



Sussex County Council Public/Media Packet

**MEETING:
JULY 14, 2020**

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

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
IRWIN G. BURTON III, VICE PRESIDENT
DOUGLAS B. HUDSON
JOHN L. RIELEY
SAMUEL R. WILSON JR.



Sussex County

DELAWARE
sussexcountyde.gov
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SUSSEX COUNTY COUNCIL

A G E N D A

JULY 14, 2020

10:00 A.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – June 30, 2020

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Board of Adjustment Appointment
2. Planning & Zoning Commission Appointments
3. DelDOT Memorandum of Understanding (MOU) Update
4. Administrator's Report

Kathy Graybeal, County Librarian

1. Independent Library Agreements



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

Hans Medlarz, County Engineer

1. South Coastal RWF Treatment Process Upgrade No. 3 and Rehoboth Beach WTP Capital Improvement Program, Phase 2

A. Electrical Construction, Project C19-17, Award of Stand Alone Purchase Order

Councilman Doug Hudson

1. Discussion related to forested buffer requirements

Grant Requests

- 1. Friends of Milford Museum for operating expenses**
- 2. Primeros Pasos for playground equipment**
- 3. Woodbridge High School Marine Corps JROTC Booster Club for 5K Fun Run/Walk fundraiser**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Job Applicants' Qualifications pursuant to 29 Del.C.§10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.

Conditional Use No. 2189 filed on behalf of Grace Malone

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS” (a landlocked parcel of land lying on the south side of Laurel Road, approximately 0.38 mile east of Sussex Highway (Route 13) (Tax I.D. No. 332-2.00-75.00) (911 Address: None Available)

Conditional Use No. 2219 filed on behalf of 32630 Dupont Boulevard, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR STONE & GRANITE RETAIL, FABRICATION, CUTTING, DISPLAYING & SELLING OF GRANITE, STONE & QUARTZ TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.80 ACRES, MORE OR LESS” (land lying on the west side of DuPont Blvd., approximately 0.51 miles south of Nine Foot Road) (Tax I.D. No. 233-16.00-27.00 (portion of) (911 Address: 32630 DuPont Blvd., Dagsboro)

Conditional Use No. 2223 filed on behalf of A&W Burbage, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT & RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS” (land lying on the northeast corner of Burgage Road and Jones Road, approximately 0.72 miles east of Omar Road) (Tax I.D. No. 134-14.00-36.00) (Part of) (911 Address: 32855 Jones Road, Frankford)

Change of Zone No. 1908 filed on behalf of W & B Hudson Family LTD

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 37.08 ACRES, MORE OR LESS” (land lying on the south side of Lewes-Georgetown Highway (Route 9) approximately 340 feet east of Harbeson Road (Route 5) (Tax I.D. No. 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, and 72.00) (911 Address: Not Available)

Change of Zone No. 1912 filed on behalf of Beach and Bay, LLC (Kyle Norwood and Katie Davidson)

“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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.92 ACRE, MORE OR LESS” (land lying on the southwest corner of Savannah East Drive and Kings Highway) (Tax I.D. No. 334-6.00-58.00) (911 Address: 16816 and 16820 Kings Highway, Lewes)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 7, 2020 at 4:50 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 streamed live at <https://sussexcountye.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: 800-988-0494

Passcode: 1695792

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://sussexcountye.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@sussexcountye.gov. All comments shall be submitted by 4:30 P.M. on Monday, July 13, 2020.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 30, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 30, 2020, at 10:00 a.m., in the Council Chambers, with the following present:

| | |
|------------------------------|-----------------------------|
| Michael H. Vincent | President |
| Irwin G. Burton III | Vice President |
| Douglas B. Hudson | Councilman |
| John L. Rieley | Councilman |
| Samuel R. Wilson Jr. | Councilman |
| Todd F. Lawson | County Administrator |
| Gina A. Jennings | Finance Director |
| J. Everett Moore, Jr. | County Attorney |

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 235 20
Approve
Agenda**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

Minutes

The minutes of June 23, 2020 were approved by consent.

**Public
Comment**

A public comment period was held and the following spoke: Dan Kramer (by phone).

**Library
Advisory
Board**

Mr. Lawson reported on Library Advisory Board term expirations.

**M 236 20
Approve
Library
Advisory
Board
Appoint-
ment**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the reappointment of Dr. Stephen Schwartz to the Sussex County Library Advisory Board for a term of three years, effective immediately, until such time as the term expires in June 2023.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

**Library
Advisory
Board**

Mr. Lawson explained that one additional year needs to be added to the term of John Monohan to correct a mistake made at the time of his appointment in June 2018.

**M 237 20
Approve
Extension
of Library
Advisory
Board
Appoint-
ment**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of John Monohan to the Sussex County Library Advisory Board, effective immediately, for one additional year, until such time that the term expires in June 2021.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

**Adminis-
trator's
Report**

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

A. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Wellesley – Phase 1 (Construction Record) and Sunset Glen (formerly Stafford Street Capital, LLC, Lands of MDI Investment Group, LLC) – received Substantial Completion effective June 16th and June 22nd, respectively.

B. Holiday and Council Meeting Schedule

County offices will be closed on Friday, July 3rd, for the Independence Day holiday. In addition, Council will not meet on July 7th. The next regularly scheduled Council meeting will be held on Tuesday, July 14th.

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

**Update on
CARES
Act
Funding
for CDBG**

Brad Whaley, Director of Community Development and Housing, and Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, gave a presentation on new funding being made available to Sussex County through the CARES Act to Community Development and Housing. In response to COVID-19, Congress passed the CARES Act in March 2020; a significant amount of this funding is funneled through HUDs' programs. Over \$5 billion in supplemental funding was allocated to the Community Development Block Grant (CDBG) nationwide. The Delaware State Housing Authority (DSHA) received \$1,471,924 in the first round of the CARES Act to be used in Kent and Sussex Counties, with the priority of pandemic response and prevention through eligible public services. Some of these services include hotel/motel vouchers for the homeless, homeless prevention services such as rent and utility assistance, legal services, i.e. evictions, senior elderly food programs, medical and health services, etc. Mr. Whaley stated that out of the

**Update
on CARES
Act
Funding
(continued)**

original \$1.4 million, \$952,767 of that allocation will be designated for Sussex County. The Delaware State Housing Authority is guessing that about \$627,000 of that will be used for hotel/motel vouchers to house COVID victims and those that have been misplaced due to the COVID pandemic. Seventy-five thousand dollars (\$75,000) of that amount will be used for administration from the County's Department to administer the funding, leaving a balance of \$250,000 that is available via competition for public service agencies and non-profits (rental assistance, legal fees, and food). A public hearing will be required. With Council's approval, the Department is hoping to begin this process in July. Mr. Whaley noted that there will be a second round; however, the County will have to apply on a competitive basis for this round; the first round will come directly to the County.

**Compre-
hensive
Land Use
Plan
Update**

Jamie Whitehouse, Planning and Zoning Director, presented the annual update to the Office of State Planning and Coordination on the Comprehensive Plan. The Comprehensive Plan was certified by the Governor on March 19, 2019; so this is the first annual report on year one progress. He noted that it has been a productive year and a number of ordinances have come forward to further the Comprehensive Plan, particularly in relation to land use. The Environmentally Sensitive Developing District Overlay Zone has been renamed the Coastal Area and an ordinance enhanced the cluster subdivision ordinance. If adopted, the Report will be forwarded to the Office of State Planning and placed on the County's website. (The report was included in the Council packets for this meeting.)

**M 238 20
Approve
Annual
Compre-
hensive
Plan
Report**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Annual Comprehensive Plan Report covering the period July 1, 2019 through June 30, 2020 is approved, as presented, for submission to the Office of State Planning and Coordination.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

**Construct-
ion of
Parallel
Taxiway D/
Phase 2
Project/
Change
Order**

Hans Medlarz, County Engineer, presented Change Order No. 2 for the Construction of Parallel Taxiway D, Phase 2, Project 18-03. The Change Order, in the credit amount of \$31,716.44, which covers the installation of additional ground rods required for the new taxiway circuits to meet the FAA specification requirements for resistance and finalizes all quantities. Construction is complete except for some punch list items. Once they are closed and the project inspected by the FAA, the Department will seek Council's concurrence for Final Acceptance.

- M 239 20**
Approve
Change
Order/
Construct
Parallel
Taxiway D
Phase 2
Project
- A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for Contract 18-03, Construction of Parallel Taxiway D, Phase 2, be approved, decreasing the contract amount by \$31,716.44 for a new contract total of \$5,529,607.86.
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;**
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea
- Town of**
Georgetown
Water
Inter-
connection
Agreement
and Appoint
Engineer
for Sewer
and Water
work
- Hans Medlarz, County Engineer, presented the Water Interconnection Agreement and the associated Engineering Amendments for Professional Services. This Agreement that the County has with the Town of Georgetown is in regard to the Delaware Coastal Business Park and sewer service at the Park. The Delaware Coastal Business Park, as well as the entities located at the Coastal Airport along Rudder Lane, receive wastewater treatment services from the Town of Georgetown under the April 23, 2008 Agreement, last amended by Addendum on August 14, 2018. Given the limited availability of municipal sewer capacity, the Agreement allows for the surrender of capacity under Article VIII by redirecting it to alternate wastewater service providers. This option allows the Town to regain capacity beyond the County flows without initial capital contribution, while allowing the County to recuperate all capital funds over the life of the investment. The Finance and Engineering Departments recommended approval of the capacity surrender as outlined in the Agreement and on October 8, 2019, the Council concurred. On June 24, 2020, the Georgetown Town Council voted to accept the County's surrender notice as per Article VIII of the 2008 Agreement, as amended, and in return exercised the Town's option to request inclusion of 200% of the surrendered capacity in the design and construction of the interconnection. On May 14, 2019, the County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. The proposed scope of Amendment No. 3 covers limited topographic survey and preparation of the construction documents for the water interconnection as well as the sewer extension to the handshake point with Artesian Wastewater Management, Inc. on Park Avenue. The Engineering Department now requests approval of Amendment No. 2, on an hourly basis with rates approved under the base contract in the not to exceed amount of \$50,000.00.
- M 240 20**
Approve
Water
Inter-
connection
Agreement
- A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the final water interconnection agreement with the Town of Georgetown, as presented.
- Motion Adopted: 5 Yeas.**

**M 240 20
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 241 20
Appoint
Engineer
for
Sewer/
Water
Work/
Water
and Sewer
Agreements
at the
Airport
and
Industrial
Parks**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 3 to the 2019 Miscellaneous Engineering Base Agreement with Davis, Bowen & Friedel, be approved in the amount not to exceed \$50,000.00 for Engineering Services associated with the Water Interconnection Agreement with the Town of Georgetown and the Sewer Extension Agreement with Artesian Wastewater Management to extend sewer and water services at the Delaware Coastal Airport and Business Park.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**2019 Mis-
cellaneous
Engineering
Base
Contract
Amendment
No. 2/
Plantation
Road**

Hans Medlarz, County Engineer, presented Amendment 2 to the 2019 Miscellaneous Engineering Base Contract (Plantation Road Expansion). The proposed scope of Amendment 2 covers limited topographic survey of the southwest side of Plantations Road and the existing sewer utility road crossing in connection with right-of-way and existing verifications to develop an existing conditions plan. In addition to that plan, Davis Bowen & Friedel will prepare a utility plan and profiles as well as a DelDOT maintenance of traffic plan. The Engineering Department requests approval of the Amendment 2 to complete the work on an hourly basis with rates approved under the base contract in the not to exceed amount of \$9,500.00.

**M 242 20
Approve
Contract
Amendment
2019 Mis-
cellaneous
Engineering
Base
Contract/
Plantation
Rd.**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 2 to the 2019 Miscellaneous Engineering Base Agreement with Davis, Bowen & Friedel, be approved in the amount not to exceed \$9,500.00, for design of a low-pressure force main on Plantation Road.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**James
Farm
Ecological
Preserve
Project**

Hans Medlarz, County Engineer, presented a recommendation to authorize Master Plan Implementation, Phase 2, for the James Farm Ecological Preserve (Professional Architectural/Engineering Services, Project C20-38). In April 2020, the Council authorized the Engineering Department to negotiate agreements with Kimley Horn & Associates for Architectural/

**James
Farm
Ecological
Preserve
Project/
Master
Plan Imple-
mentation,
Phase 2
(continued)**

Engineering Services at the James Farm over a 5-year period, effective May 1, 2020 through April 30, 2025. Kimley Horn & Associates have reviewed the existing ORPT Grant Agreement 19-190 which included the approved FY20 County funds and developed a project agreement to perform the Phase 2 implementation design scope. An agreement for professional services with associated scope and fee is provided as Project C20-38, James Farm Master Plan Implementation: Phase 2. As outlined by the ORPT grant, work under the project shall include a detailed refinement of the existing Master Plan limited to the general vicinity of the maintenance and education area. Kimley Horn & Associates is to provide architectural programming of future buildings; the final design, permitting, bidding and construction of a stand-alone restroom facility; the development of design and construction documentation for campus signage; and other miscellaneous related items. The Engineering Department has reviewed the agreement, scope and fee for Project C20-38, James Farm Master Plan Implementation: Phase 2, and received concurrence of outlined goals from the Center for the Inland Bays. The Engineering Department recommends Council's authorization of the agreement for Project C20-38, James Farm Master Plan Implementation: Phase 2 with a not-to-exceed fee of \$71,435.00.00 for professional services by Kimley Horn & Associates, Inc.

**M 243 20
Approve
James
Farm
Agreement**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Architectural / Engineering Services Agreement with Kimley Horn & Associates, Inc. be approved in the amount not to exceed \$71,435.00 for the Planning and Design Phases of Sussex County Project C20-38, James Farm Master Plan Implementation: Phase 2, in part.

**M 244 20
Motion to
Defer/
Motion
Died**

A Motion was made by Mr. Wilson to defer action.

The Motion died for the lack of a Second.

Vote on Motion No. M 243 20

**Vote on
M 243 20**

Motion Adopted: 4 Yeas, 1 Nay.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Nay; Mr. Burton, Yea;
Mr. Vincent, Yea**

**H&M Bay/
Airport
Lease
Amendment**

Hans Medlarz, County Engineer, presented a proposed amendment to the Lease Agreement with H & M Bay, Inc. (H&M) at the Delaware Coastal Airport, for a reduction in the area leased. The County currently leases the County-owned hangar on Lot C at Delaware Coastal Airport to H&M Bay, Inc. The current lease with H&M Bay is a hangar lease, with rent based on the value of the hangar and not the land. In November 2019, Council approved the release of a Request for Proposals (RFP) to develop the adjacent two lots, A and B. The RFP was released in February 2020 and no proposals were received. The Engineering Department is revising the RFP

- H&M Bay/ Airport Lease Amendment (continued)** to allow for more flexibility in the development of Lots A and B, and will release it in the coming months. The boundary of Lot C extends approximately 20 feet beyond the vehicle driveway which provides access to the leased hangar. This strip of grass provides no utility to H&M, but decreases the land available for hangar development on Lots A and B. The proposed Amendment 1 of H&M's lease will remove this grass strip to make it available as part of Lots A and B development. No other changes to Lease are proposed or needed.
- M 245 20 Approve Airport Lease Amendment for H&M Bay, Inc.** A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, to approve the First Amendment to the Airport Hangar Lease with H & M Bay, Inc.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea
- Grant Requests** Mrs. Jennings presented grant requests for the Council's consideration.
- M 246 20 Councilmanic Grant** A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$10,000.00 from Mr. Rieley's Councilmanic Grant Account to the Town of Dagsboro for water meter register replacement.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea
- M 247 20 Councilmanic Grant** A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$2,000.00 (\$1,000.00 each from Mr. Hudson's and Mr. Rieley's Councilmanic Grant Accounts) to the Delaware Seashore Preservation Foundation for the fire control tower restoration project.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea
- M 248 20 Councilmanic Grant** A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$3,000.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Bridgeville for park/playground expenses.
- Motion Adopted:** 5 Yeas.

**M 248 20
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 249 20
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$4,000.00 (\$3,000.00 from Mr. Vincent's Councilmanic Grant Account and \$1,000.00 from Mr. Rieley's Councilmanic Grant Account) to the Town of Laurel for bandstand renovations.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 250 20
Council-
manic
Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$5,000.00 (\$2,391.00 from Mr. Hudson's Councilmanic Grant Account and \$2,609.00 from Mr. Burton's Councilmanic Grant Account) to the Lewes-Rehoboth Canal Improvement Association for Grove Park dock/canal access.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 251 20
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to give \$11,698.00 (\$10,000.00 from Mr. Burton's Councilmanic Grant Account, \$1,000.00 from Mr. Vincent's Councilmanic Grant Account, and \$698.00 from Mr. Rieley's Councilmanic Grant Account) to Southern Delaware Therapeutic and Recreational Horseback Riding for construction of a multi-purpose room at the Therapeutic Riding Center.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 252 20
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$4,010.00 from Mr. Vincent's Councilmanic Grant Account to the Nanticoke River Arts Council for general operating support.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinances**

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 DISTRICT RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Change of Zone No. 1921) filed on behalf of Stephen M. Sprogell (Tax I.D. No. 134-8.00-17.01) (911 Address: 30261 Sprogell Lane, Dagsboro).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING AND LAWN MAINTENANCE BUSINESS ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.678 ACRES, MORE OR LESS” (Conditional Use No. 2229) filed on behalf of D.R.’s Lawn Maintenance, LLC (Tax I.D. No. 135-16.00-43.09) (911 Address 25479 Hollis Rd, Harbeson).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” (Conditional Use No. 2233) filed on behalf of Brothers Landscaping, LLC (Tax I.D. No. 231-13.00-190.00) (911 Address: 24516 German Road, Seaford).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIBERGLASS SWIMMING POOL AND SPA DISPLAY AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.70 ACRES, MORE OR LESS” (Conditional Use No. 2234) filed on behalf of James Jones (Tax I.D. No. 234-28.00-67.00) (911 Address: 28984 Cordrey Rd, Millsboro).

The Proposed Ordinances will be advertised for Public Hearing.

**M 253 20
Go Into
Executive
Session**

At 11:00 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Hudson, to recess and go into Executive Session to discuss matters relating to personnel.

Motion Adopted: 5 Yeas.

- M 253 20**
(continued)
- Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea
- Executive Session**
- At 11:02 a.m., an Executive Session of the Sussex County Council was held in the Council Chambers for the purpose of discussing matters relating to personnel. The Executive Session concluded at 11:22 a.m.
- M 254 20**
Reconvene
Regular
Session
- At 11:22 a.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to come out of Executive Session and reconvene the Regular Session.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea
- E/S Action**
- There was no action on Executive Session matters.
- M 255 20**
Recess
- At 11:22 a.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to recess until 1:30 p.m.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea
- M 256 20**
Reconvene
Regular
Session
- At 1:31 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to reconvene the Regular Session.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea
- Rules**
- Mr. Moore read the rules of procedure for zoning hearings, including how public comment would be handled by teleconference.
- Public Hearing/
CZ 1914**
- A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.06 ACRES, MORE OR LESS" (Change of Zone No. 1914) filed on behalf of Ronald E. and M. Candice Gray (Tax I.D. No. 134-15.00-20.06) (911 Address: Not Available).

**Public
Hearing/
CZ 1914
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on May 28, 2020 at which time action was deferred. At the meeting of June 11, 2020, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated May 28 and June 11, 2020.)

Jamie Whitehouse, Planning and Zoning Director, presented the application. Mr. Whitehouse noted that 1 letter of support and 37 letters of opposition were submitted into the record. Mr. Whitehouse also noted the receipt of a petition in opposition to the rezoning signed by 41 people; the petition was received after the Planning and Zoning Commission's public hearing.

The Council found that John Sergovic, Attorney, was present with Ron Gray, Applicant, and Tim Metzner, a landscape architect with Davis, Bowen & Friedel. Mr. Sergovic and Mr. Metzner stated that the proposed use is for 94,800 square feet of self-storage consisting of 703 units in 40 buildings and 13,000 square feet of office space after central sewer becomes available; that the lands are in the Coastal Area and the Comprehensive Plan states that uses such as offices and retail stores are appropriate; that DelDOT did not require a Traffic Impact Study and there would be no significant impact on traffic in the area; that they have determined a demand for storage facilities; that the Applicant is already in the business of operating storage facilities; and that an entrance off of Route 17 is proposed. Mr. Sergovic reviewed other commercial uses and residential developments in the area and stated that the proposed use of the property is compatible and consistent with neighboring uses; that the rezoning will have no adverse or detrimental impact on neighboring areas or uses; and that the Applicant, Ron Gray, has surveyed owners along Roxanna Road and that one neighbor, Carolyn Nutt, expressed concerns about the project.

