



Sussex County Council Public/Media Packet

**MEETING:
July 31, 2018**

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



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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

July 31, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation – Winter Festival in Lewes – Hank Rosenberg

Consent Agenda

1. **Wastewater Agreement No. 516-8**
Sussex County Project No. 81-04
The Landings at Pepper Creek (A/K/A The Marina at Pepper's Creek)-Phase 3-7
Dagsboro/Frankford Sanitary Sewer District
2. **Wastewater Agreement No. 516-9**
Sussex County Project No. 81-04
The Landings at Pepper Creek (A/K/A The Marina at Pepper's Creek)-Phase 3-6
Dagsboro/Frankford Sanitary Sewer District
3. **Wastewater Agreement No. 918-7**
Sussex County Project No. 81-04
Bay Forest Club – Phase 5.2 (Construction Record)
Millville Expansion of the Bethany Beach Sanitary Sewer District
4. **Wastewater Agreement No. 1053-3**
Sussex County Project No. 81-04
Belle Terre – Phase 1B (Construction Record)
Goslee Creek Planning Area



5. **Wastewater Agreement No. 1053-4
Sussex County Project No. 81-04
Belle Terre – Phase 1C (Construction Record)
Goslee Creek Planning Area**

Councilman I. G. Burton

1. **Discussion and possible introduction of a Proposed Ordinance relating to wetlands and density calculation**

Todd Lawson, County Administrator

1. **Georgetown Little League Presentation**
2. **DeDOT – Capital Transportation Program**
3. **Town of Delmar Infrastructure Request**
4. **County Administrator’s Report**

10:30 Public Hearing

Robinsonville Road Expansion of the Sussex County Unified Sanitary Sewer District

Old Business

1. **Conditional Use No. 2113 filed on behalf of CleanBay Renewables, LLC, Sussex I**
2. **Conditional Use No. 2130 filed on behalf of The Evergreene Companies, LLC – Report from County Engineer**

John Ashman, Director of Utility Planning

1. **Use of Existing Infrastructure Agreements**
 - A. **Baylis Estates – Baylis Estates Investments, LLC**
 - B. **Lovett’s Reserve – BB Lovett, LLC**

Hans Medlarz, County Engineer

1. **Rehoboth Plant Upgrades, Phase 2**
 - A. **GHD Amendment 14 – Design**
 - B. **Alternative Financing Agreement with the City of Rehoboth Beach**

2. Sussex County Maintenance Garage, Project #17-09

A. Change Order No. 1

Grant Requests

- 1. Millsboro Little League for travel expenses to regional championship**
- 2. True Blue Jazz, Inc. for 2018 True Blue Jazz Festival**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 Public Hearings

Conditional Use No. 2132 filed on behalf of Dorothy Darley

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HAIR STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS” (lying on the north side of Clay Road, approximately 600 feet east of Marsh Road) (Tax I.D. No. 335-12.06-58.00) (911 Address: 33995 Clay Road, Lewes).

Conditional Use No. 2133 filed on behalf of Dr. Laima Anthaney and Dr. Michael Cahoon

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3443 ACRE, MORE OR LESS” (lying on the south side of Savannah Road, approximately 0.89 mile east of Wescoats Road) (Tax I.D. No. 335-8.14-47.00) (911 Address: 1200 Savannah Road, Lewes).

Conditional Use No. 2137 filed on behalf of John W. Ford

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5739 ACRE, MORE OR LESS” (lying on the south side of Savannah Road, approximately 691 feet east of Wescoats Road) (Tax I.D. No. 335-12.06-50.00) (911 Address: 1530 Savannah Road, Lewes).

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 24, 2018 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 24, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 24, 2018, at 10:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 403 18
Amend
and
Approve
Agenda**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the agenda by deleting "Administrator's Report" and to approve the agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of July 17, 2018, were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**DAVID T. WOODS, DEVELOPMENT DIRECTOR, AUTISM
DELAWARE.**

RE: Letter in appreciation of sponsorship of 2018 Blue Jean Ball.

**Public
Comments**

Public Comments

Dan Kramer commented on the availability of ordinances on the County's website.

Rich Borrasso, Sussex Alliance for Responsible Growth, commented on recent discussions held by Council regarding wetlands and buffers.

Public Comments (continued)	Scott Walker stated that he is a candidate for the U.S. House of Representatives and is seeking office due to a number of issues in the State that he feels need addressing.
Retirement/ Patricia L. Deptula	Council recognized retiring Director of Special Projects Patricia L. Deptula. A Tribute and plaque were presented to Ms. Deptula in recognition of her 38 plus years of service to Sussex County.
Sussex Sports Center Foundation	Mr. Lawson discussed appointments to the Board of Directors of the Sussex Sports Center Foundation, Inc., noting that “Sandhill Fields” is the new name for the Sports Center. Mr. Lawson gave a brief update on the history of the project and work which is taking place by the Foundation, as well as on-site at Sandhill Fields. Foundation meetings have been attended regularly by Mr. Lawson, Councilman Burton, and Mrs. Jennings. Mr. Lawson advised that Sussex County will hold two positions on the 16-member Board.
M 404 18 Appoint Board Members/ Sussex Sports Center Foundation	A Motion was made by Mr. Cole, seconded by Mr. Arlett, to approve the appointment of Councilman Irwin G. Burton III and County Administrator Todd Lawson, with Finance Director Gina Jennings serving as an alternate, to the Board of Directors of the Sussex Sports Center Foundation, Inc., effective immediately. Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea
Buffers and Density	Mr. Lawson reported that Councilman Burton requested that discussion on matters relating to buffers and density be placed on the agenda in follow-up to the presentations which were heard by Council on July 17th. Councilman Burton stated he would like to move forward with drafting an ordinance for introduction relating to wetlands and density calculation. It was the consensus of Council that Mr. Lawson schedule a one-day workshop as soon as possible to bring everyone back together (Council, staff, and professionals/experts) to discuss buffers and density issues in greater detail.
Draft Comp Plan Review	Janelle Cornwell, Director of Planning and Zoning, discussed the 2018 Comprehensive Plan submitted to Council for review, which included items discussed throughout the workshop process. Since the Plan was provided to Council, there have been minor updates to the Planning Process, Economic Development, Housing, and Mobility chapters. Concern was expressed by Council that the definition of a farm is not included as a strategy or otherwise in the Plan. Ms. Cornwell will work with staff to draft a strategy addressing the definition of a farm in Sussex County to be included in the final document.

**Draft
Comp
Plan
Review
(continued)**

Ms. Cornwell stated that the next step is to submit the draft plan to the State of Delaware to go through the PLUS process and review by the Cabinet Committee on State Planning Issues. Once the State has completed its review, comments will be provided back for Council's review and scheduling of a public hearing. Following the public hearing, the final draft will be sent back to the State for certification. The Plan must be certified by the Governor by November 30, 2018.

**M 405 18
Approve
Forward
of Draft
Comp
Plan to
State**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approve forwarding the draft 2018 Comprehensive Plan to the State for PLUS review and review by the Cabinet Committee on State Planning Issues.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Airport
Policies
Update**

Jim Hickin, Airport Manager, presented an update on policy documents that address the operation and use of the Delaware Coastal Airport; namely, Volume I - *Definitions*, Volume II - *General Provisions*, Volume III - *Rules and Regulations*, which were adopted by Council on December 14, 2010, and Volume IV - *Minimum Standards for Commercial Aeronautical Activity*, adopted on July 31, 2012. Mr. Hickin stated that at the June 27, 2018, meeting, the Delaware Coastal Airport Advisory Committee recommended updates to all four volumes of the Airport Policies. The majority of changes reflect the new airport name adopted by Council in 2015. Other changes include updated or new definitions, addition of FAA policy on non-aeronautical use of aircraft hangars, and changes to the hangar waiting list policy

**M 406 18
Adopt
Revised
Delaware
Coastal
Airport
Policies**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that based on the recommendation of the Delaware Coastal Airport Committee, the Sussex County Council adopts the revised Delaware Coastal Airport Policies, Volumes I – IV, as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**EMS
Award**

Robert Mauch, EMS Manager of Quality and Standards, announced that Sussex County EMS has received the *2018 Mission: Lifeline-EMS – Gold Plus Achievement Award*. This highest-level award from the American Heart Association recognizes Sussex County EMS for demonstrating continued success in using the Mission Lifeline-EMS program. Karen

- EMS Award (continued)** **Gritton, Director of Development, American Heart Association, presented the award acknowledging this accomplishment, as well as a certificate of appreciation for Sussex County EMS participation in the annual Heart Walk at Delaware Technical Community College.**
- Vehicles RFP** **Robert Schoonover, EMS Manager of Logistics, and Robert Rogers III, District Manager, Environmental Services – SCRWF, reported on results of the Request for Proposals (RFP) for vehicle purchases for various County departments which was advertised on June 27, 2018. Pricing for ten different types of vehicle models were solicited within the bid. On July 12, 2018, sealed bids for the RFP were opened; two bids were received, one for vehicles and the second for the EMS response vehicle up-fits. The County fleet team recommends awarding the bid for vehicles to Hertrich Fleet Services, Inc., of Milford, Delaware, and the up-fits to the EMS response Chevrolet Suburban vehicles to First Due Customs, LLC, of Seaford, Delaware.**
- M 407 18 Award Bid/ 2019 Model Year Vehicles** **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council accepts from the lowest responsible bidder, Hertrich Fleet Services, Inc., of Milford, Delaware, the request for various vehicle proposals, Specifications A through J, for the 2019 model year as presented.**
Motion Adopted: 5 Yeas.
**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea**
- M 408 18 Award Bid/ Conversion/ Up-fits to 2019 Paramedic Response Vehicles** **A Motion was made by Mr. Wilson, seconded by Mr. Cole, that the Sussex County Council accepts from the lowest responsible bidder, First Due Customs, LLC, of Seaford, Delaware, four conversion/up-fits to the 2019 model year Chevrolet Suburban vehicles for use as Paramedic response vehicles at a cost of \$12,968.00 each, for a total award of 51,872.00.**
Motion Adopted: 5 Yeas.
**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea**
- Angola North Expansion** **Hans Medlarz, County Engineer, presented Change Order No. 1 for Angola North Expansion, SR 24, Love Creek and Camp Arrowhead Road, Project 17-04.**
- M 409 18 Approve Change Order** **A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract 17-04, Angola North Expansion, SR 24,**

M 409 18 **Love Creek and Camp Arrowhead Road, be approved, decreasing the**
(continued) **contract amount by \$58,500.42, for a new contract total of \$5,767,749.58.**

Vote by Roll Call: **Mr. Arlett, Yea; Mr. Burton, Yea;**
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea

Grant
Requests

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

M 410 18 **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$500.00**
Council- **from Mr. Arlett's Councilmanic Grant Account to The Christian**
manic **Storehouse for the emergency food pantry and human services assistance**
Grant **programs.**

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mr. Arlett, Yea; Mr. Burton, Yea;**
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea

M 411 18 **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,000.00**
Council- **(\$500.00 from Mr. Wilson's Councilmanic Grant Account and \$500.00 from**
manic **Mr. Burton's Councilmanic Grant Account) to CHEER, Inc., for the annual**
Grant **Car-Truck & Bike Show.**

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mr. Arlett, Yea; Mr. Burton, Yea;**
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea

M 412 18 **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give**
Council- **\$2,000.00 (\$1,500.00 from Mr. Wilson's Councilmanic Grant Account and**
manic **\$500.00 from Mr. Burton's Councilmanic Grant Account) to Milford**
Grant **Museum for their annual fundraising campaign.**

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mr. Arlett, Yea; Mr. Burton, Yea;**
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea

M 413 18 **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$3,000.00**
Council- **(\$1,000.00 each from Mr. Arlett's and Mr. Cole's Councilmanic Grant**
manic **Accounts and \$500.00 each from Mr. Burton's and Mr. Vincent's**
Grant **Councilmanic Grant Accounts) to Delaware Botanic Gardens for**
 sponsorship of the 2018 Garden Party.

**M 413 18
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Zoning
Ordinances**

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 18.3155 ACRES, MORE OR LESS” (Change of Zone No. 1866) filed on behalf of Triple B Farms, LLC (Tax I.D. No. 235-27.00-11.00 (portion of) (911 Address: N/A).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.494 ACRE, MORE OR LESS” (Change of Zone No. 1867) filed on behalf of Four C’s Property, LLC (Tax I.D. No. 334-5.00-74.00) (911 Address: 32182 Nassau Road, Lewes).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO A CONDITION OF APPROVAL OF CONDITIONAL USE NO. 1771 (ORDINANCE 2056) AND CONDITIONAL USE NO. 2020 (ORDINANCE 2410) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.93 ACRES, MORE OR LESS” (Conditional Use No. 2152) filed on behalf of Charles Auman (Tax I.D. No. 330-11.17-20.00 and 330-15.05-6.00) (911 Address: 7158 Marshall Street, Lincoln).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.5588 ACRE, MORE OR LESS” (Change of Zone No. 1868) filed on behalf of Ronald Nanney (Tax I.D. No. 235-30.00-10.02) (911 Address: 18490 Harbeson Road, Milton).

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members'
Comments**

Council Members' Comments

Mr. Arlett requested an update on action taken by the Delaware General Assembly during the recent legislative session that might affect Sussex County, and especially thanked legislators for paramedic funding.

Mr. Cole commented on the homestead exemption and questioned if enabling legislation is required from the State of Delaware to enact. Mr. Moore will research this matter and report back to Council at a later date.

**M 414 18
Recess**

At 11:24 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess until 1:30 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 415 18
Reconvene**

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

Motion Adopted: 3 Yeas; 2 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Absent;
Mr. Vincent, Yea**

Mr. Burton joined the meeting.

Rules

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

Mr. Cole joined the meeting.

**Public
Hearing/
CU 2130**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLINGS (20 TOWNHOMES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.3817 ACRES, MORE OR LESS" (Conditional Use No. 2130) filed on behalf of The Evergreene Companies, LLC (Tax I.D. No. 134-13.00-72.00 and 72.01) (911 Address: 30733 Cedar Neck Road, Ocean View).

The Planning and Zoning Commission held a Public Hearing on this application on June 14, 2018, at which time action was deferred. On June 28, 2018, the Commission recommended approval with the following conditions:

**Public
Hearing/
CU 2130
(continued)**

- A. The maximum number of townhouse units shall be 16.**
- B. As provided by Section 115-218 of the Zoning Code, there shall be a forested or landscaped buffer installed around the entire perimeter of the project in compliance with Section 99-5 of the Code of Sussex County.**
- C. All entrances, intersection, roadway, and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.**
- D. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements, including any off-site upgrades necessary to provide service to the project.**
- E. The project shall be served by central water to provide drinking water and fire protection.**
- F. Interior street design shall meet or exceed the Sussex County street design requirements.**
- G. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 a.m. and 6:00 p.m., Monday through Saturday.**
- H. No other outdoor construction activities shall occur at the site except between the hours of 7:30 a.m. through 7:00 p.m., Monday through Friday, and 8:00 a.m. through 2:00 p.m. on Saturdays. There shall be no construction activities at the site on Sundays.**
- I. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.**
- J. The Applicant shall form a condominium association responsible for the perpetual maintenance, repair, and replacement of the roads, the buffers and landscaping, stormwater management facilities, erosion and sediment control facilities, and other common elements.**
- K. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.**
- L. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- M. As stated by the Applicant, there shall be a swimming pool and pool house installed on the premises. The swimming pool shall be at least 15 feet by 35 feet in size.**
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated June 14 and June 28, 2018.)

Janelle Cornwell, Director of Planning and Zoning, presented the application.

**Public
Hearing/
CU 2130
(continued)**

An Exhibit Booklet provided by the Applicant was previously distributed to Council.

Ms. Cornwell reported that letters have been received in opposition to the application from Marilyn Adams, Harry and Ann Marie Bruley, Maurice and Susan O'Neill, Warren Stumpf, and Robert Liberto, and are made a part of the record.

The Council found that James Fuqua, Attorney, and Tim Naughton were present with Ring Lardner of Davis, Bowen & Friedel, LLC, on behalf of the application. Mr. Fuqua stated that the proposed use of the property for 20 townhomes in a MR District has been revised to accept the Planning and Zoning Commission request that the number of units be reduced from 20 to 16 units; that they consider the parcel an in-fill property; that a previous application was submitted in 2011 to request a Change of Zone to B-1, but was denied as the area is primarily residential uses; that the revised proposal is for 16 townhomes with a pool and pool house; that the gross density would be 6.7 units per acre; that the proposed use is in character with the area and the Comprehensive Plan; that they believe the density is appropriate with the area and the Comprehensive Plan; that there are similar properties in the surrounding area including Bethany Lakes, Sunset Harbor, Salt Pond, and Bethany Grand; that the land use classification per the Comprehensive Plan is Environmentally Sensitive Developing Area, mixed residential land use, and is a growth area; that water will be provided by Sussex Shores; that sewer will be provided by Sussex County and there is adequate capacity; that stormwater management will be constructed and maintained using Best Management Practices; that DelDOT did not require a TIS or TOA; that there will be eight duplex units; that they will provide a landscape plan for a buffer adjacent to the residential lots; that approximately 42 percent of the site will be open space; that streetlights will be downward screened; that the community will be a condominium ownership; that a fence, plantings or both will be adjacent to the single family homes; that there will be parking in the garage, surface parking, and two extra parking spaces; that there is a 50-foot setback along both sides of the roads, and they will attempt to preserve as many trees as possible; that a sewer concept plan has been submitted and they will pay for upgrades that will meet Chapter 110 standards; that the sidewalks will connect to existing sidewalks; and that 16 units is an appropriate use of the in-fill parcel.

