



Sussex County Council Public/Media Packet

**MEETING:
June 12, 2018**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

JUNE 12, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 1031-2
Sussex County Project No. 81-04
Covered Bridge Trails – Phase 1
West Rehoboth Expansion for the Dewey Beach Sanitary Sewer District
2. Wastewater Agreement No. 984-19
Sussex County Project No. 81-04
Coastal Club – Land Bay 6 – Phase A (Construction Record)
Goslee Creek Planning Area

Todd Lawson, County Administrator

1. Recognition of Retiree Mary Sue Sharp
2. Planning and Zoning Commission Appointment
3. Town of Delmar Presentation and Infrastructure Request
4. Administrator's Report



Gina Jennings, Finance Director

1. Insurance Coverage Recommendation

Hans Medlarz, County Engineer

1. Request to modify the effective date of §110-88 of the Sussex County Code

Councilman I. G. Burton

1. Discussion and presentation on matters relating to buffers and density

Janelle Cornwell, Planning and Zoning Director

1. Time Extension Request - Conditional Use No. 2015 filed on behalf of Delaware Division of Facilities Management (for a public service facility – Delaware State Police Troop 7)

Grant Requests

1. Rehoboth Summer Children’s Theatre for operating/program expenses
2. Boy Scouts Troop One for participation in the Sea Base program
3. Lewes Public Library for festival expenses

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

1:30 p.m. Public Hearings

Conditional Use No. 2128 filed on behalf of Larry Martin

“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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0381 ACRES, MORE OR LESS” (lying on the east side of Horsey Church Road and on the south side of Shadow Point Lane) (Tax I.D. No. 532-19.00-12.21) (911 Address: 9534 Shadow Point Lane, Delmar)

Conditional Use No. 2129 filed on behalf of Brian P. Lessard, Lessard Builders, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS” (lying at the southeast corner of Argos Corner Road and Coastal Highway Route 1) (Tax I.D. No. 230-7.00-95.00, 96.00, and 97.00) (911 Address: 22754 Argos Corner Road, Lincoln)

Change of Zone No. 1850 filed on behalf of Swann Cove West, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY (EXTENSION OF CHANGE OF ZONE NO. 1471) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.236 ACRES, MORE OR LESS” (lying on the northeast and southeast corners of Herring Way and Old Mill Bridge Road) (Tax I.D. No. 533-12.00-73.02) (911 Address: Not Available)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 5, 2018 at 4:00 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 listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 5, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 5, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 310 18
Amend
and
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting "Town of Delmar Presentation and Infrastructure Request" and to approve the agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of May 22, 2018 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger commented on regulations relating to public versus private stables, the number of chickens/ducks etc. permitted on a private versus commercial property, setbacks in AR and GR districts, etc.

Dan Kramer commented on farmers/farming.

**Employee
Recognition
Awards**

Mrs. Jennings reported that the County recognizes employees for exceptional service and that a total of forty-one (41) employees received recognition for the Second Quarter of 2018. Mrs. Jennings announced that three employees received special recognition: Joel Marshall (Mapping and Addressing) was selected to receive the Second Quarter Customer Service Award and Denise Draper (Constables Office) and Renee Davidson (Collections Division) received Honorable Mention.

**Public Hearing/
Sussex Shores Chapter 96 SCI Project Assessment Roll**

A Public Hearing was held on the final assessment rate for the Sussex Shores Chapter 96 Sussex Community Improvement Project (Project #14-13). The Public Hearing is to allow property owners within the Sussex Shores project area an opportunity to comment on the final assessment rate to be levied against each assessable unit in order to finance the project.

Joe Wright, Assistant County Engineer, and Patti Deptula, Director of Special Projects, were present to discuss the project and assessment. The final assessment rate is determined to be \$1,211.51 annually per assessable parcel for a twenty (20) year time period, or if preferred, a one-time lump sum payment of \$16,464.87 may be made.

Mrs. Deptula reported that one public comment was received by telephone from Jeanette Golden of The Pilot House Condos who wanted to be on record stating that the Condominium Association would not benefit from the roads and therefore, should not be a part of the assessment.

Public comments were heard.

Rob Witsil spoke in support of the project on behalf of the Sussex Shores Beach Association Board of Directors.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 311 18 Approve Assessment Roll/
Sussex Shores Chapter 96 SCI Project**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineer and the Sussex County Finance Director, and in accordance with Sussex County Code, Chapter 96 Sussex Community Improvements, that Sussex County Council approves the Sussex Shores Chapter 96 Sussex Community Improvement Project #14-13 Assessment Roll, as presented, and that each assessable property within the Project pay the final assessment rate of \$1,211.51 annually for a twenty (20) year time period, with the option to make a one-time lump sum payment of \$16,464.87; Sussex County Council authorizes the Director of Finance to proceed with the billing for each assessable property in accordance with the Chapter 96 Code.

Motion Adopted: 4 Yeas, 1 Deferred.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Deferred;
Mr. Vincent, Yea**

(Mr. Cole "deferred" his vote due to a conflict.)

Wastewater Agreement

Mr. Lawson presented a wastewater agreement for the Council's consideration.

**M 312 18
Execute
Wastewater
Agreement/
The Estuary**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 638-17, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Estuary Development, LLC for wastewater facilities to be constructed in The Estuary – Phase 1C-1C (Construction Record), located in the Miller Creek Sanitary Sewer District.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Planning
and Zoning
Commission
Appointment**

Mr. Lawson reported on an upcoming vacancy on the Planning and Zoning Commission, stating that an appointment to the Commission will be necessary by the end of June due to the retirement of Marty Ross (District 5 – Councilman Arlett’s appointment). Mr. Arlett reported on the process for appointments to the Planning and Zoning Commission and noted that the process of appointment has been changed due to time constraints. Staff was asked to provide a new application – a digital application – with a link on the County’s website; and that for future appointments, the application will be posted and there will be a vetting process. However, with this vacancy, and due to the time constraints, the application was created and an application link was created; that Mr. Arlett shared the link with people who have expressed interest in serving on the Commission; and that three people have applied. Mr. Arlett reported that the applications were given to Mr. Lawson and Mr. Lawson forwarded the applications to Mr. Arlett (since the vacancy is in Mr. Arlett’s District). Mr. Arlett stated that the three applications were shared with each Councilmember. Mr. Arlett noted that due to the qualifications of the applicants, additional time is needed to consider the applicants and it was decided that the matter will be placed on the next agenda for a decision on who the candidate will be and, thereafter, a public interview will be scheduled in public session with the candidate selected.

**Delaware
Agricultural
Lands Pre-
servation
Program**

Mr. Lawson presented for discussion the 2018 Delaware Agricultural Lands Preservation Program. On May 16, 2018, the Delaware Agricultural Lands Preservation Foundation released its selections for Round 22 of the Preservation Program. On May 22, 2018, the Council voted to participate in Round 22 and approved the expenditure of funds for the acquisition of easements totaling just over \$536,000. By joining the State, the County Council added to the property easements purchased in Sussex County and brought the total to nearly 800 acres, comprising 10 farms and \$1.3 million. Mr. Lawson presented the list of the farms selected in Sussex County; on average, the Sussex farms provided nearly a 74 percent discount for the easement purchases. Mr. Lawson

**Program
(continued)**

reported that, throughout the State, this year's program saw a total purchase of the development rights of 41 farms totaling 3,534 acres, Since 2003, including the most recent effort, the County has contributed approximately \$2.1 million to protect more than 2,800 acres of farmland in Sussex County.

**Adminis-
trator's
Report**

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

1. Sussex County Council Comprehensive Land Use Plan Workshop

The next Sussex County Council Comprehensive Land Use Plan Workshop will be held on Wednesday, June 6th, at 9:30 a.m. in Council Chambers. A copy of the agenda is attached.

2. Robert "Bob" Parson

It is with sadness that we note the passing of county employee Robert "Bob" Parson on Tuesday, May 22nd. Bob worked at the Sussex County Emergency Operations Center as a dispatcher for 13 years. We wish to extend our condolences to the Parson family.

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

**MOU with
State of
Delaware/
Roadside
Trash
Removal**

Michael Costello, Government Affairs Manager, presented a Memorandum of Understanding (MOU) between the State of Delaware Department of Correction (DOC), Delaware Department of Transportation (DelDOT) and Sussex County relating to roadside trash removal. Currently, a formal arrangement between the State and the County for roadside trash removal does not exist. This MOU codifies the arrangement and allows the County to direct where roadside trash is removed. Mr. Costello noted that the MOU spells out how the County can provide funding for positions dedicated to the supervision of inmate crews used to collect litter and trash in the State right-of-ways and the disposal of trash. He also noted that one of the components of this program is the County would provide input on roadways needing attention. The amount of funding will not exceed \$120,000 annually. If the MOU is approved, an online submission form will be available for citizens to report on roadside trash/littering; additionally, citizens can also call the County Constable Office.

**M 313 18
Approve
MOU with
the State
of Delaware**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council, in an effort to promote a cleaner, litter-free, community does hereby approve a Memorandum of Understanding between the County and the State of Delaware, specifically the Department of Correction and Department of Transportation, for roadside litter and trash collection.

Motion Adopted: 5 Yeas.

**M 313 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Sussex
County
Chapter 95
Diamond
Acres
Street-
lighting
District**

Patti Deptula, Director of Special Projects, reported that on April 17, 2018, the Council approved a Resolution to establish an election to be held for the Proposed Diamond Acres Proposed Streetlighting District. At that time, an estimate annual billing rate of \$69.11 was proposed for each assessable property within the proposed district. Mrs. Deptula reported on the election results: out of a total of 22 eligible votes, 11 voted “Yes” in support of the streetlighting district and 5 voted “No” in opposition of the streetlighting district. Based on the affirmative results of the election and in accordance with Chapter 95 of the Sussex County Code, Mrs. Deptula requested approval of the Resolution establishing the District, with the boundaries shown on Sussex County Tax Map 2-33-6 Parcels 48, 49.10 through 49.13, 49.20 through 49.35, 59, 65, and 66, and requested approval to allow the County Engineer to have Delaware Electric Cooperative to proceed with the installation of seven cobra head LED streetlights and wooden poles, and to authorize the County Finance Director to send an annual billing to the owners of all assessable properties within the district boundaries.

**M 314 18
Adopt
R 008 18**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Resolution No. R 008 18 entitled “A RESOLUTION ESTABLISHING THE DIAMOND ACRES STREETLIGHTING DISTRICT”.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Millville
SSD
Project C/O**

Hans Medlarz, County Engineer, presented the Final Balancing Change Order for the Millville Sanitary Sewer District, Northwest Expansion II – Irons Lane and Pump Station No. 311 (Project No. 15-10).

**M 315 18
Approve
Change
Order/
Millville
SSD
Project/
Northwest
Expansion
II**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Change Order No. 2 for Contract #15-10, Millville Sanitary Sewer District: Northwest Expansion II – Irons Lane and Pump Station No. 311, be approved, which increases the contract amount by \$11,285.00, for a new total of \$1,072,259.60.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Old
Business/
CZ 1846**

Under Old Business, the Council considered Change of Zone No. 1846 filed on behalf of CMF Bayside, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on February 22, 2018 at which time action was deferred. On March 8, 2018, the Commission recommended approval with conditions.

The County Council held a Public Hearing on this application on March 20, 2018 at which time action was deferred and the record was left open to allow for a new plan to be submitted showing a reduction in the size of two large ponds in the upland area and for the submittal of proposed environmentally sensitive conditions of approval; thereafter, following receipt of the information requested and a report to Council, the record remained open for 15 days for public comment. The Applicant submitted a new plan showing the removal of the two large ponds in the upland area; the Applicant is now proposing to leave the land as woodland; the other small ponds shown on the plan are for stormwater management purposes. Comments received during the 15 day period were passed on to the Council members. The record was closed by the Council on April 10, 2018.

