

Sussex County Council Public/Media Packet

**MEETING:
June 22, 2021**

****DISCLAIMER****

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

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

JUNE 22, 2021

10:00 A.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – June 15, 2021

Reading of Correspondence

Public Comments

DelDOT Presentation – Capital Transportation Program (CTP) Update

Todd Lawson, County Administrator

- 1. Presentation and discussion related to Sussex County land use application
“Notice” signs**
- 2. Administrator’s Report**

10:15 a.m. Public Hearings

Fiscal Year 2022 Budget and Related Ordinances

ASSESSMENT ROLLS FOR SEWER AND WATER DISTRICTS

“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”



“AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, § 62-16 OF THE CODE OF SUSSEX COUNTY TO INSTITUTE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND RENEWAL OF MARRIAGE VOWS AFTER NORMAL BUSINESS HOURS AND ON WEEKENDS AND TO INCREASE THE FEES FOR NON-DELAWARE RESIDENTS FOR OUT-OF-OFFICE CEREMONIES”

“AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022”

Andrea Wall, Manager of Accounting

1. Federal Payment in Lieu of Taxes
2. FY 2022 Insurance Recommendation

Hans Medlarz, County Engineer

1. South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2
 - A. General Construction, Project C19-11, Change Order No. 11

Old Business

Change of Zone No. 1891 filed on behalf of Chappell Farm, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS” (property lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road) (Tax I.D. No. 235-23.00-1.02 (portion of) (911 Address: 30511 Cave Neck Road, Milton)

Change of Zone No. 1892 filed on behalf of Chappell Farm, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.53 ACRES, MORE OR LESS” (property lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road) (Tax I.D. No. 235-23.00-1.02 (portion of) (911 Address: 30511 Cave Neck Road, Milton)

Conditional Use No. 2193 filed on behalf of Chappell Farm, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (128 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS” (property lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road) (Tax I.D. No. 235-23.00-1.02 (portion of) (911 Address: 30511 Cave Neck Road, Milton)

Grant Requests

- 1. Fort Miles Historical Association for the USS Arizona Exhibit at Fort Miles Museum**
- 2. Bethany Beach Volunteer Fire Company for equipment expenses**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible action on Executive Session items

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 15, 2021 at 4:40 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

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

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Monday, June 21, 2021.

#

ORDINANCE NO. _____

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

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The annual service charge and annual assessment rate for distribution and transmission and/or treatment for the Water District are established as follows:

- (a) For an annual service charge: \$342.00 per EDU;

Section 2. The annual service charge, annual assessment rate for distribution and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer District is established as follows:

- (a) For an annual service charge: \$296.00 per EDU;
- (b) For an assessment rate per billable front foot for distribution: see below; and
- (c) For an assessment rate per billable front foot for transmission and/or treatment: see below.
- (d) For assessment rate by EDU: see below.

<u>Area</u>	Annual Assessment Charge		
	<u>Distribution or Collection \$/foot</u>	<u>Transmission and/or Treatment \$/foot</u>	<u>Total \$/foot</u>
OCEAN WAY ESTATES I & II	1.82	.00	1.82
CEDAR NECK EXPANSION	2.31	.68	2.99
NORTH MILLVILLE EXPANSION	3.63	.48	4.11
FENWICK ISLAND SEWER	.23	.03	.26
FENWICK ISLAND ROUTE 54 AREA	1.04	6.02	7.06
THE GREENS AT INDIAN RIVER SUBDISTRICT ²	5.23	-	5.23
DAGSBORO-FRANKFORD SEWER	.38	.22	.60
PRINCE GEORGE'S ACRES SUBDISTRICT ³	3.41	.22	3.63
WEST REHOBOTH SEWER EXPANSION	.99	.49	1.48
MILLER CREEK SEWER	6.07	.45	6.52
ELLENDALE SEWER	.88	.72	1.60
NEW MARKET VILLAGE SUBDISTRICT ¹	3.97	.72	4.69
OAK ORCHARD SEWER	2.12	2.14	4.26
OAK ORCHARD EXPANSION NO. 1 & CAPTAINS GRANT EXP.	2.61	1.58	4.19

<u>Area</u>	Annual Assessment Charge - continued		
	<u>Distribution or Collection</u> \$/foot	<u>Transmission and/or Treatment</u> \$/foot	<u>Total</u> \$/foot
BAY VIEW ESTATES SEWER	4.10	2.67	6.77
SEA COUNTRY ESTATES SEWER	4.79	.04	4.83
SOUTH OCEAN VIEW SEWER	4.88	.59	5.47
ANGOLA NECK SEWER	3.56	2.61	6.17
ANGOLA NORTH SEWER	.95	8.05	9.00
GOLF VILLAGE SEWER	1.47	-	1.47
WOODLANDS OF MILLSBORO	-	.42	.42
JOHNSON'S CORNER	2.60	1.95	4.55
BLADES – CONCORD ROAD AREA SEWER	4.24	-	4.24
HERRING CREEK SEWER	4.12	4.12	8.24
		\$/EDU	
DEWEY BEACH AND HENLOPEN ACRES		318.54	
CHAPEL BRANCH		680.00	
WESTERN SUSSEX		285.00	
Notes:			
1. Part of the Ellendale Sanitary Sewer Area.			
2. Part of the Holts Landing Sanitary Sewer Area.			
3. Part of the Dagsboro-Frankford Sanitary Sewer Area.			
“foot” means assessable footage			
“EDU” means equivalent dwelling unit			

(e) Assessable footage, used for the Annual Assessment Charge, shall be limited to 100 feet for residential, non-delinquent customers.

(d) For a connection charge per equivalent dwelling unit, see below:

District	Connection Charge		Total System Connection Charge \$/EDU
	Transmission \$/EDU	Treatment \$/EDU	
DEWEY BEACH WATER	1,155	0	1,155
UNIFIED SEWER	2,280	4,320	6,600
GOLF VILLAGE SEWER ¹	-	-	-
WOODLANDS OF MILLSBORO ²	-	-	-
ELLENDALE WATER ³	-	-	-
Notes:			
1. Amount equal to the Town of Georgetown's Impact Fee.			
2. Amount equal to the Town of Millsboro's Impact Fee.			
3. Amount equal to the Artesian Water Company's Impact Fee.			

Section 3. The annual rate for the one-time septic installation charge for the Holts Landing area is as follows:

(a) For a one-time septic installation charge, per equivalent dwelling unit: \$2,889.00.

Section 4. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2021.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer Districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE __TH DAY OF JUNE 2021.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

NOTICE OF PUBLIC HEARING

ASSESSMENT ROLLS FOR SUSSEX COUNTY WATER DISTRICT AND THE UNIFIED SANITARY SEWER DISTRICT

The Water District and the Unified Sanitary Sewer District assessment rolls for the period from July 1, 2021 through June 30, 2022 have been completed and filed in the Sussex County Billing Division located at the County Administrative Offices, 2 The Circle, Georgetown, Delaware. The assessment rolls may be reviewed in the Sussex County Billing Division between the hours of 8:30 a.m. and 4:30 p.m., local time, Mondays through Fridays, except on legal holidays recognized by the Sussex County Council.

The Sussex County Council will meet and hold a public hearing at 10:15 a.m., local time, on Tuesday, June 22, 2021, in Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware to hear and consider any objections that may be made to the assessment rolls.

The proposed annual service charges used in preparing the assessment rolls are presented below.

SUSSEX COUNTY, DELAWARE	
SUMMARY OF ANNUAL SERVICE CHARGES JULY 1, 2021 – JUNE 30, 2022	
<u>District</u>	<u>Annual Service Charge \$/EDU</u>
WATER	342.00
ELLENDALE WATER ¹	-
UNIFIED SEWER	296.00
<u>Notes:</u>	
1. For a meter-based service charge: current tariff and rates approved by the Public Service Commission for the applicable regulated utility.	

The proposed annual assessment charges used in preparing the assessment rolls are presented below.

SUSSEX COUNTY, DELAWARE			
SUMMARY OF ANNUAL ASSESSMENT CHARGES JULY 1, 2021 – JUNE 30, 2022			
<u>Area</u>	<u>Annual Assessment Charge</u>		
	<u>Distribution Or Collection \$/foot</u>	<u>Transmission And/or Treatment \$/foot</u>	<u>Total \$/foot</u>
OCEAN WAY ESTATES I & II	1.82	.00	1.82
CEDAR NECK EXPANSION	2.31	.68	2.99
NORTH MILLVILLE EXPANSION	3.63	.48	4.11
FENWICK ISLAND SEWER	.23	.03	.26
FENWICK ISLAND ROUTE 54 AREA	1.04	6.02	7.06
THE GREENS AT INDIAN RIVER SUBDISTRICT ²	5.23	.00	5.23
DAGSBORO-FRANKFORD SEWER	.38	.22	.60
PRINCE GEORGE'S ACRES SUBDISTRICT ³	3.41	.22	3.63
WEST REHOBOTH SEWER EXPANSION	.99	.49	1.48
MILLER CREEK SEWER	6.07	.45	6.52
ELLENDALE SEWER	.88	.72	1.60
NEW MARKET VILLAGE SUBDISTRICT ¹	3.97	.72	4.69

OAK ORCHARD SEWER	2.12	2.14	4.26
OAK ORCHARD EXPANSION NO. 1 & CAPTAINS GRANT EXP.	2.61	1.58	4.19
BAY VIEW ESTATES SEWER	4.10	2.67	6.77
SEA COUNTRY ESTATES SEWER	4.79	.04	4.83
SOUTH OCEAN VIEW SEWER	4.88	.59	5.47
ANGOLA NECK SEWER	3.56	2.61	6.17
ANGOLA NORTH SEWER	.95	8.05	9.00
GOLF VILLAGE SEWER	1.47	.00	1.47
WOODLANDS OF MILLSBORO	.00	.42	.42
JOHNSON'S CORNER	2.60	1.95	4.55
BLADES – CONCORD ROAD AREA SEWER & ROUTE 13 EXPANSION	4.24	.00	4.24
HERRING CREEK SEWER	4.12	4.12	8.24
			Total per \$/EDU
DEWEY BEACH AND HENLOPEN ACRES			318.54
CHAPEL BRANCH			680.00
WESTERN SUSSEX			285.00
<u>Notes:</u> 1. Part of the Ellendale Sanitary Sewer Area. 2. Part of the Holts Landing Sanitary Sewer Area. 3. Part of the Dagsboro-Frankford Sanitary Sewer Area. “foot” means assessable footage “EDU” means equivalent dwelling unit			

The Sussex County Council will also consider the proposed system connection charges for the period from July 1, 2021 through June 30, 2022 for the Water District; Unified Sanitary Sewer District; and the sub areas of the Unified Sanitary Sewer District known as Golf Village Sewer and the Woodlands of Millsboro Sewer.

The System Connection Charge shall be in addition to all other charges and assessments made in connection with the furnishing of water or sewer service and shall be billed and payable in a manner determined by the County. The proposed system connection charges are presented below.

SUSSEX COUNTY, DELAWARE			
SUMMARY OF SYSTEM CONNECTION CHARGES			
JULY 1, 2021– JUNE 30, 2022			
District	Connection Charge		Total System Connection Charge \$/EDU
	Transmission \$/EDU	Treatment \$/EDU	
DEWEY BEACH WATER	1,155	0	1,155
UNIFIED SANITARY SEWER	2,280	4,320	6,600
UNIFIED - GOLF VILLAGE SEWER ¹	-	-	-
UNIFIED – WOODLANDS OF MILLSBORO ²	-	-	-
ELLENDALE WATER ³	-	-	-
<u>Notes:</u> 1. Amount equal to the Town of Georgetown’s Impact Fee. 2. Amount equal to the Town of Millsboro’s Impact Fee. 3. Amount equal to the Artesian Water Company’s Impact Fee.			

The Sussex County Council will also consider the one-time septic installation charge for the period from July 1, 2021 through June 30, 2022 for the Unified Sanitary Sewer District. The proposed one-time septic installation fee is presented below.

SUSSEX COUNTY, DELAWARE

**ONE-TIME SEPTIC INSTALLATION FEE
JULY 1, 2021 – JUNE 30, 2022**

District	One-time Septic Installation Fee \$/EDU
Unified Sanitary Sewer - Holts Landing Area	2,889
Notes: (1) "EDU" means "Equivalent Dwelling Unit"	

After holding the public hearing, the Sussex County Council will establish, at one of its regularly scheduled meetings, the assessment rolls to be known respectively as the "Water District Assessment" and "Unified Sanitary Sewer District Assessment." Unless otherwise posted in the Office of the Clerk of the Sussex County Council, the Sussex County Council meets regularly every Tuesday at the posted time, in the County Administrative Offices, 2 The Circle, Georgetown, Delaware. After holding the public hearing, the Sussex County Council may change or amend the assessment rolls as it deems necessary or just and may confirm and adopt the assessment rolls as originally proposed, or as amended, or changed.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, § 62-16 OF THE CODE OF SUSSEX COUNTY TO INSTITUTE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND RENEWAL OF MARRIAGE VOWS AFTER NORMAL BUSINESS HOURS AND ON WEEKENDS AND TO INCREASE THE FEES FOR NON-DELAWARE RESIDENTS FOR OUT-OF-OFFICE CEREMONIES

WHEREAS, Sussex County Code, Chapter 62, Article V, § 62-16 establishes the fees to be charged by the Clerk of the Peace for performing marriage ceremonies and the renewal of marriage vows; and

WHEREAS, Sussex County desires to differentiate between fees charged during normal business hours and fees charged after business hours and on weekends; and

WHEREAS, Sussex County desires to amend §§ 62-16D., E., H. and I. to clarify that the fees being charged are for ceremonies performed in the office of the Clerk of the Peace, or on The Circle or any building fronting The Circle, during normal business hours; and

WHEREAS, Sussex County desires to amend § 62-16G. to increase the fees for marriage ceremonies and renewal of marriage vows performed in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, for non-Delaware residents; and

WHEREAS, Sussex County further desires to amend § 62-16K. to increase the fees for marriage ceremonies and renewal of marriage vows performed outside of the office of the Clerk of the Peace for Sussex County for non-Delaware residents; and

WHEREAS, Sussex County desires to amend § 62-16J. to correct a typographical error; and

WHEREAS, by adding a new § 62-16N. and § 62-16O., Sussex County further desires to establish fees to be charged by the Clerk of the Peace for conducting marriage ceremonies and renewal of marriage vows in the office of the Clerk of the Peace, or on The Circle or any building fronting The Circle, after business hours or on weekends.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Sussex County Code, Chapter 62, Article V, § 62-16, Enumeration of Fees, subparagraphs D., E., G., H., I., J. and K. are hereby amended by adding the underlined language and deleting the bracketed language as follows:

- D. The fee for conducting a Memorable Marriage Ceremony [for a Delaware resident] in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, during normal business hours for a Delaware resident shall be \$50.

- E. The fee for conducting a Memorable Marriage Ceremony in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, during normal business hours for a non-Delaware resident shall be \$100.

- G. The fee for conducting a Memorable Marriage Ceremony outside of the office of the Clerk of the Peace for Sussex County for a non-Delaware resident shall be [~~\$175~~]\$200.
- H. The fee for performing a renewal of marriage vows in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, ceremony during normal business hours for a Delaware resident shall be \$50.
- I. The fee for performing a renewal of marriage vows ceremony in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, during normal business hours for a non-Delaware resident shall be \$100.
- J. The fee for performing a renewal of marriage[or] vows ceremony outside of the office of the Clerk of the Peace for Sussex County for a Delaware resident shall be \$100.
- K. The fee for performing a renewal of marriage vows ceremony outside of the office of the Clerk of the Peace for Sussex County for a non-Delaware resident shall be [~~\$175~~]\$200.

Section 2. Sussex County Code, Chapter 62, Article V, § 62-16, Enumeration of Fees, is hereby amended by adding new subparagraphs N. and O. which are underlined as follows:

- N. The fee for conducting a Memorable Marriage Ceremony or performing a renewal of marriage vows in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, after normal business hours and on weekends for a Delaware resident shall be \$100.
- O. The fee for conducting a Memorable Marriage Ceremony or performing a renewal of marriage vows in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, after normal business hours and on weekends for a non-Delaware resident shall be \$200.

Section 3. Effective Date. This Ordinance shall become effective on July 1, 2021.

Synopsis

This Ordinance amends §§ 62-16 D., E., H., and I., to clarify that the fees being charged are for marriage ceremonies and the renewal of marriage vows performed in the office of the Clerk of the Peace for Sussex County or on The Circle or any building fronting The Circle during normal business hours. This Ordinance also amends §§ 62-16G. and K. to increase the fee to perform a marriage ceremony or a renewal of marriage vows ceremony outside of the Office of the Clerk of the Peace for non-Delaware residents, and § 62-16J. to correct a typographical error by adding new §§ 62-16N. and O. this Ordinance also establishes fees the Clerk of the Peace charges to Delaware residents and non-Delaware residents for marriage ceremonies and renewal of marriage vows performed in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, after normal business hours and on weekends.

