



Sussex County Council Public/Media Packet

**MEETING:
August 21, 2018**

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

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

August 21, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation – Voluntary Design Guidelines for Historic Lewes Byway – Russ Tatman

Todd Lawson, County Administrator

1. County Administrator's Report

Hans Medlarz, County Engineer

1. Bulk Delivery of 50% Caustic Soda, Project M19-07

A. Recommendation to Award

2. Construction of Parallel Taxiway D, Phase 2, Project 18-03

A. Recommendation to Award

B. Delta Airport Consultants Task Order 7R2 – Construction Administration Phase Services

3. Milton Library Bulkhead Replacement Foundation Repair, Project 18-09

A. Change Order No. 3



4. 2018 Sussex County Airport/Business Park & Miscellaneous Property Maintenance RFP Cancellation of Base Bids 1, 2 and 3

Old Business

Conditional Use No. 2130 filed on behalf of The Evergreene Companies, LLC

Grant Requests

- 1. City of Rehoboth Beach for Playground Equipment**
- 2. Chamber of Commerce for Greater Milford for Riverwalk Freedom Festival**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Pending Litigation pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

Adjourn

1:30 Public Hearings

Conditional use No. 2136 filed on behalf of Christine Degnon

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRE, MORE OR LESS” (lying on the north side of Savannah Road, approximately 193 feet east of Dove Drive) (Tax I.D. No. 335-8.18-4.00) (911 Address: 1409 Savannah Road, Lewes).

Conditional Use No. 2138 filed on behalf of Walker Construction, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SITE CONTRACTING EXCAVATING SERVICES WITH STORAGE, REPAIR AND MAINTENANCE AND LIGHT MATERIAL AND STORAGE AND GENERAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 13.76 ACRES, MORE OR LESS” (lying on west side of Robinsonville Road, approximately 671 feet south of Kendale Road) [Tax I.D. No. 234-2.00-23.03 (portion of)] (911 Address: 33077 Walker Farm Road, Lewes).

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on August 14, 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, AUGUST 14, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 14, 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 443 18
Amend
and
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting "Introduction of Proposed Zoning Ordinances" 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 31, 2018, were approved by consent.

**Corre-
spondence**

Mr. Cole reported that the following correspondence was received:

**OCEAN VIEW HISTORICAL SOCIETY, OCEAN VIEW, DELAWARE.
RE: Letter in appreciation of grant.**

**Public
Comments**

Public Comments

Paul Reiger commented on two variance requests presented at the August 6, 2018, meeting of the Board of Adjustment, and the Board's understanding of the intent of the Zoning Code.

Dan Kramer commented on variance requests before the Board of Adjustment that qualify for a hardship, and action by the Board on items that have not been properly advertised.

**M 444 18
Approve
Consent
Agenda
Items**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to approve the following items listed under the Consent Agenda:

- 1. Wastewater Agreement No. 892-4
Sussex County Project No. 81-04
Marsh Farm Estates – Off-Site DelDOT Work
Angola Neck Sanitary Sewer District**

- 2. Wastewater Agreement No. 1026
Sussex County Project No. 81-04
Tidalwalk (AKA Back Creek)
South Bethany Sanitary Sewer District**

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Certificate of Achievement for Excellence in Financial Reporting

I am pleased to announce that the Government Finance Officers Association of the United States and Canada has awarded Sussex County its Certificate of Achievement for Excellence in Financial Reporting for the 2017 Comprehensive Annual Financial Report (CAFR). This is the 16th consecutive year that the County has received this prestigious award acknowledging the financial report. The award is among the highest forms of recognition for governmental accounting and financial reporting.

Congratulations to Gina Jennings, Finance Director/Chief Operating Officer, Kathy Roth, Deputy Finance Director, and the accounting staff for their efforts in achieving this award.

2. FY 2019 Human Service Grant Program

Applications for the Fiscal Year 2019 Human Service Grant Program are now being accepted. The Human Service Grant Program provides grants to county-wide nonprofit agencies for the purpose of enhancing health and human services which contribute to a safe, healthy, and self-sufficient community. Funds provide grants that assist organizations with resources in support of programs or capital purchases.

To be eligible for a grant, organizations must fill out an application which is available on the County's website at www.sussexcountydela.gov.

The deadline for filing grant requests is Friday, September 28th.

Administrator's Report (continued)

3. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for July 2018 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of July.

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

Draft Ordinance Relating to Calculation of Permitted Density

Councilman Burton presented for discussion and possible introduction a draft ordinance relating to the calculation of permitted density. The draft ordinance is in follow-up to recent discussions relating to concerns with the calculation of permitted density in wetlands areas, and amends Sussex County Code to define density calculations for lots in an AR-1 cluster subdivision, lots in Environmentally Sensitive Development District Overlay Zone subdivisions, and lot area calculations for multifamily dwellings in all districts.

Discussion was held regarding wetlands designations, including State (around rivers and streams that flow into bodies of water), tidal, and freshwater Federal 404, the current calculation of permitted density, if in fact the current calculation has negatively impacted waterways and the environment, as well as the intent and ultimate goal of the ordinance.

Introduction of Proposed Ordinance Relating to Calculation of Permitted Density

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE III ("PROVISIONS APPLICABLE TO ALL DISTRICTS"), ARTICLE IV ("AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS") AND ARTICLE XXV ("SUPPLEMENTARY REGULATIONS") WITH RESPECT TO THE CALCULATION OF PERMITTED DENSITY."

The Proposed Ordinance will be advertised for Public Hearing before the Planning and Zoning Commission and the County Council.

Public Hearing/ Burton Pond Community Expansion/ Herring Creek Area

A Public Hearing was held to consider expanding the boundary of the Herring Creek Area of the Sussex County Unified Sanitary Sewer District. Hans Medlarz, County Engineer, and John Ashman, Director of Utility Planning, discussed the annexation request submitted by Davis, Bowen & Friedel for their customers, Burton Pond, LLC, to include Parcels 234-11.00-97.00 and 98.00 (Burton Pond) and 234-17.00-17.00. Notices were placed on the County's website on July 31, 2018, and the expansion was posted on August 1, 2018. To date, Mr. Ashman stated that one call has been received questioning the impact to the Herring Creek project timeline and costs, to which Mr. Ashman advised there will be no negative impact. The expansion will consist of 211.00 acres, more or less, and the property

**Public Hearing/
Burton Pond Community Expansion (continued)**

owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates. A Use of Existing Infrastructure Agreement will be required for the sewer connection. Mr. Medlarz noted that the proposed annexation is distinctly separate from the Herring Creek project and is 100 percent privately funded.

There were no public comments.

The Public Hearing and public record were closed.

**M 445 18
Adopt
R 012 18**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Resolution No. R 012 18 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), HERRING CREEK AREA, TO INCLUDE SEVERAL PARCELS IN THE BURTON POND HOLLYMOUNT 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."

Motion Adopted: 5 Yeas.

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

Delaware Transit Reimbursement Program Request

Mrs. Jennings reported that DART, a division of DeIDOT, has allocated \$796,850 for funding of transportation expenses for various senior centers in Sussex County. This amount is the same as last year. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2019 as per State law. This is an allocation of State grant funds to various senior agencies for transportation purposes. The recommended funding for each agency is the same as in previous years.

Nanticoke Senior Center	\$ 44,958.62
Indian River Senior Center	2,099.97
Laurel Senior Center	99,081.45
Lewes Senior Center	27,120.00
Cape Henlopen Senior Center	43,065.00
CHEER, Inc.	<u>580,524.96</u>
TOTAL	<u>\$796,850.00</u>

**M 446 18
Allocate State Funds to Senior Agencies**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approves the allocation of State funds to various senior agencies within Sussex County, as presented.

Motion Adopted: 4 Yeas, 1 Absent.

**M 446 18
(continued)**

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

**Professional
Environ-
mental
Services
Consultant
Selection**

Hans Medlarz, County Engineer, reported that a Request for Proposals was publicly advertised on May 7, 2018, for services including, but not limited to, professional environmental and engineering services for development of environmental remediation projects and programmatic assistance in setting up stormwater management districts and/or stormwater management banking in the Inland Bays and Sussex County portion of the Chesapeake Bay Watersheds. Seven firms responded to the Request for Proposals by the deadline of June 8, 2018. Formal interviews were held with the shortlisted firms of EA Engineering, JMT, and RK&K. All members of the Consultant Selection Committee ranked RK&K first based on the team cohesiveness and specialized experience related to the proposed scope of work. It is the recommendation of the selection committee to offer an hourly base consultant contract limited to environmental professional services to RK&K for a five-year term.

**M 447 18
Approve
Contract
for
Professional
Environ-
mental
Services**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Consultant Selection Committee, that the Sussex County Council approves the selection of Rummel, Klepper & Kahl, LLP (RK&K) to provide environmental engineering services to include, but not limited to, professional environmental and engineering services for the development of environmental remediation projects and programmatic assistance in setting up stormwater management districts for the Inland Bays and the Sussex County portion of the Chesapeake Bay Watersheds.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Addendum
to Waste-
water
Agreement/
Town of
Georgetown**

Mr. Medlarz presented an Addendum to the Agreement for Wastewater Services with the Town of Georgetown for the Delaware Coastal Business Park, as well as the entities located at the Coastal Airport along Rudder Lane which receive wastewater treatment services from the Town of Georgetown. An Agreement was approved by the Town Council on April 25, 2018, in which the County will be billed in bulk at the in-town rate for the Delaware Coastal Business Park, and the individual Coastal Airport entities will be billed directly by the Town at the out-of-town rate. Additional capacity can be purchased by paying the applicable sewer impact fees at issuance, if new building permits in either location. Given the limited availability of municipal sewer capacity, the Agreement allows for the surrender of capacity under Article VIII by redirecting it to alternate wastewater service providers. On July 25, 2018, the Town Council approved an Addendum to the Agreement which would allow the Town the

Addendum (continued) **option to gain capacity beyond the County flows without initial capital contribution, while allowing the County to recuperate all capital funds over the life of the investment. Administration and the County Engineering Department recommend approval of the Addendum to the Agreement in its Town approved form.**

M 448 18 **A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the**
Approve **recommendation of the Sussex County Engineering Department, that**
Addendum **Council approve the Addendum to the Agreement for Wastewater Services**
to Waste- **with the Town of Georgetown, Article VIII, as presented.**
water

Agreement/ **Motion Adopted: 4 Yeas, 1 Absent.**
Town of

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

South **Mr. Medlarz discussed the South Coastal Library Reading Garden**
Coastal **Alterations, Project L19-03. The project was initially bid on August 22,**
Library **2016. Two bids were received which were significantly above the architect's**
Reading **estimate and were rejected by Council on August 30, 2016. The project was**
Garden **re-bid in June 2018. During the application for renewal of the Fire**
Alterations **Marshall's permit, the Engineering Department was advised that**
 installation of the proposed roof panels would require a fire suppression
 system throughout the reading garden. The information was received too
 late for an addendum and on August 1, 2018, two bids were opened.
 John L. Briggs & Co. provided the low base bid Part A in the amount of
 \$204,800.00. Discussions with John L. Briggs & Co. regarding the possible
 removal of labor and material associated with the roof panels resulted in a
 change order reduction of \$10,012.00. The Sussex County Engineering
 Department recommends award of the total bid to John L. Briggs & Co. in
 the amount of \$204,800.00, and approval of Change Order No. 1 in the
 amount of \$10,012.00, for a revised total project value of \$194,788.00.

