



Sussex County Council Public/Media Packet

**MEETING:
May 16, 2023**

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**Sussex County Council
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Georgetown, DE 19947
(302) 855-7743**

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

MAY 16, 2023

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes – May 9, 2023

Reading of Correspondence

Public Comments

Presentation – Patti Grimes, Executive Director, Joshua M. Freeman Foundation

President Michael H. Vincent

1. Discussion and Possible Action related to Tributes, Resolutions, & Proclamations

Todd Lawson, County Administrator

1. Advisory Committee on Aging & Adults with Physical Disabilities Appointments
2. Administrator's Report

Karen Brewington, Director of Human Resources

1. Second Quarter Employee Recognition Awards

Chris Keller, Director of Assessment

1. Amendment to Tyler Contract for Reassessment Project



Hans Medlarz, County Engineer

1. **Land Survey and Mapping Services Contract**
 - A. **Increase Approval of FY2023 Not-to-Exceed Costs**
2. **Lochwood Community Area Expansion of the Unified Sanitary Sewer District**
 - A. **Recommendation to Reject Bids and Re-Bid**
3. **South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2**
 - A. **General Construction, Project C19-11, Change Order 28**
4. **EMS Public Safety Building – Project C19-04**
 - A. **Change Order No. 25 & Close-out**

Old Business

1. **“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP ELEMENT OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-12.00-16.04” (property lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284) (911 Address: N/A) (Tax Parcel: 334-12.00-16.04)**
2. **Change of Zone No. 1949 filed on behalf of J.G. Townsend Jr. & Co.**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” (property lying on the west side of John J. Williams Highway [Route 24], approximately 0.25 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: N/A) (Tax Parcel: 334-12.00-16.04)
3. **Conditional Use No. 2304 filed on behalf of J.G. Townsend Jr. & Co.**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (84 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” (property lying on the west side of John J. Williams Highway [Route 24], approximately 0.25 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: N/A) (Tax Parcel: 334-12.00-16.04)

Grant Requests

- 1. Town of Millsboro for Police Department Computer Outfit Assistance**
- 2. Sussex County 4-H Exchange Group for their 4-H Exchange with Minnesota 4-H**
- 3. Town of Greenwood for their Downtown Revitalization project**
- 4. Milton Garden Club for New Irrigation for Downtown gardens**
- 5. Dry Dock Recovery, Inc. for their HVAC system**
- 6. Rehoboth Beach Sportsplex Group for upgrade maintenance equipment**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

Conditional Use No. 2362 filed on behalf of Delaware SiteScapes, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF HVAC SUPPLY INVENTORY AND COMPANY VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS” (property lying on the east side of Omar Road [Route 54], approximately 726 ft. southwest of Jones Road [S.C.R. 369]) (911 Address: 32414 Omar Road, Frankford) (Tax Map Parcel: 134-10.00-62.10)

Change of Zone No. 1976 filed on behalf of John H. Legg

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-1 LIMITED INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14.426 ACRES, MORE OR LESS” (property lying on the northeast side of Gravel Hill Road [Rt. 30], approximately 0.14 mile southeast of Lewes Georgetown Highway [Rt. 9]) (911 Address: 20093 Gravel Hill Road, Georgetown) (Tax Map Parcel: 135-11.00-82.00)

Change of Zone No. 1977 filed on behalf of Dare Clough, Jr. and Chelsea Clough

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.247 ACRES, MORE OR LESS” (property lying on the south side of White Deer Road [S.C.R. 508], approximately 0.54 mile east of Mount Herman Circle [S.C.R. 507]) (911 Address: 4742 White Deer Road, Delmar) (Tax Map Parcel: 532-11.00-6.18)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 9, 2023 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

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

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

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

##

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 9, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 9, 2023, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 205 23
Approve
Agenda**

Mr. Lawson recommended to remove the recognition of SCEMS Team for the 2023 JEMS Games Gold Medal under Todd Lawson, County Administrator from the Agenda. A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve the Agenda, as amended.

Motion Adopted: 5 Yeas

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

Minutes

The minutes from April 25, and May 2, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore read correspondence received from the Vikings Robotics 2022-2023 Club thanking Council for their support.

**Public
Comments**

Public comments were heard.

Mr. William Kinnick representing Delaware State Manufacturing Housing spoke about a community, Briarhook Manor in Seaford that does not have water.

Mr. Vincent thanked Mr. Kinnick for his comments and his concern. He added that it is a State problem; County staff has been in touch with people that reside in the park numerous times. It is his understanding that the

Public Comments (continued) residents are receiving bottles of water and they are able to use the water for anything other than drinking. There is a concern for the people affected and if there is anything that the County can do, they will assist.

Ms. Patricia Galu spoke about affordable housing and the need for affordable rental housing.

Recognition/ Spelling Bee & JEMS Games Mr. Zion Miller and Mr. Declan Durand, local spelling bee winners were recognized. Zion is an 8th grade student at Seaford Middle School and Declan is a 5th grade student at Love Creek Elementary School. Zion and Declan move on to complete in the 2023 Scripps National Spelling Bee in Washington, D.C. this summer. Zion won the April 24th Seaford District Library spelling bee and Declan was the winner of the April 1st Sussex County Libraries spelling bee.

Proclamation/Community Action Month A Proclamation entitled “PROCLAIMING THE MONTH OF MAY AS COMMUNITY ACTION MONTH IN SUSSEX COUNTY” was presented to Bernice Edwards from First State Community Action Agency.

FirstWatch Addendum/ Agreement Robbie Murray, Director of Emergency Services presented an addendum and agreement with FirstWatch for Council’s consideration. Mr. Murray reported that in 2005, Sussex County EOC entered into an agreement with FirstWatch Solutions, Inc. to assist with data collection and “real time” notification of agreed upon events, known as “triggers”. For many years, Director Thomas has allowed Sussex County EMS to utilize some of the FirstWatch capabilities to monitor EMS operational performance indicators. With the growth experienced in each department, the departments are unable to continue to meet their operational needs working solely through the current agreement. It was determined that it would be best for the paramedics to have their own program.

Mr. Murray stated that the majority of the cost is associated with a new program, FirstPass through FirstWatch, which can scrub all peer chart reviews and red flag charts that do not meet our predefined metrics. This would be able to be completed in real time and provide a timelier, more accurate feedback.

In addition, a partnership with ImageTrend, the patient care reporting system that is contracted through the State of Delaware is needed as well as a separate agreement with them to allow them access to that data.

M 206 23 Approve FirstWatch Addendum/ Agreement A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that be it moved that Sussex County support Director Thomas and Director Murray are authorized to execute both the proposed FirstWatch Addendum and ImageTrend agreement thus supporting FirstWatch expansion into EMS.

Motion Adopted: 5 Yeas

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

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

Blood Bank Provider Agreement Robbie Murray, Director of Emergency Services presented a healthcare provider agreement with Blood Bank of Delmarva for Council's consideration. Mr. Murray reported that the agreement is to allow the opportunity to bring whole blood to the prehospital environment. Mr. Murray discussed the importance of replacing blood with blood.

In 2020, the process was started with the initial goal to partner with Beebe Hospital. It was later found out that the partnership must be done with the Blood Bank of Delmarva due to the ways that the laws are written.

Kristen Frederick, Director of Laboratories for the Blood Bank of Delmarva stated that there is increasing evidence that support the benefits of prehospital whole blood transfusion to replace the lost volume. In order for this to be successful, the continued support of the community to donate blood is needed.

M 207 23 Approve Blood Bank Provider Agreement A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved that Sussex County Council approve the Health Care Provider Agreement between the Blood Bank of Delmarva and Sussex County allowing Sussex County EMS to deliver whole blood to patients in the field.

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/Forest Landing Annexation into SCUSSD A Public Hearing was held for Forest Landing Annexation into the Sussex County Unified Sanitary Sewer District (Ellendale Area).

John Ashman, Director of Utility Planning and Design reported that County Council granted permission to prepare and post notices for a public hearing on March 28, 2023. The Engineering Department received a request from Davis, Bowen and Friedel, Inc. on behalf of their client, OA Forest Landing, LLC the owners/developers of parcels 230-19.00-112.00 & 230-20.00-12.00 along N. Old State Road. The parcels have been annexed into the Town of Ellendale and Sussex County provides the sanitary sewer service for the town. The parcels are located in the Tier 2 Area for sewer service and will be responsible for System Connection Charges of \$6,600 per EDU based on current rates. To date, there has been no correspondence received in support or opposition.

There were no public comments.

The Public Hearing and public record were closed.

**M 208 23
Adopt
Resolution
No. R 012
23/Forest
Landing
Annexation
into
SCUSSD**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Resolution No. R 012 23 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), ELLENDALE AREA TO INCLUDE TWO PARCELS ON THE EAST SIDE OF NORTH OLD STATE ROAD LOCATED IN THE CEDAR CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

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

**Permission
to Prepare
& Post
Notices/
Warrington
Farm**

John Ashman, Director of Utility Planning and Design Review presented a request for permission to prepare and post notices for Warrington Farm Annexation into the SCUSSD (West Rehoboth Area). The Engineering Department has received a request from Davis, Bowen & Friedel, Inc. on behalf of their client J.G. Townsend Jr. & Co. the owners/developers of parcel 334-12.00-123.01 off Old Landing Road. The project is a by-right subdivision. The project will be responsible for System Connection charges of \$6,600 per EDU based on current rates.

**M 209 23
Approve
Permission
to Prepare
& Post
Notices/
Warrington
Farm**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved by Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Warrington Farm Expansion of the Sussex County Unified Sanitary Sewer District to include parcel 334-12.00-123.01 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**

**Presentation
/Sussex
County
Land Trust**

Mr. Mark Chura, Executive Director of the Sussex County Land Trust provided Council with an update and presentation. Ms. Heidi Gilmore and Mr. Russ McCabe, members of the Sussex County Land Trust board were also present. Mr. Connor Nally assisted with the presentation.

Mr. Chura discussed recent fundraisers that have been completed by the Land Trust. The total funding for the Land Trust is almost at \$4 million over the last few years. This includes individual donations (\$1,647,000), business donations (\$799,500), non-profit (\$401,000) and public section funding (State of Delaware 2021-2022: \$860,000 and Department of the Navy 2022: \$536,000).

Mr. Chura shared pictures of the Master Plan and Phases for Hudson Park.

**Presentation
/Sussex
County
Land Trust
(continued)**

Phase 1 for Hudson Park is planned to start in the Spring of 2023 which includes:

- **DelDOT entrance**
- **Gravel parking lot**
- **Pergola**
- **Sidewalk leading to trail**
- **Trail connection**
- **Stormwater management pond**
- **Landscape berm**
- **Reforestation (4.5 acres)**

Phase 2 for Hudson Park is planned to start in the Summer of 2024 which includes:

- **Second gravel parking lot**
- **Water infrastructure for bath house**
- **Parking bumpers**
- **Site sidewalk**

Phase 3 for Hudson Park is planned to start in 2025 which includes:

- **Paving the entire parking area**
- **Landscaping work**
- **Bath house**
- **Potential playground**

Mr. Chura then discussed and shared pictures of Nanticoke Crossing Park. The property will undergo a revision to the Master Plan over the next year. Once completed, a full development budget will be produced. Summer activities will include implementing safety and security measures as well as tree canopy work and meadow restoration. Reforestation, funded by the SCLT and Department of Agriculture Grants, will occur in 2024.

Mr. Chura shared information about Ickford Park, located off Atlanta Road in Seaford. Currently, the Litchford House which has been moved is undergoing restoration to restore the home back to its early 1900's state. It has undergone exterior and interior demolition and exterior rehabilitation has started on the property. Mechanical and electrical work is underway with an expected completion date of May 2023. For the Cannon-Maston house, architectural completion drawings have been completed for the first phase of construction. The Historical Tax Credit process has also begun, which will reimburse construction costs for the historical renovation.

Mr. Chura reviewed the Master Plan and Site Plan for Hopkins Preserve. The Hopkins Preserve Public Access Construction phases were then discussed. Phase 1 includes an entrance, sidewalk, grading, public road multi-use trail, parking lot, sidewalk, and trails (multi-use and pedestrian)

**Presentation
/Sussex
County
Land Trust
(continued)**

between Rail trail and parking area, plantings and reforestation. The timeline for Phase 1 is Fall 2023 – Fall 2024 with an estimated cost of \$1,132,000. Phase 2 consists of completion of trails (multi-use and pedestrian) within the preserve, plantings and reforestation, installation of signage and trail amenities. The timelines for Phase 2 is Fall 2024 – Spring 2025 with an estimated cost of \$398,000. Phase 3 consists of construction of plantings and reforestation and completion of trail amenities. The timeline for Phase 3 is Summer 2025 with an estimated cost of \$95,000.

Mr. Chura reported on Proposed Acquisitions that included Forest of the Broadkill Preserve and the Wright Property. The Forest of Broadkill Preserve will be comprised of three properties that total 292 acres. The property borders the Ingram Branch, and the property contains mature forest, cultural resources, and habitat for sensitive species. This property lends itself to habitat rehabilitation and creation. The project is adjacent to Shingle Point and Gravel Hill Roads and is located less than 4 miles from downtown Milton. Mr. Chura shared site aerials and photos of the property. The acquisition timeline for the property was discussed. The Coffin properties have an executed Purchase Agreement with a purchase price of \$1,500,000 with \$25,000 in earnest money with a closing tentatively set for late May 2023. The Speakman property (Tax Parcel 235-25.00-9.00) with a purchase price of \$350,000 has a closing date set for November 10, 2023. Mr. Chura reported that the County would be the owner of the property, SCLT will hold a conservation easement on the property and be responsible for development of public access and ongoing maintenance. The vision for the project is to first restore the native ecosystem through reforestation and habitat creation. Additionally, the SCLT proposes to create a trail system throughout the property for public use. A parking lot would be built by the entrance for access to the property.

Mr. Chura shared photos of the Wright Property, an 11-acre assemblage of three wooded parcels along the Nanticoke River. The purchase price for this property is \$460,000. The Nanticoke Conservancy will hold the conservation easement and be responsible for long-term maintenance.

Mr. Chura thanked the County Council for their partnership.

Mr. Rieley commended the SCLT board members for the progress that has been made. Mr. Vincent thanked everyone for their work on open space conservation.

**Adminis-
trator's
Report**

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

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet May 15th at 10:00 a.m. at

**Adminis-
trator’s
Report
(continued)**

the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Hailey’s Glen – Pump Station received Substantial Completion April 28th.

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

**Old
Business/
Ord. No.
22-07**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01” (properties located on the south side of Lewes Georgetown Highway [Route 9], approximately 0.4-mile east of the intersection of Sand Hill Road [S.C.R. 319] and Lewes Georgetown Highway) (911 Address: 22242 Lewes Georgetown Highway, Georgetown) (Tax Parcels: 135-15.00-98.00 & 98.01)

The County Council held a Public Hearing on the Proposed Ordinance on February 28, 2023. At the conclusion of the meeting, the Council deferred action on the application, holding the record open to receive PLUS comments from the State of Delaware and to receive those comments and announce them and hold the record open for 10 business days following the announcement.

Mr. Whitehouse confirmed that it was taken through the PLUS review process in March. The written PLUS comments were received on April 20th; the State has raised no objection to the change of the Future Land Use Map.

**M 210 23
Defer
Action/Ord.
No. 22-07**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01” and leave the record for 10 business days to allow the public to comment on the PLUS comments that were received.

Motion Adopted: 5 Yeas

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

**Old
Business/
CU2369**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL

**Old
Business/
CU2369
(continued)**

RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 50.80 ACRES, MORE OR LESS” (properties are located on the south side of Lewes Georgetown Highway [Route 9], approximately 0.4-mile east of the intersection of Sand Hill Road [S.C.R. 319] and Lewes Georgetown Highway) (911 Address: 22242 Lewes Georgetown Highway, Georgetown) (Tax Parcels: 135-15.00-98.00 & 98.01) filed on behalf of Leeward Chase DE, LLC

The County Council held a Public Hearing on the Proposed Ordinance on February 28, 2023. At the conclusion of the meeting, the Council closed the record due to this being associated with Ordinance No. 22-07.

**M 211 23
Defer
Action/
CU2369**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 50.80 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**

**Grant
Requests**

Mrs. Jennings presented a grant request for Council’s consideration.

**M 212 23
Coastal
Concerts,
Inc.**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mrs. Green’s Councilmanic Grant Account) to Coastal Concerts, Inc. for their 2023-24 Season Scholarship.

Motion Adopted: 5 Yeas

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

**M 213 23
Prime Hook
National
Wildlife
Refuge Inc.**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$2,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account and \$1,000 from Mrs. Green’s Councilmanic Grant) to Friends of Prime Hook National Wildlife Refuge Inc. for their Friends of Prime Hook NWR Educational Programs.

Motion Adopted: 5 Yeas

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

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

M 214 23 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give
Town of** **\$3,000 (\$3,000 from Mr. Hudson’s Councilmanic Grant Account) to the
Dagsboro** **Town of Dagsboro for their Mark-A-Hydrant program.**

Motion Adopted: 5 Yeas

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

M 215 23 **A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give
Milton** **\$2,000 (\$2,000 from Mrs. Green’s Councilmanic Grant Account) to Milton
Garden** **Garden Club for a new irrigation system for the downtown gardens.
Club**

Motion Adopted: 5 Yeas

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

Introduction **Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE
of Proposed** **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
Ordinances** **AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT AND RV
STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,
CONTAINING 7.95 ACRES, MORE OR LESS” filed on behalf of James K.
Powell**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL
OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN GEOERGETOWN HUNDRED, SUSSEX COUNTY,
CONTAINING 0.459 ACRE, MORE OR LESS” filed on behalf of Marco
Morales**

The Proposed Ordinances will be advertised for Public Hearings.

**Council
Member
Comments**

There were no Council member comments.

M 216 23
Go Into
Executive
Session

**At 11:07 a.m., a Motion was made by Mr. Hudson, seconded by Mr.
Schaeffer to recess the Regular Session, and go into Executive Session to
discuss maters relating to land acquisition and pending/potential
litigation.**

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 11:15 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to land acquisition and pending/potential litigation. The Executive Session concluded at 11:32 a.m.

M 217 23 Reconvene At 11:37 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to come out of Executive Session and reconvene the 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

E/S Action There was no action relating to Executive Session matters.

M 218 23 Recess At 11:37 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas

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

M 219 23 Reconvene At 1:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to reconvene.

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 rules and procedures for public hearings.

**Public Hearing/
CU2420** A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL AND A C-1 GENERAL COMMERCIAL DISTRICT FOR AUTO-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRE, MORE OR LESS” (property lying on the west side of Daniels Road [S.C.R. 215A],

**Public
Hearing/
CU2420
(continued)**

approximately 480 ft. south of Coastal Highway [Rt. 1]) (911 Address: 9242 Daniels Road, Lincoln) (Tax Map Parcel: 230-15.00-3.00) filed on behalf of Vance Daniels

The Planning & Zoning Commission held a Public Hearing on the application on March 9, 2023. At the meeting of April 20, 2023, the Planning & Zoning Commission recommended approval of the Application for the 4 reasons stated and subject to the 8 recommended conditions as outlined.

(See the minutes of the Planning & Zoning Commission dated March 9, and April 20, 2023.)

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

The Council found that Mr. Vance Daniels spoke on behalf of his Application. Mr. Daniels stated that he would like to continue what he has been doing on the property for 38 years; that he has an autobody shop; that there is no salvage yard on the property; that the picture of his property was old; that most of the vehicles shown have been moved; that Mr. Whitehouse stated that the picture was taken on March 5, 2023; that most of the vehicles are gone; that the work takes place inside of a building; that all body work, hammering, painting etc. takes place inside; that he is aware of the conditions set by the Planning and Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 220 23
Adopt
Ordinance
No. 2921/
CU2420**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to Adopt Ordinance No. 2921 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL AND A C-1 GENERAL COMMERCIAL DISTRICT FOR AUTO-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRE, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. This property has two zoning classifications. The front of the property is zoned C-1 General Commercial, and the Applicant has operated an auto body shop on this portion of the property for years. The rear of the property is zoned GR-General Residential. The Applicant assumed the entire parcel was uniformly zoned as C-1.**
- 2. The Applicant has been storing automobiles on the rear GR-zoned portion of the site to some degree for years as part of his auto-body business. Recently, he has been storing more cars in the area for other people with the belief that they will be repaired and sold or moved off the property. There has been a significant increase in cars**

**M 220 23
Adopt
Ordinance
No. 2921/
CU2420
(continued)**

- stored on the site recently. The Applicant stated that not all these cars are owned by him or associated with his business.
3. This Conditional Use is appropriate with conditions to allow the reasonable use of the entire property for a limited number of cars that are associated with the Applicant's auto body business. It is not appropriate for this site to become a location for other people to park or store cars, or to become a junkyard.
 4. Based upon the ongoing use of the property and the limitations proposed by this recommendation, it will not have an adverse impact on neighboring properties or roadways.
 5. This recommendation is subject to the following conditions:
 - A. There shall be no more than twenty (20) vehicles on the GR zoned portion of the site at any point in time.
 - B. No junked or unregistered vehicles shall be stored on the site.
 - C. The Final Site Plan shall show all areas set aside for the parking of vehicles on the site, and these areas shall be clearly marked on the site itself.
 - D. No vehicle shall remain on the GR-zoned portion of the site for more than ten (10) months.
 - E. The only vehicles stored on the site shall be those that are actively being worked on by the Applicant as part of his business, or those that are schedule to be worked on as part of the Applicant's business.
 - F. No vehicles that are owned by the parties other than the Applicant shall be left on the site for storage.
 - G. No motor vehicle sales shall occur on the site.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

**M 221 23
Adjourn**

A Motion was made by Mr. Hudson, seconded by Mrs. Green to adjourn at 1:40 p.m.

Motion Adopted: 5 Yeas

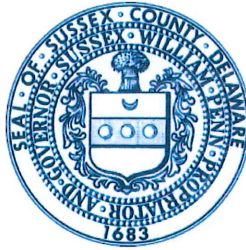
**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

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

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


TODD F. LAWSON
COUNTY ADMINISTRATOR
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tlawson@sussexcountyyde.gov



Sussex County
DELAWARE
sussexcountyyde.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator 

RE: **COUNTY COUNCIL DISCUSSION ON TRIBUTES, RESOLUTIONS,
AND PROCLAMATIONS**

DATE: May 12, 2022

During Tuesday's meeting, Council is scheduled to continue its discussion related to tributes, resolutions, and proclamations. Recall, this discussion was brought forth by President Vincent at a previous County Council meeting and he requested more time to research the topic and develop recommendations on the same.

It is helpful to provide some background related to the documents of recognition issued by the County Council. The three forms of documents include Resolutions, Proclamations and Tributes. By Code, Resolutions are akin to Ordinance and require review and approval by a vote of the County Council. Unlike Ordinances, Resolutions do not require a public hearing. Alternatively, Proclamations and Tributes are often issued by the Council in recognition of exemplary services or a momentous occasion. Proclamations and Tributes do not trigger Council review and approval, however, rarely is the entire Council aware of the issuance of a Proclamation and Tribute.

In an effort to establish a set of standards and process for the issuance of all the documents of recognition the Council issues, a new policy has been drafted by staff and our legal team, see attached.

The policy establishes the criteria for Proclamations, Tributes, and Memoriams and the process for their issuance. The policy introduces a tier system that reflects the magnitude and importance of each form of document recognition.



Tier 1 is reserved for Proclamations for high public recognition of extraordinary events. Proclamations will be issued by the County Council and approved during a Council meeting.

Tier 2 is reserved for Tributes for noteworthy events. Tributes will be a certificate-style document issued by the County with the official Seal and signed by the individual Council member. Tributes do not require County Council approval. Staff will process Tributes for Council members upon request. An example of the new Tribute Template is attached for your review. In addition, Memoriams honoring the deceased will be considered a Tier 2 document and issued upon request. Memoriams will utilize the document form the Council has historically used for these occasions.

Tier 3 is a new style of recognition that comes in the form of a congratulatory letter drafted by each Council member. A district-specific cardstock stationary will be issued to each member for their sole discretion of use.

As the County Council finalizes this new policy, the Rules of Procedure will need to be updated to reference the policy and its enforcement. In addition, the Consent Agenda section of the Rules will need to be updated to allow for the approval of future Proclamations under that agenda section. The proposed edits to the Rules of Procedure are also attached.

Upon review, please let me know if you have any questions or please discuss this matter with President Vincent.

Sussex County Council

Policy for the Issuance of Proclamations | Tributes | Memoriams

May 2023

-DRAFT-

From time to time, individuals, organizations, and events rise to the level of deserving special public recognition for their contributions and importance to the community. Sussex County Council wishes to honor such worthy citizens and groups with accolades that are formally memorialized.

In doing so, County Council shall utilize a three-tiered criteria for issuing honorary documents of public recognition.

I. DOCUMENT CRITERIA

Tier 1 – Proclamation – A rare issuance, these documents are reserved for those individuals, organizations, or other entities that represent an exceptional example of citizenship, leadership, prominence, and value within Sussex County, and for whom their service and/or contributions to Sussex County is worthy of high public recognition. To be considered, recipients shall have accomplished a ‘great feat’ that is extraordinary; events or causes, meantime, shall be wide-reaching and must contribute to the health, safety, and general welfare of Sussex Countians.

Examples include:

- State title championships for local schools’ sports teams;
- The retirement of long-serving elected or appointed public officials within Sussex County and/or the State of Delaware;
- Recognition of bona fide public advocacy initiatives (e.g. fair housing, cancer screening, public libraries/literacy campaigns, etc.);
- Milestone anniversary celebrations (50th, 75th, 100th) for local civic/public service organizations; and
- Any other individual or occasion deemed worthy of high praise.

Tier 2 – Tribute – A more narrowed, simplified recognition, tributes are appropriate for those individuals, organizations, or other entities that have achieved some noteworthy significance. These ‘fill-in-the-blanks’ documents, which can be generated by individual members of Council and issued on a generalized ‘certificate-style’ template (bearing the name Sussex County and the County seal), shall represent the majority of honorary recognitions issued by individual members of the County Council.

Examples include:

- Award recipients, birthday/wedding anniversary milestones (50th, 75th, 100th), community celebrations/events; and
- Any other individual or occasion deemed worthy of similar commemoration.

Tier 2 – Memoriam – In Memoriam’ tributes, otherwise known as memoriams, are a specialized honor that is more elaborate, tailored to summarize a decedent’s life story, and are issued to the family in recognition of their loved one’s contribution/significance to the community. Memoriams are limited to those individuals who had achieved in life some level of significant prominence within Sussex County and/or the State of Delaware, either in business, education, social, government, or some other arena of service to the public, and contributed to the betterment of life for their fellow residents and neighbors.

Tier 3 – Congratulatory letter – Issued by individual County Council members, a hand-written letter of congratulations or recognition – on district-specific cardstock stationary – shall be available to and utilized at the discretion of any member of Council for those individuals, groups, causes, events, etc., that do not otherwise rise to the level of receiving a proclamation or simplified tribute. Such letters do not require Council consideration or approval, and are issued by and at the sole discretion of any sitting member of Council, though the County government will cover the costs of materials and postage.

II. DOCUMENT ISSUANCE

A. Proclamations

Any proclamation request, whether from a member of the public or by a member of Sussex County Council, must be submitted to the Clerk of the Council for the County Administrator’s review and consideration to be placed on a future meeting agenda, and requires approval, by way of consent agenda in open session, by a majority quorum of the elected body. For record keeping purposes, the Clerk of the Council shall maintain a ledger of all proclamations, with a specific numerical identifier and logged sequentially, as well as copies of each proclamation approved and issued by the Sussex County Council. Proclamations, at the very least, shall be signed by the President of County Council, the requesting member(s), and the Clerk of the County Council.

B. Tributes

Tributes can be issued individually and independently by members of the County Council, with review and production assistance provided by staff, as warranted. Tributes do not require consideration and approval of the full County Council.

C. Memoriams

Memoriams must be submitted to the Clerk of the Council for the County Administrator's and/or the Council presiding officer's review and approval. Similar to proclamations, memoriams shall be printed on parchment paper bearing the Sussex County Council name and County seal. For record-keeping purposes, the Clerk of the Council shall maintain a ledger of all memoriams, with a specific numerical identifier and logged sequentially, as well as copies of each memoriam issued by the County government. Memoriams do not require consideration and approval of a majority quorum of the County Council. However, at the very least, all memoriams shall be signed by the President of County Council, the requesting member(s), and the Clerk of the County Council.

III. DOCUMENT GUIDELINES

For any Sussex County proclamations/tributes/memoriams, the following guidelines shall apply:

- All requests for proclamations/tributes/memoriams will be reviewed on a case-by-case basis;
- The County reserves the right to decline any request;
- Proclamations/tributes/memoriams shall serve as public service documents only, and are strictly honorary. They are not legally binding, and do not constitute an endorsement by Sussex County;
- External requests for a County proclamation should be made in a timely manner, and require at least five (5) business days in advance of being presented; external requests for memoriams should be made in a timely manner, no later than three (3) days before presentation to the family of the decedent (typically the day of funeral or other memorial service).
- Those requesting a proclamation/tribute/memoriam shall provide all necessary information, as well as draft language, at the time of making such request; such content may be edited or rewritten at the County's discretion. Meantime, Council members requesting a proclamation/memoriam should provide, at minimum, contact information, a brief summary of the individual or group to be recognized, and a general overview of the reason for the document's issuance;
- Proclamations/tributes/memoriams are issued only for Delaware (specifically Sussex County) citizens, businesses or organizations, unless otherwise authorized by the County Council President and/or County Administrator;
- No proclamations may be used as part of an advertisement or commercial promotion without express permission from Sussex County government.

#

Sussex



County

RULES OF PROCEDURE OF THE COUNTY COUNCIL
OF SUSSEX COUNTY, DELAWARE

These rules shall govern the procedure of the County Council of Sussex County, Delaware.

Definitions

“Agenda” includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefore.

“County” means Sussex County, Delaware, unless otherwise specified.

“County Council” means the Sussex County Council of Sussex County, Delaware.

“Meeting” means the formal or informal gathering of a quorum of the members of the Sussex County Council for the purpose of discussion or taking action on public business.

“President” means the president of the Sussex County Council.

“Presiding Officer” means the President of the Sussex County Council, or such other person who presides over the meetings of the Sussex County Council, pursuant to the Rules of the Sussex County Council.

“Public business” means any matter over which the Sussex County Council has supervision, control, jurisdiction or advisory power.

“Public record” is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the Sussex County Council, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Records not deemed public under 29 Del. C. §10002 (d) are not deemed public under the Rules of the Sussex County Council.



Rule 1 – Order of Business

1.1 The order of business at each regular meeting of the County Council shall be as follows:

**Invocation
Pledge of Allegiance
Call to Order
Amendments to Agenda
Adoption of Agenda
Approval of Minutes
Reading of Correspondence
Public Comments
Report of County Administrator
Reports of County Departments
Public Hearings
Introduction of Ordinances
Council Members' Comments
Recess
Additional Public Hearings
Adjournment**

1.2 The order of business can be altered at any duly constituted meeting by an affirmative vote of a majority of all the members of the County Council. The privilege of the floor may be granted to the public at any time by the presiding officer.

