

Sussex County Council Public/Media Packet

**MEETING:
June 29, 2021**

****DISCLAIMER****

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**Sussex County Council
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(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 29, 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 and 22, 2021

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

William Pfaff, Economic Development Director

1. Excite Sussex Loan Program – Miller Metal Project

Jamie Whitehouse, Planning and Zoning Director

1. Comprehensive Land Use Plan Annual Report

10:30 Public Hearings

1. 7-Eleven – Bridgeville Extension of the Western Sussex Area of the Sussex County Unified Sanitary Sewer District



2. **Peninsula Square Extension of the Long Neck Area of the Sussex County Unified Sanitary Sewer District**
3. **Cardinal Grove Extension of the West Rehoboth Area of the Sussex County Unified Sanitary Sewer District**

Old Business

Change of Zone No. 1926 filed on behalf of CP townhomes, LLC (Canal Point RPC)
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CZ 1538 (ORDINANCE 1700) IN RELATION TO PIERS, DOCKS, BOAT RAMPS AND OTHER WATER RELATED RECREATIONAL FACILITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 180.60 ACRES, MORE OR LESS” (property lying on the east side of Hebron Road approximately 0.19 miles south of the intersection of Hebron Road and Holland Glade Road [S.C.R. 271]) (Tax I.D. No. 334-13.00-334.00, 1448.00 through 1750.00) (911 Address: None Available)

Grant Requests

1. **Town of Ellendale for park playground renovations**
2. **Little League Baseball, Inc. for Woodbridge Little League field upgrades**
3. **Nanticoke Indian Association, Inc. for the Annual Nanticoke Indian Pow Wow and Cultural Awareness Program**
4. **Indian River School District for Indian River Baseball Boosters for batting cage renovations**
5. **Town of Laurel for Town Hall renovations**
6. **Town of Bridgeville for Town Hall restoration**
7. **Town of Greenwood for playground renovations**
8. **Sussex Montessori School, Inc. for repairs and construction costs**
9. **Harry K Foundation for the Halt Child Hunger Initiative**
10. **Girl Scouts of the Chesapeake Bay Council, Inc. for girl scouting for Latina girls**
11. **Make-A-Wish Foundation of Philadelphia, Delaware & Susquehanna Valley for wishes for children with critical illnesses**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible action on Executive Session items

1:30 Public Hearings

Change of Zone No. 1942 filed on behalf of Bay Developers, LLC (Twin Cedars, LLC)
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT, CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.32 ACRES, MORE OR LESS” (property lying on the south side of Zion Church Road [Route 20], approximately 0.55-mile northwest of Bayard Road) (Tax I.D. No. 533-11.00-42.00) (911 Address: None Available)

Change of Zone No. 1922 filed on behalf of Baywood, LLC
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 (NEIGHBORHOOD BUSINESS DISTRICT), C-1 (GENERAL COMMERCIAL DISTRICT) AND CR-1 (COMMERCIAL RESIDENTIAL DISTRICT) TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.38 ACRES, MORE OR LESS” (property lying on the north side and south side of Long Neck Road, approximately 0.47 miles east of the intersection of Long Neck Road and John J. Williams Highway [Route 24]) (Tax I.D. No. 234-23.00-270.00, 273.01, 273.02, 273.03, & 273.05) (911 Address: 32147 Long Neck Road, Millsboro)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 22, 2021 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items 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 28, 2021.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 15, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 15, 2021, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 218 21
Amend
and
Approve
Agenda**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to amend the Agenda by deleting “ “Executive Session – Pending Litigation and Land Acquisition and Personnel pursuant to 29 Del.C. §10004(b)” and “Possible Action on Executive Session items”, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 8, 2021 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke:

Eul Lee commented on the aging population in Sussex County and the need to pursue young residents.

Ed Miller commented on flooding that occurred on Old Mill Road and Railway Road, Ocean View.

**Bayhealth
Foundation
Presentation**

Dr. Lindsay Rhodenbaugh, President of Bayhealth Foundation, provided an update on Bayhealth’s recent expansion including the opening of the Sussex Campus and the addition of the pediatric care unit at that Campus, and the future plans for a standalone hybrid Emergency Department on Route 9 and Hudson Road. Dr. Rhodenbaugh and Dr. Brad Mitchell, General Surgery Program Director of Bayhealth, presented information on

Presentation (continued) Bayhealth's Graduate Medical Education Program which will address the shortage of physicians in the State.

Disposition of County Owned Property Mr. Lawson discussed the disposition of County owned property that consists of parking lots in Georgetown. The respective Tax Parcel IDs are: 135-14.20-223.00; 135-14.20-232.00; 135-14.20-233.00; and 135-15.17-148.01. Per the County Property Disposition Policy, County Directors were asked if they had a need for the property and they did not. Mr. Lawson reported that the State of Delaware is prepared to purchase the property from the County for the purpose of constructing the new Family Courthouse complex and parking structure. The appraised value of the property and agreed upon sales price is \$550,000. Mr. Lawson noted that the Council's approval is required to enter into a purchase contract with the State; the purchase contract has been reviewed and approved by the State and County attorneys. Final settlement is to take place subsequent to the due diligence period. The County may remain in possession of the property until the State provides 30-day notice of its intention to begin pre-construction activities.

M 219 21 Approve the Sale of County Owned Property A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council approves the sale of certain pieces of land located in Georgetown identified as Tax Parcels 135-14.20-223.00; 135-14.20-232.00; 135-14.20-233.00; and 135-15.17-148.01; and Be It Further Moved that Sussex County enter into a Purchase Agreement with the State of Delaware for the purchase of the same property for the appraised value of \$550,000 for the purpose of constructing the State's new Family Courthouse complex and parking structure.

Motion Adopted: 5 Yeas.

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

Administrator's Report Mr. Lawson read the following information in his Administrator's Report:
1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Wellesley – Phase 3 (Construction Record) and McKinney's Grove, effective June 9th and June 10th respectively.

2. Holiday Schedule

County offices will be closed on Friday, June 18th, in observance of Juneteenth. Offices will reopen on Monday, June 21st.

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

Request to Post Notices/ Warrington Road Expansion John Ashman, Director of Utility Planning & Design, presented a request to prepare and post notices for the Warrington Road Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). Mr. Ashman reported that the Engineering Department received a request from the property owners of parcels 334-12.00-117.00 and 118.00. This annexation would also include two adjacent parcels. The project would be responsible for System Connection Charges in place at the time of connection.

M 220 21 Authorize Posting of Notices/ Warrington Road Expansion A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that the Sussex County Engineering Department is authorized to prepare and post notices for the Warrington Road Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area), as presented.

Motion Adopted: 5 Yeas.

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

Pintail Pointe Referendum Results and Declaration of Area John Ashman, Director of Utility Planning & Design, presented the referendum results for the Pintail Pointe Area of the Sussex County Unified Sanitary Sewer District. Mr. Ashman reported that in early March, the Engineering Department received petitions requesting that Sussex County establish a sanitary sewer district area not limited to but including all lands known as Pintail Pointe in Milton. On March 23, 2021, the Council approved the posting of notices for a public meeting to establish the boundary. A Public Hearing was held on April 27, 2021 at which time Council approved the final boundary for the District. The Engineering Department held a referendum on June 4, 2021 and the results of that referendum are as follows: 34 in favor and 0 in opposition (5 were absentee votes).

M 221 21 Adopt R 011 21 A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Resolution No. R 011 21 entitled "PINTAIL POINTE AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE".

Motion Adopted: 5 Yeas.

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

Grant Requests

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

Eddie Sherman and Peggy Raley were in attendance to explain the grant request from True Blue Jazz, Inc.

**M 222 21
Countywide Youth Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$5,000.00 from Countywide Youth Grants to True Blue Jazz, Inc. for festival expenses.

Motion Adopted: 5 Yeas.

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

**Public Hearing/
North Georgetown Area of the SCUSSD**

A Public Hearing was held to consider organizing a sanitary sewer district for the North Georgetown Area of the Sussex County Unified Sanitary Sewer District. John Ashman, Director of Utility Planning and Design, reported that the Engineering Department received a request from Beacon Engineering for their client, Sussex Pain Relief Center. The Center desires to expand their existing facility with a surgery center. There are limitations associated with the formal variance permitted by DNREC that prohibits this economic expansion. The County has received interest in the past from this parcel and a few others in the area. DNREC has issued a Letter of No Objection to them connecting to County sewer. The County and Beacon Engineering reached out to surrounding property owners. Mr. Ashman reported that, to date, the County has received one inquiry as to what is being proposed on the parcels.

Public comments were heard.

Betty Warrington and Sally Griffith, both area property owners, stated that they did not receive a notice regarding the proposed expansion and that they do not want to be included in the proposed expansion.

Caroline Antony, CFO of Sussex Pain Relief Center, was in attendance to discuss the Center's operations, and its growth and need for expansion. Ms. Antony stated that the limitation on sewer facilities would limit their ability to expand.

There were no additional public comments.

The Public Hearing was closed.

**M 223 21
Defer Action on North Georgetown Area Expansion**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to defer action on the Proposed Expansion of the North Georgetown Area of the Sussex County Unified Sanitary Sewer District and to leave the record open for a response back from the Engineering Department on the boundaries for this proposed project.

**M 223 21
(continued)**

Motion Adopted: 5 Yeas.

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

**Presenta-
tion/
Property
Reassess-
ment
Project**

Chris Keeler, Director of Assessment, introduced Paul Miller of Tyler Technologies. Tyler Technologies was awarded the County's reassessment project at the June 8, 2021 Council meeting. Mr. Miller reported on how the property reassessment project will be conducted: door to door data collection, data analysis, valuation review, and informal meetings with taxpayers. He noted that exterior measurements will be taken of all improvements; that there will be street level imaging of every property; that data mailers will be sent to each home; that income and expense surveys will be conducted for commercial properties; that there will be residential valuations / value reviews; and that notices will be sent to expose the values to the public. Mr. Miller stated that Tyler Technologies will partner with the County during the informal review process, including establishing a website for the appraisal project, providing appeals support, and participating in revision hearings. He noted that Tyler representatives will not enter homes unless requested by the homeowner.

**Lease
Agreement/
ASOS
Weather
Monitoring
Equipment**

Robert Bryant, Airport Manager, presented a Memorandum of Agreement between Sussex County and the Federal Aviation Administration (FAA) associated with the continued presence and operation of the Automated Surface Observation System (weather monitoring equipment) at the Delaware Coastal Airport. The Lease Agreement is for a period of 20 years. Mr. Bryant noted that the County's compliance to grant assurances require that an Airport Sponsor make available property free of any fees to the FAA in support of weather monitoring equipment and communications equipment associated with air traffic control operations.

**M 224 21
Approve
Revised
FAA
MOA/
Lease
Agreement/
ASOS
Weather
Monitoring
Equipment**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council approves the revised FAA Memorandum of Agreement, FAA Contract No. 69435Z-20-L-00095, associated with the continued presence and operation of the Automated Surface Observation System (ASOS) currently located on the Delaware Coastal Airport, as presented.

Motion Adopted: 5 Yeas.

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

**State Fire
Prevention
Center
Lease**

Robert Bryant, Manager, Delaware Coastal Airport, presented a First Amendment to a Lease Agreement between Sussex County and the State of Delaware Office of Management and Budget, State Fire Prevention Commission. The State Fire Prevention Center building is located in the

**State Fire
Prevention
Center
Lease
(continued)**

County's Airport - Industrial Park and houses the State's fire training facility. The First Amendment would extend an original Lease Agreement entered into in October 1990, as follows: (1) The revised lease terms shall commence on June 1, 2021 and shall expire on May 31, 2051 (30 Years) and (2) Tenant shall pay the Landlord rent in the sum of \$5,000.00 per year. Mr. Bryant noted that the Amendment requires review and approval from the FAA since the term exceeds a period of 25 years. The FAA has responded that they have found the Lease to be reasonable and that they have no objections.

**M 225 21
Approve
Lease
Amend-
ment/
State Fire
Prevention
Center**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council approves the First Amendment to Lease Agreement between Sussex County and the State of Delaware, Office of Management and Budget, State Fire Prevention Commission, as presented.

Motion Adopted: 5 Yeas.

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

**Lochwood
Area
Expansion
of the
SCUSSD/
Issuance
of
General
Obligation
Bonds**

Hans Medlarz, County Engineer, reported that in 2019, the County Council voted to extend the Sussex County Unified Sanitary Sewer District to include the Lochwood Community. In May 2020, the Preliminary Engineering Report and the Environmental Information Documents were combined with the overall funding application and filed with USDA/Rural Development, Rural Utility Service, for approximately \$8,440,000.00. On May 21, 2021, the County accepted the letter of conditions and on May 24, 2021, the obligating documents associated in the loan amount of \$4,723,000.00 and \$3,717,000.00 of grant funding. Mr. Medlarz noted that this paved the way for the funding to be obligated by the USDA. The Finance and Engineering Departments now recommend Council's approval of the USDA Loan Resolution and introduction of the associated debt ordinance authorizing the issuance of up to \$4,287,000 of general obligation bonds of Sussex County in connection with the construction and equipping of the Lochwood Expansion of the Unified Sanitary Sewer District. In addition, the Engineering and Finance Departments request Council's approval of the companion grant agreement.

**M 226 21
Approve
USDA Loan
Resolution/
Lochwood
Area
Expansion
of the
SCUSSD**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, based upon the recommendation of the Sussex County Engineering and Finance Departments, that the USDA Loan Resolution authorizing supplemental indebtedness for the Lochwood Area Expansion of the Unified Sanitary Sewer District and the associated USDA Grant Agreement be approved.

Motion Adopted: 5 Yeas.

FEMA Mitigation Grant/Sponsorship of 25867 Berry Street (continued)

has been owned by Daniel Wien since 1972 and he currently uses it as his primary residence. The home was significantly flooded in February 1998 and since then, it has been flooded in some degree multiple times. In August 2017, FEMA designated the property in the Severe Repetitive Loss category. Mr. Medlarz stated that the Engineering Department recommends that the County Council sponsor the FEMA Mitigation Grant Application, FMA-PJ-03-DE-2018-002 under the 100% Federal cost share arrangement.

M 228 21 Approve Sponsorship of the FEMA Mitigation Grant Application/ 25867 Berry Street

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the sponsorship of the FEMA Mitigation Grant application associated with Tax Parcel 234-25.00-2.00, contingent upon FEMA verification of the 100% Federal Cost Share.

Motion Adopted: 5 Yeas.

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

Western Sussex Transmission Facilities/ Contact 3/ Project S19-27 – C/O 1

Hans Medlarz, County Engineer, presented a Close-Out Change Order (No. 1) for Contract 3, Project S19-27, Western Sussex Transmission Facilities, Herring Run and Heritage Shores Force Main. Mr. Medlarz also requested the granting of Substantial Completion for this project. Change Order No. 1, is in the credit amount of \$643,915.22 (reduction for items not used). This project was substantially complete as of November 19, 2020; all remaining punch list items have been resolved.

M 229 21 Approve C/O 1 for Contract S19-27/ Western Sussex Transmission Facilities

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order 1 for Contract S19-27, Western Sussex Transmission Facilities, Contract 3, Herring Run & Heritage Shores Force Main, be approved, decreasing the Contract by \$643,915.22 and that Substantial Completion be granted effective April 7, 2021 with any held retainage released in accordance with the Contract documents.

Motion Adopted: 5 Yeas.

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

Western Sussex Transmission Facilities/ GMB and DBF Agmts.

Mr. Medlarz reviewed amendments to the George Miles & Buhr (GMB) and Davis Bowen & Friedel (DBF) Engineering Agreements for the Transmission Facilities for the Western Sussex Unified District: (1) Amendment No. 4 to the Base Engineering Contract with GMB for the Western Sussex Sanitary Sewer District is for additional services in association with the commissioning of pumping stations and close-out of

**Western
Sussex
Trans-
mission
Facilities/
GMB and
DBF Agmts.
(continued)**

Construction Contract Nos. 3, 4 and 6 (in the amount of \$18,000.00). (2) A request from DBF for additional professional services associated with the Construction Administration Services due to the current construction schedule extending beyond the planned length and DBF reaching their contract maximum. DBF is requesting a fee increase of \$12,500.00 to continue to provide their services at the same hourly rates as indicated in the original agreement for the remainder of the project.

**M 230 21
Approve
Amend-
ments to
Agreements
with GMB
and DBF/
Western
Sussex
Trans-
mission
Facilities**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 4 to the Base Engineering Contract for the Western Sussex Sanitary Sewer District with George, Miles & Buhr be approved in the amount not to exceed \$18,000.00, and Amendment 3 to the EJCDC Base Engineering Contract with Davis, Bowen & Friedel be approved in the amount of \$12,500.00 for the extension of Construction Administration Services.

Motion Adopted: 5 Yeas.

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

**Inland Bays
RWF/
Regional
Biosolids
and
Septage
Facilities/
Chesapeake
Utilities
Corp,
Minimum
Use Agmt.
Amendment**

Hans Medlarz, County Engineer, presented for Council's consideration of an Amendment to the Minimum Use Agreement with Chesapeake Utilities Corporation (Chesapeake) for gas procurement at the Inland Bays Regional Wastewater Facility. Mr. Medlarz reported that Chesapeake is the retail provider of the gas at an interruptible rate, which is based upon Chesapeake extending the gas service to the Facility at no cost to the County with the understanding that there would be a minimum use. Mr. Medlarz reported that the minimum use for the first year has not been met, mostly due to the COVID-related delays to the initial start-up. Mr. Medlarz stated that he submitted the documentation to Chesapeake and they agreed to an extension.

**M 231 21
Approve
Amendment
to Minimum
Use Agmt./
Chesapeake
Utilities
Corp./
IBRWF**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Finance and Engineering Departments, that Council approves the Amendment to the Minimum Use Agreement with Chesapeake Utilities Corporation, as presented.

Motion Adopted: 5 Yeas.

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

Mr. Vincent handed over the gavel to Mr. Rieley.

**Artesian/
Bulk
Wastewater
Services
Agreement
Addendum**

Hans Medlarz, County Engineer, presented for Council's consideration a Proposed Addendum to the Bulk Wastewater Services Agreement between Artesian Wastewater Management, Inc. and Sussex County. Due to COVID-related delays, Artesian has requested consideration of a waiver of the requirement outlined in Section 2(e) of the 2016 Bulk Wastewater Services Agreement; the requirement was that each party perform an annual "true-up" on June 30th of each year. Artesian is requesting that the requirement be waived this calendar year and flow amounts be rolled over until June 30, 2022. This Addendum extends the true-up until the end of Fiscal Year 2022.

**M 232 21
Approve
Agreement
Addendum/
Artesian/
Bulk
Wastewater
Services**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Addendum 5 to the Bulk Wastewater Services Agreement between Sussex County and Artesian Wastewater Management, Inc., as presented.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Old
Business/
CU 2206**

Under Old Business, the Council considered Conditional Use No. 2206 filed on behalf of Linder & Company, Inc. (Evans Farm).

The Planning and Zoning Commission held a Public Hearing on this application on March 25, 2021 at which time action was deferred. On April 8, 2021, the Commission recommended approval with the following conditions:

- a. There shall be no more than 200 units within the development.**
- b. All entrances, intersections, roadways and multimodal improvements required by DeIDOT shall be completed by the Applicant in accordance with DeIDOT's determination.**
- c. Recreational amenities shall be completed within the project, as follows:**
 - 1. Community Center/Clubhouse, pool, playground and courts on or before the issuance of the 50th Certificate of Occupancy.**
 - 2. Multi-modal recreational facilities by the 100th Certificate of Occupancy.**
- d. Central sewer shall be provided to the development by Sussex County. The Developer shall comply with all requirements and specifications of the Sussex County Engineering Department.**

**Old
Business/
CU 2206
(continued)**

- e. **The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- f. **Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- g. **No wetlands shall be disturbed except as authorized by State and Federal permits.**
- h. **Interior street design shall comply with or exceed Sussex County standards and shall include sidewalks or multi-modal pathways on one side of all streets with street lighting.**
- i. **Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- j. **The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.**
- k. **Construction, site work, excavation, grading and deliveries to or from the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. through 2:00 p.m. on Saturdays.**
- l. **The Developer shall preserve as many existing trees as possible on the site. Clearing, disturbance or altering of existing vegetation shall be limited to what is necessary for construction and for the removal of dead and dying trees which pose a threat to public safety or harm to adjacent properties. These areas of non-disturbance shall be clearly shown on the Final Site Plan.**
- m. **The Final Site Plan shall include a landscape plan for the development, including all buffer areas. This shall also depict the landscaping and vegetation included in the bermed area at the entrance to the community along Old Mill Road. Landscape and lawn maintenance shall be the responsibility of the Developer or its assigns.**
- n. **The Applicant or its assigns shall be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities and open space.**
- o. **There shall be an emergency entrance via Railway Road. This entrance shall be shown on the Final Site Plan.**
- p. **There was testimony in the record about the adverse impact of the proposed maintenance buildings across Railway Road from the rest of this development. As one person stated, these facilities impact other**

**Old
Business/
CU 2206
(continued)**

properties while having no adverse effect on the new units they will serve in the new development. The Applicant shall safely remove the existing dilapidated farmhouse, outbuildings and chicken house from this area but leave the area as open space. All maintenance facilities shall be located within the larger parcel where the residential units are planned. Any maintenance buildings shall be located and screened from view of adjacent properties to mitigate any impact on them.

- q. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- r. There shall not be any lighting at the rear of the proposed garages/storage buildings. There shall also be vegetation planted and maintained by the Developer at the rear of each of these buildings to reduce the visual impact of them on neighboring and adjacent properties. The design and location of these vegetative screens shall be shown on the Final Site Plan.
- s. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The Council held a Public Hearing on this application on April 20, 2021 at which time action was deferred.

**M 233 21
Amend
Condition/
CU 2206**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to amend Condition 13-K recommended by the Planning and Zoning Commission by adding a sentence at the end stating "A 24 by 36 inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction."

Motion Adopted: 5 Yeas.

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

**M 234 21
Amend
Condition/
CU 2206**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to amend Condition 13-L recommended by the Planning and Zoning Commission by adding two sentences at the end stating "Required silt fencing shall be installed on the edge of these areas to avoid disturbance. Any tree that is removed from the site for purposes of construction or because it is dead or dying shall be replaced with a similar native species tree nearby on the site that is at least six feet tall at the time of planting."

Motion Adopted: 5 Yeas.

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

**M 235 21
Amend
Condition/
CU 2206**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to amend Condition 13-M recommended by the Planning and Zoning Commission by deleting it in its entirety and replacing it with the following: “There shall be a vegetated or forested buffer that is at least 30 feet wide installed along the perimeter of this development. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area. The Final Site Plan shall also depict the landscaping and vegetation included in the bermed area at the entrance to the community along Old Mill Road. The owner of the project shall maintain the vegetation within the buffer area in perpetuity by replacing any dead or dying vegetation with similar plantings.”

Motion Adopted: 5 Yeas.

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

**M 236 21
Amend
Condition/
CU 2206**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to amend Condition 13-R recommended by the Planning and Zoning Commission by adding a sentence at the end that states: “The owner of the project shall maintain these vegetation screens in perpetuity by replacing any dead or dying vegetation with similar plantings.”

Motion Adopted: 5 Yeas.

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

**M 237 21
Amend
Condition/
CU 2206**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to amend Condition 13-H recommended by the Planning and Zoning Commission by adding a sentence at the end that states: “Along the streets on the multi-modal path on the outside on Railroad Road and Old Mill Road there is to be street lighting.”

Motion Adopted: 5 Yeas.