Mr. Fuqua stated that proposed findings and conditions were submitted to the Planning and Zoning Commission.

Public comments were heard.

Thomas Haug and Michael Hayes spoke in opposition to the application. They stated that the character of the neighborhood has changed over the years, and it is not in character with the neighborhood; that the rezoning

**Public
Hearing/
CU 2130
(continued)**

will add to the gridlock on four County roads; that there are concerns with buffer areas and the preservation of trees, traffic, lack of infrastructure, drainage from stormwater runoff, sewer capacity, and odor from the pump station on Cedar Neck Road; and the proposed use should not be considered an in-fill project.

There were no additional public comments.

Concerns were expressed by Council regarding traffic and capacity of the pump station on Cedar Neck Road (Pump Station No. 172).

Hans Medlarz, County Engineer, advised that the Engineering Department is not aware of any complaints relating to odors emitting from the pump station.

Council requested that Mr. Medlarz report back in one week regarding the sewer capacity of Pump Station No. 172.

The Public Hearing was closed.

**M 416 18
Defer
Action
and Leave
Record
Open/
CU 2130**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on Conditional Use No. 2130 filed on behalf of The Evergreene Companies, LLC, and to leave the record open for one week for comments from the Sussex County Engineering Department regarding the sewer capacity of Pump Station No. 172 on Cedar Neck Road, after which time the public will be given a 15-day period to submit comments in writing only.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2131**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.53 ACRES, MORE OR LESS" (Conditional Use No. 2131) filed on behalf of CBB Cedar Pines, LLC (Tax I.D. No. 134-9.00-21.00) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on June 14, 2018, at which time the Commission recommended approval with the following conditions:

- A. There shall be no more than 30 units within the Conditional Use area.

**Public
Hearing/
CU 2131
(continued)**

- B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, and buffers, stormwater management facilities, erosion and sedimentation control facilities, and other common areas.**
- C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.**
- D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.**
- E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation.**
- G. A 20-foot forested agricultural buffer shall be shown along the perimeter of the entire residential development, including the area covered by Change of Zone No. 1747 for the RPC portion of the development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.**
- H. The project shall be served by Sussex County sewer.**
- I. As proffered by the Applicant, the developer shall construct all of the recreational amenities no later than the issuance of the 50th residential building permit for the entire project, including the RPC portion of the development covered by Change of Zone No. 1747.**
- J. Construction, site work, grading, and deliveries of construction material, landscaping material, and fill on, off, or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m.**
- K. The preliminary approval is contingent upon the Applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised plan upon confirmation that the conditions of approval have been depicted or noted on it.**
- L. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated June 14, 2018.)

Janelle Cornwell, Director of Planning and Zoning, presented the application.

An Exhibit Booklet provided by the Applicant was previously distributed to Council.

**Public
Hearing/
CU 2131
(continued)**

The Council found that James Fuqua, Attorney, was present with Jeff Clark, Land Tech Land Planning, LLC, on behalf of the application. Mr. Fuqua stated that Conditional Use No. 1986 was previously approved and is the same as this application; that the previous Conditional Use expired after three years; that Conditional Use No. 1488 was approved for 143 multifamily units and the owner passed away; that in 2012 a new application was made for an RV park and water park, but was withdrawn; that three new applications were filed in 2014; that the first application was to rezone the site from C-1 to MR, the second application was for an MR-RPC for 45 single family lots, and the third application was for a Conditional Use for the 30 units and was approved; that this application is for the exact 30 units as the Conditional Use which was approved; that the new stormwater regulations caused issues; that the RPC had received the Final Site Plan and was valid for five years, but the Conditional Use is valid for three years and construction must be substantially underway; that stormwater management complies with the Sussex Conservation District; that most of the agency approvals have been obtained; that the units will be clustered around the entrance and amenities; that there will be ten, three-unit buildings; that water will be provided by Sussex Shores and sewer provided by Sussex County; that a sewer concept plan has been approved; that the wetlands have been delineated and the townhomes are away from the wetlands; that there are no wetlands on the Conditional Use site; that the land use classification per the Comprehensive Plan is Environmentally Sensitive Developing Area, mixed use area, and both are growth areas; and that the application is identical to Conditional Use No. 1986.

Questions were raised by Council regarding parking and size of the travel lane.

There were no public comments.

The Public Hearing and public record were closed.

**M 417 18
Adopt
Ordinance
No. 2587/
CU 2131**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2587 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.53 ACRES, MORE OR LESS" (Conditional Use No. 2131) filed on behalf of CBB Cedar Pines, LLC, with the following conditions:

- A. There shall be no more than 30 units within the Conditional Use area.
- B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets,

**M 417 18
(continued)**

- roads, and buffers, stormwater management facilities, erosion and sedimentation control facilities, and other common areas.
- C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.**
 - D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.**
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
 - F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation.**
 - G. A 20-foot forested agricultural buffer shall be shown along the perimeter of the entire residential development, including the area covered by Change of Zone No. 1747 for the RPC portion of the development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.**
 - H. The project shall be served by Sussex County sewer.**
 - I. As proffered by the Applicant, the developer shall construct all of the recreational amenities no later than the issuance of the 50th residential building permit for the entire project, including the RPC portion of the development covered by Change of Zone No. 1747.**
 - J. Construction, site work, grading, and deliveries of construction material, landscaping material, and fill on, off, or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m.**
 - K. The preliminary approval is contingent upon the Applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised plan upon confirmation that the conditions of approval have been depicted or noted on it.**
 - L. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2149**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION OF APPROVAL AND REVISE THE AREA FOR

**Public
Hearing/
CU 2149
(continued)**

CONDITIONAL USE NO. 2012, ORDINANCE NO. 2430, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 36.647 ACRES, MORE OR LESS” (Conditional Use No. 2149) filed on behalf of Covered Bridge Trails, LLC (Tax I.D. No. 335-11.00-59.00) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on June 28, 2018; the Commission recommended approval, as follows:

- 1. Conditional Use No. 2012 was approved by County Council on December 15, 2015, as Ordinance No. 2430 with Condition A which stated, “There shall be no more than 134 units with a mixture of 43 single family units and the balance split between duplex units and townhouse units.”**
- 2. The Applicant is seeking greater flexibility in the number of different types of units allowed, with a minimum of 43 single family units.**
- 3. The total number of units with the project will not change as a result of this amendment request.**
- 4. This change will remain consistent with the types of housing that exist in the area, which includes a mixture of single family homes, townhomes, and multifamily units.**
- 5. The Applicant is also seeking to amend the area of the approved Conditional Use by deleting approximately .27 of an acre representing an existing lot that was originally to be incorporated into the development. This small reduction in the overall area will not have an adverse impact on the project, the community, or area roadways.**
- 6. Based on these reasons, it is appropriate to approve the reduction of overall acreage of Conditional Use No. 2012 and Ordinance No. 2430 from 36.935 acres to 36.664 acres, and that Condition A of Conditional Use No. 2012 and Ordinance No. 2430 shall be amended to state, “There shall be no more than 134 units, being a mixture of a minimum of 43 single family units and the balance split between duplex units and townhouse units.” The remainder of the conditions imposed by Conditional Use No. 2012 and Ordinance No. 2430 shall remain in effect.**

(See the minutes of the Planning and Zoning Commission dated June 28, 2018.)

Janelle Cornwell, Director of Planning and Zoning, presented the application.

**Public
Hearing/
CU 2149
(continued)**

The Council found that Ring Lardner with Davis, Bowen & Friedel, LLC, and Preston Schell with Covered Bridge Trails, LLC, were present on behalf of the application. They stated this is a request to amend Condition A of the previous Conditional Use and the boundary of Conditional Use No. 2012 that was adopted by the County Council; that the previous application only allowed for 43 single family homes, and the Applicant would like the ability to increase the number of single family homes and decrease other housing types; that they would also like to amend the boundary of the Conditional Use; that based on the revised plan they were able to re-create Lot 1 on the opposite side of the bridge; that they intend to build a house on the former parcel by amending the condition for the home which will become part of the Dutch Acres Subdivision; and that there is no intention to build more than the 134 homes originally approved.

There were no public comments.

The Public Hearing and public record were closed.

**M 418 18
Adopt
Ordinance
No. 2588/
CU 2149**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2588 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION OF APPROVAL AND REVISE THE AREA FOR CONDITIONAL USE NO. 2012, ORDINANCE NO. 2430, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 36.647 ACRES, MORE OR LESS" (Conditional Use No. 2149) filed on behalf of Covered Bridge Trails, LLC, based on the following:

1. Conditional Use No. 2012 was approved by County Council on December 15, 2015, as Ordinance No. 2430 with Condition A which stated, "There shall be no more than 134 units with a mixture of 43 single family units and the balance split between duplex units and townhouse units."
2. The Applicant is seeking greater flexibility in the number of different types of units allowed, with a minimum of 43 single family units.
3. The total number of units within the project will not change as a result of this amendment request.
4. This change will remain consistent with the types of housing that exist in the area, which includes a mixture of single family homes, townhomes, and multifamily units.
5. The Applicant is also seeking to amend the area of the approved Conditional Use by deleting approximately .27 of an acre representing an existing lot that was originally to be incorporated into the development. This small reduction in the overall area will not have an adverse impact on the project, the community, or area roadways.

**M 418 18
(continued)**

- 6. Based on the foregoing, it is appropriate to approve the reduction of overall acreage of Conditional Use No. 2012 and Ordinance No. 2430 from 36.935 to 36.664 acres, and that Condition A of Conditional Use No. 2012 and Ordinance No. 2430 shall be amended to state, "There shall be no more than 134 units, being a mixture of a minimum of 43 single family units and the balance split between duplex units and townhouse units." The remainder of the conditions imposed by Conditional Use No. 2012 and Ordinance No. 2430 shall remain in effect.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 419 18
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn at 3:05 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Susan W. Webb
Administrative Secretary**

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 17, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE LANDINGS AT PEPPER CREEK (A/K/A THE MARINA AT PEPPER'S CREEK) -
PHASE 3-7
AGREEMENT NO. 516 - 8

DEVELOPER:

Mr. Bobby Horsey
HKS 4 LLC
28107 Beaver Dam Branch Road
Laurel, DE 19956

LOCATION:

South side County Road 336 (Piney Neck Road),
East of County Road 335A (Adams Road). Marina
at Piney Neck Road. (Tidewater Utilities)

SANITARY SEWER DISTRICT:

Dagsboro/Frankford Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Single Family Subdivision 21 lots in this phase

SYSTEM CONNECTION CHARGES:

\$133,560.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/10/14

Department of Natural Resources Plan Approval
10/23/06

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60

Construction Admin and Construction Inspection Cost – \$8,598.23

Proposed Construction Cost – \$57,321.50



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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 17, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE LANDINGS AT PEPPER CREEK (A/K/A THE MARINA AT PEPPER'S CREEK) -
PHASE 3-6
AGREEMENT NO. 516 - 9

DEVELOPER:

Mr. Bobby Horsey
HKS 4 LLC
28107 Beaver Dam Branch Road
Laurel, DE 19956

LOCATION:

South side County Road 336 (Piney Neck Road),
East of County Road 335A (Adams Road). Marina
at Piney Neck Road. (Tidewater Utilities)

SANITARY SEWER DISTRICT:

Dagsboro/Frankford Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Single Family Subdivision 25 lots in this phase

SYSTEM CONNECTION CHARGES:

\$159,000.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/10/14

Department of Natural Resources Plan Approval
10/23/06

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60

Construction Admin and Construction Inspection Cost – \$9,743.63

Proposed Construction Cost – \$64,957



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

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 18, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BAY FOREST CLUB - PHASE 5.2 (CONSTRUCTION RECORD)
AGREEMENT NO. 918 - 17

DEVELOPER:

Mr. Bob Leggieri
Bay Forest, LLC
506 Main Street
3rd Floor
Gaithersburg, MD 20878

LOCATION:

East side of Whites Neck Road and North of Old
Mill Road.

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

58 residential units

SYSTEM CONNECTION CHARGES:

\$375,240.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
06/19/18

Department of Natural Resources Plan Approval
03/17/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 28
Construction Admin and Construction Inspection Cost – \$39,574.97
Proposed Construction Cost – \$263,833.14



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

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

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 20, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BELLE TERRE - PHASE 1B (CONSTRUCTION RECORD)
AGREEMENT NO. 1053 - 3

DEVELOPER:

Mike Irons
K. Hovanian's Four Seasons at Belle Terre, LLC
2499 South Dupont Blvd.
Suite G
Smyrna, DE 19977

LOCATION:

SW/Mulberry Knoll Road (Road 284), Approx.
1771', NW/John J. Williams Highway (Route 24).

SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

TYPE AND SIZE DEVELOPMENT:

31 Single Family Homes

SYSTEM CONNECTION CHARGES:

\$197,160.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
06/27/17

Department of Natural Resources Plan Approval
08/01/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 17

Construction Admin and Construction Inspection Cost – \$18,963.30

Proposed Construction Cost – \$126,422.00



ENGINEERING DEPARTMENT

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



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 20, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BELLE TERRE - PHASE 1C (CONSTRUCTION RECORD)
AGREEMENT NO. 1053 - 4

DEVELOPER:

Mike Irons
K. Hovanian's Four Seasons at Belle Terre, LLC
2499 South Dupont Blvd.
Suite G
Smyrna, DE 19977

LOCATION:

SW/Mulberry Knoll Road (Road 284), Approx.
1771', NW/John J. Williams Highway (Route 24).

SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

TYPE AND SIZE DEVELOPMENT:

29 Single Family Homes

SYSTEM CONNECTION CHARGES:

\$184,440.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
06/27/17

Department of Natural Resources Plan Approval
08/01/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 25
Construction Admin and Construction Inspection Cost – \$30,576.45
Proposed Construction Cost – \$203,843.00



TODD F. LAWSON
COUNTY ADMINISTRATOR


(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
The Honorable Samuel R. Wilson Jr.

FROM: Todd F. Lawson
County Administrator 

RE: **DELDOT 2020-2025 CAPITAL TRANSPORTATION PROGRAM**

DATE: July 26, 2018

During Tuesday's meeting, we are scheduled to discuss the DelDOT 2020-2025 Capital Transportation Program (CTP) process. I will provide an overview of the process which will be somewhat new this year to better represent the standard CTP requests from other jurisdictions. As in the past, residents and property owners with ideas for improving local roads, pedestrian walkways, public transportation, and other related infrastructure and services can go onto the County's website to submit their suggestions. This year's form is being adjusted to improve the information we receive from the public.

Public submissions will be accepted now through August 10. County staff will review all suggestions and then compile a draft report for County Council's review. We will make a joint presentation with DelDOT at some point in early September before submitting the final recommendation to DelDOT for their public hearing on September 26.

Please let me know if you have any questions.