Mr. Gray stated that he has another storage facility on Route 54; that this property was leased out as agricultural property with minimal income; that he wishes to rezone the property for a self-storage facility; that the property is located near Millville by the Sea housing development and near the new Beebe Hospital facility; that the area continues to grow with retirement homes with limited storage; that an apartment complex has been approved near the Beebe Hospital location; that he is requesting rezoning so that even if it is several years before the property can be developed, the zoning will not expire as a conditional use permit would; that there is a need for storage units in the area; and that he reached out to the neighbors and there was one property owner who objected because of the growth in the area. Mr. Gray noted that the opposition stated that this project will contaminate wells in the area and that he is not sure how that would happen; that Tidewater and Artesian are close by and they hope to obtain water service from one of them; and that if they put in a well, it would not contaminate other wells. Mr. Gray stated that he understands that a group in opposition to the project is being represented by an attorney at this Public Hearing but

**Public
Hearing/
CZ 1914
(continued)**

he has not yet seen their submissions/comments.

In response to questions raised by the Council, Mr. Gray stated that there will be some outside storage until the buildings are completed (10-15 years build-out); that there may be some RV and boat storage; however, once the project is built out, there would be no room for that.

There were no public comments in support of the application.

It was noted again that one letter of no objection has been received and made a part of the record.

The Council found that seven (7) people spoke in opposition to the application including: Sandra Curcy (by phone), Richard Curcy (by phone), Lia Strucich (by phone), Katie Detar (by phone), Kyle Detar (by phone), Tim Willard, Attorney (by phone) representing William and Anne Parler, and Carolyn Nutt (in person), daughter of Mr. and Mrs. Parler. They expressed concerns about drainage problems resulting in flooding, increased traffic causing a back-up of traffic, setting a rezoning precedent in the area, environmental concerns including light pollution, well water, increased criminal activity in the area, damages to properties, proximity to other buildings, tree removal, the need to maintain prime farmland, and that the proposed project is surrounded by residential uses. Mr. Willard and Carolyn Nutt stated that the Council must disregard the Concept Plan and determine whether the rezoning in this area is appropriate; that there are many uses permitted in B-2 zoning; that the project will be detrimental to the adjacent property owners' overall health, safety and welfare; that stormwater run-off is a concern and the proposed project would increase the proportion of impervious surfaces in the landscape as building density increases over time; that increased impervious surface is a concern; that the area is comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be preserved; that there is concern about what will be stored at the facility; that what checks will be given to ensure that the neighboring properties will not be subject to danger and criminal activities; that the proposed rezoning is inconsistent with the Strategies for State Policies and Spending; that commercial development is inconsistent with the adjacent agricultural preserved land; that this rezoning would be spot-zoning; that the proposed commercial development facility in a Coastal Area AR-1 Zone is too dense; that the area is rural; that the noise generated will not be compatible with the residential area; that traffic will greatly increase on Route 17 (50 additional trips per hour); that the lights at the facility will disturb adjacent properties; that the property's soils have severe limitations considered unsuitable for development; that there will be hazardous access to the Parler's lane which has not been addressed; that the Parler's are the most impacted by this proposed commercial development and the project will be detrimental to their property, well, septic, garage, house and shared property line; and that the application is not compatible with the Comprehensive Land Use Plan. Mr. Willard referenced the letters of opposition in the Exhibit Booklet he

**Public
Hearing/
CZ 1914
(continued)**

submitted on behalf of the Parler's. It was noted that Ms. Nutt submitted photographs of storage unit facilities as well as the petition of opposition indicating 41 families/individuals opposed to the zoning change.

There were no additional public comments.

The public record and Public Hearing were closed.

**M 257 20
Defer
Action on
CZ 1914**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to defer action on Change of Zone No. 1914 filed on behalf of Ronald E. and M. Candice Gray.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Wilson, Yea; Mr. Burton, Yea;
 Mr. Vincent, Yea**

**Public
Hearing/
CZ 1915**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-3 BUSINESS RESEARCH DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17.15 ACRES, MORE OR LESS" (Change of Zone No. 1915) filed on behalf of Fisher's Popcorn Fenwick, LLC (Tax I.D. No. 533-11.00-78.04) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on May 28, 2020 at which time action was deferred. On June 11, 2020, the Commission recommended approval of the application.

(See the minutes of the Planning and Zoning Commission dated May 28 and June 11, 2020.)

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

Mr. Whitehouse noted that two letters of support have been received and made a part of the record.

The Council found that David Hutt was present on behalf of the Applicant and owner of the property. Also present were Bill and Russell Hall, two of the principals of Fishers Popcorn Fenwick, LLC. Mr. Hutt stated that the rezoning is for 3.25 acres of the 17.15 acre parcel; that the split zoning request matches the zoning on the neighboring properties; that the reason for the rezoning application is to allow Fisher's Popcorn to have a place to manufacture, store and distribute their products; that this is a permitted use in the B-3 District; that the property is currently undeveloped; that public sewer is available and water would be provided by an onsite well;

**Public
Hearing/
CZ 1915
(continued)**

that a Traffic Impact Study was not required since the amount of traffic would be negligible; that a letter of support has been received from the neighboring property owned by the Barringer family; and that the property is located in an area where there is a mix of commercial zoning, small businesses and residential uses.

There were no public comments.

The public record and Public Hearing were closed.

**M 258 20
Adopt
Ordinance
No. 2719/
CZ 1915**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2719 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-3 BUSINESS RESEARCH DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17.15 ACRES, MORE OR LESS" (Change of Zone No. 1915) filed on behalf of Fisher's Popcorn Fenwick, LLC.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

**Public
Hearing/
CU 2213**

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 A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 220.38 ACRES, MORE OR LESS" (Conditional Use No. 2213) filed on behalf of Whitetail Lane, LLC (Tax I.D. No. 135-20.00-137.00) (911 Address: 17471 Whitetail Lane, Georgetown).

The Planning and Zoning Commission held a Public Hearing on this application on May 28, 2020 at which time action was deferred. On June 11, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated May 28 and June 11, 2020.)

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

The Council found that David Hutt, Attorney, was present with Tim and Beth Conaway, Principals of Whitetail Lane, LLC. Mr. Hutt stated that Whitetail Lane, LLC is the owner of the property as well as the Applicant; that the application is for a borrow pit; that the site is located in a Developing Area; that the site is located in an Investment Level 3 Area

**Public
Hearing/
CU 2213
(continued)**

according to the Strategies for State Policies and Spending Map; that the property has frontage on Cedar Lane Road and Wood Branch Road; that the entrance for the proposed borrow pit would be at the southern end of Cedar Lane Road; that the property is wooded; that the land is subject to a forest preservation easement; that the easement has been assigned to the Applicant; that there is an exclusion from the easement area and that area is not subject to the forest land preservation easement; that the permitted uses are limited in preservation areas; that the Conaway's plan is to move their permanent residence to this site and reclamation will include an area for a wildlife pond for ducks and fish within the natural forested area; that the proposed area for the borrow pit is less than 10% of the entire parcel; that the borrow pit will be approximately 15 acres; that a Traffic Impact Study was not required; that no wetlands will be disturbed as part of the excavation of the borrow pit; that they would like to propose the hours of operation to be Monday through Saturday, 8:00 a.m. to 4:00 p.m. with no borrow pit activities on Sunday; that the Applicant proposed a start time of 6:00 a.m. but the Planning and Zoning Commission changed that to 8:00 a.m.; that the nearest residents are more than 200 feet away; that a borrow pit application is a special conditional use and in addition to the Council's consideration of the typical conditional use factors, a borrow pit approval has a special list of conditions/requirements set forth in the Zoning Code; and that the project will comply with those special conditions and requirements.

Public comments were heard.

David Johnson questioned if there would be only one access to the borrow pit which is proposed to be on Whitetail Lane and if that is true, he has a problem with that due to where his residence is located.

There were no additional public comments.

The public record and Public Hearing were closed.

**M 259 20
Amend
Condition/
CU 2213**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to amend Condition F recommended by the Planning and Zoning Commission to read as follows: "The hours of operation shall be between the hours of 7:00 a.m. to 4:00 p.m. Monday through Saturday. No Sunday hours shall be permitted."

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Wilson, Yea; Mr. Burton, Yea;
 Mr. Vincent, Yea**

**M 260 20
Adopt
Ordinance
No. 2720/**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt Ordinance No. 2720 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL

**M 260 20
Adopt
Ordinance
No. 2720/
CU 2213
(continued)**

RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 220.38 ACRES, MORE OR LESS” (Conditional Use No. 2213) filed on behalf of Whitetail Lane, LLC, with the following conditions, as amended:

- A. No materials shall be brought from off the site for processing, mixing or similar purposes.**
- B. The borrow pit area shall not exceed 20 acres.**
- C. Water or a water truck shall be available to control dust from road traffic when conditions require.**
- D. The entrance to the borrow pit shall be paved and the roadway from Cedar Road can be millings or stone. The entrance shall be fenced or gated to prevent access.**
- E. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.**
- F. The hours of operation shall be between the hours of 7:00 a.m. to 4:00 p.m. Monday through Saturday. No Sunday hours shall be permitted.**
- G. No materials shall be stored on any access roads or within any buffer area.**
- H. No fuel shall be stored on-site.**
- I. No stumps, branches, debris or similar items shall be buried or placed in the site of the borrow pit.**
- J. The proposed pit will have a 3:1 side slope down to a 10-foot level bench that will be approximately near or 1 foot below the static water surface. Below the water level, the borrow pit shall have a 2:1 slope. The depth of the proposed borrow pit will not exceed 35 feet.**
- K. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance and protect existing and future developments.**
- L. The Applicant shall comply with all State and County erosion and sediment control regulations.**
- M. The Applicant shall comply with all of the requirements set forth in Section 115-172B of the Sussex County Zoning Ordinance.**
- N. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.**
- O. No wetlands on the site shall be disturbed.**
- P. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**M 260 20
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2215**

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 PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.56 ACRES, MORE OR LESS” (Conditional Use No. 2215) filed on behalf of BZ Land, LLC (Tax I.D. No. 533-19.00-26.00) (911 Address: 37116 and 37124 Lighthouse Road, Selbyville).

The Planning and Zoning Commission held a Public Hearing on this application on May 28, 2020 at which time action was deferred. On June 11, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated May 28 and June 11, 2020.)

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

James Fuqua, Attorney was present on behalf of the application with Charlie Zonko, the property owner. Mr. Fuqua stated that the property is currently improved with a residence with 3,897 square feet of floor area; that there is a pool and outbuildings to the rear of the property; that the home is located at the rear of the property and it has an entrance in the front from Route 54; that Mr. Zonko is the owner of Zonko Builders; that there is an office building located at the front west side of the property containing 2,048 of floor area, which is the construction office for the business; that the office has a separate entrance from Route 54 located near the office building; that no Traffic Impact Study was required; that a lighted sign is requested but would be put on a timer to shut off at night; that, at DelDOT’s request, the existing residential entrance on the east side of the property from Route 54 will be removed and closed leaving only one entrance which is the existing office entrance from Route 54. Mr. Fuqua presented a history of the site and the buildings located on it; discussed the proposed future use for professional offices; reviewed the proposed site plan including building plans and the parking plan (50 parking spaces including 4 handicapped spaces and including 9 parking spaces that encroach over the property line onto the neighboring property); that those parking spaces have been used for years and there will be an easement agreement with the neighboring property for those parking spaces; that the total floor area with the two additions would total 9,387 square feet; vegetated buffers; and stormwater management facilities. Mr. Fuqua noted that professional offices would have a lower impact on the area than retail uses; that the hours of operation would be 8:00 a.m. to 7:00 p.m. Monday through Friday

**Public
Hearing
(continued)**

and 8:00 a.m. to 4:00 p.m. on Saturday, with no public Sunday hours; that the area is experiencing significant development and a growing population of both summer and full time residents; and that the proposed use will provide needed professional services to area residents.

There were no public comments.

The public record and Public Hearing were closed.

**M 261 20
Adopt
Ordinance
No. 2721/
CU 2215**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to Adopt Ordinance No. 2721 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.56 ACRES, MORE OR LESS" (Conditional Use No. 2215) filed on behalf of BZ Land, LLC, with the following conditions:

- A. The use shall be limited to professional offices.
- B. As stated by the Applicant, the existing structures and the proposed additions shall maintain a residential appearance.
- C. The hours of operation open to the public shall be between 8:00 a.m. and 7:00 p.m. Monday through Friday, and 8:00 a.m. until 4:00 p.m. on Saturdays. This shall not prohibit professionals utilizing the offices from working at other hours or on weekends.
- D. Any dumpsters shall be located to the rear of the property and screened from view of neighboring properties and roadways.
- E. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
- F. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.
- G. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- H. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.
- I. A landscaping plan shall be submitted as part of the Final Site Plan review. It shall include a vegetated buffer along the eastern boundary of the property.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2221**

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 A SMALL AUTO REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS” (Conditional Use No. 2221) filed on behalf of Dominic Lombardi (Tax I.D. No. 133-16.00-73.04) (911 Address: 24169 Godwin School Rd., Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on May 28, 2020 at which time action was deferred. On June 11, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated May 28 and June 11, 2020.)

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

The Council found that Dominic Lombardi, the Applicant, was present on behalf of his application. He stated that he has applied to operate an auto repair business (small diesel and small car repair work) out of a pole building located at his residence; that he will be the only employee; that no Traffic Impact Study was required; that hours of operation are proposed to be 8:00 a.m. to 8:00 p.m. Monday through Friday; and that his immediate neighbors are in support of the application.

There were no public comments.

The public record and Public Hearing were closed.

**M 262 20
Adopt
Ordinance
No. 2722/
CZ 2221**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to Adopt Ordinance No. 2722 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL AUTO REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS” (Conditional Use No. 2221) filed on behalf of Dominic Lombardi, with the following conditions:

- A. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- D. All repairs shall be performed indoors. No automobile parts shall be stored outside.**

**M 262 20
Adopt
Ordinance
No. 2722/
CZ 2221
(continued)**

- E. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- F. There shall not be any parking in the front yard setback.**
- G. The parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles shall only be parked within these designated areas.**
- H. No cars shall be sold on the property.**
- I. All oils and other fluids shall be properly stored indoors in appropriate containers. The Applicant shall also comply with all state and federal requirements for the disposal of these fluids.**
- J. The site shall be subject to all DelDOT entrance and roadway requirements.**
- K. The hours of operation shall be 8:00 a.m. through 8:00 p.m., Monday through Friday, and 9:00 a.m. until 5:00 p.m. on Saturdays. There shall not be any Sunday hours.**
- L. Any violation of these conditions may be grounds for termination of this Conditional Use.**
- M. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 263 20
Adjourn**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to adjourn at 4:30 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, 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.}

TODD F. LAWSON
COUNTY ADMINISTRATOR
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Sussex County
DELAWARE
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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson Jr.

FROM: Todd F. Lawson
County Administrator

RE: **DelDOT MEMORANDUM OF UNDERSTANDING**

DATE: July 9, 2020

During Tuesday's Council meeting, we are scheduled to discuss the Delaware Department of Transportation (DelDOT) Memorandum of Understanding (MOU).

On December 12, 2019, the Sussex County Planning and Zoning (P&Z) Commission held a public hearing related to the new DelDOT MOU. The public hearing was continued to the January 9, 2020 P&Z Commission meeting. The P&Z Commission deferred action on the MOU until the January 23, 2020 meeting. During the January 23, 2020 meeting, P&Z Commission recommended (5-0) approval of the MOU with several revisions.

On January 28, 2020, the Sussex County Council held a public hearing on the MOU, as revised by P&Z Commission. At the conclusion of the public hearing, the public record and public hearing were closed and the Council deferred action on the pending MOU.

Subsequent to the January 28, 2020 public hearing, staff began to edit the MOU based on the feedback and direction given by the Council. Then the COVID-19 pandemic struck and the MOU effort, like most initiatives, was put on hold.

The latest revision of the MOU, entitled the July 7, 2020 Revision, is attached. The document has been updated from the January 28, 2020 edition. DelDOT staff have reviewed and "signed off" on the changes to the MOU.

During Tuesday's meeting, staff will provide a brief overview of the updated MOU. To allow Council and the public enough time to review and digest the MOU update, I would suggest we have the MOU on a future meeting, tentatively July 28, 2020, at which time we will discuss the specifics of the MOU.

Please let me know if you have any questions.

Attachment

pc: J. Everett Moore Jr., Esq.
Vincent G. Robertson, Esq.
Jamie Whitehouse



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

2020

SUSSEX COUNTY/DELAWARE DEPARTMENT OF TRANSPORTATION
MEMORANDUM OF UNDERSTANDING
FOR LAND DEVELOPMENT COORDINATION

WHEREAS, Title 9, Section 6962 of the *Delaware Code* “Highway Capacity” obligates Sussex County to “establish an agreement with the Department of Transportation to provide a procedure for analysis by the Department of Transportation (“DelDOT”) of the effects on traffic of each rezoning application; and

WHEREAS, This Memorandum of Understanding is intended to comply with the foregoing requirements of Title 9, Section 6962 of the Delaware Code; and

WHEREAS, Land development has the potential to impact adjacent highways and Sussex County and DelDOT recognize that an analysis of the effects upon traffic is important in all types of land use decisions (Residential Planned Communities, Major Subdivisions, Conditional Uses) and not just rezoning applications; and

WHEREAS, The 2018 Sussex County Comprehensive Plan promotes greater coordination between DelDOT and Sussex County in land use decisions; and

WHEREAS, Sussex County is solely responsible for land use decisions in Sussex County; and

WHEREAS, DelDOT is responsible for the operation, maintenance, and construction of State-maintained roads as well as the regulation of all entrance and roadway improvements required as part of new development; and

WHEREAS, it is the desire of Sussex County and DelDOT to coordinate land development with transportation needs.

NOW, THEREFORE,

BE IT RESOLVED that Sussex County Council and DelDOT hereby adopt the following Memorandum of Understanding:

DEFINITIONS

COMMITTED OFF-SITE IMPROVEMENTS – Road improvements for the benefit of safety and/or capacity that are generally beyond the limits of the site entrance and frontage that are required to be built by an approved land development project. Such improvements do not include auxiliary lanes that serve the site entrance, but may include roadway widening along the frontage of the site.

AREA WIDE STUDY FEE (AWSF)– DelDOT regulations define an Area Wide Study Fee that, under certain conditions, DelDOT may accept when it would otherwise require a TIS. The fees accepted are used by DelDOT to subsidize the preparation of studies of larger areas than a TIS would normally address; they are not used to build improvements. Payment of the fee does not relieve a developer of responsibility to build or contribute toward transportation.

LEVEL OF SERVICE (LOS) - A quantitative stratification of a performance measure or measures representing how well a transportation facility or service operates from a traveler's perspective. For each type of facility or service there are six levels of service, ranging from A to F, with A representing the best operating condition and F the worst operating conditions. Except as may be specified by DelDOT, LOS shall be determined in accordance with the current edition of the Highway Capacity Manual, a publication of the Transportation Research Board.

PRELIMINARY TRAFFIC ANALYSIS – A request made by Sussex County Planning and Zoning Department for an evaluation by DelDOT, in terms of the proposed trip generation, to determine the Traffic Impact with regard to a proposed land use approval.

TRAFFIC IMPACTS:

DIMINUTIVE - The proposed land use is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips per day.

NEGLIGIBLE - The proposed land use is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day.

MINOR - The proposed land use is expected to increase the trip generation of the subject land by at least 50 vehicle trips in any hour but fewer than 200 vehicle trips in any hour or at least 500 vehicle trips per day, but fewer than 2,000 vehicle trips per day.

MAJOR - The proposed land use is expected to increase the trip generation of the subject land by more than 200 vehicle trips in any hour or more than 2,000 vehicle trips per day.

TRAFFIC IMPACT STUDY (TIS) – A study conducted during the development approval process, in accordance with applicable DelDOT regulations, to determine the impacts that traffic generated by the proposed development will have on the surrounding street network and the improvements needed to the transportation system in order to mitigate those impacts.

TRAFFIC OPERATIONAL ANALYSIS (TOA) – An evaluation, or series of evaluations, conducted during the review of subdivision, land development and entrance plans, in accordance with applicable DelDOT regulations, primarily intended to determine site entrance location and movements to be allowed at the site entrance. These evaluations may include; Queuing Analysis, Highway Capacity Manual Analysis, and Crash Analysis.