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

**M 238 21
Adopt
Ordinance
No. 2776/
CU 2206**

A Motion was made by Mr. Hudson, seconded by Mr. Vincent, to Adopt Ordinance No. 2776 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (200 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 50.62 ACRES, MORE OR LESS” (Conditional Use No. 2206) filed on behalf of Linder & Company, Inc. (Evans Farm), with the following conditions, as amended:

- a. There shall be no more than 200 units within the development.**
- b. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT’s determination.**
- c. Recreational amenities shall be completed within the project, as follows:**
 - 1. Community Center/Clubhouse, pool, playground and courts on or before the issuance of the 50th Certificate of Occupancy.**
 - 2. Multi-modal recreational facilities by the 100th Certificate of Occupancy.**
- d. Central sewer shall be provided to the development by Sussex County. The Developer shall comply with all requirements and specifications of the Sussex County Engineering Department.**
- e. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- f. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- g. No wetlands shall be disturbed except as authorized by State and Federal permits.**
- h. Interior street design shall comply with or exceed Sussex County standards and shall include sidewalks or multi-modal pathways on one side of all streets with street lighting. Along the streets on the multi-modal path on the outside of Railroad Road and Old Mill Road there is to be street lighting.**
- i. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**

**M 238 21
Adopt
Ordinance
No. 2776/
CU 2206
(continued)**

- j. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.**
- k. Construction, site work, excavation, grading and deliveries to or from the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. through 2:00 p.m. on Saturdays. A 24 inch x 36 inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- l. The Developer shall preserve as many existing trees as possible on the site. Clearing, disturbance or altering of existing vegetation shall be limited to what is necessary for construction and for the removal of dead and dying trees which pose a threat to public safety or harm to adjacent properties. These areas of non-disturbance shall be clearly shown on the Final Site Plan. Required silt fencing shall be installed on the edge of these areas to avoid disturbance. Any tree that is removed from the site for purposes of construction or because it is dead or dying shall be replaced with a similar native species tree nearby on the site that is at least six feet tall at the time of planting.**
- m. There shall be a vegetated or forested buffer that is at least 30 feet wide installed along the perimeter of this development. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area. The Final Site Plan shall also depict the landscaping and vegetation included in the bermed area at the entrance to the community along Old Mill Road. The owner of the project shall maintain the vegetation within the buffer area in perpetuity by replacing any dead or dying vegetation with similar plantings.**
- n. The Applicant or its assigns shall be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities and open space.**
- o. There shall be an emergency entrance via Railway Road. This entrance shall be shown on the Final Site Plan.**
- p. There was testimony in the record about the adverse impact of the proposed maintenance buildings across Railway Road from the rest of this development. As one person stated, these facilities impact other properties while having no adverse effect on the new units they will serve in the new development. The Applicant shall safely remove the existing dilapidated farmhouse, outbuildings and chicken house from this area but leave the area as open space. All maintenance facilities**

**M 238 21
Adopt
Ordinance
No. 2776/
CU 2206
(continued)**

shall be located within the larger parcel where the residential units are planned. Any maintenance buildings shall be located and screened from view of adjacent properties to mitigate any impact on them.

- q. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- r. There shall not be any lighting at the rear of the proposed garages/storage buildings. There shall also be vegetation planted and maintained by the Developer at the rear of each of these buildings to reduce the visual impact of them on neighboring and adjacent properties. The design and location of these vegetative screens shall be shown on the Final Site Plan. The owner of the project shall maintain these vegetation screens in perpetuity by replacing any dead or dying vegetation with similar plantings.
- s. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 3 Yeas, 2 Nays.

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

**Introduction
of Proposed
Zoning
Ordinances**

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.68 ACRES, MORE OR LESS” (Change of Zone No. 1944) filed on behalf of Executive Lawn Property Management, LLC (Tax I.D. No. 235-30.00-6.20) (911 Address: 25141 Lewes Georgetown Highway, Georgetown).

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF CU 889 (ORDINANCE NO. 536) FOR PUBLIC UTILITIES OR PUBLIC SERVICES USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 29.98 ACRES, MORE OR LESS” (Conditional Use No. 2284) filed on behalf of Eastern Shore Natural Gas Company (Tax I.D. No. 131-10.00-99.00) (911 Address: 17019, 17025, 17035 & 17041 Black Cherry Drive, Bridgeville).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL

Introduction of Proposed Zoning Ordinances (continued)

DISTRICT – RESIDENTIAL PLANNED COMMUNITY AND TO AMEND THE CONDITIONS OF APPROVAL OF CZ 1768 (ORDINANCE 2411) TO INCREASE THE GROSS SITE AREA BY 5.253 ACRES AND TO INCREASE THE NUMBER OF PERMITTED UNITS WITHIN THE RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 56.372 ACRES, MORE OR LESS” (Change of Zone No. 1931) filed on behalf of Lighthipe, LLC (Tax I.D. No. 134-17.00-12.02) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

M 239 21 Recess

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to recess until 1:30 p.m.

Motion Adopted: 5 Yeas.

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

M 240 21 Reconvene

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

Motion Adopted: 5 Yeas.

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

Public Hearing/ Proposed Ordinance/ Land Use Map Amendment and CZ 1929

A combined Public Hearing was held on the Proposed Ordinances entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-30.00-58.02 (PORTION OF)” and the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.4653 ACRES, MORE OR LESS” (Change of Zone No. 1929) filed on behalf of Ryan Lehmann (Tax I.D. No. 235-30.00-58.02 (portion of) (911 Address: 26822 Lewes Georgetown Highway, Harbeson).

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinances on April 22, 2021 at which time action was deferred.

On May 13, 2021, the Commission recommended approval of both Proposed Ordinances.

**Public Hearing/
Proposed Ordinance/
Land Use Map Amendment and CZ 1929 (continued)**

(See the minutes of the Planning and Zoning Commission dated April 22 and May 13, 2021.)

Jamie Whitehouse, Director of Planning and Zoning, presented the applications.

The Council found that Ryan Lehmann was present on behalf of his applications. Mr. Lehmann stated that he currently owns two acres of land that are zoned Commercial which front on Route 9; that in 2020, he purchased two acres to the rear of the commercially-zoned property which is zoned Agricultural Residential; that he would like commercial zoning for the rear parcel so that it is compatible with the commercial zoning of the front parcel; that this property is adjacent to the railroad line; that the same use will apply to both the front and rear property; and that the property will be used to store inventory for his business (Backyard Works).

There were no public comments.

The Public Hearing and public record were closed.

**M 241 21 Adopt Ordinance No. 2777/
Land Use Map Ordinance Amendment**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to Adopt Ordinance No. 2777 entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-30.00-58.02 (PORTION OF)”.

Motion Adopted: 5 Yeas.

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

**M 242 21 Adopt Ordinance No. 2778/
CZ 1929**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to Adopt Ordinance No. 2778 entitled “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 1.4653 ACRES, MORE OR LESS” (Change of Zone No. 1929) filed on behalf of Ryan Lehmann

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU 2245**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.5 ACRES, MORE OR LESS” (Conditional Use No. 2245) filed on behalf of Jonathan Plump (Tax I.D. No. 235-13.00-2.02 and 2.03) (911 Address: 20723 and 20715 Milton-Ellendale Highway, Ellendale).

The Planning and Zoning Commission held a Public Hearing on this application on April 22, 2021 at which time action was deferred. On May 13, 2021, the Commission recommended approval with the following conditions:

- a. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.**
- b. The facility shall only be accessible from 5:00 a.m. until dusk and the access gate shall be locked to prevent after-hours access to the site.**
- c. The perimeter of the site shall be fenced with a 6-foot high fence that screens the property from neighboring and adjacent properties and roadways.**
- d. There shall be a landscaping buffer between the outside of the fence and the adjacent residential properties to screen the use and the fence from those adjacent homes. The Final Site Plan for this use shall include a landscaping plan for this buffer area.**
- e. No sales or maintenance of boats or RVs shall occur on the site.**
- f. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- g. No more than 90 boats and RVs shall be permitted on the site.**
- h. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the Final Site Plan.**
- i. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.**
- j. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and RVs located on the site.**
- k. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.**
- l. No junked or unregistered boats, boat trailers or RVs shall be stored on the site.**
- m. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated April 22 and May 13, 2021.)

**Public
Hearing/
CU 2245
(continued)**

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

Mr. Whitehouse stated that an additional extract of a plan has been received on this date from the Applicant and has been circulated.

The Council found that Chad Lingenfelder, Esq., was present with the Applicant. They stated that the request is for a 90-space storage facility for boats and recreational vehicles on the farther back region of both properties; that no inoperable boats or garages will be permitted on the property; that no maintenance will be performed on the property; that the Captains Way development is nearby and those residents will have a need for this type of storage since it is not permitted in the development; that they are in agreement with the Planning and Zoning Commission's recommended conditions with the exception of Condition 8-b which restricts the time when the storage area is accessible from 5:00 a.m. until dusk; that this condition was recommended due to the houses across from this property on Route 16; that there are no houses on Route 16 facing this property; that they would like 24-hour access; that there will be an electronic key card access; and that the lights, fencing and natural tree buffer will provide adequate protection. Mr. Lingenfelder suggested an amended Condition 8-b, as follows: The facility will be accessible on a 24-hour basis and the access gate shall be locked to prevent unauthorized access to the site.

There were no public comments.

The Public Hearing and public record were closed.

**M 243 21
Amend
Condition/
CU 2245**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to amend Condition 8-b to read as follows: The facility shall be accessible on a 24-hour basis and the access gate shall be locked to prevent unauthorized access to the site.

Motion Adopted: 5 Yeas.

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

**M 244 21
Adopt
Ordinance
No. 2779/
CU 2245**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to Adopt Ordinance No. 2779 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.5 ACRES, MORE OR LESS" (Conditional Use No. 2245) filed on behalf of Jonathan Plump, with the following conditions:

**M 244 21
Adopt
Ordinance
No. 2779/
CU 2245
(continued)**

- a. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.
- b. The facility shall be accessible on a 24-hour basis and the access gate shall be locked to prevent unauthorized access to the site.
- c. The perimeter of the site shall be fenced with a 6-foot high fence that screens the property from neighboring and adjacent properties and roadways.
- d. There shall be a landscaping buffer between the outside of the fence and the adjacent residential properties to screen the use and the fence from those adjacent homes. The Final Site Plan for this use shall include a landscaping plan for this buffer area.
- e. No sales or maintenance of boats or RVs shall occur on the site.
- f. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- g. No more than 90 boats and RVs shall be permitted on the site.
- h. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the Final Site Plan.
- i. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.
- j. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and RVs located on the site.
- k. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.
- l. No junked or unregistered boats, boat trailers or RVs shall be stored on the site.
- m. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU 1926**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CZ 1538 (ORDINANCE 1700) IN RELATION TO PIERS, DOCKS, BOAT RAMPS AND OTHER WATER RELATED RECREATIONAL FACILITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 180.60 ACRES, MORE OR LESS” (Tax I.D. No. 334-13.00-334.00, 1448.00 through 1750.00) (Conditional Use No. 1926) filed on behalf of CP Townhomes, LLC (Canal Pointe RPC).

**Public
Hearing/
CU 1926
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on April 22, 2021 at which time action was deferred. On May 13, 2021, the Commission recommended approval contingent on the following: Condition No. 15 of Change of Zone No. 1926 and Ordinance No. 1700 should be amended to state as follows:

- 15. Subject to the receipt of all applicable permits from the U.S. Army Corps of Engineers, DNREC and any other agencies having jurisdiction, this RPC shall be permitted to have only one dock for the use of residents. This dock shall only be utilized for kayaks and paddleboards. No motorized boats shall be launched or docked at this location. No storage of kayaks, paddleboards, boats or other marine equipment shall be permitted along the dock or landward of it within the RPC. There shall be an amendment to the Canal Pointe Master Plan and a subsequent Final Site Plan showing the dock and its point of access from the RPC. No other piers, docks, boat ramps or other water-related facilities shall be permitted.**

(See the minutes of the Planning and Zoning Commission dated April 22 and May 13, 2021.)

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

Mr. Whitehouse reported that 105 letters/emails have been received in support of the application and that 22 letters/emails have been received in opposition to the application. One (1) of those letters represents 11 homeowners for a total of 32 properties in opposition, and 1 of those letters has a neutral stance.

The Council found that Tim Willard, Attorney, was present on behalf of the Applicant (Grande at Canal Pointe Maintenance Corporation); that also present on behalf of the application was Melissa Donnelly, President of Canal Pointe Homeowners Association (HOA); Kent Larson, Vice President of the HOA; and Ed Launay of Environmental Consultants; that CP Townhomes, LLC was the property manager and former developer of Canal Pointe and still owns the roads; that the maintenance of the development is now owned by the Canal Pointe Maintenance Corporation which is the HOA; that the HOA now owns the piece of land known as Canal Park, an open area that has frontage on the canal; that this application is for an amendment to one condition of approval of Change of Zone No. 1926 to permit docks; that there are a total of 284 homeowners; that 180 homeowners voted on this proposal and 163 voted in favor; that the covenants of the HOA allow piers, docks, boat ramps and other water related recreational facilities; that they already received approval from the Army Corp of Engineers and from DNREC, however, those approvals expired and they need the Council's approval prior to reapplying; that they have no problem with the Commission's recommendation to not allow motorized vessels; that the project is located on the Lewes – Rehoboth

**Public
Hearing/
CU 1926
(continued)**

Canal and requires a high level of scrutiny by the Army Corp of Engineers; that DNREC performs an independent review; that although eagles are no longer considered a protected species, the proposal is outside of any protection zone for eagles; that they recommend that the location of the dock be shifted from where it was previously approved somewhat to the north because there is a small piece of intervening property that needs to be properly buffered; that there are no environmental factors that would prohibit the dock being constructed; that the County has a 50 foot buffer ordinance requirement from State-regulated tidal wetlands and the buffer line is shown on the record plan; that allowed in the buffer are water-dependent recreational facilities; that the requested dock would not be in conflict with the buffer ordinance; that the County only regulates the building of structures within the buffer, and not vegetation; that there is a concrete path that leads through the park and terminates before entering the buffer; that they have no problem with the limitation to non-motorized vessels only; that they have no problem with no storage in the park area being permitted; that the HOA is following all regulatory steps to have the proposed amenity; that there would be no parking permitted in the area; that the dimensions of the dock would be regulated by DNREC; that they do not believe fencing is necessary; and that the general public will not be permitted to use the dock facilities.

Mr. Willard offered several changes to the Planning and Zoning Committee's recommended Condition No. 15 including to allow for canoes or similar non-motorized vessels.

Public comments were heard.

There were no comments in support of the application.

John Paradee, Attorney, spoke in opposition to the application on behalf of a number of property owners in the area, most of who live across the canal. Mr. Paradee stated that if Council decides to approve the application, they are requesting a number of conditions to protect the canal. Mr. Paradee stated that since the approval of the initial application (when there was a lot of opposition from the public and DNREC to any intrusion on the wetlands or the buffer areas adjacent to the subdivision), nothing has changed that would warrant undoing the conditions; that the initial approval was subject to 20 conditions to minimize any impact on the surrounding area; that the approval of this application would result in more intrusion on the canal; that more than 500 people would be able to use the dock/launch; that there was and still is sensitive habitat in the area; that the scope and magnitude of the proposal is excessive; that every homeowner in Canal Pointe took title with notice of Condition No. 15; that the location of the recreational dock/pier appears to be located upon lands owned by someone other than the Grande at Canal Pointe Maintenance Corporation; that he questions if CP Townhomes, LLC has the legal standing to make application; that if a kayak/canoe launch is permitted, conditions should be imposed to minimize the environmental and water safety risks including: a secure gated,

**Public
Hearing/
CU 1926
(continued)**

electronic fence with a fob pass; the use to be limited to a kayak/canoe launch; no storage facilities or other structures or improvements to be located on or within the subject parcel; no motorized watercraft of any kind to be permitted; appropriate protections for the eagles and other endangered or protected wildlife; and the restoration of the natural buffer. Mr. Paradee submitted proposed conditions of approval and aerial photos.

Bob Reed stated that he lives directly across from the proposed dock location and that Condition No. 15 was applied for good reasons and there is no circumstance that has changed to justify removing that condition; that he is okay with a kayak dock but he fears it will be used for other purposes; and that the Applicant would need to build a dock that does not serve any other functions. Mr. Reed commented on the parcel of land and its ownership that the proposed dock/pier is to be located.

Mr. Willard noted that the proposed dock could not cross someone else's property and it would have to moved/adjusted during the Site Plan Review process.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 245 21
Defer
Action on
CZ 1926**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to defer action on Change of Zone No. 1926 filed on behalf of CP Townhomes, LLC (Canal Pointe RPC).

Motion Adopted: 5 Yeas.

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

**M 246 21
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at 3:02 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 22, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 22, 2021, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 247 21
Amend
and
Approve
Agenda**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to amend the Agenda by deleting “Approval of Minutes – June 15, 2021”, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

**Public
Comments**

There were no public comments.

**DelDOT
CTP
Presentation**

Mark Coté, DelDOT Director of Planning, and Josh Thomas, DelDOT Planning Supervisor, were in attendance to discuss DelDOT’s Capital Transportation Program (CTP) and specifically the Proposed FY2023 – FY2028 CTP. Mr. Coté and Mr. Thomas reviewed the CTP process, sources of funding, and specific projects (candidates) being considered for inclusion in the FY2023 – FY2028 CTP.

**FY 2022
Budget
Hearings**

At 10:35 a.m., Public Hearings were held on the FY 2022 Budget.

**Public
Hearing/
Assessment
Rolls**

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

**Public Hearing/
Assessment
Rolls
(continued)**

properties and applicable front footage and EDUs that will be billable by the rates established in the rate ordinance.

There were no public comments.

The Public Hearing and public record were closed.

**M 248 21
Adopt
Assessment
Rolls**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council adopts the Assessment Rolls for the Sussex County Unified Sanitary Sewer and Water Districts for the period July 1, 2021 through June 30, 2022.

Motion Adopted: 5 Yeas.

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

**Public Hearing/
Sewer
Rates
and
Charges
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”.

Mrs. Jennings reviewed highlights of the sewer and water budget. (A comprehensive presentation was given at the May 25, 2021 Council meeting.)

There were no public comments.

The Public Hearing and public record were closed.

**M 249 21
Adopt
Ordinance
No. 2780/
Sewer
Rates
and
Charges**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2780 entitled “AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”.

Motion Adopted: 5 Yeas.

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

**Public Hearing/
Proposed Ordinance/
Clerk of the Peace Fees**

A Public Hearing was held on the Proposed Ordinance entitled “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”.

Mrs. Jennings reported that the Marriage Bureau is proposing new fees which have to do with after-hours ceremonies. An increased fee is proposed for in-office ceremonies that take place after business hours and on weekends. Additionally, an increased fee is proposed for outside the office ceremonies for non-Delaware residents.

Jay Jones, Clerk of the Peace, explained that the proposed fee increases will help streamline Department operations and will offset the Department’s budget deficit.

There were no public comments.

The Public Hearing and public record were closed.

**M 250 21
Adopt Ordinance
No. 2781/
Ordinance Relating to
Clerk of the Peace Fees**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2781 entitled “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”.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Public Hearing/
Proposed FY 2022
Budget Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022”.

Mrs. Jennings reviewed highlights of the \$278 million annual operating budget for Fiscal Year 2022. (A comprehensive presentation was given at the May 25, 2021 Council meeting.)

Public comments were heard.

**Public Hearing/
Proposed
FY 2022
Budget
Ordinance
(continued)**

Keith Steck spoke on behalf of the Delaware Coalition for Open Government and raised questions regarding contingencies and allocations for historic preservation, libraries, information technology, maintenance, Planning and Zoning, and legal professional services.

Katey Mallard, Director of Habitat for Humanity spoke in support of an Affordable Housing Trust Fund in Sussex County.

Eul Lee commented on growth in Sussex County and the inflation rate, and budget increases that are needed as a result of this growth, especially in the Planning and Zoning Department. Ms. Lee also commented on the salaries of Councilmembers and the need to raise those salaries to full-time compensation.

Sarah Rhine, Policy Director of Housing Alliance Delaware, spoke in support of the creation and funding of an Affordable Housing Trust Fund in Sussex County.

James Arrington, Sussex County President of the Delaware Volunteer Firefighters Association, thanked Council for its continued support.

Pat Steckman stated that the public safety allocation in the budget is quite large and recommended that the County assign a transportation advisor to DelDOT for proposed developments.

Michele Williams spoke in support of the creation and funding of an Affordable Housing Trust Fund in Sussex County.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 251 21
Adopt
Ordinance
No. 2782**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2782 entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022".

Motion Adopted: 5 Yeas.

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

**Land Use
Notice
Signs**

Mr. Lawson and Jamie Whitehouse, Planning and Zoning Director, gave a presentation on Sussex County land use application "Notice" signs. They discussed applications that require posting of notices on the property including Conditional Use applications, Change of Zone applications, RPC applications, and major subdivision applications. They discussed the pros and cons of the signs currently used; a comparison of signs Sussex County currently uses compared to what Kent County uses; and considerations for

**Land Use
Notice
Signs
(continued)**

change in Sussex County. Mr. Whitehouse presented considerations for change: change sign branding and style to include the County seal, provide additional information and details, include a QR code link to the County database, and increase all sign sizes or create two different sign sizes. It was noted that sign placement is also an important consideration. Council was asked to provide feedback to Mr. Lawson or Mr. Whitehouse for a future presentation to Council on ideas and possibly, a prototype.

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for May 2021 is attached listing the number of violent crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 193 troopers assigned to Sussex County for the month of May.

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

**Federal
Payment
in Lieu
of Taxes**

Andrea Wall, Manager of Accounting, reported that a check in the amount of \$38,898.00 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. The 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. Mrs. Wall advised that the recommendation is to allocate the funds in the same percentage as other County tax collections, as the County has done in the past.

**M 252 21
Approve
Refuge
Revenue
Sharing
Funds
Distri-
bution**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that the Sussex County Council approves the Accounting Department's recommended distribution of the Refuge Revenue Sharing Funds, as follows: Milford School District - \$7,855.53; Cape Henlopen School District - \$25,392.93; Sussex Technical School District - \$2,095.11; Sussex County - \$3,181.40; and Sussex County Libraries - \$373.03.

Motion Adopted: 5 Yeas.

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

**FY 2022
Insurance
Recommendation**

Andrea Wall, Manager of Accounting, discussed the renewal of the County's insurance package on July 1. The County's broker, Alliant, recommended that the County not market its property and liability package, workers compensation, pollution, and fiduciary coverages; all other lines were marketed. Alliant recommends that the County market the program only every 2-3 years in order to not over-exercise the market and to enable the County to maintain relationships with key insurance partners.

Mrs. Wall stated that, despite a difficult state of the insurance market where rates are increasing significantly and capacity is shrinking as well as extenuating events such as COVID-19, Alliant has been able to secure renewal pricing that was in line with the County's budget projections for FY 2022. Mrs. Wall and the County's insurance consultant, Scott Agar, recommended that the County renew with the following insurers:

- 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

Mrs. Wall stated that, although this presentation is for an increase in cost, it reflects current market conditions, and not the claim activity or insurability of Sussex County. Although the increase is around 10%, many other jurisdictions are seeing much larger increases even with no claim activity.

Scott Agar, the County's insurance consultant, was in attendance and discussed the cyber liability market, its acceleration and premium increases.

**M 253 21
Authorize
Placement
of Insurance
Coverage**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of Alliant Insurance Services, Inc. and Insurance Buyers Council, and the Sussex County Finance Department, that Sussex County Council authorizes the placement of insurance coverage, as presented, for the period of July 1, 2021 through June 30, 2022, at a cost not to exceed \$1,827,518.80.

Motion Adopted: 5 Yeas.

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

SCRWF & Rehoboth Beach WTP CIP Phase 2 C/O

Hans Medlarz, County Engineer, presented Change Order No. 11 for the South Coastal Regional Wastewater Facility Treatment Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction, Project C19-11, Change Order No. 11, in the amount of \$59,557.16 for work modifications and differing site conditions.

M 254 21 Approve C/O 11/ Contract C19-11 SCRWF & Rehoboth Beach WTP CIP Phase 2

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 11 for Contract C19-11, South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction, be approved, increasing the Contract amount by \$59,557.16.

Motion Adopted: 5 Yeas.

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

Old Business/ CZ 1891/ CZ 1892/ CU 2193

Under Old Business, the Council considered Change of Zone No. 1891, Change of Zone No. 1892, and Conditional Use No. 2193 filed on behalf of Chappell Farm, LLC.

The Planning and Zoning Commission held a Public Hearing on these applications on January 21, 2021 at which time action was deferred. On February 11, 2021, the Commission recommended approval of these applications with the following stipulations attached to the Conditional Use:

- 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 DeIDOT 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**

Old
Business/
CZ 1891/
CZ 1892/
CU 2193
(continued)

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 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 2:00 p.m. 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 Conservation 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.

The Council held a Public Hearing on these applications on March 2, 2021 at which time action was deferred.

Mr. Schaeffer reported that following the Public Hearing on the three applications of Chappell Farm, LLC, several members of the public questioned whether or not he should be permitted to participate and vote. Out of an abundance of caution, and to ensure there would be no question regarding the integrity of his participation in the proceedings, he, individually, decided it was best to be proactive and request an advisory opinion from the Public Integrity Commission. Following a hearing, the Commission found that campaign donations do not create a conflict of interest; the Commission also found that no personal or private interest was created by support of his campaign. The Commission held that there is no appearance of impropriety and as long as he and his wife are not profiting by selling, leasing or renting properties owned by the Applicants, or are located in the Chappell Farm project, no conflicts of interest exist. Mr. Schaeffer stated that, because of this ruling, he feels confident in his ability to participate in the vote on this date.

Change of Zone No. 1891

M 255 21

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2783 entitled "AN ORDINANCE TO AMEND THE

**M 255 21
Adopt
Ordinance
No. 2783/
CZ 1891
(continued)**

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” (Change of Zone No. 1891) filed on behalf of Chappell Farm, LLC (Tax I.D. No. 235-23.00-1.02 [portion of]) (911 Address: 30511 Cave Neck Road, Milton).

Motion Adopted: 5 Yeas.

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

Change of Zone No. 1892

**M 256 21
Adopt
Ordinance
No. 2784/
CZ 1892**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to Adopt Ordinance No. 2784 entitled “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” (Change of Zone No. 1892) filed on behalf of Chappell Farm, LLC (Tax I.D. No. 235-23.00-1.02 [portion of]) (911 Address: 30511 Cave Neck Road, Milton).

