

Sussex County Council Public/Media Packet

MEETING: June 20, 2017

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Sussex County Council

The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743

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



2 THE CIRCLE | PO BOX 589 GEORGETOWN, DE 19947 (302) 855-7743 T (302) 855-7749 F sussexcountyde.gov ROBIN GRIFFITH CLERK

AGENDA

JUNE 20, 2017

12:00 NOON

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

- 1. Wastewater Agreement No. 1027-1 Sussex County Project No. 81-04 Silver Woods Pump Station Miller Creek Sanitary Sewer District
- 2. Legislative Update
- 3. Administrator's Report

Janelle Cornwell, Director of Planning and Zoning

1. Update and discussion on Comprehensive Land Use Plan

Grant Requests

- 1. City of Seaford for the Nanticoke Riverfest
- 2. Town of Laurel for Independence Day fireworks

Introduction of Proposed Zoning Ordinances

Council Members' Comments



1:30 p.m. Public Hearings

Conditional Use No. 2077 filed on behalf of Joy Marshall Ortiz

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.199 ACRES, MORE OR LESS" (located on the north side of Cordrey Road, approximately 800 feet west of Streets Road) (Tax I.D. No. 234-28.00-56.04) (911 Address: None Available)

Conditional Use No. 2078 filed on behalf of Sunlight Ventures, Ltd.

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.974 ACRE, MORE OR LESS" (located on the north side of Lewes-Georgetown Highway (Route 9) approximately 791 feet west of Arabian Acres Road) (Tax I.D. No. 334-4.00-84.00) (911 Address: 29003 Lewes-Georgetown Highway, Lewes)

<u>Change of Zone No. 1820 filed on behalf of W&B Hudson Family LP & John Floyd</u> Lingo III

"AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.16928 ACRES, MORE OR LESS" (located at the southeast corner of Lewes- Georgetown Highway (Route 9) and Harbeson Road (Route 5)) (Tax I.D. No. 235-30.00-69.00, 235-30.00-70.00 (portion of)) (911 Address: None Available)

Adjourn

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

In accordance with 29 <u>Del. C.</u> §10004(e)(2), this Agenda was posted on June 13, 2017, at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 13, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 13, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent
George B. Cole
Irwin G. Burton III
Samuel R. Wilson Jr.

President
Vice President
Councilman
Councilman

Todd F. Lawson
Gina A. Jennings
J. Everett Moore Jr.

County Administrator
Finance Director
County Attorney

Councilman Arlett was absent.

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

Call to

Order Mr. Vincent called the meeting to order.

M 261 17 Approve Agenda A Motion was made by Mr. Wilson, seconded by Mr. Burton, to approve the agenda, as posted.

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

Minutes The minutes of June 6, 2017 were approved by consent.

Correspondence

Mr. Moore read the following correspondence:

VETERANS RESOURCE CENTER, DELAWARE TECHNICAL &

COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

Public Comments

Public Comments

Dan Kramer commented on the audio system in Council Chambers.

Legislative Update

Legislative Update

Mr. Lawson and Mr. Vincent provided a legislative update; legislation discussed was Senate Bill 99, House Bill 44, Senate Bill 64, House Bill 89, House Bill 83, House Bill 130, House Bill 187, and House Bill 209.

Administrator's Report

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

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

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Conference Planning Subcommittee will meet on Monday, June 19th, at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. During the meeting, the Subcommittee will continue to discuss planning for the annual conference scheduled for October 18th.

2. Winding Creek Village Water District Public Hearing

The Sussex County Engineering Department will be conducting a public hearing on the boundaries of the Winding Creek Village Water District on Thursday, June 15th, starting at 6:00 p.m. at Conley's United Methodist Church on Jolyns Way in Lewes.

FY 2018 Budget and Proposed Ordinances Mrs. Jennings presented the Fiscal Year 2018 Budget and related Proposed Ordinances. It was noted that the full budget presentation was given at the May 16th Council meeting, at which time staff outlined the proposals within the Proposed Budget.

Public
Hearing/
Proposed
Ordinance/
Clerk of
the Peace
Office/
Marriage
Bureau

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V., SECTION 62-16 OF THE CODE OF SUSSEX COUNTY TO CONFORM TO THE DELAWARE CODE WHICH PROHIBITS CIVIL UNIONS AS OF JULY 1, 2013, AND TO INCREASE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES OUTSIDE OF THE OFFICE OF THE CLERK OF THE PEACE FOR SUSSEX COUNTY, AND TO INSTITUTE A FEE TO RECORD EACH MARRIAGE WITH THE MARRIAGE BUREAU".

Synopsis: This Ordinance deletes all references to civil unions to be consistent with Title 13, Chapter 2, Civil Unions, Section 218(a) of the Delaware Code which prohibits civil unions as of July 1, 2013. This Ordinance also increases the fees the Clerk of the Peace charges to Delaware residents and non-Delaware residents for marriage ceremonies performed outside of the office of the Clerk of the Peace for Sussex County, and institutes a \$20 fee for recording each marriage with the Marriage Bureau.

There were no public comments and the Public Hearing was closed.

M 262 17 Adopt Ordinance No. 2499

A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2499 entitled "AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V., SECTION 62-16 OF THE CODE OF SUSSEX COUNTY

M 262 17 (continued)

TO CONFORM TO THE DELAWARE CODE WHICH PROHIBITS CIVIL UNIONS AS OF JULY 1, 2013, AND TO INCREASE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES OUTSIDE OF THE OFFICE OF THE CLERK OF THE PEACE FOR SUSSEX COUNTY, AND TO INSTITUTE A FEE TO RECORD EACH MARRIAGE WITH THE MARRIAGE BUREAU".

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

Public
Hearing/
Proposed
Ordinance
Limiting
First Time
Home
Buyer's
RTT
Exception

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, SECTION 103-19D. OF THE CODE OF SUSSEX COUNTY TO LIMIT THE "FIRST-TIME HOME BUYER" TRANSFER TAX EXCEPTION TO THE GRANTEE'S ONE-HALF OF THE SUSSEX COUNTY REALTY TRANSFER TAX".

Synopsis: This Ordinance amends Sussex County Code, Chapter 103, Article IV, Section 103-19D. to provide that the first-time home buyer exception to the Sussex County transfer tax shall apply solely to the grantee's portion of the transfer tax as defined in Section 103-19A. Grantor shall still be subject to payment of grantor's portion of the transfer tax as defined in Section 103-19A.

Mr. Moore suggested several amendments to the Proposed Ordinance for the Council's consideration: "WHEREAS, for purposes of the first-time home buyer exception, grantor and grantee shall be prohibited from contractually modifying the apportionment of the transfer tax as stated in Section 103-19A to decrease the grantor's portion of the transfer tax."

Amended Synopsis (if amendment is approved): This Ordinance amends Sussex County Code, Chapter 103, Article IV, Section 103-19D, to provide that the first-time home buyer exception to the Sussex County transfer tax shall apply solely to the grantee's portion of the transfer tax as defined in Section 103-19A. Grantor shall still be subject to payment of grantor's portion of the transfer tax as defined in Section 103-19A. The grantor and grantee shall be prohibited from contractually modifying the apportionment of the transfer tax as stated therein to decrease the grantor's portion of the transfer tax. This provision shall apply to all contracts entered into as of July 1, 2017.

Public comments were heard.

Dan Kramer questioned if the Proposed Ordinance constitutes first-time home buyers the same way as the State currently does.

(continued) Mr. Moore responded in the affirmative.

There were no additional public comments and the Public Hearing was closed.

M 263 17 Approve AmendA Motion was made by Mr. Cole, seconded by Mr. Burton, to approve the amendments to the Proposed Ordinance, as read by Mr. Moore:

ments to
Proposed
Ordinance
Relating

After the third WHEREAS, add the following at the end of the paragraph: (typically one-half (1/2) of the total Sussex County transfer tax);

to First
Time
Home
Buyers
RTT

Exception

After the fourth WHEREAS, add the following at the end of the paragraph: (typically one-half (1/2) of the total Sussex County transfer tax); and;

After the fourth paragraph, add an additional paragraph stating: WHEREAS, for purposes of the first-time home buyer exception, grantor and grantee shall be prohibited from contractually modifying the apportionment of the transfer tax as stated in Section 103-19A to decrease the grantor's portion of the transfer tax.