LAND USE COORDINATION

1. Sussex County will make the final decisions on all matters of land use.

2. Preliminary Traffic Analysis:

a. The Sussex County Planning and Zoning Department will request a Preliminary Traffic Analysis from DelDOT for each land use application to determine if the resulting traffic impact will be diminutive, negligible, minor, or major. This shall not be required where the County Planning and Zoning staff, in concurrence with DelDOT staff, finds that the proposed change in land use will have a diminutive impact upon the road system.

b. DelDOT shall provide a Preliminary Traffic Analysis within twenty (20) working days after receiving the Analysis request. If more time is needed, a written request explaining the reason for the additional time will be required.

c. Unless waived as set forth in Paragraph 2.a. above, Sussex County will not consider an application until DelDOT supplies Sussex County with the above information.

3. Diminutive Impact:

a. When it is determined that the impact would be diminutive, no further traffic analysis will be necessary.

4. Negligible Impact:

a. When DelDOT determines the traffic impact to be negligible it will provide projected traffic volumes in support and no further traffic analysis will be necessary.

b. DelDOT may still identify the need for a TOA in a subsequent plan review process.

5. Minor Impact:

a. When DelDOT determines the traffic impact to be minor, the Preliminary Traffic Analysis shall include the feasibility of providing safe access and the condition, pavement, and the geometry of the nearby roadways and intersections relative to the traffic the subject property could generate. Where any of these are deemed potentially inadequate, DelDOT shall comment to this effect, and identify roadway improvements that shall be required by the Developer.

b. When DelDOT determines that the traffic impact will be minor, the developer will be required to pay an Area Wide Study Fee (AWSF). An AWSF letter will be generated to document the developer's obligations to construct identified roadway improvements or fund road improvements as required by DelDOT.

- Alternative to an Area Wide Study Fee, the developer may elect to conduct an in-depth Traffic Impact Study (TIS) (at the developer's expense) to DelDOT standards.
- Payment of the fee does not exempt the developer from the responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process.

c. DelDOT may require a TIS if necessary, given the particular circumstances of a land use application.

6. Major Impact:

- a. When DelDOT determines that the traffic impact will be major, the developer will be required to conduct an in-depth Traffic Impact Study (TIS) (at the developer's expense) to DelDOT standards. In addition, Sussex County, at its own initiative, may require a developer to conduct at TIS.
- b. Additionally, DelDOT may ask for a Traffic Operational Analysis (TOA) to supplement an existing TIS.
- c. As an alternative to the TIS or TOA process set forth above, when DelDOT has determined that the area in question has already been the subject of sufficient study, a new TIS or TOA may not be required. Instead, DelDOT may require an AWSF to be paid by the developer to DelDOT to recoup all or a portion of the cost of the prior studies relied upon by DelDOT in lieu of a new TIS or TOA. The AWSF is unrelated to the developer's subsequent obligations to construct or fund road improvements as required by DelDOT and the "Fee in Lieu" is not a waiver of those requirements. A TISRL or AWSF letter will be generated to document the developer's obligations.

7. Elements of the Traffic Impact Study:

- a. The TIS will consider the effects of active or proposed transportation improvements in the adopted Six (6) Year Capital Transportation Program, Current Transportation Plans, and Committed Off-Site Improvements, committed developments approved by Sussex County and the current Sussex County Comprehensive Plan and establish staging for development as needed.
- b. DelDOT will provide a technical evaluation of the TIS in the form of written comments in a Traffic Impact Study Review Letter (TISRL).

8. Level of Service Standards:

- a. Sussex County and DelDOT shall endeavor, where possible, to maintain a Level of Service of D on roads and intersections affected by a land use application. However, Sussex County and DelDOT recognize that:
 - Level of Service of D is not always attainable;
 - That this threshold may create an undue burden on a property owner looking to develop a property given the prior development that has occurred in an area contributing to the existing Level of Service;
 - Other relevant factors (such as the size of the property, type or importance of the development) may mitigate against maintaining a Level of Service D.
- b. If the existing Level of Service is below D prior to the impact of the proposed land use, the existing Level of Service must at least be maintained.
- c. When DelDOT determines that the traffic impact of the proposed land use causes the threshold level of service to be exceeded, the County will not approve the land use application unless:
 - The developer takes appropriate measures to maintain operations at the threshold level of service; or,
 - Sussex County finds that there are sufficient reasons why the threshold level of service should not be maintained. Sussex County, in this case, shall set forth in writing their reasons for approving the land use application.

9. Coordination:

- a. The Sussex County Planning and Zoning Department is responsible for coordinating all required information with Sussex County Council and the Planning and Zoning Commission.
- b. No public hearing on the land use application shall occur until one of the following conditions are met:
 - It is determined that the application will have a diminutive impact as described above; or,
 - It is determined that the application will have a negligible impact as described above; or,
 - Sussex County receives the AWSF Letter from DelDOT; or,
 - Sussex County receives the TISRL from DelDOT.

- 188 c. If, in DelDOT's opinion, there are appropriate conditions of approval that should be
 189 imposed upon a land use decision, DelDOT shall offer those conditions as part of its
 190 TISRL, AWSF Letter or as part of its Technical Advisory Committee review for
 191 consideration by Sussex County. Any such proposed conditions shall be clearly
 192 summarized by DelDOT prior to the Preliminary Site Plan hearing. Sussex County shall
 193 consider the proposed conditions but shall not be obligated to include them as part of
 194 any approval.
- 195 d. Phasing of land development with highway capacity and safety improvements to
 196 restore and maintain a level of service "D" may be recommended by DelDOT. Such
 197 phasing may refer to sections or areas of the development or to a specific number of
 198 building permits. To accomplish this, DelDOT should clearly and concisely state what
 199 phasing is appropriate for the proposed land use application so that Sussex County may
 200 impose all or part of those recommendations into its various approvals as appropriate.
 201 DelDOT's recommended phasing of the project may include (but is not limited to)
 202 consideration of the following:
- 203 • A delay of all or part of the development until specific roadway improvements
 - 204 are made by DelDOT or others;
 - 205 • Whether the required roadway improvements are being funded, designed and/ or
 - 206 constructed at the developer's own expense;
 - 207 • Whether the developer is participating in, and/or funding, transit or traffic
 - 208 mitigation strategies.
- 209 The phasing requirements shall be included as part of the Final Site Plan. Phasing tied
 210 to other types of site plan approval is addressed in a following Section of this MOU
 211 regarding Site Plan Coordination.
- 212 e. When Sussex County believes that expert testimony regarding transportation issues is
 213 required to make a land use decision (such as a rezoning, major subdivision, conditional
 214 use or Residential Planned Community), DelDOT will provide a suitable representative
 215 to attend meetings of the Planning and Zoning Commission and/or County Council.
 216 The representative should be someone with specific technical knowledge of the project
 217 in particular and ongoing projects in the area of Sussex County where the project is to
 218 occur.
- 219

- 220 f. In addition to the project-specific information referenced in the preceding paragraph,
221 DelDOT shall provide regular updates to Sussex County about the status of ongoing
222 and future roadway and transportation projects in the County, so that County Council
223 and the Planning & Zoning Commission have an up-to-date understanding of their
224 status. This shall include both developer-funded and DelDOT-initiated and -funded
225 projects. During these updates, Sussex County will also have an opportunity to discuss
226 other transportation improvements that may be needed in the future.
- 227 g. Whenever possible during the implementation of the foregoing items, Sussex County
228 and DelDOT should encourage master planning for large scale developments on large
229 parcels or groups of parcels in the Town Center, Coastal Area, Developing Area and
230 commercial areas as set forth in the Comprehensive Land Use Plan to provide greater
231 flexibility in design and/or the installation of additional roadways and
232 interconnectivity.
- 233 h. Sussex County shall be invited to participate in the scoping meetings and the
234 conversations leading to the issuance of the TISRL, the AWSF Letter or TOA as to
235 roadway improvements associated with a project. Sussex County may provide input
236 into those negotiations, but DelDOT shall be entitled to make the final determination as
237 to all required roadway improvements and negotiated agreements with a developer.
238 Any agreement reached between a developer and DelDOT as to roadway
239 improvements, phasing of a development and funding of roadway improvements shall
240 be timely forwarded to Sussex County for its records with regard to the development.
241 Any subsequent changes or amendments to a DelDOT and developer agreement shall
242 likewise be timely forwarded to Sussex County. Provided, however, that DelDOT
243 acknowledges that if a specific requirement (such as phasing) is incorporated into a
244 land use decision (such as a major subdivision, conditional use or Residential Planned
245 Community), this may not be enforceable by Sussex County without an amendment to
246 the subdivision approval or the ordinance that approved a Residential Planned
247 Community, Conditional Use or certain other rezonings where conditions can be
248 imposed.

REZONINGS (WITHOUT SITE PLANS OR CONDITIONS OF APPROVAL)

1. Sussex County and DelDOT acknowledge that on a rezoning to a new zoning district where a specific site plan is not under consideration, and where the County cannot impose conditions as part of the rezoning approval, a TIS may not be possible (with the exception of rezoning's to Residential Planned Communities and C-4, where specific site plans are considered and conditions can be imposed). This is because the various zoning districts have several permitted uses that are allowed once a rezoning occurs; as a result DelDOT cannot determine, at the time of rezoning, what the actual use will be nor what the traffic and possible roadway improvements will be as a result of it. This requires greater coordination on the part of both Sussex County and DelDOT.
2. Whenever possible, DelDOT shall endeavor to provide as much information about the general impacts of the rezoning upon area traffic and roadways as required in the preceding section prior to the public hearing before Sussex County Council and the Planning & Zoning Commission.
3. Whenever DelDOT is approached by a developer with a specific project in mind, DelDOT and that developer may enter into an agreement to obtain a TIS for the project as part of the rezoning process so that the information required as part of the TIS may be included in the record of the public hearings of the rezoning application. Because other possible uses of the property may be permitted under the proposed new zoning, Sussex County is not bound by this information in making its decision on the rezoning. However, if the use that the TIS is based upon changes after the rezoning occurs, another TIS may be required and if so, Sussex County shall not approve any Preliminary or Final Site Plan for the property until the new TIS is completed with all necessary traffic and roadway improvements determined by DelDOT. Alternatively, if no TIS is performed on a specific project, DelDOT or Sussex County shall have the ability to request a TIS based upon the most impactful permitted use available under the new zoning classification that is sought.

SITE PLAN COORDINATION

1. Sections 115-220C and 221C of the Sussex County Zoning Code allow Sussex County to approve certain site plans “subject to conditions”. In any site plan reviewed pursuant to Section 115-220 of the Sussex Zoning Code, Sussex County, with the assistance of DelDOT, may impose conditions regarding phasing and the timing of building permits in conjunction with completion of necessary roadway improvements.
2. In all site plan reviews, DelDOT will review the site plans in accordance with its rules and regulations for access and roadway improvements. Sussex County will withhold any site plan approval until DelDOT has provided a Letter of No Contention (LONC) or a Letter of No Objection to Recordation (LONOR). Provided, however, that this requirement may be waived by Sussex County for minor amendments to existing site plans that changes the trip generation by less than 50 trips per day.
3. Sussex County shall withhold the issuance of any building permit until DelDOT has issued the entrance permit associated with the project.
4. Unless bonded in accordance with DelDOT’s requirements, DelDOT will withhold an entrance permit until the developer has agreed to construct the access point(s) to Department standards and to provide off-site improvements as may be required to maintain acceptable traffic operation on roadways.
5. Sussex County will withhold issuance of the Certificate of Compliance until DelDOT has received appropriate bonding or accepted the entrance construction as substantially completed.
6. The coordination described in this section shall take into consideration any phasing of the land use project.

TRANSPORTATION IMPROVEMENT DISTRICTS

1. In the event that a land use application falls within an approved Transportation Improvement District ("TID"), the requirements of the TID, as set forth in the TID Agreement, shall supersede the requirements set forth in this MOU.

IT IS FURTHER RESOLVED that the Secretary of the Delaware Department of Transportation and the County Administrator will affirm this agreement by affixing their signature to the Resolution.

Adopted by the County Council of Sussex County on _____, 2020.

President of the County Council of Sussex County

The following signatures concurring herein:

For Sussex County:

Todd F. Lawson, Sussex County Administrator

Robert Wheatley, Chairman, Sussex County
Planning & Zoning Commission

Jamie Whitehouse, Director of Planning & Zoning

**For the Department of
Transportation:**

Jennifer Cohan, Secretary

DEPARTMENT OF LIBRARIES

KATHY GRAYBEAL
COUNTY LIBRARIAN

(302) 855-7890 T
(302) 855-7895 F



Sussex County

DELAWARE
sussexcountype.gov

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson Jr.

FROM: Kathy Graybeal
County Librarian

SUBJECT: **INDEPENDENT LIBRARY GRANT AGREEMENT**

DATE: July 14, 2020

A year-long collaboration between the Department of Libraries and the Independent Library Group (Group) has resulted in the first-ever official grant agreement for the partners. The Grant Agreement was created to document best practices in service and accountability in the eleven (11) independent libraries. Per a Group member, “this oversight is not for the purpose of government telling/dictating how money should be spent; but, to make sure everyone is showing good stewardship of taxpayers’ money and that all laws are being followed.” We used this opportunity to establish an updated Sussex County Library Trustee Manual hand-in-hand with the Grant Agreement. At the same time, a Library Governance Study Group was working with Deputy Secretary of State, Courtney Stewart, to determine needed updates in the Delaware Code around Trustees.

Highlights of the Grant Agreement include:

- The acceptance of a formula-based funding allocation. The formula is evaluated at the end of each budget cycle to determine suitability for the upcoming fiscal year. The categories for the FY 2021 formula include class & program attendance, library visits, materials circulated, internet sessions, early literacy activities, employment & computer classes and cultural programming & health classes.
- The establishment of financial policies and procedures that, at a minimum, address: financial responsibilities, conflict of interest, budget process, receipt of funds procedures, and disbursement of funds procedures.
- A commitment to full compliance with the Sussex County Department of Libraries financial and statistical report requirements outlined in the Checklist of Reports.
- A pledge to ensure qualified library/public service staff by fully participating in the approved Stepping Stones Learning and Growth Library Certification program developed and managed by the Sussex County Department of Libraries.

The Department of Libraries offered professional board-membership training for the Trustees and human resource training for the Independent library directors to help them prepare for implementing the Grant Agreement. Additional preparatory funds were distributed through the Sussex County Anchor Grant allocation from the DE Division of Libraries.

All eleven (11) Independent libraries have shown their support for the agreement and have already signed the agreement. On Tuesday, I will be asking for your approval of the attached Agreement for the individual libraries. The Grant Agreement has already been approved by the County Attorney and Finance Director.

Please let me know if you have any questions.

pc: Mr. Todd F. Lawson; Ms. Gina A. Jennings

Attachments

**GRANT AGREEMENT BETWEEN SUSSEX COUNTY, DELAWARE AND _____
LIBRARY TO DELIVER PUBLIC LIBRARY SERVICES.**

THIS GRANT AGREEMENT is made this ____ day of _____, 2020 by and between Sussex County, Delaware, a county and political subdivision of the State of Delaware ("County") and the _____ Library ("Library"), a non-profit corporation of the State of Delaware.

RECITALS

WHEREAS, the County desires to provide grant funds for furnishing library services to the people of Sussex County, and the Library desires to be a grant recipient which shall be based on and subject to the Library's ongoing compliance the obligations contained in this Agreement; and

WHEREAS, the Library has furnished library services to the people in its Sussex County Library Service Area ("Area"), as determined by the Census Blocks whose geographical center falls within a six mile radius of the library and by direction from the Delaware Division of Libraries with the approval of the State of Delaware Council on Libraries ("Council"), and to Sussex County and has been an active member of the statewide Delaware Library Consortium ("Consortium"); and

WHEREAS, the County and the Library both desire to continue in this relationship subject to the terms set forth herein.

NOW THEREFORE, in consideration of their mutual promises and obligations, the parties thereto, intending to be legally bound, hereby agree as follows:

1. The Recitals above are incorporated herein by reference and made a part hereof.
2. The Library shall continue to provide library services to the Area, Sussex County and the Consortium from the date of this agreement.
3. The County acknowledges that the Library is the exclusive library service provider for the Area as determined and designated by the Council.
4. The provisions of this Agreement shall be binding on the successors of the parties hereto.
5. This Agreement shall continue July 1 - June 30 fiscal year-to-year basis unless and until terminated by either party in writing delivered to the other party at least thirty (30) days before the expiration of that current term.
 - a. The Library acknowledges and agrees that the budgeted funds provided by this Agreement may be reduced in the event of a reduction of funding from the County and/or the Sussex County Department of Libraries.
 - b. The County acknowledges and agrees that a reduction in funding may necessitate a commensurate reduction in library services by the Library.

6. The County agrees to provide funding to the Library through the annual budget process and distribute based on the following terms:

- (a) Library Tax Funding - funded through property taxes.
- (b) Mobile Home Placement Tax - funded through a fee on placement permits.
- (c) General Fund Library Grant - funded through the annual budget process.

The allocation is based on a formula provided by the Sussex County Library System ("System") and recommended to Sussex County Council by the Sussex County Library Advisory Board. The formula is evaluated at the end of each budget cycle to determine suitability for the upcoming fiscal year. The Library acknowledges that the amount of grant funding it will receive each year will vary as it is based on funding sources that fluctuate and do not remain constant. The Library shall be notified of the amount of grant funds it will receive within fifteen (15) business days of the County's adoption of the following fiscal year's budget.

7. The Library agrees to adhere to the following guidelines established in the Sussex County Independent Library Trustee (or Commissioner) Manual (2019 version) ("Manual"). The Manual is attached hereto as Attachment 1 and is incorporated herein by reference.
 - a. The Library agrees to establish financial policies and procedures that, at a minimum, address: financial responsibilities, conflict of interest, budget process, receipt of funds procedures, and disbursement of funds procedures. Upon the County's written request, the Library shall provide copies of all such policies and procedures to the County within ten (10) days of the date of the request.
 - b. The Library agrees to fully comply with Sussex County Department of Libraries financial and statistical report requirements outlined in the Checklist of Reports and Documents ("Checklist"). The Checklist is attached hereto as Attachment 2 and is incorporated herein by reference.
 - c. The Library will fully comply with Delaware Code and the Delaware Freedom of Information Act requirements, particularly regarding Library meetings and Board of Trustees or Commissioners vacancies.
8. The Library agrees to ensure qualified library/public service staff by fully participating in the approved Stepping Stones Learning and Growth Library Certification program developed and managed by the Sussex County Department of Libraries.
9. The Library shall be responsible for the preparation and filing of all tax and information reports required by federal, state and local law and shall complete all such filings and reports in a timely fashion.

10. The Library agrees that the Library Director shall regularly participate in System meetings where countywide policies are developed and implemented, as well as Delaware Division of Libraries meetings where statewide Delaware Library Consortium policies are developed and implemented. The Library Director's absence from more than three (3) System meetings per year shall be a breach of this Agreement unless such absences were pre-approved by the Sussex County Librarian and/or were beyond the Library Director's control.
11. The Library agrees to follow the criteria established by the County for the input and maintenance of bibliographic records in the database, as may be amended from time to time.
12. The County will report progress on current fiscal year Agreement requirements to the Library at the end of the third quarter. The report allows the Library an opportunity to meet all material Agreement requirements before the end of the budget cycle.
 - a. The Library acknowledges and agrees that its failure to comply with all substantive terms of this Agreement shall deem the Library ineligible to receive grant funds in future fiscal years.
 - b. The Library can appeal the ineligibility by contacting the Sussex County Administrator with a written request on official letterhead.
 - c. The Sussex County Administrator will engage in a resolution process in good faith and in a timely way.
13. The rights, privileges and obligations of the parties hereto shall not be assignable.
14. This Agreement shall not be nor be implied to be a waiver of any limitation of the liability of the Library as provided by statute or otherwise.
15. Nothing contained herein is intended to waive, alter, or otherwise amend the County's immunity under the Delaware Code or otherwise, including but not limited to the County and Municipal Tort Claims Act. Additionally, nothing contained herein is intended to violate any constitutional principles of the State of Delaware or United States. To the extent that any obligations contained in this Agreement are determined by court or other judicial action to waive, alter, or otherwise amend such immunity or to be constitutionally prohibited or otherwise not in accordance with the laws in effect at the time of any such claim, liability, cost or expense, the offending language shall be stricken from this Agreement by such authority and considered invalid and unenforceable to the extent necessary to allow the application of such immunity to any claims, losses, damages, or suits asserted against either party or to the extent necessary to correct such violation of the law. The parties agree that any claims, liabilities, damages, costs and expenses shall be subject to the provisions of the County and Municipal Tort Claims Act, including the limitations on damages.