M 449 18 **A Motion was made Mr. Cole, seconded by Mr. Burton, based upon the**
Award **recommendation of the Sussex County Engineering Department, that**
Bid/ **Contract L19-03, South Coastal Library Reading Garden Alterations, be**
South **awarded to John L. Briggs & Co., for their base bid of \$204,800.00.**
Coastal

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

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

**M 450 18
Approve
Change
Order
No. 1/
South
Coastal
Library
Reading
Garden**

A Motion was made by Mr. Cole, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that Council approve Change Order No. 1 to Contract L19-03, South Coastal Library Reading Garden Alterations, resulting in a cost reduction of \$10,012.00, for a revised project total of \$194,788.00.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Grant
Requests**

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

**M 451 18
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$5,000.00 (\$2,500.00 each from Mr. Wilson's and Mr. Arlett's Councilmanic Grant Accounts) to Millsboro Historical Society for restoration and maintenance of the Jacob Godwin School.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 452 18
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to Just A Hand Up Navigation Association for playground restoration in the Coverdale Crossroads community.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 453 18
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$2,497.00 from Mr. Cole's Councilmanic Grant Account to the Delaware State College Alumni Association for Delaware State University Marching Band's performance in Rehoboth Beach.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 454 18 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$3,000.00 (\$600.00 from each Councilmanic Grant Account) to Laurel American Legion Post 19 for Veterans Day Parade expenses.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 455 18 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$2,500.00 from Mr. Cole's Councilmanic Grant Account to ITN Southern Delaware, Inc., for transportation program expenses.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Council Members' Comments

Council Members' Comments

Mr. Cole requested that a joint meeting of the Board of Adjustment, Planning and Zoning Commission, and Sussex County Council be scheduled before the end of the year to discuss issues which have recently been brought to Council's attention.

James H. Baxter, Jr.

Mr. Lawson noted the passing of James H. Baxter, Jr., former Sussex County Recorder of Deeds, on August 11, 2018. Mr. Baxter held the office of Recorder of Deeds from January 1967 until December 1975.

M 456 18 Go Into Executive Session

At 10:59 a.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation and land acquisition.

Motion Adopted: 4 Yeas, 1 Absent.

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

Executive Session

At 11:05 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending/potential litigation and land acquisition. The Executive Session concluded at 12:18 p.m.

M 457 18 **At 12:22 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to**
Reconvene **come out of Executive Session and to reconvene the Regular Session.**
Regular
Session **Motion Adopted: 3 Yeas, 2 Absent.**

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

E/S Action **There was no action on Executive Session matters.**

M 458 18 **At 12:23 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to**
Recess **recess until 1:30 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 459 18 **At 1:35 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton,**
Reconvene **to reconvene.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Mr. Arlett was not present for the afternoon session.

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

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**
CZ 1851 **SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**
and **DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT**
CU 2134 **FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES**
AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.33
ACRES, MORE OR LESS” (Change of Zone No. 1851) and on the
Proposed Ordinance entitled “AN ORDINANCE TO GRANT A
CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY
RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED
ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES
AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.33
ACRES, MORE OR LESS” (Conditional Use No. 2134) filed on behalf of
The Evergreene Companies, LLC (Tax I.D. No. 335-8.00-44.00) (911
Address: 16386 Gills Neck Road, Lewes).

**Public
Hearing/
CZ 1851
and
CU 2134
(continued)**

The Planning and Zoning Commission held a Public Hearing on these applications on July 12, 2018, at which time action was deferred. On July 26, 2018, the Commission recommended that Change of Zone No. 1851 be approved, and that Conditional Use No. 2134 be approved with conditions.

(See the minutes of the Planning and Zoning Commission dated July 12 and July 26, 2018.)

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

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

Ms. Cornwell reported that after the Planning and Zoning Commission's Public Hearing, one additional letter in opposition to the applications was received from George and Margaret Rudgers.

The Council found that James Fuqua, Attorney; Tim Naughton, representing the Applicant; and Robert Palmer with Beacon Engineering were present on behalf of the applications. Mr. Fuqua stated that the applications involve a 7.33-acre parcel of land located on the north side of Gills Neck Road, just south of the City of Lewes boundary, the first to rezone the property from AR to MR, and the second a Conditional Use filed for 26 multifamily residential units in 13 duplex-type buildings; that there is a variety of housing types including single family homes, townhouses, apartments, duplexes, condominiums, and an assisted living facility in the surrounding area; that the original application requested a Conditional Use for 26 residential units in 13 duplex buildings which has been reduced at the recommendation of the Planning and Zoning Commission to 24 units in 12 duplex buildings, a density of 3.27 units per acre; that the proposed use is in accordance with the State, County, and City of Lewes plans; that the property is located in the Level 1 State Strategies; that the land use classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area; that the property is located close to Lewes where the median age of residents is 63 years old; that the Lewes Comprehensive Plan recognizes that many of the residents desire to age in place; that the proposed development of 24 residential units provides an alternative housing option in that area; that water will be provided by the City of Lewes and sewer will be provided by Sussex County; that stormwater management and sediment control will comply with all regulations; that a Traffic Impact Study was not required; that the entrance to the site will be constructed per DelDOT standards; that there will be a 5-foot right-of-way dedication along the site frontage; that there will be a 15-foot permanent easement granted to DelDOT along the right-of-way, and the Applicant will construct a shared use path within the easement; that in conformity with the Lewes Historic Byway master plan there will be extensive and attractive

**Public
Hearing/
CZ 1851
and
CU 2134
(continued)**

landscaping along the road frontage on both sides of the entrance to the development; that the Applicant agrees that the reduction in units from 26 to 24 results in an improved and more attractive site design; that the closest duplex building will be 60 feet from Gills Neck Road, and the swimming pool is being relocated to the interior of the development; that the streets will be private, built to County street standards, and will have curbs and gutters, sidewalks on both sides of the street, and screened streetlights; that the average lot size per unit is 7,240 square feet; that each unit will have a garage with parking for two in the garage spots and two in the driveway; that approximately 1.32 acres of the wooded area along the east, west, and north boundaries will remain, which will be part of a 20-foot buffer; that fire and emergency services will be provided by the Lewes Fire Department; that the development will be subject to community covenants; and that the use and zoning is consistent with the area.

Public comments were heard.

Wayne Smith stated he feels there are too many multifamily units in the area, and Council should consider the hundreds of units that have previously been approved along Gills Neck Road when making their decision.

Ronald Smith commented that revising the original Conditional Use application by reducing the number to 24 duplex units in 12 buildings, as recommended by the Planning and Zoning Commission, is reasonable.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 460 18
Adopt
Ordinance
No. 2593/
CZ 1851**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2593 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.33 ACRES, MORE OR LESS" (Change of Zone No. 1851) filed on behalf of The Evergreene Companies, LLC.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 461 18
Adopt
Ordinance
No. 2594/
CU 2134**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2594 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.33 ACRES, MORE OR LESS” (Conditional Use No. 2134) filed on behalf of The Evergreene Companies, LLC, with the following conditions:

- A. The maximum number of residential units shall be 24.**
- B. All entrance, intersection, roadway, and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.**
- C. The project shall be served by 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.**
- D. The project shall be served by central water to provide drinking water and fire protection.**
- E. Interior street design shall meet or exceed the Sussex County street design requirements.**
- F. As proffered by the Applicant, there shall be sidewalks on both sides of all streets and roadways.**
- G. All lots shall be set back at least 75 feet from the Gills Neck Road right-of-way. This is consistent with the design of other existing developments on both sides of Gills Neck Road.**
- H. Section 115-218 of the Zoning Code allows the County to require a 20-foot forested buffer around multifamily developments. Like other developments in the area, there shall be a vegetated or forested buffer of at least 20 feet in width around the entire perimeter of the project, with the exception of the area fronting along Gills Neck Road. This buffer area shall include the existing vegetation that exists along the boundary of this property.**
- I. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer area. The landscape plan shall clearly designate the existing 1.32 acres of forested area that will be preserved.**
- J. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 8:00 a.m. and 5:00 p.m., Monday through Friday.**
- K. 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.**
- L. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.**
- M. The Applicant shall form a homeowners association responsible for the perpetual maintenance, repair, and replacement of the roads and**

**M 461 18
(continued)**

- any buffers and landscaping, stormwater management facilities, erosion and sediment control facilities, and other common elements.
- N. 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.**
 - O. 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.**
 - P. As stated by the Applicant, there shall be a swimming pool and small pool house installed on the premises. The swimming pool shall be at least 15 feet by 30 feet in size.**
 - Q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CZ 1852**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1359, ORDINANCE NO. 1279, FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 65.125 ACRES, MORE OR LESS” (Change of Zone No. 1852) filed on behalf of Canal Corkran, LLC (Tax I.D. No. 334-13.00-363.00, 363.01, and 363.02 and 334-13.00-1298.00-1414.00 and 334-13.00-1447.00) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on July 12, 2018, at which time action was deferred. On July 26, 2018, the Commission recommended approval, as follows:

- 1. The Canal Corkran MR-RPC was approved in 1998 and it has been in existence for years, with only a small number of vacant lots remaining at this time. At the time it was approved, the developer retained 2 very large lots at the northern end of the development. One lot was 1.3 acres and the other was 7.0 acres.**
- 2. The developer, who is the Applicant here, seeks to subdivide these large lots into a total of 8 lots, all of which will be consistent with the other lots in the development.**
- 3. This re-subdivision will create a total of 6 new lots, which is still less than the total number of lots permitted as part of the original approval.**

**Public
Hearing/
CZ 1852
(continued)**

4. **The Canal Corkran Homeowners Association has approved this application. Originally, these 2 lots were excluded from contributing to the Homeowners Association. These new lots will all be part of the Homeowners Association and will contribute to it in the same way as all of the other existing lots in the Canal Corkran development.**
5. **All of the conditions of Ordinance No. 1279 shall remain in effect, except for Condition 6, which shall be amended to state as follows:**
 - “6. **The maximum number of units for the project shall not exceed 170 units, with no more than 51 multifamily condominium units, 14 multifamily duplex units, and 105 single family lots. By comparison, the existing zonings of C-1 General Commercial and AR-1 Agricultural Residential could permit 160 or more units, and a subdivision project with MR Medium Density Residential zoning could permit 200 or more units.”**
6. **The new lots shall all be subject to the Declaration of Covenants, Conditions, Easements, and Restrictions for Canal Corkran.**
7. **In addition to the conditions included in Ordinance No. 1279, a new condition shall be added with regard to these 8 new lots: “Any of the 8 new lots that have wetlands within their boundaries shall contain the ‘Wetlands Notice’ in their deed as required by Section 99-6H of the Subdivision Code. In addition, all of the wetlands areas within each lot shall be clearly marked with permanent markers to identify them as non-disturbance areas.”**
8. **A revised Master Plan for the MR-RPC showing these new lots shall be submitted to the Planning and Zoning Commission for approval.**

(See the minutes of the Planning and Zoning Commission dated July 12 and July 26, 2018.)

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

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

The Council found that David Hutt, Attorney, was present with Bryce Lingo, Principal of Canal Corkran, LLC, and Ring Lardner of Davis, Bowen & Friedel on behalf of the application. They stated that the application is requesting to amend a condition of the existing MR-RPC to further subdivide 2 large lots into 6 additional lots, for a total of 8 lots; that Council approved the Canal Corkran MR-RPC in 1998 with the adoption of Ordinance No. 1279; that the larger tracts were left and considered as personal lots by the developer, and there is no longer a need for larger lots; that Lot 21 is 1.3 acres and Lot 22 is 7 acres; that they would now like to fully incorporate the lots into the Canal Corkran community; that the lots will be subject to all of the restricted covenants of the community; that the Applicant is in agreement with the Planning and Zoning Commission

**Public
Hearing/
CZ 1852
(continued)**

recommendation that a wetlands notice be placed on each of the deeds for the 8 lots, in addition to physical signage being placed along the delineated wetlands boundary; that all of the lots use the same access and the same utilities; that the ordinance for the RPC was approved for 177 units with a maximum density of 2.76 units per acre; that 170 units is a density of 2.6 units per acre and is still under the approved original density; that the lots are similar in size with the rest of the area, and some are even larger; that they have submitted a request for a waiver from the 20-foot forested buffer requirement, as the wooded areas are in wetlands and cannot be disturbed; that there is no new common area to be conveyed to the Homeowners Association; that the adjacent subdivision has a large wooded area near the proposed lots; that the Homeowners Association provided a letter in support of the application; that the setbacks are 30-foot front yard, 10-foot side yard, and 10-foot rear yard; that they will use the wetlands as a de facto property line and establish a setback off of the wetlands; and that there will be deed restrictions, especially regarding the wetlands.

