



# **Sussex County Council Public/Media Packet**

**MEETING:  
September 22, 2015**

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**Sussex County Council  
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MICHAEL H. VINCENT, PRESIDENT  
SAMUEL R. WILSON JR., VICE PRESIDENT  
ROBERT B. ARLETT  
GEORGE B. COLE  
JOAN R. DEAVER



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# Sussex County Council

## AGENDA

SEPTEMBER 22, 2015

1:00 P.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Consent Agenda

1. Wastewater Agreement No. 887-2  
Sussex County Project No. 81-04  
Batson Creek Estates – Phase 3  
Johnson's Corner Sanitary Sewer District
2. Wastewater Agreement No. 984-5  
Sussex County Project No. 81-04  
Coastal Club – Land Bay 5  
Goslee Creek Planning Area

### Todd Lawson, County Administrator

1. Administrator's Report

### Grant Requests

1. Indian River School District for Sussex County Science Fair
2. Town of Laurel for project expenses
3. Faith United Methodist Church for Walk-A-Thon for The Homeless



4. Delaware Devil Dog Detachment for fundraiser for volunteer work
5. Indian River School District for Odyssey of the Mind competition

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Possible Action on Executive Session Items**

**1:30 p.m. Public Hearings**

**Conditional Use No. 2017 filed on behalf of Eli and Victoria Zacharia**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS” (located northwest of John J. Williams Highway (Route 24), 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision) (Tax Map I.D. No. 334-18.00-7.00) (911 Address – 20336 John J. Williams Highway, Lewes)**

**Change of Zone No. 1780 filed on behalf of Lockwood Design & Construction, Inc.**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 (RPC) HIGH DENSITY RESIDENTIAL DISTRICT (RESIDENTIAL PLANNED COMMUNITY) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS” (northeast side of Warrington Road (Road 275), 0.25 mile southeast of John J. Williams Highway (Route 24) (Tax Map I.D. No. 334-12.00-127.02, 127.04, 127.05) (911 Address: None Available)**

**Change of Zone No. 1781 filed on behalf of Riverview Associates III, LLC**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.00 ACRES, MORE OR LESS” (located southwest of Dagsboro Road (Road 334) 900 feet northwest of Fire Tower Road (Road 334A) (Tax Map I.D. 233-10.00-17.00) (911 Address: 28086 Dagsboro Road, Dagsboro)**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountype.gov](http://www.sussexcountype.gov).

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In accordance with 29 DeL. C. §10004(e)(2), this Agenda was posted on September 15, 2015 at 5:00 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, SEPTEMBER 15, 2015**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 15, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>Vincent Robertson</b>	<b>Assistant County Attorney</b>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 453 15  
Approve  
Agenda**

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

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Minutes**

The minutes of August 18, 2015 were approved by consent.

**Corre-  
spondence**

Mr. Robertson read the following correspondence:

**MILTON FIRE DEPARTMENT, MILTON, DELAWARE.**  
**RE: Letter in appreciation of grant.**

**CAMP POSSIBILITIES, WILMINGTON, DELAWARE.**  
**RE: Letter in appreciation of grant.**

**Public  
Comments**

**Public Comments**

Paul Reiger questioned the County's definition of a temporary storage container versus a permanent storage container and he questioned the status of the County's dog control contract with First State Animal Center and SPCA.

Dan Kramer commented on the vote that was taken to establish a union at

(continued) the wastewater treatment facilities.

**Recognition/  
Michael  
Izzo** The Council recognized retiring County Engineer Michael A. Izzo for his 31 years of public service. Mr. Izzo has the distinction of being the longest-serving County Engineer at 19 years and will be memorialized in the renaming of an Engineering Department conference room in his honor.

**Public  
Hearing/  
D'Orazio  
Exp. of the  
DFSSD** A Public Hearing was held to consider extending the boundary of the Dagsboro-Frankford Sanitary Sewer District to include three parcels of land totaling .97 acres situated on the northwest side of County Road 54, Omar Road (lands of Nino L. D'Orazio). The County received a letter from the owner of the properties requesting annexation. The owner also owns the adjacent manufactured home community and has proposed connection access from the exiting lines. The parcels will be responsible for system connection charges of \$6,800.00 based on rates from July 1, 2015 through June 30, 2016.

There were no public comments and the Public Hearing was closed.

**M 454 15  
Adopt  
R 013 15** A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Resolution No. R 013 15 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO INCLUDE PARCELS SITUATED ON THE NORTHWEST SIDE OF COUNTY ROAD 54, OMAR ROAD, TAX MAP AND PARCEL NUMBERS 433-6.15-46.00, 47.00, & 48.00, AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE".

