

Sussex County Council Public/Media Packet

**MEETING:
July 27, 2021**

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**Sussex County Council
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COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

JULY 27, 2021

10:00 A.M.

AMENDED on July 21, 2021 at 9:00 a.m.

Call to Order

Approval of Agenda

Approval of Minutes – July 13, 2021

Reading of Correspondence

Public Comments

Consent Agenda

1. Use of Existing Wastewater Infrastructure Agreement for 7-Eleven Bridgeville

Todd Lawson, County Administrator

1. Recognition of former Board of Adjustment member Brent Workman
2. Library Advisory Board Appointment
3. Administrator's Report

Brandy Nauman, Director of Community Development and Housing

1. Presentation and discussion regarding the Sussex County Housing Trust Fund



10:30 a.m. Public Hearing

**Warrington Road Extension of the Sussex County Unified Sanitary Sewer District
(Warrington Road Area)**

Hans Medlarz, County Engineer

- 1. Western Sussex Area of the Unified Sewer District**
 - A. Municipal Transition Amendment No. 1**
- 2. New Road Estates Pavement Improvements, Project T21-08**
 - A. Final Balancing Change Order and Substantial Completion**

Mark Parker, Assistant County Engineer

- 1. Ocean Outfall Inspection, Project G21-06**
 - A. Inspection results and future actions**

John Ashman, Director of Utility Planning & Design

- 1. Marlin Cove Annexation of the Sussex County Unified Sanitary Sewer District
(Fenwick Island Area)**
 - A. Request to Prepare and Post Notices**
- 2. Scenic Manor Expansion of the Sussex County Unified Sanitary Sewer District
(Mulberry Knoll Area)**
 - A. Request to Prepare and Post Notices**

Grant Requests

- 1. Western Sussex Chamber of Commerce for the Broad Creek Bike and Brew fundraiser**
- 2. Town of Ellendale for park playground renovations**
- 3. Town of Georgetown for National Night Out event expenses**
- 4. AIDS Delaware, Inc. for the AIDS Walk Delaware fundraiser**
- 5. Lower Sussex Little League for Eastern Regional traveling expenses**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE IV BY AMENDING SECTION 115-25 TO REPLACE THE REFERENCE TO THE “ENVIRONMENTALLY SENSITIVE DEVELOPING AREA” WITH “COASTAL AREA” AND TO DELETE REDUNDANT LANGUAGE REGARDING BONUS DENSITY”

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XIV, SECTIONS 115-83.25, 115-83.26, 115-83.30 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”

***Change of Zone No. 1931 filed on behalf of Lighthipe, LLC**

~~“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY AND TO AMEND THE CONDITIONS OF APPROVAL OF CZ 1768 (ORDINANCE 2411) TO INCREASE THE GROSS SITE AREA BY 5.253 ACRES AND TO INCREASE THE NUMBER OF PERMITTED UNITS WITHIN THE RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 56.372 ACRES, MORE OR LESS” (property lying on the north side of Muddy Neck Road [S.C.R. 361] approximately 0.52 mile southeast of Parker House Road [S.C.R. 362]) (Tax I.D. No. 134-17.00-12.02) (911 Address: None Available)~~

Conditional Use No. 2236 filed on behalf of Carl M. Freeman Companies

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOTEL AND RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.2 ACRES, MORE OR LESS” (property lying on the northwest side of the intersection of Lighthouse Road [S.C.R. 58] and Bennett Avenue, approximately 0.79 mile west of Coastal Highway [Route One]) (Tax I.D. No. 533-20.00-22.00 & 20.00 [Portion of]) (911 Address: None Available)

Adjourn

¹ Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to correct an error by deleting the Public Hearing on Change of Zone No. 1931, which had been rescheduled.

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 20, 2021 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 13, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 13, 2021, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 293 21
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 29, 2021 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke:

William Kinnick, State Advocate for Manufactured Housing and President of the Delaware Manufactured Housing Association, reported on raw sewage in 13 manufactured home communities in the County and the drinking water issues in those communities.

Robert Ray, resident of Sand Hill Acres, stated that he lives in one of the communities with septic issues and he asked that Council help address the water and septic issues.

Keith Steck, Vice President of Delaware Coalition for Open Government, discussed the need for a mechanism to correct errors in County Council, Planning and Zoning Commission, and Board of Adjustment minutes and/or Findings of Fact.

**Public
Comments
(continued)**

Eul Lee referenced the buffer/wetlands ordinance that the Council worked on, which was tabled over a year ago, and she stated that it is time for the Council to take it up again due to the flooding risks in the County. Ms. Lee also referenced an email she submitted to the County Council regarding the Terrapin Island Subdivision approval by the Board of Adjustment.

Judy Zoeller-Hartzell, Pat Fowler, Janice Hurff, and Shelly Cohen commented on the approval of the Terrapin Island Subdivision.

**Public
Hearing/
Lochwood
General
Obligation
Bonds
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,723,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO LOCHWOOD AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Hans Medlarz, County Engineer, reported that the Lochwood Sewer Project started in 2018 and funding was received from the USDA. On June 15, 2021, the Council reviewed and approved the grant agreement and the loan resolution required by USDA. On June 15, 2021, the Council introduced the Proposed Ordinance for the debt service.

This Ordinance provides for the issuance of up to \$4,723,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of an extension of sanitary sewer services to Lochwood.

There were no public comments.

The Public Hearing and public record were closed.

**M 294 21
Adopt
Ordinance
No. 2787**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2787 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,723,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO LOCHWOOD AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas.

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

**Public
Hearing**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Miller Creek Area, to include the Zinzer Property inside The Estuary. John Ashman, Director of

**Public Hearing/
Zinzer
Property
Expansion
of the
SCUSSD
(continued)**

Utility Planning and Design, reported that the Engineering Department received a request from George, Miles & Buhr, LLC on behalf of their client, Estuary Development, LLC, the owners/developers of a project known as The Estuary for Parcel 134-19.00-105.05. The project is proposed for 34 single family homes and is designated as Phase 5 of the project. The project will be responsible for system connection charges based on current rates.

There were no public comments.

The Public Hearing and public record were closed.

**M 295 21
Adopt
R 015 21**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt R 015 21 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE ONE LANDLOCKED PARCEL OF LAND AT THE CURRENT END OF SEA SPRAY LANE LOCATED IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE" (ZINZER PROPERTY – ESTUARY, PHASE 5) (MILLER CREEK AREA).

Motion Adopted: 5 Yeas.

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

**Public Hearing/
Higgins/
Re/Max
Property
Expansion
of the
SCUSSD**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Blades Area, to include the Higgins Re/Max property. John Ashman, Director of Utility Planning and Design, reported that the Engineering Department received a request from the property owners of Parcel 132-1.00-15.00. This is an existing business that would like to be included in the County's project currently being completed for the commercial properties along Route 13. The project will be responsible for system connection charges based on current rates.

There were no public comments.

The Public Hearing and public record were closed.

**M 296 21
Adopt
R 016 21**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt Resolution No. R 016 21 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCEL 132-1.00-15.00 ON THE WEST SIDE OF SUSSEX HIGHWAY. THE PARCEL IS LOCATED IN BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE" (HIGGINS RE/MAX

M 296 21 PROPERTY) (BLADES AREA).

(continued)

Motion Adopted: 5 Yeas.

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

Proposed Ordinance Relating to Multi-Family Density Calculation/ Introduction of Proposed Ordinance

Vince Robertson, Assistant County Attorney, presented a Draft Ordinance that addresses a question in the Sussex County Code regarding how multi-family density is calculated.

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XX BY AMENDING SECTION 115-156 TO CLARIFY THAT THE LOT AREA WITHIN TABLES II AND III REFERS TO THE LOT AREA WITHIN EACH PARTICULAR ZONING DISTRICT”.

The Proposed Ordinance will be advertised for Public Hearing.

Commercial Lease Agreement Assignment

Robert Bryant, Manager of the Airport & Business Park, presented for Council’s consideration an Assignment of Commercial Lease Agreement. The current lease is held by Seneca Flight, LLC and would be assigned to Schell Aviation, LLC.

M 297 21 Approval of Commercial Lease Agreement Assignment from Seneca Flight to Schell Aviation

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council approves the Assignment of the Lease for Lot No. 5, Aviation Avenue, along with the building improvements there upon at the Delaware Coastal Airport from Seneca Flight, LLC to Schell Aviation, LLC, as presented.

Motion Adopted: 5 Yeas.

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

Report/ Proposed Boundary/ North Georgetown Area of the SCUSSD

John Ashman, Director of Utility Planning and Design, discussed the Public Hearing that was held on June 15, 2021 on the Proposed North Georgetown Area of the Sussex County Unified Sanitary Sewer District. At that Public Hearing, two property owners questioned the boundary and indicated that they did not wish to be included in the District. One of the two property owners was not included; however, one was. Since the Public Hearing, that property has been removed from the proposed boundary. Mr. Ashman presented the updated proposed boundary consisting of three parcels for the Council’s consideration.

**M 298 21
Adopt
R 017 21**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt R 017 21 entitled "A RESOLUTION ESTABLISHING THE PROPOSED BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) NORTH GEORGETOWN AREA".

Motion Adopted: 5 Yeas.

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

**Request
to Post
Notices/
Chappell
Farm
Expansion
of the
SCUSSD**

John Ashman, Director of Utility Planning and Design, presented a request to prepare and post notices for the Proposed Chappell Farm Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). The Engineering Department received a request from Becker Morgan Group, Inc. on behalf of their client, Chappell Farm, LLC, the owners/developers of a project known as Chappell Farm on Parcel No. 235-23.00-1.02. The project is proposed as a mixed-use development (156 apartments and 48,000 square feet of commercial). The project will be responsible for system connection charges of \$6,600.00 per EDU based on current rates.

**M 299 21
Authorize
Posting of
Notices/
Chappell
Farm
Expansion
of the
SCUSSD**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that the Sussex County Engineering Department is authorized to prepare and post notices for the Chappell Farm Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) to include Parcel No. 235-23.00-1.02, as presented.

Motion Adopted: 5 Yeas.

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

**M 300 21
Go Into
Executive
Session**

At 10:45 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session to discuss matters relating to Personnel and Job Applicants' Qualifications.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 10:48 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to Personnel and Job Applicants' Qualifications. The Executive Session concluded at 1:25 p.m.

M 301 21 **At 1:30 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to come out of Executive Session and to reconvene the Regular Session.**
Reconvene
Regular
Session **Motion Adopted: 5 Yeas.**

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

M 302 21 **A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, that the**
Approve **Sussex County Council approves the selection and appointment of**
Appointment **Candidate A for the position of County Librarian.**
ment of
Candidate
A **Motion Denied: 3 Nays, 2 Yeas.**

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

M 303 21 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the**
Approve **Sussex County Council approves the selection and appointment of**
Appointment **Candidate B for the position of County Librarian.**
ment of
Candidate
B **Motion Adopted: 4 Yeas, 1 Nay.**

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

Mr. Schaeffer left the meeting.

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

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR**
CU 2252 **MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A SUBSTATION**
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY,
CONTAINING 9.1 ACRES, MORE OR LESS” (Conditional Use No. 2252)
filed on behalf of Delaware Electric Co-Op (Tax I.D. No. 334-12.00-2.00)
(911 Address: 34139 Cedar Grove Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on May 27, 2021 at which time the Commission recommended approval, with conditions.

(See the minutes of the Planning and Zoning Commission dated May 27, 2021.)

**Public
Hearing/
CU 2252
(continued)**

Jamie Whitehouse, Planning and Zoning Director, presented the application and noted the documents in the file.

The Council found that Mark Nielson, Senior Vice President of Delaware Electric Cooperative, and Alex Schmidt with Century Engineering were present on behalf of the Applicant. He stated that this is an application for a proposed substation to be located on Cedar Grove Road; that approximately 4 acres of the 9 acre parcel will be utilized; that the substation is required to serve the existing load and to serve new load growth in the area; that this area is an area of growth and development; that the proposed substation will provide reliability to the area; that this site was chosen due to its close proximity to transmission lines; that no sewer or septic is needed; that there are no issues with DelDOT; and that the site is an ideal site for a substation.

There were no public comments.

The Public Hearing and public record were closed.

**M 304 21
Adopt
Ordinance
No. 2788/
CU 2252**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2788 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.1 ACRES, MORE OR LESS” (Conditional Use No. 2252) filed on behalf of Delaware Electric Co-Op, with the following conditions:

- a. The perimeter of the substation shall be fenced.**
- b. Two signs shall be permitted on the fencing around the property to identify the site and emergency contact information.**
- c. Any security lighting shall be shielded and downward-screened so that it does not shine on neighboring properties and County roads.**
- d. Landscaping shall be provided to screen the facility from adjacent properties and roadways.**
- e. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CU 2260**

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 GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX

**Public
Hearing/
CU 2260
(continued)**

COUNTY, CONTAINING 0.96 ACRE, MORE OR LESS” (Conditional Use No. 2260) filed on behalf of Ronald Lee Wisseman II (Tax I.D. No. 430-11.00-70.00) (911 Address: 10213 Fawn Road, Greenwood).

The Planning and Zoning Commission held a Public Hearing on this application on May 27, 2021 at which time action was deferred. On June 10, 2021, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated May 27 and June 10, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application and noted the documents in the file.

The Council found that Scott Rust was present on behalf of the Applicant. He stated that the Applicant’s gunsmithing is a hobby-type operation; that work would be done within an existing pole building; that there would be no outside storage; that some repairs must go to a licensed gunsmith; that the Applicant’s function is basically disassembling, refurbishing and restoration of firearms; and that the Applicant agrees to the conditions recommended by the Planning and Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 305 21
Adopt
Ordinance
No. 2789/
CU 2260**

A Motion was made by Mrs. Green, seconded by Mr. Rieley, to Adopt Ordinance No. 2789 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.96 ACRE, MORE OR LESS” (Conditional Use No. 2260) filed on behalf of Ronald Lee Wisseman II, with the following conditions:

- a. The use shall be professional gunsmithing, and the application of coatings to the surface of firearms and other items.**
- b. The Applicant must comply with all Federal and State licenses and regulations for the use.**
- c. As stated by the Applicant, no firearms shall be discharged on the site.**
- d. As stated by the Applicant, the use shall occur within the Applicant’s existing building on the site. No gunsmithing activities shall occur outdoors.**
- e. One unlimited sign, no larger than 4 feet by 4 feet in size, shall be permitted.**
- f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

**M 305 21
(continued)**

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

**Public
Hearing/
CU 2280**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS” (Conditional Use No. 2280) filed on behalf of Covered Bridge Inn, LLC (Tax I.D. No. 334-10.00-69.01) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on May 27, 2021 at which time action was deferred. On June 10, 2021, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated May 27 and June 10, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application and noted the documents in the file.

The Council found that Ingrid Hopkins, owner of the Covered Bridge Inn wedding/events venue, was present on behalf of the application. She stated that the application is for an expansion of a wedding venue; that the property is a part of an Agricultural Preservation District and therefore approval from the Delaware Agricultural Preservation Foundation was required; that the Foundation has signed off on the use; that this expansion area is for one-day events only; that across the road is their existing three-day event venue site; and that their business has grown and a second location was needed. Ms. Hopkins noted that legislation was sought and approved to allow for the building expansion on the agricultural preserved land.

There were no public comments.

The Public Hearing and public record were closed.

