changes reflect additional No. 12 AWG conductors for the conveyor warning alarm power (120 VAC) for the warning alarm to be located in the Cake Storage Building, and for separation of 120 VAC circuits from 24 VDC circuits originating in Cake Storage Building.



1 SLUDGE BUILDING CONDUIT RISER DIAGRAM - PARTIAL
 SLUDGE DEWATERING AND UNLOADING SYSTEM
 SCALE: NTS

DRAWING NOTES:
 1 PROVIDE NEW CONDUCTORS IN EXISTING CONDUIT.
 2 ROUTE CIRCUITS THROUGH PCS PULL BOXES. PULL BOXES NOT SHOWN FOR BREVITY.



SUSSEX COUNTY, DELAWARE
 SCWRP NO.3 AND RBWWTP CIP PHASE 2
 UPGRADES
FIGURE RFP-066-01
 SLUDGE BUILDING - CONDUIT RISER
 DIAGRAM 4

Project No. 11121182
 Report No. RFP-066
 Date 4/6/2022

RFP-066-01



15342 S. DuPont Hwy
Harrington DE 19952

Office: 302.566.6248
Fax: 302.566.6251

Bryon Warren
President
302-270-5719

Email(s):
office@bwelectricinc.com
estimates@bwelectricinc.com

May 3, 2022

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 66

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 66. Our price does not include the use of Prevailing Wages. Our price is **\$3,090.30** and includes the following:

Description of proposed changes:

Contractor is requested to submit a proposal to provide additional circuits and conduits as indicated on the attached Figure RFP-066-01. The changes reflect additional No. 12 AWG conductors for the conveyor warning alarm power (120 VAC) for the warning alarm to be located in the Cake Storage Building, and for separation of 120 VAC circuits from 24 VDC circuits originating in Cake Storage Building.

If this RFP is accepted, we are requesting 5 days be added to the contract.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.
4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/

#SCRWF Upgrade No.3 and RBWWTP CIP Upgrade Phase 2 : RFP No. 066
Totals (Summary) - Bid Summary: Default

Material	
Non-Quoted	\$886.93
Quotes	0.00
Sales Tax (0.00%)	0.00
Total Material	\$886.93
Labor	
Direct (24.62 hours @ \$70.00)	\$1,723.40
Non-Productive Labor	0.00
Total Labor (24.62 hours)	\$1,723.40
Direct Job Expenses	\$0.00
Tools and Miscellaneous Materials	0.00
Subcontracts	0.00
Job Subtotal (Prime Cost)	\$2,610.33
Overhead (10.00%)	261.03
Profit (5.00%)	143.57
Job Total	\$3,014.93
Bond	
Bond	75.37
Job Total with Bond	\$3,090.30
Actual Bid Price	\$3,090.30
Material to Direct Labor ratio: 0.34	
Prime Cost per square foot	\$0.00
Job Total per square foot	\$0.00
Actual Bid Price per square ft	\$0.00
Labor cost per square foot	\$0.00
Labor hours per square foot	0.00
Gross Profit %	15.53
Gross Profit \$	\$479.97
Net Profit %	7.08



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	068		
RFP Subject	SCRWF MGOH Mixing System EC		
Issued By	D. Murray	Issue Date	April 20, 2022

Description of proposed changes:

Contractor is requested to submit a proposal for the electrical work associated with replacing the MGOH compressed gas mixing system with a mechanical mixing system in accordance with RFP-064:

1. Mixer Tags: MX-2811 & MX-2812
2. Provide a NEMA SIZE 1 FVNR motor starter for each mixer in MCC-ERN. Elementary diagram shall be the same as the Chlorine Contact Tank Mixer diagram shown on Drawing E4210, except with I/O signals to PCS-MB, remote HOA, and two red run lights (one at mixer and one on MCC).
3. Provide local control station at each mixer with HOA and red run light.
4. Provide local disconnect switch for each mixer.
5. Compressed gas mixing system will be demolished by General Contractor. Reuse the two conduits from the valve module to the electrical room and reroute to MCC-ERN to the extent that is practical (for item 6 conduits).
6. Provide 3/4" conduit from each mixer DS and control station (2 conduits total) to MCC-ERN with 10-#14 (6 for HOA, 2 for run light, and two for MWTS), 3-#12, and 1-#12G.
7. Provide 3/4" conduit from each motor with 2-#14, 3-#12, 1-#12G from each mixer to its respective disconnect switch.
8. Provide EMR(s) for disconnect switches and control stations.
9. Update PCS-MB as-built drawings as follows:
 - a. Use spare I/O points to add the following:
 - MX-2811 Status-Run
 - MX-2811 Control-Auto
 - MX-2811 Mode-Auto
 - MX-2811 Mode-Hand
 - MX-2811 Alarm-MWTS
 - MX-2812 Status-Run



- MX-2812 Control-Auto
 - MX-2812 Mode-Auto
 - MX-2812 Mode-Hand
 - MX-2812 Alarm-MWTS
- b. Change the following to spare DO points:
- VM-2803 Tank 1 Low Level Interlock
 - VM-2803 Tank 2 Low Level Interlock



15342 S. DuPont Hwy
Harrington DE 19952

Office: 302.566.6248
Fax: 302.566.6251

Bryon Warren
President
302-270-5719

Email(s):
office@bwelectricinc.com
estimates@bwelectricinc.com

May 3, 2022

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 68

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 68. Our price does not include the use of Prevailing Wages. Our price is **\$83,738.84** and includes the following:

Description of proposed changes:

Contractor is requested to submit a proposal for the electrical work associated with replacing the MGOH compressed gas mixing system with a mechanical mixing system in accordance with RFP-064:

1. Mixer Tags: MX-2811 & MX-2812
2. Provide a NEMA SIZE 1 FVNR motor starter for each mixer in MCC-ERN. Elementary diagram shall be the same as the Chlorine Contact Tank Mixer diagram shown on Drawing E4210, except with I/O signals to PCS-MB, remote HOA, and two red run lights (one at mixer and one on MCC).
3. Provide local control station at each mixer with HOA and red run light.
4. Provide local disconnect switch for each mixer.
5. Compressed gas mixing system will be demolished by General Contractor. Reuse the two conduits from the valve module to the electrical room and reroute to MCC-ERN to the extent that is practical (for item 6 conduits).

6. Provide 3/4" conduit from each mixer DS and control station (2 conduits total) to MCC-ERN with 10-#14 (6 for HOA, 2 for run light, and two for MWTS), 3-#12, and 1-#12G.
7. Provide 3/4" conduit from each motor with 2-#14, 3-#12, 1-#12G from each mixer to its respective disconnect switch.
8. Provide EMR(s) for disconnect switches and control stations.
9. Update PCS-MB as-built drawings as follows:
 - a. Use spare I/O points to add the following:
 - MX-2811 Status-Run
 - MX-2811 Control-Auto
 - MX-2811 Mode-Auto
 - MX-2811 Mode-Hand
 - MX-2811 Alarm-MWTS
 - MX-2812 Status-Run
 - MX-2812 Control-Auto
 - MX-2812 Mode-Auto
 - MX-2812 Mode-Hand
 - MX-2812 Alarm-MWTS
 - b. Change the following to spare DO points:
 - VM-2803 Tank 1 Low Level Interlock
 - VM-2803 Tank 2 Low Level Interlock

If this RFP is accepted, we are requesting 10 days be added to the contract.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.
4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/



800 HUYLER ST
 TETERBORO NJ 07608-1157
 Phone: 201-596-2600
 Fax: 201-596-2650

To: BW ELECTRIC
 15342 S. Dupont Hwy.
 HARRINGTON DE 19952
 Attn: Bryn Warren
 Phone: 302-566-6248
 Fax: 302-566-6251
 Email: office@bwelectricinc.com

Date: 05/05/2022
Proj Name: RFP NO 68 C19-17 ELECTRICAL
GB Project Qte#: 0240626338
 Release Nbr:
 Purchase Order Nbr:
 Additional Ref#
 Valid From: 05/05/2022
 Valid To: 06/04/2022
 Contact: ANTHONY INFERMO
 Email: anthony.infermo@graybar.com

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

Notes: Material will be held up to 90 days ARO. After that, storage charges will apply.

Item	Item/Type	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100		1 EA	SQUARE D CO.	LOT SQUARE D Q-3306077		\$58,180.00	1	\$58,180.00

Item Note:
 REVIEW DETAILS BELOW
 FREIGHT ALLOWED

Total in USD (Tax not included): \$58,180.00

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

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

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

To: BW ELECTRIC
15342 S. Dupont Hwy.
HARRINGTON DE 19952
Attn: Bryn Warren

Date: 05/05/2022
Proj Name: RFP NO 68 C19-17 ELECTRICAL
GB Project Qte#: 0240626338

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

GRAYBAR ELECTRIC COMPANY, INC. TERMS AND CONDITIONS OF SALE

1. **ACCEPTANCE OF ORDER; TERMINATION** - Acceptance of any order is subject to credit approval and acceptance of order by Graybar Electric Company, Inc. ("Graybar") and, when applicable, Graybar's suppliers. If credit of the buyer of the goods or services ("Buyer") becomes unsatisfactory to Graybar, Graybar reserves the right to terminate upon notice to Buyer and without liability to Graybar.
2. **PRICES AND SHIPMENTS** - Unless otherwise quoted, prices for goods shall be those in effect at time of shipment, which shall be made F.O.B. shipping point, prepaid and bill. Unless otherwise indicated in the applicable quotation or statement of work, prices for services shall be those in effect at the time of completion. The contract price for goods and/or services shall be increased by the amount of any applicable tariff, excise, fee, assessment, levy, charge or duty of any kind whatsoever, imposed, assessed or collected by any governmental body, whether or not reflected in the costs charged to Graybar, and Graybar may increase its cost for goods and/or services appropriately to take into account such increases in Graybar's costs.
3. **RETURN OF GOODS** - Credit may be allowed for goods returned with prior approval. A deduction may be made from credits issued to cover cost of handling. Returns will not be accepted for services or any material which has been modified at the request of or by Buyer. In addition, no custom orders may be returned.
4. **TAXES** - Prices shown do not include sales or other taxes imposed on the sale of goods or services. Taxes now or hereafter imposed upon sales, shipments or services will be added to the purchase price. Buyer agrees to reimburse Graybar for any such tax or provide Graybar with acceptable tax exemption certificate.
5. **DELAY IN DELIVERY** - Graybar is not to be accountable for delays in delivery of goods or services occasioned by acts of God, failure of its suppliers to ship or deliver on time, or other circumstances beyond Graybar's reasonable control, including, but not limited to, sourcing, shipment or delivery issues caused by, related to or resulting from COVID-19 or other similar national or global health situations. Factory shipment or delivery dates are best estimates, and in no case shall Graybar be liable for any consequential or special damages arising from any delay in provision of services, shipment or delivery.
6. **LIMITED WARRANTIES** - Graybar warrants that all goods sold are free of any security interest and will make available to Buyer all transferable warranties (including without limitation warranties with respect to intellectual property infringement) made to Graybar by the manufacturer of the goods. Buyer acknowledges that the performance of any service which alters the manufacturer provided goods as indicated in the statement of work may void the manufacturer's warranty. Graybar shall use the same care and skill a similarly situated provider of like services would exercise following commonly accepted industry practices in the performance of its duties under this agreement. **GRAYBAR MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES, AND SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR PURPOSE, UNLESS OTHERWISE AGREED IN WRITING BY AN AUTHORIZED REPRESENTATIVE OF GRAYBAR.** **PRODUCTS SOLD HEREUNDER ARE NOT INTENDED FOR USE IN OR IN CONNECTION WITH (1) ANY SAFETY APPLICATION OR THE CONTAINMENT AREA OF A NUCLEAR FACILITY, OR (2) IN A HEALTHCARE APPLICATION, WHERE THE GOODS HAVE POTENTIAL FOR DIRECT PATIENT CONTACT OR WHERE A SIX (6) FOOT CLEARANCE FROM A PATIENT CANNOT BE MAINTAINED AT ALL TIMES.**
7. **LIMITATION OF LIABILITY** - Buyer's remedies under this agreement are subject to any limitations contained in manufacturer's terms and conditions to Graybar, a copy of which will be furnished upon written request. Furthermore, Graybar's liability shall be limited to either repair or replacement of the goods, re-performance of the services, or refund of the purchase price, all at Graybar's option, and IN NO CASE SHALL GRAYBAR BE LIABLE FOR INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES. In addition, claims for shortages, other than loss in transit, must be made in writing not more than five (5) days after receipt of shipment. Unless otherwise agreed in the applicable statement of work, acceptance of services will occur not more than five (5) days after completion of performance.
8. **WAIVER** - The failure of Graybar to insist upon the performance of any of the terms or conditions of this agreement or to exercise any right hereunder shall not be deemed to be a waiver of such terms, conditions, or rights in the future, nor shall it be deemed to be a waiver of any other term, condition, or right under this agreement.
9. **MODIFICATION OF TERMS AND CONDITIONS** - These terms and conditions, and any associated statement of work, supersede all other communications, negotiations, and prior oral or written statements regarding the subject matter of these terms and conditions. No change, modification, rescission, discharge, abandonment, or waiver of these terms and conditions shall be binding upon Graybar unless made in writing and signed on its behalf by a duly authorized representative of Graybar. No conditions, usage of trade, course of dealing or performance, understanding or agreement, purporting to modify, vary, explain, or supplement these terms and conditions shall be binding unless hereafter made in writing and signed by the party to be bound. Any proposed modifications or additional terms are specifically rejected and deemed a material alteration hereof. If this document shall be deemed an acceptance of a prior offer by Buyer, such acceptance is expressly conditional upon Buyer's assent to any additional or different terms set forth herein.
10. **REELS** - When Graybar ships returnable reels, a reel deposit may be included in the invoice. The Buyer should contact the nearest Graybar service location to return reels.
11. **CERTIFICATION** - Graybar hereby certifies that these goods were produced in compliance with all applicable requirements of Sections 6, 7, and 12 of the Fair Labor Standards Act, as amended, and of regulations and orders of the United States Department of Labor issued under Section 14 thereof. This agreement is subject to Executive Order 11246, as amended, the Rehabilitation Act of 1973, as amended, the Vietnam Veterans' Readjustment Assistance Act of 1974, as amended, E.O. 13496, 29 CFR Part 471, Appendix A to Subpart A, and the corresponding regulations, to the extent required by law. 41 CFR 60-1.4, 60-741.5, and 60-250.5 are incorporated herein by reference, to the extent legally required.
12. **FOREIGN CORRUPT PRACTICES ACT** - Buyer shall comply with applicable laws and regulations relating to anti-corruption, including, without limitation, (i) the United States Foreign Corrupt Practices Act (FCPA) (15 U.S.C. §§78dd-1, et. seq.) irrespective of the place of performance, and (ii) laws and regulations implementing the Organization for Economic Cooperation and Development's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the U.N. Convention Against Corruption, and the Inter-American Convention Against Corruption in Buyer's country or any country where performance of this agreement or delivery of goods will occur.
13. **ASSIGNMENT** - Buyer shall not assign its rights or delegate its duties hereunder or any interest herein without the prior written consent of Graybar, and any such assignment, without such consent, shall be void.
14. **GENERAL PROVISIONS** - All typographical or clerical errors made by Graybar in any quotation, acknowledgment or publication are subject to correction. This agreement shall be governed by the laws of the State of Missouri applicable to contracts to be formed and fully performed within the State of Missouri, without giving effect to the choice or conflicts of law provisions thereof. All suits arising from or concerning this agreement shall be filed in the Circuit Court of St. Louis County, Missouri, or the United States District Court for the Eastern District of Missouri, and no other place unless otherwise determined in Graybar's sole discretion. Buyer hereby irrevocably consents to the jurisdiction of such court or courts and agrees to appear in any such action upon written notice thereof.
15. **PAYMENT TERMS** - Payment terms shall be as stated on Graybar's invoice or as otherwise mutually agreed. As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.
16. **EXPORTING** - Buyer acknowledges that this order and the performance thereof are subject to compliance with any and all applicable United States laws, regulations, or orders. Buyer agrees to comply with all such laws, regulations, and orders, including, if applicable, all requirements of the International Traffic in Arms Regulations and/or the Export Administration Act, as may be amended. Buyer further agrees that if the export laws are applicable, it will not disclose or re-export any technical data received under this order to any countries for which the United States government requires an export license or other supporting documentation at the time of export or transfer, unless Buyer has obtained prior written authorization from the United States Office of Export Control or other authority responsible for such matters.
17. **CANCELLATION; CHANGES FOR SERVICES** - Buyer may cancel or make changes to a statement of work up to five (5) business days prior to commencement of the work. All changes and cancellations after such date are subject to Graybar's prior written approval in Graybar's sole and absolute discretion. Buyer shall pay to Graybar amounts necessary to cover cancellation, restocking fees and other charges applicable to the cancelled goods or services including those incurred or committed to by Graybar.

Signed: _____

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

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

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

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill.

Unless noted the estimated ship date will be determined at the time of order placement.

Prepared By:

Larry Long
Engineer, Senior Sales
larry.long@se.com

Proposal Name: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2

Quote Name: C19-17 Electrical Construction C/O Request

Proposal Number: P-220505-3026625

Quote Number: Q-3306077

Quote Effective Date: 05/05/2022

Through Addenda Number: 0

Sales Representative: Larry Long

Conditions of Sale

Except as otherwise provided below, this Quotation is subject to Coordinated Project Terms. See <https://www.schneider-electric.us/en/download/document/0100PL0043>

Notwithstanding any provision to the contrary in the referenced Coordinated Project Terms or any other documentation provided in connection with this proposal, this quote is valid for 30 days. Quoted lead times are approximate and subject to change.

Schneider Electric reserves the right to amend, withdraw or otherwise alter this submission without penalty or charge as a result of any event beyond its control arising from or due to the current Covid-19 epidemic or events subsequent to this epidemic / pandemic including changes in laws, regulations, by laws or direction from a competent authority.

Clarifications and Exceptions

- Standard terms and conditions apply.
- Special services such as factory witness tests, field tests, programming, software installations, short circuit or coordination studies are not included unless shown as a separate line item. Selective Coordination is not mentioned or addressed.
- Fuses are not included.
- The bill of material should be reviewed to ensure that the equipment quoted meets the project requirements.
- Any changes to the BOM will result in a price change.

Seq #	Qty	Product Description
1	2	<p>Designation : Product Details : 2 - Model 6 LVMCC-Model 6 MCC - Industrial Package</p> <p>----- Engineered To Order (ETO) -----</p> <p>. POWER SYSTEM DATA: System Voltage: 480V 3PH 3W 60Hz Max Available Fault Current (RMS): 65kA Control Power: 120Vac .</p> <p>ENCLOSURE DATA: Industrial Duty Type 12 Enclosure Exterior Color: ANSI 49 Interior Color: White .</p> <p>COMMON DEVICE FEATURES: Unit(s) Only Wiring Type: Class 1 Type B Wiring Drawing Format: PDF - Single Multi Page File Unit Nameplate Black Surface / White Letters Stainless Steel Nameplate Screws .</p> <p>PRODUCT ACCESSORIES: See Common Device Features</p> <p>FULL VOLTAGE NON-REVERSING STARTERS ----- 1 - 2 HP NEMA Size 1 FVNR Starter w/Circuit Breaker Motor Circuit Protector 65kA Interrupting Rating TeSys T with Ethernet (Modbus TCP) Comms I/O Expansion Module Display: RJ45 Door Access Port (No HMI) Transient Suppressor 300VA Control Power Transformer #16 AWG MTW Control Wire 30mm Type K Pilot Devices Hand-Off-Auto Selector Switch Single Function Push Button Motor On LED Pilot Light: Red Push-to-Test Special Function LED Pilot Light #1: Red Push-to-Test Special Function LED Pilot Light #2: Red Push-to-Test 2 Additional Pilot Device Contact Blocks Reset Button Control Panel Mounted Power Terminal Blocks Fork Tongue Terminals Factory Assigned Plastic Sleeve Wire Markers Silver Plated Stabs Fishtape Unit Plugs 12" Extra Mounting Height Device Height - 30 in (1) GB2 cntrl ckt disc (TAG#: 4611634) (4) Relay Type X (TAG#: 8998-70) (3) JCK70 Multi Timer (TAG#: 467267)</p> <p>Estimated days to ship, excluding transit: 45 working days after customer release to manufacturer. See Conditions of Sale.</p>

Seq #	Qty	Product Description
2	2	<p>Designation : Product Details : 2 - H361DS-SWITCH FUSIBLE HD 30A 3P STAINLESS Enclosure Type: Type 4X/4/5 Stainless Steel Options: Standard (304) Interrupting Rating (AIR): 200kA</p>

Fuse Capability: Class R
Max System Voltage: 600Vac
Switch Current Rating: 30A
System Used: 3 Wire (3 Poles)
Fuse Puller: Included
Ground Lug: Standard
Processed by ACE 2.0 - 04172018
Class R Fuse Kits: RFK03H
2 - RFK03H-KIT CLASS R FUSE REJECTION




#SCRWF Upgrade No.3 and RBWWTP CIP Upgrade Phase 2 : RFP No. 068
Totals (Summary) - Bid Summary: Default

Material	
Non-Quoted	\$4,669.44
Quotes	58,180.00
Sales Tax (0.00%)	0.00
Total Material	\$62,849.44
Labor	
Direct (112.62 hours @ \$70.00)	\$7,883.40
Non-Productive Labor	0.00
Total Labor (112.62 hours)	\$7,883.40
Direct Job Expenses	\$0.00
Tools and Miscellaneous Materials	0.00
Subcontracts	0.00
Job Subtotal (Prime Cost)	\$70,732.84
Overhead (10.00%)	7,073.28
Profit (5.00%)	3,890.31
Job Total	\$81,696.43
Bond	2,042.41
Job Total with Bond	\$83,738.84
Actual Bid Price	\$83,738.84
Material to Direct Labor ratio: 0.89	
Prime Cost per square foot	\$0.00
Job Total per square foot	\$0.00
Actual Bid Price per square ft	\$0.00
Labor cost per square foot	\$0.00
Labor hours per square foot	0.00
Gross Profit %	15.53
Gross Profit \$	\$13,006.00
Net Profit %	7.08



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	69		
RFP Subject	Manhole 47 and existing DB 5A		
Issued By	S. Clark	Issue Date	Apr. 21, 2022

Description of proposed changes:

A noted in RFI-92: The existing 6-way DB-5A is not as shown in record documents. Actual conditions allow for the existing duct bank to be routed to MH-16 and for MH-47 to be eliminated. This proposed change is accepted. Submit a credit proposal for eliminating MH-47 as proposed in RFI-92.



**15342 S. DuPont Hwy
Harrington DE 19952**

**Office: 302.566.6248
Fax: 302.566.6251**

**Bryon Warren
President
302-270-5719**

**Email(s):
office@bwelectricinc.com
estimates@bwelectricinc.com**

May 3, 2022

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 69

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 69. Our price does not include the use of Prevailing Wages. Our price is a credit of **\$7,500.00** and includes the following:

Description of proposed changes:

As noted in RFI-92: The existing 6-way DB-5A is not as shown in record documents. Actual conditions allow for the existing duct bank to be routed to MH-16 and for MH-47 to be eliminated. This proposed change is accepted. Submit a credit proposal for eliminating MH-47 as proposed in RFI-92.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.
4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/

South Coastal RWF & Rehoboth Beach WTF Upgrade

3/8/2022

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTP General Construction	43,062,821.45
BW Electric Inc.	SCRWF/RBWWTP Electrical Construction	22,147,464.71
BW Electric Inc. CO#3	DP&L Service Entrance Modification Conduit System	235,637.33
BW P.O.	Soil Screening @ Rehoboth Plant	4,504.50
City of Rehoboth	Direct Payment for repairs to piping in oxidation ditches	324,996.81
GHD	Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept	241,938.68
	Amd 12 - SCRWF Expansion Construction Docs	2,240,280.73
	Amd 13 - Value Engineering	95,080.15
	Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion	398,410.63
	Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program	181,089.72
	Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design	172,153.01
	Amd 19 - SCRWF Upgrade 3 Add'l Design	108,073.71
	Amd 20 - SCRWF Upgrade 3/RBWTP Upgrade Phase 2 Construction Engineering	6,589,558.49
Core & Main	Influent FM Consolidation Materials	339,944.59
Core & Main	Effluent FM Pipeline Materials	227,603.39
Delmarva Power	Improve service entrances for both projects. Payment not distributed.	175,000.00
G&L	FM Consolidation & Influent Consolidation Phase II	973,229.04
G&L Work- Effluent Relocation		316,635.20
G&L Work - RB Treatment Plant	Parking Lot Repavement	
Kershner Environmental Technologies	Belt Press	295,000.00
Melvin Joseph	Material Screening	80,000.00
DSWA	Loading, Hauling & Disposal of Debris	33,000.00
	Hauling of Rehoboth Oxidation Ditch Remnants	39,663.15
Totals		78,282,085.29

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***Bulk Delivery of Sodium Hypochlorite; Project No. M22-29
Recommendation To Award***

DATE: May 10, 2022

Sussex County contracts for the supply of Bulk Delivery of Sodium Hypochlorite to each of the four (4) wastewater facilities for treatment of the wastewater and the Airpark water plant. The current contract expires June 30, 2022. Bids were prepared for the annual procurement of approximately 150,000 gallons, with an alternate bid for seven (7) 30-gallon drums beginning on July 1, 2022.

Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to businesses on our supplier list. On April 12, 2022, the (3) bids for the Bulk Delivery of Sodium Hypochlorite were received.

Univar Solutions' bid offered the lowest price for Bid Item A at \$1.44 per gallon. George S. Coyne Chemical Co. offered the lowest price for the 30-gallon drum at \$335.00/each.

The Engineering Department recommends the first contract year of the base bid for bulk delivery of sodium hypochlorite be awarded to Univar Solutions at the unit price of \$1.44 per gallon and to George S. Coyne Chemical Co. for the alternate bid at the unit price of \$335.00 per 30-gallon drum. If both suppliers perform satisfactorily, the contract allows for a one-year extension at the discretion of the Engineering Department.