**Motion Adopted:** 5 Yeas.

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

**DelDOT  
Presen-  
tation** Delaware Department of Transportation Secretary Jennifer Cohan was in attendance to provide an overview of the Department's plans and projects. Also present from DelDOT were Nicole Majeski, Deputy Secretary; Drew Boyce, Director of Planning; Shanté Hastings, Deputy Director of Transportation Solutions; and Jim Westoff, Communications Director. Secretary Cohan reported on the Transportation Trust Fund: funding sources, trust fund revenues, uses of funds, operating budget trend, DelDOT efficiencies and innovation, Delaware Transit redesign, capital budget, projects in progress, new projects in Sussex County in the Draft FY 17-22 CTP, and funding for FY16 – 22 projects in Sussex County. The Secretary reported that DelDOT will hold a Capital Transportation Program Hearing in each County. The Public Hearing in Sussex County will be held on September 24th beginning at 4:00 p.m. at DelDOT's South District Administration Building. Deputy Secretary Majeski presented information on Transportation Improvement Districts: purpose, how they are created, how improvements are done, and benefits.

<b>Constitution Week Proclamation</b>	<b>The Council presented a Proclamation entitled “A PROCLAMATION TO DECLARE SEPTEMBER 17-23 AS CONSTITUTION WEEK” to Ms. Donna Horvath of the Major Nathaniel Mitchell Chapter of the Daughters of the American Revolution.</b>
<b>Sign Ordinance Workshop Details</b>	<b>In response to Council’s request to hold a sign workshop, Mr. Lawson announced that a Sign Ordinance Workshop will be held on Tuesday, September 29th, at 9:00 a.m. at Sussex County’s West Complex. The workshop attendees will include a select group of elected and appointed officials, staff and legal counsel; the group will include members of the County Council, Board of Adjustment, and Planning and Zoning Commission. Also invited will be representatives of Delaware Department of Transportation and David Hutt, Attorney. Mr. Lawson stated that the focus of the workshop is to gather feedback and direction as it relates to the way the current ordinance regulates signs for the purpose of rewriting the ordinance. The concept proposed is to develop a sign working group whereby members would work on the recommendations for the ordinance.</b>
<b>Sussex County’s CTP 2017-2022 Request</b>	<p><b>Chip Guy, Director of Communications, presented the County’s 2017-2022 Capital Transportation Program (CTP) Request which will be submitted to DelDOT. This report highlights the County’s long-term infrastructure needs and requests for the State’s next capital budget which focuses on major investments such as highways, bridges, and intersection improvements throughout the State.</b></p> <p><b>Mr. Guy stated that, as done in past years, County Administration, along with input from Council and the public, has assembled this year’s request. Mr. Guy distributed copies of correspondence received from the public regarding their suggestions/ideas for improvements. These comments were used in developing this year’s draft CTP.</b></p> <p><b>Mr. Guy reviewed the draft CTP Request, noting that this year’s request is much the same as last year. Sussex County’s transportation priorities are: SR 1 improvements; Delaware Coastal Airport, Park Avenue/US 9 Truck Route; east-west improvements (SR 24, SR 26, Routes 404/9); bicycling/walking trails; north-south highway improvements; local roads; intersections, signage and signalization; and alternative transportation.</b></p> <p><b>Mr. Cole commented on pedestrian right of way laws and questioned DelDOT’s practice of taking over roads in subdivisions that have been brought up to State standards.</b></p> <p><b>The Sussex County 2017-2022 Capital Transportation Program Request will be presented at a Public Hearing on September 24, 2015, from 4:00 to 7:00 p.m. at the DelDOT South District Office in Georgetown.</b></p>
<b>Report</b>	<b>Mr. Lawson read the following information in his Administrator’s Report:</b>

**Administrator's  
Report  
(continued)**

**1. Delaware State Police Activity Report**

Per the attached Delaware State Police activity report for July, there were 195 violent crime arrests with 137 clearances; 1,813 property crimes with 628 clearances; and 28,513 total traffic charges with 19,952 corresponding arrests. Of those traffic arrests, 565 were for DUI. Finally, there were 2,926 total vehicle crashes investigated in July. In total, there were 190 troopers assigned to Sussex County for the month of July.

**2. Sussex County Emergency Operations Center Call Statistics – August 2015**

Attached please find the call statistics for the Fire and Ambulance Callboard for August 2015. There were 17,980 total calls handled for the month of August. Of those 9-1-1 calls in August, 83 percent were made from wireless phones.

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

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet September 21<sup>st</sup> at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. Michael Erixson, Emergency Operations Coordinator, Delaware Division of Developmental Disabilities Services, will be speaking on "*Emergency Preparedness Efforts, Tips, and Best Practices in Developing Your Own Emergency Plans.*" The Conference Planning Subcommittee will also meet at 11:45 a.m. to continue planning for the annual conference scheduled for October 21<sup>st</sup>. A copy of the agenda for each meeting is attached.

**4. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Ocean View Beach Club, effective August 18<sup>th</sup>; Lewes Crossing (aka Deep Valley Farm) – Offsite Sanitary Sewer – Route 9, effective August 20<sup>th</sup>; Forest Landing – Phase 3A, effective August 31<sup>st</sup>; Americana Bayside – Village C – Phase 1A, effective September 2<sup>nd</sup>; and Americana Bayside Knox Property, effective September 10<sup>th</sup>.