**M 306 21
Adopt
Ordinance
No. 2790/
CU 2280**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2790 entitled “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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS” (Conditional Use No. 2280) filed on behalf of Covered Bridge Inn, LLC, with the following conditions:

**M 306 21
Adopt
Ordinance
No. 2790/
CU 2280
(continued)**

- a. **This approval is contingent upon an approval for the use issued by the Delaware Agricultural Lands Preservation Foundation.**
- b. **The Final Site Plan shall depict the area within the larger 98.6 acre parcel where this Conditional Use shall occur.**
- c. **The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Introduction
of Proposed
Ordinances**

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 72.00 ACRES, MORE OR LESS” (Conditional Use No. 2288) filed on behalf of Broom Solar Partners, LLC (Tax I.D. No. 533-5.00-47.00) (911 Address: None Available).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN OUTDOOR MARKETPLACE WITH SIMILAR ACTIVITIES AND OFF-SITE PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.247 ACRES AND 0.327 ACRES, MORE OR LESS” (Conditional Use No. 2289) filed on behalf of Leah Beach (Tax I.D. Nos. 334-13.20-21.00 & 334-13.19-79.00 [p/o]) (911 Addresses: 19897 Hebron Road and 19826 Central Avenue, Rehoboth Beach).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CONTRACTOR FLEX SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS” (Conditional Use No. 2290) filed on behalf of Toback Development, LLC (Tax I.D. No. 235-30.00-6.21 [part of]) (911 Addresses: None Available).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF AN EXISTING CAMPGROUND TO INCLUDE AN AMENITIES AREA FOR THE STORAGE OF KAYAKS, CANOES AND EQUIPMENT AND FOR A CAMPGROUND SIGN TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN CEDAR CREEK

Introduction of Proposed Zoning Ordinances (continued)

HUNDRED, SUSSEX COUNTY, CONTAINING 1.33 ACRES AND 3.08 ACRES, MORE OR LESS” (Conditional Use No. 2291) filed on behalf of Blue Camp DE, LLC (Tax I.D. Nos. 230-7.00-47.01 & 47.03) (911 Address: 8272 Brick Granary Road, Lincoln).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1/MR-RPC AGRICULTURAL RESIDENTIAL DISTRICT AND MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 29.07 ACRES, MORE OR LESS” (Change of Zone No. 1937) filed on behalf of Double DB, LP (Tax I.D. Nos. 234-6.00-26.00, 26.01, 26.02, 26.03, 26.05, and 59.19) (911 Addresses: 20440, 20452, and 20464 Wil King Road, Lewes).

The Proposed Ordinances will be advertised for Public Hearing.

Administrator’s Report

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

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

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet Monday, July 19th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda for the meeting is attached.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Baylis Estates, Phase 1B (Construction Record) received substantial completion effective June 29th.

3. Council Meeting Schedule

A reminder that Council will not meet on July 20th. The next regularly scheduled Council meeting will be held on Tuesday, July 27th, at 10:00 a.m.

(Attachments to the Administrator’s Report are not attached to the minutes.)

SCRWF and Rehoboth Beach WTP Phase 2 Project C/O

Hans Medlarz, County Engineer, presented Change Order No. 12, to the South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction, Project C19-11. The Change Order, in the amount of \$14,700.07, is due to a design

(continued) **difference and differing site conditions.**

M 307 21
Approve
C/O for
SCRWF
and
Rehoboth
Beach WTP
Phase 2
Project

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 12 for Contract C19-11, South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction, be approved, increasing the Contract by \$14,700.07.

Motion Adopted: 4 Yeas, 1 Absent.

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

Flood
Mitigation
Program/
Amendment
No. 4

Hans Medlarz, County Engineer, presented Amendment No. 4 to the 2019 Miscellaneous Engineering Base Contract with Davis, Bowen & Friedel, Inc. for engineering services associated with the Berry Street Flood Mitigation Project. Engineering services will include site investigation, construction documents, bidding and construction administration.

M 308 21
Approve
Amendment
No. 4/
Flood
Mitigation
Program/
2019 Misc.
Engineering
Base
Agreement
with DB&F

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 4 to the 2019 Miscellaneous Engineering Base Agreement with Davis, Bowen & Friedel, be approved in the amount not to exceed \$37,500.00 for Engineering Services associated with Flood Mitigation efforts at Tax Parcel 234-25.00-2.00.

Motion Adopted: 4 Yeas, 1 Absent.

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

FY 2022
General
Labor &
Equipment
Contract/
Bid
Results

Hans Medlarz, County Engineer, reported the bid results for the FY 2022 General Labor & Equipment Contract. Three bids were received; following evaluation, the Engineering Department recommends awarding Bid Package B to George & Lynch, Inc. in the amount of \$1,140,617.00 and recommends awarding approximately 50 percent of the average Bid Package A, in the amount of \$2,250,000.00, to George & Lynch, Inc. and JJID, Inc.

M 309 21
Award bid/
General
Labor &
Equipment
Contract

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department and Finance Departments, that Bid Package B for Contract 22-01, FY 2022 General Labor & Equipment Contract, be awarded to George & Lynch, Inc., in the amount of \$1,140,617.00 and Bid Package A be awarded at approximately 50 percent, in the amount of \$2,250,000.00 each to George & Lynch, Inc. and JJID, Inc.

M 309 21
(continued) **Motion Adopted: 4 Yeas, 1 Absent.**

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

Bid Results/
Herring
Creek SSD/
South
Gravity
Sewer and
Force
Main
Project **Hans Medlarz, County Engineer, reported on the bid results for the Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main Project, Project S20-08. Seven bids were received; Teal Construction, Inc. submitted the lowest responsive base bid in the amount of \$4,242,738.00. Mr. Medlarz reported that this bid is within the budget and the contractor has performed well for the County on numerous prior projects. The Engineering Department recommends awarding the project to Teal Construction, Inc., in the amount of \$4,242,738.00, contingent on USDA concurrence.**

M 310 21
Award
Contract/
Herring
Creek SSD
South
Gravity
Sewer and
Force
Main
Project **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Contract S20-08, Herring Creek Sanitary Sewer District; South Gravity Sewer and Force Main, be awarded to Teal Construction, Inc. for their total bid of \$4,242,738.00, contingent upon USDA concurrence.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Mulberry
Knoll
Project
C/O **Hans Medlarz, County Engineer, presented Change Order No. 1 to the Mulberry Knoll Pump Station & Force Main Project, Contract S20-14. Change Order No. 1, in the amount of \$89,840.00, is for changing the location of and increasing quantities to Contract Item Nos. 6 and 7.**

M 311 21
Approve
C/O for
Mulberry
Knoll
Project **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract S20-14, Mulberry Knoll Pump Station & Force Main, be approved, increasing the Contract by \$89,840.00.**

Motion Adopted: 4 Yeas, 1 Absent.

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

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

M 312 21
Grant **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$1,500.00 (\$1,000.00 from Mr. Hudson's Councilmanic Grant Account and \$500.00 from Mr. Rieley's Councilmanic Grant Account) to Contractors for**

M 312 21 Councilmanic Grant (continued) a Cause Foundation, LLC for the purchase of aluminum ramps for the Helping Hands Program.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 313 21 Councilmanic Grant A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$6,000.00 (\$2,000.00 from Mr. Rieley's Councilmanic Grant Account and \$1,000.00 each from Mr. Schaeffer's, Mr. Hudson's, Mrs. Green's, and Mr. Vincent's Councilmanic Grant Accounts) to the Town of Delmar for a Memorial Stone Marker in honor of Cpl. Keith Heacock.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 314 21 Councilmanic Grant A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$600.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for the National Night Out event expenses.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 315 21 Councilmanic Grant A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$1,000.00 from Mr. Schaeffer's Councilmanic Grant Account to ITN Southern Delaware, Inc. for operating expenses.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 316 21 Councilmanic Grant A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$1,500.00 from Mr. Vincent's Councilmanic Grant Account to Little League Baseball, Inc. for equipment replacement for the Nanticoke Little League.

Motion Adopted: 4 Yeas, 1 Absent.

**M 316 21
(continued)** **Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 317 21 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give**
Council- **\$6,000.00 (\$3,000.00 from Mr. Vincent's Councilmanic Grant Account and**
manic **\$1,500.00 each from Mr. Rieley's and Mrs. Green's Councilmanic Grant**
Grant **Accounts) to Bridgeville Apple Scrapple Festival for event expenses.**

Motion Adopted: **4 Yeas, 1 Absent.**

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

M 318 21 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give**
Council- **\$4,000.00 (\$3,500.00 from Mr. Hudson's Councilmanic Grant Account and**
manic **\$500.00 from Mr. Schaeffer's Councilmanic Grant Account) to West Side**
Grant **New Beginnings for community safety and community center expenses.**

Motion Adopted: **4 Yeas, 1 Absent.**

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

M 319 21 **At 2:14 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson,**
Adjourn **to adjourn.**

Motion Adopted: **4 Yeas, 1 Absent.**

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

Respectfully submitted,

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

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

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


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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John J. Ashman 
Director of Utility Planning

RE: *Existing Wastewater Infrastructure Use Agreement*
7-Eleven Bridgeville IUAWS-1
File: OM 9.01

DATE: July 27, 2021

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **PTV 1081, LLC** for the **7-Eleven Bridgeville** project in the Western Sussex Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **7-Eleven Bridgeville** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said infrastructure **PTV 1081, LLC** will contribute **\$8,868.00.00** for the financial catch-up contribution of the existing infrastructure to serve **7.75** Equivalent Dwelling Units. Payment will be required prior to receiving a building permit. System Connection Charges in place at the time of building permit request will still apply.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

7-ELEVEN BRIDGEVILLE – IUAWS-1

THIS AGREEMENT (“Agreement”), made this 27TH day of JULY 2021, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

PTV 1081, LLC a Pennsylvania Limited Liability Company and developer of a project known as 7-Eleven Bridgeville, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcels 131-19.00-7.00 & 8.02 to be known as 7-Eleven Bridgeville (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Western Sussex Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to 7.75 equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of \$8,868.00 for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted at the time of execution of this agreement and prior to a permit being issued for construction.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **400 Penn Center Blvd., Building 4, Suite 1000, Pittsburgh PA 15235.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

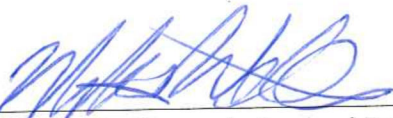
By: _____
(President - Sussex County Council)

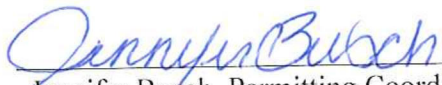
(DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR PTV 1081, LLC

By:  (Seal)
William R. Owen, Authorized Representative
7/6/2021 (DATE)

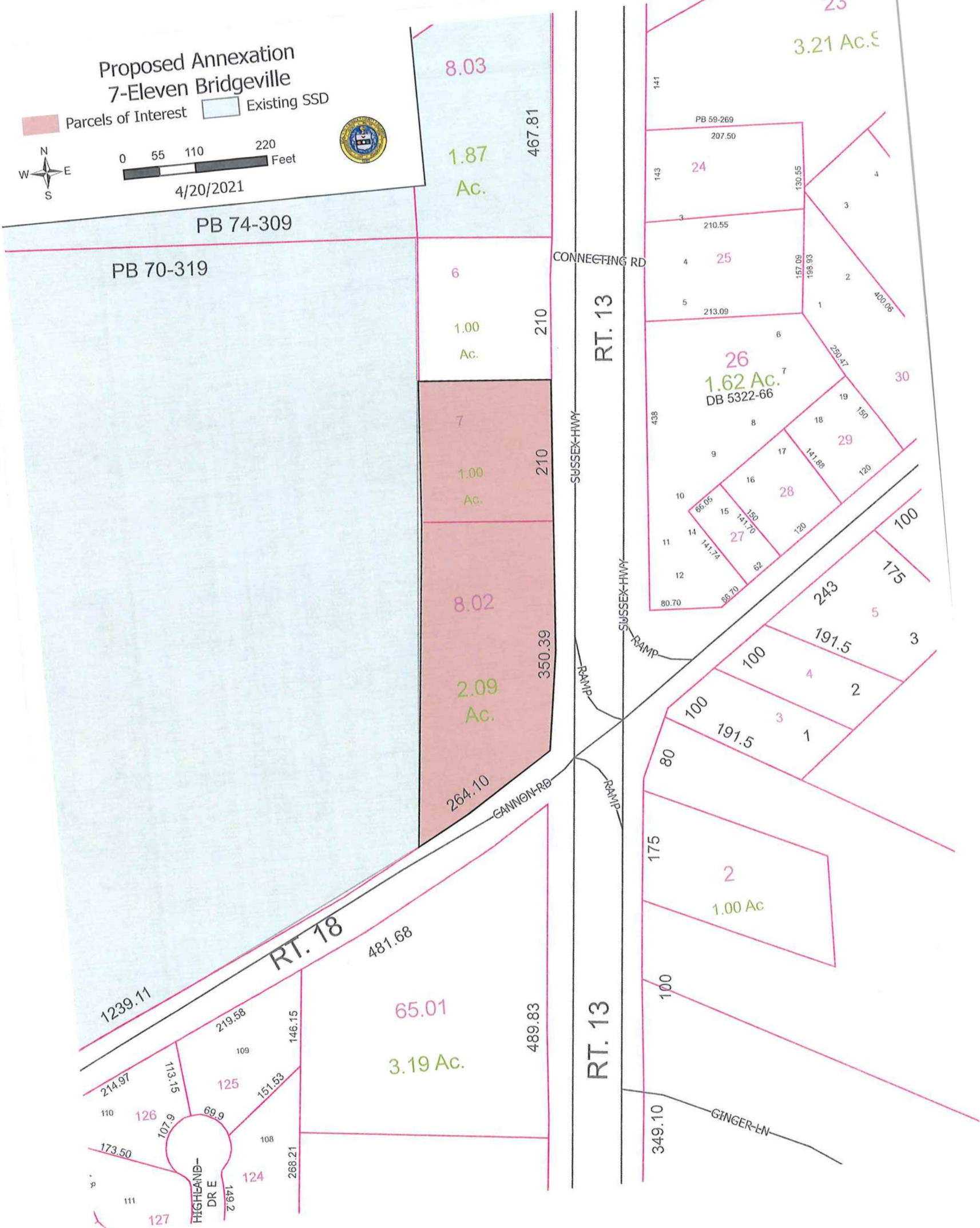
WITNESS: 
Jennifer Busch, Permitting Coordinator

Proposed Annexation 7-Eleven Bridgeville

Parcels of Interest Existing SSD



4/20/2021



Consent Agenda 7-27-2021

**7-Eleven Bridgeville Project
Existing Sewer Infrastructure Use Agreement – IUAWS-1
PTV 1081, LLC to pay \$8,868.00 for 7.75 EDUs
Western Sussex Area**

BRANDY BENNETT NAUMAN
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

MEMORANDUM

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

FROM: Brandy B. Nauman, Director

RE: **Sussex County Housing Trust Fund Presentation & Discussion**

DATE: July 22, 2021

In response to recommendations identified in the Housing Opportunities & Market Evaluation (“HOME”) Study from 2019, Sussex County Council (“County Council”) authorized \$500,000 for a new Housing Trust Fund initiative in the FY2021 Budget. Due to the COVID-19 pandemic and economic uncertainty, this initiative was tabled. County Council recently voted again to approve \$500,000 for the Housing Trust Fund for the FY2022 Budget.