SUSSEX COUNTY

BID TABULATION SHEET

Project: Bulk Delivery of Sodium Hypochlorite

Project No.: M22-29

Award Date: TBD

Awarded Bidder: TBD

Total Awarded Bid: TBD

Bidder	Bid Item A	Bid Item B
Univar Solutions	\$1.44	No Bid
George S. Coyne Chemical Co.	No Bid	\$335.00
Kuehne Chemical Co.	\$8.00	No Bid

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***Western Sussex Unified Sewer District:
Contract 5, Project S19-29
A. Recommendation to Award Segment C
B. Davis, Bowen & Friedel, Inc.– Amendment 4***

DATE: April 26, 2022

In February 2017, the municipal councils of Bridgeville and Greenwood requested investigation of an alternate County Sewer District based scenario. Upon review of the findings both municipal Councils requested formation of a County sewer district pursuant to Title 9 Del. Code § 6501, and on August 22, 2017, County Council adopted a resolution establishing the Western Sussex Area of the Unified Sanitary Sewer District.

The County requested funding consideration under the Clean Water State Revolving Fund and on August 14, 2018, the State issued a binding commitment offer in the overall amount of \$16,634,748 to be repaid within 30-years with 2.5% interest. On November 27, 2018, Council accepted the offer and approved the associated borrowing ordinance. After project completion, \$3,200,000 will be applied in principle forgiveness reducing the overall borrowing. On May 15, 2020 the County filed a supplemental CWSRF funding request in the amount of \$850,000 to cover unanticipated change orders associated with the DelDOT restoration on RT-13. The County's request was approved by the Water Infrastructure Advisory Council during their July 15, 2020 meeting. On February 22, 2022 Council authorized a 2nd supplemental funding request for the Western Sussex District Area Expansion Project through the CWSRF in the amount of \$1,336,315.00. Once an offer is received, an associated debt ordinance would be introduced and voted on by Council after a public hearing. Since the project is already at the affordability limits an offer in the form of mostly "Loan Forgiveness" is expected.



The project has three (3) components; transmission under Contracts 1-4, treatment plant demolition/system rehabilitation Contract 5, maintenance garage under Contract 6 and the Bridgeville Branch restoration under a “green” project funding scenario spearheaded by the Sussex Conservation District.

The construction of the transmission project was further broken down in the following four (4) individual contracts based on DelDOT’s schedule requirements:

- Contract No.1 to A-Del Construction Co, Inc. in the amount of \$3,224,820.00, for the force main work in the RT-13 rights-of-way. Awarded by Council on May 14, 2019.
- Contract No.2 to Pact One LLC in the amount of \$2,063,255.00, for the gravity sewer upgrades. Awarded by Council on May 14, 2019.
- Contract No.3 to A-Del Construction Co, Inc. in the amount of \$2,980,602.00, for the force main work in the RT-13 Alternate and Herring Road rights-of-way. Awarded by Council on January 7, 2020.
- Contract No.4 to Zack’s Excavating, Inc. in the amount of \$3,236,939.00, for gravity sewer equalization chambers and two (2) pump stations. Awarded by Council on November 12, 2019.
- Contract No. 5, Segments A, B & D awarded by Council on February 22, 2022. Segment A to A-Del Construction in the amount of \$427,700.00, Segment B to Richard E. Pierson in the amount of \$920,800.00 and Segment D to Standard Pipe Services in the amount of \$525,100.00.
- Contract No. 6 to GGI, Inc. in the amount of \$410,525.00, for construction of a new Office/Garage Building. Awarded by Council on June 23, 2020.

During the construction of Contract No.1 awarded to A-Del Construction Co, Inc., DelDOT did not allow the reuse of most of the excavated trench material and required Type C Borrow instead. Therefore, this unit price item went considerably above the bid quantity. In addition, a wider concrete base course was encountered under the Cannon Road crossing. Rather than using hot-mix for restoration, DelDOT required reinstallation of the concrete base course adding 25% to the cost of this lump sum item. On February 4, 2020, Council approved the associated Change Order No.1 in the amount of \$254,188.92. During the final restoration phase DelDOT required additional matting and utility adjustments resulting in a final balancing Change Order No. 2 in the amount of \$26,486.65. Council issued Change Order No.2 and granted final project completion on June 2, 2020.

The award of Contract No.2 to Pact One, LLC included the base bid and two alternate bid items. At the time of award, the Alternate Bid Item D5 was not awarded due its significantly higher than anticipated cost. In subsequent discussions, Pact One LLC realized they had misinterpreted the scope for Item D5 and submitted an alternate proposal at approximately 16% of the original bid. On September 10, 2019 Council awarded Change Order No. 1 in the amount of \$96,840.00 to cover item D5. On June 2, 2020 Council approved a final balancing

Change Order No. 2 in the credit amount of (\$128,708.70) and granted final project completion.

Contract No.3 awarded to A-Del Construction Co, Inc. encountered no issues and on June 15, 2021 Council approved the balancing Change Order No. 1 in the credit amount of \$643,915.22 together with final project completion as of April 7, 2021.

During the construction of Contract No. 4 awarded to Zack's Excavating, Inc. a groundwater contamination was encountered, in addition to a construction sequencing issue at the Bridgeville site. In response, the Department developed a value engineering approach approved by Council on June 2, 2020 under Change Order No.1 in the amount of \$40,045.00. The north Seaford pump station included RT-13 entrance improvements which required a more substantial reconstruction due to lack of an existing base course as well as a compromised subbase. In response Council approved Change Order No. 2 in the amount of \$22,642.78 on July 28, 2020. On September 30, 2020 Zack's Excavating, Inc. encountered a previously unknown ductile iron water pipe within the area of the deep excavation of the Bridgeville pump station structures. On November 10, 2020 Council approved Change Order No. 3 in the total amount of \$32,644.19 for the time and material relocation effort.

On February 3, 2021, Delmarva Power and Light contacted the Sussex County with an opportunity for net schedule and cost savings by adjusting the transformer type from pad mount to a pole mounted system. While this decreased the charges from Delmarva Power and Light, it actually increases the work for Zack's Excavating Inc.'s electrical subcontractor by \$5,504.87. However, the coordination with DP&L did affect the critical schedule and caused a two-week delay. In addition, the Environmental Services team did additional assessments of the Heritage Shores Pump Station pre-existing conditions and recommended additional upgrades to the existing SCADA system to bring it up to the current county standard exceeding the stipulated contract allowance by \$16,000.00. On March 9, 2021 Council approved Change Order No. 4 in the amount of \$21,504.87 and the associated two-week contract time extension.

The final gravity sewer line to transferred to the new Bridgeville pump station had significant, previously unknown, infiltration. The Department requested a change order for the necessary repairs but Zack's Excavating, Inc. declined any further change orders. Subsequently, after receiving concurrence from the funding agency, the Engineering Department mobilized the County's General Labor & Equipment contractor to the site. Furthermore, the Department suggested to transition Zack's contract to a lump sum approach, requesting credit proposals for several remaining incidental work items and allowances. On May 25, 2022, Council issued the close out credit Change Order No. 5 in the amount of (\$92,704.30) as well as the granting of substantial project completion.

Contract No. 5, Segment C bids were rejected by Council on February 22, 2022. The Invitation to rebid Western Sussex Unified Sewer District, Contract 5, Segment C, was advertised on February 28th and March 7th in the local newspaper, and available to view on the County website. In addition, the information was directly forwarded to a number of contractors. On March 25, 2022, two (2) bids were received. The Engineering Department recommends award of Segment C to the low bidder, Zack's Excavating, Inc. in the amount of \$551,585.16 subject to DNREC approval.

With all segments to be constructed simultaneously, the Engineering Department requested an amendment from Davis, Bowen & Friedel, Inc. for part-time inspection and on-call construction administration services associated with all segments of Contract 5. Therefore, the Engineering Departments seeks Council's approval Davis, Bowen & Friedel, Inc.'s contract Amendment 4 to the Western Sussex Contract in the amount not to exceed \$80,000.00.



SUSSEX COUNTY

BID SHEET

Project: Western Sussex Contract 5 - Segment C Rebid

Project No.: S19-29

Bidder	Part C
Pact One, LLC	
A-Del Construction	\$665,000.00
Standard Pipe Service	
George & Lynch	
R.E. Pierson Construction	
Zack Excavating	\$551,585.16
JJID	
Chesapeake Turf	
Merrell Brothers	
SAK Construction	
Teal Construction	
Abel Recon	
BW Electric	

This is **EXHIBIT K**, consisting of [4] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated _____.

AMENDMENT 4 TO OWNER-ENGINEER EJCDC BASE AGREEMENT

The Effective Date of this Amendment is: May 10, 2022

Background Data

Effective Date of Project Order:

Owner: Sussex County

Engineer: Davis, Bowen & Friedel, Inc.

Project: Bridgeville WWTP Conversion and Stream Improvements

Nature of Amendment:

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

Project Order Summary:

Original Project Order amount:	\$ <u>0</u>
Net change for prior amendments:	\$ <u>278,500.00</u>
This amendment amount:	\$ <u>80,000.00</u>
Adjusted Project Order amount:	\$ <u>358,500.00</u>

Change in time for services (days or date, as applicable): _____

The foregoing Project Order Summary is for reference only and does not alter the terms of the Agreement or the Project Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Sussex County Council

By:

Print

name:

Title: President, Sussex County Council

Date Signed:

ENGINEER:

Davis, Bowen & Friedel, Inc.

By:

Print

name:



Ring W. Lardner

Title: Principal

Date Signed: 5/3/2022

(SEAL)

PREVIOUSLY APPROVED FORM

ATTEST:

Ms. Tracy Torbert
Clerk of the County

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

April 5, 2022
Revised April 18, 2022

Mr. Randy Duplechain
Sussex County Engineering
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

RE: **Contract 5 - Amendment No. 4 – Engineering Base Contract**
Professional Engineering Services
Bridgeville Wastewater Treatment Plan - Demolition
Wastewater Redirection
DBF #P1897B21.039

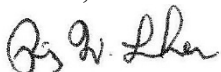
Dear Mr. Duplechain:

Davis, Bowen & Friedel, Inc., (DBF) is pleased to submit this amendment to the Engineering Base Contract for providing Survey, Design, and Permitting Phase services for the above-referenced project. In coordination with the Engineering Department, our office has been requested to provide construction administration on an as-needed basis and provide part-time inspection for the duration of Contract 5. Contract 5 was awarded in four (4) segments, and we anticipate that all segments will be simultaneously constructed. We are requesting an additional \$80,000.00 to perform part-time inspection and on-call construction administration.

Should you find this amendment acceptable, please execute below and return a copy for our files. Receipt of the signed copy will be considered our authorization to proceed.

On behalf of Davis, Bowen & Friedel, Inc., we appreciate the opportunity to offer our services. We look forward to completing this project with you and appreciate the opportunity to be of continued service to Sussex County. Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring W. Lardner, P.E.
Principal

Proposal: Sussex County Engineering
Contract 5 - Amendment No. 4 Engineering Base Contract
April 5, 2022
Revised April 18, 2022
Page 2

\\Proposal\....Co Proposals\Sussex\Sussex County\2022\P1897B21.039 Bridgeville WWTP Contract 5 Amend4

ACCEPTED BY:

Signature

Date

Printed Name

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***Davis, Bowen & Friedel, Inc. – 2019 Miscellaneous Engineering Base Contract***
A. Amendment No. 6 – Water Interconnection & Wastewater Redirection Inspection Services
B. Teal Construction, Inc. - Wastewater Redirection Directional Drill Award

DATE: May 10, 2022

The Delaware Coastal Business Park receives potable water services as well as separate fire protection services through the County while the entities located at the Coastal Airport along Rudder Lane, receive integrated water services from the Town of Georgetown. The County's potable water system and the Town's integrated water system are not interconnected. On September 25, 2019, the Town Council of Georgetown approved the design and construction of an interconnection under a cost share basis in addition to the ability to buy or sell water at the established in Town rate. On October 8, 2019, County Council granted approval in principle of the draft Water Interconnection Agreement. Since then, the Town requested some minor modifications most notable a \$50,000 cap on the cost share which was accepted by County Council when granting final approval of the Agreement.

The Delaware Coastal Business Park, as well as the entities located at the Coastal Airport along Rudder Lane, receive wastewater treatment services from the Town of Georgetown under the April 23rd, 2008 Agreement last amended by addendum on August 14, 2018.

Given the limited availability of municipal sewer capacity, the Agreement allows for the surrender of capacity under Article VIII by redirecting it to alternate wastewater service providers in this case Artesian Wastewater Management. It currently reads: "Contract User has the option to surrender capacity below the Base Flow Volume with twelve (12) months prior written notice. If Contract User surrenders 100% of the capacity, Owner has the option



to request flow reversal from Owner to Contract User up to 200% of said capacity.” This option allows the Town to regain capacity beyond the County flows without initial capital contribution, while allowing the County to recuperate all capital funds over the life of the investment.

The Finance and Engineering Departments had recommended approval of the capacity surrender as outlined in the Agreement and on October 8, 2019, Council concurred. On June 24, 2020, Town Council voted to accept the County’s surrender notice as per Article VIII of the 2008 Agreement as amended and in return exercised the Town’s option to request inclusion of 200% of the surrendered capacity in the design and construction of the interconnection.

On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. On June 30, 2020, County Council approved Scope Amendment No. 3 covering limited topographic survey and preparation of the construction documents for the water interconnection as well as the sewer extension to the handshake point with Artesian Wastewater Management, Inc. on Park Avenue not to exceed amount of \$50,000.00.

Permitting of the sewer force main alignment along the DelDOT controlled railroad right-of-way proved to be challenging. In addition, the location of the ESNG high pressure gas main required additional survey and design considerations. The final alignment will encompass all of the issues and an additional easement on private property. Davis, Bowen & Friedel, Inc. proposed to perform the additional scope at a not to exceed cost, based on the originally awarded hourly rates of \$25,000.00. On September 14, 2021, Council approved Amendment No. 5 in said not to exceed amount.

The project is now transitioning to the construction phase and part-time inspection and on-call services will be necessary. Therefore, the Engineering Department is requesting approval of Amendment No. 6 in the not to exceed amount of \$55,000.00 on an hourly basis with rates approved under the base contract.

The wastewater redirection scope includes a 1,550 feet long directional drill alongside the RR right-of-way and extending under Park Avenue. It must have a specific, tightly controlled depth due to the high-pressure gas lines it crosses. This type of work should only be performed by experienced contractors with a proven track record. Teal Construction Inc. is building the pipeline for Artesian Wastewater Management to the handshake point. Their drilling subcontractor is Spring & Associates who has this experience. In order to obtain competitive pricing, we solicited a quotation from George & Lync, Inc. who has performed this type of work for the County before. The lump sum quotations were very close with Teal providing the low offer of \$402,040.00. Therefore, the Engineering Department recommends award of the wastewater interconnection directional drill to Teal Construction, Inc. in the lump sum amount of \$402,040.00.

This is **EXHIBIT K**, consisting of **[4]** pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 08/13/2019.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 6

The Effective Date of this Amendment is: May 10, 2022

Background Data

Effective Date of Owner-Engineer Agreement: 08/13/2019

Owner: Sussex County

Engineer: Davis, Bowen & Friedel, Inc.

**Project: Town of Georgetown Water Interconnection & Wastewater
Redirection Inspection Services**

Nature of Amendment:

- Additional Services to be performed by Engineer
- ~~Modifications to services of Engineer~~
- ~~Modifications to responsibilities of Owner~~
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- ~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

This Amendment includes modifications to Exhibit A – Engineer’s Services, to include work per DBF Proposal dated September 9, 2021, and the selection and use of Exhibit C, Compensation Packet AS-1, for Standard Hourly Rates.

Agreement Summary:

Original Agreement Amount:	\$ <u>0</u>
Net Change for prior amendments:	\$ <u>132,000.00</u>
This amendment amount:	\$ <u>55,000.00</u>
Adjusted Agreement amount:	\$ <u>187,000.00</u>

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:


By: _____
Print
name: _____

Title: _____

Date Signed: _____

ENGINEER:

Davis, Bowen & Friedel, Inc.

By: 
Print
name: Ring W. Lardner

Title: Principal

Date Signed: 5/3/2022

PREVIOUSLY APPROVED FORM

ATTEST:

Ms. Tracy Torbert
Clerk of the County

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

April 5, 2022

Mr. Randy Duplechain
Sussex County Engineering
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

RE: Amendment No. 6 – Engineering Base Contract
Professional Engineering Services
Sussex County – Town of Georgetown
Wastewater Redirection
DBF #P1897B21.039

Dear Mr. Duplechain:

Davis, Bowen & Friedel, Inc., (DBF) is pleased to submit this amendment to the Engineering Base Contract for providing Survey, Design, and Permitting Phase services for the above-referenced project. The project is transitioning from the design and permitting phase and an additional scope of work has been requested. We are requesting an additional \$55,000.00 to provide part-time construction inspection, construction stake-out, and on-call construction services that may include as-built services, responses to contractor questions and other construction related items.

Should you find this amendment acceptable, please execute below and return a copy to us. Receipt of the signed copy will be considered our authorization to proceed.

On behalf of Davis, Bowen & Friedel, Inc., we appreciate the opportunity to offer our services. We look forward to completing this project with you and appreciate the opportunity to be of continued service to Sussex County. Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring W. Lardner, P.E.
Principal

Proposal: Sussex County Engineering
Amendment No. 6 Engineering Base Contract
April 5, 2022
Page 2

\\Proposal\....Co Proposals\Sussex\Sussex County\2021\P1897B21.039 Georgetown Water-Wastewater Amendment6

ACCEPTED BY:

Signature

Date

Printed Name

April 18, 2022

Sussex County Engineering
Attn: Hans M. Medlarz, P.E.
2 The Circle
Georgetown, DE 19947

RE: AWC/Sussex County Georgetown Interconnect

Dear Mr. Medlarz,

The following is Teal Construction, Inc.'s proposal for the AWC/Sussex County Georgetown Interconnect. If you have any questions, please feel free to contact us at 302-678-9500.

SCOPE OF WORK:

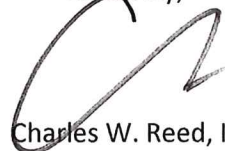
- Directional Drill 10" HDPE DR-9 DIPS
- Furnish & Install EONE Grinder Pump

Lump Sum Total: \$ 402,040.00

NOTES:

1. Survey and Stakeout is not included in this proposal and will be the responsibility of others.
2. Easements for this project are the responsibility of others.
3. Any permits and fees necessary are the responsibility of others.

Sincerely,



Charles W. Reed, III

MEMBER
Delaware Utility and Transportation
Contractors Association, Inc.
National Utility Contractors Association



ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***Mallard Creek Sewer Expansion, Project S20-26***
A. Recommendation to Award
B. GM, Inc. Amendment No. 1

DATE: May 10, 2022

County Council approved posting for an October 20th, 2017, public hearing to expand the Unified Sanitary Sewer District to serve the Mallard Creek subdivision in the Holt's Landing area. The Engineering Department presented results of the hearing and on November 7, 2017 County Council adopted the expansion Resolution No. R 032 17.

Subsequently the Engineering Finance Departments applied for funding through the United States Department of Agriculture (USDA) which on September 27, 2019 issued the letter of conditions outlining loan (\$1,526,000) and grant (\$1,247,000) funding associated with the Mallard Creek Sewer Extension Project. USDA officially obligated the funding assistance on October 16, 2019. On February 4, 2020 Council approved the issuance of general obligation bonds and the associated USDA loan resolution.

On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to three (3) consulting engineering firms (i) Davis, Bowen & Friedel, Inc.; (ii) George Miles and Buhr, Inc.; and (iii) KCI Technologies, Inc. (KCI). Additionally, the motion authorized the Engineering Department to negotiate Base Professional Service Agreements for a five-year period of July 1, 2019 through June 30, 2024. Project-based contract amendments under the base agreements, or individual project-specific agreements if required by a funding source, were each to be brought to Council for authorization.

As requested, GMB submitted a Base Owner-Engineer Professional Services Agreement for design and bidding services associated with the Mallard Creek Sewer Expansion, Project S20-26, On March 10, 2020, Council authorized said professional services agreement with GMB at a not-to-exceed value of \$177,780.00, for design and bidding of the Mallard Creek Sewer Expansion, Project S20-26. With the bidding phase concluded, the Department requested GMB's proposal for



- A. Recommendation to Award*
- B. GMB Amendment No. 1*

construction administration and inspection services. The proposal was reviewed, and several modifications requested. With all modifications addressed, the Engineering Department recommends Council's approval of GMB's Amendment No. 1 in the not to exceed amount of 167,729.00, contingent upon USDA concurrence.

Invitations to the Mallard Creek Sewer Expansion bid were advertised in the newspaper, viewable on the Sussex County website, and directly sent to contractors experienced with the type of work. On April 20, 2022, five (5) bids were received. The overall project cost is within the available funding provided by USDA.

The initial low bidder for this project was Carrow Construction LLC. However, they failed to submit the required Schedule E as outlined in the specifications, in addition to committing numerous mathematical errors on the bid sheet. For those reasons, the Engineering Department and George Miles & Buhr, determined the bid to be non-responsive. Therefore, the Engineering Department recommends award to the lowest, responsive bidder, Teal Construction, Inc. in the amount of \$1,338,338.00 contingent upon USDA approval.



GEORGE, MILES & BUHR, LLC



ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com



JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

April 21, 2022

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

Attn: Randy Duplechain, P.E.

Re: Mallard Creek Sewer Expansion
Sussex County, Delaware
GMB File No. R200054

Dear Mr. Duplechain:

Bids for the Mallard Creek Sewer Expansion were opened at the Sussex County Council Chambers at 2:00 p.m. on April 20, 2022. A total of five (5) bids were received.

Carrow Construction LLC:	\$1,303,341.00
Teal Construction, Inc.:	\$1,338,338.00
Chesapeake Turf LLC:	\$1,654,150.00
Schummer Inc.	\$1,708,535.00
JJID, Inc.	\$1,893,690.00
<i>Engineer's Estimate:</i>	<i>\$1,653,912.00</i>

Carrow Construction LLC was the apparent low bidder; however, based upon review of their bid form there were several areas of concern. There were numerous mathematical errors in their bid form, covering six (6) bid items, which brought their actual bid, based on the unit prices bid, down from \$1,303,341.00 to \$1,247,147.00. In addition, required documentation to be submitted with the bid were also not provided: Schedule E - List of Products and Equipment was not provided, Receipt of Addenda was not provided and acknowledged, and the Qualification Statement was incomplete. For these reasons, and based on discussion with Sussex County Engineering Department, it is our opinion Carrow's bid is incomplete and non-responsive.

Based on the review of the remaining bids, it is our opinion, Teal Construction, Inc. is the lowest responsive bidder based on the Total Base Bid in the amount of \$1,338,338.00. Their bid package was complete and included the Bid, Bid Bond, and all necessary certification and compliance statements required by Article 2 of the Bid Form.

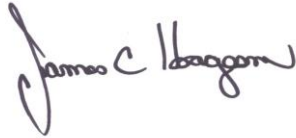
Adequate funding for this project is currently available through the loan the County has with USDA-RD for extending sewer to the Mallard Creek development.

Teal Construction, Inc. is an experienced general contractor who has successfully performed services for various municipalities and counties for the construction of water and sewer utilities. Accordingly, based on the reasons stated above, we recommend award to Teal Construction in the amount of \$1,338,338.00, contingent upon approval by USDA-RD.

A copy of the bid tabulation and a copy of the five (5) bids received are enclosed for your files.

If you have any questions, please do not hesitate to call at 410.742.3115 or contact me via e-mail at jhoageson@gmbnet.com. Thank you.

Sincerely,



James C. Hoageson, P.E.
Sr. Vice President

JCH/slh

Enclosures: Bid Tabulation
Bids Received (5)



Tabulation of Bids

PROJECT NAME: Mallard Creek Sewer Expansion
 GMB JOB NO.: 200054
 BIDS OPENED: April 20, 2022 @ 2:00 p.m.