**M 316 18
Adopt
Ordinance
No. 2579/
CZ 1846**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2579 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.379 ACRES, MORE OR LESS" (Change of Zone No. 1846) filed on behalf of CMF Bayside, LLC, with the following conditions:

- a. The maximum number of residential dwelling units on this property shall be 122.**
- b. The 122 units approved as part of this extension of the MR-RPC shall be part of the uses approved in conditions #1 and #3 of CZ #1393 and shall not be in addition to these conditions previously imposed on the Americana Bayside MR-RPC project.**
- c. The development shall be served as part of a Sussex County Sanitary Sewer District.**
- d. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- e. The RPC shall be served by central water.**
- f. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be designed and operated in a manner consistent with Best Management Practices.**
- g. The Final Site Plan for each phase of the development shall contain the approval of the Sussex Conservation District upon it.**
- h. The project will be incorporated as part of the existing Americana**

**M 316 18
Adopt
Ordinance
No. 2579/
CZ 1846
(continued)**

Bayside MR-RPC (CZ #1393) and shall be subject to, and benefited by, the conditions imposed upon that development, except as modified herein.

- i. All entrance, roadway, intersection and multi-modal improvements required by DeDOT shall be completed in accordance with DeDOT's determinations.**
- j. The interior street design and parking areas shall meet or exceed Sussex County street design specifications and requirements.**
- k. The residential units in this development shall be part of the Americana Bayside Homeowners Association responsible for the maintenance of streets, roadways, buffers, stormwater management areas and community areas.**
- l. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Department.**
- m. The Final Site Plan shall include a landscape plan for all the buffer areas, showing all the landscaping and vegetation to be included in those areas.**
- n. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 3 Yeas, 2 Nays.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Nay;
Mr. Wilson, Yea; Mr. Cole, Nay;
Mr. Vincent, Yea**

**Grant
Requests**

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

**M 317 18
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$2,000.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for a portable public address system.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 318 18
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$5,000.00 (\$4,500.00 from Mr. Burton's Councilmanic Grant Account and \$500.00 from Mr. Wilson's Councilmanic Grant Account) to the Milton Little League for a field lighting project.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

M 319 18 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to Grace-N-Mercy for summer youth camp expenses.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea**

M 320 18 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$600.00 (\$120.00 from each Councilmanic Grant Account) to the Marine Corps League for Delaware Devil Dogs Detachment #780 golf tournament fundraiser.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea**

M 321 18 Councilmanic Grant **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$2,000.00 from Mr. Burton's Councilmanic Grant Account to the Greater Lewes Community Village for the Reduced Fee Program.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea**

M 322 18 Councilmanic Grant **A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$2,000.00 from Mr. Burton's Councilmanic Grant Account to the Lewes Senior Citizens Center for Activity Center construction and expansion.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea**

Introduction of Proposed Ordinances **Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PETROLEUM FUEL STORAGE AND OFFICE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.9475 ACRES, MORE OR LESS" (Conditional Use No. 2143) filed on behalf of Tri Gas & Oil Co.,**

**Introduction
of Proposed
Ordinances
(continued)**

Inc. (Tax I.D. No. 135-14.00-66.10 and 135-14.00-66.07 (portion of) (911 Address: 20205 DuPont Boulevard, Georgetown).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE COMPANY OPERATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.5851 ACRES, MORE OR LESS” (Conditional Use No. 2144) filed on behalf of William Caldwell (Tax I.D. No. 230-5.20-55.00 and 56.00) (911 Address: 18576 Greely Avenue, Lincoln).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (2 DUPLEXES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.169 ACRE, MORE OR LESS” (Conditional Use No. 2145) filed on behalf of 105 Seagull Drive, LLC (Tax I.D. No. 334-23.06-10.00) (911 Address: 38737 Seagull Drive, Dewey Beach).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 – RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS” (Change of Zone No. 1858) filed on behalf of OA Oaks, LLC (Ashton Oaks) (Tax I.D. No. 533-11.00-82.00) (911 Address: 36161 Zion Church Road, Frankford).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 60 ACRES, MORE OR LESS” (Change of Zone No. 1859) filed on behalf of Boardwalk Development, LLC, c/o Joseph Reed (Henlopen Meadows) (Tax I.D. No. 234-12.00-3.00 and 6.00) (911 Address: Not Available).

The Proposed Ordinances will be advertised for Public Hearing.

Comments

Council Members’ Comments

- Council Members' Comments (continued)**
- Mr. Burton asked that the topics of buffers and density be placed on the next agenda for discussion.**
- Mr. Cole referenced public comments on this date (Paul Reiger's comments) and asked that these matters be discussed at a future Council meeting (farm definition and what is permitted on a small parcel versus a large parcel, etc.).**
- Mr. Vincent stated that another topic for future discussion is depth of commercial land off of a main road.**
- M 323 18 Go Into Executive Session**
- At 11:18 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing a matter relating to potential litigation.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea**
- Executive Session**
- At 11:25 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing a matter relating to potential litigation. The Executive Session concluded at 12:15 p.m.**
- M 324 18 Reconvene Regular Session**
- At 12:19 p.m., a Motion was made by Mr. Burton, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**
- Motion Adopted: 3 Yeas, 2 Absent.**
- Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea; Mr. Wilson, Absent; Mr. Cole, Yea; Mr. Vincent, Yea**
- E/S Action**
- There was no action on Executive Session matters.**
- M 325 18 Recess**
- At 12:19 p.m., a Motion was made by Mr. Burton, seconded by Mr. Cole, to recess until 1:30 p.m.**
- Motion Adopted: 3 Yeas, 2 Absent.**
- Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea; Mr. Wilson, Absent; Mr. Cole, Yea; Mr. Vincent, Yea**
- M 326 18 Reconvene**
- At 1:35 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to reconvene.**

M 326 18
(continued) **Motion Adopted: 3 Yeas, 2 Absent.**

Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Absent;
Mr. Vincent, Yea

Mr. Arlett was absent during the afternoon session.

Rules **Mr. Moore read the rules of procedure for zoning hearings.**

The Council found that the Applicant for the first Public Hearing was not in attendance and, therefore, the Council proceeded with the next Public Hearing.

Mr. Cole joined the meeting.

Public
Hearing/
CU 2127 **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.60 ACRES, MORE OR LESS” (Conditional Use No. 2127) filed on behalf of Wine Worx, LLC (Tax I.D. No. 134-11.00-53.00) (911 Address: 32512 Blackwater Road, Frankford).**

The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2018 at which time action was deferred. On May 24, 2018, the Commission recommended approval with conditions and granted Preliminary Approval with Final Site Plan approval by the Commission.

(See the minutes of the Planning and Zoning Commission dated May 10 and 24, 2018.)

Janelle Cornwell, Director of Planning and Zoning, presented the application.

The Council found that Adrian Mobilia was present on behalf of his application. He stated that his Conditional Use request is to shore up the differences between what the State of Delaware farm winery license permits, i.e. activities, and what is permitted / not permitted on an AR-1 zoned property; that he is requesting a Conditional Use for an event venue at a farm winery; that they have been doing other things in addition to wine tastings to keep the customers’ interest such as live entertainment, food trucks, craft nights, weddings, family events, etc.; that some events are indoors and some are outdoors; that he was notified by the Planning and Zoning Department that some of the activities are not permitted on AR-1 property; and that he filed a Conditional Use application. Mr. Mobilia commented on septic, parking spaces, hours of operation, employees, and

**Public
Hearing/
CU 2127
(continued)**

internal guidelines/limits.

In response to questions raised by Council, Mr. Mobilia stated that he does not want any restrictions on days or number of events. He also stated that the events are proposed to take place only on the front portion of the parcel.

Mr. Cole stated that he would like to defer action and suggested that Council members take a look at the site.

Mr. Moore stated that he would like to look at the current regulations for special events, i.e. special events that are allowed now as part of a farming operation. Mr. Moore advised that he would forward information to the Council.

There were no public comments in favor of or in opposition to the application.

The Public Hearing was closed.

**M 327 18
Defer
Action on
CU 2127**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action on Conditional Use No. 2127 filed on behalf of Wine Worx, LLC and to leave the record open for receipt of information from Legal relating to special events and vineyard/winery regulations, and to allow time for Council members to look at the site.

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Nay; Mr. Cole, Yea;
Mr. Vincent, Yea**

It was noted that the Applicant was still not present for the first scheduled Public Hearing (Conditional Use No. 2126) and that the Applicant was in transit to the meeting.

**M 328 18
Recess**

At 2:03 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to recess for 15 minutes.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 329 18
Reconvene**

At 2:15 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to reconvene.

Motion Adopted: 4 Yeas, 1 Absent.

**M 329 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2126**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL VEHICLE STORAGE AND CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS” (Conditional Use No. 2126) filed on behalf of Nikolajs Lituinenkous (Tax I.D. No. 233-11.00-172.00) (911 Address: 30028 Vines Creek Road, Dagsboro).

The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2018 at which time action was deferred. On May 24, 2018, the Commission recommended approval, with conditions, and granted Preliminary Approval with Final Site Plan approval by the Commission.

(See the minutes of the Planning and Zoning Commission dated May 10 and 24, 2018.)

Janelle Cornwell, Director of Planning and Zoning, presented the application.

The Council found that Nikolajs Lituinenkous was present and stated that car sales and repairs currently exists on the property; that car sales takes place on the front portion of the property; that they would like to provide a location for people to rent space to store commercial vehicles and equipment (approximately 50); that this storage would be on the back portion of the property; that they propose to cut the trees in the middle portion of the property; that they have had approximately 80 to 100 cars for sale on the property and they have had up to 70 vehicles on the property for repair; that an 8 foot fence exists between this parcel and the junk yard on the adjacent parcel; that, if required, they will leave a tree-line buffer.

There was a discussion on the proposed use of the site, on the legal non-conforming uses on the site including the mechanic shop currently located on the site; and on bringing the entire parcel into conformance.

There were no public comments in support of or in opposition to the application.

The Public Hearing was closed.

**M 330 18
Defer
Action on
CU 2126**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action on Conditional Use No. 2126 filed on behalf of Nikolajs Lituinenkous and to close the record with the exception of receiving from Legal proposed

M 330 18 findings and information on bringing the application into conformance.
(continued)

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

M 331 18 A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at
Adjourn 2:32 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 05, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
COASTAL CLUB - LAND BAY 6 - PHASE A (CONSTRUCTION RECORD)
AGREEMENT NO. 984 - 19

DEVELOPER:

Mr. Preston Schell
Coastal Club LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

LOCATION:

+/-3,000' South east of intersection between
Beaver Dam Rd. & Jimtown Road

SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

TYPE AND SIZE DEVELOPMENT:

9 Single family lots and 63 Townhouses.

SYSTEM CONNECTION CHARGES:

\$457,920.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
10/10/17

Department of Natural Resources Plan Approval
11/17/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90

Construction Admin and Construction Inspection Cost – \$20,572.13

Proposed Construction Cost – \$137,147.50



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 12, 2018

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 984-19 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "COASTAL CLUB, LLC." FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "COASTAL CLUB – LAND BAY 6 – PHASE A (CONSTRUCTION RECORD)", LOCATED IN GOSLEE CREEK PLANNING AREA.

ORDINANCE NO. 38
AGREEMENT NO. 984-19

TODD LAWSON
COUNTY ADMINISTRATOR



GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

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



Sussex County

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MEMORANDUM:

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
The Honorable Samuel R. Wilson Jr.

FROM: Gina A. Jennings
Finance Director/COO

SUBJECT: **INSURANCE CARRIER RECOMMENDATION**

DATE: June 8, 2018

As you are aware, the County is going through the evaluation process for its insurance coverage. This was the first time that the County issued a Broker Request for Proposal (RFP) for insurance coverage, which requires two steps. In the past, the County would assign carriers to brokers and then select the best broker/carrier combination. On April 17, 2018, County Council completed the first step of the process by awarding the RFP to Alliant Insurance Services. Tuesday is the second step of this insurance process, which is selecting the placements of all lines of insurance coverage.

In April, Alliant began marketing Sussex County's insurance program to various carriers. The agreed upon methodology for this marketing was as follows:

- Identify the total universe of potential, qualified markets
- Send submissions to those qualified markets and including the special requests listed under the RFP's "scope of service" section for each line of coverage
- Compare options and present options from at least three (3) carriers including the incumbent

Although Alliant approached at least three carriers for each line of coverage, there were times that three would or could not bid. The attached summary provides details of each line of coverage and the number of carriers approached, the number of quotes received, the recommended carrier and cost.