On Tuesday, I will discuss how a Housing Trust Fund will help create new affordable housing opportunities in Sussex County and present an outline of the basic goals and objectives for the Fund. I look forward to your feedback as we work to frame the policies and procedures for this initiative.

Please do not hesitate to contact me with any questions. Thank you.

CC: Gina A. Jennings, Finance Director/COO



ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
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FAX (302) 855-7799



Sussex County

DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Warrington Road Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for the Public Hear on the Warrington Road Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) on June 15, 2021.
- The Engineering Department had received a request from the property owners of parcels 334-12.00-117.00 & 118.00
- This annexation includes (2) adjacent parcels as well.
- All (4) parcels can receive sanitary sewer service with the installation of a low-pressure line installed along Warrington Road with the use of individual grinder pump system.
- The project will be responsible for System Connection Charges in place at the time of connection.
- The Engineering Department posted notices on June 28, 2021 and advertised the week of July 12th and July 19th.
- To date the department has received no correspondence either in support or opposition to this annexation.



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

PUBLIC NOTICE

PROPOSED WARRINGTON ROAD EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (WEST REHOBOTH AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **June 15, 2021** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), West Rehoboth Area, to include four parcels on the south side of Warrington Road, being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware.

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

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

Beginning at a point, said point being on the northerly Right-Of-Way (ROW) of Warrington Road, said point also being on the Sussex County Unified Sanitary Sewer District boundary (SCUSSD), said point further being on the southwesternmost property corner of Arbor Lyn subdivision; thence proceeding by and with said ROW and SCUSSD boundary in a southeasterly direction a distance of 1,749'± to a point; thence leaving said ROW and proceeding by and with said SCUSSD boundary across Warrington Road in a southeasterly direction a distance of 94'± to a point, said point being the southerly ROW of Warrington Road, said point also being the easternmost property corner of Pine Country Condos; thence proceeding by and with said ROW and SCUSSD boundary in a northwesterly direction a distance of 373.65' to a point, said point being the easternmost property corner of lands Now or Formerly (N/F) of Tarik Ghabra; thence leaving said ROW and proceeding by and with said SCUSSD boundary the following seven (7) courses and distances, (1) S18°48'21"W 189.48' (2) N71°06'33"W 491.00' (3) S17°59'03"W 150.00' (4) N71°08'05"W 90.00' (5) S18°33'32"W 164.40' (6) N71°26'27"W 156.50' (&) N18°33'32"E 555.80' to a point, said point being on the southerly ROW of Warrington Road, said point also being the northernmost property corner of lands N/F of Carlton J. II & Renee D. Bailey; thence proceeding by and with said ROW and SCUSSD boundary in a northwesterly direction a distance of 673'± to a point, said point being on the northwesternmost property corner of Wellesley subdivision; thence leaving said ROW and SCUSSD boundary and proceeding in a northeasterly direction across Warrington Road a distance of 50'± to a point, said point being the **Point of Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 334-12.00 and Sussex County property assessment records. The annexation contains 7.05 acres more or less.

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

The public hearing will be held on this issue at 10:30 a.m. on July 27, 2021 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

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

Hans M. Medlarz, P.E.
County Engineer

Proposed Annexation Warrington Road Area

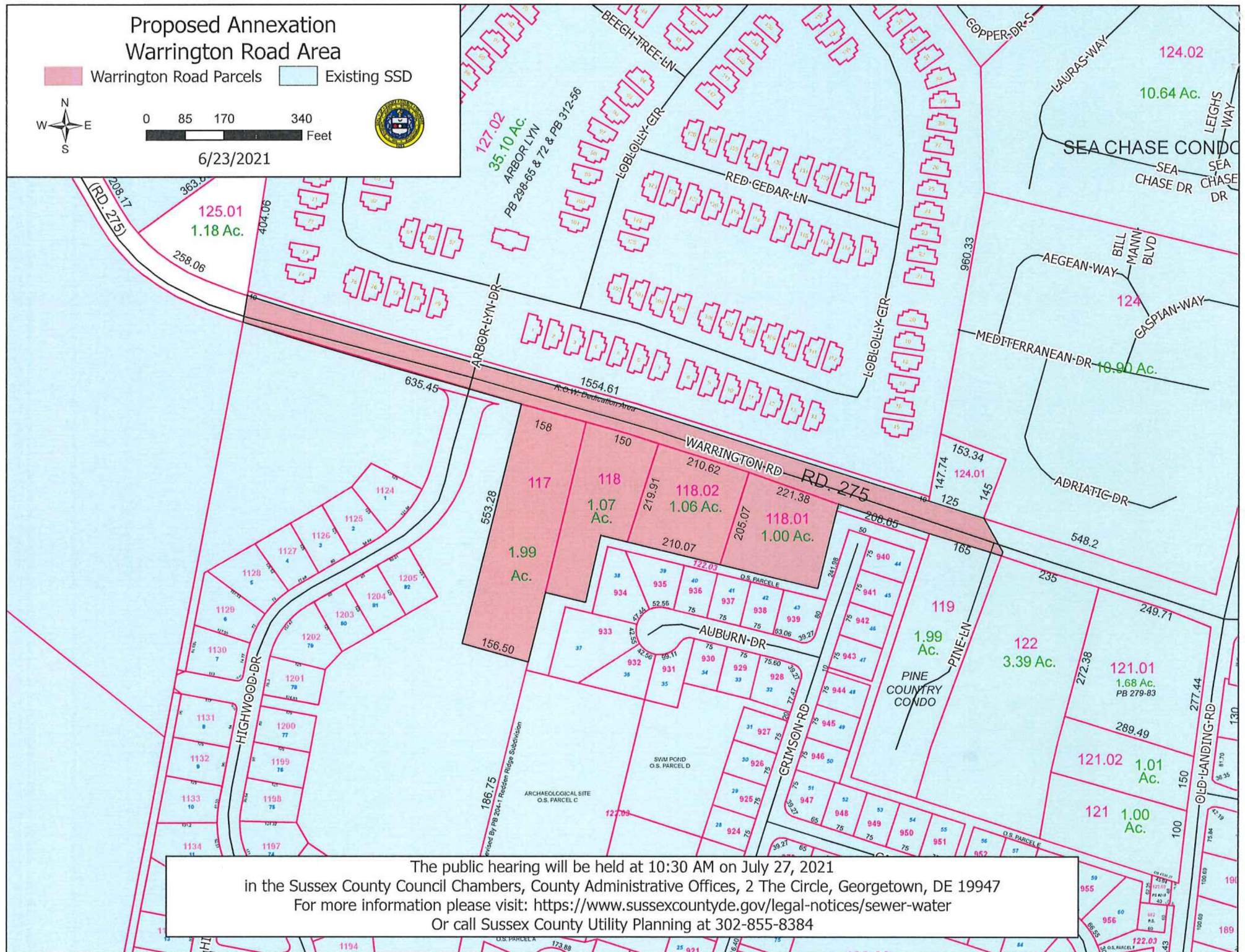
Warrington Road Parcels
 Existing SSD



0 85 170 340 Feet



6/23/2021



The public hearing will be held at 10:30 AM on July 27, 2021
 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, DE 19947
 For more information please visit: <https://www.sussexcountyde.gov/legal-notice/sewer-water>
 Or call Sussex County Utility Planning at 302-855-8384

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 334-12.00-117.00, 118.00, 118.01 & 118.02 ON THE SOUTH SIDE OF WARRINGTON ROAD. THE PARCELS ARE LOCATED IN THE LEWES & REHOBOTH RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

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

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the west side of Warrington Road, as follows:

Beginning at a point, said point being on the northerly Right-Of-Way (ROW) of Warrington Road, said point also being on the Sussex County Unified Sanitary Sewer District boundary (SCUSSD), said point further being on the southwesternmost property corner of Arbor Lyn subdivision; thence proceeding by and with said ROW and SCUSSD boundary in a southeasterly direction a distance of 1,749'± to a point; thence leaving said ROW and proceeding by and with said SCUSSD boundary across Warrington Road in a southeasterly direction a distance of 94'± to a point, said point being the southerly ROW of Warrington Road, said point also being the easternmost property corner of Pine Country Condos; thence proceeding by and with said ROW and SCUSSD boundary in a northwesterly direction a distance of 373.65' to a point, said point being the easternmost property corner of lands Now or Formerly (N/F) of Tarik Ghabra; thence leaving said ROW and proceeding by and with said SCUSSD boundary the following seven (7) courses and distances, (1) S18°48'21"W 189.48' (2) N71°06'33"W 491.00' (3) S17°59'03"W 150.00' (4) N71°08'05"W 90.00' (5) S18°33'32"W 164.40' (6) N71°26'27"W 156.50' (&) N18°33'32"E 555.80' to a point, said point being on the southerly ROW of Warrington Road, said point also being the northernmost property corner of lands N/F of Carlton J. II & Renee D. Bailey; thence proceeding by and with said ROW and SCUSSD boundary in a northwesterly direction a distance of 673'± to a point, said point being on the northwesternmost property corner of Wellesley subdivision; thence leaving said ROW and SCUSSD boundary and proceeding in a northeasterly direction across Warrington Road a distance of 50'± to a point, said point being the **Point of Beginning**.

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

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

PROPOSED WARRINGTON ROAD EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

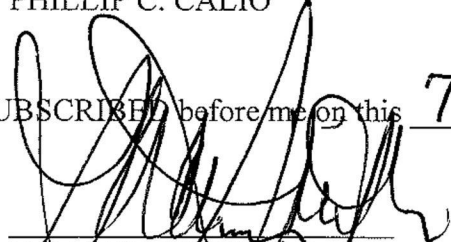
COUNTY OF SUSSEX)(

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

- A. On June 29, 2021 he was a Planning Tech for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On June 28, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of a stop sign at the intersection of Highwood Drive and Warrington Road, at Wellesley At Hidden Meadows subdivision,
 - 2. On a post in front of a stop sign at the intersection of Arbor-Lyn Drive and Warrington Road, at Arbor Lyn subdivision,
 - 3. On a post in front of DEC Pole 101683 in the western ROW of Warrington Road,
 - 4. On a post in front of DEC Pole 113459 in the western ROW of Warrington Road,
 - 5. On a post in front of DEC Pole 101685 in the western ROW of Warrington Road,
 - 6. On a post in front of DEC Pole 101686 in the western ROW of Warrington Road,
 - 7. On a post in front of a stop sign in the southerly ROW of John J. Williams Hwy at the intersection with Mulberry Knoll Road,
 - 8. On a post in front of a stop sign at the intersection of Lexington Avenue and John J. Williams Highway at Bridle Ridge subdivision.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 7th day of July A.D., 2021


NOTARY PUBLIC

My Commission Expires 6/14/22

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

ENGINEERING DEPARTMENT

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

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: ***Western Sussex Area of Unified Sewer District
A. Town of Greenwood Transition Agreement – Addendum No.1***

DATE: July 27, 2021

In February 2017, the Commissioners of Bridgeville and Greenwood requested investigation of a possible County Sewer District based wastewater approach. An alternate scenario for a Western Sussex County Sewer District connecting to the City of Seaford was evaluated and based on a more favorable cost scenario. Both municipal Councils requested formation of a County sewer district pursuant to Title 9 Del. Code § 6501.

On August 22, 2017, County Council adopted a resolution establishing the Western Sussex Area of the Unified Sewer District. Early in the transition, the Town of Bridgeville and the County negotiated a transition arrangement pursuant to Delaware Code, Title 9, Chapter 6702 which was approved by County Council on October 8, 2018.

In 2021 the Town of Greenwood's staff, with input from the County Engineer and in consultation with the Town Solicitor, drafted an agreement tailored to the needs of the Town of Greenwood addressing the following objectives:

- Verification and transition of commercial accounts.
- Arrangements for municipal staff in the pump station building.
- Assumption of legacy commitments.
- Uniform Sewer District Extension conditioned upon future annexation in accordance with Town Charter.

On June 15, 2021 County Council approved the agreement in principle. On June 16, 2021 the Town Council approved it with an addition regarding propane service arrangements for the pump station building. This issue was resolved outside of the agreement and is no longer applicable. However, on July 14, 2021 Town Council approved Addendum No. 1 adding four (4) entities with pre-paid sewer connection fees to the agreement. The Mayor and Town Council now request County Council's acceptance of Addendum No.1. The Engineering & Finance Departments support the request.



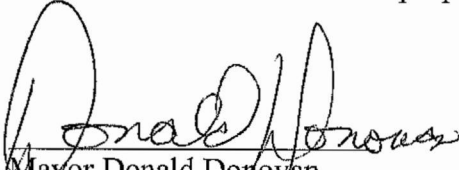


TOWN OF GREENWOOD DELAWARE
100 W. Market St., P.O. Box 216 Greenwood DE 19950
Ph# 302-349-4534 Fax 302-349-9332

July 1, 2021

The following is an addendum to the Transition Agreement with Sussex County concerning the wastewater system. As of June 30, 2021 the following have paid for sewer impact fees to the Town of Greenwood and these agreements will be honored by Sussex County and no further sewer impact fees will be charged:

- I. Bay to Beach Builders: 38 lots at the Cove subdivision
- II. Milford Housing Corporation for 17 lots on the Greenwood Acres Drive Project
- III. M&M Properties for 3 North St, 6 North St and 8 North St.
- IV. Joann Collins for 403 E. Market (10.13-5-30-73.00)
1 Duck Creek Ln.(10.00-5-30-84.00), 2 Duck Creek Ln.(10.00-5-30-85.00)
- V. The Tull Group for 7 N. Church St (10.13-5-30-13.00) and 9 N. Church St.(10.13-5-30-12.00)
- VI. Brad Kaufman for 108 Beaver St.(10.13-5-30-45.00)
- VII. Schatz-Messick for 10 proposed lots located on 203 S. First St.(5-30-9.20-18.00)



Mayor Donald Donovan

7/15/2021

Date

Michael Vincent
President Sussex County Council

Date

SEWER OPERATIONS & TRANSITION AGREEMENT

This agreement, made and entered into this ____ day of June 2021, by and between the Town of Greenwood, a municipal corporation of the State of Delaware, (the "TOWN") and Sussex County, a political subdivision of the State of Delaware (the "COUNTY").

WITNESSETH:

WHEREAS, the TOWN and COUNTY desire to enter into this sewer operation and transition agreement pursuant to Title 9 Del. Code 6702 (the "Agreement").

WHEREAS, the Town Council has requested formation of a County sewer district pursuant to Title 9 Del. Code 6501 and on August 22, 2017 the County Council adopted Resolution 022-17 creating the Western Sussex Sewer Area of the Unified Sussex County Sanitary Sewer District.

WHEREAS, the TOWN and COUNTY agree that it would be the most cost-effective alternative for the COUNTY to assume all responsibility for the operation and maintenance of the TOWN's municipal wastewater system ("SYSTEM") on the terms and conditions set forth in this agreement.

NOW, THEREFORE the parties hereto agree that the COUNTY will provide a full-time staff of appropriately licensed operators for the SYSTEM with 24 hour on call service. The COUNTY will assume all costs associated with the operations and maintenance of the SYSTEM and the TOWN will not be responsible for any costs or repairs relating to the SYSTEM incurred after July 1, 2021. The TOWN will also not be responsible for providing any licensed operators or other employees for the SYSTEM.

BE IT FURTHER AGREED that the TOWN will reasonably cooperate with the COUNTY on the transition of the billing system and at no expense to the COUNTY in the following manner:

1. Provide reasonable access for COUNTY staff to the customer data base in the TOWN'S municipal billing system.
2. Allow COUNTY employees to conduct site visits of all commercial accounts to establish EDU assessments.