Amend Paragraph D, as follows:

[There shall be no tax imposed on those] <u>Unless otherwise agreed to by the parties, oOn</u> transfers where all grantees qualify as first-time home buyers, no transfer tax shall be imposed on the grantee's portion of any transfer tax as defined in § 103-19A. hereof. For purposes of this article, "first-time home buyer" shall have that meaning given in §103-18H. The first-time home buyer exception shall apply only to the grantee's portion of the transfer tax as defined in § 103-19A, hereof and shall not relieve the grantor from payment of grantor's portion of the transfer tax as defined in § 103-19A. hereof. For purposes of the first-time home buyer exception, grantor and grantee shall be prohibited from contractually modifying the apportionment of the transfer tax as set forth in § 103-19A. to decrease the grantor's portion of the transfer tax. This provision shall apply to all contracts entered into as of July 1, 2017, the effective date hereof."

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 264 17 Adopt Ordinance No. 2500 A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2500 entitled "AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, SECTION 103-19D. OF THE CODE OF SUSSEX COUNTY TO LIMIT THE "FIRST-TIME HOME BUYER" TRANSFER TAX EXCEPTION TO THE GRANTEE'S ONE-HALF OF THE SUSSEX COUNTY REALTY TRANSFER TAX", as amended.

M 264 17 (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

Public
Hearing/
Proposed
Ordinance
Relating to
RTT
Distribution
to Municipalities

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, § 103-29.1 OF THE CODE OF SUSSEX COUNTY TO MODIFY SUSSEX COUNTY'S REALTY TRANSFER TAX DISTRIBUTION TO INCORPORATED MUNICIPALITIES WHICH DO NOT COLLECT REALTY TRANSFER TAX OR WHICH COLLECT REALTY TRANSFER TAX BUT RECEIVE LESS THAN \$20,000 IN REVENUE DURING ANY FISCAL YEAR".

Synopsis: This Ordinance amends Sussex County Code, Chapter 103, Article IV, § 103-29.1 to provide that the county's distribution to any incorporated municipality within Sussex County which does not collect a realty transfer tax, or which collects a realty transfer tax but which during its fiscal year receives less than \$20,000 in revenue from its realty transfer tax, shall receive a county distribution equal to the difference between the total realty transfer tax revenue collected by the municipality during any given fiscal year and \$20,000, with the exception of the City of Milford which shall receive a fixed \$10,000.00 distribution each fiscal year.

There were no public comments and the Public Hearing was closed.

M 265 17 Adopt Ordinance No. 2501/ Ordinance Relating to RTT Distribution to Municipalities A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2501 entitled "AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, § 103-29.1 OF THE CODE OF SUSSEX COUNTY TO MODIFY SUSSEX COUNTY'S REALTY TRANSFER TAX DISTRIBUTION TO INCORPORATED MUNICIPALITIES WHICH DO NOT COLLECT REALTY TRANSFER TAX OR WHICH COLLECT REALTY TRANSFER TAX BUT RECEIVE LESS THAN \$20,000 IN REVENUE DURING ANY FISCAL YEAR".

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

Public Hearing/ Assessment Rolls for Sewer and Water Districts A Public Hearing was held on the Assessment Rolls for Sewer and Water Districts. Mrs. Jennings reported that the Assessment Rolls reflect the County's records for equivalent dwelling units (EDUs) and billable front footage for each sewer and water district. These records have been made available in the billing office for public inspection and review. These records are subject to individual appeal via the Board of Assessment Review. Mrs. Jennings noted that this Public Hearing is on the list of properties and applicable front footage and EDUs that will be billable by

Public Hearing the rates established in the rate ordinance.

(continued)

There were no public comments and the Public Hearing was closed.

Mr. Cole commented on unit pricing.

M 266 17 Adopt Assessment Rolls A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council hereby adopts the assessment rolls for all Sussex County sanitary sewer and water districts for the period July 1, 2017 through June 30, 2018.

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

Public Hearing/ Proposed Ordinance Relating to Charges & Rates for A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY

SEWER DISTRICTS".

Sewer and

Mrs. Jennings reviewed highlights in the sewer and water budget.

Water Districts

There were no public comments and the Public Hearing was closed.

M 267 17 Adopt Ordinance No. 2502 A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2502 entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS".

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

Public Hearing/ Proposed Ordinance/ Annual

Operating

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2018".

Mrs. Jennings reviewed highlights of the annual operating budget.

Budget Public comments were heard.

Public Hearing (continued)

Dan Kramer questioned what the actual budget document is, i.e. the budget ordinance that was advertised or the budget booklet. Mr. Kramer also commented on prior wage increases not received by employees.

Mrs. Jennings and Mr. Vincent addressed Mr. Kramer's concerns.

There were no additional public comments and the Public Hearing was closed.

M 268 17 Adopt Ordinance No. 2503

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2503 entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2018".

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

General
Labor &
Equipment
Contract/
Project
#17-01/
C/O and
Contract
Extension

Hans Medlarz, County Engineer, presented a Change Order request for the General Labor & Equipment Contract, Project #17-01, as well as a request for a one year contract extension. The Change Order is due to differing site conditions at various pump stations which forced additional work and created an overage in time and materials and also due to issues and site conditions at the Airport. Mr. Medlarz noted that, in order to close out this Fiscal Year and the project previously authorized, a Change Order is being requested in the amount of \$150,000.00. Mr. Medlarz recommended exercising the option year; next fiscal year, the project will be re-advertised.

M 269 17 Approve Change Order/ General

A Motion was made by Mr. Cole, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that Change Order No. 5 for Contract No. 17-01, FY 17 General Labor & Equipment Contract, be approved, increasing the contract amount by \$150,000.00 for a new total of \$3,543,254.80.

A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the

Labor & Equipment Contract/

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

Project #17-01

M 270 17 Approve One Year Contract

recommendation of the Engineering Department, to approve a one year contract extension for the General Labor & Equipment Contract (FY 18) in the amount of \$4,300,000.00, not including any emergency repairs.

Extension/ Project #17-01

Motion Adopted: 4 Yeas, 1 Absent.

M 270 17 (continued)

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Taxiway C Project/ Project #17-02/ Bid Recommendation Mr. Medlarz presented the bid results for Taxiway C Pavement Rehabilitation, Phase I, Project #17-02. He noted that this is part of the Pavement Preventative Maintenance Program which regularly assesses the strength and condition of all airfield pavements. He also noted that there have been issues with Taxiway C and the follow-up evaluation showed that there are deficiencies to be addressed. The project will be in two phases; one in Fall 2017 and one in Spring 2018. Mr. Medlarz reported that three bids were received and that George & Lynch, Inc. was the apparent low bidder at the bid amount of \$560,008.00. The Engineering Department recommends awarding the project to George & Lynch, Inc.

M 271 17 Award Bid/ Taxiway C Project/ Project #17-02 A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Contract 17-02, Taxiway C Pavement Rehab, Phase I, be awarded to George & Lynch, Inc. of Dover, Delaware, at the total bid amount of \$560,008.00.

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

Tidewater Landing/ Use of Existing Infrastructure Agreement John Ashman, Director of Utility Planning, presented a request for approval of an Agreement for the Use of Existing Infrastructure with CMF Tidewater Landing, LLC for the Tidewater Landing Project in the Goslee Creek Area. He reported that, under the proposed arrangement, wastewater from the Tidewater Landing development will be connected to an existing regional forcemain and, in return, for utilization of said infrastructure, CMF Tidewater Landing, LLC will contribute \$84,097.69 for the perpetual use of these transmission facilities; payment will be due prior to receiving Substantial Completion of the project's onsite pump station.

M 272 17 Execute Use of Existing Infrastructure A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council President is authorized to execute the Use of Existing Infrastructure Agreement between Sussex County and CMF Tidewater Landing, LLC for the Tidewater Landing Project, as presented on June 13, 2017.

Agreement/

Motion Adopted: 4 Yeas, 1 Absent.