New carriers are being recommended for the Property Package, Liability Package, Cyber, Public Officials, Auto, Workers Compensation and Airport Liability. Considerable cost savings are being recognized with the new carriers. Alliant obtained quotes from multiple carriers and leveraged this position to drive the costs down.



In addition to premium savings, these new carriers offer enhancements to our existing coverages, such as the ability to select our own legal counsel for public officials claims, increased cyber liability coverage, and replacement cost coverage for all mobile equipment.

The proposal recommends the addition of two new lines of insurance coverage: Pollution and Fiduciary. These lines are recommended for the County by both Insurance Buyers' Council and Alliant. The pollution line of coverage provides coverage to all County locations for events that are sudden and accidental, such as the pollution of the water table, or third-party wells. The new Fiduciary coverage extends coverage for the management of post-employment benefit plans, which is an exclusion in our public officials' coverage.

I am happy to report that the recommended placements result in a net savings to the County of \$255,000 annually.

Scott Agar from Insurance Buyers' Council, as well as John Wink, Felipe Garcia and Tony Tamburro from Alliant, will be available to discuss the process further and answer any questions.

Sussex County Insurance Overview FY 19

Coverage Type	Expiring Costs	Number of Companies Approached	Quotes Received	Recommended Placement	Cost	Cost Savings	Deductible	Comments
Property & Inland Marine	230,688.00	12	2	Glatfelter	212,335.00	18,353.00	50,000.00	\$275,498,421 Insured Value
Pipeline Floater	78,615.00	6	1	Chubb/ACE	72,414.00	6,201.00	50,000.00	\$3 M in coverage
Eqpt Breakdown	16,000.00	6	3	C N A	16,847.00	(847.00)	10,000.00	\$25 M in coverage
Workers Comp	765,738.00	11	3	Liberty Mutual	548,161.00	217,577.00	-	Exp Mod reduced to .72
General Liability	101,260.00	5	3	Glatfelter	44,014.00	57,246.00	-	\$1M in coverage per occurrence \$3M aggregate 240 vehicles 50 trailers
Business Auto	212,204.00	5	3	Glatfelter	170,589.00	41,615.00	1,000.00	
Umbrella	62,549.00	5	3	Glatfelter	67,074.00	(4,525.00)	10,000.00	\$9M in coverage
Airport Liability	4,515.00	9	2	Chubb/ACE	4,775.00	(260.00)	-	\$20 M in coverage, and includes coverage for Wings & Wheels
Public Officials	255,200.00	10	2	Western World	198,901.24	56,298.76	250,000.00	\$10 M Coverage Includes Choice of Counsel Endorsement
Crime	15,000.00	8	2	Great American	14,025.00	975.00	50,000.00	\$250,000 across the board deductible
Crime	15,000.00	8	2	Great American	14,025.00	975.00	50,000.00	\$15M in coverage
Cyber	12,871.00	5	3	Beazley	15,965.00	(3,094.00)	10,000.00	Increased limits to \$2M
Pollution	-	4	1	Chubb	16,248.25	(16,248.25)	50,000.00	New Line \$2 M coverage
Fiduciary	-	1	1	Alliant	8,458.00	(8,458.00)	25,000.00	New Line \$1M coverage
Broker Fee	-				100,000.00	(100,000.00)		Previously Included in Premium
Additional Enhancements					10,000.00	(10,000.00)		Additional Flood, Leased Equipment, etc.
Total	1,754,640.00				1,499,806.49	254,833.51	-14.52%	

*additional sublimits may apply to various circumstances

ENGINEERING DEPARTMENT

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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George Cole, Vice President
The Honorable Samuel R. Wilson, Jr
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

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

RE: ***REQUEST TO MODIFY THE EFFECTIVE DATE OF § 110-88
OF THE SUSSEX COUNTY CODE***

DATE: June 12, 2018

The Engineering Department had worked on revisions to County Code Chapter 110, Water & Sewer for several months in a working group setting culminating in a presentation to County Council on May 1, 2018. The associated Ordinance No. 2577 was introduced that day and on May 22nd the Engineering Department presented the proposed updates at the official public hearing. With no additional public testimony Council approved Ordinance No. 2577, including staff suggested amendments with an effective date of July 1, 2018.

One of the Council requested Code changes to Chapter 110 related to the effort in providing more affordable small residential housing units. After review of the subject equitability the Engineering Department included language in the Ordinance reducing residential sewer connection/service charges for 1-bedroom apartment, condo or rental vacation cottage units.

Developing entities had been closely watching the progress of the Ordinance while developing their plans. One project's critical path construction timeline was impacted by the effective date of Ordinance No. 2577. In order to allow this important project to proceed without a delay the Engineering Department requests Council's approval to modify the effective date of § 110-88. *Establishment of annual service charges; determination of amount of charge* from July 1st to June 12th of 2018.



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



Sussex County
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator, Everett Moore, County Attorney, Vince Robertson, Assistant County Attorney, and Hans Medlarz, County Engineer

Date: June 7, 2018

RE: Request for Time Extension – CU 2015 Delaware Division of Facilities Management (Delaware State Police Troop 7)

The Planning and Zoning Department received a request for an extension for application CU 2015 Delaware Division of Facilities Management (Delaware State Police Troop 7). The Conditional Use for the construction of a new public service facility (State Police) was granted final approval by County Council on June 16, 2015. The property is located on Mulberry Knoll Rd.

This request has been submitted since Ordinance No. 2428, which provides a sunset provision to allow the County Council (Council) to approve an extension of time period as provided in Chapter 99 Article VIII Section 99-40. The Council may grant a time extension for up to six (6) months pursuant to 99-40F based on the following:

- 1) Prior to the expiration of its current approval, any applicant holding a currently valid approval as set forth in 99-40F may request an extension up to six (6) months for the validity of said approval. The six (6) month period shall commence upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
 - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the applicant is to provide the anticipated time frame for completing those remaining steps.
 - (b) A detailed explanation of the reasons in support of the applicant's request for the time extension. Applicant is to include an explanation of whether such reasons were within the applicant's reasonable control. Example of reasons beyond the applicant's reasonable control, include but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicant's key stakeholders.



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

- (c) For subdivisions with recorded final plats that are valid in accordance with 99-11 and 99-40 a specific schedule and plan demonstrating that the improvements on the subdivision plat will be “substantially constructed” within six (6) months of the expiration of the current approval.

The following is the status of agency approvals. The applicant has all agency approvals and is awaiting approval of the site plan. The site plan was recently submitted to the Planning Office for review by the Planning Commission. The site plan will be reviewed by the Planning Commission at their June 14, 2018 meeting.

It is possible for the project to be substantially underway within the next 6 months. The Council may grant a time extension for an additional six (6) months so that the project can proceed with construction and establishing that they have the project substantially underway prior to the termination of the six (6) month time extension, if granted.

If the Council agrees, there should be a motion that based upon the authority granted to the Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that the Conditional Use application, CU 2015 Delaware Division of Facilities Management (Delaware State Police Troop 7) shall be granted a six (6) month time extension until December 16, 2018, which is six (6) months from June 16, 2018, the original termination date for the Conditional Use.



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FAX 910.342.7506

www.beckermorgan.com

May 31, 2018

Mrs. Janelle M. Cornwell, AICP
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

RE: **Conditional Use (CU 2015) Time Extension Request**
DELAWARE STATE POLICE - TROOP 7
Lewes, Sussex County, Delaware
2011116.01

Dear Janelle:

On behalf of our client, Delaware Division of Facilities Management (DFM), Becker Morgan Group, Inc. is hereby requesting a onetime 6-month Conditional Use time extension for the above-referenced project.

On June 16, 2015 the County Council of Sussex County approved CU No. 2015 with three (3) conditions (see attached Ordinance No. 2401). The period of validity for CU No. 2015 is three (3) years from June 16, 2015, which is set to expire on June 16, 2018 unless an extension is granted.

In conformance with the Code of Sussex County, §99-40(F), any conditional use action approved and valid pursuant to the provision of Article XVI, Article XXIV, and Article XXVIII of Chapter 115 of the Sussex County Code and relating to new residential, commercial, or industrial developments may seek up to a six-month extension of said approval.

Pursuant to our request the following is provided:

Steps that have been completed through the date of extension request:

1. DelDOT Letter of No Objection to Recordation dated 04-07-2015.
2. DelDOT Entrance approval letter dated 12-21-2016.
3. DE State Fire Marshal approval letter dated 02-24-2017.
4. DE State Fire Marshal Offsite Water approval letter dated 04-18-2017.
5. DNREC Watershed Stewardship NOI letter dated 08-09-2016.
6. DNREC Watershed Stewardship approval letter dated 09-19-2016.
7. DNREC Wastewater Construction Permit WPC 3078/17 dated 05-07-2018.
8. Sussex Co. Engineering Ability to Serve letter dated 09-08-2017.
9. DHSS Office of Drinking Water approval letter dated 09-22-2017.
10. Right-of-Way & Easement Dedication Plat recorded with Sussex County Recorder of Deeds on 04-25-2016; Plat Book 229, Page 15.

Remaining steps leading to Final Site Plan approval for CU No. 2015:

1. Address any comments from Sussex County Planning and Zoning office. Plans submitted to planning office for review on May 24, 2018.

Reasons in support of the request for time extension.:

1. The single roadblock preventing DFM from bidding the project and developing the site has been obtaining project funding. It was originally anticipated that the project would



ARCHITECTURE
ENGINEERING

May 31, 2018
Delaware State Police – Troop 7
Page 2 of 2

receive full funding through State Legislature and begin construction in the fall of 2015. When this did not occur, the project was subsequently placed on hold until funding could be secured.

It was not until late 2017 that the project received partial funding. This funding allowed DFM to bid a water main extension project, which includes construction of approximately 2,000 l.f. of water main, supplying water service from Route 24 to the project site. This project was successfully bid and a contract was awarded to Dixie Construction in December 2017. The contractor is anxiously awaiting notice to proceed from DelDOT and Tidewater Utilities to begin construction.


It is our understanding that the remainder of the sitework and new Troop 7 facility will receive full funding on July 1, 2018. Therefore, the project was recently placed on the State of Delaware Bid Advertisement directory this month. The schedule for bidding and construction is as follows:

05-14-2018 – Advertisement for Bid
05-22-2018 – Mandatory Pre-Bid Meeting
06-20-2018 – Bid Opening
08-15-2018 – Contract Award
08-16-2018 – Begin Construction
03-01-2020 – Construction Complete

Please review the provided information to consider this time extension request. As always, do not hesitate to call should you have any questions.

Sincerely,

BECKER MORGAN GROUP, INC.


Jon S. Falkowski, P.E.
Senior Associate

JSF/rhh

Cc: Mark DeVore, P.E. – DE Office of Management and Budget (mark.devore@state.de.us)
Gregory Moore, P.E. – Becker Morgan Group, Inc. (gvmooore@beckermorgan.com)
Brenden Frederick, AIA – Becker Morgan Group, Inc. (bfrederick@beckermorgan.com)

201111601ca-ltr-ext-request.doc



September 22, 2017

TIDEWATER UTILITIES, INC.

APPROVAL TO CONSTRUCT

Delaware State Police
Troop 7 Connection
Rehoboth District
PWS #DE0000991
Approval #17W129

Mark Devore, P.E.
State of Delaware
Department of Facilities Management
540 S. DuPont Highway, Suite 1
Dover, DE 19901

Dear Mr. Devore:

As provided by Section 2.11 of the *State of Delaware Regulations Governing Public Drinking Water Systems*, you are granted approval to connect Delaware State Police Troop 7 (Troop Building and Maintenance Garage) to the existing main in accordance with the plans submitted by Becker Morgan Group, Inc. The plans consist of:

1. Transmittal letter dated September 20, 2017.
2. Two copies of the plans entitled "Lands of State of Delaware prepared for Delaware State Police Troop 7" dated September 8, 2017.