Motion Adopted: 5 Yeas.

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

Mr. Vincent handed over the gavel to Mr. Rieley.

Conditional Use No. 2193

**M 257 21
Amend
Conditions/
CU 2193**

A Motion was made by Vincent seconded by Mr. Hudson, to amend Condition 14-G recommended by the Planning and Zoning Commission by adding a sentence at the end that states: “A 24 by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.”

Motion Adopted: 5 Yeas.

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

**M 258 21
Amend
Conditions/
CU 2193**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to amend Condition 14-N recommended by the Planning and Zoning Commission by deleting it in its entirety and replacing it with the following: “No building permit shall be issued for any commercial use buildings until the new grade separated interchange, secondary roads, roundabout, and service roads associated with the Route One and Cave Neck Road intersection are substantially completed and open to vehicular traffic. This limitation shall not apply to the single mixed use building containing residential and commercial uses and identified as PR Mixed Use Building on the April 15, 2019 Preliminary Site Plan.”

Motion Adopted: 4 Yeas, 1 Nay.

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

**M 259 21
Amend
Conditions/
CU 2193**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to add a new Condition 14-O and renumber the existing condition 14-O as 14-P, and that Condition 14-O will read as follows: “No building shall be constructed closer than 120 feet from the northwest property line of the site that runs along the Red Fox Run development, which is the distance between the northwest property line, the Red Fox Run development, and the buildings shown on the April 15, 2019 Preliminary Site Plan.”

Motion Adopted: 5 Yeas.

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

**M 260 21
Adopt
Ordinance
No. 2785/
CU 2193**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to Adopt Ordinance No. 2785 entitled “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” (Conditional Use No. 2193) filed on behalf of Chappell Farm, LLC (Tax I.D. No. 235-23.00-1.02 [portion of]) (911 Address: 30511 Cave Neck Road, Milton), with the following conditions, as amended:

- 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**

**M 260 21
Adopt
Ordinance
No. 2785/
CU 2193
(continued)**

- 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 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. There shall be no construction activities at the site on Sundays. A 24 by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
 - 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 Conservation 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. No building permit shall be issued for any commercial use buildings until the new grade separated interchange, secondary roads, roundabout, and service roads associated with the Route One and Cave Neck Road intersection are substantially completed and open to vehicular traffic. This limitation shall not apply to the single mixed use building containing residential and commercial uses and identified as PR Mixed Use Building on the April 15, 2019 Preliminary Site Plan.**
 - O. No building shall be constructed closer than 120 feet from the northwest property line of the site that runs along the Red Fox Run development, which is the distance between the northwest property line, the Red Fox Run development, and the buildings shown on the April 15, 2019 Preliminary Site Plan.**
 - P. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**M 260 21
(continued)**

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

Mr. Rieley turned the gavel back over to Mr. Vincent.

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

**M 261 21
Council-
manic
Grant**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to give \$6,474.00 (\$3,237.00 each from Mr. Schaeffer's and Mr. Rieley's Councilmanic Grant Accounts) to the Fort Miles Historical Association for the USS Arizona Exhibit at the Fort Miles Museum.

Motion Adopted: 5 Yeas.

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

**M 262 21
Council-
manic
Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to give \$4,600.00 from Mr. Hudson's Councilmanic Grant Account to the Bethany Beach Volunteer Fire Company for equipment expenses.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Zoning
Ordinance**

Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A 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" (Conditional Use No. 2287) filed on behalf of Danielle Roach.

The Proposed Ordinance will be advertised for Public Hearing.

**Council
Members'
Comments**

Council Members' Comments

Mr. Hudson stated that he would like to discuss density calculations at a future meeting.

**M 263 21
Go Into
Executive
Session**

At 12:42 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to recess the Regular Session and go into Executive Session to discuss matters relating to pending litigation, land acquisition and personnel.

M 263 21 **Motion Adopted: 5 Yeas.**
(continued)

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

Executive Session **At 12:50 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to pending litigation, land acquisition and personnel. The Executive Session concluded at 1:45 p.m.**

M 264 21 **At 1:50 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, Reconvene** **to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

M 265 21 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to authorize Authorize**
Land **the County Administrator to negotiate, enter into a contract, and proceed to closing on two parcels of land known as Land 2021-G and Land 2021-H.**

**Acquisition/
Land
2021-G
and
2021-H**

Motion Adopted: 5 Yeas.

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

M 266 21 **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn Adjourn**
at 1:52 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

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

WILLIAM PFAFF
ECONOMIC DEVELOPMENT DIRECTOR
(302) 855-7700 T
(302) 854-5383 F
william.pfaff@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 Douglas B. Hudson
The Honorable Cynthia C. Green
The Honorable Mark G. Schaeffer

FROM: William Pfaff
Economic Development

RE: **ExciteSussex Fund Framework**

DATE: June 25, 2021

On the agenda Tuesday is the ExciteSussex Fund. Attached for your review is the framework for the loan fund that we established in 2017. I will be informing you on the Miller Metal project in Bridgeville, DE that has applied to our loan program.



The ExciteSussex Fund

Discover Bank and The Grow America Fund (an affiliate of the National Development Council) have partnered to launch the ExciteSussex Fund. Together, we are working to help companies grow their businesses in Sussex County. With longer loan terms and below market interest rates, the ExciteSussex Fund can help businesses stretch their cash flow and save thousands of dollars with lower monthly payments.

Who is eligible? Qualified, existing businesses in operation for at least 2 full years with 10 to 500 full-time employees (subject to the SBA size standards by industry). Real estate investment or development projects and financing entities are not eligible.

The business must have the following public benefits:

- Creation and retention of permanent, full-time jobs
- Serve businesses in located in Sussex County economic development zones within the grid

How much can be borrowed? Loans can range from \$250,000 to \$1,000,000. However, the amount a business can borrow is subject to underwriting guidelines and availability of funds.

How can the loan be used and what are the repayment terms?

- Machinery & Equipment – to be paid over 10 years
- Real Estate Acquisition and/or Renovation – to be paid of 25 years
- Tenant improvements – to be repaid over the life of the lease

Is there an application fee? There is no application fee.

Are there closing costs?

- Once the loan is approved, the applicant pays a 1% deposit at commitment letter signing for appraisal, legal, and other costs incurred prior to closing
- SBA guarantee of 2-3%
- All closing costs may be financed through the loan

What are the interest rates?

- Effective rate: 4.75% as of Sept. 25,2018 (based on 7-year Treasury)

What guarantees and collateral are required?

- Personal guarantees are required from any individual with > 20% ownership of the business
- Security interest in all available collateral
- For real estate: flexible loan-to-value, depending on underwriting

What reporting is required? Grow America Fund meets with every business annually. Financial statements and/or tax returns shall be provided at least annually.

Explore. Excite. Exceed.

COUNTY ECONOMIC DEVELOPMENT OFFICE
2 The Circle | P.O. Box 589 | Georgetown, DE 19947
302-855-7700



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

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REPORT TO GOVERNOR'S ADVISORY COUNCIL ON PLANNING

SUSSEX COUNTY, DELAWARE

2020-2021

June 29, 2021

INTRODUCTION

This is the second annual report regarding Sussex County's 2018 Comprehensive Plan ("the Plan"), which was adopted by County Council on Tuesday, December 4, 2018. The Plan was subsequently certified by Governor John C. Carney on March 19, 2019 as being in compliance with Title 9, Chapter 69, Subchapter II (The Quality of Life Act) of the Delaware Code.

This report is intended to comply with Title 9, Section 6958 of the Delaware Code. Delaware law mandates that all counties and municipalities have a Comprehensive Plan in place. Counties and municipalities must review and update those plans for State certification every 10 years, while also providing annual updates on the progress of implementation.

NEW INITIATIVES

In the July 2020 to June 2021 reporting year, Sussex County has undertaken a number of initiatives to implement the strategies within the Comprehensive Plan.

To further Strategy 12.2.1.1, the County introduced an Ordinance to amend the superior design requirements for new cluster subdivisions applications located within the Coastal Area as shown on the Future Land Use Map. This Ordinance, which was approved on February 2, 2021, revised the design requirements to promote less fragmentation of open space that is required to be shown on subdivision plans.



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On September 22, 2020, Sussex County signed an updated Memorandum of Understanding with Delaware Department of Transportation. This document outlines the relationship between the County and DelDOT in relation to the receipt and processing of land-use applications, and the level of information that is required to be included within an application.

Funding Accelerating Safety in Transportation (FAST) Track Program

On December 15, 2020, Sussex County Council approved the creation of a Funding Accelerating Safety in Transportation (FAST) Track Program, a first-of-its-kind plan to use a set-aside of County funds to jumpstart road improvements that are planned, but not imminent on the State's six-year capital projects list. Under the FAST Track program, Sussex County would provide up to \$5 million to accelerate projects included in the Delaware Department of Transportation's Capital Transportation Program (CTP) plan. County funds would be earmarked for design work, right-of-way acquisition, and construction costs. DelDOT, in turn, would fully administer any project. At the completion of a project, DelDOT would reimburse the County the full amount of funds provided.

Henlopen Transportation Improvement District

The County has successfully implemented Strategy 13.1.1.2 of the Comprehensive Plan by working with the Delaware Department of Transportation to implement the County's first Transportation Improvement District for the 24 square mile Henlopen area south of Rt. 9 and west of SR.1. The Henlopen TID was adopted on October 29, 2020 and unless a development falls within a specified exemption, is required to contribute to planned transportation infrastructure improvements within the District.

Potential Master-Planned Zoning District (MPZ)

As part of Strategy 4.4.1.5, Strategy 12.2.2.2, Strategy 13.1.1.3 & Strategy 13.6.2.1, the County has continued to explore the creation of a new Zoning District designed to secure a superior planned design in new larger-scale mixed-use developments. The potential new Zoning District, which would be targeted at developments of more than 400 units, or with gross site areas greater than 400 acres,

would allow for a more streamlined approach to decision making by front-loading larger amounts of information into the application process.

C-4 Planned Commercial Zoning District

On May 11, 2021, the County introduced an Ordinance to amend the C-4 Zoning District to increase the maximum percentage of the district’s developable area that can be used for duplexes, townhomes and multi-family dwellings from 20% to 40%. This Ordinance, which also contains amendments to foster increased use of the C-4 Zoning District is currently subject to public hearings and action is expected in summer 2021.

LAND USE

In the reporting year there has been a change in the number and type of applications received. Since July 1, 2020, the Planning & Zoning Department has received a total of 55 applications for Conditional Uses and 21 Changes of Zone, compared with a total of 41 and 30 respectively for the previous 12-month period.

	Change of Zone	Conditional Use
July 1, 2019 – June 30, 2020	30	41
July 1, 2020 – June 30, 2021	21	55

Total Conditional Use and Change of Zone applications by received date

During the reporting year, the total number of Major Subdivision applications has increased, and the total number of lots proposed has also increased from the previous year, as outlined below:

	Total Number of Applications	Total Number of Lots Proposed
July 1, 2019 – June 30, 2020	24	942
July 1, 2020 – June 30, 2021	34	1,817

Total of Major Subdivision Applications by received date

Major subdivisions include applications for the creation of more than four lots, or on parcels where the permitted number of minor subdivisions has been utilized. The increase over the prior year was

associated with a reduction in the number of applications received in the July 1, 2019 - June 30, 2020 reporting period due to COVID-19.

WASTEWATER

Sussex County continues to increase the availability of central sewer to environmentally sensitive areas of the County. The County has completed mainline sanitary sewer infrastructure and transmission system for the Robinsonville Road Public-Private partnership project for several proposed communities in the area and the Plantation Road project. Projects currently under construction for central sewer include Herring Creek, Chapel Branch, Mulberry Knoll, and Wolfe Runne. There are multiple additional projects in various stages of design scheduled for installation of central sewer in the near future. Those areas include Joy Beach, Mallard Creek, Long Neck Communities, and Lochwood. Recently added areas into the unified sanitary sewer district and in the pipeline for design include Briarwood Estates and Blackwater Village.

The County has been continuing its efforts to utilize private utility infrastructure owned by regulated utilities under bilateral agreement(s) in an effort to prevent the installation of parallel underutilized infrastructure. The County is also in the process of determining (through a referendum as required by state law) whether to extend sewer service to the Pintail Pointe community and an area north of Georgetown. There are several other communities currently submitting polling letters to gauge interest in central sewer; those include Irons Lane Landing, Indian River Acres, and Indian Town Farms.

The County has completed the installation of the major transmission line for sewer in the Western Sussex Area which will transmit wastewater from Greenwood and Bridgeville to the City of Seaford wastewater facility for treatment and disposal. This transmission line has eliminated the Bridgeville treatment facility and its discharge to the upper reaches of the Nanticoke River. The County has entered into numerous utility interconnect agreements in an effort to continue the prevention of the installation of parallel underutilized infrastructure.

WATER

The County is completing the installation of the water transmission system for the residents of the Greater Ellendale Water District. County Council approved the water district in October 2018. Subsequently, the Engineering Department submitted a State Drinking Water SRF capital funding package which made it on the State's Project Priority List with the highest ranking, the design was completed, and the project is proceeding.

County Council approved a Resolution creating the Winding Creek Village water district in October 2017. The water infrastructure is scheduled to be installed in parallel with a sanitary sewer project for the community. The County has applied for and been granted the Certificate of Convenience and Necessity (CPCN) for the Winding Creek Village water district and the system is currently in the design phase.

The County is currently circulating polling letters, at the request of the homeowners' association of Blackwater Village, to determine if there is sufficient interest in a central water system for their community. If deemed sufficient, a public hearing will be held addressing the potential impacts and a proposed boundary prior to a referendum of legal voters being scheduled.

HOUSING

Sussex County continues to promote fair and affordable housing through the Planning & Zoning Department and the Community Development and Housing Department. The construction of the first large-scale housing project approved under the Sussex County Rental Program (SCRIP) known as Coastal Tide (formerly known as The Arbors of Cottagedale Apartments) began in 2020. Coastal Tide is an 18.08 ac. parcel of land located in Lewes and Rehoboth Hundred (Tax parcel 334-6.00 504.02). The Final Site Plan includes 168 apartments including 1, 2 and 3-bedroom units, with 26 of the apartments set-aside as affordably priced housing units through SCRIP. As of June 2021, three of the six apartment buildings are complete, housing 15 of the 26 SCRIP units. The 15 SCRIP units are occupied by eligible tenants earning less than 80% of Area Median Income for Sussex County.

In response to the economic hardships related to COVID-19, Sussex County Council granted \$250,000 in new CDBG-CV funding through the CARES Act to eligible non-profits. Eight local non-profits received funding to prepare, prevent, and respond to COVID-19. Eligible activities include subsistence payments (rent, utilities) to income-qualifying households, food and food delivery services, purchase of personal protective equipment, and legal assistance.

The County continues to work with applicants proposing residential developments to explore ways to deliver increased affordably-priced units within the County.

Following the final report and recommendations in October 2019 from LSA Planning, the organization contracted to provide an intensive housing study, an internal County working group composed of Administration, Community Development and Housing, Planning and Zoning, and Legal worked to develop an implementation plan to expand affordable housing opportunities. The plan was proposed in the County's FY2022 budget and includes a Housing Trust Fund and updates to the County's inclusionary zoning programs.

During the reporting year, Sussex County has assisted 270 households with owner-occupied rehabilitations and emergency repairs, water and sewer hookups for low- and moderate-income households, with a total value of \$2+ million. The County continues to work and partner with the Sussex Housing Group and its affiliates to coordinate public/private partnerships that leverage dollars for community development efforts in impacted communities.

RECREATION AND OPEN SPACE

The Sussex County Subdivision Code allows for applicants to apply under the cluster development option whereby the lot size and lot width requirement of the AR-1 Zoning District is reduced for subdivisions that provide a minimum of 30% of the site area as open space. This option is also available within the Coastal Area. During the review period, the following areas of open space were approved or recommended for approval under this option:

P&Z Reference	Name	Units	Open Space (Ac.)
2020-18	Woodlands II	33	6.23
2020-11	Cardinal Grove	98	26.12
2020-10	The Crossings	39	12.0
2019-30	Pelican Point (Phase 4-5)	219	44.21
2019-29	Scenic Manor	319	80.27
2019-24	Stratus Estates	226	139.27
CZ 1942	Twin Cedars GR-RPC	254	42.57
CZ 1921	Bay Forest Club Phase 6 MR - RPC	23	2.0
CZ 1911	Patriot's Glen MR-RPC	128	9.66

The total new open space approved during the review period is 362.33 acres.

In the past year, the County has taken steps to preserve open space and farmland, including the Jones Farm purchase near Lewes and a property acquisition near Angola. More can be found at these links:

<https://sussexcountyde.gov/news/sussex-county-joins-effort-protect-jones-farm-near-lewes>
<https://sussexcountyde.gov/news/sussex-county-buys-farmland-near-angola-preserve-open-space>

On June 22, 2021, Sussex County Council approved the Council's budget for Fiscal Year 2022. As part of the \$278 million budget, a sum of \$4.4 million has been identified to preserve open space and farmland. This is an increase from the Fiscal Year 2021 budget of \$1.7 million.

INTER-GOVERNMENTAL COORDINATION

In May 2021, the County's Planning & Zoning Department provided comments to the Town of Georgetown's Comprehensive Plan. In October 2020, the Planning & Zoning Department provided comments on the Town of Delmar's Draft Comprehensive Plan Update. In September 2020, the Planning & Zoning Department provided comments to the Town of Frankford's Comprehensive Plan Update.

In June 2021, the County is working with both the City of Seaford and the Town of Ellendale to provide comments on the Comprehensive Plan Updates for those jurisdictions.

CONCLUSION

The 2020-2021 reporting period has seen solid progress towards the implementation of the strategies contained within the 2018 Comprehensive Plan. The County looks forward to continuing to implement the Comprehensive Plan during the 2021-2022 reporting period.

ENGINEERING DEPARTMENT

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



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed 7-Eleven Bridgeville Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for the Expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area) on May 11, 2021
- The Engineering Department had received a request from Becker Morgan Group, Inc. on behalf of their client PTV 1081, LLC the owners/developers of a project known as 7-Eleven Bridgeville for parcels 131-19.00-7.00 & 8.02.
- The project is a proposed convenience store and service station.
- The project will be responsible for System Connection Charges in place at the time of connection and an Existing Infrastructure Use Agreement will be required.
- The Engineering Department posted notices on June 10, 2021, put the notice on the County website and advertised the week of June 14th & 21st.
- To date we have had no correspondence either in support or opposition to the annexation.



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

PUBLIC NOTICE

PROPOSED 7-ELEVEN EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (WESTERN SUSSEX AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **May 11, 2021** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Western Sussex Area, to include two parcels on the west side of Sussex Highway (Rt. 13), being situate in Northwest Fork Hundred, Sussex County, Delaware.

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

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

Beginning at a point, said point being on the northerly Right-of-Way (ROW) of Cannon Road (Rt. 18), said point also being on the SCUSSD boundary, said point further being a shared property corner of lands Now-or-Formerly (N/F) of Wheatley Farms, Inc and lands N/F Balsamo & Norino Properties, LLC, thence proceeding by and with said Wheatley and SCUSSD boundary in a northeasterly direction a distance of 721'± to a point, said point being the westernmost property corner of lands N/F of Beverly A. Williams Revocable Trust; thence leaving said SCUSSD boundary and Wheatley lands and following by and with said Williams lands in a southeasterly direction a distance of 210'± to a point, said point being on the westerly ROW of Sussex Highway; thence leaving said Williams lands and proceeding by and with said ROW in a southwesterly direction a distance of 760.39' to a point, said point being on the Westerly ROW of Sussex Hwy. and the Northerly ROW of Cannon Road; thence leaving said ROW of Sussex Hwy. and proceeding by and with said ROW of Cannon Road and the curve thereof having a radius of 2126.60 feet, an arc distance of 264.10 feet and a chord bearing of South 65° 05' 24" West 263.98 feet to a point, said point being the **Point of Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 131-19.00 and Sussex County property assessment records. The annexation contains 3.09 acres more or less.

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

The public hearing will be held on this issue at 10:30 a.m. on June 29, 2021 at the regularly scheduled Sussex County Council meeting. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

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

Hans M. Medlarz, P.E.
County Engineer

Proposed Annexation 7-Eleven Bridgeville

Parcels of Interest
 Existing SSD



0 55 110 220 Feet

5/17/2021



PB 74-309

PB 70-319

8.03

1.87
Ac.

467.81

6

1.00
Ac.

210

7

1.00
Ac.

210

8.02

2.09
Ac.

350.39

264.10

CONNECTING RD

RT. 13

SUSSEX-HWY

SUSSEX-HWY

RAMP

RAMP

RT. 13

23
3.21 Ac.S

26
1.62 Ac.
DB 5322-66

2
1.00 Ac

65.01
3.19 Ac.

RT. 18

The proposed annexation is scheduled to be discussed June 29, 2021 at 10:30 AM
at the regularly scheduled meeting of the Sussex County Council.
For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>
Or call Sussex County Utility Planning at 302-855-8384

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 131-19.00-7.00 & 8.02 ON THE WEST SIDE OF SUSSEX HIGHWAY. THE PARCELS ARE LOCATED IN THE NORTHWEST FORK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Sussex Highway (Rt. 13), the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the east side of Sussex Highway, south of the Town of Bridgeville, as follows:

Beginning at a point, said point being on the northerly Right-of-Way (ROW) of Cannon Road (Rt. 18), said point also being on the SCUSSD boundary, said point further being a shared property corner of lands Now-or-Formerly (N/F) of Wheatley Farms, Inc and lands N/F Balsamo & Norino Properties, LLC, thence proceeding by and with said Wheatley and SCUSSD boundary in a northeasterly direction a distance of 721'± to a point, said point being the westernmost property corner of lands N/F of Beverly A. Williams Revocable Trust; thence leaving said SCUSSD boundary and Wheatley lands and following by and with said Williams lands in a southeasterly direction a distance of 210'± to a point, said point being on the westerly ROW of Sussex Highway; thence leaving said Williams lands and proceeding by and with said ROW in a southwesterly direction a distance of 760.39' to a point, said point being on the Westerly ROW of Sussex Hwy. and the Northerly ROW of Cannon Road; thence leaving said ROW of Sussex Hwy. and proceeding by and with said ROW of Cannon Road and the curve thereof having a radius of 2126.60 feet, an arc distance of 264.10 feet and a chord bearing of South 65° 05' 24" West 263.98 feet to a point, said point being the **Point of Beginning**.

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

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

PROPOSED 7 ELEVEN EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

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

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

- A. On June 10, 2021 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On June 10, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in the northerly ROW of Cannon Road in front of DEC Pole 143513,
 - 2. On a post in the westerly ROW of Sussex Highway in front of DPL Pole 47216/05325,
 - 3. On a post in the westerly ROW of Sussex Highway in front of DPL Pole 47219/05354,
 - 4. On a post in the westerly ROW of Sussex Highway 600'± north of Cannon Road,
 - 5. On a post in front of a stop sign in the southerly ROW of Heritage Shore Drive at the exit of Heritage Shores,
 - 6. On a message board at Bridgeville Town Hall, 101 N. Mains Street,
 - 7. On a post in front of a stop sign in the northerly ROW of Commercial Centre Drive at the intersection with Main Street,
 - 8. On a post in front of a stop sign in the northerly ROW of Passwaters Farm Road at the intersection with Main Street.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 16th day of June A.D., 2021


NOTARY PUBLIC

My Commission Expires 6/14/22

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

ENGINEERING DEPARTMENT

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



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Peninsula Square Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for the Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area) on May 11, 2021
- The Engineering Department has received a request from Duffield Associates, LLC on behalf of their client Four Diamonds Development & Consulting, LLC the owners/developers of a project known as Peninsula Square on parcel 234-23.00-115.00.
- The project is proposed a hotel, gas station, retail & office space.
- The project will be responsible for System Connection Charges in place at the time of connection and an Existing Infrastructure Use Agreement will be required.
- The Engineering Department posted notices on June 8, 2021, put the notice on the County website and advertised the week of June 14th & 21st.
- To date we have had no correspondence either in support or opposition to the annexation.



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

PUBLIC NOTICE

PROPOSED EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (LONG NECK AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **May 14, 2021** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Long Neck Area, to include a portion of a parcel along the west side of John J. Williams Highway, being situate in Indian River Hundred, Sussex County, Delaware. The parcel being district – map – parcel 234-23.00-115.00.

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

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

Beginning at a point, said point being on the SCUSSD boundary, said point also being the easternmost property corner of lands Now-or-Formerly (N/F) of Laura B. Hudson; thence proceeding by and with said SCUSSD boundary the following directions and distances, southeasterly 215'±, southwesterly 245'±, northwesterly 215'±, southwesterly 150'±, southeasterly 325'±, northeasterly 115'±, northwesterly 57'±, northeasterly 254'±, southeasterly 171'±, southwesterly 1,222'± to a point, said point being on the northerly property line of lands N/F of American Storage of Delaware LLC, said point also being on a property line of lands N/F of Four Diamonds Development & Consulting LLC; thence leaving said SCUSSD boundary and proceeding by and with said Four Diamonds lands the following directions and distances, northwesterly 1,111', southwesterly 681'±, northwesterly 1,281'±, northeasterly 132'±, southeasterly 1,075'±, northeasterly 590'±, southeasterly 647'± and northeasterly 1,026'± a point, said point being that of the beginning.