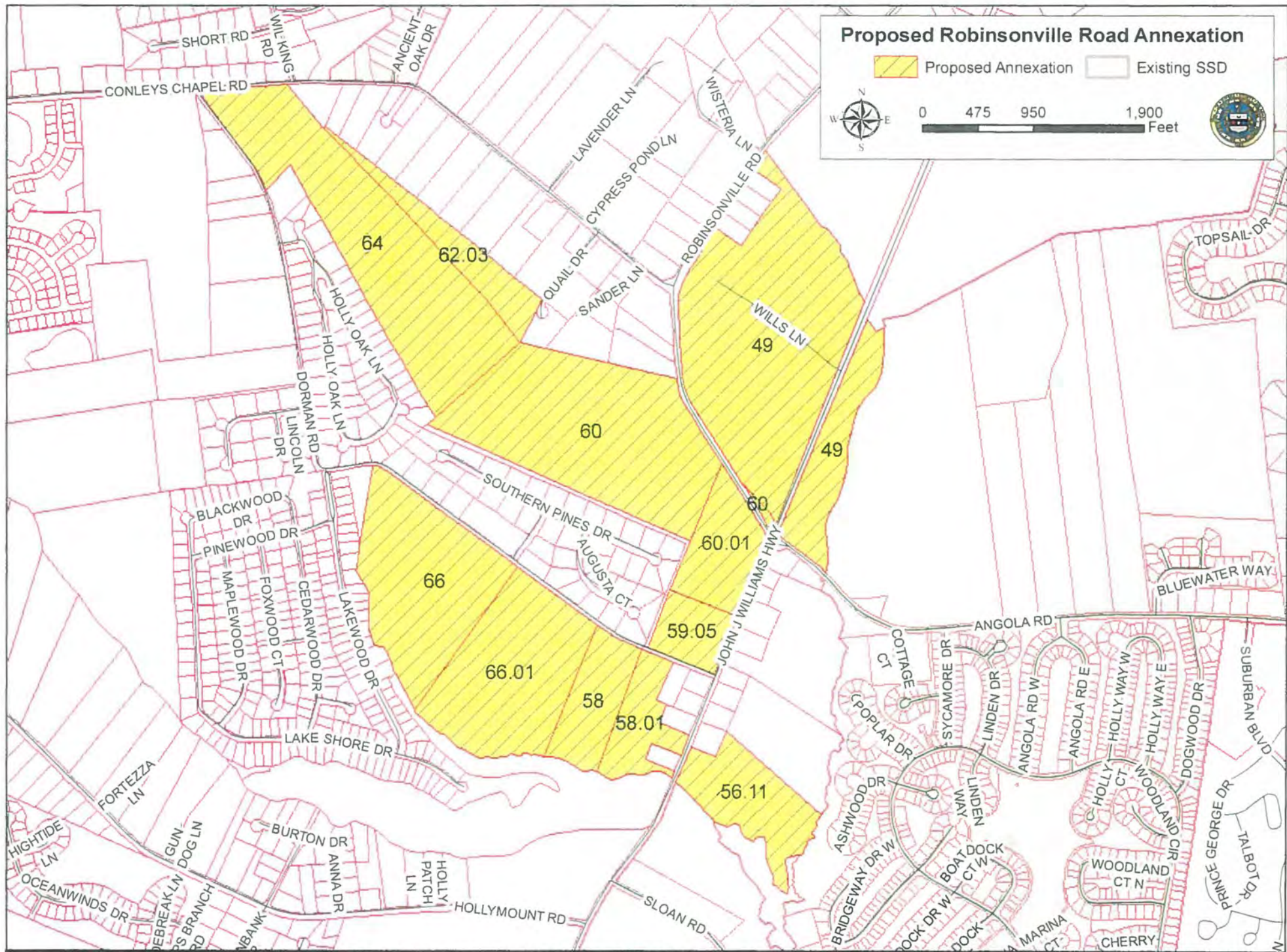


Robinsonville Road Expansion Facts
County Council Packet

- Permission was granted to Prepare and Post Notices on June 26, 2018 for an expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).
- Requested by Insight Homes for their project (parcels 234-11.00-60.00, 64.00 & 62.03) and Solutions IPEM on behalf of their client (Bryton Simpler for parcels 234-11.00-66.00 & 66.01) and The Kercher Group for their client (Double DB, LP for Parcel 234-11.00-49.00).
- Several other parcels are included as part of the request to develop a contiguous boundary to Angola Neck Area these parcels have been contacted by the developers and have agreed to the annexation.
- The expansion will consist of 336.00 acres more or less.
- The property owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.

- We have also received a request for additional parcels to be added to the boundary, these parcels are associated with another upcoming project and are in the Engineering Departments Planning Area.

- As explained previously these projects have proposed multiple pumpstations and wish to connect to the existing forcemain installed to service the Angola Neck Area.
- The Engineering Department is orchestrating a combined regional project to reduce to a single Regional pumpstation.
- If approved the Engineering Department will be back before you with (3) individual Infrastructure Agreements for existing and proposed infrastructure and a request to utilize the Engineer of Record for the project with the proposed pumpstation location.



The proposed annexation is scheduled to be discussed July 31, 2018 at 10:30 AM, in Sussex County Council Chambers, 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 302-855-1299

CARLTON O. DORMAN

ROBINSONVILLE ROAD (RD. 277)

RT. 24

12" GRAVITY

CARLTON O. DORMAN

CENTER FOR NEUROLOGY
PROPERTIES, LLC

JOHN J. WILLIAMS HWY (RT. 24)

CARLTON O. DORMAN

DAWN R. DORMAN &
TRAVIS RAY COURSEY

PUMPSTATION

MARY LOU DICKSON
& MARK A. RILEY

DORMAN ROAD (RD. 288A)

RD 288A

PLER

ANGU



RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE ROBINSONVILLE ROAD AREA, SEVERAL PARCELS IN THE ROBINSONVILLE ROAD & DORMAN ROAD AREA LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Robinsonville 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 in the Robinsonville Road area and further described as follows:

Beginning at a point, said point being on the SCUSSD boundary, said point also being on the westerly property line of lands N/F of Eleanor Joan Baker, said point further being on the easterly property line of lands N/F of Double DP, LP; thence proceeding by and with said boundary in a southerly direction a distance of 2,228'± to a point, said point being on the northerly ROW of Angola Road; thence proceeding by and with said ROW in a northwesterly direction 483'± to a point, said point being the ROW intersection of Angola Road and John J. Williams Hwy.; thence proceeding in a southwesterly direction across John J. Williams Hwy. a distance of 135'± to a point, said point being on the northwesterly ROW of John J. Williams Hwy.; thence proceeding by and with said ROW in a southwesterly direction a distance of 1,207'± to a point, said point being the intersection of the northwesterly ROW of John J. Williams Hwy. and the northerly ROW of Dorman Road; thence proceeding by and with said ROW of Dorman Road in a northwesterly direction a distance of 365'± to a point, said point being on the southerly property line of lands N/F of Center for Neurology Properties, LLC; thence proceeding in a southerly direction crossing Dorman Road a distance of 50'± to a point, said point being on the southerly ROW of Dorman Road, said point also being the northeasterly property corner of lands N/F of Dawn R. Dorman & Travis Ray Coursey; thence proceeding by and with said Dorman/Coursey lands in generally southwesterly and southeasterly directions respectively a distance of 902'± to a point, said point being on the westerly ROW of John J. Williams Hwy.; thence proceeding in a southeasterly direction crossing John J. Williams Hwy. a distance of 50'± to a point, said point being on the easterly ROW of John J. Williams Hwy.; thence proceeding by and with said ROW in a southerly direction a distance of 82'± to a point, said point being a the northwesternmost property corner of lands N/F of Mary Lou Dickson & Mark A. Riley; thence by and with said lands of Riley in southeasterly, northeasterly, southeasterly, generally southwesterly, generally northwesterly and northeasterly directions respectively a distance of 4,275'± to a point, said point being on the easterly ROW of John J. Williams Hwy.; thence proceeding in a northwesterly direction crossing John J. Williams Hwy. a distance of 50'± to a point, said point being a property corner of lands N/F of Dawn R. Dorman & Travis Ray Coursey; thence proceeding by and with said Dorman/Coursey lands in westerly, southerly, easterly, southerly and generally westerly directions respectively a distance of 1,472'± to a point, said point being the southeasternmost property corner of lands N/F of Carlton O. Dorman; thence proceeding by and with said Dorman lands in a westerly direction a distance of 486'± to a point, said point being the southeasternmost property corner of lands N/F Bryton Simpler Farm, LLC; thence proceeding by and with said Simpler Farm lands in a westerly direction a distance of 1,314'± to a point, said point being the southeasternmost property corner of other lands of Bryton Simpler Farm, LLC; thence proceeding by and with said other lands of Simpler Farm in a generally northerly direction a distance of 2,297'± to a point, said point being on the southwesterly ROW of Dorman Road; thence proceeding in a northeasterly direction crossing Dorman Road a distance of 50'± to a point; said point being on the northeasterly ROW of Dorman Road; thence proceeding by and with said ROW in a southeasterly direction a distance of 2,870'± to a point, said point being the southwesternmost property corner of lands N/F of Center For Neurology Properties, LLC; thence proceeding by and with said Neurology lands in a northeasterly direction a distance of 537'± to a point, said point being the southwesternmost property corner of lands N/F of Carlton O. Dorman, thence proceeding by and with said Dorman lands in a northeasterly direction a distance of 452'± to a point, said point being the southeastern property corner of other lands N/F of Carlton O. Dorman; thence continuing with other lands of Dorman in a northwesterly and northeasterly direction respectively a distance of 2,581'± to a point, said point being the southwesternmost property corner of lands N/F Michael A. Hazzard & Francis R. Hazzard Heirs; thence proceeding with said Hazzard lands in a northwesterly, southwesterly, northwesterly, easterly and southeasterly direction respectively a distance of 5,126'± to a point, said point being a

property corner of lands N/F of Michael A. Hazzard & Linda F. Wardrup; thence proceeding by and with said Hazzard/Wardrup lands in northeasterly, southeasterly and southwesterly directions respectively a distance of 2,841'± to a point, said point being the northwesternmost property corner of lands N/F of Carlton O. Dorman; thence in a southeasterly direction a distance of 1,391'± to a point, said point being on the westerly ROW of Robinsonville Road; thence proceeding in an easterly direction crossing Robinsonville Road a distance of 50'± to a point, said point being a property corner of lands N/F of Double DP, LP; thence proceeding by and with said Double DP lands generally northerly direction a distance of 2,807'± to a point, said point being the northwesternmost property corner of said lands; thence by and with said lands in a southerly direction a distance of 1,943'± crossing John J. Williams Hwy. to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-11.00 and Sussex County property assessment records.

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

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 ROBINSONVILLE ROAD
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

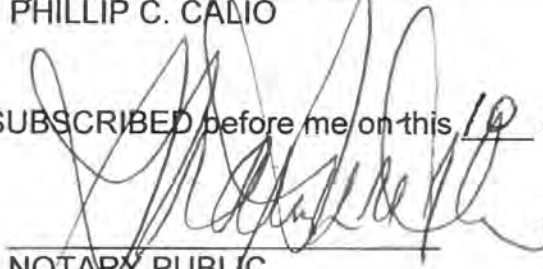
BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On July 10, 2018 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On July 10, 2018 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in the northerly ROW of Angola Road, across from the entrance of Angola Estates,
 - 2. On a post at the intersection of the easterly ROW of John J. Williams Hwy., and the northerly ROW of Angola Road,
 - 3. On a post in the westerly ROW of John J. Williams Hwy., 90'± south of Wills Ln., in front of DEC Pole #32236
 - 4. On a post in the southerly ROW of Dorman Rd., 290'± west of Greenbriar Way,
 - 5. On a post at the intersection of the westerly ROW of Dorman Rd. and the southerly ROW of Conley's Chapel Rd.,
 - 6. On a post in the easterly ROW of Robinsonville Rd., at the end of Conley's Chapel Rd.,
 - 7. On a post in the westerly ROW of John J. Williams Hwy., 300'± north of Dorman Road, in front of DEC Pole #40768,
 - 8. On a post in the easterly ROW of John J. Williams Hwy., 800'± south of Dorman Road.



PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 10 day of July A.D., 2018



NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on July 14, 2018

My Commission Expires _____

PUBLIC NOTICE

PROPOSED ROBINSONVILLE ROAD EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (ANGOLA NECK AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on June 26, 2018 to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Angola Neck Area, to include several parcels in the Robinsonville Road & Dorman Road area, being situate in Indian River Hundred, Sussex County, Delaware.

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

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

Beginning at a point, said point being on the SCUSSD boundary, said point also being on the westerly property line of lands N/F of Eleanor Joan Baker, said point further being on the easterly property line of lands N/F of Double DP, LP; thence proceeding by and with said boundary in a southerly direction a distance of 2,228'± to a point, said point being on the northerly ROW of Angola Road; thence proceeding by and with said ROW in a northwesterly direction 483'± to a point, said point being the ROW intersection of Angola Road and John J. Williams Hwy.; thence proceeding in a southwesterly direction across John J. Williams Hwy. a distance of 135'± to a point, said point being on the northwesterly ROW of John J. Williams Hwy.; thence proceeding by and with said ROW in a southwesterly direction a distance of 1,207'± to a point, said point being the intersection of the northwesterly ROW of John J. Williams Hwy. and the northerly ROW of Dorman Road; thence proceeding by and with said ROW of Dorman Road in a northwesterly direction a distance of 365'± to a point, said point being on the southerly property line of lands N/F of Center for Neurology Properties, LLC; thence proceeding in a southerly direction crossing Dorman Road a distance of 50'± to a point, said point being on the southerly ROW of Dorman Road, said point also being the northeasterly property corner of lands N/F of Dawn R. Dorman & Travis Ray Coursey; thence proceeding by and with said Dorman/Coursey lands in generally southwesterly and southeasterly directions respectively a distance of 902'± to a point, said point being on the westerly ROW of John J. Williams Hwy.; thence proceeding in a southeasterly direction crossing John J. Williams Hwy. a distance of 50'± to a point, said point being on the easterly ROW of John J. Williams Hwy.; thence proceeding by and with said ROW in a southerly direction a distance of 82'± to a point, said point being a the northwesternmost property corner of lands N/F of Mary Lou Dickson & Mark A. Riley; thence by and with said lands of Riley in southeasterly, northeasterly, southeasterly, generally southwesterly, generally northwesterly and northeasterly directions respectively a distance of 4,275'± to a point, said point being on the easterly ROW of John J. Williams Hwy.; thence proceeding in a northwesterly direction crossing John J. Williams Hwy. a distance of 50'± to a point, said point being a property corner of lands N/F of Dawn R. Dorman & Travis Ray Coursey; thence proceeding by and with said Dorman/Coursey lands in westerly, southerly, easterly, southerly and generally westerly directions respectively a distance of 1,472'± to a point, said point being the southeasternmost property corner of lands N/F of Carlton O. Dorman; thence proceeding by and with said Dorman lands in a westerly direction a distance of 486'± to a point, said point being the southeasternmost property corner of lands N/F Bryton Simpler Farm, LLC; thence proceeding by and with said Simpler Farm lands in a

westerly direction a distance of 1,314'± to a point, said point being the southeasternmost property corner of other lands of Bryton Simpler Farm, LLC; thence proceeding by and with said other lands of Simpler Farm in a generally northerly direction a distance of 2,297'± to a point, said point being on the southwesterly ROW of Dorman Road; thence proceeding in a northeasterly direction crossing Dorman Road a distance of 50'± to a point; said point being on the northeasterly ROW of Dorman Road; thence proceeding by and with said ROW in a southeasterly direction a distance of 2,870'± to a point, said point being the southwesternmost property corner of lands N/F of Center For Neurology Properties, LLC; thence proceeding by and with said Neurology lands in a northeasterly direction a distance of 537'± to a point, said point being the southwesternmost property corner of lands N/F of Carlton O. Dorman, thence proceeding by and with said Dorman lands in a northeasterly direction a distance of 452'± to a point, said point being the southeastern property corner of other lands N/F of Carlton O. Dorman; thence continuing with other lands of Dorman in a northwesterly and northeasterly direction respectively a distance of 2,581'± to a point, said point being the southwesternmost property corner of lands N/F Michael A. Hazzard & Francis R. Hazzard Heirs; thence proceeding with said Hazzard lands in a northwesterly, southwesterly, northwesterly, easterly and southeasterly direction respectively a distance of 5,126'± to a point, said point being a property corner of lands N/F of Michael A. Hazzard & Linda F. Wardrup; thence proceeding by and with said Hazzard/Wardrup lands in northeasterly, southeasterly and southwesterly directions respectively a distance of 2,841'± to a point, said point being the northwesternmost property corner of lands N/F of Carlton O. Dorman; thence in a southeasterly direction a distance of 1,391'± to a point, said point being on the westerly ROW of Robinsonville Road; thence proceeding in an easterly direction crossing Robinsonville Road a distance of 50'± to a point, said point being a property corner of lands N/F of Double DP, LP; thence proceeding by and with said Double DP lands generally northerly direction a distance of 2,807'± to a point, said point being the northwesternmost property corner of said lands; thence by and with said lands in a southerly direction a distance of 1,943'± crossing John J. Williams Hwy. to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-11.00 and Sussex County property assessment records. The annexation contains 336 acres more or less.

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

The public hearing will be held on this issue at 10:30 a.m. on July 31, 2018 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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 27, 2018

RE: County Council Old Business Report for CU 2113 CleanBay Renewables, LLC

The County Council held a public hearing on February 20, 2018. County Council deferred action for further consideration.

The Planning and Zoning Department received an application (CU 2113 CleanBay Renewables, LLC) to allow for a conditional use to allow for an electrical generation and nutrient recovery facility to be located on Rt. 113. The Planning and Zoning Commission held a public hearing on January 25, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, results from DelDOT Service Level Evaluation stating a TIS was not required, comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division, and one letter in support was read into the record.