These plans, as noted, are made a part of this approval. This approval is granted subject to the enclosed list of conditions. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction. Prior to receiving an Approval to Operate, the Office of Engineering requires one set of as-built drawings, including profile markups. A profile markup will be required where the proposed sanitary sewer force main crosses the proposed water main on Mulberry Knoll Road on sheet C-301.

The Office of Engineering recommends detectable tracer tape that is three inches wide and blue in color to be installed directly above all water mains larger than two inches in diameter.

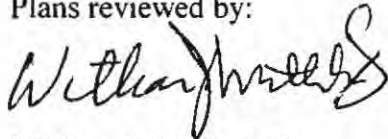
Mr. Brian Bassett
Cape Henlopen School District
June 21, 2017
Page 2

I am sending one set of plans with a copy of this approval to Becker Morgan Group, Inc. that is signed and dated by the Office of Engineering.

Freezeproof yard hydrants that drain the riser into the ground shall be permitted to be installed, provided that the potable water supply to such hydrants is protected upstream of the hydrants in accordance with Section 608 and the hydrants are permanently identified as nonpotable outlets by approved signage that reads as follows "Caution, Nonpotable Water. Do Not Drink." 2015 IPC

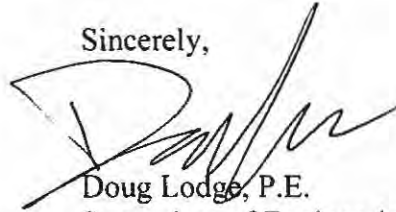
Should you have any questions regarding this matter, please feel free to contact Bill Milliken at (302) 741-8646.

Plans reviewed by:



William J. Milliken, Jr.
Engineer III
Office of Engineering

Sincerely,



Doug Lodge, P.E.
Supervisor of Engineering
Office of Engineering

cc: Janelle Cornwell, Sussex County Planning & Zoning
Kevin Neilson, Public Service Commission
Jonathan Falkowski, P.E., Becker Morgan Group, Inc.
Tawanda Priester, Tidewater Utilities, Inc.
Alexis Virdin-Gede, Tidewater Utilities, Inc.
Ashley Kunder, Office of Drinking Water

1. The approval is void if construction has not been started by September 22, 2018.
2. The project shall be constructed in accordance with the approved plans and all required conditions listed in this Approval to Construct. If any changes are necessary, revised plans shall be submitted and a supplemental approval issued prior to the start of construction. As-built plans including profile mark-ups must be submitted to the Office of Engineering after construction has been completed.
3. Representatives of the Division of Public Health may inspect this project at any time during the construction.
4. This approval does not cover the structural stability of any units or parts of this project.
5. The water system shall be operated in conformance with the *State of Delaware Regulations Governing Public Drinking Water Systems*.
6. All wells, pipes, tanks, and equipment which can convey or store potable water shall be disinfected in accordance with the current AWWA procedures. Plans or specifications shall outline the procedure and include the disinfectant dosage, contact time, and method of testing the results of the procedure. (Recommended Standards for Water Works 2012 Edition 2.15)
7. Water mains crossing sanitary and storm sewers should be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer, and the water main should be above the sewer. At crossings, one full length of water pipe should be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. In cases where it is not practical to maintain an 18-inch separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
8. Water mains should be laid 10 feet horizontally from any existing or proposed sanitary or storm sewers. The distance should be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
9. All chemicals, materials, mechanical devices, and coatings in contact with potable water shall comply with National Sanitation Foundation/American National Standards Institute Standards (NSF/ANSI) 60 and 61 and shall be inert, nontoxic, and shall not impart any taste, odor, or color to the water.
10. Sufficient valves should be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500-foot intervals in commercial districts and at not more than one block or 800-foot intervals in other districts.

11. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system.
12. Fire hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.
13. Prior to usage of water from this new well, water plant, storage plant, or distribution system, approval for the water quality must be obtained from the Division of Public Health.
14. The water system should be capable of providing at least 25 psi at ground level at all times throughout the distribution system.
15. All plastic pipe utilized in this drinking water system shall be approved for potable water use (NSF-pw). If any piping is joined with solder or flux, the solder and flux shall be lead free (less than or equal to 0.2 percent lead).
16. All water lines should be buried to a depth of at least 3 feet.
17. A Certificate of Public Conveniences and Necessity should be acquired from the Public Service Commission, (302) 739-4247.
18. This approval is for the distribution system only. Plans and specifications for all well plumbing, pumps, storage (including any interior coatings), and treatment must be submitted to and approved by this office prior to their installation.
19. The approval is subject to immediate revocation upon violation of any of the preceding conditions.
20. All other local (county/city/town) approvals or permits needed must be obtained prior to beginning construction.
21. Upon completion of construction and before the system is placed into operation, a "Notice of Completion" must be submitted to the Office of Engineering. Before placing the system into operation, the following must be adhered to:
 - a. Submit a set of as-built plans with profile markups to the Office of Engineering.
 - b. Obtain an Approval to Operate from the Office of Engineering.



**SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION**

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Rehoboth Summer Children's Theatre

PROJECT NAME: Summer Season 2018

FEDERAL TAX ID: 52-0292158 NON-PROFIT: YES NO
31

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

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

ORGANIZATION'S MISSION: The Rehoboth Summer Children's provides programs of enrichment, education and entertainment for family members of all ages. We are dedicated to providing excellent artistic performances at locations throughout Lower Delaware as well as creative dramatics programs for youth.

ADDRESS: PO Box 871

Rehoboth Beach DE 19971
(CITY) (STATE) (ZIP)

CONTACT PERSON: Steve Seyfried

TITLE: Managing Director

PHONE: 302-227-6766 EMAIL: rehobothchildrenstheatre@gmail.com

TOTAL FUNDING REQUEST: _____

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? \$500.00

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? 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? 1

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing

Health and Human Services

Cultural

Infrastructure¹

Other _____

Educational

BENEFICIARY CATEGORY

Disability & Special Needs

Victims of Domestic Violence

Homeless

Elderly Persons

Low to Moderate Income²

Youth

Minority

Other Families

BENEFICIARY NUMBER

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

2,400

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 Rehoboth Summer Children's Theatre conducts a nine week season of theatrical productions designed for children and families and theatre and film camps for children. 2018 is our 37th season with activities from June 27 to August 24. These activities include:

1) Mainstage performances at the Epworth Methodist Church in Rehoboth Beach. The 2018 season features three shows: Cinderella, Aladdin, Androcles and the Lion (Aesop's Fable). Tickets are \$10. Children under 3 are free. We have lower ticket prices for groups attending such as the Boys and Girls Clubs of Milford and Smyrna and YMCA camps in Rehoboth and Dover.

2) The outreach tour will bring free performances of Androcles and the Lion into these Sussex County Libraries in 2018: Georgetown, Lewes, Milford, Milton, Selbyville, Frankford, Bridgeville and Greenwood. This allows us to bring live professional theatre into every corner of the county.

3) Theatre and film camps for ages 5-14 are conducted at the Epworth Methodist Church in Rehoboth Beach.

4) A special one week theatre camp for ages 7-12 takes place in Georgetown in partnership with the First State Community Action Agency. This program is free to children who participate.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	51,400.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
	-\$ 51,900.00
TOTAL EXPENDITURES	-\$ 51,900.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 500.00

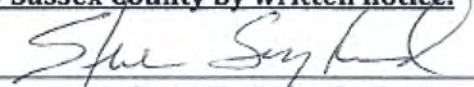
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Rehoboth Summer Children's Theatre 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)

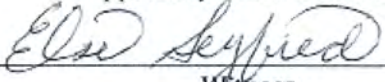
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom 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

5/25/18

Date



Witness

5/25/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.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.

Steve Seybold
Applicant/Authorized Official

MANAGING DIRECTOR
Title

Blair Seybold
Witness

5/25/18
Date

Cole
5/30/18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Boy Scouts Troop One

PROJECT NAME: Sea Base

FEDERAL TAX ID: 22-1576300 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 prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the scout oath and law.

ADDRESS: Boy Scouts Troop One
130 West 4th Street
Lewes DE 19958
(CITY) (STATE) (ZIP)

CONTACT PERSON: Rick Holmes
TITLE: Scout Leader
PHONE: 760-617-9099 EMAIL: rick.holmes@usfood.com

TOTAL FUNDING REQUEST: 1000.00

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

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

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? 3.4%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
several 1000

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.

During Easter of 2019 twelve scouts and four adults will have the opportunity to attend Sea Base in Key West, Florida. Sea Base began in the early 1970's as a local program in the Florida Keys called the Florida Gateway to High Adventure. At that time Sea Base offered primarily sailing programs using local marinas and chartered boats sailing to the Bahamas and back. Today Sea Base is recognized by The National Council of the BSA as the Florida National High Adventure Sea Base along with Philmont Scout Ranch and the Northern Tier High Adventure Base. Sea Base operates 15 different adventures out of four different locations. Troop 1 Scouts will take part in an adventure program called the Coral Reef Sailing. This program will allow the boys to spend the week on a forty-foot sailing vessel studying astronomy, navigation, fish identification and coral reef ecology. The boys will have opportunity to snorkel many of the reefs in the keys and part of the Florida Keys National Marine Sanctuary. The cost to attend this program is approximately \$1800 per scout. This cost is an estimate that includes the cost of airfare, a one-night layover in Miami and bus travel to Sea Base in Key West, Florida. Attending this program will promote character development as well as a once in a lifetime cultural experience for the impressionable youth who will participate. The Boy Scouts from Troop One assist the Sussex residents with community service.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
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)	
Airfair	-\$ 5,600.00
Busing, food, lodging to Sea Base	-\$ 5,600.00
Sea Base Adventure	-\$ 17,600.00
TOTAL EXPENDITURES	-\$ 28,800.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 28,800.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Troop One Lewes 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.

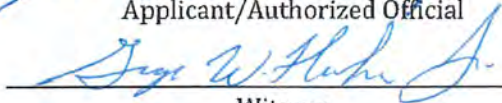
SECTION 5: STATEMENT OF ASSURANCES (continued)

- 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

5-30-18
Date



Witness

5/30/18
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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


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

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

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

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

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



Applicant/Authorized Official

ASS. Scout MASTER

Title



Witness

5-30-18

Date

Burton
5/30/18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Lewes Public Library, Inc.

PROJECT NAME: 3rd Annual Shakespeare Festival

FEDERAL TAX ID: 51-0350650 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: The Lewes Public Library anticipates the needs of the community and adapts, creates and supports classes and programs for all ages that encourage a love of reading, exploration and discovery. The Library provides access for a wide variety of educational, informational and recreational materials to all members of the community through traditional resources and emerging technologies.
(revision adopted by the LPL Board, 2017)

ADDRESS: 111 Adams Avenue

Lewes DE 19958
(CITY) (STATE) (ZIP)

CONTACT PERSON: Rebecca Lowe

TITLE: Development Director

PHONE: 302-645-2733 EMAIL: rebecca.lowe@lib.de.us

TOTAL FUNDING REQUEST: \$5,000.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 20%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
 Infrastructure¹
 Health and Human Services
 Other _____
 Cultural
 Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
 Elderly Persons
 Minority
 Victims of Domestic Violence
 Low to Moderate Income²
 Other Community at-large
 Homeless
 Youth

BENEFICIARY NUMBER

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

700

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.

Narrative - Sussex County Council Grant Application
May 2018

In 2016, an exceptional event was added to our community's cultural stature – The Lewes Public Library Shakespeare Festival. There were 44 Shakespeare Festivals in the United States during that year; Lewes' became the 45th, and the first in Delaware. The festival this year will be held during the week of September 16-22.

Public interest encouraged us to continue offering the Shakespeare Festival as an annual event. We are offering many events of historical interest and entertainment. Our goals are directed by our mission and include, but are not limited to:

- education and information events through lectures and Q&A sessions;
- cultural enrichment through discussions and workshops;
- entertainment through concerts, films, and dances, and live performances of plays.