Deleted text is shown in brackets. Additional text is underlined.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE __TH DAY OF JUNE 2021.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR
FISCAL YEAR 2022

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Statement of Anticipated General Fund Revenues for the Fiscal Year Ending June 30, 2022 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2022</u>
<u>Revenues:</u>	
<u>Taxes</u>	
Real Property - County	\$ 15,342,000
Real Property - Library	1,799,000
Realty Transfer	24,900,000
Fire Service	1,700,000
Lodging Tax	1,000,000
Penalties and Interest	100,000
<u>Intergovernmental</u>	
Federal Grants	
Emergency Operations	256,250
Housing and Urban Development	2,603,000
Library	90,000
Payments in Lieu of Taxes	6,000
State Grants	
Economic Development	150,000
Local Emergency Planning Commission	72,000
Library	330,000
Other	84,250
Paramedic	5,100,000
<u>Charges for Services</u>	
Constitutional Office Fees	
Marriage Bureau	160,000
Recorder of Deeds	4,065,000
Recorder of Deeds - Maintenance	42,000
Recorder of Deeds - Town Realty Transfer Tax	78,000
Register of Wills	1,200,000
Sheriff	1,000,000

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2022</u>
General Government Fees	
Building Permits & Zoning Fees	2,500,000
9-1-1 System Fee	559,630
Manufactured Home Placement Fee	130,000
Building Inspection Fees	1,960,000
Airport Operations/Economic Development	676,000
Miscellaneous Fees	56,000
Private Road Review & Inspection Fees	1,500,000
 <u>Miscellaneous Revenue</u>	
Fines and Forfeits	60,000
Investment Income	1,000,000
Miscellaneous Revenues	195,200
 <u>Other Financing Sources</u>	
Interfund Transfers In	48,700
Appropriated Reserve	<u>8,956,291</u>
 <u>Total Revenues</u>	<u>\$ 77,719,321</u>

Section 2. The Statement of Anticipated General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2022 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2022</u>
<u>Expenditures</u>	
<u>General Government</u>	
County Council	707,710
Administration	537,263
Legal	550,000
Finance	2,220,001
Assessment	4,510,466
Building Code	1,486,533
GIS	928,252
Human Resources & General Employment	894,431
Records Management	257,170
Facilities Management	2,389,963
Information Technology	2,366,338
Constable	1,410,346
 <u>Expenditures (continued)</u>	 <u>Amount Year</u>

	<u>Ending</u> <u>June 30, 2022</u>
<u>Planning and Zoning</u>	1,760,249
<u>Paramedics</u>	17,357,091
<u>Emergency Preparedness</u>	4,933,790
<u>Engineering</u>	1,949,560
<u>Library</u>	
Administration	767,803
Operations	2,863,446
<u>Economic Development</u>	
Economic Development	681,427
Safety and Security	478,260
Airport and Business Park	1,014,087
<u>Community Development</u>	2,948,683
<u>Grant-in-aid</u>	21,411,362
<u>Constitutional Offices</u>	
Marriage Bureau	230,891
Recorder of Deeds	1,034,519
Register of Wills	657,124
Sheriff	657,056
<u>Other Financing Uses</u>	
Transfers Out	115,500
Reserve for Contingencies	600,000
<u>Total Expenditures</u>	<u>\$ 77,719,321</u>

Section 3. If Realty Transfer Tax collections exceed an amount of \$33,000,000, the excess amount shall be transferred to the Capital Project Fund for future capital projects.

Section 4. The Tax Rate, Fireman's Enhancement Funding Program, Cluster Fees, miscellaneous fee increases and new sources of revenue for the Fiscal Year Ending June 30, 2022 is as follows:

- (a) County Property Tax Rate \$.4450 per \$100.00 of taxable assessed valuation.
- (b) Firemen's Enhancement Funding Program - Building Permit surcharge of one-quarter of one percent (.25%) of construction values. Distribution will be made to fire companies and ambulance companies who are in good standing with the Sussex County Volunteer Fire Association.

- (c) Cluster Fee for density bonus.
- 1.) The Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel and Delmar - \$15,000 per unit in excess of two dwelling units per acre.
 - 2.) For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville - \$15,000 per unit in excess of two dwelling units per acre.
 - 3.) For the Environmentally Sensitive Developing Area - \$20,000 per unit in excess of two dwelling units per acre.
- (d) Miscellaneous Fee increases.
- 1.) Utility Enterprise - Water Annual Service Charge - increased from \$327 per EDU to \$342.
 - 2.) Utility Enterprise – Sewer Annual Service Charge – increased from \$292 per EDU to \$296.
 - 3.) Utility Enterprise - Sewer Assessment Charge - Dewey Beach / Henlopen Acres Area – increased from \$317.52 per EDU to \$318.54.
 - 4.) Utility Enterprise - Connect Fees - increased from \$6,360 to \$6,600 per EDU.
 - 5.) Utility Enterprise and General Fund Engineering – Code section 99 and 100 Field Inspection Fees – unit of measure change from percentage of construction price to a unit price based on equivalent dwelling unit (EDU).
- (e) New Sources of Revenue
- 1.) Enterprise Fund – Water Fire Service Fee – \$300 annual fee per connection.
 - 2.) Enterprise Fund – Water Connection Fee – Ellendale – Fee will be based on Artesian Water Company’s impact fee.
 - 3.) Enterprise Fund – Sewer Inspection Camera Fee - \$125 per hour.

Section 5. Sussex County Code Chapter 99 and Chapter 110 Miscellaneous Fee and Charges Schedule is as follows:

Area	Fee Description	Fee	Unit of Measure
Engineering	Plan Review Fees - Chapter 99 - Flat fee for (2) reviews of submitted plans	\$2,500.00	Flat Fee
Engineering	Plan Review Fees - Chapter 99 - Per unit for (2) reviews of submitted plans	\$45.00	Per Unit (addition to Flat Fee)
Engineering	Plan Review Fees - Chapter 99 - Third Additional review - after first (2) reviews	60%	Original Plan Review fees
Engineering	Plan Review Fees - Chapter 99 - Fourth Additional review - after first (3) reviews	50%	Original Plan Review fees
Engineering	Plan Review Fees - Chapter 99 - Fifth Additional review - after first (4) reviews	40%	Original Plan Review fees
Engineering	Plan Review Fees - Plan Revisions - Chapter 99 - After obtaining County approval	\$1,000.00	Each

Area	Fee Description	Fee	Unit of Measure
Engineering	Field Inspection Fees - Chapter 99	\$1,225.00	Per Equivalent Dwelling Unit including as-built assets
Engineering	Field Inspection - Overtime - Holiday or Weekend hours	\$50.00	Per Hour
Utility Enterprise	Damage to County Infrastructure from outside sources	Varies	Actual Cost or Equipment rates based on FEMA Schedule
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Flat fee including (2) reviews of submitted plans	\$2,000.00	Flat Fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Per Unit including (2) reviews of submitted plans	\$20.00	Per Unit (addition to Flat Fee)
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water - Flat fee including (2) reviews of submitted plans	\$1,500.00	Flat Fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water – per unit including (2) reviews of submitted plans	\$10.00	Per Unit (addition to Flat Fee)
Utility Enterprise	Plan Review Fees - Chapter 110 - Third Additional reviews - after first (2) Sewer/Water plan review	60%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Chapter 110 - Fourth Additional reviews - after first (3) Sewer/Water plan review	50%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Chapter 110 - Fifth Additional reviews - after first (4) Sewer/Water plan review	40%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Plan Revisions - Chapter 110 - After obtaining County approval.	\$1,000.00	Each
Utility Enterprise	Pump Station Review Fees – Chapter 110	\$2,500.00	Flat Fee including 2 reviews of submitted plans
Utility Enterprise	Field Inspection Fees - Chapter 110	\$875.00	Per Equivalent Dwelling Unit including as-built assets
Utility Enterprise	Rescheduled connection inspections - each additional field inspection required due to contractor's methods, no call/no show, or cancellation within 2 hours of scheduled appointment	\$100.00	Per Occurrence
Utility Enterprise	Field Inspection - Overtime	\$50.00	Per Hour
Utility Enterprise	Sewer/Water Connection Permits	\$100.00	Per Permit
Utility Enterprise	Availability fee for Private Fire Service	\$250.00	Annually
Utility Enterprise	Waste hauler's annual septage discharge license fee	\$250.00	Annually
Utility Enterprise	Waste hauler fee - Septage Treatment Charges	\$0.076	Per gallon
Utility Enterprise	Wastewater Holding Tank Permit	\$100.00	Each
Utility Enterprise	Water Turn Off or On Fee	\$300.00	Each

Area	Fee Description	Fee	Unit of Measure
Utility Enterprise	Bulk Water User Permit (Usage Fees charged separately)	\$50.00	Each
Utility Enterprise	Bulk Water Usage Fee - First 5,000 Gallons	\$25.00	5,000 Gallons
Utility Enterprise	Bulk Water Usage Fee - 5,001 Gallons and Up	\$4.00	1,000 Gallons
Utility Enterprise	Industrial Wastewater Discharge Permit	\$500.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Amendment	\$250.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Variance(s)	\$250.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - User Annual Monitoring Fee	\$250.00	Annually
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2 Acres or Less	\$500.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2.1 - 9.9 Acres	\$750.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 10 - 150.0 Acres	\$1,500.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - Over 150.0 Acres	\$2,500.00	Each
Utility Enterprise	Sewer Service Concept Evaluation Fee	\$1,000.00	Each
Utility Enterprise	Sewer Availability Fee	100%	Annual Service Charges
Utility Enterprise	Water Availability Fee	100%	Annual Service Charges
Utility Enterprise	Sewer Inspection Camera Fee	\$125.00	Per hour for equipment and crew; charge based on hourly increments
Utility Enterprise	Bio-solids Processing Fee	---	Per individual contracts
Utility Enterprise	Enterprise Employee Premium Hourly Rate for Services for After Hours	Various	Employee premium hourly rate plus 40% overhead charge
Utility Enterprise	Water Fire Service Fee	\$300.00	Per connection – Annual

Section 6. The Statement of Anticipated Capital Project Fund Revenues and Expenditures for the Fiscal Year Ending June 30, 2022 is as follows:

	<u>Amount Year Ending June 30, 2022</u>
<u>Revenues and Other Financing Sources</u>	
Appropriated Reserves	\$ 23,222,500
Federal Grant	2,475,000
Investment Income	37,500
State Grant	15,000
	<hr/>
<u>Total Revenues and Other Financing Sources</u>	<u>\$ 25,750,000</u>

<u>Expenditures</u>	<u>Amount Year Ending June 30, 2022</u>
Administrative	6,850,000
Information Technology	3,000,000
Airport and Business Park	8,750,000
Engineering	450,000
Public Safety	6,700,000
	<hr/>
Total Capital Improvement Expenditures	\$ 25,750,000
	<hr/>

Section 7. The Statement of Anticipated Enterprise Fund Revenues and Expenses for the Fiscal Year Ending June 30, 2022 is as follows:

<u>Revenues and Other Financing Sources</u>	<u>Amount Year Ending June 30, 2022</u>
Operating Revenues	
Service Charges	\$ 25,605,558
Holding Tank Fees	468,683
Licenses, Permit, and Review Fees	1,134,000
Miscellaneous Fees	486,987
Non-Operating Revenues	
Assessment Charges	8,337,260
Capitalized Ord. 38 Fees	2,300,000
Connection Fees	6,643,397
Investment Results	1,016,000
Miscellaneous Revenues	354,000
Other Financing Sources	
Available Funds	1,067,258
Transfers	115,500
	<hr/>
Total Revenues and Other Financing Sources	\$ 47,528,643
	<hr/>

<u>Expenses</u>	
Administrative Costs	\$ 8,397,798
Operations and Maintenance Costs	21,036,312
Capital Expenditures	6,204,920
Debt Service	11,889,613
	<hr/>
Total Expenses and Debt Service	\$ 47,528,643
	<hr/>

Section 8. Supplemental funding provided Coronavirus State and Local Fiscal Recovery Funds as follows:

Revenue and Other Financing Sources

Coronavirus State and Local Fiscal Recovery Grant \$ 45,495,460

Expenses and Other Financing Uses

Coronavirus State and Local Fiscal Recovery Eligible Expenses \$ 45,495,460

Section 9. Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.

Section 10. The 35-hour base County Pay Plan and Salary Structure for employees not in a collective bargaining unit for Fiscal Year Ending June 30, 2022 shall be:

Grade	Minimum	Midpoint	Maximum
1	\$21,967	\$27,459	\$32,951
2	\$23,065	\$28,832	\$34,598
3	\$24,219	\$30,273	\$36,328
4	\$25,430	\$31,787	\$38,144
5	\$26,701	\$33,376	\$40,052
6	\$28,036	\$35,045	\$42,054
7	\$29,438	\$36,797	\$44,157
8	\$30,910	\$38,637	\$46,365
9	\$32,455	\$40,569	\$48,683
10	\$34,078	\$42,598	\$51,117
11	\$35,782	\$44,727	\$53,673
12	\$37,571	\$46,964	\$56,357
13	\$39,450	\$49,312	\$59,174
14	\$41,422	\$51,778	\$62,133
15	\$43,493	\$54,366	\$65,240
16	\$45,668	\$57,085	\$68,502
17	\$47,951	\$59,939	\$71,927
18	\$50,349	\$62,936	\$75,523
19	\$52,866	\$66,083	\$79,299
20	\$55,510	\$69,387	\$83,264
21	\$58,285	\$72,856	\$87,427
22	\$61,199	\$76,499	\$91,799
23	\$64,259	\$80,324	\$96,389
24	\$67,472	\$84,340	\$101,208
25	\$70,846	\$88,557	\$106,269
26	\$74,388	\$92,985	\$111,582
27	\$78,107	\$97,634	\$117,161
28	\$82,013	\$102,516	\$123,019
29	\$86,113	\$107,642	\$129,170
30	\$90,419	\$113,024	\$135,629
31	\$94,940	\$118,675	\$142,410
32	\$99,687	\$124,609	\$149,531
33	\$104,671	\$130,839	\$157,007
34	\$109,905	\$137,381	\$164,858

Section 11. The County has invested \$10 million of Appropriated Reserves from Realty Transfer

Tax funds with a goal to earn five percent per year. The fire companies are to receive a grant for the annual investment income from this investment up to four percent per year; these fire service grants are to be awarded annually based on recommendations from the Fire Resource Committee of the Sussex County Volunteer Fire Association, but at the discretion of the Sussex County Council. Sussex County will receive the first one percent of the investment income earned. The fire service would receive investment income of up to four percent after Sussex County receives one percent. A four-fifths vote of the County Council is required to use principal for any other purpose. If there is a loss from the investments, then the principal balance must be restored before any additional grants are made from investment income in the future to the County or fire service. Sussex County is to receive the investment income over five percent per year. These grants to the fire service will be awarded annually, based on the previous calendar year's annual investment results.

Section 12. This Ordinance shall become effective on July 1, 2021.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ____TH DAY OF JUNE 2021.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

FINANCE DEPARTMENT
ACCOUNTING DIVISION

ANDREA M. WALL
MANAGER
awall@sussexcountyde.gov



Sussex County

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MEMORANDUM

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

FROM: Andrea Wall, Manager of Accounting

DATE: June 17, 2021

RE: Federal Payments in Lieu of Taxes

A check in the amount of \$38,898 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2020.

The amount is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment. This check is funded through revenues generated from the Prime Hook National Wildlife Refuge and from a supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose.

The County does not collect property taxes from the Federal Government for the Prime Hook National Wildlife Refuge. In return, the Federal Government gives the County this payment in lieu of taxes. In the past, these funds have been allocated in the same percentage as the other County tax collections. The attached spreadsheet shows the recommended allocation of these funds based on assessed value of the Prime Hook Refuge. I will be presenting this allocation for Council's authorization on June 22, 2021.

Please feel free to contact me with any questions.

TAXING AUTHORITY	TAX RATE	% OF TOTAL	GRANT AMOUNT	
MILFORD SCHOOL DISTRICT				
Sussex County	0.3983%	7.1664%	\$645.04	\$9,001.00
Library	0.0467%	0.8402%	\$75.64	
Sussex Tech	0.2623%	4.7194%	\$424.79	
Milford School	4.8506%	87.2740%	\$7,855.53	
	5.5579%	100.0000%	\$9,001.00	
CAPE HENLOPEN DISTRICT				
Sussex County	0.3983%	8.4837%	\$2,536.36	\$29,897.00
Library	0.0467%	0.9947%	\$297.39	
Sussex Tech	0.2623%	5.5869%	\$1,670.32	
Cape School District	3.9876%	84.9347%	\$25,392.93	
	4.6949%	100.0000%	\$29,897.00	<u>\$38,898.00</u>
SUMMARY				
Sussex County	\$3,181.40			
Library	\$373.03			
Vocational School	\$2,095.11			
Milford School	\$7,855.53			
Cape School District	\$25,392.93			
	<u>\$38,898.00</u>			

NOTE:

Per Chris Keeler, Director of Assessment, 23.14% of the Primehook National Wildlife Refuge land assessed value in Sussex County is within the Milford School District and 76.86% is within the Cape Henlopen School District. Appropriate shares have been determined based on these percentages

A deposit from US Dept of Interior for \$38,898 was deposited to the general fund on 04/13/2021

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

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Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM:

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

FROM: Andrea M. Wall
Manager of Accounting

SUBJECT: **INSURANCE RECOMMENDATION**

DATE: June 17, 2021

As we approached the renewal of our insurance package on July 1, our broker Alliant recommended that Sussex County not market our property and liability package, workers compensation, pollution, and fiduciary coverages, all other lines were marketed. Alliant recommends that we market our program every 2-3 years in order to not over-exercise the market and maintain relationships with our key insurer partners. The lines of coverage that were not marketed offered renewal rates that were below market increases. Despite a difficult state of the market where rates are increasing significantly and capacity is shrinking as well as extenuating events such as COVID-19, Alliant was able to secure renewal pricing that was in line with our budget projections for FY 22.