NOTE: The above description has been prepared using Sussex County Tax Map 234-23.00 and Sussex County property assessment records. The parcel contains 17.00 acres more or less.

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

The public hearing will be held on this issue at 10:30 a.m. on June 29, 2021 at the regularly scheduled Sussex County Council meeting. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

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

Hans M. Medlarz, P.E.
County Engineer

Proposed Annexation Peninsula Square

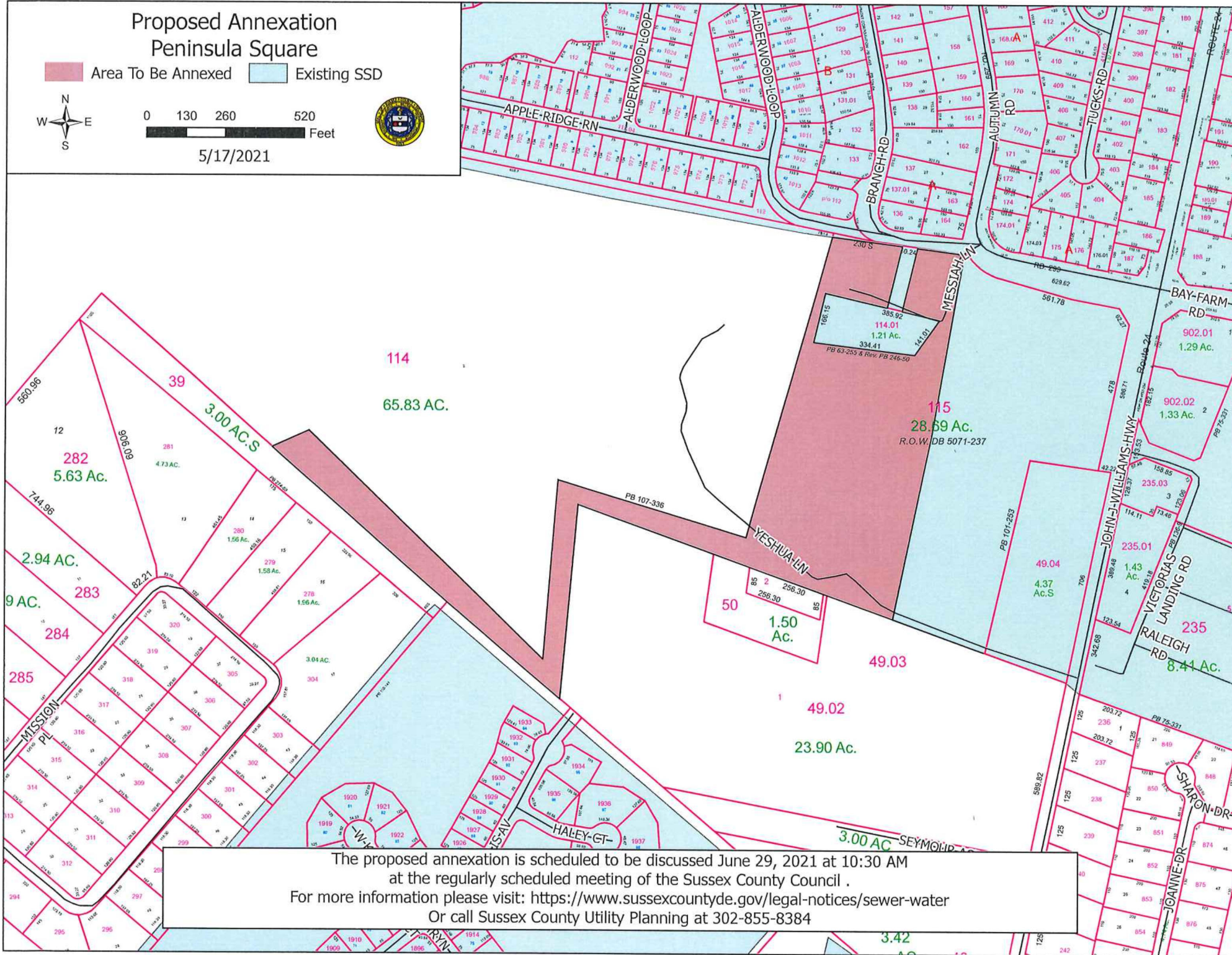
Area To Be Annexed Existing SSD



0 130 260 520
Feet



5/17/2021



The proposed annexation is scheduled to be discussed June 29, 2021 at 10:30 AM
at the regularly scheduled meeting of the Sussex County Council .
For more information please visit: <https://www.sussexcountyde.gov/legal-notice/sewer-water>
Or call Sussex County Utility Planning at 302-855-8384

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCEL 234-23.00-115.00 ON THE NORTH SIDE OF JOHN J. WILLIAMS HIGHWAY (RT. 24). THE PARCEL IS LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of John J. Williams Highway (Rt. 24), the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the north side of John J. Williams Highway, as follows:

Beginning at a point, said point being on the SCUSSD boundary, said point also being the easternmost property corner of lands Now-or-Formerly (N/F) of Laura B. Hudson; thence proceeding by and with said SCUSSD boundary the following directions and distances, southeasterly 215'±, southwesterly 245'±, northwesterly 215'±, southwesterly 150'±, southeasterly 325'±, northeasterly 115'±, northwesterly 57'±, northeasterly 254'±, southeasterly 171'±, southwesterly 1,222'± to a point, said point being on the northerly property line of lands N/F of American Storage of Delaware LLC, said point also being on a property line of lands N/F of Four Diamonds Development & Consulting LLC; thence leaving said SCUSSD boundary and proceeding by and with said Four Diamonds lands the following directions and distances, northwesterly 1,111', southwesterly 681'±, northwesterly 1,281'±, northeasterly 132'±, southeasterly 1,075'±, northeasterly 590'±, southeasterly 647'± and northeasterly 1,026'± a point, said point being that of the beginning.

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

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

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
PENINSULA SQUARE EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

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

- A. On June 8, 2021 he was a Planning Tech for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On June 8, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of a stop sign in the westerly ROW of Alderwood Loop at the intersection with Apple Ridge Run.
 - 2. On a post in front of a stop sign in the westerly ROW of Branch Road at the intersection with Alderwood Loop.
 - 3. On a post to the right of DEC transformer 211932 in the southerly ROW of Alderwood Loop'
 - 4. on a post in the southerly ROW of Alderwood Loop across from pool house.
 - 5. On a post in front of DEC pole 26464 in the southerly ROW of Branch Road.
 - 6. On a post in front of a stop sign in the southerly ROW of Branch Road at the intersection with Autumn Road.
 - 7. On a post in the southerly ROW of Autumn Road at the intersection with John J. Williams Highway
 - 8. On a post in the southerly ROW of Bay Farm Rd. in front of 40 Mph sign, 83' +/- southeast of John J. Williams Highway.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 16th day of June A.D., 2021


NOTARY PUBLIC

My Commission Expires 6/14/22

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Cardinal Grove Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for the Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) on May 25, 2021.
- The Engineering Department has received a request from Solutions IPEM on behalf of their client 18898 Beaver Dam Road, LLC the owners/developers of a project known as Cardinal Grove on parcel 234-2.00-1.10.
- The project is proposed at 98 units.
- The expansion would also include parcel 234-2.00-25.01 as requested by the parcel owner Linda D. Beebe.
- The project will be responsible for System Connection Charges in place at the time of connection and an Existing Infrastructure Use Agreement will be required.
- The Engineering Department posted notices on June 8, 2021, put the notice on the County website and advertised the week of June 14th & 21st.
- To date we have had no correspondence either in support or opposition to the annexation.



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

PUBLIC NOTICE

PROPOSED CARDINAL GROVE EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (WEST REHOBOTH AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **May 25, 2021** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), West Rehoboth Area, to include two parcels on the both sides of Robinsonville Road, being situate in Indian River Hundred, Sussex County, Delaware.

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

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

Beginning at a point, said point being on the easterly Right-Of-Way (ROW) of Beaver Dam Road, said point also being the Southerly edge of Bundick's Branch, said point further being a property corner of lands Now-Or-Formerly (N/F) of Linda D. Beebe TTEE; thence leaving said ROW and proceeding by and with said Branch and Beebe lands a total distance of 3,822'± to a point, said point being the northernmost property corner of lands N/F of Anton W. Hall; thence leaving said Branch and continuing by and with said Beebe lands in a southwesterly direction a distance of 406'±, said point being the easternmost property corner of Beebe Farm found in Plot Book 55 Page 119 and Plot Book 83 Page 85; thence continuing by and with said Beebe lands in a northwesterly, southwesterly and westerly direction respectively a total distance of 2,811'± to a point, said point being on the easterly ROW of Beaver Dam Road; thence leaving said Beebe lands and ROW and proceeding in a northwesterly direction across Beaver Dam Road a distance of 50'± to a point, said point being on the westerly ROW of Beaver Dam Road, said point also being other lands of Linda D. Beebe TTEE; thence leaving said ROW and proceeding by and with said other lands of Beebe in a westerly, southerly and easterly direction respectively a total distance of 1,430'± to a point, said point being on the westerly ROW of Beaver Dam Road; thence continuing with said other lands of Beebe and proceeding with said ROW in a southwesterly direction a distance of 488'± to a point, said point being on the easternmost property corner of Ocean Meadows subdivision; thence leaving said ROW and proceeding by and continuing with said other lands of Beebe in a northwesterly, southwesterly, northwesterly, northeasterly, southeasterly and northwesterly direction respectively a total distance of 3,814'± to a point, said point being on the southerly property line of lands N/F of Green Acres Farm, Inc., said point also being on the southerly edge of Bundick's Branch; thence proceeding by and with said Bundick's Branch and continuing with said other lands of Beebe in a northeasterly direction a distance of 480'± to a point, said point being the northwesternmost property corner of lands N/F of Martin W. McQuaide; thence leaving said Branch and continuing with said other lands of Beebe in a southerly and easterly directions respectively a total distance of 1,420'± to a point, said point being on the westerly ROW of Beaver Dam Road; thence leaving said ROW and other lands of Beebe and proceeding in an easterly direction across Beaver Dam Road a distance of 50'± to a point, said point being on the easterly ROW of Beaver Dam Road, said point also being on the westerly property line of the original lands of

Proposed Annexation Cardinal Grove

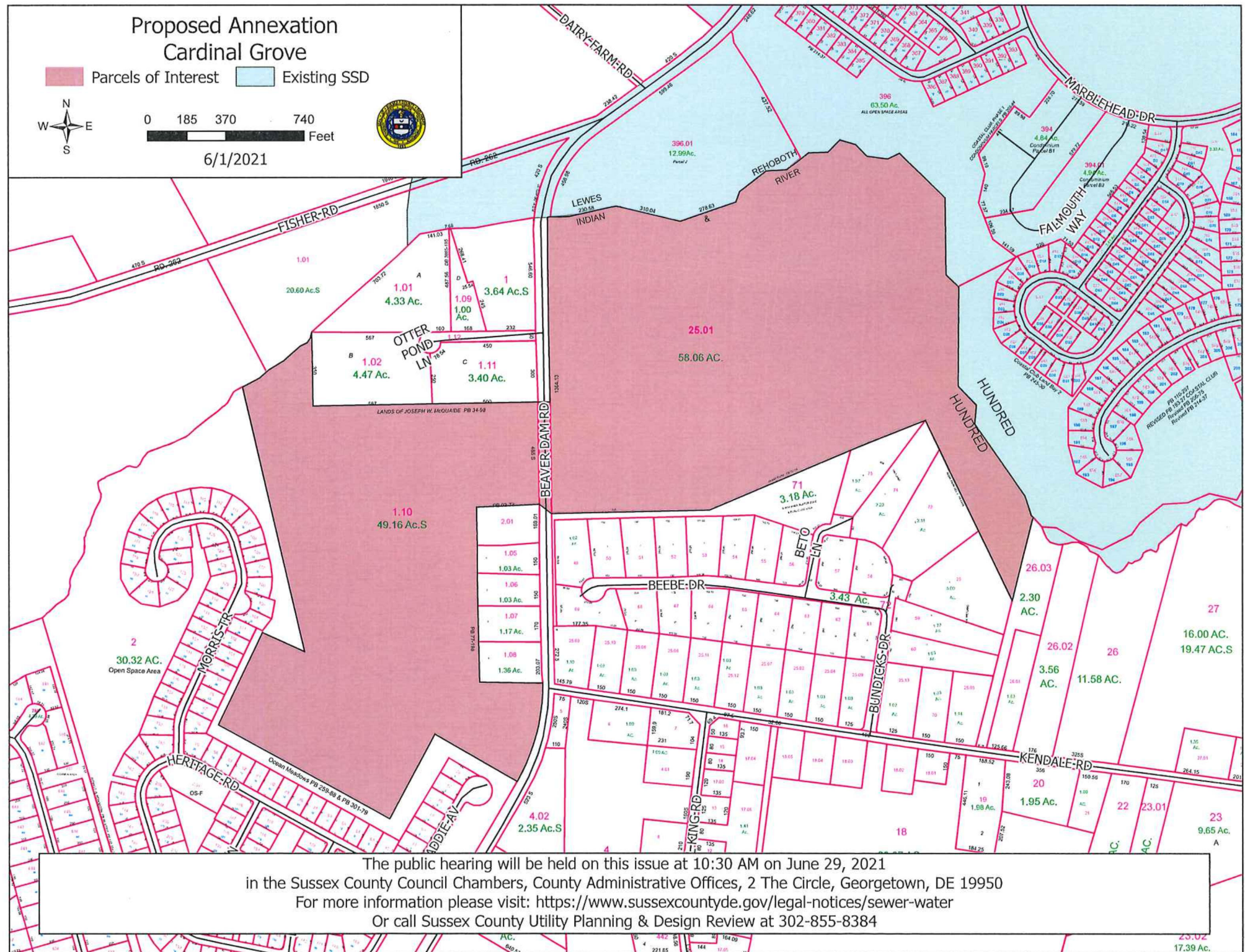
Parcels of Interest Existing SSD



0 185 370 740 Feet



6/1/2021



The public hearing will be held on this issue at 10:30 AM on June 29, 2021
in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, DE 19950
For more information please visit: <https://www.sussexcountyde.gov/legal-notice/sewer-water>
Or call Sussex County Utility Planning & Design Review at 302-855-8384

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 234-2.00-1.10 & 25.01 ON THE BOTH SIDES OF BEAVER DAM ROAD. THE PARCELS ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

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

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the both sides of Beaver Dam Road, as follows:

Beginning at a point, said point being on the easterly Right-Of-Way (ROW) of Beaver Dam Road, said point also being the Southerly edge of Bundick's Branch, said point further being a property corner of lands Now-Or-Formerly (N/F) of Linda D. Beebe TTEE; thence leaving said ROW and proceeding by and with said Branch and Beebe lands a total distance of 3,822'± to a point, said point being the northernmost property corner of lands N/F of Anton W. Hall; thence leaving said Branch and continuing by and with said Beebe lands in a southwesterly direction a distance of 406'±, said point being the easternmost property corner of Beebe Farm found in Plot Book 55 Page 119 and Plot Book 83 Page 85; thence continuing by and with said Beebe lands in a northwesterly, southwesterly and westerly direction respectively a total distance of 2,811'± to a point, said point being on the easterly ROW of Beaver Dam Road; thence leaving said Beebe lands and ROW and proceeding in a northwesterly direction across Beaver Dam Road a distance of 50'± to a point, said point being on the westerly ROW of Beaver Dam Road, said point also being other lands of Linda D. Beebe TTEE; thence leaving said ROW and proceeding by and with said other lands of Beebe in a westerly, southerly and easterly direction respectively a total distance of 1,430'± to a point, said point being on the westerly ROW of Beaver Dam Road; thence continuing with said other lands of Beebe and proceeding with said ROW in a southwesterly direction a distance of 488'± to a point, said point being on the easternmost property corner of Ocean Meadows subdivision; thence leaving said ROW and proceeding by and continuing with said other lands of Beebe in a northwesterly, southwesterly, northwesterly, northeasterly, southeasterly and northwesterly direction respectively a total distance of 3,814'± to a point, said point being on the southerly property line of lands N/F of Green Acres Farm, Inc., said point also being on the southerly edge of Bundick's Branch; thence proceeding by and with said Bundick's Branch and continuing with said other lands of Beebe in a northeasterly direction a distance of 480'± to a point, said point being the northwesternmost property corner of lands N/F of Martin W. McQuaide; thence leaving said Branch and continuing with said other lands of Beebe in a southerly and easterly directions respectively a total distance of 1,420'± to a point, said point being on the westerly

ROW of Beaver Dam Road; thence leaving said ROW and other lands of Beebe and proceeding in an easterly direction across Beaver Dam Road a distance of 50'± to a point, said point being on the easterly ROW of Beaver Dam Road, said point also being on the westerly property line of the original lands of Beebe; thence proceeding by and with said ROW and Beebe lands in a northerly direction a distance of 886'± to a point, said point being the **Point of Beginning**.

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

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

PROPOSED CARDINAL GROVE EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

:

COUNTY OF SUSSEX)(

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

- A. On June 8, 2021 he was a Planning Tech for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On June 8, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
1. On a post in the westerly ROW of Beaver Dam Road 1,175'± north of Kendale Road,
 2. On a post in the westerly ROW of Beaver Dam Road 936'± north of Kendale Road,
 3. On a post in the easterly ROW of Beaver Dam Road 856'± north of Kendale Road,
 4. On a post in the westerly ROW of Beaver Dam Road 268'± south of Kendale Road,
 5. On a post in front of a stop sign in the northeasterly ROW of Marblehead Drive at the exit of Coastal Club,
 6. On a post near 15 MPH sign in the northerly ROW of Hazzard Drive,
 7. On a post in front of a stop sign in the northerly ROW of Aintree Drive at the intersection with Wil King Road,
 8. On a post in front of a stop sign in the southwesterly ROW of Wil King Road at the intersection with Conleys Chapel Road


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 16th day of June A.D., 2021


NOTARY PUBLIC

My Commission Expires 6/14/22

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

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 25, 2021

RE: County Council Report for CZ 1926 filed on behalf of CP Townhomes, LLC (Canal Point Residential Planned Community)

The Planning and Zoning Department received an application (CZ 1926 filed on behalf of CP Townhomes, LLC (Canal Point RPC)) to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC Medium-Density Residential District, Residential Planned Community to a MR-RPC Medium-Density Residential District, Residential Planned Community to amend conditions of approval of CZ 1538 (Ordinance 1700) in relation to piers, docks, boat ramps and other water related recreational facilities. The parcel is located on the east side of Hebron Road, approximately 0.19 mile south of the intersection of Hebron Road and Holland Glade Road. The change of zone is for 180.60 acres, more or less.

The Planning and Zoning Commission held a public hearing on April 22, 2021. At the meeting of May 13, 2021, the Commission recommended approval of the application for the 5 reasons and subject to the recommended condition as outlined within the motion (included below).

The County Council held a public hearing on June 15, 2021. At the conclusion of the public hearing Council deferred action on the application for further consideration.

Below are the approved minutes from the Planning & Zoning Commission meeting of April 22, 2021 and the minutes of the Planning & Zoning Commission meeting of May 13, 2021.

Minutes of the April 22, 2021 Planning & Zoning Commission Meeting

C/Z 1926 – CP Townhomes, LLC (Canal Point RPC)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an MR-RPC Medium-Density Residential District-Residential Planned Community to an MR-RPC



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

Medium-Density Residential District - Residential Planned Community to amend conditions of approval of CZ 1538 (Ordinance 1700) in relation to piers, docks, boat ramps and other water-related recreational facilities for a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County, containing 180.60 acres, more or less. The property is lying on the east side of Hebron Road approximately 0.19 miles south of the intersection of Hebron Road and Holland Glade Road (S.C. R. 271). 911 Address: N/A Tax Parcels: 334-13.00-334.00, 1448.00 through 1750.00

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's legal description for the site; a copy of a letter from the Applicant; a copy of comments from the Sussex County Engineering Department Utility Planning Division, a copy of the minutes from CZ 1538 from the P&Z and County Council meetings in 2004. Mr. Whitehouse noted that staff has received 51 responses in support and 8 in opposition.

The Commission found that Kent Larson was present on behalf of the Board of Directors of Grande Point Maintenance Corporation which represents the single-family homeowners at Canal Point; that the request is by CP Townhomes, LLC to amend Ordinance 1700 to remove condition 15 which states "no piers, docks, boat ramps and other water related recreational facilities shall be provided"; that in 2020 the majority of homeowners at Canal Point voted to remove Condition 15 with 90% of those submitting a ballot; that voting results were included with the Application; that the Grande at Canal Point is located on the west side of the Rehoboth Lewes Canal north of Canal Point and across from Henlopen Acres; that numerous docks line both sides of the Rehoboth Lewes Canal; that the location of the dock would be in an area known as Canal Park which is owned by the HOA; that the park abuts a marsh area and the canal; that off-street parking is available and there is a sidewalk that leads to the dedicated launch area; that in 2017 the Developer transferred control of the HOA to the homeowners, they began to plan for a dock and acquiring the necessary permits from DNREC and the US Army Corps of Engineers (USACE); that the HOA was unaware of Condition 15; that DNREC and USACE issued permits for the dock; that the permits expired in December 2020; that if approved, the HOA plans for a recreational dock to launch kayaks, canoes, paddleboards and for fishing; that no motorized watercraft will be permitted to use this dock; that the HOA is not aware of other restrictions against building docks on the canal and there are docks on both sides of the canal; that the lack of a dock creates safety issues for Canal Point residents as the land is muddy and unstable; that the HOA believes that providing safe access to the canal will not only help the residents but also preserve this portion of the bank from further erosion; that Henlopen Acres has docks for individual homes and a large marina area which has a much greater environmental impact than a small dock for kayaks and canoes; that there have been no complaints about Canal Park from residents or from neighbors; that the park is monitored with cameras; that this is private property and owned by the HOA; that no individual lots have canal frontage; and that the HOA requests the removal of Condition 15 from Ordinance 1700.

The Commission found that Mr. Todd Moyer, LC Management Company spoke in support of the Application. Mr. Moyer stated that the path through the park was constructed many years ago and was on the site plan from 2007; that the single-family homes have been requesting this for some time; and that the Developer supports this request.

The Commission found that Ms. Melissa Donnelly, President of the HOA, spoke in support of the Application; that the community values the protection of environmentally sensitive areas for its residents and those in adjacent communities; that there will be no motorized vessels; that many of those who are opposed to this dock have individual docks and access to a 58-slip marina that welcome

motorized vessels; that the opposition talked about the destruction of wildlife and that is not so; that there have been no complaints about excessive noise at Canal Park; and that the Community is interested in working with all stakeholders to ensure that if the facility is approved that it will create enjoyment for residents and will not adversely impact the surrounding communities.

Mr. Robertson asked Ms. Donnelly to confirm that there are 288 single-family homes and 180 submitted ballots, that 163 were in favor of removing Condition 15 with 17 opposed as stated in her email dated January 14, 2020.

Ms. Donnelly stated that this information is correct.

Mr. Mears asked if people are using this area to launch their kayaks and walking through the marsh currently.

Ms. Donnelly stated that yes, people are launching their kayaks and canoes and walking through muddy areas and it is a safety issue.

Mr. Robertson stated that Staff looked at the minutes from the previous hearings to learn if there was any reference as to why this condition was placed on the property; that the minutes are silent regarding this condition; and that it may have been a condition proffered by the Applicant.

The Commission found that Ms. Mackenzie Peet, Esq. spoke in opposition to the Application. Ms. Peet stated that she represents Bob Reed, Martin and Eileen Clark, Connie Malmberg, Mike Stakias, Joseph Coates, Payam Hairi, Barry Rosenthal, Sally Fogarty and, Jan O'Malley who are residents of Henlopen Acres; that these Property Owners oppose CZ 1926 to remove Condition 15; that the proposed amendment would have an adverse impact on the character of the neighborhood, property values, traffic and the environment; that if this amendment to remove Condition 15 is approved it would create considerable safety and noise concerns; that the designated area for the proposed dock is located between two environmentally sensitive areas consisting of land in the flood zone and/or Federal and State protected wetlands; that if Condition 15 is removed, it will be an invitation for all manner of activities at the canal front and the eventual destruction of wildlife, aquatic habitat, and flora and fauna in and near the canal and the adjacent wetlands; that the proposed dock is an offsite, geographically distant amenity inconsistent with the amenities plan for the community and exceeds the scope of what County Council considered appropriate legislative action for the approved change of zone; that the Property Owners are reasonably concerned that permanent or semi-permanent structures will begin to appear within a year to support kayak and paddle storage because there is no parking closer than 400 feet away from the proposed communal dock and recreation site; that the residents of this development have other options for recreational water activities including the option to launch their kayaks, canoes, and paddle boards at the numerous public water access locations in Rehoboth, Dewey and Lewes; that it is true that some of the objectors have docks on the other side of the canal; that private existing docks are different from the communal dock and recreational area proposed by the Application because no private dock would allow hundreds of people through their property; that for public safety and all the stated reasons the Property Owners request that the Commission recommend denial of the request to remove Condition 15 from Ordinance 1700.