16. The Library agrees to defend, indemnify and hold the County and its officers, employees and agents harmless from and against all liabilities, losses, damages, costs, expenses (including reasonable attorney fees), causes of action, suits, claims, demands and judgments of any nature arising from or in connection to its entry into this Agreement.
17. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, with venue lying in Sussex County. In the event of a dispute between the parties, each party shall be entitled to pursue any action at law or in equity in a court of competent jurisdiction in the State of Delaware.
18. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Electronic signatures and photocopies or facsimile copies of signatures shall be deemed to have the same force and effect as originals.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals the day and year first above written.

SUSSEX COUNTY, DELAWARE

By: _____
Michael H. Vincent, President of the
Sussex County Council

Attest: _____
Robin Griffith, Clerk of the
Sussex County Council

LIBRARY

By: _____
President

Attest: _____
Secretary

Approved as to form:

By: _____



INDEPENDENT LIBRARY FUNDING FORMULA: CATEGORY DEFINITIONS

DYNAMIC CATEGORIES: these categories link funding levels to percentages of individual library figures as they relate to the total. Allotments are based on total numbers of class/program attendance, library visits, materials circulation and Internet sessions (includes wifi).

- Class/program attendance: total number of participants in adult, teen and children's classes/programs in the fiscal year.
- Internet sessions: total number of Internet sessions accessed in the fiscal year, including wifi.
- Library visits: total number of people who visited the library in the fiscal year.
- Materials circulation: total number of print, non-print and electronic items borrowed by the public in the fiscal year.

STATIC CATEGORIES: these categories are a Yes or No quantity for the library. The library receives a flat sum for each of the following services provided to the public, regardless of the total number of offerings: early literacy classes, employment/computer classes and cultural programs/health classes.

- Early literacy classes: offerings targeting the 0-2 year and 3-5 year age groups.
- Employment/computer classes: offerings, equipment and resources to encourage economic growth in Sussex County. Particular emphasis is on building skills in basic computer hardware/software, internet/web use and e-reader/other electronic device use.
- Cultural programs/health classes: offerings for the public that enhance lifelong learning, civic engagement and reflect the interests/needs to support a healthy community

CHECKLIST OF REPORTS AND DOCUMENTS
TO BE SENT TO
SUSSEX COUNTY DEPARTMENT OF LIBRARIES

| Document/Report | Date Due | Sent To |
|---|--|---|
| Annual Budget Requests | As directed | Library Advisory Board/County Librarian |
| Annual Report (LibPas) | When submitted to Delaware Division of Libraries (DDL) | County Librarian |
| Library Commission Meeting Agendas | When posted | County Librarian |
| Library Commission Meeting Minutes | When approved | County Librarian |
| Long Range (Strategic) Plan | When adopted | County Librarian |
| Monthly Financial Reports* | 25 th of each month | County Librarian |
| Monthly Statistical Reports** | 15 th of each month | Assistant County Librarian |
| State Aid Contract | When signed/submitted | County Librarian |
| State Aid Reports (Financial and Narrative) | When submitted to DDL | County Librarian |

*May submit monthly report from Quickbooks – Budget vs Actual

**This can be Sections from LibPass

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

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable I.G. Burton, III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

RE: ***South Coastal WRF Treatment Process Upgrade No.3 &
Rehoboth Beach WTP Capital Improvement Program, Phase 2
A. Electrical Construction, Project C19-17,
Award of Stand-Alone Purchase Order***

DATE: July 14, 2020

Intergovernmental Background:

A meeting with the Town of Selbyville Council has been scheduled for August 6th to present the Agreement modification options regarding the participation of the Town in the Ocean outfall maintenance.

Professional Services Background:

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

Overall South Coastal Project Summary:

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

- a. Effluent Forcemain Relocation/Replacement; Completed in 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;



The design completed but construction was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded Change Order Request 554-001 to Ronca & Sons, Inc. in the amount of \$104,592.96 on March 10, 2020. The construction on this change order is approximately 350% complete.

- d. General Construction Project C19-11; awarded on December 17, 2019 to M.F. Ronca & Sons, Inc. On March 10, 2020 Council awarded Change Order Request 554-002 in the credit amount of \$5,250.00 for deletion of the record drawing requirement and Change Order Request 554-003 for the modification of the RBWTF influent forcemains in the net amount of \$97,294.31. The contract documents required explosion proof motors in certain location which were not supported by National Electric Code. These motors will be switched out to standard submersible motors for a credit. On May 12, 2020 Council authorized the associated credit Change Order No. 2 in the amount of \$12,705.00.
- e. Electrical Construction Project C19-17; awarded on December 17, 2019 to BW Electric, Inc. On February 4, 2020 Council awarded Change Order No.1 to the Electrical Construction, Project C19-17 by BW Electric, Inc. in the credit amount of \$759,374.80. A second credit change order was approved on March 10, 2020 in the amount of \$6,800.00.

DP&L's requested a change to the utility power service entrance location at the RBWTP. This triggered a design for the associated conduit run by GHD which was further valued engineered by all parties. We solicited a time & material change order based on the General Labor & Equipment contract pricing with a not to exceed backstop. Council approved Change Order No. 3 in the not to exceed amount of \$235,637.33 on April 7, 2020. The associated work has been completed under budget and on time.

The South Coastal includes the reconstruction of the original electrical equipment in the sludge handling building electrical room. The associated RFP-016 relates to changes required to accommodate the longer motor control center included in BW Electric's equipment submittal. On May 12, 2020 Council authorized the associated Change Order No. 4 in the amount of \$11,350.00.

The Rehoboth Beach WTP was built on a municipal landfill. Therefore, all construction including concrete ductbanks are supported on piles. The encounter of landfill debris was anticipated, and the bid contained a contingency unit price bid item "Disposing of contaminated soil at an approved DSWA landfill". This cost covers the excavation, loading and hauling not the DSWA tipping fee. The actual amount trash encountered exceeded all expectations and triggered evaluation of alternate solutions.

The Engineering Department researched the availability of large shaker style screens capable of separating the material reducing the DSWA disposal costs. The only such device is owned and operated by Melvin L. Joseph Construction Company, Inc. We solicited a proposal and compared it against the as bid pricing by the only two bidders on the electrical contract. The results are summarized in the attached spreadsheet. This approach represents a 75% reduction in cost. Therefore, the Engineering Department recommends a stand-alone purchase order to Melvin L. Joseph Construction Company, Inc. in the not to exceed amount of \$30,000.00 and an allocation to pay the associated DSWA tipping fee in the not to exceed amount of \$30,000.00.

- f. Mobile Belt Filter Press; awarded on January 7, 2020 Council to Kershner Environmental Technologies. The unit is currently deployed at the Inland Bays RWF reducing legacy lagoon solids accumulation.
- g. DP&L expenses; on February 4, 2020 Council approved contract.

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



July 7, 2020

Sussex County Council
2 The Circle / PO Box 589
Georgetown, DE. 19947

ATTN: Hans Medlarz
County Engineer

RE: Rehoboth Treatment Plant Material Hauling & Separation

Dear Hans;

Thank you for the opportunity to quote the hauling and separation of material located at the Rehoboth Treatment Plant. We wish to propose the following;

1. Haul Material from the Rehoboth Treatment Plant to The Inland Bays Treatment Plant (Approx. 1000 CY) Sussex County to Provide a Loader and Load

Unit Price **\$180.00 Per Load** or \$14.50 per CY

2. Set Up Screen at Inland Bays and Screen the Material (Approx. 1000 CY)

Unit Price - **\$6.00 Per CY**

3. Load and Haul Any Debris from The Inland Bays to The County Landfill @ Hardscrabble (Approx 20% - 200 CY)

Unit Price - **\$200.00 Per Load** or \$16.50 per CY

Note - Landfill Fees to Be Paid For By Sussex County. Final quantities would be field measured for verification.

If you have any questions, please don't hesitate to contact me.

Respectfully;

A handwritten signature in black ink that reads "Charles Ewing". The script is cursive and fluid, with the first name "Charles" and last name "Ewing" clearly distinguishable.

Charles Ewing
Project Manager



| SOUTH COASTAL REGIONAL WASTEWATER FACILITIES TREATMENT UPGRADE NO. 3 AND REHOBOTH BEACH WTP IMPROVEMENT PROGRAM, PHASE 2 | | | | COST COMPARISON BETWEEN DIRECT DISPOSAL VERSUS PARTIAL RE-USE & RESIDUAL DISPOSAL | | | | | |
|--|---|----------|------|---|-------------|---------------------|--------------|-------------|--------------|
| Bid Item | Description of Work | Quantity | Unit | Melvin Joseph | | Billbrough Electric | | BW Electric | |
| | | | | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price |
| SCHEDULE N - RBWWTP UNIT PRICE WORK | | | | | | | | | |
| N-2 | Disposing of contaminated soil at an approved DSWA landfill | 1,200 | CY | | | \$75.00 | \$90,000.00 | \$65.00 | \$78,000.00 |
| | DSWA Disposal Costs | 1,800 | Tons | | | \$82.00 | \$147,600.00 | \$82.00 | \$147,600.00 |
| N/A | Hauling material to Inland Bays RWF | 1,200 | CY | \$14.50 | \$17,400.00 | | | | |
| N/A | Material Screening | 1,200 | CY | \$6.00 | \$7,200.00 | | | | |
| * | Hauling of "screened" trash to an approved DSWA landfill | 250 | CY | \$16.50 | \$4,125.00 | | | | |
| | DSWA Disposal Costs | 360 | Tons | \$82.00 | \$29,520.00 | | | | |
| TOTAL COST | | | | | \$58,245.00 | | \$237,600.00 | | \$225,600.00 |

South Coastal RWF & Rehoboth Beach WTF Upgrade

7/14/2020

| Vendor/Contract | Description | Contract Value |
|-------------------------------------|---|----------------|
| Michael F. Ronca & Sons, Inc. | SCRWF/RBWTP General Construction | 39,710,332.27 |
| BW Electric Inc. | SCRWF/RBWTP Electrical Construction | 21,423,849.20 |
| GHD | Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept | 241,938.68 |
| | Amd 12 - SCRWF Expansion Construction Docs | 2,240,280.73 |
| | Amd 13 - Value Engineering | 95,080.15 |
| | Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion | 398,410.63 |
| | Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program | 181,089.72 |
| | Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design | 172,153.01 |
| | Amd 19 - SCRWF Upgrade 3 Add'l Design | 108,073.71 |
| | Amd 20 - SCRWF Upgrade 3/RBWTP Upgrade Phase 2 Construction Engineering | 6,589,558.49 |
| Core & Main | Influent FM Consolidation Materials | 339,944.59 |
| Core & Main | Effluent FM Pipeline Materials | 227,603.39 |
| Delmarva Power | Improve service entrances for both projects | 175,000.00 |
| G&L | FM Consolidation & Influent Consolidation Phase II | 973,229.04 |
| G&L Work- Effluent Relocation | | 316,635.20 |
| Kershner Environmental Technologies | Belt Press | 295,000.00 |
| Melvin Joseph | Material Screening | 30,000.00 |
| DSWA | Loading, Hauling & Disposal of Debris | 30,000.00 |
| | | |
| Totals | | 73,548,178.81 |



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

Check Payable to: Friends of Milfors Museum

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Milford Museum
PROJECT NAME: 2020 Fund Raising Campaign
FEDERAL TAX ID: 22-2453957 NON-PROFIT: ☒ YES ☐ NO

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

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

ORGANIZATION'S MISSION: The Milford Museum seeks to increase knowledge and appreciation of Milford's history through collecting, preserving and exhibiting artifacts that relate to our rich history.

ADDRESS:

121 South Walnut Street

milford Delaware 19963
(CITY) (STATE) (ZIP)

CONTACT PERSON:

Claudia Leister

TITLE:

Executive Director

PHONE:

424-1080

EMAIL: claudia@milfordDEmuseum.org

TOTAL FUNDING REQUEST: \$4,000

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing
Infrastructure¹

Health and Human Services
Other

☒ Cultural
☒ Educational

BENEFICIARY CATEGORY

☒ Disability & Special Needs
☒ Elderly Persons
☒ Minority

☐ Victims of Domestic Violence
☐ Low to Moderate Income²
☐ Other

☐ Homeless
☐ Youth

BENEFICIARY NUMBER

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

~1,000

SECTION 3: PROGRAM SCOPE

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

The Milford Museum has been closed to the public since the middle of March due to Coronavirus. Staff has continued to work at home. Utilities and salaries still need to be paid. A large portion of our funding comes through Grants, special events and donations. Our two largest Spring events have been cancelled and no visitors equals no cash in our donation boxes. I would like to ask the County Council to supply funds to assist with payroll and paying utility bills. We have re-opened and need to keep the lights on for our visitors!

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) | |
| Projected Annual Budget | |
| • Salaries | \$40,000 |
| • Utilities | 8,000 |
| • Other operating costs | 5,000 |
| | |
| | |
| | |
| TOTAL EXPENDITURES | \$53,000 \$0.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | \$ 0.00 |

SECTION 5: STATEMENT OF ASSURANCES

| | |
|---|--|
| If this grant application is awarded funding, the <u>Milford Museum</u> agrees that: <div style="text-align: center;">(Name of Organization)</div> | |
| 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.**

Claudia Leister
Applicant/Authorized Official Signature

6/9/2020
Date

Burke H. Jones
Witness Signature

6/9/2020
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Claudia Teister
Applicant/Authorized Official Signature

Barbara Jones
Witness Signature

Exec. Director
Title

6/9/20
Date

Wilson
6/9/2020



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Primeros Pasos Early Learning Center

PROJECT NAME: Playground Equipment

FEDERAL TAX ID: 51-0375288 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: Since 1996, Primeros Pasos has provided safe, affordable and nurturing care and educational support for children in the Georgetown area who would otherwise not have the opportunity for this experience. The mission of Primeros Pasos Early Learning Center is to provide a high quality education in a culturally diverse environment for all children.

ADDRESS: 20648 Savannah Road

Georgetown DE 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Sandy Baker

TITLE: Board President

PHONE: 302-684-8912 EMAIL: bakerudel@comcast.net

TOTAL FUNDING REQUEST: \$2,000

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

If YES, how much was received in the last 12 months? \$1,500

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? 40

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 type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

150

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.

Since 1996, Primeros Pasos has provided safe, affordable and nurturing care and educational support for children in the Georgetown area who would otherwise not have the opportunity for this experience. The mission of Primeros Pasos Early Learning Center is to provide a high quality education in a culturally diverse environment for all children. Many of our students come to us understanding and speaking only Spanish. Our bilingual staff gives the children a sense of security when they know they can understand what is being said to them. Most of the children enrolled in the Early Learning Center come from families residing in the area of Georgetown and the surrounding communities. Their parents typically work in beginning-level jobs that pay little more than minimum wage. Families are referred to Primeros Pasos by friends, area churches, and the public school system.

From the beginning of the COVID-19 restriction period, Primeros Pasos Early Learning Center has remained open at the request of Governor Carney, as an essential service provider place for children whose parents are working essential jobs in the community.

In 2017, Primeros Pasos opened a new, 4,000 sq. ft., state-of-the-art Early Learning Center on Savannah Road. The center is licensed for up to 47 children ages 12 weeks to 12 years. Primeros Pasos participates in Delaware STARS for Early Success, in which we have been awarded the highest 5 Star rating. Having reached our enrollment capacity in 2018, Primeros Pasos turned its attention to completing the final phase of our capital campaign, which includes construction on the third and final classroom building on our property and adding playground space. These final steps will allow Primeros Pasos to enroll up to 22 more children in the Center, reducing our growing waiting list and providing more working families in our community with quality early care and education for their youth.

The purpose of this grant request is to provide funding for playground equipment for the new Early Learning Center, which will allow Primeros Pasos to accommodate the increased number of students enrolled once the final classroom building has been completed. The new equipment will include a bicycle track, climbing tunnels, playhouses, and slides. The cost of the equipment is \$50,000, which is part of our \$800,100 budget for the remainder of the capital campaign. Primeros Pasos is requesting a grant of \$2,000 from the Sussex County Council to help us pay for the bicycle track section of the playground equipment, which will cost \$2,816.

- 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 | 48,000.00 |
| EXPENDITURES | |
| Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative) | |
| Playground Bicycle track, including porous safety track | -\$ 2,000.00 |
| Bicycle track installation | -\$ 816.00 |
| Climbing tunnel equipment | -\$ 7,500.00 |
| Playhouse equipment | -\$ 9,250.00 |
| Slides | -\$ 10,434.00 |
| Safety fencing | -\$ 11,875.00 |
| Ground cover | -\$ 8,125.00 |
| | |
| TOTAL EXPENDITURES | -\$ 50,000.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -\$ 2,000.00 |

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Primeros Pasos Inc. agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Sandy Baker

Applicant/Authorized Official Signature

6/1/20

Date

Cassy Christophel

Witness Signature

6/1/20

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

[Handwritten initials]

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.

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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.

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.

Sandy Baker

Applicant/Authorized Official Signature

Casey Christopher

Witness Signature

Board President

Title

6/1/20

Date

[Handwritten signature: Sam 6/1/20]



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Woodbridge High School Marine Corps JROTC Booster Club
PROJECT NAME: 3rd Annual Halloween 5K Fun Run/ Walk
FEDERAL TAX ID: 81-2007291 NON-PROFIT: ☒ YES ☐ NO

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

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

ORGANIZATION'S MISSION: The mission of the Woodbridge High School Marine Corps JROTC Program is to instill in all cadets a sense of citizenship, community service, self-discipline, respect for authority, personal responsibility, leadership, self-esteem, and service to the United States.

ADDRESS: Woodbridge High School
14712 Woodbridge Road
Greenwood DE 19950
(CITY) (STATE) (ZIP)

CONTACT PERSON: Regina Chillas
TITLE: Vice President (MC JROTC Booster Club)
PHONE: (302)265-9984 EMAIL: stv94gna@gmail.com

TOTAL FUNDING REQUEST: \$3,200.00

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

If YES, how much was received in the last 12 months? \$3,200

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? 30%

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 type="checkbox"/> Other | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
10,000

SECTION 3: PROGRAM SCOPE

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

The Woodbridge High School Marine Corps JROTC Booster Club is holding it's "3rd Annual Halloween 5K Fun Run / Walk" on October 31, 2020. It will be held at Camp Raider located at the Woodbridge High School at 14712 Woodbridge Road in Greenwood, Delaware 19950. The proceeds from the event benefit the WHS MCJROTC to help establish better learning opportunities, equipment, field trips, food, and scholarships for these leaders of tomorrow. The mission of the Marine Corps JROTC Program is to instill in all cadets a sense of citizenship, community service, self-discipline, respect for authority, personal responsibility, leadership, self-esteem, and service to the United States.

The funding that we are requesting from Sussex County government will go toward operating expenses for the event. This along with sponsorships that we are seeking from local businesses will help us to fund trips, community support activities, training opportunities, and to purchase equipment for the 2020-2021 school year. Our program receives limited funding from the United States Marine Corps and Cadet Command.

We were able to raise \$6,069.70 in profit from our 2nd Annual 5K event last year. This allowed us to make a small donation on behalf of the cadets to Communities In Schools Delaware (Woodbridge School District), our partner for the event, in order to help disparaged families in our community.

We are asking for grant consideration with the understanding that future public events such as this may be impacted by a potential change in the current Coronavirus (COVID-19) environment. In the event that this happens any monies granted to the program will be returned to the grantee, sponsor, or other donation source. This will be done either in a returned form of receipt (check or money order) or other agreed upon manner with the affected party. On behalf of the MCJROTC program however, we would gratefully accept any contribution that the program is allowed to retain.

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 | 0.00 |
| EXPENDITURES | |
| Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative) | |
| TriSports Events set up and marketing fees | -\$ 3,334.45 |
| Advertising | -\$ 548.00 |
| Signage | -\$ 102.00 |
| Food Costs | -\$ 210.00 |
| Raffle Basket Fillers | -\$ 32.85 |
| | |
| | |
| | |
| TOTAL EXPENDITURES | -\$ 4,227.30 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -\$ 4,227.30 |

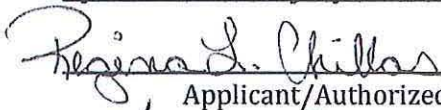
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Woodbridge High School Marine Corps JROTC agrees that:
(Name of Organization)

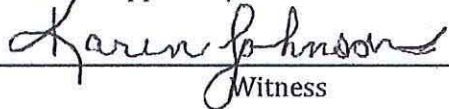
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. 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



Witness

6/12/2020

Date

6/12/2020

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

JG

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

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

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

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

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

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

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

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

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

Régina S. Chillas
Applicant/Authorized Official

Karen Johnson
Witness

WHS Marine SPOTC Booster VP
Title

6/12/20
Date

Vincent
7-02-2020

To Be 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.