**5. Albert Goepel and Joyce Lord**

It is with sadness that we note the passing of County pensioners Albert Goepel on August 26<sup>th</sup> and Joyce Lord on September 4<sup>th</sup>. Mr. Goepel began his career with Sussex County in May 1995 and retired from the Environmental Services Wolfe Neck Plant as an Equipment



**Administrator's  
Report  
(continued)**

**Operator III in May 2010 with 15 years of service. Ms. Lord began her career with Sussex County in October 1968 and retired from the Treasury Department as the Director of Treasury in December 2006 with 38 years of service. We would like to extend our condolences to the Goepel and Lord families.**

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

**Estates  
at Sea  
Chase/  
Bonding**

**Vince Robertson, Assistant County Attorney, presented for Council's consideration the release of Utica Mutual Fire Insurance Company under its Bond to Sussex County for the Estates at Sea Chase. The payment amount to Sussex County under the bond is \$55,000.00. This amount represents estimates obtained by both Utica and the County's Engineering Department for the outstanding work to be performed; the amount has been approved by the Estates of Sea Chase Condominium Association.**

**M 455 15  
Release  
Bonding  
Company/  
Estates of  
Sea Chase**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, the approval of the Estates of Sea Chase Condominium Association, Inc. and Legal Counsel, the release of Utica Mutual Insurance Company as surety under the Performance and Payment Bond Number SU3490434 upon receipt of the payment of \$55,000.00 is hereby approved.**

**Motion Adopted: 5 Yeas.**

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

**Dog  
Control  
Contract  
Status**

**Hal Godwin, Deputy County Administrator, reported on the status of the County's Dog Control Contract with First State Animal Center (FSAC) and SPCA and he advised that they have agreed to continue providing animal control services for Sussex County through the end of the year.**

**Medic 104  
and Eastern  
District  
Supervisor  
Station**

**Bobby Schoonover, EMS Technical Services Manager, presented a proposal for the design of a new Medic 104 Station and Eastern District Supervisor Station on Plantation Road in Rehoboth Beach. The Council discussed the proposal, location, previous Medic Station designs, funding for the project, prevailing and non-prevailing wages, State paramedic funding, etc.**

**M 456 15  
Medic 104  
and Eastern  
District  
Supervisor  
Station/  
Contract**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Emergency Medical Services Department, that the Sussex County Council authorizes its President to execute an Agreement with Pennoni Associates, Inc. of Milton, Delaware, to provide design services for the EMS Medic 104 and Eastern District Supervisor building on Plantation Road in Rehoboth Beach, Delaware, at a cost not to exceed \$99,900.00.**

**M 456 15  
(continued)**

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

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

**Proposed  
Resolution/  
Project  
Planning  
Advance/  
Chapel  
Green &  
Oak Crest  
Farms**

John Ashman, Director of Utility Planning, requested approval to submit a request to the Water Infrastructure Advisory Council for a Project Planning Advance to finance preliminary planning for service to Oak Crest Farms and Chapel Green. Mr. Ashman advised that a Resolution approved by the County Council is required in order for the Engineering Department to apply for the Project Planning Advance. Mr. Ashman reported that both of these communities have permanent limitations on their current treatment and disposal systems that mandate significant upgrades by 2021. Mr. Ashman also reported that during the Engineering Department's Goslee Creek Planning Study, it was determined that service to these communities was feasible. The Oak Crest Farms and Chapel Green communities have both contacted the County expressing interest in the County providing sewer service. Mr. Ashman advised that Whitman, Requardt & Associates has provided a cost estimate in the amount of \$46,400.00 to prepare the preliminary engineering report and environmental assessment. Project Planning Advances are available to assist municipalities in preparing Preliminary Engineering Report (PER) and Environmental Assessment (EA); upon completion, the County must submit a Notice of Intent for the project and apply for a SRF loan.

**M 457 15  
Adopt  
R 014 15**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Resolution No. R 014 15 entitled "TO SUBMIT A REQUEST FOR A PROJECT PLANNING ADVANCE FOR WASTEWATER PROJECT TO THE WATER INFRASTRUCTURE ADVISORY COUNCIL TO FINANCE PRELIMINARY PLANNING FOR SERVICE TO OAK CREST FARMS AND CHAPEL GREEN AND APPROVE A CONTRACT WITH WHITMAN REQUARDT & ASSOCIATES, LLP FOR THE COMPLETION OF THE STUDY".

**Motion Adopted: 5 Yeas.**

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

**Proposed  
Resolution/  
Asset  
Manage-  
ment  
Incentive  
Program**

John Ashman, Director of Utility Planning, reported that the Engineering Department has made application to the Wastewater Infrastructure Advisory Council for an Asset Management Incentive to finance the development and implementation of an Asset Management Plan for the County's wastewater facilities. In order to complete the application, a Resolution approved by the County Council is required. The Water Infrastructure Advisory Council offers up to \$100,000 No-Match Grants.