Questions were raised by Council regarding setbacks, buffers, and use of the delineated wetlands as a de facto property line. It was noted that the property line for the 2 original lots extends through the wetlands. Mr. Hutt stated that the attempt was made not to adjust boundaries that would extend lands that the Homeowners Association would be responsible for maintaining as a result of adding the lots.

Mr. Moore stated that a condition could be added in regard to the 8 new lots clarifying that the building setback rear line will be measured from the wetlands delineation line, not from the rear lot line.

Public comments were heard.

Jason Abela spoke in favor of the application and stated that he is President of the Board of Directors for the Canal Corkran Homeowners Association which is in favor of bringing these 8 lots into the architectural covenants of Canal Corkran, thereby maintaining the status quo, and that the proposal will have a negligible effect on the community.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 462 18
Amend
Findings/
CZ 1852**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend the Findings of the Planning and Zoning Commission regarding Change of Zone No. 1852 filed on behalf of Canal Corkran, LLC, by adding a new number 8 to state as follows: "A further condition shall be added in regard to the 8 new lots: The building setback rear line will be measured from the wetlands delineation line, not from the rear lot line."; and to re-number the initial number 8 and make it number 9.

**M 462 18
(continued)**

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 463 18
Adopt
Ordinance
No. 2595/
CZ 1852**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2595 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1359, ORDINANCE NO. 1279, FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 65.125 ACRES, MORE OR LESS” (Change of Zone No. 1852) filed on behalf of Canal Corkran, LLC, based on the following Findings, as amended:

- 1. The Canal Corkran MR-RPC was approved in 1998 and it has been in existence for years, with only a small number of vacant lots remaining at this time. At the time it was approved, the developer retained 2 very large lots at the northern end of the development. One lot was 1.3 acres and the other was 7.0 acres.**
- 2. The developer, who is the Applicant here, seeks to subdivide these large lots into a total of 8 lots, all of which will be consistent with the other lots in the development.**
- 3. This re-subdivision will create a total of 6 new lots, which is still less than the total number of lots permitted as part of the original approval.**
- 4. The Canal Corkran Homeowners Association has approved this application. Originally, these 2 lots were excluded from contributing to the Homeowners Association. These new lots will all be part of the Homeowners Association and will contribute to it in the same way as all of the other existing lots in the Canal Corkran development.**
- 5. All of the conditions of Ordinance No. 1279 shall remain in effect, except for Condition 6, which shall be amended to state as follows:
“6. The maximum number of units for the project shall not exceed 170 units, with no more than 51 multifamily condominium units, 14 multifamily duplex units, and 105 single family lots. By comparison, the existing zonings of C-1 General Commercial and AR-1 Agricultural Residential could permit 160 or more units, and a subdivision project with MR Medium Density Residential zoning could permit 200 or more units.”**
- 6. The new lots shall all be subject to the Declaration of Covenants, Conditions, Easements, and Restrictions for Canal Corkran.**

**M 463 18
(continued)**

7. **In addition to the conditions included in Ordinance No. 1279, a new condition shall be added with regard to these 8 new lots: “Any of the 8 new lots that have wetlands within their boundaries shall contain the ‘Wetlands Notice’ in their deed as required by Section 99-6H of the Subdivision Code. In addition, all of the wetlands areas within each lot shall be clearly marked with permanent markers to identify them as non-disturbance areas.”**
8. **A further condition shall be added in regard to the 8 new lots: “The building setback rear line will be measured from the wetlands delineation line, not from the rear lot line.”**
9. **A revised Master Plan for the MR-RPC showing these new lots shall be submitted to the Planning and Zoning Commission for approval.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 464 18
Adjourn**

A Motion was made by Mr. Burton, seconded by Mr. Cole, to adjourn at 2:58 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; 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.}

8/6/18

VOLUNTARY DESIGN GUIDELINES

FOR

HISTORIC LEWES BYWAY

Prepared by the Historic Lewes Byway Committee

For

Sussex County Council

INTRODUCTION:

The Historic Lewes Byway was established when the Historic Lewes Byway Corridor Management Plan was approved by Delaware's Secretary of Transportation and the City of Lewes in 2015 and by Sussex County Council in 2016. The Historic Lewes Byway is a continuous road network that captures and reflects the remarkable 382 year history of the greater Lewes area within the context of its natural beauty and maritime origins. The Lewes Byway is comprised of six roads totaling 12.35 miles, 5.7 miles of which are in Sussex County. The six byway roads are:

1. Kings Highway from State Route 1 to Savannah Road (1.0 miles in Sussex County)
2. Savannah Road from State Route 1 to Lewes Beach (1.3 miles in Sussex County)
3. New Road from Nassau Road to Pilottown Road (1.7 miles in Sussex County)
4. Gills Neck Road from Kings Highway to Savannah Road (1.7 miles in Sussex County)
5. Pilottown Road and Front Street from Boat Ramp at Roosevelt Inlet to Savannah Road
6. Cape Henlopen Drive from Cape Henlopen State Park to Savannah Road

The byway is a transportation route through an area with special intrinsic scenic, historic, natural, cultural, recreational or archeological qualities. An alternative travel experience that tells a story, it connects and provides access to the area's heritage, beauty, natural and recreational resources. To qualify as a byway, a roadway must possess at least one of the above six intrinsic qualities. The Lewes area byway roads possess all six qualities. The byway's goals are: 1) conserve, enhance and promote the byway corridor; 2) balance the needs of preservation; 3) enhance the travel experience; and 4) accommodate existing and new development via context sensitive design that retains byway character.

The byway is not a regulatory or enforcement tool; recommendations are just that. The byway does not mandate what a property owner should do on private property nor does it dictate land use/zoning decisions.

The Historic Lewes Byway Committee has undertaken the task of preparing Voluntary Design Guidelines to provide conceptual design guidelines for landscaping and building appearance for byway property owners. The Historic Lewes Byway Committee consists of members who represent residents of Lewes and Sussex County; Delaware Greenways; the Lewes Historical Society; and Sussex County Council. The Chair of the Design Guidelines Subcommittee is Russ Tatman.

VOLUNTARY DESIGN GUIDELINES (consisting of Awareness and Guidelines):

Awareness Program

1. Letter and “Byway Brochure” to all property owners on byway roads defining a byway and the benefits of preserving, conserving and enhancing the character of the Lewes Byways. The letter would be signed by Lewes Mayor and Sussex County representatives (either one letter or two separate letters). The letters would be mailed approximately 30 days after byway signs are installed on the six byway roads. It is projected that byway signs will be installed within 90 days. After the letters are mailed, the Historic Lewes Byway Committee may hold a Public Workshop to answer questions and fully inform the byway property owners about the purpose and benefits of the byways.
2. Letters and Byway Brochures to area realtors, design professionals, contractors, etc. to encourage these professionals to assist in maintaining the character of the byways.
3. Establishment of a recognition program identifying specific byway stories (for example, photos and articles of successful projects along the byways).
4. Establishment of web sites identifying the Historic Lewes Byway.
5. Article in Cape Gazette and on local TV promoting the byways after byway signs are installed on all byway roads.
6. Meetings with major byway property owners to discuss and encourage designs to maintain the character of the Byways, with approval from Lewes and Sussex County officials.
7. Request representation from developers and businesses on the Design Guidelines Subcommittee.

Guidelines Program

After discussions with Byway Committee members and Tom West, City of Lewes Planner, and after reviewing numerous Byway and Design Guidelines documents, it was determined that the Guidelines Program should:

1. Continue efforts to secure the services of local Architects and Landscape Architects to assist in the development of the Voluntary Design Guidelines.
2. Meet with Architects and Landscape Architects who have experience in the development of Byway Design Documents to better understand the scope of work, timing and cost to complete design guidelines for our Byways.
3. Investigate the availability of grants and funding, if needed, to complete the Voluntary Design Guidelines.
4. Coordinate with the Lewes Planning Commission on their efforts to complete Design Guidelines for the Marine Commercial District.
5. Develop the most efficient way to complete the Design Guidelines when the first four steps listed above are completed.

Request

Design Guidelines Programs have been endorsed by Lewes Mayor and Council.

Request that Sussex County Council endorse the Voluntary Design Guidelines and include same as part of the Sussex County Comprehensive Plan.

REFERENCE MATERIAL:

Byway Brochure – Copies available at presentation.

Corridor Management Plan - The Lewes Byway Corridor Management Plan lays out strategies to protect the byways' unique primary historic quality and its additional scenic, natural, recreational and archeological qualities by encouraging appreciation of its surroundings while benefitting economic development through heritage-based tourism and recreational resources.

Kings Highway and Gills Neck Road Master Plan - The purpose of the Master Plan is to establish a vision for the desired character of two of the system of connecting routes that comprise the Lewes Byway. The two roadways, Kings Highway (a major gateway to the City of Lewes) and Gills Neck Road, currently are and will continue to be locations of significant development.

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: ***BULK DELIVERY OF 50% CAUSTIC SODA
PROJECT NO. M19-07
BID AWARD***

DATE: August 21, 2018

Sussex County contracts for the Bulk Delivery of 50% Caustic Soda to the South Coastal Regional Wastewater Facility and the Delaware Coastal Airport for augmentation in the treatment processes. The recent contract expired on June 30, 2018. Bids were requested for the annual procurement of approximately 50,000 gallons, with an alternate bid for fourteen 55-gallon containers per year, to begin on September 1, 2018.

Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to businesses on our supplier list. On August 10, 2018, bids for the Bulk Delivery of 50% Caustic Soda were opened and four (4) bids were received.

Coyne Chemical offered the lowest bid price per gallon at \$2.9824 and \$6.0510 per gallon for the 55-gallon containers.

The Engineering Department recommends award of the base bid and alternate bid for the Bulk Delivery of 50% Caustic Soda to Coyne Chemical. If performance is satisfactory, the contract allows a one-year extension of the contract under the unit prices bid at the discretion of the Engineering Department.



ENGINEERING DEPARTMENT

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Sussex County

DELAWARE
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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: ***CONSTRUCTION of PARALLEL TAXIWAY D, PHASE 2,
PROJECT 18-03, Bid Award***

DATE: August 21, 2018

Construction of Taxiway D would allow for the development of numerous corporate size hangars and a large acreage of apron for aircraft parking. The taxiway would also support the development of GPS based instrument approaches to both ends of the crosswind Runway 10-28. The project has been presented at the FY19 Budget workshop and the County's cost share is included in the list of approved capital improvements.

On April 11, 2017, County Council approved the submission of a grant request to the FAA in the amount of \$430,196 for design of the Taxiway D Project by the previously selected airport consultant, Delta Airport Consultants. On June 27, 2018, two (2) bids were received for "Construction of Parallel Taxiway D, Phase 2". Alternate 2 was coming in close to \$6.25 million 70% above the engineer's estimate and on July 17, 2018, Council approved to reject all bids and re-advertise the project after determination of the disparity of costs.

The project approach was re-evaluated and several contingency items were incorporated in the bid schedule. In addition, some of the administrative requirements were clarified. Subsequently the project was re-advertised and two (2) bids were received on August 8, 2018. A copy of the bid results is attached. George & Lynch, Inc. was the low bidder with an Alternate 2 base bid of \$4,939,835.70 and an Additive 1 bid of \$599,353.60. The Sussex County Engineering Department recommends award of both bid items, for a total of **\$5,539,189.30**, contingent on FAA funding approval.