The Commission found Dennis Schrader, Attorney with Morris James, LLP, Thomas Spangler, Principal of CleanBay Renewables, LLC, and Dr. Kristi Shaw were present on behalf of the application; that Mr. Schrader stated the site is adjacent to a borrow pit and former airport; that the site is 16.71 acres and proposes a public utility generation plant; that per the Comprehensive Plan the site is low density; that it is in the Level 4 State Strategies; that they are not encouraging state spending; that this process has been through State PLUS review; that a letters from Delaware Electric Cooperative was submitted; that a representative from the Department of Agriculture was planning to attend and send a letter of support; however, was unable to do so due to illness; that Mr. Spangler stated that there are residences across Breasure Road to the north; that to the west of the property is the former airport and a borrow pit; that a proposed solar farm is proposed across Route 113 to the east; that Breasure Road is used for local residences and for truck access to the Borrow Pit and Melvin Joseph construction site; that the property is currently used for agricultural purposes and contains a dwelling; that the dwelling is old and not habitable and would cost a lot of money to rehab; that the initial plan is to demolish the house; that the proposed plant would convert poultry litter and other poultry waste streams into energy; that Breasure Road would be used for trucks and employee entrance and will be used for 12 trucks a day; that they would self-imposed delivery hours six days a week from 7:00 am to 7:00 pm; that DelDOT minimized the use of Route 113 for an entrance; that the type of trucks used are tractor trailers; that there will be 12 trucks per day



maximum and each truck carries 23 tons of poultry litter; that half of those trucks exit empty and the other half exit with a saleable soil amendment by-product similar to what can be found in local garden stores; that they have a contract with litter brokers to obtain material; that the quantity of litter that goes through the facility is approximately 250 tons per day; that the service areas of the litter are generally within 50 miles of litter brokers; that the trucks come in and unload into a hopper type system which goes into enclosed tanks; that the entire process is a closed loop system; that liquid goes into tanks that breaks down the products then goes to other tanks to create gas to electrical generation which connects into the Delaware Electric Cooperative Substation; that some material is piped to the nutrient recovery building and creates approximately 1 truck load of struvite pellets per day; that they have separated the phosphorous; that they are then left with a soil amendment (nitrogen, potassium and a small amount phosphorous); that it is used as soil amendment for farm use with approximately 5 truckloads going out daily; that the tanks on site are not explosive and that they would not explode if hit by an airplane, and that the adjacent airport is closed; that the Architect is designing the facility as an agricultural type campus and will incorporate screening and landscaping for the site; that the plant is a 24 hour 7 day use; that it will provide security lighting and proper signage; that Dr. Shaw stated she is a doctor of Environmental Science and a Maryland certified Nutrient Management Consultant; that the main environmental concerns are stormwater management and they are working with DNREC; that some wetlands are on-site and will stay away from it; that the facility will be in compliance with air quality regulations; that the site will be monitored by DNREC for air, water and soil and will obtain proper permits; that Delaware Electric Co-op supports this site; that the site is adjacent to Route 113 and due to the Corridor Protection status, DeIDOT supports truck traffic on Breasure Road entrance; that the facility is a positive facility for the agricultural business community use in the County; that it is in compliance with the Comprehensive Plan to support Agricultural use; that they submitted finding of facts and conditions of approval and are willing to accommodate concerns of the public; that Mr. Spangler stated Breasure Road is the main truck access from Melvin Joseph borrow pit and asphalt plant; that the loads coming in are covered and don't have to be uncovered to unload; that they are willing to request them to remain covered while unloading; that it is a hooded conveyor (completely enclosed) while unloading the litter; that the generators are sound suppressed; that the generators will approximately be 300-500 feet from the nearest house; that Dr. Shaw stated the noise they would have is 60 decibels at 33 feet away from the containers, which is approximately the sound of air conditioner unit or dishwasher; that Mr. Spangler stated they have four generators that are 2.4 megawatts (2,400 kw) per generator; that it is an active sound dampening system containers for the generators which are off the shelf products; that Dr. Shaw stated that two of the generators are sitting outside of a patient room at Salisbury Hospital; that the soil amendment by-product is pathogen free as a result of the process and will be a valuable commodity for local farmers; that the homes should not feel or hear anything; that Mr. Spangler stated they will take DAF and hatchery waste; that they have mitigated the smell while unloading by using an injector type system; that the unloading area is covered by an overhang with a carbon air filtration system approximately 300 feet away from Breasure Road; that screening around the site as well as the design of the facility will also help mitigate smells; that any odor that escapes from the unloading process will fall off by 100 feet from processing area according to odor experts; that it is a 15 minute controlled exposure going into a liquid based system and it is completely different then spreading on a farm field; that DeIDOT came up with 84 trips per day based on employees and truck usage; that there will be three shifts; that the number of employees will be 15 to 17 on the major shift; that Dr. Shaw stated that there will be a landscape buffer with trees and bushes with height; that the gas on-site is a wet gas and it is not explosive; that the chance of fire or explosion is very low; that Mr. Spangler stated they would like a 32 square foot lighted sign at the Breasure Road and Rt. 113 intersection or at facility entrance; that there will be security lighting which is motion activated; that it is highly mechanized and automated

system; that outside lighting is unexpected after dark; that the trailers back in; and that a three foot height wall will be around the perimeter of unloading area for containment.

The Commission found that Mark Neilson, for Delaware Electric Co-op spoke in favor to the application; that Mr. Neilson supports the project and hopes the concerns can be addressed; and that it provides additional reliability to the grid for electrical generation in the area.

That the Commission found that Alma Roach, Rebecca Breasure, Jacob Breasure, Steven Baker, Karen Illian, Dean Wright, Kevin Walls, Susan Blades, Robert George, David Blades, Jerell Thomas, and Derek Johnson spoke in opposition to the application; that Ms. Roach stated the industrial facility is adjacent to a residential community; that the roads are not capable to handle the 23 ton vehicles; that she has concerns with traffic on Route 113; that she has concerns with noise and pollution; that there are not similar uses in the area; that they should use the County Industrial Park or locate near chicken houses; that she has concerns with potential impact water quality to wells; that she requests a bond for potential groundwater pollution; that she lives a 1/2 mile from the site; that it is not conducive to the community; that Ms. Breasure stated the road changed when the asphalt plant went in; that she has concerns with traffic; that she has concerns with odor, dust and water pollution; that the plant will cause additional noise; that the property values will become lower; that there will be smell while trucks are unloaded and traveling to the site; that people have had to dig deeper wells due to the sand and asphalt plant; that the trucks make noises while they are backing up; that if it was not ok along Route 9, why here; that it is not a pleasant sight for tourists; that why not go to the County's Industrial Park; that she has an issue with the 200 feet notice; that she has lived there for 65 years; that Mr. Breasure stated why here in this location; that he was lied to about the sand and asphalt plant and has had to fight each time; that he has concerns with smell from manure; that he has concerns with groundwater contamination; that he has concerns with traffic; that Breasure Road cannot handle the traffic; that if it is not ok on Route 9, why is it ok here; that they need to keep the area beautiful for residents and tourists; that they should give the Maryland facility a chance to open up before considering this plant; that Mr. Baker stated he had lived on Bunting Road for 15 years and moved due to the sand plant; that he owned two homes but only had one driveway and couldn't get a second driveway; that there is too much traffic on Bunting Road now from trucks; that the covers on the trucks do not keep everything in the trucks; that Ms. Illian stated she lives 1/8 mile from the site; that she has concerns with DNREC monitoring; that she would like to consider the saving of the historic home; that she has concerns with 24 hour plant; that it is a quiet and wooded area; that the noise, trucks, lights will disturb the area and impact the walkers in the area; that she has concerns about growth on the site; that she appreciates the farmers and their needs; that she understands the use and it is awesome; that this is not a good location and are already dealing with other uses; that she has concerns about property values; that she runs a daycare in the area and it could impact her business; that she read a letter from a neighbor stating that they had concerns with the posting of the sign; that they didn't receive any information about the hearing; that they had concerns with traffic, smells, drinking water; that they don't feel the appropriate state agencies are going to protect us with further projects like this one; that Mr. Wright stated the concept is good and the location is bad; that Mr. Walls stated he has concerns with the trailers under the roof and unload; that why do they need 12 hours to unload 12 trucks a day; that it should go to the County's Industrial Park; that there are more residents living here then on Route 9; that this is an Agricultural area and not an Industrial area; that there is noise now from farm trucks; that Ms. Blades stated she rents her property in the area; that 15 minutes times 12 trucks equal three hours; that concerns with possibility of spills while unloading the trucks; that what happens if the electric goes out; that Mr. George thinks it is a great idea but a wrong location; that it should be put at an industrial park; that he has concerns with water quality and traffic; that he has concerns with

spills; that he would like to know who does the water testing; that Mr. Blades stated had concerns with traffic especially Breasure Road; the trucks are not air tight; that why not put it on state land; that Mr. Thomas stated he has concerns with droppings off the trucks; he has concerns with explosion; and that Mr. Johnson stated that he has concerns with water and soil.

The Commission found that Mr. Schrader stated the lot sizes in the industrial park are too small and do not have adequate access to power grid; that Mr. Spangler stated that they need to find a location that can support the load of electricity; that Dr. Shaw stated that there is not enough land for expansion at the site and neighbors already had issues with the use; that they generate their own electricity and there is no issues if the electric goes out; that Mr. Spangler stated the 12 hour window is so trucks are not stacked up on each other and they are willing to work with the Commission regarding the hours; that the system is entirely closed; that they are recycling all of the water from the process; that this is a zero discharge facility except for grey water from the office facility; and that personnel will be on the site 24 hours a day 7 days a week.

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

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 4-0. Ms. Stevenson was absent.

At their meeting of February 8, 2018, the Planning Commission discussed the application which had been deferred since January 25, 2018. Ms. Stevenson indicated that she had listened to the audio and reviewed the record and is qualified to vote on the application.

Mr. Wheatley moved that the Commission recommend approval of Conditional Use # 2113 for CleanBay Renewables, LLC Sussex I for an electrical generation and nutrient recovery facility based upon the record and for the following reasons:

1. The proposed Conditional Use is to establish a facility for nutrient recovery and conversion of poultry litter into electrical generation. The use and process of electrical generation will not include any incineration or composting of poultry waste.
2. The site is a 16.71 acre parcel of land with frontage on Route 113, which is one of the 3 major north-south truck routes through Sussex County. The site is also in close proximity to the existing electrical power grid. This is an appropriate and necessary location for this type of use.
3. The proposed use is consistent with other existing uses in the immediate vicinity, which include a large borrow pit, an asphalt plant, a large construction contractor equipment yard and an airstrip.
4. The proposed use is an agribusiness use which takes chicken litter, a byproduct of the Delmarva poultry industry, and converts it to electrical energy. This is a benefit to the agricultural industry of Sussex County through the re-use of chicken litter. It is also a benefit to residents and businesses within Sussex County by creating an economical alternative energy source for Sussex County and Delaware utility providers.
5. The entire process occurs within a closed system, from the time that the material delivered to the site arrives via truck through the end of the process when the pelletized remnants are removed from the site. There is no open storage of any material on site at any time.
6. There was nothing in the record to indicate that there will be significant odors from the site. And, given the current AR-1 zoning of the site, there are reasonable expectations

- that the site could currently be used for agricultural purposes that do generate odors associated with farming and poultry operations.
7. While there were concerns about traffic generated by the use, the actual amount of traffic is relatively minor given the prominent location of the site along Route 113 adjacent to other existing heavy uses. The applicant testified that there are no more than 12 truck deliveries to the site per day and there are few employees associated with the use. And, the Delaware Department of Transportation will dictate entrance and roadway improvements necessitated by the use.
 8. The applicant testified that the use does not generate an extensive amount of noise. Any noise coming from the conversion process or the generators is comparable to the noise already created by traffic along Route 113.
 9. The applicants will be required to obtain all necessary permits and approvals from the Delaware Department of Natural Resources and Environmental Control, particularly those relating to air and water quality controls, and other agencies, prior to any operations on the site.
 10. I am satisfied that this parcel is appropriate for development given its proximity to the highway and being surrounded by other heavy commercial types of uses. This particular use, with the conditions and limitations placed upon it, will not have an adverse impact upon neighboring properties or the community.
 11. This proposed use supports one of the primary goals of the current Sussex County Land Use Plan as stated on page 1 of that document: Conserve the County's agricultural economy. This goal is also restated in the Future Land Use Element of the Plan. This agribusiness use provides a market for the chicken litter byproduct of poultry operations which benefits and helps conserve the agricultural economy of Sussex County.
 12. This recommendation is subject to the following conditions:
 - A. All improvements for nutrient recovery and electrical generation shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control, the State Fire Marshal, and any other state or federal agencies that have any jurisdiction over the development and use of the site.
 - B. As proffered by the applicant, all buildings on the site shall have an agricultural appearance. This shall not apply to the generators, holding and treatment tanks or towers located on the site.
 - C. The generators must have sound suppression measures in place and they must be located as far as possible from Breasure Road.
 - D. All trucks entering or leaving the site shall be completely enclosed at all times.
 - E. All materials brought to the site shall be offloaded from trucks using a conveyor system. No open dumping shall be permitted.
 - F. No chicken litter or other materials brought to the site or the end-product from the use shall be stored outside on the site. All materials brought to the site shall be immediately offloaded from trucks into the facility's closed system.
 - G. Truck deliveries to the site shall be limited to the hours between 7:00 am and 7:00 pm, Monday through Saturday, and there shall be no more than 12 deliveries of materials per day. No deliveries shall occur on Sunday, and no trucks containing materials shall remain on the site beyond the delivery hours or on Sundays.
 - H. The Final Site Plan shall include a thirty-foot wide "Forested and/or Landscaped Buffer Strip" meeting the planting requirements of Section 99-5 of the Code of Sussex County. Section 99-5 dictates the types of trees and vegetation, the density of the required trees and other plantings, minimum heights, and other requirements. The Final Site Plan shall contain a landscaping plan for these buffer areas.

- I. The applicant shall comply with all DelDOT requirements for roadway and entrance improvements.
- J. One lighted sign shall be permitted on the site. The sign shall not exceed 32 square feet per side. Small directional signs shall also be permitted at the entrances to the site. The location of the signage shall be shown on the Final Site Plan.
- K. Any violations of the conditions of approval may result in the termination of this Conditional Use.
- L. The Final Site Plan shall contain the approval of the Sussex Conservation District regarding drainage and stormwater management requirements.
- M. Any security lighting shall be designed so that it is downward screened so that it does not shine on neighboring properties or roadways. In addition, all exterior lighting shall automatically be dimmed between 9:00 pm and 6:00 am.
- N. Prior to Final Site Plan approval, the applicant shall obtain a baseline water quality sample and the report from that shall be submitted to the Office of Planning and Zoning to confirm the groundwater quality prior to any development of the site.
- O. The Final Site Plan shall be subject to the approval of the Sussex County Planning and Zoning Commission.

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

Introduced 10/10/17

**Council District No. 2 – Wilson
Tax I.D. No. 133-6.00-123.00 (portion of)
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 16.71 ACRES, MORE OR LESS

WHEREAS, on the 31ST day of August 2017, a conditional use application, denominated Conditional Use No. 2113, was filed on behalf of CleanBay Renewables, LLC Sussex I; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2113 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2113 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the southwest corner of DuPont Boulevard (Route 113) and Breasure Road, and being more particularly described per the attached deed prepared by Moore & Rutt, P.A., said parcel containing 16.71 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.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 27, 2018

RE: County Council Old Business Report for CU 2130 The Evergreene Companies, LLC (Pallots Corner)

The County Council held a public hearing on July 24, 2018. County Council deferred and left the record open for information from the County Engineer regarding wastewater capacity and odor concerns. Mr. Medlarz has provided a response to the questions and concerns.

At their meeting of June 28, 2018, the Planning Commission discussed the application which has been deferred since June 14, 2018.

Mr. Hudson moved that the Commission recommend approval of C/U 2130 for The Evergreene Companies, LLC for Multi-Family Dwellings in an MR Medium Density Residential District based upon the record made during the Public Hearing and for the following reasons:

1. This application seeks approval of 20 townhome structures on 2.3871 acres, for a proposed density of approximately 8.4 units per acre.
2. The property is at the intersection of Fred Hudson Road and Cedar Neck Road, which is one of the busiest intersections in this area. The property is also bounded by single family homes and the clubhouse and pool area of an adjacent single family residential development.
3. Multiple parties appeared in opposition to this project, including residents of the adjacent Bethany Lakes development. That property, like this one, has an MR zoning, but it was developed at a much lower density on larger single-family lots. The opposition included concerns about the density, increased traffic at this already heavily-travelled intersection and other factors.
4. I am concerned about the proposed density on this small of a property. It appears that this is the maximum density that will fit on the property taking into account the dimensional and minimum parking requirements.
5. The applicant has cited the densities of other nearby developments for comparison and similarity to this development. However, many of those developments are zoned C-1, which permits density "by-right" of up to 12 units per acre. In the case of Sunset Harbor, that density was long ago established with a manufactured home park that previously existed on the site. Here, unlike the C-1 Zoned properties in the area, this parcel zoned MR, which only permits a "by-right" base density of 4 units per acre.
6. The site is in the Environmentally Sensitive Developing Area according to the current Sussex County Comprehensive Plan. Although our Plan states that multifamily structures are



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

appropriate in this Area, it also states that the density should primarily remain between 2 and 4 units per acre. In some cases, it may be appropriate to increase the density, especially on larger tracts that can accommodate the density, but not here on a very small tract of land at a prominent intersection.