1.3 During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments.

1.4 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of a majority of all of the members of the County Council. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.

Rule 2 – Meetings of the County Council

2.1 Regular meetings shall be held in the Sussex County Administration Building or such other location as designated by majority vote of all the members of the County Council.

2.2 Regular business meetings shall convene on Tuesdays.

- 2.3** Special meetings may be held in any public location in Sussex County, provided that 24 hours advance public notice is given. The notice shall include an explanation as to why the notice required by Rule 3 could not be given.
- 2.4** Special meetings may be held at the call of the President or by a majority of all of the members of the County Council, and shall convene at a time and place determined to be appropriate by a majority of all of the members of the County Council.
- 2.5** Emergency meetings may be called without notice to address any emergency regarding the immediate preservation of the public peace, health or safety.
- 2.6** Except for executive sessions, all meetings shall be open to the public.
- 2.7** On the affirmative vote of a majority of all of the members of the County Council present at any duly constituted meeting, an executive session may be held and closed to the public for any of the purposes set forth in the Title 29, Chapter 100 of the Delaware Code.
- 2.8** A vote to hold an executive session must be taken at a public meeting prior to the executive session, and the purpose for the executive session shall be announced publicly. The results of the vote shall be made public and shall be recorded in the minutes.
- 2.9** Discussions in executive session shall be limited to the purposes for which an executive session was called.
- 2.10** Minutes of all meetings, including executive sessions, shall be kept and made available for public inspection and copying. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the County Council, of each vote taken and each action agreed upon. Such minutes, or portions thereof, relating to executive sessions, may be withheld from public disclosure in those cases where such disclosure would defeat the lawful purpose of the executive session, but no longer.

Rule 3 – Posting of Meeting Notices

- 3.1** Public notices of all meetings shall be posted on the public bulletin board located in the Sussex County Council Administrative Office, except as noted in 3.4 below.
- 3.2** Notices of regular meetings and of the intent to hold an executive session closed to the public shall be posted at least 7 days in advance thereof.
- 3.3** Notices of special or rescheduled meetings shall be posted at least 24 hours in advance thereof.

- 3.4 Public notice is not required for any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.
- 3.5 Meeting notices shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings. However, the agenda shall be subject to change to include items which arise at the time of the County Council's meeting, or to delete items, including executive sessions. A reasonable number of copies of meeting agenda shall be available to the public.
- 3.6 When the agenda is not available at the time of the initial posting of the public meeting notice, it shall be added to the notice at least 6 hours in advance of said meeting. The reasons for the delay in posting shall be briefly set forth on the agenda.

Rule 4 – Agenda

- 4.1 The agenda for regular and special County Council meeting shall be available to the members of the County Council at least one day prior to the scheduled meeting.
- 4.2 The County Administrator shall be responsible for the preparation and contents of the agenda. Any member of the County Council may place items on the agenda by contacting the County Administrator, either verbally or in writing, prior to the posting of the agenda. Any other person may request to have items placed on the County Council agenda by notifying the County Administrator, in writing, prior to the close of business on the Tuesday prior to the Tuesday County Council meeting; provided, however, that items requested to be placed on the agenda that are not, in the opinion of the County Administrator, of County Council jurisdiction will not be placed on the posted agenda. Those items that do not qualify as County Council business will be responded to by the County Administrator and copied to the members of the County Council.
- 4.3 During a meeting, items which arise at the time of the County Council's meeting may be added to the agenda, and items may be deleted from the agenda, by a majority vote of all of the members of the County Council.

Rule 4A. – Consent Agenda

- 4A.1 The County Administrator or any member of the County Council may propose ~~items only Wastewater Agreements~~ to be considered on an agenda for the inclusion on a Consent Agenda. The Consent Agenda shall list the matters so included and a brief description of each.
- 4A.2 An item may be removed from a Consent Agenda if any member of the County Council requests that it be given separate individual consideration. If an item is removed from the Consent Agenda, it shall be considered as a separate item under the appropriate section of that meeting's agenda.

4A.3 All items on a Consent Agenda shall be read and voted on as a single group.

Rule 5 – Attendance of Members of the County Council at Meetings; Quorums

- 5.1 No members of the County Council shall be absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the County Council shall be responsible for notifying one of the following: the President, the County Administrator, another County Council member, or a staff member of the County Council.**
- 5.2 The presence of no less than three (3) members of the County Council shall constitute a quorum.**
- 5.3 When a quorum is not present at any properly called meeting, the members of the County Council present may adjourn.**
- 5.4 If no members of the County Council are present, the Clerk of the County Council may adjourn the meeting.**
- 5.5 Three (3) affirmative votes shall be required to pass any motion, unless otherwise provided herein or provided by law.**
- 5.6 A matter to be voted on may be placed on the table with three (3) affirmative votes. However, an ordinance for a change of zone or a conditional use may be placed on the table by the County Council member representing the district in which the application is located for a period of up to forty-five (45) days, without the need for three (3) affirmative votes.**

Rule 6 – Roll Calls

- 6.1 On each motion duly made and seconded, the presiding officer shall call the roll or determine the vote in some other manner, and announce the results.**
- 6.2 A written record shall be made by the Clerk of the vote by each member of the County Council on each vote taken. Said record shall also reflect the number of “aye” votes, the number of “nay” votes, and the number of “abstaining” votes.**

Rule 7 – Record Keeping

- 7.1 A file shall be kept in the Office of the Clerk of the County Council of all County Council business meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.**

Rule 8 – Minutes of Sussex County Council Meetings

- 8.1** Minutes shall be taken of each meeting of the County Council, and shall reflect the following:
- a.** Kind of meeting.
 - b.** Date and place of meeting.
 - c.** Name of the presiding officer.
 - d.** Members of County Council present.
 - e.** Whether the minutes of the previous meeting were approved.
 - f.** The proceedings of the County Council, briefly and accurately stated, including titles of ordinances and titles of resolutions considered. The minutes shall record what was done rather than what was said. However, a member of the County Council may request that a statement or written material be attached to the minutes and made a part thereof.
 - g.** All motions voted upon and the results of said motions.
 - h.** Names of members of County Council making motions and those making secondary motions.
 - i.** A record by individual members of County Council, of each vote taken and action agreed upon.
 - j.** Time of convention and adjournment.
- 8.2** Minutes shall be taken, prepared and presented by the Clerk of the County Council in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the County Council. Copies of the approved minutes shall be made available to the general public.
- 8.3** Recordings will be made of all public County Council business meetings at which County business is transacted. The recordings shall be under the custody of the Clerk of the County Council and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

Rule 9 – Records

- 9.1** The approved minutes of each public meeting, together with a copy of each ordinance or resolution introduced at the meeting which is not set forth in full in the minutes thereof and a copy of each communication presented at the meeting, shall be kept in the office of the Clerk of the County Council and shall be made available for inspection by the public.

Rule 10 – Ordinances in General

- 10.1** Any member of the County Council may request a staff member or a County Council retained consultant or the County Attorney to draft an ordinance for introduction. The proposed ordinance shall be drafted pursuant to the requirements of 9 Del. C. § 7002. The member shall notify all members of the County Council at the time the request is made. Upon drafting of the proposed ordinance, it shall be placed on the agenda for discussion and possible introduction.
- 10.2** In accordance with 9 Del. C. § 7002, a proposed ordinance drafted pursuant to Rule 10.1 above, may be introduced in writing by any member of County Council at any duly constituted meeting.
- 10.3** The proposed ordinance shall contain no more than one subject, which shall be stated in its title.
- 10.4** When a proposed ordinance is introduced, the Clerk of the County Council shall:
- a.** Assign an Introduction Number to the proposed ordinance;
 - b.** Distribute a copy of the proposed ordinance to each elected County official;
 - c.** Comply with all public advertisement requirements as mandated by applicable law;
- 10.5** The President or other presiding officer, or his or her designee, shall designate a date, time, and place for the public hearing for a proposed ordinance.
- 10.6** Following the public hearing, the County Council may:
- a.** Adopt the ordinance as introduced;
 - b.** Adopt the ordinance with amendments;
 - c.** Place the ordinance on the table, prior to voting; or
 - d.** Reject the ordinance.
- 10.7** If the ordinance is amended in any substantial manner not included in the title of the ordinance, the amended portion thereof shall be introduced by the procedures set forth in Rules 10.2 – 10.6.
- 10.8** Upon the adoption of an ordinance, the Clerk of the County Council shall assign a permanent number to the ordinance and publish the title of the ordinance, with notice of its adoption.

- 10.9** Unless the effective date is included in the body of the ordinance, the ordinance shall become effective upon adoption.

Rule 10A – Change of Zone and Conditional Use Ordinances

- 10A.1** In the event the Planning and Zoning Commission has not provided its recommendation report to the County Council prior to the County Council’s hearing on a change of zone or conditional use application, the County Council shall accept and consider written comments only from the public on the Planning and Zoning Commission’s recommendations to the County Council for a period of 5 calendar days following the Planning and Zoning Commission’s issuance of its recommendations. This does not preclude the County Council from requesting additional information as otherwise permitted.
- 10A.2** The Rules of Procedure for County Council Zoning Hearings, as approved by the County Council, shall be announced prior to the commencement of the zoning hearings.
- 10A.3** Following the placement of an ordinance for a change of zone or a conditional use on the table, the matter shall be placed on the agenda again only by the County Council member representing the district in which the application is located. If an ordinance for a change of zone or a conditional use is not placed on the agenda and acted upon within forty-five (45) days of the County Council’s public hearing on the application, the matter may be placed on the agenda by the President.
- 10A.4** If the applicant for a change of zone or conditional use fails to appear at the County Council hearing, the County Council shall deny the application for lack of a record. The applicant may submit a petition for reconsideration within fifteen (15) days and demonstrate the failure to appear was beyond the applicant’s control.

Rule 11 – Resolutions

- 11.1** All resolutions shall be in writing and submitted to the members of the County Council prior to consideration by the Sussex County Council.
- 11.2** Any member of the County Council may request that a resolution be placed on the County Council agenda by submission of the resolution to the County Administrator, in accordance with Rule 4.
- 11.3** No resolution shall contain more than one subject which shall be clearly expressed in its title.
- 11.4** Each resolution shall bear a title which shall clearly express its subject matter. At the time of its consideration and prior to a motion for its adoption, a resolution may be read by title only.

- 11.5 A resolution may be amended without resubmission unless such resubmission is desired by a majority of all of the members of County Council.

Rule 11A – Proclamations, Tributes, and Memoriams

- 11A.1 All requests for Sussex County proclamations, tributes, and memoriams recognizing exemplary occasions or persons shall be issued in accordance with the County Council Policy for the Issuance of Proclamations, Tributes, and Memoriams.**

Rule 12 – Conduct During Meetings

- 12.1 When a member of County Council desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of County Council who is the first to address the presiding officer.
- 12.2 No member of the County Council shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.
- 12.3 If any member of County Council, in speaking or otherwise, transgresses the Rules of the County Council, the presiding officer shall, or any member of County Council may call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.
- 12.4 A member of County Council may not, directly or indirectly, by any form of words or conduct, impute to another member any conduct or motive unworthy or unbecoming a member. Provided, however, that this shall not apply to a complaint or request for an advisory opinion made to the State Public Integrity Commission as permitted under Title 29, Chapter 58, Subchapter I of the Delaware Code and Rule 20 herein.

Rule 13 – Change or Suspension of Rules

- 13.1 Any rule of the County Council may be changed or suspended by the approval of a majority of all of the members of the County Council.

Rule 14 – Rules of Order

- 14.1 All rules of parliamentary procedure not covered or provided for by the RULES OF PROCEDURE OF THE SUSSEX COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, or by the laws of the State of Delaware, shall be decided in accordance with MASON’S MANUAL OF LEGISLATIVE PROCEDURE.

Rule 15 – Vice-President and Other Presiding Officer

- 15.1** In the absence of the President, the presiding officer, with all powers and duties of the President enumerated herein, shall be the Vice-President as elected by a majority vote of all of the members of County Council. In the absence of the Vice-President, the presiding officer, with all powers and duties of the President enumerated herein, shall be such other member of the County Council as is elected by a majority vote of all of the members of County Council.

Rule 16 – Appointments

- 16.1** The President, with the concurrence of a majority of all of the members of the County Council, may appoint any member to represent the County Council on any committee, board or commission or at any event.
- 16.2** A member of the County Council so appointed shall inform the County Council of issues discussed at those meetings or events which impact County government.

Rule 16.A – Appointments to the Planning & Zoning Commission and the Board of Adjustment

- 16A.1** All appointments to the Planning & Zoning Commission and the Board of Adjustment shall be governed by 9 Del. C. § 6803.
- 16A.2** With respect to new appointments of members to the Planning & Zoning Commission and the Board of Adjustment (collectively referred to in this provision as “board members”), the Councilperson in whose district a board member’s term is set to expire shall submit the name of a nominee to the County Administrator along with the nominee’s resume during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall forward copies of the nominee’s resume to all Council members and place the matter on the Council’s agenda for public session at an upcoming Council meeting. With Council’s input, the County Administrator shall provide interview questions to the nominee for written answer to be submitted to the Council by no later than the Friday preceding the aforesaid Council meeting at which the nominee shall be in attendance for a public interview.
- 16A.3** With respect to reappointment of board members, the Councilperson in whose district a board member’s term is set to expire shall provide notice of the Councilperson’s intention to reappoint the board member to the County Administrator during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall place the matter on the Council’s agenda for public session at an upcoming Council meeting.

- 16.A.4** With respect to new appointments and reappointments of board members, in the event a nominee is not approved by a Council majority, nominations for the position will be opened up to all Councilpersons regardless of the district they represent; however, at no time shall there be more than 2 members appointed for the same Council district.
- 16.A.5** In the event a board member resigns or is removed prior to the expiration of his or her term, the Councilperson, in whose district the vacancy has occurred, shall submit the name and resume of a nominee to the County Administrator as soon as is practicable. All other application procedures above shall thereafter apply.

Rule 17 – Standards of Conduct

- 17.1** Persons attending County Council meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 17.2** Persons attending County Council meetings may wear one (1) “cause supporting sign” affixed to their clothing. The size of such “sign” may not exceed three (3) inches by five (5) inches. Signs offensive to the members of the County Council or to participants, and signs that may distract from the proceedings, shall not be permitted. No placards shall be permitted at any meeting of the County Council.
- 17.3** The County Administrator shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the County Council.
- 17.4** Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the County Council.
- 17.5** Persons attending County Council meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the County Council.
- 17.6** The right to make public comment shall be subject to the following procedures, which shall be enforced by the presiding officer of Council:
- A.** Each speaker shall place their name and address on a sign-up sheet. Each speaker shall only speak from the podium after being recognized and shall first identify themselves and give their residence address within the County. Each speaker shall be limited to 3 minutes and the time shall be kept by electronic clock and displayed to the speaker. At the end of that time, the presiding officer will either inform the speaker that their time is up or grant the speaker up to an additional 2 minutes.

- B. Each speaker shall confine his or her comments to matters which are clearly within the jurisdiction of Council and are matters of legitimate County business.**
- C. Public comment is not intended to provide a means for a member of the public to appeal a decision made by a County employee or subcontractor during the course of their official duties. Matters of that nature must be brought to the attention of the County Administrator or his or her designee.**
- D. Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies. The presiding officer shall have the discretion to stop a speaker from further comment if the speaker digresses from the restrictions as to time or matters within the County's business or jurisdiction or if the speaker becomes so willfully and seriously disruptive as to prevent Council from accomplishing its business in a reasonable manner.**
- E. The presiding officer may, but is not required to, respond to a speaker or to a question or an issue raised by a speaker. In situations where the presiding officer responds, the response shall not indicate the position of Council as a body and to the extent possible, be limited to informing the speaker, if appropriate, of the proper person within the County government to whom their concerns should be addressed.**
- F. Nothing in this Rule shall be construed to prohibit Council from seeking comments from persons with particular knowledge on a matter before them and to prohibit public comment if Public Comment is not included on the agenda.**

Rule 18 – Delaware Freedom of Information Act

- 18.1 All procedures of the County Council shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.**

Rule 19 – Adoption and Effective Date

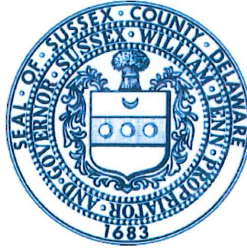
- 19.1 These rules shall become effective upon adoption by a majority vote of all of the members of the County Council. These rules shall be adopted annually by the members of the County Council.**

Rule 20 – Code of Conduct

- 20.1** **Members of the County Council are subject to the Code of Conduct under Title 29, Chapter 58, Subchapter I of the Delaware Code and the oversight of the State Public Integrity Commission.**
- 20.2** **A member of the County Council who has a personal or private interest in an ordinance or any measure requiring Council’s consideration shall not participate in the hearing, discussion, debate or vote on the ordinance or measure.**

Date of Adoption: January 3, 2023


TODD F. LAWSON
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Sussex County
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Memorandum

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

FROM: Todd F. Lawson
County Administrator 

RE: **ADVISORY COMMITTEE ON AGING & ADULTS WITH PHYSICAL DISABILITIES**

DATE: May 12, 2023

During Tuesday's meeting, you will consider appointments to the Sussex County Advisory Committee on Aging & Adults with Physical Disabilities ("Aging Committee").

As you know, the Aging Committee consists of 11 members who are appointed for a term of two years.

The following nominees for the respective councilmanic district will be considered on Tuesday:

District	Nominee
1	Cathy Parker
1	Helen Pase
2	Fran Smith
2	Linda Rogers
3	Scott Phillips
4	Linda Forte
5	Jamie Magee

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



CHRIS KEELER
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MEMORANDUM

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

FROM: Christopher S. Keeler, Director of Assessment

DATE: May 9, 2023

RE: Real Property Reassessment Project One Year Extension

During the May 16, 2023, Council meeting, I will present a motion to extend the contract by one year for Tyler Technologies to complete the Real Property Reassessment Project for Sussex County. The original date of completion for the reassessment project was February 15, 2024. However, data collection is not currently on track to meet the projected deadline for completion. Therefore, it is recommended we extend the contract by one year to adequately complete the project.

Please see attached Tyler contract amendment.





AMENDMENT TO APPRAISAL SERVICES AGREEMENT

This Amendment to Appraisal Services Agreement (“Amendment”) is effective as of the date of signature of the last party to sign as indicated below (“Amendment Effective Date”), by and between Tyler Technologies, Inc. (“Tyler”) and Sussex County, Delaware (“Client”).

WHEREAS, Tyler and the Client are parties to an Appraisal Services Agreement dated June 8, 2021 (“Agreement”); and

WHEREAS, Tyler and Client agree that persistent challenges in the labor market have caused delays in certain project activities, including data collection and data entry; and

WHEREAS, Tyler and Client desire to adjust certain elements of the project timeline in recognition of such delays;

NOW, THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. Each corresponding subsection of the Statement of Work attached as Exhibit C to the Agreement is replaced in its entirety by the language below in order to accomplish the desired change in project schedule:
 - a. Purposes of the Reassessment set forth on page 2 of Exhibit C is hereby deleted in its entirety and replaced with the following:

Purposes of the Reassessment

Tyler commits that the reassessment will conform to the Standards for Ratio Studies established by the International Association of Assessing Officers (IAAO) and the Uniform Standards of Professional Appraisal Practice (USPAP 6), as well as generally accepted standards within the mass appraisal industry. The sales set for this study, unless agreed otherwise by both parties, will be valid sales from January 1, 2021 to July 1, 2023, pending option selected and in consultation with the County. Market value estimates will be prepared for each parcel and the date of value for this appraisal shall be July 1, 2023, with a taxable status date of January 1, 2025. All work, except support of values, shall be completed no later than October 15, 2024. The reassessment will be completed by February 15, 2025. To execute a project of this nature and complexity, Tyler will utilize a team approach to ensure that the County’s goals and objectives are achieved. We encourage the County, and the chief assessor and their staff, to participate in all phases of the reassessment, as permitted, to share in provided training, data collection activities, valuation activities, and support of values to enable the maximum value for the County and its staff.

- b. Table 1, Workshop Schedule set forth on page 4 of Exhibit C is hereby deleted in its entirety and replaced with the following:

Table 1, Workshop Schedule:

Workshops	Minimum Length of Workshop	Dates
Data Collection and Sales Verification	4 Hours	September 2023
Land Analysis/Valuation	4 Hours	September 2023
Cost Analysis/Valuation	2 Hours	September 2023
Market Analysis/Valuation	4 Hours	September 2024
Commercial Market and Income Analysis/Valuation	4 Hours	September 2023
Value Review	2 Hours	October 2024
Value Defense	2 Hours	December 2024
Subsequent Roll Value Maintenance	2 Hours	December 2024
BOAR Training	4 Hours	December 2024

- c. Mass Appraisal Report set forth on page 23 of Exhibit C is hereby deleted in its entirety and replaced with the following:

Mass Appraisal Report

A mass appraisal report will be provided to the Chief Assessor as a summary of the work performed during the 2025 Sussex County Reassessment project. This report is intended to complement, but not replace, the supporting materials that will be provided to the Chief Assessor in the form of interim reports, quality audit reports, and appendices, as well as procedural and training materials throughout the project.

This summary report will serve to define, summarize, and document the standards followed and the process associated with the data verification, value review, analysis and reporting necessary to render a credible opinion of true value(s) in accordance with Delaware Statutes, IAAO technical standards and "Standard 6" of the Uniform Standards of Professional Appraisal Practices.

- d. Formal Appeals to the County set forth on page 23 of Exhibit C is hereby deleted in its entirety and replaced with the following:

Formal Appeals to the County

Tyler will provide up to 50 days of support for the County's formal appeals at the BOAR as part of this Contract. Tyler will, upon request, provide additional support to the Assessment Department and BOAR regarding formal appeals filed with the Board as a result of the reassessment for the 2025 tax year. These services would be provided at per diem rates.

- e. New Construction set forth on page 24 of Exhibit C is hereby deleted in its entirety and replaced with the following:

New Construction

The County will provide Tyler permit information throughout the Project. Tyler will collect, input, and set a 2025 value for all new construction completed on or prior to the County’s Tax Lien Date.

- f. Project Schedule set forth on pages 25 and 26 of Exhibit C is hereby deleted in its entirety and replaced with the following:

Project Schedule

RFP Section	Project Timetable*	Start Date	Finish Date
4.2	Project Timetable Delivery	7/1/2021	7/1/2021
4.3	Public Information Program Delivery	8/1/2021	2/15/2024
4.4.1	Data Collection Training	9/1/2021	11/1/2021
4.8.1, 4.8.2	Data Collection Preparation and Planning	9/1/2021	11/1/2021
4.4	Local Staff has been fully trained in all phases of the project completed to date.		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	3/31/2024
4.9	Sales Verification and Data Entry	3/1/2022	7/1/2023
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.		5/1/2024
Appendix E	County Sign Off Document #2		5/1/2024
4.8.8	Post Inspection Parcel Inventory (Data Mailer or Web Site Alternative) and Updates	6/1/2023	7/1/2024
4.8.9	Acquisition of Street-Level Photography	3/1/2022	3/31/2024
4.10	Data Edits	5/1/2023	7/1/2024
4.8.8	Acquisition of Market Data (Income & Expense questionnaires)	3/1/2023	7/1/2024
4.11	Grouping of Data (neighborhood analysis/delineation)	5/1/2023	7/1/2024
4.11	Valuation Exploratory Analysis and Pre-planning	1/1/2023	7/1/2024
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.		7/1/2024
Appendix E	County Sign Off Document #3		7/1/2024
4.11	Valuation Model Production	4/1/2024	7/1/2024
4.12	Value Review	6/1/2024	10/15/2024
4.12	Assessor’s Value Review with Contractor	6/1/2023	10/15/2024
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.		10/15/2024
Appendix E	County Sign Off Document #4		10/15/2024
4.13	Notice of Proposed Assessment Production	10/15/2024	11/1/2024
4.13	Notice of Proposed Assessment Mailing	11/1/2024	11/1/2024
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.		11/1/2024
Appendix E	County Sign Off Document #5		11/1/2024

4.14	Informal Review Meetings (including Field Related Activities)	11/1/2024	2/1/2025
4.15	Notice of Proposed Assessment from Informal Review Production/Mailing	11/1/2024	2/1/2025
4.16	Finalize Tentative Assessment Roll	2/1/2025	2/15/2025
7.0	Project Deliverables to Assessors	2/15/2025	2/15/2025
4.4	Local Staff Has Been Fully Trained in all phases of the project completed to date.		12/15/2024
Appendix E	County Sign Off Document #6		2/15/2025
	Project Completion		2/15/2025

2. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.

3. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below.

Tyler Technologies, Inc.

Sussex County, Delaware

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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Sussex County

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Memorandum

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

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

RE: ***LAND SURVEY AND MAPPING SERVICES CONTRACT***
A. Increase Approval of FY2023 Not-to-Exceed Costs

DATE: May 16, 2023

The Engineering Department undertakes a variety of improvement projects each year with the assistance of various professional services to supplement and support County personnel. Although a Miscellaneous Engineering contract is procured on a five-year rolling basis land survey was identified as a unique discipline gap which needed to be procured separately to compliment Department project needs.

In early 2019 the Department received County Administrator approval of the scope for a Request for Proposals (RFP) as well as the selection committee. The Request for professional services to perform Land Survey and Mapping Services on an as-needed basis was advertised and ten (10) firms responded by the deadline of March 1, 2019.

As per the County Consultant Selection Policy and Delaware Code, proposals are evaluated based on approved Consultant Rating Criteria. The three (3) highest scoring firms are identified in the Selection Committee summary below:

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

On April 16, 2019, County Council approved the Engineering Department to execute a professional service agreement with DBF, Inc (Davis, Bowen & Friedel) for on-call Land



Survey and Mapping Services to supplement and support the Department over a five (5) year contract period, with an annual cost cap not to exceed seventy-five thousand dollars (\$75,000.00). The actual amount spent for FY2020 fiscal year was significantly less. Attached is a task summary spreadsheet covering FY2020 -2023.

In FY2022 several survey tasks were delayed and could not be completed by the end of the fiscal year. Therefore, purchase orders had to be re-created to encumber the funds for FY2023. On October 18, 2022, Council approved the cap cost to be increased due to the unusual carry over by \$45,000.00.

Multiple County survey projects are now moving forward simultaneously, and the cap may be exceeded prior to the availability of budgeted FY24 funds. The main driver is a series of surveys needed for Piney Neck easement acquisitions which must be supported by actual surveys for the initiation of the Court ordered process. Assuring timely project progression, the Engineering Department requests increasing the cap by another \$40,000.00.

ENGINEERING DEPARTMENT

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Sussex County

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Memorandum

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

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

DATE: May 16, 2023

RE: *Lochwood Community Area Expansion of the Unified Sanitary Sewer District
A. Recommendation to Reject Bids and Re-Bid*

On August 2, 2018, the Lochwood Property Owners Association requested a presentation from the Engineering Department on estimated costs for central County sewer service at their annual community meeting on October 27, 2018. At that meeting, the majority of the members present, requested the County distribute a polling letter to all property owners. The responses to the polling letter being favorable the Engineering Department conducted a public hearing on September 7, 2019. The results from the public hearing were presented to County Council on September 17, 2019, and Council voted to extend the Sussex County Unified Sanitary Sewer District to include the Lochwood Community.

In April of 2022, the Engineering Department finalized the Preliminary Engineering Report and the Environmental Information Documents required for submittal of the funding application to USDA – Rural Development. On May 14, 2020 these Documents were combined with the overall funding application prepared by the Finance Department and filed with USDA/Rural Development, Rural Utility Service for approximately \$8,440,000. On May 21, 2021, the County accepted the letter of conditions and on May 24, 2021 the obligating documents associated in the loan amount of \$4,723,000 and \$3,717,000 of grant funding. This paved the way for the funding to be obligated by the USDA.

On June 15, 2021, Council approved the USDA Loan Resolution and introduction of the associated debt ordinance authorizing the issuance of up to \$4,287,000 of general obligation bonds of Sussex County in connection with the construction and equipping of the Lochwood Expansion of the Unified Sanitary Sewer District as well as the companion grant agreement. The associated ordinance was approved on July 13, 2021.



On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. Since then, Council has approved five amendments for various projects, as well as a standalone agreement for the Ellendale Water District.

The Engineering Department determined that Davis, Bowen & Friedel, Inc. is the most suitable on-call firm to implement the design of the project. On October 26, 2021, Council authorized the agreement for the Lochwood sewer area expansion design project in the not to exceed amount of \$179,850.00.

With the design permitted, Invitations to Bid were advertised in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. Five (5) contractors attended the pre-bid meeting on March 29, 2023, and on April 19, 2023, four (4) bids were received. All bids were significantly higher than the available funding. The Engineering Department debriefed the contractors and believes several value engineering options can be incorporated in a rebid. Therefore, the Department recommends Council to reject all bids and that the contract be value engineered and rebid.

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: May 11, 2023

RE: County Council Old Business Report for Ord. 22-05 – Future Land Use Map Element of the Comprehensive Plan

On June 7, 2022 an Ordinance was introduced by the County Council to amend the Comprehensive Zoning Map element of the Comprehensive Plan in relation to Tax Parcel No. 334-12.00-16.04. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). 911 Address: N/A. The amendment to the Comprehensive Plan is to change the area designation of the parcel from the Commercial Area (shaded red on the Future Land Use Map) to the Coastal Area (Shaded yellow on the Future Land Use Map).

The Planning and Zoning Department has also received applications relating to the parcels (C/Z 1949 filed on behalf of J.G. Townsend Jr. & Co. and C/U 2304 filed on behalf of J.G. Townsend Jr. & Co.)

The Planning and Zoning Commission held a public hearing on June 23, 2022. At the meeting of July 14, 2022, the Commission recommended approval of the Ordinance for the 4 reasons as outlined within the motion (included below).

The County Council held a Public Hearing on July 26, 2022. At the conclusion of the Public Hearing, the Council deferred action on the Ordinance and left the record open for application C/U 2304 for the limited purpose of allowing the Applicant the opportunity to discuss with their engineer whether or not they would like a new proposal for the design that will preserve the forested area and then the record would be closed after that. The County Council closed the Public Record on August 23, 2022.

On August 30, 2022, the application was discussed by the County Council and action was deferred for further consideration.

Below is a link to the County Council minutes of the July 26, 2022 and August 30, 2022 meetings.



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

[Link to the July 26, 2022 County Council Meeting Minutes](#)
[Link to the August 30, 2022 County Council Meeting Minutes](#)

Below are the minutes from the Planning & Zoning Commission meetings of June 23, 2022 and July 14, 2022.

Minutes of the June 23, 2022 Planning & Zoning Commission Meeting

Chairman Wheatley stated the applicant had requested to combine the presentations for the Ordinance, C/Z 1949, and C/U 2304 as they are all related Applications of J.G. Townsend Jr. & Co. and he stated the motions for the three applications would be made separately.

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP ELEMENT OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-12.00-16.04. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). 911 Address: N/A. Tax Parcel: 334-12.00-16.04.

Mr. Whitehouse advised the Commission that submitted into the record was the Exhibit Booklet, Conceptual Site Plan, Environmental Assessment, Public Facility Evaluation Report, Staff Analysis, Traffic Impact Study, DelDOT’s response to the Traffic Impact Study, a letter from Sussex County Engineering Department Utility Planning Division, 20 letters in opposition and a written petition of 156 signatures.