(continued) **Mr. Ashman explained that an Asset Management Plan will aid the County in establishing a current state of assets, level of service, critical assets, minimum life cycle costs, and long term funding plan.**

**M 458 15** A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt  
**Adopt** Resolution No. R 015 15 entitled "TO SUBMIT A REQUEST FOR AN  
**R 015 15** ASSET MANAGEMENT INCENTIVE FOR THE COUNTY'S  
WASTEWATER INFRASTRUCTURE TO THE WATER  
INFRASTRUCTURE ADVISORY COUNCIL TO FINANCE THE  
DEVELOPMENT AND IMPLEMENTATION OF AN ASSET  
MANAGEMENT PLAN FOR THE COUNTY'S WASTEWATER  
FACILITIES".

**Motion Adopted: 5 Yeas.**

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

**Inland Bays** Heather Sheridan, Director of Environmental Services, presented a  
**RWF/** proposal to hire Whitman, Requardt & Associates (WRA) to proceed  
**Hydro-** with a Hydrogeologic Study for soils at the Inland Bays Regional  
**geologic** Wastewater Facility. This study is required for the Department to  
**Services for** expand disposal options per DNREC regulations. WRA will perform the  
**RIBS and** hydrogeologic services and review treatment process requirements for  
**Spray** Rapid Infiltration Basins (RIB) and Spray Irrigation. The cost for this  
**Irrigation** scope of services will not exceed \$530,081.00.

**M 459 15** A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the  
**Retain** recommendation of the Sussex County Engineering Department, the  
**Services** services of Whitman, Requardt and Associates, LLP shall be retained for  
**of WR&A/** Hydrogeologic Services for Rapid Infiltration Basins and Spray  
**Hydro-** Irrigation at the Inland Bays Regional Wastewater Facility, in an amount  
**geologic** not to exceed \$530,081.00, effective September 15, 2015.  
**Services at**

**Inland Bays** **Motion Adopted: 4 Yeas, 1 Nay.**  
**RWF**

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Public** Lawrence Lank, Director of Planning and Zoning, commented on the  
**Comment** status and record of Conditional Use No. 2014, filed on behalf of Jay  
**Report/** Beach. Mr. Lank stated that, on May 19, 2015, the Council held a public  
**CU 2014** hearing on this application. At the conclusion of the public hearing,  
Council requested additional information from DNREC, Sussex  
Conservation District, and any other appropriate agencies concerning  
the soils brought to the property. On that date, action was deferred for  
the purpose of receiving reports.

**Public  
Comment  
Report/  
CU 2014  
(continued)**

On August 11, 2015, Mr. Lank reported that a response was received from DNREC Site Investigation and Restoration Section, and from Jessica Watson, Program Manager for the Sussex Conservation District. On that date, it was noted that the public would be given the opportunity to comment on the information submitted; the public was given a 15 day period of time, until August 26, to submit written comments pertaining to the information submitted to Council.

Mr. Lank reported that, prior to the August 26th deadline, correspondence (2 emails) was received from Thomas and Laura Kucharik, and Matthew Cottrell; the correspondence was distributed to Council members.

**M 460 15  
Close  
Public  
Record/  
CU 2014**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to close the public record on Conditional Use No. 2014 filed on behalf of Jay Beach.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Public  
Comment  
Report/  
CU 1770**

Lawrence Lank, Director of Planning and Zoning, commented on the status and record of Conditional Use No. 1770, filed on behalf of TD Rehoboth, LLC. Mr. Lank stated that, on June 2, 2015, the Council held a public hearing on this application. At the conclusion of the public hearing, Council requested that the record remain open for a period of 30 days for written comments or questions from Council and/or responses from agencies. On that date, action was deferred.

On August 18, 2015, Mr. Lank reported to Council that reports were received from DelDOT and the Department of Agriculture and that comments were also received from Vince Robertson, Assistant County Attorney, in response to questions raised by the Council and from Janelle Cornwell, Planning and Zoning Manager, relating to FAA regulations. On that date, it was noted that the public would be given a 15 day period of time, until the close of business on September 2, 2015, to submit written comments pertaining to the information.

Mr. Lank reported that, during the 15 day period, and prior to the September 2nd deadline, approximately 165 letters/emails were received; copies of the correspondence were distributed to the Council. Mr. Lank noted that, due to the volume of correspondence received, Council will have to decide which comments address specifically those comments addressed by DelDOT, the Department of Agriculture, Vincent Robertson, Esquire, and Janelle Cornwell, AICP. Vince Robertson, Assistant County Attorney, stated that it is important for Council members to remember that they can only consider and rely upon the comments that relate back to the four comments received.