Item No	Bid Item Description	Size	Units	Est. Qty.	Carrow Construction		Carrow Actual Bid Numbers	Chesapeake Turf		JJID		Schummer Inc.		Teal Construction	
					Unit Price	Total Price		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCHEDULE A: GENERAL BID ITEMS															
A1	Mobilization	--	LS	1	\$ 5,500.00	\$ 5,500.00	\$ 17,500.00	\$ 82,200.00	\$ 82,200.00	\$ 79,000.00	\$ 79,000.00	\$ 80,385.00	\$ 80,385.00	\$ 38,374.00	\$ 38,374.00
A2	Furnish and Install Survey and Stakeout Measures	--	LS	1	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 22,000.00	\$ 22,000.00	\$ 18,000.00	\$ 18,000.00	\$ 14,500.00	\$ 14,500.00	\$ 12,744.00	\$ 12,744.00
A3	Furnish and Install Erosion Sediment Control Measures	--	LS	1	\$ 13,398.00	\$ 13,398.00	\$ 13,398.00	\$ 62,000.00	\$ 62,000.00	\$ 290,000.00	\$ 290,000.00	\$ 26,100.00	\$ 26,100.00	\$ 51,149.00	\$ 51,149.00
A4	Stormwater Pipe Replacement at Station 4+09	12"	LS	1	\$ 4,335.00	\$ 4,335.00	\$ 4,335.00	\$ 33,000.00	\$ 33,000.00	\$ 18,000.00	\$ 18,000.00	\$ 26,800.00	\$ 26,800.00	\$ 43,844.00	\$ 43,844.00
SUBTOTAL SCHEDULE A - A1 THRU A4						\$ 29,233.00	\$ 41,223.00		\$ 199,200.00		\$ 405,000.00		\$ 147,785.00		\$ 146,111.00
SCHEDULE B: HOUSEHOLD GRINDER SYSTEMS															
B1	Furnish and Install Standard E-One Simplex Grinder Station Complete (DH071F-93)	--	EA	21	\$ 16,851.00	\$ 353,871.00	\$ 353,871.00	\$ 19,650.00	\$ 412,650.00	\$ 21,000.00	\$ 441,000.00	\$ 20,700.00	\$ 434,700.00	\$ 15,141.00	\$ 317,961.00
B2	Furnish and Install Watertight E-One Simplex Grinder Station Complete (DH071F-93)	--	EA	18	\$ 23,100.00	\$ 415,800.00	\$ 415,800.00	\$ 24,950.00	\$ 449,100.00	\$ 26,000.00	\$ 468,000.00	\$ 25,400.00	\$ 457,200.00	\$ 20,544.00	\$ 369,792.00
B3	Furnish and Install Watertight E-One Simplex Grinder Station (DH071F-93) SHELL ONLY: Furnish Pump and Controls to County	--	EA	2	\$ 16,021.00	\$ 32,042.00	\$ 32,041.00	\$ 23,800.00	\$ 47,600.00	\$ 25,000.00	\$ 50,000.00	\$ 25,000.00	\$ 50,000.00	\$ 18,150.00	\$ 36,300.00
B4	Furnish to County Watertight E-One Simplex Grinder Station Complete (DH071F-74)	--	EA	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,800.00	\$ -	\$ 16,028.00	\$ -
B5	Furnish and Install Low Pressure Sewer Laterals (Directional Drill)	1.25"	LF	3800	\$ 17.00	\$ 64,600.00	\$ 64,600.00	\$ 37.50	\$ 142,500.00	\$ 35.00	\$ 133,000.00	\$ 53.50	\$ 203,300.00	\$ 18.50	\$ 70,300.00
B6	Furnish and Install Low Pressure Sewer Laterals (Open Cut)	1.25"	LF	500	\$ 17.00	\$ 8,500.00	\$ 8,500.00	\$ 14.00	\$ 7,000.00	\$ 26.00	\$ 13,000.00	\$ 33.50	\$ 16,750.00	\$ 26.00	\$ 13,000.00
B7	Furnish and Install SDR-11 Low Pressure Sewer (Directional Drill)	1.5"	LF	2200	\$ 25.00	\$ 55,000.00	\$ 55,000.00	\$ 26.00	\$ 57,200.00	\$ 33.00	\$ 72,600.00	\$ 36.50	\$ 80,300.00	\$ 20.00	\$ 44,000.00
B8	Furnish and Install SDR-11 Low Pressure Sewer (Directional Drill)	2"	LF	1200	\$ 26.00	\$ 31,200.00	\$ 31,200.00	\$ 20.00	\$ 24,000.00	\$ 26.00	\$ 31,200.00	\$ 30.00	\$ 36,000.00	\$ 23.75	\$ 28,500.00
B9	Furnish and Install SDR-11 Low Pressure Sewer (Directional Drill)	3"	LF	1200	\$ 28.00	\$ 33,600.00	\$ 33,600.00	\$ 32.00	\$ 38,400.00	\$ 28.00	\$ 33,600.00	\$ 41.25	\$ 49,500.00	\$ 31.75	\$ 38,100.00
B10	Furnish and Install Terminal Flushing Connections	1.5"	EA	5	\$ 5,356.00	\$ 26,780.00	\$ 26,781.00	\$ 11,500.00	\$ 57,500.00	\$ 7,000.00	\$ 35,000.00	\$ 8,700.00	\$ 43,500.00	\$ 8,183.00	\$ 40,915.00
B11	Furnish and Install Intersection Flushing Connections	Varies	EA	4	\$ 7,405.00	\$ 29,620.00	\$ 30,014.00	\$ 15,200.00	\$ 60,800.00	\$ 8,000.00	\$ 32,000.00	\$ 9,400.00	\$ 37,600.00	\$ 12,657.00	\$ 50,628.00
B12	Furnish and Install In-line Flushing Connection	3"	EA	1	\$ 6,883.00	\$ 6,883.00	\$ 6,883.00	\$ 14,800.00	\$ 14,800.00	\$ 7,500.00	\$ 7,500.00	\$ 9,900.00	\$ 9,900.00	\$ 10,429.00	\$ 10,429.00
B13	Furnish and Install Lateral Assembly Isolation Valve and Curb Box	1.25"	EA	41	\$ 1,048.00	\$ 42,968.00	\$ 42,968.00	\$ 3,200.00	\$ 131,200.00	\$ 1,000.00	\$ 41,000.00	\$ 900.00	\$ 36,900.00	\$ 1,933.00	\$ 79,253.00
B14	Furnish and Install Sod for Yard Restoration at TCO Connection	--	SY	40	\$ 50.00	\$ 2,000.00	\$ 2,000.00	\$ 25.00	\$ 1,000.00	\$ 75.00	\$ 3,000.00	\$ 15.00	\$ 600.00	\$ 61.00	\$ 2,440.00
SUBTOTAL SCHEDULE B - B1 THRU B14						\$ 1,102,864.00	\$ 1,103,258.00		\$ 1,443,750.00		\$ 1,360,900.00		\$ 1,456,250.00		\$ 1,101,618.00



Tabulation of Bids

PROJECT NAME: Mallard Creek Sewer Expansion
 GMB JOB NO.: 200054
 BIDS OPENED: April 20, 2022 @ 2:00 p.m.

Item No	Bid Item Description	Size	Units	Est. Qty.	Carrow Construction		Carrow Actual Bid Numbers	Chesapeake Turf		JJID		Schummer Inc.		Teal Construction	
					Unit Price	Total Price		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCHEDULE C: CONTINGENT BID ITEMS															
C1	Excavation Below Subgrade	--	CY	500	\$ 22.00	\$ 11,000.00	\$ 11,000.00	\$ 1.00	\$ 500.00	\$ 12.00	\$ 6,000.00	\$ 15.00	\$ 7,500.00	\$ 10.00	\$ 5,000.00
C2	Furnish and Place Gravel Bedding	--	CY	500	\$ 65.00	\$ 32,500.00	\$ 32,500.00	\$ 1.00	\$ 500.00	\$ 75.00	\$ 37,500.00	\$ 30.00	\$ 15,000.00	\$ 45.00	\$ 22,500.00
C3	Furnish & Place Special Backfill	--	CY	500	\$ 25.00	\$ 12,500.00	\$ 55,000.00	\$ 1.00	\$ 500.00	\$ 30.00	\$ 15,000.00	\$ 25.00	\$ 12,500.00	\$ 16.00	\$ 8,000.00
C4	Miscellaneous Excavation and Backfill	--	CY	10	\$ 35.00	\$ 350.00	\$ 350.00	\$ 500.00	\$ 5,000.00	\$ 60.00	\$ 600.00	\$ 50.00	\$ 500.00	\$ 15.00	\$ 150.00
C5	Furnish and Place Miscellaneous 4,000 PSI Concrete	--	CY	10	\$ 650.00	\$ 6,500.00	\$ 6,500.00	\$ 200.00	\$ 2,000.00	\$ 240.00	\$ 2,400.00	\$ 350.00	\$ 3,500.00	\$ 177.00	\$ 1,770.00
C6	Secure Modified Proctor Tests on Trench Backfill	--	EA	2	\$ 1,200.00	\$ 2,400.00	\$ 2,400.00	\$ 250.00	\$ 500.00	\$ 345.00	\$ 690.00	\$ 500.00	\$ 1,000.00	\$ 177.00	\$ 354.00
C7	Secure Field Density Tests on Trench Backfill	--	EA	5	\$ 800.00	\$ 4,000.00	\$ 4,000.00	\$ 100.00	\$ 500.00	\$ 180.00	\$ 900.00	\$ 300.00	\$ 1,500.00	\$ 207.00	\$ 1,035.00
C8	Milling of Existing Pavement	--	SY	300	\$ 23.00	\$ 6,900.00	\$ 6,900.00	\$ 1.00	\$ 300.00	\$ 12.00	\$ 3,600.00	\$ 8.00	\$ 2,400.00	\$ 14.00	\$ 4,200.00
C9	Furnish and Place 2" Superpave Type "C" Asphalt Surface Course	2"	SY	300	\$ 23.00	\$ 6,900.00	\$ 6,900.00	\$ 1.00	\$ 300.00	\$ 22.00	\$ 6,600.00	\$ 17.00	\$ 5,100.00	\$ 32.00	\$ 9,600.00
C10	Furnish and Place 3" Superpave Type "B" Asphalt Base Course	3"	SY	300	\$ 23.00	\$ 6,900.00	\$ 6,900.00	\$ 1.00	\$ 300.00	\$ 28.00	\$ 8,400.00	\$ 52.00	\$ 15,600.00	\$ 36.00	\$ 10,800.00
C11	Furnish and Place 8" Graded Aggregate Type "B" Base Course	8"	SY	300	\$ 17.00	\$ 5,100.00	\$ 5,100.00	\$ 1.00	\$ 300.00	\$ 37.00	\$ 11,100.00	\$ 33.00	\$ 9,900.00	\$ 29.00	\$ 8,700.00
C12	Furnish and Place 2" Superpave Type "C" Asphalt Surface Course and 6" Graded Aggregate Type "B" Base Course (Driveway Restoration)	2"/6"	SY	500	\$ 40.00	\$ 20,000.00	\$ 22,000.00	\$ 1.00	\$ 500.00	\$ 70.00	\$ 35,000.00	\$ 60.00	\$ 30,000.00	\$ 37.00	\$ 18,500.00
SUBTOTAL SCHEDULE C - C1 THRU C12						\$ 115,050.00	\$ 205,450.00	\$ 11,200.00	\$ 127,790.00	\$ 104,500.00	\$ 90,609.00				
TOTAL BASE BID - SUM OF SCHEDULE A + B + C						\$ 1,247,147.00	\$ 1,303,341.00	\$ 1,654,150.00	\$ 1,893,690.00	\$ 1,708,535.00	\$ 1,338,338.00				

SCHEDULE D: LISTING OF SUBCONTRACTORS

Subcontractor Trade
1 Geo-Technical
2 Installation of Household Grinder Stations
3 Electrical
4 Mechanical
5 Poured-In-Place Concrete
6 Installation of Low Pressure Piping
7 Traffic Control
8 Third Party Testing

Subcontractor's Name	Subcontractor's Name	Subcontractor's Name	Subcontractor's Name	Subcontractor's Name
Geo Technology Associates	TBD	John D. Hynes & Associates, Inc.	Hillis-Carnes	Hardin Knight Associates
Carrow Construction, LLC	Chesapeake Turf	JJID, Inc.	Schummer Inc.	Teal Construction
Badger Electric	Bilbrough's Electric Inc.	JJID, Inc.	Bilbrough's Electric	Lywood Electric
Carrow Construction, LLC	Chesapeake Turf	JJID, Inc.	Schummer Inc.	Teal Construction
Carrow Construction, LLC	Chesapeake Turf	JJID, Inc.	Schummer Inc.	Teal Construction
Moore Farms Construction	Chesapeake Turf	Drill-Tech, Inc.	Drill-Tech	Spring & Associates, Inc.
Enterprise Flasher	Chesapeake Turf	JJID, Inc.	Schummer Inc.	Teal Construction
Geo Technology Associates	TBD	John D. Hynes & Associates, Inc.	Hillis-Carnes	Teal Construction

SCHEDULE E: LISTING OF EQUIPMENT

Item Description
1 Simplex Grinder Pump
2 Low Pressure Pipe
3 Precast Manholes for Flushing Connections
4 Cleanout Frame and Covers
5 Manhole Frame and Covers

Manufacturer	Manufacturer	Manufacturer	Manufacturer	Manufacturer
	E-One / Freemire & Associates	E-One c/o Freemire & Associates	E-1	Environmental One / Freemire
	Performance Pipe / Core and Main	Belair Road Supply	Lee Supply	Flying W Plastics / Core and Main
	Gillespie Precast / Gillespie Precast	Gillespie Precast Inc.	Gillespie Precast	Gillespie Precast / Gillespie Precast
	East Jordan Ironworks / Core and Main	Belair Road Supply	TBD	East Jordan / Core and Main
	Neenah Foundry / Gillespie Precast	Neenah Foundry Inc. c/o Gillespie Precast Inc.	Gillespie Precast	East Jordan / Core and Main

*Carrow did not supply Manufacturers

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated March 10, 2020.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

The Effective Date of this Amendment is: May 10, 2022

Background Data

Effective Date of Owner-Engineer Agreement: March 10, 2020

Owner: Sussex County

Engineer: George, Miles & Buhr, LLC

Project: Mallard Creek Sanitary Sewer Expansion, Project# S20-26

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

Construction Phase Services as outline in Exhibit A, Section A1.05, of the Agreement between the Owner and Engineer for Professional Services:

- ***Contract Administration: \$64,325.00***
- ***Resident Project Representative: \$103,404.00***

****Services based on Contractor achieving substantial completion in 180 days and ready for final payment in 210 days.***

****Excludes Engineer's review of the Contractor's Application for Payment per SCED.***

Agreement Summary:

Original agreement amount:	<u>\$177,780.00</u>
Net change for prior amendments:	<u>\$ 0.00</u>
This amendment amount:	<u>\$167,729.00</u>
Adjusted Agreement amount:	<u>\$345,509.00</u>

Change in time for services (days or date, as applicable): 210

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Sussex County

By: _____

Print

name: Michael H. Vincent

Title: President, Sussex County Council

Date Signed: _____

ENGINEER:

George, Miles & Buhr, LLC

By: _____

Print

name: James C. Hoageson, P.E.

Title: Sr. Vice President

Date Signed: _____

PREVIOUSLY APPROVED FORM

EXHIBIT A.1 - WORK PROGRAM MANHOOR ESTIMATES, STANDARD HOURLY RATES & REIMBURSABLES

PART 1 - GENERAL

1. <i>Grantee</i> Sussex County, Delaware		2. <i>Grant Number</i>	
3. <i>Name of Consultant</i> George, Miles & Buhr, LLC		4. <i>Date of Proposal</i> Revised: 18-Apr-22	
5. <i>Address of Consultant</i> 206 West Main St Salisbury, MD 21801-4907		6. <i>TYPE OF SERVICE TO BE FURNISHED</i> Contract Administration - Mallard Creek Sanitary Sewer Expansion, Project# S20-26	

PART II - COST SUMMARY

7. <i>DIRECT LABOR</i>	<i>ESTIMATED HOURS</i>	<i>HOURLY RATE</i>	<i>ESTIMATED COST</i>	<i>TOTALS</i>
Project Director JHW	-	\$ 190.00	\$ -	
Project Manager(s) JCH	180	\$ 190.00	\$ 34,200.00	
Project Engineer CP	-	\$ 118.00	\$ -	
Graduate Engineer JBM	205	\$ 115.00	\$ 23,575.00	
Construction Rep DC	-	\$ 110.00	\$ -	
Project Coordinator SLH	40	\$ 93.00	\$ 3,720.00	
CADD MMD	-	\$ 85.00	\$ -	
Surveyor DG	-	\$ 70.00	\$ -	
	-	\$ -	\$ -	
DIRECT LABOR TOTAL:	425			\$ 61,495.00
8. <i>INDIRECT COSTS</i>	<i>RATE</i>	<i>x BASE =</i>	<i>ESTIMATED COST</i>	
Overhead and Fringe	-	\$ 61,495.00	\$ -	
INDIRECT COSTS TOTAL:				\$ -
9. <i>OTHER DIRECT COSTS</i>				
a. <i>TRAVEL</i>			<i>ESTIMATED COST</i>	
(1) <i>TRANSPORTATION</i> mileage	2,000.00	mi @ \$0.56/mi	\$ 1,120.00	
(2) <i>PER DIEM</i> meals				
TRAVEL SUBTOTAL:			\$ 1,120.00	
b. <i>EQUIPMENT, MATERIALS, SUPPLIES</i>			<i>ESTIMATED COST</i>	
plots/prints	300	\$ 3.00	\$ 900.00	
copies b/w	3,300	\$ 0.20	\$ 660.00	
copies color	100	\$ 0.50	\$ 50.00	
postage	1	\$ 100.00	\$ 100.00	
survey equipment	-	\$ 150.00	\$ -	
EQUIPMENT SUBTOTAL:			\$ 1,710.00	
c. <i>SUBCONTRACTS</i>				
		Electrcial	\$ -	
		Geotechnical	\$ -	
		Private Utility Locator	\$ -	
SUBCONTRACTS SUBTOTAL:			\$ -	
OTHER DIRECT COSTS TOTAL:				\$ 2,830.00
10. ESTIMATED COST				\$ 64,325.00
11. FEE	Included in Standard Hourly Rate			\$ -
12. TOTAL ESTIMATED STANDARD HOURLY RATE FEE				\$ 64,325.00

EXHIBIT A.2 - WORK PROGRAM MANHOOR ESTIMATES, STANDARD HOURLY RATES & REIMBURSABLES

PART 1 - GENERAL

1. Grantee Sussex County, Delaware		2. Grant Number	
3. Name of Consultant George, Miles & Buhr, LLC		4. Date of Proposal Revised: 18-Apr-22	
5. Address of Consultant 206 West Main St Salisbury, MD 21801-4907		6. TYPE OF SERVICE TO BE FURNISHED Resident Project Representative - Mallard Creek Sanitary Sewer Expansion, Project# S20-26	

PART II - COST SUMMARY

7. DIRECT LABOR	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Project Director JHW	-	\$ 190.00	\$ -	
Project Manager(s) JCH	-	\$ 190.00	\$ -	
Project Engineer CP	-	\$ 118.00	\$ -	
Graduate Engineer JBM	-	\$ 105.00	\$ -	
Construction Rep DC	-	\$ 110.00	\$ -	
Inspector TBD	1,218	\$ 78.00	\$ 95,004.00	
CADD MMD	-	\$ 85.00	\$ -	
Surveyor DG	-	\$ 70.00	\$ -	
	-	\$ -	\$ -	
DIRECT LABOR TOTAL:	1,218			
8. INDIRECT COSTS	RATE	x BASE =	ESTIMATED COST	
Overhead and Fringe	-	\$ 95,004.00	\$ -	
INDIRECT COSTS TOTAL:				\$ -
9. OTHER DIRECT COSTS				
a. TRAVEL			ESTIMATED COST	
(1) TRANSPORTATION	mileage	15,000.00 mi @ \$0.56/mi	\$ 8,400.00	
(2) PER DIEM	meals			
TRAVEL SUBTOTAL:			\$ 8,400.00	
b. EQUIPMENT, MATERIALS, SUPPLIES			ESTIMATED COST	
	plots/prints	-	\$ 3.00	\$ -
	copies b/w	-	\$ 0.20	\$ -
	copies color	-	\$ 0.50	\$ -
	postage	-	\$ 70.00	\$ -
	survey equipment	-	\$ 150.00	\$ -
EQUIPMENT SUBTOTAL:			\$ -	
c. SUBCONTRACTS				
	Electrcial		\$ -	
	Geotechnical		\$ -	
	Private Utility Locator		\$ -	
SUBCONTRACTS SUBTOTAL:			\$ -	
OTHER DIRECT COSTS TOTAL:				\$ 8,400.00
10. ESTIMATED COST				\$ 103,404.00
11. FEE	Included in Standard Hourly Rate			\$ -
12. TOTAL ESTIMATED STANDARD HOURLY RATE FEE				\$ 103,404.00

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: *Sale of County Owned Parcel 334-5.00-178.01*

DATE: May 10, 2022

In 1995, Sussex County purchased parcel 334-5.00-178.01 from the estate of Ms. Amanda Maples. The parcel contains 400 square feet, which was carved out of a corner of the larger parcel 334-5.00-178.00 owned by the estate. Within a year, the estate sold said parcel to Mr. & Mrs. Taylor. The County required the property for a pump station associated with the West Rehoboth sewer district extension which was not yet constructed when the Taylors bought the property.

Earlier this year, the pump station was abandoned when the associated gravity sewer system was integrated in the Lewes Crossing sewer system expansion. The Engineering Department consistently pursues integration of smaller pump stations as the system expands, creating better efficiency. The Taylors noticed the construction activity and approached the Department for a potential acquisition.

The Department requested the attached engagement letter from McCain for the appraisal. Due to the very small parcel size, it falls entirely in the DeIDOT required set back area from Beaver Dam Road. Hence, the only potential purchaser would be the owner of the adjacent single-family lot. Mr. and Mrs. Taylor have agreed to buy the parcel in “as is” condition at the cost of appraisal (\$1,250.00). In addition, they agreed to cover the settlement costs and the settlement will be handled by their attorney Mr. Hal Dukes.

Given the unique circumstances, the Department and the County Administrator request County Council’s concurrence to exempt this particular action from the Disposition of County Real Property Policy and authorize the sale for \$1,250.00 to Mr. & Mrs. Taylor.



Mailing Address

205 Executive Plaza
Salisbury, MD 21804

410-742-3201
888-400-2766
Fax 410-860-5313

www.wrmccain.com



R. Braxton Dees, MAI
President / CEO

Ginger P. Williams, CCRA
Vice President / COO

William R. McCain, MAI, MBA
Founder / Chairman

Shelly Durham
Senior Analyst
Residential Division

Lee Gosnell
Ag/Conservation Division

Lori Mrohs - Senior Analyst

Valuation Analysts

Gretchen Nichols
Karen Ranney
Bridget Peters
Benjamin Bauer
Matthew Polly
Julie Horner
Heather Hazewski
Stefan Gabrielson
Amanda Mrohs
Kyle Hamblin

Office Administration

Jackie Ford, Controller
Tami Harris, Receptionist
Jordan Teagle, Researcher



CELEBRATING OVER

30

YEARS OF SERVICE

CONTRACT FOR SERVICES

- PARTIES:** Sussex County c/o Hans Medlarz, hereby referred to as CLIENT, agrees to engage W.R. McCain & Associates, hereby referred to as APPRAISER, for appraisal services.
- ASSIGNMENT:** CLIENT requests an opinion of market value for Tax Parcel 334-5.00-178.01. The purpose of this report is to aid in determining value of the property for potential sale. APPRAISER agrees to complete the assignment in conformity with the requirements of all applicable licensing regulations, government agencies and professional organizations. APPRAISER agrees to provide the following product(s) per this engagement: Appraisal Report.
- COMPLETION:** The APPRAISER estimates completion within 3-4 weeks following receipt of signed contract and retainer, subject to unforeseen circumstances or conditions beyond APPRAISER'S control. One electronic copy is provided per this engagement. Hard copy available upon request.
- PAYMENT:** CLIENT agrees to pay APPRAISER \$1250 for appraisal report. Furthermore, CLIENT agrees to pay APPRAISER a retainer of \$0, with the balance, if any, being paid upon completion of the ASSIGNMENT prior to delivery. Any subsequent work pertaining to the appraisal assignment will be billed on a monthly basis.
- IF APPLICABLE:** An hourly rate for subsequent research, preparation, travel time and expert testimony will be as follows:


- R. Braxton Dees or William R. McCain	\$295
- Certified General Real Estate Appraiser	\$175
- Certified Residential Real Estate Appraiser	\$145
- Licensed Real Estate Appraiser	\$125
- Travel time for expert testimony	\$100
- CANCELLATION:** In the event that CLIENT wishes to cancel the engagement prior to its completion, APPRAISER shall be compensated at an hourly rate as stated above for any work performed prior to the cancellation notice.

7. **LITIGATION:** APPRAISER shall not be required to provide testimony or attend any public or private hearing with reference to this PROPERTY as a result of this ASSIGNMENT unless otherwise stipulated or agreed to. In the event that APPRAISER volunteers, is subpoenaed, or otherwise required to give testimony or attend any public or private hearing as a result of this ASSIGNMENT, CLIENT agrees to compensate APPRAISER at an hourly rate of \$350. There will be a \$250 fee to hold a date for a possible court and/or deposition date.
8. **PAYMENT:** Should payment, or additional cost due APPRAISER, become delinquent, CLIENT will pay interest thereon at the rate of 1.5% per month (One and a Half Percent Per Month) and further agrees to pay all costs of collection thereof, including reasonable attorney's fees, collection agency fees, court cost, etc.
9. **THIRD PARTIES:** In the event that CLIENT directs APPRAISER to secure payment from a third party, CLIENT shall assume all payment obligations outlined in this contract in the event of DELINQUENCY by said third party.
10. **WARRANTIES AND INDEMNITY:** CLIENT agrees to indemnify APPRAISER, his/her employees and independent contractors from all claims, suits and charges of any nature that may arise out of this agreement.
11. **INTENDED USE/USER:** CLIENT understands that the appraisal will be done for the CLIENT and for the Purpose noted. Any other use of appraisal is prohibited. APPRAISER cannot change either the Intended Use or the Intended User once the report has been issued.

Client: _____
Signature

Print Name

Date Signed

APPRAISER: 
W. R. McCain & Associates

Date: 3/23/2022

Council Grant Form**Legal Name of
Agency/Organization**

The Lewes Historical Society ✓

Project Name

The Lewes Historical Society

Federal Tax ID

51-6017951

(OK)

Non-Profit

Yes

**Does your organization
or its parent
organization have a
religious affiliation? (If
yes, fill out Section 3B.)**

No

Organization's Mission

The Lewes Historical Society's mission promotes and advocates the preservation, interpretation, and cultural enrichment of the Lewes region through museum exhibits, educational programs, historical research and publications.

Address

110 Shipcarpenter Street

Address 2**City**

Lewes

State

Delaware

Zip Code

19958

Contact Person

Henry Henkel

Contact Title

Director of Development

Contact Phone Number 609-206-0306

Contact Email Address henry@historiclewes.org

Total Funding Request 5000.00

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

If YES, how much was received in the last 12 months? 2500.00

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 2

Program Category (choose all that apply) Cultural, Educational

Program Category Other

Primary Beneficiary Category Youth

Beneficiary Category
Other

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

10000

Scope

The Lewes Historical Society's Canalfront Maritime Museum Initiative seeks to repurpose land along the Lewes canal through the launching of a multi-faceted maritime museum initiative. This project will include three main efforts: The continued restoration of the United States Life Saving Station Boat House, the construction of a new building to house the Lewes Historical Society Wooden Boat Build program, and the creation of a fluid maritime museum. Through this initiative the Lewes Historical Society will be able to further fulfill its mission by promoting the maritime heritage of the Lewes community, creating stronger bonds with partner organizations, and engaging with a wider audience through the reinterpretation and repurposing of this location.