On Tuesday, I will be recommending we renew with the insurers listed below, and this recommendation is supported by our insurance consultant, Scott Agar:

- Package Policy (Property, Inland Marine, Auto and Liability)-*Glatfelter*
- Pipeline Floater-*Chubb*
- Equipment Breakdown-*CNA*
- Workers' Compensation-*Liberty Mutual*
- Airport Liability-*Chubb*
- Public Officials-*Indian Harbor/RSUI*
- Crime-*Great American*
- Cyber-*Lloyds/Crum & Forster*
- Pollution-*Chubb*
- Fiduciary-*Hudson*



For your reference I have included an overview of each line of coverage with the expiring cost and the premium for FY 22.

Although we are presenting an increase in cost, it reflects current market conditions, and not the claim activity or insurability of Sussex County. Although, our increase is around 10%, many other jurisdictions are seeing much larger increases even with no claim activity.

Scott Agar from Insurance Buyers Council will be available to discuss the renewal and market conditions further and answer any questions.

Sussex County Insurance Overview FY 22

Coverage Type	Expiring Costs	Recommended Placement	FY 22 Renewal Costs	Premium Change \$	Premium Change %	Deductible	Comments
Property & Inland Marine	\$ 214,064.00	Glatfelter	\$ 233,888.00	\$ 19,824.00	9.3%	50,000.00	\$313.9 Million of Insured Value
General Liability	\$ 55,301.00	Glatfelter	\$ 58,647.00	\$ 3,346.00	6.1%	-	\$1M in coverage per occurrence\$3M aggregate
Business Auto	\$ 215,384.00	Glatfelter	\$ 251,186.00	\$ 35,802.00	16.6%	1,000.00	272 Vehicles and 62 Trailers
Umbrella	\$ 81,845.00	Glatfelter	\$ 82,315.00	\$ 470.00	0.6%	10,000.00	\$9M in coverage
Package Total	\$ 566,594.00	Glatfelter	\$ 626,036.00	\$ 59,442.00	10.5%		
Pipeline Floater	\$ 59,562.00	Westchester	\$ 62,540.00	\$ 2,978.00	5.0%	250,000.00	\$3 M in coverage.
Eqpt Breakdown	\$ 21,902.00	C.N.A	\$ 21,500.00	\$ (402.00)	-1.8%	10,000.00	\$25 M in coverage.
Workers Comp	\$ 609,477.00	Liberty Mutual	\$ 638,321.00	\$ 28,844.00	4.7%	-	
Airport Liability	\$ 4,775.00	Chubb/ACE	\$ 5,738.00	\$ 963.00	20.2%	-	\$20 M in coverage, and includes coverage for Wings & Wheels
Public Officials	\$ 218,451.00	Indian Harbor / RSUI	\$ 248,745.00	\$ 30,294.00	13.9%	250,000.00	\$10 M Coverage
Crime	\$ 14,478.00	Great American	\$ 15,925.80	\$ 1,447.80	10.0%	50,000.00	\$15M in coverage
Cyber	\$ 16,500.00	Lloyds	\$ 29,000.00	\$ 12,500.00	75.8%	25,000.00	\$2M in coverage
Excess Cyber	\$ 14,419.00	Crum and Forester	\$ 41,500.00	\$ 27,081.00	187.8%		\$5M in coverage
Pollution	\$ 18,261.00	Chubb	\$ 18,931.00	\$ 670.00	3.7%	50,000.00	\$2 M coverage
Fiduciary	\$ 8,458.00	Hudson	\$ 9,282.00	\$ 824.00	9.7%	25,000.00	\$1M coverage
Additional Enhancements	\$ 10,000.00		\$ 10,000.00	\$ -			Leased Equipment, Builders Risk, etc.
Broker Fee	\$ 100,000.00		\$ 100,000.00	\$ -	0.0%		
Total	\$ 1,662,877.00		\$ 1,827,518.80	\$ 164,641.80	9.9%		

ENGINEERING DEPARTMENT

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COUNTY ENGINEER

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Sussex County

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Memorandum

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

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

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

DATE: June 22, 2021

Intergovernmental Background:

No changes since County Council approved the updated Agreement with the Town of Selbyville on November 10, 2020.

Professional Services Background:

No changes since County Council approved GHD, Inc's Amendment No. 20 on February 4, 2020.

Overall South Coastal Project Summary:

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

- a. Effluent Forcemain Relocation/Replacement; Completed in 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;
The construction was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded the stand alone



Change Order Request 554-001 to Ronca & Sons, Inc. in the amount of \$104,592.96 on March 10, 2020. The construction was completed in July 2020.

- d. General Construction Project C19-11; awarded on December 17, 2019 to M.F. Ronca & Sons, Inc.

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

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

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

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

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

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

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

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

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

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

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

New piping will be installed in the headworks pipe gallery. Only one of the two remaining influent pipes has a shut off valve. Under RFP-036 we requested a new 20" valve in the second vertical influent pipe. Observations made during the headworks bypass event have identified that two of the existing headworks slide gates were compromised in need of replacement. RFP- 034 covers the replacement of the gates. On May 25, 2021, Council approved Change Order No. 10 in the aggregate amount of \$34,160.64.

The County initiated RFP-0399 addressing modifications to slide gates WG-530 and WG-539 to avoid conflict with the new air piping. In addition, it was discovered during the rehabilitation work in the grit tanks, that the existing influent chutes to the stacked tray grit removal systems were significantly compromised. The Engineering Department is requesting Council's approval of Change Order No. 11 in the aggregate amount of \$59,557.16.00.

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

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

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

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

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

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

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

On November 10, 2020 Council approved Change Order No. 8 in the aggregate amount of \$2,249.00 covering RFP-027, RFP-028, RFP-029 & RFP-030. GHD has concluded that RFP-029 can be rescinded in its entirety. Therefore, the scope of work in the Sludge Building reverts to the Drawings, as modified by Change Order No. 4 associated with RFP-016.

On December 15, 2020, Council approved the modification reducing Change Order No. 8 by \$9,040.00 for a modified net total credit of (\$6,791.00).

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

- f. Mobile Belt Filter Press; awarded on January 7, 2020 Council to Kershner Environmental Technologies. The unit was deployed at the Inland Bays RWF reducing legacy lagoon solids accumulation.
- g. DP&L expenses; on February 4, 2020 Council approved the electric utility service relocation contract.
- h. The Rehoboth Beach WTP was built on a municipal landfill and the design anticipated removal, but the actual amount trash encountered exceeded expectations. Therefore, Council approved a stand-alone purchase order to Melvin L. Joseph Construction Company, Inc. for material hauling & screening on July 14, 2020. The work is complete, and the screening was effective reducing the cost by over 60%.

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

Michael F.
RONCA
& Sons, Inc.



CONTRACTORS

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

179 Mikron Road, Bethlehem, PA 18020

June 14, 2021

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
SCRWF-RBWWTP CIP Phase 2 Upgrades
Proposed Change Order Request No. 554-015
Aeration Tank Influent Slide Gate Actuator Mods

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Four Thousand Five Hundred Thirty-Three Dollars and 62 Cents.....(\$4,533.62).

Enclosed for your review is a corresponding breakdown of costs.

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

Regards,

Scott Wachinski

Project Manger

cc: HO file 554
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-015 Aeration Tank Influent Slide Gate Actuator Mods

6/16/2021

CHANGE ORDER SUMMARY

Item 1 Modify Aer. Tank 5-8 (WG-539) & 1-4 (WG-530) Influent Slide Gate Operators to Non Rising Stem Due to Conflict with Air Piping to Include Removal of Rising Stem Operator on Gate WG-539 and Installation of NRS Operator Per RFP-039

Labor	\$1,548.00
Materials	\$2,269.00
Equipment	\$125.28
Subcontract	\$0.00
Subtotal	\$3,942.28
Contractor Overhead & Profit @ 15%	\$591.34
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$4,533.62
Change Order Total	\$4,533.62

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-015 Aeration Tank Influent Slide Gate Actuator Mods

6/16/2021

<u>Item</u>	<u>Description</u>					
Item 1	Modify Aer. Tank 5-8 (WG-539) & 1-4 (WG-530) Influent Slide Gate Operators to Non Rising Stem Due to Conflict with Air Piping to Include Removal of Rising Stem Operator on Gate WG-539 and Installation of NRS Operator Per RFP-039					
	Labor:	Qty	Unit	Unit Cost	Total	
	Mechanic/Fitter	8.00	MH	\$122.18	\$977.44	
	Laborer	8.00	MH	\$71.32	\$570.56	Labor Total: \$1,548.00
	Materials:	Qty	Unit	Unit Cost	Total	
	Gate WG-539 Replacement NRS Operator	1.00	LS	\$2,269.00	\$2,269.00	
	Gate WG-530 NRS Operator Change (Gate Not Fabricated)	1.00	LS	\$650.00	\$650.00	Material Total: \$2,269.00
	Equipment:	Qty	Unit	Unit Cost	Total	
	STS	8.00	HR	\$15.66	\$125.28	Equipment Total: \$125.28
	Subcontract:	Qty	Unit	Unit Cost	Total	
				\$0.00	\$0.00	Subcontract Total: \$0.00
						Item Total: \$3,942.28

Division of ISE METAL Inc.

20 Windsor Rd www.ISEaquanox.com
 Sherbrooke, QC info@ISEaquanox.com
 J1C 0E5
 Ph.: 819-769-0157

Date: 2021-06-10

To: Contractor

Att of: Estimator

PROJECT: WG-539
 Frankford DE

itm	Description	Qty	Unit USD	Total USD
01	Tag: WG-539 Fontaine-Aquanox Series 20 Slide Gate Change to non-rising stem Model: 201-P4B-48x48-A-CW-19 Installation depth: 18.17ft Open frame, Single Non-rising Stem Material: 316L stainless steel	1	1 973	1 973
			Sub-Total:	1 973
			Freight Charges:	296
			Field Service: (0 visits, 0 days on site):	-
			Total Net Price (USD):	2 269

NOTES:

1. Parts for modify a gate from rising to non rising.

CONDITIONS:

Lead Times:

Submittal Drawings: 3-4 Weeks
 Gate(s) Shipment: 10-12 Weeks after approval

Above lead times are based on average shop loading and are subject to change depending on actual work load at the time of the order.

Taxes: All applicable taxes extra
 Currency: USD
 Payment Terms: Net 30 days
 Freight (Incoterms): FCA (freight prepaid) to destination
 Via LTL dry box, not unloaded.
 Validity: 60 days
 Field Service: Not included, unless indicated in price above
 If required: 850/day, plus travel and living expenses

Daniel Poirier

Inside Sales Representative
daniel.poirier@iseaquanox.com

From: [Carl Belisle](#)
To: [Scott Wachinski](#)
Cc: [Dwight Swan](#); [Dominic Ruggiero](#)
Subject: RE: SCRWF Aeration Tank 5-8 Slide Gate/Air Pipe Conflict-16285
Date: Friday, June 11, 2021 8:29:48 AM
Attachments: [image001.png](#)
[image003.png](#)

Hi Scott

The cost is \$650

Thanks

Carl

De : Scott Wachinski <SWachinski@mfronca.com>
Envoyé : 10 juin 2021 14:03
À : Carl Belisle <Carl.Belisle@ISEaquanox.com>
Cc : Dwight Swan <dswan@envirep.com>; Dominic Ruggiero <DRuggiero@mfronca.com>
Objet : RE: SCRWF Aeration Tank 5-8 Slide Gate/Air Pipe Conflict-16285

Carl,

It is likely they are going to go the NRS route, can you please provide what the cost is to incorporate a Non Rising Step into WG-530 so I can provide them with a formal change order accordingly.

Thanks,

Scott Wachinski

Project Manager



179 Mikron Road
Bethlehem, PA 18020
Phone: 610-759-5100
Fax: 610-746-0974
Mobile: 610-972-1355

From: Carl Belisle <Carl.Belisle@ISEaquanox.com>
Sent: Thursday, June 10, 2021 1:54 PM
To: Scott Wachinski <SWachinski@mfronca.com>
Cc: Dwight Swan <dswan@envirep.com>; Dominic Ruggiero <DRuggiero@mfronca.com>
Subject: RE: SCRWF Aeration Tank 5-8 Slide Gate/Air Pipe Conflict-16285

Scott

Let me know if you want to go with a non rising for this one as well. The price a bit more expensive

Thanks

Carl

De : Scott Wachinski <SWachinski@mfronca.com>

Envoyé : 9 juin 2021 13:32

À : Carl Belisle <Carl.Belisle@ISEaquanox.com>

Cc : Dwight Swan <dswan@envirep.com>; Dominic Ruggiero <DRuggiero@mfronca.com>

Objet : RE: SCRWF Aeration Tank 5-8 Slide Gate/Air Pipe Conflict-16285

Carl,

Same condition will exist for gate WG-530 at Aeration Tanks 1-4, this gate has not yet been released for fab, so we will need a solution prior to releasing that one for Fab.

Thanks,

Scott Wachinski

Project Manager



179 Mikron Road

Bethlehem, PA 18020

Phone: 610-759-5100

Fax: 610-746-0974

Mobile: 610-972-1355

From: Scott Wachinski

Sent: Wednesday, June 9, 2021 1:29 PM

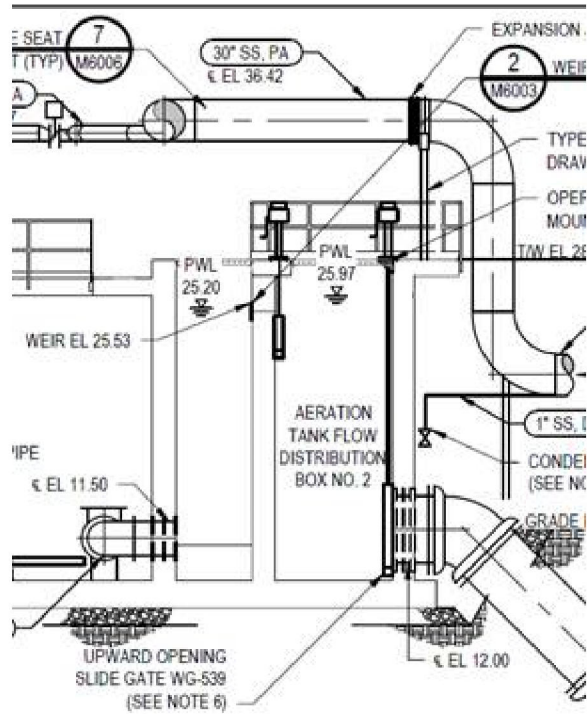
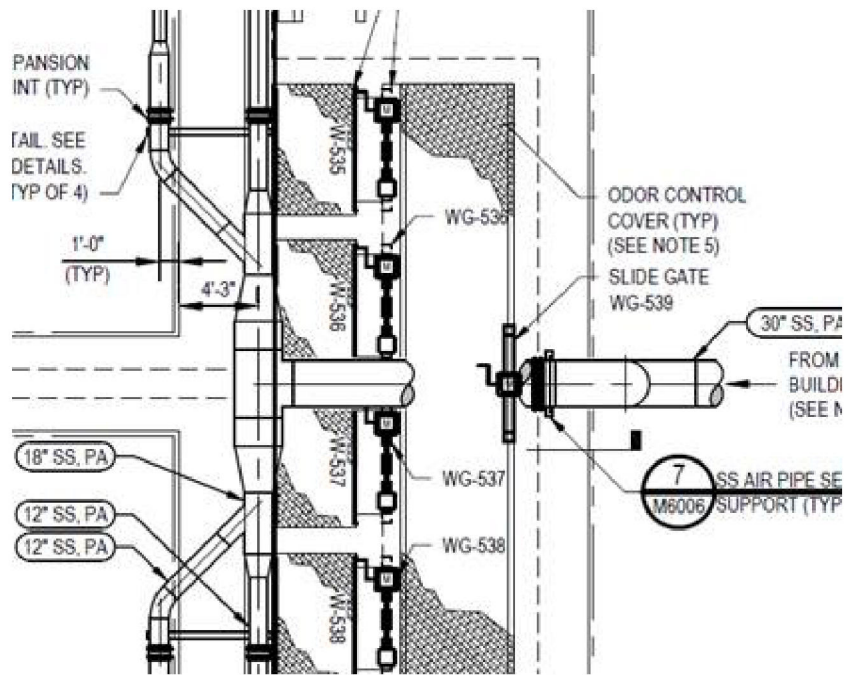
To: Carl Belisle <Carl.Belisle@ISEaquanox.com>

Cc: Dwight Swan <dswan@envirep.com>; Dominic Ruggiero <DRuggiero@mfronca.com>

Subject: SCRWF Aeration Tank 5-8 Slide Gate/Air Pipe Conflict

Carl,

We have run into to a conflict with one of the SCRWF Actuator Stems and some Air Piping ref below:





The WG-539 Slide Gate Stem will hit the new SS Air piping when opened, conflict occurs when gate is 10" +/- from fully opened (1" from top of cover. Not fully open in picture). Engineer has asked we reach out to you for least painful means to resolve. He is not keen on offsetting the pipe. Any suggestions? Convert to Non Rising Stem, offset the actuator?

Let us know, and feel free to call with any questions.

Thanks,

Scott Wachinski

Project Manager



179 Mikron Road
Bethlehem, PA 18020
Phone: 610-759-5100
Fax: 610-746-0974
Mobile: 610-972-1355



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-11: General Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	039		
RFP Subject	SCRWF Headworks Grit Tank Influent Chutes and Influent DB Slide Gates		
Issued By	S. Clark	Issue Date	Jun. 14, 2021

Description of proposed changes:

Please submit a proposal for the following scope changes:

1. During completion of rehabilitation work in the grit tanks, it has been determined that the existing influent chutes to the stacked tray grit removal systems will need to be replaced. Submit a cost for replacing the two influent chutes.
2. Slide Gates WG-530 and WG-539 require modification to non-rising stem to avoid conflict with the new air piping. Submit a price for modifying WG-539 in the field, and for changing the design of WG-530 to be non-rising stem type.