Agreement Tidewater

Landing

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Mount Joy Oak Street Proposed SLD Patti Deptula, Director of Special Projects, presented a request to circulate petitions for the Mount Joy - Oak Street Community to submit the question of organizing a Streetlighting District in accordance with Sussex County Code, Chapter 95 – Streetlighting. Ms. Deptula presented the proposed Streetlighting District boundaries. She noted that there are 21 tax parcels in the District boundary; however, only 17 are assessable.

M 273 17 Circulate Petition Form/ Mount Joy Oak Street Proposed SLD A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council has determined the community known as "Mount Joy – Oak Street", satisfies the criteria of a Suburban Community, as defined in Chapter 95 of the Sussex County Streetlighting Code, Paragraph 95-1, and authorizes the Sussex County Engineering Department to circulate the petition form to determine if a Streetlighting District may be established, as required by Chapter 95 of the Sussex County Streetlighting Code.

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

Grant

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

M 274 17 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$700.00 from Mr. Vincent's Councilmanic Grant Account to Eastern Shore AFRAM Festival for expenses.

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 275 17 Countywide Youth Grant A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,000.00 from Countywide Youth Grants to the Delaware National Guard Youth Foundation for summer recreational camp.

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 276 17 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$5,000.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Art League for a building project.

Motion Adopted: 4 Yeas, 1 Absent.

M 276 17 (continued)

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Introduction of Proposed Ordinances

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.58 ACRES, MORE OR LESS" (Change of Zone No. 1829) filed on behalf of Theresa Elizabeth Murray Irrevocable Trust. (Tax I.D. No. 134-9.00-70.00) (911 Address: Not Available).

Mr. Wilson 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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 24.98 ACRES, MORE OR LESS" (Change of Zone No. 1830) filed on behalf of H. Dale Parsons. (Tax I.D. No. 135-16.00-23.00) (911 Address: Not Available).

The Proposed Ordinances will be advertised for Public Hearing.

M 277 17 Go Into Executive Session At 11:13 a.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session to discuss a matter relating to pending litigation.

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

Executive Session

At 11:15 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 pending litigation. The Executive Session concluded at 11:38 a.m.

M 278 17 Reconvene Regular Session At 11:40 a.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: 4 Yeas, 1 Absent.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

E/S Action There was no action on the Executive Session matter.

M 279 17 At 11:40 a.m., a Motion was made by Mr. Burton, seconded by Mr. Cole, to recess until 1:30 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

M 280 17 At 1:34 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton to reconvene.

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

Public Hearing/ CU 2076 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 62.157 ACRES, MORE OR LESS" (Conditional Use No. 2076) filed on behalf of Joseph Mark Zduriencik (Tax I.D. No. 533-18.00-20.01-20.10) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on May 11, 2017 at which time the application was deferred. On June 8, 2017, the Commission recommended that the application be approved, with the following conditions:

- a. All events shall end no later than 11:00 p.m.
- b. Food and beverage service and music or similar entertainment is permitted.
- c. Portable toilet facilities may be permitted during any event as needed.
- d. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
- e. The interior drive and parking area shall contain sufficient space for vehicles and shuttle buses to turn around completely on the site.
- f. All entrance locations shall be subject to the review and approval of DelDOT.
- g. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated May 11 and June 8, 2017.)

Public Hearing/ CU 2076 (continued) Janelle Cornwell, Director of Planning and Zoning, presented a summary of the Commission's Public Hearing and recommendation of approval.

The Council found that Joseph Mark Zduriencik was present on behalf of his application. He stated that the proposed use is primarily for a wedding venue and possibly other events like business gatherings and family gatherings/reunions; that he does not propose that any concerts will be held on the site; that at first, it will be tented events and if it is successful, he may build a barn; that he owns all of the lots on the parcel; that he is willing to limit the number of people on the property; that he does not have any intention of selling the other lots; and that he does not have any problem with a condition stating that the use is allowed so long as he does not sell any lots.

There were no public comments and the Public Hearing was closed.

Mr. Burton stated that he prefers that a condition be added so that a potential buyer is aware of the proposed use if he chooses to purchase a lot, i.e. a stipulation in a deed.

In response to Mr. Burton's concern, Mr. Moore read the following proposed condition:

If any lots in the subdivision are sold, then the contract and the deeds are to contain language notifying future owners of the event venue.

M 281 17 Approve New Condition/ CU 2076 A Motion was made by Mr. Wilson, seconded by Mr. Burton, to approve a new condition stating "If any lots in the subdivision are sold, then the contract and the deeds are to contain language notifying future owners of the event venue."

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

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

Mr. Wilson, Yea; Mr. Cole, Abstained;

Mr. Vincent, Yea

(Mr. Cole abstained due to a potential conflict of interest.)

M 282 17 Adopt Ordinance No. 2504/ CU 2076 A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2504 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 62.157 ACRES, MORE OR LESS" (Conditional Use No. 2076) filed on behalf of Joseph Mark Zduriencik, with the following conditions, as amended:

M 282 17 Adopt Ordinance No. 2504/ CU 2076 (continued)

- a. All events shall end no later than 11:00.
- b. Food and beverage service and music or similar entertainment is permitted.
- c. Portable toilet facilities may be permitted during any event as needed.
- d. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
- e. The interior drive and parking area shall contain sufficient space for vehicles and shuttle buses to turn around completely on the site.
- f. All entrance locations shall be subject to the review and approval of DelDOT.
- g. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- h. If any lots in the subdivision are sold, then the contract and the deeds are to contain language notifying future owners of the event venue.

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

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

Mr. Wilson, Yea; Mr. Cole, Abstained;

Mr. Vincent, Yea

(Mr. Cole abstained due to a potential conflict of interest.)

Public Hearing/ CU 2075 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTIFAMILY (100 TOWNHOUSE UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.95 ACRES, MORE OR LESS" (Conditional Use No. 2075) filed on behalf of Burton's Pond, LLC (Burton's Pond Section II)) (Tax I.D. No. 234-17.00-29.00 (portion of)) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on April 6, 2017 at which time action was deferred. On May 11, 2017 the Commission recommended approval with the following conditions:

- A. There shall be no more than 100 townhouse units within the project.
- B. The Applicant shall create a fee simple townhome community which will be part of the Burton Pond Communities Homeowners Association, possibly through a separate sub-homeowners association, to be responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas including the Environmental Management Plan for Burton's Pond as stated in the conditions for Burton's Pond Section I.
- C. The project shall be served by a central sewer system in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations as part of the Sussex County Unified Sanitary Sewer District North Coastal Planning Area.

Public Hearing/ CU 2075 (continued) D. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations through Tidewater Utilities, Inc.

- E. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements including the requirements of the Sussex Conservation District and PCS. The Applicant, its successors and assigns shall operate the stormwater management facilities utilizing Best Management Practices (BMP) and Best Available Technologies (BAT). The final site plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- F. All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT. In addition, the relocation of Sloan Road shall be completed within the first phase of the development.
- G. The recreational amenities in Section II shall be constructed and open to the use by residents upon the issuance of the 50th residential building Certificate of Occupancy for Section II.
- H. Streetlighting shall be provided and the location of the streetlights shall be shown on the Final Site Plan.
- I. Sidewalks shall be installed on one side of all streets within the project and shall be shown on the Final Site Plan. There shall also be walking, jogging, and bike paths throughout the subdivision as shown on the Preliminary Site Plan.
- J. The undisturbed forested areas shall be shown on the Final Site Plan.
- K. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- L. A school bus stop area with parking shall be located within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop area. The location of the bus stop area, with the approval of the local school district, shall be shown on the Final Site Plan.
- M. The Applicant shall provide agricultural buffers and wetland buffers, as necessary, in accordance with the applicable regulations. The Agricultural Use Notice shall be included in covenants, conditions, and restrictions or instruments of conveyance.
- N. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
- O. The Developer shall design and install a landscape buffer of berms and plantings running South to North along the entire property boundary with John J. Williams Highway (Route 24) and running East to West along the entire property boundary with the relocated Sloan Road (County Road 49). The Final Site Plan shall contain a landscape plan showing the proposed design and vegetation of all landscape buffer areas.
- P. The interior street design shall be in accordance with or exceed Sussex County street requirements and/or specifications. Street design shall include curbs, sidewalks, and street lighting.