BE IT FURTHER AGREED that the TOWN hereby transfers all responsibility for the operation and maintenance of the SYSTEM to the COUNTY and the COUNTY hereby accepts all responsibility for the operation and maintenance of the System as of July 1, 2021 on the following terms and conditions:

1. The TOWN will continue to maintain an office at the wastewater pump station until such time as the COUNTY and TOWN mutually agree that the TOWN should vacate the office. This will be at no cost to the TOWN.
2. The COUNTY will transfer all utilities for the wastewater pump station including electricity, telephone etc. to the COUNTY effective July 1, 2021.
3. Drawings/plans or documents that the COUNTY needs to obtain from any current or previous Town engineer, or otherwise, the COUNTY will obtain at no cost to the TOWN.
4. The COUNTY shall have unrestricted access rights to the wastewater pump station.
5. The COUNTY assumes responsibility for the SYSTEM and all equipment related thereto in its current condition as-is where-is at the time of transfer at no cost to the TOWN.

6. COUNTY shall assume the outstanding pre-paid sewer capacity commitments for impact fees collected prior to July 1, 2021 by with the following entities:
- a. Bay to Beach Builders, on behalf of ERINBROOKS LLC, for thirty-eight (38) EDUs on Tax Parcel 530-10.00-53.01
 - b. Milford Housing Development Corporation for seventeen (17) EDUs on Tax Parcel 530-10.00-52.01
 - c. M&M Properties for three (3) individual building lots on North St.

BE IT FURTHER AGREED that except as expressly set forth herein, the TOWN is not assigning transferring or granting any rights to the COUNTY and the COUNTY shall not have any rights with respect to, any TOWN assets, including without limitation, any TOWN wastewater funds or any TOWN wastewater funds or any TOWN mobile assets.

BE IT FURTHER AGREED that the COUNTY hereby agrees to indemnify, defend and hold the TOWN harmless for any and all costs expenses, claims and damages incurred by the TOWN after July 1, 2021 in connection with the SYSTEM.

BE IT FURTHER AGREED that this AGREEMENT represents the final and entire agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, commitments, understandings, representations and proposals, written or oral, relating to such subject matter. This Agreement can be modified only by a written Amendment specifically referencing this Agreement and signed by each of the parties hereto.

BE IT FURTHER AGREED that any extensions of the COUNTY's Western Sussex Sewer district area located within the TOWN's annexation area as outlined in the COUNTY's Comprehensive Plan shall be contingent upon the following wording:

"If the property seeking inclusion in the Western Sussex Area of the Unified Sussex County Sewer District becomes contiguous to and eligible for annexation into the Town of Greenwood, said property shall annex.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper corporate officers and their respective corporate seals to be hereto affixed, the day and year first written above.

By Town Council of Greenwood _____ Mayor Donald Donovan

Attest: _____ Town Manager

By Sussex County Michael H. Vincent Council President Michael H. Vincent

Attest:  _____ Clerk, Sussex County Council

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: ***NEW ROAD ESTATES PAVEMENT IMPROVEMENTS, PROJECT T21-08***
A. FINAL BALANCING CHANGE ORDER & SUBSTANTIAL COMPLETION

DATE: July 27, 2021

New Road Estates is a small subdivision of 9 residential parcels located along New Lane, a private street and cul-de-sac owned and maintained by the community Homeowners Association (HOA). In July of 2019 the Community requested assistance from the County to repair and resurface their approximate 685 LF existing road through the Sussex Community Improvement Program as provided under Chapter 96 of Sussex County Code.

On March 17, 2020 Council authorized Resolution R 006 20, which accepted the subdivision into the Chapter 96 program and established an Election for the New Road Estates property owners to vote on the estimated project cost. Both the Petition and Election stages referenced an estimated total project cost of approximately \$61,400.00, which included approximately \$50,800 of construction, \$5,600 of administration, and \$5,000 of contingency costs.

The Election was held on November 18, 2020 with results presented to Council on December 15, 2020. Based on the affirmative Election results and Engineering Department recommendation, Council adopted Resolution R 019 20 authorizing the Department to perform the improvements and for the County Engineer and Finance Director to determine a uniform assessment rate for project billing after substantial completion.

On March 23, 2021 Council awarded project T21-08 to Jerry's Inc., of Milford, DE, along with authorization of Change Order 1, for a total contract award amount of \$38,191.87. Notice to Proceed was issued to the Contractor effective April 19, 2021. During preconstruction meetings the existing pavement conditions were reviewed with the Contractor. Based on funding availability under the estimated project costs approved, the Department concurred with use of a paving fabric interlayer in conjunction with the hot-mix



asphalt overlay for additional improvement of post-construction conditions. Work was completed during the month of May, and with the project site restored, all construction costs are anticipated with a final invoice: Application for Payment No. 2.

The attached Change Order 2 serves as Final Balancing of the contract, with incorporation of the additional paving fabric item. The Department recommends Council approve the proposed Change Order 2, increasing the total contract value by \$1,790.64 for a final contract value of \$39,982.51.

The Department further recommends Substantial Completion be granted effective July 1, 2021, with the release of retainage authorized.

The Engineering Department will next coordinate an assessment roll with the Finance Director for billing, schedule and hold a public hearing for examination and public comment, and return to Council for a final Resolution to adopt the assessment roll for this Chapter 96 Sussex Community Improvement project and proceed with billing.



SUSSEX COUNTY CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: **NEW ROAD ESTATES PAVEMENT IMPROVEMENTS**

2. Sussex County Project No. T21-08

3. Change Order No. 2

4. Date Change Order Initiated - 07/01/2021

5. a. Original Contract Sum \$36,349.37

b. Net Change by Previous
Change Orders \$1,842.50

c. Contract Sum Prior to
Change Order \$38,191.87

d. Requested Change \$1,790.64

e. Net Change (No. of days)

f. New Contract Amount \$39,982.51

6. Contact Person: Hans Medlarz, P.E.

Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions

2. Errors and Omissions in Construction Drawings and Specifications

3. Changes Instituted by Regulatory Requirements

4. Design Change

5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Final Balancing Change Order to reconcile items and quantities with final pay request:
Application for Payment No. 2.

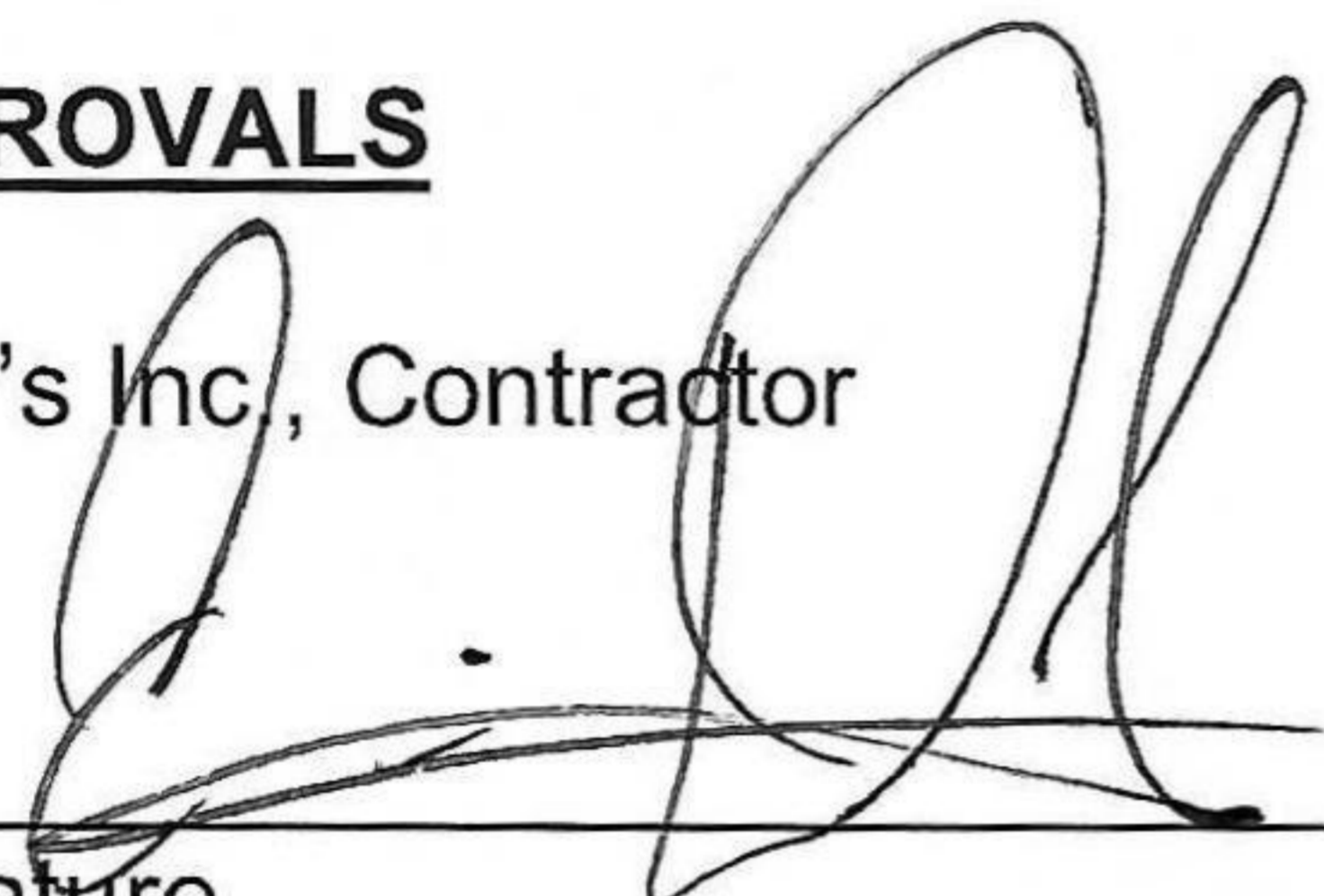
Based on confirmed funding availability, Department concurred with use of Paving Fabric interlayer material in conjunction with the proposed pavement overlay for additional improvement of post-construction conditions. A new item, Paving Fabric, is to be added to the schedule of items at a \$4.08 per square yard unit price and reflected with final pay request.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. Jerry's Inc., Contractor



Signature 7/16/21
Date

ERIC PARKS

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



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

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***FY 21 Ocean Outfall Inspection, Project G21-06***
A. Inspection Results and Recommended Actions

DATE: July 27, 2021

The Ocean Outfall system located between Bethany Beach and Middlesex Beach discharges treated wastewater from the South Coastal Regional Wastewater Facility (SCRWF) into the Atlantic Ocean. The Special Condition No. 8 of the Facility's current NPDES Permit No. DE 0050008 states; "The permittee shall visually inspect the ocean outfall structure prior to May 31, 2021, and every 5 years thereafter." These inspections confirm proper condition and function of the Ocean Outfall system, with repairs performed if necessary. The last inspection performed was in 2016.

For the current inspection period, the Engineering Department assembled a list of five (5) pre-qualified vendors to perform the inspection work and an Invitation to Bid with a Specifications package was distributed on October 10, 2020. The Bid Schedule for the project was developed to establish a Base Bid for the inspection work, and an Add/Alternate Bid for any necessary repairs that are identified as well as a detailed inspection of the interior of one of the system access manholes.

On October 28, 2020 a total of three (3) bids were received. TNJ Marine, Inc. of Atlantic Highlands, New Jersey submitted the low Base Bid of **\$69,250.00**. Following a review of the bid information, the Engineering Department recommended and Council approved awarding the project to TNJ Marine, Inc. It was decided to wait until the following Spring to perform the inspection to take advantage of more optimal underwater viewing conditions. The inspection was subsequently performed during the early part of May 2021, with the final Inspection Report being submitted on July 2, 2021.



Inspection Results

The results of the inspection were generally favorable. Diving conditions were recorded as being very good, and much better than during past inspections performed by the same company. Exposed portions of the outfall pipeline, structural supports, and two diffuser legs were all noted to be in good condition. Interior inspection of one of the access manholes, which had not been done as part of past inspections, also revealed good conditions. Functionality assessment of the diffuser legs was positive, and the overall outfall system was noted to be working effectively and efficiently.

Regarding the visible portions of the system cathodic protection, some of the bonding wires on the structural supports along the portion of the force main and diffuser legs were noted to be missing or damaged, and anode deterioration was documented to be generally in the 25% to 50% range.

Recommended Actions

- A) System Repairs: Based on the results of the inspection, the Engineering Department will be pursuing minor system repairs consisting of replacement of missing/damaged bonding wires and worn anodes. In addition, the two remaining blind flanges on the diffuser leg ports will be removed in order to obtain full system operational capacity. The repairs will be performed by a qualified vendor.
- B) System Observations: The inspection report noted that a portion of the sheet piling that had been used during original system installation was observed during the underwater inspection within shallower waters. The location relative to shore and/or depth of the sheeting was not noted by the inspection company, but was documented as potentially being near or within the surf zone. These conditions were not noted as part of the past inspections, possibly due to visibility conditions being so favorable during this inspection.

To mitigate a potentially hazardous situation, the Engineering Department will pursue hiring a specialty diving vendor to document the exact location of the exposed sheet piling. Following this, any necessary actions will be determined.

C) Pipeline Cathodic Protection Upgrade

Background: The Ocean Outfall system was originally constructed in 1977 and its corrosion protection system had a target design life of forty (40) years. At this point, we are beyond the intended design life of the system. The corrosion protection system consists of a high-grade protective coating of all structural components as well as cathodic protection for the buried pipeline, helix anchors and the exposed pipe supports.

While the cathodic protection devices on the exposed pipe support structures can be inspected as part of the underwater inspection, and replaced if necessary, the cathodic protection system along the primary outfall pipe buried beneath the sea floor cannot. Presently, three conductors, connected at different locations, serve as the primary negative structure connection critical for completing the cathodic protection circuit. We have learned from past inspections of the cathodic protection component that electric current

induction through the system is reduced because two of the three conductors are showing high resistance readings indicating potential connectivity failure.

As a result of the above, the Engineering Department has conducted preliminary consultation with a Subject Matter Expert (SME), employed by GHD one of the County's consultant, in the field of corrosion control to evaluate potential replacement solutions related to the cathodic protection system along the primary outfall pipeline buried beneath the sea bed. The SME has preliminarily recommended replacement of the aging rectifier to be completed concurrently with future system survey since there is lead-time associated with rectifier order and manufacturing. A quotation of \$5,000 was obtained for replacement with a new rectifier of similar DC current and voltage ratings to the existing.

It was also recommended by the SME that given the age of the outfall system, installation of a secondary negative connection along the pipeline should be pursued in order to increase cathodic protection system resiliency and reliability. GHD will assist the Engineering Department by providing design assistance as needed associated with installation of a new negative pipeline connection. The Engineering Department will also engage the services of an SME in the field of marine construction in order to define the necessary means and methods and associated cost for system installation, as well as the repairs defined above.

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Marlin Cove Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area)
- The Engineering Department has received a request from Vista Design, Inc. on behalf of their client Atlantic Building Associates, Inc. the owners/developers of a project to be known as Marlin Cove.
- The project is proposed at 49 units.
- (2) of the (3) parcels are already in the sewer district this request is to include parcel 533-19.00-8.01.
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.
- A tentative Public Hearing is currently scheduled for September 14, 2021 at the regular County Council meeting.