In addition, the Sussex County Engineering Department requests approval of Delta Airport Consultants Task Order 7R2 for construction administration phase services for the project, in a not to exceed amount of **\$595,610.00**, contingent on FAA funding approval.

A funding request covering both amounts has been submitted to the FAA for approval.



BID TABULATION

**CONSTRUCT PARALLEL TAXIWAY D, PHASE 2
ALTERNATE 2**

DELAWARE COASTAL AIRPORT
GEORGETOWN, DELAWARE

AIP PROJECT NO. 3-10-0007-PENDING (CONSTRUCTION)
SUSSEX COUNTY PROJECT NO. 18-03
DELTA PROJECT NO. 17010

BID OPENING DATE: AUGUST 8, 2018

ITEM NO.	SPEC NO.	DESCRIPTION	UNIT	BID QUANTITY	ENGINEER'S ESTIMATE		George & Lynch		Highway & Safety Services, Inc.	
					UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	P-100	MOBILIZATION	LS	1	\$375,000.00	\$375,000.00	\$560,000.00	\$560,000.00	\$1,032,575.00	\$1,032,575.00
2	P-140	BITUMINOUS PAVEMENT REMOVAL	SY	220	\$9.00	\$1,980.00	\$40.85	\$8,987.00	\$40.00	\$8,800.00
3	P-150	REMOVE BASE MOUNTED MITL	EA	19	\$350.00	\$6,650.00	\$462.00	\$8,778.00	\$110.00	\$2,090.00
4	P-150	REMOVE PULLCAN/JUNCTION STRUCTURE	EA	1	\$350.00	\$350.00	\$935.00	\$935.00	\$110.00	\$110.00
5	P-150	REMOVE AIRFIELD GUIDANCE SIGN	EA	1	\$500.00	\$500.00	\$2,860.00	\$2,860.00	\$110.00	\$110.00
6	P-150	REMOVE EXISTING SUPPLEMENTAL WIND CONE	EA	1	\$500.00	\$500.00	\$1,265.00	\$1,265.00	\$110.00	\$110.00
7	P-150	REMOVE EXISTING DRAINAGE PIPE 12" CP	LF	1,140	\$50.00	\$57,000.00	\$36.50	\$41,610.00	\$35.00	\$39,900.00
8	P-150	REMOVE EXISTING DRAINAGE PIPE 18" CP	LF	540	\$50.00	\$27,000.00	\$38.55	\$20,817.00	\$35.00	\$18,900.00
9	P-150	MISCELLANEOUS DEMOLITION	LS	1	\$48,000.00	\$48,000.00	\$50,000.00	\$50,000.00	\$45,000.00	\$45,000.00
10	P-152	MUCK EXCAVATION	CY	3,500	\$25.00	\$87,500.00	\$33.15	\$116,025.00	\$40.00	\$140,000.00
11	P-152	EMBANKMENT IN PLACE	CY	19,000	\$18.50	\$351,500.00	\$11.00	\$209,000.00	\$14.00	\$266,000.00
12	P-152	EMBANKMENT IN PLACE (OFF-SITE BORROW)	CY	19,000	\$32.00	\$608,000.00	\$22.60	\$429,400.00	\$30.00	\$570,000.00
13	P-152	TOPSOIL STRIPPING, STOCKPILING, AND RESPREADING	LS	1	\$55,000.00	\$55,000.00	\$281,000.00	\$281,000.00	\$295,000.00	\$295,000.00
14	P-152	TRENCH BACKFILL (OFF-SITE BORROW)	TN	1,000	\$17.50	\$17,500.00	\$16.06	\$16,060.00	\$50.00	\$50,000.00
15	P-154	SUBBASE COURSE	CY	6,000	\$75.00	\$450,000.00	\$74.55	\$447,300.00	\$70.00	\$420,000.00
16	P-156	EROSION AND SEDIMENT CONTROL	LS	1	\$50,000.00	\$50,000.00	\$150,000.00	\$150,000.00	\$50,000.00	\$50,000.00
17	P-156	SILT FENCE	LF	8,000	\$3.75	\$30,000.00	\$1.65	\$13,200.00	\$5.00	\$40,000.00
18	P-157	CEMENT KILN DUST TREATED SUBGRADE (12")	SY	21,800	\$3.25	\$70,850.00	\$2.25	\$49,050.00	\$13.00	\$283,400.00
19	P-157	CEMENT KILN DUST	TN	2,000	\$90.00	\$180,000.00	\$90.00	\$180,000.00	\$150.00	\$300,000.00
20	P-160	ASPHALTIC PAVEMENT SURFACE MILLING (0.5" NOMINAL)	SY	900	\$3.00	\$2,700.00	\$7.25	\$6,525.00	\$6.00	\$5,400.00
21	P-160	ASPHALTIC PAVEMENT SURFACE MILLING (VARIABLE TRANSITIONAL)	SY	1,800	\$6.00	\$10,800.00	\$10.85	\$19,530.00	\$8.00	\$14,400.00
22	P-209	CRUSHED AGGREGATE BASE COURSE	CY	3,300	\$65.00	\$214,500.00	\$91.80	\$302,940.00	\$70.00	\$231,000.00
23	P-401	BITUMINOUS SURFACE COURSE (NOTE 1)	TN	5,500	\$100.00	\$550,000.00	\$139.65	\$768,075.00	\$120.00	\$660,000.00
24	P-405	GROUND STABILIZATION FABRIC	SY	4,500	\$3.00	\$13,500.00	\$3.05	\$13,725.00	\$5.00	\$22,500.00
25	M-103	PORTABLE LIGHTED CLOSED RUNWAY MARKER	EA	2	\$5,000.00	\$10,000.00	\$8,320.00	\$16,640.00	\$8,000.00	\$16,000.00
26	M-103	CLOSED TAXIWAY MARKER	EA	5	\$1,500.00	\$7,500.00	\$2,461.00	\$12,305.00	\$1,815.00	\$9,075.00
27	M-107	AVIATION BARRICADES	LF	350	\$50.00	\$17,500.00	\$44.00	\$15,400.00	\$48.00	\$16,800.00
28	M-134	CARRIER PIPE INSTALLATION	LF	182	\$85.00	\$15,470.00	\$255.00	\$46,410.00	\$355.00	\$64,610.00
29	M-401	PILOT CHANNEL	LF	2,600	\$32.00	\$83,200.00	\$50.85	\$132,210.00	\$46.00	\$119,600.00
30	P-619	PAINT REMOVAL (95-100% LEVEL)	SF	1,400	\$6.00	\$8,400.00	\$2.48	\$3,472.00	\$3.85	\$5,390.00
31	P-620	INITIAL TAXIWAY MARKING (YELLOW, NO BEADS)	SF	5,100	\$2.00	\$10,200.00	\$2.35	\$11,985.00	\$2.81	\$14,331.00
32	P-620	PERMANENT TAXIWAY MARKING (YELLOW, WITH BEADS)	SF	5,100	\$4.50	\$22,950.00	\$3.32	\$16,932.00	\$3.25	\$16,575.00
33	P-620	OUTLINE MARKING (BLACK, NO BEADS)	SF	9,200	\$4.50	\$41,400.00	\$0.85	\$7,820.00	\$2.04	\$18,768.00
34	D-701	15" RCP, CLASS V	LF	129	\$125.00	\$16,125.00	\$101.00	\$13,029.00	\$85.00	\$10,965.00
35	D-701	18" RCP, CLASS V	LF	394	\$155.00	\$61,070.00	\$115.30	\$45,428.20	\$100.00	\$39,400.00
36	D-705	6" UNDERDRAIN PIPE	LF	5,500	\$42.50	\$233,750.00	\$33.33	\$183,315.00	\$30.00	\$165,000.00
37	D-752	6" UNDERDRAIN ENDWALL	EA	17	\$620.00	\$10,540.00	\$325.00	\$5,525.00	\$1,000.00	\$17,000.00
38	D-752	15" END SECTION	EA	1	\$5,000.00	\$5,000.00	\$1,237.00	\$1,237.00	\$2,000.00	\$2,000.00
39	D-752	18" END SECTION	EA	4	\$5,500.00	\$22,000.00	\$1,375.00	\$5,500.00	\$2,500.00	\$10,000.00
40	T-901	PERMANENT SEEDING	AC	20	\$2,500.00	\$50,000.00	\$1,491.00	\$29,820.00	\$2,500.00	\$50,000.00
41	T-901	WINTER SEEDING	AC	20	\$1,250.00	\$25,000.00	\$500.00	\$10,000.00	\$1,250.00	\$25,000.00
42	T-908	MULCHING	AC	20	\$1,500.00	\$30,000.00	\$1,491.00	\$29,820.00	\$1,000.00	\$20,000.00
43	L-107	RELOCATED SUPPLEMENTAL WIND CONE ON NEW BASE	EA	1	\$5,000.00	\$5,000.00	\$3,713.00	\$3,713.00	\$5,325.00	\$5,325.00
44	L-108	NO. 8 AWG L-824C CABLE, 5KV	LF	18,000	\$7.50	\$135,000.00	\$1.93	\$34,740.00	\$3.50	\$63,000.00
45	L-108	NO. 6 AWG SOLID BARE COPPER COUNTERPOISE WIRE	LF	8,000	\$3.50	\$28,000.00	\$2.90	\$23,200.00	\$4.74	\$37,920.00
46	L-110	CONCRETE ENCASED ELECTRICAL DUCT BANK, 1 WAY - 2" PVC CONDUIT	LF	310	\$35.00	\$10,850.00	\$35.55	\$11,020.50	\$40.47	\$12,545.70
47	L-110	CONCRETE ENCASED ELECTRICAL DUCT BANK, 2 WAY - 2" PVC CONDUIT	LF	810	\$55.00	\$44,550.00	\$48.85	\$39,568.50	\$47.93	\$38,823.30
48	L-110	NON-ENCASED ELECTRICAL CONDUIT, 1 WAY - 2" PVC CONDUIT	LF	10,700	\$19.50	\$208,650.00	\$4.95	\$52,965.00	\$9.59	\$102,613.00
49	L-110	ELECTRICAL CONDUIT - BORED UNDER PAVEMENT, 2 WAY - 2" HDPE	LF	230	\$55.00	\$12,650.00	\$57.75	\$13,282.50	\$26.63	\$6,124.90

BID TABULATION

**CONSTRUCT PARALLEL TAXIWAY D, PHASE 2
ALTERNATE 2**

DELAWARE COASTAL AIRPORT
GEORGETOWN, DELAWARE

AIP PROJECT NO. 3-10-0007-PENDING (CONSTRUCTION)
SUSSEX COUNTY PROJECT NO. 18-03
DELTA PROJECT NO. 17010

BID OPENING DATE: AUGUST 8, 2018

ITEM NO.	SPEC NO.	DESCRIPTION	UNIT	BID QUANTITY	ENGINEER'S ESTIMATE		George & Lynch		Highway & Safety Services, Inc.	
					UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
50	L-115	ELECTRICAL JUNCTION STRUCTURE, L-867 PULLCAN	EA	5	\$2,000.00	\$10,000.00	\$2,236.00	\$11,180.00	\$3,727.50	\$18,637.50
51	L-115	ELECTRICAL JUNCTION STRUCTURE, 2 UNIT L-867 PULLCAN PLAZA	EA	12	\$3,000.00	\$36,000.00	\$3,685.00	\$44,220.00	\$3,727.50	\$44,730.00
52	L-125	L-858 AIRFIELD GUIDANCE SIGN (1-2 CHAR.)	EA	2	\$3,500.00	\$7,000.00	\$15,769.00	\$31,538.00	\$4,792.50	\$9,585.00
53	L-125	L-858 AIRFIELD GUIDANCE SIGN (3-4 CHAR.)	EA	4	\$5,000.00	\$20,000.00	\$16,390.00	\$65,560.00	\$5,325.00	\$21,300.00
54	L-125	MODIFY EXISTING SIGN PANEL	EA	2	\$1,555.00	\$3,110.00	\$1,793.00	\$3,586.00	\$1,233.27	\$2,466.54
55	L-125	L-861T(L) BASE MOUNTED MITL (LED)	EA	103	\$1,500.00	\$154,500.00	\$1,689.00	\$173,967.00	\$2,023.50	\$208,420.50
56	L-125	RELOCATED L-861T MITL ON NEW BASE	EA	18	\$500.00	\$9,000.00	\$1,375.00	\$24,750.00	\$1,597.50	\$28,755.00
57	R-302	STONE, NO. 3	TN	1,200	\$37.50	\$45,000.00	\$39.95	\$47,940.00	\$60.00	\$72,000.00
58	R-707	RIPRAP, TYPE R-4	SY	45	\$80.00	\$3,600.00	\$148.00	\$6,660.00	\$250.00	\$11,250.00
59	R-908	SOIL STABILIZATION MAT	SY	400	\$7.50	\$3,000.00	\$2.15	\$860.00	\$18.00	\$7,200.00
60	SP-41	16" DUCTILE IRON CASING, CLASS 52, NON-PERFORATED	LF	111	\$150.00	\$16,650.00	\$222.00	\$24,642.00	\$225.00	\$24,975.00
61	SP-41	30" DUCTILE IRON CASING, CLASS 52, NON-PERFORATED	LF	111	\$250.00	\$27,750.00	\$383.00	\$42,513.00	\$410.00	\$45,510.00
TOTALS:						\$4,659,245.00	Total Bid:	\$4,939,835.70	Total Bid:	\$5,876,990.44
				DBE Goal: 3.85%	DBE %:		4.148%		9.000%	