Public Hearing/ CU 2075 (continued)

- Q. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. and 1:00 p.m.
- R. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Sussex County Office of Planning and Zoning.
- S. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated April 6 and May 11, 2017.)

Janelle Cornwell, Director of Planning and Zoning, presented a summary of the Commission's Public Hearing and recommendation of approval.

It was noted that an Exhibit Booklet was previously distributed to the Council and that the map included in the Booklet is the most recent and current map/plan (showing the new 50 foot buffer).

The Council found that David Hutt, Attorney, was present with Zach Crouch of Davis, Bowen & Friedel, and Ben Gordy, a Senior Project Manager and Realtor with Ocean Atlantic. They described the project known as Burtons Pond Section II including the size of the project, buffers, setbacks, stormwater management, site plan, compatibility with the area, Traffic Impact Study, realignment of Sloan Road, and compliance with the Comprehensive Land Use Plan and the Investment Level 2 Area.

Mr. Hutt reported that, in 2007, a Change of Zone was approved for this site. At that time, a MR-RPC application was approved; however, the RPC portion of the application has since expired; that a subdivision application was filed for a property on the other side of Route 24 and received preliminary approval on January 26, 2017; and that this application is for 100 townhomes on approximately 31 acres of land along John J. Williams Highway and Sloan Road.

Mr. Crouch reviewed the site plan and noted a change made based on comments made at the Planning and Zoning Commission's Public Hearing, which is that a 30 foot buffer was increased to a 50 foot buffer. He reported on the Traffic Impact Study, the relocation of Sloan Road, the design of a new intersection, the future plan for a new signal light at the intersection, and the improvements that are required by DelDOT. He noted that there will be no direct access off of Route 24. Mr. Crouch reviewed the proposed amenities and the preservation of open space, including woodlands.

Public Hearing/ CU 2075 (continued) Mr. Gordy discussed correspondence sent to, and meetings held with, area property owners. He reported that there is no evidence of a decrease in property values due to a multi-family development. Mr. Gordy referenced other communities and sale prices.

At the conclusion of the Applicant's presentation, Mr. Moore suggested an amendment to the Planning and Zoning Commission's Condition F by adding the following: The Sloan Road relocation shall occur prior to the First Certification of Completion (prior to the first house).

Public comments were heard.

There were no public comments in support of the application.

The following people spoke in opposition to the application: Myrta Sale, Arnold Pitman, Norma Parks and Leslie Skeen. The stated that the proposed project, with its high density, is not compatible with the area; that the townhomes can be moved to the other side of Route 24; that the lack of visibility in this area, along the curve in the road on Route 24 will create a traffic hazard; that many accidents occur in this area now and this project will result in many more; that a traffic light is imperative and should not be delayed; that they question what will happen on the parcel on the other side of the reconfigured Sloan Road; that the proposal should be for one acre lots; that the proposed project is inappropriate for this area; that there will be tree removal; that the Applicant could maintain the woods with single family homes; that there will be 2,000 people on both sides of Route 24 coming out to the intersection; that 500 to 1,000 cars will come out of this development; that the pool cannot accommodate the number of residents; that their quality of life and property values will be negatively affected; that the surrounding areas need to be considered; and that the project would change the character of the area.

(Norma Parks submitted her comments, in writing.)

There were no additional public comments.

The Public Hearing and public record were closed.

The Council discussed delaying the vote on this application until Councilman Arlett has the opportunity to listen to the audio of the meeting so that he can participate in the vote since the project is located in his District.

Mr. Cole suggested requesting additional information from DelDOT regarding the plan for a traffic signal at the Sloan Road intersection.

M 283 17 Defer Action on CU 2075

A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action on Conditional Use No. 2075 filed on behalf of Burton's Pond, LLC (Burton's Pond Section II)) and to request additional information from

M 283 17 (continued)

DelDOT regarding the timing of (schedule for) the traffic signal.

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

M 284 17 Adjourn A Motion was made by Mr. Burton, seconded by Mr. Cole, to adjourn at

3:16 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 ENVIRONMENTAL SERVICES (302) 855-7730 PUBLIC WORKS (302) 855-7703 RECORDS MANAGEMENT (302) 854-5033 UTILITY ENGINEERING (302) 855-7717 UTILITY PERMITS (302) 855-7719 UTILITY PLANNING (302) 855-1299 FAX (302) 855-7799



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 06, 2017

FACT SHEET

SUSSEX COUNTY PROJECT 81-04 SILVER WOODS PUMP STATION AGREEMENT NO. 1027 - 1

DEVELOPER:

Mr. Robert Thornton Silverstock WP, LLC P. O. Box 449 Bethany Beach, DE 19930

LOCATION:

South of Beaver Dam Road #368, Town of Ocean View

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Pump Station.

SYSTEM CONNECTION CHARGES:

\$0.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval 01/14/16

Department of Natural Resources Plan Approval 02/11/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 100
Construction Admin and Construction Inspection Cost – \$53,550.00
Proposed Construction Cost – \$357,000.00



ENGINEERING DEPARTMENT

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





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 20, 2017

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. 1027-1 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "SILVERSTOCK WP, LLC" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "SILVER WOODS PUMP STATION", LOCATED IN MILLER CREEK SANITARY SEWER DISTRICT.

ORDINANCE NO. 38 AGREEMENT NO.1027-1

TODD LAWSON COUNTY ADMINISTRATOR





SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

ORGANIZATION NAM	_{IE:} City of Seaford		4.41	
PROJECT NAME:	Nanticoke Riverfest			
FEDERAL TAX ID:	51-6000241	NON-PROF	TIT: YES IN	
DOES YOUR ORGANIZ	ZATION OR ITS PARENT ORGAI	NIZATION HAVE A RELIGIOU:	S AFFILIATION?	
	☐YES ■NO *IFY	ES, FILL OUT SECTION 3B.		
ORGANIZATION'S MI	SSION: The City of Seaford will good governance, pos of life.	Il provide its residents and b itive customer service, and a	usinesses with a desirable quality	
ADDRESS:	414 High Street			
	P.O. Box 1100	4 140 000		
	the state of the s			
	Seaford	DE	19973	
	the street of the street of the state of the street of the	DE (STATE)	19973 (ZIP)	
CONTACT PERSON:	Seaford	THE R. P. LEWIS CO., LANSING MICH.	MANY WATER OF	
	Seaford (СПҮ) Katie Hickey	THE R. P. LEWIS CO., LANSING MICH.	(ZIP)	
CONTACT PERSON: TITLE:	Seaford (CITY) Katie Hickey Superintendent	(STATE)	(ZIP)	

TOTAL FUNDING REQUEST: \$1,000	
Has your organization received other grant funds from Sussex County Government in the last year?	□YES ■NO
If YES, how much was received in the last 12 months?	* ****
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	□YES □NO
Are you seeking other sources of funding other than Sussex County Council?	YES NO
If YES, approximately what percentage of the project's funding does the Council grant i	enresent? 5%

		18494
Fair Housing Infrastructure ¹	GRAM CATEGORY (choose all that ap Health and Human Services Other Community event	ply) Cultural Educational
Disability & Special Needs Elderly Persons Minority	BENEFICIARY CATEGORY Victims of Domestic Violence Low to Moderate Income ² Other	☐ Homeless ☐ Youth
	BENEFICIARY NUMBER	
Approximately the total num	ber of Sussex County Beneficiaries serve 6,000 - 8,000	ed annually by this program:
	SECTION 3: PROGRAM SCOPE	
benefit. The Nanticoke Riverfest if family-friendly event provintage car show, local for annual float-in down the line in the	oring thousands of people from around alights the heart of our downtown. Ove from downtown Seaford because most downtown has been on an upswing, ga g to restore the liveliness of the area.	for 23 years. This nt, a large children's area, a ops downtown), and an discrete last several years, the last several years, the businesses had closed or aining two new shops and lit is the City's goal to bring unding, volunteers and local

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	22,000.00
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)	
Advertising	-\$ 1,500.00
Entertainment	-\$ 7,500.00
Grounds & Logistics	-\$ 5,000.00
Children's Area	-\$ 3,500.00
Various Events	-\$ 2,500.00
Miscellaneous	-\$ 4,000.00
Revenue and expenditures are estimates based on last year's event	
TOTAL EXPENDITURES	-\$ 24,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 2,000.00

SECTION 5: STATEMENT OF ASSURANCES

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

- 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.
- 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.
- 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

Witness

4/9/17 Date

19/17

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

\$6)

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.