TO BE INTRODUCED

To Be Introduced 07/14/20

Council District No. 3 – Burton

Tax I.D. No. 235-13.00-29.00, 29.01 and 235-14.00-570.00

911 Address: 14888, 14866 & 14742 Gravel Hill Road, Milton

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 67.31 ACRES, MORE OR LESS

WHEREAS, on the 16th day of March 2020, a zoning application, denominated Change of Zone No. 1923, was filed on behalf of Reed Farms, 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. 1923 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 [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of HI-1 Heavy Industrial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Gravel Hill Road (Route 30) approximately 309 feet south of Milton Ellendale Highway (Route 16), on the south side of Milton Ellendale Highway (Route 16) approximately 313 feet west of Gravel Hill Road (Route 30), and on the west side of Gravel Hill Road (Route 30) approximately 1,596 feet south of Milton Ellendale Highway (Route 16) and being more

particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 67.31 acres, more or less.

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

TO BE INTRODUCED

**Council District 4: Burton
Tax I.D. No. 235-30.00-58.02 (portion of)
911 Address: 26822 Lewes Georgetown Hwy**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-5 SERVICE/LIMITED MANUFACTURING DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.4653 ACRES, MORE OR LESS

WHEREAS, on the 4thth day of April 2020, a zoning application, denominated Change of Zone No. 1924 was filed on behalf of Ryan Lehmann; 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. 1924 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 [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-5 Service/Limited Manufacturing District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Hwy (Rt. 9) approximately 0.7 mile east of the intersection of Harbeson Rd (Rt. 5) and Lewes Georgetown Hwy (Rt. 9) and being more particularly described in the attached legal description of said parcel containing 1.4653 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.



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: July 9, 2020

RE: County Council Report for CU 2189 Grace Malone

The Planning and Zoning Department received an application (CU 2189 Grace Malone) for a Conditional Use for parcel 332-2.00-75.00 to allow for an Events Venue. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 4.59 acres, more or less.

The Planning and Zoning Commission held a public hearing on June 11, 2020. At the meeting of June 25, 2020, the Commission recommended denial of the application for the 14 outlined within the motion (included below).

Below are the minutes from the Planning & Zoning Commission meetings of June 11, 2020 and June 25, 2020.

Approved Minutes of the June 11, 2020 Planning & Zoning Commission Meeting

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an events venue to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 4.59 acres, more or less. The property being a landlocked parcel of land lying on the south side of Laurel Road, approximately 0.38 mile east of Sussex Highway (Rt. 13). 911 Address: N/A. Tax Parcel: 332-2.00-75.00.

Mr. Whitehouse advised the Commission that submitted into the record were an applicant exhibit book, a site plan, a staff analysis, comments from the Sussex Conservation District, comments from the Sussex County Engineering Department Utility Planning Division, and a copy of the DelDOT service level evaluation response. Also, submitted into the record are an opposition exhibit booklet,



seven letters of opposition, and a submission containing 25 signatures in opposition and zero letters of support.

That the Commission found that Mr. Mike Smith, Esquire was present by teleconference on behalf of the applicant Grace Malone; that also present are Mr. Charles Malone and Mrs. Grace Malone; that the site plan provided to the Commission does indicate an improvement on the property but the Application is for a Conditional Use and not for the improvements as that would come under Site Plan review; that the property is 4.59 acres; that the property is not landlocked but there is a 30 ft. wide road that connects out to Laurel Road (Route 24) and was recorded in deed book 310 page 600; that this road was also confirmed in 2018 in deed book 258 page 38; that the property is very close to the intersection of Route 13 and Route 24; that the property is currently zoned AR-1; that there are multiple properties in the area that are zoned C-1, CR-1 or LI-1; that the property is located in the growth and annexation area of the Town of Laurel; that the Applicant, Ms. Malone operates two other venues that are similar to what is being asked for this lot; that the request is for an event venue but primarily to host weddings; that one of the locations owned by Ms. Malone is next to her personal residence so she is familiar with the noise level from the events held there; that it is expected that the venue would be used on Fridays, Saturdays and Sundays and this has been submitted as proposed conditions; that there would always be a staff member present to oversee the events; that music would end by 10 pm and guests to leave by 11 pm after the event concludes; that alcohol would be distributed by licensed third-party vendors; that the improvement on the site has been built to accommodate this type of use; that trash removal would be removed at the end of each event; that DelDOT did not require a Traffic Impact Study; that the Applicant understands that if the Conditional Use were approved that the building would have to comply with Sussex County Building Codes; that the building does have Fire Marshal approval; that the use is consistent with the Comprehensive Plan; that the property is in a developing area; that there is a need for this type of use in Sussex County; that the use is of a public or semi-public character that will benefit the residents of Sussex County; that the proposed conditions are as follows:

1. This approval is for an event venue, permitting events including, by way of example and not limitation, weddings, birthday parties, and funeral gatherings.
2. One lighted sign, not to exceed thirty-two (32) square feet shall be permitted on the subject property.
3. No events on the subject property shall begin prior to 8:00 a.m. or end later than 11:00 p.m. Music shall end not later than 10:00 p.m.
4. Events shall be restricted to Friday, Saturday and Sunday, with the ability of small groups (not exceeding 20 people) to be present at the venue Monday through Thursday for event planning purposes.
5. Parking shall be on the subject property, and not on area roadways.
6. Parking areas for vehicles shall be clearly shown on the Final Site Plan, and parking barriers shall be placed on the site itself.
7. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways.
8. Any pole mounted or other security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.

9. The Final Site Plan showing this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Ms. Malone affirmed the statements made by Mr. Smith as true and accurate.

Ms. Wingate asked how the 30 ft. access easement would work for traffic. Mr. Smith stated that it is wide enough for two cars so one could be traveling in and one out at the same time if needed. Ms. Wingate asked if there is adequate parking on the site and about the bathroom facilities. Mr. Malone stated that based on his other locations with similar parking that there is enough parking on this site; that they will have comfort stations which are air-conditioned and will be removed at the end of each event. Ms. Wingate acknowledged that she has read all the letters of opposition.

Mr. Mears asked the following questions:

Will the proposed project will affect the environment, waterways, streams or groundwater?

Will the proposed project affect the local school system?

Will the proposed project affect local roads and traffic?

Would the Applicant require a sign on the property?

Mr. Smith said that he does not expect that it would affect the environment and every structure on the site will be approved and permitted; that there will be no impact on local schools; that there will be no impact on roadways; and that the Applicant is requesting one lighted sign not to exceed 32 sf.

Mr. Hopkins asked about the length of the driveway; the maximum number of people on the property at one time; if there is adequate parking for that number of cars or does the Applicant anticipate more clearing of trees to accommodate more parking. Mr. Smith stated it is approximately 600 ft to the edge of the property; that the fire marshal has approved the property for 140 seated guests and that would be approximately 70 cars; that there would not be any clearing of trees, that the Applicants have recently planted 37 trees on the southern boundary of the property. Mr. Hopkins asked how the dust would be controlled with 70 cars entering and exiting the property. Mr. Smith stated that the roadway is blacktop millings and that efforts could be made to minimize the dust by using water. Mr. Malone also commented that an employee is dedicated to just help with the traffic and parking for each event. Mr. Malone stated that the nearest dwelling is between two hundred and fifty feet to three hundred feet.

Ms. Stevenson asked about the ownership of the private road to access the property and if there is a shared use and maintenance agreement. Mr. Smith stated that the roadway was dedicated to public use in the 1940's plat and confirmed in the 2018 subdivision plat and therefore, is a statutory dedication of use; that there is no maintenance agreement in place; and that Mr. and Mrs. Malone have been maintaining the road.

Mr. Robert Witsil, Esq. spoke in opposition on behalf of his client, Mr. Fred English; that also present on behalf of the opposition is Mr. Ed. Higgins, Keller Williams Realty; that Mr. English owns the 37.4 acre farm adjacent to the subject property; and that submitted into the records are proposed findings of fact as to why the application should be denied; that the proposed use is not compatible with the

surrounding residential properties and uses of the adjacent farmland; that the proposed use is not appropriate in the developing district; that the proposed conditional use is not in compliance with the objectives and goals of the 2018 Sussex County Comprehensive Plan; that the proposed conditional use is not in compliance with section 115-19 of the Sussex County Code addressing the purpose of the Agricultural Residential district to protect agricultural operations and activities from objectionable uses or with the conditional use provisions of section 115-71 and 173; that a doubt exists as to whether the applicant has complied with issued building permits or whether necessary agency review of plans has occurred; and that the Commission has previously recommended approval of event venue conditional uses only where adjacent lands have been owned and operated by the applicant and when no opposition has been expressed to the proposal.

Mr. English stated that the structure on the subject property is not 200 ft. from the nearest property; that the access roadway does not have the capability to handle the amount of traffic; that there is not adequate parking for the planned events; that he does not want cars parking on his property; and that included in the opposition exhibit are documents showing that they Applicants have been advertising as an event venue prior to this hearing.

Mr. Higgins stated that he has been realtor for 16 years in the Seaford Laurel area; that he assisted Mr. English in the subdivision of his property; that he is familiar with the properties along Route 24; that the proposed use is not compatible with the surrounding area; that the proposed use will affect home values in the area; and that this is a residential subdivision area.

Mr. Jerry Devine spoke in opposition to the Application. Mr. Devine stated that he submitted a letter of opposition and that he objects to the terms typical and very rarely, so that means there is no guarantee that there will only be 50 cars, certain hours, and so many people; that his main objection is that the American Legion rents halls in the area and he does not see a need for another hall rental particularly in a residential area.

Mr. Jay Windsor spoke in opposition to the Application. Mr. Windsor stated that his daughter and another neighbor submitted letters and he did not see them on the Planning and Zoning Packet. Mr. Whitehouse confirmed that both letters were received and are part of the supplemental packet given to Commission members. Mr. Windsor stated that he has concerns about the process of holding meetings by teleconference; that it is three right angles to access the property; and that cars will not be able to safely maneuver past each other on the corners.

Mr. William Lee Hastings and Ms. Peggy Sue Hastings spoke in opposition to the Application. Mr. Hastings stated that though the access easement has existed on the plat, it has never been used in the 29 years that he has lived there; that the Applicant told him that he was putting a pole building and a dwelling on the property; that there is no dwelling on the property; and that the parking area is not adequate for 70 cars. Ms. Hastings stated that there was an outdoor event held in November which was very loud and continued after 10 pm; that guests were driving on her driveway to try to access the event; and that the venue structure does not appear to be 200 ft. from her dwelling.

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

Mr. Hopkins asked for clarification about the septic system. Mr. Smith responded that portable bathrooms will be on site during events; that the Applicant is aware that he will have to comply with

all agency requirements during the site plan review and that this Application is for the use of the property.

At the conclusion of the Public Hearings, the Commission discussed Application C/U 2189 – Grace Malone. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears, and carried unanimously. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

Approved Minutes of June 25, 2020 Planning & Zoning Commission Meeting

Ms. Wingate moved that the Commission recommend denial of C/U 2189 for Grace Malone for an Events Venue based upon the record made during the public hearing and for the following reasons:

1. The Applicant is proposing an Event Venue within a 4.59 acre site that is surrounded by homes and land that is actively farmed.
2. There is evidence in the record that the Applicant has already been using the site as an Event Venue without the necessary approvals.
3. The proposed use is not consistent with the uses of the surrounding properties. There was testimony in the record that the proposed use, which is in very close proximity to adjacent homes, will adversely affect the use and enjoyment of those homes as a result of the noise, crowds, activities (including food and alcohol service, live music, entertainment, etc.) and increased traffic associated with the use.
4. There was undisputed testimony in the record from a real estate professional that the proposed use will have an adverse effect on the value of homes that are adjacent to this site. The values of homes with yards that back up to the site would be particularly affected if the use is approved.
5. Although the Applicant cited to other properties in the area with C-1, CR-1 and LI zoning in support of this application, those properties are primarily oriented towards Route 13 and its intersection with Route 24. The location of this site has a much different character than the properties oriented to Route 13 and that intersection.
6. There was testimony in the record that there are recorded Restrictive Covenants in the chain of title to this property and the adjacent lots prohibiting any commercial uses on the property. These Restrictions are recorded in the Sussex County Office of the Recorder of Deeds at Deed Book 4473 Page 14.
7. Absent any compelling evidence to the contrary, Sussex County should not ignore restrictive covenants that prohibit a use. Because there are Restrictive Covenants limiting the property to residential uses, this application should be denied.
8. There were petitions in opposition to the application signed by at least 21 neighboring and nearby property owners expressing concerns about the “noise, traffic, property values, trash, car lights [and] trespassing” as reasons for their opposition. These are all reasonable concerns, since by its nature an event venue is used for celebratory and noisy activities.
9. The proposed use is not compatible with the active farming operations on adjacent farmland. Unlike other event venues that have been approved which are used in

conjunction with the farmland and farming operations as “agri-tourism” facilities, this one has no connection with the adjacent farming operations. The use as an event venue is incompatible with the noise, dust, odors, spray applications, night operations and other general farming uses that will occur on the adjacent farmland.

10. It does not appear that there is adequate space on the site to accommodate the parking required by patrons of the proposed events. This will lead to overcrowding and parking on area roadways and the access road leading into the site.
11. It was disputed that the Applicant has the right to use the access driveway for commercial purposes. At a minimum, it does not appear that the driveway contains enough space for the vehicle traffic that would be generated by the proposed use based upon the Applicant’s projected numbers of event attendees.
12. Although the Applicant stated that the intended project will be regulated by conditions placed upon it through the Conditional Use process, there are other locations that are more appropriate for a use such as this.
13. The application, if approved, would be detrimental to the health, safety and general welfare of neighboring property owners and farmers in the area.
14. For all of these reasons, this conditional use application should be denied.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to recommend denial for the reasons and conditions stated in the Motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountype.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date June 11, 2020

Application: CU 2189 Grace Malone

Applicant/Owner: Grace Malone
31275 E. Line Rd.
Delmar, MD 21875

Site Location: A landlocked parcel lying on the south side of Laurel Rd., approximately 0.38 mile east of Sussex Hwy.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Event Venue

Comprehensive Land Use Plan Reference: Developing Area

Councilmatic District: Mr. Rieley

School District: Laurel School District

Fire District: Laurel Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 4.59 ac. +/-

Tax Map ID.: 332-2.00-75.00





Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 6th, 2020
RE: Staff Analysis for CU 2189 Grace Malone

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2189 Grace Malone to be reviewed during the June 11th, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 332-2.00-75.00 to allow for an event venue to be located on a land locked parcel lying on the south side of Laurel Rd, approximately 0.38 mile east of Sussex Highway. The size of the property is 4.59 ac. +/-.

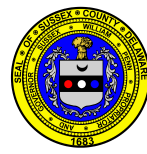
The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates that the property has the land use designation of "Developing Area".

The entire tract of land between Sussex Highway to the west, and Old Stage Rd to the east is designated as Developing Area. The Developing Areas land use designation recognizes that "a range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home."

The property is zoned AR-1 (Agricultural Residential Zoning District). All of the adjoining properties are zoned AR-1. Most of the adjoining parcels contain single-family dwelling houses. The County's online zoning map shows no Conditional Use approvals within a 1-mile radius of the application site within the past decade.

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for an events venue, subject to consideration of scale, impact and intensity, could be considered as consistent with the land use, area zoning and uses.



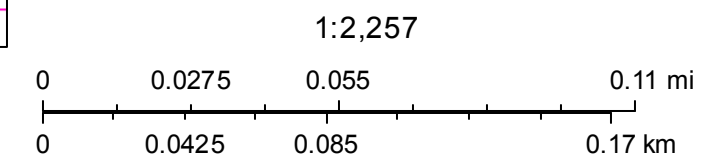


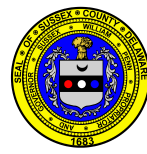
Sussex County



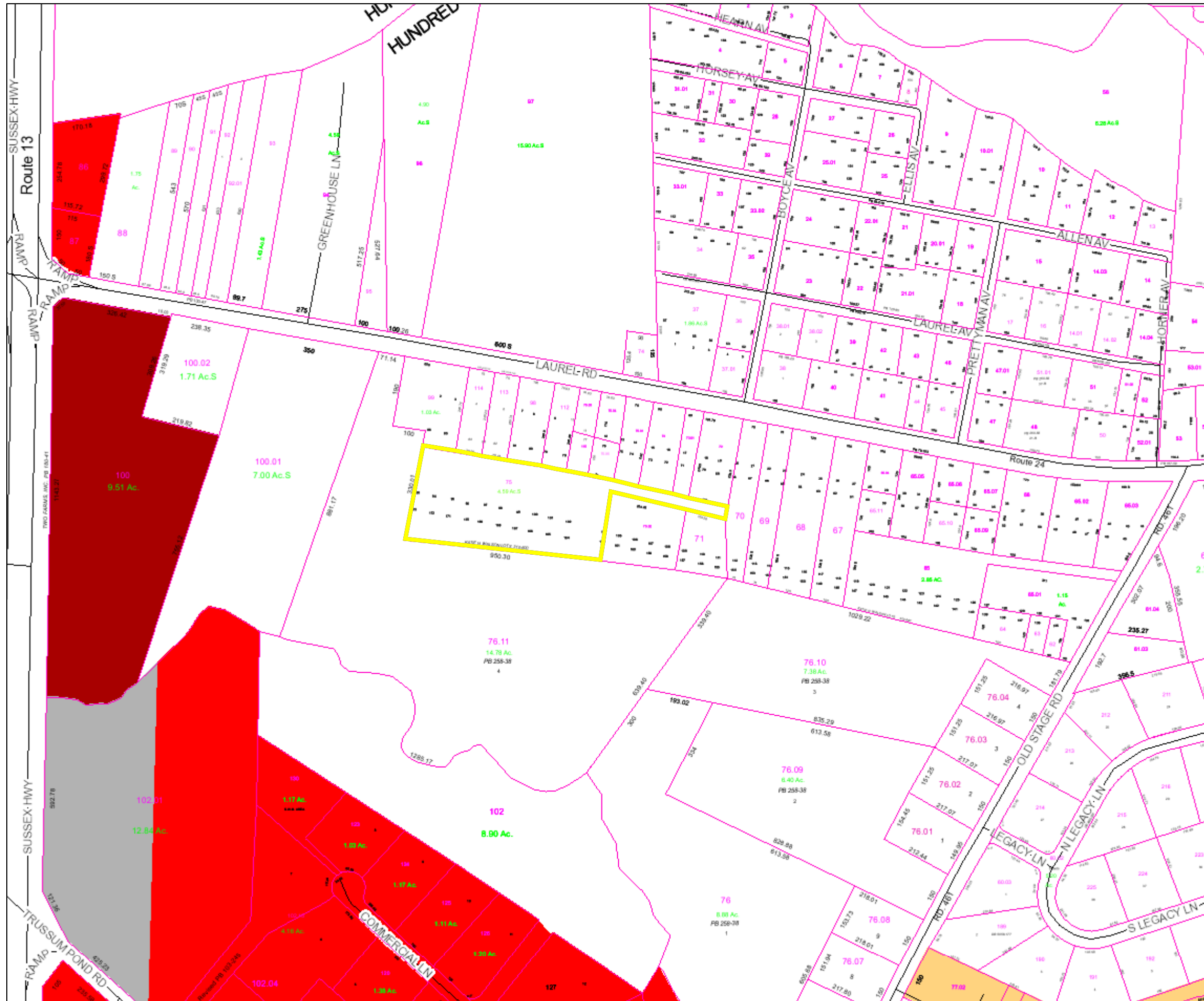
| | |
|------------------------|---------------------------|
| PIN: | 332-2.00-75.00 |
| Owner Name | MALONE GRACE E |
| Book | 4473 |
| Mailing Address | 31275 E LINE RD |
| City | DELMAR |
| State | MD |
| Description | S/RT 24 |
| Description 2 | 950' EAST OF RT 13 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries





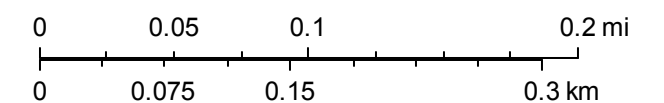
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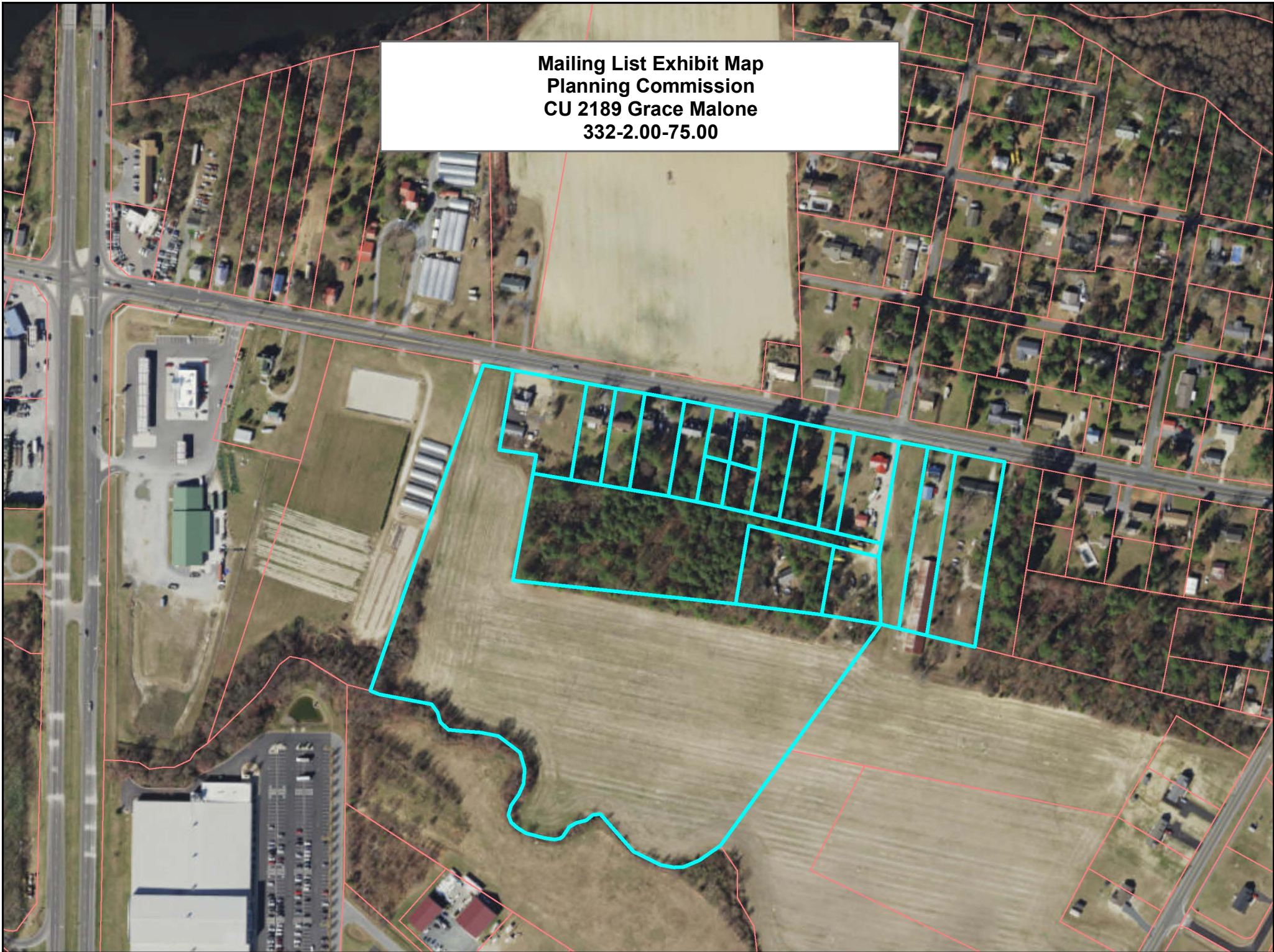
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| State | MD |
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- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - General Commercial - C-1
 - Commercial Residential - CR-1
 - Marine - M
 - Limited Industrial - LI-1
 - Limited Industrial - LI-2
 - Heavy Industrial - HI-1

1:4,514



**Mailing List Exhibit Map
Planning Commission
CU 2189 Grace Malone
332-2.00-75.00**



Introduced 06/11/19

**Council District No. 5 – Rieley
Tax I.D. No. 332-2.00-75.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of May 2019, a conditional use application, denominated Conditional Use No. 2189, was filed on behalf of Grace Malone; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2189 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2189 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and being a landlocked parcel of land lying on the south side of Laurel Road, approximately 0.38 mile east of Sussex Highway (Route 13) and being more particularly described in the attached legal description prepared by The Smith Firm, said parcel containing 4.59 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.



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: July 9, 2020

RE: County Council Report for CU 2219 32630 Dupont Boulevard, LLC

The Planning and Zoning Department received an application (CU 2219 filed on behalf of 32630 Dupont Boulevard, LLC) for a Conditional Use for parcel 233-16.00-27.00 (portion of) to allow for stone & granite retail, fabrication, cutting, displaying and selling of granite, stone and quartz at 32630 Dupont Blvd., Dagsboro. The parcel is zoned C-1 General Commercial Zoning District. The parcel size is 11.80 acres, more or less.

The Planning and Zoning Commission held a public hearing on June 11, 2020. At the meeting of June 25, 2020, the Commission recommended approval of the application for the 6 reasons and 8 conditions outlined within the motion (included below).

Below are the minutes from the Planning & Zoning Commission meetings of June 11, 2020 and June 25, 2020.

Approved Minutes of the June 11, 2020 Planning & Zoning Commission Meeting

An Ordinance to grant a Conditional Use of land in a C-1 (General Commercial District) for stone & granite retail, fabrication, cutting, displaying & selling of granite, stone & quartz to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 11.80 acres more or less. The property is lying on the west side of DuPont Boulevard (Route 113) approximately 0.51 miles south of Nine Foot Road. 911 Address: 32630 S. DuPont Highway, Dagsboro. Tax Parcel: 233-16.00-27.00 (portion of)

Mr. Whitehouse advised the Commission that submitted into the record were a boundary survey, a staff analysis, comments from the Sussex County Engineering Department Utility Planning Division,



and the DelDOT service level evaluation response confirming that a Traffic Impact Study is not required.

That the Commission found that Mr. Enes Celik, Ms. Victoria Hudgins and Mr. Charlie Rodriguez were present by teleconference on behalf of the applicant, 32630 Dupont Boulevard, LLC; that Mr. Rodriguez stated that Stonegate Granite plans to purchase this property of approximately 22 acres; that 11.8 acres of the property is zoned C-1 and the balance is zoned AR-1; that the wooded area of the property on the south and west will create a natural buffer; that Rudy's Marine is adjacent to this property on the north; that granite and stone retail is a permitted use in the General Commercial Zoning; that the request is for a Conditional Use for the fabrication portion of the business.

Ms. Wingate asked if all the fabrication and cutting would be completed within the building. Mr. Celik responded that all fabrication and cutting will be completed inside the building. Ms. Wingate asked about the noise of cutting and fabricating the stone. Mr. Celik stated that machinery is used for cutting and fabricating, but it will all be completed inside the building with the doors closed. Ms. Wingate asked what the hours of operation are. Mr. Celik responded that he would like 8 am – 5 pm Monday to Friday and 9 am – 4 pm on Saturday and Sunday.

Mr. Mears asked if slabs of granite and stone would be also stored outside of the building. Mr. Celik responded that some of the more durable slabs such as granite would be displayed outside and stored on A-Frames, that it would be strapped down for safety during inclement weather.

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

At the conclusion of the Public Hearings, the Commission discussed Application C/U 2219 - 32630 Dupont Boulevard, LLC (Stonegate Granite, LLC). Motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

Approved Minutes of June 25, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since June 11, 2020.

Ms. Wingate moved to recommend approval of C/U 2219 for 32630 Dupont Boulevard, LLC (Stonegate Granite, LLC) for the sale of stone, granite and quartz and the fabrication, cutting and display of stone, granite and quartz products based upon the record made at the public hearing and for the following reasons:

1. The property is situated along Route 113 and is zoned C-1 General Commercial. The
2. adjacent parcels to the north and south are also zoned as C-1. This is an appropriate location for this use.
3. The Sussex County Comprehensive Plan indicates that the property has the land use designation of “Commercial Area” with the southwestern portion of the parcel designated as a “Developing Area”. Both of these classifications are appropriate for this type of use.

4. The property has previously been used for commercial purposes. This application will utilize some of the existing buildings on the site for the use.
5. The use will not adversely affect neighboring properties or roadways.
6. No parties appeared in opposition to the application.
7. This recommendation is subject to the following conditions and stipulations:
 - a. The hours of operation shall be from 9:00 am until 5:00 pm, seven days per week.
 - b. Since this property is located within the C-1 General Commercial District, it shall comply with the signage requirements of the C-1 District.
 - c. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - d. The Final Site Plan shall designate the areas set aside for outside display of the stone materials, and this area shall be clearly marked on the site itself.
 - e. All grinding and fabrication operations shall occur indoors.
 - f. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways.
 - g. Any violation of these conditions may be grounds for termination of this conditional use.
 - h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

PLANNING & ZONING COMMISSION

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



Sussex County

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302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date June 11, 2020.

Application: (CU 2219) 32630 DuPont Boulevard (Stonegate Granite, LLC)

Applicant: Stonegate Granite, LLC
25029 DuPont Boulevard
Georgetown, DE 19947

Owner: 32630 DuPont Boulevard, LLC
315 N. Heron Gull Court
Ocean City, MD 21842

Site Location: Located on the west side of S. DuPont Boulevard (Route 113)
approximately 0.51 miles south of Nine Foot Road in Dagsboro,
Delaware.

Current Zoning: General Commercial (C-1) (with the rear portion of the parcel zoned
Agricultural Residential (AR-1)).

Proposed Use: Stone and granite retail, fabrication, cutting, displaying and selling
granite, stone, and quartz.

Comprehensive Land
Use Plan Reference: Commercial Area

Councilmatic
District: Mr. Rieley

School District: Indian River School District

Fire District: Dagsboro Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 11.80 +/-

Tax Map ID.: 233-16.00-27.00



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



Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 19, 2020
RE: Staff Analysis for CU 2219 32630 DuPont Boulevard, LLC (Stonegate Granite, LLC)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2219 32630 DuPont Boulevard, LLC (Stonegate Granite, LLC) to be reviewed during the June 11, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for a portion of Tax Parcel 233-16.00-27.00 to allow for stone and granite retail, fabrication, cutting, displaying and selling of granite, stone, and quartz. The parcel is located on the west side of S. DuPont Boulevard (Route 113) in Dagsboro, Delaware. The size of the property is approximately 11.80 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 property has the land use designation of "Commercial Area" with the southwestern portion of the parcel and areas to the south and west of the parcel being designated as a "Developing Area."

The areas to the north, east (on the opposite side of S. DuPont Highway (Route 113) and south of the subject parcel are also designated as "Commercial Area." "Commercial Areas" include concentrations of retail and service uses that are mainly located along arterials, and highways. Specifically, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. "Developing Areas" are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers.

The property is split-zoned, and is zoned General Commercial (C-1) Zoning District towards the front of the parcel and Agricultural Residential (AR-1) Zoning District to the rear of the parcel. The adjacent parcels to the north and south are also split zoned General Commercial (C-1) and Agricultural Residential. The remaining properties to the east on the opposite side of Route 113 are all zoned General Commercial (C-1). Additionally, the parcel to the west of the subject property is zoned General Residential (GR).

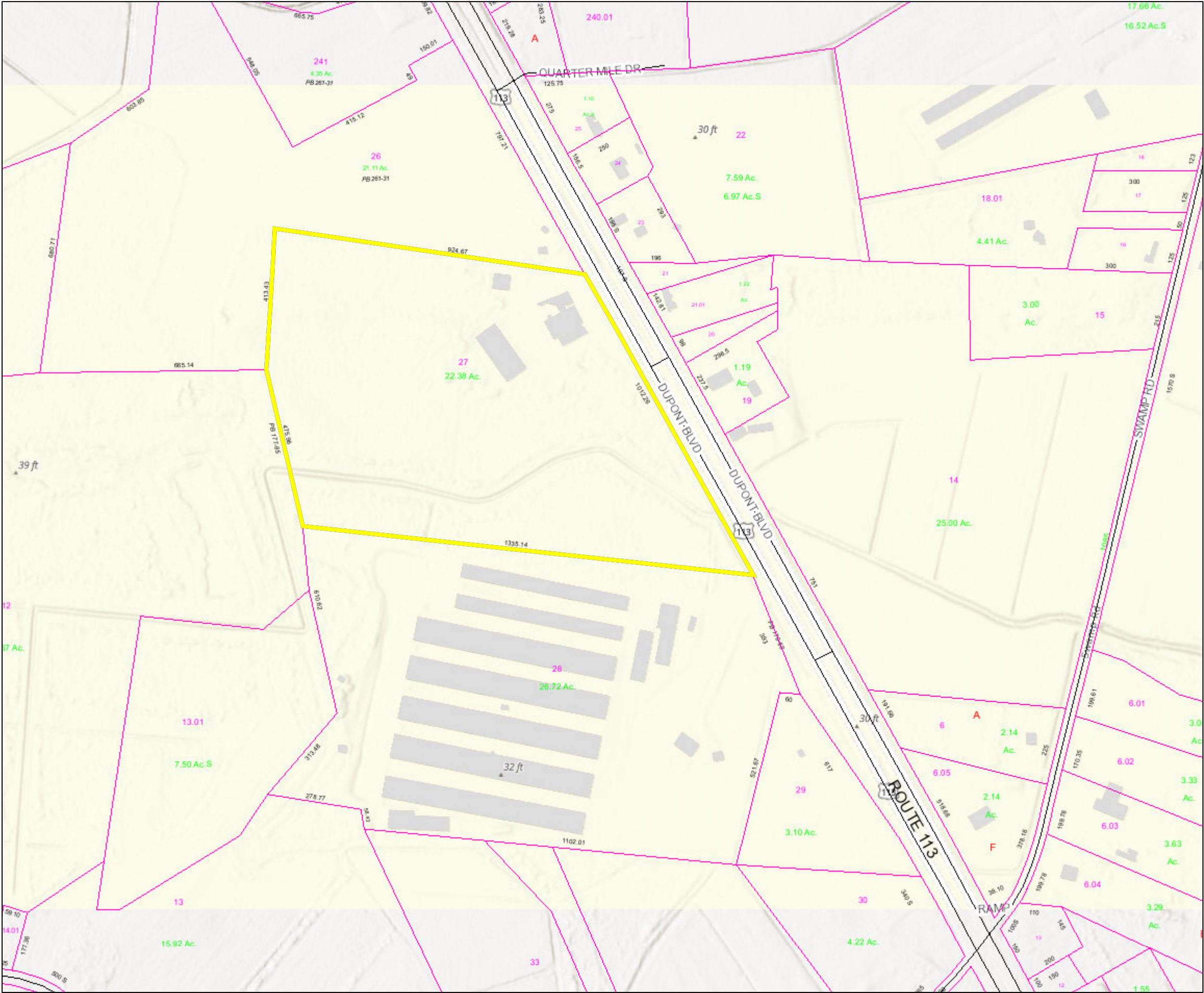
Since 2011, there have been no Conditional Use applications proposed within a one-mile radius of the application site.



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



Sussex County

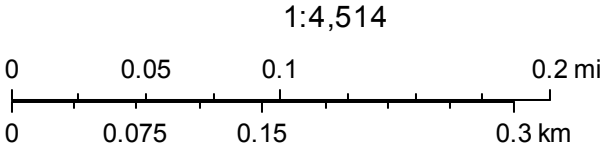


| | |
|-----------------|----------------------|
| PIN: | 233-16.00-27.00 |
| Owner Name | DUPONT BOULEVARD LLC |
| Book | 5043 |
| Mailing Address | 315 N HERON GULL CT |
| City | OCEAN CITY |
| State | MD |
| Description | SW/RT 113 |
| Description 2 | 1/4 MILE NW/RD 406 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer

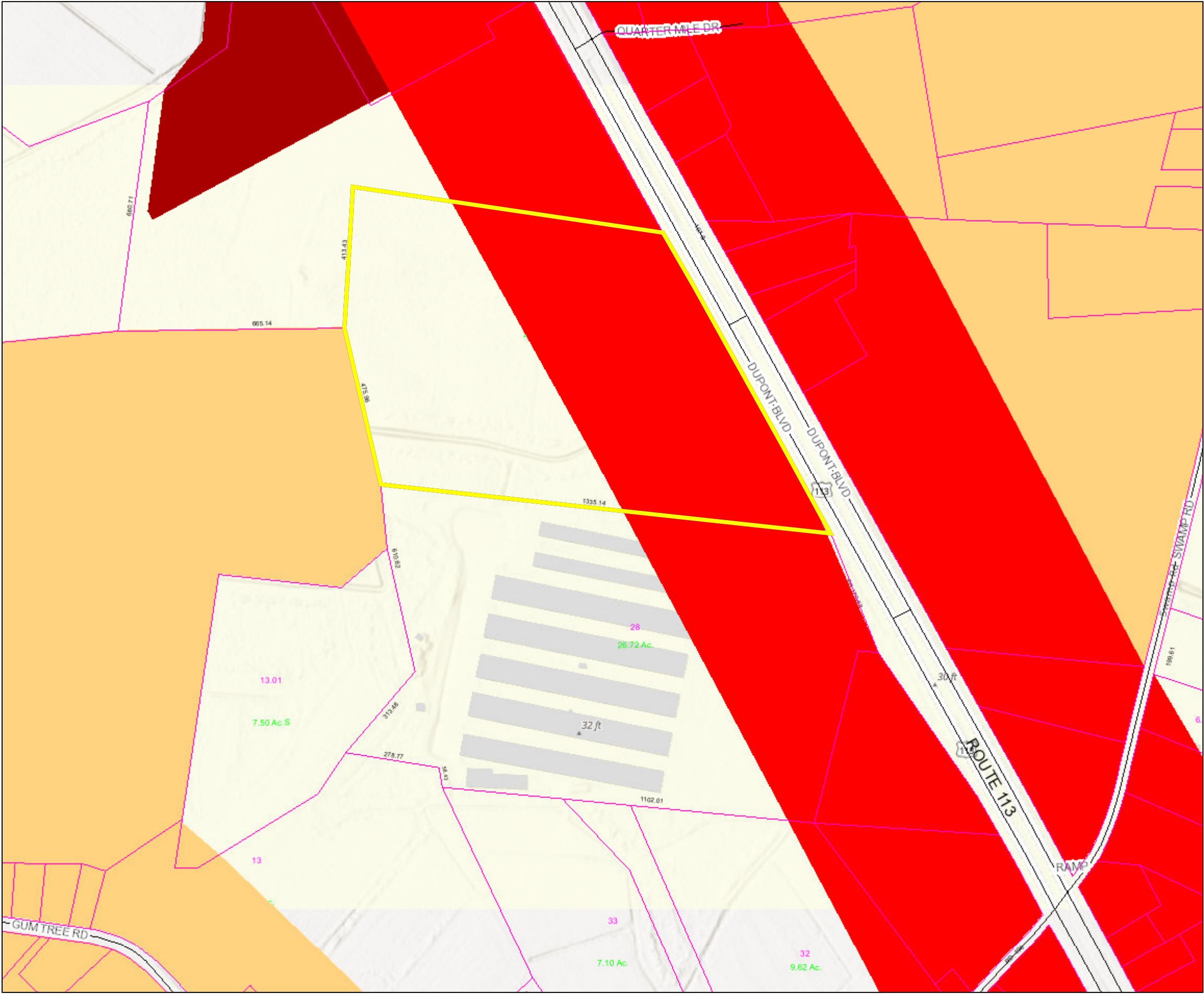
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- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries





Sussex County

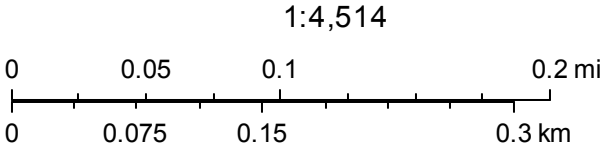


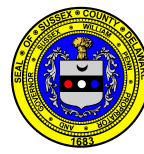
| | |
|-----------------|----------------------|
| PIN: | 233-16.00-27.00 |
| Owner Name | DUPONT BOULEVARD LLC |
| Book | 5043 |
| Mailing Address | 315 N HERON GULL CT |
| City | OCEAN CITY |
| State | MD |
| Description | SW/RT 113 |
| Description 2 | 1/4 MILE NW/RD 406 |
| Description 3 | N/A |
| Land Code | |