The Commission found that Mr. David Hutt, Esq. spoke on behalf of the Application; that he is an attorney with Morris James; that he is representing the owner of the property and Applicant, J.G. Townsend Jr. & Co.; that also present were Mr. Paul Townsend, a shareholder in J.G. Townsend Jr. & Co., Mr. Doug Motley, a representative of the development group, Mr. Ring Lardner, Engineer with Davis, Bowen and Friedel, and Mr. Edward Launay, Wetland Scientist with Environmental Resources, Inc.; that he requested to make a correction for the records in respect to C/Z 1949 and C/U 2304; that it was indicated the Traffic Impact Study was undertaken by the Applicant; that the Applicant did not undertake a Traffic Impact Study; that DelDOT included a recent Traffic Impact Study in their response to the Service Level Evaluation Request; that the provided Traffic Impact Study was previously performed to the Belle Terre Community; that the site is known as the “Howeth Property”; that this name was provided after J.G. Townsend Jr. & Co. purchased the land from Howeth Family; that historically the Howeth Farm was much larger than it currently is; that in 2014 the Howeth Farm was as more than 70 acres; that approximately a decade ago, J.G. Townsend Jr. & Co. were approached by various institutions and bodies which included the Cape Henlopen School District, the State of Delaware on behalf of the Delaware State Police, and Sussex County; that these agencies were looking for a location along that particular section of Rt. 24 to place various facilities; that the results of those discussions was a minor subdivision plan; that the minor subdivision was recorded in 2014; that Parcel A1 of the minor subdivision was conveyed to the Cape Henlopen School District in 2015; that it has now become the home of the Love Creek Elementary School; that Parcel B was conveyed to the State of Delaware; that it is now the home of Troop 7; that the history is important as it answers many questions regarding the property; that located to the north is the Love Creek Elementary School; that located to the south is the Saddle Ridge Community; that Rt. 24 runs along the frontage of the property; that the Beacon Middle School is located across from Love Creek

Elementary; the property is located in close proximity to the Beebe Medical Campus, Seaglass Apartments, The Residence Inn Hotel, Hearts Landing Community, Love Creek Manufactured Home Community, The Residences at Rehoboth Bay Condominium and Marina, as well as the various commercial businesses located along Rt. 1; that on the 2020 Delaware State Strategies Map it shows almost the entire area as being within Investment Level 2; that there is a small area located on the property which is located within Investment Level 3; that the area located within Investment Level 3 is an isolated area of wetlands; that within the 2045 Future Land Use Map within Sussex County's Comprehensive Plan shows many parcels within the Commercial Area along Rt. 24; that the other surrounding area is located within the Coastal Area; that the Coastal Area is one of the seven Growth Areas for Sussex County; that one of the requests is to change the Future Land Use Map designation for a portion of the property; that 2/3 of the property is shown as Commercial; that 1/3 of the property is shown in the Coastal Area; that the Applicant's intention is to have the entire property located within the Coastal Area; that the Coastal Area is a designation which would allow uses other than only commercial uses; that Saddle Ridge, Love Creek Elementary School, Beacon Middle School and the site across from Beacon Middle School is shown as being in the Commercial Area on the Future Land Use Map; that there is a mixture of zoning classifications along that corridor of Rt. 24; that there is a mixture of C-1 (General Commercial), CR-1 (Commercial Residential), I-1 (Institutional), B-1 (Neighborhood Business) and MR (Medium-Density Residential); that the Change of Zone Application is seeking to change the zoning from AR-1 (Agricultural Residential) to MR (Medium-Density Residential); that there was three Applications being presented in relation to the same property; that the first request is to amend the Future Land Use Map creating one designation to the Coastal Area for the property; that the second request is for a Change of Zone from AR-1 (Agricultural Residential) to MR (Medium-Density Residential); that the third Application is a Conditional Use request to allow 84 townhomes; that each set of townhomes contains six units; that 14 townhomes are proposed across the site; that the project was reviewed during the PLUS process; that in Summer 2021 the Future Land Use Amendment request was reviewed by the Office of State Planning Coordination through the PLUS process; that the comments of no objection made by the Office of State Planning Coordination was included as part of the record; that Investment Level 2 areas are described as an area where the State anticipates growth for an area in the near future; that the Office of State Planning Coordination stated in their comments "*in Investment Level 2 areas, like Investment Level 1 areas, State investments and policies should support and encourage a wide range of uses and densities*" and "*Investments should encourage departure from the typical single-family dwelling development and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable*", which ensure the State encourages a departure from typical single-family homes, offering a broader mix of housing options; that Section 8.2 of the County Code states "*while the County allows for multi-family (duplexes, townhouses and apartments etc.) the primary housing type is detached single-family (stick-built, modular and manufactured homes)*"; that in 2016, Sussex County issued 1,778 building permits; that of those building permits, 1,615 building permits were for single-family homes, equaling to 90.8%; that less than 10% of the issued building permits were for multi-family structures; that in 2017, 2,068 building permits issued; that 1,961 building permits, or 94.8%, were for single-family homes; that in 2018, 1,057 building permits were issued before the cut off for the Comprehensive Plan; that of those building permits, 992 building permits, or 93.8%, were issued for single-family homes; that within Chapter 8 of the Comprehensive Plan, it stated the County should consider the ability to establish other housing types or reduce the need for a Conditional Use for multi-family development; that the proposed Application does help address the mentioned needs; that within Chapter 4 of the Comprehensive Plan, the Coastal Area is described as one of the fastest growing areas within Sussex County; that the Comprehensive Plan does recognize the environmental concerns which may arise in the Coastal Area; that there is a buffer provided to the isolated wetlands, which proposed some environmental concern;

that the proposed buffer to the wetlands exceeds Sussex County's recently adopted Buffer Ordinance requirements; that within the County Code, it states permitted uses and densities within each of the Growth Areas; that within the permitted use section for the Coastal Area, the Comprehensive Plan states *that a range of housing types should be permitted, including single-family homes, townhouses and multi-family units*; that the next Section it states *that medium and higher densities (4 to 12 units per acre) can be appropriate in certain locations and medium and higher densities could be supported in areas where there is central water and sewer, near sufficient commercial uses and employment centers, where it is in keeping with the character for the area, where it is along a main road, being located at or near a major intersection, where there is adequate level of service, or where other considerations exist that are relevant to the requested project and density*; that the density for the proposed project is 3.9 units to the acre; that the medium and higher density requirements are all met by the proposed project; that Tidewater Utilities will provide water services; that central sewer is available through Sussex County; that the property is located in an area where there are commercial uses and employment centers; that the project is located along RT. 24, which is a major collector road; that the project is located at a signalized intersection on Rt. 24; that Rt. 24 does have DART transportation, with a Rehoboth, Longneck and Millsboro DART connection; that because the project is located within the TID, a fee per unit is required as part of the project's contribution to DelDOT; that although some adjacent properties are listed as AR-1 (Agriculture Residential), the Love Creek Elementary School is not an agricultural use; that the Love Creek Elementary School is over 89,000 sq. ft., which was granted by a Conditional Use approval; that located across the street is Beacon Middle School, being over 77,000 sq. ft. and was granted a Conditional Use Approval; that the County recently considered an application for the V&M site, which received approval for a 5,000 sq. ft. convenience store and fueling stations; that a 12,000 sq. ft. office building will also be located on the V&M property; that there were multiple other Conditional Use approvals mentioned within the submitted material; that the requested zoning classification for the property is MR (Medium-Density Residential), as it is an appropriate zoning district for the proposed use; that townhomes is a Conditional Use within the MR (Medium-Density Residential) Zoning District; that Conditional Uses are generally of a public or semi-public character and our essential for the general convenience and welfare of the County; that Conditional Uses to require some Planning judgement; that the purpose of the MR Zoning District is to provide for medium density residential development in areas which are expected to become generally urban in character, which is a good description of Rt. 24; that the Future Land Use Map for the property shows the commercial designation; that by allowing the area to be rezoned the area would avoid concentrations of retail and service uses, as well as hotels, motels, carwashes, auto dealerships, as well as other medium and large scale uses not primarily targeted to immediately adjacent residents and areas; that institutional and industrial uses may also be appropriate in the Commercial Zoning District; that the current Application proposes a far less intensive use than the potential permitted uses under Commercial Zoning; that traffic was a main theme within the comments made in opposition; that the use of the entryway was always anticipated; that there was a Service Level Evaluation Request sent to DelDOT as part of the Application; that within DelDOT's response indicated that the traffic impact for the project would be minor; that in having a minor impact the project became eligible for to participate in the Area Wide Study Fee Program; that however, the property is located within the Henlopen Transportation Improvement District (TID); that due to this the Area Wide Study Fee does not apply; that the fee per unit does apply; that another concern mentioned in opposition was the appropriateness of multi-family units being located adjacent to a school; that the concern is in contrary to many school which currently exist in Sussex County; that Cape Henlopen High School, HOB Brittingham School, Mariner Middle School, East Millsboro Elementary School, Rehoboth Elementary School are all located immediately adjacent to or nearby multi-family residential communities; that Chapter 8 of the Comprehensive Plan indicates the proposed area is appropriate for the proposed zoning and for the proposed Conditional Use for

townhomes; that the Applicant requested approval to amend the Future Land Use Map, allowing the property to be located completely within the Coastal Area, changing the County's Zoning Map from AR-1 to MR Zoning and an approval for the Conditional Use permitted 84 townhomes; that he did submit proposed Findings of Fact and Conditions of Approval for the Change of Zone Application and the Conditional Use Application; that one of the proposed requirements is that there must be a Property Owners Association to care for amenities; that it is proposed that the amenities would be constructed by the seventh building permit and each building will receive a building permit for all six units within it; that in reality, the amenities would be completed by the 42nd building permit when considering per units.

The Commission found that Mr. Ring Lardner spoke on behalf of the Application; that he is an engineer for Davis, Bowen and Friedel; that the site is located along John J. Williams Hwy., which is classified as a major collector road per the DelDOT Functional Classification Map; that the project is located within the Henlopen Transportation Improvement District (Henlopen TID); that the TID was a group effort between DelDOT and Sussex County; that the agreement was approved on October 30, 2020; that DelDOT noted the traffic for the proposed project was consistent with the TID; that the project was eligible to pay the TID fee, rather than performing a Traffic Impact Study (TIS); that a TID fee based on a per lot basis on January 31, 2020 was \$341,796.00; that the fee does increase annually on January 31st; that the fee is due at the time of building permit issuance; that the fee will continue to increase until the building permits are released; that the TID fees help fund the various project within the Transportation Improvement District to help improve the TID area; that the assumed land use was underestimated as it was assigned 37 single-family homes; that for the current Application they were able to stay within the perimeters for traffic; that the vehicle trips generated by townhouses is less than those generated by single-family homes; that this is the reasoning DelDOT considered the project consistent with the TID; that the project is not located within the Well Head Protection Area or Excellent Recharge Area; that the project is located outside of the 100 Year Flood Plain; that there is a small pocket of wetlands located on the site; that the wetlands were delineated by Environmental Resources Inc.; that the wetlands are located along the common boundary line of the site and the Saddle Ridge Community; that an approved Jurisdictional Determination was completed by the U.S. Army Corp of Engineers; that Mr. Edward Launay, with Environmental Resources did prepare an Environmental Review for wildlife habitat considerations; that Mr. Launay's review does contain a consultation with the U.S. Fish and Wildlife Service; that there are no records of federally listed threatened or endangered species being located on site; that the Monarch Butterfly was located onsite; that the site does not have the proper vegetation to support the Monarch Butterfly, therefore it was assumed that the site was not the home for the Monarch Butterfly; that within DNREC's Fish and Wildlife comments from the PLUS review mention three State rare species; that all three species are located within the Hetty Fisher Pond, which is located over 740-ft. from the site; that it was Mr. Launay's opinion that the development of the Howeth Property, now known as School Lane, will not adversely impact the amphibious species of State concern; that the layout of the site first began at the intersection of John J. Williams Hwy. as it is the combined entrance for the Love Creek Elementary School, Troop 7 and the proposed project; that when the Love Creek Elementary School was approved, traffic for the proposed project was already preassigned for the intersection; that the intersection was designed for the proposed project traffic; that as part of the improvement and approval for Love Creek Elementary School the stub was connect to the parcel; that this allowed for interconnectivity, providing one access onto Rt. 24; that they did design a 20-ft. landscape buffer along the property border of Love Creek Elementary School, Belle Terre and Saddle Ridge Communities; that the communities for Belle Terre and Saddle Ridge also have buffers on their property; that this has created two sets of buffers adjacent to each other; that they established a 50-ft

wetland buffer to the isolated wetlands on site; that the Application was submitted prior to the adoption of the recent Buffer Ordinance; that the proposed buffer exceeds the requirement of the recently adopted Buffer Ordinance; that the townhouses will be fee simple lots, meaning the lots will be owner occupied; that no lots will be located back to back; that the stormwater pond is proposed to be centrally located on the site; that the proposed stormwater pond location will minimize grading changes to the site; that active amenities are proposed along the other side of Road A, to ensure amenities would not be located in the rear yard of the lots; that they attempted to minimize dead-end streets; that currently there are two dead-ends proposed on Road B and Road C on the Site Plan; that they did provide overflow parking areas throughout the site for guests; that the internal roads will meet and/or exceed the requirements of Sussex County Road Standards; that the roads will be privately maintained; that Sussex County Geographic Information Office (GIO) (F.K.A. Mapping and Addressing Department) has approved the subdivision name of “School Lane” as well as the road names; that proposed amenities are a pool house, pool, centralized mailbox and a sports field area; that the proposed open space for the project is 11.42-acres, or 52% of the project site; that the project will be served by Tidewater Utilities, Inc. for water services; that Sussex County will provide sanitary sewer services; that they have received Willing and Able to Serve letters from Tidewater Utilities, Inc., Chesapeake Utilities, Delaware Electric Coop, and a Sewer Service Concept Evaluation from Sussex County Engineering; that the project was reviewed by PLUS on December 16, 2020; that the PLUS comments and the Applicant’s response can be found in the submitted Exhibit Booklet; that the comments provided were general in nature; that the Applicant will comply with all regulatory requirements; that his office prepared an Environmental Assessment and Public Facilities Evaluation Report and the project complies with the Comprehensive Plan.

Ms. Stevenson questioned how parking is proposed for the project and if additional parking could be added to Road A on the west side.

Mr. Lardner stated each lot will have two parking spaces per unit, via the driveway or the garage; that they have provided overflow parking throughout the project; that they have exceeded the two-unit per lot requirement, and he stated they could consider additional options to add parking to the area Ms. Stevenson mentioned.

Chairman Wheatley advised the Commission that Mr. Bill Brockenbrough, County Coordinator with DelDOT was present for questioning via teleconference; that he requested Mr. Brockenbrough explain how the entrance came to be and why it was constructed the way it was.

Mr. Brockenbrough stated when the property was acquired for Love Creek Elementary School, J.G. Townsend Jr. & Co., the seller of the property retained access through the existing driveway with the intention to utilize the driveway for access to the subject property; that the construction of the entranceway is desirable by DelDOT; that he did not recall the specific history of when the school was developed; that the entranceway is consistent with the preferred construction from DelDOT’s view, to minimize the number of access points; that in minimizing fewer access points, it allows fewer decision points for a driver and it opens the possibility for signalized access for the development, which would help manage left-hand turns.

Ms. Stevenson questioned if the pool house is proposed to only hold supplies for the pool, or if the pool house was proposed to be larger and utilized by residents and requested the Applicant consider making the pool house a meeting spot for residents.

Mr. Hutt stated a better description of the pool house would be a bathhouse; that it would not be proposed as a clubhouse with exercise equipment and that the pool house is proposed to be a changing area and restroom area.

Mr. Robertson stated the Applications are for a Change of Zone and a Conditional Use and the Commission does have the authority to apply discretion.

Chairman Wheatley stated property owners do have a right to subdivide their land and property owners do not have the right to Change the Zoning for their property; that the Change of Zone is purely discretionary, and the Commission has the authority to make that discretion.

The Commission found Mr. Steve Kittka spoke in opposition to the Application; that he lives within the Saddle Ridge Community; that he opposes the project as it is currently proposed; that it was said the townhomes would generate less traffic; that the proposed townhomes are larger than almost any home located within the Saddle Ridge Community; that the townhomes are 4,600 sq. ft.; that he did not invest in his property with any idea that the adjacent zoning would be changed; that he feels the proposed development will cause an enormous amount of traffic; that he understood there was not a Traffic Impact Study performed for the proposed project specifically; that a lot has changed since previous traffic analysis; that one of the reasons for this is COVID-19 which has led to an increase in traffic to Love Creek Elementary School; that with the traffic currently on Rt. 24, there are frequent accidents and near accidents all the time; that within the last three weeks there have been three accidents within a mile of the proposed development; that two of the accidents were at the intersection of Rt. 24 and Warrington Rd.; that those two accidents caused Rt. 24 to shut down; that the third accident was between Saddle Ridge and Harts Landing; that he has no objection to the Applicant developing the property; that he objects to the proposal of medium density; that he is also concerned with the disturbance to the wildlife and he objects to the Change of Zoning request.

Chairman Wheatley stated that if a Traffic Impact Study (TIS) was performed for a nearby development, DelDOT does not require an additional TIS as the information remains remotely the same.

Mr. Robertson stated DelDOT and Sussex County established the Transportation Improvement District (TID) that the project is part of; that DelDOT has performed the analysis for all the roadway improvements within the entire TID area; that they had to design all road improvements based on the anticipated development within the TID; that then, based on the improvements, a cost is assigned as to what it cost to construct the road improvements; that then a required fee is calculated for each developer to develop the road improvements and the Applicant did not perform a Traffic Impact Study as it is already included in the greater TID.

Mr. Robertson questioned the status of the dualization of Rt. 24.

Mr. Mears requested Mr. Brockenbrough's opinion on townhomes generated vehicle traffic versus residential communities generated traffic.

Mr. Brockenbrough stated the construction began in March 2022 for the dualization of Rt. 24; that it was proposed to be completed in 2023; that he believed completion will be in 2024; that the improvements are proposed to widen to two lanes each way; that sidewalks are proposed on both sides of the road; that DelDOT relies on Transportation Engineers Trip Generation Manual, which

provides National-level data on various land uses, including single-family detached houses and townhouses; that generally single-family detached houses generate the most traffic; that townhouses, apartments and various types of multi-family development generate less per dwelling unit and regarding the comment of the size of the townhomes, DelDOT would not have data to support or dispute the fact.

Chairman Wheatley questioned if anyone could provide a comment on the proposed size of the units.

Mr. Ring Lardner stated that they do not know the exact size of the townhouses currently; that the lot widths are 20-ft. wide with a depth of 115-ft.; that the widest lot could be 28-ft.; that after including setback requirements, it would be 20'x75'; that the proposed units are two-story with a first-floor master; that at the largest, an approximate average is 3,000 sq. ft.; that the average size will be 2,000 sq. ft. to 2,500 sq. ft.; that confirmation of size cannot be determined until they find a builder and the proposed size is much less than the size testified by Mr. Kittka.

The Commission found that Ms. Nancy Guerin spoke in opposition to the Application; that she lives in Hart's Landing; that she has concerns about the Love Creek Bridge; that the bridge is not proposed to be expanded; that this will cause a traffic bottleneck, as the traffic will go from four lanes down to two lanes; that currently, she has difficulty exiting her development onto Rt. 24; that she feels after hearing Mr. Hutt explain all the types of development located along Rt. 24, she does not believe another development is needed; that she questioned if any of the mentioned schools and the developments they are adjacent to share a road as is proposed in the current Application; that due to COVID-19, there has been increased traffic to the schools; that this has created a back up of traffic on Rt. 24 down to Mulberry Rd. and she does not feel the Traffic Impact Study for Belle Terre, and the time in which it was performed, took in to account the additional traffic she sees currently.

The Commission found that Mr. Kenny Delmar spoke in opposition to the Application; that he lives in Hart's Landing; that he has a background in real estate, with many decades of experience; that in his experience the last thing a person should want to do is build a development next to a slaughter house, a factory making toxic chemicals or an elementary school; that it would be a kiss of death; that he assured the Commission that the developer, owner and attorneys have not had a discussion with a real estate broker to question what would be coming down the road; that he felt two weeks ago a ceiling was hit; that from here on out it will become more difficult to make a profit with a residential development; that a smart choice to make, would be not to build your development next to an elementary school, while sharing the same entrance with the school; that it would not be a smart choice; that the choice would not be considered good business; that he questioned if any of the attorneys, engineers or developer have children in Love Creek Elementary; that he questioned what will happen with construction traffic caused by the development; that it will be another years lost to a child who is attempting to get an education; that because of the construction, there will be noise from 7:00 am until 4:00 pm for at least a year; that the children who are in school trying to learn, will have to listen to construction noise for at least a year and the future residents will not want to deal with the noise generated by an elementary school on a normal school day.

The Commission found that Mr. Shunli Zhang spoke in opposition to the Application; that he lives in Saddle Ridge Development; that he agrees with all the previously mentioned concerns; that he is concerned about the approximate six acres of forest located on the property; that on one side of the forest is a natural pond; that on the other side of the forest are wetlands; that the current forest is full of life; that the forest life includes bald eagles and he requested the Commission reconsider approving

the project, or request a modification to the plan, to help protect the forest, wildlife and natural beauty of the forest.

The Commission found that Mr. Laymen Grant spoke in opposition to the Application; that he is a resident of Belle Terre; that it was his understanding that a signalized light will be placed at the intersection of Rt. 24 and Mulberry Knoll Rd.; that the current traffic attempting to get onto Rt. 24 is ugly; that with the proposed 84 townhouses; that he would estimate one and a half vehicles per unit; that most families have at least two cars; that there will be 120 additional vehicles with the proposed development, which will be required to merge onto Rt. 24; that occasionally the children at Love Creek Elementary School play outside in the adjacent field; that Beacon Middle School has athletic fields; that he feels placing the development without the red light would be a disaster; that there will be an accident; that he has only lived in Sussex County a year; that there are times he cannot figure out how to cross Rt. 24; that people will take a chance, shooting out onto Rt. 24; that he feels there would be a chance they head into the field, where children may be at play; that in the evening hours, there is limited lighting in the area; that he does not have an issue with the development of the property but he does have an issue with the traffic.

Mr. Brockenbrough stated he believed the plan was to place a signalized red light at the intersection of Mulberry Knoll Rd. and Rt. 24.

The Commission found that Mr. Maureen Burns spoke in opposition to the Application; that she lives within Belle Terre directly behind the proposed project; that she questioned if the Commission approves the Change of Zone request, could the Applicant change their proposed plans; that the elevation of the proposed site is higher than her property; that she is concerned she will receive all of the water run off when it would rain; that she questioned if there are proposed balconies for the townhouses and she is concerned about her privacy and the ability of future residents to look through her windows.

Mr. Robertson stated the Commission would make a recommendation to County Council; that County Council would approve or deny the Change of Zone request; that if the Change of Zone were to be approved, the Applicant could potentially propose a subdivision; that a subdivision would require another public hearing; that the maximum building height would be 42-ft.; that if the Change of Zone were approved, the Applicant would be permitted to do anything permitted within MR (Medium-Density Residential) Zoning District.

Chairman Wheatley stated the stormwater regulations are regulated and enforced by the Sussex Conservation District; that Sussex Conservation District regulations stated the Applicant must contain the property's stormwater on-site; that the Applicant must dispose of the water runoff either on the property site or through a properly regulated design outfall and the Applicant would not be permitted to allow any runoff onto Ms. Burns property.

Mr. Ring Lardner stated they cannot speak to the design of the townhomes; that there is a 20-ft. landscape buffer proposed on the property site; that there is a 50-ft. landscape buffer on the Belle Terre property and that the buffers would allow for a 70-ft landscape buffer between the homes.

Mr. Robertson questioned what the rear setback requirements for the proposed units were.

Mr. Whitehouse stated that each unit must have an agricultural buffer; that the Applicant can split the buffer, however, the plan would be required to be seen before the Commission for site plan review; that it is required to be a minimum of 40-ft. spread front and back; that the buildings can be no closer than 40-ft. from each other; that the minimum landscape buffer required is 20-ft. or the Applicant would be required to obtain a variance; that there is 40-ft. between the buildings and the property lines; that within the 40-ft. setback there is a 20-ft. landscape buffer and any setback and landscaping located on the Belle Terre property.

The Commission found that Ms. Patricia Hutchinson spoke in opposition to the Application; that she lives with Belle Terre; that she has concerns with the wild life, the removal of the existing woods and transportation issues; that she is a retired educator; that she knows what happens on an elementary school property; that she knows the amount of traffic comes and goes from the property; that she knows the amount of children that play outside; that she does have concerns with the construction and the issues it will cause for the children; that she is concerned children will not be able to go outside for recess, which the children just experienced during the COVID-19 pandemic; that she is concerned about the additional traffic coming and going from the site; that she would appreciate a signalized red light; that she is concerned about other permitted building that would be permitted with an approval to the Change in Zone request; that she is concerned about the possibilities of a transient population or rental population being placed next to an elementary school and a community for the 55+ year community; that she has concern regarding the water runoff; that she was told that Belle Terre previously proposed mixed development, which included townhomes; that the townhouses were denied at that time; that she feels the townhouses would not be similar to surrounding communities; that she does understand if the zoning is changed the Applicant is permitted to construct anything permitted within that zoning and the neighbors would get no say in what the Applicant were to propose.

The Commission found that Mr. Thomas Negran spoke in opposition to the Application; that he is a resident of Belle Terre; that the lovely 21-acre cornfield will be removed; that 84 multi-family units are proposed for the area; that only single-family homes and an elementary school border the property; that a major concern is the increased traffic; that the proposed development will share the entrance with Love Creek Elementary school; that according to the documentation there will be 598 additional vehicles daily; that the area is already congested; that the increased traffic may pose a threat to the safety of the Love Creek Elementary children; that according to the Site Plan, the backyards of 18 units will directly face the school property; that the water runoff from the 14 units roofs will flow into the direction of Belle Terre residents back yards; that he saw no proposed retention ponds in the area bordering Belle Terre; that four acres of woodlands will be destroyed; that 7.9 acres of impervious material will replace the field; that according to the report from DNREC, there are several rare and/or endangered species in the project area; that multi-family units sell for a lower price point than single-family homes; that the lower price point often leads to investors purchasing units for rental; that transient neighbors may not be the most desirable neighbors, especially to school-aged children; that the Land Elevation Map, located on page 72, of the Paperless Packet indicates a natural slope downward to 25-ft. above sea level at the rear of the property; that the elevation drops to 21-ft. above sea level on Decatur Street in Belle Terre; that the runoff could become detrimental to the Belle Terre community with the removal of the trees; that he questioned if the Applicant plans to sell the property to a developer, to develop themselves, to receive subsidies for low-income housing and what the expected selling price is for the proposed townhomes; that he commends Sussex County for purchasing land in efforts to preserve land; that he requested Sussex County purchase the subject property to be preserved and/or utilized as a park or recreational area and he stated the revenue to

Sussex County will receive, from the 1.5% transfer tax from Belle Terre alone will amount to at least \$2,000,000.00 and could be put to good use for the residents of Sussex County.

Mr. Robertson stated the Commission does not discriminate at all based on income levels, housing type, type of owner, or type of tenant; that the question is inappropriate and will not be required by the Commission.

Ms. Stevenson stated Mr. Ring Lardner serves on the Sussex County Land Trust; that the Sussex County Land Trust is a non-profit organization that purchased land to preserve; that she recommends people contact him to discuss donating.

The Commission found that Ms. Martha Eisenhower spoke in opposition to the Application; that she lives on Retz Lane; that her property back up to the Love Creek Elementary School property; that she was happy to hear when a school was being proposed behind her property; that she would rather a school than a convenience store; that she is opposed to the Change of Zone request; that currently, the Applicant knows two units to the acre is permitted within the AR-1 Zoning District; that this would allow for 43 homes; that the Applicant would place 43 homes on the property while preserving the woodlands; that she has lived on her property for 43 years; that within the last year she has noticed an influx of wildlife in her yard and the only thing she can attribute it to, is the fact that we are destroying the woodlands, creating nowhere else for the wildlife to go.

The Commission found that Mr. Victor Mantarro spoke in opposition to the Application; that he lives within the Saddle Ridge Community; that he had a concern about the proposed stormwater drainage; that his backyard faces the wetland area; that one year, there was an extraordinary amount of rain, which caused the wetland area to fill quickly; that the overflow of water ran into the existing woods; that the woods help maintain the 15 inches of water from the back of his house and his neighbor's house; that the project will be adding additional runoff; that he is not convinced that the Applicant will be able to control the runoff flowing into the wetlands and he is concerned if the Applicant cannot control the runoff it will cause runoff onto his property.

The Commission found that Ms. Susan Armato spoke in opposition to the Application; that she is a resident of Belle Terre; that she supports development; that she is opposed to the Change of Zone request; that she believes the owner has the right to the permitted use within the AR-1 Zoning District; that proposing 84 units would be a disservice to all nearby residents; that approval will set the precedence for anyone with AR-1 Zoning to request rezoning as well.

The Commission found that Mr. Paul Paolini spoke in opposition of the Application; that he has been a resident within Saddle Ridge Community for a year; that he has been in real estate for 25 years; that he is a landscape architect by degree and practice; that he agrees with Mr. Delmar, who stated a property adjacent to a school is a challenge due to the unknowns of school traffic and noise of the children; that he previously sold a home between a men's prison and a women's prison; that he believes selling that home between two prisons would be easier than selling a home next to a school; that he played recordings of emergency sirens for the Commission; that he stated the sirens are sometimes heard up to five times a day along this corridor of Rt. 24; that the representative of the Applicant did a good job identifying what is along the Rt. 24 corridor; that soon the residents of Saddle Ridge will be required to cross two lanes to make a left turn onto Rt. 24; that the whole corridor has a high level of activity and that is the reasoning for his opposition to the zoning change of the parcel.

The Commission found that Ms. Bettina Peronti spoke in opposition to the Application; that she is a resident of Belle Terre; that she had concerns about sharing the entranceway with the elementary school, being located adjacent to the elementary school, that she feels the Traffic Impact Study was based on the Applicant putting in 37 single-family homes, with two vehicles a home; that with 37 single-family homes the total vehicles would be 74 vehicles; that when placing 84 townhomes, at one vehicle is 84 vehicles; that she would like clarification put on record stating that the multi-family units will not cause more traffic than single-family homes; that she is opposed to the rezoning; that the representative to the Applicant did a good job describing development within the area; that she feels the Applicant can develop the property under the existing AR-1 Zoning; that she questioned if there is a percentage the County is requiring or identified as a target as a percentage of permits to single-family homes as opposed to multi-family units; that she questioned if we are meeting the target or percentage as a community; that the Commission needs to take into consideration the location, impact and use of the land and not only considering the number of permits provided to single-family or multi-family homes approved over the last three years.