Supt. of Porks & Recreation

Applicant/Authorized Official

Title

(6/9/17)

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

ORGANIZATION NAMI			
PROJECT NAME:	Laurel Independe	ence Day Firewo	orks
FEDERAL TAX ID:	51-6000168	NON-PROF	TIT: YES NO
DOES YOUR ORGANIZA	ATION OR ITS PARENT ORGANI	ZATION HAVE A RELIGIOUS	S AFFILIATION?
	☐YES ■NO *IF YES	S, FILL OUT SECTION 3B.	
ORGANIZATION'S MIS	residents of surrounding	uly Fireworks Display to ou towns as away to celebrat is a thank you to all those edoms	te our freedoms
ADDRESS:	201 Mechanic	Street	
ADDRESS:	201 Mechanic	Street	19956
ADDRESS:			19956 (ZIP)
	Laurel	De	
CONTACT PERSON:	Laurel	De (STATE)	
ADDRESS: CONTACT PERSON: FITLE: PHONE:	Laurel Garry Jamie Smith Town Manager	De (STATE)	(ZIP)
CONTACT PERSON: FITLE:	Laurel Garry Jamie Smith Town Manager	De (STATE)	(ZIP)

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?

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 6%

SECTI	ON 2: PROGRAM DESCRIPTION	
PRO Fair Housing Infrastructure ¹	GRAM CATEGORY (choose all that ap Health and Human Services Other Community	oply) Cultural Educational
Disability & Special Needs Elderly Persons Minority	BENEFICIARY CATEGORY Victims of Domestic Violence Low to Moderate Income ² Other Community	☐ Homeless ☐ Youth
Approximately the total num	BENEFICIARY NUMBER ber of Sussex County Beneficiaries serv 8,000	red annually by this program
	SECTION 3: PROGRAM SCOPE	
include a parade a firewor	urel is holding our 23rd Annual Indeperks show. The fireworks show has broom to be a tradition we want this is a tradition we want the state of the	ought over 8,000 people to

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	#11751 W
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)	
Total cost of Fireworks	4-16,500,a
TOTAL EXPENDITURES	\$ -16,500° \$0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 4749.00\$0.00

SECTION 5: STATEMENT OF ASSURANCES

If th	is grant application is awarded funding, the Town of Laurel	agrees that:
	(Name of Organization)	
1)	For non-religious organizations, all expenditures must have adequate documexpended within one (1) year of receipt of award funds. The funding award must be used in substantial conformity with the anticipated expenditures so submitted application. All accounting records and supporting documentation inspection by Sussex County within thirty (30) days after the organization's awarded funding, or within one year after the receipt of the awarded funds, occurs.	ed to the organization et forth in the on shall be available for expenditure of the
2)	For religious organizations, all accounting records and supporting document provided for inspection by Sussex County after the award has been made by 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

Witness

6-977

Date

Date

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

89

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

Title

Mitmaga

Date

To Be Introduced 06/20/17

Council District No. 2 - Wilson

Tax I.D. No. 530-5.00-40.05

911 Address: Not Available

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CEMETERY ON A HALF ACRE OF THE 9.8 ACRES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 9.98

ACRES, MORE OR LESS

WHEREAS, on the 17th day of May 2017, a conditional use application, denominated

Conditional Use No. 2104, was filed on behalf of Grace-N-Mercy Ministries, Inc.; and

WHEREAS, on the _____ day of ______ 2017, 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. 2104 be

WHEREAS, on the _____ day of ______ 2017, 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. 2104 as it applies to the property

hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in

Northwest Fork Hundred, Sussex County, Delaware, and lying at the southeast corner of

Woodyard Road and Sussex Highway (Route 13), and being more particularly described per

the attached deed prepared by Brady, Richardson, Beauregard & Chasanov, said parcel

containing 9.98 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.

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



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date May 18, 2017

Application: CU 2077 Joy Marshall Ortiz KH

Owner: Betty Marshall

2506 Pegasus Ln. Reston, VA 20190

Applicant: Joy Marshall Ortiz

11250 Roger Bacon Dr. Suite 11

Reston, VA 20190

Site Location: North side of Cordrey Rd., approximately 800 ft. west of Streets Rd.

Zoning: AR-1 (Agricultural Residential District)

Current Use: Agricultural

Proposed Use: Campground

Comprehensive Land

Use Plan Reference: Low Density Areas

Councilmatic

District: Mr. Cole

School District: Indian River School District

Sewer: On-site septic

Water: On-site well

Site Area: 4.2 ac. +/-

Tax Map ID.: 234-28.00-56.04

Location: North side of Cordrey Rd., approximately 800 ft. west of Streets Rd.





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 15, 2017

RE: County Council Report for CU 2077 Joy Marshall Ortiz

On December 19, 2016, the Planning and Zoning Department received an application (CU 2077 Joy Marshall Ortiz) to allow for a Conditional Use for a campground. The Planning and Zoning Commission held a public hearing on May 18, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into record as part of the application were the staff analysis, comments received from DelDOT, and the Sussex County Utility Planning Division; and that the applicant submitted a site plan and exhibit booklet.

The Commission found that Joy Ortiz was present on behalf of her application; that Mrs. Ortiz spoke that her mom owns the land; that she would like to create a tiny home campground community; that by the rights of the AR-1 district, she could have 5 lots; that she does not want to subdivide the property; that she would like to place 10 to 15 tiny home units; that they could build 12 homes with a gazebo to total 3,200 square feet; that the property is 4.199 acres; that there will be limited traffic into the campground site; that a parking lot will be located off the easement; that the tiny homes will be available to rent for the weekend, month, and week; that the homes will be 200 square feet to 250 square feet; that they will look different but as part of a community; that they will create a community feel; that they are thinking of the environment; that they looking at solar energy, composting toilets, and grey water system to reduce the impact on the septic system; that the site will be permanent; that the site will have limited impact on the environment; that the septic system will be in the back; that the roads and parking lot will be stone and not asphalt; that one unit would be a resident assistant office; that there will be rules and regulations for the campground; that they will have electric hookup with a solar option; that each unit will have its own bathroom; that the campground would be a year round facility and work with a time frame so people do not use it a permanent home; that the tiny homes will stay on wheels; that some of the homes would be anchored and some could be on post but easy to move; that she would like some type of sign; that if the conditional use is approved, she will get a septic approval; that the homes will be brought in; and that they plan on using the existing 50-ft. easement.



The Commission found that Howard Street spoke in support; that he had questions answered about the construction; that he had questions about how it would be maintained; that the family owns parcel D; and that he would like to develop in the future.

The Commission found that Richard Owens spoke in opposition; that he purchased parcel B; that he has concerns regarding the used of the easement; that he has concerns with traffic; that he had concerns about the type of renters; that he questioned why not use the easement on the side of the site and not their driveway; and that he has concerns with the amount of traffic over their driveway.

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

The Commission had a discussion on the use of the property, easement, septic, sewer, composting toilets, and the opinion from DNREC.

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

The Commission discussed this application which has been deferred since May 18, 2017.

Mr. Hopkins stated that he would move that the Commission recommend denial of Conditional Use 2077 for Joy Marshall Ortiz for a campground in a AR-1district based upon the record and for the following reasons:

- 1. The use as a campground is not appropriate for this location. It is within a 3 lot subdivision, and each of the lots was approved for single family residential development consistent with the under lying AR-1 (Agricultural Residential District) zoning.
- 2. The location does not have direct frontage onto a County Road. The use as a campground in not appropriate for this type of location.
- 3. The use will require tenants or occupants to travel down a 50 foot wide easement across a residential property owned by another person. The traffic generated by 10 to 12 tiny-house campers rented for the night, weekend, week or month is incompatible with this residential driveway easement.
- 4. It is apparent from the presentation made during the hearing that these structures are not intended to be temporary, Instead, they are intended to be residences in a community atmosphere more consistent with a manufactured home community. This site does not satisfy the requirements for a manufactured home community.
- 5. The property owner directly adjacent to the site appeared in opposition and stated that:
 - (a) the use will adversely affect the use and enjoyment of his property,
 - (b) that he is concerned about the traffic that will need to use the easement across his property to gain access to the campground, and
 - (c) that the easement was not intended for commercial use.
- 6. There are other more appropriate locations for a campground such as this with road frontage where commercial activities exist to support the camping operation, and where infrastructure such as central sewer is available.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to forward this application on to the Sussex County Council with the recommendation that the application be denied for the reasons and with the condition stated. Motion carried 5-0.