**M 461 15**  
**Close**  
**Public**  
**Record/**  
**CZ 1770**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to close the public record on Change of Zone No. 1770 filed on behalf of TD Rehoboth, LLC.**

**Motion Adopted: 5 Yeas.**

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

**Suggestion**  
**for Website**

**Mr. Arlett suggested that information be placed on the County's website regarding what it means when the public record is open/closed on an application for the purpose of educating the public.**

**Old**  
**Business/**  
**Proposed**  
**Ordinance/**  
**Moratorium**  
**on Off-**  
**Premises**  
**Signs**

**Under Old Business, the Council considered the Proposed Ordinance entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS".**

**The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on August 13, 2015 at which time action was deferred. On August 27, 2015, the Commission recommended that the Proposed Ordinance be rejected.**

**The County Council held a Public Hearing on the Proposed Ordinance on August 18, 2015 at which time action was deferred.**

**M 462 15**  
**DENIED**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Proposed Ordinance would only affect District Nos. 3 and 4.**

**Motion Denied: 4 Nays, 1 Yea.**

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay;  
Mr. Arlett, Nay; Mr. Wilson, Yea;  
Mr. Vincent, Nay**

**M 463 15**  
**Adopt**  
**Ordinance**  
**No. 2414**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2414 entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS".**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Nay;  
Mr. Vincent, Yea**

**Grant**  
**Requests**

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

**M 464 15  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 (\$500.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to Trap Pond Partners for a new storage building.**

**Motion Adopted: 5 Yeas.**

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

**M 465 15  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to the Georgetown Boys & Girls Club for program expenses.**

**Motion Adopted: 5 Yeas.**

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

**M 466 15  
Defer  
Action on  
Grant  
Request**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on the grant request from the Greater Georgetown Chamber of Commerce for the Wings & Wheels Festival.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Nay;  
Mr. Vincent, Yea**

**Introduction  
of Proposed  
Ordinances**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.52 ACRES, MORE OR LESS" (Conditional Use No. 2033) filed on behalf of BDRP, LLC. (Tax I.D. No. 334-5.00-222.01) (911 Address: None Available).**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26,596 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1788) filed on behalf of Upesh Vyas (Tax Map I.D. No. 234-23.00-269.08) (911 Address: 24858 John J. Williams Highway, Millsboro).**

**Introduction  
of Proposed  
Ordinances  
(continued)**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE, EQUIPMENT PARKING AND SHOP/YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.125 ACRES, MORE OR LESS” (Conditional Use No. 2032) filed on behalf of Guillermo Vasquez, t/a F&N Vasquez Concrete, LLC (Tax I.D. No. 330-14.16-5.03 and 5.00) (911 Address: 18578 Sherman Avenue, Lincoln).**

**Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.52 ACRES, MORE OR LESS” (Change of Zone No. 1787) filed on behalf of BDRP, LLC (Tax Map I.D. No. 334-5.00-222.01) (911 Address: None Available).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Council  
Members'  
Comments**

**Council Members' Comments**

**Mr. Arlett commented on his recent departmental tours, including the wastewater facilities, and he commented on the recently formed union.**

**M 467 15  
Go Into  
Executive  
Session**

**At 12:36 p.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to recess and go into Executive Session for the purpose of discussing matters relating to personnel and land acquisition.**

**Motion Adopted: 5 Yeas.**

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

**Executive  
Session**

**At 12:40 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to personnel and land acquisition. The Executive Session concluded at 1:46 p.m.**

**M 468 15  
Reconvene**

**At 1:48 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to come out of Executive and to reconvene the Regular Session.**

**Motion Adopted: 5 Yeas.**

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

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

**Legal Counsel**      **Jamie Sharp, Assistant County Attorney, was present as Legal Counsel to the Council.**

**Rules**                      **Mr. Sharp stated the Rules of Procedure for Public Hearings.**

Public Hearing/ CU 2022	A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NONPROFIT BOARDING HOME FOR FEMALE VETERANS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2022) filed on behalf of Home of the Brave Foundation, Inc. (Tax Map I.D. 330-12.00-11.01) (911 Address – 6632 Sharps Road, Milford).
----------------------------	--

**The Planning and Zoning Commission held a Public Hearing on this application on July 30, 2015 at which time action was deferred. On August 13, 2015, the Commission recommended that the application be approved with the following conditions:**

- A. The female housing shall be in two separate buildings as identified on the Preliminary Site Plan.**
- B. As proposed by the applicants, the housing will be on a temporary or transitional basis. There shall not be any permanent residency on the site, except as may be necessary for support staff.**
- C. As a result of this approval, the maximum number of residents at the facility shall be 31 veterans including both male and female veterans.**
- D. The use shall comply with all Sussex County parking requirements.**
- E. The site shall comply with all requirements of the Sussex Conservation District.**
- F. The site shall comply with all requirements of the Delaware Department of Transportation (DelDOT).**
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated July 30 and August 13, 2015.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's public hearing and decision.**

**Mr. Lank distributed Exhibit Booklets which were previously provided by the Applicant.**



**Public  
Hearing/  
CU 2022  
(continued)**

The Council found that James Fuqua, Attorney, was present on behalf of the Home of the Brave Foundation along with Jessica Finan, Executive Director of the Board for the Home of the Brave Foundation. Mr. Fuqua gave a presentation on the application, provided information about their proposal to provide a transitional housing facility for female veterans, and presented reasons to support the application.

There were 15 individuals present who indicated their support of the application.

Brigadier General Ruth Irwin, Ret., Delaware Army National Guard, spoke in support of the application.

There were no public comments in opposition to the application.

The Public Hearing was closed.