Michael F.
RONCA
& Sons, Inc.

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



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

June 16, 2021

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
SCRWF-RBWWTP CIP Phase 2 Upgrades
Proposed Change Order Request No. 554-016
SCRWF HW Grit Tray Influent Chute Replacement

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Fifty Five Thousand Twenty-Three Dollars and 54 Cents.....(\$55,023.54).

Enclosed for your review is a corresponding breakdown of costs.

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

Regards,

Scott Wachinski

Project Manger

cc: HO file 554
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-016 SCRWF HW Grit Tray Influent Chute Replacement

6/16/2021

CHANGE ORDER SUMMARY

Item 1	Furnish & Install New HW Grit Tray Influent Chutes per GHD's 06.11.21 Email Directive and RFP-039
Labor	\$3,096.00
Materials	\$44,500.00
Equipment	\$250.56
Subcontract	\$0.00
Subtotal	\$47,846.56
Contractor Overhead & Profit @ 15%	\$7,176.98
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$55,023.54
Change Order Total	\$55,023.54

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-016 SCRWF HW Grit Tray Influent Chute Replacement

6/16/2021

<u>Item</u>	<u>Description</u>					
Item 1	Furnish & Install New HW Grit Tray Influent Chutes per GHD's 06.11.21 Email Directive and RFP-039					
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
	Mechanic/Fitter	16.00	MH	\$122.18	\$1,954.88	
	Laborer	16.00	MH	\$71.32	\$1,141.12	
						Labor Total: \$3,096.00
	Materials:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
	Grit Tray Influent Chutes	1.00	LS	\$44,500.00	\$44,500.00	
	Misc. Materials & Hardware	1.00	LS	\$150.00	\$150.00	
						Material Total: \$44,500.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
	STS	16.00	HR	\$15.66	\$250.56	
						Equipment Total: \$250.56
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
				\$0.00	\$0.00	
						Subcontract Total: \$0.00
						Item Total: \$47,846.56

SALES QUOTE



Hydro Ref. 21_11_0323
Quote Date 06/16/21

Sell To:

Ronca - Scott Wachinski
South Coastal WRF Upgrade
33711 South Coastal Lane
Frankford, DE 19945

Ship To:

South Coastal WRF
33711 S Coastal Ln
FRANKFORD, DE 19945
ATTN: RONCA

Account No. CUS-000126

Quote No. SQU-001542

Quote Description 21_11_0323 Frankford, DE HC Ducts

No	Item No.	Description	Qty	Unit Price	Amount
1		**Prices Net to Sherwood-Logan**			
2		Headcell Inlet Duct, 304ss	2	20,800.00	41,600.00
3		Freight to customer	1	2,900.00	2,900.00
4		Does not include installation			

Total USD Excl. Tax 44,500.00
Tax Amount 0.00
Total USD Incl. Tax 44,500.00

Quote valid for 30 days







South Coastal RWF & Rehoboth Beach WTF Upgrade

3/9/2021

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTP General Construction	40,761,560.28
BW Electric Inc.	SCRWF/RBWWTP Electrical Construction	21,815,875.00
BW Electric Inc. CO#3	DP&L Service Entrance Modification Conduit System	235,637.33
BW P.O.	Soil Screening @ Rehoboth Plant	4,504.50
GHD	Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept	241,938.68
	Amd 12 - SCRWF Expansion Construction Docs	2,240,280.73
	Amd 13 - Value Engineering	95,080.15
	Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion	398,410.63
	Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program	181,089.72
	Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design	172,153.01
	Amd 19 - SCRWF Upgrade 3 Add'l Design	108,073.71
	Amd 20 - SCRWF Upgrade 3/RBWWTP Upgrade Phase 2 Construction Engineering	6,589,558.49
Core & Main	Influent FM Consolidation Materials	339,944.59
Core & Main	Effluent FM Pipeline Materials	227,603.39
Delmarva Power	Improve service entrances for both projects	175,000.00
G&L	FM Consolidation & Influent Consolidation Phase II	973,229.04
G&L Work- Effluent Relocation		316,635.20
G&L Work - RB Treatment Plant	Parking Lot Repavement	
Kershner Environmental Technologies	Belt Press	295,000.00
Melvin Joseph	Material Screening	80,000.00
DSWA	Loading, Hauling & Disposal of Debris	33,000.00
	Hauling of Rehoboth Oxidation Ditch Remnants	39,663.15
Totals		75,078,048.31

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: June 17, 2021

RE: County Council Report for CZ 1891 filed on behalf of Chappell Farm, LLC

The Planning and Zoning Department received an application (CZ 1891 filed on behalf of Chappell Farm, LLC) for a Change of Zone of a portion of parcel 235-23.00-1.02 from Agricultural Residential Zoning District (AR-1) to Medium Density Residential District (MR). The parcel is located at 30511 Cave Neck Road, Milton. The change of zone is for a 6.4-acre portion of the parcel, more or less. This application was submitted alongside a separate application to re-zone part of the parcel to Heavy Commercial Zoning District, and a Conditional Use application for 128 multi-family units.

The Planning and Zoning Commission held a public hearing on January 21, 2021. At the meeting of February 11, 2021, the Commission recommended approval of the application for the 6 reasons within the motion (included below).

The County Council held a public hearing for the application at its meeting of March 2, 2021. At the conclusion of the public hearing action on the application was deferred for further consideration.

Below are the approved minutes from the Planning & Zoning Commission meeting of January 21, 2021 and the minutes of the Planning & Zoning Commission meeting of February 11, 2021.

Minutes of the January 21, 2021 Planning & Zoning Commission Meeting

Chairman Wheatley announced that the Applicant has requested that Commission hear a combined public hearing for applications C/Z 1891, C/Z 1892 and C/U 2193. Whilst the hearings would be combined, the Commission would ultimately vote on each application separately.

C/Z 1891 - Chappell Farm, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1



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

Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 6.4 acres, more or less. The property is lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road. 911 Address: 30511 Cave Neck Road, Milton. Tax Parcel: 235-23.00-1.02 (portion of).

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's indicative site plan, a staff analysis, a copy of the Applicant's exhibit book, a copy of the Applicant's traffic impact study and DelDOT's response, a copy of the PLUS response and a copy of the DelDOT service level evaluation response, Mr. Whitehouse noted that Staff have received one letter regarding the Applications.

The Commission found that Mr. John Paradee, Esq. was present on behalf of the Applicant, Chappell Farm, LLC; that also present are Mike Riemann, Chris Duke from Becker Morgan Group, Christian and Jamin Hudson, Principals of Chappell Farm, LLC.; that a brief video was shown which captures the vision of the proposed development; and that Mr. Paradee introduced Mr. Mike Riemann to present the technical merits.

Mr. Mike Riemann stated that the property is approximately 15 acres located at the intersection of Cave Neck Road and Route 1; that to the north is the Red Fox Run subdivision and to the south across Cave Neck Road is Paynter's Mill; that the property currently has a conditional use for shed sales, outdoor furniture sales; BBQ stand and a farmer's market; that there is public water and sewer on and adjacent to the subject property; that the Applicant has held a number of outreach meetings and has changed the plan with input from the community; that at the same time that this plan has been in the works, DelDOT are also working on an interchange for this location; that there was Community input about buffers between the Red Fox Community and this Development, the location of the pool and outdoor amenities, the mixed use located at the front of the development, light glare, the access to the Red Fox Run, sidewalks and pedestrian connectivity, timing of commercial pads in relation to the interchange schedule, fences, berms and landscaping, and that it be an apartment regime instead of a condominium regime with single ownership; that with the apartment regime, it will be one owner for the adjacent communities to communicate with regarding any issues that may arise; that current plan shows 156 apartments and a little over 40,000 sf of commercial; that there will be four four-story buildings with 32 units each; that there will be a mixed use building with boutique stores on the first floor with apartments above; that there will be a fitness center, a playground and a swimming pool; that there will be a convenience with fuel and a pharmacy/retail store towards the front of the property; that there will be interconnection to the Red Fox Run subdivision; that there will be right in access to the development from Route 1 and full access from Cave Neck Road; that per Sussex County Code 497 parking spaces are required and 555 parking spaces are being provided; that there is about one mile of pedestrian pathways within the development; that a 40 ft. buffer will be provided between this property and the Red Fox Run subdivision; that interconnectivity will be provided to the west for future development; that gated access into Red Fox Run has been proposed; that Paynter's Mill expressed concern about residents of this community crossing Cave Neck Road to use their facilities so funding for fencing will be provided to Paynter's Mill; that DelDOT plans an interchange for this portion of Route 1; that there will be a roundabout at the entrance to the new development; that DelDOT expects the project to be completed by 2026; that a service road is being proposed to provide access to the commercial properties on Route 1 to the south of Cave Neck Road; that the residents of Red Fox Run will no longer have direct access to Route 1 but would have access through this proposed development; that the current road from Red Fox Run to Route 1 would become a cul-de-sac; that this is also a rezoning application that the property to the west is zoned AR-

1, the properties to the north and south are mainly zoned MR with some commercially zoned properties along route 1; that the request it to infill this area with a portion of the project as C-3 and a portion as MR; that is fitting for the existing zoning in the area; that the subject property is in the Coastal Area which is a developing area in the County; that the Coastal Area according to the Comprehensive Plan allows for Medium Density (MR) and Heavy Commercial (C-3); that a Traffic Impact Study (TIS) was completed and 12 intersections were studied; that this development will have to provide for improvements at a number of these intersections; that the Community requested that the fuel convenience and the pharmacy not be open for business until the interchange has been completed and the Applicant has agreed to this.

Mr. Paradee stated that this Application has complete the PLUS process; that they have completed the Coastal Area report; that this Development is consistent with the 2018 Comprehensive Plan; it is consistent with the character of the area; that it will support local area residents with commercial options; that water and sewer infrastructure is available; that the TIS has been reviewed by DelDOT; that the Applicant will contribute to numerous planned DelDOT projects; that they have worked closely with the neighbors to obtain feedback and implement design enhancements based on the feedback; and that it meets the general purpose of the zoning ordinance.

Mr. Jamin Hudson stated that he has grown up in this area and lives just one-half mile from this project and understands this area; that the people in this area are his neighbors and that is why they have reached out to neighbors to find a plan at is amenable to all.

Mr. Christian Hudson stated although he does not live here, he did grow up in this area; that reaching out to neighbors before beginning the Application is how development should work; that the Application before the Commission is about three years of meeting with neighbors to find out what they want to see in the area and making changes to the design based on input and feedback; and that they want to build a development that they can be proud of.

Mr. Bill Brockenbrough, DelDOT stated that he had no prepared remarks but is available to take questions and that Director, Marc Cote is available by teleconference to answer questions.

Chairman Wheatley asked Mr. Brockenbrough if he concurred with what the Applicant has entered into the record.

Mr. Brockenbrough agreed that the details entered into the record are correct.

Mr. Mears asked how the roundabouts perform during heavy traffic.

Mr. Brockenbrough stated that roundabouts perform better than stop control and can be better than a signal.

Mr. Robertson asked Mr. Brockenbrough if the typographical error in the TIS mentioning 94 units as opposed to the actual 156 units would make a difference in the TIS.

Mr. Brockenbrough stated that it may change some numbers but would not change the recommendations.

Mr. Mears stated that the presentation was impressive and that he was pleased that the Applicant took time to meet with neighbors and use their feedback in the design.

Mr. Robertson stated that Sussex County has agreed to provide funding to DelDOT to make improvements to some intersections in the area ahead of when they were scheduled for funding by DelDOT and DelDOT will reimburse the County at a future date; that although not specific to this application, the information may be helpful to the Commission to know that the County is working with DelDOT to improve some problem intersections and one in in this area.

The Commission found that there was no one present who spoke in favor of the Application.

The Commission found that Mr. Rich Barasso spoke in opposition to the Application and gave a handout to members of the Commission; that the biggest concern is the proposed density for this area; that the zoning of 10.5 units is not consistent with the area; that Red Fox Run subdivision to the north has a density of one dwelling per acre; that Paynter's Mill to the south has a density of three dwellings per acre; the proposed Overbrook Meadow subdivisions have proposed densities of 2.1 dwellings; that the proposed density for this Application is 5 to 10 times the density of the surrounding area; that there is almost no open space; that the TIS did not list the crash data for this very busy section of Route 1; and that phasing should be considered should this development be approved so that the future retail building not be constructed until the interchange is complete and operational.

The Commission found that Mr. David Thompson, Overbrook Association spoke in opposition to the Application; that this project is not in character with the area; that there is a density issue; that the additional traffic will cause back-ups; that construction should not begin until DelDOT's improvements are complete; and that allowing C-3 zoning would not be in character with the neighborhood.

Chairman Wheatley explained that the Commercial Zoning designations were recently changed by the County and that C-1 zoning is the most intense and the other designations are less intense.

The Commission found that Mr. John Saul spoke in opposition to the Application; that he lives immediately across from the proposed development in Paynter's Mill; that Paynter's Mill is a 298 units in over 100 acres of property; that one-third of the community is open space with walking trails and amenities; that there is currently an abundance of traffic in this area but the proposed development will exacerbate the traffic problem; and that there is no guarantee that the improvements by DelDOT will improve the traffic situation.

The Commission found that Ms. Rita Dumain spoke in opposition to the Application; that four-story buildings are not in character with the single-family homes in the area; that there will be traffic back-ups; that there are safety issues for cyclists.

The Commission found that Ms. Holly Donovan spoke by teleconference in support to the Application; that this is a good design, and that the applicant has met with neighbors and incorporated the feedback received into the design.

The Commission found that Ms. Donna Sher spoke by teleconference in opposition to the Application; that she has concerns about hazardous materials particularly with the gas station on the proposed site; that this proposal is out of character with the surrounding neighborhood; that it will affect property values; and that even with the proposed traffic improvements there will be increased

traffic.

The Commission found that Mr. Jeff Stone, Sussex Alliance for Responsible Growth (SARG) spoke by teleconference in opposition to the Application; that a 5-page analysis was submitted to the Commission; that SARG agrees that the rezoning of this property is inevitable and may be desirable; that the fact that it will be a local developer who would manage the property long-term is a plus; that the fact that the developer has taken the concerns of neighbors and made changes to the design is commendable; that the concerns of SARG are mainly traffic and the timing of the convenience store which were addressed in the presentation this evening; that the concerns now are regarding the TIS and the fact that the study is based on 94 residential units and not the 156 units that are being proposed; that a new TIS with the correct calculations are shown so that the Commission has all the facts prior to making a recommendation; that a phasing plan be put in place for the residential aspect of the development and not just the commercial component; and that the density and lack of open space is not in character with the surrounding communities.

The Commission found that Mr. Terry August spoke by teleconference in opposition to the Application; that his property is adjacent to and is 20 ft. from the proposed development; that the proposed development does not have adequate open space; and that the proposed right in access to the new development does not follow the Route 1 Corridor Preservation guidelines to reduce access to Route 1.

The Commission found that Ms. Eul Lee spoke by teleconference in opposition to the Application; that the advertisement stated of 128 apartments, but the Applicant mentioned 158 units and that is way more than 20 units per acre; that there is not enough open space for residents particularly those with children; and questions that the additional Hudson properties would be developed like this one.

Ms. Stevenson asked Mr. Brockenbrough if he knew what the density would have to be to get bus service to this area.

Mr. Brockenbrough stated that he did not know what that would be and to get an answer to this question the Commission should ask Delaware Transit Corporation.

Ms. Stevenson asked if Mr. Brockenbrough saw any concerns with the proposed entrance on the west side of the development.

Mr. Brockenbrough stated he did not have concerns with the design as proposed.

Ms. Wingate asked the members of the Commission if they felt a new TIS should be undertaken based on the correct number of residential units.

Mr. Hopkins stated that he thinks the plan is a good one because residents can use the interchange to enter and exit onto and off Route one and that density like this on Route 1 makes sense.

Mr. Mears agreed with Mr. Hopkins and stated that Mr. Brockenbrough stated that the change in numbers will affect the delay in the turn lanes and the fees to be paid by the Applicant.

Chairman Wheatley stated that is why he asked the question earlier to Mr. Brockenbrough if the impact would be great enough to make it necessary to redo the entire TIS.

Mr. Paradee stated that the Commission could defer and ask DelDOT to answer those two specific questions.

Mr. Brockenbrough reiterated that the change in numbers would require larger fees to be paid by the applicant and longer time in turn lanes.

Chairman Wheatley stated that this will not change the design or the number of off-site improvements and asked if the incremental change would change the decision of Commission members then a TIS would be warranted.

Ms. Wingate said she was comfortable after Mr. Brockenbrough reiterated what the change in numbers would create.

Mr. Robertson stated that if the development is approved the Applicant will still have to work with DelDOT on the design based on the correct numbers.

Ms. Stevenson asked about the lighting for the development.

Mr. Riemann stated that the lighting will be cut-off style lighting and downward facing.

At the conclusion of the Public Hearings, the Commission discussed the Applications.

In relation to Application C/Z 1891 Chappell Farm, LLC., motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

In relation to Application C/Z 1892 Chappell Farm, LLC., motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

In relation to Application C/U 2193 Chappell Farm, LLC., motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

Minutes of the February 11, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 21, 2021.