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 10, 2017

RE: Staff Analysis for CU 2077 Joy Marshall Ortiz

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2077 Joy Marshall Ortiz to be reviewed during the May 18, 2017 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 234-28.00-56.04 to allow for the use as a campground. The size of the property to be used for the Conditional Use is 4.2 ac. +/-. The property is zoned AR-1 (Agricultural Residential District).

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 of Low Density.

The surrounding land uses to the north, south, east and west are Low Density. 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. More intense commercial uses such as auto repair and gasoline dales 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 AR-1 (Agricultural Residential District) and 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 request to allow for a campground could be considered consistent with the land use, surrounding zoning and uses.



Introduced 04/25/17

Council District No. 4 – Cole Tax I.D. No. 234-28.00-56.04 911 Address: None Available

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.199 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of December 2016, a conditional use application, denominated Conditional Use No. 2077, was filed on behalf of Joy Marshall Ortiz; and WHEREAS, on the _____ day of ______ 2017, 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. 2077 be ______; and WHEREAS, on the ____ day of ______ 2017, 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.

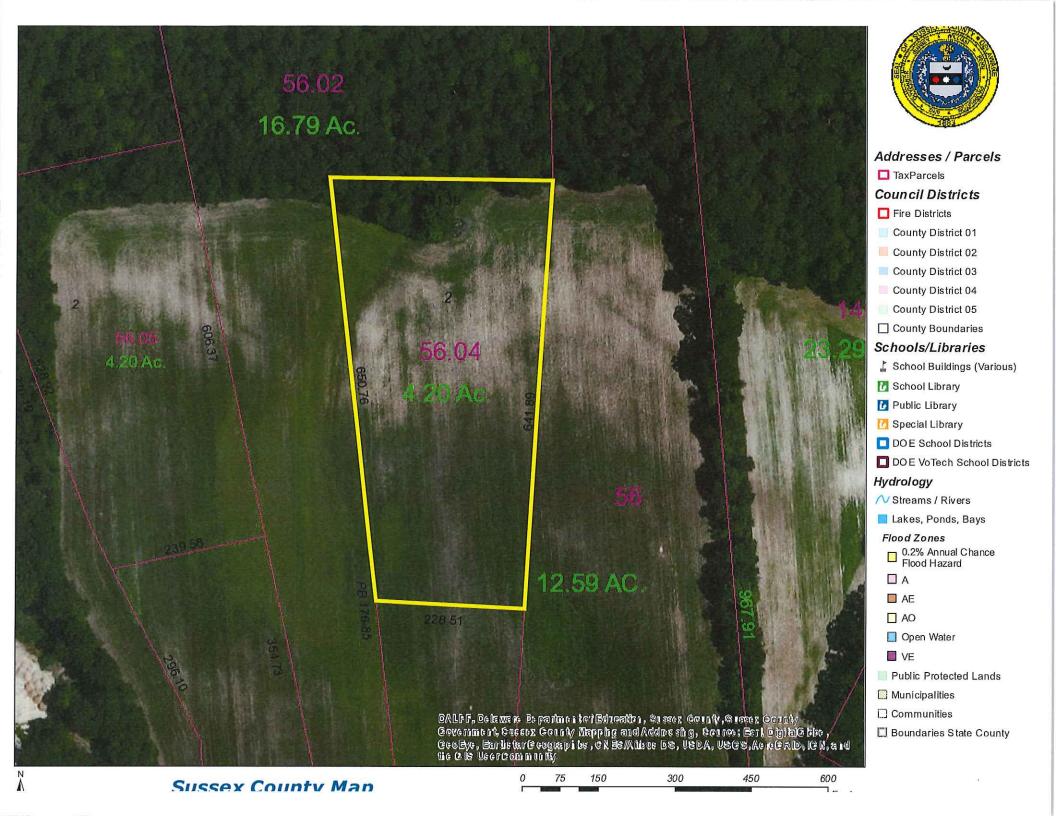
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

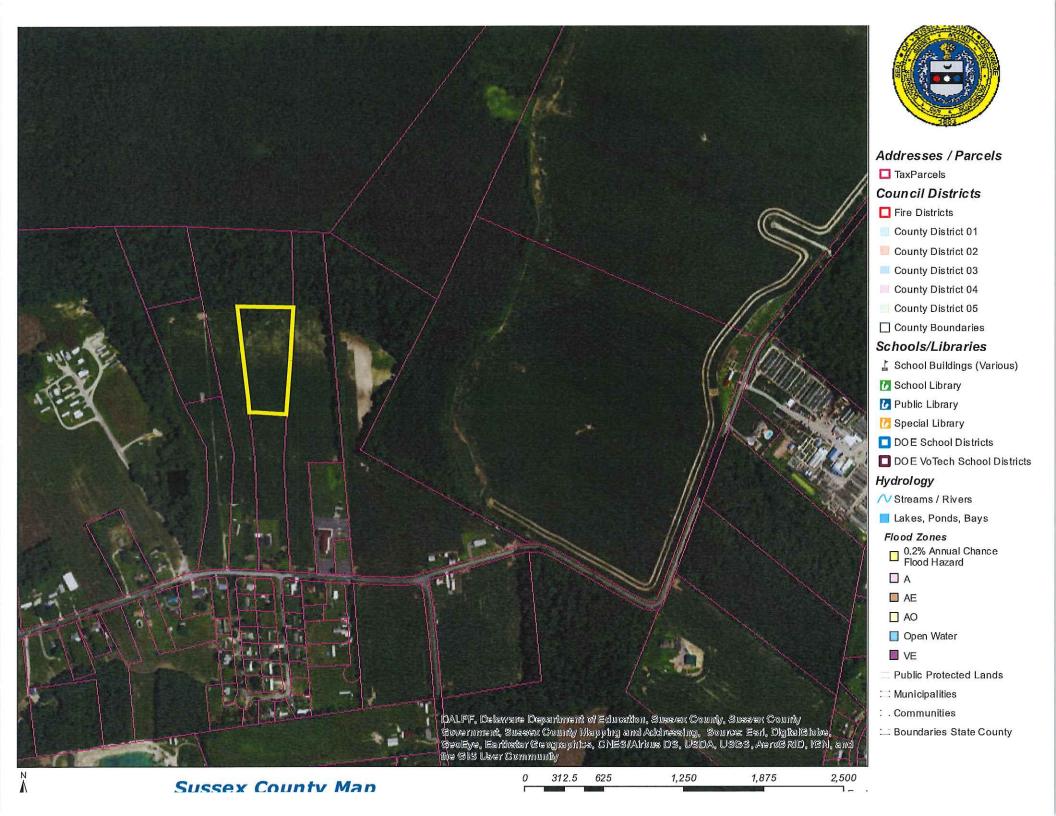
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2077 as it applies to the property hereinafter described.