The Commission found that Ms. Judy Seibert spoke in opposition to the Application; that she is a resident of the Saddle Ridge Community; that she is opposed to both the Change of Zone and Conditional Use Applications; that as a local resident, she believed there will be an adverse effect on adjacent neighborhoods; that left turns onto Rt. 24 is a challenge; that adding 84 townhomes will exacerbate the issue; that she believes the project will have an adverse effect on Love Creek Elementary School; that she understood DelDOT accepted the Belle Terre Traffic Impact Study from 2016; that Love Creek Elementary School was not built until 2017; that she does understand the property is located within the Henlopen TID; that her opinion is a current Traffic Impact Study at the discretion of the Commission; that a TIS should be required because of the additional traffic cause by the COVID-19 pandemic and the change in school districts for children; that the dualization of Rt. 24 will narrow down to one lane, west bound, in front of the Saddle Ridge Community; that this will cause increased congestion at their intersection; that one lane will turn into a right lane only turning into the Saddle Ridge Development; that there is a possibility of the townhomes being used as rentals; that the townhomes would be ideal for the use of rentals; that the units are large in size, being from 3,080 sq. ft. to 4,600 sq. ft; that if the townhomes were used for rentals it could increase the vehicle traffic dramatically; that she appreciated Mr. Robertson's comments that the public comments can be taken into account when considering Change of Zone requests and she requested the Commission use their discretion, not recommending approval for the Change of Zone request.

The Commission found that 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 hearings.

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

In relation to the Ordinance for Tax Parcel No. 334-12.00-16.04. Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to defer for further consideration. Motion carried 5-0.

Minutes of the July 14, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Ordinance which had been deferred since June 23, 2022.

Mr. Mears moved that the Commission recommend approval of Ordinance No. 22-05 to amend the Future Land Use Map in the current Sussex County Comprehensive Plan for a portion of Parcel 334-12.00-16.04 from a Commercial Area Designation to a Coastal Area Designation based on the record made during the public hearing and for the following reasons:

1. The parcel is 21.62 acres of land. A portion of it is designated as the “Commercial Area” according to the Future Land Use Map. The rest of it is designated as “Coastal Area”. This results in the property having two different designations according to the Map. Given the differing rules for the Commercial Area and the Coastal Area, it is appropriate for this property to have one classification on the Future Land Use Map.
2. With the exception of the Saddle Ridge development to the west of this site (which is developed as an MR Medium-Density residential subdivision that is itself inconsistent with its own “Commercial Area” designation), all of the properties that are in the area and that have developed residentially have the “Coastal Area” designation. It is appropriate to bring this entire site under the single “Coastal Area” designation.
3. This revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways, or future land-use planning in the area.
4. This revision of the Future Land Use Map is appropriate given the particular circumstances involved, including the fact that the property has two different Area designations according to the current Future Land Use Map and the fact that the property is in the vicinity of other Coastal Areas that have developed residentially according to the Future Land Use Map. When several factors like this exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of Ordinance No. 22-05, in relation of a portion of 334-12.00-16.04 for the reasons stated in the motion. Motion carried 4-0.

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-12.00-16.04

WHEREAS, on May 21st, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of a portion of Sussex County Parcel No. 334-12.00-16.04 from a Commercial Area to the Coastal Area.

WHEREAS, the Parcel comprises 21.62 +/- acres of land, lying and being within Lewes & Rehoboth Hundred, and located on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). (“The Property”)

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

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

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

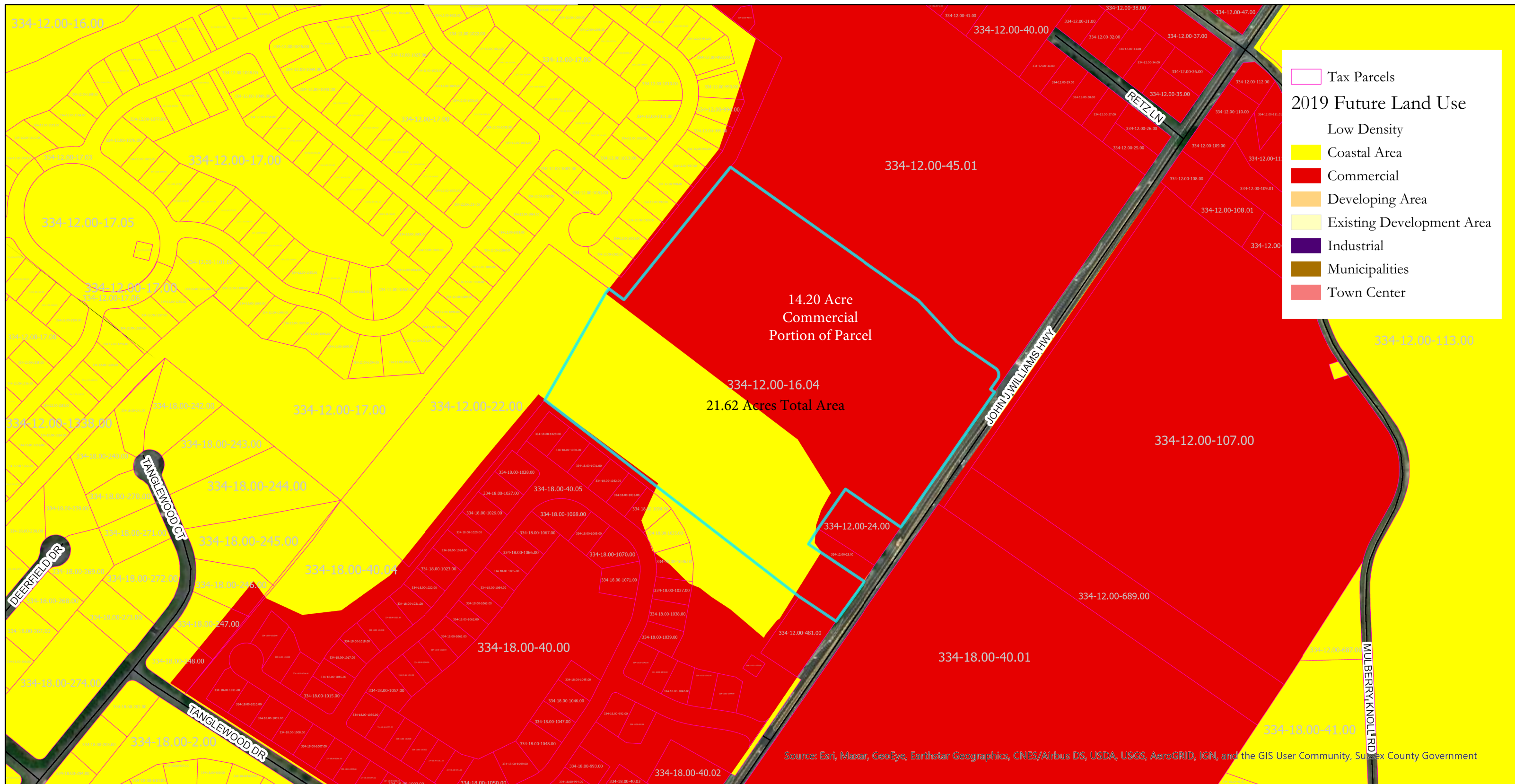
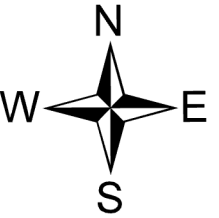
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change a portion of the parcel currently classified as Commercial Area designation of Sussex County Parcel No. 334-12.00-16.04 from the Commercial Area to the Coastal Area. The portion of Sussex County Parcel No. 334-12.00-16.04 so changed is identified in Exhibit A, attached hereto and incorporated herein.

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

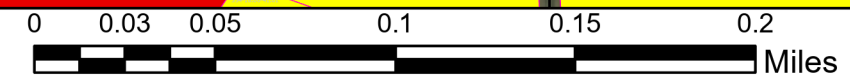


Sussex County



Legend

- Tax Parcels
- 2019 Future Land Use
 - Low Density
 - Coastal Area
 - Commercial
 - Developing Area
 - Existing Development Area
 - Industrial
 - Municipalities
 - Town Center



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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 11, 2023

RE: County Council Report for C/Z 1949 filed on behalf of J.G Townsend Jr. & Co.

The Planning and Zoning Department received an application (C/Z 1949 filed on behalf of J.G. Townsend Jr. & Co.) 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 Highway (Rt. 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R 284). The change of zone is for 21.62 acres, more or less.

The Planning and Zoning Department has also received applications relating to the parcels (C/U 2304 filed on behalf of J.G Townsend Jr. & Co. and Ord. 22-05)

The Planning and Zoning Commission held a public hearing on June 23, 2022. At the meeting of July 14, 2022, the Commission recommended approval of the application for the 7 reasons as outlined within the motion (included below).

The County Council held a Public Hearing on July 26, 2022. At the conclusion of the Public Hearing, the Council deferred action on the application and left the record open for application C/U 2304 for the limited purpose of allowing the Applicant the opportunity to discuss with their engineer whether or not they would like a new proposal for the design that will preserve the forested area and then the record would be closed after that. The County Council closed the Public Record on August 23, 2022.

On August 30, 2022, the application was discussed by the County Council and action was deferred for further consideration.

Below is a link to the County Council minutes of the July 26, 2022 and August 30, 2022 meetings.

[Link to the July 26, 2022 County Council Meeting Minutes](#)



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

[Link to the August 30, 2022 County Council Meeting Minutes](#)

Below are the minutes from the Planning & Zoning Commission meetings of June 23, 2022 and July 14, 2022.

Minutes of the June 23, 2022 Planning & Zoning Commission Meeting

Chairman Wheatley stated the applicant had requested to combine the presentations for the Ordinance, C/Z 1949, and C/U 2304 as they are all related Applications of J.G. Townsend Jr. & Co. and he stated the motions for the three applications would be made separately.

C/Z 1949 J.G. Townsend Jr. & Co.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). 911 Address: N/A. Tax Parcel: 334-12.00-16.04.

Mr. Whitehouse advised the Commission that submitted into the record was the Exhibit Booklet, Conceptual Site Plan, Environmental Assessment, Public Facility Evaluation Report, Staff Analysis, Traffic Impact Study, DelDOT's response to the Traffic Impact Study, a letter from Sussex County Engineering Department Utility Planning Division, 20 letters in opposition and a written petition of 156 signatures.

The Commission found that Mr. David Hutt, Esq. spoke on behalf of the Application; that he is an attorney with Morris James; that he is representing the owner of the property and Applicant, J.G. Townsend Jr. & Co.; that also present were Mr. Paul Townsend, a shareholder in J.G. Townsend Jr. & Co., Mr. Doug Motley, a representative of the development group, Mr. Ring Lardner, Engineer with Davis, Bowen and Friedel, and Mr. Edward Launay, Wetland Scientist with Environmental Resources, Inc.; that he requested to make a correction for the records in respect to C/Z 1949 and C/U 2304; that it was indicated the Traffic Impact Study was undertaken by the Applicant; that the Applicant did not undertake a Traffic Impact Study; that DelDOT included a recent Traffic Impact Study in their response to the Service Level Evaluation Request; that the provided Traffic Impact Study was previously performed to the Belle Terre Community; that the site is known as the "Howeth Property"; that this name was provided after J.G. Townsend Jr. & Co. purchased the land from Howeth Family; that historically the Howeth Farm was much larger than it currently is; that in 2014 the Howeth Farm was as more than 70 acres; that approximately a decade ago, J.G. Townsend Jr. & Co. were approached by various institutions and bodies which included the Cape Henlopen School District, the State of Delaware on behalf of the Delaware State Police, and Sussex County; that these agencies were looking for a location along that particular section of Rt. 24 to place various facilities; that the results of those discussions was a minor subdivision plan; that the minor subdivision was recorded in 2014; that Parcel A1 of the minor subdivision was conveyed to the Cape Henlopen School District in 2015; that it has now become the home of the Love Creek Elementary School; that Parcel B was conveyed to the State of Delaware; that it is now the home of Troop 7; that the history is important as it answers many questions regarding the property; that located to the north is the Love Creek Elementary School; that located to the south is the Saddle Ridge Community; that Rt. 24 runs along the frontage of the property; that the Beacon Middle School is located across from Love Creek

Elementary; the property is located in close proximity to the Beebe Medical Campus, Seaglass Apartments, The Residence Inn Hotel, Hearts Landing Community, Love Creek Manufactured Home Community, The Residences at Rehoboth Bay Condominium and Marina, as well as the various commercial businesses located along Rt. 1; that on the 2020 Delaware State Strategies Map it shows almost the entire area as being within Investment Level 2; that there is a small area located on the property which is located within Investment Level 3; that the area located within Investment Level 3 is an isolated area of wetlands; that within the 2045 Future Land Use Map within Sussex County's Comprehensive Plan shows many parcels within the Commercial Area along Rt. 24; that the other surrounding area is located within the Coastal Area; that the Coastal Area is one of the seven Growth Areas for Sussex County; that one of the requests is to change the Future Land Use Map designation for a portion of the property; that 2/3 of the property is shown as Commercial; that 1/3 of the property is shown in the Coastal Area; that the Applicant's intention is to have the entire property located within the Coastal Area; that the Coastal Area is a designation which would allow uses other than only commercial uses; that Saddle Ridge, Love Creek Elementary School, Beacon Middle School and the site across from Beacon Middle School is shown as being in the Commercial Area on the Future Land Use Map; that there is a mixture of zoning classifications along that corridor of Rt. 24; that there is a mixture of C-1 (General Commercial), CR-1 (Commercial Residential), I-1 (Institutional), B-1 (Neighborhood Business) and MR (Medium-Density Residential); that the Change of Zone Application is seeking to change the zoning from AR-1 (Agricultural Residential) to MR (Medium-Density Residential); that there was three Applications being presented in relation to the same property; that the first request is to amend the Future Land Use Map creating one designation to the Coastal Area for the property; that the second request is for a Change of Zone from AR-1 (Agricultural Residential) to MR (Medium-Density Residential); that the third Application is a Conditional Use request to allow 84 townhomes; that each set of townhomes contains six units; that 14 townhomes are proposed across the site; that the project was reviewed during the PLUS process; that in Summer 2021 the Future Land Use Amendment request was reviewed by the Office of State Planning Coordination through the PLUS process; that the comments of no objection made by the Office of State Planning Coordination was included as part of the record; that Investment Level 2 areas are described as an area where the State anticipates growth for an area in the near future; that the Office of State Planning Coordination stated in their comments "*in Investment Level 2 areas, like Investment Level 1 areas, State investments and policies should support and encourage a wide range of uses and densities*" and "*Investments should encourage departure from the typical single-family dwelling development and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable*", which ensure the State encourages a departure from typical single-family homes, offering a broader mix of housing options; that Section 8.2 of the County Code states "*while the County allows for multi-family (duplexes, townhouses and apartments etc.) the primary housing type is detached single-family (stick-built, modular and manufactured homes)*"; that in 2016, Sussex County issued 1,778 building permits; that of those building permits, 1,615 building permits were for single-family homes, equaling to 90.8%; that less than 10% of the issued building permits were for multi-family structures; that in 2017, 2,068 building permits issued; that 1,961 building permits, or 94.8%, were for single-family homes; that in 2018, 1,057 building permits were issued before the cut off for the Comprehensive Plan; that of those building permits, 992 building permits, or 93.8%, were issued for single-family homes; that within Chapter 8 of the Comprehensive Plan, it stated the County should consider the ability to establish other housing types or reduce the need for a Conditional Use for multi-family development; that the proposed Application does help address the mentioned needs; that within Chapter 4 of the Comprehensive Plan, the Coastal Area is described as one of the fastest growing areas within Sussex County; that the Comprehensive Plan does recognize the environmental concerns which may arise in the Coastal Area; that there is a buffer provided to the isolated wetlands, which proposed some environmental concern;

that the proposed buffer to the wetlands exceeds Sussex County's recently adopted Buffer Ordinance requirements; that within the County Code, it states permitted uses and densities within each of the Growth Areas; that within the permitted use section for the Coastal Area, the Comprehensive Plan states *that a range of housing types should be permitted, including single-family homes, townhouses and multi-family units*; that the next Section it states *that medium and higher densities (4 to 12 units per acre) can be appropriate in certain locations and medium and higher densities could be supported in areas where there is central water and sewer, near sufficient commercial uses and employment centers, where it is in keeping with the character for the area, where it is along a main road, being located at or near a major intersection, where there is adequate level of service, or where other considerations exist that are relevant to the requested project and density*; that the density for the proposed project is 3.9 units to the acre; that the medium and higher density requirements are all met by the proposed project; that Tidewater Utilities will provide water services; that central sewer is available through Sussex County; that the property is located in an area where there are commercial uses and employment centers; that the project is located along RT. 24, which is a major collector road; that the project is located at a signalized intersection on Rt. 24; that Rt. 24 does have DART transportation, with a Rehoboth, Longneck and Millsboro DART connection; that because the project is located within the TID, a fee per unit is required as part of the project's contribution to DelDOT; that although some adjacent properties are listed as AR-1 (Agriculture Residential), the Love Creek Elementary School is not an agricultural use; that the Love Creek Elementary School is over 89,000 sq. ft., which was granted by a Conditional Use approval; that located across the street is Beacon Middle School, being over 77,000 sq. ft. and was granted a Conditional Use Approval; that the County recently considered an application for the V&M site, which received approval for a 5,000 sq. ft. convenience store and fueling stations; that a 12,000 sq. ft. office building will also be located on the V&M property; that there were multiple other Conditional Use approvals mentioned within the submitted material; that the requested zoning classification for the property is MR (Medium-Density Residential), as it is an appropriate zoning district for the proposed use; that townhomes is a Conditional Use within the MR (Medium-Density Residential) Zoning District; that Conditional Uses are generally of a public or semi-public character and our essential for the general convenience and welfare of the County; that Conditional Uses to require some Planning judgement; that the purpose of the MR Zoning District is to provide for medium density residential development in areas which are expected to become generally urban in character, which is a good description of Rt. 24; that the Future Land Use Map for the property shows the commercial designation; that by allowing the area to be rezoned the area would avoid concentrations of retail and service uses, as well as hotels, motels, carwashes, auto dealerships, as well as other medium and large scale uses not primarily targeted to immediately adjacent residents and areas; that institutional and industrial uses may also be appropriate in the Commercial Zoning District; that the current Application proposes a far less intensive use than the potential permitted uses under Commercial Zoning; that traffic was a main theme within the comments made in opposition; that the use of the entryway was always anticipated; that there was a Service Level Evaluation Request sent to DelDOT as part of the Application; that within DelDOT's response indicated that the traffic impact for the project would be minor; that in having a minor impact the project became eligible for to participate in the Area Wide Study Fee Program; that however, the property is located within the Henlopen Transportation Improvement District (TID); that due to this the Area Wide Study Fee does not apply; that the fee per unit does apply; that another concern mentioned in opposition was the appropriateness of multi-family units being located adjacent to a school; that the concern is in contrary to many school which currently exist in Sussex County; that Cape Henlopen High School, HOB Brittingham School, Mariner Middle School, East Millsboro Elementary School, Rehoboth Elementary School are all located immediately adjacent to or nearby multi-family residential communities; that Chapter 8 of the Comprehensive Plan indicates the proposed area is appropriate for the proposed zoning and for the proposed Conditional Use for

townhomes; that the Applicant requested approval to amend the Future Land Use Map, allowing the property to be located completely within the Coastal Area, changing the County's Zoning Map from AR-1 to MR Zoning and an approval for the Conditional Use permitted 84 townhomes; that he did submit proposed Findings of Fact and Conditions of Approval for the Change of Zone Application and the Conditional Use Application; that one of the proposed requirements is that there must be a Property Owners Association to care for amenities; that it is proposed that the amenities would be constructed by the seventh building permit and each building will receive a building permit for all six units within it; that in reality, the amenities would be completed by the 42nd building permit when considering per units.

The Commission found that Mr. Ring Lardner spoke on behalf of the Application; that he is an engineer for Davis, Bowen and Friedel; that the site is located along John J. Williams Hwy., which is classified as a major collector road per the DelDOT Functional Classification Map; that the project is located within the Henlopen Transportation Improvement District (Henlopen TID); that the TID was a group effort between DelDOT and Sussex County; that the agreement was approved on October 30, 2020; that DelDOT noted the traffic for the proposed project was consistent with the TID; that the project was eligible to pay the TID fee, rather than performing a Traffic Impact Study (TIS); that a TID fee based on a per lot basis on January 31, 2020 was \$341,796.00; that the fee does increase annually on January 31st; that the fee is due at the time of building permit issuance; that the fee will continue to increase until the building permits are released; that the TID fees help fund the various project within the Transportation Improvement District to help improve the TID area; that the assumed land use was underestimated as it was assigned 37 single-family homes; that for the current Application they were able to stay within the perimeters for traffic; that the vehicle trips generated by townhouses is less than those generated by single-family homes; that this is the reasoning DelDOT considered the project consistent with the TID; that the project is not located within the Well Head Protection Area or Excellent Recharge Area; that the project is located outside of the 100 Year Flood Plain; that there is a small pocket of wetlands located on the site; that the wetlands were delineated by Environmental Resources Inc.; that the wetlands are located along the common boundary line of the site and the Saddle Ridge Community; that an approved Jurisdictional Determination was completed by the U.S. Army Corp of Engineers; that Mr. Edward Launay, with Environmental Resources did prepare an Environmental Review for wildlife habitat considerations; that Mr. Launay's review does contain a consultation with the U.S. Fish and Wildlife Service; that there are no records of federally listed threatened or endangered species being located on site; that the Monarch Butterfly was located onsite; that the site does not have the proper vegetation to support the Monarch Butterfly, therefore it was assumed that the site was not the home for the Monarch Butterfly; that within DNREC's Fish and Wildlife comments from the PLUS review mention three State rare species; that all three species are located within the Hetty Fisher Pond, which is located over 740-ft. from the site; that it was Mr. Launay's opinion that the development of the Howeth Property, now known as School Lane, will not adversely impact the amphibious species of State concern; that the layout of the site first began at the intersection of John J. Williams Hwy. as it is the combined entrance for the Love Creek Elementary School, Troop 7 and the proposed project; that when the Love Creek Elementary School was approved, traffic for the proposed project was already preassigned for the intersection; that the intersection was designed for the proposed project traffic; that as part of the improvement and approval for Love Creek Elementary School the stub was connect to the parcel; that this allowed for interconnectivity, providing one access onto Rt. 24; that they did design a 20-ft. landscape buffer along the property border of Love Creek Elementary School, Belle Terre and Saddle Ridge Communities; that the communities for Belle Terre and Saddle Ridge also have buffers on their property; that this has created two sets of buffers adjacent to each other; that they established a 50-ft

wetland buffer to the isolated wetlands on site; that the Application was submitted prior to the adoption of the recent Buffer Ordinance; that the proposed buffer exceeds the requirement of the recently adopted Buffer Ordinance; that the townhouses will be fee simple lots, meaning the lots will be owner occupied; that no lots will be located back to back; that the stormwater pond is proposed to be centrally located on the site; that the proposed stormwater pond location will minimize grading changes to the site; that active amenities are proposed along the other side of Road A, to ensure amenities would not be located in the rear yard of the lots; that they attempted to minimize dead-end streets; that currently there are two dead-ends proposed on Road B and Road C on the Site Plan; that they did provide overflow parking areas throughout the site for guests; that the internal roads will meet and/or exceed the requirements of Sussex County Road Standards; that the roads will be privately maintained; that Sussex County Geographic Information Office (GIO) (F.K.A. Mapping and Addressing Department) has approved the subdivision name of "School Lane" as well as the road names; that proposed amenities are a pool house, pool, centralized mailbox and a sports field area; that the proposed open space for the project is 11.42-acres, or 52% of the project site; that the project will be served by Tidewater Utilities, Inc. for water services; that Sussex County will provide sanitary sewer services; that they have received Willing and Able to Serve letters from Tidewater Utilities, Inc., Chesapeake Utilities, Delaware Electric Coop, and a Sewer Service Concept Evaluation from Sussex County Engineering; that the project was reviewed by PLUS on December 16, 2020; that the PLUS comments and the Applicant's response can be found in the submitted Exhibit Booklet; that the comments provided were general in nature; that the Applicant will comply with all regulatory requirements; that his office prepared an Environmental Assessment and Public Facilities Evaluation Report and the project complies with the Comprehensive Plan.

Ms. Stevenson questioned how parking is proposed for the project and if additional parking could be added to Road A on the west side.

Mr. Lardner stated each lot will have two parking spaces per unit, via the driveway or the garage; that they have provided overflow parking throughout the project; that they have exceeded the two-unit per lot requirement, and he stated they could consider additional options to add parking to the area Ms. Stevenson mentioned.

Chairman Wheatley advised the Commission that Mr. Bill Brockenbrough, County Coordinator with DelDOT was present for questioning via teleconference; that he requested Mr. Brockenbrough explain how the entrance came to be and why it was constructed the way it was.

Mr. Brockenbrough stated when the property was acquired for Love Creek Elementary School, J.G. Townsend Jr. & Co., the seller of the property retained access through the existing driveway with the intention to utilize the driveway for access to the subject property; that the construction of the entranceway is desirable by DelDOT; that he did not recall the specific history of when the school was developed; that the entranceway is consistent with the preferred construction from DelDOT's view, to minimize the number of access points; that in minimizing fewer access points, it allows fewer decision points for a driver and it opens the possibility for signalized access for the development, which would help manage left-hand turns.

Ms. Stevenson questioned if the pool house is proposed to only hold supplies for the pool, or if the pool house was proposed to be larger and utilized by residents and requested the Applicant consider making the pool house a meeting spot for residents.

Mr. Hutt stated a better description of the pool house would be a bathhouse; that it would not be proposed as a clubhouse with exercise equipment and that the pool house is proposed to be a changing area and restroom area.

Mr. Robertson stated the Applications are for a Change of Zone and a Conditional Use and the Commission does have the authority to apply discretion.

Chairman Wheatley stated property owners do have a right to subdivide their land and property owners do not have the right to Change the Zoning for their property; that the Change of Zone is purely discretionary, and the Commission has the authority to make that discretion.

The Commission found Mr. Steve Kittka spoke in opposition to the Application; that he lives within the Saddle Ridge Community; that he opposes the project as it is currently proposed; that it was said the townhomes would generate less traffic; that the proposed townhomes are larger than almost any home located within the Saddle Ridge Community; that the townhomes are 4,600 sq. ft.; that he did not invest in his property with any idea that the adjacent zoning would be changed; that he feels the proposed development will cause an enormous amount of traffic; that he understood there was not a Traffic Impact Study performed for the proposed project specifically; that a lot has changed since previous traffic analysis; that one of the reasons for this is COVID-19 which has led to an increase in traffic to Love Creek Elementary School; that with the traffic currently on Rt. 24, there are frequent accidents and near accidents all the time; that within the last three weeks there have been three accidents within a mile of the proposed development; that two of the accidents were at the intersection of Rt. 24 and Warrington Rd.; that those two accidents caused Rt. 24 to shut down; that the third accident was between Saddle Ridge and Harts Landing; that he has no objection to the Applicant developing the property; that he objects to the proposal of medium density; that he is also concerned with the disturbance to the wildlife and he objects to the Change of Zoning request.

Chairman Wheatley stated that if a Traffic Impact Study (TIS) was performed for a nearby development, DelDOT does not require an additional TIS as the information remains remotely the same.

Mr. Robertson stated DelDOT and Sussex County established the Transportation Improvement District (TID) that the project is part of; that DelDOT has performed the analysis for all the roadway improvements within the entire TID area; that they had to design all road improvements based on the anticipated development within the TID; that then, based on the improvements, a cost is assigned as to what it cost to construct the road improvements; that then a required fee is calculated for each developer to develop the road improvements and the Applicant did not perform a Traffic Impact Study as it is already included in the greater TID.

Mr. Robertson questioned the status of the dualization of Rt. 24.

Mr. Mears requested Mr. Brockenbrough's opinion on townhomes generated vehicle traffic versus residential communities generated traffic.

Mr. Brockenbrough stated the construction began in March 2022 for the dualization of Rt. 24; that it was proposed to be completed in 2023; that he believed completion will be in 2024; that the improvements are proposed to widen to two lanes each way; that sidewalks are proposed on both sides of the road; that DelDOT relies on Transportation Engineers Trip Generation Manual, which

provides National-level data on various land uses, including single-family detached houses and townhouses; that generally single-family detached houses generate the most traffic; that townhouses, apartments and various types of multi-family development generate less per dwelling unit and regarding the comment of the size of the townhomes, DelDOT would not have data to support or dispute the fact.

Chairman Wheatley questioned if anyone could provide a comment on the proposed size of the units.

Mr. Ring Lardner stated that they do not know the exact size of the townhouses currently; that the lot widths are 20-ft. wide with a depth of 115-ft.; that the widest lot could be 28-ft.; that after including setback requirements, it would be 20'x75'; that the proposed units are two-story with a first-floor master; that at the largest, an approximate average is 3,000 sq. ft.; that the average size will be 2,000 sq. ft. to 2,500 sq. ft.; that confirmation of size cannot be determined until they find a builder and the proposed size is much less than the size testified by Mr. Kittka.

The Commission found that Ms. Nancy Guerin spoke in opposition to the Application; that she lives in Hart's Landing; that she has concerns about the Love Creek Bridge; that the bridge is not proposed to be expanded; that this will cause a traffic bottleneck, as the traffic will go from four lanes down to two lanes; that currently, she has difficulty exiting her development onto Rt. 24; that she feels after hearing Mr. Hutt explain all the types of development located along Rt. 24, she does not believe another development is needed; that she questioned if any of the mentioned schools and the developments they are adjacent to share a road as is proposed in the current Application; that due to COVID-19, there has been increased traffic to the schools; that this has created a back up of traffic on Rt. 24 down to Mulberry Rd. and she does not feel the Traffic Impact Study for Belle Terre, and the time in which it was performed, took in to account the additional traffic she sees currently.

The Commission found that Mr. Kenny Delmar spoke in opposition to the Application; that he lives in Hart's Landing; that he has a background in real estate, with many decades of experience; that in his experience the last thing a person should want to do is build a development next to a slaughter house, a factory making toxic chemicals or an elementary school; that it would be a kiss of death; that he assured the Commission that the developer, owner and attorneys have not had a discussion with a real estate broker to question what would be coming down the road; that he felt two weeks ago a ceiling was hit; that from here on out it will become more difficult to make a profit with a residential development; that a smart choice to make, would be not to build your development next to an elementary school, while sharing the same entrance with the school; that it would not be a smart choice; that the choice would not be considered good business; that he questioned if any of the attorneys, engineers or developer have children in Love Creek Elementary; that he questioned what will happen with construction traffic caused by the development; that it will be another years lost to a child who is attempting to get an education; that because of the construction, there will be noise from 7:00 am until 4:00 pm for at least a year; that the children who are in school trying to learn, will have to listen to construction noise for at least a year and the future residents will not want to deal with the noise generated by an elementary school on a normal school day.

The Commission found that Mr. Shunli Zhang spoke in opposition to the Application; that he lives in Saddle Ridge Development; that he agrees with all the previously mentioned concerns; that he is concerned about the approximate six acres of forest located on the property; that on one side of the forest is a natural pond; that on the other side of the forest are wetlands; that the current forest is full of life; that the forest life includes bald eagles and he requested the Commission reconsider approving

the project, or request a modification to the plan, to help protect the forest, wildlife and natural beauty of the forest.