7. I am also concerned that by maximizing the number of townhomes on this property, there is little room for overflow parking and there is very little separation between this property and the single-family development adjacent to it.
8. Section 115-218 of the Zoning Code allows the County to require the 20-foot forested buffer around a multifamily development when appropriate. Given the location and surroundings of this property, it is appropriate to require the 20-foot vegetated buffer around the entire perimeter of the project.
9. With the buffer requirements and based upon my concerns about the overall density of the project and proposed site plan, the number of units permitted as part of this project shall be reduced to 16. That will allow for the installation of the required buffer and it will allow for additional parking within the site.
10. The development will be served by central sewer provided by Sussex County.
11. This recommendation is subject to the following conditions:
 - A. The maximum number of townhouse units shall be 16.
 - B. As provided by Section 115-218 of the Zoning Code, there shall be a forested or landscaped buffer installed around the entire perimeter of the project in compliance with Section 99-5 of the Code of Sussex County.
 - C. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - D. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - E. The project shall be served by central water to provide drinking water and fire protection.
 - F. Interior Street design shall meet or exceed the Sussex County street design requirements.
 - G. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 a.m. and 6:00 p.m., Monday through Saturday.
 - H. No other outdoor construction activities shall occur at the site except between the hours of 7:30 a.m. through 7:00 p.m., Monday through Friday, and 8:00 a.m. through 2:00 p.m. on Saturdays. There shall be no construction activities at the site on Sundays.
 - I. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - J. The applicant shall form a condominium association responsible for the perpetual maintenance, repair and replacement of the roads, the buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
 - K. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
 - L. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - M. As stated by the applicant, there shall be a swimming pool and pool house installed on the premises. The swimming pool shall be at least 15 feet by 35 feet in size.

N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

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

sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III

FROM: Hans Medlarz, PE; Sussex County Engineer

RE: *CU 2130 The Evergreene Companies, LLC (Pallots Corner)*
TM&P 134-13.00-2164.00
File: CN-1.05

DATE: July 27, 2018

On July 24, 2018, County Council held a Public Hearing on the above-mentioned application. The project wastewater discharge is proposed to connect to Sussex County gravity infrastructure within the Bethany Lakes subdivision which flows to Sussex County pump station PS#172 on Cedar Neck Road. During the hearing Councilman Cole requested additional information in connection with odor and capacity issues at PS#172.

The County has installed a Bio-Air system replacing an older carbon type filtration system at PS#172 to improve any odor issues that may have previously existed. To further reduce any odor in the service area there is ongoing treatment upstream of PS#176 with bioxide. Environmental Services has received no odor complaint on this station since the upgrade was installed. Review of the most recent pump data reveals PS#172 has significant capacity available. Increases in direct discharge utilization tend to improve pump station odors because it reduces residence time with the higher frequency wet well turn over.

cc.: Janelle Cornwell, Director of Planning & Zoning



Introduced 1/23/18

**Council District No. 4 – Cole
Tax I.D. No. 134-13.00-72.00 and 72.01
911 Address: 30733 Cedar Neck Road, Ocean View**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (20 TOWNHOMES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.3817 ACRES, MORE OR LESS

WHEREAS, on the 11th day of January 2018, a conditional use application, denominated Conditional Use No. 2130, was filed on behalf of The Evergreene Companies, LLC; and

WHEREAS, on the ____ day of _____ 2018, 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. 2130 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2130 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 at the northeast corner of Cedar Neck Road and Fred Hudson Road, and on the northeast side of Cedar Neck Road approximately 255 feet north of Fred Hudson Road, and being more particularly described per the attached deeds prepared by the Law Office of Susan Pittard Weidman, P.A., said parcels containing 2.3817 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.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

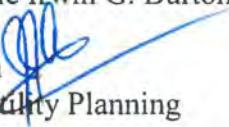
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Baylis Estates Investments, LLC
File: OOS-11.11

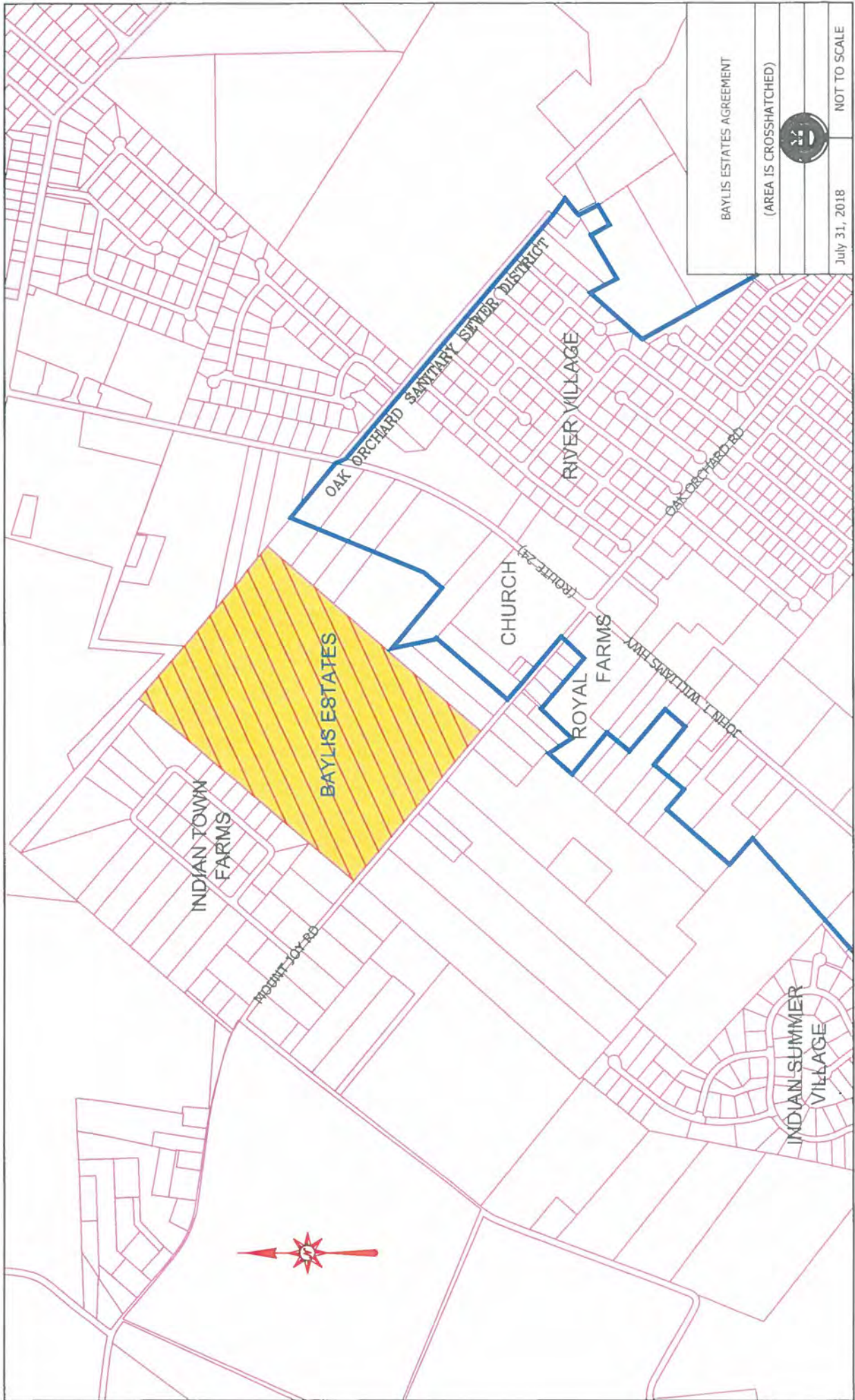
DATE: July 31, 2018

On July 19, 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement 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 Department requests approval of an agreement for the Use of Existing Infrastructure with **Baylis Estates Investments, LLC** for the **Baylis Estates** project in the Oak Orchard 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 as well as off-site equivalent dwelling units to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Baylis Estates** will connect to the existing forcemain system that will connect to existing regional infrastructure. In return for utilization of said infrastructure **Baylis Estates Investments, LLC** will contribute **\$73,039.00** for the perpetual use of these transmission facilities to serve **138** Equivalent Dwelling Units.





BAYLIS ESTATES AGREEMENT
(AREA IS CROSSHATCHED)

July 31, 2018
NOT TO SCALE

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
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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
BB Lovett, LLC
File: ANG-7.07

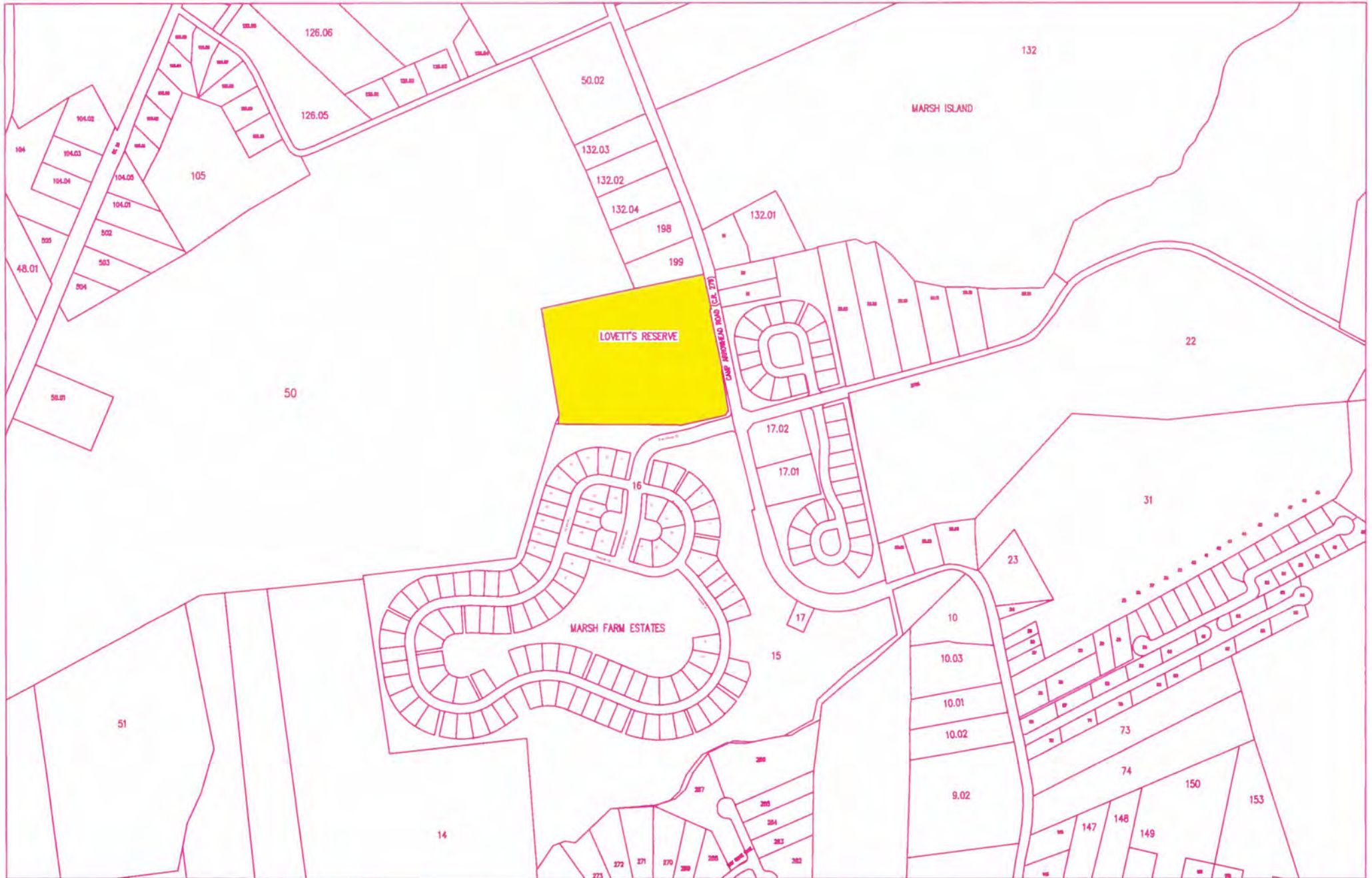
DATE: July 31, 2018

On July 19, 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement 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 Department requests approval of an agreement for the Use of Existing Infrastructure with **BB Lovett, LLC** for the **Lovett's Reserve** project in the Angola Neck 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 as well as off-site equivalent dwelling units to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Lovett's Reserve** will connect to the existing gravity collection system that will connect to existing regional infrastructure. In return for utilization of said infrastructure **BB Lovett, LLC** will contribute **\$14,287.00** for the perpetual use of these transmission facilities to serve **31** Equivalent Dwelling Units.





ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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FAX	(302) 855-7799



Sussex County

DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable I.G. Burton, III
The Honorable Samuel R. Wilson, Jr.
The Honorable Robert B. Arlett

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

RE: ***SOUTH COASTAL REGIONAL WASTEWATER FACILITY (SCRWF)***
Approval of Amendment No.14 under GHD, Inc. Base Contract
Design of Phase 2 Upgrades at the Rehoboth Beach WTF

DATE: July 31, 2018

On August 8, 2017 the County Council approved an agreement with the City of Rehoboth Beach for wastewater treatment as well as biosolids services. Treatment capacity allocation and associated debt service was based on a percentage of the facility's year-round permitted design capacity. The Agreement set the initial allocation for Sussex County at the historical 42% mark however, it allows the County to increase the allocation to 50% after the first year of full facility operation. Operational, maintenance and administrative costs are to be split based on flows.

The City funded the outfall related projects and phase 1 of the facility capital upgrade project through Delaware's State Revolving Loan Fund. Payment for the associated debt service will be allocated in accordance with the aforementioned capacity percentages. The Agreement is set up as a partnership allowing the City and the County to jointly develop alternatives for the next phases of the treatment plant upgrade project. On July 20, 2018 the City Council agreed to accept the County's offer to assume the design and construction responsibilities of Phase 2 of the upgrade project consisting mostly of electrical and structural reliability issues. The City would reimburse the County for the prorated costs incurred over a 10-year period at 0% interest. The Finance Director and the County Engineer in cooperation with City officials drafted the attached alternative financing agreement for Council's consideration.

GHD, Inc., held the County's engineering services contract associated with the SCRWF since December 7, 2001. Since contract inception Sussex County awarded thirteen (13) amendments for additional services under said base contract. Amendments 11, 12 & 13 were associated with the ongoing 3rd capital upgrade project at the SCRWF.



The 11th amendment covering planning and conceptual design was approved by Council on October 25, 2016 and used in the 2018 budgeting process. The 12th amendment was approved August 22, 2017 for development of construction documents and on July 11, 2017 Council awarded the 13th one for electrical and control value engineering and constructability reviews.

GHD, Inc. held the City's engineering services contract associated with the City's wastewater treatment plant since 2000. The City had previously issued a task order covering the overall capital project planning and conceptual design in addition to contract document development for the City's Phase 1. Now GHD, Inc. has developed a scope associated with the final design of Phase 2 allowing both projects to synchronize their schedules. The Engineering Department envisions a prime bid for the electrical work and utilization of the General Labor & Equipment Contract for the structural repairs. This will provide cost saving opportunities for construction contract implementation as well as contract administration and inspection services. Therefore, the Engineering Department is now requesting Council to approve Amendment 14 for design services of the City's Phase 2 capital upgrade project in the amount not to exceed \$398,413.20.

SOUTH COASTAL REGIONAL WASTEWATER FACILITIES

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 14

This contract amendment, **Contract Amendment No. 14** dated July 27, 2018 amends our original contract dated December 7, 2001, between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and GHD, Inc., a State of Maryland Corporation, hereinafter referred to as CONSULTANT, whose address is 16701 Melford Boulevard, Suite 330, Bowie, Maryland 20715. Except as specifically amended herein, the provisions of the Original Contract dated December 7, 2001, as thereafter amended, remain in effect and fully valid.

By execution of this Amendment, the following sections are hereby added as new sections to the Original Contract, as respectfully numbered below.

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 13** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated December 7, 2001.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Final Design Construction Documents for the Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program Upgrade Phase 2 in a Joint Project with the Expansion of the South Coastal Regional Wastewater Facilities** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **Three Hundred Ninety-Eight Thousand, Four Hundred Thirteen dollars and Twenty cents (\$398,413.20)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN
INCORPORATED DOCUMENTS

- 14.2 **Attachment A: Consultant's Scope of Services, Final Design Construction Documents for the Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program Upgrade Phase 2 in a Joint Project with the Expansion of the South Coastal Regional Wastewater Facilities with Man-hour Spreadsheets. (Contract Amendment No. 14).**

By execution of this Agreement, the following sections are amended as set forth below:

- 2.4 The CONSULTANT shall perform the Scope of Services attached hereto as Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment A.
- 4.3 The COUNTY shall pay the CONSULTANT for the satisfactory completion of the Scope of Services specified herein before in Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment, based on and limited to the following method of determination....”