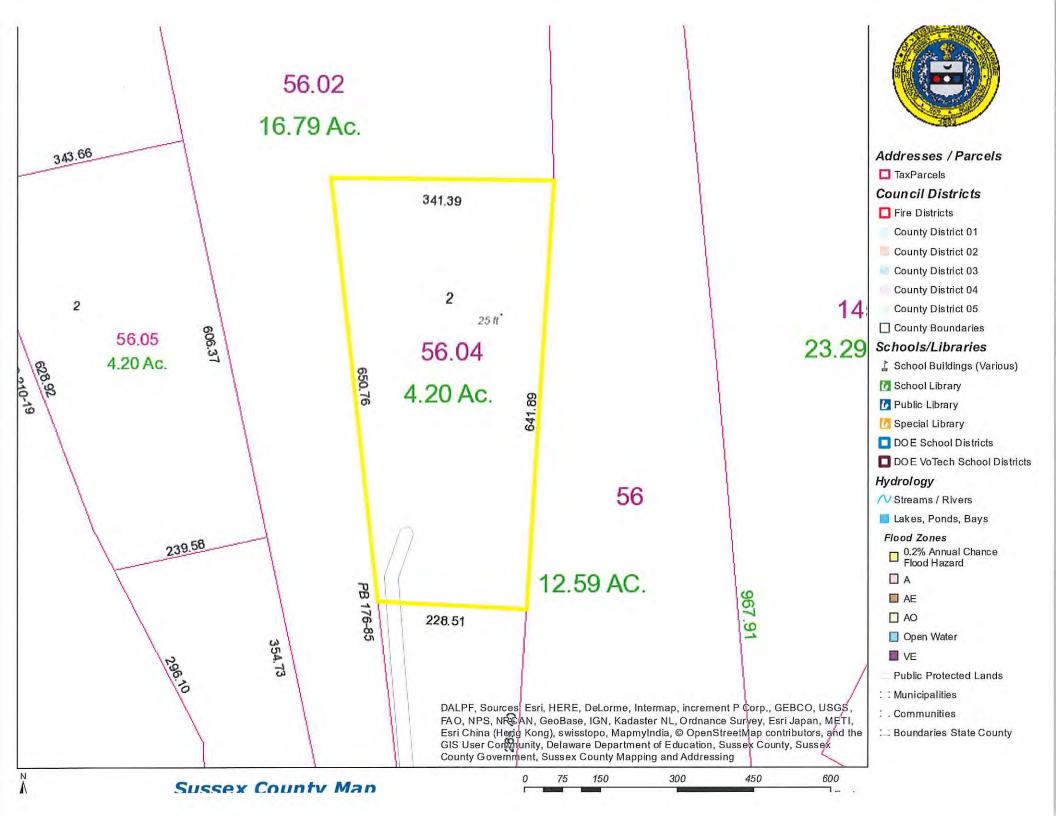
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying north of Cordrey Road, approximately 800 feet west of Streets Road, and being more particularly described per the attached legal description prepared by Miller-Lewis, Inc., said parcel containing 4.199 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.







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



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date May 18, 2017

Application: CU 2078 Sunlight Ventures, LLC DH

Owner: Sunlight Ventures, LLC

29003 Lewes-Georgetown Hwy.

Lewes, DE 19958

Site Location: North side of Lewes-Georgetown Hwy. (Rt. 9), approximately 791 ft.

west of Arabian Acres Rd. (29003 Lewes-Georgetown Hwy.)

Zoning: AR-1 (Agricultural Residential District)

Current Use: Residential

Proposed Use: Professional Office

Comprehensive Land

Use Plan Reference: Low Density Areas

Councilmatic

District: Mr. Burton

School District: Cape Henlopen School District

Sewer: On-site septic

Water: On-site well

Site Area: 0.974 ac. +/-

Tax Map ID.: 334-4.00-84.00

Location: North side of Lewes-Georgetown Hwy. (Rt. 9), approximately 791 ft.

west of Arabian Acres Rd. (29003 Lewes-Georgetown Hwy.)





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 15, 2017

RE: County Council Report for CU 2078 Sunlight Ventures, Ltd.

On December 21, 2016, the Planning and Zoning Department received an application (CU 2078 Sunlight Ventures, Ltd.) to allow for a Conditional Use for a professional office. The Planning and Zoning Commission held a public hearing on May 18, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into record as part of the application were the staff analysis, comments received from DelDOT and from the Sussex County Utility Planning Division; and that the applicant submitted a site plan.

The Commission found Freddy Bada and Robert Rollins with Moonlight Architecture, were present on behalf of the application; that Mr. Bada spoke that they purchased the lot to build a home to sell; that they decided to use it for the Architecture firm; that they don't generate a lot of traffic; that they go to the Clients; that they are already operating the business; that there are 4 full time and 2 part time employees; that maybe 2 or 3 clients a week may come to the office; that they would like a small sign like a real estate sign and not lit; that the hours of operations are typically 8 a.m. to 5 p.m.; that they have onsite septic and well; and that they have had between 5 to 6 employees over the eighteen years of business.

The Commission found that there were no parties in support of or opposition to this application.

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

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

The Commission discussed this application which has been deferred since May 18, 2017.

Mr. Hudson stated that he would move that the Commission recommend approval of Conditional Use 2078 for Sunlight Ventures, Ltd. for a professional office based upon the record and the following reasons stated:



- 1. The proposed Conditional Use is generally similar to other uses in the vicinity of the property along Route 9. There are other small business uses and this office will maintain a residential character that is consistent with the residences that also exist in this area.
- 2. The use as an office for an architecture firm will not generate a lot of traffic.
- 3. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties, community or traffic.
- 4. The use as an office for an architectural firm provides a convenient location for this service that will benefit the health, safety and welfare of Sussex County residents.
- 5. No parties appeared in opposition to this application.
- 6. The approval of this small office use should not be considered an endorsement of future rezoning or conditional use applications for large or more intensive uses along the Route 9 corridor.
- 7. This recommendation for approval is subject to the following conditions and stipulations:
 - A. There will only be one un-lighted sign on the premises that shall not exceed 32 square feet on each side.
 - B. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or roadways.
 - C. As proposed by the Applicant, the hours of Operation shall be limited to between 8:00 am and 5:00 pm, Monday through Saturday.
 - D. This approval is limited to the office proposed during the public hearing. The Sussex County Planning and Zoning Commission shall consider whether any future proposed expansion shall require a new public hearing.
 - E. The structure on the site shall maintain a residential character and appearance.
 - F. The use shall be limited to professional office uses such as the architecture office proposed by the Applicant. There shall not be any contractor's offices or uses that primarily involve retail sales.
 - G. The Applicant must comply with all DelDOT requirements concerning the entrance and roadway improvements.
 - H. The Final Site Plan shall include a landscape plan for the property.
 - I. The site plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to forward this application on to the Sussex County Council with the recommendation that the application be approved for the reasons and with the stipulations stated. Motion carried 5-0.



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 10, 2017

RE: Staff Analysis for CU 2078 Sunlight Ventures, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2078 Sunlight Ventures, LLC to be reviewed during the May 18, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 334-4.00-84.00 to allow for the use as a professional office. The size of the property to be used for the Conditional Use is 0.974 ac. +/-. The property is zoned AR-1 (Agricultural Residential District).

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 of Low Density.

The surrounding land uses to the north, south, east and west are Low Density. 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. More intense commercial uses such as auto repair and gasoline dales should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and CR-1 (Commercial Residential District). The properties to the south are zoned AR-1 (Agricultural Residential District), MR (Medium Density Residential District) and CR-1 (Commercial Residential District). There is a Conditional Use in the area for a landscaping business (CU 1769).

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for a professional office could be considered consistent with the land use, surrounding zoning and uses.



Introduced 01/31/17

Council District No. 3 - Burton Tax I.D. No. 334-4.00-84.00

911 Address: 29003 Lewes-Georgetown Highway, Lewes

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.974 ACRE, MORE OR LESS

WHEREAS, on the 21st day of December 2016, a conditional use application, denominated Conditional Use No. 2078, was filed on behalf of Sunlight Ventures, Ltd.; and WHEREAS, on the _____ day of _______ 2017, 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. 2078 be ______; and WHEREAS, on the ____ day of ______ 2017, 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. 2078 as it applies to the property hereinafter described.