Ms. Stevenson moved that the Commission recommend approval of C/Z 1891 for Chappell Farm, LLC for a change in zone from AR-1 Agricultural Residential District to a MR Medium Density Residential District based upon the record made during the public hearing and for the following reasons:

1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available.
2. The stated purpose of the MR District is satisfied for this site. Both central water and central sewer will be available. Also, this site is the location of a grade separated intersection, (or

overpass) that is being constructed by DelDOT with on-ramps and off-ramps. This will be one of the first grade-separated intersections in Sussex County. This grade separated intersection gives this location an urban character. Given its location adjacent to this interchange, MR zoning is appropriate for this property.

3. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
4. The property is adjacent to a property that has C-1 zoning and there are other commercially zoned properties across Cave Neck Road from this site. In the case of the C-1 zoning a wide variety of commercial uses are permitted and that District also allows residential development of up to 12 units an acre. There is also extensive MR next to this property and across Cave Neck Road from this property. This rezoning is consistent with other zoning and land uses in the area.
5. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan.
6. For all of these reasons, MR zoning is appropriate for this site.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval of C/Z 1891 Chappell Farm, LLC for the reasons and conditions stated in the motion. Motion carried 4 – 0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 21st, 2021

Application: CZ 1891 Chappell Farm, LLC

Applicant: Becker Morgan Group, Inc.
309 South Governors Ave
Dove, DE 19904

Owner: Chappell Farm, LLC
30045 Eagles Crest Road Unit 2
Milton, DE 19968

Site Location: 30511 Cave Neck Road, Milton. The property is on the southwest corner of Cave Neck Road (S.C.R 88) and Coastal Hwy (Route 1)

Current Zoning: AR-1 - Agricultural Residential Zoning District

Proposed Zoning: MR – Medium Density Residential Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Septic

Water: Private

Site Area: 6.4 acres +/-

Tax Map ID.: 235-23.00-1.02



JAMIE WHITEHOUSE, AICP MRTPI
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Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 4, 2021
RE: Staff Analysis for CZ 1891 Chappell Farm, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1891 Chappell Farm, LLC to be reviewed during the January 21, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 235-23.00-1.02 (portion of) to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) Zoning District and Medium Residential (MR) Zoning District. The parcel is located on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road (Route 88). The portion of the parcel to be rezoned contains 6.4 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area". The properties to the north have the land use designation of "Existing Development Area", the properties to the south have the land use designation of "Coastal Area" and the properties to the east and west have the land use designation of "Low Density Area".

The Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is standard. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories", the Heavy Commercial (C-3) Zoning District is listed as an applicable zoning district in the "Coastal Area."

Additionally, the subject property is zoned Agricultural Residential (AR-1). The properties to the west as well as the properties on the opposite (western) side of Coastal Highway (Route 1) are zoned Agricultural Residential (AR-1). The properties to the north are zoned General Commercial (C-1) and Medium Residential (MR). The properties to the south are zoned Medium Residential (MR), Neighborhood Business (B-1) and General Commercial (C-2).



Since 2011, there has been two (2) Change of Zone applications within a 1-mile radius of the application site. Change of Zone No. 1770 to allow for a change of zone from AR-1 to CR-1. The application was denied by the Sussex County Council on April 12, 2016. Change of Zone No. 1916 for a change of zone from AR-1 to C-2. The application was approved by the Sussex County Council on July 28, 2020 and adopted through Ordinance No. 2727.



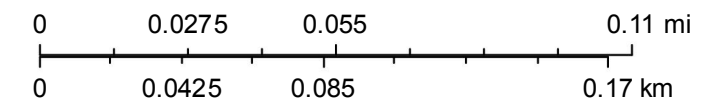
Sussex County



PIN:	235-23.00-1.02
Owner Name	CHAPPELL FARM LLC
Book	3971
Mailing Address	30045 EAGLES CREST RD
City	MILTON
State	DE
Description	SW/INTER COASTAL HWY
Description 2	CAVE NECK RD
Description 3	N/A
Land Code	

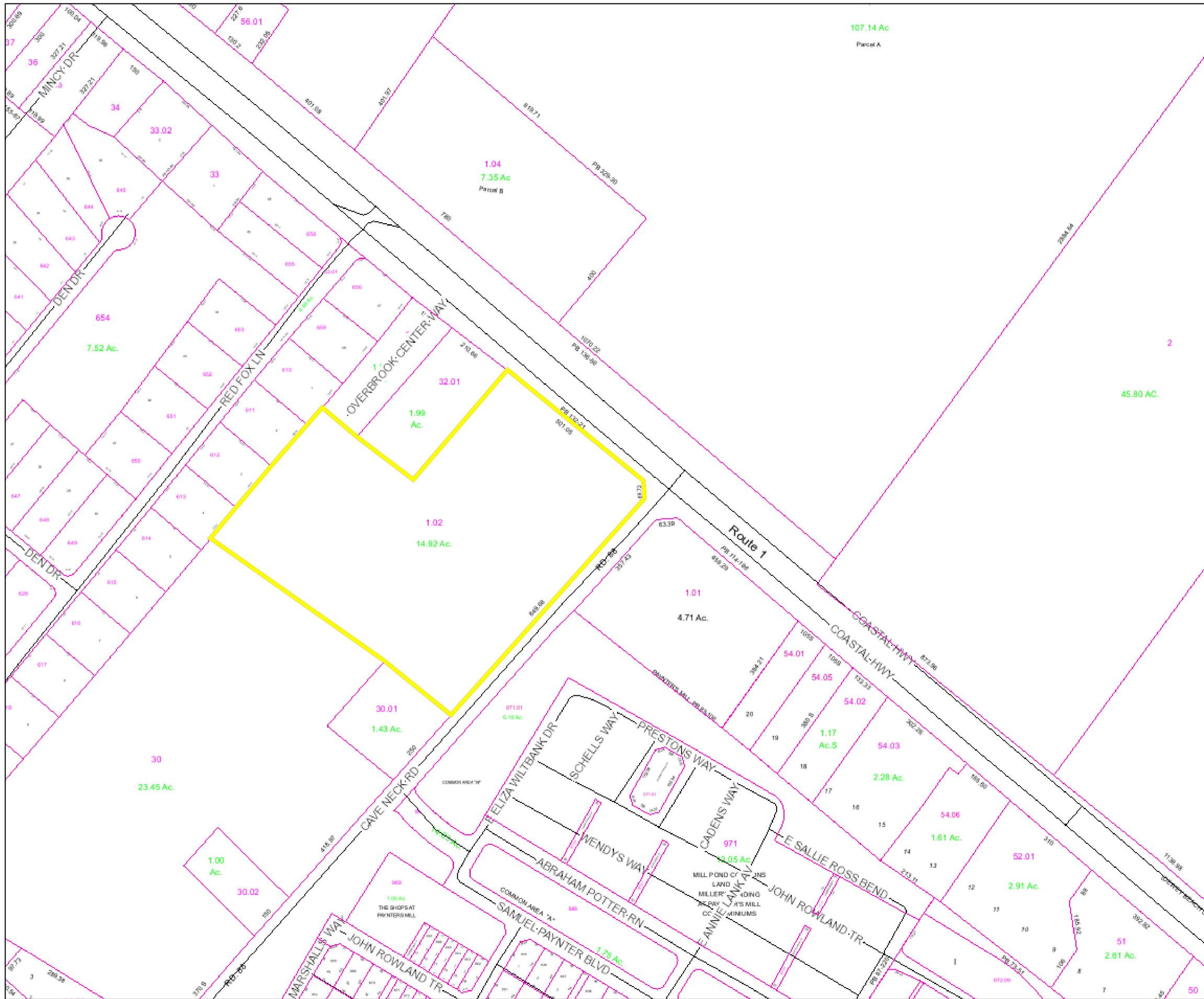
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- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries
- TID

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Sussex County



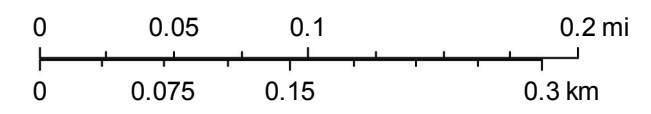
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 - Override 1
- polygonLayer**

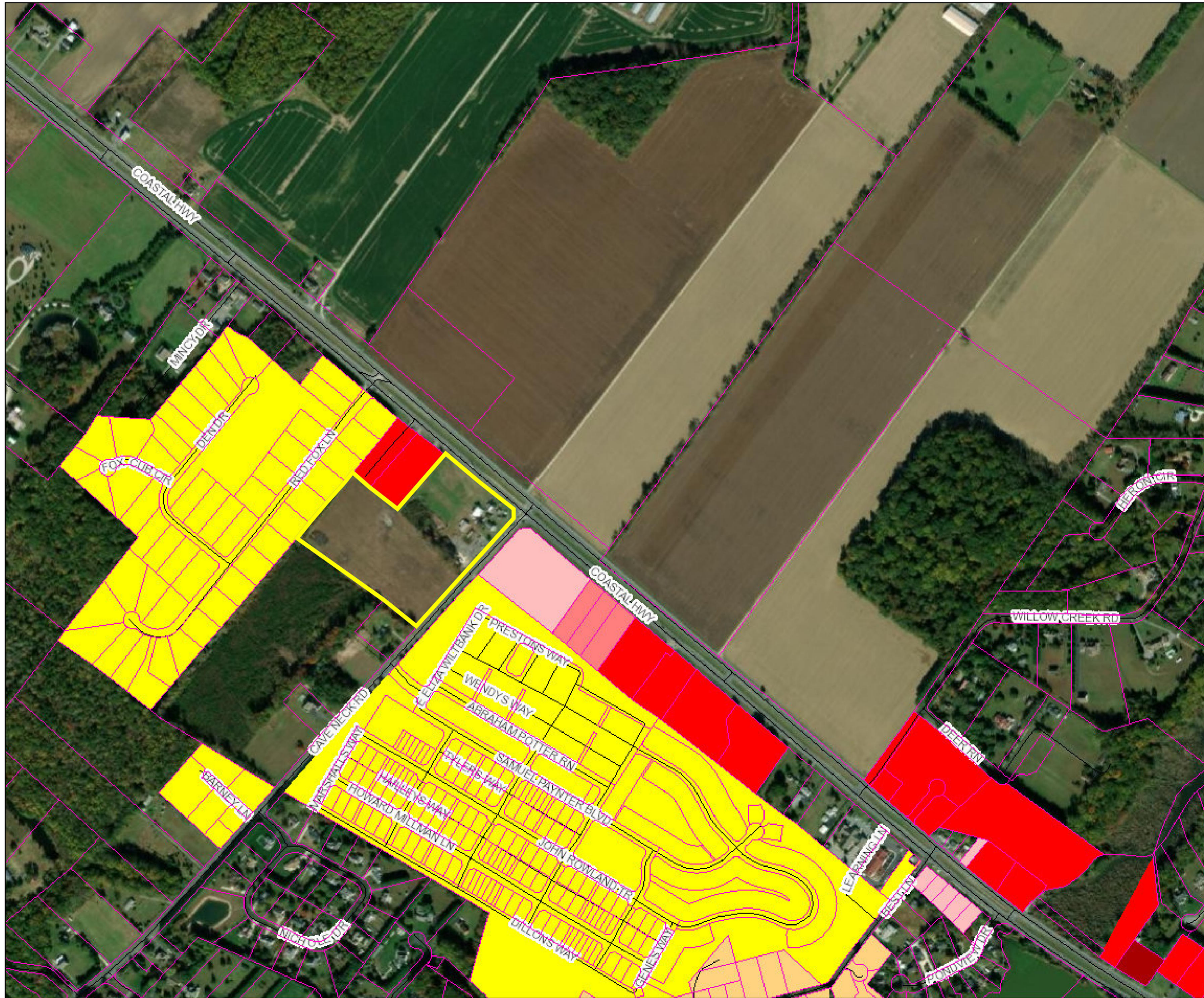
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- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries
- TID

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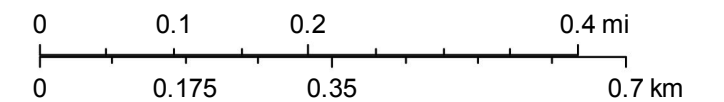
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Land Code	

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

1:9,028



Introduced 07/16/19

**Council District No. 3 - Burton
Tax I.D. No. 235-23.00-1.02 (portion of)
911 Address: 30511 Cave Neck Road, Milton**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS

WHEREAS, on the 18th day of June 2019, a zoning application, denominated Change of Zone No. 1891, was filed on behalf of Chappell Farm, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1891 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road, and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 6.4 acres, more or less.

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

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



Sussex County

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sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: June 17, 2021

RE: County Council Report for CZ 1892 filed on behalf of Chappell Farm, LLC

The Planning and Zoning Department received an application (CZ 1892 filed on behalf of Chappell Farm, LLC) for a Change of Zone of a portion of parcel 235-23.00-1.02 from Agricultural Residential Zoning District (AR-1) to Heavy Commercial Zoning District (C-3). The parcel is located at 30511 Cave Neck Road, Milton. The change of zone is for an 8.53-acre portion of the parcel, more or less.

The Planning and Zoning Commission held a public hearing on January 21, 2021. At the meeting of February 11, 2021, the Commission recommended approval of the application for the 10 reasons within the motion (included below).

The County Council held a public hearing for the application at its meeting of March 2, 2021. At the conclusion of the public hearing action on the application was deferred for further consideration.

Below are the approved minutes from the Planning & Zoning Commission meeting of January 21, 2021 and the minutes of the Planning & Zoning Commission meeting of February 11, 2021.

Minutes of the January 21, 2021 Planning & Zoning Commission Meeting

Chairman Wheatley announced that the Applicant has requested that Commission hear a combined public hearing for applications C/Z 1891, C/Z 1892 and C/U 2193. Whilst the hearings would be combined, the Commission would ultimately vote on each application separately.

C/Z 1892 - Chappell Farm, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 8.53 acres, more or



less. The property is lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road. 911 Address: 30511 Cave Neck Road, Milton. Tax Parcel: 235-23.00-1.02 (portion of).

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's indicative site plan, a staff analysis, a copy of the Applicant's exhibit book, a copy of the Applicant's traffic impact study and DelDOT's response, a copy of the PLUS response and a copy of the DelDOT service level evaluation response, Mr. Whitehouse noted that Staff have received one letter regarding the Applications.

The Commission found that Mr. John Paradee, Esq. was present on behalf of the Applicant, Chappell Farm, LLC; that also present are Mike Riemann, Chris Duke from Becker Morgan Group, Christian and Jamin Hudson, Principals of Chappell Farm, LLC.; that a brief video was shown which captures the vision of the proposed development; and that Mr. Paradee introduced Mr. Mike Riemann to present the technical merits.

Mr. Mike Riemann stated that the property is approximately 15 acres located at the intersection of Cave Neck Road and Route 1; that to the north is the Red Fox Run subdivision and to the south across Cave Neck Road is Paynter's Mill; that the property currently has a conditional use for shed sales, outdoor furniture sales; BBQ stand and a farmer's market; that there is public water and sewer on and adjacent to the subject property; that the Applicant has held a number of outreach meetings and has changed the plan with input from the community; that at the same time that this plan has been in the works, DelDOT are also working on an interchange for this location; that there was Community input about buffers between the Red Fox Community and this Development, the location of the pool and outdoor amenities, the mixed use located at the front of the development, light glare, the access to the Red Fox Run, sidewalks and pedestrian connectivity, timing of commercial pads in relation to the interchange schedule, fences, berms and landscaping, and that it be an apartment regime instead of a condominium regime with single ownership; that with the apartment regime, it will be one owner for the adjacent communities to communicate with regarding any issues that may arise; that current plan shows 156 apartments and a little over 40,000 sf of commercial; that there will be four four-story buildings with 32 units each; that there will be a mixed use building with boutique stores on the first floor with apartments above; that there will be a fitness center, a playground and a swimming pool; that there will be a convenience with fuel and a pharmacy/retail store towards the front of the property; that there will be interconnection to the Red Fox Run subdivision; that there will be right in access to the development from Route 1 and full access from Cave Neck Road; that per Sussex County Code 497 parking spaces are required and 555 parking spaces are being provided; that there is about one mile of pedestrian pathways within the development; that a 40 ft. buffer will be provided between this property and the Red Fox Run subdivision; that interconnectivity will be provided to the west for future development; that gated access into Red Fox Run has been proposed; that Paynter's Mill expressed concern about residents of this community crossing Cave Neck Road to use their facilities so funding for fencing will be provided to Paynter's Mill; that DelDOT plans an interchange for this portion of Route 1; that there will be a roundabout at the entrance to the new development; that DelDOT expects the project to be completed by 2026; that a service road is being proposed to provide access to the commercial properties on Route 1 to the south of Cave Neck Road; that the residents of Red Fox Run will no longer have direct access to Route 1 but would have access through this proposed development; that the current road from Red Fox Run to Route 1 would become a cul-de-sac; that this is also a rezoning application that the property to the west is zoned AR-1, the properties to the north and south are mainly zoned MR with some commercially zoned properties along route 1; that the request it to infill this area with a portion of the project as C-3 and

a portion as MR; that is fitting for the existing zoning in the area; that the subject property is in the Coastal Area which is a developing area in the County; that the Coastal Area according to the Comprehensive Plan allows for Medium Density (MR) and Heavy Commercial (C-3); that a Traffic Impact Study (TIS) was completed and 12 intersections were studied; that this development will have to provide for improvements at a number of these intersections; that the Community requested that the fuel convenience and the pharmacy not be open for business until the interchange has been completed and the Applicant has agreed to this.

Mr. Paradee stated that this Application has complete the PLUS process; that they have completed the Coastal Area report; that this Development is consistent with the 2018 Comprehensive Plan; it is consistent with the character of the area; that it will support local area residents with commercial options; that water and sewer infrastructure is available; that the TIS has been reviewed by DelDOT; that the Applicant will contribute to numerous planned DelDOT projects; that they have worked closely with the neighbors to obtain feedback and implement design enhancements based on the feedback; and that it meets the general purpose of the zoning ordinance.