Religious Components

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

0.00

Description

operating costs/construction

Amount

250,000.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 250,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -250,000.00

Name of Organization The Lewes Historical Society

**Applicant/Authorized
Official** Henry Henkel

Date

04/28/2022

Vincent.
Ⓟ 4.26.

Council Grant Form

Legal Name of Agency/Organization	The Town of Laurel
Project Name	Laurel Independence Day Firework Show Hosted by the Laurel Independence Day Committee
Federal Tax ID	51-6000168 (OK)
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	The Town of Laurel host a family friendly <u>4th of July Festival</u> . We have been hosting the event for several years and due to COVID we did have to cancel the last two years, but was able to hold the fireworks last year. This year, we are excited to be able to hold our town wide event and invite the public from the town and surrounding areas. We want to be able to provide a family free fund entertaining day for all.
Address	201 Mechanic Street
Address 2	
City	Laurel
State	DE
Zip Code	19956

Contact Person Jamie Smith

Contact Title Town Manager

Contact Phone Number 3028752277

Contact Email Address laureltm@comcast.net

Total Funding Request 2000

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 90

Program Category (choose all that apply) Cultural, Other

Program Category
Other

Primary Beneficiary Category Other

Beneficiary Category Community
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 7000

Scope We want to hold our annual Fireworks Display on the 4th of July. The entire community and surrounding community members are invited to attend the free family event.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 14,360.00

Description Fireworks Display

Amount 19,500.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 19,500.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -5,140.00

Name of Organization The Town of Laurel

**Applicant/Authorized
Official** Jamie Smith

Date 04/26/2022

Affidavit Yes

Acknowledgement

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

To Be Introduced: 05/10/2022

Council District 2: Ms. Green
Tax I.D. No.: 230-13.00-121.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 5.8 MEGAWATT GROUND MOUNTED SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 57.12 ACRES, MORE OR LESS

WHEREAS, on the 24th day of November 2021, a conditional use application, denominated Conditional Use No. 2328 was filed on behalf of Sunrise Solar; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2328 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2328 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 north side of Fleatown Road (S.C.R. 224) and on the west side of Clendaniel Pond Road (S.C.R. 38), approximately 0.50 mile east of Greentop Road (S.C.R. 225) and being more particularly described in the attached legal description prepared by Sergovic, Carmean, Weidman, McCartney & Owens, P.A., said parcel containing 57.12 acres, more or less.

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

To Be Introduced: 05/10/2022

Council District 4: Mr. Hudson
Tax I.D. No.: 134-21.00-14.07
911 Address: 37230 Dirickson Creek Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT RESTORATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.20 ACRES, MORE OR LESS

WHEREAS, on the 29th day of November 2021, a conditional use application, denominated Conditional Use No. 2329 was filed on behalf of Thomas Scott Drgon, Trustee; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2329 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2329 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on southwest side of Dirickson Creek Road (S.C.R. 364B), approximately 0.23 mile southeast of the intersection of Millers Neck Road (S.C.R. 364A) and Dirickson Creek Road (S.C.R. 364B) and being more particularly described in the attached deed and legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 6.20 acres, more or less.

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

To Be Introduced: 05/10/2022

Council District 5: Mr. Rieley
Tax I.D. No. 135-22.00-23.00 (p/o)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 35 ACRE SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 35.58 ACRES, MORE OR LESS

WHEREAS, on the 13th day of January 2022, a conditional use application, denominated Conditional Use No. 2344 was filed on behalf of Turning Point Energy, LLC; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2344 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article 115, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2344 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on both the east and west sides of East Trap Pond Road (S.C.R. 62) approximately 0.4 mile north of Substation Road (S.C.R. 518), with the solar panels located on the east side of East Trap Pond Road (S.C.R. 62) and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 35.58 acres, more or less

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

To Be Introduced: 05/10/2022

Council District 5: Mr. Rieley
Tax I.D. No. 135-11.00-48.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 25.00 ACRES, MORE OR LESS

WHEREAS, on the 18th day of January 2022, a conditional use application, denominated Conditional Use No. 2343 was filed on behalf of Turning Point Energy, LLC; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2343 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article 115, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2343 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the west side of Gravel Hill Road (S.C.R. 248) approximately 0.37-miles northeast of the intersection of Lewes Georgetown Highway (Rt. 9) and Gravel Hill Road, and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 25.00 acres, more or less

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: May 6, 2022

RE: County Council Report for C/U 2290 filed on behalf of Toback Development, LLC

The Planning and Zoning Department received an application (C/U 2290 filed on behalf of Toback Development, LLC) for a Conditional Use for parcel 235-30.00-6.21 (portion of) for a contractor flex space. The property is located within the Agricultural Residential (AR-1) Zoning District and is located on the west side of the intersection of Lewes Georgetown Highway (Rt.9) and Prettyman Road (S.C.R. 254). The parcel size is 7.12 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on March 24, 2022. At the meeting of April 14, 2022, the Planning & Zoning Commission recommended approval of the application subject to 6 reasons stated and subject to 13 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of March 24, 2022 and April 14, 2022.

[Approved Minutes of the March 24, 2022 Planning & Zoning Commission Meeting](#)

C/U 2290 Toback Development, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CONTRACTOR FLEX SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS.

The property is lying on the west side of the intersection of Lewes Georgetown Highway (Route 9) and Prettyman Road (S.C.R. 254). 911 Address: N/A. Tax Parcel: 235-30.00-6.21 (portion of).



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

Mr. Whitehouse advised the Commission that submitted into the record is the Applicant's Site Plan, Exhibit Booklet, Staff Analysis, the DelDOT Service Level Evaluation Response, a letter from Sussex County Engineering Department Utility Planning Division; a copy of Azalea Woods Traffic Impact Study, one mail return and one letter in support.

The Commission found that Mr. David Hutt, Esq. with Morris James, spoke on behalf of the Application; that he was representing the owner of the property, as well as the Applicant, Toback Development, LLC.; that also present was Mr. Matt Toback, the Principal of Toback Development, LLC and Mr. Carlton Savage, with Scaled Engineering; that the subject Application is for Contractor Flex Space; that Contractor Flex Space is a building, where there are multiple units for businesses, with an opportunity in the front of the building for the location of a business office, as well as a showroom; that at the rear of the unit there would be warehouse and storage type area; that this would allow a contractor to participate in a group of business, rather than purchasing land and erecting a building for space; that the unit has a proposed entry for people; that in the rear of the unit there is a garage door; that Mr. Toback is a builder in the area; that many of his trade partners are looking for a space of this proposed nature; that it would allow his trade partners to have a small business office, a showroom type area and a place for material storage; that what is proposed is not a new concept; that these types of arrangements exist throughout Sussex County; that a similar example of the proposed use would be the Harbeson Business Park, which is located further down Rt. 9; that within Harbeson Business Park is Rogers Graphics, Bath, Kitchen & Tile Company, and many other wholesale activities which are present for contractors; that within some of the units there is a small showroom area and office, located at the front for a person to stop by; that the property is slightly over seven acres; that the property is located at the intersection of Rt. 9 and Prettyman Rd.; that within the surrounding areas there is a mixture of commercial and residential uses; that across the street is Beaver Dam Estates; that further west on Rt. 9 is Deerwood; that there are other strip-lots located along Prettyman Rd. and Rt. 9; that DelDOT recently completed the widening of the Rt. 9 and Rt. 5 intersection and added additional turn lanes; that there is the new Royal Farms on the corner and the Harbeson Cemetery; that further east on Rt. 9 is Trails of Beaver Creek Residential Subdivision; that along Rt. 5 is the Meadows of Beaver Creek; that the property is zoned AR-1 (Agricultural Residential); that Bayhealth Medical Center, which is currently being constructed, is in vicinity of the site; that Dollar General is located across the street; that further west there is a series of properties zoned commercial; that Royal Farms, Allen Harim Plant, Lullaby Learning Center, Compass Point Associates, LLC, Beaver Dam Estates, Deer Wood, Hawthorne, the DelDOT maintenance yard, Besche Furniture and the new Weston Willows, are all within the surrounding area of the site; that the State Strategies Map designate the area as being in Investment Level 4; that the property is located with a low density area according to the Future Land Use Map; that this use is consistent with the guidelines of permitted uses within the low density area, because it provides convenient areas for businesses, addressing the needs for homes and property owners within the immediate and surrounding areas; that the property is not located within a flood plain, as it is designated Flood Zone X unshaded; that according to the FEMA maps, there are no wetlands located on the site; that Artesian has the CPCN to provide water and sanitary sewer services to the property; that a Service Level Evaluation Request was submitted to DelDOT; that DelDOT responded stating the proposed project would have a minor impact on the area roadways; that DelDOT is permitting the Applicant to pay an area wide study fee in lieu of a Traffic Impact Study (TIS); that there was a TIS performed in 2019 for Azalea Woods, which DelDOT included within their response; that Rt. 9 is considered a principal arterial road; that the project proposes 26 units; that the project proposed 46,800 sq. ft. of contractor flex space between the two buildings; that the building, located along Rt. 9, is 27,000 sq. ft.; that the building to the rear is approximately 19,800 sq. ft.; that the proposed entrance is off Prettyman Rd.; that the entrance would

come in past the first stormwater pond; that the stormwater pond is proposed to be an infiltration pond; that the entrance would provide access to the units; that the fronts of the units would have a office/showroom face of the business; that located to the rear of each unit there would be a garage door for larger deliveries; that the rear unit doors of the two buildings would face each other; that at the rear of the property there is another stormwater management pond, which is proposed to be a wet pond; that within the Exhibit Booklet there is an architectural rendering to show what is proposed; that the proposed building has more architectural than a standard pole building, with some ornamental and architectural features which are similar to many of the homes and businesses within the surrounding area; that the proposed use is consistent with the purpose of a Conditional Use, which is found in the Zoning Code; that Conditional Uses are appropriate when the use is of a public or a semi-public character, when the use is in character of the area, when the use promotes the convenience and welfare of area residents and will promote the general convenience, orderly growth and prosperity of Sussex County; that proposed Findings and Conditions were included within the submitted project booklet; that a proposed condition listed is that all work will be performed indoors; that this condition is similar to a C-2 (Medium Commercial) zoning classification; that another proposed condition is there will be no outside storage of materials; that the proposed hours of operation are 6:00 am until 7:00 pm, Monday through Friday and 7:00 am until 3:00 pm on Saturday, with no Sunday hours; that proposed are limited hours of operation which is consistent with a mixture of uses within the surrounding area; that proposed is a condition allowing for signage on each road frontage; that this would allow signage on the Rt. 9 frontage, as well as the Prettyman Rd. frontage.; that the maximum square footage of the proposed sign is 64 sq. ft.; that a proposed condition, unique to the subject Application is the request for wall signage for the businesses; that shown on the rendering, is signage placement above each entry door for individual businesses; that he took the proposed wall signage condition from the wall sign provision from the C-2 Zoning Code for Sussex County; that this provides an objective standard, which the Planning & Zoning office applies regularly when considering signage applications; that the thought process behind many of the proposed conditions were taken from the recently approved Change of Zone application for Executive Lawns; that Executive Lawns is located slightly west of the property; that Executive Lawns was first a Conditional Use and later returned for a Change of Zone request, which was approved; that the Executive Lawn application from was AR-1 to C-2 Zoning; that within that night's meeting, the Commission also approved C/Z 1951 for Shiloh Investments, LLC; that within the C-2 Zoning District, a 200 sq. ft. road sign is permitted; that they used the requirements of C-2 for proposed conditions, but only requested a 64 sq. ft. sign which is less than half of the permitted C-2 sign; that many of the concepts, principals and findings for Executive Lawn are applicable to the subject Application; that both properties are located near each other, both having frontage along Rt. 9; that the Application for Executive Lawns discussed performance of consumer sales and consumer services within the area, which applies equally to the proposed Conditional Use Application; that being located off Rt. 9 designates the property as being in an appropriate location to businesses which will support the area; that given the property's proximity to Rt. 5 and Rt. 9 the proposed use will provide support to Harbeson, Georgetown, Milton, Lewes and other areas; that within Chapter 4 of the Comprehensive Plan, it states that business development should be largely confined to businesses addressing the needs of agricultural activities and homes; that Chapter 4 goes on to state that commercial uses within the residential areas should be limited in their location, size and hours of operation; that this is what makes the proposed Conditional Use appropriate for the proposed Application; that with the proposed conditions applied, the commercial uses could be performed, but limited to the size of the buildings, with limited hours of operation and the Applicant requested, with the imposed Conditions of Approval, the Commission recommend approval of the Conditional Use.

Ms. Stevenson requested confirmation that the Applicant is not requesting a Change of Zone, as C-2 (Medium Commercial) was referenced multiple times and she questioned if DelDOT approved the proposed entrance.

Mr. Hopkins questioned how many units were proposed, the total square footage, the dimensions of the proposed buildings; that he questioned how a contractor would be permitted onsite after hours or on a Sunday if needed and why they chose not to have hours on Sundays.

Mr. Mears questioned the storage and parking for large equipment, such as forklifts, after business hours.

Chairman Wheatley requested confirmation that the Application request is a space primarily used for storage, being a place for tools, equipment and materials, where contractors may visit in the mornings and evenings, to pick up, drop off or exchange of tools and equipment; that a main concern with flex space locations, is the fear the Applicant will place a mechanic shop in its place, having vehicles coming and going from the site all day long; that he requested confirmation that this is not the intent of the Applicant's request; that his main concern is a use which would create a steady stream of traffic; that he questioned if the Applicant would be opposed to a Condition prohibiting an automotive repair shop; that he questioned how the parking was calculated for the project; that he stated if the parking is not calculated for retail, a retail use is not what needs to be performed at the location and he has no opposition to the site being used seven days a week, as long as the site is being used as it is intended to be used.

Mr. Hutt stated the current Application request is for a Conditional Use, not a Change of Zone; that DelDOT has not yet approved the proposed entrance; that 26 units are proposed for the project; that the total square footage is 47,800 sq. ft.; that the first building is 27,000 sq. ft. and the second building is 19,800 sq. ft.; that he does not have the exact length and width of the proposed buildings; that all large equipment will be stored inside the units during afterhours; that the intent of the Application is for the storage of contractors equipment and materials; that although the project would act mostly as a staging area, the units would have an office and/or showroom display area located at the front of the units; that this would be similar to the Harbeson Business Park; that the parking shown on the plan is loading for a commercial business, with four noted spaces per unit; that this is not considered a retail use calculation; that the Applicant offer no operation on Sundays to limit activity on site seven days a week; that there is no intention to have a gate on the site at this time; that he believes if a contractor left their cell phone, they would be permitted to return to the site and he stated if the Commission would permit Sunday hours, they would request the same hours of operation for Sunday as they proposed for Saturday.

The Commission found that Ms. Becky Burton spoke in opposition to the Application; that she mostly had questions; that she does own property adjacent to the site; that she does have a family with small children, which is the reason for her concern; that she questioned how the conditions to usage and hours of operations are regulated; that she questioned if there is a regulation to what surrounds the retention ponds to protect people from the retention pond; that she is concerned about the additional traffic along Prettyman Rd. as it is already a difficult task to get out and she states the Harbeson area and Rt. 9 are crazy when it comes to traffic.

Chairman Wheatley stated the Commission has the authority to place conditions on a Conditional Use; that he does not wish the stormwater management ponds to be an attractive nuisance or a danger;

that the Commission will take the concern into consideration; that within Sussex County enforcement is primarily complaint-driven; that Sussex County does have a constable who investigates complaints; that the inspection staff and field staff do take note of problems; that there is no Planning & Zoning police who monitor for violations; that the Planning & Zoning Commission only recommends approval from a land-use perspective; that there are many other agencies who will have other requirements and DelDOT may require the Applicant to make certain improvements to the road, in an effort to relieve the current issues.

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

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

At the conclusion of the Public Hearing, the Commission discussed the Application.

In relation to C/U 2290 Toback Development, LLC. Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

Chairman Wheatley stated he has granted permission per the Applicant's request to consolidate the presentations for the next three public hearings into one presentation.

Draft Minutes of the April 14, 2022 Planning & Zoning Commission Meeting

The Commission discussed the application which has been deferred since March 24, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/U 2290 Toback Development, LLC, for contractor floor space based upon the record made during the public hearing and for the following reasons:

1. The site is located along Route 9, which is classified as a Principal Arterial Roadway in Sussex County. This use is appropriate for this location. This Application seeks approval of two buildings for contractor "floor" space, with offices or showrooms in the front portion of each unit and storage areas in the rear of each unit.
2. The use is situated on a 7.12-acre parcel of land. There are other small businesses and structures in the area. It is also near the Route 9 and Harbeson Road intersection. There are various zoning districts in this area, including MR, C-1, CR-1, and C-2. This use is compatible with the surroundings.
3. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.
4. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County. It is also a location along Route 9 that is convenient for small businesses operated in the County.
5. The property is located in the Low-Density Area according to the Sussex County Comprehensive Plan. The conditional use is consistent with the Plan's guidelines for the Low-Density Area since it will provide convenient areas for businesses addressing the needs of homeowners and property owners in this area of Sussex County.
6. The site is served by central water and sewer.
7. This recommendation is subject to the following conditions:

- A. The project shall be used for contractor floor space only. “Contractor” shall have the meaning attributed by Title 6, Section 3501(2) of the Delaware Code. Each unit shall consist of office or showroom space in the front and storage in the back. The contractor units shall be located in two buildings and the total combined square footage of these buildings shall not exceed 46,800 square feet. No businesses that primarily involve or are similar to the following uses shall be permitted: business or professional offices; retail; gyms or fitness centers; breweries or brewpubs; or food service.
- B. There shall not be any outside storage, including boat materials, RVs, or equipment within the site.
- C. No vehicle repair or fueling operations shall be performed on-site.
- D. There shall be no manufacturing on the site, and all contractor work shall occur indoors.
- E. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
- F. A 20-foot landscaped buffer shall be installed along the perimeter of this project. The buffer shall comply with the planting requirements for the Forested and/or Landscaped Buffer Strip contained in Section 99-5 of the Sussex County Code.
- G. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
- H. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
- I. There shall be an adequate area for all tenants and employees as required by Code. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. There shall be no parking within the property’s setbacks.
- J. Signage for the Property shall be limited to and comply with the following requirements: (1) One indirectly illuminated on-premises ground sign shall be permitted along Route 9 and along Prettyman Road, not to exceed 64 square feet of sign area per side; and (2) On-premises wall, illuminated awning, marquee, or projecting signs with a total sign area of 150 square feet shall be permitted with respect to each separate unit.
- K. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall also identify all “Limits of Disturbance” within the Property. These “Limits of Disturbance” shall be clearly marked on the Property itself.
- L. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- 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 recommend approval of C/U 2290 Toback Developers, LLC, for the reasons and conditions stated in the motion. Motion carried 4-0.

The vote by roll call: Ms. Stevenson – Yea, Mr. Hopkins – Yea, Ms. Wingate – Yea, Chairman Wheatley – Yea

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: March 24th, 2022

Application: C/U 2290 Toback Development, LLC

Applicant: Toback Development, LLC
35 Rodney Avenue
Dewey Beach, DE 19971

Owner: Toback Development, LLC
35 Rodney Avenue
Dewey Beach, DE 19971

Site Location: Lying on the west side of the intersection of Lewes Georgetown Highway (Route 9) and Prettyman Road (S.C.R. 254).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Contractor flex space

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Georgetown Fire Department

Sewer: Artesian

Water: Artesian

Site Area: 7.12 acres +/-

Tax Map ID.: 235-30.00-6.21



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: March 17th, 2022
RE: Staff Analysis for CU 2290 Toback Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2290 Toback Development, LLC to be reviewed during the March 24th, 2022, Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 235-30.00-6.21 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for Contractor Flex Space. The parcel is located on the west side of Prettyman Road (S.C.R. 254) Harbeson, Delaware. The size of the property is approximately 7.12 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Low Density". The surrounding parcels to the south, north, west, and east are all designated on the Future Land Use Map as "Low Density".

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

The property is within an Agricultural Residential (AR-1) Zoning District. Additionally, each adjacent parcel is also within the AR-1 Zoning District.

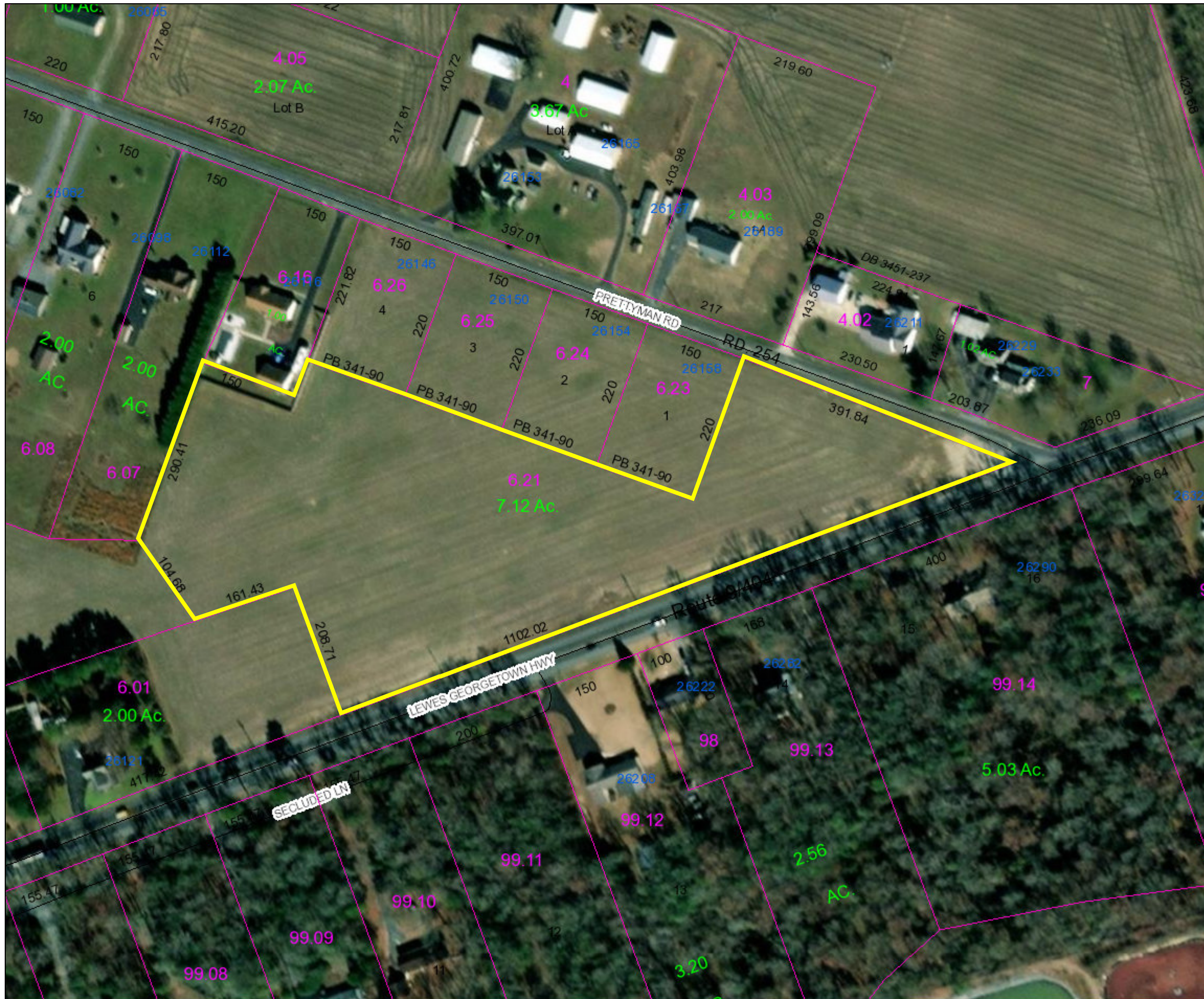
Since 1970, there have been sixteen (17) Conditional Use applications within a half (.05-miles) mile radius of the application site. Fourteen (14) of those applications have been approved, one (1) has been withdrawn and two(2) applications are still undecided.