**M 469 15  
Adopt  
Ordinance  
No. 2415/  
CU 2022**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to Adopt Ordinance No. 2415 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NONPROFIT BOARDING HOME FOR FEMALE VETERANS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Conditional Use No. 2022) filed on behalf of Home of the Brave Foundation, Inc., with the following conditions:

- A. The female housing shall be in two separate buildings as identified on the Preliminary Site Plan.
- B. As proposed by the applicants, the housing will be on a temporary or transitional basis. There shall not be any permanent residency on the site, except as may be necessary for support staff.
- C. As a result of this approval, the maximum number of residents at the facility shall be 31 veterans including both male and female veterans.
- D. The use shall comply with all Sussex County parking requirements.
- E. The site shall comply with all requirements of the Sussex Conservation District.
- F. The site shall comply with all requirements of the Delaware Department of Transportation (DelDOT).
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted: 5 Yeas.**

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

**Recusal**                      **Mr. Arlett recused himself from the Public Hearing on Conditional Use No. 2023.**

**Public Hearing/  
CU 2023**                      **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARIAN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS” (Conditional Use No. 2023) filed on behalf of Frank Miranda. (Tax I.D. No. 533-18.00-12.00) (911 Address: 33053 Lighthouse Road, Selbyville).**

**The Planning and Zoning Commission held a Public Hearing on this application on July 30, 2015 at which time the Commission recommended that the application be approved with the following conditions:**

- A. The use shall be a veterinarian’s office, in addition to the existing kennel operations. Retail sales ancillary to a veterinarian’s office shall be permitted.**
- B. The applicant shall comply with any DelDOT entrance requirements associated with the veterinarian’s office.**
- C. The applicant shall utilize the existing sign for this use. No additional signage shall be permitted.**
- D. The parking shall comply with the Sussex County parking requirements for the uses as a kennel and a veterinarian’s office. The parking spaces shall be clearly marked on the site.**
- E. Any security lights shall be downward screened so that they do not shine on neighboring or adjacent roadways or properties.**
- F. All dumpsters associated with the use shall be screened from view of neighboring properties and roadways.**
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated July 30, 2015.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s public hearing and decision.**

**The Council found that Frank Miranda was present on behalf of his application and he provided information on his proposal to open a veterinarian clinic on a site where a commercial dog kennel business currently exists. Mr. Miranda commented on the need for the proposed use and he stated reasons to support the application.**

**There was one person present who indicated support of the application.**

**There were no public comments and the Public Hearing was closed.**

**M 470 15  
Adopt  
Ordinance  
No. 2416/  
CU 2023**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2416 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARIAN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS" (Conditional Use No. 2023) filed on behalf of Frank Miranda, with the following conditions:

- A. The use shall be a veterinarian's office, in addition to the existing kennel operations. Retail sales ancillary to a veterinarian's office shall be permitted.
- B. The applicant shall comply with any DelDOT entrance requirements associated with the veterinarian's office.
- C. The applicant shall utilize the existing sign for this use. No additional signage shall be permitted.
- D. The parking shall comply with the Sussex County parking requirements for the uses as a kennel and a veterinarian's office. The parking spaces shall be clearly marked on the site.
- E. Any security lights shall be downward screened so that they do not shine on neighboring or adjacent roadways or properties.
- F. All dumpsters associated with the use shall be screened from view of neighboring properties and roadways.
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 4 Yeas, 1 Absent.

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

Mr. Arlett rejoined the meeting.

**Public  
Hearing/  
CU 2024**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL LANDSCAPING MATERIALS, STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.68 ACRES, MORE OR LESS" (Conditional Use No. 2024) filed on behalf of Stockley Materials, LLC" (Tax I.D. No. 334-5.00-192.00, 193.00, 194.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on July 30, 2015 at which time action was deferred. On August 13, 2015, the Commission recommended that the application be approved subject to the following conditions:

**Public  
Hearing/  
CU 2024  
(continued)**

- A. The use shall be limited to commercial landscaping material storage and sales.**
- B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.**
- C. One lighted sign not to exceed 32 square feet per side shall be permitted.**
- D. The hours of operation shall be from 8:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. until 4:00 p.m. on Saturdays.**
- E. Any security lighting shall be downward 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. All materials shall be stored in bins on a concrete or hot mix base. All runoff from the bins shall be controlled so that it does not travel to neighboring or adjacent properties, or adversely affect groundwater on the site.**
- I. The site shall be fenced and gated. The gate at the entrance shall be offset from U.S. Route 9 to allow vehicles to still pull off of the U.S. Route 9 right-of-way if the gate is closed.**
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated July 30 and August 13, 2015.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's public hearing and decision.**

**Mr. Lank distributed Exhibit Booklets that were previously provided by the Applicant.**

**The Council found that Kenneth Adams, Manager for Stockley Materials, LLC was present with Dennis Schrader, Attorney; Mark Davidson of Pennoni Associates, Inc., and Robert Stickels, Vice President of Marketing for Stockley Materials, LLC. They gave a presentation on the application and provided information about the proposed use of the property for commercial landscaping materials, storage and sales. They discussed the fencing and gating of the property; retail sales; deliveries; other business uses in the vicinity; construction of a commercial entrance; the use of "white noise" for back-up noise on equipment; landscaping abutting the residential areas; hours of operation; and commercial and residential sales.**