Permission to Prepare and Post Notices Parcel 533-19.00-8.01

Parcel 533-19.00-8.01 Existing SSD



0 85 170 340 Feet



7/20/2021

9
36.95 Ac.

8.01
10.13 Ac.

8
3.84 Ac.
Parcel A

8.02
2.35 Ac.
Parcel B

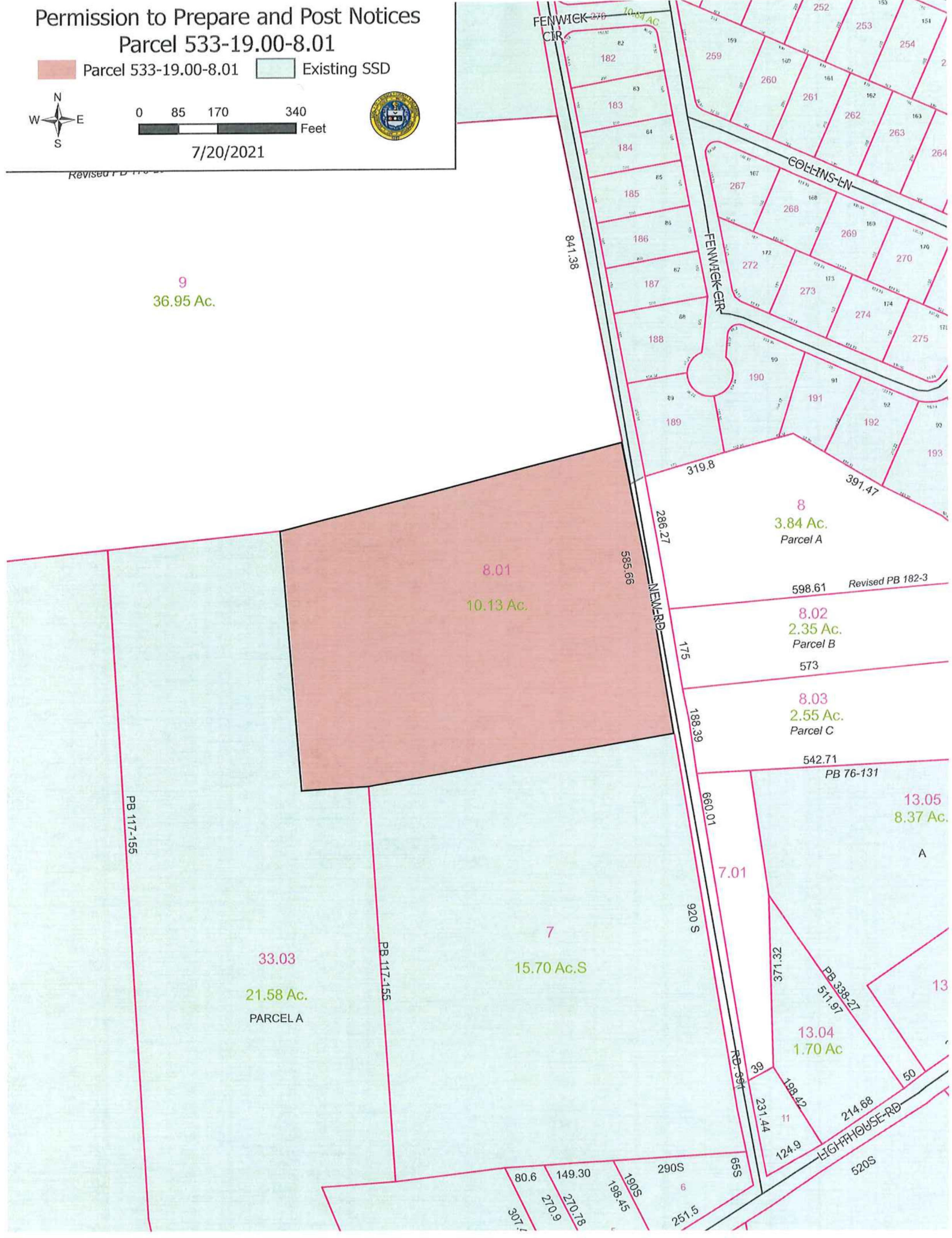
8.03
2.55 Ac.
Parcel C

13.05
8.37 Ac.
A

33.03
21.58 Ac.
PARCELA

7
15.70 Ac.S

13.04
1.70 Ac



ENGINEERING DEPARTMENT

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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Scenic Manor Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Mulberry Knoll Area)
- The Engineering Department has received a request from Morris & Ritchie Associates, Inc. on behalf of their client MKR Land Investment, LLC the owners/developers of a project known as Scenic Manor on parcel 334-18.00-43.00.
- The project is proposed at 319 units.
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.
- A tentative Public Hearing is currently scheduled for September 14, 2021 at the regular County Council meeting.



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Date: December 17, 2019

Sussex County Administrative Office Building
3rd Floor, Room 324
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Attention: Mr. John Ashman,
Director of Utility Planning

Subject: Scenic Manor
(formerly Estates at Mulberry Knoll)
Tax Parcel 334-18.00-43.00
Sewer District Annexation

Dear Mr. Ashman:

On behalf of the developer for the proposed Scenic Manor project, we hereby request annexation of tax parcel 334-18.00-43.00 into the County Sanitary Sewer District. A Sewer System Concept Evaluation for the project was completed by Mr. Chris Calio, Sussex County Engineering on November 25, 2019 and the associated Preliminary Plan application was submitted to Sussex Planning & Zoning on December 5, 2019. In accordance with the County's policy for extension of sewer district boundaries, the application fee of \$2,500 is included herein.

The 167 acre ± property is located along Mulberry Knoll Road within the unincorporated portion of Sussex County. The parcel is bordered to the south by the Mulberry Knoll SSD and to the north by the West Rehoboth Expansion of the Dewey Beach SSD. It is my understanding that a new County pump station is currently under design to service the Mulberry Knoll SSD.

If you should require any additional information for consideration of our request, please do not hesitate to contact me to discuss at 302-326-2200.

Very Truly Yours,
MORRIS & RITCHIE ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'C. J. Flathers', written over a horizontal line.

Christopher J. Flathers, P.E.
Senior Project Manager



Encl. Application Fee - \$2,500 (Check # 2071)

Cc: File
J. Richardson, MKR Land Investment, LLC
P. Tolliver, MRA

18 Boulden Circle, Suite 36, New Castle, DE 19720 (302) 326-2200 Fax: (302) 326-2399 www.mragta.com

Abingdon, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Sterling, VA
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161

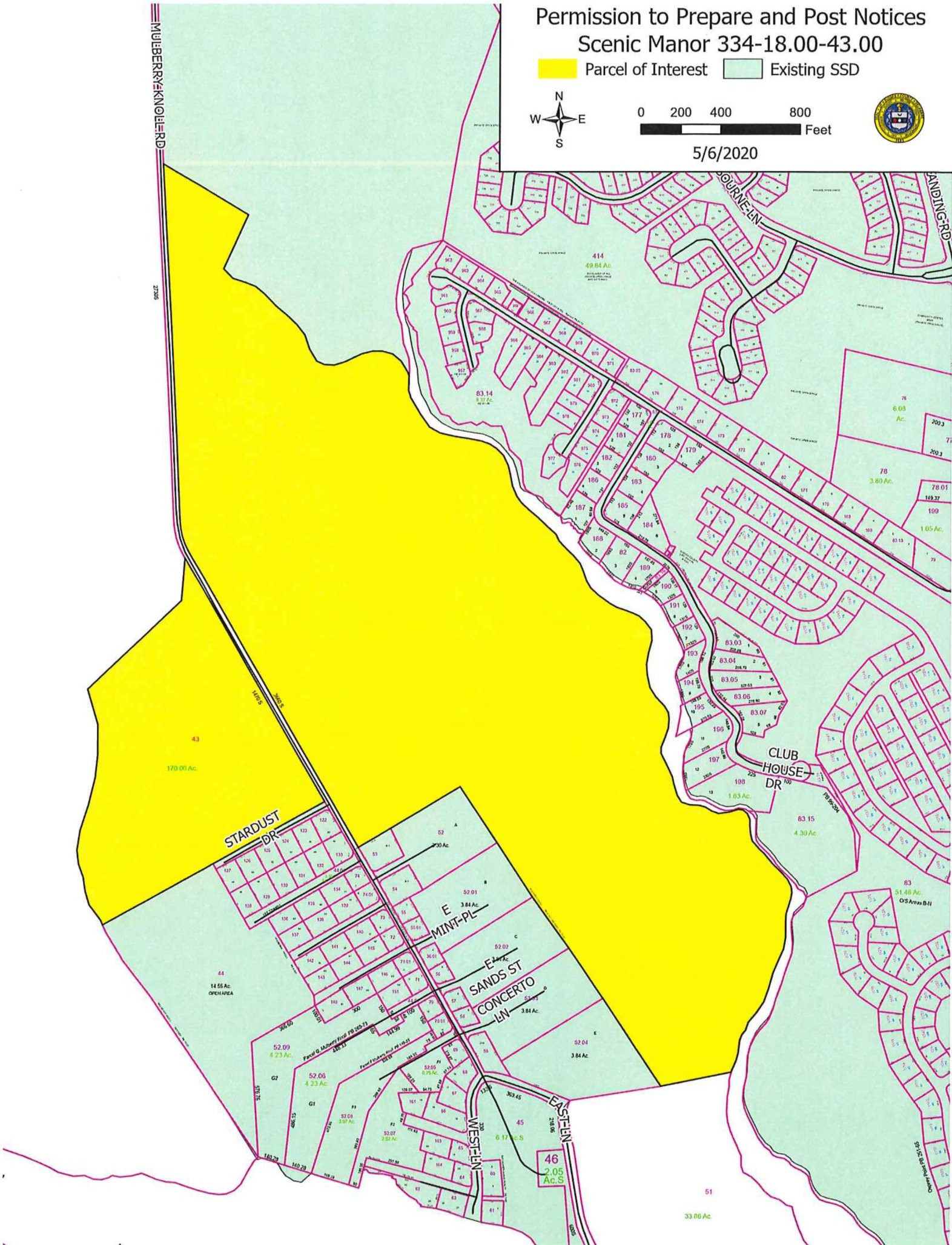
Permission to Prepare and Post Notices Scenic Manor 334-18.00-43.00

 Parcel of Interest  Existing SSD



0 200 400 800
Feet

5/6/2020





emailed 6/24

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Western Sussex Chamber of Commerce

PROJECT NAME: Broad Creek Bike and Brew

FEDERAL TAX ID: 51-0109649 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION:

ADDRESS: PO Box 26
26673 Sussex Hwy
Seaford DE 19973
(CITY) (STATE) (ZIP)

CONTACT PERSON: Suzanne Barger

TITLE: Administrative Assistant

PHONE: 302-629-9690 EMAIL: admin@westernsussexcoc.com

TOTAL FUNDING REQUEST: \$1000.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 10%

Council Grant Form

Legal Name of Agency/Organization Town of Ellendale

Project Name Ellendale Town Park

Federal Tax ID 51-0213421

Non-Profit No

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

Organization's Mission The Town of Ellendale strives to promote and improve quality of life, enhancing a sense of community, and preserving the integrity of our small-town identity and heritage. We are committed to fostering respect, decorum, and hospitality. Town government supports initiatives that create a welcoming and affordable environment for residents, businesses and visitors alike. We strive to provide excellence through a responsible and accessible Town government. We encourage public participation and collaboration from our citizens and businesses.

Address 300 McCaulley Avenue

Address 2 P.O. Box 6

City Ellendale

State Delaware

Zip Code 19941

Contact Person	Aaron Moore
Contact Title	Town Councilman
Contact Phone Number	3022367207
Contact Email Address	aaron.m.moore75@gmail.com
Total Funding Request	4000.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Health and Human Services, Other
Program Category Other	Outdoor recreation & physical fitness

Primary Beneficiary Category	Youth
Beneficiary Category	Other
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	500
Scope	<p>The Ellendale Town Park was shuttered for over a year due to the COVID-19 pandemic. When elements of the state of emergency began to lift and the park was scheduled for reopening, it was discovered that the only piece of playground equipment for our youngest residents was destroyed by weather over the closure and was unsafe. With the town budget tightly constrained by the economic downturn of the pandemic, we can not afford to replace the equipment with ADA accessible playground equipment that would serve both our youngest residents and those with physical disabilities, providing them with the outdoor recreation and physical fitness opportunities that come with it. The county has already offered to contribute some funding for the project and we were advised to come back this week and request an additional \$4,000 in an attempt to complete the funding needed.</p>
Religious Components	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00

Description	ADA compliant playground equipment
Amount	10,410.00
Description	Installation
Amount	4,164.00
Description	Shipping costs
Amount	1,151.76
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
TOTAL EXPENDITURES	15,725.76

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-15,725.76
Name of Organization	Town of Ellendale
Applicant/Authorized Official	Aaron Moore
Date	07/08/2021
Affidavit Acknowledgement	Yes

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Council Grant Form

Legal Name of Agency/Organization Town of Georgetown

Project Name 2021 National Night Out

Federal Tax ID 51-6000120

Non-Profit Yes

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

Organization's Mission Inaugural Georgetown National Night Out on August 3, 2021 at the Richard Allen School.

Address 37 The Circle

Address 2

City Georgetown

State US

Zip Code 19947

Contact Person GENE DVORNICK

Contact Title Town Manager

Contact Phone Number 3028567391

Contact Email Address	gdvornick@georgetowndel.com
Total Funding Request	3000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	50
Program Category (choose all that apply)	Cultural, Educational
Program Category Other	
Primary Beneficiary Category	Other
Beneficiary Category Other	Georgetown and Sussex County Residents of all ages and ethnic backgrounds

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

500

Scope

National Night Out (NNO) is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community. Furthermore, it provides a great opportunity to bring police and neighbors together under positive circumstances.

Religious Components

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

2,000.00

Description

NNO Merchandise

Amount

1,500.00

Description

Food & Drinks (hot dogs, buns, chips, fixings)

Amount

2,500.00

Description

Tent

Amount

750.00

Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
TOTAL EXPENDITURES	4,750.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,750.00
Name of Organization	Town of Georgetown
Applicant/Authorized Official	Gene Dvornick
Date	07/08/2021
Affidavit Acknowledgement	Yes

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Council Grant Form

Legal Name of Agency/Organization

AIDS Delaware, Inc. and Delaware HIV Consortium

Project Name

AIDS Walk Delaware 2021

Federal Tax ID

22-2805481

Non-Profit

Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)

No

Organization's Mission

Our mission is to eliminate the spread and stigma of HIV/AIDS, improve the lives of those living with HIV/AIDS, and promote community health through comprehensive and culturally-sensitive services, education programs, and advocacy.