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





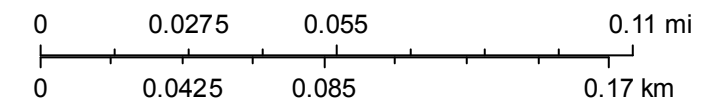
Sussex County



PIN:	235-30.00-6.21
Owner Name	TOBACK DEVELOPMENT LLC
Book	5401
Mailing Address	35 RODNEY AVE UNIT 3
City	REHOBOTH BEACH
State	DE
Description	CRN/ PRETTYMAN RD / LE
Description 2	RESIDUAL LANDS
Description 3	N/A
Land Code	

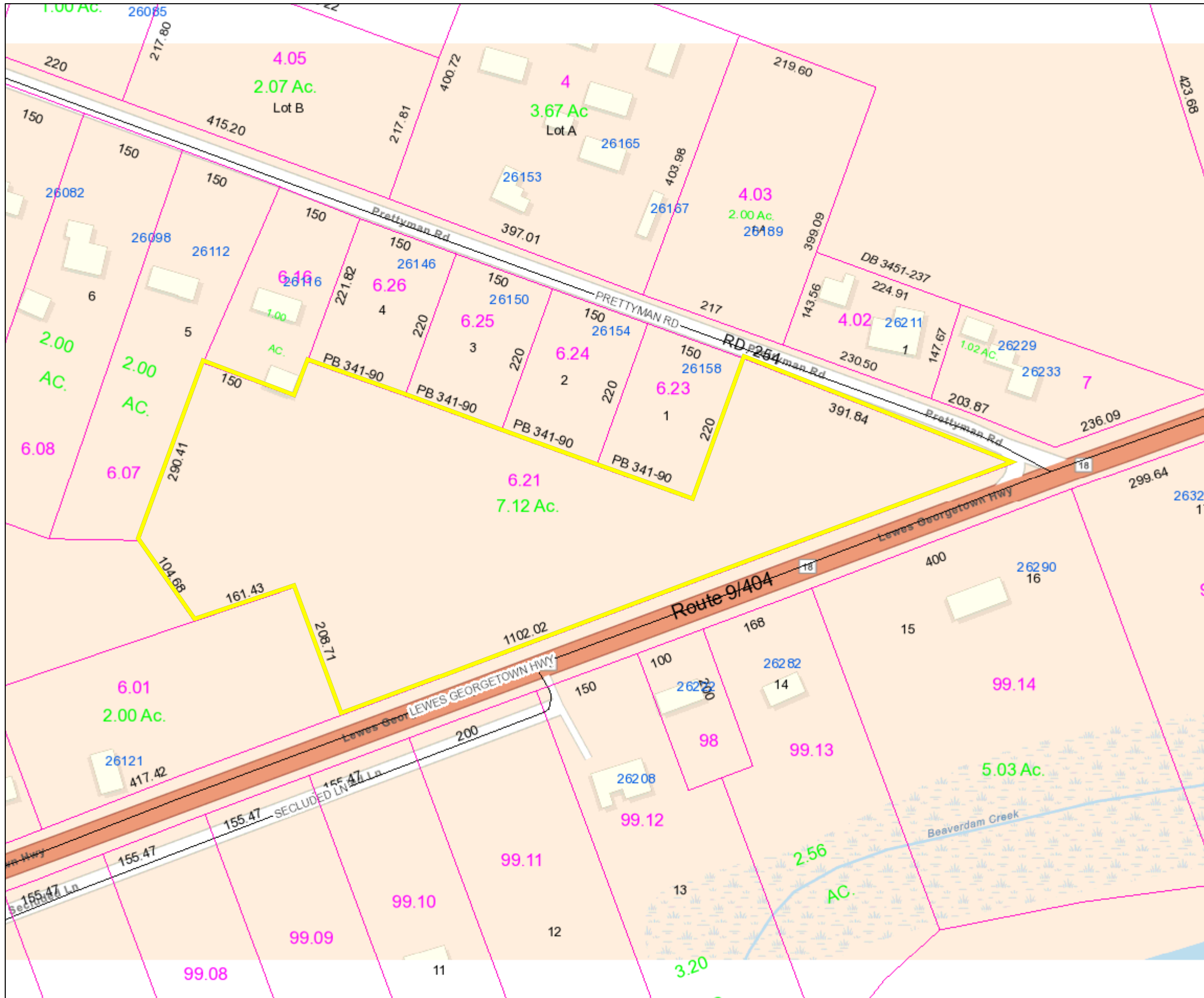
- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - ⊕ Special Access ROW
 - Extent of Right-of-Way
 - Approx. Watershed Boundary
 - Municipal Boundaries
 - TID

1:2,257





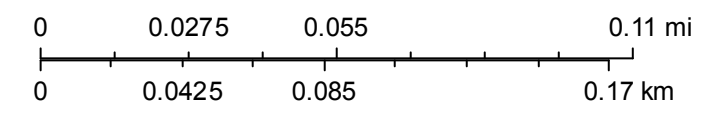
Sussex County



PIN:	235-30.00-6.21
Owner Name	TOBACK DEVELOPMENT LLC
Book	5401
Mailing Address	35 RODNEY AVE UNIT 3
City	REHOBOTH BEACH
State	DE
Description	CRN/ PRETTYMAN RD / LE
Description 2	RESIDUAL LANDS
Description 3	N/A
Land Code	

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Approx. Watershed Boundary
 - Municipal Boundaries
 - TID

1:2,257



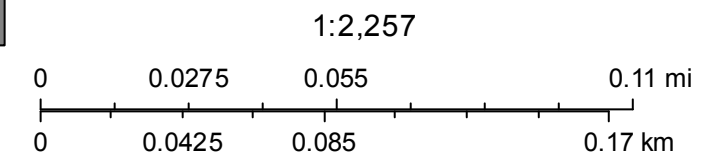


Sussex County



PIN:	235-30.00-6.21
Owner Name	TOBACK DEVELOPMENT LLC
Book	5401
Mailing Address	35 RODNEY AVE UNIT 3
City	REHOBOTH BEACH
State	DE
Description	CRN/ PRETTYMAN RD / LE
Description 2	RESIDUAL LANDS
Description 3	N/A
Land Code	

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



Introduced 07/13/21

**Council District 3 - Schaeffer
Tax I.D. No. 235-30.00-6.21 (part of)
911 Addresses: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CONTRACTOR FLEX SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS

WHEREAS, on the 7th of June 2021, a conditional use application, denominated Conditional Use No. 2290 was filed on behalf of Toback Development, LLC; and

WHEREAS, on the ____ day of _____ 2021, 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. 2290 be _____; and

WHEREAS, on the ____ day of _____ 2021, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2290 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the west side of the intersection of Lewes Georgetown Highway (Route 9) and Prettyman Road (S.C.R 254), and more particularly described in the attached legal description prepared by Scaled Engineering, containing 7.12 acres, more or less.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: May 6, 2022

RE: County Council Report for C/U 2315 filed on behalf of American Storage of Delaware, LLC

The Planning and Zoning Department received an application (C/U 2315 filed on behalf of American Storage of Delaware, LLC) for a Conditional Use for parcel 235-30.00-6.21 (portion of) for a contractor flex space. The property is located within the Agricultural Residential (AR-1) Zoning District and is located on the west side of the intersection of Lewes Georgetown Highway (Rt.9) and Prettyman Road (S.C.R. 254). The parcel size is 7.12 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on March 24, 2022. At the meeting of April 14, 2022, the Planning & Zoning Commission recommended approval of the application subject to 6 reasons stated and subject to 16 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of March 24, 2022 and April 14, 2022.

[Approved Minutes of the March 24, 2022 Planning & Zoning Commission Meeting](#)

C/U 2315 American Storage of Delaware, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS.

The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25



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

mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). 911 Address: N/A. Tax Parcels: 234-29.00-49.02 (portion of), 49.03 & 50.00.

Mr. Whitehouse advised the Commission that submitted into the record is the Applicant's Site Plan, the staff analysis, the DelDOT Service Level Evaluation Response, the PLUS comments, a letter from Sussex County Engineering Department Utility Planning Division, and seven mail returns.

The Commission found that Ms. Mackenzie Peet, Esq. with Baird Mandalas Brockstedt, LLC, spoke on behalf of the Applicant, American Storage of Delaware, LLC; that also present were Mr. Alexander Pires and Mr. Nate Graulich, representatives of the Applicant, Mr. Steven Spence, Co-Council, Mr. Carlton Savage, P.E., Scaled Engineering, Inc and Mr. Ed Launay, Senior Professional Wetland Scientist and Principal of Environmental Resources, Inc; that the Applicant is intending to construct a mixed-use development, involving multi-family residential housing and a commercial storage facility component with office space; that the site is located on the western side of Rt. 24 (John J. Williams Hwy.) and south of Yeshua Lane in Millsboro, Delaware; that the site is located within the Indian River Hundred; that together the site consists of 25.9-acres; although submitted are three separate applications, she has consolidated her presentation to address all three Applications with one presentation, with the understanding the Commission will vote on each Application separately; that C/Z 1954 requested a rezoning of an 8.27-acre portion of Tax Map 234-29.00-49.02, from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial); that this area is defined as Parcel 1 on the Preliminary Site Plan; that the rezoning was requested with the intention to develop 150,000 sq. ft. of commercial storage space, which would also include 1,200 sq. ft. of office space; that the commercial storage space would be for a three-story miniature warehouse; that currently the warehouse is proposed to have 838 units, but would be subject to change; that this use is permitted within the C-3 (Heavy Commercial) Zoning District; that this is the reasoning for the rezoning request; that C/Z 1955 requested rezoning for AR-1 (Agricultural Residential) to and MR (Medium-Density Residential) Zoning for the remaining, 17.63-acre portion of Tax Map: 234-29.00-49.02, as well as the entirety of parcels identified as 49.03 and 50.00; that this rezoning is requested with the intention of developing 140 multi-family units; that this area is defined as Parcel 2 on the Preliminary Site Plan; that related to that Application is C/U 2315 which requests a Conditional Use for the development of 140 multi-family units to be located on the parcels previously mentioned, which are proposed to be rezoned from AR-1 to MR; that she has submitted into the record proposed Conditions of Approval for C/U 2315 specifically; that the Applicant submitted into the record, the Land Use Application and Preliminary Site Plan, prepared by Scaled Engineering, Inc. for each request; that the Applicant submitted property and deed information concerning each parcel, confirming the owner and applicant as American Storage of Delaware, LLC; that the Applicant submitted legal descriptions for each parcel contained in Exhibit A; that a DelDOT Service Level Request and response are contained Exhibit B; that the Service Level Response confirms the proposed land use would considered to have a minor impact to the local area roadways; that the PLUS Application and PLUS comments dated, March 23, 2021 are contained within Exhibit C; that a rendering of the proposed commercial use is contained in Exhibit D; that aerial maps of the site reflecting Zoning Districts, Conditional Uses, Future Land Use and Sewer Tier Overlays are included with Exhibit E; that an Environmental Assessment Report, prepared by Mr. Ed Launay and the Public Facility Evaluation Report, prepared by Scaled Engineering, Inc. are contained within Exhibit F; that both reports are required within the Coastal Area, in which the project is located; that the Coastal Area is designated as a growth area within Sussex

County; that the Coastal Area generally includes the areas on the southeastern side of Sussex County within an area previously referred to as “Environmentally Sensitive Developing Area”; that mixed-use development, like the proposed Application, is permitted within the Coastal Area; that the Applicant’s plan is consistent with the Comprehensive Plan and complies with the Coastal Area requirements of Section 115-194.3 of the County Code; that the project is located within Investment Level 2 and Level 3 according to the Strategies of State Policies and Spending Map; that Investment Level 2 reflects areas where growth is anticipated in the near term; that Investment Level 3 reflects areas where growth is anticipated within a longer term; that as confirmed by the PLUS comments, the Office of State Planning and Coordination have no objection to the proposed rezoning and development provided it is compliant with the Comprehensive Plan and all applicable Codes and Ordinances; that nearby commercial and residential communities exist; that some of the nearby residential developments are Victorias Landing, River Breeze, Seabrook, The Peninsula and Peninsula Lakes; that The Peninsula and Peninsula Lakes are zoned as MR (Medium-Density Residential); that nearby commercial uses include the shopping center located at intersection of John J Williams Hwy. and Bay Farm Rd.; that passed the intersection of Rt. 24 and Rt. 23 are commercial uses such as a car wash, Giant grocery store, Arcadia Healthcare, and multiple fast-food establishments including Dunkin Donuts and McDonalds; that at the intersection of Rt. 24 and Mount Joy Rd. is Royal Farms, a church and a small strip mall, where the Liberty gas station is located, as well as a deli and tattoo parlor; that Section 115-194.3 of the Sussex County Code requires the Applicant’s submission of the Environmental Assessment and Public Facility Evaluation Report and sketch plan for the project, as it proposes 50 or more dwelling units and 75,000 sq. ft. or more of floor area for commercial use; that Scaled Engineering report, which also included Mr. Launay’s report, stated a combination of wet ponds, planted buffers and infiltration practices will be used for stormwater treatment; that stormwater will be discharged in accordance with the State of Delaware and Sussex Conservation District requirements; that water will be provided by Tidewater Utilities; that Tidewater Utilities did provide a Will Serve letter for the project, which is included within Exhibit F; that sewer service will be provided by Sussex County; that she just received that day, the Sewer Service Concept Evaluation, which she submitted into the record; that the Sewer Service Evaluation confirmed the project is located within Tier 2 with a need for 146 EDU’s, with 140 EDU’s for the multi-family component and three for the office component; that the increase in traffic and affect on surrounding roadways will be analyzed, reviewed and approved by DelDOT; that indicated within the PLUS comments, the improvements will generate less than 2,000 average daily trips and less than 200 peak hour vehicle trips; that this allows the developer to pay an area wide study fee in lieu of performing a Traffic Impact Study; that the fee would require an estimate payment of \$11,710.00; that DelDOT anticipates to have the developer contribute to a DelDOT project presently scheduled for construction in the summer of 2022 at the intersection of Rt. 24 and Mount Joy Rd. and the intersection of Rt. 24 and Bay Farm Rd.; that the mandatory shared-use path, as required by DelDOT, will be added to the Final Site Plan; that the Applicant will also address DelDOT’s comments stating at least two walkways connecting to the interior of the site to Rt. 24; that one walkway will be along the driveway at the north edge of the property and one walkway on the south end of the frontage connecting to the parking lot from the business park to the frontage of the property may be required; that Mr. Launay’s Assessment of Environmental Assessments and Features Report confirmed that no critical habitat areas exist on the site; no federally listed or endangered species are located on the site; that no wetlands, streams and drainage conveyances exist on or nearby the site; that the site is presently vacant and consist of 11.5-acres of agricultural land, which is located at the front of the property; that 14.4-acres of immature

trees, which were previously cut in 2004, according to Mr. Launay's report; that the Applicant understand the preservation of natural resources and open space is strongly encouraged in the Coastal Area; that the project proposed roughly 11-acres of open space to be preserved; that the Applicant's first request is C/Z 1954, which requests a rezoning of a 8.27-acre portion of Tax Map 234-29.00-49.02 from AR-1 to C-3 to develop 150,000 sq. ft. of commercial space, a permitted use within C-3 or a similarly permitted use; that this component will include 838 storage units and 1,200 sq. ft. of office space; that these are all permitted uses within C-3 according to Section 115-83.8A of the Code; that other C-3 permitted uses include agricultural uses such as greenhouses and wholesale nurseries, residential uses including hotels and motels and commercial uses including convenient stores, gas station, restaurants, business parks and professional offices; that the C-3 (Heavy Commercial District) is usually intended for larger scale service businesses along major arterial roads; that the intended rezoning is consistent with the purposed of the C-3 Zoning District; that the Applicant acknowledges the need to go through the Final Site Plan process and approval, should the rezoning be approved; that there is a demand for storage facilities in Sussex County with many people relocating to the area; that she believes the Commission recognizes the need for commercial development in appropriate areas; that the assessment, prepared by Scaled, notes the use is proposed in a centralized location, with adequate access off Rt. 24; that the proposed rezoning from AR-1 to C-3 is consistent with the Comprehensive Plan and the Future Land Use Map; that specifically the project is located within the Coastal Area, which is a growth area compatible for retail, large shopping centers, offices and office parks when located along arterial roads, like Rt. 24, which is classified as a major collector road; that the proposed C-3 rezoning is consistent with surrounding land uses, as the site is located near commercially zoned properties; that within the Planning & Zoning memorandum, it was noted there have been five Change of Zone applications submitted within a .25-mile radius of the site; that these Change of Zone applications were for gas stations, convenient stores, retail and consumer related services; that the property is adjacent to CR-1 (Commercial Residential) which is identified as Tax Map 234-23.00-115.00, as well as multiple other properties across the street from the site, at the intersection of Autumn Rd. and Rt. 24, which are also zoned C-1; that there is multiple other commercial development along Rt. 24 and Rt. 5, Rt. 24 and Rt. 23 and Rt. 24 and Bay Farm Rd.; that Table 4.5-2 of the Zoning Code confirms C-3 is an applicable district within the Coastal Area; that for all the reasons stated the proposed rezoning is compatible with the surrounding community; that the rezoning request will not have an adverse effect or impact on properties near or adjacent to the site; that the Applicant's second request is C/Z 1955, requesting a rezoning of a 17.63-acre portion of Tax Map 234-29.00-49.02 and the entire other parcel referenced from AR-1 (Agricultural Residential) to MR (Medium-Density Residential) for the purpose to develop 140 multi-family units; that all surrounding properties are zoned AR-1, with the remaining parcels on the opposite side of Rt. 24 zoned as C-1 (General Commercial District) and GR (General Residential); that Peninsula Lakes and The Peninsula, located in the nearby vicinity of the site, are also zoned MR; that the MR Zoning District provides for Medium-Density Residential development in areas which are expected to become generally urban in character, where sanitary sewer and public water supplies may or may not be available at the time of construction, together with churches, recreational facilities and accessory uses, as may be necessary or compatible with residential surroundings; that the proposed rezoning is compatible with surrounding land use; that this includes not only the MR zoned properties, but also the properties zoned GR and C-1; that the general table of height, area and bulk requirements and the table for multi-family units confirm that MR and GR districts are subject to the same bulk requirements; that everything around the site is consistent with surrounding land uses; that the

rezoning request from AR-1 to MR is consistent with the Comprehensive Plan and Future Land Use Map; that the project is located within the Coastal Area, which is a growth area; that the Comprehensive Plan states this is an area most desirable for new housing for a range of housing types, including multi-family; that medium and higher-density residential development in between four to 12 units per acre is appropriate and supported within the Coastal Area, where central water and sewer access and in close proximity to commercial uses and employment centers, where the use is compatible with the character of the area, located along a main road, such as Rt. 24 and where there are adequate levels of service; that the adequate levels of service has been provided through submissions into the record; that detailed in the assessment prepared by Scaled, central water and sewer will be provided by DelDOT and Sussex County respectively; Title 4.5-2 of the Comprehensive Plan confirms MR is an appropriate district for the Coastal Area; that for all the reasons stated the proposed rezoning from AR-1 to MR is not only compliant with the Zoning Code but also consistent with the Comprehensive Plan and Future Land Use Map; that the last request is for a Conditional Use, which is subject to the approval C/Z 1955 for the development of 140 multi-family units, which will include a clubhouse and playground amenity on a part of parcel 49.02 and the entirety of parcels for 49.03 and 50.00; that as shown on the Preliminary Site Plan, the Applicant is proposing five buildings, with 28 units each, as well as a clubhouse and playground amenity; that parking meets the Code requirements of 280 parking spaces, which equals two units per apartments; that the units are being proposed as apartment units specifically; that the required seven handicap spaces will be provided; that the Applicant is proposing 283 parking spaces with 12 handicap spaces; that this will equal a total of 295 parking spaces; that Section 115-31 of the Zoning Code permits multi-family dwelling units as Conditional Uses subject to the provisions of Section 115-219 for a Site Plan review; that the proposed development will comply with Section 115-188 of the Code for multi-family development; that the proposed development is consistent with surrounding land uses being of semi-public to public character and by promoting the general convenience and welfare of Sussex County; that with nearby properties of Peninsula Lakes and The Peninsula similarly zoned, as well as being located in the vicinity of residential and commercial properties; that MR, GR and C-1 are all subject to the same height, area and bulk requirements for multi-family units; that the proposed development is consistent with the Future Land Use Map, as the Coastal Area confirms the area is an appropriate and desirable area for new housing; that proposed Conditions of Approval have been submitted into the record and for all the reasons stated the Conditional Use is compliant with the Zoning Code, compatible with surrounding land uses and consistent with the Future Land Use Map and Comprehensive Plan.

Ms. Wingate stated when she was originally looking at the Preliminary Plans, she did not understand why the Applicant chose to place the storage at the front of the property, but she now appreciated the choice, as she realized the intent is to leave as many trees as possible.

Ms. Stevenson questioned why the Applicant chose to rezone to a C-3 (Heavy Commercial District) versus a C-2 (Medium Commercial District).

Mr. Robertson reminded the Commission if the rezoning is granted the Application will still require returning to Commission for Site Plan Review for whichever permitted use is requested.

Chairman Wheatley reminded the Commission once a parcel is rezoned the property could be proposed for any use permitted within the approved zoning district.

Ms. Peet stated the C-2 District is limited in regard to what can be done with storage; that C-3 Zoning allows for parking and storage and warehouse-type storage; that C-2 Zoning is more limited regarding storage requirements and for the proposed permitted use, C-3 is more compatible than C-2 Zoning and the Applicant does understand the Application must return for Site Plan review and approval.

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

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

At the conclusion of the Public Hearing, the Commission discussed the Applications.

In relation to C/U 2315 American Storage of Delaware, LLC. Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

Draft Minutes of the April 14, 2022 Planning & Zoning Commission Meeting

The Commission discussed the application which has been deferred since March 24, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/U 2315 American Storage of Delaware, LLC, for Multi-Family Dwelling structures in an MR Medium Density Residential Zoning District based upon the record made at the public hearing and for the following reasons:

1. According to the Sussex County Zoning Code, the purpose of the MR District is to provide for medium-density residential uses with central water and sewer that are considered more urban in character than other parts of Sussex County. The permitted density within the MR District is 4 units per acre. This application complies with the purpose and density of the MR Zoning District.
2. The property is in the vicinity of a mixture of commercially and residentially zoned properties, including GR properties, C-1 properties, and CR-1 properties. There is also a townhouse development that is across Route 24 from this site. The use as multi-family residential is consistent with these other zoning classifications and uses.
3. The proposed Conditional Use is appropriate for this site because residential development of this type is appropriate where central sewer and water are available. Sewer will be provided by Sussex County and water will be provided by Tidewater Utilities.
4. The proposed use is consistent with the County's Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single-family homes, townhouses, and multi-family units.
5. DelDOT has reviewed the proposed project and has determined development's traffic impact will be Minor. When DelDOT determines that traffic impact will be Minor, a developer is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer's obligation to construct or pay for offsite road improvements that are required by DelDOT.
6. With the conditions placed upon this recommendation, there will be no adverse impact upon traffic or the neighboring area.
7. This recommendation is subject to the following conditions:

- A. There shall be no more than 140 units within the development.
- B. All entrances, intersections, roadways, and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
- C. Recreational Amenities shall be completed on or before the issuance of the 84th Building Permit. These amenities shall include a community center/clubhouse and an outdoor pool.
- D. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
- E. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- F. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. Interior street design shall comply with or exceed Sussex County standards and shall include sidewalks or multi-modal pathways on one side of all streets with street lighting.
- H. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographic Information Office.
- I. The applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.
- J. Construction, site work, excavation, grading, and deliveries to or from the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday. A 24-inch by 36-inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
- K. There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the perimeter of this development. This buffer shall utilize existing forest or similar vegetation where it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.
- L. The developer shall preserve as many existing trees as possible on the site. These areas of non-disturbance shall be clearly shown on the Final Site Plan.
- M. The Final Site Plan shall include a landscape plan for the development, including all buffer areas.
- N. The Applicant shall form a condominium association to be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities, and open space.
- O. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- P. The Final Site Plan shall be subject to the review and approval of the Sussex Planning

& Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval for C/U 2315 American Storage of Delaware, LLC for the reasons and conditions stated in the motion. Motion carried 4-0.

The vote by roll call: Ms. Stevenson – Yea, Mr. Hopkins – Yea, Ms. Wingate – Yea, Chairman Wheatley – Yea

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: March 24th, 2022

Application: C/U 2315 American Storage of Delaware, LLC

Applicant: American Storage of Delaware, LLC
113 Dickinson Street
Dewey Beach, DE 19971

Owner: American Storage of Delaware, LLC
113 Dickinson Street
Dewey Beach, DE 19971

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Multi-Family (140 units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 17.63 acres +/-

Tax Map ID.: (portion of) 234-29.00-49.02, 49.03 & 50.000



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 21, 2022
RE: Staff Analysis for C/U 2315 American Storage of Delaware, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2315 American Storage of Delaware, LLC to be reviewed during the March 24, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for a portion of Tax Parcels: 234-29.00-49.02, 49.03 and 50.00 to allow the construction of 140 multifamily units (apartments), a clubhouse, a playground amenity, and other ancillary improvements. The properties are located on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). The parcels comprise a total area of 17.63 acres +/-.

Further Site Considerations

It should be noted that an opportunity for potential interconnectivity exists for this proposal by way of Baylis Avenue within the adjacent and proposed Baylis Estates (2004-55, 2017-01 & 2021-13) Subdivision.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcels have a designation of "Coastal Area." The parcels to the north, east and west also have a Future Land Use Map designation of "Coastal Area." The adjacent parcels to the north and south of the subject properties also retain the Future Land Use Map designation of "Coastal Area." The properties on the opposite side of John J. Williams Highway (Route 24) are also designated as "Coastal Areas." The balance of the property to the northwest of the subject site contains the Future Land Use Map designation of "Low Density Area" with four properties on the eastern side of John J. Williams Highway (Route 24) containing a Future Land Use Map designation of "Commercial Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office



parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

Zoning Information

The subject properties are zoned Agricultural Residential (AR-1). All surrounding properties to the south and 90 degrees due east on the opposite side of John J. Williams Highway (Route 24) are zoned Agricultural Residential (AR-1). The remaining parcels on the opposite side of John J. Williams Highway (Route 24) to the northeast are zoned General Commercial (C-1) and General Residential (GR).