Mr. Jamin Hudson stated that he has grown up in this area and lives just one-half mile from this project and understands this area; that the people in this area are his neighbors and that is why they have reached out to neighbors to find a plan at is amenable to all.

Mr. Christian Hudson stated although he does not live here, he did grow up in this area; that reaching out to neighbors before beginning the Application is how development should work; that the Application before the Commission is about three years of meeting with neighbors to find out what they want to see in the area and making changes to the design based on input and feedback; and that they want to build a development that they can be proud of.

Mr. Bill Brockenbrough, DelDOT stated that he had no prepared remarks but is available to take questions and that Director, Marc Cote is available by teleconference to answer questions.

Chairman Wheatley asked Mr. Brockenbrough if he concurred with what the Applicant has entered into the record.

Mr. Brockenbrough agreed that the details entered into the record are correct.

Mr. Mears asked how the roundabouts perform during heavy traffic.

Mr. Brockenbrough stated that roundabouts perform better than stop control and can be better than a signal.

Mr. Robertson asked Mr. Brockenbrough if the typographical error in the TIS mentioning 94 units as opposed to the actual 156 units would make a difference in the TIS.

Mr. Brockenbrough stated that it may change some numbers but would not change the recommendations.

Mr. Mears stated that the presentation was impressive and that he was pleased that the Applicant took time to meet with neighbors and use their feedback in the design.

Mr. Robertson stated that Sussex County has agreed to provide funding to DelDOT to make

improvements to some intersections in the area ahead of when they were scheduled for funding by DelDOT and DelDOT will reimburse the County at a future date; that although not specific to this application, the information may be helpful to the Commission to know that the County is working with DelDOT to improve some problem intersections and one in this area.

The Commission found that there was no one present who spoke in favor of the Application.

The Commission found that Mr. Rich Barasso spoke in opposition to the Application and gave a handout to members of the Commission; that the biggest concern is the proposed density for this area; that the zoning of 10.5 units is not consistent with the area; that Red Fox Run subdivision to the north has a density of one dwelling per acre; that Paynter's Mill to the south has a density of three dwellings per acre; the proposed Overbrook Meadow subdivisions have proposed densities of 2.1 dwellings; that the proposed density for this Application is 5 to 10 times the density of the surrounding area; that there is almost no open space; that the TIS did not list the crash data for this very busy section of Route 1; and that phasing should be considered should this development be approved so that the future retail building not be constructed until the interchange is complete and operational.

The Commission found that Mr. David Thompson, Overbrook Association spoke in opposition to the Application; that this project is not in character with the area; that there is a density issue; that the additional traffic will cause back-ups; that construction should not begin until DelDOT's improvements are complete; and that allowing C-3 zoning would not be in character with the neighborhood.

Chairman Wheatley explained that the Commercial Zoning designations were recently changed by the County and that C-1 zoning is the most intense and the other designations are less intense.

The Commission found that Mr. John Saul spoke in opposition to the Application; that he lives immediately across from the proposed development in Paynter's Mill; that Paynter's Mill is a 298 units in over 100 acres of property; that one-third of the community is open space with walking trails and amenities; that there is currently an abundance of traffic in this area but the proposed development will exacerbate the traffic problem; and that there is no guarantee that the improvements by DelDOT will improve the traffic situation.

The Commission found that Ms. Rita Dumain spoke in opposition to the Application; that four-story buildings are not in character with the single-family homes in the area; that there will be traffic back-ups; that there are safety issues for cyclists.

The Commission found that Ms. Holly Donovan spoke by teleconference in support to the Application; that this is a good design, and that the applicant has met with neighbors and incorporated the feedback received into the design.

The Commission found that Ms. Donna Sher spoke by teleconference in opposition to the Application; that she has concerns about hazardous materials particularly with the gas station on the proposed site; that this proposal is out of character with the surrounding neighborhood; that it will affect property values; and that even with the proposed traffic improvements there will be increased traffic.

The Commission found that Mr. Jeff Stone, Sussex Alliance for Responsible Growth (SARG) spoke by teleconference in opposition to the Application; that a 5-page analysis was submitted to the Commission; that SARG agrees that the rezoning of this property is inevitable and may be desirable; that the fact that it will be a local developer who would manage the property long-term is a plus; that the fact that the developer has taken the concerns of neighbors and made changes to the design is commendable; that the concerns of SARG are mainly traffic and the timing of the convenience store which were addressed in the presentation this evening; that the concerns now are regarding the TIS and the fact that the study is based on 94 residential units and not the 156 units that are being proposed; that a new TIS with the correct calculations are shown so that the Commission has all the facts prior to making a recommendation; that a phasing plan be put in place for the residential aspect of the development and not just the commercial component; and that the density and lack of open space is not in character with the surrounding communities.

The Commission found that Mr. Terry August spoke by teleconference in opposition to the Application; that his property is adjacent to and is 20 ft. from the proposed development; that the proposed development does not have adequate open space; and that the proposed right in access to the new development does not follow the Route 1 Corridor Preservation guidelines to reduce access to Route 1.

The Commission found that Ms. Eul Lee spoke by teleconference in opposition to the Application; that the advertisement stated of 128 apartments, but the Applicant mentioned 158 units and that is way more than 20 units per acre; that there is not enough open space for residents particularly those with children; and questions that the additional Hudson properties would be developed like this one.

Ms. Stevenson asked Mr. Brockenbrough if he knew what the density would have to be to get bus service to this area.

Mr. Brockenbrough stated that he did not know what that would be and to get an answer to this question the Commission should ask Delaware Transit Corporation.

Ms. Stevenson asked if Mr. Brockenbrough saw any concerns with the proposed entrance on the west side of the development.

Mr. Brockenbrough stated he did not have concerns with the design as proposed.

Ms. Wingate asked the members of the Commission if they felt a new TIS should be undertaken based on the correct number of residential units.

Mr. Hopkins stated that he thinks the plan is a good one because residents can use the interchange to enter and exit onto and off Route one and that density like this on Route 1 makes sense.

Mr. Mears agreed with Mr. Hopkins and stated that Mr. Brockenbrough stated that the change in numbers will affect the delay in the turn lanes and the fees to be paid by the Applicant.

Chairman Wheatley stated that is why he asked the question earlier to Mr. Brockenbrough if the impact would be great enough to make it necessary to redo the entire TIS.

Mr. Paradee stated that the Commission could defer and ask DelDOT to answer those two specific

questions.

Mr. Brockenbrough reiterated that the change in numbers would require larger fees to be paid by the applicant and longer time in turn lanes.

Chairman Wheatley stated that this will not change the design or the number of off-site improvements and asked if the incremental change would change the decision of Commission members then a TIS would be warranted.

Ms. Wingate said she was comfortable after Mr. Brockenbrough reiterated what the change in numbers would create.

Mr. Robertson stated that if the development is approved the Applicant will still have to work with DelDOT on the design based on the correct numbers.

Ms. Stevenson asked about the lighting for the development.

Mr. Riemann stated that the lighting will be cut-off style lighting and downward facing.

At the conclusion of the Public Hearings, the Commission discussed the Applications.

In relation to Application C/Z 1891 Chappell Farm, LLC., motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

In relation to Application C/Z 1892 Chappell Farm, LLC., motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

In relation to Application C/U 2193 Chappell Farm, LLC., motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

Minutes of the February 11, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 21, 2021.

Ms. Stevenson moved that the Commission recommend approval of C/Z 1892 for Chappell Farm, LLC for a change in zone from AR-1 Agricultural Residential District to a C-3 Heavy Commercial District based upon the record made during the public hearing and for the following reasons:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations.
2. The site has frontage along Route 1 at a location that is next to existing C-1 property with various commercial uses. It is also across Cave Neck Road from other commercially zoned properties. This location is appropriate for this type of zoning.

3. This site has a history of commercial uses. Ordinance #2158 approved a conditional use for a country market at this location.
4. This site is the location of a grade separated intersection (or overpass) that is being constructed by DelDOT with on-ramps and off-ramps. Given its location adjacent to this interchange, commercial zoning, including C-3 Zoning, is appropriate for this property.
5. This C-3 district is intended to be integrated into a mixed-use community that will include Multi-family residential units. The C-3 zoning will permit uses that are beneficial to the residential units that are part of this development as well as traffic from Route 1.
6. There has been significant residential development in this area of Cave Neck Road. Adding nearby convenient uses permitted in the C-3 zone will eliminate trips from these residential developments to either Lewes or Milton for shopping needs.
7. The site will be served by central water and Sussex County sewer.
8. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. C-3 zoning is appropriate in these Areas according to the Plan.
9. The proposed rezoning meets the general purposes of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
10. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to recommend approval of C/Z 1892 Chappell Farm, LLC for the reasons and conditions stated in the motion. Motion carried 4 – 0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 21st, 2021

Application: CZ 1891 Chappell Farm, LLC

Applicant: Becker Morgan Group, Inc.
309 South Governors Ave
Dove, DE 19904

Owner: Chappell Farm, LLC
30045 Eagles Crest Road Unit 2
Milton, DE 19968

Site Location: 30511 Cave Neck Road, Milton. The property is on the southwest corner of Cave Neck Road (S.C.R 88) and Coastal Hwy (Route 1)

Current Zoning: AR-1 - Agricultural Residential Zoning District

Proposed Zoning: MR – Medium Density Residential Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Septic

Water: Private

Site Area: 6.4 acres +/-

Tax Map ID.: 235-23.00-1.02



JAMIE WHITEHOUSE, AICP MRTPI
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 4, 2021
RE: Staff Analysis for CZ 1891 Chappell Farm, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1891 Chappell Farm, LLC to be reviewed during the January 21, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 235-23.00-1.02 (portion of) to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) Zoning District and Medium Residential (MR) Zoning District. The parcel is located on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road (Route 88). The portion of the parcel to be rezoned contains 6.4 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area". The properties to the north have the land use designation of "Existing Development Area", the properties to the south have the land use designation of "Coastal Area" and the properties to the east and west have the land use designation of "Low Density Area".

The Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is standard. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories", the Heavy Commercial (C-3) Zoning District is listed as an applicable zoning district in the "Coastal Area."

Additionally, the subject property is zoned Agricultural Residential (AR-1). The properties to the west as well as the properties on the opposite (western) side of Coastal Highway (Route 1) are zoned Agricultural Residential (AR-1). The properties to the north are zoned General Commercial (C-1) and Medium Residential (MR). The properties to the south are zoned Medium Residential (MR), Neighborhood Business (B-1) and General Commercial (C-2).



Since 2011, there has been two (2) Change of Zone applications within a 1-mile radius of the application site. Change of Zone No. 1770 to allow for a change of zone from AR-1 to CR-1. The application was denied by the Sussex County Council on April 12, 2016. Change of Zone No. 1916 for a change of zone from AR-1 to C-2. The application was approved by the Sussex County Council on July 28, 2020 and adopted through Ordinance No. 2727.



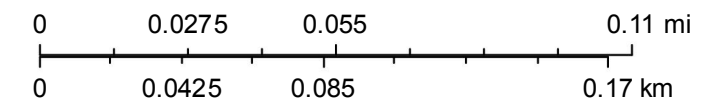
Sussex County



PIN:	235-23.00-1.02
Owner Name	CHAPPELL FARM LLC
Book	3971
Mailing Address	30045 EAGLES CREST RD
City	MILTON
State	DE
Description	SW/INTER COASTAL HWY
Description 2	CAVE NECK RD
Description 3	N/A
Land Code	

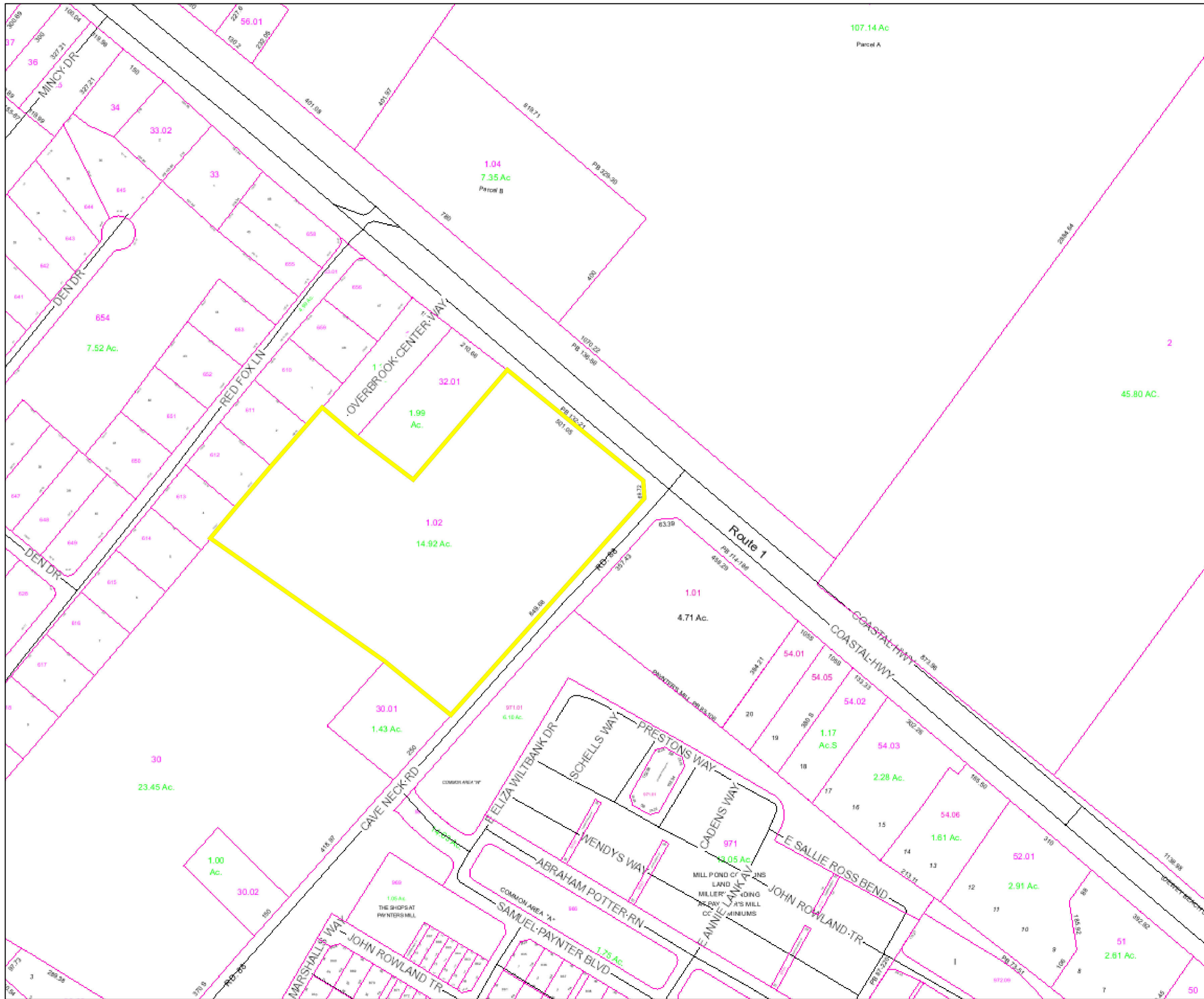
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- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries
- TID

1:2,257





Sussex County



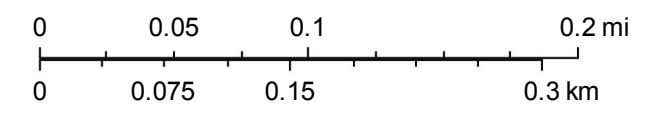
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 - Override 1
- polygonLayer**