Address

100 W. 10th Street, STE 315

Address 2

City

Wilmington

State

DE

Zip Code

19801

Contact Person

JulieAnne S. Cross

Contact Title

Event Planner

Contact Phone Number	3025883266
Contact Email Address	ja.cross@crossprollc.com
Total Funding Request	1350
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	1500
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	1.875
Program Category (choose all that apply)	Health and Human Services
Program Category	Other
Primary Beneficiary Category	Other

<p>Beneficiary Category Other</p>	<p>Disease Prevention and Care</p>
<p>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</p>	<p>465</p>
<p>Scope</p>	<p>AIDS Walk Delaware is the state’s largest HIV/AIDS fundraising and awareness event and attracts approximately 600 participants and volunteers statewide from a diverse array of backgrounds and demographics.</p> <p>Even amidst a pandemic, in 2020, we attracted 75% of our typical number of fundraisers/”walkers” and 81% of our typical number of donors, and met our full fundraising goal.</p> <p>Therefore, AIDS Delaware and the Delaware HIV Consortium are pleased to be once again presenting the 35th AIDS Walk on Saturday, September 18. This year’s Walk will be in person (concurrently in both Wilmington and Rehoboth Beach), with a theme of “35: Strive, Thrive, Alive.”</p> <p>The Walk strives to advance HIV awareness, reduce stigma, and endorse HIV-informed community health for all Delawareans. Each year the Walk provides nearly \$80,000 for medical case management services, free HIV testing, HIV-specific mental health counseling, education and prevention programs (including those targeted at middle and high school students), food pantries, pharmacy services and housing support.</p> <p>Proceeds are distributed to several AIDS service organizations throughout Delaware including AIDS</p>

Delaware's Georgetown office, CAMP Rehoboth, Christiana Care's Georgetown Wellness Clinic, Delaware HIV Consortium's Milford office, Brandywine Counseling & Community Services in Milford and others.

A typical HIV-positive Sussex county citizen might benefit from a case manager who would arrange for transportation to medical appointments, ensure consistent access to prescriptions and support for retaining housing. An at-risk individual would have access to free testing, prevention options and counseling.

Since our last application, our case management, housing and condom program client numbers have increased in Sussex County by 27%.

The CDC places Delaware in the southern region of the U.S. and as of 2019, it was this region where 51% of new HIV cases were diagnosed. Because stigma is so great, it causes people to withhold their status which ultimately affects the entire community. AIDS Walk Delaware aims to combat that statistic by promoting and encouraging HIV-informed community health.

We will, of course, be following CDC and State guidelines and safety protocols as they relate to the pandemic.

Religious Components

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

80,000.00

Description

Marketing and Technology

Amount	3,425.00
Description	Event Operations
Amount	4,935.00
Description	T-shirts, decorations and hospitality
Amount	4,495.00
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
TOTAL EXPENDITURES	12,855.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	67,145.00

Name of Organization	AIDS Delaware, Inc.
Applicant/Authorized Official	JulieAnne S. Cross
Date	06/23/2021
Affidavit Acknowledgement	Yes

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Council Grant Form

Legal Name of Agency/Organization	Lower Sussex Little League
Project Name	Major Softball Eastern Regionals
Federal Tax ID	501C3: 51-0256243
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Mission Statement (Little League) Little League believes in the power of youth baseball and softball to teach life lessons that build stronger individuals and communities.
Address	P.O. Box 372
Address 2	
City	Frankford
State	Delaware
Zip Code	19970
Contact Person	Elizabeth Bare
Contact Title	

Contact Phone Number	3025421464
Contact Email Address	bdupont8@yahoo.com
Total Funding Request	500.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Health and Human Services, Other
Program Category Other	
Primary Beneficiary Category	Youth

Beneficiary Category
Other

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

15

Scope

We have WON the district and state championships and have the honor of representing Delaware in the Eastern Regionals. The event will be in Bristol, Connecticut from July 24-29, but WE NEED YOUR HELP to get there! These ladies have worked incredibly hard to earn the right to represent Lower Sussex and District 3 (Sussex County). This is a once in a lifetime opportunity that we are incredibly excited for them to experience.

We are looking for financial support to assist with traveling costs, activities/events during the competition, awards, etc. All donations are tax deductible! All money donated will be used for this opportunity and any funds remaining will be given to Lower Sussex Little League. All financial supporters will receive a thank you via Facebook and in a Coastal Point newspaper ad. Games can also be viewed on ESPN+.

Religious Components

N/A

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

3,700.00

Description

travel expenses

Amount 10,000.00

Description .

Amount 0.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL 10,000.00
EXPENDITURES

TOTAL DEFICIT FOR -6,300.00
PROJECT OR
ORGANIZATION

Name of Organization	Lower Sussex Little League
Applicant/Authorized Official	Elizabeth Bare
Date	07/19/2021
Affidavit Acknowledgement	Yes

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To Be Introduced 07/27/21

**Council District 4 - Hudson
Tax I.D. No. 234-34.08-53.00 (part of)
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR OUTDOOR BOAT STORAGE AND OVERFLOW PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.006 ACRES, MORE OR LESS

WHEREAS, on the 21st day of December 2020, a conditional use application, denominated Conditional Use No. 2257 was filed on behalf of Indian River Volunteer Fire Co. Inc, and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2257 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-39, of the Code of Sussex County, be amended by adding the designation of Conditional Use No. 2257 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 northeast corner of the intersection of Oak Orchard Road (Route 5) and Spruce Street and being more particularly described in the attached legal description prepared by Karins and Associates, said parcel containing 1.006 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 07/27/21

**Council District 3 - Schaeffer
Tax I.D. No. 334-6.00-515.00
911 Addresses: 17583 Shady Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE UNITS AND OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.63 ACRES, MORE OR LESS

WHEREAS, on the 8th of January 2021, a conditional use application, denominated Conditional Use No. 2261 was filed on behalf of What Is Your Voice, Inc.; and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2261 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2261 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 southeastern side of Shady Road (Rt. 276), approximately .21 mile southwest of Coastal Highway (Route 1), and more particularly described in the attached deed prepared by Wolfe & Associates, LLC containing 0.63 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 07/27/21

**Council District 1 - Vincent
Tax I.D. No. 231-22.00-16.00
911 Address: 17638 Dusty Road, Georgetown**

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 NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.902 ACRES, MORE OR LESS

WHEREAS, on the 6th day of April 2021, a conditional use application, denominated Conditional Use No. 2278 was filed on behalf of Branson James; and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2278 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article 115, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2278 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the south side of Dusty Road (S.C.R. 443A), approximately 0.48 mile northwest of East Trap Pond Road (S.C.R. 62), and being more particularly described in the attached deed prepared by Baird Mandalas Brockstedt, LLC, said parcel containing 1.902 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 07/27/21

**Council District: Mr. Rieley
Tax I.D. No. 533-19.00-56.05
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.33 ACRES, MORE OR LESS

WHEREAS, on the 15th day of June 2021, a zoning application, denominated Change of Zone No. 1945 was filed on behalf of Gulfstream Development, LLC; and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1945 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the southwest side of Sand Cove Road (S.C.R 394) approximately 750 feet southeast of Lighthouse Rd. (Route 54) and being more particularly described in the attached legal description prepared by Raymond E. Tomasetti, Jr. Esq., said parcel containing 8.33 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 07/27/21

**Council District Mr. Rieley
Tax I.D. No. 533-19.00-56.05
911 Addresses: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (32 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.33 ACRES, MORE OR LESS

WHEREAS, on the 15th of June 2021, a conditional use application, denominated Conditional Use No. 2292 was filed on behalf of Gulfstream Development, LLC; and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2292 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article 115, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2292 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 southwest side of Sand Cove Road (S.C.R 394) approximately 750 feet southeast of Lighthouse Road (Route 54), and more particularly described in the attached legal description prepared by Raymond E. Tomasetti, Jr. Esq., containing 8.33 acres, more or less.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: July 23, 2021

RE: County Council Report for Ordinance to Amend the Code of Sussex County, Chapter 115, Article IV by amending Section 115-25

On May 11, 2021, County Council introduced an Ordinance to amend the Code of Sussex County, Chapter 115, Article IV by amending Section 115-25 to replace the reference to the “Environmentally Sensitive Developing Area” with “Coastal Area” and to delete redundant language regarding bonus density

The Planning and Zoning Commission held a public hearing on June 10, 2021. At the conclusion of the public hearing, the Commission recommended that the Ordinance be adopted.

Below are the approved minutes of the June 10, 2021 Planning & Zoning Commission meeting.

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

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE IV BY AMENDING SECTION 115-25 TO REPLACE THE REFERENCE TO THE “ENVIRONMENTALLY SENSITIVE DEVELOPING AREA” WITH “COASTAL AREA” AND TO DELETE REDUNDANT LANGUAGE REGARDING BONUS DENSITY

Mr. Robinson advised the Commission that the Comprehensive Plan recently changed the “Environmentally Sensitive Developing Area” to “Coastal Area”; that there were two remaining places in Section 115-25 that still refer to the “Environmentally Sensitive Developing Area”; that there is a bonus density option that was listed twice in Section 115-25 which created confusion; and that this deletion does not change the Code’s requirements for Subdivision design, and would generation less potential for confusion by removing the redundant language.



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

Mr. Whitehouse stated no letters were received in support or opposition of the Ordinance.

The Commission found that there was no one present in Chambers or joining the meeting by teleconference who wished to speak in support of or in opposition to the Ordinance.

Upon there being no further questions, Chairman Wheatley closed the Public Hearing.

In relation to the Ordinance to amend the Code of Sussex County, Chapter 115, Article IV. Motion to recommend approval by Ms. Wingate, seconded by Ms. Stevenson, and carried unanimously. Motion carried 4-0.

Introduced 05/11/21

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE IV BY AMENDING SECTION 115-25 TO REPLACE THE REFERENCE TO THE “ENVIRONMENTALLY SENSITIVE DEVELOPING AREA” WITH “COASTAL AREA” AND TO DELETE REDUNDANT LANGUAGE REGARDING BONUS DENSITY

WHEREAS, Sussex County Council has adopted the 2018 Comprehensive Development Plan (the “Plan”); and

WHEREAS, The Future Land Use Element of the Plan creates a new “Coastal Area” and eliminates the Environmentally Sensitive Developing Area as a land use area on the Future Land Use Map contained in the Plan; and

WHEREAS, the Zoning Code was previously updated to eliminate all references to the Environmentally Sensitive Developing Area since that Area no longer exists in the Plan through Ordinance No. 2656, but omitted two remaining references to the Environmentally Sensitive Developing Area; and

WHEREAS, this Amendment inserts “Coastal Area” where the “Environmentally Sensitive Developing Area” was previously referenced in Section 115-25(B)(3) of the Sussex County Zoning Code; and

WHEREAS, this Amendment deletes subsection F(3)(d) of Section 115-25, since that subsection is redundant to subsection B(3) of Section 115-25 regarding “bonus density”, and relocates the last three sentences of subsection F(3)(d) to subsection B(3) of Section 115-25.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-25 “Height, Area and Bulk Requirements”, subsections B(3) and F(3)(d) thereof, is hereby amended by deleting the language in brackets and inserting the italicized and underlined language:

§115-25. Height, Area and Bulk Requirements.

B. Minimum lot sizes, dimensions and open space for lots using a central sewer system as defined by §115-194A:

...

- (3) The number of dwelling units permitted shall be determined by dividing the gross area by 21,780 square feet. When a cluster development lies within a Town Center, a Developing Area, or [an Environmentally Sensitive Developing] *the Coastal* Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the developer has proffered to Sussex County for the purpose of creating open space preservation/active and passive recreation areas a development fee per unit for every unit in excess of two units per acre, then the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet. The development fee shall not be less than the minimum established by the Sussex County Council and shall be paid prior to recording any lot based upon the fee in effect at the time the application was filed. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. *The Sussex County Council prior to the signing of a contract to purchase, shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this act. All such approvals by the Council shall be by a four-fifths majority vote. It is understood that the County shall control all monies and the Sussex County Land Trust will act as a recommending body and partner at the discretion of the County Council.*

F. Review procedures for cluster development.

...

(3) . . .

[(d) The cluster development lies within a Town Center, a Developing Area or an Environmentally Sensitive Developing Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the proposed development complies with § 115-25B(2), and does not exceed four dwelling units per gross acre, and the developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas the development fee required by § 115-25B(3). The Sussex County Council prior to the signing of a contract to purchase, shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this act. All such approvals by the Council shall be by a four-fifths majority vote. It is understood that the County shall control all monies and the Sussex County Land Trust will act as a recommending body and partner at the discretion of the County Council.]

Section 2. Effective Date.

This ordinance shall take effect upon adoption by Sussex County Council.

SUMMARY.

This Ordinance corrects the reference to “Coastal Area” in Section 115-25B(3) of the Sussex County Zoning Code. In addition, Section 115-25F(3)(d) required a similar update in terminology. However, Section 115-25F(3)(d) also created uncertainty about whether any cluster subdivision can only occur in the “Town Center, Developing Area or an Environmentally Sensitive Developing Area [now Coastal Area]” when that is not the case. Section 115-25F(3)(d) only provided the requirements for “Bonus Density”, yet the subsection fell under Section 115-25F “Review procedures for cluster development”, which applies to all cluster subdivisions. In addition, Section 115-25F(3)(d) is itself redundant, since the ability to acquire “Bonus Density” is already clearly established in Section 115-25B(3) with nearly identical language. The three sentences added to the end of Section 115-25B(3) by this Ordinance are moved *verbatim* from Section 115-25F(3)(d), which is deleted by this Ordinance.

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Sussex County

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: July 23, 2021

RE: County Council Report for Ordinance to Amend the Code of Sussex County in Relation to the C-4 Planned Commercial Zoning District

On May 11, 2021, County Council introduced an Ordinance to amend the Code of Sussex County, Chapter 115 Article XID Sections 115-83.25, 115-83.26, 115-83.30 and 115 Attachment 4, Sussex County Table IV.

The Planning and Zoning Commission held a public hearing on June 10, 2021. At the conclusion of the public hearing, the Commission recommended that the Ordinance be adopted.

Below are the approved minutes of the June 10, 2021 Planning & Zoning Commission meeting.

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

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XID, SECTIONS 115-83.25, 115-83.26, 115-83.30 AND "115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV"

Mr. Whitehouse advised the Commission that the ordinance is an amendment to the C-4 Planned Commercial District; that C-4 was a new district added to the zoning code in 2018; that it encouraged carefully planned large scale commercial retail mixed-use development as a means to create superior shopping, working and living environments; that there is a requirement as part of the C-4 zoning district that the minimum district area be 3 acres; that there is also a minimum 3-acre area requirement in permitted uses; and that the changes to the numerical requirements of the zoning district are creating obstacles for anyone wishing to bring forward anything in the C-4 zoning district that is less than 3 acres; that the proposed modification is to make the C-4 zoning language clearer in the permitted uses; that the permitted uses would have a minimum area requirement of 7,500 square feet instead of 3



acres; that there is also changes in the language stating the district may have a maximum of 40% of developable area consist of duplexes, townhomes, and multi-family dwellings; that the current wording is that the parcel may have a maximum of 20% of developable area; and that this is based on discussions of increasing the outtake of Applicants willing to come forward as part of a C-4 Zoning District.

Mr. Robinson stated the wording seemed to be backward.

Ms. Stevenson asked where the 3 acres were derived from.

Mr. Robinson stated it was supposed to be the minimum district size was 3 acres; that the Code was trying to avoid citizens coming in with 1 acre; and that the purpose was to allow the ability to do a mixed-use.

Ms. Stevenson questioned how mixed-use would work with 3 acres.

Mr. Robinson stated the minimum lot size is 7,500 square feet and that the minimum district size is 3 acres.

Mr. Whitehouse stated there were no comments of support or opposition; and that there were no letters of return.

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

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

In relation to the Ordinance to amend the Code of Sussex County, Chapter 115, Article XIX, Sections 115-83.25, 115-83.26, 115-83.30 and "115 Attachment 4, Sussex County Table IV" C-4 Zoning District. Motion to recommend approval by Ms. Stevenson, seconded by Ms. Wingate, and carried unanimously. Motion carried 4-0.