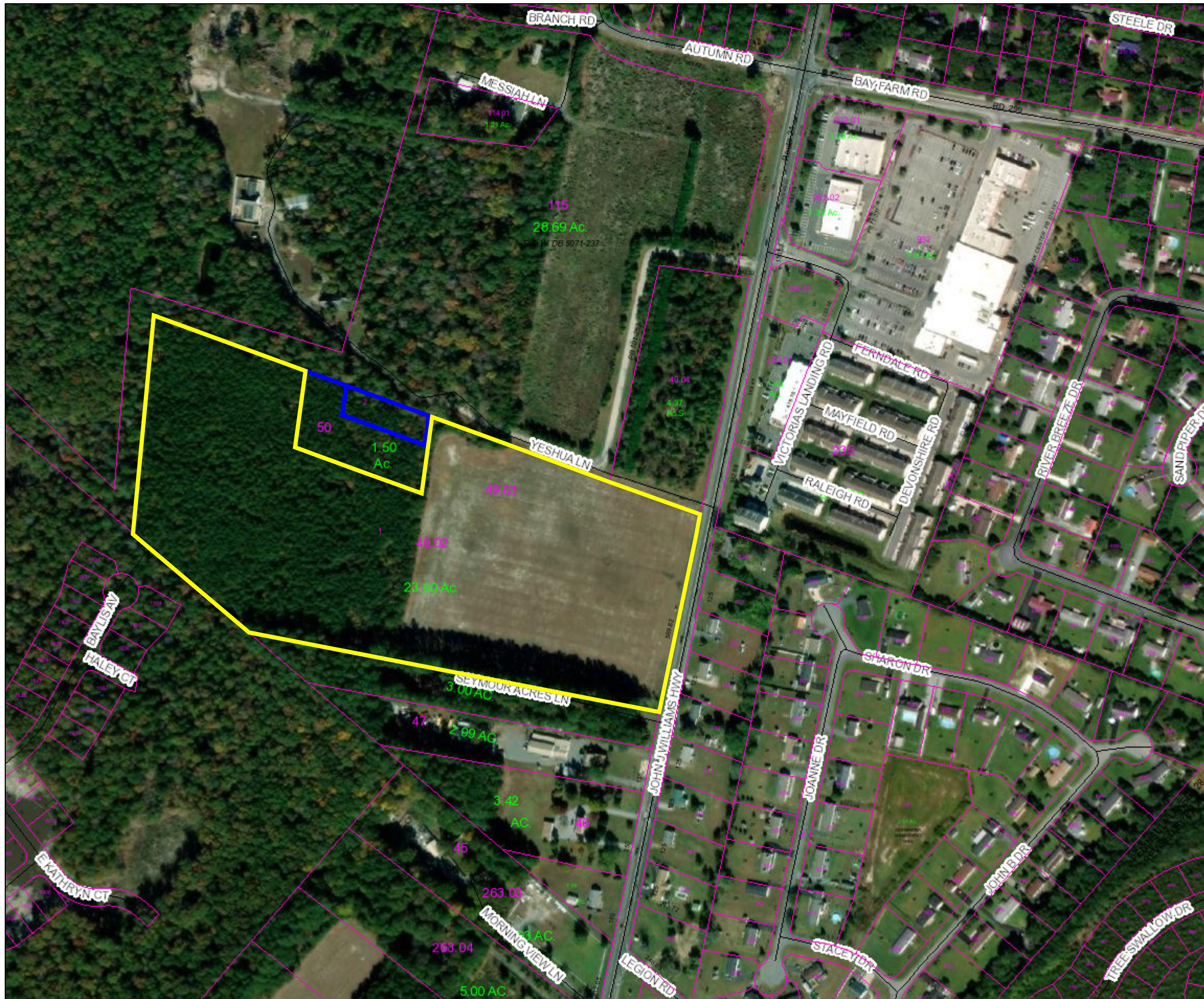
Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been five (5) Conditional Use applications within less than a 0.25-mile radius of the application site. The first application is Conditional Use No. 990 Charles Coursey to allow for removal of soil for aquaculture in the Agricultural Residential (AR-1) of which the Application was withdrawn. The second application is Conditional Use No. 1575 for the American Legion Post 28 to allow for a carnival and circus events in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, January 4, 2005, and this change was adopted through Ordinance No. 1741. The third application is Conditional Use No. 1893 Toby L. Schlick to permit a lawn and tree service to be located in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, June 7, 2011, and this change was adopted through Ordinance No. 2209. The fourth application is Conditional Use No. 1643 Lloyd Saunders for purposes of allowing a roofing company in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, September March 28, 2006, and adopted through Ordinance No. 1839. The fifth application is Conditional Use No. 2021 VIII P-Loan Portfolio Holding to allow for multifamily (288 units) to be located within a Commercial Residential (CR-1) Zoning District of which the Application was withdrawn.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the construction of 140 multifamily units (apartments), a clubhouse, a playground amenity and other ancillary improvements in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



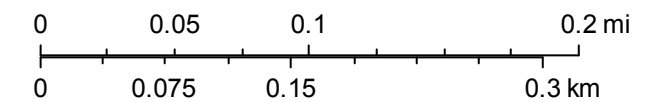
Sussex County



PIN:	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE 100
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	
Land Code	

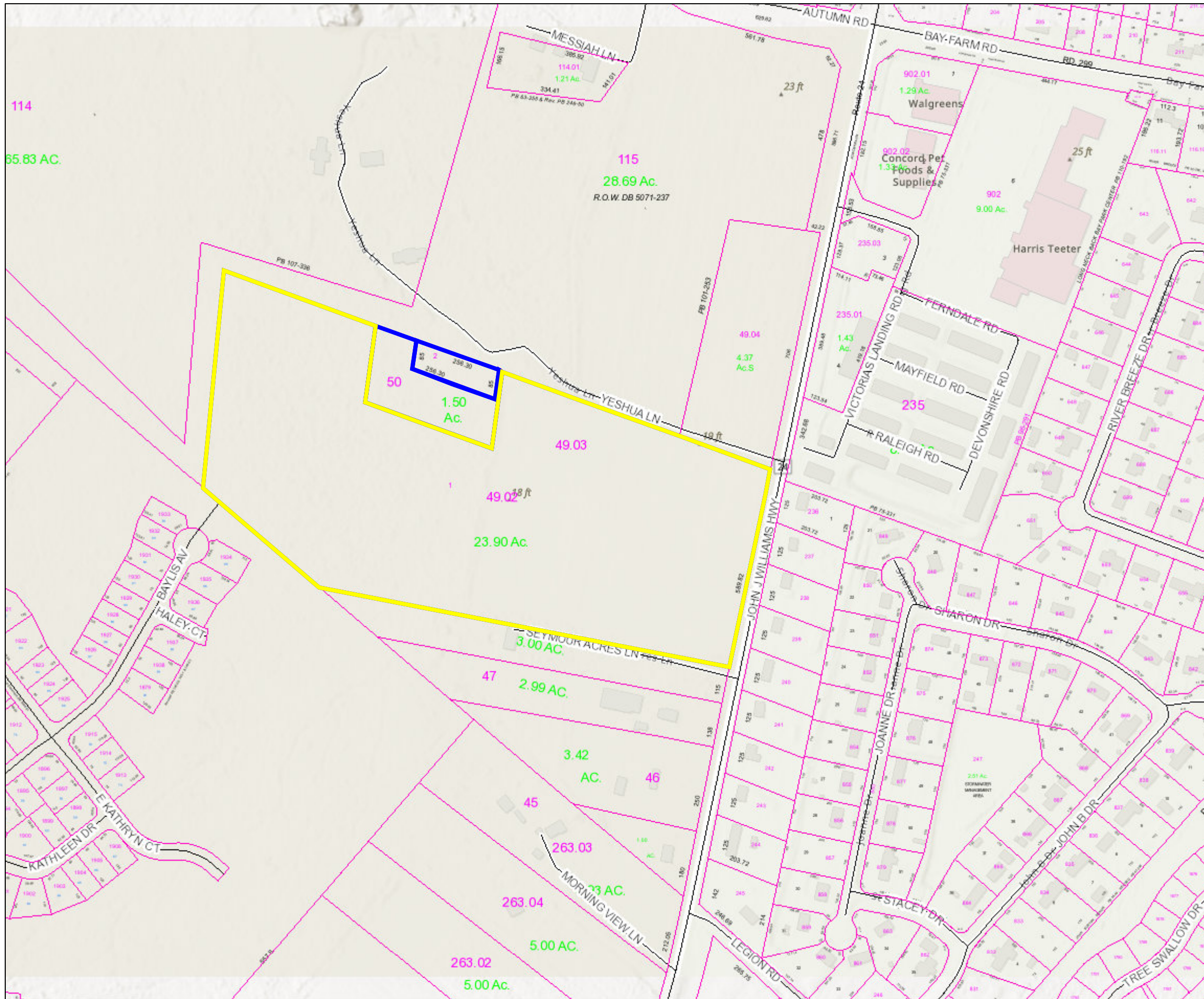
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries

1:4,514





Sussex County



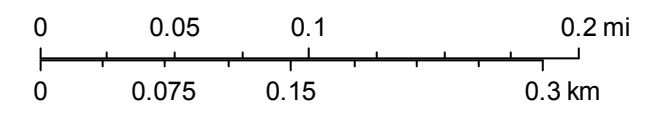
PIN:	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE 100
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

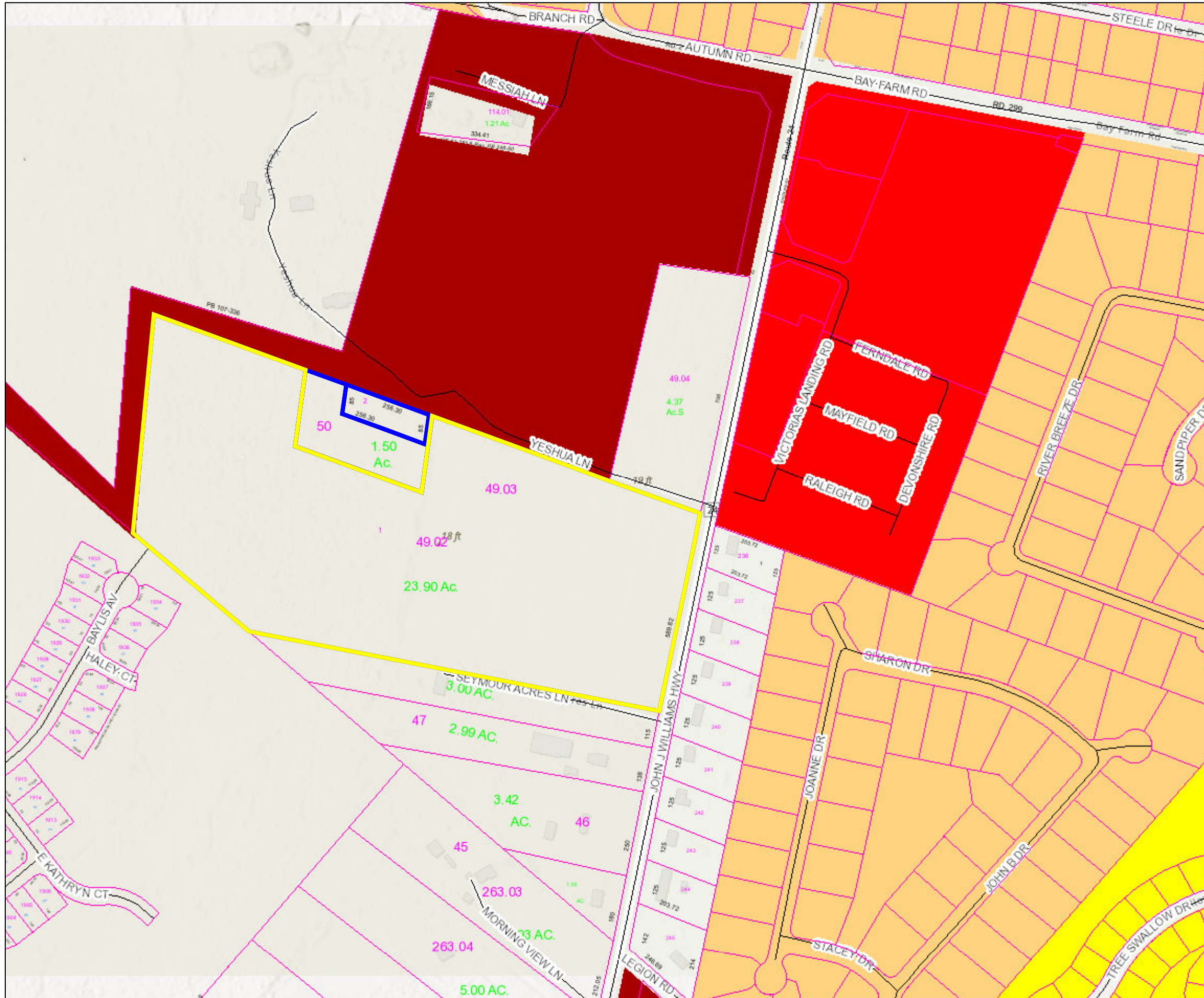
 - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





Sussex County



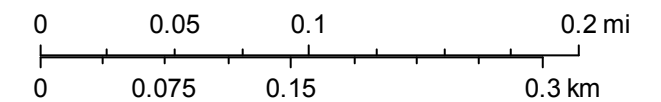
PIN:	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE 100
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



Introduced 12/07/21

**Council District 4 – Hudson
Tax I.D. Nos.: (portion of) 234-29.00-49.02, 49.03 & 50.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of September 2021, a conditional use application, denominated Conditional Use No. 2315 was filed on behalf of American Storage of Delaware, LLC; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2315 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2315 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299), being Parcel #2 shown on the site plan entitled, “American Storage of Delaware” prepared by Scaled Engineering and being more particularly described in the attached legal description prepared by Scaled Engineering, said parcel containing 17.63 acres, more or less.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: May 6, 2022

RE: County Council Report for C/Z 1954 filed on behalf of American Storage of Delaware, LLC

The Planning and Zoning Department received an application (C/Z 1954 filed on behalf of American Storage of Delaware, LLC) to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District. The property is located on the west side of John J. Williams Hwy (Rt.24) approximately 0.25 mile south of Bay Farm Road (SCR. 299). The change of zone is for 8.27 acres, more or less.

The Planning and Zoning Commission held a public hearing on March 24, 2022. At the meeting of April 14, 2022, the Commission recommended approval of the application for the 7 reasons as outlined within the motion (included below).

Below are the minutes from the Planning & Zoning Commission meetings of March 24, 2022 and April 14, 2022.

Approved Minutes of the March 24 2022 Planning & Zoning Commission Meeting

C/Z 1954 American Storage of Delaware, LLC

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 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 miles south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). 911 Address: N/A. Tax Parcel: 234-29.00-49.02 (portion of)



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

Mr. Whitehouse advised the Commission that submitted into the record is the Applicant's Site Plan, the PLUS response, the DelDOT Service Level Evaluation Response, the Applicant's Exhibit Booklet, the Environmental Assessment, the Public Facility Evaluation Report, a letter from Sussex County Engineering Department Utility Planning Division and six mail returns.

The Commission found that Ms. Mackenzie Peet, Esq. with Baird Mandalas Brockstedt, LLC, spoke on behalf of the Applicant, American Storage of Delaware, LLC; that also present were Mr. Alexander Pires and Mr. Nate Graulich, representatives of the Applicant, Mr. Steven Spence, Co-Council, Mr. Carlton Savage, P.E., Scaled Engineering, Inc and Mr. Ed Launay, Senior Professional Wetland Scientist and Principal of Environmental Resources, Inc; that the Applicant is intending to construct a mixed-use development, involving multi-family residential housing and a commercial storage facility component with office space; that the site is located on the western side of Rt. 24 (John J. Williams Hwy.) and south of Yeshua Lane in Millsboro, Delaware; that the site is located within the Indian River Hundred; that together the site consists of 25.9-acres; although submitted are three separate applications, she has consolidated her presentation to address all three Applications with one presentation, with the understanding the Commission will vote on each Application separately; that C/Z 1954 requested a rezoning of an 8.27-acre portion of Tax Map 234-29.00-49.02, from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial); that this area is defined as Parcel 1 on the Preliminary Site Plan; that the rezoning was requested with the intention to develop 150,000 sq. ft. of commercial storage space, which would also include 1,200 sq. ft. of office space; that the commercial storage space would be for a three-story miniature warehouse; that currently the warehouse is proposed to have 838 units, but would be subject to change; that this use is permitted within the C-3 (Heavy Commercial) Zoning District; that this is the reasoning for the rezoning request; that C/Z 1955 requested rezoning for AR-1 (Agricultural Residential) to and MR (Medium-Density Residential) Zoning for the remaining, 17.63-acre portion of Tax Map: 234-29.00-49.02, as well as the entirety of parcels identified as 49.03 and 50.00; that this rezoning is requested with the intention of developing 140 multi-family units; that this area is defined as Parcel 2 on the Preliminary Site Plan; that related to that Application is C/U 2315 which requests a Conditional Use for the development of 140 multi-family units to be located on the parcels previously mentioned, which are proposed to be rezoned from AR-1 to MR; that she has submitted into the record proposed Conditions of Approval for C/U 2315 specifically; that the Applicant submitted into the record, the Land Use Application and Preliminary Site Plan, prepared by Scaled Engineering, Inc. for each request; that the Applicant submitted property and deed information concerning each parcel, confirming the owner and applicant as American Storage of Delaware, LLC; that the Applicant submitted legal descriptions for each parcel contained in Exhibit A; that a DelDOT Service Level Request and response are contained Exhibit B; that the Service Level Response confirms the proposed land use would considered to have a minor impact to the local area roadways; that the PLUS Application and PLUS comments dated, March 23, 2021 are contained within Exhibit C; that a rendering of the proposed commercial use is contained in Exhibit D; that aerial maps of the site reflecting Zoning Districts, Conditional Uses, Future Land Use and Sewer Tier Overlays are included with Exhibit E; that an Environmental Assessment Report, prepared by Mr. Ed Launay and the Public Facility Evaluation Report, prepared by Scaled Engineering, Inc. are contained within Exhibit F; that both reports are required within the Coastal Area, in which the project is located; that the Coastal Area is designated as a growth area within Sussex

County; that the Coastal Area generally includes the areas on the southeastern side of Sussex County within an area previously referred to as “Environmentally Sensitive Developing Area”; that mixed-use development, like the proposed Application, is permitted within the Coastal Area; that the Applicant’s plan is consistent with the Comprehensive Plan and complies with the Coastal Area requirements of Section 115-194.3 of the County Code; that the project is located within Investment Level 2 and Level 3 according to the Strategies of State Policies and Spending Map; that Investment Level 2 reflects areas where growth is anticipated in the near term; that Investment Level 3 reflects areas where growth is anticipated within a longer term; that as confirmed by the PLUS comments, the Office of State Planning and Coordination have no objection to the proposed rezoning and development provided it is compliant with the Comprehensive Plan and all applicable Codes and Ordinances; that nearby commercial and residential communities exist; that some of the nearby residential developments are Victorias Landing, River Breeze, Seabrook, The Peninsula and Peninsula Lakes; that The Peninsula and Peninsula Lakes are zoned as MR (Medium-Density Residential); that nearby commercial uses include the shopping center located at intersection of John J Williams Hwy. and Bay Farm Rd.; that passed the intersection of Rt. 24 and Rt. 23 are commercial uses such as a car wash, Giant grocery store, Arcadia Healthcare, and multiple fast-food establishments including Dunkin Donuts and McDonalds; that at the intersection of Rt. 24 and Mount Joy Rd. is Royal Farms, a church and a small strip mall, where the Liberty gas station is located, as well as a deli and tattoo parlor; that Section 115-194.3 of the Sussex County Code requires the Applicant’s submission of the Environmental Assessment and Public Facility Evaluation Report and sketch plan for the project, as it proposes 50 or more dwelling units and 75,000 sq. ft. or more of floor area for commercial use; that Scaled Engineering report, which also included Mr. Launay’s report, stated a combination of wet ponds, planted buffers and infiltration practices will be used for stormwater treatment; that stormwater will be discharged in accordance with the State of Delaware and Sussex Conservation District requirements; that water will be provided by Tidewater Utilities; that Tidewater Utilities did provide a Will Serve letter for the project, which is included within Exhibit F; that sewer service will be provided by Sussex County; that she just received that day, the Sewer Service Concept Evaluation, which she submitted into the record; that the Sewer Service Evaluation confirmed the project is located within Tier 2 with a need for 146 EDU’s, with 140 EDU’s for the multi-family component and three for the office component; that the increase in traffic and effect on surrounding roadways will be analyzed, reviewed and approved by DelDOT; that indicated within the PLUS comments, the improvements will generate less than 2,000 average daily trips and less than 200 peak hour vehicle trips; that this allows the developer to pay an area wide study fee in lieu of performing a Traffic Impact Study; that the fee would require an estimate payment of \$11,710.00; that DelDOT anticipates to have the developer contribute to a DelDOT project presently scheduled for construction in the summer of 2022 at the intersection of Rt. 24 and Mount Joy Rd. and the intersection of Rt. 24 and Bay Farm Rd.; that the mandatory shared-use path, as required by DelDOT, will be added to the Final Site Plan; that the Applicant will also address DelDOT’s comments stating at least two walkways connecting to the interior of the site to Rt. 24; that one walkway will be along the driveway at the north edge of the property and one walkway on the south end of the frontage connecting to the parking lot from the business park to the frontage of the property may be required; that Mr. Launay’s Assessment of Environmental Assessments and Features Report confirmed that no critical habitat areas exist on the site; no federally listed or endangered species are located on the site; that no wetlands, streams and drainage conveyances exist on or nearby the site; that the site is presently vacant and consist of 11.5-acres of agricultural land, which is located at the front of the property; that 14.4-acres of immature

trees, which were previously cut in 2004, according to Mr. Launay's report; that the Applicant understand the preservation of natural resources and open space is strongly encouraged in the Coastal Area; that the project proposed roughly 11-acres of open space to be preserved; that the Applicant's first request is C/Z 1954, which requests a rezoning of a 8.27-acre portion of Tax Map 234-29.00-49.02 from AR-1 to C-3 to develop 150,000 sq. ft. of commercial space, a permitted use within C-3 or a similarly permitted use; that this component will include 838 storage units and 1,200 sq. ft. of office space; that these are all permitted uses within C-3 according to Section 115-83.8A of the Code; that other C-3 permitted uses include agricultural uses such as greenhouses and wholesale nurseries, residential uses including hotels and motels and commercial uses including convenient stores, gas station, restaurants, business parks and professional offices; that the C-3 (Heavy Commercial District) is usually intended for larger scale service businesses along major arterial roads; that the intended rezoning is consistent with the purposed of the C-3 Zoning District; that the Applicant acknowledges the need to go through the Final Site Plan process and approval, should the rezoning be approved; that there is a demand for storage facilities in Sussex County with many people relocating to the area; that she believes the Commission recognizes the need for commercial development in appropriate areas; that the assessment, prepared by Scaled, notes the use is proposed in a centralized location, with adequate access off Rt. 24; that the proposed rezoning from AR-1 to C-3 is consistent with the Comprehensive Plan and the Future Land Use Map; that specifically the project is located within the Coastal Area, which is a growth area compatible for retail, large shopping centers, offices and office parks when located along arterial roads, like Rt. 24, which is classified as a major collector road; that the proposed C-3 rezoning is consistent with surrounding land uses, as the site is located near commercially zoned properties; that within the Planning & Zoning memorandum, it was noted there have been five Change of Zone applications submitted within a .25-mile radius of the site; that these Change of Zone applications were for gas stations, convenient stores, retail and consumer related services; that the property is adjacent to CR-1 (Commercial Residential) which is identified as Tax Map 234-23.00-115.00, as well as multiple other properties across the street from the site, at the intersection of Autumn Rd. and Rt. 24, which are also zoned C-1; that there is multiple other commercial development along Rt. 24 and Rt. 5, Rt. 24 and Rt. 23 and Rt. 24 and Bay Farm Rd.; that Table 4.5-2 of the Zoning Code confirms C-3 is an applicable district within the Coastal Area; that for all the reasons stated the proposed rezoning is compatible with the surrounding community; that the rezoning request will not have an adverse effect or impact on properties near or adjacent to the site; that the Applicant's second request is C/Z 1955, requesting a rezoning of a 17.63-acre portion of Tax Map 234-29.00-49.02 and the entire other parcel referenced from AR-1 (Agricultural Residential) to MR (Medium-Density Residential) for the purpose to develop 140 multi-family units; that all surrounding properties are zoned AR-1, with the remaining parcels on the opposite side of Rt. 24 zoned as C-1 (General Commercial District) and GR (General Residential); that Peninsula Lakes and The Peninsula, located in the nearby vicinity of the site, are also zoned MR; that the MR Zoning District provides for Medium-Density Residential development in areas which are expected to become generally urban in character, where sanitary sewer and public water supplies may or may not be available at the time of construction, together with churches, recreational facilities and accessory uses, as may be necessary or compatible with residential surroundings; that the proposed rezoning is compatible with surrounding land use; that this includes not only the MR zoned properties, but also the properties zoned GR and C-1; that the general table of height, area and bulk requirements and the table for multi-family units confirm that MR and GR districts are subject to the same bulk requirements; that everything around the site is consistent with surrounding land uses; that the

rezoning request from AR-1 to MR is consistent with the Comprehensive Plan and Future Land Use Map; that the project is located within the Coastal Area, which is a growth area; that the Comprehensive Plan states this is an area most desirable for new housing for a range of housing types, including multi-family; that medium and higher-density residential development in between four to 12 units per acre is appropriate and supported within the Coastal Area, where central water and sewer access and in close proximity to commercial uses and employment centers, where the use is compatible with the character of the area, located along a main road, such as Rt. 24 and where there are adequate levels of service; that the adequate levels of service has been provided through submissions into the record; that detailed in the assessment prepared by Scaled, central water and sewer will be provided by DelDOT and Sussex County respectively; Title 4.5-2 of the Comprehensive Plan confirms MR is an appropriate district for the Coastal Area; that for all the reasons stated the proposed rezoning from AR-1 to MR is not only compliant with the Zoning Code but also consistent with the Comprehensive Plan and Future Land Use Map; that the last request is for a Conditional Use, which is subject to the approval C/Z 1955 for the development of 140 multi-family units, which will include a clubhouse and playground amenity on a part of parcel 49.02 and the entirety of parcels for 49.03 and 50.00; that as shown on the Preliminary Site Plan, the Applicant is proposing five buildings, with 28 units each, as well as a clubhouse and playground amenity; that parking meets the Code requirements of 280 parking spaces, which equals two units per apartments; that the units are being proposed as apartment units specifically; that the required seven handicap spaces will be provided; that the Applicant is proposing 283 parking spaces with 12 handicap spaces; that this will equal a total of 295 parking spaces; that Section 115-31 of the Zoning Code permits multi-family dwelling units as Conditional Uses subject to the provisions of Section 115-219 for a Site Plan review; that the proposed development will comply with Section 115-188 of the Code for multi-family development; that the proposed development is consistent with surrounding land uses being of semi-public to public character and by promoting the general convenience and welfare of Sussex County; that with nearby properties of Peninsula Lakes and The Peninsula similarly zoned, as well as being located in the vicinity of residential and commercial properties; that MR, GR and C-1 are all subject to the same height, area and bulk requirements for multi-family units; that the proposed development is consistent with the Future Land Use Map, as the Coastal Area confirms the area is an appropriate and desirable area for new housing; that proposed Conditions of Approval have been submitted into the record and for all the reasons stated the Conditional Use is compliant with the Zoning Code, compatible with surrounding land uses and consistent with the Future Land Use Map and Comprehensive Plan.