The Commission found that Ms. Lynn Dubin spoke by Teleconference in support of the Application. Ms. Dubin stated that the canal is a public waterway and should be enjoyed by everyone; that this

proposal is for non-motorized vehicles and will not have an environmental impact unlike the motorized vehicles which use the canal now; and that no one will be walking in the wetlands.

The Commission found that Mr. Earl Warwas spoke by Teleconference in support of the Application. Mr. Warwas stated that he uses the park regularly; that he does not want to walk through the mud to put his kayak in the water; that the dock would make it safe; and it would be a great asset for the community.

The Commission found that Mr. Sandor Szabo spoke by Teleconference in support of the Application. Mr. Szabo stated that the original dock was planned to be a floating dock which makes it easy to launch a kayak and that having a dock on site will help avoid the traffic of driving to Dewey Beach or Rehoboth Beach to launch.

The Commission found that Ms. Beatriz Szabo spoke by Teleconference in support of the Application. Ms. Szabo stated that this dock will allow residents to safely launch and removed kayaks from the water and allows kayakers to enjoy the calm and beauty of the canal.

The Commission found that Ms. Morgan Bush spoke by Teleconference in support of the Application.

Ms. Bush stated that there are deed restrictions for the canal that all people must obey and that Canal Landing has a dock for launching kayaks so this would not be out of character for the area.

The Commission found that Mr. Martin Clark spoke in opposition of the Application. Mr. Clark stated that today is Earth Day; that one of the main points of Earth Day is to preserve animal habitats; that since he moved to Henlopen Acres six years ago he has seen the depletion of wildlife in the area and that he is opposed to the proposed dock.

The Commission found that Mr. Rex Donnelly spoke in support of the Application.

Mr. Donnelly stated that he lives in Canal Point and that he has seen lots of wildlife in Canal Park including deer, fox and, redwing blackbirds; that no one will be kayaking into the wetlands; and that the dock will be on higher ground and will not impact the wetlands.

Mr. Robertson asked if the residents of the townhomes had a position in this requested change to the conditions of approval for this RPC.

Ms. Melissa Donnelly stated that the Application was filed on behalf of the Grande of Canal Point Maintenance Corporation which owns that area of land adjacent to the canal and that only the single-family homes would have access at this time.

Mr. Robertson stated that if this were to be approved by County Council; that there is still a lot more involved; that a new master plan would have to be filed showing either the removal of a condition or the modification of a condition.

The Commission found that Mr. Rick Dressel spoke in support of the Application. Mr. Dressel stated that he is a retired State Trooper and that this is one of the quietest neighborhoods he has lived in; that there are no after-hour activities; that the sidewalk was installed many years previously and was

advertised as a launching area; and that when considering this project, Envirotech was consulted to help with this project.

Mr. Larson stated that currently, all the residents of the townhomes have access to Canal Park but access to the dock for the residents of the townhomes has not yet been decided.

The Commission found that Mr. Mike Searson spoke by Teleconference in support of the Application. Mr. Searson stated that the condition does not restrict the activity; that the activity continues under less than optimal conditions; that if you look across the canal you see many docks with motorized vessels; that he monitors the cameras in the park; that the cameras are motion activated and many times activated by deer; that the people of Canal Point are very sensitive to the environment; and that the residents will continue to support the flora and fauna that live and grow in the area.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the Public Hearing, the Commission discussed the Application.

Mr. Mears stated that this activity will continue even if this Application is not approved; that is it better to have a dock instead of having residents walking through the mud; that DNREC will not approve it if it is a danger to the environment.

Chairman Wheatley stated that there might be an appropriate compromise to allow a dock but limit other activities.

In relation to Application C/Z 1926 – CP Townhomes, LLC (Canal Point RPC). Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

Minutes of the May 13, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since April 22, 2021.

Mr. Mears moved that the Commission recommend approval of an amendment to Condition #15 of Change of Zone # 1926 and Ordinance #1700 regarding docks within the Canal Pointe RPC based upon the record made during the public hearing and for the following reasons:

1. Condition #15 of CZ # 1926 and Ordinance #1700 currently states that “No piers, docks, boat ramps or other water-related facilities shall be permitted” within the Canal Pointe RPC.
2. The Canal Pointe RPC is adjacent to the Lewes-Rehoboth Canal, which is a source of water-related activities for many Sussex County residents and visitors.
3. It was shown during the public hearing that this area of the Lewes-Rehoboth Canal has developed with many personal docks attached to individual lots as well as a large marina associated with the Town of Henlopen Acres.
4. The revised condition #15, which will be limited to non-motorized boats, will have less of an impact on the waterway and the environment than many of these existing docks and the motorized boats that they serve.

5. With one point of access to the Lewes-Rehoboth Canal, there will be a well-designed and permitted dock available to the residents of Canal Pointe instead of multiple undefined points of access that could cause more damage to the Canal and the environment.
6. Condition #15 of CZ # 1926 and Ordinance # 1700 should be amended to state as follows:
“15. Subject to the receipt of all applicable permits from the U.S Army Corps of Engineers, DNREC and any other agencies having jurisdiction, this RPC shall be permitted to have only one dock for the use of residents. This dock shall only be utilized for kayaks and paddleboards. No motorized boats shall be launched or docked at this location. No storage of kayaks, paddleboards, boats or other marine equipment shall be permitted along the dock or landward of it within the RPC. There shall be an amendment to the Canal Pointe Master Plan and a subsequent final site plan showing the dock and its point of access from the RPC. No other piers, docks, boat ramps or other water-related facilities shall be permitted.”

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1926 for CP Townhomes, LLC (Canal Point RPC) for the reasons and conditions stated in the motion. Motion carried 5 – 0.

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: April 22nd, 2021

Application: CZ 1926 CP Townhomes, LLC

Applicant: CP Townhomes, LLC
105 Foulk Road
Wilmington, DE 19803

Owner: Canal Pointe Maintenance Corporation
P.O. Box 594
Bethany Beach, DE 19930

Site Location: The community lies on the east side of Hebron Road approximately 0.19 mile southeast of Holland Glade Road (S.C.R 271)

Current Zoning: MR/RPC – Medium Density Residential, Residential Planned Community

Proposed Zoning: MR/RPC – Medium Density Residential, Residential Planned Community (Remove condition 15 of Ordinance 1700 (C/Z 1538))

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Department

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 180.60 acres +/-

Tax Map ID.: 334-13.00-334.00, 1448.00 through 1750.00



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nicholas Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: April 15th, 2021
RE: Staff Analysis for CZ 1926 CP Townhomes, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1926 CP Townhomes, LLC to be reviewed during the April 22, 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 an Amendment to the Conditions of Approval for the existing Change of Zone (CZ 1538) for Rebay, LLC for a change of zone from AR-1 to MR/RPC on Tax Parcel 334-13.00-334.00. Specifically, the applicant is requesting an amendment to Condition "15" which requires the provision of "No piers, docks, boat ramps, or other water-related facilities shall be permitted" on the site. The applicant has suggested that this condition be struck from the Conditions of Approval and all other conditions would remain. The previous Change of Zone application was recommended for approval by the Planning and Zoning Commission at their meeting of Thursday, June 10th, 2004 and approved by the Sussex County Council at their meeting of Tuesday, June 29th, 2004 and the change of zone was adopted through Ordinance No. 1700. Copies of the Meeting Minutes from both of these meetings have been attached to this memo for circulation to members of the Commission and Council.

The community lies on the east side of Hebron Road approximately 0.19 mile southeast of Holland Glade Road (S.C.R 271). The property consists of 180.60 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 Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.

Based on the analysis of the land use, surrounding zoning, and uses, an Amendment to Condition "15" of the previously approved Change of Zone (CZ 1538) could be considered as being consistent with the land use, area zoning, and surrounding uses.



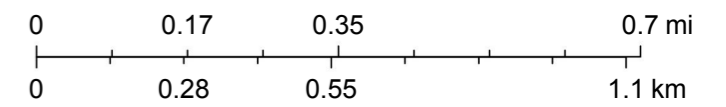
Sussex County



February 18, 2021

1:18,056

- Override 1
- Tax Parcels
- County Boundaries
- Override 1
- Streets
- Extent of Right-of-Way



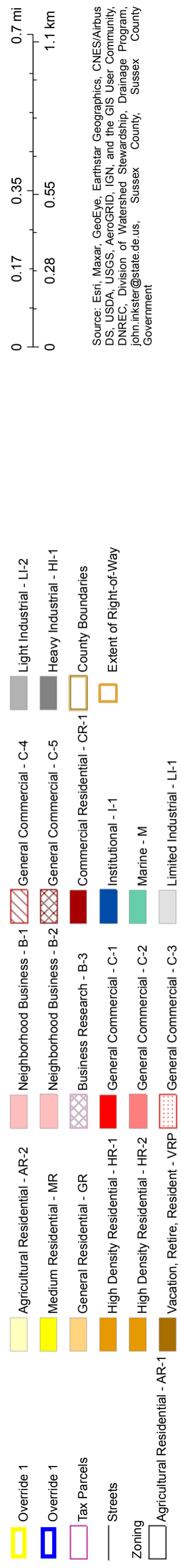
DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County Government, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Sussex County



February 18, 2021

1:18,056



0 0.17 0.35 0.7 mi
0 0.28 0.55 1.1 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government

Introduced 09/22/2020

Council District 5 - Rieley

Tax I.D. No. 334-13.00-334.00, 1448.00 through 1750.00

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CZ 1538 (ORDINANCE 1700) IN RELATION TO PIERS, DOCKS, BOAT RAMPS AND OTHER WATER RELATED RECREATIONAL FACILITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 180.60 ACRES, MORE OR LESS

WHEREAS, on the 20th day of July 2020, a zoning application, denominated Change of Zone No. 1926 was filed on behalf of CP Townhomes, LLC; and

WHEREAS, on the ____ day of _____ 2020, 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. 1926 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 MR-RPC Medium-Density Residential District, Residential Planned Community and adding in lieu thereof the designation MR-RPC District Medium-Density Residential District, Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Hebron Road approximately 0.19 miles south of the intersection of Hebron Road and Holland Glade Road (S.C. R. 271), and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc, said parcel containing 180.60 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.

Green/
Schaeffer

Council Grant Form

Legal Name of Agency/Organization	The Town of Ellendale
Project Name	Ellendale Town Park
Federal Tax ID	51-0213421
Non-Profit	No
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Town Council and the Staff of Ellendale are dedicated to providing public safety, economic opportunity, and quality public services in an attractive, well-planned community with historic character for the benefit, enjoyment and accessibility of all.
Address	300 McCaulley Avenue
Address 2	
City	Ellendale
State	DE
Zip Code	19941
Contact Person	Aaron Moore
Contact Title	Councilman

Contact Phone Number 302-236-7207

Contact Email Address aaron.m.moore75@gmail.com

Total Funding Request \$15,412.82

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, Other

Program Category Other Health relating to Physical Fitness & Public Recreation

Primary Beneficiary Category Youth

Beneficiary Category

Other

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

400

Scope

As the town council started examining the reopening of the Ellendale Town Park, it was discovered that during the shutdown, our only piece of playground equipment for small children became warped and damaged due to water intrusion which, during the freeze/thaw cycle over the winter, destroyed the equipment. While the Ellendale Town Park is maintained by the Town of Ellendale, it is open to any member of the public, and is regularly used by surrounding residents that do not live within town limits. With this equipment rendered unsafe, the nearest park is over 7 miles away, at the Milton Memorial Park. This is not an option for many of the families in our area as the 19941 ZIP code ranks as the poorest in the state of Delaware. Our neighboring 19960 ZIP code ranks as the fourth poorest, and combined, no section of Sussex or Kent County have similar areas of financial depression, which causes a lack of transportation opportunities. In conjunction with this poverty, the town cannot afford the thousands of dollars to replace and install the ADA compliant playground equipment and necessary surfacing. We are seeking assistance in replacing the destroyed piece of playground equipment with an ADA compliant piece that will provide opportunities to those members of our community. As it is a public park and we know we have handicapped children in the town limits, recreational activities for these individuals is a priority for the council.

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 Playground equipment

Amount 10,410.00

Description Installation

Amount 4,164.00

Description Freight

Amount 838.82

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description	
Amount	
TOTAL EXPENDITURES	15,412.82
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-15,412.82
Name of Organization	The Town of Ellendale
Applicant/Authorized Official	Aaron Moore
Date	06/03/2021
Affidavit Acknowledgement	Yes

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green-yes

Council Grant Form

Legal Name of Agency/Organization	Woodbridge Little League (Little League Baseball, Inc) 2080309 Woodbridge Little League
Project Name	Field Upgrades
Federal Tax ID	51-0283376 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	Woodbridge Little League is a youth baseball and softball organization serving the Bridgeville, Greenwood and Farmington children. We believe in the power of youth baseball and softball to teach life lessons that build stronger individuals and communities. It is our mission to provide all children the opportunity to learn, love and thrive playing baseball and softball.
Address	PO Box 29
Address 2	
City	Bridgeville
State	DE
Zip Code	19933
Contact Person	Matthew Taylor

Contact Title	President
Contact Phone Number	3022705506
Contact Email Address	mtaylor@comcast.net
Total Funding Request	6000.00
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)	Other
Program Category	Local Youth Sports
Other	
Primary Beneficiary Category	Youth

Beneficiary Category

Other

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

300

Scope

The Woodbridge Little League serves close to 300 children in our local communities on a yearly basis, providing them the ability to learn a sport which we hope will stick with them for a lifetime. Our fields have unfortunately not been maintained at the level needed to fully benefit the children of our communities and are in need of significant improvements. Our current board of directors, have big goals in mind to improve our fields, which would in turn increase participation and help the children of our community become successful in many aspects in life.

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

Fencing

Amount

10,000.00

Description

Temporary Storage Unit for Equipment

Amount 2,800.00

Description Replacement Bleachers

Amount 3,000.00

Description Lighting Upgrade

Amount 15,000.00

Description Upgraded Concession Stand (to include restrooms)

Amount 25,000.00

Description

Amount

Description

Amount

Description

Amount

TOTAL 55,800.00

EXPENDITURES

TOTAL DEFICIT FOR -55,800.00

**PROJECT OR
ORGANIZATION**

Name of Organization Woodbridge Little League

**Applicant/Authorized
Official** Matthew Taylor

Date	06/21/2021
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Affidavit	Yes
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Acknowledgement	
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Hudson - OK

Council Grant Form

Legal Name of Agency/Organization	The Nanticoke Indian Association Inc
Project Name	The 43rd Nanticoke Indian Pow Wow and Cultural Awareness Program
Federal Tax ID	51-0261316 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 Mission of The Nanticoke Indian Association (NIA) is to improve and promote the well-being of the Nanticoke Indian Community and to increase the visibility of American Indian cultures in rural areas, in order to cultivate awareness, understanding and respect, while also Preserving the Existence of the Nanticoke Tribe as an Aboriginal/Indigenous Society through Conservation, Education and Cultural Awareness Programs.
Address	27073 John J Williams Hwy
Address 2	
City	Millsboro
State	DE
Zip Code	19966

Contact Person Avery "Leaving Tracks" Johnson

Contact Title Tribal Council Leader

Contact Phone Number 302-584-0537

Contact Email Address ajpowerline@aol.com

Total Funding Request \$6,500

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? 10

Program Category (choose all that apply) Cultural

Program Category Other

Primary Beneficiary Category Minority

Beneficiary Category Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 25000

Scope The 43rd Annual Nanticoke Indian Powwow program, is a celebration of American Indian culture in which people from diverse indigenous nations gather for the purpose of dancing, singing, and honouring the traditions of their ancestors. The term powwow, which derives from a curing ritual, originated in one of the Algonquian nations of the Northeast Indians. Our primary focus is to interactively educate people of all races, creeds and colors of the history and culture of the Nanticoke Tribe, which is presented with several engaging approaches such as: workshops based on the Nanticoke language, storytelling, doctrine of discovery, ancestry/genealogy, traditional native dancing, and native music. Our purpose is to increase the visibility of American Indian cultures in rural areas, in order to cultivate awareness, understanding, respect while educating the general population of Sussex County and the surrounding areas. Our expected attendance is estimated at 25000 individuals, this includes the very diverse population of Sussex County De.

Religious Components

Please enter the current support your organization receives 11,500.00

for this project (not
entire organization
revenue if not
applicable to request)

Description Grounds Lease

Amount 2,500.00

Description Rental Equipment/ Bleachers/Tents/porta potties/dumpsters/
etc

Amount 25,000.00

Description Supplies/Advertising/videographer

Amount 20,000.00

Description Support Services/EMT's/Fire Police/State Police Etc

Amount 10,000.00

Description Audio Visual/ sound system

Amount 3,500.00

Description Power Supply/Electrical

Amount 4,000.00

Description

Amount

Description

Amount

TOTAL EXPENDITURES	65,000.00
---------------------------	-----------

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-53,500.00
--------------------------------------------------	------------

Name of Organization	The Nanticoke Indian Association Inc
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Applicant/Authorized Official	Avery Johnson
--------------------------------------	---------------

Date	06/16/2021
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Affidavit Acknowledgement	Yes
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Hudson - yes

Council Grant Form

Legal Name of Agency/Organization	INDIAN RIVER BASEBALL BOOSTERS <i>IR School District</i>
Project Name	BATTING CAGE RENOVATIONS
Federal Tax ID	516000279 <i>OK</i>
Non-Profit	No
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	The Indian River Baseball Boosters is a non-profit organization comprised of parents, legal guardians, and community members, who are committed and dedicated to supporting the Indian River Baseball Team through fundraising efforts. This hard work allows student athletes to realize their full potential while striving for excellence. The Indian River Boosters prides itself on teamwork and supporting a group of gentlemen on the true spirit of sportsmanship.
Address	32042 Gray Road
Address 2	
City	Dagsboro
State	Delaware
Zip Code	19939
Contact Person	Jennifer Cordrey

Contact Title	Boosters Member
Contact Phone Number	3025428639
Contact Email Address	jennifer.cordrey@irsd.k12.de.us
Total Funding Request	5600
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?	50
Program Category (choose all that apply)	Other
Program Category Other	Baseball Cage Renovation
Primary Beneficiary Category	Youth

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 30

Scope

To Whom It May Concern,
The Indian River High School Baseball Boosters is in need of some community support this upcoming year. Due to the COVID-19 pandemic we were unable to fundraise like we usually do and are reaching out to supporters for assistance. Below is a proposal to effectively upgrade our batting cage with hardware, net and base. Any donations will be greatly appreciated and no donation is too small. Make all donation checks out to Indian River Baseball Boosters.
Thanks in advance for your help,

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 Cage Hardware

Amount 580.00

Description Baseball Cage Netting

Amount 2,050.00
Description Surfacing Material

Amount 560.00
Description Artificial Turf

Amount 2,400.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL 5,590.00
EXPENDITURES

TOTAL DEFICIT FOR -5,590.00
PROJECT OR
ORGANIZATION

Name of Organization Indian River Boosters

Applicant/Authorized Jennifer Cordrey
Official

Date	06/17/2021
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Affidavit	Yes
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Acknowledgement	
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Vincent - yes



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: The Town of Laurel ✓

PROJECT NAME: Town Hall Renovations

FEDERAL TAX ID: 51-6000168 ok NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION:

ADDRESS: 201 Mechanic Street

Laurel De 19956
(CITY) (STATE) (ZIP)

CONTACT PERSON: Jamie Smith

TITLE: Town Manager

PHONE: 302-875-2277 EMAIL: laureltm@comcast.net

TOTAL FUNDING REQUEST: _____

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

If YES, how much was received in the last 12 months? 1500

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

Painting of lobby area and replacing aging and deteriorating tile that is in need of replacing.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Painting	\$ 2,500.00
Flooring	\$ 1,500.00
TOTAL EXPENDITURES	\$ 4,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 4,000.00

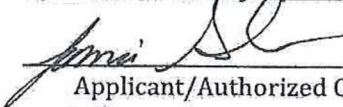
SECTION 5: STATEMENT OF ASSURANCES

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

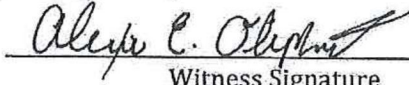
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official Signature

6-22-21
Date


Witness Signature

6-22-21
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

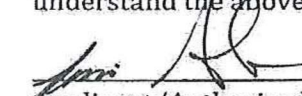
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For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation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

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

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

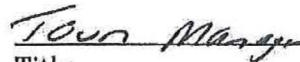
I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



Applicant/Authorized Official Signature



Witness Signature



Title

6-22-21

Date

Vincent - yes



SUSSEX COUNTY GOVERNMENT GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Commissioners of Bridgeville ✓ *Town of Bridgeville*
 PROJECT NAME: Town Hall Restoration
 FEDERAL TAX ID: 51-6000028 *ok* NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: Local Government/Utility and Service Provider

ADDRESS: 101 N. Main Street

Bridgeville DE 19933
 (CITY) (STATE) (ZIP)

CONTACT PERSON: Bethany DeBussy

TITLE: Town Manager

PHONE: 302-337-7135 EMAIL: bdebussy@townofbridgevillede.us

TOTAL FUNDING REQUEST:

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

If YES, how much was received in the last 12 months? *(MUNICIPAL PERM)* \$3,000

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

Restoration to the facade of Town Hall.

The entryway to the Bridgeville Town Hall has been in disrepair for some years. The building is considered historic, and cannot be altered unless we are restoring the existing architecture. The decorative framework around the entryways has been disintegrating due to weather and age, and we are seeking assistance in restoring the intricate woodwork to a functional and more visibly appealing state. (Photos Included)

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

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

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

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

n/a

SECTION 4: BUDGET

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


SECTION 5: STATEMENT OF ASSURANCES

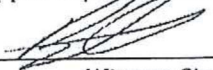
If this grant application is awarded funding, the Commissioners of Bridgeville agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
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SECTION 5: STATEMENT OF ASSURANCES (continued)

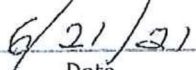
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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


Applicant/Authorized Official Signature


Witness Signature

6/21/2021

Date


Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

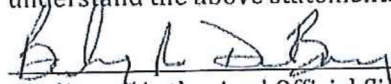
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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


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

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



Applicant/Authorized Official Signature



Witness Signature

Town Manager

Title
6/21/2021

Date











Green-yes

Council Grant Form

Legal Name of Agency/Organization	Town of Greenwood ✓
Project Name	Playground Revitalization
Federal Tax ID	510107189 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	To upgrade the community playground to make it safer and more updated for the children in the community
Address	100 W Market St
Address 2	
City	Greenwood
State	De
Zip Code	19950
Contact Person	Janet Todd
Contact Title	Town Manager
Contact Phone Number	302-349-4534

Contact Email Address jtodd@townofgreenwood.us

Total Funding Request 5000.00

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) Other

Program Category Other Community Outreach

Primary Beneficiary Category Youth

Beneficiary Category Other

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

1000

Scope

We would like to upgrade the outdated playground equipment and add a rubber base to make it safer for the children in Greenwood

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

playground equipment with installation

Amount

5,000.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL 5,000.00

EXPENDITURES

TOTAL DEFICIT FOR -5,000.00

PROJECT OR ORGANIZATION

Name of Organization Town of Greenwood

Applicant/Authorized Official Janet Todd

Date 06/22/2021

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.

Vincent
OK

Council Grant Form	
Legal Name of Agency/Organization	Sussex Montessori School <i>Inc.</i>
Project Name	Wrap-Around Services Center
Federal Tax ID	82-2404164 <i>OK</i>
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To provide a free Montessori education to the children of western Sussex County. This specific project involves creating a family services center that will bring special education, speech and language therapy, nursing and social worker support to about one quarter of the school's 360+ students in 2021-22. A food cupboard, clothing closet, washer & dryer and early pre-school services will also be provided. When the iconic barn on the campus is fully completed, other non-profit and community agencies, such as Beau Biden Foundation, will be able to regularly make use of it as well.
Address	24960 Dairy Farm Rd.
Address 2	
City	Seaford
State	DE

Zip Code	19973
Contact Person	Michael Rawl
Contact Title	Campaign Manager
Contact Phone Number	3024045367
Contact Email Address	mjrawl@horizonphilanthropic.com
Total Funding Request	\$18,400 for barn roof repairs and a roof over the side entrance sidewalk
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?	4
Program Category (choose all that apply)	Educational, Health and Human Services

Program Category
Other

Primary Beneficiary Category **Low to Moderate Income**

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program **90**

Scope Extensive outreach during the application period has resulted in the enrollment at Sussex Montessori exactly mirroring the populations of its primary service areas -- Seaford, Laurel, Bridgeville and pockets of the Indian River School District, for elementary age students in grades K-4 (for 2021-22). A quarter of those students require intense, special services not typically provided through public schools to participate successfully in classroom programs. Their parents will also benefit from social services, training and support, as will younger siblings who can enroll in future years.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) **250,000.00**

Description	Demolition, structural repairs, sewer & water
Amount	55,000.00
Description	New entrances, windows
Amount	168,000.00
Description	Roof repairs and cover for sidewalk
Amount	18,400.00
Description	HVAC upgrade
Amount	75,000.00
Description	Electrical & lighting upgrades
Amount	75,000.00
Description	New restrooms
Amount	45,000.00
Description	General conditions, OH&P
Amount	81,280.00
Description	
Amount	
TOTAL EXPENDITURES	517,680.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-267,680.00
Name of Organization	Sussex Montessori School
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.