The Commission found that Mr. Laymen Grant spoke in opposition to the Application; that he is a resident of Belle Terre; that it was his understanding that a signalized light will be placed at the intersection of Rt. 24 and Mulberry Knoll Rd.; that the current traffic attempting to get onto Rt. 24 is ugly; that with the proposed 84 townhouses; that he would estimate one and a half vehicles per unit; that most families have at least two cars; that there will be 120 additional vehicles with the proposed development, which will be required to merge onto Rt. 24; that occasionally the children at Love Creek Elementary School play outside in the adjacent field; that Beacon Middle School has athletic fields; that he feels placing the development without the red light would be a disaster; that there will be an accident; that he has only lived in Sussex County a year; that there are times he cannot figure out how to cross Rt. 24; that people will take a chance, shooting out onto Rt. 24; that he feels there would be a chance they head into the field, where children may be at play; that in the evening hours, there is limited lighting in the area; that he does not have an issue with the development of the property but he does have an issue with the traffic.

Mr. Brockenbrough stated he believed the plan was to place a signalized red light at the intersection of Mulberry Knoll Rd. and Rt. 24.

The Commission found that Mr. Maureen Burns spoke in opposition to the Application; that she lives within Belle Terre directly behind the proposed project; that she questioned if the Commission approves the Change of Zone request, could the Applicant change their proposed plans; that the elevation of the proposed site is higher than her property; that she is concerned she will receive all of the water run off when it would rain; that she questioned if there are proposed balconies for the townhouses and she is concerned about her privacy and the ability of future residents to look through her windows.

Mr. Robertson stated the Commission would make a recommendation to County Council; that County Council would approve or deny the Change of Zone request; that if the Change of Zone were to be approved, the Applicant could potentially propose a subdivision; that a subdivision would require another public hearing; that the maximum building height would be 42-ft.; that if the Change of Zone were approved, the Applicant would be permitted to do anything permitted within MR (Medium-Density Residential) Zoning District.

Chairman Wheatley stated the stormwater regulations are regulated and enforced by the Sussex Conservation District; that Sussex Conservation District regulations stated the Applicant must contain the property's stormwater on-site; that the Applicant must dispose of the water runoff either on the property site or through a properly regulated design outfall and the Applicant would not be permitted to allow any runoff onto Ms. Burns property.

Mr. Ring Lardner stated they cannot speak to the design of the townhomes; that there is a 20-ft. landscape buffer proposed on the property site; that there is a 50-ft. landscape buffer on the Belle Terre property and that the buffers would allow for a 70-ft landscape buffer between the homes.

Mr. Robertson questioned what the rear setback requirements for the proposed units were.

Mr. Whitehouse stated that each unit must have an agricultural buffer; that the Applicant can split the buffer, however, the plan would be required to be seen before the Commission for site plan review; that it is required to be a minimum of 40-ft. spread front and back; that the buildings can be no closer than 40-ft. from each other; that the minimum landscape buffer required is 20-ft. or the Applicant would be required to obtain a variance; that there is 40-ft. between the buildings and the property lines; that within the 40-ft. setback there is a 20-ft. landscape buffer and any setback and landscaping located on the Belle Terre property.

The Commission found that Ms. Patricia Hutchinson spoke in opposition to the Application; that she lives with Belle Terre; that she has concerns with the wild life, the removal of the existing woods and transportation issues; that she is a retired educator; that she knows what happens on an elementary school property; that she knows the amount of traffic comes and goes from the property; that she knows the amount of children that play outside; that she does have concerns with the construction and the issues it will cause for the children; that she is concerned children will not be able to go outside for recess, which the children just experienced during the COVID-19 pandemic; that she is concerned about the additional traffic coming and going from the site; that she would appreciate a signalized red light; that she is concerned about other permitted building that would be permitted with an approval to the Change in Zone request; that she is concerned about the possibilities of a transient population or rental population being placed next to an elementary school and a community for the 55+ year community; that she has concern regarding the water runoff; that she was told that Belle Terre previously proposed mixed development, which included townhomes; that the townhouses were denied at that time; that she feels the townhouses would not be similar to surrounding communities; that she does understand if the zoning is changed the Applicant is permitted to construct anything permitted within that zoning and the neighbors would get no say in what the Applicant were to propose.

The Commission found that Mr. Thomas Negran spoke in opposition to the Application; that he is a resident of Belle Terre; that the lovely 21-acre cornfield will be removed; that 84 multi-family units are proposed for the area; that only single-family homes and an elementary school border the property; that a major concern is the increased traffic; that the proposed development will share the entrance with Love Creek Elementary school; that according to the documentation there will be 598 additional vehicles daily; that the area is already congested; that the increased traffic may pose a threat to the safety of the Love Creek Elementary children; that according to the Site Plan, the backyards of 18 units will directly face the school property; that the water runoff from the 14 units roofs will flow into the direction of Belle Terre residents back yards; that he saw no proposed retention ponds in the area bordering Belle Terre; that four acres of woodlands will be destroyed; that 7.9 acres of impervious material will replace the field; that according to the report from DNREC, there are several rare and/or endangered species in the project area; that multi-family units sell for a lower price point than single-family homes; that the lower price point often leads to investors purchasing units for rental; that transient neighbors may not be the most desirable neighbors, especially to school-aged children; that the Land Elevation Map, located on page 72, of the Paperless Packet indicates a natural slope downward to 25-ft. above sea level at the rear of the property; that the elevation drops to 21-ft. above sea level on Decatur Street in Belle Terre; that the runoff could become detrimental to the Belle Terre community with the removal of the trees; that he questioned if the Applicant plans to sell the property to a developer, to develop themselves, to receive subsidies for low-income housing and what the expected selling price is for the proposed townhomes; that he commends Sussex County for purchasing land in efforts to preserve land; that he requested Sussex County purchase the subject property to be preserved and/or utilized as a park or recreational area and he stated the revenue to

Sussex County will receive, from the 1.5% transfer tax from Belle Terre alone will amount to at least \$2,000,000.00 and could be put to good use for the residents of Sussex County.

Mr. Robertson stated the Commission does not discriminate at all based on income levels, housing type, type of owner, or type of tenant; that the question is inappropriate and will not be required by the Commission.

Ms. Stevenson stated Mr. Ring Lardner serves on the Sussex County Land Trust; that the Sussex County Land Trust is a non-profit organization that purchased land to preserve; that she recommends people contact him to discuss donating.

The Commission found that Ms. Martha Eisenhower spoke in opposition to the Application; that she lives on Retz Lane; that her property back up to the Love Creek Elementary School property; that she was happy to hear when a school was being proposed behind her property; that she would rather a school than a convenience store; that she is opposed to the Change of Zone request; that currently, the Applicant knows two units to the acre is permitted within the AR-1 Zoning District; that this would allow for 43 homes; that the Applicant would place 43 homes on the property while preserving the woodlands; that she has lived on her property for 43 years; that within the last year she has noticed an influx of wildlife in her yard and the only thing she can attribute it to, is the fact that we are destroying the woodlands, creating nowhere else for the wildlife to go.

The Commission found that Mr. Victor Mantarro spoke in opposition to the Application; that he lives within the Saddle Ridge Community; that he had a concern about the proposed stormwater drainage; that his backyard faces the wetland area; that one year, there was an extraordinary amount of rain, which caused the wetland area to fill quickly; that the overflow of water ran into the existing woods; that the woods help maintain the 15 inches of water from the back of his house and his neighbor's house; that the project will be adding additional runoff; that he is not convinced that the Applicant will be able to control the runoff flowing into the wetlands and he is concerned if the Applicant cannot control the runoff it will cause runoff onto his property.

The Commission found that Ms. Susan Armato spoke in opposition to the Application; that she is a resident of Belle Terre; that she supports development; that she is opposed to the Change of Zone request; that she believes the owner has the right to the permitted use within the AR-1 Zoning District; that proposing 84 units would be a disservice to all nearby residents; that approval will set the precedence for anyone with AR-1 Zoning to request rezoning as well.

The Commission found that Mr. Paul Paolini spoke in opposition of the Application; that he has been a resident within Saddle Ridge Community for a year; that he has been in real estate for 25 years; that he is a landscape architect by degree and practice; that he agrees with Mr. Delmar, who stated a property adjacent to a school is a challenge due to the unknowns of school traffic and noise of the children; that he previously sold a home between a men's prison and a women's prison; that he believes selling that home between two prisons would be easier than selling a home next to a school; that he played recordings of emergency sirens for the Commission; that he stated the sirens are sometimes heard up to five times a day along this corridor of Rt. 24; that the representative of the Applicant did a good job identifying what is along the Rt. 24 corridor; that soon the residents of Saddle Ridge will be required to cross two lanes to make a left turn onto Rt. 24; that the whole corridor has a high level of activity and that is the reasoning for his opposition to the zoning change of the parcel.

The Commission found that Ms. Bettina Peronti spoke in opposition to the Application; that she is a resident of Belle Terre; that she had concerns about sharing the entranceway with the elementary school, being located adjacent to the elementary school, that she feels the Traffic Impact Study was based on the Applicant putting in 37 single-family homes, with two vehicles a home; that with 37 single-family homes the total vehicles would be 74 vehicles; that when placing 84 townhomes, at one vehicle is 84 vehicles; that she would like clarification put on record stating that the multi-family units will not cause more traffic than single-family homes; that she is opposed to the rezoning; that the representative to the Applicant did a good job describing development within the area; that she feels the Applicant can develop the property under the existing AR-1 Zoning; that she questioned if there is a percentage the County is requiring or identified as a target as a percentage of permits to single-family homes as opposed to multi-family units; that she questioned if we are meeting the target or percentage as a community; that the Commission needs to take into consideration the location, impact and use of the land and not only considering the number of permits provided to single-family or multi-family homes approved over the last three years.

The Commission found that Ms. Judy Seibert spoke in opposition to the Application; that she is a resident of the Saddle Ridge Community; that she is opposed to both the Change of Zone and Conditional Use Applications; that as a local resident, she believed there will be an adverse effect on adjacent neighborhoods; that left turns onto Rt. 24 is a challenge; that adding 84 townhomes will exacerbate the issue; that she believes the project will have an adverse effect on Love Creek Elementary School; that she understood DelDOT accepted the Belle Terre Traffic Impact Study from 2016; that Love Creek Elementary School was not built until 2017; that she does understand the property is located within the Henlopen TID; that her opinion is a current Traffic Impact Study at the discretion of the Commission; that a TIS should be required because of the additional traffic cause by the COVID-19 pandemic and the change in school districts for children; that the dualization of Rt. 24 will narrow down to one lane, west bound, in front of the Saddle Ridge Community; that this will cause increased congestion at their intersection; that one lane will turn into a right lane only turning into the Saddle Ridge Development; that there is a possibility of the townhomes being used as rentals; that the townhomes would be ideal for the use of rentals; that the units are large in size, being from 3,080 sq. ft. to 4,600 sq. ft; that if the townhomes were used for rentals it could increase the vehicle traffic dramatically; that she appreciated Mr. Robertson's comments that the public comments can be taken into account when considering Change of Zone requests and she requested the Commission use their discretion, not recommending approval for the Change of Zone request.

The Commission found that 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 hearings.

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

In relation to the Application C/Z 1949 J.G. Townsend Jr. & Co. Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to defer for further consideration. Motion carried 5-0.

Minutes of the July 14, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since June 23, 2022.

Mr. Mears move that the Commission recommend approval of C/Z 1949 J.G. Townsend, Jr. & Co., 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 which is expected to become urban in character and where central water and sewer is available. This application satisfies the stated purpose of the MR District.
2. Both central water and central sewer will be available on this site.
3. This site is the location of Route 24 at a lighted intersection. DelDOT is planning to widen and improve this section of Route 24 in the near future. Given its location adjacent to these roadways and this intersection, MR zoning is appropriate for this property.
4. The property is adjacent to the Saddle Ridge development that was developed as an MR residential development. The site is also adjacent to the Love Creek Elementary campus. There are other C-1, CR-1, and B-1 zoning districts along this area of the Route 24 corridor as well. This rezoning is consistent with other zoning and land uses in the area.
5. 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.
6. The site is located within the Commercial Area and the Coastal Area according to the Future Land Use Map in the Sussex County Comprehensive Plan. Both of these are "Growth Areas" according to this Plan. By separate motion, this Commission has recommended that the Map be amended so that the entire parcel is designated as being within the Coastal Area. MR Zoning is appropriate in this Area according to the Plan.
7. For all of these reasons, MR zoning is appropriate for this site.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1949 J.G. Townsend, Jr. & Co., for the reasons stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Wingate – yea, Mr. Mears- 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

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: June 23rd, 2022

Application: CZ 1949 J.G. Townsend Jr. & Co.

Applicant: J.G. Townsend Jr. & Co.
P.O. Box 430
Georgetown, DE 19947

Owner: J.G. Townsend Jr. & Co.
P.O. Box 430
Georgetown, DE 19947

Site Location: The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284).

Current Zoning: AR-1 – Agricultural Residential District

Proposed Zoning: MR – Medium Density Residential District

Comprehensive Land Use Plan Reference: Commercial Area & Coastal Area (FLUM Amendment proposal to change the Commercial Area portion to Coastal Area.)

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 21.62 acres +/-

Tax Map ID.: 334-12.00-16.04



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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: May 23, 2022
RE: Staff Analysis for C/Z 1949 J.G. Townsend Jr. & Co.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1949 Route 54 Limited Partnership to be reviewed during the June 23, 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 334-12.00-16.04 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential (MR) District. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). The parcel consists of 21.62 acres +/-.

Further Site Considerations

Per County records, there do not appear to be any Tax Ditches or related Tax Ditch rights-of-way (ROW) on the subject property. The property is located within the "X" Flood Zone "Areas determined to be outside of the 100-year floodplain."

The property is located within the Henlopen Transportation Improvement District (TID) and shall be subject to all requirements as provided for as part of any subsequent Transportation Improvement District Agreement including payment of any required fees and related improvements as may be deemed necessary by the County and DeDOT.

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 land use designation of "Commercial Area" and "Coastal Area." The properties to the south (including on the opposite side of Route 24 (John J. Williams Highway), the properties to the southwest (to include the entire Saddle Ridge Subdivision) and the properties to the northeast along Route 24 all have a land use designation of "Commercial Area." The properties to the southeast and to the northwest to include the adjacent lands of the Four Seasons at Belle Terre Subdivision also contain the land use designation of "Coastal Area."



As outlined in the 2018 Sussex County Comprehensive Plan, 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. 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).

Conversely, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas (Sussex County Comprehensive Plan, 4-17).

Zoning Information

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) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25). However, the Medium Density Residential (MR) District is not listed as an Applicable Zoning District within the “Commercial Area.”

However, it should be noted that there is a related Application to amend the Future Land Use Map which has been submitted in conjunction with this application (Ordinance No. 21-13) to amend the Commercial portion of the property to the Coastal Area.

The property is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, northeast and south of the subject property are zoned Agricultural Residential (AR-1) District. The properties located to the southwest of the subject site are zoned Medium Density Residential (MR) District. There is also a single parcel to the southwest that is zoned Neighborhood Business (B-1) District.

Existing Change of Zone Applications within the Vicinity of the Subject Site

Since 2011, there have been four (4) Change of Zone applications within a 0.25-mile radius of the application site. The first application is for Change of Zone No. 1737 Robert & Julie Norwood for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Commercial Residential (CR-1) District. The application was recommended denial by the Planning and Zoning Commission at their meeting of Thursday, November 14, 2013, and the Application was

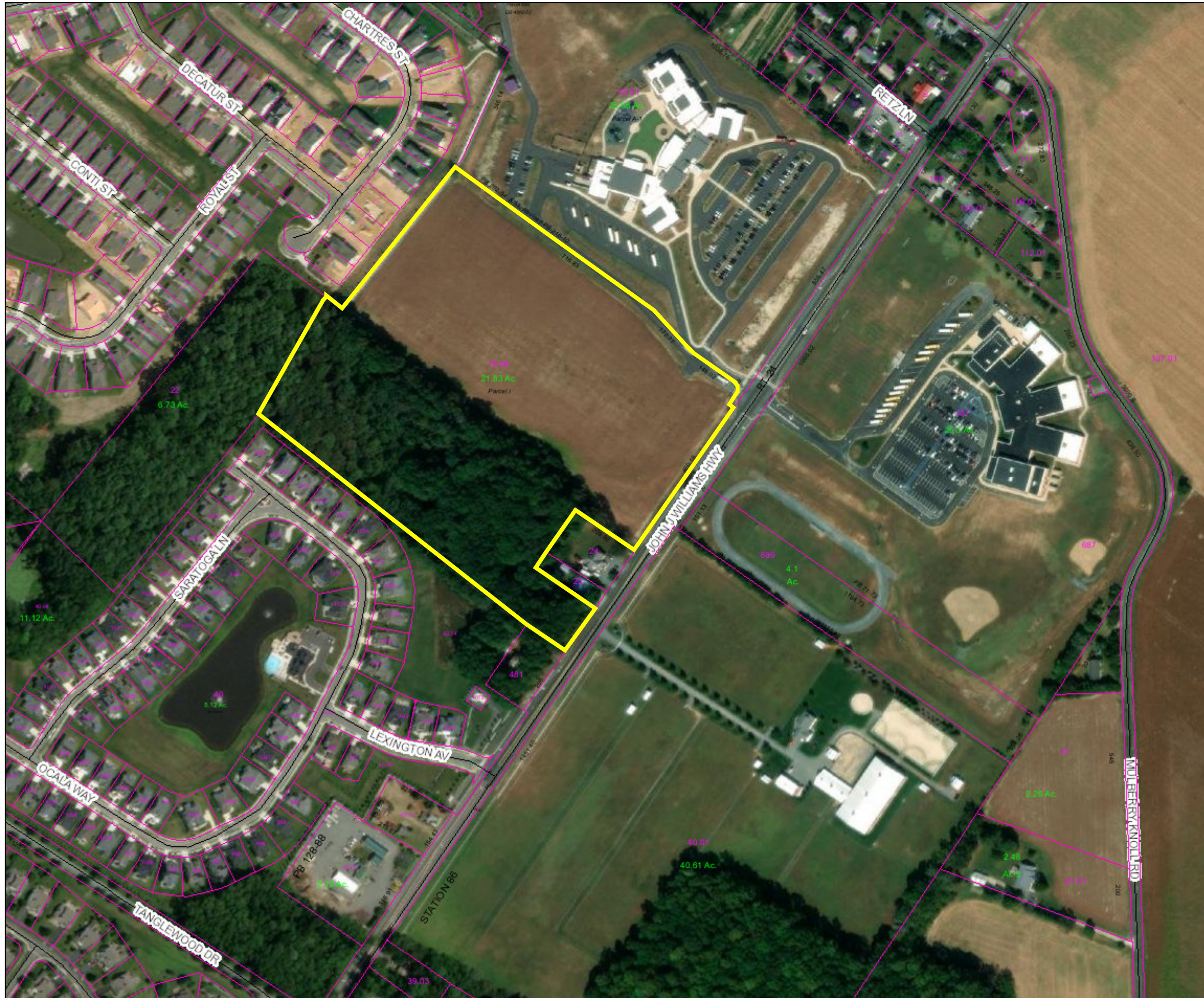
subsequently withdrawn. The second application is for Change of Zone No. 1742 Seaside Communities, RDC, LLC for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC). The application was approved by the Sussex County Council at their meeting of Tuesday, September 30, 2014, and the change was adopted through Ordinance No. 2366. The third application is for Change of Zone No. 1800 Sussex Real Estate Partners, LLC for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC). The application was recommended denial by the Planning and Zoning Commission at their meeting of Thursday, August 25, 2016, and the Application was subsequently withdrawn. The last application was for Change of Zone No. 1901 Mary and Victor Rico for a change of zone from an Agricultural Residential (AR-1) District to a Medium Density Residential (MR) District. The Sussex County Council denied this proposal at their meeting of Tuesday, February 18, 2020.

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 Medium Density Residential (MR) District could be considered as being consistent with the land use, area zoning and surrounding uses.

Change of Zone Applications (w/in a 0.25 mile radius of the subject site)*								
Application Number	Application Name	Current Zoning	Proposed Zoning	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
CZ 1737	Robert & Julie Norwood	AR-1	CR-1	Recommended Denial	11/14/2013	Withdrawn on 3/25/14	N/A	N/A
CZ 1742	Seaside Communities, RDC, LLC	AR-1	MR-RPC	Recommended Approval	5/22/2014	Approved	9/30/2014	2366
CZ 1800	Sussex Real Estate Partners, LLC	AR-1	MR-RPC	Recommended Denial	8/25/2016	Withdrawn on 9/1/16	N/A	N/A
CZ 1901	Mary and Victor Rico	AR-1	MR	Recommended Denial	1/9/2020	Denied	2/18/2020	N/A



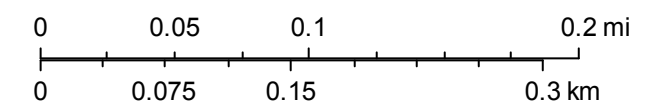
Sussex County



PIN:	334-12.00-16.04
Owner Name	TOWNSEND J G JR CO
Book	0
Mailing Address	PO BOX 430
City	GEORGETOWN
State	DE
Description	NW/RT 24
Description 2	SW/RT 284
Description 3	PARCEL 1
Land Code	

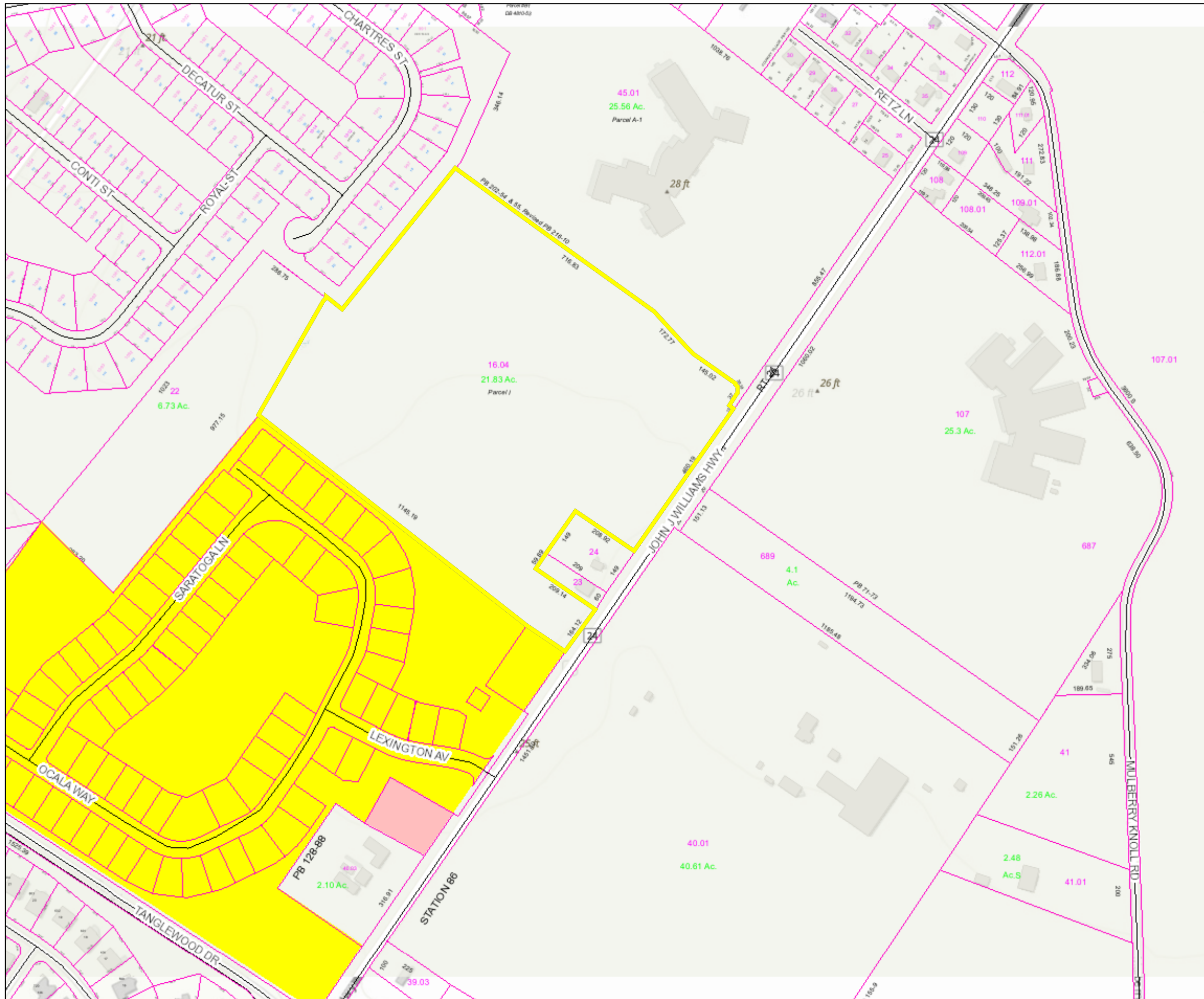
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

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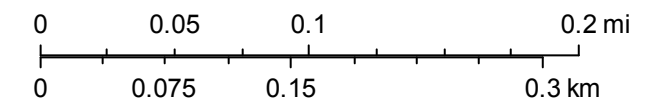
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Description 3	PARCEL 1
Land Code	

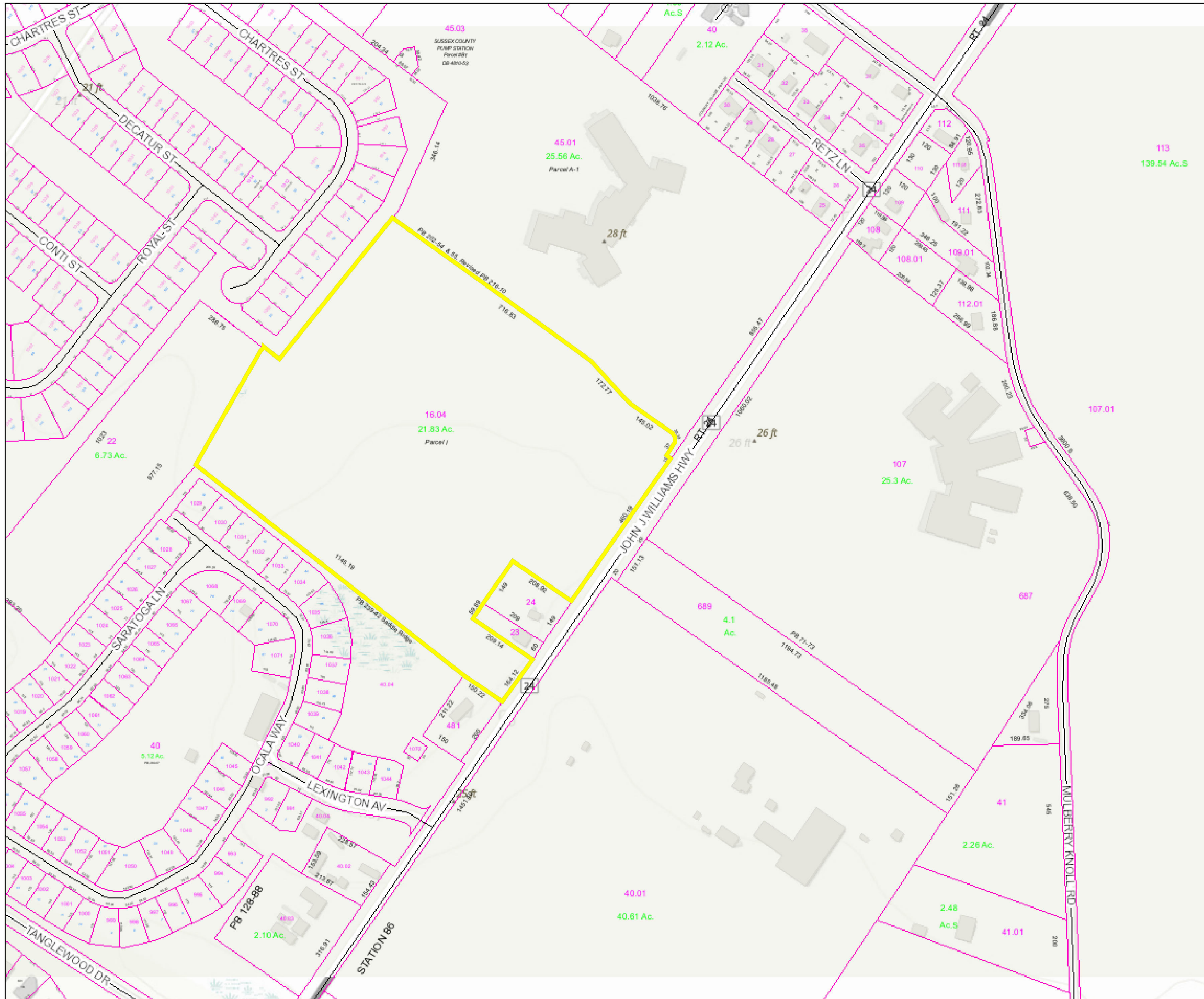
- polygonLayer
 Override 1
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 Override 1
- Tax Parcels
- Streets

1:4,514





Sussex County



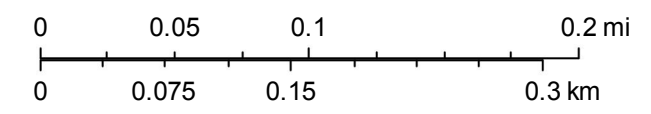
PIN:	334-12.00-16.04
Owner Name	TOWNSEND J G JR CO
Book	0
Mailing Address	PO BOX 430
City	GEORGETOWN
State	DE
Description	NW/RT 24
Description 2	SW/RT 284
Description 3	PARCEL 1
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries

1:4,514



Introduced 11/09/21

**Council District 3 – Schaeffer
Tax I.D. No. 334-12.00-16.04
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS

WHEREAS, on the 30th day of July 2021, a zoning application, denominated Change of Zone No. 1949 was filed on behalf of J.G. Townsend Jr. & Co.; 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. 1949 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 MR Medium Density Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Route 24) approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R 284) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 21.62 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 11, 2023

RE: County Council Report for C/U 2304 filed on behalf of J.G. Townsend Jr. & Co.

The Planning and Zoning Department received an application (C/U 2304 filed on behalf of J.G. Townsend Jr. & Co.) for a Conditional Use for parcel 334-12.00-16.04 for multi-family dwellings (84 units). The property is located on the west side of John J. Williams Highway (Rt.24), approximately 0.25 mile southwest of Mulberry Knoll Road (SCR 284). The parcel size is 21.62 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on June 23, 2022. At the meeting of July 14, 2022, the Planning & Zoning Commission recommended approval of the application subject to 10 reasons stated and subject to 16 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on July 26, 2022. At the conclusion of the Public Hearing, the Council deferred action on the application and left the record open for application C/U 2304 for the limited purpose of allowing the Applicant the opportunity to discuss with their engineer whether or not they would like a new proposal for the design that will preserve the forested area and then the record would be closed after that. The Applicant submitted a written response on August 9, 2022. The Council closed the Public Record on August 23, 2022.

On August 30, 2022, the application was discussed by the County Council and action was deferred for further consideration.

Below is a link to the County Council minutes of the July 26, 2022 meeting.

[Link to the July 26, 2022 County Council Meeting Minutes](#)

[Link to the August 30, 2022 County Council Meeting Minutes](#)



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

Below are the minutes from the Planning & Zoning Commission meetings of June 23, 2022, and July 14, 2022.