Ms. Wingate stated when she was originally looking at the Preliminary Plans, she did not understand why the Applicant chose to place the storage at the front of the property, but she now appreciated the choice, as she realized the intent is to leave as many trees as possible.

Ms. Stevenson questioned why the Applicant chose to rezone to a C-3 (Heavy Commercial District) versus a C-2 (Medium Commercial District).

Mr. Robertson reminded the Commission if the rezoning is granted the Application will still require returning to Commission for Site Plan Review for whichever permitted use is requested.

Chairman Wheatley reminded the Commission once a parcel is rezoned the property could be proposed for any use permitted within the approved zoning district.

Ms. Peet stated the C-2 District is limited in regard to what can be done with storage; that C-3 Zoning allows for parking and storage and warehouse-type storage; that C-2 Zoning is more limited regarding storage requirements and for the proposed permitted use, C-3 is more compatible than C-2 Zoning and the Applicant does understand the Application must return for Site Plan review and approval.

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

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

At the conclusion of the Public Hearing, the Commission discussed the Applications.

In relation to C/Z 1954 American Storage of Delaware, LLC. Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

Draft Minutes of the April 14, 2022 Planning & Zoning Commission Meeting

The Commission discussed the application which has been deferred since March 24, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/Z 1954 American Storage of Delaware, LLC, for a Change in Zone from AR-1 to C-3 “Heavy Commercial” based upon the record made during the public hearing and for the following reasons:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices, and vehicle service stations. Although a number of uses are permitted, this Applicant intends to construct a mini-storage facility on this site.
2. Route 24 is considered to be a Major Collector roadway according to DelDOT’s roadway classification. Major Collector roads are appropriate locations for C-3 Zoning.
3. The parcel is in a section of Route 24 where there are commercial districts and business and commercial uses that have developed. This includes a shopping center with a large grocery store, a smaller strip mall, and other similar uses. This location along this part of Route 24 is appropriate for this type of zoning.
4. This property is located in the Coastal Area according to the current Sussex County Land Use Plan. This proposed commercial zoning is appropriate in this Area according to the Plan.
5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
6. No parties appeared in opposition to this rezoning application.
7. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1954 American Storage of Delaware, LLC, for the reasons and conditions stated in the motion. Motion carried 4-0.

The vote by roll call: Ms. Stevenson – Yea, Mr. Hopkins – Yea, Ms. Wingate – Yea, Chairman Wheatley – Yea

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: March 24th, 2022

Application: C/Z 1954 American Storage of Delaware, LLC

Applicant: American Storage of Delaware, LLC
113 Dickinson Street
Dewey Beach, DE 19971

Owner: American Storage of Delaware, LLC
113 Dickinson Street
Dewey Beach, DE 19971

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Heavy Commercial (C-3) District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 8.27 acres +/-

Tax Map ID.: (portion of) 234-29.00-49.02



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Michael Lowrey, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: February 21st, 2022
RE: Staff Analysis for CZ 1954 American Storage of Delaware, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1954 American Storage of Delaware, LLC to be reviewed during the March 24, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 234-29.00-49.02 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Heavy Commercial (C-3) District. The parcel is located on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). The parcel contains 23.90 acres +/-, with the portion of the parcel to be rezoned containing 8.27 acres +/- and is located at the front of the site adjacent to John J. Williams Highway.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south, and east also have the land use designation of Coastal Area with one (1) parcel to the northwest having a Future Land Use designation of Low Density.

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed.

Zoning Information

The property is zoned Agricultural Residential (AR-1). The adjacent parcels to the north of the subject property are zoned Agricultural Residential (AR-1) and Commercial Residential (CR-1) Zoning District and consist of an agricultural use with a homesite, a commercial use, and an unimproved parcel owned by the Delaware Department of Transportation. The properties to the



east across John J. Williams Highway are zoned Agricultural Residential (AR-1) and consist of single-family residential improvements and four properties on the eastern side of John J. Williams Highway (Route 24) containing a Future Land Use Map designation of “Commercial Area”. The parcels to the south of the subject properties are zoned Agricultural Residential (AR-1) with one containing a detached single-family dwelling and the other containing the Baylis Estates Cluster Subdivision.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Heavy Commercial (C-3) District is listed as an applicable zoning district in the “Coastal Area.”

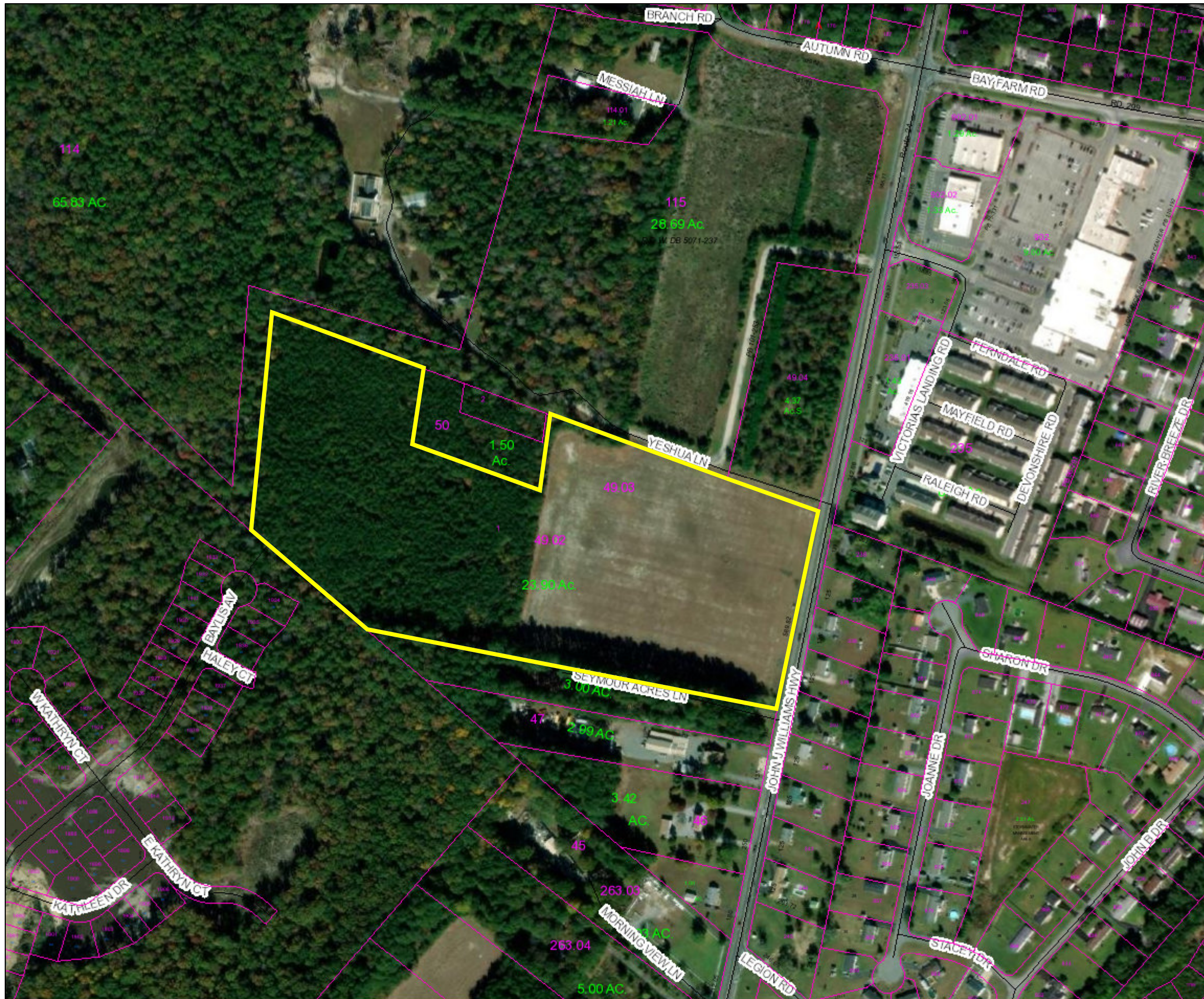
Existing Changes of Zone within the Vicinity of the Subject Site

Since 2011, there have been five (5) Change of Zone applications within a 0.25-mile radius of the application site. The first application is for Change of Zone No. 1788 Upesh Vyas for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Commercial Residential (CR-1) Zoning District. The application was approved by the Sussex County Council on December 1, 2015 and the change was adopted through Ordinance No. 2427. The second application is for Change of Zone No. 1880 Craig Kormanik for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on July 16, 2019 and the change was adopted through Ordinance No. 2669. The third application is for Change of Zone 1911 Schiff Land Development Co., LC (Mr. TJ Schiff) (Patriots Glen Phase 2) for a change of zone from Medium-Density (MR) Residential District and a Commercial Residential (CR-1) District to Medium-Density (MR-RPC) Residential District - Residential Planned Community. The application was approved by the Sussex County Council on April 20, 2021 and the change was adopted through Ordinance No. 2770. The fourth application is for Change of Zone 1940 Community Bank Delaware c/o Stephen W. Spence for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on February 1, 2022 and the change was adopted through Ordinance No. 2829. The last application is for Change of Zone No. 1791 Carillon Square Apartments, LLC for a change of zone from an Agricultural Residential (AR-1) Zoning District and a General Commercial (C-1) Zoning District to a High-Density (HR-1) Residential District. The application was approved by the Sussex County Council on April 12, 2016 and adopted through Ordinance No. 2444.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Heavy Commercial (C-3) District could be considered as being consistent with the land use, area zoning and surrounding uses.



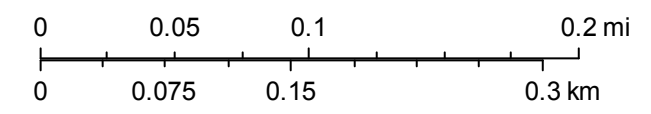
Sussex County



PIN:	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE 100
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	N/A
Land Code	

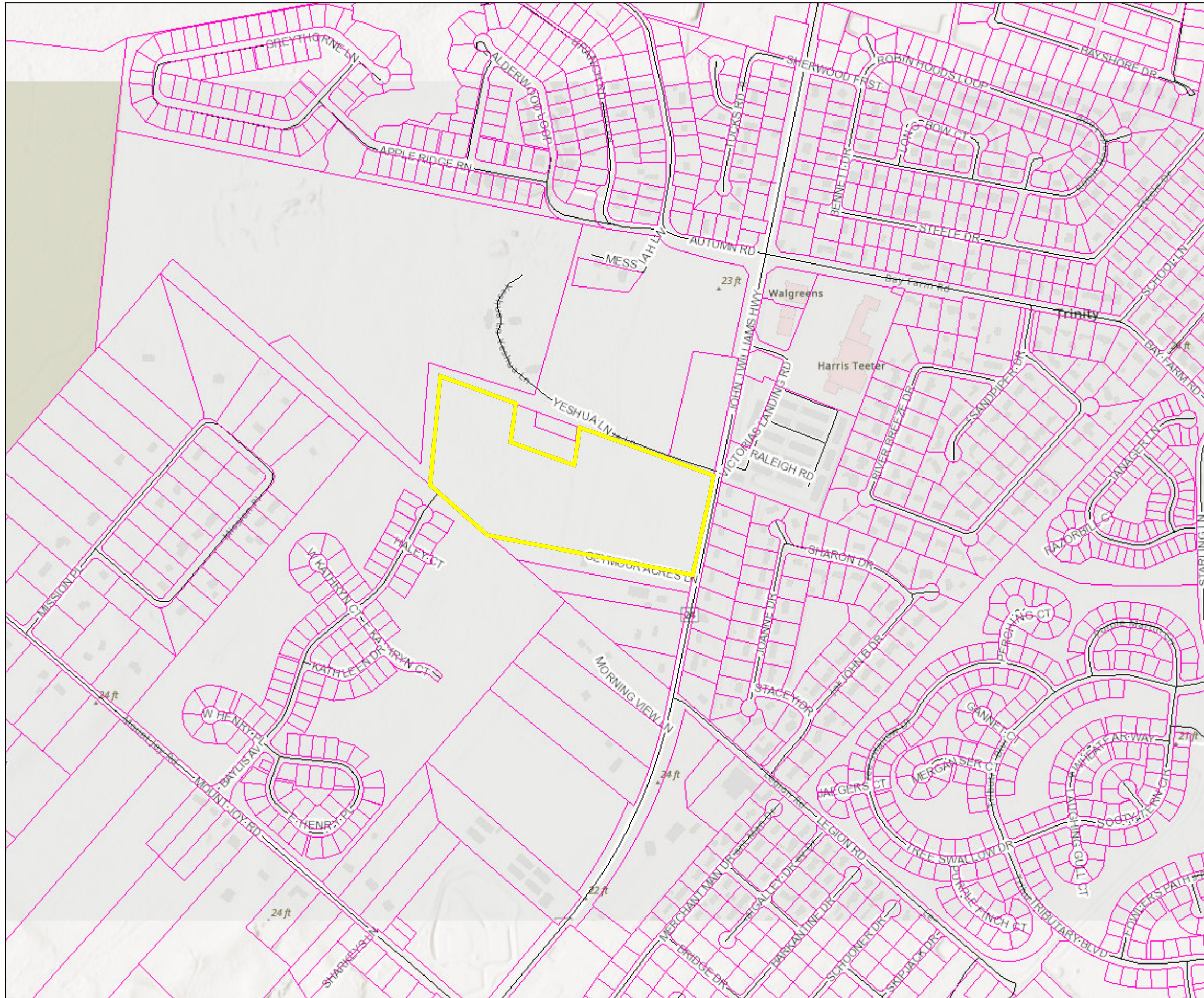
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- Streets

1:4,514





Sussex County



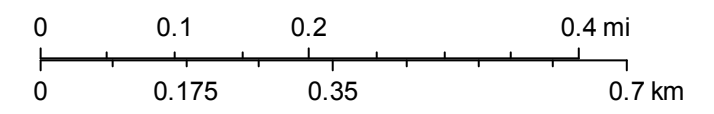
PIN:	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE 100
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

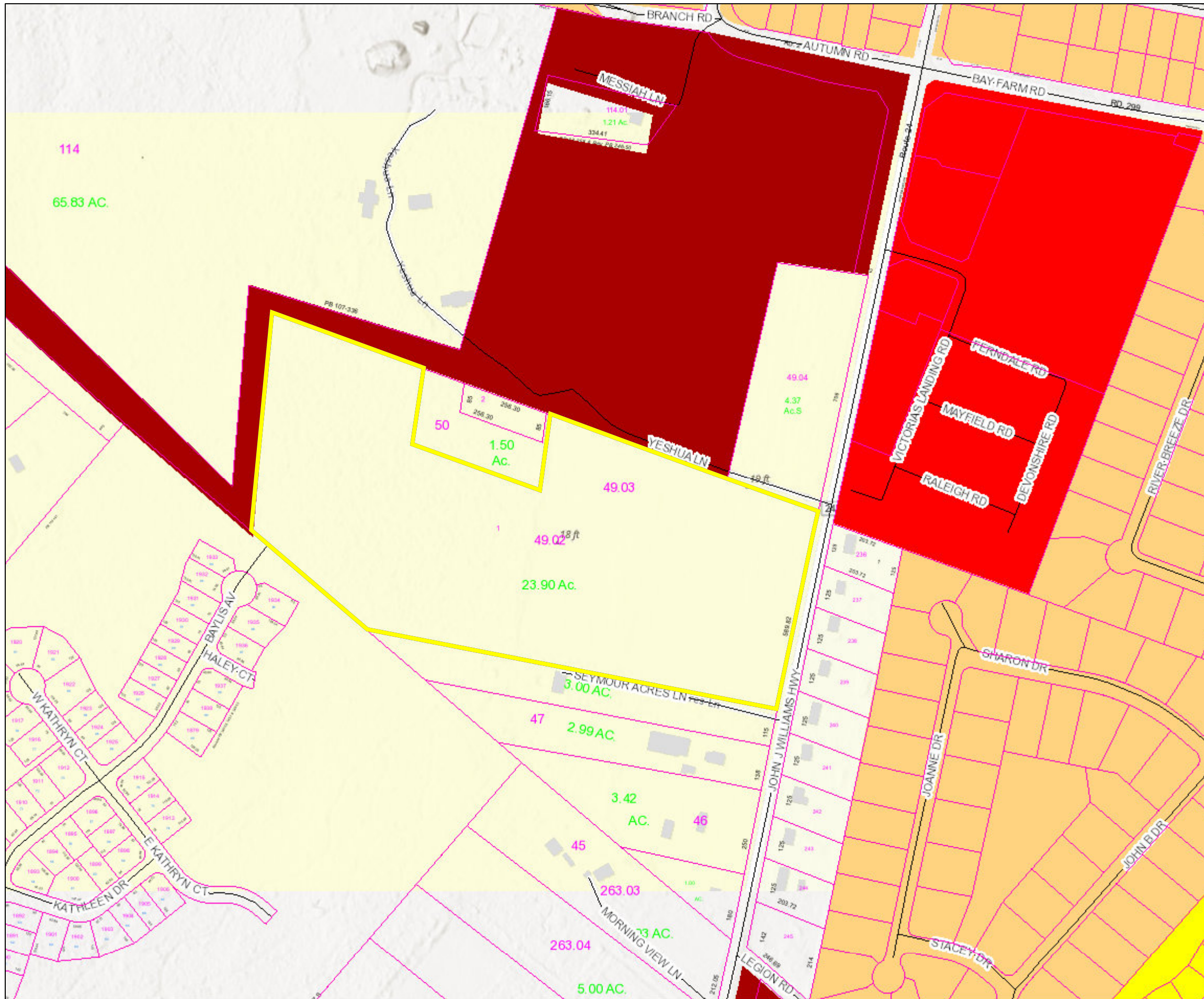
 - Override 1
 - Tax Parcels
 - Streets

1:9,028





Sussex County



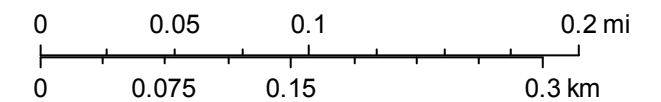
PIN:	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE 100
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



Introduced 12/07/21

Council District 4 – Hudson
Tax I.D. No: 234- 29.00-49.02 (portion of)
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 C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of September 2021, a zoning application, denominated Change of Zone No. 1954 was filed on behalf of American Storage of Delaware, LLC; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1954 be _____; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299), being Parcel #1 shown on the site plan entitled, “American Storage of Delaware” prepared by Scaled Engineering and being more particularly described in the attached legal description prepared by Scaled Engineering, said parcel containing 8.27 acres, more or less.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: May 6, 2022

RE: County Council Report for C/Z 1955 filed on behalf of American Storage of Delaware, LLC

The Planning and Zoning Department received an application (C/Z 1955 filed on behalf of American Storage of Delaware, LLC) to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Density Residential District. The property is located on the west side of John J. Williams Hwy (Rt.24) approximately 0.25 mile south of Bay Farm Road (SCR. 299). The change of zone is for 17.63 acres, more or less.

The Planning and Zoning Commission held a public hearing on March 24, 2022. At the meeting of April 14, 2022, the Commission recommended approval of the application for the 8 reasons as outlined within the motion (included below).

Below are the minutes from the Planning & Zoning Commission meetings of March 24, 2022 and April 14, 2022.

Approved Minutes of the March 24, 2022 Planning & Zoning Commission Meeting

C/Z 1955 American Storage of Delaware, LLC

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 PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). 911 Address: N/A. Tax Parcels: 234-29.00-49.02 (portion of), 49.03 & 50.00.



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

Mr. Whitehouse advised the Commission that submitted into the record is the Applicant’s Site Plan, the staff analysis, the DelDOT Service Level Evaluation Response, the PLUS comments, and six mail returns.

The Commission found that Ms. Mackenzie Peet, Esq. with Baird Mandalas Brockstedt, LLC, spoke on behalf of the Applicant, American Storage of Delaware, LLC; that also present were Mr. Alexander Pires and Mr. Nate Graulich, representatives of the Applicant, Mr. Steven Spence, Co-Council, Mr. Carlton Savage, P.E., Scaled Engineering, Inc and Mr. Ed Launay, Senior Professional Wetland Scientist and Principal of Environmental Resources, Inc; that the Applicant is intending to construct a mixed-use development, involving multi-family residential housing and a commercial storage facility component with office space; that the site is located on the western side of Rt. 24 (John J. Williams Hwy.) and south of Yeshua Lane in Millsboro, Delaware; that the site is located within the Indian River Hundred; that together the site consists of 25.9-acres; although submitted are three separate applications, she has consolidated her presentation to address all three Applications with one presentation, with the understanding the Commission will vote on each Application separately; that C/Z 1954 requested a rezoning of an 8.27-acre portion of Tax Map 234-29.00-49.02, from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial); that this area is defined as Parcel 1 on the Preliminary Site Plan; that the rezoning was requested with the intention to develop 150,000 sq. ft. of commercial storage space, which would also include 1,200 sq. ft. of office space; that the commercial storage space would be for a three-story miniature warehouse; that currently the warehouse is proposed to have 838 units, but would be subject to change; that this use is permitted within the C-3 (Heavy Commercial) Zoning District; that this is the reasoning for the rezoning request; that C/Z 1955 requested rezoning for AR-1 (Agricultural Residential) to and MR (Medium-Density Residential) Zoning for the remaining, 17.63-acre portion of Tax Map: 234-29.00-49.02, as well as the entirety of parcels identified as 49.03 and 50.00; that this rezoning is requested with the intention of developing 140 multi-family units; that this area is defined as Parcel 2 on the Preliminary Site Plan; that related to that Application is C/U 2315 which requests a Conditional Use for the development of 140 multi-family units to be located on the parcels previously mentioned, which are proposed to be rezoned from AR-1 to MR; that she has submitted into the record proposed Conditions of Approval for C/U 2315 specifically; that the Applicant submitted into the record, the Land Use Application and Preliminary Site Plan, prepared by Scaled Engineering, Inc. for each request; that the Applicant submitted property and deed information concerning each parcel, confirming the owner and applicant as American Storage of Delaware, LLC; that the Applicant submitted legal descriptions for each parcel contained in Exhibit A; that a DelDOT Service Level Request and response are contained Exhibit B; that the Service Level Response confirms the proposed land use would considered to have a minor impact to the local area roadways; that the PLUS Application and PLUS comments dated, March 23, 2021 are contained within Exhibit C; that a rendering of the proposed commercial use is contained in Exhibit D; that aerial maps of the site reflecting Zoning Districts, Conditional Uses, Future Land Use and Sewer Tier Overlays are included with Exhibit E; that an Environmental Assessment Report, prepared by Mr. Ed Launay and the Public Facility Evaluation Report, prepared by Scaled Engineering, Inc. are contained within Exhibit F; that both reports are required within the Coastal Area, in which the project is located; that the Coastal Area is designated as a growth area within Sussex County; that the Coastal Area generally includes the areas on the southeastern side of Sussex County within an area previously referred to as “Environmentally Sensitive Developing Area”; that mixed-use

development, like the proposed Application, is permitted within the Coastal Area; that the Applicant's plan is consistent with the Comprehensive Plan and complies with the Coastal Area requirements of Section 115-194.3 of the County Code; that the project is located within Investment Level 2 and Level 3 according to the Strategies of State Policies and Spending Map; that Investment Level 2 reflects areas where growth is anticipated in the near term; that Investment Level 3 reflects areas where growth is anticipated within a longer term; that as confirmed by the PLUS comments, the Office of State Planning and Coordination have no objection to the proposed rezoning and development provided it is compliant with the Comprehensive Plan and all applicable Codes and Ordinances; that nearby commercial and residential communities exist; that some of the nearby residential developments are Victorias Landing, River Breeze, Seabrook, The Peninsula and Peninsula Lakes; that The Peninsula and Peninsula Lakes are zoned as MR (Medium-Density Residential); that nearby commercial uses include the shopping center located at intersection of John J Williams Hwy. and Bay Farm Rd.; that passed the intersection of Rt. 24 and Rt. 23 are commercial uses such as a car wash, Giant grocery store, Arcadia Healthcare, and multiple fast-food establishments including Dunkin Donuts and McDonalds; that at the intersection of Rt. 24 and Mount Joy Rd. is Royal Farms, a church and a small strip mall, where the Liberty gas station is located, as well as a deli and tattoo parlor; that Section 115-194.3 of the Sussex County Code requires the Applicant's submission of the Environmental Assessment and Public Facility Evaluation Report and sketch plan for the project, as it proposes 50 or more dwelling units and 75,000 sq. ft. or more of floor area for commercial use; that Scaled Engineering report, which also included Mr. Launay's report, stated a combination of wet ponds, planted buffers and infiltration practices will be used for stormwater treatment; that stormwater will be discharged in accordance with the State of Delaware and Sussex Conservation District requirements; that water will be provided by Tidewater Utilities; that Tidewater Utilities did provide a Will Serve letter for the project, which is included within Exhibit F; that sewer service will be provided by Sussex County; that she just received that day, the Sewer Service Concept Evaluation, which she submitted into the record; that the Sewer Service Evaluation confirmed the project is located within Tier 2 with a need for 146 EDU's, with 140 EDU's for the multi-family component and three for the office component; that the increase in traffic and affect on surrounding roadways will be analyzed, reviewed and approved by DelDOT; that indicated within the PLUS comments, the improvements will generate less than 2,000 average daily trips and less than 200 peak hour vehicle trips; that this allows the developer to pay an area wide study fee in lieu of performing a Traffic Impact Study; that the fee would require an estimate payment of \$11,710.00; that DelDOT anticipates to have the developer contribute to a DelDOT project presently scheduled for construction in the summer of 2022 at the intersection of Rt. 24 and Mount Joy Rd. and the intersection of Rt. 24 and Bay Farm Rd.; that the mandatory shared-use path, as required by DelDOT, will be added to the Final Site Plan; that the Applicant will also address DelDOT's comments stating at least two walkways connecting to the interior of the site to Rt. 24; that one walkway will be along the driveway at the north edge of the property and one walkway on the south end of the frontage connecting to the parking lot from the business park to the frontage of the property may be required; that Mr. Launay's Assessment of Environmental Assessments and Features Report confirmed that no critical habitat areas exist on the site; no federally listed or endangered species are located on the site; that no wetlands, streams and drainage conveyances exist on or nearby the site; that the site is presently vacant and consist of 11.5-acres of agricultural land, which is located at the front of the property; that 14.4-acres of immature trees, which were previously cut in 2004, according to Mr. Launay's report; that the Applicant understand the preservation of natural resources and open space is strongly encouraged in the Coastal