Vincent - yes

Council Grant Form

Legal Name of Agency/Organization	Harry K Foundation
Project Name	Halt Child Hunger Initiative
Federal Tax ID	46-2934019 <i>OK</i>
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 mission of the Harry K Foundation is to bring an end to hunger and food insecurity among underprivileged children and their families in Sussex County.
Address	313 S. Boardwalk
Address 2	
City	Rehoboth Beach
State	DE
Zip Code	19971
Contact Person	Mary Lou Tietz
Contact Title	Development Manager

Contact Phone Number 302-539-0793

Contact Email Address maryloutietz@yahoo.com

Total Funding Request \$3,600

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

If YES, how much was received in the last 12 months? 5000

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? 1

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

Program Category Other

Primary Beneficiary Category Youth

Beneficiary Category

Other

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

1000

Scope

The mission of the Harry K Foundation is to halt hunger and food insecurity among underprivileged children in Delaware. The foundation's objectives are to: 1) Support the Public School Backpack Program, and 2) Establish Food Pantries throughout Delaware public schools and other facilities. The School Backpack program provides under-served children with backpacks full of food to supplement what is available in their households. The food pantry program establishes pantries in public schools across the state so that parents can access nourishing food as needed, helping them to better meet their budgets and adequately feed their children.

Since the program's inception in 2013, over 700 children have been provided with food backpacks, with food replenished weekly. The Foundation has also established 44 food pantries in Delaware public schools and other facilities, with emphasis on Sussex County schools, enabling parents in need to obtain nourishing food at no cost to them. Participants are selected by school personnel who are aware that hunger and food insecurity often lead to absenteeism, illness, and poor academic performance. Students come from all cultural backgrounds, predominantly Hispanic and African-American, but it is a culturally diverse population being served. Many of these families struggle to provide adequate, healthy food for their children on a monthly basis.

The Harry K Foundation remained true to our mission during the COVID-19 pandemic, distributing food to children in need in Sussex County throughout 2020, but changing our method of delivery with school pantries closed. When the school food pantries operated by the Harry K Foundation were forced to close, we used a mobile-pantry type of service made to distribute food to over 1,000 children and their families residing in Sussex County by the end of the summer 2020.

In the fall of 2020, we began re-opening some of our school food pantries as schools across the state began to re-open, while continuing the mobile pantry service in areas where schools or pantries were not yet open. As of the summer of 2021, the Harry K Foundation has re-opened 34 of the 44 school food pantries that we operate throughout Delaware. 15 of our 44 food pantries are in Sussex County, and of the 10 food pantries that have yet to re-open, 6 of those are in Sussex County.

The Harry K Foundation plans to re-open the remaining 10 school pantries this September when all schools are back to full operation. We are requesting a grant of \$3,600 from the Sussex County Council Grant Program to provide for the re-stocking of (4) four of these food pantries in Sussex County schools. The cost for re-stocking is \$900.00 per pantry. This will allow the Harry K Foundation to purchase fresh food from the Food Bank of Delaware and resume providing sustenance for children and families and need in Sussex County, as we have been doing for the past eight years.

Religious Components

Please enter the current support your organization receives for this project (not

36,000.00

entire organization
revenue if not
applicable to request)

Description Replenish 34 Food Pantries already re-opened @ \$900 per

Amount 30,600.00

Description Replenish 10 Food Pantries yet to re-open @ \$900 per

Amount 9,000.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES	39,600.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-3,600.00
Name of Organization	Harry K Foundation
Applicant/Authorized Official	Mary Lou Tietz
Date	06/21/2021
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.

Vincent-yes

Council Grant Form

Legal Name of Agency/Organization	Girl Scouts of the Chesapeake Bay <i>Council, Inc.</i>
Project Name	Girl Scouting for Latina Girls in Sussex County
Federal Tax ID	51-0064337 <i>OK</i>
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Girl Scouts is the preeminent leadership development organization for girls that prepares girls to empower themselves and promotes compassion, courage, confidence, character, leadership, entrepreneurship, and active citizenship through activities involving camping, community service, and earning badges by acquiring practical skills.
Address	225 Old Baltimore Pike
Address 2	Newark Resource Center
City	Newark
State	DE
Zip Code	19702
Contact Person	Mary Lou Tietz

Contact Title	Development Consultant
Contact Phone Number	302-539-0793
Contact Email Address	maryloutietz@yahoo.com
Total Funding Request	\$1,500
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?	2
Program Category (choose all that apply)	Educational
Program Category Other	
Primary Beneficiary Category	Youth

Beneficiary Category
Other

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

32

Scope

Girl Scouts of the USA is a leading expert on, and advocate for, girls' issues. In an accepting and nurturing environment, girls build character and skills for success in the real world, including in the workforce. In partnership with trained and committed adult volunteers, girls develop qualities that will serve them all their lives, such as leadership, strong values, social conscience, and conviction about their own potential and self-worth. In Girl Scouts, girls discover fun, friendship and power of girls together. Through the many enriching experiences provided by the Girl Scouts, they can grow courageous and strong. The mission of the Girl Scouts is to build girls of courage, confidence and character, who make the world a better place.

The Girl Scouts has a premiere leadership program, Girl Scouts Leadership Experience (GSLE), which is girl-driven in a girl-friendly environment, reflecting the ever-changing needs and interests of today's girls. The GSLE intentionally engages girls via three unique processes:

- Girl-led: Even if a girl likes STEM, she might find that boys take the lead in a school environment due to unspoken assumptions about gender roles.**
- Learning by doing: Research shows that, particularly with STEM, girls need to be hands-on, active learners, which this process encourages.**
- Cooperative learning: In general, girls prefer a**

collaborative leadership style, rather than the traditional, top-down, “command-and-control” style. This process gives girls the opportunity to develop their leadership skills in the way that makes them most comfortable.

Girl Scouts of the Chesapeake Bay was formed in 1962 when the Wilmington Council and the Peninsula Council were combined. The Council encompasses the Delmarva Peninsula, which includes Delaware, the Eastern Shore of Maryland and the Eastern Shore of Virginia. For more than 55 years, the GSCB has provided girls in grades K-12 with leadership development opportunities. Girl Scouts of the Chesapeake Bay is part of (Council) Girl Scouts of the USA, and we serve over 8,600 girls and 3,700 adults each year.

The Girl Scouts of the Chesapeake Bay is requesting a Council Grant of \$1,500 to help fund our Outreach Program for low-income Hispanic girls in Sussex County through our new Latinx Program, Latinas Taking the Lead. Funding will specifically provide Girl Scouts membership fees for 32 Hispanic girls, ages 5-18, from low-income families in Sussex County, especially in the Georgetown and Bridgeville areas. The cost for memberships is \$45.00 per girl. The remaining \$600.00 will be used for administrative costs for processing the memberships.

GSCB is grateful for the Human Services grant received in 2019, which helped us establish a new Girl Scout Troop in Sussex County that has been especially important in engaging the girls in activities – albeit virtually - during a time when they had to stay at home and learn and distance themselves from their friends. During the COVID-19 period, GSCB has made it possible to engage the Girl Scouts in this new troop remotely, providing them with the tools and training to go online and feel that they are a part of a group of girls who are engaged in educational opportunities.

Troop leaders hope expand this troop, which is populated mostly by Latina girls, through grant funding. Traditionally, most girls served through our Outreach Programs are economically challenged, have limited adult supervision, lack transportation, and face a variety of other challenges. Research shows that girls from under-served communities benefit from our Girl Scouts programs to improve their behavior, build their self-esteem and confidence, perform better in school, and have a safe, encouraging, and nurturing environment during and after school. Through grant funding, our Outreach Programs are provided to girls at no cost at their school or within their community.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) **1,350.00**

Description 50 Girl Scouts memberships in Sussex County @ \$45 per

Amount 2,250.00

Description Administrative Costs

Amount 600.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL 2,850.00
EXPENDITURES

TOTAL DEFICIT FOR -1,500.00
PROJECT OR
ORGANIZATION

Name of Organization Girl Scouts of the Chesapeake Bay

Applicant/Authorized Mary Lou Tietz
Official

Date 06/22/2021

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.

Vincent-yes

Council Grant Form

Legal Name of Agency/Organization	Make-A-Wish Delaware <i>Foundation of Philadelphia, Delaware & Susquehanna Valley</i>
Project Name	Wishes in Sussex County Delaware
Federal Tax ID	22-2755963 <i>OK</i>
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Make-A-Wish grants life-changing wishes for children with critical illnesses.
Address	100 W. 10th Street, Suite 106
Address 2	
City	Wilmington
State	DE
Zip Code	19801
Contact Person	Seanna Crosley
Contact Title	Vice President
Contact Phone Number	2159874214

Contact Email Address scrosley@philadesv.wish.org

Total Funding Request 10000

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? 10

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

Program Category Other

Primary Beneficiary Category Youth

Beneficiary Category Other

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

10

Scope

During the worldwide COVID-19 health crisis, families continue to hear the devastating news that their child has been diagnosed with a critical illness. Hospital stays, doctor's visit and treatments ultimately turn their lives upside down. Make-A-Wish is committed to ensuring that no child waits longer than needed to experience the hope and joy that a wish brings. While wishes to travel outside of our region have been postponed due to COVID-19, we are connecting with our families to offer alternate wishes and to give them an opportunity to have their wish granted now. Instead of waiting until restrictions are lifted, we are offering wish kids the experience of one of the below wishes – giving them that chance at hope they deserve now. We are fundraising to fulfill both current and postponed wishes once it is safe to do so. We do not want any child's wish unnecessarily delayed as wishes give children hope when they need it most.

A wish "to be" offers wish kids a chance to disconnect from the realities they face and instead step into the role of someone they admire, or they hope to become when they grow up. Wish kids have imagined themselves as police officers, superheroes, medical students, and even mermaids, Make-A-Wish brings their imagination to life.

A wish "to have" provide a distraction that can be enjoyed now, relieving concerns for medical vulnerabilities.

Examples of the wishes to have currently are:

- Outdoor equipment like a playhouse, outdoor play equipment or above-ground pool can provide a fun at-home escape.

- Puppies provide a sweet companion.
- Home entertainment like a gaming system, television, or a computer (laptop/iPad) allow kids to enjoy the fun of a new system or computer at home.
- Online shopping sprees allow Make-A-Wish to purchase items directly if the wish child creates a shopping list for us, and we can have everything shipped to the home. The surprise arrival of packages makes it extra special.
- Educational grants have made it possible for students to purchase books, supplies and have financial support needed for tuition. Whether it's online classes or payments to their school, we can help with a child's desire to learn.
- Riding toys like power wheels for younger kids along with bikes or scooters for any age can be a fun gift for any age.
- Musical instruments provide kids with a musical escape and a chance to enhance their skills.
- Sporting equipment can be sent directly to a wish child to enjoy for them to enjoy inside or outside.
- Room decoration wishes provide items, décor, and furniture to customize their space.

A wish "to meet" a personal hero can be granted virtually with creative touches from the celebrity, athlete or mentor.

A wish "to give" has become especially popular for wish kids looking to support their local community.

A wish "to go" can be offered to spend time with family at a local beach or even enjoying time in the mountains. For an at-home wish celebration experience, we can provide an exciting staycation experience. We include everything to create the ultimate movie night, luau party, backyard camping adventure and more.

All these wish experiences can give a child exactly what they need at a time they need it most. At its core, the essence of each wish is the undeniable feeling of hope. It

is the hope provided through each wish that fuels kids to imagine a better tomorrow. Make-A-Wish provides what medicine cannot – extraordinary and memorable wishes that allow children to take their focus off their illness and provide a sense of renewed normalcy.

The impact of a wish is powerful, long-lasting and has a positive effect on wish kids, families, volunteers and the community. The wish experience goes beyond a moment in time. Doctors tell us that the wish experience gives their young patients something that medicine cannot - an improved outlook, a better state of mind, and often a newfound strength to fight their illnesses. More and more doctors tell us that they incorporate the wish experience into their treatment regimen because of the positive impact it has on their patients. Parents of wish kids and even the wish recipients themselves confirm this. They don't talk about being uplifted for one day; they talk about their lives being changed for the better, permanently.

- 97% of parents said the wish experience strengthened their families

- 97% of volunteers reported feeling more grateful and thankful as a result of helping to grant a wish

- 97% of wish families and 96% of health professionals observed an increase in wish kids' emotional health

- A combined 89% of nurses, doctors, social workers and child life specialists surveyed say they believe that the wish experience can influence wish kids' physical health

- 81% of parents observed an increased willingness by wish kids to comply with treatment protocols & 58% of health professionals observed this behavior in the most recent wish child they treated

We would welcome your partnership in helping us to grant a wish in Sussex County through a grant of \$10,000. A gift of \$10,000 would allow us to grant a wish of a child in Sussex County. We are on track to grant 10 wishes in Sussex County this year. Your gift can directly support a lasting item or experience that I wish kid wishes for and

help them have that wish granted now. We believe now more than ever; we must provide kids with the incredible opportunity of receiving a wish. One that will bring them the joy and hope they need to overcome the challenges that they face daily. Thank you so much again for your continued support and we hope you will consider this request.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	100,000.00
---------------------------------------------------------------------------------------------------------------------------------------------	------------

Description	Cost of Wishes
--------------------	-----------------------

Amount	52,500.00
---------------	------------------

Description	Staffing Support - program and development
--------------------	---------------------------------------------------

Amount	15,000.00
---------------	------------------

Description	Supplies, travel, other
--------------------	--------------------------------

Amount	2,500.00
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Description

Amount

Description

Amount

Description	
Amount	
Description	
Amount	
Description	
Amount	
TOTAL EXPENDITURES	70,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	30,000.00
Name of Organization	Make-A-Wish Delaware
Applicant/Authorized Official	Seanna Crosley
Date	06/22/2021
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.

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: June 25, 2021

RE: County Council Report for C/Z 1942 filed on behalf of Bay Developers, LLC (Twin Cedars, LLC)

The Planning and Zoning Department received an application (C/Z 1942 filed on behalf of Bay Developers, LLC (Twin Cedars, LLC)) to amend the Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District, CR-1 Commercial Residential District and GR General Residential District to a GR-RPC General Residential District – Residential Planned Community for a property located on the south side of Zion Church Road, approximately 0.55-mile northwest of Bayard Road. The change of zone is for 64.32 acres, more or less.

The Planning and Zoning Commission held a public hearing on May 13, 2021. At the meeting of June 10, 2021, the Commission recommended approval of the application for the 10 reasons and subject to the 17 recommended conditions as outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of May 13, 2021 and the draft minutes of the Planning & Zoning Commission meeting of May 27, 2021, and the draft minutes of the Planning & Zoning Commission meeting of June 10, 2021.

Minutes of the May 13, 2021 Planning & Zoning Commission Meeting

C/Z 1942 – Bay Developers, LLC (Twin Cedars, LLC)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District, CR-1 Commercial Residential District and GR General Residential District to a GR-RPC General Residential District - Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 64.32 acres, more or less. The property is lying on the south side of Zion Church Road (Rt. 20), approximately 0.55-mile northwest of Bayard Road. 911 Address: N/A. Tax Parcel: 533-11.00-42.00.



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 Staff Analysis, a copy of the Applicant's exhibit booklet, a copy of comments received from PLUS review, a copy of the TIS review letter from DelDOT, a copy of the Applicant's TIS, a copy of the DelDOT Service Level Evaluation response, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and one written response which was included in the packet.

The Commission found that Mr. David Hutt, Esq. was present on behalf of the Applicant, Bay Developers, LLC; that also present are Mr. Henry Mast, Principal of Bay Developers, LLC, Mr. Chris Flathers, P.E. – Morris & Ritchie Associates, Inc., Mr. Greg Sauter, P. E. - Geo-Technology Associates, and Mr. Joe Caloggero, P.E. – The Traffic Group, Inc.; that this property was the subject of prior approvals of the Commission and County Council; that this Application is a redesign of a previously approved RPC and commercial project; that in 2010 County Council approved a Change of Zone Applications 1668 and 1669 for this property; that C/Z 1669 was an application seeking to change an area consisting of 5.79 acres of land from General Commercial (C-1) and General Residential (GR) to Commercial Residential (CR-1); that this application was approved; that C/Z 1668 was an application for an Resident Planned Community (RPC) overlay for the balance of the property and was also approved; that the application known as Twin Cedars for 199 residential units consisting of 120 apartments or condos, 45 townhomes and 34 duplexes; that the project was not built and the RPC lapsed; that a new application was filed under C/Z 1909 and was scheduled for a public hearing approximately two months ago; that because the CR-1 portion of the property was not shown on the Zoning Map, the application was terminated which allowed the County to update the Zoning Map and allowed the Applicant to submit a new application listing all the zoning classifications; that the current application is exactly the same as the terminated application C/Z 1909 except that the new application references the 5.79 acres of CR-1 zoning on the property; that the property consists of 64.32 acres situated along Zion Church Road east of the intersection of Zion Church Road and Deer Run Road; that the property is presently unimproved; that there were previously three apartment buildings on this property; that there are similar residential communities in the area such as Hampton Park, Sweet Bay, Ashton Oaks, Fox Haven and many others; that the property is currently zone C-1, GR and CR-1, that the majority of zoning on Zion Church Road is GR and Medium Residential (MR) with some C-1; that this application seeks to rezone the entire property to GR with an RPC overlay; that the Applicant proposes to leave most of the forested area undisturbed and designate it as open space; that the RPC tool was chosen to maximize the preservation of woods; that the redesign allowed for all the residential areas to be clustered so that each lot would back up to open space or amenities; that this will be a walkable community with centrally located amenities with all homes being within 700 ft. of the amenities; that the entrance to this community would be off Zion Church Road; that 254 units are being proposed comprising of 168 apartments within 7 buildings, 44 townhomes across 11 buildings and 42 single-family lots; that the apartments would be toward the front of the property and the single-family lots toward the rear with the townhomes between both; that the gross density would be 3.95 units per acre and the net density would be 4.31 units per acre; that this density is consistent with the GR district; that the Future Land Use Map shows that this property is located in the Coastal Area which is a growth area; that this property is in the Level 3 area on the State Strategies Map; that the proposed design complements the existing character of the site by keeping the open space and clustering it at the rear of the property; that 28.5 acres will remain forested and undisturbed; that where an existing buffer does not exist, the Developer will install a landscaped buffer to conform

with County Code; that sidewalks will be installed on both sides of the street; that amenities proposed include a pool, patio area, a clubhouse, a tot lot area and a walking trail; that the County Code requires 508 parking spaces; that the Applicant is proposing 563 parking spaces; that the Developer will work with the Indian River School District regarding the location of a bus stop; that public utilities are available for the site; that the property is not within a Wellhead Protection Area or within a Groundwater Recharge Area; that there are no known historical sites located on the property; that there are no threatened or endangered species on the property; that the property is not within a flood plain or flood zone; that there will be a Property Owners Association created to manage and govern the common areas within the Community; that DelDOT required a Traffic Impact Study (TIS); that the TIS review letter required that an entrance access from Zion Church Road align with the Bayside Storage entrance across the road; that the entrance be designed and constructed with current DelDOT standards; that the Developer contribute towards a traffic signal at the intersection of Zion Church Road and Bayard Road and Johnson Road; that the Developer include bicycle and pedestrian improvements along the property frontage on Zion Church Road; that a neighboring resident raised concerns that notice be given to future residents regarding the RV park to the rear of this site and that there are hunting and shooting activities in the area; that the same concern was raised in 2010 and the RPC approval contained a requirement that notice be given to all future residents similar to the Agricultural Protection notice; that the Developer has proffered this as part of the proposed conditions and findings; that the purpose of the RPC tool is to encourage large-scale developments as a means of creating a superior living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan; that the RPC overlay is appropriate for this project but is also superior to the design that was approved in 2010; that this design meets the requirements of the Comprehensive Plan in the Zoning Code; that for all these reasons the Applicant requests recommendation of approval for this Change of Zone application to County Council.

Ms. Wingate asked if the hunting is taking place on the Lost Lands RV Park property.

Mr. Hutt stated that he assumes the hunting takes place during the season when the RV's are not occupied; that the current design retaining the forested area allows for a much greater distance from the RV park to the proposed dwellings on the subject property; and that all future residents will be given notice of hunting activities on adjoining property.

Ms. Wingate asked for clarification regarding the numbers on the TIS.

Mr. Joe Caloggero stated that the TIS was prepared for 44 single-family homes, 44 townhomes and, 168 apartments and that's what the numbers are based on.

Ms. Wingate commented that she will expect to see the landscape buffer/berm along Route 20 when the site plan is submitted.

Ms. Stevenson asked for confirmation that the berm is being proposed.

Mr. Hutt stated that Mr. Flathers will address the berm but noted that the nearest residence is a good distance from Route 20 because of the stormwater management systems to the front of the property.

Mr. Chris Flathers stated that the intent is to utilize berms when possible for screening, but it is not always possible with drainage issues and that on the west side of the property the nearest residence is 44 ft. from the property line.

Ms. Stevenson asked the Applicant to address the soils on the property especially, subaqueous soils.

Mr. Greg Sauter stated that the soils at this site are suitable for the proposed development; that hydric soils would not prevent building; that the existence of hydric soils would not prevent the building of an environmentally sensitive development; that the stormwater management facilities proposed for this site will improve the overall stormwater run-off in the area; that subaqueous soils are related to the wetland aspect and that this property has been farmed for many years, therefore, those soils would not be subaqueous; and that there are no wetlands on this site.

Ms. Stevenson commented that the road within the community should have a sign stating that it is for connectivity to future developments.

Mr. Hutt stated that a sign could be placed without the expense of extending a road for something that may never happen.

Ms. Stevenson asked for an explanation of the full-movement access traffic entrance.

Mr. Caloggero stated that it is a full movement of left, right and, straight through so the access to this site will be designed to cross the street from Bayside Storage.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support or in opposition to the Application.

Mr. Whitehouse confirmed that the County Council hearing date for this Application will be June 29, 2021, at 1:30 pm in County Council Chambers and not at Del Tech.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

Prior to the recess, the Commission discussed Application C/Z 1942 – Bay Developers, LLC (Twin Cedars, LLC). Motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

Minutes of the May 27, 2021 Planning & Zoning Commission Meeting

Ms. Wingate stated that she was not prepared to make a motion; that she feels that there is overcrowding on the front of this property; that the previous apartments on this property totaled 48 units and this Application is for 168 apartments, 44 townhomes and 44 single-family lots; that berms are shown on the

conceptual site plan but when questioned the Applicant said they may not have sufficient room to install said berms; and that the open space is not usable open space.

The Commission discussed the Application.

Motion by Ms. Wingate to defer action on Application C/Z 1942 – Bay Developers, LLC (Twin Cedars, LLC) for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 4-0.

Minutes of the June 10, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since May 27, 2021.

Ms. Wingate moved that the Commission recommend approval of C/Z 1942 regarding BAY DEVELOPERS, LLC (TWIN CEDARS, LLC) for a change in zone from C-1, CR-1, and GR to GR-RPC based upon the record made during the public hearing and for the following reasons:

1. The property is currently zoned C-1 General Commercial, CR-1 Commercial Residential and GR – General Residential.
2. The property is presently used for agricultural purposes and it was previously developed as an apartment complex consisting of 50 units in 3 buildings. All of the apartment buildings have been removed from the property.
3. This site was previously approved under CZ # 1668 for a GR-RPC and CZ # 1669 for a change in zone to CR-1. The Master Site Plan from those two approvals showed 199 residential units comprising of 120 multi-family units, 45 townhomes and 34 duplexes along with 38,175 square feet of commercial space on this property. Those projects were never built and this application deletes the commercial uses from this site.
4. The proposed development will have no more than 254 dwelling units consisting of 168 apartments, 44 townhomes and 42 single family units on 64.32 acres. The net density is 3.95 units per acre which is less than the maximum density permitted under the existing C-1, CR-1 and GR zoning. This density is also similar to other nearby developments.
5. The County Engineering Department has indicated that adequate wastewater capacity is available for the site. Central water will also be provided.
6. DelDOT has issued a Traffic Impact Study Review Letter for this project requiring off-site improvements, which the developer will be required to comply with. These improvements will improve traffic in the area and mitigate the impact of traffic from this development.
7. With the conditions and stipulations placed upon it, the RPC designation is appropriate, since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. This project will also maintain approximately 42 acres of the site as open space. This includes extensive woodlands on the southwest portion of the site that will remain undisturbed.
8. The project will not adversely affect the neighborhood or surrounding community. There are existing developments in the immediate area with similar characteristics.
9. According to the County's current Comprehensive Plan, the project is in the Coastal Area. Development such as this GR-RPC is appropriate in this Area according to the Plan.
10. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.