BID TABULATION

**CONSTRUCT PARALLEL TAXIWAY D, PHASE 2
BID ADDITIVE 1**

DELAWARE COASTAL AIRPORT
GEORGETOWN, DELAWARE

AIP PROJECT NO. 3-10-0007-PENDING (CONSTRUCTION)
SUSSEX COUNTY PROJECT NO. 18-03
DELTA PROJECT NO. 17010

BID OPENING DATE: AUGUST 8, 2018

ITEM NO.	SPEC NO.	DESCRIPTION	UNIT	BID QUANTITY	ENGINEER'S ESTIMATE		George & Lynch		Highway & Safety Services, Inc.	
					UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	P-150	REMOVE EXISTING DRAINAGE PIPE 18" CP	LF	408	\$40.00	\$16,320.00	\$38.70	\$15,789.60	\$50.00	\$20,400.00
2	P-150	REMOVE EXISTING DRAINAGE PIPE 36" CP	LF	1,000	\$50.00	\$50,000.00	\$44.60	\$44,600.00	\$85.00	\$85,000.00
3	P-150	REMOVE EXISTING DRAINAGE PIPE 36" CP (PAVED AREAS)	LF	520	\$70.00	\$36,400.00	\$90.90	\$47,268.00	\$100.00	\$52,000.00
4	D-701	18" RCP, CLASS V	LF	408	\$85.00	\$34,680.00	\$97.00	\$39,576.00	\$100.00	\$40,800.00
5	D-701	36" RCP, CLASS III	LF	808	\$85.00	\$68,680.00	\$215.00	\$173,720.00	\$150.00	\$121,200.00
6	D-701	36" RCP, CLASS V	LF	192	\$130.00	\$24,960.00	\$276.00	\$52,992.00	\$165.00	\$31,680.00
7	D-701	36" RCP, CLASS V (PAVED AREAS)	LF	520	\$200.00	\$104,000.00	\$323.00	\$167,960.00	\$380.00	\$197,600.00
8	D-751	48" NON-AIRCRAFT RATED MANHOLE	EA	4	\$5,000.00	\$20,000.00	\$9,380.00	\$37,520.00	\$10,000.00	\$40,000.00
9	D-751	48" AIRCRAFT RATED MANHOLE	EA	2	\$12,000.00	\$24,000.00	\$9,964.00	\$19,928.00	\$12,000.00	\$24,000.00

*Denotes extension error

TOTALS: **\$379,040.00** **Total Bid:** **\$599,353.60** **Total Bid:** **\$612,680.00**

DBE Goal: 3.85%

DBE %:

0%

0%

**TASK ORDER NO. 7R2
PROFESSIONAL SERVICES AGREEMENT**



PROJECT: Construct Parallel Taxiway D, Ph II: Construction

AIRPORT: Delaware Coastal Airport

DELTA PROJECT NO.: 17010

DATE OF ISSUANCE: June 18, 2018

ATTACHMENTS:

- 1) Scope of Services
- 2) 2018 Rate Schedule
- 3) Additional Terms of the Agreement

METHOD OF PAYMENT: Construction Administration - Unit Price + Fixed Fee
Reimbursables - Unit Price

TASK ORDER AMOUNT: \$ 595,610

CONTRACT TIME: 170 Calendar Day Construction Contract Time

PROJECT DESCRIPTION: Construction Administration Phase Services for:

- Construct New Parallel Taxiway D (approx. 3,100' x 35')
- Construct 3 Connector Taxiways (approx. 175' in length)
- Construct hold aprons at each end of Taxiway D (approx. 220' each)
- Construct associated drainage, SWM, lighting, and marking

The original Agreement for Professional Services between the Sussex County Council (OWNER) and Delta Airport Consultants, Inc., (CONSULTANT) for Professional Services at the Sussex County Airport (now Delaware Coastal Airport) dated June 3, 2014, shall govern all TASK ORDERS executed under this Agreement unless modified in writing and agreed to by CONSULTANT and OWNER.

ACCEPTED:

by:  4-19-18

David W. Jones, P.E., C.M.
Vice President
Delta Airport Consultants, Inc.
3544 North Progress Avenue, Suite 200
Harrisburg, Pennsylvania 17110

APPROVED:

by: _____

Hans M. Medlarz, P.E.
County Engineer
Sussex County Engineering Department
#2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Construct Parallel Taxiway D, Ph II: Construction
Delaware Coastal Airport
Delta Project No. 17010

June 18, 2018

PHASE	DETAILED TASKS
CONSTRUCTION ADMINISTRATION (CA)	Scope of Services and Contract Grant Applications Owner Coordination Coordinate Subconsultants Project Correspondence Coordinate Resident Project Representative (Daily) Preconstruction Meeting (1) Shop Drawing Review JMF Review and Coordination Pre-Pave Meeting and Notes (1) Construction Administration Progress Meetings and Notes (13) Site Visits and Notes (5) Punchlist Inspection (1) Final Inspection (1) Record Drawings Airport Layout Plan Update Final Project Report Reimbursement Requests (8)
RESIDENT PROJECT REPRESENTATIVE	Field Representative

- ITEMS NOT INCLUDED IN SCOPE:
1. Permitting and Review Fees are the responsibility of the Owner.
 2. RPR hours beyond the 45 hours each work are the responsibility of the Contractor; however they are to be billed to the Owner separately and the Owner is to bill the Contractor.

**ATTACHMENT 2
2018 RATE SCHEDULE**



Delta Airport Consultants, Inc.
Date: May 18, 2017

<u>Item</u>	<u>2018</u>
Work Hours Billing Rates (with overhead)	
Principal	\$240
Project Manager/Registered Professional	\$209
Design Professional (Engineer/Planner)	\$132
Project Production/Administration	\$107
Clerical	\$46
Field Representative	\$98
Direct Nonsalary Expenses	
Automobile (per mile)	Sussex County guidelines
Aircraft (per mile)	Federal Gov. guidelines
Per Diem - Resident Project Rep	Federal Gov. guidelines
Long term - meals & lodging (per cal day)	
Airline, Rental Car, Charter, etc.	Direct
Printing	Direct
Bid Advertisement	Direct
Meals, Lodging, etc. (short term)	Direct
Miscellaneous	Direct
Subcontracted Services	Direct
Delta Profit	Fixed Fee

Notes:

1. Billing rates for future years will be increased by 3% annually.
2. Billing rates based on estimated 2018 salaries (i.e.: 2017 salaries plus 3% inflation).
3. Work hour rates include labor overhead, general & administrative overhead per FAA AC 150/5100-14E, paragraph 4-10

**ATTACHMENT 3
ADDITIONAL TERMS OF THE AGREEMENT**



**DELTA AIRPORT
CONSULTANTS, INC.**

1. For this Task Order 7 - Revision 2, the Project Manager shall be invoiced at the Project Manager billing rate per the 2018 Rate Schedule of Attachment 2 instead of at the actual hourly rate paid to the employee working on the project with allowable overhead per the original Agreement.
2. The CONSULTANT acknowledges that the OWNER may substitute a qualified Field Representative should they elect to with an appropriate reduction in the unit price fee budget.
3. All other provisions of the original Agreement for Professional Services dated June 3, 2014, shall remain unchanged.

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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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: *Milton Library, Bulkhead Replacement & Foundation Repair Change Order No. 3*

DATE: August 21, 2018

At the Milton Public Library, portions of the southerly exterior wall exhibited both vertical settlement and lateral displacement. The root cause of the problem was a compromised bulkhead allowing soil to be washed out from under the floor slabs and spread footing foundations during high tides.

A contract defining the base line scope necessary for the building stabilization was advertised, and two bids were received on April 19, 2018. On May 22, 2018, Council awarded the contract and a subsequent material substitution credit change order 1 to JJID, Inc., in the net amount of \$340,000.00.

On July 17, 2018, change order no. 2 in the amount of \$9,451.75 was approved for DelDOT required detours and associated costs. The bulkhead is now substantially complete with all construction activity conducted within the vibration limits stated in the specifications. However, despite the low vibration levels already existing, known void spaces under the floor system were consolidated and the slabs as well as the patio wall experienced substantial settlement.

Due to size of the void and the compromised state of the patio wall, immediate attention was required. Therefore, the Engineering Department authorized filling of the void spaces accessible from the outside, as well as the demolition of the patio under a time and material based administrative order at \$380.00 per hour for labor and equipment.

We are now proposing to replace the wall with a level grade concrete cap topped by an aluminum railing. In addition, we propose to explore the remaining non-accessible voids via



a series of core boring at \$100.00 per crew hour to determine the extent of the required pressure grouting. The base contract includes a maximum base line amount of 5 cubic yards of grout and we hope to stay within this limitation.

In summary, the Engineering Department is requesting approval of change order no. 3 to cover void filling, patio wall replacement with rail system, floor coring and any other incidental requirements encountered in the process on a time and material basis at the above stated hourly rates, in the conservatively estimated not to exceed amount of \$45,000.00.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **MILTON PUBLIC LIBRARY BULKHEAD REPLACEMENT**
2. Sussex County Contract No. 18-09
3. Change Order No. 3
4. Date Change Order Initiated - 8/17/18
5.
 - a. Original Contract Sum \$460,000.00
 - b. Net Change by Previous Change Orders (\$110,548.25)
 - c. Contract Sum Prior to Change Order \$349,451.75
 - d. Requested Change \$45,000.00
 - e. Net Change (No. of days) -0-
 - f. New Contract Amount \$394,451.75
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:

Demolition of the patio wall under a time and material basis at \$380.00 per crew hour for labor and equipment. Core boring to determine non-accessible voids at \$100.00 per crew hour for labor and equipment. These costs shall not exceed \$45,000.00.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. JJID, Inc., Project General Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

ENGINEERING DEPARTMENT

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



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

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 Robert B. Arlett
The Honorable Samuel R. Wilson, Jr.

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

RE: *2018 Sussex County Delaware Coastal Airport, Industrial Park and Business Park Property Maintenance RFP*
Cancellation of one (1)-year Maintenance Contract

DATE: August 21, 2018

The Sussex County Engineering Department solicited proposals for a one (1) year site maintenance agreement, with the option to renew annually based on satisfactory performance, for up to five (5) years for the Delaware Coastal Airport, Industrial Park and Business Park. Bid Items 1-3 involved mowing activities at the premises and were previously rejected by Council on March 20, 2018, due to insufficient competition. Bidders could submit their bid for any or all of the bid items.