Area; that the project proposed roughly 11-acres of open space to be preserved; that the Applicant's first request is C/Z 1954, which requests a rezoning of a 8.27-acre portion of Tax Map 234-29.00-49.02 from AR-1 to C-3 to develop 150,000 sq. ft. of commercial space, a permitted use within C-3 or a similarly permitted use; that this component will include 838 storage units and 1,200 sq. ft. of office space; that these are all permitted uses within C-3 according to Section 115-83.8A of the Code; that other C-3 permitted uses include agricultural uses such as greenhouses and wholesale nurseries, residential uses including hotels and motels and commercial uses including convenient stores, gas station, restaurants, business parks and professional offices; that the C-3 (Heavy Commercial District) is usually intended for larger scale service businesses along major arterial roads; that the intended rezoning is consistent with the purposed of the C-3 Zoning District; that the Applicant acknowledges the need to go through the Final Site Plan process and approval, should the rezoning be approved; that there is a demand for storage facilities in Sussex County with many people relocating to the area; that she believes the Commission recognizes the need for commercial development in appropriate areas; that the assessment, prepared by Scaled, notes the use is proposed in a centralized location, with adequate access off Rt. 24; that the proposed rezoning from AR-1 to C-3 is consistent with the Comprehensive Plan and the Future Land Use Map; that specifically the project is located within the Coastal Area, which is a growth area compatible for retail, large shopping centers, offices and office parks when located along arterial roads, like Rt. 24, which is classified as a major collector road; that the proposed C-3 rezoning is consistent with surrounding land uses, as the site is located near commercially zoned properties; that within the Planning & Zoning memorandum, it was noted there have been five Change of Zone applications submitted within a .25-mile radius of the site; that these Change of Zone applications were for gas stations, convenient stores, retail and consumer related services; that the property is adjacent to CR-1 (Commercial Residential) which is identified as Tax Map 234-23.00-115.00, as well as multiple other properties across the street from the site, at the intersection of Autumn Rd. and Rt. 24, which are also zoned C-1; that there is multiple other commercial development along Rt. 24 and Rt. 5, Rt. 24 and Rt. 23 and Rt. 24 and Bay Farm Rd.; that Table 4.5-2 of the Zoning Code confirms C-3 is an applicable district within the Coastal Area; that for all the reasons stated the proposed rezoning is compatible with the surrounding community; that the rezoning request will not have an adverse effect or impact on properties near or adjacent to the site; that the Applicant's second request is C/Z 1955, requesting a rezoning of a 17.63-acre portion of Tax Map 234-29.00-49.02 and the entire other parcel referenced from AR-1 (Agricultural Residential) to MR (Medium-Density Residential) for the purpose to develop 140 multi-family units; that all surrounding properties are zoned AR-1, with the remaining parcels on the opposite side of Rt. 24 zoned as C-1 (General Commercial District) and GR (General Residential); that Peninsula Lakes and The Peninsula, located in the nearby vicinity of the site, are also zoned MR; that the MR Zoning District provides for Medium-Density Residential development in areas which are expected to become generally urban in character, where sanitary sewer and public water supplies may or may not be available at the time of construction, together with churches, recreational facilities and accessory uses, as may be necessary or compatible with residential surroundings; that the proposed rezoning is compatible with surrounding land use; that this includes not only the MR zoned properties, but also the properties zoned GR and C-1; that the general table of height, area and bulk requirements and the table for multi-family units confirm that MR and GR districts are subject to the same bulk requirements; that everything around the site is consistent with surrounding land uses; that the rezoning request from AR-1 to MR is consistent with the Comprehensive Plan and Future Land Use Map; that the project is located within the Coastal Area, which is a growth area; that the

Comprehensive Plan states this is an area most desirable for new housing for a range of housing types, including multi-family; that medium and higher-density residential development in between four to 12 units per acre is appropriate and supported within the Coastal Area, where central water and sewer access and in close proximity to commercial uses and employment centers, where the use is compatible with the character of the area, located along a main road, such as Rt. 24 and where there are adequate levels of service; that the adequate levels of service has been provided through submissions into the record; that detailed in the assessment prepared by Scaled, central water and sewer will be provided by DelDOT and Sussex County respectively; Title 4.5-2 of the Comprehensive Plan confirms MR is an appropriate district for the Coastal Area; that for all the reasons stated the proposed rezoning from AR-1 to MR is not only compliant with the Zoning Code but also consistent with the Comprehensive Plan and Future Land Use Map; that the last request is for a Conditional Use, which is subject to the approval C/Z 1955 for the development of 140 multi-family units, which will include a clubhouse and playground amenity on a part of parcel 49.02 and the entirety of parcels for 49.03 and 50.00; that as shown on the Preliminary Site Plan, the Applicant is proposing five buildings, with 28 units each, as well as a clubhouse and playground amenity; that parking meets the Code requirements of 280 parking spaces, which equals two units per apartments; that the units are being proposed as apartment units specifically; that the required seven handicap spaces will be provided; that the Applicant is proposing 283 parking spaces with 12 handicap spaces; that this will equal a total of 295 parking spaces; that Section 115-31 of the Zoning Code permits multi-family dwelling units as Conditional Uses subject to the provisions of Section 115-219 for a Site Plan review; that the proposed development will comply with Section 115-188 of the Code for multi-family development; that the proposed development is consistent with surrounding land uses being of semi-public to public character and by promoting the general convenience and welfare of Sussex County; that with nearby properties of Peninsula Lakes and The Peninsula similarly zoned, as well as being located in the vicinity of residential and commercial properties; that MR, GR and C-1 are all subject to the same height, area and bulk requirements for multi-family units; that the proposed development is consistent with the Future Land Use Map, as the Coastal Area confirms the area is an appropriate and desirable area for new housing; that proposed Conditions of Approval have been submitted into the record and for all the reasons stated the Conditional Use is compliant with the Zoning Code, compatible with surrounding land uses and consistent with the Future Land Use Map and Comprehensive Plan.

Ms. Wingate stated when she was originally looking at the Preliminary Plans, she did not understand why the Applicant chose to place the storage at the front of the property, but she now appreciated the choice, as she realized the intent is to leave as many trees as possible.

Ms. Stevenson questioned why the Applicant chose to rezone to a C-3 (Heavy Commercial District) versus a C-2 (Medium Commercial District).

Mr. Robertson reminded the Commission if the rezoning is granted the Application will still require returning to Commission for Site Plan Review for whichever permitted use is requested.

Chairman Wheatley reminded the Commission once a parcel is rezoned the property could be proposed for any use permitted within the approved zoning district.

Ms. Peet stated the C-2 District is limited in regard to what can be done with storage; that C-3 Zoning allows for parking and storage and warehouse-type storage; that C-2 Zoning is more limited regarding

storage requirements and for the proposed permitted use, C-3 is more compatible than C-2 Zoning and the Applicant does understand the Application must return for Site Plan review and approval.

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

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

At the conclusion of the Public Hearing, the Commission discussed the Applications.

In relation to C/Z 1955 American Storage of Delaware, LLC. Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

Draft Minutes of the April 14, 2022 Planning & Zoning Commission Meeting

The Commission discussed the application which has been deferred since March 24, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/Z 1955 American Storage of Delaware, LLC, for a Change in Zone from AR-1 to MR based upon the record made during the public hearing and for the following reasons:

1. This application seeks a Change in Zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area that is expected to become urban in character and where central water and sewer is available.
2. Both central water and central sewer are available at this site.
3. This site is situated along Route 24 near the Route 24 and Bay Farm Road intersection. Route 24 is considered a Major Collector roadway by DelDOT. Given its location along Route 24, MR zoning is appropriate for this property.
4. The property is adjacent to a property that is zoned CR-1 and it is generally across from properties that are zoned C-1. These uses include a shopping center with a large grocery store. There are also other properties in the area being used for business or commercial uses. MR zoning is appropriate in this location where these other uses exist.
5. There is extensive GR-zoned property and there is a townhome development across Route 24 from this site. MR zoning is consistent with these nearby residential zoning districts and uses.
6. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
7. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan.
8. For all these reasons, MR zoning is appropriate for this site.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1955 American Storage of Delaware, LLC, for the reasons and conditions stated in the motion. Motion carried 4-0.

The vote by roll call: Ms. Stevenson – Yea, Mr. Hopkins – Yea, Ms. Wingate – Yea, Chairman Wheatley – Yea

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: March 24th, 2022

Application: C/Z 1955 American Storage of Delaware, LLC

Applicant: American Storage of Delaware, LLC
113 Dickinson Street
Dewey Beach, DE 19971

Owner: American Storage of Delaware, LLC
113 Dickinson Street
Dewey Beach, DE 19971

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Medium Density Residential (MR) District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 17.63 acres +/-

Tax Map ID.: (portion of) 234-29.00-49.02, 49.03 & 50.00



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 21, 2022
RE: Staff Analysis for C/Z 1955 American Storage of Delaware, LLC

This memo provides background and an analysis for the Planning Commission to consider as a part of Change of Zone No. 1955 American Storage of Delaware, LLC. This analysis has been completed for the March 24, 2022, Planning and Zoning Commission meeting, and it should be included in the record. This analysis is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zoning for a portion of Tax Parcels: 234-29.00-49.02, 49.03 and 50.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Density Residential (MR) Zoning District. The properties are located on the east side of John J. Williams Highway (Route 24) approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). The parcels comprise a total area of 17.63 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcels have a designation of "Coastal Area." The parcels to the north, east and west also have a Future Land Use Map designation of "Coastal Area." The adjacent parcels to the north and south of the subject properties also retain the Future Land Use Map designation of "Coastal Area." The properties on the opposite side of John J. Williams Highway (Route 24) are also designated as "Coastal Areas." The balance of the property to the northwest of the subject site contains the Future Land Use Map designation of "Low Density Area" with four properties on the eastern side of John J. Williams Highway (Route 24) containing a Future Land Use Map designation of "Commercial Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).



Zoning Information

The subject properties are zoned Agricultural Residential (AR-1). All surrounding properties to the south and 90 degrees due east on the opposite side of John J. Williams Highway (Route 24) are zoned Agricultural Residential (AR-1). The remaining parcels on the opposite side of John J. Williams Highway (Route 24) to the northeast are zoned General Commercial (C-1) and General Residential (GR).

Applicability to Comprehensive Plan

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Medium Density Residential (MR) Zoning District is listed as an applicable zoning district in the Coastal Area (Sussex County Comprehensive Plan, 4-25).

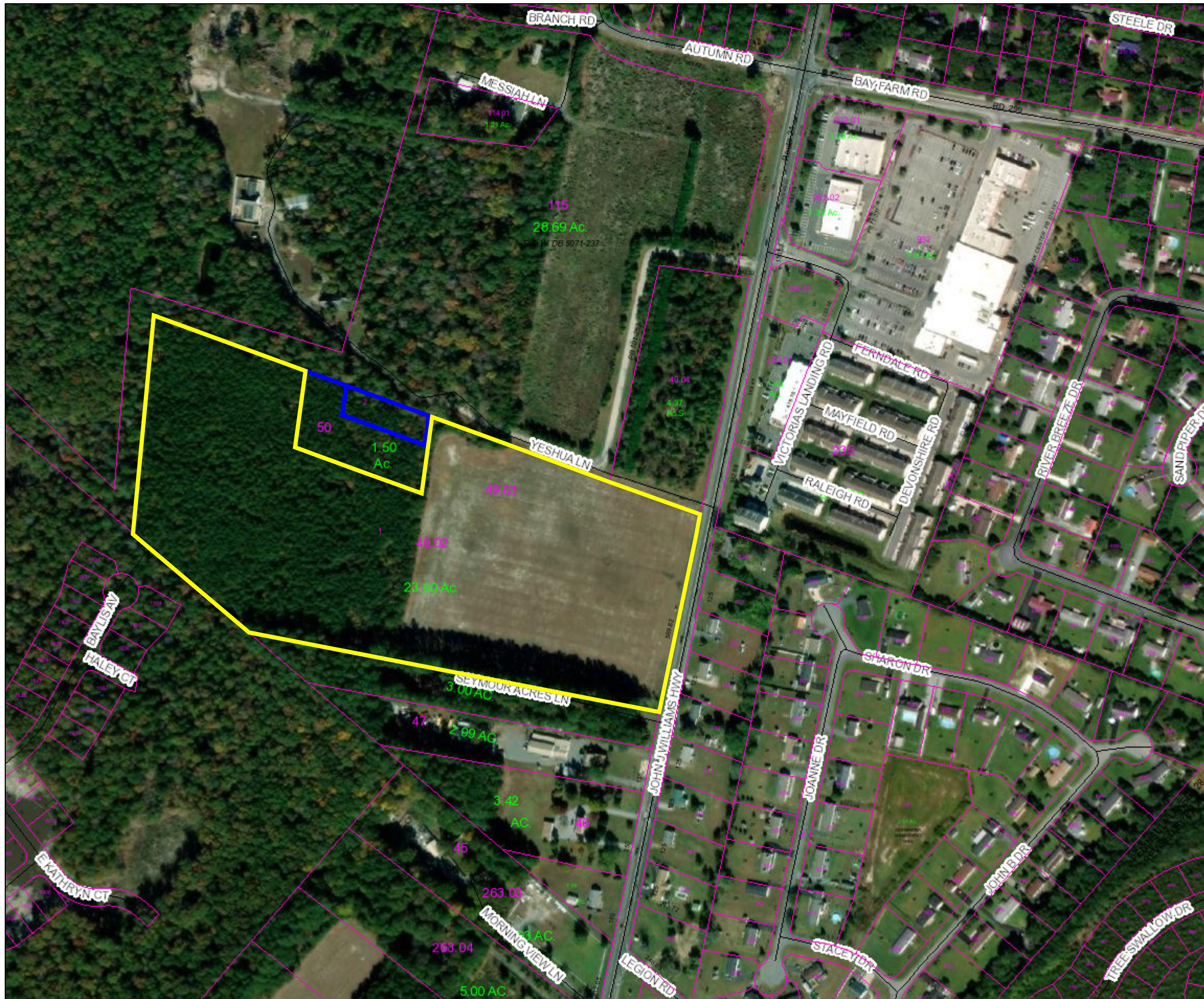
Existing Changes of Zone within the Vicinity of the Subject Site

Since 2011, there have been five (5) Change of Zone applications within a 0.25 mile radius of the application site. The first application is Change of Zone 1788 Upesh Vyas for a change of zone from an Agricultural Residential (AR-1) District to a Commercial Residential (CR-1) District which was approved by the Sussex County Council on Tuesday, September 15, 2015. This change was adopted through Ordinance No. 2427. The second application is Change of Zone 1791 Carillon Square Apartments, LLC for a change of zone from an Agricultural Residential (AR-1) District and General Commercial (C-1) District to a High Density Residential (HR-1) District which was approved by the Sussex County Council at their meeting of Tuesday, April 12, 2016. This change was adopted through Ordinance No. 2444. The third application is Change of Zone 1880 Craig Kormanik for a change of zone from an Agricultural Residential District (AR-1) to a Medium Commercial (C-2) Zoning District which was approved by the Sussex County Council on Tuesday, July 16, 2019, and adopted through Ordinance No. 2669. The fourth application is Change of Zone 1911 Schiff Land Development Co., LC (Mr. TJ Schiff) (Patriots Glen Phase 2) for a change of zone from a Medium Density Residential (MR) District and a Commercial Residential (CR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC) which was approved by the Sussex County Council on Tuesday, April 20, 2021. This change was adopted through Ordinance No. 2770. The fifth application is Change of Zone 1940 Community Bank Delaware c/o Stephen W. Spence for a change of zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District which was approved by the Sussex County Council on Tuesday, February 1, 2022. This change was adopted through Ordinance No. 2829.

Based on the analysis provided, a change from an Agricultural Residential (AR-1) Zoning District to a Medium Density Residential (MR) Zoning District could be considered as consistent with the surrounding land uses and zoning.

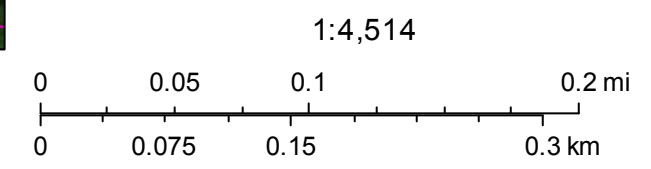


Sussex County



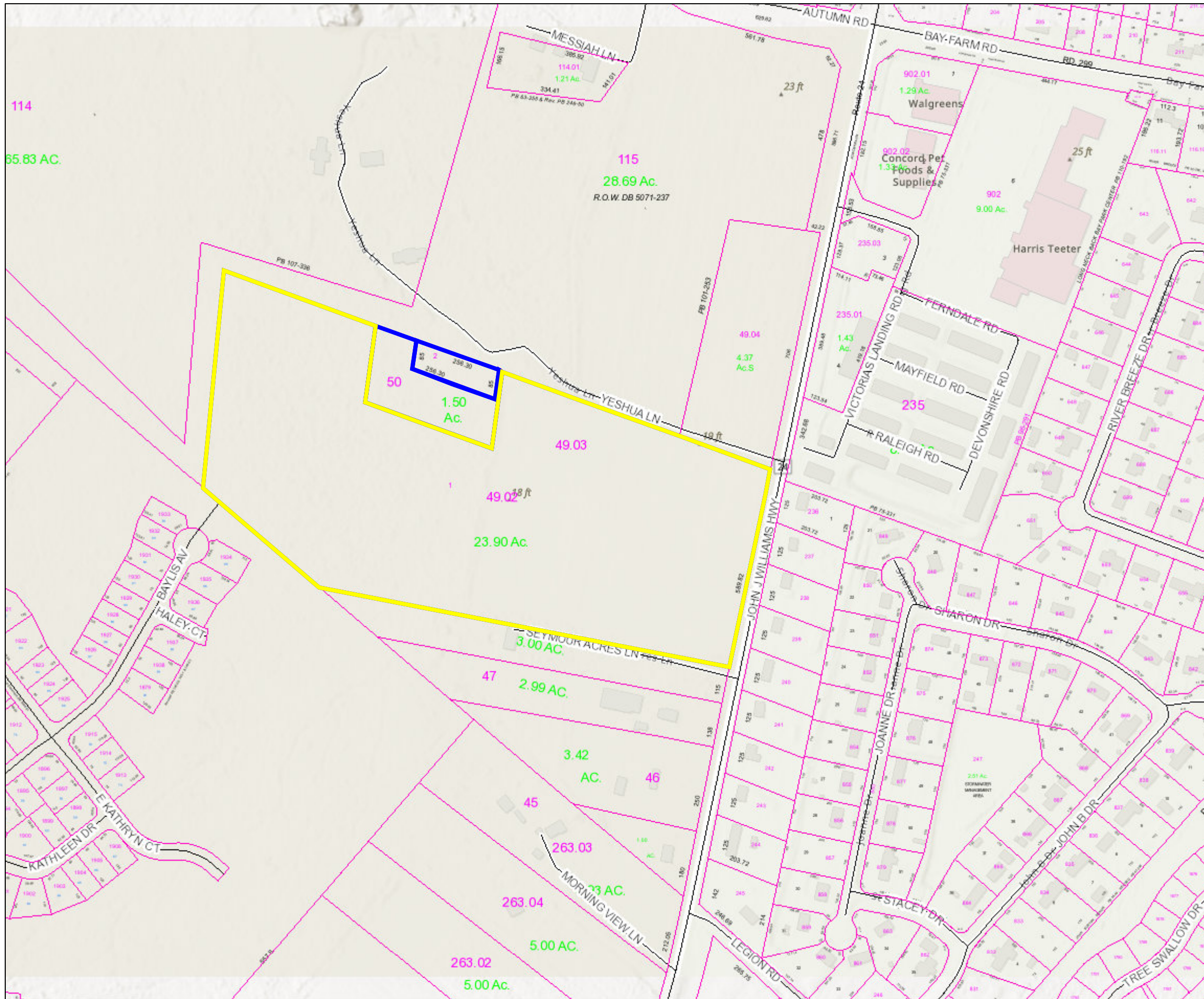
PIN:	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE 100
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	
Land Code	

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





Sussex County



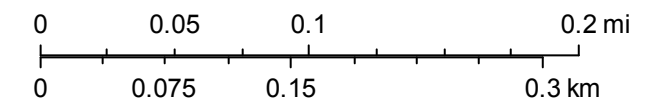
PIN:	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE 100
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

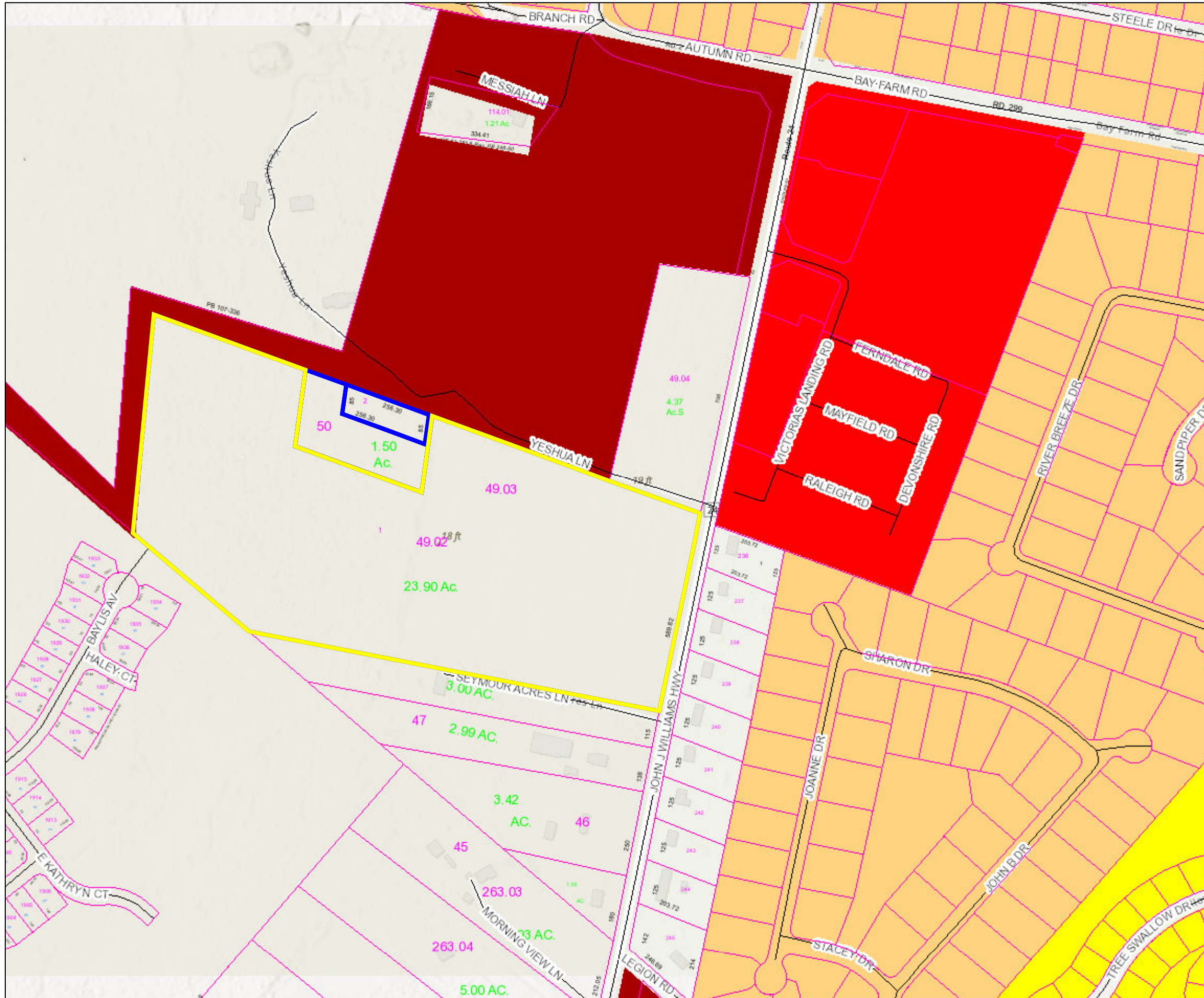
 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries

1:4,514





Sussex County



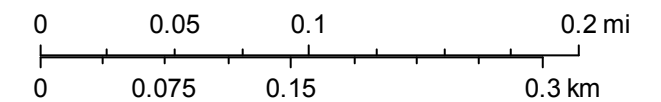
PIN:	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE 100
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



Introduced 12/07/21

Council District 4 – Hudson
Tax I.D. Nos: (portion of) 234- 29.00-49.02, 49.03 & 50.00
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 PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of September 2021, a zoning application, denominated Change of Zone No. 1955 was filed on behalf of American Storage of Delaware, LLC; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1955 be _____; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 Indian River Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299), being Parcel #2 shown on the site plan entitled, “American Storage of Delaware” prepared by Scaled Engineering and being more particularly described in the attached legal description prepared by Scaled Engineering, said parcel containing 17.63 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.