Minutes of the June 23, 2022 Planning & Zoning Commission Meeting

Chairman Wheatley stated the applicant had requested to combine the presentations for the Ordinance, C/Z 1949, and C/U 2304 as they are all related Applications of J.G. Townsend Jr. & Co. and he stated the motions for the three applications would be made separately.

C/U 2304 J.G. Townsend Jr. & Co.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY (84 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). 911 Address: N/A. Tax Parcel: 334-12.00-16.04.

Mr. Whitehouse advised the Commission that submitted into the record was the Exhibit Booklet, Conceptual Site Plan, Environmental Assessment, Public Facility Evaluation Report, Staff Analysis, Traffic Impact Study, DelDOT's response to the Traffic Impact Study, a letter from Sussex County Engineering Department Utility Planning Division, PLUS comments, the Applicant's response to the PLUS comments, 20 letters in opposition; that the 156 signature petition did not specifically refer to both Applications and was submitted under the other record.

The Commission found that Mr. David Hutt, Esq. spoke on behalf of the Application; that he is an attorney with Morris James; that he is representing the owner of the property and Applicant, J.G. Townsend Jr. & Co.; that also present were Mr. Paul Townsend, a shareholder in J.G. Townsend Jr. & Co., Mr. Doug Motley, a representative of the development group, Mr. Ring Lardner, Engineer with Davis, Bowen and Friedel, and Mr. Edward Launay, Wetland Scientist with Environmental Resources, Inc.; that he requested to make a correction for the records in respect to C/Z 1949 and C/U 2304; that it was indicated the Traffic Impact Study was undertaken by the Applicant; that the Applicant did not undertake a Traffic Impact Study; that DelDOT included a recent Traffic Impact Study in their response to the Service Level Evaluation Request; that the provided Traffic Impact Study was previously performed to the Belle Terre Community; that the site is known as the "Howeth Property"; that this name was provided after J.G. Townsend Jr. & Co. purchased the land from Howeth Family; that historically the Howeth Farm was much larger than it currently is; that in 2014 the Howeth Farm was as more than 70 acres; that approximately a decade ago, J.G. Townsend Jr. & Co. were approached by various institutions and bodies which included the Cape Henlopen School District, the State of Delaware on behalf of the Delaware State Police, and Sussex County; that these agencies were looking for a location along that particular section of Rt. 24 to place various facilities; that the results of those discussions was a minor subdivision plan; that the minor subdivision was recorded in 2014; that Parcel A1 of the minor subdivision was conveyed to the Cape Henlopen School District in 2015; that it has now become the home of the Love Creek Elementary School; that Parcel B was conveyed to the State of Delaware; that it is now the home of Troop 7; that the history is important as it answers many questions regarding the property; that located to the north is the Love Creek Elementary School; that located to the south is the Saddle Ridge Community; that Rt. 24 runs along the frontage of the property; that the Beacon Middle School is located across from Love Creek

Elementary; the property is located in close proximity to the Beebe Medical Campus, Seaglass Apartments, The Residence Inn Hotel, Hearts Landing Community, Love Creek Manufactured Home Community, The Residences at Rehoboth Bay Condominium and Marina, as well as the various commercial businesses located along Rt. 1; that on the 2020 Delaware State Strategies Map it shows almost the entire area as being within Investment Level 2; that there is a small area located on the property which is located within Investment Level 3; that the area located within Investment Level 3 is an isolated area of wetlands; that within the 2045 Future Land Use Map within Sussex County's Comprehensive Plan shows many parcels within the Commercial Area along Rt. 24; that the other surrounding area is located within the Coastal Area; that the Coastal Area is one of the seven Growth Areas for Sussex County; that one of the requests is to change the Future Land Use Map designation for a portion of the property; that 2/3 of the property is shown as Commercial; that 1/3 of the property is shown in the Coastal Area; that the Applicant's intention is to have the entire property located within the Coastal Area; that the Coastal Area is a designation which would allow uses other than only commercial uses; that Saddle Ridge, Love Creek Elementary School, Beacon Middle School and the site across from Beacon Middle School is shown as being in the Commercial Area on the Future Land Use Map; that there is a mixture of zoning classifications along that corridor of Rt. 24; that there is a mixture of C-1 (General Commercial), CR-1 (Commercial Residential), I-1 (Institutional), B-1 (Neighborhood Business) and MR (Medium-Density Residential); that the Change of Zone Application is seeking to change the zoning from AR-1 (Agricultural Residential) to MR (Medium-Density Residential); that there was three Applications being presented in relation to the same property; that the first request is to amend the Future Land Use Map creating one designation to the Coastal Area for the property; that the second request is for a Change of Zone from AR-1 (Agricultural Residential) to MR (Medium-Density Residential); that the third Application is a Conditional Use request to allow 84 townhomes; that each set of townhomes contains six units; that 14 townhomes are proposed across the site; that the project was reviewed during the PLUS process; that in Summer 2021 the Future Land Use Amendment request was reviewed by the Office of State Planning Coordination through the PLUS process; that the comments of no objection made by the Office of State Planning Coordination was included as part of the record; that Investment Level 2 areas are described as an area where the State anticipates growth for an area in the near future; that the Office of State Planning Coordination stated in their comments "*in Investment Level 2 areas, like Investment Level 1 areas, State investments and policies should support and encourage a wide range of uses and densities*" and "*Investments should encourage departure from the typical single-family dwelling development and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable*", which ensure the State encourages a departure from typical single-family homes, offering a broader mix of housing options; that Section 8.2 of the County Code states "*while the County allows for multi-family (duplexes, townhouses and apartments etc.) the primary housing type is detached single-family (stick-built, modular and manufactured homes)*"; that in 2016, Sussex County issued 1,778 building permits; that of those building permits, 1,615 building permits were for single-family homes, equaling to 90.8%; that less than 10% of the issued building permits were for multi-family structures; that in 2017, 2,068 building permits issued; that 1,961 building permits, or 94.8%, were for single-family homes; that in 2018, 1,057 building permits were issued before the cut off for the Comprehensive Plan; that of those building permits, 992 building permits, or 93.8%, were issued for single-family homes; that within Chapter 8 of the Comprehensive Plan, it stated the County should consider the ability to establish other housing types or reduce the need for a Conditional Use for multi-family development; that the proposed Application does help address the mentioned needs; that within Chapter 4 of the Comprehensive Plan, the Coastal Area is described as one of the fastest growing areas within Sussex County; that the Comprehensive Plan does recognize the environmental concerns which may arise in the Coastal Area; that there is a buffer provided to the isolated wetlands, which proposed some environmental concern;

that the proposed buffer to the wetlands exceeds Sussex County's recently adopted Buffer Ordinance requirements; that within the County Code, it states permitted uses and densities within each of the Growth Areas; that within the permitted use section for the Coastal Area, the Comprehensive Plan states *that a range of housing types should be permitted, including single-family homes, townhouses and multi-family units*; that the next Section it states *that medium and higher densities (4 to 12 units per acre) can be appropriate in certain locations and medium and higher densities could be supported in areas where there is central water and sewer, near sufficient commercial uses and employment centers, where it is in keeping with the character for the area, where it is along a main road, being located at or near a major intersection, where there is adequate level of service, or where other considerations exist that are relevant to the requested project and density*; that the density for the proposed project is 3.9 units to the acre; that the medium and higher density requirements are all met by the proposed project; that Tidewater Utilities will provide water services; that central sewer is available through Sussex County; that the property is located in an area where there are commercial uses and employment centers; that the project is located along RT. 24, which is a major collector road; that the project is located at a signalized intersection on Rt. 24; that Rt. 24 does have DART transportation, with a Rehoboth, Longneck and Millsboro DART connection; that because the project is located within the TID, a fee per unit is required as part of the project's contribution to DelDOT; that although some adjacent properties are listed as AR-1 (Agriculture Residential), the Love Creek Elementary School is not an agricultural use; that the Love Creek Elementary School is over 89,000 sq. ft., which was granted by a Conditional Use approval; that located across the street is Beacon Middle School, being over 77,000 sq. ft. and was granted a Conditional Use Approval; that the County recently considered an application for the V&M site, which received approval for a 5,000 sq. ft. convenience store and fueling stations; that a 12,000 sq. ft. office building will also be located on the V&M property; that there were multiple other Conditional Use approvals mentioned within the submitted material; that the requested zoning classification for the property is MR (Medium-Density Residential), as it is an appropriate zoning district for the proposed use; that townhomes is a Conditional Use within the MR (Medium-Density Residential) Zoning District; that Conditional Uses are generally of a public or semi-public character and our essential for the general convenience and welfare of the County; that Conditional Uses to require some Planning judgement; that the purpose of the MR Zoning District is to provide for medium density residential development in areas which are expected to become generally urban in character, which is a good description of Rt. 24; that the Future Land Use Map for the property shows the commercial designation; that by allowing the area to be rezoned the area would avoid concentrations of retail and service uses, as well as hotels, motels, carwashes, auto dealerships, as well as other medium and large scale uses not primarily targeted to immediately adjacent residents and areas; that institutional and industrial uses may also be appropriate in the Commercial Zoning District; that the current Application proposes a far less intensive use than the potential permitted uses under Commercial Zoning; that traffic was a main theme within the comments made in opposition; that the use of the entryway was always anticipated; that there was a Service Level Evaluation Request sent to DelDOT as part of the Application; that within DelDOT's response indicated that the traffic impact for the project would be minor; that in having a minor impact the project became eligible for to participate in the Area Wide Study Fee Program; that however, the property is located within the Henlopen Transportation Improvement District (TID); that due to this the Area Wide Study Fee does not apply; that the fee per unit does apply; that another concern mentioned in opposition was the appropriateness of multi-family units being located adjacent to a school; that the concern is in contrary to many school which currently exist in Sussex County; that Cape Henlopen High School, HOB Brittingham School, Mariner Middle School, East Millsboro Elementary School, Rehoboth Elementary School are all located immediately adjacent to or nearby multi-family residential communities; that Chapter 8 of the Comprehensive Plan indicates the proposed area is appropriate for the proposed zoning and for the proposed Conditional Use for

townhomes; that the Applicant requested approval to amend the Future Land Use Map, allowing the property to be located completely within the Coastal Area, changing the County's Zoning Map from AR-1 to MR Zoning and an approval for the Conditional Use permitted 84 townhomes; that he did submit proposed Findings of Fact and Conditions of Approval for the Change of Zone Application and the Conditional Use Application; that one of the proposed requirements is that there must be a Property Owners Association to care for amenities; that it is proposed that the amenities would be constructed by the seventh building permit and each building will receive a building permit for all six units within it; that in reality, the amenities would be completed by the 42nd building permit when considering per units.

The Commission found that Mr. Ring Lardner spoke on behalf of the Application; that he is an engineer for Davis, Bowen and Friedel; that the site is located along John J. Williams Hwy., which is classified as a major collector road per the DelDOT Functional Classification Map; that the project is located within the Henlopen Transportation Improvement District (Henlopen TID); that the TID was a group effort between DelDOT and Sussex County; that the agreement was approved on October 30, 2020; that DelDOT noted the traffic for the proposed project was consistent with the TID; that the project was eligible to pay the TID fee, rather than performing a Traffic Impact Study (TIS); that a TID fee based on a per lot basis on January 31, 2020 was \$341,796.00; that the fee does increase annually on January 31st; that the fee is due at the time of building permit issuance; that the fee will continue to increase until the building permits are released; that the TID fees help fund the various project within the Transportation Improvement District to help improve the TID area; that the assumed land use was underestimated as it was assigned 37 single-family homes; that for the current Application they were able to stay within the perimeters for traffic; that the vehicle trips generated by townhouses is less than those generated by single-family homes; that this is the reasoning DelDOT considered the project consistent with the TID; that the project is not located within the Well Head Protection Area or Excellent Recharge Area; that the project is located outside of the 100 Year Flood Plain; that there is a small pocket of wetlands located on the site; that the wetlands were delineated by Environmental Resources Inc.; that the wetlands are located along the common boundary line of the site and the Saddle Ridge Community; that an approved Jurisdictional Determination was completed by the U.S. Army Corp of Engineers; that Mr. Edward Launay, with Environmental Resources did prepare an Environmental Review for wildlife habitat considerations; that Mr. Launay's review does contain a consultation with the U.S. Fish and Wildlife Service; that there are no records of federally listed threatened or endangered species being located on site; that the Monarch Butterfly was located onsite; that the site does not have the proper vegetation to support the Monarch Butterfly, therefore it was assumed that the site was not the home for the Monarch Butterfly; that within DNREC's Fish and Wildlife comments from the PLUS review mention three State rare species; that all three species are located within the Hetty Fisher Pond, which is located over 740-ft. from the site; that it was Mr. Launay's opinion that the development of the Howeth Property, now known as School Lane, will not adversely impact the amphibious species of State concern; that the layout of the site first began at the intersection of John J. Williams Hwy. as it is the combined entrance for the Love Creek Elementary School, Troop 7 and the proposed project; that when the Love Creek Elementary School was approved, traffic for the proposed project was already preassigned for the intersection; that the intersection was designed for the proposed project traffic; that as part of the improvement and approval for Love Creek Elementary School the stub was connect to the parcel; that this allowed for interconnectivity, providing one access onto Rt. 24; that they did design a 20-ft. landscape buffer along the property border of Love Creek Elementary School, Belle Terre and Saddle Ridge Communities; that the communities for Belle Terre and Saddle Ridge also have buffers on their property; that this has created two sets of buffers adjacent to each other; that they established a 50-ft

wetland buffer to the isolated wetlands on site; that the Application was submitted prior to the adoption of the recent Buffer Ordinance; that the proposed buffer exceeds the requirement of the recently adopted Buffer Ordinance; that the townhouses will be fee simple lots, meaning the lots will be owner occupied; that no lots will be located back to back; that the stormwater pond is proposed to be centrally located on the site; that the proposed stormwater pond location will minimize grading changes to the site; that active amenities are proposed along the other side of Road A, to ensure amenities would not be located in the rear yard of the lots; that they attempted to minimize dead-end streets; that currently there are two dead-ends proposed on Road B and Road C on the Site Plan; that they did provide overflow parking areas throughout the site for guests; that the internal roads will meet and/or exceed the requirements of Sussex County Road Standards; that the roads will be privately maintained; that Sussex County Geographic Information Office (GIO) (F.K.A. Mapping and Addressing Department) has approved the subdivision name of “School Lane” as well as the road names; that proposed amenities are a pool house, pool, centralized mailbox and a sports field area; that the proposed open space for the project is 11.42-acres, or 52% of the project site; that the project will be served by Tidewater Utilities, Inc. for water services; that Sussex County will provide sanitary sewer services; that they have received Willing and Able to Serve letters from Tidewater Utilities, Inc., Chesapeake Utilities, Delaware Electric Coop, and a Sewer Service Concept Evaluation from Sussex County Engineering; that the project was reviewed by PLUS on December 16, 2020; that the PLUS comments and the Applicant’s response can be found in the submitted Exhibit Booklet; that the comments provided were general in nature; that the Applicant will comply with all regulatory requirements; that his office prepared an Environmental Assessment and Public Facilities Evaluation Report and the project complies with the Comprehensive Plan.

Ms. Stevenson questioned how parking is proposed for the project and if additional parking could be added to Road A on the west side.

Mr. Lardner stated each lot will have two parking spaces per unit, via the driveway or the garage; that they have provided overflow parking throughout the project; that they have exceeded the two-unit per lot requirement, and he stated they could consider additional options to add parking to the area Ms. Stevenson mentioned.

Chairman Wheatley advised the Commission that Mr. Bill Brockenbrough, County Coordinator with DelDOT was present for questioning via teleconference; that he requested Mr. Brockenbrough explain how the entrance came to be and why it was constructed the way it was.

Mr. Brockenbrough stated when the property was acquired for Love Creek Elementary School, J.G. Townsend Jr. & Co., the seller of the property retained access through the existing driveway with the intention to utilize the driveway for access to the subject property; that the construction of the entranceway is desirable by DelDOT; that he did not recall the specific history of when the school was developed; that the entranceway is consistent with the preferred construction from DelDOT’s view, to minimize the number of access points; that in minimizing fewer access points, it allows fewer decision points for a driver and it opens the possibility for signalized access for the development, which would help manage left-hand turns.

Ms. Stevenson questioned if the pool house is proposed to only hold supplies for the pool, or if the pool house was proposed to be larger and utilized by residents and requested the Applicant consider making the pool house a meeting spot for residents.

Mr. Hutt stated a better description of the pool house would be a bathhouse; that it would not be proposed as a clubhouse with exercise equipment and that the pool house is proposed to be a changing area and restroom area.

Mr. Robertson stated the Applications are for a Change of Zone and a Conditional Use and the Commission does have the authority to apply discretion.

Chairman Wheatley stated property owners do have a right to subdivide their land and property owners do not have the right to Change the Zoning for their property; that the Change of Zone is purely discretionary, and the Commission has the authority to make that discretion.

The Commission found Mr. Steve Kittka spoke in opposition to the Application; that he lives within the Saddle Ridge Community; that he opposes the project as it is currently proposed; that it was said the townhomes would generate less traffic; that the proposed townhomes are larger than almost any home located within the Saddle Ridge Community; that the townhomes are 4,600 sq. ft.; that he did not invest in his property with any idea that the adjacent zoning would be changed; that he feels the proposed development will cause an enormous amount of traffic; that he understood there was not a Traffic Impact Study performed for the proposed project specifically; that a lot has changed since previous traffic analysis; that one of the reasons for this is COVID-19 which has led to an increase in traffic to Love Creek Elementary School; that with the traffic currently on Rt. 24, there are frequent accidents and near accidents all the time; that within the last three weeks there have been three accidents within a mile of the proposed development; that two of the accidents were at the intersection of Rt. 24 and Warrington Rd.; that those two accidents caused Rt. 24 to shut down; that the third accident was between Saddle Ridge and Harts Landing; that he has no objection to the Applicant developing the property; that he objects to the proposal of medium density; that he is also concerned with the disturbance to the wildlife and he objects to the Change of Zoning request.

Chairman Wheatley stated that if a Traffic Impact Study (TIS) was performed for a nearby development, DelDOT does not require an additional TIS as the information remains remotely the same.

Mr. Robertson stated DelDOT and Sussex County established the Transportation Improvement District (TID) that the project is part of; that DelDOT has performed the analysis for all the roadway improvements within the entire TID area; that they had to design all road improvements based on the anticipated development within the TID; that then, based on the improvements, a cost is assigned as to what it cost to construct the road improvements; that then a required fee is calculated for each developer to develop the road improvements and the Applicant did not perform a Traffic Impact Study as it is already included in the greater TID.

Mr. Robertson questioned the status of the dualization of Rt. 24.

Mr. Mears requested Mr. Brockenbrough's opinion on townhomes generated vehicle traffic versus residential communities generated traffic.

Mr. Brockenbrough stated the construction began in March 2022 for the dualization of Rt. 24; that it was proposed to be completed in 2023; that he believed completion will be in 2024; that the improvements are proposed to widen to two lanes each way; that sidewalks are proposed on both sides of the road; that DelDOT relies on Transportation Engineers Trip Generation Manual, which

provides National-level data on various land uses, including single-family detached houses and townhouses; that generally single-family detached houses generate the most traffic; that townhouses, apartments and various types of multi-family development generate less per dwelling unit and regarding the comment of the size of the townhomes, DelDOT would not have data to support or dispute the fact.

Chairman Wheatley questioned if anyone could provide a comment on the proposed size of the units.

Mr. Ring Lardner stated that they do not know the exact size of the townhouses currently; that the lot widths are 20-ft. wide with a depth of 115-ft.; that the widest lot could be 28-ft.; that after including setback requirements, it would be 20'x75'; that the proposed units are two-story with a first-floor master; that at the largest, an approximate average is 3,000 sq. ft.; that the average size will be 2,000 sq. ft. to 2,500 sq. ft.; that confirmation of size cannot be determined until they find a builder and the proposed size is much less than the size testified by Mr. Kittka.

The Commission found that Ms. Nancy Guerin spoke in opposition to the Application; that she lives in Hart's Landing; that she has concerns about the Love Creek Bridge; that the bridge is not proposed to be expanded; that this will cause a traffic bottleneck, as the traffic will go from four lanes down to two lanes; that currently, she has difficulty exiting her development onto Rt. 24; that she feels after hearing Mr. Hutt explain all the types of development located along Rt. 24, she does not believe another development is needed; that she questioned if any of the mentioned schools and the developments they are adjacent to share a road as is proposed in the current Application; that due to COVID-19, there has been increased traffic to the schools; that this has created a back up of traffic on Rt. 24 down to Mulberry Rd. and she does not feel the Traffic Impact Study for Belle Terre, and the time in which it was performed, took in to account the additional traffic she sees currently.

The Commission found that Mr. Kenny Delmar spoke in opposition to the Application; that he lives in Hart's Landing; that he has a background in real estate, with many decades of experience; that in his experience the last thing a person should want to do is build a development next to a slaughter house, a factory making toxic chemicals or an elementary school; that it would be a kiss of death; that he assured the Commission that the developer, owner and attorneys have not had a discussion with a real estate broker to question what would be coming down the road; that he felt two weeks ago a ceiling was hit; that from here on out it will become more difficult to make a profit with a residential development; that a smart choice to make, would be not to build your development next to an elementary school, while sharing the same entrance with the school; that it would not be a smart choice; that the choice would not be considered good business; that he questioned if any of the attorneys, engineers or developer have children in Love Creek Elementary; that he questioned what will happen with construction traffic caused by the development; that it will be another years lost to a child who is attempting to get an education; that because of the construction, there will be noise from 7:00 am until 4:00 pm for at least a year; that the children who are in school trying to learn, will have to listen to construction noise for at least a year and the future residents will not want to deal with the noise generated by an elementary school on a normal school day.

The Commission found that Mr. Shunli Zhang spoke in opposition to the Application; that he lives in Saddle Ridge Development; that he agrees with all the previously mentioned concerns; that he is concerned about the approximate six acres of forest located on the property; that on one side of the forest is a natural pond; that on the other side of the forest are wetlands; that the current forest is full of life; that the forest life includes bald eagles and he requested the Commission reconsider approving

the project, or request a modification to the plan, to help protect the forest, wildlife and natural beauty of the forest.

The Commission found that Mr. Laymen Grant spoke in opposition to the Application; that he is a resident of Belle Terre; that it was his understanding that a signalized light will be placed at the intersection of Rt. 24 and Mulberry Knoll Rd.; that the current traffic attempting to get onto Rt. 24 is ugly; that with the proposed 84 townhouses; that he would estimate one and a half vehicles per unit; that most families have at least two cars; that there will be 120 additional vehicles with the proposed development, which will be required to merge onto Rt. 24; that occasionally the children at Love Creek Elementary School play outside in the adjacent field; that Beacon Middle School has athletic fields; that he feels placing the development without the red light would be a disaster; that there will be an accident; that he has only lived in Sussex County a year; that there are times he cannot figure out how to cross Rt. 24; that people will take a chance, shooting out onto Rt. 24; that he feels there would be a chance they head into the field, where children may be at play; that in the evening hours, there is limited lighting in the area; that he does not have an issue with the development of the property but he does have an issue with the traffic.

Mr. Brockenbrough stated he believed the plan was to place a signalized red light at the intersection of Mulberry Knoll Rd. and Rt. 24.

The Commission found that Mr. Maureen Burns spoke in opposition to the Application; that she lives within Belle Terre directly behind the proposed project; that she questioned if the Commission approves the Change of Zone request, could the Applicant change their proposed plans; that the elevation of the proposed site is higher than her property; that she is concerned she will receive all of the water run off when it would rain; that she questioned if there are proposed balconies for the townhouses and she is concerned about her privacy and the ability of future residents to look through her windows.

Mr. Robertson stated the Commission would make a recommendation to County Council; that County Council would approve or deny the Change of Zone request; that if the Change of Zone were to be approved, the Applicant could potentially propose a subdivision; that a subdivision would require another public hearing; that the maximum building height would be 42-ft.; that if the Change of Zone were approved, the Applicant would be permitted to do anything permitted within MR (Medium-Density Residential) Zoning District.

Chairman Wheatley stated the stormwater regulations are regulated and enforced by the Sussex Conservation District; that Sussex Conservation District regulations stated the Applicant must contain the property's stormwater on-site; that the Applicant must dispose of the water runoff either on the property site or through a properly regulated design outfall and the Applicant would not be permitted to allow any runoff onto Ms. Burns property.

Mr. Ring Lardner stated they cannot speak to the design of the townhomes; that there is a 20-ft. landscape buffer proposed on the property site; that there is a 50-ft. landscape buffer on the Belle Terre property and that the buffers would allow for a 70-ft landscape buffer between the homes.

Mr. Robertson questioned what the rear setback requirements for the proposed units were.

Mr. Whitehouse stated that each unit must have an agricultural buffer; that the Applicant can split the buffer, however, the plan would be required to be seen before the Commission for site plan review; that it is required to be a minimum of 40-ft. spread front and back; that the buildings can be no closer than 40-ft. from each other; that the minimum landscape buffer required is 20-ft. or the Applicant would be required to obtain a variance; that there is 40-ft. between the buildings and the property lines; that within the 40-ft. setback there is a 20-ft. landscape buffer and any setback and landscaping located on the Belle Terre property.

The Commission found that Ms. Patricia Hutchinson spoke in opposition to the Application; that she lives with Belle Terre; that she has concerns with the wild life, the removal of the existing woods and transportation issues; that she is a retired educator; that she knows what happens on an elementary school property; that she knows the amount of traffic comes and goes from the property; that she knows the amount of children that play outside; that she does have concerns with the construction and the issues it will cause for the children; that she is concerned children will not be able to go outside for recess, which the children just experienced during the COVID-19 pandemic; that she is concerned about the additional traffic coming and going from the site; that she would appreciate a signalized red light; that she is concerned about other permitted building that would be permitted with an approval to the Change in Zone request; that she is concerned about the possibilities of a transient population or rental population being placed next to an elementary school and a community for the 55+ year community; that she has concern regarding the water runoff; that she was told that Belle Terre previously proposed mixed development, which included townhomes; that the townhouses were denied at that time; that she feels the townhouses would not be similar to surrounding communities; that she does understand if the zoning is changed the Applicant is permitted to construct anything permitted within that zoning and the neighbors would get no say in what the Applicant were to propose.

The Commission found that Mr. Thomas Negran spoke in opposition to the Application; that he is a resident of Belle Terre; that the lovely 21-acre cornfield will be removed; that 84 multi-family units are proposed for the area; that only single-family homes and an elementary school border the property; that a major concern is the increased traffic; that the proposed development will share the entrance with Love Creek Elementary school; that according to the documentation there will be 598 additional vehicles daily; that the area is already congested; that the increased traffic may pose a threat to the safety of the Love Creek Elementary children; that according to the Site Plan, the backyards of 18 units will directly face the school property; that the water runoff from the 14 units roofs will flow into the direction of Belle Terre residents back yards; that he saw no proposed retention ponds in the area bordering Belle Terre; that four acres of woodlands will be destroyed; that 7.9 acres of impervious material will replace the field; that according to the report from DNREC, there are several rare and/or endangered species in the project area; that multi-family units sell for a lower price point than single-family homes; that the lower price point often leads to investors purchasing units for rental; that transient neighbors may not be the most desirable neighbors, especially to school-aged children; that the Land Elevation Map, located on page 72, of the Paperless Packet indicates a natural slope downward to 25-ft. above sea level at the rear of the property; that the elevation drops to 21-ft. above sea level on Decatur Street in Belle Terre; that the runoff could become detrimental to the Belle Terre community with the removal of the trees; that he questioned if the Applicant plans to sell the property to a developer, to develop themselves, to receive subsidies for low-income housing and what the expected selling price is for the proposed townhomes; that he commends Sussex County for purchasing land in efforts to preserve land; that he requested Sussex County purchase the subject property to be preserved and/or utilized as a park or recreational area and he stated the revenue to

Sussex County will receive, from the 1.5% transfer tax from Belle Terre alone will amount to at least \$2,000,000.00 and could be put to good use for the residents of Sussex County.

Mr. Robertson stated the Commission does not discriminate at all based on income levels, housing type, type of owner, or type of tenant; that the question is inappropriate and will not be required by the Commission.

Ms. Stevenson stated Mr. Ring Lardner serves on the Sussex County Land Trust; that the Sussex County Land Trust is a non-profit organization that purchased land to preserve; that she recommends people contact him to discuss donating.

The Commission found that Ms. Martha Eisenhower spoke in opposition to the Application; that she lives on Retz Lane; that her property back up to the Love Creek Elementary School property; that she was happy to hear when a school was being proposed behind her property; that she would rather a school than a convenience store; that she is opposed to the Change of Zone request; that currently, the Applicant knows two units to the acre is permitted within the AR-1 Zoning District; that this would allow for 43 homes; that the Applicant would place 43 homes on the property while preserving the woodlands; that she has lived on her property for 43 years; that within the last year she has noticed an influx of wildlife in her yard and the only thing she can attribute it to, is the fact that we are destroying the woodlands, creating nowhere else for the wildlife to go.

The Commission found that Mr. Victor Mantarro spoke in opposition to the Application; that he lives within the Saddle Ridge Community; that he had a concern about the proposed stormwater drainage; that his backyard faces the wetland area; that one year, there was an extraordinary amount of rain, which caused the wetland area to fill quickly; that the overflow of water ran into the existing woods; that the woods help maintain the 15 inches of water from the back of his house and his neighbor's house; that the project will be adding additional runoff; that he is not convinced that the Applicant will be able to control the runoff flowing into the wetlands and he is concerned if the Applicant cannot control the runoff it will cause runoff onto his property.

The Commission found that Ms. Susan Armato spoke in opposition to the Application; that she is a resident of Belle Terre; that she supports development; that she is opposed to the Change of Zone request; that she believes the owner has the right to the permitted use within the AR-1 Zoning District; that proposing 84 units would be a disservice to all nearby residents; that approval will set the precedence for anyone with AR-1 Zoning to request rezoning as well.

The Commission found that Mr. Paul Paolini spoke in opposition of the Application; that he has been a resident within Saddle Ridge Community for a year; that he has been in real estate for 25 years; that he is a landscape architect by degree and practice; that he agrees with Mr. Delmar, who stated a property adjacent to a school is a challenge due to the unknowns of school traffic and noise of the children; that he previously sold a home between a men's prison and a women's prison; that he believes selling that home between two prisons would be easier than selling a home next to a school; that he played recordings of emergency sirens for the Commission; that he stated the sirens are sometimes heard up to five times a day along this corridor of Rt. 24; that the representative of the Applicant did a good job identifying what is along the Rt. 24 corridor; that soon the residents of Saddle Ridge will be required to cross two lanes to make a left turn onto Rt. 24; that the whole corridor has a high level of activity and that is the reasoning for his opposition to the zoning change of the parcel.