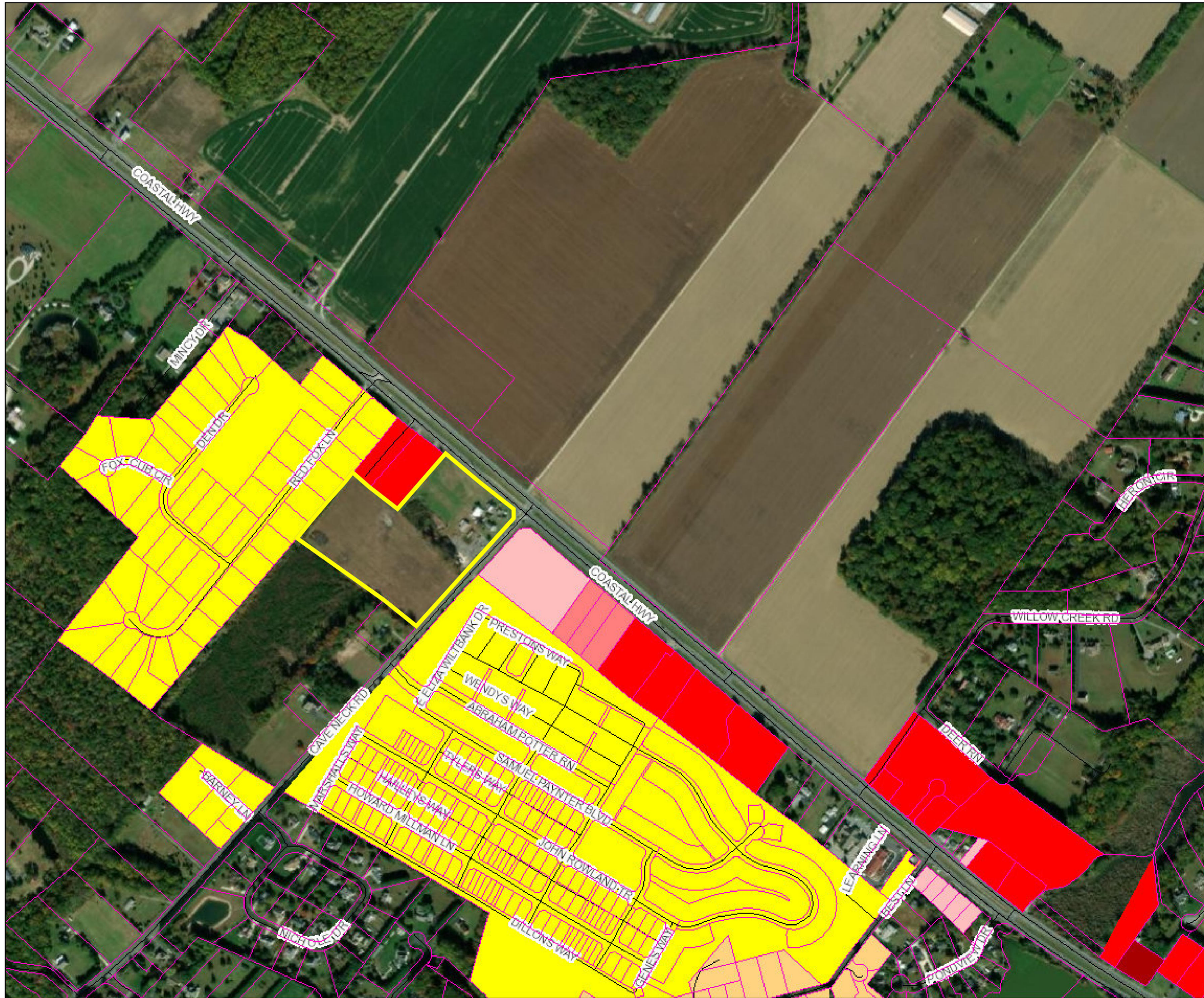
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- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries
- TID

1:4,514





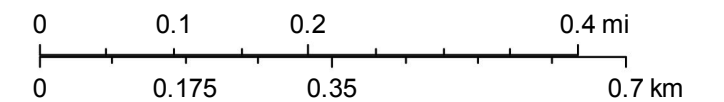
Sussex County



PIN:	235-23.00-1.02
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Description	SW/INTER COASTAL HWY
Description 2	CAVE NECK RD
Description 3	N/A
Land Code	

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

1:9,028



Introduced 07/16/19

**Council District No. 3 - Burton
Tax I.D. No. 235-23.00-1.02 (portion of)
911 Address: 30511 Cave Neck Road, Milton**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.53 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2019, a zoning application, denominated Change of Zone No. 1892, was filed on behalf of Chappell Farm, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1892 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road, and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 8.53 acres, more or less.

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

JAMIE WHITEHOUSE, AICP
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Sussex County

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: June 17, 2021

RE: County Council Report for CU 2193 filed on behalf of Chappell Farm, LLC

The Planning and Zoning Department received an application (CU 2193 filed on behalf of Chappell Farm, LLC) for a Conditional Use for parcel 235-23.00-1.02 to allow for multi-family (128 apartments) at 30511 Cave Neck Rd, Milton. The property is currently within the Agricultural Residential (AR-1) Zoning District, but there is a separate application to re-zone the parcel to Medium Density (MR) Zoning District. The parcel size is 6.4 acres. This application has been submitted along with two other change of zone applications with Reference C/Z 1891 and C/Z 1892.

The Planning and Zoning Commission held a public hearing on January 21, 2021. At the meeting of February 11, 2021, the Commission recommended approval of the application for the 7 reasons and 14 recommended conditions outlined within the motion (included below).

The County Council held a public hearing on the application at its meeting of March 2, 2021. At the conclusion of the public hearing, action on the application was deferred for further consideration.

Below are the approved minutes from the Planning & Zoning Commission meeting of January 21, 2021 and the minutes of the meeting of February 11, 2021

[Minutes of the January 21, 2021 Planning & Zoning Commission Meeting](#)

C/U 2193 Chappell Farm, LLC

An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for multi-family (128 units) to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 6.4 acres, more or less. The property is lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road. 911 Address: 30511 Cave Neck Road, Milton. Tax Parcel: 235-23.00-1.02 (portion of).



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

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's indicative site plan, a staff analysis, a copy of the Applicant's exhibit book, a copy of the Applicant's traffic impact study and DelDOT's response, a copy of the PLUS response and a copy of the DelDOT service level evaluation response, Mr. Whitehouse noted that Staff have received one letter regarding the Applications.

The Commission found that Mr. John Paradee, Esq. was present on behalf of the Applicant, Chappell Farm, LLC; that also present are Mike Riemann, Chris Duke from Becker Morgan Group, Christian and Jamin Hudson, Principals of Chappell Farm, LLC.; that a brief video was shown which captures the vision of the proposed development; and that Mr. Paradee introduced Mr. Mike Riemann to present the technical merits.

Mr. Mike Riemann stated that the property is approximately 15 acres located at the intersection of Cave Neck Road and Route 1; that to the north is the Red Fox Run subdivision and to the south across Cave Neck Road is Paynter's Mill; that the property currently has a conditional use for shed sales, outdoor furniture sales; BBQ stand and a farmer's market; that there is public water and sewer on and adjacent to the subject property; that the Applicant has held a number of outreach meetings and has changed the plan with input from the community; that at the same time that this plan has been in the works, DelDOT are also working on an interchange for this location; that there was Community input about buffers between the Red Fox Community and this Development, the location of the pool and outdoor amenities, the mixed use located at the front of the development, light glare, the access to the Red Fox Run, sidewalks and pedestrian connectivity, timing of commercial pads in relation to the interchange schedule, fences, berms and landscaping, and that it be an apartment regime instead of a condominium regime with single ownership; that with the apartment regime, it will be one owner for the adjacent communities to communicate with regarding any issues that may arise; that current plan shows 156 apartments and a little over 40,000 sf of commercial; that there will be four four-story buildings with 32 units each; that there will be a mixed use building with boutique stores on the first floor with apartments above; that there will be a fitness center, a playground and a swimming pool; that there will be a convenience with fuel and a pharmacy/retail store towards the front of the property; that there will be interconnection to the Red Fox Run subdivision; that there will be right in access to the development from Route 1 and full access from Cave Neck Road; that per Sussex County Code 497 parking spaces are required and 555 parking spaces are being provided; that there is about one mile of pedestrian pathways within the development; that a 40 ft. buffer will be provided between this property and the Red Fox Run subdivision; that interconnectivity will be provided to the west for future development; that gated access into Red Fox Run has been proposed; that Paynter's Mill expressed concern about residents of this community crossing Cave Neck Road to use their facilities so funding for fencing will be provided to Paynter's Mill; that DelDOT plans an interchange for this portion of Route 1; that there will be a roundabout at the entrance to the new development; that DelDOT expects the project to be completed by 2026; that a service road is being proposed to provide access to the commercial properties on Route 1 to the south of Cave Neck Road; that the residents of Red Fox Run will no longer have direct access to Route 1 but would have access through this proposed development; that the current road from Red Fox Run to Route 1 would become a cul-de-sac; that this is also a rezoning application that the property to the west is zoned AR-1, the properties to the north and south are mainly zoned MR with some commercially zoned properties along route 1; that the request it to infill this area with a portion of the project as C-3 and a portion as MR; that is fitting for the existing zoning in the area; that the subject property is in the Coastal Area which is a developing area in the County; that the Coastal Area according to the

Comprehensive Plan allows for Medium Density (MR) and Heavy Commercial (C-3); that a Traffic Impact Study (TIS) was completed and 12 intersections were studied; that this development will have to provide for improvements at a number of these intersections; that the Community requested that the fuel convenience and the pharmacy not be open for business until the interchange has been completed and the Applicant has agreed to this.

Mr. Paradee stated that this Application has complete the PLUS process; that they have completed the Coastal Area report; that this Development is consistent with the 2018 Comprehensive Plan; it is consistent with the character of the area; that it will support local area residents with commercial options; that water and sewer infrastructure is available; that the TIS has been reviewed by DelDOT; that the Applicant will contribute to numerous planned DelDOT projects; that they have worked closely with the neighbors to obtain feedback and implement design enhancements based on the feedback; and that it meets the general purpose of the zoning ordinance.

Mr. Jamin Hudson stated that he has grown up in this area and lives just one-half mile from this project and understands this area; that the people in this area are his neighbors and that is why they have reached out to neighbors to find a plan at is amenable to all.

Mr. Christian Hudson stated although he does not live here, he did grow up in this area; that reaching out to neighbors before beginning the Application is how development should work; that the Application before the Commission is about three years of meeting with neighbors to find out what they want to see in the area and making changes to the design based on input and feedback; and that they want to build a development that they can be proud of.

Mr. Bill Brockenbrough, DelDOT stated that he had no prepared remarks but is available to take questions and that Director, Marc Cote is available by teleconference to answer questions.

Chairman Wheatley asked Mr. Brockenbrough if he concurred with what the Applicant has entered into the record.

Mr. Brockenbrough agreed that the details entered into the record are correct.

Mr. Mears asked how the roundabouts perform during heavy traffic.

Mr. Brockenbrough stated that roundabouts perform better than stop control and can be better than a signal.

Mr. Robertson asked Mr. Brockenbrough if the typographical error in the TIS mentioning 94 units as opposed to the actual 156 units would make a difference in the TIS.

Mr. Brockenbrough stated that it may change some numbers but would not change the recommendations.

Mr. Mears stated that the presentation was impressive and that he was pleased that the Applicant took time to meet with neighbors and use their feedback in the design.

Mr. Robertson stated that Sussex County has agreed to provide funding to DelDOT to make improvements to some intersections in the area ahead of when they were scheduled for funding by DelDOT and DelDOT will reimburse the County at a future date; that although not specific to this

application, the information may be helpful to the Commission to know that the County is working with DelDOT to improve some problem intersections and one in in this area.

The Commission found that there was no one present who spoke in favor of the Application.

The Commission found that Mr. Rich Barasso spoke in opposition to the Application and gave a handout to members of the Commission; that the biggest concern is the proposed density for this area; that the zoning of 10.5 units is not consistent with the area; that Red Fox Run subdivision to the north has a density of one dwelling per acre; that Paynter's Mill to the south has a density of three dwellings per acre; the proposed Overbrook Meadow subdivisions have proposed densities of 2.1 dwellings; that the proposed density for this Application is 5 to 10 times the density of the surrounding area; that there is almost no open space; that the TIS did not list the crash data for this very busy section of Route 1; and that phasing should be considered should this development be approved so that the future retail building not be constructed until the interchange is complete and operational.

The Commission found that Mr. David Thompson, Overbrook Association spoke in opposition to the Application; that this project is not in character with the area; that there is a density issue; that the additional traffic will cause back-ups; that construction should not begin until DelDOT's improvements are complete; and that allowing C-3 zoning would not be in character with the neighborhood.

Chairman Wheatley explained that the Commercial Zoning designations were recently changed by the County and that C-1 zoning is the most intense and the other designations are less intense.

The Commission found that Mr. John Saul spoke in opposition to the Application; that he lives immediately across from the proposed development in Paynter's Mill; that Paynter's Mill is a 298 units in over 100 acres of property; that one-third of the community is open space with walking trails and amenities; that there is currently an abundance of traffic in this area but the proposed development will exacerbate the traffic problem; and that there is no guarantee that the improvements by DelDOT will improve the traffic situation.

The Commission found that Ms. Rita Dumain spoke in opposition to the Application; that four-story buildings are not in character with the single-family homes in the area; that there will be traffic back-ups; that there are safety issues for cyclists.

The Commission found that Ms. Holly Donovan spoke by teleconference in support to the Application; that this is a good design, and that the applicant has met with neighbors and incorporated the feedback received into the design.

The Commission found that Ms. Donna Sher spoke by teleconference in opposition to the Application; that she has concerns about hazardous materials particularly with the gas station on the proposed site; that this proposal is out of character with the surrounding neighborhood; that it will affect property values; and that even with the proposed traffic improvements there will be increased traffic.

The Commission found that Mr. Jeff Stone, Sussex Alliance for Responsible Growth (SARG) spoke by teleconference in opposition to the Application; that a 5-page analysis was submitted to the

Commission; that SARG agrees that the rezoning of this property is inevitable and may be desirable; that the fact that it will be a local developer who would manage the property long-term is a plus; that the fact that the developer has taken the concerns of neighbors and made changes to the design is commendable; that the concerns of SARG are mainly traffic and the timing of the convenience store which were addressed in the presentation this evening; that the concerns now are regarding the TIS and the fact that the study is based on 94 residential units and not the 156 units that are being proposed; that a new TIS with the correct calculations are shown so that the Commission has all the facts prior to making a recommendation; that a phasing plan be put in place for the residential aspect of the development and not just the commercial component; and that the density and lack of open space is not in character with the surrounding communities.

The Commission found that Mr. Terry August spoke by teleconference in opposition to the Application; that his property is adjacent to and is 20 ft. from the proposed development; that the proposed development does not have adequate open space; and that the proposed right in access to the new development does not follow the Route 1 Corridor Preservation guidelines to reduce access to Route 1.

The Commission found that Ms. Eul Lee spoke by teleconference in opposition to the Application; that the advertisement stated of 128 apartments, but the Applicant mentioned 158 units and that is way more than 20 units per acre; that there is not enough open space for residents particularly those with children; and questions that the additional Hudson properties would be developed like this one.

Ms. Stevenson asked Mr. Brockenbrough if he knew what the density would have to be to get bus service to this area.

Mr. Brockenbrough stated that he did not know what that would be and to get an answer to this question the Commission should ask Delaware Transit Corporation.

Ms. Stevenson asked if Mr. Brockenbrough saw any concerns with the proposed entrance on the west side of the development.

Mr. Brockenbrough stated he did not have concerns with the design as proposed.

Ms. Wingate asked the members of the Commission if they felt a new TIS should be undertaken based on the correct number of residential units.

Mr. Hopkins stated that he thinks the plan is a good one because residents can use the interchange to enter and exit onto and off Route one and that density like this on Route 1 makes sense.

Mr. Mears agreed with Mr. Hopkins and stated that Mr. Brockenbrough stated that the change in numbers will affect the delay in the turn lanes and the fees to be paid by the Applicant.

Chairman Wheatley stated that is why he asked the question earlier to Mr. Brockenbrough if the impact would be great enough to make it necessary to redo the entire TIS.

Mr. Paradee stated that the Commission could defer and ask DelDOT to answer those two specific questions.

Mr. Brockenbrough reiterated that the change in numbers would require larger fees to be paid by the applicant and longer time in turn lanes.

Chairman Wheatley stated that this will not change the design or the number of off-site improvements and asked if the incremental change would change the decision of Commission members then a TIS would be warranted.

Ms. Wingate said she was comfortable after Mr. Brockenbrough reiterated what the change in numbers would create.

Mr. Robertson stated that if the development is approved the Applicant will still have to work with DelDOT on the design based on the correct numbers.

Ms. Stevenson asked about the lighting for the development.

Mr. Riemann stated that the lighting will be cut-off style lighting and downward facing.

At the conclusion of the Public Hearings, the Commission discussed the Applications.

In relation to Application C/Z 1891 Chappell Farm, LLC., motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

In relation to Application C/Z 1892 Chappell Farm, LLC., motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

In relation to Application C/U 2193 Chappell Farm, LLC., motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

Minutes of the February 11, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 21, 2021.

Ms. Stevenson moved that the Commission recommend approval of C/U 2193 for Chappell Farm, LLC for a Conditional Use of land in a MR Medium Density Residential District for multi-family apartment units (128 units) based upon the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 128 multi-family apartments.
2. The property is in an area where a variety of development has occurred. There is a nearby MR-RPC with multi-family residential development. There is adjacent C-1 property that permits 12 dwelling units per acre. There are other nearby commercial zonings and uses in the area. This project is consistent with these nearby uses.
3. This multi-family development will be part of a mixed-use project on this site that will include commercial uses that will benefit the residents on the site as well as others in the nearby Cave Neck Road area.
4. The site is the location of a grade separated intersection, (or overpass) that is being constructed by DelDOT with on-ramps and off-ramps. This will be one of only a few grade-separated

intersections in Sussex County which gives this location an urban character. Given the location adjacent to this interchange, multi-family dwellings as part of a mixed-use development are appropriate.

5. There is a need for apartment units for the workforce in eastern Sussex County. This multi-family apartment development will be in a convenient location for the nearby employment centers in Lewes, Rehoboth, Milton and even the Bayhealth center south of Milford.
6. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that “a range of housing types” and medium and higher densities are acceptable when a site is near commercial uses, is “along a main road or at/near a commercial intersection”, is served by central water and sewer, where the use is in keeping with the character of the area and other similar factors. These types of considerations exist with regard to this site.
7. The proposed development will not have an adverse impact on the neighboring properties or community.
8. The site plan proposed gated interconnectivity with the adjacent residential development, which will eliminate an entrance directly from Route 1 and divert that traffic to the new Route One interchange.
9. The project will not have an adverse impact upon traffic or roadways. The developer will be required to contribute to area road improvements, including the Route 1 interchange and other road improvements in the area.
10. There was a question raised about the number of units referenced in the TIS, which was less than the number of units in this application. A representative of DelDOT confirmed that this difference does not create a significant difference in DelDOT’s analysis of the project. However, it may impact the road improvements or financial contributions that the developer will be required to make as this project is developed- the type of adjustments that occur in any type of development as the development plans are finalized.
11. The Level of Service of nearby roadways and intersections will not be significantly adversely affected by this development. The current at-grade intersection of Cave Neck Road and Route One is on track to be substantially improved by creating an overpass with on- and off- ramps. The Red Fox Run intersection with Route 1 will be eliminated and replaced with much safer interconnectivity through this development to Cave Neck Road. This developer will also be required to make substantial contribution to other nearby roadway improvements to offset any impacts of this development.
12. The development will be served by central sewer.
13. The development will be served by central water.
14. This recommendation is subject to the following conditions:
 - a. The maximum number of residential units shall be 128.
 - b. The Applicant or its successor, as Landlord shall be responsible for the perpetual maintenance of the development’s roadway, buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - c. All entrance, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - d. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - e. The project shall be served by central water to provide drinking water and fire protection.