Promotion is done through media, e.g., news print, on-screen at Mid-Way, social media, radio, direct mail, flyers throughout the community, the library, the library's website, the festival program, and personal contact. Graphic design and computer input are used for, but not limited to, the following:

- Post flyer on the LPL information board and have corresponding informational postcards throughout the library for distribution to the public.
- Put flyer on library's electronic display.
- Distribute flyers to approximately 80 regional businesses for posting. This is primarily done by volunteer footwork.
- Place festival programs at the Circulation Desk and in the lobby for visitors to take; ask the Lewes Chamber of Commerce to distribute programs
- Post the information on library's website.
- Post the information on library's social media (Facebook, Instagram and Twitter).
- Enter information onto "Eventful" (online website for calendar listings; many local newspapers draw from this for their community calendars).
- Enter information on "DelawareScene" (online calendar of arts related events).
- Send press release to library's list of 12 local media outlets.
- Announce the information in library's monthly electronic newsletter which has a distribution list of 2,500
- Run 2 ads (minimum) in the Cape Gazette.
- Run ads on-screen at Movies at Midway.

Graphic design includes renderings that can be used in different formats and platforms of the festival logo, flyer(s), indoor and outdoor banners, sponsorship form, and festival program. With this wide range of promotions, we are able to target Sussex County and the entire state of Delaware. The state-designated service area of the LPL is approaching 20,000 residents. These events serve members of the community far beyond this designation – communities that stretch along Rtes. 9 and 24, and Rte. 1 north and south. All of the events are intergenerational and available to all county residents. Students from Cape Henlopen School District participate in some of the programs, significantly impacting the entire county. Nearly all events are held at the Lewes Public Library and they are free to the public with two exceptions: (1) the bus trip to the Folger Museum and the Shakespeare Theatre in Washington, DC. We are charging \$50 adults; \$25 students and seniors to offset costs of the bus and the driver, the Dinner in the Stacks. We are charging \$80 to offset costs of food and entertainment.

Audience participation is encouraged throughout the week by Q&A periods during the lectures and workshops; English Country Dance dancing demonstration/instruction; the bus trip to Washington, D.C.; and discussions after film presentations.

We anticipate an audience/attendance of 700 for all events during the week.

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.

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	11,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel, honoraria, planners	-\$ 18,470.00
Bus trip	-\$ 2,000.00
Supplies	-\$ 400.00
Rentals (facilities and equipment)	-\$ 600.00
Film licensing NS graphic design	-\$ 1,250.00
Promotion and printing	-\$ 1,500.00
TOTAL EXPENDITURES	-\$ 24,220.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 13,220.00

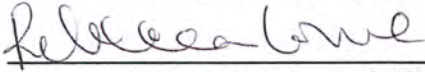
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Lewes Public Library, 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.

SECTION 5: STATEMENT OF ASSURANCES (continued)

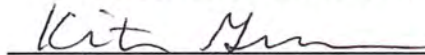
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom 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

May 31, 2018

Date



Witness

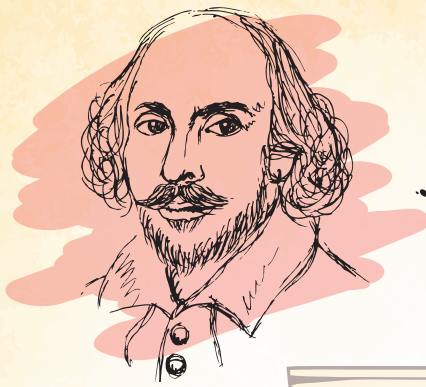
May 31, 2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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



3RD ANNUAL Shakespeare FESTIVAL

SPONSORSHIP OPPORTUNITIES

The Third Annual Shakespeare Festival to be held at the Lewes Public Library on September 16 - 22, 2018 features the following sponsorship opportunities:

Signature Event Sponsor

\$5,000

- Ten (10) complimentary Shakespeare in the Stacks dinner tickets
- Prominent company name/logo on all advertising/publicity from date of commitment
- Prominent company name/logo on all indoor and outdoor signage indicating sponsorship of Festival
- Company name/logo on inside front page of Festival program

Play Sponsor

\$2,000

- Four (4) complimentary Shakespeare in the Stacks dinner tickets
- Company name in all advertising/publicity from date of commitment
- Signage at event recognizing sponsorship of play
- Company name/logo in Festival program (half page)

Dinner in the Stacks Sponsors

\$1,500

- Two (2) complimentary Shakespeare in the Stacks dinner tickets
- Company name in all advertising/publicity from date of commitment
- Signage at event recognizing sponsorship of dinner
- Company name/logo in Festival program (quarter page)

Bus Trip Sponsors

\$1,000

- Two (2) complimentary Shakespeare in the Stacks dinner tickets
- Company name in all advertising/publicity from date of commitment
- Signage at event recognizing sponsorship of bus trip
- Company name/logo in Festival program (quarter page)

Concert Sponsors

\$1,000

- Two (2) complimentary Shakespeare in the Stacks dinner tickets
- Company name in all advertising/publicity from date of commitment
- Signage at event recognizing sponsorship of concert
- Company name/logo in Festival program (quarter page)

Dance Performance/Musical Workshop Sponsors

\$1,000

- Two (2) complimentary Shakespeare in the Stacks dinner tickets
- Company name in all advertising/publicity from date of commitment
- Signage at event recognizing sponsorship of performance
- Company name/logo in Festival program (quarter page)

Lecture Sponsors

\$500

- Company name in publicity from date of commitment
- Signage at event recognizing sponsorship of lecture
- Company name/logo in Festival program (eighth page)

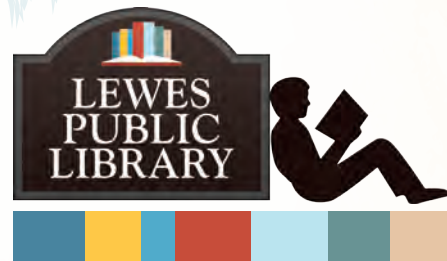
Film Screening Sponsors

\$500

- Company name in publicity from date of commitment
- Signage at event recognizing sponsorship of film
- Company name/logo in Festival program (eighth page)

Program Ads

- 1/8 page: \$125
- 1/4 page: \$250
- 1/2 page: \$500



302-645-2733 | www.lewes.lib.de.us
111 Adams Avenue | Lewes, Delaware 19958

SPONSOR FORM

Please mail your completed registration form with payment to:
Lewes Public Library | 111 Adams Avenue | Lewes, Delaware 19958

Sponsorship Level _____ \$ _____

Individual/Business Name _____

Contact Name _____

Address _____

City _____ State _____ ZIP _____

Daytime Phone Number _____

Fax Number _____ Email _____

Method of Payment

My check payable to Lewes Public Library is enclosed in the amount of \$ _____

I cannot attend, but please accept my donation of \$ _____

Please charge my credit card in the amount of \$ _____

Credit Card Info

Visa MasterCard American Express

Credit Card Number _____ CVV Number _____ Expiration _____

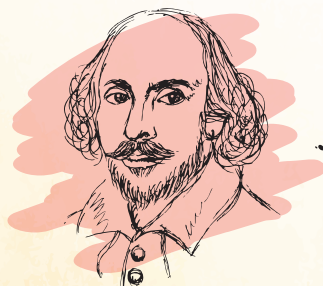
Name on Card _____ Signature _____

Billing Address (if different from above) _____

City _____ State _____ Zip _____

For more information or to become a sponsor, contact Rebecca Lowe, Library Development Director,
at 302-645-2733, ext. 4117 or Rebecca.lowe@lib.de.us

THANK YOU FOR SUPPORTING THIS EVENT!



3RD ANNUAL
Shakespeare
FESTIVAL

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

Development Director

Title

Witness

May 31, 2018

Date

Burton
5-31-18

To Be Introduced 6/12/18

**Council District No. 2 – Wilson
Tax I.D. No. 330-15.00-10.00
911 Address: 19008 Speed Street, Lincoln**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR/OUTDOOR SOCCER FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.67 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of May 2018, a conditional use application, denominated Conditional Use No. 2146, was filed on behalf of Jose Carrillo; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2146 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2146 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on Speed Street that is on the west side of Marshall Street approximately 1,655 feet north of Johnson Road and being more particularly described in the attached deed prepared by Sergovic Carmean Weidman McCartney & Owens, P.A., said parcel containing 9.67 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 06/12/18

Council District No. 4 – Cole

Tax I.D. No. 234-29.00-19.00

911 Address: 26750 John J. Williams Highway, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINISTORAGE WITH CARETAKER RESIDENCE AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES, MORE OR LESS

WHEREAS, on the 30th day of May 2018, a conditional use application, denominated Conditional Use No. 2148, was filed on behalf of Sussex Farms, LLC c/o Samuel Connors; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2148 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2148 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the northwest side of John J. Williams Highway (Route 24) approximately 697 feet southwest of Mount Joy Road and being more particularly described in the attached deeds prepared by Larry W. Fifer, Attorney at Law, and the Delaware Department of Transportation, said parcel containing 2.31 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 06/12/18

**Council District No. 3 – Burton
Tax I.D. No. 335-11.00-59.00
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION OF APPROVAL AND REVISE THE AREA FOR CONDITIONAL USE NO. 2012 ORDINANCE NO. 2430 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 36.647 ACRES, MORE OR LESS

WHEREAS, on the 1st day of June 2018, a conditional use application, denominated Conditional Use No. 2149, was filed on behalf of Covered Bridge Trails, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2149 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2149 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 north end of Tulip Drive approximately 487 feet north of Coastal Highway (Route 1) and being more particularly described in the attached legal description prepared by Davis Bowen & Friedel, Inc., said parcel containing 36.647 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.

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
(302) 854-5079 F
sussexcountyde.gov

Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 24, 2018

Application: CU 2128 Larry Martin

Applicant/Owner: Larry Martin
9534 Shadow Point Ln.
Delmar, DE 19940

Site Location: 9534 Shadow Point Ln.; Southeast corner of Horsey Church Rd. and
Shadow Point Ln.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Auto Repair Shop

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmatic
District: Mr. Arlett

School District: Delmar School District

Fire District: Delmar Fire District

Sewer: On-Site Septic

Water: On-Site Well

Site Area: 3.08 ac. +/-

Tax Map ID.: 532-19.00-12.21



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: June 7, 2018

RE: County Council Report for CU 2128 Larry Martin

The Planning and Zoning Department received an application (CU 2128 Larry Martin) to allow for a Conditional Use to allow for an auto repair shop located at 9534 Shadow Point Ln. The Planning and Zoning Commission held a public hearing on May 24, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, comments from the Sussex Conservation District, Sussex County Engineering Utility and Planning Division and DeIDOT.

The Commission found that Larry Martin was present on behalf of his application; that Mr. Martin stated he put up a pole building for auto repair; that there is a transmission shop two miles down the road that there is a used car lot and Delmar Auto in the area; that there is a butcher shop in the area; that there will be no employees and the hours of operation will be 7:00 am. through 6:00 p.m., Monday through Friday and Saturday by appointment only in the a.m.; that the all of the work will be done inside and nothing will be done outside; that he will store cars short term but no parts or equipment will be stored outside; that there is no proposed sales of used cars at this time but maybe in the future; that there is proper disposal of waste and oil; that he would like to put a sign on the building; that he would a lighted ground sign; that there could be three cars a day; that building has three bays that face the house and one bay is on the other side of the building; that he would repair automobiles, light trucks; however, no semi-trucks; that it is a local customer base; that there are six parking spaces shown on the site plan; that he repairs an average of three cars a day; and that he would like to store up to a maximum of 10 cars.

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

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

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.



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



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 16, 2018
RE: Staff Analysis for CU 2128 Larry Martin

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2128 Larry Martin to be reviewed during the May 24, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 532-19.00-12.21 to allow for an auto repair shop to be located at 9534 Shadow Point Ln. The size of the property is 3.08 ac. +/-.

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

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

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, east and west are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned GR (General Residential District) and AR-1 (Agricultural Residential District). There is a C-1 (General Commercial District) located on Saint George Rd. to the east. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for an auto repair shop would not be considered consistent with the land use, area zoning and uses.