The Commission found that Ms. Bettina Peronti spoke in opposition to the Application; that she is a resident of Belle Terre; that she had concerns about sharing the entranceway with the elementary school, being located adjacent to the elementary school, that she feels the Traffic Impact Study was based on the Applicant putting in 37 single-family homes, with two vehicles a home; that with 37 single-family homes the total vehicles would be 74 vehicles; that when placing 84 townhomes, at one vehicle is 84 vehicles; that she would like clarification put on record stating that the multi-family units will not cause more traffic than single-family homes; that she is opposed to the rezoning; that the representative to the Applicant did a good job describing development within the area; that she feels the Applicant can develop the property under the existing AR-1 Zoning; that she questioned if there is a percentage the County is requiring or identified as a target as a percentage of permits to single-family homes as opposed to multi-family units; that she questioned if we are meeting the target or percentage as a community; that the Commission needs to take into consideration the location, impact and use of the land and not only considering the number of permits provided to single-family or multi-family homes approved over the last three years.

The Commission found that Ms. Judy Seibert spoke in opposition to the Application; that she is a resident of the Saddle Ridge Community; that she is opposed to both the Change of Zone and Conditional Use Applications; that as a local resident, she believed there will be an adverse effect on adjacent neighborhoods; that left turns onto Rt. 24 is a challenge; that adding 84 townhomes will exacerbate the issue; that she believes the project will have an adverse effect on Love Creek Elementary School; that she understood DelDOT accepted the Belle Terre Traffic Impact Study from 2016; that Love Creek Elementary School was not built until 2017; that she does understand the property is located within the Henlopen TID; that her opinion is a current Traffic Impact Study at the discretion of the Commission; that a TIS should be required because of the additional traffic cause by the COVID-19 pandemic and the change in school districts for children; that the dualization of Rt. 24 will narrow down to one lane, west bound, in front of the Saddle Ridge Community; that this will cause increased congestion at their intersection; that one lane will turn into a right lane only turning into the Saddle Ridge Development; that there is a possibility of the townhomes being used as rentals; that the townhomes would be ideal for the use of rentals; that the units are large in size, being from 3,080 sq. ft. to 4,600 sq. ft; that if the townhomes were used for rentals it could increase the vehicle traffic dramatically; that she appreciated Mr. Robertson's comments that the public comments can be taken into account when considering Change of Zone requests and she requested the Commission use their discretion, not recommending approval for the Change of Zone request.

The Commission found that 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 hearings.

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

In relation to the Application C/U 2304 J.G. Townsend Jr. & Co. Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to defer for further consideration. Motion carried 5-0

Minutes of the July 14, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since June 23, 2022.

Mr. Robertson read the motion into the record as requested by Mr. Mears.

Mr. Mears moved that the Commission recommend approval of C/U 2304 J.G. Townsend, Jr. & Co., for 84 Multi-Family Units based upon the record made during the public hearing and for the following reasons:

1. The Commission has recommended that this property be rezoned to MR Medium-Density Residential. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available. This Conditional Use application for multi-family units is in compliance with the purposes of the MR Zone.
2. Both central water and central sewer will be available to this site.
3. This site is along Route 24 at a lighted intersection that was designed by DelDOT to accommodate this project as well as the adjacent school and police barracks. DelDOT is also planning to improve and widen Route 24 in the near future. Multi-family development is appropriate for this property adjacent to these roadways and this intersection. In addition, although the property is in the Henlopen Transportation Improvement District, or "T.I.D.", DelDOT has stated that the traffic impact of the development would have a "minimal" impact on area roadways.
4. The site is in the T.I.D. The Developer will be required to pay a set fee into the T.I.D program to cover the cost of off-site roadway improvements throughout the T.I.D Area.
5. The property is in the immediate vicinity of other properties with a variety of residential and institutional uses. The site is next to Love Creek Elementary School and across from Beacon Middle School. It is also near a State Police Barracks. Other residential developments exist nearby along with business and commercial uses along the Route 24 corridor. This conditional use at approximately 4 units per acre is consistent with the mixture of other uses and residential developments in the area.
6. The proposed multi-family conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
7. The proposed use is consistent with the County's Comprehensive Land Use Plan. It is recommended that the entire property be within the Coastal Area according to the Plan, which is a Growth Area. The property is also surrounded by other properties that are designated as being within either the Coastal Area or the Commercial Area according to the Plan. 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 multifamily units.
8. There are limited wetlands on the property, and a buffer of at least 50 feet will be provided from them.
9. Approximately 11.42 acres or 52% of the site will be preserved as open space including a substantial amount of the existing woodlands.
10. In summary, the proposed project creates additional residential housing options at a density of 3.9 units per acre, an appropriate density in an area served by County sewer and central water, which is near a significant number of commercial uses and employment centers, is in keeping with the character of the area, situated along a main road – a Major Collector (John J. Williams Highway), at a signalized entrance, where DelDOT has ongoing projects on the Capital Transportation Improvement Program consistent with the purpose of both the MR (Medium-Density Residential District) and the Coastal Area designation on the Comprehensive Plan.

11. This recommendation is subject to the following conditions:

- A. There shall be no more than 84 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. The developer shall also participate in the TID program and comply with the requirements of it.
- C. All recreational amenities shall be completed within the development on or before the issuance of the building permit for the 7th residential building to be constructed on the Site. These amenities shall include a pool and bathhouse.
- 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. Sidewalks shall be included on both sides of all streets except "Road A". The sidewalks shall connect with the multi-modal paths required by DelDOT.
- H. Road naming and addressing shall be subject to the review and approval of the Mapping and Addressing Department (A.K.A. Geographic Information Office (GIO)).
- 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, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- K. A 20-foot-wide forested buffer shall be installed along the northern, eastern, and western perimeters of the development and the two outparcels along Route 24. This buffer area shall comply with the planting requirements for such a buffer as contained in Section 99-5 of the Sussex County Code.
- L. There shall be a buffer that is at least 50 feet wide from all wetlands on the site. There shall be a minimum disturbance of trees and other vegetation within these buffer areas. Required silt fencing shall be installed upland of these buffer areas (using the edge of the buffer nearest the interior development) to avoid disturbance. Construction activities within the buffer area shall be minimum. Any disturbance in the buffer area shall be indicated on the Final Site Plan and the "Limits of Disturbance" shall be indicated on the Final Site Plan.
- M. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas.
- N. The Applicant shall form a Condominium Association that shall be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities, and open space.

- O. A street lighting system that provides lighting in a downward direction with minimal uplighting shall be provided.
- P. The Final Site Plan shall depict or note these conditions of approval and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2304 J.G. Townsend Jr. & Co., for the reasons and conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Wingate – yea, Mr. Mears- 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

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: June 23rd, 2022

Application: CU 2304 J.G. Townsend Jr. & Co.

Applicant: J.G. Townsend Jr. & Co.
P.O. Box 430
Georgetown, DE 19947

Owner: J.G. Townsend Jr. & Co.
P.O. Box 430
Georgetown, DE 19947

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: 84 Multifamily Units and other associated site improvements

Comprehensive Land Use Plan Reference: Commercial Area & Coastal Area (subject to FLUM Amendment to change portion designated as Commercial Area to Coastal Area.)

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 21.62 acres +/-

Tax Map IDs.: 334-12.00-16.04



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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: May 23, 2022
RE: Staff Analysis for C/U 2304 J.G. Townsend Jr. & Co.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2304 J.G. Townsend Jr. & Co. to be reviewed during the June 23, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 334-12.00-16.04 to allow for eighty-four (84) multifamily units and other associated site improvements. The property is lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284). The parcel consists of 21.62 acres +/-.

Further Site Considerations

Per County records, there do not appear to be any Tax Ditches or related Tax Ditch rights-of-way (ROW) on the subject property. The property is located within the "X" Flood Zone "Areas determined to be outside of the 100-year floodplain."

The property is located within the Henlopen Transportation Improvement District (TID) and shall be subject to all requirements as provided for as part of any subsequent Transportation Improvement District Agreement including payment of any required fees and related improvements as may be deemed necessary by the County and DelDOT.

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 land use designation of "Commercial Area" and "Coastal Area." The properties to the south (including on the opposite side of Route 24 (John J. Williams Highway), the properties to the southwest (to include the entire Saddle Ridge Subdivision) and the properties to the northeast along Route 24 all have a land use designation of "Commercial Area." The properties to the southeast and to the northwest to include the adjacent lands of the Four Seasons at Belle Terre Subdivision also contain the land use designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, 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. 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).

Conversely, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas (Sussex County Comprehensive Plan, 4-17).

Zoning Information

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) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25). However, the Medium Density Residential (MR) District is not listed as an Applicable Zoning District within the “Commercial Area.”

However, it should be noted that there is a related Application to amend the Future Land Use Map which has been submitted in conjunction with this application (Ordinance No. 21-13) to amend the Commercial portion of the property to the Coastal Area.

The property is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, northeast and south of the subject property are zoned Agricultural Residential (AR-1) District. The properties located to the southwest of the subject site are zoned Medium Density Residential (MR) District. There is also a single parcel to the southwest that is zoned Neighborhood Business (B-1) District.

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been six (6) Conditional Use applications within less than a 0.25-mile radius of the application site. The first application is for C/U 392 Gwen Dickerson for the provision of a beauty salon within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, December 2, 1976. The second application is for C/U 2016 Cape Henlopen School District to allow for the establishment of an elementary school to be located within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, June 16, 2015, and the change was adopted through Ordinance No. 2402. The third application is for C/U 2059 Julie Norwood

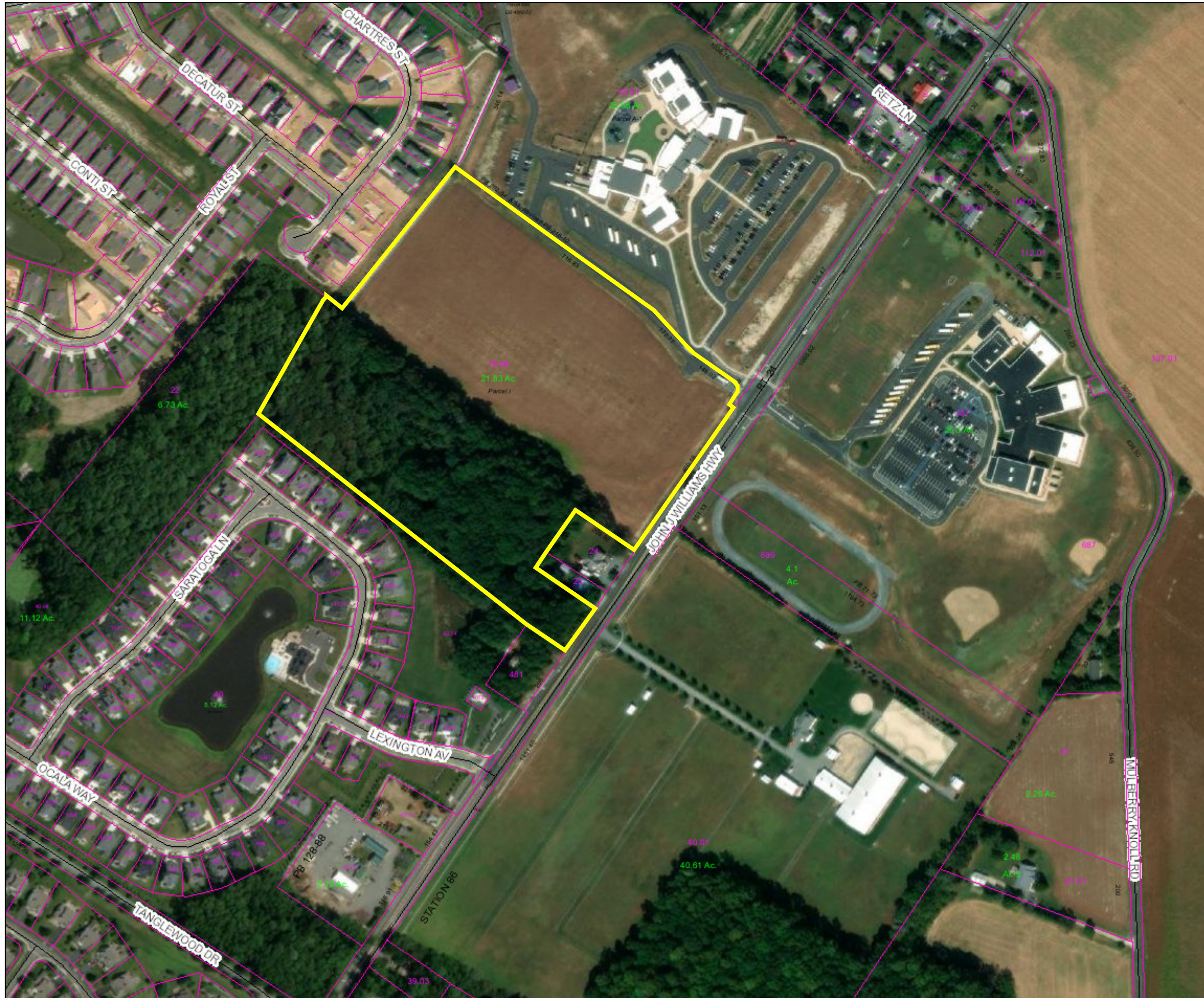
for the provision of a beauty salon within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, October 25, 2016, and the change was adopted through Ordinance No. 2478. The fourth application is for C/U 2240 Tidewater Utilities Inc. to allow for the construction of an Elevated Storage Tank within the Agricultural Residential (AR-1) District. The Application was subsequently withdrawn. The fifth application is for C/U 2246 Bee Wise, LLC to allow for the creation of a Real Estate Business within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, June 8, 2021, and the change was adopted through Ordinance No. 2275. The sixth application is for C/U 2318 V&M LLC to permit a convenience store and office building within the Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, May 17, 2022, and the change was adopted.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the construction of eighty-four (84) multifamily units 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.

Conditional Use Applications (w/in a 0.25 mile radius of the subject site)*								
Application Number	Application Name	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
C/U 392	Gwen Dickerson	AR-1	Beauty Salon	N/A	N/A	Approved	12/28/1976	N/A
C/U 2016	Cape Henlopen School District	AR-1	Elementary School	Recommended Approval	5/7/2015	Approved	6/16/2015	2402
C/U 2059	Julie Norwood	AR-1	Beauty Salon	Recommended Approval	11/17/2016	Approved	10/25/2016	2478
C/U 2240	Tidewater Utilities, Inc.	AR-1	Elevated Storage Tank	Recommended Approval	10/22/2020	Approved	11/10/2020	2751
C/U 2246	Bee Wise, LLC	AR-1	Real Estate Business	Recommended Approval	4/22/2021	Approved	6/8/2021	2775
C/U 2318	V&M, LLC	AR-1	Convenience store and office building	Recommended Approval	4/28/2022	Approved	5/17/2022	?



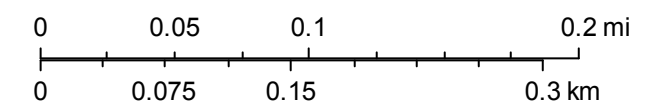
Sussex County



PIN:	334-12.00-16.04
Owner Name	TOWNSEND J G JR CO
Book	0
Mailing Address	PO BOX 430
City	GEORGETOWN
State	DE
Description	NW/RT 24
Description 2	SW/RT 284
Description 3	PARCEL 1
Land Code	

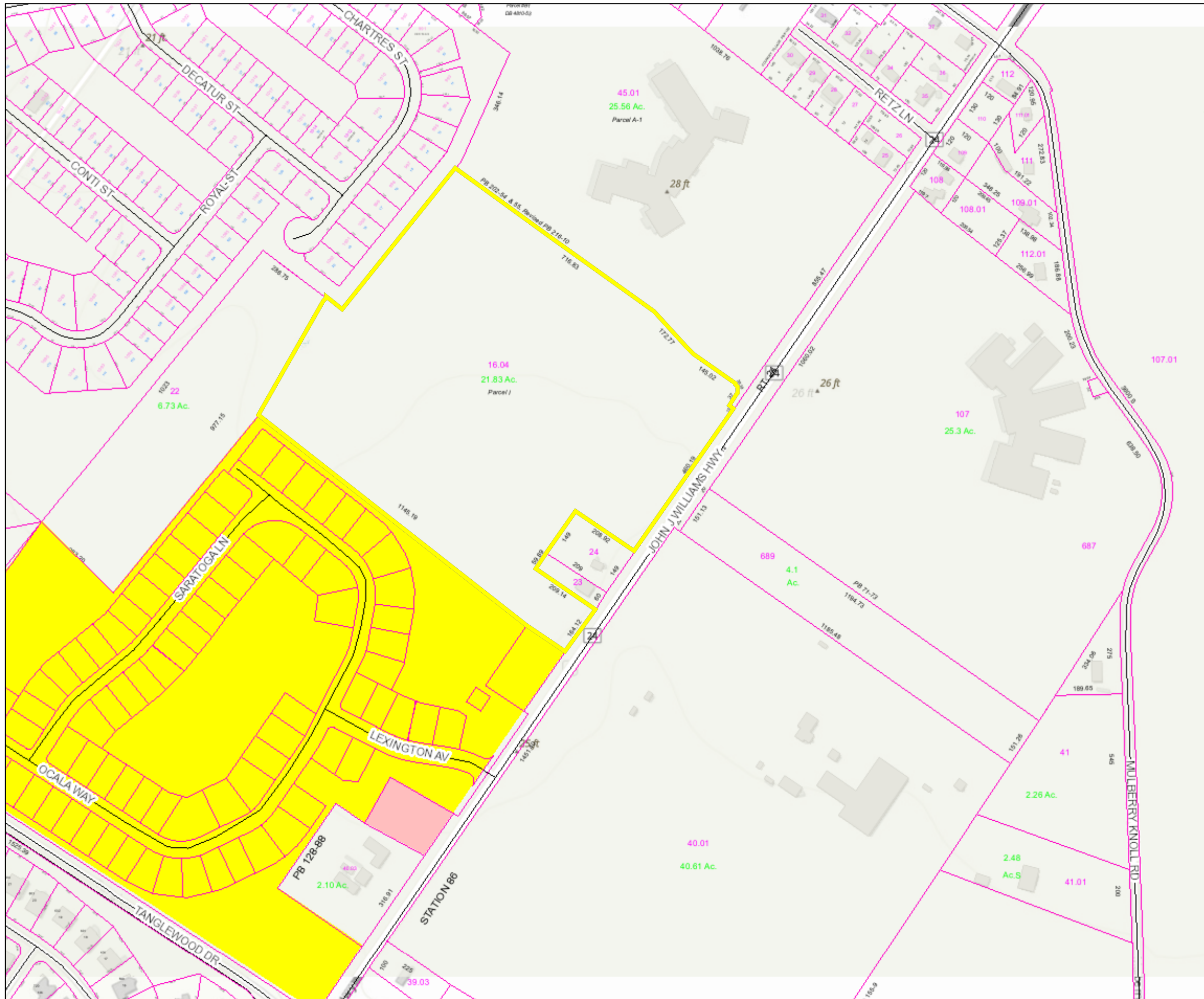
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- Override 1
- Tax Parcels
- Streets
- County Boundaries

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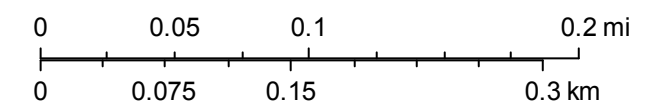
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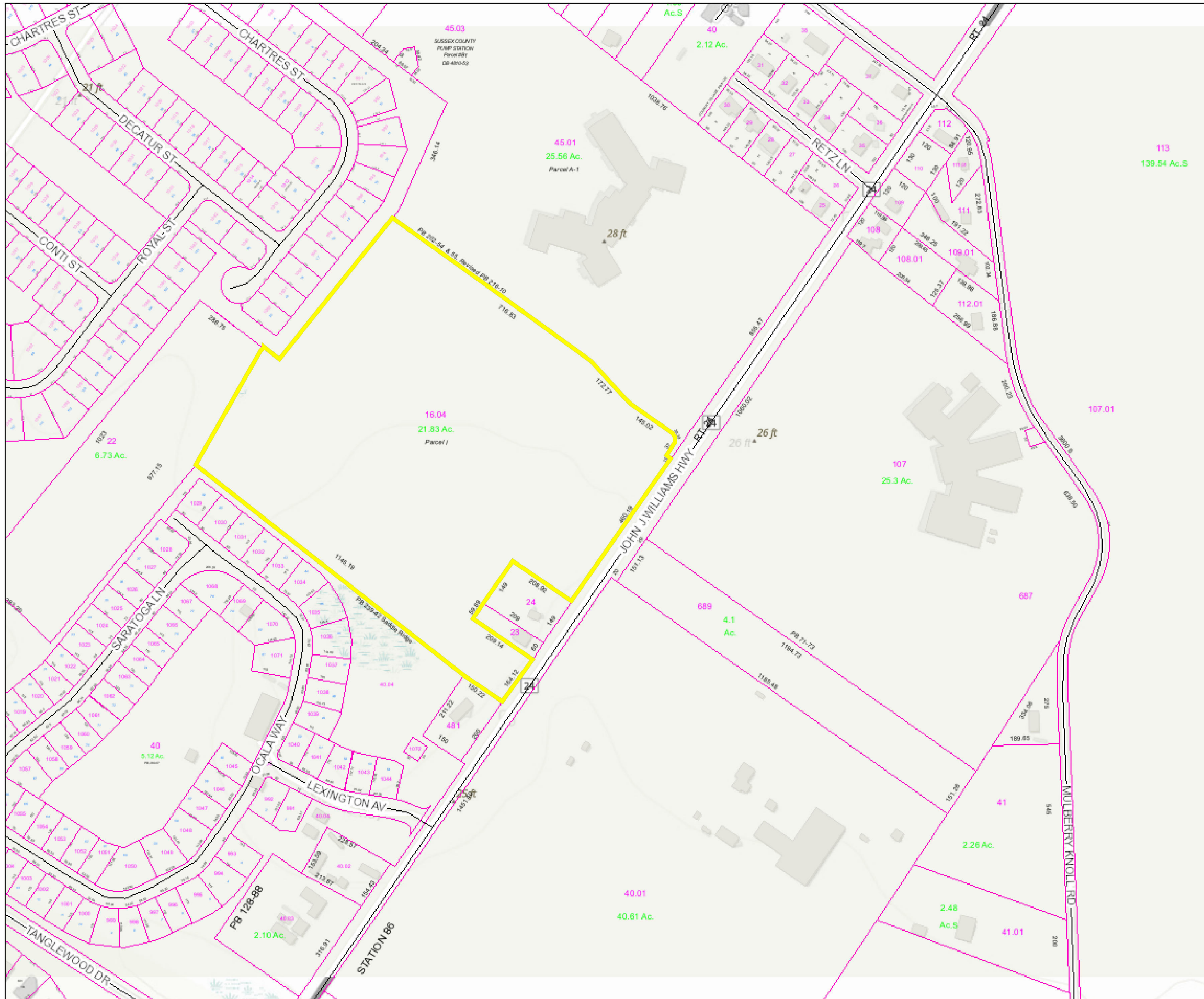
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Sussex County



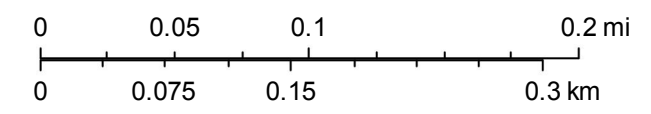
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 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries

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Introduced 10/26/21

**Council District 3 - Schaeffer
Tax I.D. No. 334-12.00-16.04
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (84 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS

WHEREAS, on the 30th of July 2021, a conditional use application, denominated Conditional Use No. 2304 was filed on behalf of J.G. Townsend Jr. & Co.; 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. 2304 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 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2304 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Route 24) approximately 0.25 mile southwest of Mulberry Knoll Rd. (S.C.R 284) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 21.62 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.

Rieley
yes 5/5

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Tuesday, May 2, 2023 2:49 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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.

Council Grant Form

Legal Name of Agency/Organization	Town of Millsboro - Millsboro Police Department
Project Name	Millsboro Police Department Computer Outfit Assistance
Federal Tax ID	51-6000390
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	<p>The Millsboro Police Department is committed to enhancing the quality of life by creating a safe environment in partnership with the community we serve.</p> <p>Members of the Millsboro Police Department will act with integrity to reduce fear and crime while treating all with respect, compassion and fairness.</p>
Address	307 Main Street
Address 2	#8413

City	Millsboro
State	Delaware
Zip Code	19966
Contact Person	Ashleigh Sander
Contact Title	Assistant Town Manager
Contact Phone Number	(302) 648-4467
Contact Email Address	ashleighs@millsboro.org
Total Funding Request	25,348.48
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?	0.16

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

Health and Human Services
Infrastructure
Other

**Program Category
Other**

Public Safety

**Primary Beneficiary
Category**

Other

**Beneficiary Category
Other**

All of the above, and Public Safety

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

7642

Scope

The Millsboro Police Department is currently located at 322 Wilson Highway, Millsboro. Due to the rapidly growing population within our municipal boundary, as well as surrounding areas, it has been necessary for the department to increase the number of law enforcement staff in recent years. Just last year, the Millsboro Police Department handled 5,517 complaints. The number of Police Officers needed to serve and protect our area has grown exponentially over the years. Consequently, the building the department is currently housed in has proven to be significantly inadequate in size for the needs of the Town, resulting in the need to relocate into a larger facility. There is currently a new police department building being built, located at 120 W. Railroad Avenue Ext. with an estimated completion date of December 2023. The total Police Department project is currently costing \$15,328,630.58 This number is the minimum amount, as change-orders occur and increase the total cost as the build continues. The Town is respectfully asking Sussex County Council to

consider assisting Millsboro Police Department with the purchase of the desktop computers needed for the Police Department. The amount being requested to fund the computers is \$25,348.48. Having reliable computers in the field of public safety is crucial, and any assistance the county can provide is greatly appreciated. Please do not hesitate to reach out to me with any additional questions you may have.

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

550,000.00

Description

Police Department Build (labor and materials)

Amount

13,923,190.00

Description

Desktop Computers

Amount

25,348.48

Description

Police Department Furniture

Amount

120,000.00

Description

Miscellaneous Out of Contract Items to outfit police station

Amount

25,495.00

Description

Change-Orders

Amount

1,234,597.10

Amount

0.00

Amount

0.00

Amount 0.00

TOTAL EXPENDITURES 15,328,630.58

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -14,778,630.58

Name of Organization Town of Millsboro - Millsboro Police Department

**Applicant/Authorized
Official** Ashleigh Sander

Date 04/27/2023

**Affidavit
Acknowledgement** Yes



Rieley
Yes via TL + GT

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Sussex County 4-H Exchange Group
PROJECT NAME: 4-H Exchange With Minnesota 4-H
FEDERAL TAX ID: 45-5577151 NON-PROFIT: YES NO

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

ORGANIZATION'S MISSION: 4-H gives young people experiences where they can learn by doing, grow from failure, express their ideas, and lead. 4-H taps into their potential and empowers them to become true leaders.

ADDRESS: 16483 County Seat Highway
Georgetown DE 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Rebecca Adams, Rachel O'Day & Ashley Adams
TITLE: Volunteer Leader & 4-Hers
PHONE: 302-381-1976 EMAIL: shipwrecked.de@gmail.com

TOTAL FUNDING REQUEST: 4,000

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
9 teens & 2 adults

SECTION 3: PROGRAM SCOPE

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

Every 3 to 4 years the Sussex County 4-H program attempts to participate in an exchange with another state in order to expose our 4-Her's to life in other parts of the United States. Our 4-H program reaches out to other state's wishing to participate in an exchange program. Once a match has occurred the 4-Her's from the two states will be matched with the Minnesota teens and visiting dates will be set. The 4-Her's from each state will begin to communicate with each other prior to the visit. The exchange occurs over a 2-year period. In year 1 the 4-Her's from another state, in this case Minnesota. Participants from Minnesota visited with Delaware 4-Her's for one week. During this week Sussex County 4-Her's and families organized trips to Washington D.C., the Seashore Parks, Dover Air Force Base and museum, Dover Downs, local farms, local Fourth of July celebrations, toured a poultry farm. This exchange of local interests, customs, foods, and economics affords youth the opportunity to experience life in Sussex County and the surrounding area. The summer of 2023 4-Her's from Sussex County will visit Minnesota and stay with the 4-Hers that they hosted the previous summer. The experiences gained and the information exchanged is a wonderful experience that will be remembered for many years.

The Sussex County exchange program requires us to host another state's youth. The expense incurred the summer of 2022 totaled \$7,583.37. The cost for our group to travel to Minnesota is estimated to be \$3,932.98. The total cost of the exchange is \$12,040.57. These expenses include all travel, food and admission into museums, parks and other places visited with the group from Minnesota and the cost of airfare and food for the Sussex County 4-Her's to visit Minnesota. The Sussex County exchange group and their families have raised 75% of the money needed for the program. Our organization is requesting assistance for our group to travel to Minnesota this coming summer. Our group consists of nine teens and two adults from Bridgeville, Seaford, Georgetown, and Frankford Delaware and represent members from four different 4-H clubs across Sussex County. We appreciate any help you can award our organization.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	\$7,600 (group fundraising)
TOTAL REVENUES	\$7,600
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Airfare (estimated cost)	\$3,800
Delaware Gifts for host families	\$300
Travel with Minnesota in Delaware - food, admission fees to events	7,583.37
TOTAL EXPENDITURES	\$11,683.37 \$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$4,083.37 \$ 0.00

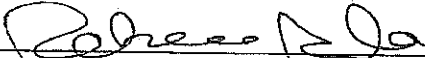
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Sussex County 4-H Exchange agrees that:
(Name of Organization)

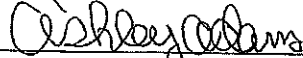
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official Signature

5/5/2023
Date


Witness Signature

5/5/2023
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

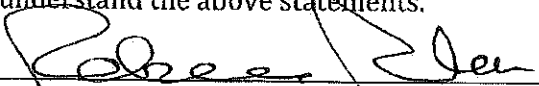
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

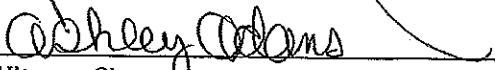
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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

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

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


Applicant/Authorized Official Signature

4-H Volunteer Leader
Title


Witness Signature

5/5/2023
Date

Green.
Yes. 5/8.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Monday, May 8, 2023 8:49 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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.

Council Grant Form

Legal Name of Agency/Organization	Town of Greenwood
Project Name	Downtown Revitalization
Federal Tax ID	510107189
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Add things in the town to help with the public such as benches, additional lighting, new sidewalks etc. for walking pedestrians
Address	100 W Market St.
City	Greenwood
State	Delaware
Zip Code	19950

Contact Person	Town of Greenwood
Contact Title	Town Manager
Contact Phone Number	3023494534
Contact Email Address	jtodd@townofgreenwood.us
Total Funding Request	1397.70
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?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Infrastructure
Primary Beneficiary Category	Elderly Persons (62 +)

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

800

Scope

We have several elderly residents that walk around town and stop and rest on peoples stoops etc. and we would like to add 2 benches on Market St. that they can stop and take a rest on. One in front of Town Hall and one in our downtown business area in front of the antique store. There is currently a bench further down on the other side of the RR tracks so we would like to put these on the west side of the tracks.

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

0.00

Description

Purchase 2 benches

Amount

1,397.70

TOTAL EXPENDITURES

1,397.70

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-1,397.70

Name of Organization

TOWN OF GREENWOOD

Applicant/Authorized Official

JANET TODD

Date 05/08/2023

Affidavit Yes

Acknowledgement

Schaeffer
New 2022
yes 5/8



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: DRY DOCK RECOVERY INC.