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 14 to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

PREVIOUSLY APPROVED FORM

Date

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

GHD, Inc.



Kelvin George, P.E.

WITNESS:





ATTACHMENT A

July 27, 2018

Mr. Hans M. Medlarz, PE
Sussex County
PO Box 589
2 The Circle
Georgetown, DE 19947

Dear Mr. Medlarz:

**Re: Design Engineering Services Proposal
Rehoboth Beach WWTP CIP Upgrade Phase 2, joint with the SCRWF Treatment Upgrade
No. 3**

GHD is pleased to submit this proposal for Design Engineering Services for the Rehoboth Beach WWTP CIP Upgrade Phase 2, and for the development of Bid Documents and provision of Bid Phase Services for a multi-prime, joint contract with the SCRWF Treatment Upgrade No. 3.

Overview

Under Amendment No. 12 (signed September 19, 2017) GHD is preparing bid documents for the expansion of the South Coastal Regional Wastewater Facilities (SCRWF). The scope and fee presented herein covers detailed design engineering to provide Bid Documents and Bid Phase engineering services for the Rehoboth Beach WWTP CIP Upgrade Phase 2, and the additional effort required to prepare bid documents and complete bid phase services for a multi-prime, joint contract with the SCRWF expansion. It is anticipated that construction engineering and inspection will be covered under a future amendment to be negotiated once the project is bid and awarded for construction.

PER Scope of Services

GHD will provide the following design services for the joint project, noting that the Scope of Services for Amendment 12 remains valid, except as amended herein:

1. General
 - a. Amending Scope of Services Article 1.a of Amendment 12: One set of Bid Documents will be prepared inclusive of work at Rehoboth Beach WWTP and SCRWF, for construction under multiple contracts, financed through local Sussex County and City of Rehoboth Beach funding.
 - b. Civil and structural works proposed for Rehoboth Beach WWTP may be included in the project documents or separately documented for construction by the Sussex County on-call contractor, on a time and materials basis. If separately documented, GHD would prepare drawings and technical specifications only (no front end documents).



- c. Two meetings with the Sussex County on-call contractor to discuss scope of work to be separately documented for construction on a time and materials basis.
- d. Two meetings with City of Rehoboth Beach officials and plant staff to present and discuss 50% and 90% Rehoboth Beach design documents.

2. Detailed Design Scope

a. Rehoboth Beach WWTP Power Distribution

- i. New service entrance to receive low voltage service from the utility.
- ii. New switchgear lineup with integrated automatic transfer switch.
- iii. New emergency generator with walk-in enclosure and sub-base fuel tank mounted on frost-protected concrete equipment pad.
- iv. New PCS cabinet with OIT to monitor the electrical system. New temporary hard-wired connections to the existing SCADA system for discrete monitoring of critical I/O points.
- v. Connection of the new power distribution equipment to the existing power feeders, utilizing line splices in the existing manhole located behind (east of) the existing medium-voltage switchgear.
- vi. New switchgear and ATS will be located on a new concrete foundation and will be protected by and housed in a pre-cast concrete electrical building.
- vii. New concrete equipment pad for the utility to mount its new transformer and metering equipment, to be located adjacent to the new electrical building.
- viii. Concrete pads for generator and utility transformer, as well as new electrical building foundation will be built on piles.
- ix. Fault current calculations for use in specifying power distribution equipment.
- x. Develop sequence of construction and delineation of trade work on drawings.
- xi. Demolition of decommissioned electrical equipment.

b. Rehoboth Beach WWTP Structural Repairs and T-1 Rehabilitation

- i. Concrete repair via crack injection along the horizontal tops of walls at the following process tanks:
 - 1) T-2 A/B
 - 2) T-4 C/D
 - 3) T-5 A/B
 - 4) T-6 A/B



- ii. Repair and rehabilitation of the T-1 structure, including:
 - 1) Repair and re-surface concrete floor on the upper level.
 - 2) Replace all metal grating and supports over the open channels.
 - 3) Replace influent force mains within the building and install new magnetic flow meters on the raw water mains.
 - 4) Clean and repaint the upper level walls.
- iii. Replace the above-grade effluent piping from T-2 A/B, including new valves and magnetic flowmeters. It is assumed new flow meters will be connected to existing power and signal wiring at or near locations of existing meters.

c. Permits

- i. Scope of Services described in Article 2.s of Amendment 12 expanded to include services associated with multi-site project. Permits listed under Article 2.s of Amendment 12, and as listed below, will be obtained jointly or in duplicate as applicable. GHD will assist with coordination with permitting agencies and the creation and filing of permit submittals. Permit fees, where applicable, will be paid by County or City.
 - 1) DNREC wastewater facilities construction permit.
 - 2) Sediment and Stormwater Management Plan.
 - 3) Construction Stormwater Discharge Permit NOI.
 - 4) Building Permit.
 - 5) Well Permit (Dewatering).
 - 6) Generator Air Permit.

3. Bid Phase Services Scope

- a. Scope of Services described in Article 3 of Amendment 12 expanded to include services associated with multi-prime project (including additional coordination, bidders, questions and bid reviews).

Schedule

The following schedule is proposed for the joint project on the basis of authorization to proceed being granted by August 8, 2018:

- 1. Submission of 90% SCRWF documents and 50% Rehoboth Beach documents by September 28, 2018.



2. Three months for 100% SCRWF documents and 90% Rehoboth Beach documents after the 90% SCRWF design review meeting.
3. Six weeks for final bid documents after the 100% SCRWF design review meeting.

Exclusions

The following items are not included in GHD's Scope of Services:

1. Design of items not noted here or in Amendment 12.
2. Construction Phase services including inspection.
3. Materials testing services.
4. Additional meetings or tasks beyond those identified in Amendment 12.
5. Additional budgeted effort beyond that included in the attached Hour and Cost Summary Table.

Engineering Fee

GHD proposes to provide engineering services for the Design Engineering Scope of Services based on direct hourly payroll costs paid to technical staff engaged on the project plus overhead and fringe benefit costs at GHD's annually adjusted audited overhead rate, plus out-of-pocket and subconsultant expenses at cost, plus a fixed fee of 10% on direct costs plus overhead and fringe benefit costs. Total engineering cost for the scope of work presented herein is estimated to be the following, not to be exceeded without County Engineer approval:

Description	Cost
Direct Wage Costs	\$139,721.00
Overhead and Fringe Benefits	\$220,759.18
Expenses	\$1,855.00
Fixed Fee	\$36,048.02
TOTAL	\$398,413.20

Please let us know if you have any questions or comments regarding this proposal.



Sincerely,

GHD

A handwritten signature in blue ink that reads 'Kelvin George'.

Kelvin George, PE

Principal

KSG/SPC/kab

Attachments: GHD 2017 Hourly Rates
Hour and Cost Summary Table

GHD, Inc.
Hourly Direct Rate Ranges By Classification
Effective July 1, 2017

Personnel Category	Hourly Rate (\$/Hr)	
	Minimum	Maximum
Principal	72.00	78.00
Associate	58.00	70.00
Senior Engineer	50.00	70.00
Project Manager	45.00	56.00
Project Engineer	38.00	48.00
Engineer	25.00	36.00
Managing Designer	45.00	50.00
Senior Designer	30.00	35.00
Designer	24.00	30.00
Drafter	20.00	25.00
Senior Rep	30.00	42.00
Project Rep	24.00	30.00
Administrative Assistant	22.00	25.00

Rates are subject to annual adjustment
Rates do not include overhead and profit

ALTERNATIVE FINANCING AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ 2018, by and between the CITY OF REHOBOTH BEACH, a municipal corporation of the State of Delaware, party of the first part, hereinafter referred to as “CITY,”

-AND-

SUSSEX COUNTY, a political subdivision of the State of Delaware, party of the second part, hereinafter referred to as “COUNTY.”

WITNESSETH:

WHEREAS, The CITY and COUNTY desire to engage in an alternative financing agreement for the design and implementation of Phase 2 of the Wastewater Treatment Plant Capital Improvement Plan hereinafter referred to as the “Improvements”.

WHEREAS, the COUNTY has offered, and the CITY has agreed, to allow this cooperation to proceed where the CITY would reimburse the COUNTY for the prorated costs incurred by the COUNTY over a 10-year period at 0% interest.

WHEREAS, the CITY provides wastewater treatment and disposal services for the COUNTY in accordance with the Agreement for Wastewater & Biosolids Services dated August 8, 2017. Said services are billed on a quarterly basis and are hereinafter referred to as the “Services”.

NOW, THEREFORE, the parties hereto agree that the COUNTY shall engage the engineering firm GHD, Inc. initially for the design of the Improvements in conjunction with the COUNTY’s ongoing design by the same firm for its South Coastal Wastewater Treatment Facility and subsequently for the contract administration and inspection of a joint project once approved and permitted.

BE IT FURTHER AGREED that the CITY shall reimburse the COUNTY for engineering and construction related expenses associated with the Improvements on a prorated basis in accordance with the Agreement for Wastewater & Biosolids Services dated August 8, 2017, beginning after the City's beneficial occupancy of the Improvements. The CITY shall deduct from its quarterly invoice for Services an amount equal to 1/40 of the total incurred cost associated with the Improvements.

BE IT FURTHER AGREED that the CITY grants full authority to the County for the implementation of the Improvements on the grounds of tax parcel 334-19.00-171.01 owned by the CITY while the COUNTY and/or GHD, Inc. shall maintain as built information up to the time of completion of the Improvements, as well as, assist in the timely transfer of said as built information to the CITY's GIS data base.

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 above written.

CITY OF REHOBOTH BEACH

Attest: _____
CITY Secretary

By: _____
Paul Kuhns, Mayor

SUSSEX COUNTY

Attest: _____
Clerk, Sussex County Council

By: _____
Michael H. Vincent, President

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

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

RE: ***SUSSEX COUNTY MAINTENANCE GARAGE, Project 17-09
Change Order No.1***

DATE: July 31, 2018

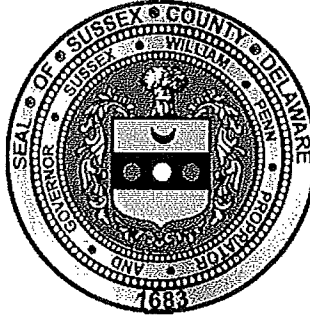
In both the 2017 Fiscal Year as well as the current budget year County Council included funding for a multi-function Sussex County Maintenance Garage. The proposed 10,000 square feet facility will be constructed on the site of the existing, smaller single bay shop used to service EMS vehicles.

The project was publicly advertised and on March 27, 2018, five (5) bids were received. On April 10, 2018, Council awarded the Sussex County Maintenance Garage Project to Delmarva Veteran Builders, LLC, in the amount of \$1,993,110.00 for their low bid in the amount of \$1,993,110.00 for base bid items A1, A2, A3, A5 and bid alternate B3.

The project, as bid, reflected a structural foundation design based on a generic building exposed to loadings consistent with the current County building code. As part of the submittal process, the contractor submitted shop drawing for the specified pre-engineered metal building which were approved by the Engineering Department. Subsequently, the metal building manufacturer submitted reaction forces specific to the actual building frame. Due to the specific layout, which features portal frames over cross bracing, certain reactions increased, requiring foundation modifications.

Change Order No. 1 addresses the required foundation increases necessary to maintain structural stability under the Code prescribed load scenarios. The Sussex County Engineering Department requests Council's concurrence of change order no. 1 for foundation modifications in the amount of \$8,970.00, for a new contract total of \$2,002,080.00.





**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SUSSEX COUNTY MAINTENANCE GARAGE**
2. Sussex County Contract No. 17-09
3. Change Order No. 1
4. Date Change Order Initiated - 7/9/18
5.
 - a. Original Contract Sum \$1,993,110.00
 - b. Net Change by Previous Change Orders -0-
 - c. Contract Sum Prior to Change Order \$1,993,110.00
 - d. Requested Change \$8,970.00
 - e. Net Change (No. of days) -0-
 - f. New Contract Amount \$2,002,080.00
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:

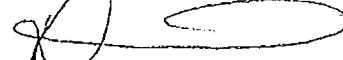
Increase structural stability of the foundation and footers

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

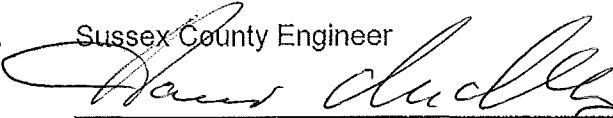
1. Delmarva Veteran Builders, LLC, Project General Contractor



Signature 7/26/18
Date

Daniel Mills
Representative's Name in Block Letters

2. Sussex County Engineer



Signature 7/26/18
Date

3. Sussex County Council President

Signature Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Millsboro Little League

PROJECT NAME: Road to Connecticut

FEDERAL TAX ID: 510260181 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: Our Junior Girls softball team has won the state championship and will be heading to Connecticut to compete in the regional tournament. The cost is around \$10,000 to help them with travel expenses, meals and rooms. This cost does not include helping the parents with their costs.

ADDRESS: P O Box 674 (mailing)
or 262 W State St (physical)

Millsboro DE 19966
(CITY) (STATE) (ZIP)

CONTACT PERSON: Heather Radish

TITLE: President

PHONE: 302-841-8437 EMAIL: hradish17@gmail.com

TOTAL FUNDING REQUEST: 1000.00 or whatever you can

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%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

- | | | |
|---|---|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>13-14 year old girls</u> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
500+

SECTION 3: PROGRAM SCOPE

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

Our 13-14 year old junior league softball team won district and states. During regular season we had to combine the towns of Laurel and Seaford with our Millsboro girls to have enough girls to make a couple teams. These girls came together and worked hard all season. They meshed so well. Your contribution will be helping girls from all over the county travel to Connecticut to play in the regional championship. If they win there, they will have the opportunity to play in the World Series in the state of Washington. Getting rooms and food for the girls for a possible 7 day trip will cost close to 10,000. We would appreciate any help.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	2000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
\$25.00 a day for 11 girls for 7 days	\$1925.00
11 rooms for 143.00 a night for 5 nights and 164 for 2 nights (we pay h	\$7301.00
Each of the 11 families will have to pay a portion which is \$521.50)	we would like to ease their h
TOTAL EXPENDITURES	0
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	0

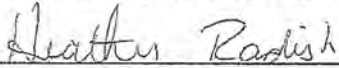
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Millsboro Little League agrees that:
(Name of Organization)

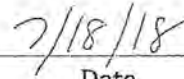
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

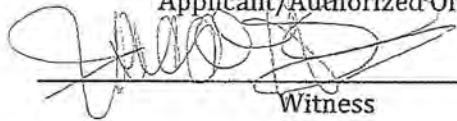
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



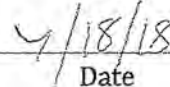
Applicant/Authorized Official



Date



Witness



Date

Heather Radish — Millsboro Little League President
302-841-8437

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Heather Rodish
Applicant/Authorized Official

President
Title

[Signature]
Witness

7/18/18
Date

Vincent
7/18/18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: True Blue Jazz Inc.

PROJECT NAME: 2018 True Blue Jazz Festival

FEDERAL TAX ID: 47-1429059 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: Our Mission is "Preservation through Performance". With each Festival year, we are committed to bring the best Live Jazz performances by Local, Regional & National Artists. We strive to bring the Legends of Jazz that are still actively performing to our True Blue Jazz Stage. And, every year, we provide educational growth through performance opportunities for our area Youth Jazz Students, as well as Scholarships, School Music Program Support, & Jazz Workshops for Students to learn from working Jazz Pros. TRUE BLUE JAZZ Inc. (TBJAZZ), is an Independent Jazz Festival. We are a recognized 501c3. Conceived and produced by Eddie Sherman and Peggy Raley, 2017 celebrates our 5th YEAR honoring America's most original Art Form....Jazz!

ADDRESS: 31408 Heron Circle

Lewes DE 19958
(CITY) (STATE) (ZIP)

CONTACT PERSON: Peggy Raley / Eddie Sherman

TITLE: Founders / Co-Producers

PHONE: 302-448-1766 EMAIL: info@truebluejazz.org

TOTAL FUNDING REQUEST: 5000.00 (if granted)

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? 1000.00

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? 1.793%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
 Infrastructure¹

- Health and Human Services
 Other _____

- Cultural
 Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
 Elderly Persons
 Minority

- Victims of Domestic Violence
 Low to Moderate Income²
 Other Sussex Resident & Tourist Increase

- Homeless
 Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
3500

SECTION 3: PROGRAM SCOPE

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

There are no musicians of the future if they are not nurtured, encouraged and educated today. Serving on the board of The Lawrence "Scotty" Scott Foundation proved to be an awe-inspiring experience in making a concerted difference in the lives of young people across the Delmarva Peninsula. From providing instruments to young people who couldn't afford them, to providing sheet music, music stands and special instruction to school districts whose budgets had been stripped by school boards, I have been privileged to provide and witness the difference one small organization can make in the lives of many children.