On June 19, 2018, Council approved award of Base Bids 1, 2 and 3 to Creative Visions Landscaping, for their low bid amount of \$70,506.10, \$9,930.00, and \$23,329.40 respectively, for maintenance over a 5-year period.

Unfortunately, Creative Visions Landscaping was unable to perform the services as required under the contract documents. The Sussex County Engineering Department hence recommends cancellation of base bids 1, 2 and 3 and authorization to re-advertise early next year for the 2019 growing season. For the remainder of the 2018 growing season the Buildings and Grounds team will continue the mowing operations.



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



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: August 17, 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 27, 2018. County Council deferred action pending a response from the County Engineer and left the record open for 15 days for written comments.

The Planning and Zoning Department received an application (CU 2130 The Evergreene Companies, LLC (Pallots Corner) to allow for a Conditional Use to allow multifamily dwellings (20 townhouses) to be located at 30733 & 30693 Cedar Neck Rd. The Planning and Zoning Commission held a public hearing on June 14, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, an exhibit booklet, comments from Sussex Conservation District, staff analysis, PLUS Response Letter, Sussex County Engineering Utility and Planning Division and one letter of opposition.

The Commission found James Fuqua, Attorney with Fuqua, Willard, Stevens, and Schab, Josh Mistrangelo and Ring Lardner, with Davis, Bowen and Friedel, LLC were present on behalf of the application; that Mr. Fuqua stated this is an application for a Conditional Use in an MR district for 20 townhomes; that they consider the parcel as an in-fill property; that a previous application was submitted in 2011 to request a Change of Zone to a B-1 and was denied as the area is primarily residential uses; that this is a proposal for 20 townhomes with a pool and clubhouse; that the gross density would be 8.4 units per acre; that they believe the density is appropriate with the area and the Comprehensive Plan; that there is Bethany Lakes and Sunset Harbor in the area; that to the south of the property is Salt Pond which is a RPC; that the commercial component of Salt Pond RPC is across the street and has a grocery store and gas station; that adjacent to Bethany Lakes is a very large community facility; that the Land Use classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area, mixed residential land use, and is a growth area; that there is a full range of housing types including townhomes with water and sewer and up to 12 units per acre is appropriate; that water will be provided by Sussex Shores; that sewer will be provided by Sussex County and there is adequate sewer capacity; that there are no wetlands on the site and it is not in a floodplain; that the site does not contain any historic or endangered species; that the



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stormwater management will meet all requirements; that the site is located in the excellent recharge area and will comply with requirements; that DelDOT did not require a TIS or TOA; that the 20 units will be located in six buildings; that four of the buildings will have three units each and two of the buildings will have four units each; that the north boundary will have an extra eight foot setback; that they will provide a Landscape Plan for a buffer adjacent to the residential lots; that one acre will be open space which is approximately 42% of the site; that there will be curbs and gutters; roads with streetlights downward screened; that the community will be a condominium ownership; that the site fronts on two roads at a major intersection; that the site backs up to Bethany Lakes recreational facility; that Bethany Lakes has a net density of 5.6; that Sunset Harbor has a net density of 9.8, Cedar Bay has a net density of 11.9, Bethany Grand has a net density of 10.6 and Magnolias has a net density of 11.4 with a restaurant on the site; that the proposed use and density is in character with the area and Comprehensive Plan; that they submitted proposed findings and conditions; that a fence, plantings or both will be adjacent to the single family homes; that there will be a right turn lane off of Cedar Neck Road; that the entrance is across from Bayside; that Mr. Mistrangelo stated there will be parking in the garage, surface parking and two extra parking spaces; that a 50 foot setback along both sides of the roads and try to keep as many trees as possible; that Mr. Lardner stated they submitted a sewer concept plan and will have to do and pay for upgrades and will meet Chapter 110 standards; and that the sidewalks will connect to existing sidewalks.

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

The Commission found that Peter Hartogensis and Sue O'Neill spoke in opposition to the application; that Mr. Hartogensis stated he is speaking on behalf of Board of Bethany Lakes; that there are seven board members present; that Bethany Lakes has 88 homes on spacious lots and nice amenities; that the proposed project is adjacent to the community; that this is not in character with the neighborhood; that he has concerns with traffic, especially in the summer months; that the only way in and out is through the light; that he concerns with drainage from stormwater management; that he has concerns with the sewer pump station; that Ms. O'Neill stated that Bethany Lakes does not have an indoor pool and there are only single family on their site; that the pump station overloads especially on 4th of July and smells some days; and that she has concerns with traffic.

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

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

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 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.

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.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **City of Rehoboth Beach**

PROJECT NAME:

FEDERAL TAX ID: **51-6000219** NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
 YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

ADDRESS: **229 Rehoboth Avenue**

Rehoboth Beach **DE** **19971**
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Sharon Lynn**

TITLE: **City Manager**

PHONE: **302-227-4641** EMAIL: **slynn@cityofrehoboth.com**

TOTAL FUNDING REQUEST: \$3,000.00

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

If YES, how much was received in the last 12 months? **\$2,000.00**

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?

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>Play ground equipment</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 _____ | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
25,000+

SECTION 3: PROGRAM SCOPE

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

The City of Rehoboth Beach is a vibrant community of full-time and part-time residents. Many families with children reside within the city limits or visit their second homes on weekends with children and grandchildren. As the "nation's summer capital" the busy tourism season brings thousands of visitors to the city each day.

Playgrounds offer a fun, safe environment that stimulates young peoples' minds and allows for their physical and social development. Outdoor play areas provide children with rich opportunities to grow, learn and develop.

This grant request is important for the reasons cited as the city is requesting to update the equipment at an already established playground.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Playground equipment for Cranberry Park	\$ 3,000.00
TOTAL EXPENDITURES	\$ 3,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 3,000.00

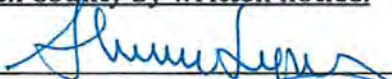
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the City of Rehoboth Beach agrees that:
(Name of Organization)

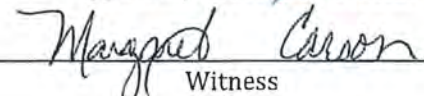
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



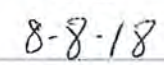
Applicant/Authorized Official



Witness



Date



Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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.

Shirley Ryan
Applicant/Authorized Official

City Manager
Title

Margaret Carson
Witness

08 AUG 18
Date

Cole
8-14-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Chamber of Commerce for Greater Milford**
PROJECT NAME: **Riverwalk "Freedom" Festival**
FEDERAL TAX ID: **51-0319055** NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
 YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Chamber of Commerce for Greater Milford supports a balanced economic development of the Greater Milford area by promoting civic, industrial, commercial, educational, agro-business, social and quality of life interests of the community.

ADDRESS: **24 NW Front St.**
Ste 101
Milford DE 19963
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Jo Schmeiser**
TITLE: **Executive Director**
PHONE: **302-422-3344** EMAIL: **jschmeiser@milfordchamber.com**

TOTAL FUNDING REQUEST: *\$2000.00*

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
 Infrastructure¹

- Health and Human Services
 Other Festival Fireworks

- Cultural
 Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
 Elderly Persons
 Minority

- Victims of Domestic Violence
 Low to Moderate Income²
 Other This festival is for the whole community.

- Homeless
 Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
5-8,000

SECTION 3: PROGRAM SCOPE

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

Each year since 2001 (9/11) the Milford Chamber has sponsored The Riverwalk "Freedom" Festival. This year again we will be featuring the Riverwalk "Freedom" Festival on Saturday, September 8th from 9am until after the fireworks at dusk. During the day we feature a Pet Park and a Patriotic Pet Parade, a patriotic boat parade on the Mispillion River, a Kids Korner with horse riding, fire engine rides, games and face painting, over 120 vendors, food vendors, four live bands playing during the day. A Duck Dash on the river with 1,000 little ducks floating down the river.

This is a day for the Milford Community to come together and fireworks complete the festivities. Your support at this event will be greatly appreciated.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
	\$ 14,000.00
TOTAL EXPENDITURES	\$ 14,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 14,000.00

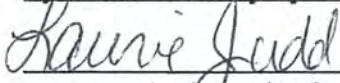
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Chamber of Commerce for Greater Milford 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.

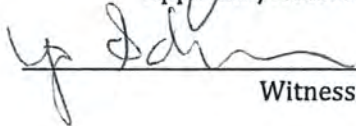
SECTION 5: STATEMENT OF ASSURANCES (continued)

- 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

8-14-2018
Date



Witness

8-14-2018
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

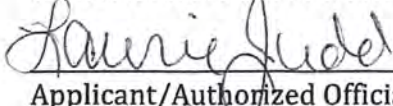
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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.

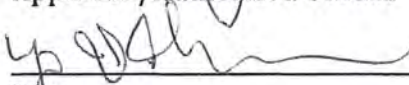
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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

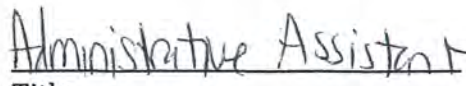
I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



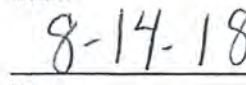
Applicant/Authorized Official



Witness



Title



Date



To Be Introduced 08/21/18

**Council District No. 5 – Arlett
Tax I.D. No. 134-16.00-39.00
911 Address: 34365 Central Avenue, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (135 TOWNHOUSES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 47.7177 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of May 2018, a conditional use application, denominated Conditional Use No. 2142, was filed on behalf of RH Orr, LLC, c/o Ribera Development, 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. 2142 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2142 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Central Avenue, approximately 0.22 mile north of Old Church Cemetery Road, and being more particularly described in the attached legal description prepared by Cypress Surveys, LLC, said parcel containing 47.7177 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
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: August 17, 2018

RE: County Council Report for CU 2136 Christine Degnon

The Planning and Zoning Department received an application (CU 2136 Christine Degnon) to allow for a Conditional Use to allow for a medical office to be located at 1409 Savannah Rd. The Planning and Zoning Commission held a public hearing on July 26, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

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

The Commission found Taylor Trapp, Attorney with Tunnell and Raysor, Christine Degnon, owner were present on behalf of the application; that Ms. Trapp stated the applicant would like to turn the property into a one person medical office that are similar to other uses in the area; that there is nine other professional offices with seven of which are medical facilities; that the property is more valuable as a medical office than residential purpose; that DelDOT did not recommend a TIS; that the proposed conditional use will not have an adverse impact on the neighboring properties; that there will be no change in architecture; that there is a shared entrance; that there is an agreement with the neighbor to remove the trees and put up a fence to separate the driveway; that the applicant does direct primary care, in which the physician contracts directly with the patient and helps keep the overhead cost low; that the applicant is a blue collar concierge doctor; that the patients will pay a low monthly fee; that the applicant is practicing in Delaware; that there is a shortage of primary care doctors in Lewes; that she needs more space; that she will have one assistant; that the hours of operation are 8:00 am to 5:00, Monday through Friday with on call services only if there are emergency on weekends; that there is an unlighted sign at the current location; and that there are no plans for the garage.

The Commission found Derek Cole spoke in favor to the application; that Mr. Cole stated he is generally not opposed to the conditional use; that he has concerns with safety regarding the share driveway and the fence leading up to the garage; and that he has concerns with hours of operation and it is the same time the school bus pick up kids.

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



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

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to defer action to leave record open for 15 days for applicant to respond in writing in response to conditions submitted by Mr. and Mrs. Cole. Motion carried 5-0.