**There was one person present who indicated support of the application.**

(continued)      **There were no public comments and the Public Hearing was closed.**

**M 471 15**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend**  
**Amend**      **Condition A recommended by the Planning and Zoning Commission to**  
**Condition**      **read as follows:**

**A**

*The use shall be limited to landscaping material storage and sales.*

**Motion Adopted:      5 Yeas.**

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

**M 472 15**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend**  
**Amend**      **Condition D recommended by the Planning and Zoning Commission to**  
**Condition**      **read as follows:**

**D**

*The hours of operation shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 1:00 p.m. on Saturdays. No receiving of materials before 8:00 a.m. shall be permitted.*

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

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;**  
                                 **Mr. Arlett, Yea; Mr. Wilson, Nay;**  
                                 **Mr. Vincent, Yea**

**M 473 15**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the**  
**Amend**      **conditions recommended by the Planning and Zoning Commission by**  
**Conditions**      **adding a new Condition J to read as follows:**

**Adding**

**New**

**Condition**

**J**

*Landscaping shall be required along the easterly and southerly property lines subject to the approval of the Planning and Zoning Commission.*

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

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;**  
                                 **Mr. Arlett, Yea; Mr. Wilson, Nay;**  
                                 **Mr. Vincent, Yea**

**M 474 15**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the**  
**Amend**      **conditions recommended by the Planning and Zoning Commission by**  
**Conditions/**      **making the existing “J” to become Condition “K”.**  
**Existing J**

**to Become**

**Condition K**

**Motion Adopted:      5 Yeas.**

**M 474 15  
(continued)**

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

**M 475 15  
Adopt  
Ordinance  
No. 2417/  
CU 2024**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2417 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL LANDSCAPING MATERIALS, STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.68 ACRES, MORE OR LESS” (Conditional Use No. 2024) filed on behalf of Stockley Materials, LLC, with the following conditions, as amended:**

- A. The use shall be limited to landscaping material storage and sales.**
- B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.**
- C. One lighted sign not to exceed 32 square feet per side shall be permitted.**
- D. The hours of operation shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 1:00 p.m. on Saturdays. No receiving of materials before 8:00 a.m. shall be permitted.**
- E. Any security lighting shall be downward 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. All materials shall be stored in bins on a concrete or hot mix base. All runoff from the bins shall be controlled so that it does not travel to neighboring or adjacent properties, or adversely affect groundwater on the site.**
- I. The site shall be fenced and gated. The gate at the entrance shall be offset from U.S. Route 9 to allow vehicles to still pull off of the U.S. Route 9 right-of-way if the gate is closed.**
- J. Landscaping shall be required along the easterly and southerly property lines subject to the approval of the Planning and Zoning Commission.**
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**M 476 15  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 3:13 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

## 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

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

September 09, 2015

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
BATSON CREEK ESTATES - PHASE 3  
AGREEMENT NO. 887 - 2

#### **DEVELOPER:**

Mr. Thomas Natelli, Jr.  
Fenwick Communities LLC.  
506 Main Street, 3rd Floor  
Gaithersburg,, MD 20878

#### **LOCATION:**

West side CR#384, 1650 feet North of CR#20

#### **SANITARY SEWER DISTRICT:**

Johnson's Corner Sanitary Sewer District

#### **TYPE AND SIZE DEVELOPMENT:**

Single Family Cluster Home Subdivision  
31 lots in this phase

#### **SYSTEM CONNECTION CHARGES:**

\$179,025.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
07/12/13

Department Of Natural Resources Plan Approval  
02/21/14

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 35  
Construction Admin And Construction Inspection Cost – \$14,083.20  
Proposed Construction Cost – \$93,888.00



## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

September 09, 2015

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
COASTAL CLUB - LAND BAY 5  
AGREEMENT NO. 984 - 5

#### **DEVELOPER:**

Mr. Preston Schell  
Coastal Club LLC  
20184 Phillips Street  
Rehoboth Beach, De 19971

#### **LOCATION:**

+/-3,000' South east of intersection between  
Beaver Dam Rd. & Jimtown Road

#### **SANITARY SEWER DISTRICT:**

Goslee Creek Planning Area

#### **TYPE AND SIZE DEVELOPMENT:**

51 single family lots

#### **SYSTEM CONNECTION CHARGES:**

\$0.00

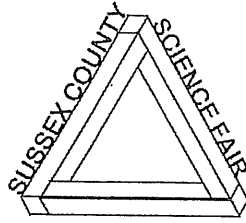
#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
07/01/15

Department Of Natural Resources Plan Approval  
07/10/15

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 90  
Construction Admin And Construction Inspection Cost – \$28,281.00  
Proposed Construction Cost – \$188,540.00



## ***Promoting Science Research by Delaware Students***

Sussex County Council  
2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

Dear County Council Members,

We are very grateful for your support of the Sussex County Science Fair in the past. There is no doubt that without your aid we would not have been able to offer this opportunity for students in the county to go beyond the required curriculum and showcase their independent science, math, or engineering research projects. We ask that you once again consider allocating a donation to the Sussex County Science Fair.