11. This recommendation is subject to the following conditions:
 - a. There shall be no more than 254 dwelling units consisting of 168 apartments, 44 townhomes and 42 single family units.
 - b. A homeowners association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.
 - c. All entrances, intersections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
 - d. The RPC shall be served by Sussex County sewer. The Developer shall comply with all requirements and specifications of the County Engineering Department.
 - e. The RPC shall be served by central water for drinking water and fire protection.
 - f. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
 - g. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be street lighting and sidewalks on both sides of the streets within the RPC.
 - h. The development shall be served by its own on-site amenities including a clubhouse, pool, walking paths along the wooded open space and a tot-lot. All amenities shall be completed and open for use prior to the issuance of a building permit for the 100th unit on the site or the building containing the 100th unit on the site.
 - i. A 20-foot wide vegetated or forested buffer shall be established along the perimeter of the site. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.
 - j. If requested by the local school district, a school bus stop shall be provided by the entrance to the development, with the location and any related parking to be approved by the school district's transportation supervisor. The location of the bus stop area shall be shown on the Final Site Plan.
 - k. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
 - l. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - m. The Final Site Plan shall include a landscape plan confirming all landscaping to be provided, the preservation of all buffer areas and the forested areas that will be preserved. The landscape plan shall also identify all "Limits of Disturbance" within the site. This landscape plan shall also provide enhanced screening and landscape berms along the front entrance as well as the sides of the property (excluding the rear open space) as presented during the public hearing and described at pages 15, 16 and 17 of the Applicant's project notebook.
 - n. The Final Site Plan shall include a grading plan that shall be submitted to County Staff for review and approval.
 - o. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m. A

- 24 inch by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
- p. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice. These documents shall also include similar notices that there is a camping/RV park adjacent to the site and that hunting activities occur in the vicinity of this site.
 - q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to recommend approval of C/Z 1942 Bay Developers, LLC (Twin Cedars, 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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sussexcountyde.gov
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302-854-5079 F
JAMIE WHITEHOUSE, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 13, 2021

Application: CZ 1942 Bay Developers, LLC (Twin Cedars, LLC)

Applicant: Bay Developers, LLC
200 Weston Drive
Dover, DE 19904

Owner: Twin Cedars, LLC (Attention: Mr. James T. Gordon)
5427 York Lane
Bethesda, MD 20814

Site Location: The parcel is lying on the south side of Zion Church Road (Route 20), approximately 0.55-mile northwest of Bayard Road (S.C.R. 384).

Current Zoning: Split-zoned General Commercial (C-1) Zoning District, Commercial Residential (CR-1) District & General Residential (GR) Zoning District

Proposed Zoning: General Commercial (C-1) Zoning District & General Residential, Residential Planned Community (GR-RPC)

Proposed Use: 168 Apartments, 44 Townhomes, 42 Single-Family Detached Dwellings (254 dwelling units total)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Sussex County Sewer District

Water: Artesian

Site Area: 64.32 +/- acres

Tax Map ID.: 533-11.00-42.00



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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 6th, 2021
RE: Staff Analysis for CZ 1942 Bay Developers, LLC (Twin Cedars, LLC)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1942 Bay Developers, LLC (Twin Cedars, LLC) to be reviewed during the May 13, 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 533-11.00-42.00 to allow for a change of zone from a General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and a General Residential (GR) Zoning District to a General Residential Zoning District, Residential Planned Community (GR-RPC). The parcel is located on the south side of Zion Church Road (Route 20), approximately 0.55-mile northwest of Bayard Road (S.C.R. 384). The parcel to be rezoned contains 64.32 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, south, east and west also have the land use designation of Coastal Area.

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed.

The property is tri-zoned with the property being zoned General Commercial (C-1) Zoning District and Commercial Residential (CR-1) Zoning District along the road frontage of the parcel and with the remaining majority of the parcel being zoned General Residential (GR) Zoning District. The adjacent parcels to the east and west of the subject property are zoned General Residential (GR). The two properties to the north and west of the property located along Zion Church Road are zoned General Commercial (C-1). The properties to the north of the parcel on the opposite side of Zion Church Road are zoned Agricultural Residential (AR-1), Commercial Residential (CR-1), Business Research (B-3) and General Commercial (C-1).



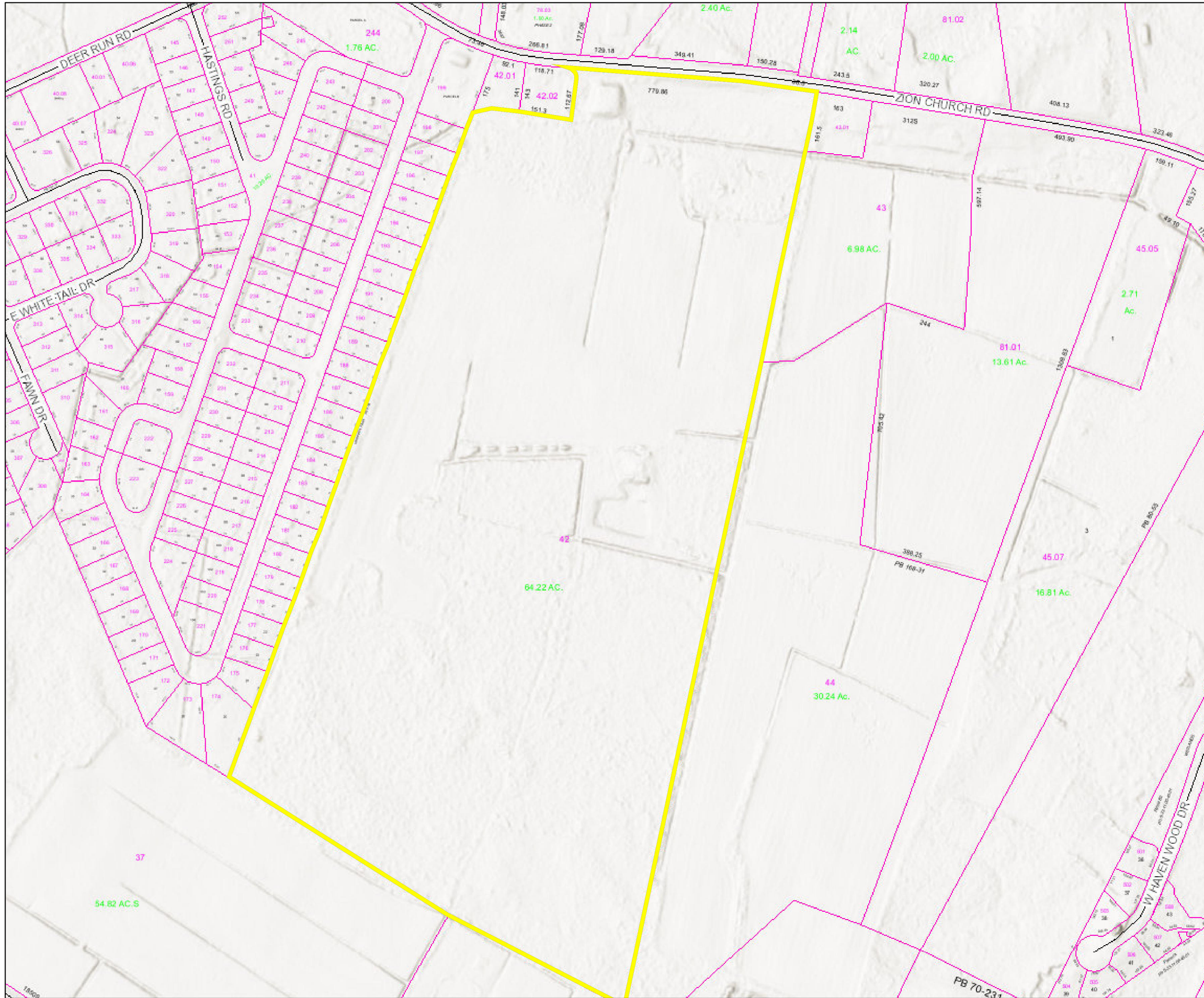
The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the General Residential (GR) Zoning District is listed as an applicable zoning district in the “Coastal Area.” Although not featured within the Future Land Use Table as an applicable zoning district, the General Commercial (C-1) Zoning is a permitted zoning district within the Coastal Area as these zoning may be located within any of the land use designations.

Since 2011, there have been three (3) Change of Zone applications within a 2-mile radius of the application site. The first application is for Change of Zone No. 1715 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Commercial Residential (CR-1) Zoning District. The application was approved by the Sussex County Council on May 15, 2012 and the change was adopted through Ordinance No. 2257. The second application is for Change of Zone No. 1858 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a High Density Residential, Residential Planned Community (HR-1-RPC). The application was approved by the Sussex County Council on December 11, 2018 and adopted through Ordinance No. 2621. The last application is for Change of Zone No. 1842 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Neighborhood Business (B-1) Zoning District. The application was approved by the Sussex County Council on January 30, 2018 and adopted through Ordinance No. 2545.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and a General Residential (GR) Zoning District to a General Residential Zoning District, Residential Planned Community (GR-RPC) could be considered as being consistent with the land use, area zoning and surrounding uses.



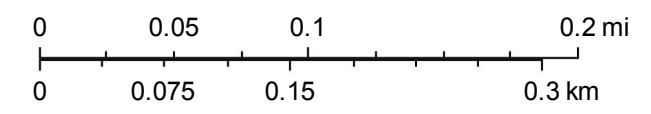
Sussex County



PIN:	533-11.00-42.00
Owner Name	TWIN CEDARS LLC
Book	3395
Mailing Address	5427 YORK LN
City	BETHESDA
State	MD
Description	S/RT 382
Description 2	750'E/RT 388
Description 3	N/A
Land Code	

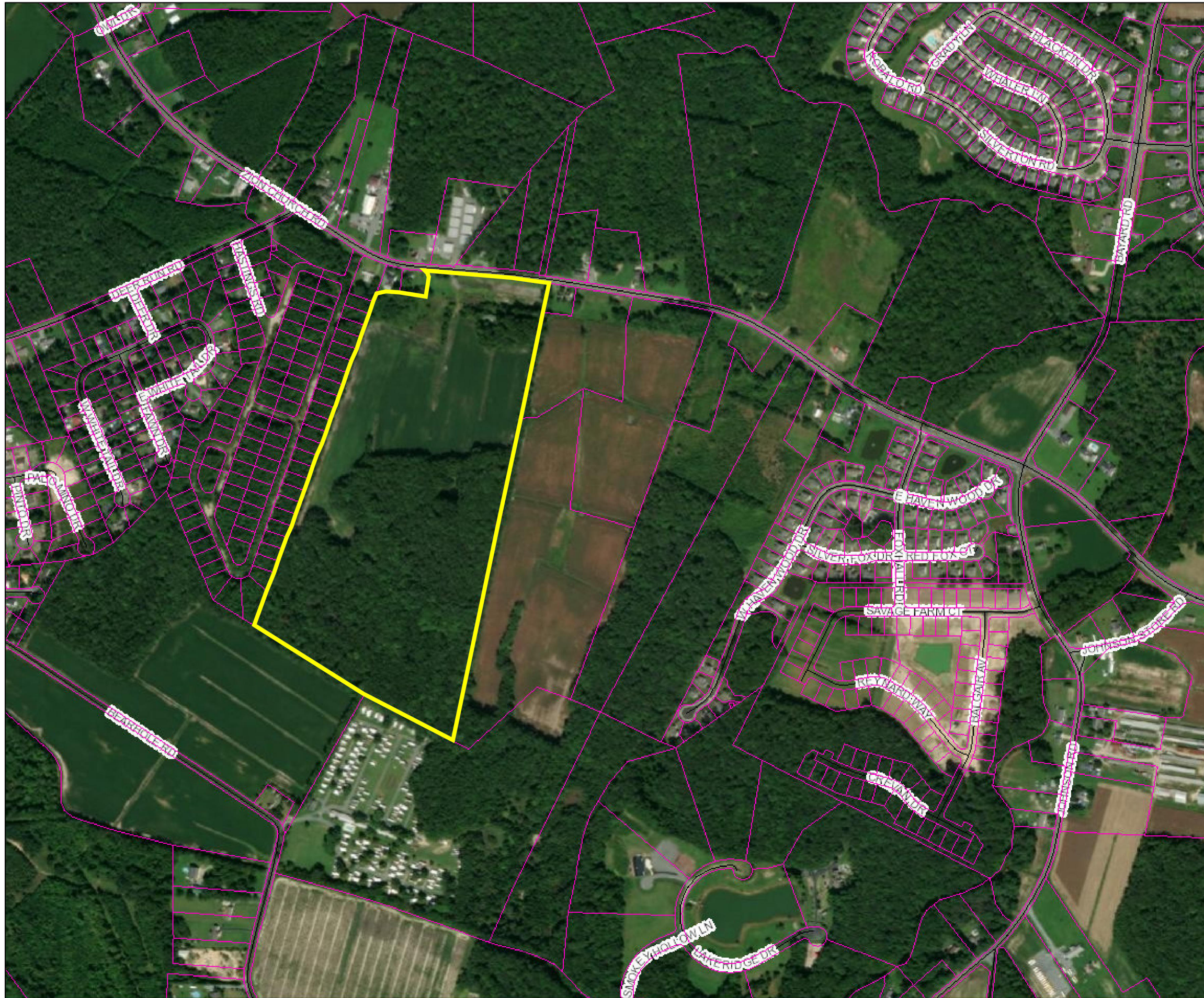
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Override 1
- polygonLayer**
Override 1
- Tax Parcels
- Streets
- County Boundaries

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





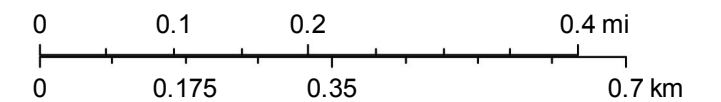
Sussex County



PIN:	533-11.00-42.00
Owner Name	TWIN CEDARS LLC
Book	3395
Mailing Address	5427 YORK LN
City	BETHESDA
State	MD
Description	S/RT 382
Description 2	750'E/RT 388
Description 3	N/A
Land Code	

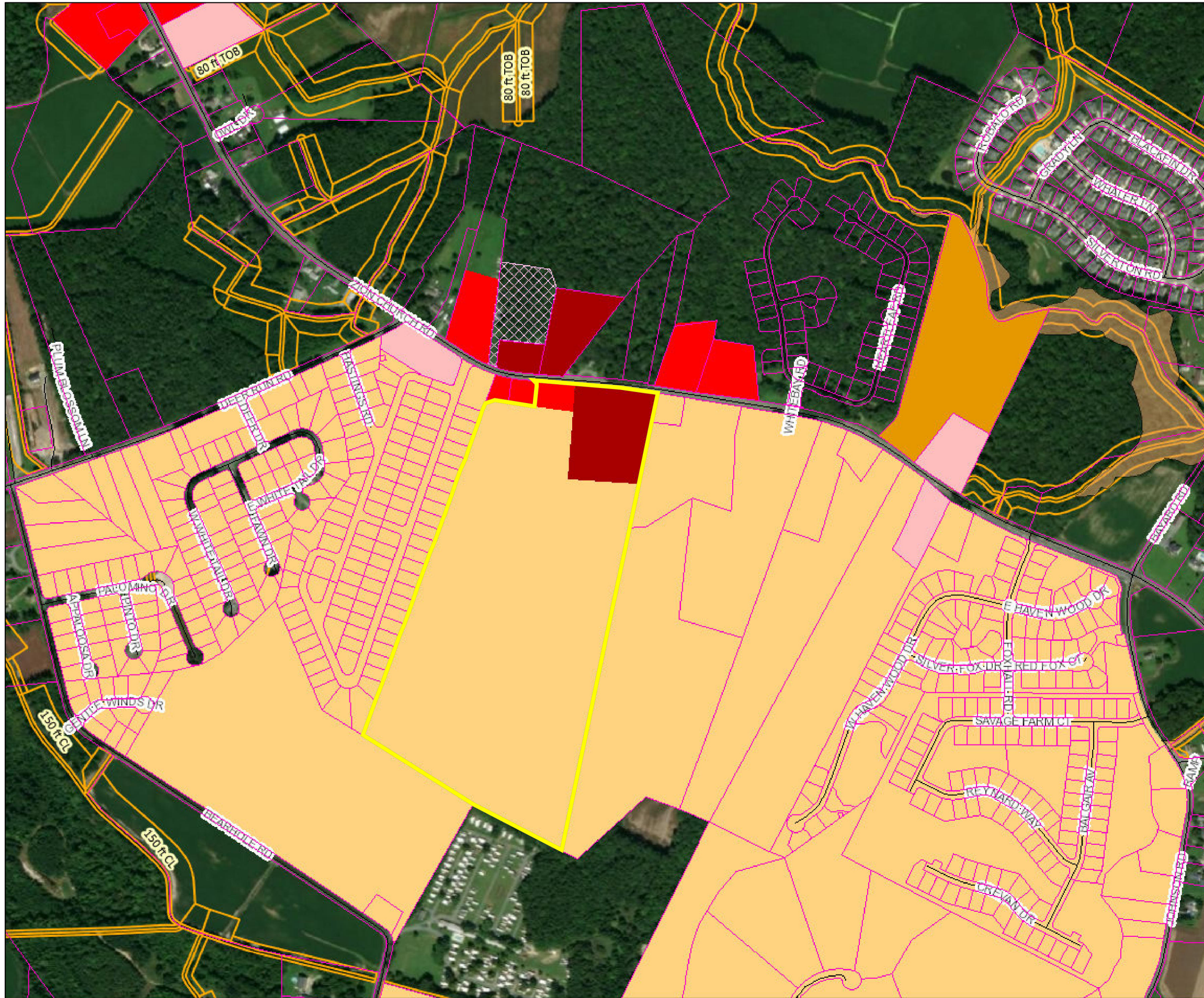
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- Override 1
- polygonLayer**
- Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:9,028





Sussex County



PIN:	533-11.00-42.00
Owner Name	TWIN CEDARS LLC
Book	3395
Mailing Address	5427 YORK LN
City	BETHESDA
State	MD
Description	S/RT 382
Description 2	750'E/RT 388
Description 3	N/A
Land Code	

polygonLayer

Override 1

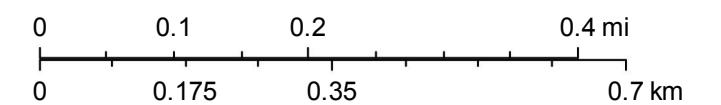
polygonLayer

Override 1

Tax Parcels

Streets

1:9,028



Introduced 03/23/21

**Council District 5: Rieley
Tax I.D. No. 533-11.00-42.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT, CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.32 ACRES, MORE OR LESS

WHEREAS, on the 12th day of March 2021, a zoning application, denominated Change of Zone No. 1942 was filed on behalf of Bay Developers, LLC (Twin Cedars, LLC); and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1942 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 has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of C-1 General Commercial District, CR-1 Commercial Residential District and GR General Residential District and adding in lieu thereof the designation of GR-RPC General Residential District - Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Zion Church Road, approximately 0.55 miles northwest of Bayard Road and being more particularly described in the attached legal description prepared by Young Conaway Stargatt & Taylor, LLP., said parcel containing 64.32 acres, more or less.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: June 25, 2021

RE: County Council Report for CZ 1922 filed on behalf of Baywood, LLC

The Planning and Zoning Department received an application (CZ 1922 filed on behalf of Baywood, LLC) to amend the Comprehensive Zoning Map of Sussex County from a B-1 (Neighborhood Business District), C-1 (General Commercial District) and CR-1 (Commercial Residential District) to a HR-RPC High Density Residential District – Residential Planned Community at 32147 Long Neck Road. The change of zone is for 54.38 acres, more or less.

The Planning and Zoning Commission held a public hearing on May 13, 2021. At the meeting of May 27, 2021, the Commission recommended approval of the application for the 10 reasons and subject to the 17 recommended conditions as outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of May 13, 2021 and the draft minutes of the Planning & Zoning Commission meeting of May 27, 2021.

Minutes of the May 13, 2021 Planning & Zoning Commission Meeting

C/Z 1922 – Baywood, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a B-1 (Neighborhood Business District), C-1 (General Commercial District) and, CR-1 (Commercial Residential District) to a HR-RPC High-Density Residential District - Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 54.38 acres, more or less. The property is lying on the north side and south side of Long Neck Road, approximately 0.47 miles east of the intersection of Long Neck Road and John J. Williams Highway (Route 24). 911 Address: 32147 Long Neck Road, Millsboro. Tax Parcels: 234-23.00-270.00, 273.01, 273.02, 273.03, & 273.05.



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 Staff Analysis, a copy of the Applicant's exhibit booklet, a copy of the Applicant's conceptual site plan, a copy of comments received from PLUS comments and, a copy of the Applicant's response to the PLUS comments, a copy of a letter received from the Indian River Volunteer Fire Company, two copies of TIS submissions in relation to the Application sites, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and nine comments which have been distributed to members of the Commission.