Introduced 05/11/21

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XID, SECTIONS 115-83.25, 115-83.26, 115-83.30 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”.

WHEREAS, on February 27, 2018, Sussex County Council adopted an ordinance establishing multiple new business and commercial districts; and

WHEREAS, one of the new districts is the “C-4 ‘Planned Commercial’” District that allows for planned, large scale commercial development including certain limited residential uses with site plan review integrated into the rezoning process; and

WHEREAS, subsequent to adoption, Sussex County has become aware of minor revisions to the “C-4 ‘Planned Commercial’” District to allow its use and implementation to occur, including minimum lot sizes and types and percentages of residential uses permitted in the district.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article XID, §115-83.25 “Minimum District Dimensions” is hereby amended by deleting the language in brackets and adding the italicized and underlined language:

§115-83.25 Minimum District Dimensions.

...

C. The land areas may contain a single parcel or multiple parcels. *The minimum district area is 3 acres.*

...

E. The [parcel] *district* may have a maximum of [20] 40% of its developable area consist of duplexes, townhomes or multifamily dwellings.

.....

Section 2. The Code of Sussex County, Chapter 115, Article XIX, §115-83.26 “Permitted Uses” is hereby amended by deleting the language in brackets:

§115-83.26 Permitted Uses.

A. A building or land shall only be used for the following purposes:

...

RESIDENTIAL USES

Dwelling, duplex

Dwelling, multi-family

[Dwelling, single family]

Dwelling, townhouses

Home Occupation

Hotel, motel or motor lodge

.....

Section 3. The Code of Sussex County, Chapter 115, Article XIX, §115-83.30 “Height, Area and Bulk Requirements” is hereby amended by deleting the language in brackets and adding the italicized and underlined language:

§115-83.30 Height, Area and Bulk Requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Minimum Area** (square feet)	Maximum Area** (square feet)	Width* (feet)	Depth (feet)
Permitted Uses:	[3 acres] <u>7,500</u>	--	75	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

**NOTE: Any lot which is not connected to a central sewer system, as defined by §115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of ¾ acre.

.....

Section 4. The Code of Sussex County, Chapter 115, “115 Attachment 4, Sussex County Table IV” is hereby amended by deleting “P⁴” from the line identified as “Dwelling, Single Family Detached, including Modular” within the column identified as “Zone C-4”.

Section 5. Effective Date.

This ordinance shall take effect upon the date of adoption by Sussex County Council.

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Sussex County

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: July 23, 2021

RE: County Council Report for CU 2236 filed on behalf of Carl M. Freeman Companies

The Planning and Zoning Department received an application (CU 2236 filed on behalf of Carl M. Freeman Companies) for a Conditional Use for parcels 533-20.00-22.00 and 20.00 (portion of) for a hotel and restaurant. The property is within the Agricultural Residential (AR-1) Zoning District and is located on the northwest side of the intersection of Lighthouse Road (S.C.R. 58) and Bennett Avenue, approximately 0.79 mile west of Coastal Highway (Route One). The parcel size is 9.2 acres +/-.

The Planning and Zoning Commission held a public hearing on June 10, 2021. At the meeting of July 8, 2021 there was no formal recommendation given by the Planning & Zoning Commission. Four (4) Commissioners were eligible to vote on the application and a motion to deny was made but failed as it only received 2 votes. Planning & Zoning Commission Rule 5.5 provides that 3 affirmative votes are needed to approve any matter within the Commission's jurisdiction and failure to receive 3 affirmative votes shall be deemed to disapprove any matter. The Commissioners discussed the matter and determined that there were not 3 affirmative votes as the Commissioners were split 2 to 2.

Below are the approved minutes from the Planning & Zoning Commission meeting of June 10, 2021 and the draft minutes from the Planning & Zoning Commission meeting of July 8, 2021.

[Approved Minutes of the June 10, 2021 Planning & Zoning Commission Meeting](#)

C/U 2236 – Carl M. Freeman Companies

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a hotel and restaurant to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 9.2 acres, more or less. The property is lying on the northwest side of the intersection of Lighthouse Road (S.C.R. 58) and Bennett Avenue, approximately



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

0.79 mile west of Coastal Highway (Route 1). 911 Address: N/A. Tax Parcel: 533-20.00-22.00 & 20.00 (Portion of).

Ms. Wingate recused herself from the next case and left Chambers. Mr. Robertson recused himself from the case and left Chambers. Mr. Sharp was present for this case.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's exhibit booklet, Applicant's conceptual site plan, a copy of DelDOT Traffic Operational Analysis with DelDOT's response, a copy of DelDOT's Service Level Evaluation Response, a copy of PLUS comments from the State Planning Office, a letter from Sussex County Engineering Department Utility Planning Division, a copy of the staff analysis, 160 letters of opposition (some duplicates), one letter of support, and two mail returns.

The Commission found that Mr. James Fuqua, Esq. was present on behalf of the Applicant, Carl M. Freeman Companies; that also present are Mr. Josh Mastrangelo on behalf of Freeman Companies, Katja Kalinski and Mr. Steve Marsh with George, Miles & Buhr (GMB), Mr. Ed Launay, Environmental Resources Inc, and Mr. William Conaway with Century Engineering; that this is a Conditional Use application for a 70-room hotel with a separate restaurant; that the parcel is in the AR-1 zoning district on 9.2 acres of land fronting onto Rt. 54 1-mile west of the intersection of Rt.1 and Rt. 54 in Fenwick Island; that the 9.2 acres are part of a 120-acre parcel containing 25 acres of uplands and 83 acres of wetlands previously purchased from the estate of Everette and Allie Cannon; that the Cannon Family owned this property since 1901; that the majority of the property was the subject of subdivision application 2018-18; that the subdivision was approved at a public hearing held on November 15, 2018 as a 70-lot single family subdivision with conditions and modifications to the site plan; that a revised preliminary subdivision plan incorporating the modifications was approved on April 2, 2021; and that the 9.2 acres fronting on Rt. 54 is the remainder of the property that was not part of the approved subdivision; that the Conditional Use proposes two separate but related uses; that the front portion of the parcel would be the site of a 8,500 square foot restaurant; and that the rear portion would be developed as a 70-room hotel including an outdoor pool; that the 9.2 acre parcel fronts on the south side of Rt. 54 and Bennett Avenue to the east; and to the future 20-ft landscape buffer of the approved subdivision to the north with tidal and non-tidal wetlands to the west; that the parcel is located west of "the ditch" the channel of water connecting Assawoman Bay to Little Assawoman Bay; that all the land on both sides of Rt. 54 from the Rt. 1 intersection to the ditch are zoned C-1- General Commercial, which is fully developed with residential and commercial uses; that the land immediately next to the site to the west side of the ditch and Bennett Avenue contains a variety of zoning districts and existing uses; and that some single-family homes fronting on Bennett Avenue in AR-1 zoning district; and that the northern portion of the adjacent property is zoned Marine which is developed with a multifamily townhouse development, Fenwick Landing; and that the most eastern part of the Marine land is a marina with boat slips and the restaurant, Catch 54 Fish House; and that the remaining land fronting Rt. 54 is zoned B-1 Neighborhood Business which includes a spa and a restaurant, a large parking lot for various businesses; that the land to the west of the site being tidal and non-tidal wetlands; that the rear of the site is the approved 70-lot subdivision which is being developed by Freeman Companies; that the site will be served by public water and sewer; that the County Engineering Department confirmed adequate capacity is available for proposed uses as stated in the memo in the file dated May 25, 2021; that storm water management facilities will

be constructed in accordance with DNREC regulations and will be reviewed and approved by the Sussex Conservation District; that a large storm water management pond is proposed to be located on the northeast quadrant of the site between Bennett Avenue and the hotel parking lot; that the entire 120-acre Cannon property including the 9.2 acre parcel had a wetland delineation performed by Mr. Ed Launay with Environmental Resources Inc; and reviewed by US Army Corps of Engineers Office where a jurisdictional of determination letter was issued on November 16, 2018; that all proposed development in the Conditional Use will maintain the required 50-ft. buffer from the tidal wetland line with a minimum 20-ft. buffer from the non-tidal wetland line, that there is no factual basis to the opposing e-mails with concerns that the wetlands will be filled or destroyed as the wetlands will not be encroached; that both tidal and non-tidal wetlands will have significant buffers; and that Environmental Resources Inc confirmed with U.S. Fish & Wildlife Service that no endangered species and no critical habitats are associated with the site; that in response to the Service Level Evaluation Request, DelDOT determined that the Applicant could pay an Area-Wide Study Fee in lieu of a Traffic Impact Study (TIS) which was stated in a letter from DelDOT on July 8, 2020; that the entrance to the hotel and restaurant would be a joint entrance from Bennett Avenue, and would also be the entrance to the subdivision; that the DelDOT Traffic Operational Analysis (TOA) determined the following improvements would be the responsibility of the Applicant, that Bennett Avenue would be realigned at the intersection with Rt. 54 directly opposite Monroe Avenue on the south side of Rt. 54 to create a four-legged intersection that the location of the realigned road residing on lands owned by the Applicant which will be dedicated to DelDOT; that the new intersection will have turn lanes, pedestrian, bicycle and transit improvements as required by DelDOT; that the developer will be required to provide a 15-foot permanent easement along the site frontage and construct a 10-foot shared-use path; that at DelDOT's discretion the developer will provide a concrete overlay as needed to address any restriping and pavement damage; that the developer will coordinate with DART to provide a bus stop, including a pad, shelter and sidewalk along Rt. 54 on the site frontage near Bennett Avenue; that the Applicant must enter into a signal agreement for costs associated with the future signal light of the intersection; that in 2019 DelDOT's TOA did not recommend the installation of a signal light as it did not meet the DelDOT traffic volume warrants; that DelDOT's Rt. 54 Corridor Study from 2019-2020 it was recommended that a traffic signal be installed at the Rt. 54 and Bennett Avenue intersection; that as a result a new TOA letter issued on February 15, 2021 indicated the Applicant would be responsible for the Bennett Avenue realignment and that intersection would be signalized; that in the proposed site design the main entrance would be from Bennett Avenue directly opposite Madison Avenue; that there will be a secondary access in the rear of the hotel parking lot; that there will be 99 parking spaces for the hotel and 99 parking spaces for the restaurant; that the provision in the zoning code Section 115-165 regarding shared parking which allows a reduction of parking spaces up to 50% for uses located near one another; that a parking study was performed by GMB which determined the greatest need for parking would be on Saturday and Sunday evenings from 6:00 pm until 10:00 pm which resulted in 198 parking spaces; and that the Applicant is reducing parking by 15% from the stand alone requirements; and that the outdoor swimming pool located between the hotel building in the east and the open wetland area on the west; that the hotel would have 70 rooms and not exceed 42-feet in height; that the restaurant has not yet been designed, but is not intended to be a fast-food restaurant; that the Applicant is proposing under Condition "I" that the restaurant will not have a drive-through capability or design; that the restaurant will have an outdoor seating area on the west of the building; that the Applicant proposes under Condition "J"

that any outdoor seating and/or music would stop at 10:00 pm; that the Applicant is requesting two lighted signs for the hotel and restaurant; that one sign is not to exceed 200 feet per side and would be located on Rt. 54 near the entrance; that one sign which is not to exceed 32 square feet to be located at the entrance at Bennett Avenue; and that both signs are to be traditional lighted signs and not an Electronic Message Centers as outlined under condition "G"; that there will be a landscape buffer along Rt. 54 and the west side of Bennett Avenue; that landscaping will be throughout the parking areas; that the proposed site plan will result in 53% of the 9.2 acre site remaining open space including wetland areas and wetland buffers; that the site is in the Fire Protection Service area of the Roxanna Fire Company; that under the 2019 Comprehensive Plans Future Land Use Map the parcel is located in the Coastal Area which is a growth area designated by the Comprehensive Plan; that the plan states that retail and office spaces are appropriate in the Coastal Area; that as required a 50-foot buffer is provided from the tidal wetlands line and 20-foot buffer for the non-tidal wetlands line; that tourism is becoming a dominate force in the County's economy; that tourism is mostly concentrated in the eastern part of the County along the coast; that the proposed economic development goals are maintaining and strengthening the economic base of the County, and encouraging economic diversity and expansion, maintaining & strengthening the County position as a tourist destination; that the proposed Conditional Use is in accordance to the revision and goals of the Comprehensive Plan; that the proposed usages are essential and desirable for the general convenience and welfare of full and part-time residents and visitors to the beach area; that rather than seeking a business or commercial zoning district as a Change of Zone application which would permit a wide variety of commercial uses, the Applicant elected for Conditional Use approval for only a hotel and restaurant; that the parcel is the last undeveloped site along Rt. 54 making it a natural and logical extension of the commercial usage adjacent to the site; that development was originally proposed for a site located on a secondary or minor road but the Applicant felt it should be located on a primary or major road; that The Freeman Companies has over 50 years of creating residential and commercial development in Sussex County, and that the Freeman Companies are a supporter of many County charities and organizations and operates The Freeman Stage, within the Americana Bayside development.

Mr. Fuqua submitted proposed findings of fact and conditions.

Mr. Mears stated that this area needs a traffic light so he is happy to hear that one is planned; that he has concerns regarding the existing entrance to Catch 54 restaurant, Papa Grandes restaurant, and the spa being taken away with the only entrance being that from Madison Avenue.

Mr. Fuqua states that would be a decision for DelDOT to determine.

Mr. Mears asked if the buffer on the north side of the property is part of the current application or part of the 70-lot development application.

Mr. Fuqua stated the buffer was previously part of the 70-lot development application.

Ms. Stevenson questioned the size of the buffer between the subdivision and the new commercial parking.

Mr. Fuqua stated it was a 20-foot landscape buffer.

Ms. Stevenson requested examples and distances of the buffer for the wetlands and how they are more than required.

Mr. Fuqua stated with a combination of the buffers being 50 feet and 20 feet in addition to the setback of any parking, pool, or building the buffer is greater than what is required.

Ms. Stevenson asked if the Applicant will follow the recommendations from the JMT Engineering TOA report.

Mr. Fuqua stated the Applicant is required to follow the recommendation given on the most recent TOA report from February 2021.

Ms. Stevenson stated that she has an interest in the lighting plan for the Application.

Mr. Fuqua stated the lighting will be appropriate. The parking lot lighting will be controlled in a downward position and not extending very far.

Ms. Stevenson questioned if there would be any lighting at the top of the hotel pointing downward.

Mr. Fuqua stated the hotel would be no higher than 42-feet; that there is no intent to create a nuisance; that the same company is developing the subdivision directly behind the site making them as impacted as much as anyone else; and that it will be done properly.

Chairman Wheatley stated that being a Conditional Use process the Commission has the ability to impose stipulations.

Mr. Sharp asked if the hotel would have an event center for weddings or conferences.

Mr. Fuqua stated events would affect parking requirements and with the shared parking design he did not believe the Hotel would be able to host events.

Mr. Sharp noted that there is an end time for the outdoor seating and music and asked what the start time is for the outdoor seating and music.

Mr. Fuqua stated he does not know of a set start time for outdoor seating and music; that potentially outdoor seating and music would start upon opening for the day; that the design for outdoor seating is still in discussion; and that upon stopping at 10 pm outdoor seating and music will not begin again until opening the next business day.

Mr. Sharp expressed concern about the traffic circle placement and the ability for emergency vehicles to arrive at the subdivision.

Mr. Fuqua stated the traffic circle would be designed per DelDOT requirements and would include any radius needed for emergency vehicles.