Since The "Scotty" Foundation ceased operation, we at True Blue Jazz Inc. have seen an incredible need to reach back into the lives of children and their teachers in the music world. TRUE BLUE JAZZ is honored to take up that mantle where The "Scotty" Foundation left off. If you can change the life of one child, and you can enrich the lives of all children in a community by the power and beauty of music, then you have started a beautiful revolution. Music is math, it is freedom, it is expression, it is culture, it is life. We are proud to persevere in this effort to sustain a gloriously fulfilled life of not just one, but what we hope will be the lives of many children. Young lives enriched and enhanced by Jazz...in all its amazing and musically expressive forms.

Your goodwill as Councilmen of Sussex, can directly see our County Funds change the course of a students' life through supporting True Blue Jazz. We have witnessed this ourselves...and we have the letters of appreciation to prove it.

Peggy Raley
Jazz Vocalist, Co-Founder, VP, & Artistic Director of True Blue Jazz Inc.

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	55,993.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel (Entertainers, Concert / Production Staff):	-\$ 25,000.00
Operating Costs (Hotel, F&B,Phone,Net, Ofc Supply):	-\$ 7,293.58
Event /Production Insurance:	-\$ 1,172.00
Advertising /Promotion:	-\$ 5,404.36
Venue/Equipt Expense(Rent or Purchase):	-\$ 14,191.52
Online Ticketing/Paypal Svc Fees:	-\$ 1,710.54
Gifts & Scholarships:	-\$ 1,000.00
TOTAL EXPENDITURES	-\$ 55,772.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 221.00

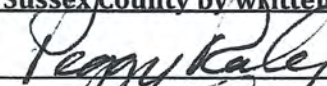
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the True Blue Jazz Inc. agrees that:
(Name of Organization)

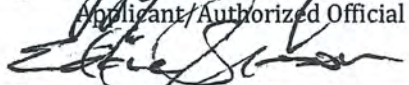
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

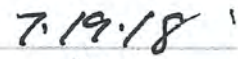
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
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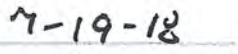
Applicant/Authorized Official



Witness



Date



Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

89

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

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

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

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

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

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

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

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

Tracy Raley
Applicant/Authorized Official

7/19/18
Title

[Signature]
Witness

7-19-18
Date

Cole
7/20/18

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 19, 2018

RE: County Council Report for CU 2132 Dorothy Darley

The Planning and Zoning Department received an application (CU 2132 Dorothy Darley) to allow for a Conditional Use to allow for a hair studio to be located at 33995 Clay Rd. The Planning and Zoning Commission held a public hearing on June 14, 2018. The following are the minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, exhibit booklet, DelDOT Service Level Evaluation, comments from Sussex Conservation District, and Sussex County Engineering Utility and Planning Division.

The Commission found David Hutt, Attorney with Morris, James, Wilson & Halbrook, Joe Johnson, owner of the property and Dorothy Darley were present on behalf of the application; that Mr. Hutt stated there was a previous Conditional Use for a yoga studio; that the instructor has moved; that a new use for the site has three buildings on the site, a house, 800 square foot building to be used for a hair studio and an accessory structure in the back that is used by the owner of the property; that there is B-1 zoning in the area; that there is industrial use as a gas company across the street; that there are other small businesses in the area; that the site is close to Route 1 and many C-1 zonings; that the property is in the Level 2 State Strategy; that that the Land Use classification per the Comprehensive Plan is Environmental Sensitive Developing Area; that there are two employees that work part-time; that the hours of operation are casual with six days a week; that hours are Monday through Friday, 9:00 a.m. through 6:00 pm., Saturdays 9:00 a.m. through 2:00 pm., and they do not work all five days of the week; that there was seven letters of support; that they recently obtained the DelDOT entrance approval; and that the applicant is ok with all the previous conditions from Planning Commission and County Council.

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

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

Ms. Stevenson moved that the Commission recommend approval of C/U #231 for Dorothy Darley for a hair studio based upon the record made during the public hearing and for the following reasons:



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE

1. The use is very small in nature. It is very consistent with the size and scope of a permitted “home occupation” under the County Code.
2. The small structure and limited use will have little, if any, impact on neighboring properties or the community.
3. The proposed use will not adversely affect traffic, roadways or community facilities in the area.
4. The site is in a location where a mixture of residential, commercial and neighborhood uses exist. It is located on Clay Road, which is a transitional area from the more intensive uses closer to Westcoats Corner. This small business use is consistent with this area.
5. The property is within the Environmentally Sensitive Developing Area according to the County’s Comprehensive Plan. This type of use is appropriate in this Area under the Plan.
6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to the 800 square foot building shown on the plan submitted during the public hearing identified as “Existing One Story Building (Salon).”
 - B. The Applicant shall submit a Final Site Plan showing all entrance and parking areas.
 - C. One unlighted sign shall be permitted, it shall not exceed 32 square feet per side.
 - D. As stated by the Applicant, the hours of operation shall be between 9:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. through 3:00 p.m. on Saturdays.
 - E. Any security lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - F. The applicant shall comply with all DelDOT requirements concerning entrance and roadway improvements.
 - G. No parking shall be permitted within the front yard setback.
 - H. The Final Site Plan shall show all designated parking areas, and these locations shall also be clearly designated on the site itself.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 6, 2018
RE: Staff Analysis for CU 2132 Dorothy Darley

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2132 Dorothy Darley to be reviewed during the June 14, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 335-12.06-58.00 to allow for a hair studio to be located at 33995 Clay Rd. The size of the property is 0.5165 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Environmentally Sensitive Developing Areas.

The surrounding land use to the north, south, and east are Mixed Residential Areas and Environmentally Sensitive Developing Areas. The land use to the west is Environmentally Sensitive Developing Areas. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are a few properties further to the west zoned B-1 (Neighborhood Business District) and C-1 (General Commercial District). There is an existing Conditional Use (CU 2069) for a workout studio for the property. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for hair studio could be considered consistent with the land use, area zoning and uses.





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

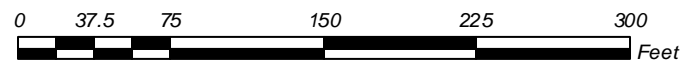
■ Public Protected Lands

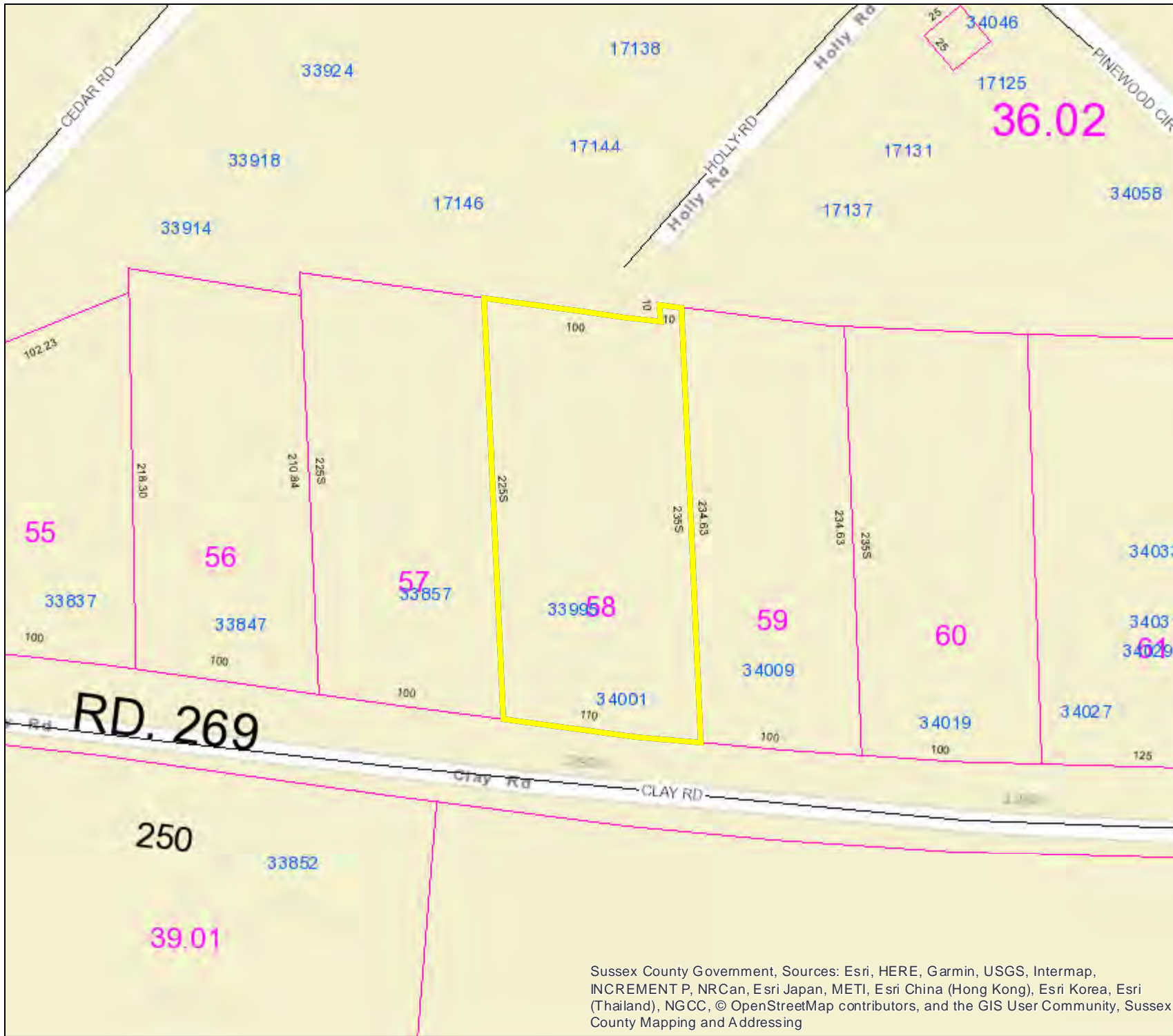
■ Municipalities

■ Communities

■ Boundaries State County

Sussex County Government, Sussex County Mapping and Addressing, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, GNS/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

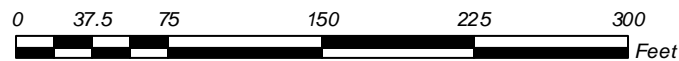
■ Public Protected Lands

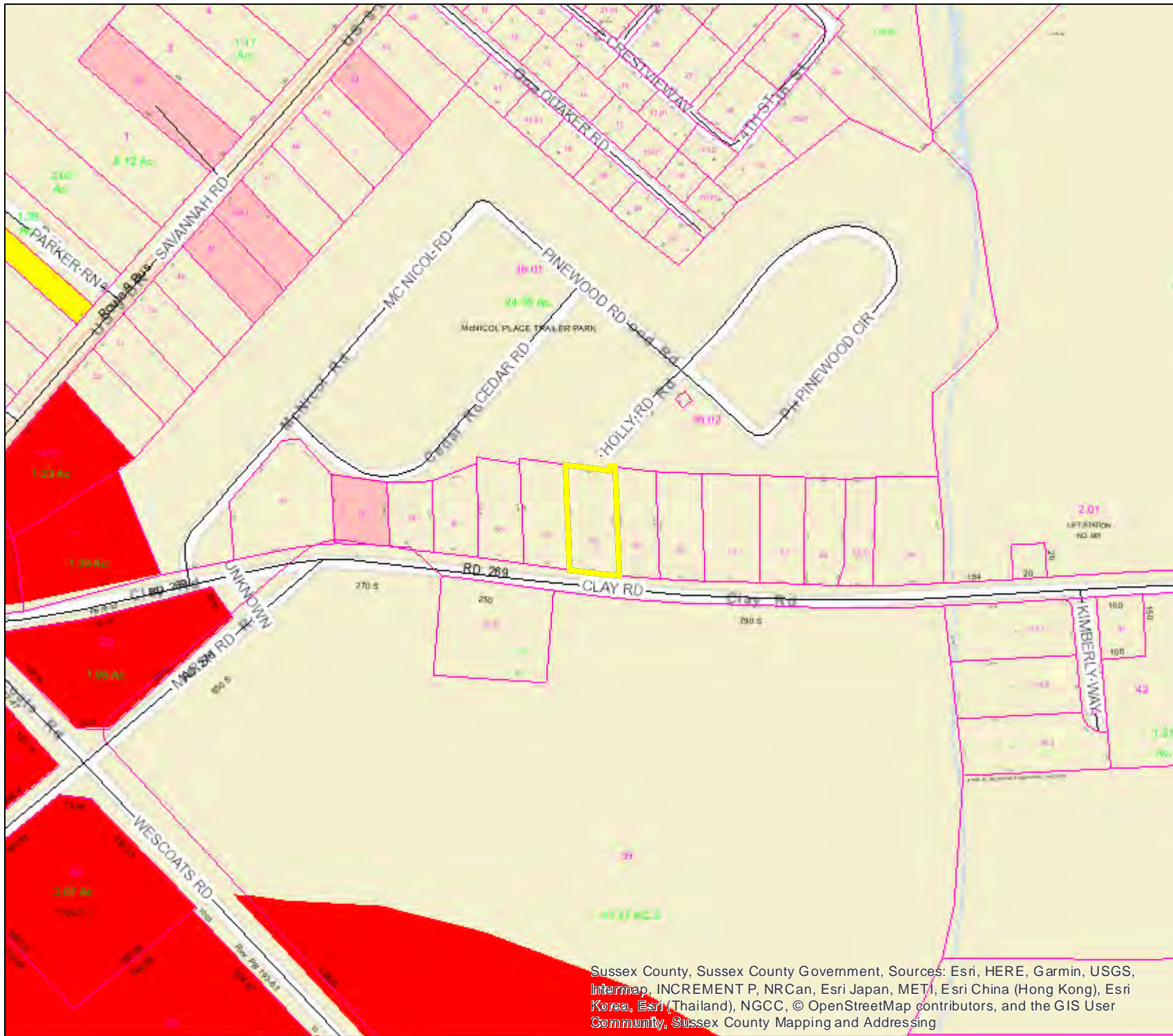
■ Municipalities

■ Communities

■ Boundaries State County

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Addresses / Parcels

□ TaxParcels

Council Districts

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

Schools/Libraries

▣ School Buildings (Various)

▣ School Library

▣ Public Library

▣ Special Library

▣ DOE School Districts

▣ DOE VoTech School Districts

Hydrology

▬ Streams / Rivers

▣ Lakes, Ponds, Bays

Flood Zones

▣ 0.2% Annual Chance Flood Hazard

▣ A

▣ AE

▣ AO

▣ Open Water

▣ VE

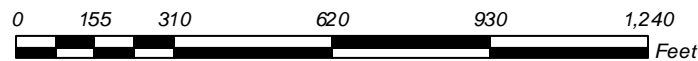
▣ Public Protected Lands

▣ Municipalities

▣ Communities

▣ Boundaries State County

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Introduced 02/06/18

**Council District No. 3 – Burton
Tax I.D. No. 335-12.06-58.00
911 Address: 33995 Clay Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HAIR STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS

WHEREAS, on the 23rd day of January 2018, a conditional use application, denominated Conditional Use No. 2132, was filed on behalf of Dorothy Darley; and

WHEREAS, on the ____ day of _____ 2018, 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. 2132 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2132 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Clay Road, approximately 600 feet east of Marsh Road, and being more particularly described per the attached deed prepared by Schab & Barnett, P.A., said parcel containing 0.504 acre, more or less.

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



Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 27, 2018

RE: County Council Report for CU 2133 Dr. Laima V. Anthaney & Dr. Michael L. Cahoon

The Planning and Zoning Department received an application (CU 2133 Dr. Laima V. Anthaney & Dr. Michael L. Cahoon) to allow for a Conditional Use to allow for a professional office to be located at 1200 Savannah Rd. The Planning and Zoning Commission held a public hearing on June 28, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit booklet, site plan, comments from the Sussex Conservation District, DelDOT Service Level Evaluation, Sussex County Engineering Utility and Planning Division.

The Commission found Rachael Bleshman, Attorney with Sergovic, Carmean, Weidman, McCartney and Owens was present on behalf of the applicant; that Ms. Bleshman stated the medical dental office has been there for over 20 years and is retiring from the dental use and looking to rent the space as professional office; that the previous Conditional Use is in compliance; that the Land Use classification per the Comprehensive Plan is in the Environmental Sensitive Developing Area; that there are over 20 Conditional Uses in the area; that this is a reason to existing Conditional Use to allow professional offices other than a dental office, which is the only use allowed under the current Conditional Use; and that the site plan will not change or a result of this application and the entity building will continue to be utilized for the office use.

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

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

Ms. Stevenson moved that the Commission recommend approval of C/U 2133 for Dr. Laima Anthaney and Dr. Michael Cahoon for professional offices based upon the record made during the Public Hearing and for the following reasons:

1. This property is located along Savannah Road near the city limits of Lewes. This is an area that has developed with similar medical and professional offices over the years. Like this property, most of these are occurring in residential dwellings that have been converted to office use.