PLANNING AND ZONING DEPARTMENT

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 Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: July 19, 2018
RE: Staff Analysis for CU 2136 Christine Degnon

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2136 Christine Degnon to be reviewed during the July 26, 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 335-8.18-4.00 to allow for medical offices to be located at 1409 Savannah Rd. The size of the property is 0.918 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, are Environmentally Sensitive Developing Areas and Mixed Residential Areas. The land uses to the south, east, and west are 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 are zoned MR (Medium Density Residential District). The properties to the south, east and west are zoned AR (Agricultural Residential 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

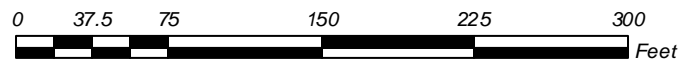
▮ Public Protected Lands

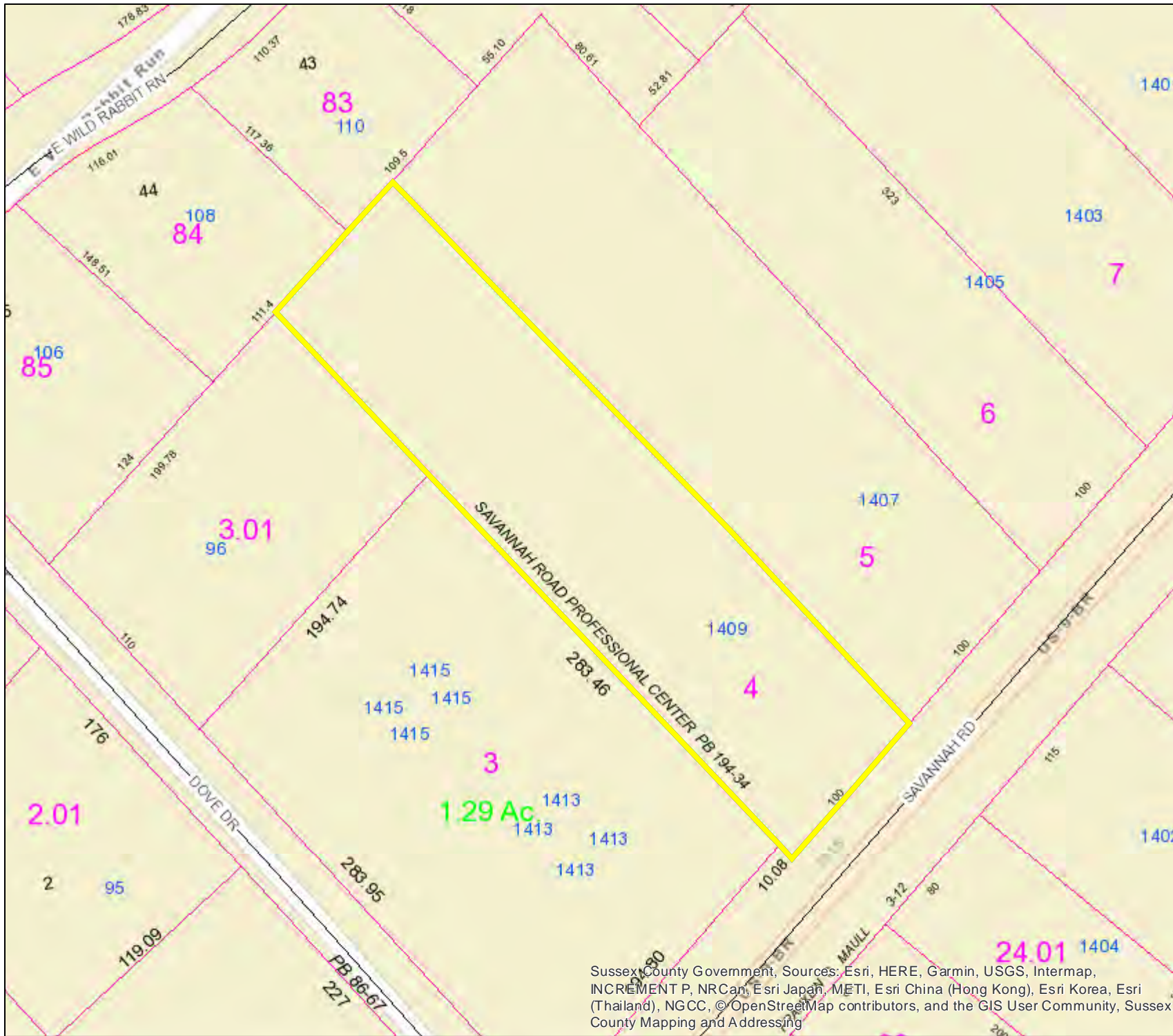
▮ Municipalities

▮ 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





Addresses / Parcels

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■ Lakes, Ponds, Bays

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■ 0.2% Annual Chance Flood Hazard

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■ AO

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■ VE

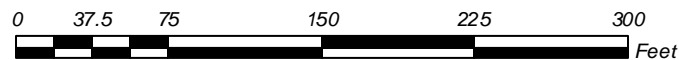
■ Public Protected Lands

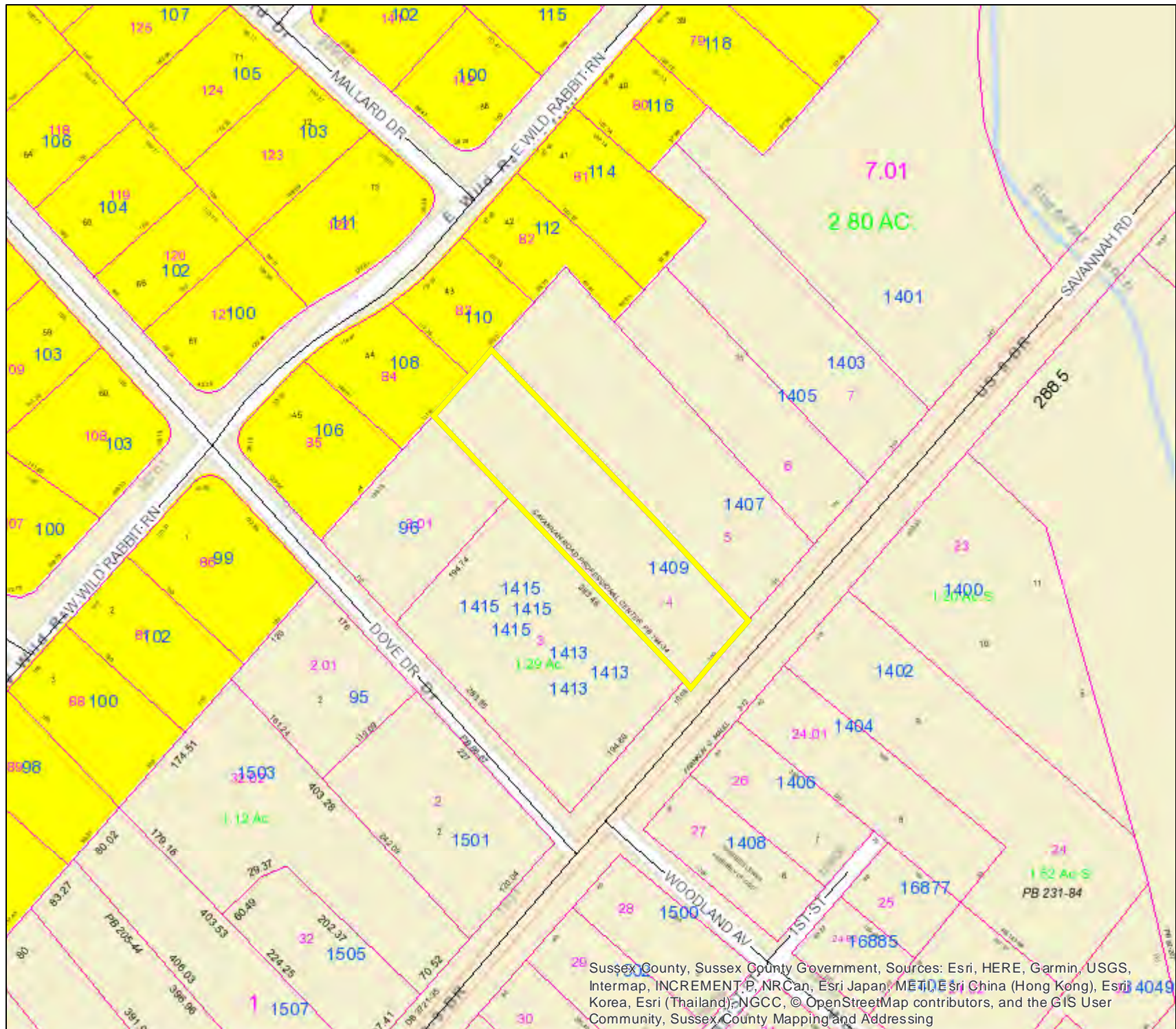
■ Municipalities

■ Communities

■ Boundaries State 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





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- Lakes, Ponds, Bays

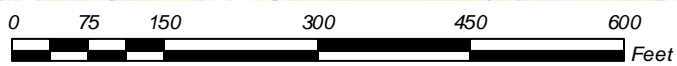
Flood Zones

- 0.2% Annual Chance Flood Hazard
- A
- AE
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- 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. 335-8.18-4.00
911 Address: 1409 Savannah Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRE, MORE OR LESS

WHEREAS, on the 7th day of February 2018, a conditional use application, denominated Conditional Use No. 2136, was filed on behalf of Christine Degnon; 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. 2136 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. 2136 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 Savannah Road, approximately 193 feet east of Dove Drive, and being more particularly described per the attached deed prepared by Schab & Barnett, P.A., said parcel containing 0.918 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

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: August 17, 2018

RE: County Council Report for CU 2138 Walker Construction, Inc.

The Planning and Zoning Department received an application (CU 2138 Walker Construction, Inc.) to allow for a Conditional Use to allow for site contracting excavating services; storage repair and maintenance; light material and storage and general office to be located at 33077 Walker Farm Rd. The Planning and Zoning Commission held a public hearing on July 26, 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, exhibit booklet, comments from the Sussex County Engineering Utility Planning Division and results of the Service Level Evaluation from DelDOT.

The Commission found Mark Davidson, with Pennoni Associates, Mr. and Mrs. Nathan Walker, owners, and Alan Decker, with Pennoni Associates were present on behalf of the application; that Mr. Davidson stated the applicant is requesting a Conditional Use on 13.76 acres of the 17.42 acre parcel; that they have been in business for 15 years; that this property in the past was part of an old borrow pit and a construction/tree dump; that a subdivision is located across the street from this property; that they have been removing debris and filled in the old borrow pit; that they have four employees; that they do lot clearing, minor site grading, snow plowing, and basements; that in the exhibit booklet are letters support; that they would like to relocate their office from Route 24; that they have converted a horse building into an office and do repairs inside of the building; that the property is located on Robinsonville Road; that this a good area as subdivisions are in the area which they provide the service to the subdivisions; that the location of the area they want to use is 900 feet back from the road; that the area is not visible from the road; that they purchased the property in 2015; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area as it comes over 600 feet; that the property is located in the Level 3 State Strategies; that there is on-site septic for the house and will use a porta potty for the business; that they have an on-site well for their needs; that a TIS was not required; that they would like to have a non-lighted sign of 32 square feet; that the hours of operation are 6:00 am to 6:00 pm, Monday through Friday and 7:00 am to 2:00 pm on Saturdays; that the storage of materials will be in bins for small stones, etc.; that this meets the needs of the area; that Mr. Walker stated there will be two dump trucks that leave and come back to the property, approximately 10 times a day; that they would like to expand within the existing area and keep the trees; and that they do not need a sign.



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

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.

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

At their meeting of August 9, 2018, the Planning and Zoning Commission discussed the application that had been deferred since July 26, 2018.