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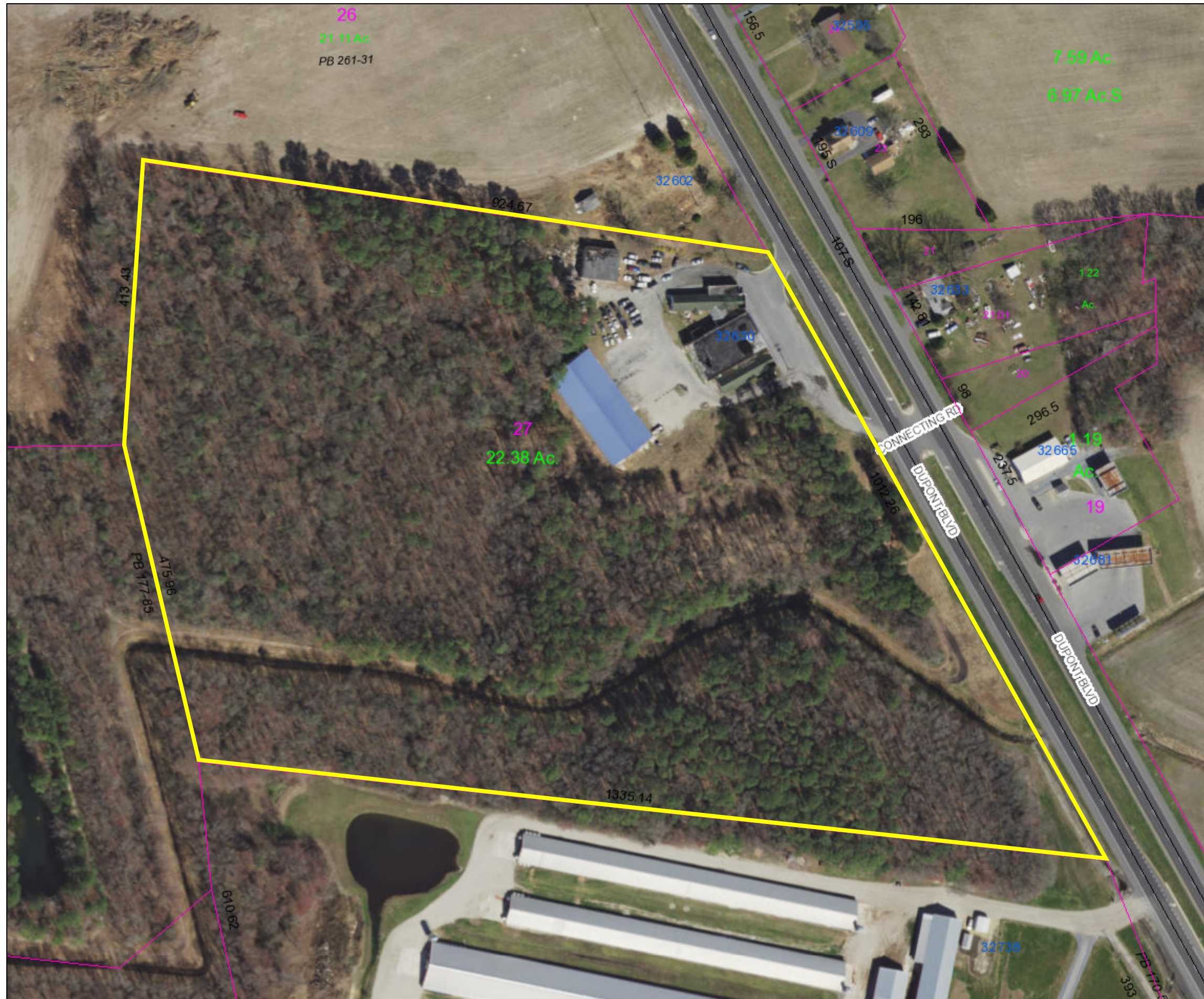
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Override 1
- Tax Parcels
- Streets





Sussex County



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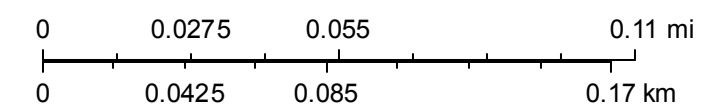
 Tax Parcels

 911 Address

 Streets

 County Boundaries

1:2,257



To Be Introduced 02/04/20

**Council District No. 5 - Rieley
Tax I.D. No. 233-16.00-27.00 (portion of)
911 Address 32630 DuPont Blvd., Dagsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 (GENERAL COMMERCIAL DISTRICT) FOR STONE & GRANITE RETAIL, FABRICATION, CUTTING, DISPLAYING & SELLING OF GRANITE, STONE & QUARTZ TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.80 ACRES, MORE OR LESS

WHEREAS, on the 30th day of December 2019, a conditional use application, denominated Conditional Use No. 2219 was filed on behalf of 32630 DuPont Boulevard, 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 Conditional Use No. 2219 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 determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2219 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 situated in Dagsboro Hundred, Sussex County, Delaware, and lying on the west side of DuPont Blvd., approximately 0.51 miles south of Nine Foot Road and being more particularly described in the attached legal description prepared by Axiom Engineering, LLC, said parcel containing 11.80 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.



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: July 9, 2020

RE: County Council Report for CU 2223 A&W Burbage, LLC

The Planning and Zoning Department received an application (CU 2223 filed on behalf of A&W Burbage, LLC) for a Conditional Use for parcel 134-14.00-36.00 (part of) to allow for boat and RV storage at 32855 Jones Road, Frankford. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 3.93 acres, more or less.

The Planning and Zoning Commission held a public hearing on June 11, 2020. At the meeting of June 25, 2020, the Commission recommended approval of the application for the 4 reasons and 9 conditions outlined within the motion (included below).

Below are the minutes from the Planning & Zoning Commission meetings of June 11, 2020 and June 25, 2020.

Approved Minutes of the June 11, 2020 Planning & Zoning Commission Meeting

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for boat & RV storage to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northeast corner of Jones Road (SCR. 369) and Burbage Road (SCR. 353), approximately 0.72 mile east of Omar Road. 911 Address: 32855 Jones Road, Frankford. Tax Parcel: 134-14.00-36.00 (Part of)

Mr. Whitehouse advised the Commission that submitted into the record were a site plan, a staff analysis, comments from the Sussex County Engineering Department Utility Planning Division, and the DelDOT service level evaluation response confirming that a Traffic Impact Study is not required.



That the Commission found that Mr. Gerald Burbage was present by teleconference representing his company, A&W Burbage, LLC; that the request is for a Conditional Use for boat and RV storage; that approximately 4 acres of the property will be used for 145 storage areas; that a sign of no larger than 32 sf is being requested; that the hours of operation will be 24/7; that the site will be monitored by an electronic controlled automatic gate at the entrance of the storage area; that there will be no impact on traffic or schools as the entrance will be approximately 50 ft. from the highway.

Mr. Mears asked if the dwelling on the property would be used for the business. Mr. Burbage stated that the house is a rental and will not be used for the storage business.

Ms. Stevenson asked how the site would be monitored to make sure that no-one is residing in an RV. Mr. Burbage responded the site will have lights and be monitored by cameras.

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

At the conclusion of the Public Hearings, the Commission discussed Application C/U 2223 – A&W Burbage, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

Approved Minutes of June 25, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since June 11, 2020.

Mr. Mears moved to recommend approval of C/U 2223 for A&W Burbage, LLC for boat and RV storage based upon the record made at the public hearing and for the following reasons:

1. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
2. The use as a boat storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
3. The site is conveniently located near several residential developments that do not permit the storage of boats or RVs within them. This facility will serve that need.
4. No parties appeared in opposition to this application.
5. This recommendation for approval is subject to the following conditions and stipulations:
 - a. The site shall be limited to boat and RV storage only.
 - b. The perimeter of the site shall be fenced with a 7-foot high chain linked type of fencing. The entrance shall be gated with electronic access.
 - c. No maintenance of boats or RVs shall be performed on the site.
 - d. Security lighting shall be provided on the site and shall be directed away from neighboring properties.
 - e. No junked or inoperable boats, boat trailers or RVs shall be kept on the site.
 - f. There shall be no more than 145 spaces for boat and RV storage. Those parking or storage spaces shall be shown on the Final Site Plan and marked on the site itself.

- g. One lighted sign shall be permitted near the entrance. It shall not be larger than 32 square feet per side.
- h. Violation of any condition of approval may be grounds for terminating this conditional use approval.
- i. 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. Stevenson, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

PLANNING & ZONING COMMISSION

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



Sussex County

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302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date June 11, 2020.

Application: (CU 2223) A&W Burbage, LLC

Applicant: Gerald A. Burbage and Carol B. Evans
32 Hidden Meadow Terrace
Milford, DE 19963

Owner: A&W Burbage, LLC
32 Hidden Meadow Terrace
Milford, DE 19963

Site Location: 32855 Jones Road
Frankford, DE 19945

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional
Use Requested: Boat and RV Storage Lot

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Tier 4- System Optional Area

Water: Private

Site Area: 3.93 acres +/-

Tax Map ID.: 134-14.00-36.00



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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: May 28, 2020
RE: Staff Analysis for CU 2223 A&W Burbage, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2223 to be reviewed during the June 11, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 134-14.00-36.00. The current zoning is AR-1 Agricultural Residential, and the request is for a Boat and RV Storage Lot. The parcel is located on the northeast corner of the intersection of Jones Road (S.C.R. 369) and Burbage Road (S.C.R. 353). The size of the property is 3.93 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 property has the land use designation of "Coastal Area." The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex's County base density of two (2) units per acre is appropriate. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

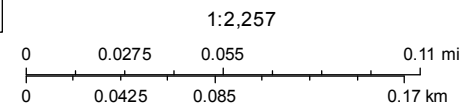
The parcel is located with an Agricultural Residential (AR-1) Zoning District. In addition, each of the parcels that directly border the property are also zoned AR-1. The subject parcel is bordered by a light commercial use to the east (Delaware Electric Cooperative, Inc.), agricultural uses to the north and west, and low density residential/ agricultural uses to the south.

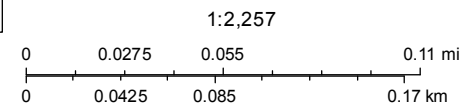
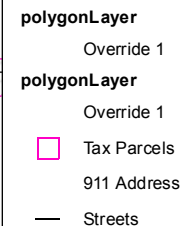
Since 2011, there have been no other Conditional Uses within one mile of the subject site.

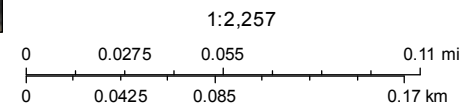
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for Boat and RV Storage Lot within an AR-1 Zone could be considered as consistent with the surrounding area, zoning, and uses.



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







**Council District 4 - Hudson
Tax I.D. No. 134-14.00-36.00 (Part of)
911 Address: 32855 Jones Road, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT & RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS

WHEREAS, on the 5th day of February 2020, a conditional use application, denominated Conditional Use No. 2223 was filed on behalf of A&W Burbage, 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 Conditional Use No. 2223 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 determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2223 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 north east corner of Burbage Road & Jones Road, approximately 0.72 miles east of Omar Road and being more particularly described in the attached legal description prepared by Delaware Surveying Services, said parcel containing 3.93 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.



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: July 9, 2020

RE: County Council Report for CZ 1908 W & B Hudson Family LTD

The Planning and Zoning Department received an application (CZ 1908 W & B Hudson Family LTD) for a Change of Zone of parcels 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 and 72.00 from Agricultural Residential (AR-1) Zoning District and MR Medium Density Residential Zoning District to C-2 Medium Commercial Zoning District for a certain parcel of land located on the south side of Lewes-Georgetown Highway (Rt. 9). The size of the property is 37.08 acres +/-.

The Planning and Zoning Commission held a public hearing on June 11, 2020. At the meeting of June 25, 2020, the Commission recommended approval of the application for the 10 reasons outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of June 11, 2020 and June 25, 2020.

Approved Minutes of the Planning & Zoning Commission Meeting of June 11, 2020

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District and MR Medium Density Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 37.08 acres, more or less. The property is lying on the south side of Lewes-Georgetown Highway (Route 9) approximately 340 feet east of Harbeson Road (Route 5), and on the east side of Harbeson Road (Route 5) approximately 456 feet south of Lewes-Georgetown Highway (Route 9). 911 Address: N/A. Tax Parcel: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, and 72.00



Mr. Whitehouse advised the Commission that submitted into the record were a boundary plat, an applicant exhibit book, a staff analysis, comments from the Sussex County Engineering Department Utility Planning Division, and a copy of the DelDOT service level evaluation.

The Commission found that Mr. Mark Davidson, Pennoni Associates was present by teleconference on behalf of the Applicant, W&B Hudson Family, Ltd., that also present is Mr. Wayne Hudson; that this parcel was before the Commission for a rezoning to Heavy Commercial previously but was withdrawn when the Applicant understood that it was in conflict with the Future Land Use Plan; that the rezoning tonight is to rezone these properties from AR-1 (Agricultural Residential) and MR (Medium Residential) to C-2 (Medium Commercial District); that the property is 37.08 acres consisting of six tax parcel numbers; that the properties have been in the Hudson family for several generations; that the property has access on Harbeson Road and the Lewes-Georgetown Highway; that the land has been used in the past for waste water treatment for Clean Delaware Inc.; that the properties are bordered on the north with existing commercially zoned property; that the properties are bordered on the south by Delmarva Central Railroad; that a right-of-way is also slated for the future Delaware rails to trails program; that at the other side of the tracks is land that is currently under agricultural preservation; the property is bordered on the west with some existing commercial uses and on the east with agricultural lands; that the property is situated just off of the intersection of Route 5 and Route 9 which is a major crossroads centrally located between Five Points and Georgetown and Milton and Long Neck; that the property is also in the vicinity of the Allen Harim Poultry Processing which has a heavy industrial zoning category; that there is lot of C-1 zoning in the area; that the Applicant is requesting C-2 (Medium Commercial) which is consistent with the surrounding land uses; that rezoning to C-2 will not diminish or impair property values in the neighborhood; that it will not create a nuisance or an increase in public expenditures; that the purpose of the C-2 zoning is to support uses that include retail sales and performances of consumer services, it permits a variety of retail and service businesses; that if the rezoning is successful, Mr. Hudson would like to create a shopping complex constructed around a supermarket and/or drug store that will provide for the sale of convenience goods and personal services for the day to day living needs of the community; that the area nearest to the railroad tracks would be slated as warehouse storage which will have access to the railroad; that Royal Farms and the Hudson Family have created easements on each of their properties to allow access to both properties from Route 5 and Route 9 as shown in the photographs in the presentation and on the boundary plat; that in the 2019 Sussex County Comprehensive Plan the properties owned by the Hudson Family is in a low-density and partly in an existing developing area; that in a previous Comprehensive Plan, the entire property was in a developing area; that Artesian water and sewer is available for this property; that the properties are 600 ft. away from the closest residential development and are close enough to offer services to this development without being adjacent to the community; that this will help the orderly growth rather than unplanned sprawl; that chapter one of the Comprehensive Plan talks about how new commercial development will be needed to support residential growth; that the Hudson Family worked with DelDOT and Royal Farms to allow for a shared cross access easement within the Hudson Properties; that the Hudson's worked with DelDOT regarding the upgrade to the Route 5 and Route 9 intersection and dedications some lands along the front of their property so that the upgrade to that intersection could occur; that although a Traffic Impact Study (TIS) was not required as part of this Application, the Hudson's will have to provide future transportation improvements to adjacent roadways during the future planning of the commercial development; that access to the future rails to trails will be coordinated with DelDOT; that as Route 9 is a major arterial road, setbacks will be increased to allow for future capacity in the form of additional right-of-way dedications; that the Comprehensive Plan allows for medium commercial in low density areas; that the focus of retail and offices uses in low-density areas will be

providing convenience goods and services to nearby residents which is what is being proposed for these properties; that commercial uses are appropriate depending on surrounding uses; that the surrounding uses are primarily commercial and industrial with some residential homes adjacent; that local services will prevent residents having to travel to Route 1 for services; that the 2015 Strategies for State Policies and Spending identifies the Area Level 3; that the focus of level 3 is for DelDOT to primarily focus on regional movements between towns and other population centers; that developers and property owners make roadway improvements as development occurs; that all the infrastructure improvements will be made by the Applicant; that Delmarva Power and Light has an easement running through this property; that there is natural gas pipeline access for these properties; that the proposed rezoning meets the general purpose of the zoning ordinance being located in an appropriate location meeting the purpose of this district and the Future Land Use Plan strategies and objectives of the Comprehensive Plan that promotes growth and development through community, design, mobility, utilities, transportation and economic development in an area where a general mixture of commercial and service activity now exist, which is essential and desirable for the general convenience, orderly growth, prosperity and well-being of the County.

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

At the conclusion of the Public Hearings, the Commission discussed Application C/Z 1908 – W & B Hudson Family, Ltd. Motion by Ms. Stevenson to defer action for further consideration, seconded by Mr. Mears, and carried unanimously. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

Approved Minutes of the Planning & Zoning Commission Meeting of June 25, 2020

The Commission discussed this application which has been deferred since June 11, 2020.

Ms. Stevenson moved that the Commission recommend approval of C/Z 1908 for W & B Hudson Family, LLC for a change in zone from AR-1 Agricultural-Residential zoning to C-2 “Medium Commercial” zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is currently zoned AR-1, but it is in the Harbeson area along Routes 9 and 5 where other commercial zonings and commercial uses exist at the intersection. The rear of the property is next to the future extension of the Lewes-to-Georgetown rail path, too. And, there is a significant amount of residential in the area that will be served by the C-2 uses. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this intersection of Routes 9 and 5 will benefit nearby residents of Sussex County by providing a commercial location for local shopping and similar uses without having to travel to Lewes, Milton, Long Neck or Georgetown.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.

5. The site is mostly in the “Low Density Area” with a small section in the “Developing Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. It is anticipated that the site will have central water and sewer service provided by Artesian Wastewater Management, Inc, which serves other developments in the area.
7. The property has a natural gas transmission line which will provide service to any future development that occurs there.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
9. No parties appeared in opposition to the rezoning application.
10. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date June 11, 2020.

Application: (CZ 1908) W&B Hudson Family LTD

Applicant: Wayne Hudson
24075 Milton Ellendale Highway
Milton, DE 19968

Owner: W&B Hudson Family LTD
24075 Milton Ellendale Highway
Milton, DE 19968

Site Location: Located on the south side of Lewes Georgetown Highway (Route 9),
east of Harbeson Road (Route 22).

Current Zoning: Parcels: 62.00, 64.00, 66.00 67.00 70.00 - Agricultural Residential
(AR-1)
Parcel: 72.00 - Medium Density Residential (MR)

Proposed Zoning: Medium Commercial District (C-2)

Comprehensive Land
Use Plan Reference: Low Density & Developing Area

Councilmatic
District: Mr. Burton

School District: Indian River School District

Fire District: Milton Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 37.08 acres +/-

Tax Map ID.: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00





Memorandum

To: Sussex County Planning Commission Members
From: Jennifer Norwood, AICP, Planning & Zoning Manager
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: June 5, 2020
RE: Staff Analysis for CZ 1908 W&B Hudson Family LTD

This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1908 W&B Hudson Family LTD to be reviewed during the June 11, 2020 Planning & Zoning 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 parcels 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 and 72.00 to allow for a change from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential Zoning District) to C-2 (Medium Commercial Zoning District) to be located at 26504 Lewes Georgetown Highway. The total size of the parcels to be rezoned is 35.65 ac. +/-.

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 indicates that the application property has the land use designation of "Low Density" and "Existing Development Area".

The adjoining parcels to the northwest and southwest are designated on the Future Land Use Map as "Existing Development Area" and "Low Density". The parcels to the east and south are designated as "Low Density". The parcels on the north side of Lewes Georgetown Highway are designated as "Commercial". The Existing Development Area recognizes that a range of housing types and uses in the neighborhood business and commercial districts are permitted. The Low Density area recognizes agricultural activities and homes with convenience goods and services provided to nearby residents. It also recognizes that commercial uses should be limited in location, size, and hours of operation and that intense uses should be avoided.

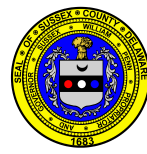
Table 4.5-2 within the Comprehensive Plan states that, within the Existing Development Area and the Low Density Area, C-2 (Medium Commercial Zoning District) may be appropriate.

The property is zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The adjoining parcels to the south and east are zoned AR-1 (Agricultural Residential District). To the southwest, along Harbeson Road, the adjoining parcels are zoned MR (Medium-Density Residential District). To the north and north-west, along Lewes Georgetown Highway, there are commercially zoned properties within the C-1 (General Commercial) and CR-1 (Commercial Residential) Zoning Districts.