The Commission found that Mr. James Fuqua, Esq. was present on behalf of the Applicant, Baywood, LLC; that also present are Robert Tunnell, Jr. and Robert Tunnell, III on behalf of the Applicant, Jason Palkewicz - Solutions IPER, and Betty Tustin – The Traffic Group; that this is an application to rezone a 54.38 acre parcel of land on both the north and south sides of Long Neck Road to High Density Residential District (HR) with a Residential Planned Community (RPC) overlay; that the proposed use is a 514 unit multi-family rental community; that the parcel on the north side of Long Neck Road contains 38.17 acres and is approximately 1,000 ft. east of the Route 24 intersection; that along Long Neck Road between Route 24 and the north parcel, the uses are a gas station, food mart, funeral home and a church; that the north parcel also borders the Greens at Long Neck and the Baywood Greens and Golf Course; that the parcel on the south side of Long Neck Road contains 16.21 acres and is approximately 2,000 ft. east of Route 24; that along Long Neck Road between Route 24 and the south parcel, the uses are a bank, a medical office building, a Beebe health care facility and Bayshore which is a 146 unit multi-family community located on 17 acres of land; that the south parcel borders School Lane to the east and the rear borders the Long Neck Elementary School; that the proposed development is to be called Baywood Gardens; that 354 units would be on the north side in nine multi-family buildings and 160 units would be on the south side in four buildings; that the HR zoning would permit a maximum density of 12 units per acre and the 514 units proposed would be a density of 9.45 units per acre; that no commercial uses or buildings are being proposed; that the Applicant, Baywood, LLC is owned by the Tunnel family; that the Tunnel family has a history of over 60 years in the Long Neck area including the Baywood development adjacent to the north and the various Pot Nets communities; that tonight's application addresses a much needed housing type and that is the multi-family rental housing.; that the north parcel is currently zoned Neighborhood Business (B-1) and General Commercial (C-1); that there was a prior approved development plan for the northern portion of the subject property which consisted of a Conditional Use for the B-1 land and uses permitted by right for the C-1 land; that in 2010 the County Council approved C/U 1797 for 143 multi-family units on B-1 portion of the site and on the C-1 portion which already permits multi-family, the mixed use proposal was for a total of 354 multi-family units and commercial space of 48,000 sf.; that planned development did not move forward; that this Application is for the same number of multi-family units but eliminates the commercial space; that the south portion of the property is zoned CR-1; that the woods on the property were removed by the previous owner as part of the contract of sale; that the property is located in Investment Levels 1 and 2 according to the Strategies for State Policies and Spending; that the State Strategies is not a land use document but is a guide to where the State plans to direct investments; that Investment Levels 1 and 2 reflect areas that are already developed; that the Comprehensive Plan projects that by the year 2035 there will be an additional 60,000 permanent and seasonal residents in Sussex County; that this growth will correlate into a need for various types of housing; that this project will find a more affordable alternative to home ownership as compared to single-family ownership; that a rental development will have lower

costs to the renter, shorter time commitments, no large down-payment, no annual tax bills and no maintenance and landscaping required; that Baywood Gardens will provide more affordable housing to workers in eastern Sussex County; that according to the Comprehensive Plan, Baywood Gardens is located in the Commercial Area and the Coastal Area which are both considered growth areas; that the Applicant has requested that the Future Land Use Map be amended to designate all of the Applicant's land to the Coastal area rather than in two growth areas; that the Comprehensive Plan states that medium and higher density (4-12 units per acre) can be appropriate in certain locations: that Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density; that this project is appropriate as it is served by central water and sewer, it is near commercial uses and employment centers, it is in keeping with the character of the area, it is along a main road, and there is adequate level of service and the Applicant will be making improvements to the roadways; that the purpose of the HR-1 district is to permit variety in housing types and provide for residential densities appropriate for areas which are or will be served by public sanitary sewer and water systems and which are well-located with respect to major thoroughfares, shopping facilities and centers of employment; that this describes this site; that the purpose of the RPC overlay is to encourage large-scale developments as a means of creating a superior living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan; that Baywood Gardens is the type of development envisioned in the purpose clause for the HR-RPC; that the proposed development is in accordance with State Investment Level designations, the Sussex County Comprehensive Plan and the purpose of the HR-RPC under the Zoning Ordinance; that the stormwater management facilities will be designed and constructed in accordance with DNREC's sediment and stormwater regulations; that there are no State regulated or tidal wetlands on the property; that the property is designated as being in flood zone X and outside of the 100 year flood plain; that the State Historic Preservation Office advised that there are no known archeological or national registered listed or registered features on the site; that the site is located in the Indian River School District and the Indian River Volunteer Fire Company; that DelDOT did require a Traffic Impact Study (TIS) for the proposed development; that there were two TIS completed, one for the north parcel and one for the south parcel and that the property is not in the Henlopen Transportation Improvement District (TID); that the Applicant will be required to provide a 40 ft. right-of-way from center line on both sides of Long Neck Road along the site frontage and a 30-ft right-of-way from center line on School Lane along the site frontage; that the Applicant will also dedicate a permanent 15 ft. easement along the site frontage for a shared path which will be constructed by the developer; that the Applicant will also be responsible for certain roadway improvements and traffic signal improvements in the area; that the entrance to the northern portion of this site shall be on Long Neck Road directly across from Bayshore Drive; that there will be a secondary entrance from Greens Way; that the entrance to the southern portion of the site shall be on Long Neck Road directly across from Greens Way; that there will be a secondary entrance from School Lane; that the traffic improvements will include bus stops on Long Neck Road; that the north parcel will contain 354 units located in nine four-story buildings, eight buildings would contain 40 units each and the ninth would have 34 units; that parking would be adjacent to the buildings and a large parking area next to the recreational

complex; that the recreational facilities will be on the north parcel and will include a clubhouse, outdoor pavilion, indoor and outdoor pools, playground, pickleball courts, Bocce courts, a practice putting green, a community garden and passive open space; that a central mailbox facility will be located near the recreational facility; that 602 parking spaces are required per County Code and 791 spaces are being provided for the north parcel; that there will be an interior sidewalk system connecting to the shared use path on both the northern and southern portions of the development; that there will be non-intrusive lighting throughout the north and south portions of the development; that the location of the school bus stop will be coordinated with the school district for both sections of the development; that there will be buffers and privacy fencing between the adjacent development; that the south parcel will contain 160 units located in four four-story buildings containing 40 units each; that there will be a 20-ft landscape buffer between this development and adjacent properties; that 287 parking spaces are required per County Code and 320 parking spaces are being provided; that the south parcel will have two open space gathering areas with two tot-lot playgrounds; that there is a signalized crosswalk on Long Neck Road at the intersection with Banks Road and School Lane to allow for pedestrians to cross safely between the north and south side of the property; that there will be 210 two-bedroom units and 304 three-bedroom units; that the Baywood Garden Community would be operated by the Tunnell Companies; that the gross density would be 9.45 units per acre and the net RPC density would be 9.94 units per acre with approximately 27.5 acres of open space which is 51% of the development; that the Applicant has submitted proposed findings and conditions; that the Applicant proposes that the recreational complex be completed prior to the issuance of a Certificate of Occupancy for the 161st unit; that the Applicant proposes that if the RPC is voided for any reason that the zoning revert back to the zoning classification on the date of approval; that this condition is offered by the Applicant with full knowledge of its intent and purpose with the understanding that the Applicant voluntarily offers this condition with the knowledge that they will be bound to it; and that the Applicant respectfully requests recommendation of approval subject to conditions.

Mr. Mears expressed concerns about the safety of pedestrians, especially children crossing Long Neck Road even with the signalized crossing.

Ms. Wingate asked if a property manager will be on site.

Mr. Fuqua stated that there will be a management office on-site and there will be a telephone number for 24-hour access for emergencies.

Ms. Stevenson asked about the height of the four-story buildings.

Mr. Fuqua stated that the buildings will be 52 ft. tall.

Ms. Stevenson asked if there are other buildings of similar height in the area.

Mr. Robert Tunnell, III stated that the Baywood Clubhouse is 65.5 ft.; that the water tower on Route 24 is approximately 60 ft. and the Baywood sales center is 54 ft. and there were 3 height variances for these buildings.

Mr. Robertson commented that the County cannot unilaterally revert something to a different zoning category because of the Code and due process of public hearings but that it could be stated as if the RPC is voided, the County will schedule a public hearing to consider the rezoning of the property.

The Commission found that Terry Phelan spoke in support of the Application; that there seasonal rentals but few permanent rental units available; that it would be good for local workers and young families; that she also has concerns about the crossing issue between the parcels and that golf carts should not be allowed.

The Commission found that Jim Carlson spoke in opposition of the Application; that the infrastructure cannot accommodate all the development in this area and that the roads are not adequate for the traffic in the area.

The Commission found that Jane Rakowski spoke in opposition of the Application; that the traffic is already an issue and adding more units will exacerbate the problem.

The Commission found that Rick Mortimer stated that he had questions for the Applicant; that he asked if the existing Baywood residents would bear any expense to enjoy the proposed amenities.

Mr. Tunnel stated that the existing residents would be able to use the proposed Community Center and that the cost would be spread across all the lots and that there would not be a membership fee.

The Commission found that Eul Lee spoke by teleconference and stated that she had questions regarding the Application; was there a PLUS review for this Application; are four-story apartment buildings considered low-rise; and what are the rental rates. Ms. Lee also expressed concerns about the crosswalk to get to the amenities on the northern portion of the property.

Chairman Wheatley stated that the PLUS review was part of the packet posted on the website.

Mr. Robertson stated that low-rise is not defined in the County Code.

Chairman Wheatley added that there are height limitations and that is what governs the height of any building in a zoning district.

Chairman Wheatley stated that the question about rental rates is beyond the scope of the Commission; that the Commission is about Land Use.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the Public Hearing, the Commission discussed the Application.

In relation to Application C/Z 1922 – Baywood, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

Mr. Whitehouse confirmed that the County Council hearing date for this Application will be June 29, 2021, at 1:30 pm in County Council Chambers and not at Del Tech.

Minutes of the May 27, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since May 13, 2021.

Mr. Mears moved that the Commission recommend approval of C/Z # 1922 for BAYWOOD, LLC from B-1, C-1 and CR-1 to HR-RPC based upon the record made during the public hearing and for the following reasons:

1. This application seeks a change in zone from B-1, C-1 and CR-1 to an HR-RPC. The purpose of the HR zone is to provide a variety of housing types in an area where central water and sewer is available, and which are well-located with respect to major thoroughfares, shopping facilities and centers of employment. This purpose is satisfied for this site because it is located near Route 24 in an area that has developed with a variety of shopping facilities and employment opportunities and central water and sewer are available.
2. This application seeks approval of 514 residential units with the RPC designation. This will include 354 units on the north side of Long Neck Road. 354 units were previously approved for the north side under the prior B-1 and C-1 Zoning, but with an additional 48,000 square feet of commercial space. This application does not include any commercial space and it will have less of an impact than what was previously approved for the northern side of this site.
3. The property's existing C-1 zoning permits residential development with a density of up to 12 units per acre. It is also adjacent to other C-1 property that permits a wide variety of commercial uses and possible residential development of 12 units an acre. This HR-RPC is consistent with the existing C-1 zoning and land uses in the area.
4. The property is in the area of the Route 24 and Long Neck Road commercial areas and public transportation is available. This is an appropriate location for an HR-RPC.
5. The site is partially in the "Coastal Area" according to the Sussex County Comprehensive Plan. The Plan states that a range of housing types are appropriate in this Area, including multifamily uses. The property on the north side of Long Neck Road is in the "Commercial Area" according to the Plan based upon the current CR-1 zoning. That portion of the site will need to be revised to the "Coastal Area" to match what surrounds it.
6. The Comprehensive Plan provides that higher densities can be supported in the Coastal Area where:
 - (a) There is central water and sewer, both of which are available here.
 - (b) There are sufficient commercial areas and employment centers nearby, which exist here.
 - (c) There is an adequate Level of Service. DelDOT has also stated that the current LOS will be mitigated through existing State roadway projects that the developer will be required to contribute to, as well as specific roadway improvements that the developer will be required to fund or construct.
 - (d) Or there are other factors which are relevant to the requested density. Here, it is relevant that the Applicant is seeking an HR-RPC to develop affordable rental opportunities and options, which is also a goal of the Sussex County Comprehensive Plan.

7. Because of the high price of homes and rentals in much of eastern Sussex County, housing can be unaffordable for a lot of the workforce in this area of the County. As a result, many of those County residents cannot afford to live near where they work, resulting in long commuting time and increased traffic on County roadways. The project will provide more affordable rental housing options to Sussex County residents who are a large part of the workforce in eastern Sussex County.
8. The application promotes the Goals, Objectives and Strategies of the Housing Element of the Sussex County Comprehensive Plan, as follows:
 - It ensures the provision of safe and decent housing for all Sussex County residents. (Goal 8.1 of the Housing Element)
 - It ensures that a diversity of housing opportunities are available to meet the needs of residents of different ages and income levels. (Goal 8.2 of the Housing Element)
 - It affirmatively furthers affordable and fair housing opportunities in the County to better accommodate the needs of all residents. (Objective 8.2.1 of the Housing Element)
 - It promotes an increase in more affordable rental opportunities through a private developer. (Objective 8.2.2 of the Housing Element)
 - It facilitates and promotes a land use policy that enables an increase in the supply of more affordable housing in areas with adequate infrastructure (Objective 8.2.3 of the Housing Element)
9. The proposed HR-RPC meets the purpose of the Zoning Ordinance because it promotes the orderly growth of the County in an appropriate location.
10. The proposed development creates large scale rental residential housing with a superior living environment for County residents and it achieves the goals of the Comprehensive Plan consistent with the purpose of the RPC District.
11. This recommendation is subject to the following conditions:
 - a. The maximum number of residential units shall be 514.
 - b. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - c. The project shall be served by central sewer through the Inland Bays Preservation Company and Sussex County. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - d. The project shall be served by central water to provide drinking water and fire protection.
 - e. Interior Street design shall meet or exceed the Sussex County street design requirements.
 - f. Construction, material deliveries and site work shall only occur on the property between 7:30 am and 7:00 pm Monday through Friday. No Saturday or Sunday hours shall be permitted. A 24 inch by 36 inch “NOTICE” sign confirming these hours shall be prominently displayed at all entrances to the site during construction.
 - g. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - h. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using best management practices.
 - 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. The applicant shall coordinate with the Indian River School District to establish a school bus stop area which shall be shown on the Final Site Plan if required by the District.
- k. The Central Recreational Complex, including the community clubhouse, indoor and outdoor swimming pools shall be completed prior to the issuance of the Certificate of Occupancy for the 161st multifamily unit.
- l. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- m. Lighted signs shall be permitted at each of the four entrances to the development. Those signs shall not exceed 32 square feet in size per side.
- n. As proffered by the Applicant, this HR-RPC rezoning was sought for the specific purpose of development of a 514-unit multi-family development depicted on the site plan submitted with this application. In the event the RPC is not developed and is declared null and void pursuant to Section 99-9B or 99-40A of the Sussex County Code, then Sussex County may initiate the rezoning process and schedule public hearings to consider whether to revert this land (currently TMP 2-34-23.00-270.00, 273.01, 273.02, 270.03 and 270.05) back to the zoning classification of the land in existence immediately prior to this HR-RPC rezoning.
- o. The Developer shall coordinate with DelDOT for safe and clearly marked pedestrian crossings at the intersection of Long Neck Road and School Lane for the two sections of this development. The Developer shall clearly indicate the means of safe crossing on the Final Site Plan and no apartments shall be constructed on the south side of Long Neck Road until those safety measures are installed.
- p. This recommendation is contingent upon an amendment to the Future Land Use Map in the Sussex County Comprehensive Plan revising the designation of a portion of the property from “Commercial Area” to the “Coastal Area” which otherwise surrounds it.
- q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1922 for Baywood, 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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: April 22, 2021

Application: CZ 1922 (Baywood, LLC – Robert Tunnell, III)

Applicant: Baywood, LLC – Mr. Robert Tunnell, III
34026 Anna’s Way, Suite 1
Long Neck, DE 19966

Owner: ABC Woodlands, LLC
P.O. Box 1389
Easton, MD 21601

Site Location: Northern and southern sides of Long Neck Road (Route 23),
approximately 500 feet east of John J. Williams Highway (Route 24)

Current Zoning: C-1 (General Commercial), B-1 (Neighborhood Business), CR-1
(Commercial Residential)

Proposed Zoning: HR-1 – RPC (High Density Residential – Residential Planned
Community)

Comprehensive Land
Use Plan Reference: Coastal Area and Commercial

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Sussex County

Water: Private Provider – Tidewater Utilities

Site Area: 54.38 ac. +/-

Tax Map ID.: 234-23.00-270.00, 273.01, 273.02, 273.03 & 273.05



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 5th, 2021
RE: Staff Analysis for CZ 1922 Baywood, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1922 Baywood, LLC to be reviewed during the May 13, 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 Parcels 234-23.00-270.00, 273.01, 273.02, 273.03 and 273.05 to allow for a change of zone from a General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and a Neighborhood Business (B-1) Zoning District to a High Density Residential Zoning District, Residential Planned Community (HR-RPC). The parcels are located on the northern and southern sides of Long Neck Road (Route 23) approximately 500 feet east of John J. Williams Highway (Route 24). The parcels to be rezoned consist of 54.38 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 properties have a land use designation of "Coastal Area" and "Commercial Area." The properties to the north and south also have the land use designation of Coastal Area.

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed.

Additionally, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. The Comprehensive Plan also notes that mixed-use buildings may also be appropriate for these areas.

The subject properties are zoned General Commercial (C-1), Neighborhood Business (B-1) and Commercial Residential (CR-1). The adjacent parcels to the north of the subject properties on the north side of Long Neck Road (Route 23) are zoned General Residential (GR). The properties to



the south of the southern parcels, which are part of this application and are located on the south side of Long Neck Road (Route 23), are zoned General Residential (GR) and High Density Residential (HR-1).

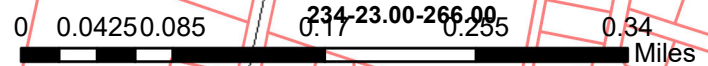
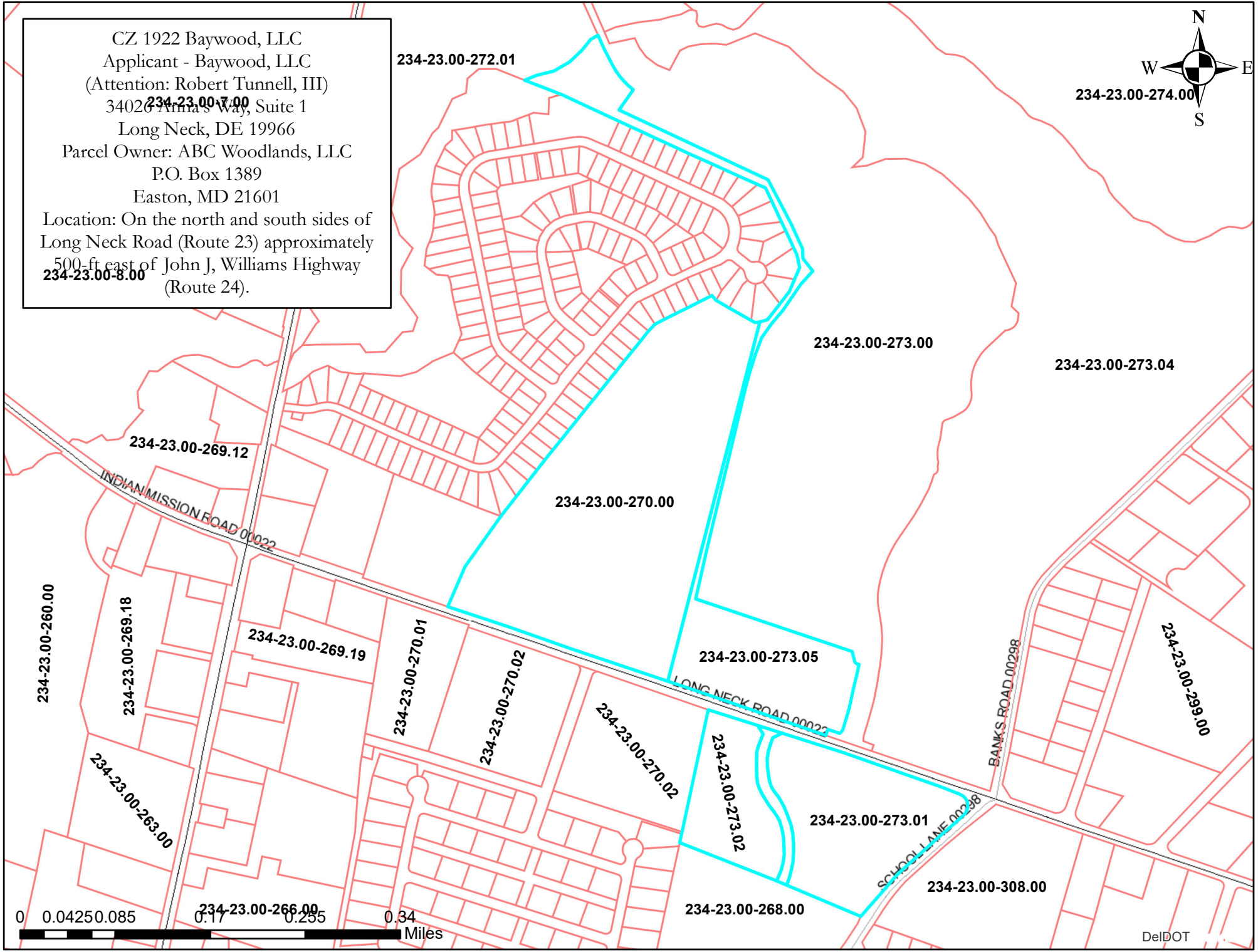
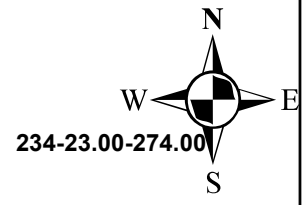
The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the High Density Residential (HR-1) Zoning District is listed as an applicable zoning district within the “Coastal Area.”

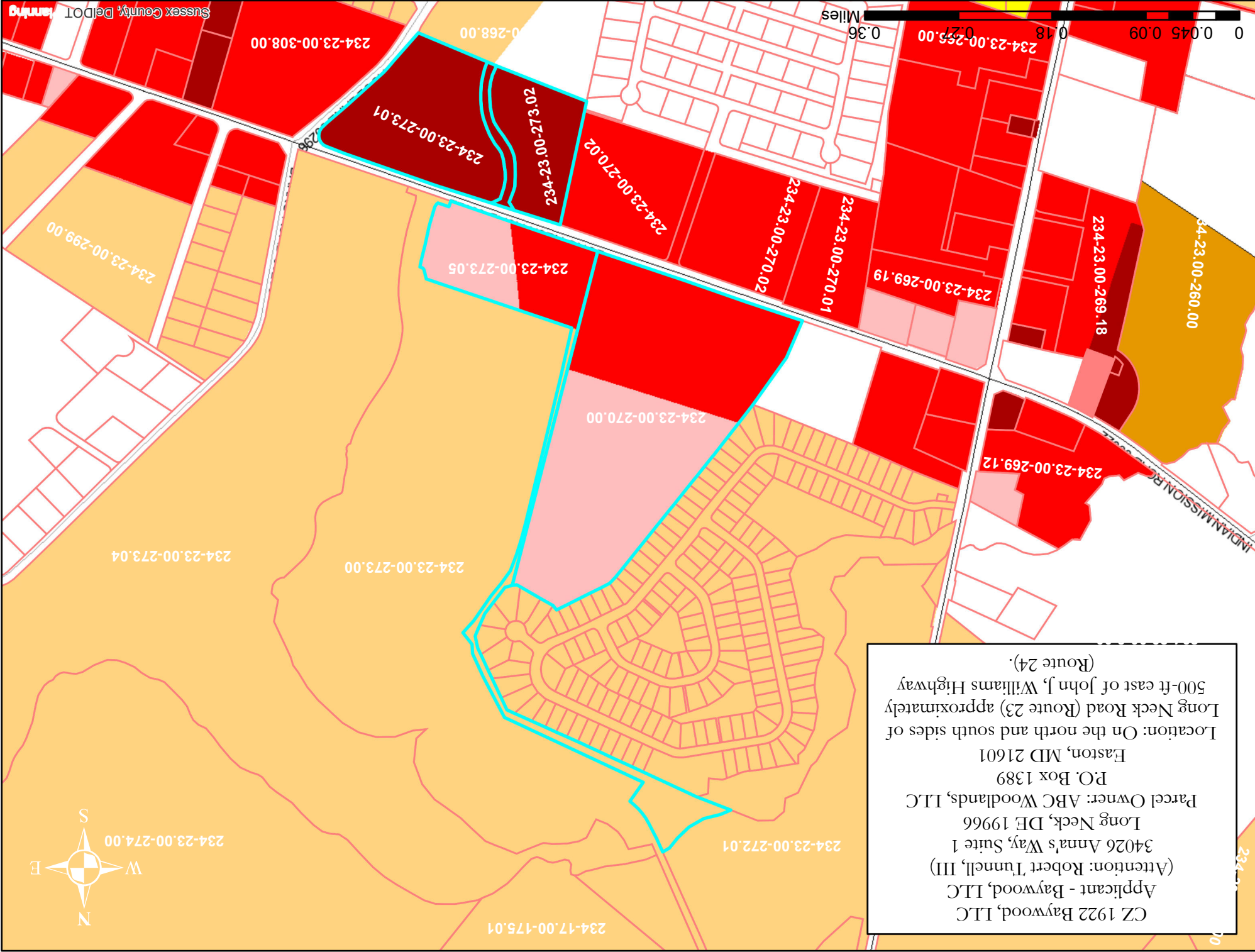
Since 2011, there have been two (2) Change of Zone applications within a 2-mile radius of the application site. The first application is for Change of Zone No. 1880 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on July 16, 2019 and the change was adopted through Ordinance No. 2669. The second application is for Change of Zone No. 1791 for a change of zone from an Agricultural Residential (AR-1) Zoning District and a General Commercial (C-1) Zoning District to a High-Density Residential Zoning District (HR-1). The application was approved by the Sussex County Council on April 12, 2016 and adopted through Ordinance No. 2444.

A potential amendment to the Future Land Use map for parcel 270.00 has been submitted to the State Planning Office for review at the June PLUS meeting.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and a Neighborhood Business (B-1) Zoning District to a High Density Residential Zoning District, Residential Planned Community (HR-RPC) could be considered as being generally consistent with the land use, area zoning and surrounding uses.

CZ 1922 Baywood, LLC
Applicant - Baywood, LLC
(Attention: Robert Tunnell, III)
34027 Anna's Way, Suite 1
Long Neck, DE 19966
Parcel Owner: ABC Woodlands, LLC
P.O. Box 1389
Easton, MD 21601
Location: On the north and south sides of
Long Neck Road (Route 23) approximately
500-ft east of John J. Williams Highway
(Route 24).





CZ 1922 Baywood, LLC
 Applicant - Baywood, LLC
 (Attention: Robert Tunnell, III)
 34026 Anna's Way, Suite 1
 Long Neck, DE 19966
 Parcel Owner: ABC Woodlands, LLC
 P.O. Box 1389
 Easton, MD 21601
 Location: On the north and south sides of
 Long Neck Road (Route 23) approximately
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500-ft east of John J, Williams Highway
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Introduced – 07/14/20

Council District No. 4 – Hudson

Tax I.D. No. 234-23.00-270.00, 273.01, 273.02, 273.03, & 273.05

911 Address: 32147 Long Neck Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 (NEIGHBORHOOD BUSINESS DISTRICT), C-1 (GENERAL COMMERCIAL DISTRICT) AND CR-1 (COMMERCIAL RESIDENTIAL DISTRICT) TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.38 ACRES, MORE OR LESS

WHEREAS, on the 9th day of March 2020, a zoning application, denominated Change of Zone No. 1922, was filed on behalf of Baywood, LLC; and

WHEREAS, on the ____ day of _____ 2020, 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. 1922 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 [B-1 Neighborhood Business District, C-1 General Commercial District and CR-1 Commercial Residential District] and adding in lieu thereof the designation of HR-RPC High Density Residential District - Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the north side and south side of Long Neck Road approximately 0.47 miles east of the intersection of Long Neck Road and John J. Williams Highway (Route 24), and being more particularly described in

the attached legal descriptions prepared by Sergovic & Ellis P.A. and the Law Offices of Brian D. Shirey, P.A., said parcel containing 54.38 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.