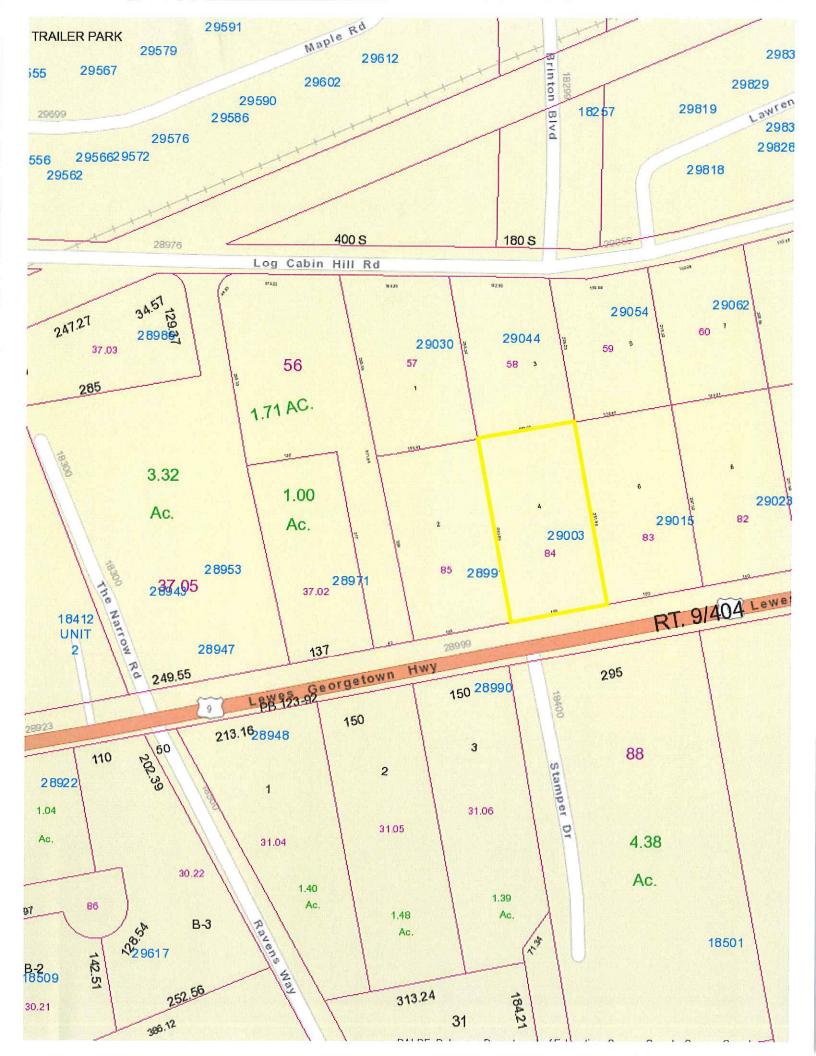
Section 2. The subject property is described as follows:

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 side of Lewes-Georgetown Highway (Route 9), approximately 791 feet west of Arabian Acres Road, and being more particularly described per the attached deed prepared by Brady, Richardson, Beauregard & Chasanov, said parcel containing 0.974 acre, 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.







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



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date May 18, 2017

Application: CZ 1820 W&B Hudson and John Floyd Lingo III KS

Owners: W&B Hudson Family, LP John Floyd Lingo III

P.O. Box 187 2009 Beverly Ln. Milton, DE 19968 Milton, DE 19968

Site Location: Southeast corner of Lewes-Georgetown Hwy. (Rt. 9) and Harbeson Rd.

(Rt. 5)

Current Zoning: AR-1 (Agricultural Residential District) and C-1 (General Commercial

District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land

Use Plan Reference: Low Density Areas

Councilmatic

District: Mr. Burton

School District: Indian River School District

Sewer: Artesian

Water: Artesian

Site Area: 1.16928 ac. +/-

Tax Map ID.: 235-30.00-69.00 and 235-30.00-70.00

Location: Southeast corner of Lewes-Georgetown Hwy. (Rt. 9) and Harbeson Rd.

(Rt. 5)





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 15, 2017

RE: County Council Report for CZ 1820 W&B Hudson Family LP & John Floyd Lingo III

On January 20, 2017, the Planning and Zoning Department received an application (CZ 1820 W&B Hudson Family LP & John Floyd Lingo III) to allow for a Change of Zone from AR-1 (Agricultural Residential District) and C-1 (General Commercial District) to CR-1 (Commercial Residential District). The Planning and Zoning Commission held a public hearing on May 18, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into record as part of the application were staff analysis, comments were received from DelDOT, and Sussex County Utility Planning Division; and that the applicant submitted an exhibit booklet and a site plan.

The Commission found William Scott, Attorney with Scott and Shuman, P.A. and Jonathan Street, with Becker Morgan Group, were present on behalf of this application; that they want to rezone a small portion from AR-1 to CR-1 to square off the property and remove the split zoning; that the property is in a developing area per the existing Comprehensive Plan; that the land use permits businesses; that the property is in a Level 3 State Strategy; that DelDOT upgraded the intersection in the fall; that there is public water by Artesian; and that there are common uses and conditional uses in the area.

The Commission found that there were no parties in support of or in opposition to this application.

Ms. Stevenson stated that she would move that the Commission to recommend approval of Change of Zone 1820 for W & B Hudson Family, LP & John Floyd Lingo for a change in zone from C-1 and AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

- 1. The site is along Route 9 and Route 5, and adjacent to a lighted intersection that was recently upgraded by DelDOT.
- 2. The site is already partially zoned C-1 General Commercial. This application will bring all of the property under a single zoning designation. The change from AR-1 to CR-1 only effects a very small area of land directly behind a parcel that is already zoned CR-1.
- 3. The site is at an intersection where other commercial zonings or uses exist. While this



Page | 2

- particular location along Route 9 supports commercial zoning, this recommendation should not be considered as an endorsement of commercial zoning everywhere on Route 9.
- 4. The rezoning to CR-1 in this location will not have an adverse impact upon adjacent roads, properties, community facilities, or neighborhood in general.
- 5. The applicant has stated that the site will be served by Artesian Resources Corporation which will provide water and wastewater treatment for any future development on the site.
- 6. The rezoning meets the purpose of the Zoning Code in that it promotes the orderly growth Convenience, order, prosperity and welfare of the County.
- 7. The rezoning is in compliance with the Sussex County Comprehensive Plan, which states that CR-1 zoning is one of serval appropriate zoning classification for this location.
- 8. No parties appeared in opposition to this application.

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



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 10, 2017

RE: Staff Analysis for CZ 1820 W&B Hudson and John Floyd Lingo III

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1820 W&B Hudson and John Floyd Lingo III to be reviewed during the May 18, 2017 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 235-30.00-69.00 from C-1 (General Commercial District) to CR-1 (General Residential District) and for parcel 235-30.00-70.00 from AR-1 (Agricultural Residential District) to CR-1 (General Residential District). The size of the properties is 1.16928 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 of Developing Areas.

The surrounding land uses to the north, south, east and west are Developing Areas. The Developing Areas land use designation recognizes that a full range of housing types should be permitted including single-family homes, townhouses and multi-family units. It also recognizes that a variety of offices uses would be appropriate and a careful mixture of homes with light commercial and institutional uses can be appropriate to provide convenient services and allow people to work close to home. The CR-1 zoning district is a zoning classification that can be considered within the Developing Areas.

The properties are zoned C-1 (General Commercial District) and AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the south are zoned AR-1 (Agricultural Residential District) and CR-1 (Commercial Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and CR-1 (Commercial Residential District). The properties to the west are zoned MR (Medium Density Residential District), AR-1 (Agricultural Residential District) and HI-1 (Heavy Industrial District). There have been several approved Conditional Uses in the area (CU 1213 and CU 249).

Based on the analysis of the land use, surrounding zoning and uses the Change of Zone request from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) and C-1 (General Commercial District) to CR-1 (General Residential District) would be considered consistent with the land use, surrounding zoning and uses.



Introduced 2/21/17

Council District 3 – Burton Tax I.D. No. 235-30.00-69.00, 235-30.00-70.00 (portion of)

911 Address: Not Available

ORDINANCE NO. ___

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.16928 ACRES, MORE OR LESS

WHEREAS, on the 20th day of January 2017, a zoning application, denominated

Change of Zone No. 1820 was filed on behalf of W&B Hudson Family LP & John Floyd Lingo III; and

WHEREAS, on the ____ day of ____ 2017, 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. 1820 be _____; and

WHEREAS, on the ____ day of ____ 2017, 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 [C-1 General Commercial District] and [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying at the southeast corner of Lewes – Georgetown Highway (Route 9) and Harbeson Road (Route 5) and being more particularly described per the attached legal descriptions.

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