PROJECT NAME: HYBRID HEAT (HVAC) SYSTEM

FEDERAL TAX ID: 81-4255761 NON-PROFIT: YES NO

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

ORGANIZATION'S MISSION: TO PROVIDE A SAFE SPACE FOR 12 STEP ADDICTION/
RECOVERY SELF HELP GROUPS TO MEET. PLEASE SEE ATTACHED
MISSION STATEMENT

ADDRESS: DRY DOCK RECOVERY INC.
32681 Angold Rd BOX ~~561~~ 562
LEWES, DE 19958 NASSAU DE 19969
(CITY) (STATE) (ZIP)

CONTACT PERSON: STEVEN BORING

TITLE: TREASURER

PHONE: 302.752.8109 EMAIL: CROSSROADSAUTO1958@GMAIL

TOTAL FUNDING REQUEST: 9200⁰⁰

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

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

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

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

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

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

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

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

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

NO RELIGIOUS AFFILIATION

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

- | | | |
|--|--|-----------------------------------|
| <input checked="" type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input checked="" type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input checked="" type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>ANYONE SEEKING RECOVERY FROM</u>
<u>ALCOHOL, DRUG, OR GAMBLING ADDICTION</u> | |

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

THE FUNDS WILL BE USED TO REPLACE A 25 PLUS YEAR OLD OIL FIRED HVAC SYSTEM. BESIDES THE ANNUAL BREAKDOWNS WHICH ARE BECOMING INCREASINGLY EXPENSIVE TO REPAIR; THE PRICE OF FUEL OIL HAS CAUSED THE DECLINE OF OUR SMALL OPERATING BUDGET. WE WISH TO REPLACE IT WITH A HYBRID ELECTRIC - EMERGENCY PROPANE SYSTEM.

AS THIS BUILDING HAS SERVED AND CONTINUES TO SERVE COMMUNITY MEMBERS RECOVERING FROM DRUG & ALCOHOL ADDICTION THE NEED TO KEEP IT OPEN AND HEATED IS PARAMOUNT.

THE COURT SYSTEM SENDS PEOPLE TO US ALSO. MANY HAVE FOUND RECOVERY HERE.

PLEASE REFER TO THE ENCLOSED ESTIMATE / LOWEST BID FOR COST AND DETAILS OF INSTALLATION.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
PURCHASE AND INSTALLATION OF HYBRID HVAC SYSTEM	<9200 ⁰⁰ >
TOTAL EXPENDITURES	<9200 ⁰⁰ > \$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	<9200 ⁰⁰ > \$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the DRY DOCK RECOVERY INC. agrees that:
(Name of Organization)

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

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

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

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

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

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

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

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

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

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



Applicant/Authorized Official Signature



Witness Signature

TREASURER / CFO

Title

4/30/23

Date

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official Signature

4-30-23

Date



Witness Signature

4-30-23

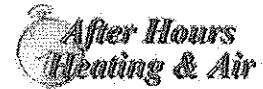
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

After Hours Heating and Air, LLC
 24436 Hollyville Road
 Millsboro, DE 19966 US
 302-945-3310
 AfterHoursHeat@aol.com



ADDRESS

Dry Dock Recovery INC.
 32681 Angola Road
 Lewes, DE 19958

Estimate S2184

DATE: 04/21/2013

EXPIRATION DATE: 07/03/2013

P.O. NUMBER

DryDock

DESCRIPTION	QTY	RATE	AMOUNT
For installation of a 3 Ton 14.3 Seer2 Goodman heat pump with gas furnace and LP kit.	1	0.00	0.00
<p>This system will provide you with a ten year limited parts, ten year limited compressor, ten year heat exchanger warranty.</p> <p>Also included in your installation is a free one year Premium Contract valid for one year from date of install. This contract covers you 100% for all work done regarding this installation, and gives you two free seasonal maintenances- One maintenance to be done the spring and one to be done the fall following your installation.</p>			
Total Cost of Installation-	1		0.00
Cash or Check Price <u>\$9200.00</u>			
Debit, Credit, Finance Price \$9800.00			

We are proud to offer a brand new service- Filters directly to your door! Sign up is easy, and you select how often your filters arrive! Visit www.filterfetch.com and use re-order code CAA9 to get started!

All balances are to be due on the date of service.

QTY	DESCRIPTION	QTY	RATE	AMOUNT
	<p>This installation will include heat pump, coil, furnace, thermostat, whip, disconnect, pad, risers, and filter. We will be tying the new unit into your existing ductwork and may complete any modifications needed to ensure the new unit works properly.</p> <p>Any unforeseen modifications required for the proper operation of your unit will be addressed immediately, and will not result in additional charges to you. Likewise, should we find your unit does not require materials listed in this quote, such as the pad or risers, the quote will not change.</p> <p>The quoted prices above also include all labor costs required for your new installation.</p>	1		0.00
	<p>When paying cash, credit, or debit card our office requires half down to order your equipment and schedule your install. The balance of the installation is due at completion. Checks and cash can be given to the installers onsite, or you can call the office for card payments.</p> <p>When using finance, we process the full amount of the installation upfront to order your equipment and schedule your installation. You will owe nothing further at completion.</p>	1	0.00	0.00
	<p>We offer financing options through Ally Lending. Depending on the loan option you select and your credit, you could finance this installation for as little as \$130 a month. If you would like more information or a link to the secure application, please let our office staff know.</p>	1	0.00	0.00

TOTAL **\$0.00**

Accepted By

Accepted Date

We are proud to offer a brand new service- Filters directly to your door! Sign up is easy, and you select how often your filters arrive! Visit www.filterfetch.com and use re-order code CAA9 to get started!

All balances are to be due on the date of service.

New. Emailed.
YES. SCH. 5/9.

Council Grant Form

Legal Name of Agency/Organization	Rehoboth Beach Sportsplex Group ✓
Project Name	Upgrade maintenance equipment
Federal Tax ID	85-1470495 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	We provide and maintain athletic fields for sports. This includes Little League, youth travel ball tournaments, kickball league, senior women's softball league and dog walkers.
Address	P.O. Box 909
Address 2	
City	Rehoboth Beach
State	De
Zip Code	19971
Contact Person	Mike Simpler
Contact Title	President

Contact Phone Number 302-362-8855

Contact Email Address mike@beacheyesde.com

Total Funding Request 5,000.00

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

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

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

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

Program Category (choose all that apply) Health and Human Services

Program Category Other

Primary Beneficiary Category	Other
Beneficiary Category Other	Little League, youth travel ball tournaments, kickball league, senior women's softball league and dog walkers
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	1000
Scope	Our athletic fields maintenance equipment are over 15 years old and need to be replaced.
Religious Components	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	1,000.00
Description	operating costs, mower, bunker rake and tractor
Amount	15,000.00
Description	
Amount	

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 15,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -14,000.00

Name of Organization Rehoboth Beach Sportsplex Group

**Applicant/Authorized
Official** Jay Stevenson

Date 03/26/2023

Affidavit

Yes

Acknowledgement

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

To Be Introduced: 5/16/23

Council District 5: Mr. Rieley
Tax I.D. No.: 133-19.00-21.00 & 22.00
911 Address: 22518 Phillips Hill Road, Millsboro & N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 46.17 ACRES, MORE OR LESS

WHEREAS, on the 18th day of January 2023, a conditional use application, denominated Conditional Use No. 2421 was filed on behalf of Jonathan & Laura Brittingham; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2421 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2421 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on south side of Phillips Hill Road (S.C.R. 472) approximately 0.63 mile west of Revel Road (S.C.R. 410) and being more particularly described in the attached legal description prepared by Porcino-Wells & Woodland, LLC, said parcel containing 46.17 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: 5/16/23

Council District 4: Mr. Hudson

Tax I.D. No. 533-11.00-23.02

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02

WHEREAS, on September 27th, 2022, the Sussex County Planning and Zoning Office received an Application for a requested Comprehensive Plan Amendment to amend the Sussex County Sewer Tier Map element of the Comprehensive Plan to change the Sewer Tier designation of Sussex County Parcel No. 533-11.00-23.02; and

WHEREAS, the Parcel approximating 6.95 acres of land, more or less, lying and being within Baltimore Hundred, and located on the north side of Zion Church Road (Route 20), approximately 0.05 mile west of the intersection of Deer Run Road (S.C.R. 388) and Zion Church Road (Route 20);

WHEREAS, The Property is designated as being within the Tier 4 – System Optional Areas as set forth in the Sussex County Sewer Tier Map as Figure 7.3-2 in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, The Property is designated as being within the Coastal Area as set forth in the Sussex County 2045 Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan; and

WHEREAS, as noted in the Sussex County Comprehensive Plan, central sewer facilities are “strongly encouraged” within the Coastal Area; and

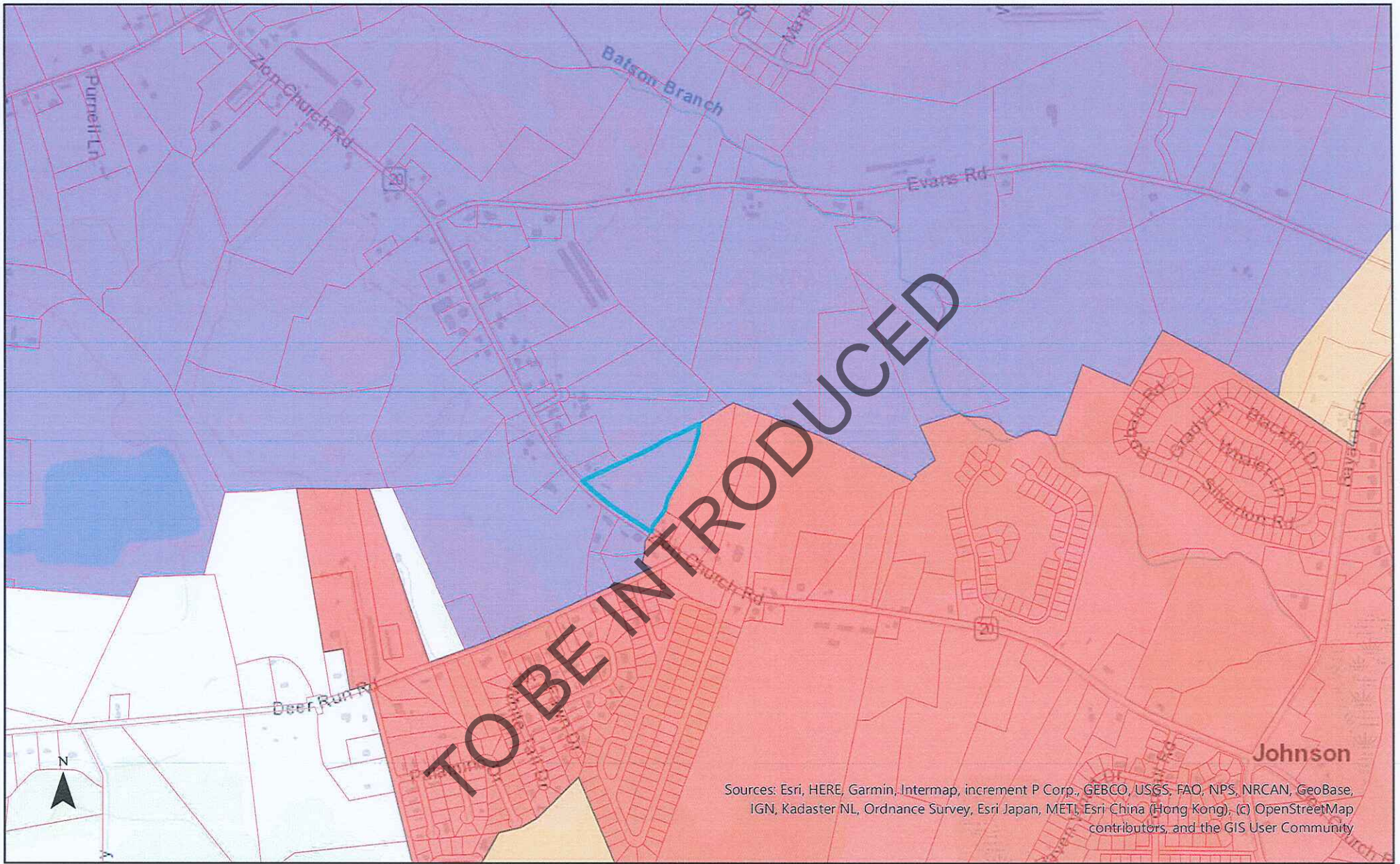
WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Sussex County Sewer Tier Map element of the Plan with minor amendments; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Sussex County Sewer Tier Map identified as Figure 7.3-2 of the Sussex County Comprehensive Plan is hereby amended to change the Parcels currently classified as Tier 4 – System Optional Areas for Sussex County Parcel No. 533-11.00-23.02 from the Tier 4 – System Optional Areas Sewer Tier designation to the Tier 2 – Sussex County Planning Area designation; Sussex County Parcel No. 533-11.00-23.02 so changed as identified in Exhibit A, attached hereto and incorporated herein.

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

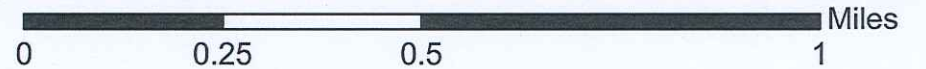


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Current Sewer Tier Map
 Ord. No. 22-09 - AWH Properties, LLC
 Proposed Sewer Tier Amendment
 Proposed: Tier 4 to Tier 2

Sewer Tiers

- Tier 1 - Sussex County Unified Sanitary Sewer District
- Tier 2 - Sussex County Planning Area
- Tier 3 - Coordinated CPCN Areas
- Tier 4 - System Optional Areas
- Tier 5 - Regulated On-site Area



To Be Introduced: 5/16/23

Council District 4: Mr. Hudson
Tax I.D. No.: 533-11.00-23.02
911 Addresses: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS

WHEREAS, on the 11th of July 2022, a conditional use application, denominated Conditional Use No. 2389 was filed on behalf of AWH Properties, LLC; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2389 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2389 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388), and being more particularly described in the attached legal description prepared by Davis , Bowen, & Friedel, Inc., containing 6.95 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: 5/16/23

Council District 5: Mr. Rieley
Tax I.D. No. 234-21.00-140.01
911 Address: 25709 Whispering Wind Lane, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS

WHEREAS, on the 15th day of November 2022, a Conditional Use Application, denominated Conditional Use No. 2407 was filed on behalf of Lori & Jose Solis Marin; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2407 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2407 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the southwest side of Whispering Wind Lane and on the north side of Hollyville Road (S.C.R. 290), approximately 0.50 mile south of Lawson Road and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A. said parcels containing 3.50 ac., more or less.

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

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 11, 2023

RE: County Council Report for C/U 2362 filed on behalf of Delaware Sitescapes, LLC

The Planning and Zoning Department received an application (C/U 2362 filed on behalf of Delaware Sitescapes, LLC) for a Conditional Use for parcel 134-10.00-62.10 for the storage of HVAC supply inventory and company vehicles and trailers. The property is located within the Agricultural Residential (AR-1) Zoning District and is located at 32414 Omar Road, Frankford.

The Planning & Zoning Commission held a Public Hearing on the application on April 20, 2023. At the meeting of May 11, 2023, the Planning & Zoning Commission recommended approval of the application subject to 6 reasons stated and subject to 7 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of April 20, 2023 and May 11, 2023.

Minutes of the April 20, 2023 Planning & Zoning Commission Meeting

C/U 2362 Delaware SiteScapes, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF HVAC SUPPLY INVENTORY AND COMPANY VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS. The property is lying on the east side of Omar Road (Route 54), approximately 726 ft. southwest of Jones Road (S.C.R. 369). 911 Address: 32414 Omar Road, Frankford. Tax Map Parcel: 134-10.00-62.10.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's



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

exhibits and photographs; a copy of the Staff Analysis, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, and a copy of the DelDOT Service Level Evaluation Response. Mr. Whitehouse noted there were zero comments.

The Commission found that Mr. Alex Burns, Esq. was present on behalf of the Applicant, Delaware SiteScapes, LLC.; that also present is Mr. Brad Absher. Mr. Burns stated that Mr. Absher is a representative of Delaware SiteScapes but is also associated with TrueNorth who provided the survey for this Application; that the application for a Conditional Use in an Agricultural Residential District (AR-1) was submitted in March, 2022; that the company is an HVAC company who want to store HVAC supplies and company vehicles at the subject property; that this property is adjacent to other AR-1 zoned properties; that within one mile of this property there are multiple approved Conditional Uses including other storage and commercial operations; that the Future Land Use Map designates the area as Coastal Area which recognizes appropriate commercial development such as this one; that this project would not have any significant impact on traffic; that Sussex County Code section 115-22 permits a Conditional Use for business and commercial uses when the purpose of the Agricultural Residential District is being more fully met; that in this case the location of the business is compatible with the surrounding uses; that all business equipment and vehicles will be kept in a neat and orderly manner; that this is a small business with only eight employees; and that there will only be a small number of those employees present on the site at any given time.

Ms. Wingate asked about the hours of operation.

Mr. Burns stated that the hours would be 7 a.m. to 5 p.m. with weekend hours for emergencies only.

Ms. Wingate asked if a sign was requested.

Mr. Burns stated that the Applicant did not want a sign at this time.

Ms. Stevenson asked if there would be sales from this location.

Mr. Burns stated there would be no sales that it would just be for storage of trucks and equipment.

Mr. Whitehouse noted that there was a permit issued for a pole building on the property in 2021; that if the permit was issued for a residential pole building and if it is now being used as a commercial building it may have to go through the commercial review process.

The Commission found there was no one present in the room or by teleconference who wished to speak in support of 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 2362 Delaware SiteScapes, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson and carried unanimously. Motion carried 4-0.

Draft Minutes of the May 11, 2023 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since April 20, 2023.

Ms. Wingate moved that we recommend approval of C/U 2362 Delaware SITESCAPES, LLC for an HVAC Business on land zoned AR-1 based upon the record made during the public hearing and for the following reasons:

1. The site is zoned AR-1. It is in a location where other small business conditional uses exist. In addition, a portion of the property is covered by a utility easement for above-ground electric transmission lines. These circumstances make this property an appropriate location for a small HVAC business and not residential use.
2. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Small business uses, like this one, are appropriate within this Area according to the Plan.
3. DelDOT has stated that the traffic generated by this use will be “diminutive”.
4. The proposed use will not have a negative impact on the neighboring properties or roadways.
5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
6. No parties appeared in opposition to the application.
7. This recommendation is subject to the following conditions:
 - A. The project shall be used for an HVAC business.
 - B. There shall be no retail sales occurring on the property.
 - C. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - D. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - E. The applicant shall comply with all DelDOT requirements for entrances and roadway improvements.
 - F. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval for C/U 2362 Delaware SITESCAPES, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – 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 23rd, 2023

Application: CU 2362 Delaware SiteScapes, LLC

Applicant: Delaware SiteScapes, LLC
32414 Omar Road
Frankford, DE 19945

Owner: Delaware SiteScapes, LLC
32414 Omar Road
Frankford, DE 19945

Site Location: Lying on the southeast side of Omar Road (Rt. 54), approximately 0.57-miles northeast of the intersection of Burbage Road (S.C.R. 353) and Omar Road.

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

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

Proposed Use: Storage of HVAC supply inventory and company vehicles/trailers.

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Frankford Fire Co.

Sewer: On-stie Septic

Water: N/A

Site Area: 1.00 acre +/-

Tax Map ID: 134-10.00-62.10



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



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mr. Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: March 20, 2023
RE: Staff Analysis for C/U 2362 Delaware SiteScapes, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2362 Delaware SiteScapes, LLC to be reviewed during the April 20, 2023, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels 134-10.00-62.10 to allow for the storage of HVAC supply inventory and company vehicles and trailers to be located within an Agricultural Residential (AR-1) District. The property is lying on the southeast side of Omar Road (S.C.R. 54), approximately 0.57-miles northeast of the intersection of Burbage Road (S.C.R. 353) and Omar Road. The property is located at 32414 Omar Road in Frankford and consists of 1.00 acre +/-.

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 land use designation of Coastal Area.” All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, 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. 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 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 Agricultural Residential (AR-1) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25).

The property is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, west, and east of subject property are zoned Agricultural Residential (AR-1) District. The properties to the north on the opposite side of Omar Road (S.C.R. 54) are also zoned Agricultural Residential (AR-1) District.

Existing Conditional Uses within the Vicinity of the Subject Site

Although there have been a number of Conditional Use Applications applied for in this area, since 2011, there have been three (3) Conditional Use applications within a 1.00-mile radius of the application site. The first application is C/U 1894 for Ellen Sanders & Tom Wallo to allow for a yoga studio to be allowed within an Agricultural Residential (AR-1) District. The Sussex County Council approved the use at their meeting of Tuesday, June 7, 2011, and the change was adopted through Ordinance No. 2199. The second application is C/U 2003 for Thomas E. Lowe to allow for a retail store within an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, November 20, 2014. The Sussex County Council approved the use at their meeting of Tuesday, December 9, 2014, and the change was adopted through Ordinance No. 2379. The third application is C/U 2223 for A&@ Burbage, LLC to allow for a boat and RV storage facility to be located within an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, June 25, 2020. The Sussex County Council approved the use at their meeting of Tuesday, August 11, 2020, and the change was adopted through Ordinance No. 2728.

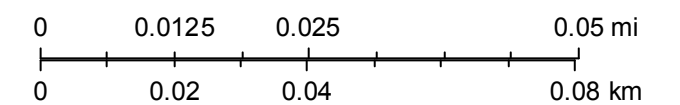
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the storage of HVAC supply inventory and company vehicles and trailers in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

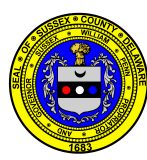


PIN:	134-10.00-62.10
Owner Name	DELAWARE SITESCAPES LLC
Book	5419
Mailing Address	% BRAD ABSHER
City	MILLVILLE
State	DE
Description	S/OMAR RD
Description 2	LOT A
Description 3	N/A
Land Code	

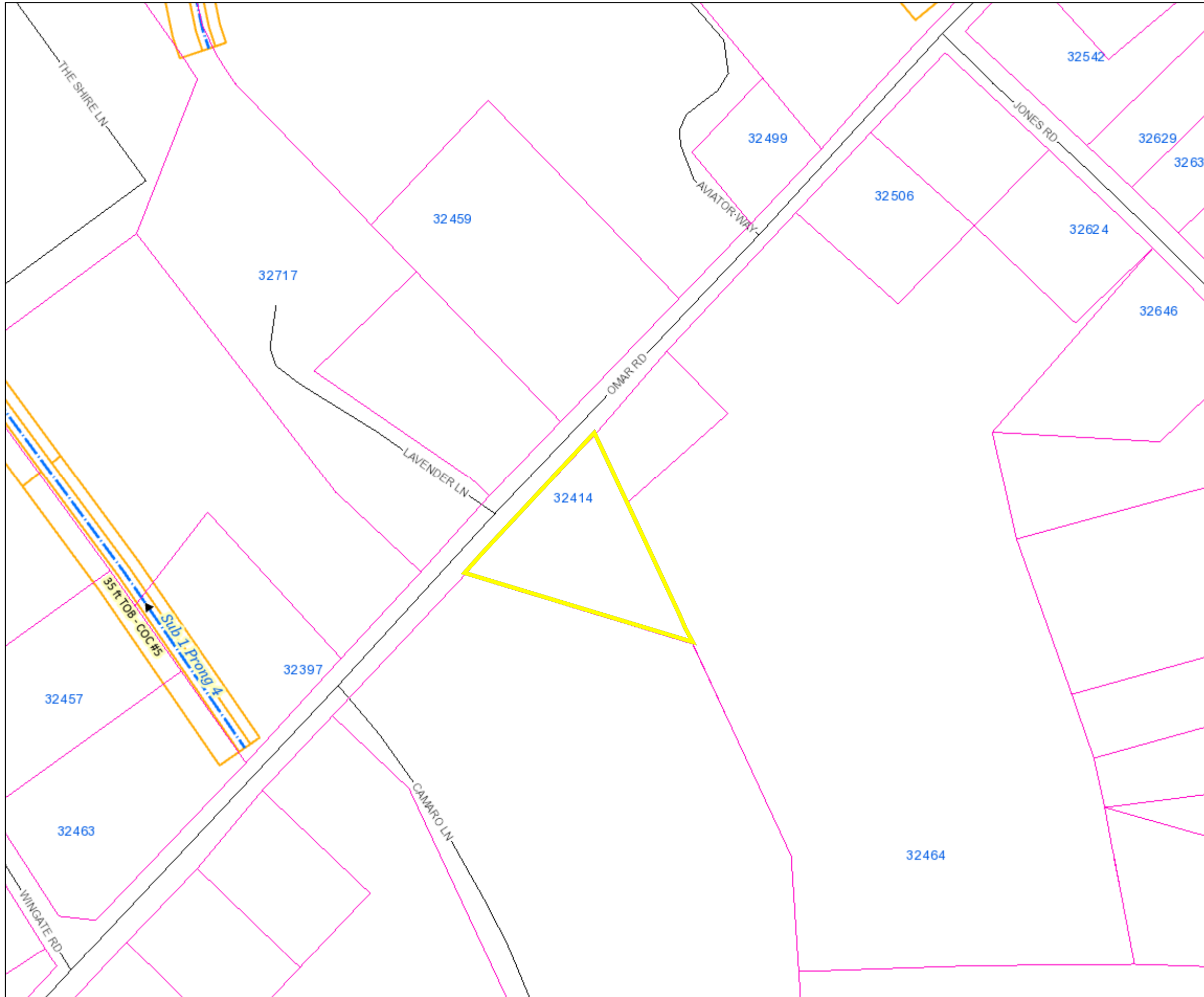
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- Override 1
- Tax Parcels
- 911 Address
- Streets

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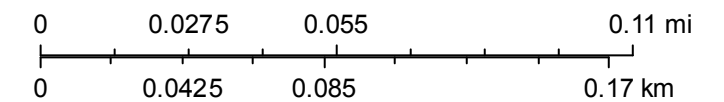
Sussex County



PIN:	134-10.00-62.10
Owner Name	DELAWARE SITESCAPES LLC
Book	5419
Mailing Address	% BRAD ABSHER
City	MILLVILLE
State	DE
Description	S/OMAR RD
Description 2	LOT A
Description 3	N/A
Land Code	

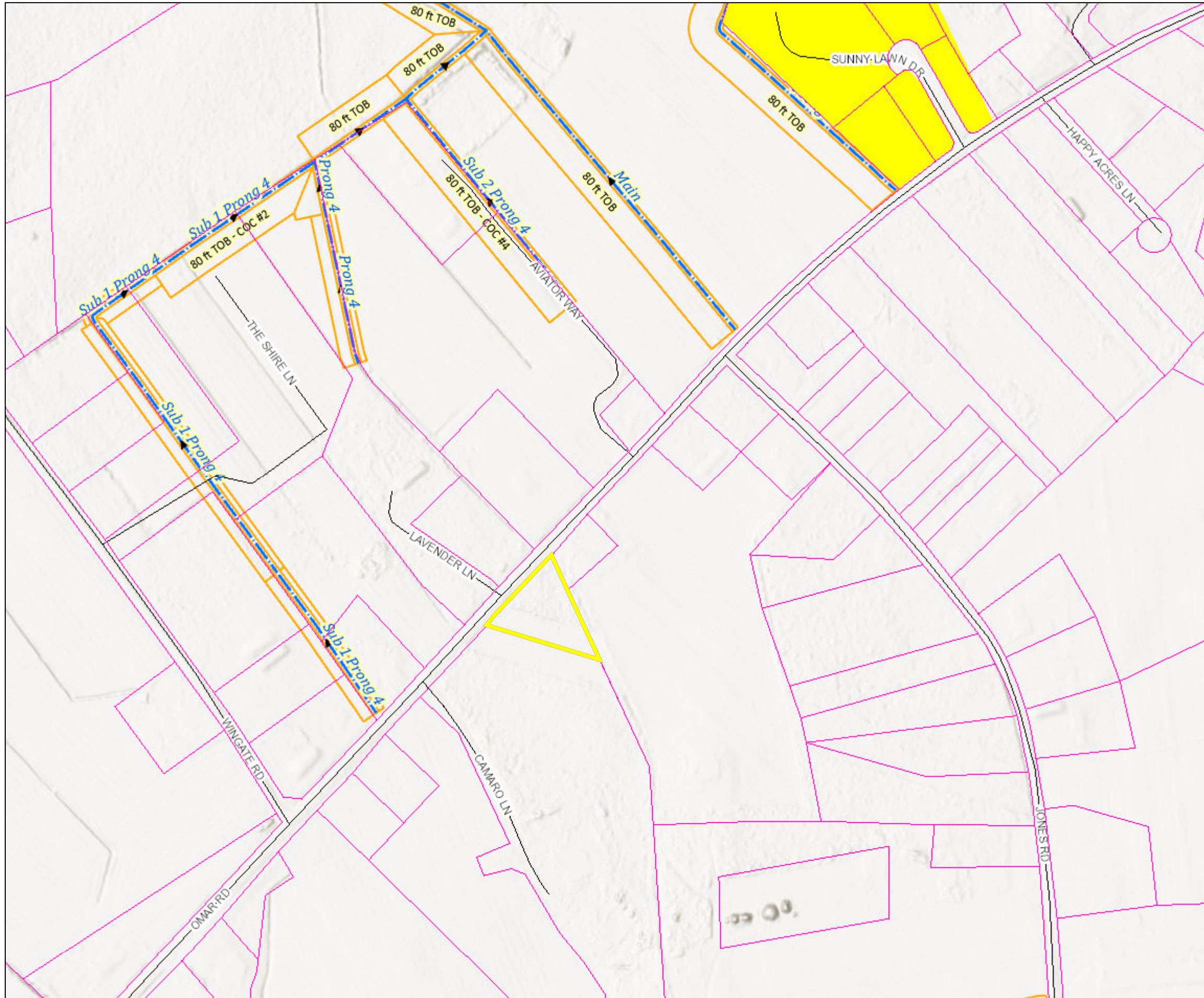
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- Tax Parcels
- 911 Address
- Streets

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Sussex County



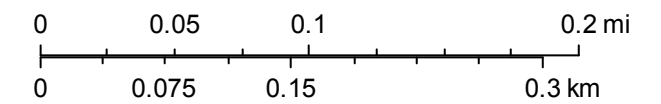
PIN:	134-10.00-62.10
Owner Name	DELAWARE SITESCAPES LLC
Book	5419
Mailing Address	% BRAD ABSHER
City	MILLVILLE
State	DE
Description	S/OMAR RD
Description 2	LOT A
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



Introduced: 06/28/22

Council District 4: Mr. Hudson
Tax I.D. No.: 134-10.00-62.10
911 Address: 32414 Omar Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF HVAC SUPPLY INVENTORY AND COMPANY VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS

WHEREAS, on the 29th day of March 2022, a conditional use application, denominated Conditional Use No. 2362 was filed on behalf of Delaware SiteScapes, 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. 2362 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. 2362 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Omar Road (Rt. 54) approximately 726 ft. southwest of Jones Road (S.C.R. 369) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A., said parcel containing 1.0 acres, more or less.

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