Addresses / Parcels

▭ TaxParcels

Council Districts

▭ Fire Districts

▭ County District 01

▭ County District 02

▭ County District 03

▭ County District 04

▭ County District 05

▭ County Boundaries

Schools/Libraries

▭ School Buildings (Various)

▭ School Library

▭ Public Library

▭ Special Library

▭ DOE School Districts

▭ DOE VoTech School Districts

Hydrology

▭ Streams / Rivers

▭ Lakes, Ponds, Bays

Flood Zones

▭ 0.2% Annual Chance Flood Hazard

▭ A

▭ AE

▭ AO

▭ Open Water

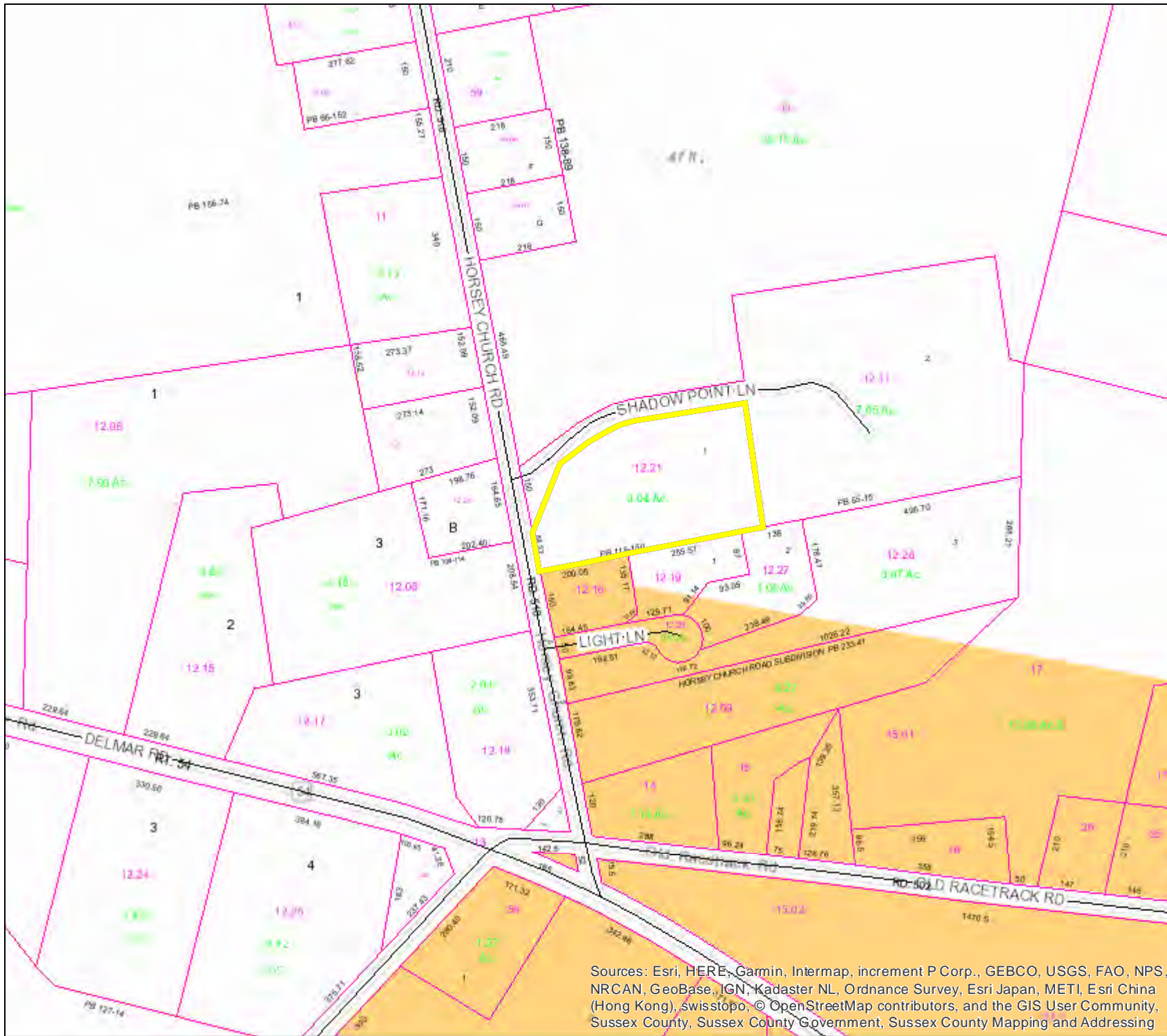
▭ VE

▭ Public Protected Lands

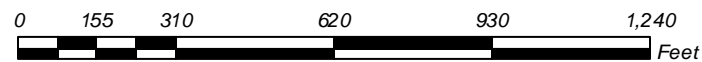
▭ Municipalities

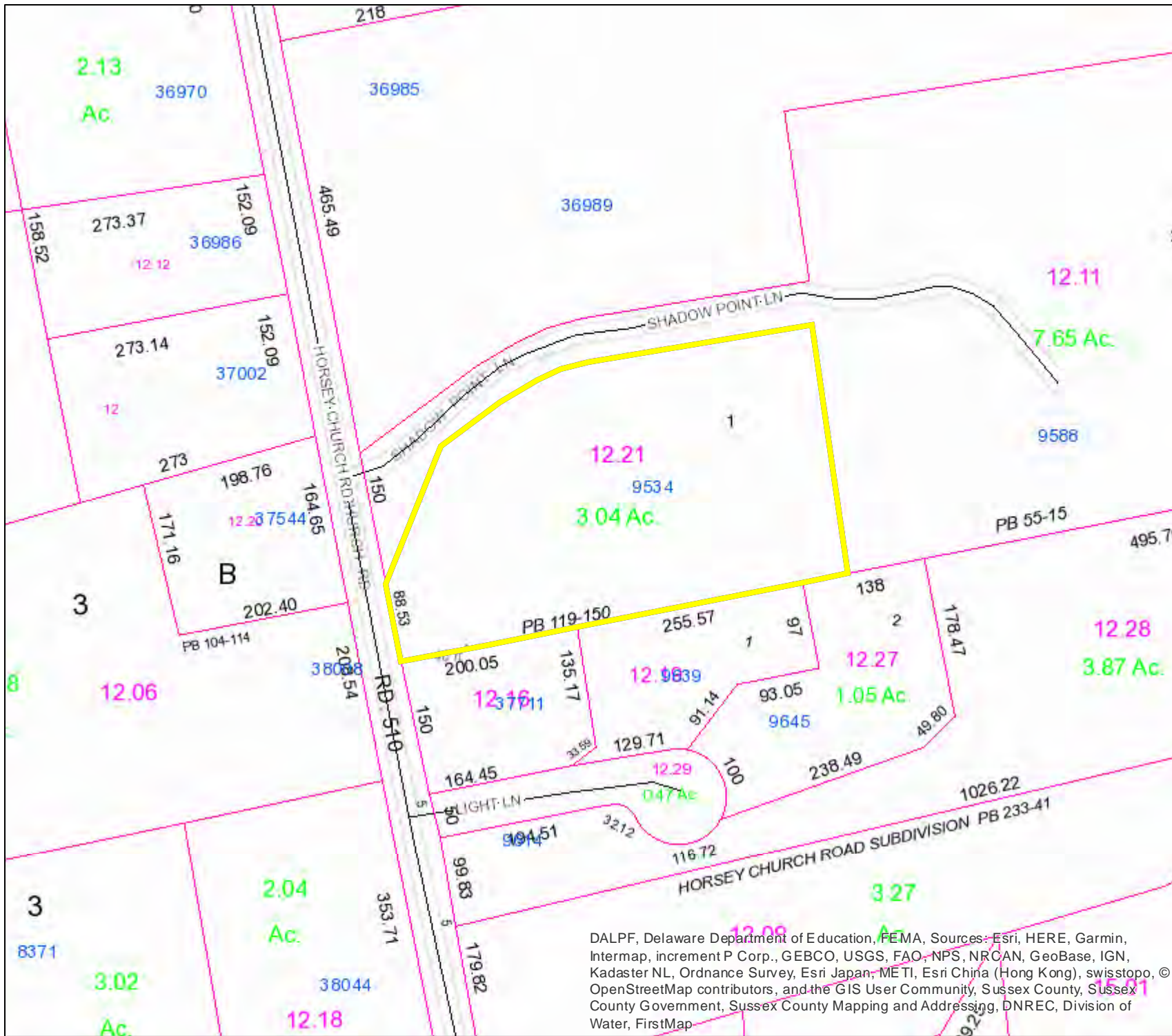
▭ Communities

▭ Boundaries State County



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), swisstopo, © OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government, Sussex County Mapping and Addressing





Addresses / Parcels

▭ TaxParcels

Council Districts

▭ Fire Districts

▭ County District 01

▭ County District 02

▭ County District 03

▭ County District 04

▭ County District 05

▭ County Boundaries

Schools/Libraries

▭ School Buildings (Various)

▭ School Library

▭ Public Library

▭ Special Library

▭ DOE School Districts

▭ DOE VoTech School Districts

Hydrology

▭ Streams / Rivers

▭ Lakes, Ponds, Bays

Flood Zones

▭ 0.2% Annual Chance Flood Hazard

▭ A

▭ AE

▭ AO

▭ Open Water

▭ VE

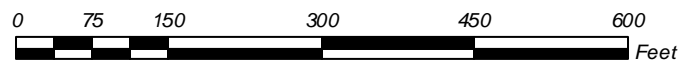
▭ Public Protected Lands

▭ Municipalities

▭ Communities

▭ Boundaries State County

DALPF, Delaware Department of Education, FEMA, 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), swisstopo, © OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, DNREC, Division of Water, FirstMap





Addresses / Parcels

▭ TaxParcels

Council Districts

▭ Fire Districts

▭ County District 01

▭ County District 02

▭ County District 03

▭ County District 04

▭ County District 05

▭ County Boundaries

Schools/Libraries

▭ School Buildings (Various)

▭ School Library

▭ Public Library

▭ Special Library

▭ DOE School Districts

▭ DOE VoTech School Districts

Hydrology

▭ Streams / Rivers

▭ Lakes, Ponds, Bays

Flood Zones

▭ 0.2% Annual Chance Flood Hazard

▭ A

▭ AE

▭ AO

▭ Open Water

▭ VE

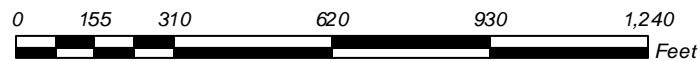
▭ Public Protected Lands

▭ Municipalities

▭ Communities

▭ Boundaries State County

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Introduced 1/23/18

**Council District No. 5 – Arlett
Tax I.D. No. 532-19.00-12.21
911 Address: 9534 Shadow Point Lane, Delmar**

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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0381 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of January 2018, a conditional use application, denominated Conditional Use No. 2128, was filed on behalf of Larry Martin; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2128 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2128 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying on the east side of Horsey Church Road and on the south side of Shadow Point Lane, and being more particularly described per the attached deed prepared by Haller & Hudson, said parcel containing 3.0381 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.

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



2 THE CIRCLE | PO BOX 417
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(302) 854-5079 F
sussexcountyde.gov

Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 24, 2018

Application: CU 2129 Brian P. Lessard, Lessard Builders, Inc.

Applicant: Brian P. Lessard, Lessard Builders, Inc.
257 E. Camden-Wyoming Ave.
Camden, DE 19932

Owner: John P. Laursen & Jane T. Laursen
715 Halstead Rd.
Wilmington, DE 19803

Site Location: 22754 Argo's Corner Rd.; South side of Argo's Corner Rd., East of
Coastal Hwy (Rt. 1)

Current Zoning: GR (General Residential) & AR-1 (Agricultural Residential District)

Proposed Use: Mini-Storage Buildings

Comprehensive Land
Use Plan Reference: Highway Commercial Area

Councilmatic
District: Mr. Burton

School District: Milford School District

Fire District: Memorial Fire District

Sewer: Private On-Site

Water: Private On-Site

Site Area: 10.75 ac. +/-

Tax Map ID.: 230-7.00-95.00, 96.00 & 97.00



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: June 7, 2018

RE: County Council Report for CU 2129 Brian P. Lessard, Lessard Builders, Inc.