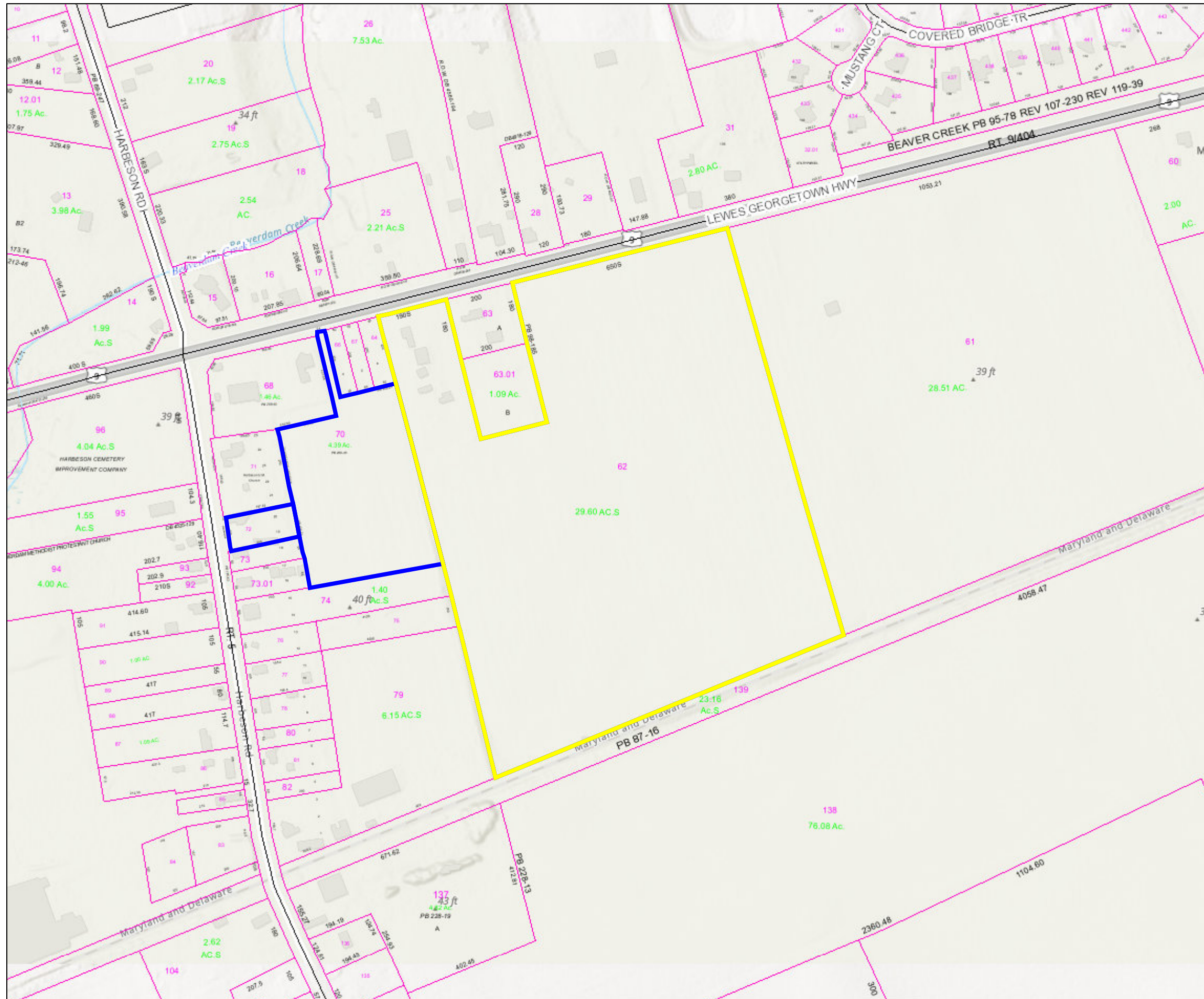


There is a Conditional Use approval in the area. A landscape Business with equipment storage on parcel 235-30.00-6.20 was approved in 2017. A Conditional Use application for Auto Repair, Detailing and Auto Resales on parcel 235-30.00-60.00 was denied in 2015.

Based on the analysis of the land use, surrounding zoning and uses, the propose Change of Zone from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District) to C-2 (Medium Commercial District) has a limited degree of consistency with the surrounding zoning and land use.



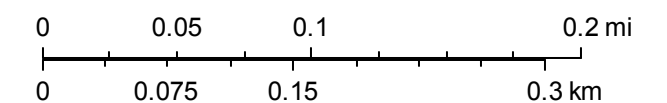
Sussex County

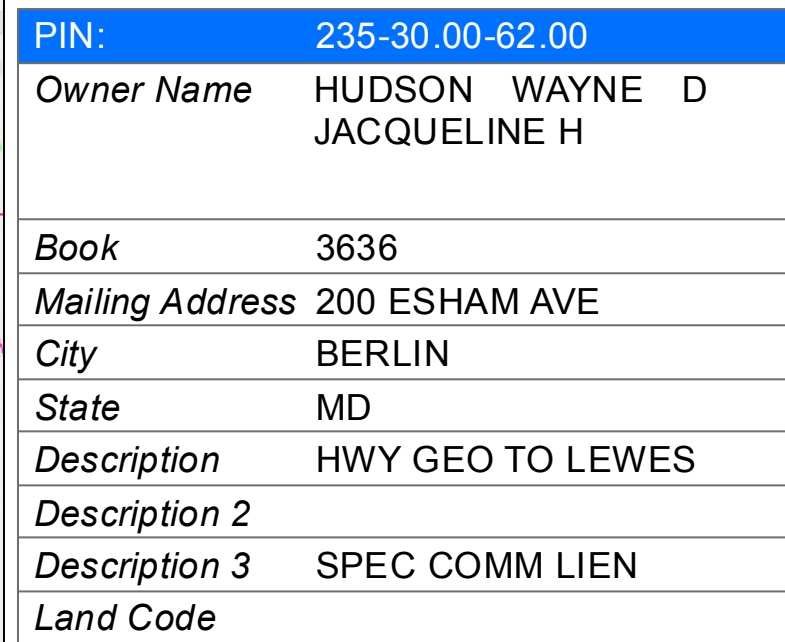




| | |
|------------------------|--------------------------------|
| PIN: | 235-30.00-62.00 |
| Owner Name | HUDSON WAYNE D JACQUELINE H |
| Book | 3636 |
| Mailing Address | 200 ESHAM AVE |
| City | BERLIN |
| State | MD |
| Description | HWY GEO TO LEWES |
| Description 2 | |
| Description 3 | SPEC COMM LIEN |
| Land Code | |

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Override 1
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Override 1
- Tax Parcels
 - Streets
 - County Boundaries
 - Major Rivers
- Streams**
 Streams

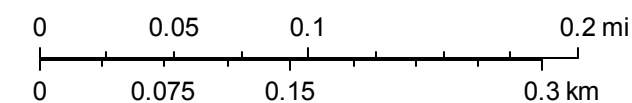
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polygonLayer Override 1
polygonLayer Override 1
 Tax Parcels
 Streets

1:4,514



Mailing List Exhibit Map
Planning Commission
CZ 1908 W&B Hudson Family
235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, & 72.00
W&B Hudson Family LTD
24075 Milton Ellendale Highway
Milton, DE 19968

Located on the south side of Lewes Georgetown Highway (Route 9), east of Harbeson Road (Route 22).



Introduced 12/10/19

Council District No. 3 – Burton

Tax I.D. No. 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, and 72.00

911 Address: Not Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 37.08 ACRES, MORE OR LESS

WHEREAS, on the 8th day of November 2019, a zoning application, denominated Change of Zone No. 1908, was filed on behalf of W & B Hudson Family LTD.; 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. 1908 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 [AR-1 Agricultural Residential District and MR Medium Density Residential District] and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the south side of Lewes-Georgetown Highway (Route 9) approximately 340 feet east of Harbeson Road (Route 5), and on the east side of Harbeson Road (Route 5) approximately 456 feet south of Lewes-Georgetown Highway (Route 9), and being more particularly described in the attached legal description prepared by Pennoni, said parcel containing 37.08 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.

PROPOSED



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: July 9, 2020

RE: County Council Report for CZ 1912 Beach and Bay, LLC (Kyle Norwood and Katie Davidson)

The Planning and Zoning Department received an application (CZ 1912 Beach and Bay, LLC (Kyle Norwood and Katie Davidson)) for a Change of Zone of parcel 334-6.00-58.00 from Agricultural Residential (AR-1) Zoning District to C-2 Medium Commercial Zoning District for 16816 and 16820 Kings Highway, Lewes. The size of the property is 0.92 acres +/-.

The Planning and Zoning Commission held a public hearing on June 11, 2020. At the meeting of June 25, 2020, the Commission recommended approval of the application for the 9 reasons outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of June 11, 2020 and June 25, 2020.

Approved Minutes of the Planning & Zoning Commission Meeting of June 11, 2020

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 Lewes and Rehoboth Hundred, Sussex County, containing 0.92 acres, more or less. The property is lying on the south west corner of Savannah East Drive and Kings Highway (Route 9). 911 Addresses: 16816 and 16820 Kings Highway, Lewes. Tax Parcel: 334-6.00-58.00.

Mr. Whitehouse advised the Commission that submitted into the record were a site plan, an Applicant exhibit book; comments from the Sussex County Engineering Department Utility Planning Division, and the DelDOT service level evaluation response.



That the Commission found that Mr. David Hutt, Esquire was present by teleconference on behalf of the Applicant, Beach and Bay, LLC, that also present are Kyle Norwood and Katie Davison owners of the property in question; that this Applicant seeks to change the zoning classification for the approximately 38,500 sf property; that the property is currently zoned AR-1 and the Applicant is seeking to change the zoning to medium commercial (C-2); that the property is in close proximity to Route 1 which is the busiest commercial corridor in Sussex County; that there is a range of housing options in the area ranging from medium and higher densities of the Apartment complexes to the lower density of Townhomes and single-family home developments; that in addition to the residential use in the area there are also numerous businesses along King's Highway; that the property meets the minimum area requirements of County Code for a C-2 zoning classification; that the property is currently improved with a home and two outbuildings; that the Applicants may renovate the existing structures or remove them entirely; that public sewer and water is available at this property; that the DelDOT service level evaluation response shows that for a lot of this size, a traffic impact study is not required; that when a land use plan is submitted the TIS will be reevaluated by DelDOT; that the property is not in a flood zone and there are no wetlands; that the property is in the Coastal Area according to the 2020 Comprehensive Plan and C-2 is an appropriate district as this is a growth area; that King's Highway (Route 9) is an arterial road; that the intended use will be for professional offices for much needed health care in Sussex County; and that the Applicant Mr. Norwood is a native of Sussex County who has now qualified as a dentist and wishes to return to practice in Sussex County.

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

At the conclusion of the Public Hearings, the Commission discussed Application C/Z 1912 - Beach and Bay, LLC. Motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

Approved Minutes of the Planning & Zoning Commission Meeting of June 25, 2020

The Commission discussed this application which has been deferred since June 11, 2020.

Ms. Stevenson moved to recommend approval of Change in Zone #1912 for Beach and Bay, LLC for a change in zone from AR-1 Agricultural-Residential zoning to C-2 "Medium Commercial" zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is currently zoned AR-1, but it is in an area along Kings Highway near Route One where other commercial zonings and commercial uses exist. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for small retail and service uses.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.

5. The site is in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. The location is served by central water and sewer, which is appropriate to support C-2 and the permitted uses within that district.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. No parties appeared in opposition to the rezoning application.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Hopkins – yea, and Mr. Wheatley – yea.

PLANNING & ZONING COMMISSION

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



Sussex County

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302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date June 11, 2020.

Application: (CZ 1912) Bay and Beach, LLC

Applicant: Bay and Beach, LLC
16820 Kings Highway
Lewes, DE 19958

Owner: Kyle Norwood and Katie Davison
16820 Kings Highway
Lewes, DE 19958

Site Location: Located on the southwestern corner of Savannah East Drive and Kings Highway (Route 9)

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Commercial (C-2)

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Company District

Sewer: Tier 1- Sussex County Unified Sanitary System

Water: Private

Site Area: 0.92 acres +/-

Tax Map ID.: 334-6.00-58.00





Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: May 28, 2020
RE: Staff Analysis for CZ 1912 Beach and Bay, LLC (Kyle Norwood and Katie Davison)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1912 to be reviewed during the June 11, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 334-6.00-58.00. The current zoning is AR-1 Agricultural Residential, and the request is for a proposed C-2 Medium Commercial Zone. The parcel is located on the southwest corner of the intersection of Kings Highway (Route 9) and Savannah East Drive. The size of the property is 0.92 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 property has the land use designation of "Coastal Area." The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex's County base density of two (2) units per acre is appropriate. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

The parcel is currently located with an Agricultural Residential (AR-1) Zoning District. In addition, each of the parcels that directly border the property are also zoned AR-1. The subject parcel is bordered by 65 acres of farmland to the east (across King's Highway). This parcel received an approved Change of Zone in 2016. Its current use is agriculture, but various neighborhood business uses have been approved, and are now permitted. The parcel to the north is an institutional use (New Covenant Presbyterian Church). Residential uses border the subject site to the west and south. The site is located approximately 1,215 feet north of Coastal Highway (Route 1).

Since 2011, there have been five major Change of Zones within a one-mile radius of the subject site. CZ 1753, to allow for a Change of Zone from Agricultural Residential (AR-1) to Medium Residential-Residential Planned Community (MR-RPC) was approved on August 4, 2014 by Sussex County Council through Ordinance No. 2361. CZ 1753 was approved for a parcel that lies approximately 0.40 miles east of the intersection of Kings Highway and Gills Neck Road. It has since been subdivided and is known as Cadbury at Lewes. CZ 1802, to allow for a Change of Zone from Agricultural Residential (AR-1) to Neighborhood Business (B-1) was approved on August 23, 2016 and adopted by Sussex County Council through Ordinance No. 2480. This parcel is approximately 65 acres and



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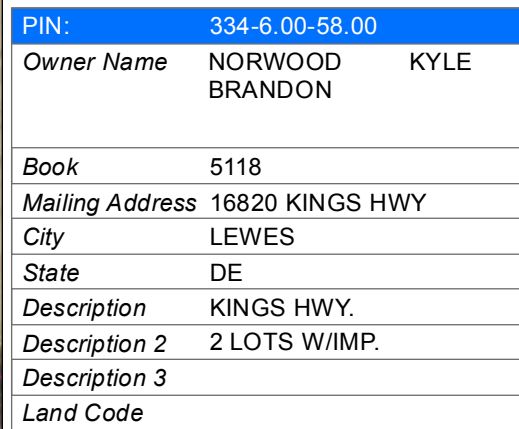
Sussex County
DELAWARE
sussexcountyde.gov

lies directly east of the subject site. CZ 1818, to allow for a Change of Zone from Agricultural Residential (AR-1) to Commercial Residential (CR-1) was approved on May 23, 2017 and adopted by Sussex County Council through Ordinance No. 2497. In 2020, Mitchell Family, LLC applied for two Change of Zones (CZ 1886 and 1887) for a parcel of land that lies approximately 3,255 feet (0.62 miles) north of the subject along Kings Highway. It is currently zoned Agricultural Residential (AR-1), and a Medium Residential- Residential Planned Community (MR-RPC) Zoning District is proposed. This application is in progress.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from Agricultural Residential (AR-1) to a Medium Commercial (C-2) Zoning District be considered as consistent with the surrounding area, zoning, and uses.



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



Override 1

Override 1

911 Address

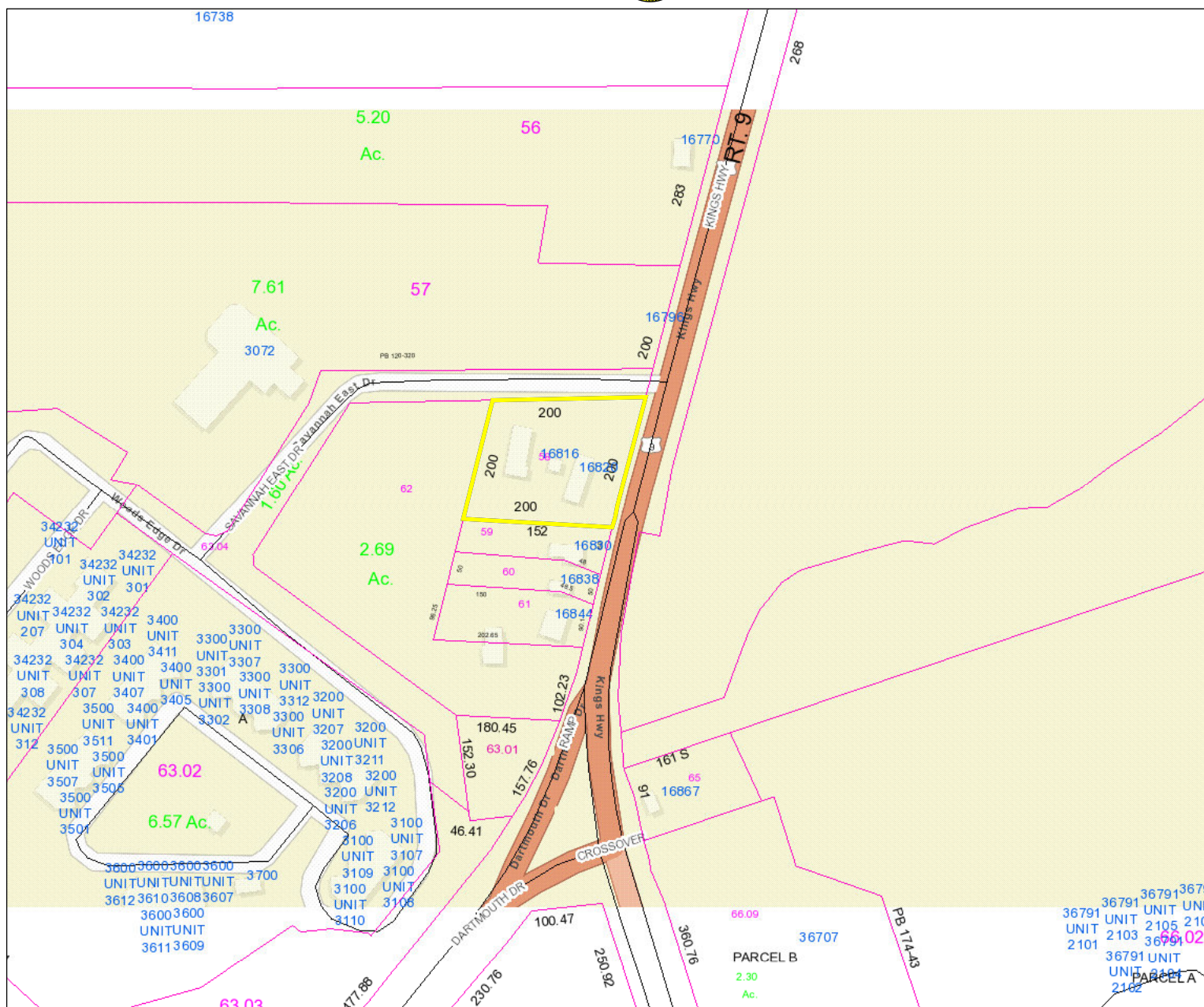
Streets

County Boundaries

A graphic scale bar with two rows of markings. The top row is labeled in miles (mi) with markings at 0, 0.0275, 0.055, and 0.11. The bottom row is labeled in kilometers (km) with markings at 0, 0.0425, 0.085, and 0.17. The bar consists of a horizontal line with vertical tick marks corresponding to these values.

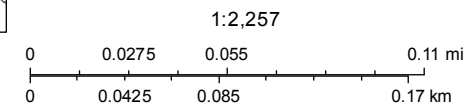


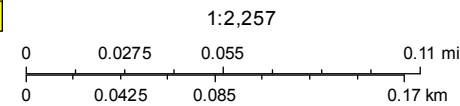
Sussex County



| | | |
|-----------------|-----------------|------|
| PIN: | 334-6.00-58.00 | |
| Owner Name | NORWOOD BRANDON | KYLE |
| Book | 5118 | |
| Mailing Address | 16820 KINGS HWY | |
| City | LEWES | |
| State | DE | |
| Description | KINGS HWY. | |
| Description 2 | 2 LOTS W/IMP. | |
| Description 3 | | |
| Land Code | | |

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries





Introduced 01/07/20

Council District No. 3 – Burton

Tax I.D. No. 334-6.00-58.00

911 Address: 16816 and 16820 Kings Highway, Lewes

ORDINANCE NO. ____

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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.92 ACRE, MORE OR LESS

WHEREAS, on the 27th day of November 2019, a zoning application, denominated Change of Zone No. 1912, was filed on behalf of Kyle Norwood and Katie Davidson; 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. 1912 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 [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest corner of Savannah East Drive and Kings Highway, and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 0.92 acre, more or less.

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