- f. There shall be a vegetated or forested buffer of at least 40 feet in depth. This shall include existing vegetation that shall be expanded to include varying landscape stock, including trees that are at least 1.5-inch caliper at 5 feet of height and shrubs of 5-gallon minimum size. As proposed by the developer, there shall also be a privacy fence along the common property line with Red Fox Run. All of this shall be shown within a landscape plan included as part of the Final Site Plan for the project.
- g. Construction activities, including site work and deliveries, shall only occur between 7:30 am and 7:00 pm Monday through Friday, and between 8:00 am and 2:00 pm on Saturdays. There shall be no construction activities at the site on Sundays.
- h. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
- i. The Final Site Plan shall contain the approval of the Sussex County Conversation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- j. All streetlights shall be shielded and downward screened so that they do not shine on neighboring properties or roadways.
- k. The interior street design shall meet or exceed Sussex County's street design requirements.
- l. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop shall be shown on the Final Site Plan.
- m. Recreational amenities shall be completed simultaneously with the issuance of the Certificate of Occupancy for the first multi-family building.
- n. A Certificate of Occupancy will not be issued for Commercial Use Buildings until the completion of the Overpass.
- o. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to recommend approval of C/U 2193 Chappell Farm, LLC for the reasons and conditions stated in the motion. Motion carried 4 – 0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 21st, 2021

Application: CU 2193 Chappell Farm, LLC

Applicant: Becker Morgan Group, Inc.
309 South Governors Ave
Dove, DE 19904

Owner: Chappell Farm, LLC
30045 Eagles Crest Road Unit 2
Milton, DE 19968

Site Location: 30511 Cave Neck Road, Milton. The property is on the southwest corner of Cave Neck Road (S.C.R 88) and Coastal Hwy (Route 1)

Current Zoning: AR-1 - Agricultural Residential Zoning District (Change of Zone 1891 & 1892 are currently being sought for MR and C-3)

Proposed Use: 128 Apartments (Multi-family units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Septic

Water: Private

Site Area: 14.9269 acres +/-

Tax Map ID.: 235-23.00-1.02



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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 14, 2021
RE: Staff Analysis for CU 2193 Chappell Farm, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2193 Chappell Farm, LLC to be reviewed during the January 21, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 235-23.00-1.02 to allow for multifamily (128 apartments). The parcel is located on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road (Route 88). The portion of the parcel to be rezoned contains 6.4 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area". The properties to the north have the land use designation of "Existing Development Area", the properties to the south have the land use designation of "Coastal Area" and the properties to the east and west have the land use designation of "Low Density Area".

The Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is standard. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

The subject property is zoned Agricultural Residential (AR-1). The properties to the west as well as the properties on the opposite (western) side of Coastal Highway (Route 1) are zoned Agricultural Residential (AR-1). The properties to the north are zoned General Commercial (C-1) and Medium Residential (MR). The properties to the south are zoned Medium Residential (MR), Neighborhood Business (B-1) and General Commercial (C-2).

Since 2011, there has been no Conditional Use applications within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a multifamily apartment community, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





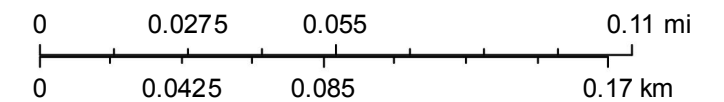
Sussex County



PIN:	235-23.00-1.02
Owner Name	CHAPPELL FARM LLC
Book	3971
Mailing Address	30045 EAGLES CREST RD
City	MILTON
State	DE
Description	SW/INTER COASTAL HWY
Description 2	CAVE NECK RD
Description 3	N/A
Land Code	

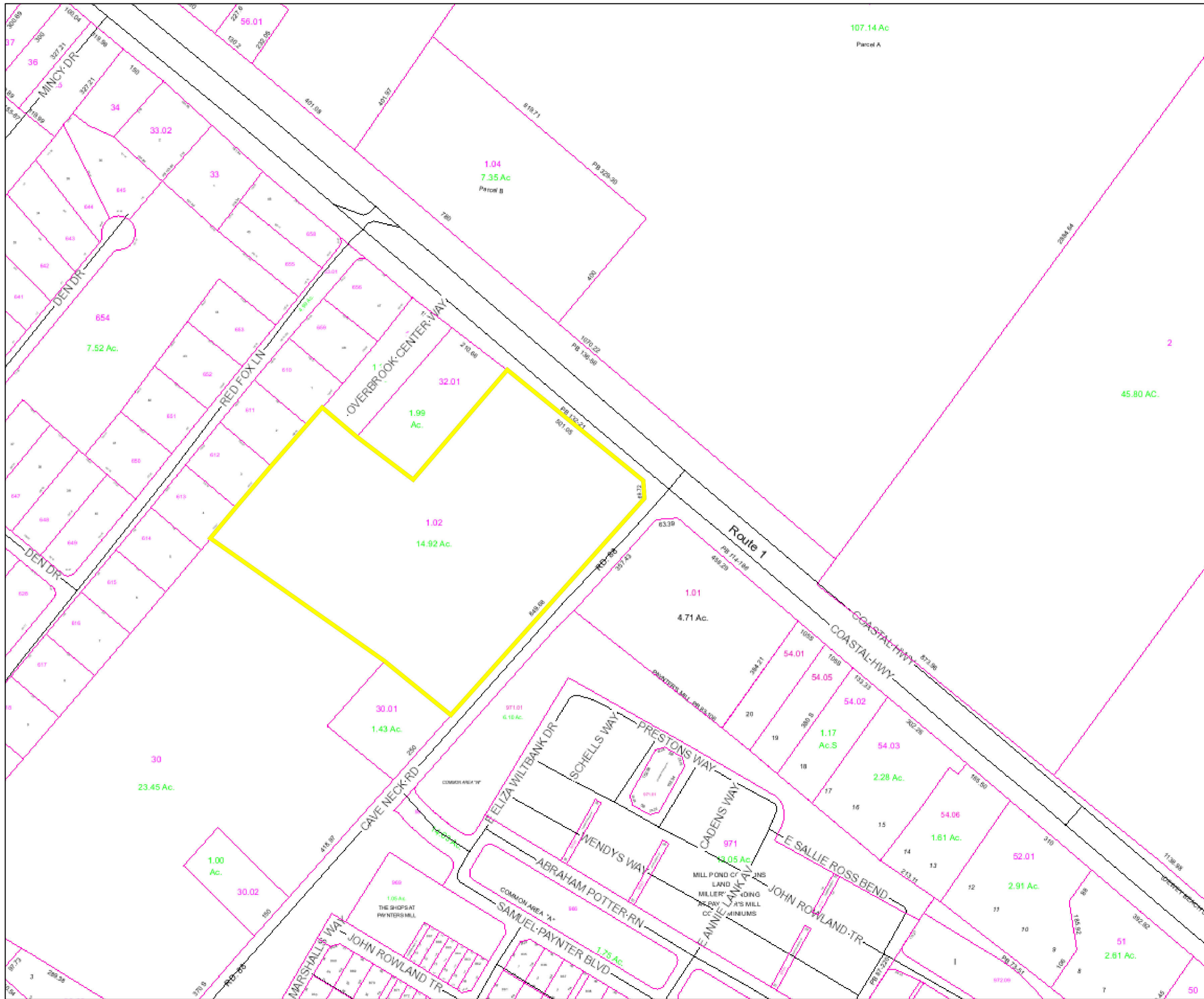
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- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries
- TID

1:2,257





Sussex County



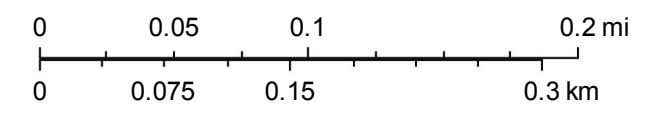
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Owner Name	CHAPPELL FARM LLC
Book	3971
Mailing Address	30045 EAGLES CREST RD
City	MILTON
State	DE
Description	SW/INTER COASTAL HWY
Description 2	CAVE NECK RD
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

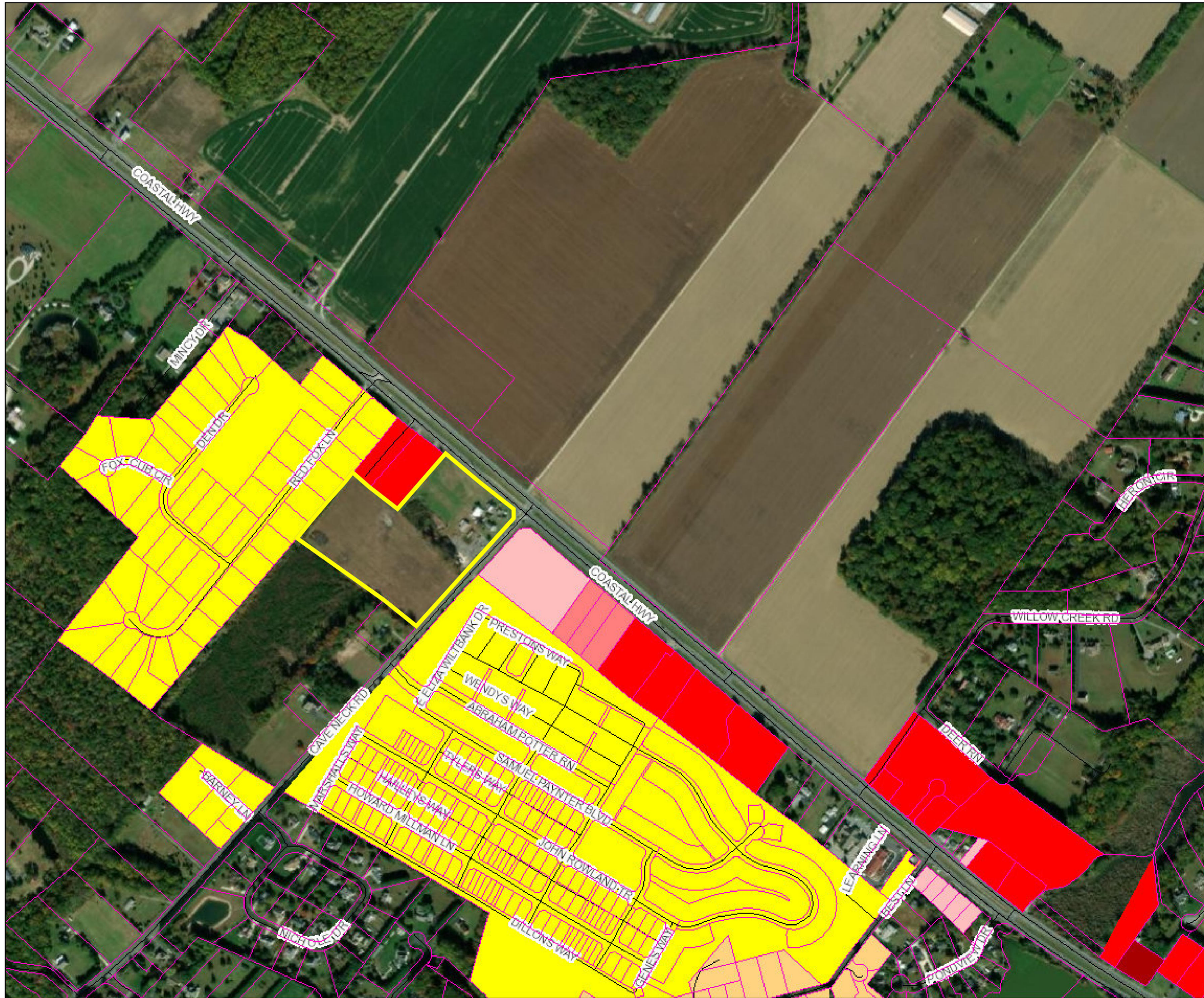
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- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries
- TID

1:4,514





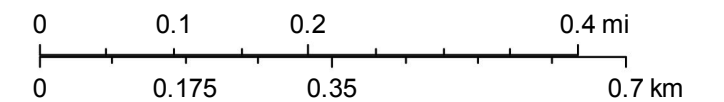
Sussex County



PIN:	235-23.00-1.02
Owner Name	CHAPPELL FARM LLC
Book	3971
Mailing Address	30045 EAGLES CREST RD
City	MILTON
State	DE
Description	SW/INTER COASTAL HWY
Description 2	CAVE NECK RD
Description 3	N/A
Land Code	

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

1:9,028



Introduced 07/16/19

**Council District No. 3 – Burton
Tax I.D. No. 235-23.00-1.02 (portion of)
911 Address: 30511 Cave Neck Road, Milton**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (128 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS

WHEREAS, on the 18th day of June 2019, a conditional use application, denominated Conditional Use No. 2193, was filed on behalf of Chappell Farm, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2193 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2193 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road, and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 6.4 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.

Riley
OK

Council Grant Form

Legal Name of Agency/Organization Fort Miles Historical Association Inc.

Project Name USS ARIZONA EXHIBIT AT FORT MILES MUSEUM

Federal Tax ID 20-0142663 OK

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission The Fort Miles Museum is dedicated to preserving the memory and stories of Delawareans who have served in the military throughout history. Its new exhibit, OIL STILL BLEEDS, recognizes the "Forgotten Delaware Heroes of Pearl Harbor" with more than 20 stories of heroism that day. Numerous programs to benefit Delaware veterans' programs statewide will take place at the exhibit during its 15 month duration, from Sept. 25, 2021 through Dec. 31, 2022. More than 30,000 visitors are expected to attend to see a relic of the USS ARIZONA and the stories of Delaware heroes.

Address PO Box 52

Address 2

City Lewes

State Delaware

Zip Code	19958
Contact Person	Michael Rawl
Contact Title	Campaign Manager
Contact Phone Number	3022704886
Contact Email Address	mjrawl@horizonphilanthropic.com
Total Funding Request	\$6,474
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	3
Program Category (choose all that apply)	Cultural, Educational, Health and Human Services

Program Category
Other

Primary Beneficiary Category Other

Beneficiary Category Delaware veterans
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 1500

Scope A 15-month series of programs to promote and benefit Delaware veterans' groups will be built around the OIL STILL BLEEDS exhibit at Fort Miles Museum in Lewes. These will include Veterans' Day celebrations, special exhibit tours for all Delaware veteran organizations, school service days, a lecture series and exhibits to increase awareness of work, health and housing benefits among veterans. The exhibit itself will honor "Delaware's Forgotten Heroes of Pearl Harbor." More than 200 Delawareans were at Pearl Harbor, and the heroic stories of 22 of those will be told through the touchscreen exhibits flanking a relic of the USS ARIZONA, as well as wall hangings throughout the exhibit area.

Religious Components

Please enter the current support your organization receives for this project (not entire organization) 6,474.00

revenue if not applicable to request)

Description Two ELO 52" touch screen monitors

Amount 3,636.00

Description Two Dell Precision 3240 Compact Workstations

Amount 2,838.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL 6,474.00

EXPENDITURES

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	0.00
Name of Organization	Fort Miles Historical Association
Applicant/Authorized Official	Michael Rawl
Date	06/11/2021
Affidavit Acknowledgement	Yes

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

Hudson
OK

Council Grant Form

Legal Name of Agency/Organization	Bethany Beach Volunteer Fire Company, Inc.
Project Name	Binder Lift
Federal Tax ID	51-0195736 OK
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	This project will help make our jobs easier and safer.
Address	215 Hollywood Street
Address 2	
City	Bethany Beach
State	DE
Zip Code	19930
Contact Person	Shane Truitt
Contact Title	Fire Chief
Contact Phone Number	3024489873

Contact Email Address	shane.truitt@bethanybeachfire.com
Total Funding Request	4610.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Health and Human Services
Program Category Other	
Primary Beneficiary Category	Other
Beneficiary Category Other	Emergency Services

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

100000

Scope

The binder lift is a lifting device for both general size and an extra-large for obese patients. This device is being requested for each ambulance. We have a total of three ambulances so we would have one regular and one extra-large on each ambulance. This will assist crews in safely lifting and moving a patient. It also is more comfortable for patients. We strive to have leading edge equipment to make more efficient, safer and helpful techniques for our members and patients. Please let me know if there are any questions.

Religious Components

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

0.00

Description Binder Lift regular (3)

Amount 2,305.00

Description Binder lift extra regular (3)

Amount 2,305.00

Description

Affidavit	Yes
Acknowledgement	

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

To Be Introduced 06/22/21

**Council District 4 - Hudson
Tax I.D. No. 234-12.18-41.00
911 Addresses: 22928 Pine Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CRAFT BUSINESS WITH OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS

WHEREAS, on the 20th day of May 2021, a conditional use application, denominated Conditional Use No. 2287 was filed on behalf of Danielle Roach; and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2287 be _____; and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article 115, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2287 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the northwest side of Pine Road approximately 0.20 mile south of Oak Drive within the Angola Neck Park Subdivision, and more particularly described in the attached legal document prepared by Berl & Feinberg, LLP, containing 0.34 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.