The Planning and Zoning Department received an application (CU 2129 Brian P. Lessard, Lessard Builders, Inc.) to allow for a Conditional Use to allow for mini-storage located on Argos Corner Rd. and Coastal Hwy. (Rt. 1). The Planning and Zoning Commission held a public hearing on May 24, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, photos, exhibit booklet, comments from the Sussex Conservation District and the Sussex County Engineering Utility and Planning Division.

The Commission found James Fuqua, Attorney with Fuqua, Willard, Stevens and Schab, Brian Lessard, owner, Pat Ryan, with Ryan Architecture and Kevin Minnich, with Minnich Engineering were present on behalf of the application; that Mr. Fuqua stated the parcel of land contains 11 acres; that it is zoned GR and AR-1; that there are some residential lots to the south of the property; that Taylor Marine is across Argos Corner Road; that the site will utilize an on-site well with a tank for fire protection and on-site septic system; that DelDOT did not require a TIS; that DelDOT would except a contribution to the area wide study fee; that because the property is adjacent to Route 1 it is also subject to DelDOT's Corridor Capacity Preservation Program; that the entrance will be located off of Argos Corner Road; that there is 0.58 acres of non-tidal wetlands located in the south corner along Route 1 and it will be protected with a 25 foot buffer; that the stormwater management will be constructed in accordance to Sussex Conservation District regulations and will use Best Management Practices; that there will be 12 buildings of various size, all one story buildings and less than 15 feet in height; that two of the buildings will be climate controlled; that the climate controlled units will have interior access for climate control and sprinkler system for fire protection; that there will be one 40,000 gallon tank with a maximum height of 18 feet; that the area surrounding the buildings will be paved; that some of the paved area is for outdoor storage with a maximum 80 boats and RV's to be stored outside; that the site is near Jellystone Campground and it would be convenient for them; that Taylor Marine has outside storage; that the Applicant is requesting one freestanding lighted sign of 96 square feet (per side) as well as a 32 square foot sign (per side) at the entrance; that an office will be in the first building to allow for access to the storage area through a secured gate; that the storage area and stormwater pond will be fenced with black 6 foot chain link



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GEORGETOWN, DELAWARE

fence; that the office will be opened seven days a week from 8:00 a.m. through 6:00 p.m.; that access to the climate controlled buildings will only be allowed during those hours; that there will only be one employee during office hours; that the non-climate controlled buildings, vehicle storage area will be accessible from 6:00 a.m. through 10:00 p.m.; that the facility will have a security system; that the lighting will be minimal and on a timer with the lighting turning off at 10:00 p.m.; that there will be no contractor or businesses at the facility; that will incorporate a 20 foot buffer along Route 1 per CHCOZ; that Mr. Lessard does own another facility near Lewes; that the population is increasing and is increasing the need for storage facilities; that this site is located less than two miles south of Milford and the new hospital; that the area is expected to experience growth; that this site is in character with the area and is needed; that it is an appropriate use of the site; and that the intent of the plan was to have A-frame type roof.

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

The Commission found that Chris Hitchens spoke in opposition to the application; and that Mr. Hitchens stated he was hoping they would leave the woods as a buffer to his back yard and neighbor's yard. Mr. Fuqua stated that he and his client will talk with Mr. Hitchens.

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

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

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Sussex County
DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 16, 2018
RE: Staff Analysis for CU 2129 Brian P. Lessard, Lessard Builders, Inc

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2129 Brian P. Lessard, Lessard Builders, Inc to be reviewed during the May 24, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcels 230-7.00-95.00, 96.00 & 97.00 to allow for mini-storage buildings to be located at 22754 Argo's Corner Rd. The size of the properties is 10.75 ac. +/-.

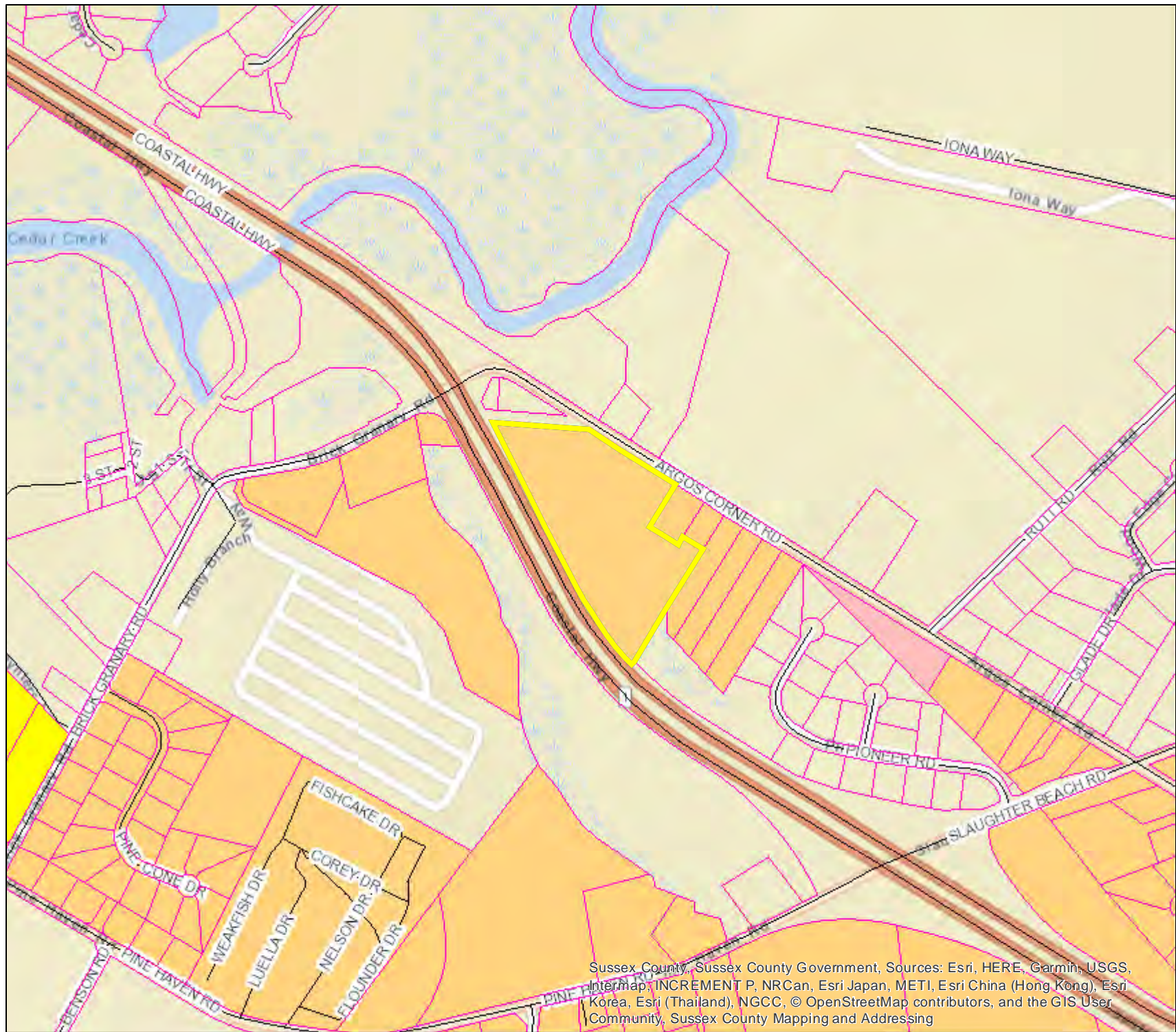
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north and east are Low Density Areas and Town Center Areas. The land use to the south and west are Low Density Areas and Mixed Residential Areas. The Highway Commercial Areas "include highway commercial corridors, shopping centers and other 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, lumberyards and other larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas."

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

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





Addresses / Parcels

- TaxParcels

Council Districts

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries

- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

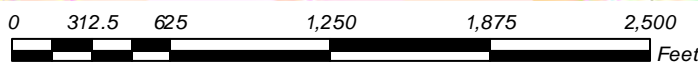
Flood Zones

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE
- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

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



Sussex County Map





Addresses / Parcels

□ TaxParcels

Council Districts

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

Schools/Libraries

▬ School Buildings (Various)

▬ School Library

▬ Public Library

▬ Special Library

▬ DOE School Districts

▬ DOE VoTech School Districts

Hydrology

▬ Streams / Rivers

▬ Lakes, Ponds, Bays

Flood Zones

▬ 0.2% Annual Chance Flood Hazard

▬ A

▬ AE

▬ AO

▬ Open Water

▬ VE

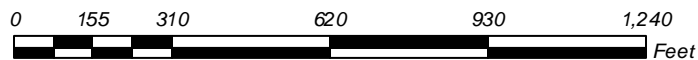
▬ Public Protected Lands

▬ Municipalities

▬ Communities

▬ Boundaries State County

Sussex County Government, Sussex County Mapping and Addressing, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Introduced 1/23/18

Council District No. 3 – Burton

Tax I.D. No. 230-7.00-95.00, 96.00, and 97.00

911 Address: 22754 Argos Corner Road, Lincoln

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS

WHEREAS, on the 11th day of January 2018, a conditional use application, denominated Conditional Use No. 2129, was filed on behalf of Brian P. Lessard, Lessard Builders, Inc.; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2129 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2129 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying at the southeast corner of Argos Corner Road and Coastal Highway (Route 1), and being more particularly described per the attached legal descriptions, said parcels containing 11.70 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.

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



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(302) 854-5079 F
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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 24, 2018

Application: CZ 1850 Swann Cove West, LLC

Applicant/Owner: Swann Cove West, LLC
37124 Saw Mill Lane
Selbyville, DE 19975

Site Location: Northeast corner of Old Mill Bridge Rd. (Rt. 381) and Herring Way

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: MR-RPC (Medium Residential District – Residential Planned Community)

Comprehensive Land
Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic
District: Mr. Arlett

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Sussex County

Water: Artesian Water Co.

Site Area: 6.913 ac. +/-

Tax Map ID.: 533-12.00-73.02



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Sussex County

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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: June 7, 2018

RE: County Council Report for CZ 1850 Swann Cove West, LLC

The Planning and Zoning Department received an application (CZ 1850 Swann Cove West, LLC) to allow for a change in zone from AR-1 (Agricultural Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) located on Old Mill Bridge Rd. and Herring Way. The Planning and Zoning Commission held a public hearing on May 24, 2018. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, exhibit booklet, comments from Sussex Conservation District, Delaware Electric Co-op, DNREC Divisions of Air Quality and Fish and Wildlife, Sussex County Engineering Utility and Planning Division and DelDOT. This is an extension to an existing Residential Planned Community and the HOA agrees with the extension, and one letter in opposition.