2. This property was approved in 1991 under Ordinance #796 for a Conditional Use as a dental office, and has been used as a dental office for more than 25 years. This conditional use for professional offices allows more flexibility in the use beyond just a dental office.
3. This property is located in the Environmentally Sensitive Developing Area under the current Comprehensive Land Use Plan. This type of use is appropriate within that Area according to the Plan.
4. The minor change in the approved use will not adversely affect neighboring properties, roadways or area traffic.
5. The City of Lewes has indicated that it will be providing sewer service to this property in the near future.
6. No parties appeared in opposition to this application.
7. Ordinance # 796 permitted 3 front yard parking spaces, but limited them to employee use. That limited approval shall continue under this Conditional Use.
8. This recommendation is subject to the following conditions:
 - A. The hours of operation shall be between 8:00 a.m. through 6:00 p.m., Monday through Saturday. On Sunday, any business hours shall be between 9:00 a.m. and 4:00 p.m.
 - B. The parking spaces located in the front yard shall only be used by the owners of the business that exist on the premises or their employees.
 - C. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - D. Any changes to the site shall require the review and approval of the site plan by the Sussex County Planning Zoning Commission.

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

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janelle.cornwell@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 20, 2018
RE: Staff Analysis for CU 2133 Dr. Laima V. Anthaney & Dr. Michael L. Cahoon

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2133 Dr. Laima V. Anthaney & Dr. Michael L. Cahoon to be reviewed during the June 28, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 335-8.14-47.00 to allow for professional offices to be located at 1200 Savannah Rd. The size of the property is 0.344 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Environmentally Sensitive Developing Areas.

The surrounding land use to the north and west are Environmentally Sensitive Developing Areas. Land use to the south and east are within the City of Lewes. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned B-1 (Neighborhood Business District) and AR-1 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District). The properties to the south and east are located within the City of Lewes. There are several Conditional Uses in the area (typically for professional offices). The property currently has a Conditional Use (CU 985) for dental offices.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for professional offices would be considered consistent with the land use, area zoning and uses.





Addresses / Parcels

□ TaxParcels

Council Districts

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

Schools/Libraries

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

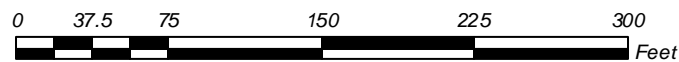
■ Public Protected Lands

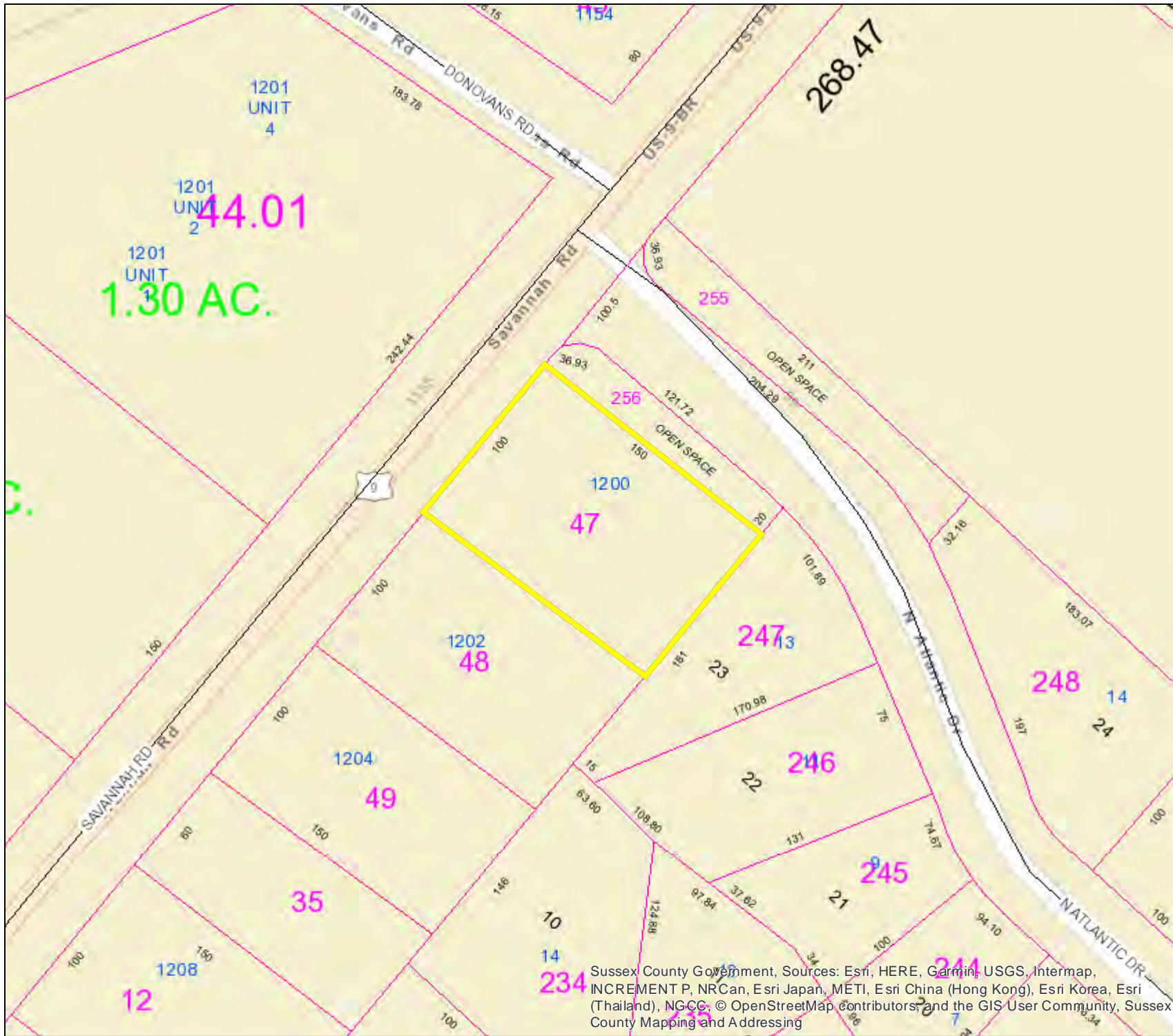
■ Municipalities

■ Communities

■ Boundaries State County

Sussex County Government, Sussex County Mapping and Addressing, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





Addresses / Parcels

□ TaxParcels

Council Districts

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

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▮ School Library

▮ Public Library

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▮ DOE School Districts

▮ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

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■ A

■ AE

■ AO

■ Open Water

■ VE

■ Public Protected Lands

■ Municipalities

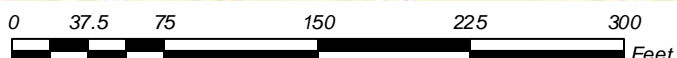
■ Communities

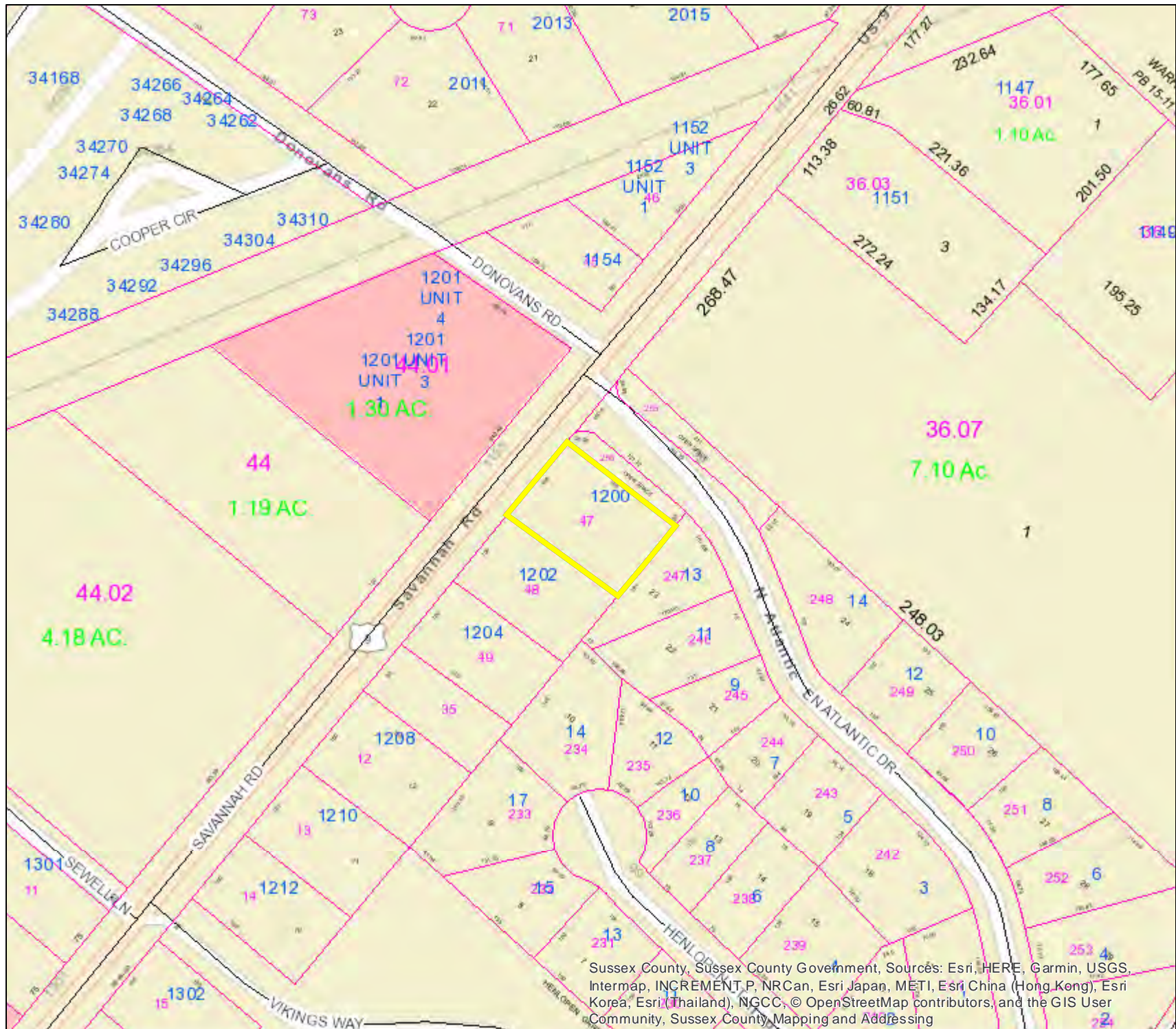
■ Boundaries State County

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Sussex County Map





Addresses / Parcels

■ TaxParcels

Council Districts

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries

- ▮ School Buildings (Various)
- ▮ School Library
- ▮ Public Library
- ▮ Special Library
- ▮ DOE School Districts
- ▮ DOE VoTech School Districts

Hydrology

- ~ Streams / Rivers
- Lakes, Ponds, Bays

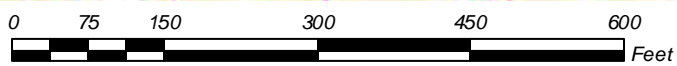
Flood Zones

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE
- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

Sussex County, Sussex County Government, Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT.P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing



Sussex County Map



Introduced 02/20/18

**Council District No. 3 – Burton
Tax I.D. No. 335-8.14-47.00
911 Address: 1200 Savannah Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3443 ACRE, MORE OR LESS

WHEREAS, on the 1st day of February 2018, a conditional use application, denominated Conditional Use No. 2133, was filed on behalf of Dr. Laima Anthaney and Dr. Michael Cahoon; and

WHEREAS, on the ____ day of _____ 2018, 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. 2133 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2133 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 south side of Savannah Road, approximately 0.89 mile east of Wescoats Road and being more particularly described per the attached deed prepared by Maull & Maull, P.A., said parcel containing 0.3443 acre, more or less.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County

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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 27, 2018

RE: County Council Report for CU 2137 John W. Ford

The Planning and Zoning Department received an application (CU 2137 John W. Ford) to allow for a Conditional Use to allow for a professional office to be located at 1530 Savannah Rd. The Planning and Zoning Commission held a public hearing on July 12, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, photos, results of the Service Level Evaluation from DelDOT, comments from Sussex Conservation District; that an exhibit booklet was received after the 10-day rule due to unforeseen circumstances. The Commission accepted the submission of the exhibit booklet.

The Commission found Tim Willard, Attorney with Fuqua, Willard, Stevens & Schab and John Ford, applicant were present on behalf of the application; that Mr. Willard stated that Mr. Ford owns four RE-MAX offices; that the application is for a Conditional Use on Savannah Road; that the property is over half an acre; that the property is on the southeast side of the road next to the podiatrist office; that the Conditional Use is to use the space as a realty office; that the applicant proposes to an addition to the building; that the applicant proposes to preserve as many trees as possible; that the fence will remain; that all the parking would be in the rear and handicap parking in the front; that 19 parking spaces are available; that this is a unique area with small businesses and has kept the residential look; that the applicant proposes to keep the same residential look of the building with additions; that there are a lot of similar uses in the area; that letters were sent out by Mr. Ford to owners and no opposition was returned; that a TIS was not required; that Mr. Ford affirmed Mr. Willards statements; that the hours of operation are 8:00 a.m. to 8:00 p.m., Monday through Saturday and Sunday by appointment; that the applicant would like a 32 square foot lighted sign; that there will be one staff person and an average of three to four people at one time; that there may be 15 people when a meeting is held; that they do have a rental department and it is not large in Sussex County; and that the stormwater management may need to be upgraded.

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

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



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

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

At their meeting of July 26, 2018, the Planning Commission discussed the application that has been deferred since July 12, 2018.

Ms. Stevenson moved that the Commission recommend approval of CU 2137 for John Ford for professional offices based upon the record made during the public hearing and for the following reasons:

1. The proposed Conditional Use is similar in character to many other offices in this area of Savannah Road. It is in character with the long history of development of medical and professional office space along Savannah Road.
2. The use as professional office space in this location will benefit the health, safety and welfare of Sussex County residents by providing such a use in a convenient location.
3. The applicant intends to expand the existing structure on the property while maintaining the residential appearance from Savannah Road. This is consistent with other business and professional uses along Savannah Road.
4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
5. The use is in a Developing Area according to the Sussex County Comprehensive Land Use Plan. This use is appropriate in that Area according to the Plan.
6. This recommendation is subject to the following conditions:
 - A. As stated by the applicant, the use shall occur within the existing structure, expanded to the rear, but maintaining its residential appearance from Savannah Road.
 - B. As stated by the applicant, the hours of operation shall be between 8:00 am and 8:00 pm Monday through Saturday. Sunday hours shall be by appointment only.
 - C. Any dumpsters shall be screened from view of neighboring properties and roadways.
 - D. The applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.
 - E. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - F. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.
 - G. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.
 - H. There shall be no less than 19 parking spaces located on the site.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

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

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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janelle.cornwell@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: July 5, 2018
RE: Staff Analysis for CU 2137 John W. Ford

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2137 John W. Ford to be reviewed during the July 12, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 335-12.06-50.00 to allow for professional offices to be located at 1530 Savannah Rd. The size of the property is 0.5265 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Environmentally Sensitive Developing Areas.

The surrounding land use to the north, south, and east are Environmentally Sensitive Developing Areas. The land uses to the west are Environmentally Sensitive Developing Areas and Highway Commercial Areas. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District) and MR (Medium Density Residential District). The properties to the south are zoned AR (Agricultural Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District) and B-1 (Neighborhood Business District). The properties to the west are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). There are a number of Conditional Use in the area (offices).

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





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

■ Public Protected Lands

■ Municipalities

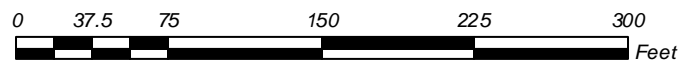
■ Communities

■ Boundaries State County

Sussex County Government, Sussex County Mapping and Addressing, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Sussex County Map





Addresses / Parcels

■ TaxParcels

Council Districts

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries

- ▬ School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

Hydrology

- ~ Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

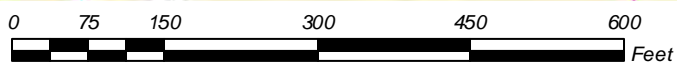
- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE

- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

DALPF, Sussex County, Sussex County Government, Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing



Sussex County Map



Introduced 02/20/18

**Council District No. 3 – Burton
Tax I.D. No. 335-12.06-50.00
911 Address: 1530 Savannah Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5739 ACRE, MORE OR LESS

WHEREAS, on the 8th day of February 2018, a conditional use application, denominated Conditional Use No. 2137, was filed on behalf of John W. Ford; and

WHEREAS, on the ____ day of _____ 2018, 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. 2137 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2137 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 south side of Savannah Road, approximately 691 feet east of Wescoats Road, and being more particularly described per the attached deed prepared by Ward & Taylor, LLC, said parcel containing 0.5739 acre, more or less.

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