Mr. Hudson moved that the Commission recommend approval of Conditional Use # 2138 for WALKER CONSTRUCTION, INC. for site contracting and excavating services with storage, repair and maintenance, and office space based on the record made during the public hearing and for the following reasons:

1. The property is a 17.42-acre parcel located on Robinsonville Road. Only 13.76 acres of the property will be used for the Conditional Use.
2. The site has a history of prior usage. Prior to the Applicant's acquisition of it, it had been used as a borrow pit and a dump site. The Applicants have cleaned up the site and stated that they will continue to do so.
3. The activities of the conditional use will be confined to an area located approximately 900 feet back from the front property line. The use is generally not visible from Robinsonville Road.
4. The Applicants reside on the property.
5. The Applicants have stated that all excavating work is performed offsite, and that there will not be any dumping on the site.
6. There will be no retail sales from the property, and the use is limited in nature. With the conditions and limitations placed upon it, the use will not adversely affect neighboring properties, roadways or traffic.
7. The business provides a service to a wide variety of Sussex County residents and businesses. This intended use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.
8. This recommendation is subject to the following conditions:
 - A. This use shall be limited to site contracting and excavating services with storage, along with maintenance and repairs to the equipment associated with the business and office space for the business. No other businesses shall be conducted from the site, and no vehicles associated with any other business shall be parked on the site. No retail sales shall be conducted from the site.
 - B. No manufacturing shall occur on the site. This prohibition includes the chipping, shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - C. As stated by the applicant, no sign shall be permitted.
 - D. The hours of operation shall be limited to 6:00 am through 6:00 pm, Monday through Friday and 7:00 am through 2:00 pm on Saturday. There shall not be any Sunday hours of operation.
 - E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.

- F. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- G. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of the stormwater management areas.
- H. There shall not be any dumping on the site, and a single dumpster permitted on the site shall be screened from the view of neighboring properties and roadways.
- I. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself.
- J. All equipment and vehicle maintenance and repair shall occur indoors.
- K. All loading areas, storage areas and trash container areas shall be screened by the existing wooded vegetation located on the site with a minimum vegetated buffer of at least 50 feet from all property lines. This buffer shall be shown on the Final Site Plan.
- L. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
- M. 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.

PLANNING AND ZONING DEPARTMENT

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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(302) 854-5079 F
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 19, 2018
RE: Staff Analysis for CU 2138 Walker Construction, Inc.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2138 Walker Construction, Inc. to be reviewed during the July 26, 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 a portion of parcel 234-2.00-23.03 to allow for site contracting excavating services; storage repair and maintenance; light material and storage and general office for Walker Construction Inc. to be located at 33077 Walker Farm Rd. The size of the portion of the property to be used as the Conditional Use is 13.76 ac. +/-.

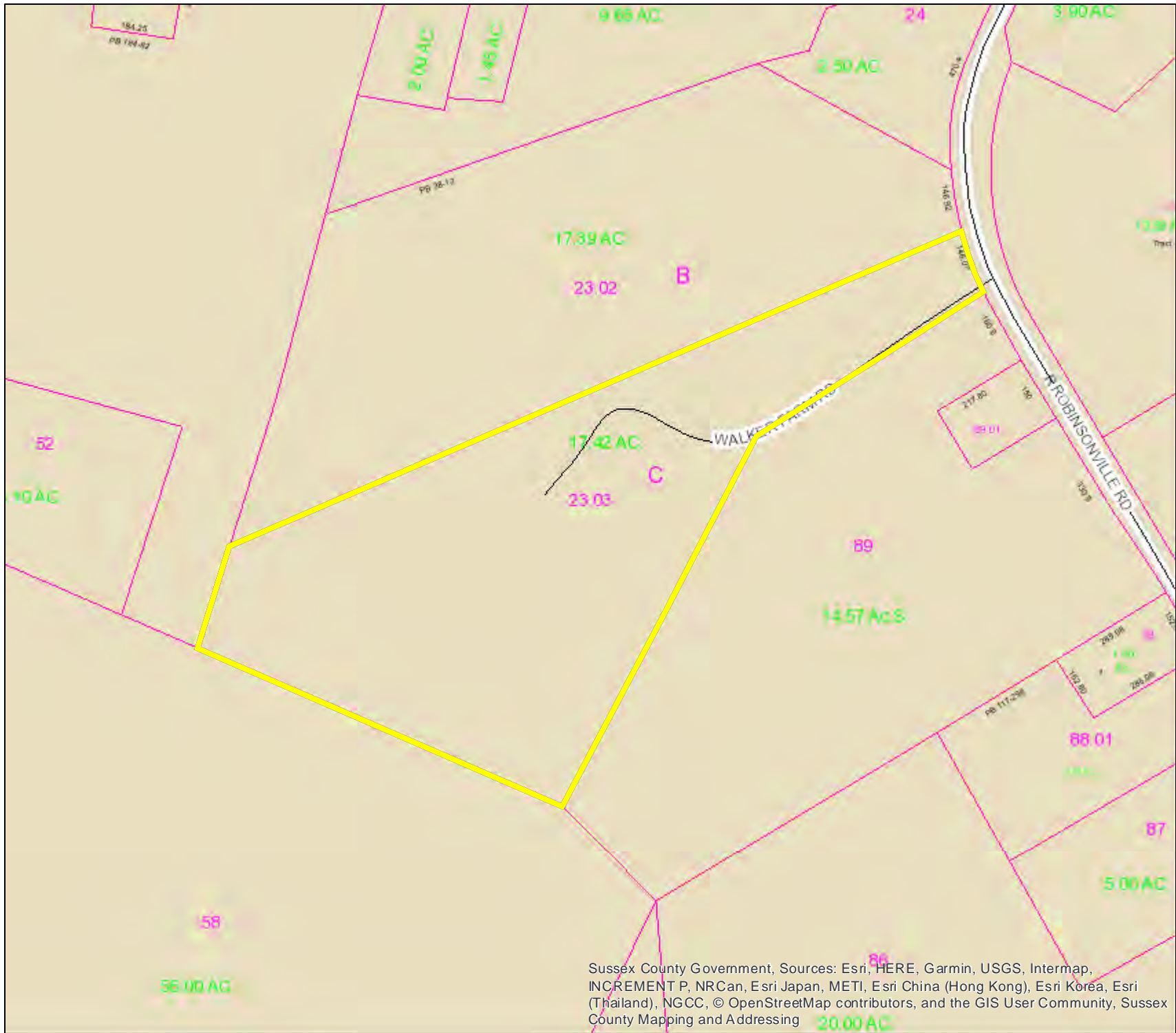
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south and west are Low Density Areas. The land uses to the east are Environmentally Sensitive Developing Areas. The Low Density Areas land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The use as auto repair and gasoline sales, should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned MR (Medium Density Residential District). The properties to the south, east and west are zoned AR (Agricultural Residential District). There is a Conditional Use in the area (public utility).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for professional office would not be considered consistent with the land use and area zoning; however, it could be considered consistent with some of the 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

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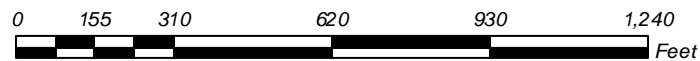
■ Public Protected Lands

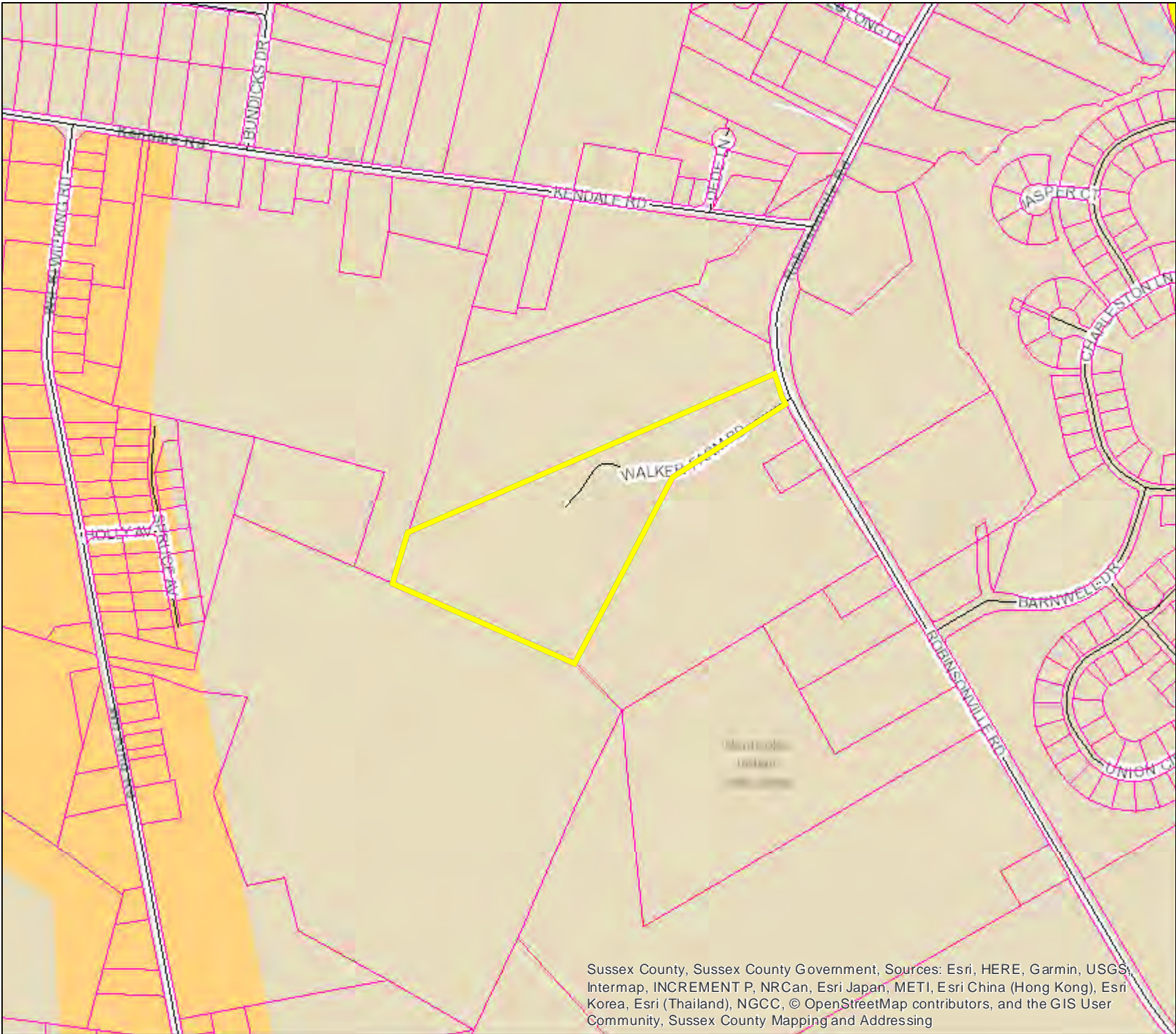
■ Municipalities

■ Communities

■ Boundaries State 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





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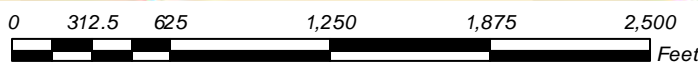
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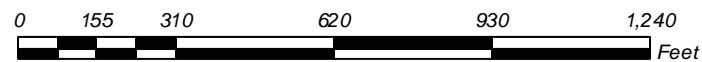
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Introduced 02/27/18

**Council District No. 3 – Burton
Tax I.D. No. 234-2.00-23.03 (portion of)
911 Address: 33077 Walker Farm Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SITE CONTRACTING EXCAVATING SERVICES WITH STORAGE, REPAIR AND MAINTENANCE AND LIGHT MATERIAL AND STORAGE AND GENERAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 13.76 ACRES, MORE OR LESS

WHEREAS, on the 9th day of February 2018, a conditional use application, denominated Conditional Use No. 2138, was filed on behalf of Walker Construction, Inc.; 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. 2138 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. 2138 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the west side of Robinsonville Road, approximately 671 feet south of Kendale Road and being more particularly described in the attached deed prepared by Pennoni Associates, Inc., said parcel containing 13.76 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.