The Commission found James Fuqua, Attorney with Fuqua, Willard, Stevens and Schab, Jim Swann, owner of Swann Cove and Steve Gorski, with Duffield Associates, Inc. were present on behalf of the application; that Mr. Fuqua stated the application is to rezone 7.236 ac. to MR-RPC for 20 single family lots; that it would be a part of the existing Swann Cove West, MR-RPC; that in 2002 Change of Zone application CZ 1470 was approved which rezoned 10 ac. to B-1 at the same time CZ 1471 was approved which rezoned 109.5 acres to MR-RPC; that the applications were approved on July 23, 2002; that the RPC was approved with 15 conditions, one of the conditions was there is a maximum number of 372 units; that the development has been developed in eight phases with 362 single family lots; that the RPC is fully developed and the infrastructure is completed; that there are two amenity areas in the development; that the community has two access points, one on Route 54 and the other on Old Mill Bridge Road; that the 7.236 acres proposed to be rezoned to MR-RPC was not owned by Swann's at the time of the original application; that Delaware Electric Co-op owned the land; that they would like to incorporate this parcel into the RPC; that the HOA has no objection to the inclusion of the parcel; that this phase would be considered phase 9 of the development; that this is a better use than commercial development or a separate subdivision; that the Land Use classification per the Comprehensive Plan is Environmental Sensitive Developing Area; that no TIS or TOA was required; that the entrance has been approved and constructed; that there will be a ROW dedication along Old Mill Bridge Road with a permanent easement; that water



will be provided by Artesian Water Company; that the site will be served by County Sewer; that electric will be provided by Delaware Electric Co-op; that there are no threatened or endangered species or historical resources on the site; that the lot sizes and setbacks will comply with the original RPC; that the minimum lot sizes are 7,500 square feet with a minimum width of 60 feet; that there will be sidewalks on both sides of the cul-de-sac; that stormwater management will meet DNREC regulations; that the development will have 1.5 acre of open space; that .32 ac. on the south side of Herring Way will remain wooded; that the gross density is 2.7 which is less than the 3.4 per acre approved for the original RPC; that the homeowners will be members of the Swann Cove HOA; that this is an addition to or extension of the existing CZ 1471; that there be two additional conditions; that one new condition would be that the maximum number of lots within phase 9 not exceed 20; that the second condition would be that the approval would be an extension of CZ 1471 and is subject to the conditions imposed on CZ 1471; that he submitted proposed findings and conditions; that it is a meandering way to get from commercial site to Old Mill Bridge Road and it is not a lot of benefit to cut through the development; that the main roads are built to DelDOT standards and are State maintained roads; that Mr. Gorski stated the stormwater management will meet Sussex Conservation District requirements and will have a pond and bio swale; and that are no known drainage issues.

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

The Commission found that Gary Ward spoke in opposition to the application; that Mr. Ward stated he has concerns with the buffer to his house; that the new lots are about nine feet off the ditch; that he has concerns with the setbacks to the lots and houses; and that he has concerns with the stormwater management.

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

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 16, 2018
RE: Staff Analysis for CZ 1850 Swann Cove West, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1850 Swann Cove West, LLC to be reviewed during the May 24, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 533-12.00-73.02 to allow for a change from AR-1 (Agricultural Residential District) to MR-RPC (Medium Residential District – Residential Planned Community) to be located on Old Mill Bridge Rd. The size of the property is 6.913 ac. +/- . This is an extension of CZ 1471.

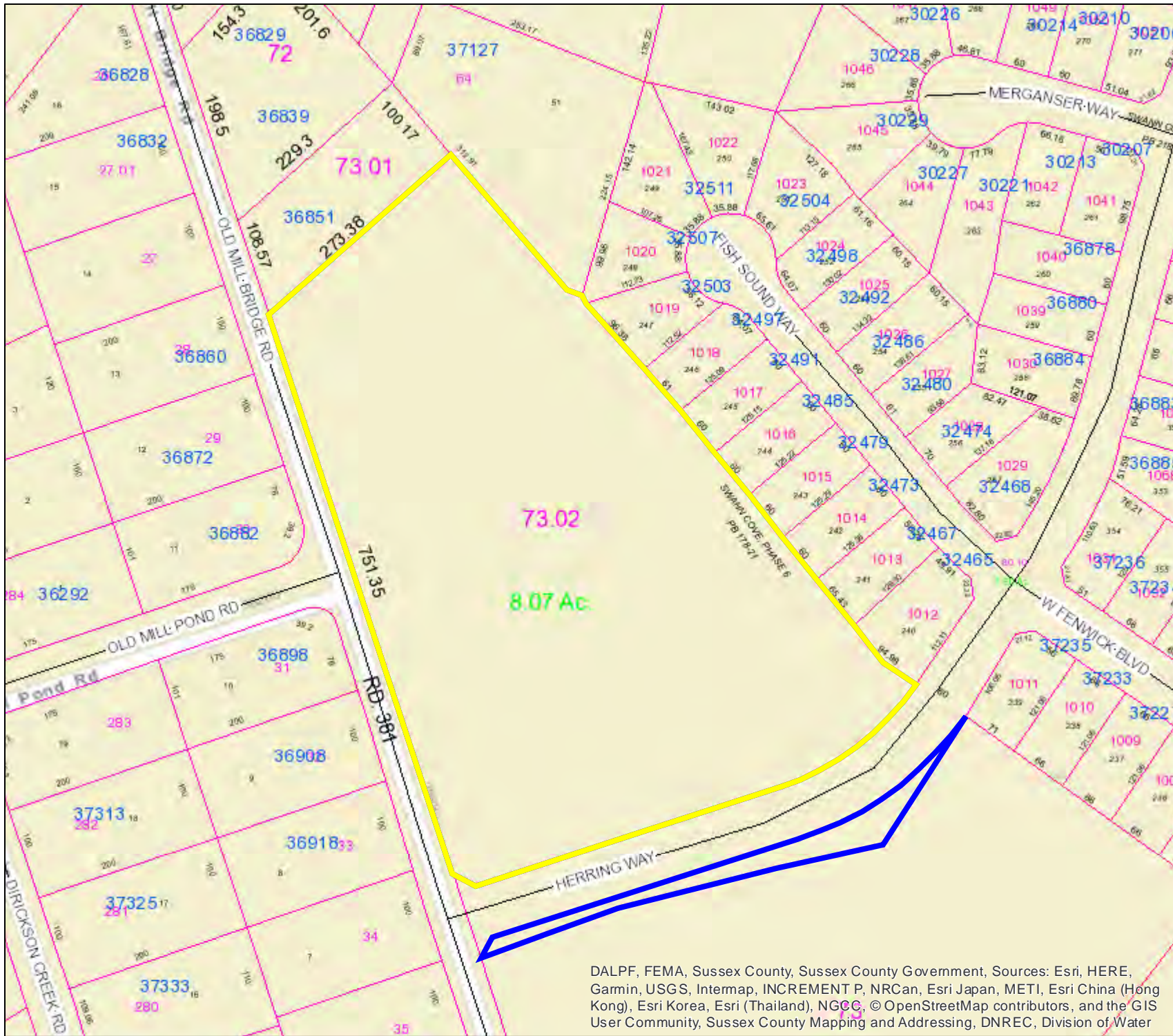
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south, east and west are Environmentally Sensitive Developing Areas. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home. MR-RPC (Medium-Density Residential District – Residential Planned Community) is a zoning district that can be considered in the Environmentally Sensitive Developing land use classifications.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned AR-1 (Agricultural Residential District), HR-1 (High Density Residential District) and C-1 (General Commercial District). The properties to the west are zoned AR-1 (Agricultural Residential District), HR-1-RPC (High Density Residential District, Residential Planned Community). The properties to the east are zoned AR-1 (Agricultural Residential District) and MR -RPC (Medium Density Residential District, Residential Planned Community). There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to MR-RPC (Medium Residential District – Residential Planned Community) would be considered consistent with the land use, area zoning and uses.





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

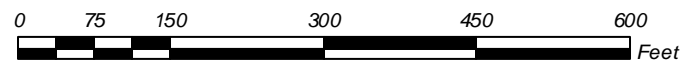
■ Public Protected Lands

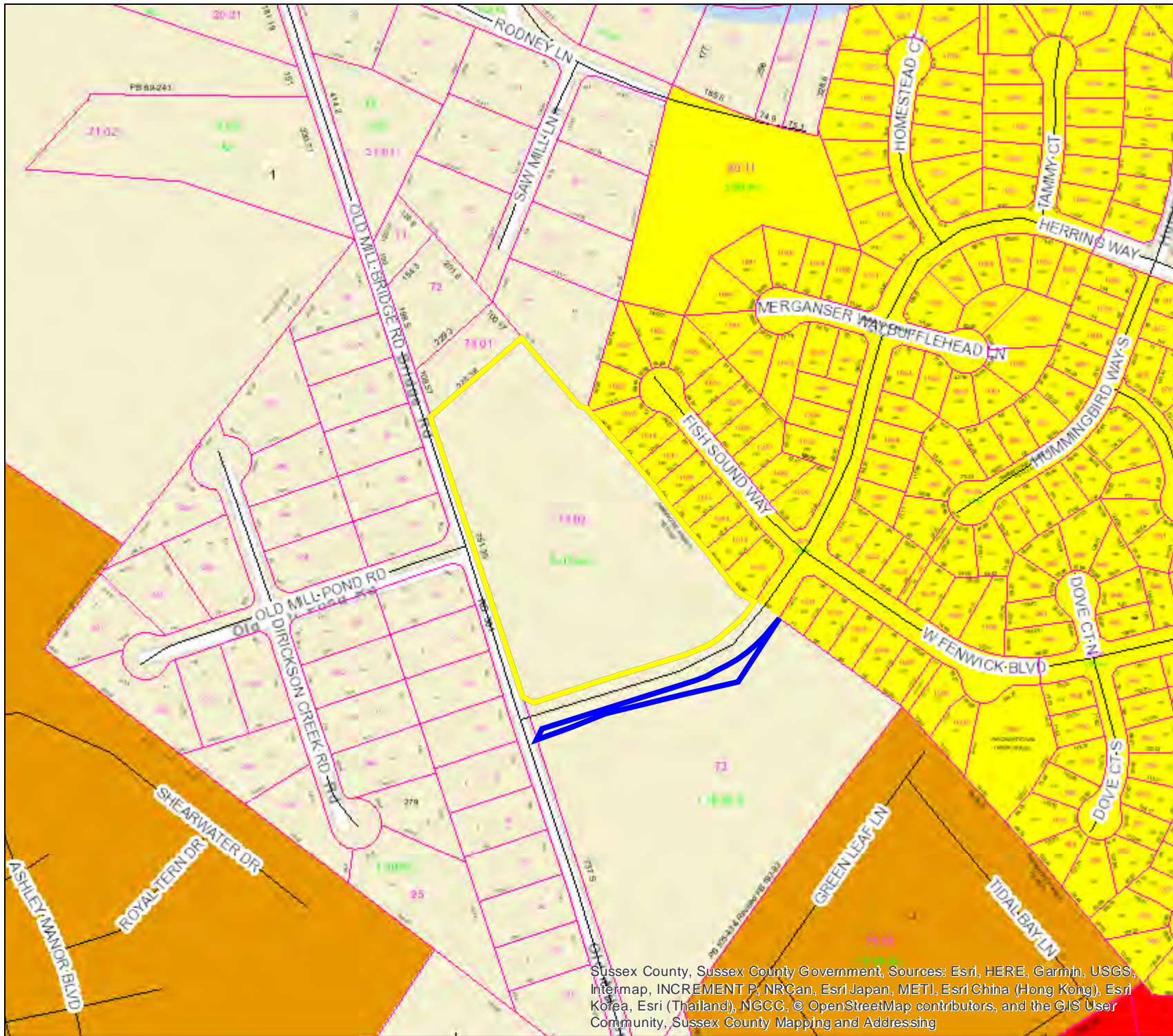
■ Municipalities

■ Communities

■ Boundaries State County

DALPF, FEMA, Sussex County, Sussex County Government, Sources: Esri, HERE, Gamin, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing, DNREC, Division of Water





Addresses / Parcels

- TaxParcels

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- County District 03
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- County District 05
- County Boundaries

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- DOE School Districts
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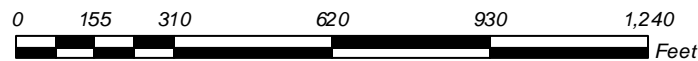
Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

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





Addresses / Parcels

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~ Streams / Rivers

■ Lakes, Ponds, Bays

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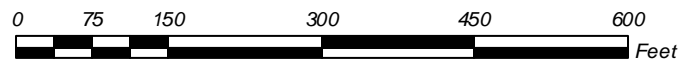
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■ Communities

■ Boundaries State County

DALPF, FEMA, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, DNREC, Division of Water



Introduced 1/23/18

**Council District No. 5 - Arlett
Tax I.D. No. 533-12.00-73.02
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY (EXTENSION OF CHANGE OF ZONE NO. 1471) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.236 ACRES, MORE OR LESS

WHEREAS, on the 9th day of January 2018, a zoning application, denominated Change of Zone No. 1850, was filed on behalf of Swann Cove West, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1850 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast and southeast corners of Herring Way and Old Mill Bridge Road, and being more particularly described per the attached legal description, said parcel containing 7.236 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.