The Commission found that Ms. Doris Pierce spoke in opposition to the Application; that she had concerns about the infrastructure not being able to handle the amount of traffic on Rt. 54 specifically on Saturdays and Sundays; that the bottleneck of traffic that occurs at The Ditch; and that DelDOT should reconstruct to accommodate the commercial development and traffic.

The Commission found that Mr. Ben Moses spoke in opposition to the Application; that he has concerns regarding the capability of emergency personnel to respond to emergencies with increased traffic; that he has concerns regarding the hotel lighting brightness and color; that the proposed traffic signal will create another bottleneck on Rt. 54; that the increase of people will affect businesses struggling to find workers; that deviation from the AR-1 Zoning Code defeats the purpose of the zoning; and that the environmental impact this Application will have on the area.

The Commission found that Ms. Maria Colello spoke in opposition to the Application; that she has concerns about the impact on wildlife and infrastructure, traffic congestion, emergency response; and impact on water and sewer lines.

The Commission found that Mr. Brian Ratcliffe spoke in opposition to the Application and expressed concerns about losing the last non-developed land on Rt. 54; and the effects of increased traffic on Rt. 54.

The Commission found that Ms. Diana Messino spoke in opposition to the Application who expressed concerns about the wildlife, the effect of increased traffic, and the effects the construction would cause on Rt. 54.

The Commission found that Mr. Ryan Owen spoke in opposition to the Application and expressed concerns about the effects of increased traffic on Rt. 54 and losing the last remaining undeveloped land on Rt. 54.

The Commission found that Ms. Julie Moses spoke in opposition of the Application and expressed concerns about the environmental effects and pollution the development would cause; the increased traffic on Rt. 54; where emergency helicopters will land when the road is blocked with the additional traffic; the hotel height if it is placed on already elevated land; and about the hotel intensity and color of lighting, and overflow parking.

The Commission found that Mr. Mark Tingle spoke in opposition of the Application and expressed concerns of the effects on increased pedestrian traffic who are walking to the beach with unsuitable shoulders on Rt. 54, and the zoning for Conditional Use versus permanent commercial zoning; and regarding the effects the traffic light will create with backed-up traffic at turn of Shark's Cove.

The Commission found that Mr. John Lewis spoke in opposition to the Application and expressed concern about the bottleneck of traffic the proposed traffic light will cause on Rt. 54.

The Commission found that Ms. Samantha Danaher spoke in opposition of the Application and expressed concerns about the effects of increased traffic; the loss of scenic views; that the project will not support Fenwick Island as a quiet resort; and that the hotel will financially affect locals that rent homes in this area.

The Commission found that Ms. Sharon Feeney spoke in opposition to the Application and expressed concerns for the effects of increased traffic and emergency response time.

The Commission found that Ms. Carol Lindy spoke in opposition to the Application and expressed concerns that The Freeman Companies may not have the best interest of the community at heart.

The Commission found that Ms. Laura Missy West spoke in opposition to the Application and requests that The Carl Freeman Companies listen to the community.

The following people spoke by teleconference in opposition to the Application: Mr. Henry Bennett, Mr. Paul Elder, Mr. Thomas Riley, Ms. Kathy Bean, Mr. Brock Kadowdi, Ms. Joann Hess, Ms. Nancy Suma, Ms. Natalie Madgaberger, Mr. Joe Brzostowski, and Ms. Ashley Cummings. The concerns raised were about the increased traffic, the loss of open space, the effect on wildlife and wetlands, the pollution; the response times for emergency vehicles, increased density, and increased flooding.

Ms. Stevenson stated she would like everyone to look up the Sussex County Land Trust which is a non-profit which buys land for land preservation and consider making a donation.

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

In relation to Application C/U 2236 – Carl M. Freeman Companies. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Stevenson. Motion carried 3-0. Ms. Wingate abstained.

Mr. Whitehouse confirmed that the County Council hearing date for this Application will be July 27, 2021, at 1:30 pm in the County Council Chambers.

Ms. Wingate and Mr. Robertson returned to Chambers for the next application.

Draft Minutes of the July 8, 2021 Planning & Zoning Commission Meeting

Ms. Wingate recused herself from this case. Mr. Robertson recused himself from this case. Mr. Sharp was present for this case.

Mr. Hopkins stated that he has reviewed the Application material and is prepared to vote.

The Commission discussed this application which has been deferred since June 10, 2021.

Mr. Mears moved that the Commission recommend denial of C/U # 2236 for CARL M. FREEMAN COMPANIES for a Hotel and Restaurant based upon the record made during the public hearing and for the following reasons:

1. While the site is designated as Coastal Area on the Comprehensive Plan, the proposed hotel and restaurant is too intensive for the area. It is not compatible, and would be out of character, with the surrounding properties, and does not promote the orderly growth, convenience, prosperity, and welfare of the County.
2. The parcel consists of approximately 9.2 acres and the Applicant proposes to develop the parcel with a 70-room hotel and a 8,500 square foot restaurant. The parcel was formerly part of a larger parcel which was largely undeveloped and contained significant wetlands areas but is now otherwise being developed for a 70-lot subdivision.
3. As noted above, this use is too intensive and inappropriate for the site particularly since the site is environmentally sensitive. The site is just west of the "Ditch" that connects the Little Assawoman Bay from the Big Assawoman Bay. The Applicant has acknowledged that the site has 4.89 acres of federal and state wetlands. In the PLUS review, DNREC noted that the entire parcel has wetland associated hydric soils and will be significantly impacted by permanent inundation of future sea level rise. Nearly all of the parcel is situated within the 100-year floodplain.
4. The use is not a residential project and is a commercial enterprise in the middle of a predominantly residential area. The proposed hotel and restaurant are not in character with surrounding uses and, therefore, are incompatible.
5. The application is not essential or desirable for the general convenience and welfare of the area where it is located. This project will result in significant increases in traffic congestion in an area that is already congested.
6. The Application does not promote the health, safety and general welfare of the public in that increases in emergency response time will result due to increased traffic which will adversely affect the care of residents in the area; particularly since there are few ways to reach nearby Fenwick Island.
7. Based on the record, the Application would be detrimental to the health, safety and general welfare of the public, neighboring property owners, and pedestrians and motorists in the area in that much of the surrounding area consists of residential developments of various sorts; that the proposed hotel is not residential in nature and rather, is a commercial venture designed to attract transient vacationing guests to the area; that the restaurant is also a commercial use; that the site is located in a flood zone; and that the project will put current residents in the area, as well as emergency response teams, at risk in the event of evacuations or emergencies.
8. Based on the record, the proposed use, which includes outdoor recreation space and outdoor restaurant seating with music, will create an increase in noise level which, along with increased traffic concerns, will be disruptive to the residents in the vicinity and is not compatible with the existing residential uses that largely surround the property.
9. The Applicant's proposal will result in fewer parking spaces than is required by Code, and the proposed shared parking proposals would not be likely to address this shortfall. This area is already congested and the reduction of parking spaces will likely exacerbate the area's congestion and will negatively affect the character of the neighborhood.
10. The Commission received 160 letters and emails, some of which may be duplicates, expressing opposition to the project. These communications have come from parties who live in the surrounding communities. Finally, there were 26 people present at the Planning and Zoning Commission public hearing in opposition to the Application.

11. For all of these reasons, I recommend a denial of this Conditional Use.

The motion by Mr. Mears, seconded by Ms. Stevenson to recommend denial of C/U 2236 for Carl M. Freeman Companies failed.

Roll call vote: Mr. Mears-yea, Mr. Wheatley-nay, Mr. Hopkins-nay, Ms. Stevenson-yea.

Mr. Sharp stated that pursuant to 5.5 of the Planning and Zoning Commission Rules of Procedure three affirmative votes shall be required to approve any matter within the jurisdiction of the Planning and Zoning Commission.

Planning & Zoning Commission Rule 5.5 provides that 3 affirmative votes are needed to approve any matter within the Commission's jurisdiction and failure to receive 3 affirmative votes shall be deemed to disapprove any matter. The Commissioners discussed the matter and determined that there were not 3 affirmative votes as the Commissioners were split 2 to 2.

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: June 10th, 2021

Application: CU 2236 Carl M. Freeman Companies

Applicant: Carl M. Freeman Companies
21 Village Green Drive Suite 200
Ocean View, DE 19970

Owner: Carl M. Freeman Companies
21 Village Green Drive Suite 200
Ocean View, DE 19970

Site Location: Lying on the northwest side of the intersection of Lighthouse Road (S.C.R. 58) and Bennett Avenue, approximately 0.79 mile west of Coastal Highway (Route 1)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Hotel and Restaurant

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Sussex County

Water: Artesian

Site Area: 9.2 acres +/-

Tax Map ID.: 533-20.00-22.00 & 20.00 (Portion of)



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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nicholas Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 3rd, 2021
RE: Staff Analysis for CU 2236 Carl M. Freeman Companies

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2236 Carl M. Freeman Companies to be reviewed during the June 10th, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels 533-20.00-22.00 & 20.00 (Portion of) to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a hotel and restaurant. The parcel is located on the north side of Lighthouse Road in Selbyville, Delaware. The area of the site is approximately 9.2 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for 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 the "Coastal Area." All neighboring properties are also designated as "Coastal Area."

The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.

The property is within an Agricultural Residential (AR-1) Zoning District. The parcels to the north, west, and south across Lighthouse Rd are also within an AR-1 Zoning District. There are five (5) small parcels directly to the east that are zoned Neighborhood Business District B-1.

Since 1971, there have been 20 Conditional Use applications within a one-mile radius of the application site. Of the 20 Conditional Use applications within a one-mile radius, 16 have been approved, 3 have been denied, and 1 was withdrawn.

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



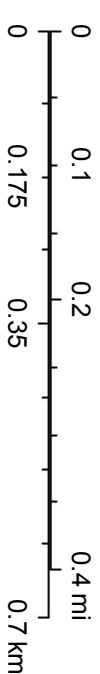


Sussex County



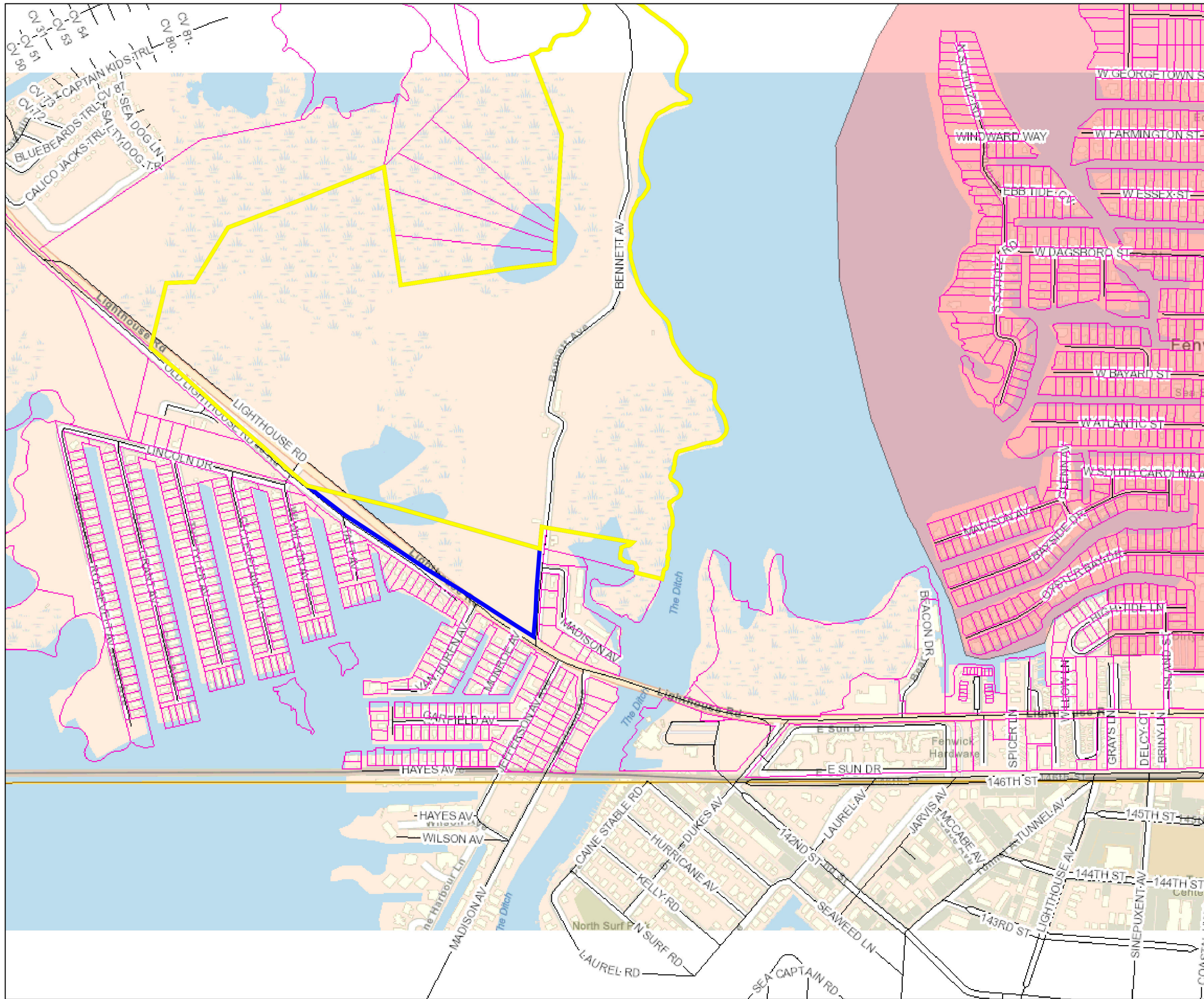
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Owner Name	CANNON ALLIE HEIRS
Book	5056
Mailing Address	38518 DUPONT BLVD
City	SELBYVILLE
State	DE
Description 1	HWY TO FENWICK
Description 2	ISLAND
Description 3	T12544 19177
Land Code	

- polygon layer**
- Override 1
- polygon layer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries





Sussex County



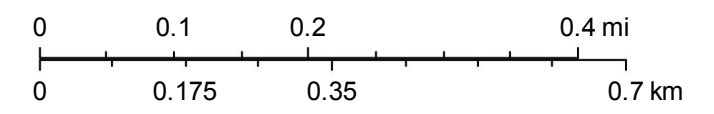
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- polygonLayer**

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Override 1
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1:9,028





Sussex County



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polygonLayer

Override 1

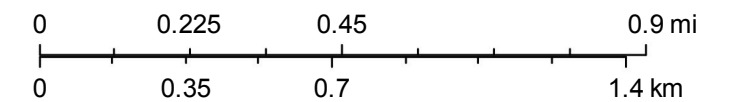
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Override 1

Tax Parcels

Streets

1:18,056



Council District 5 - Rieley
Tax I.D. No. 533-20.00-22.00 & 20.00 (Portion of)
911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOTEL AND RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.2 ACRES, MORE OR LESS

WHEREAS, on the 12th day of August 2020, a conditional use application, denominated Conditional Use No. 2236 was filed on behalf of Carl M. Freeman Companies; 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. 2236 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 V, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2236 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 northwest side of the intersection of Lighthouse Road (S.C.R. 58) and Bennett Avenue, approximately 0.79 mile west of Coastal Highway (Route 1) and being more particularly described in the attached legal description prepared by George, Miles & Buhr, said parcel containing 9.20 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.