This year the fair will be held on March 2, 2015 at the Delaware Technical Community College in Georgetown. Over 75 students from our middle and high schools will present their projects and compete for both awards offered by local science-related businesses and organizations, and for the opportunity to go on to the Delaware Valley regional science fair. As always, our organization is run completely by volunteers. Any funding you could contribute would be greatly appreciated and recognized in our program, at the awards ceremony, and on our web site: <http://www.sussexcountysciencefair.org/supporters.htm>

Thank you very much for your consideration and your help in the past.

Sincerely,

*Eve J. Aldred, M.D.*

Sussex County Science Fair Steering Committee Co-Chairs

Eve Aldred, M.D.  
aldred5@verizon.net

Rob Schroeder  
rdschroe711@gmail.com

Helen Gieske  
hgieske@verizon.net



INCORPORATED 1883

201 MECHANIC STREET  
LAUREL, DELAWARE 19956-0210  
(302) 875-2277  
(302) 875-2451 FAX

September 11, 2015

Sussex County Council  
P. O. Box 589  
Georgetown, Delaware 19947

ATTENTION: Council President Mike Vincent

Dear Council President Vincent:

On behalf of the Laurel Redevelopment Corporation and the Town of Laurel, I am requesting consideration for funding for two separate projects. The first project is the Laurel Ramble Fall Day, scheduled for September 26th. The day will consist of a full mock up of the Ramble Project, which is a project that the town is partnering with the LRC on. The project is being designed to not only enhance the landscape along Broadcreek but to provide support for economic development and environmental protection. The festival will showcase many of the local artistic talents and various businesses within our community and surrounding communities. In order to make the event a successful event, the group is holding weekly planning meetings. During these meetings we are determining what materials are to be needed to construct the various displays and what type of advertising will need to be completed to attract as many people possible. As with many small towns and non profit organizations, both the town's budget and LRC's budget are very tight and do not allow much room for extra funds to go towards the festival, therefore, I am requesting on behalf of the town and LRC, \$1,500-\$2,000 to help cover some of the expenses of the festival.

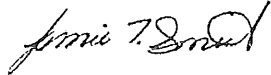
The second request for consideration is for entrance signs for Roger C. Fisher Park. This park is a very beautiful park that fronts along Broadcreek. It consists of a small boat ramp, playground equipment, pavilion and picnic tables. The park, although it is used quite often on weekends during the summer months by our local citizens, it is under utilized by those that are not aware it exists. There are two entrances to the park, one on West Street and one on West Sixth Street. There are small signs by the entrance on West Sixth Street, however no signage exists by the West Street entrance. The town wants to install signage at the West Street entrance and improve the signage by the Sixth Street entrance, but again, our funds are very limited and I would like to

request consideration for \$2,000, for the construction and installation of two heavily nicely designed signs.

Any help you can give to both requests is greatly appreciated. Thank you for your consideration and time and always willing to help out Laurel.

Sincerely,

THE TOWN OF LAUREL

A handwritten signature in cursive script, appearing to read "Jamie T. Smith".

Jamie T. Smith  
Town Manager

# Walking for The Homeless Walk-A-Thon

## Tamia Bonville & Daeveon Deshields

35681 Wolfeneck Road  
Rehoboth, Delaware 19971  
(302) 645-7544

August 26, 2015

Dear Friends & Supporters,

Thank you for your wonderful support in 2014. It's that time of year again for the annual Walking for The Homeless Walk-A-Thon sponsored by Faith United Methodist Church Women of Rehoboth, Delaware. Every year in Sussex County, the number of homeless people continues to rise, especially children.

Hello! My name is Tamia Bonville. I am now fifteen years old, a rising tenth grade student at Cape Henlopen High School, Lewes, Delaware. I am the daughter of Dilinda Bonville-Deshields and the granddaughter of Diaz and Linda Bonville. This is my eighth year serving as a volunteer to raise funds for the Walk-A-Thon for The Homeless and every year I feel very excited to help many people in need who do not have a permanent place call "home."

I have been the youngest and top fundraiser participant for the last eight years raising \$17,036.00. None of this could have happened without your generous support.

My brother Daeveon Deshields is once again accompanying me and for the first my sister Kendall Deshields is accompanying me in raising money for the homeless. Daeveon is ten years, a rising fifth grade student at Rehoboth Elementary School and Kendall is three years old attending pre-school. The reason they decided to get involved with the Walk-A-Thon is to help people who aren't blessed like we are.

We are writing to ask if you could open your hearts and let others be bless like we are by sponsoring us to help raise all the money we can for the Homeless. Our goal is to raise \$2,000.00 or more. We hope and pray that your answer will be yes. All proceeds from this fundraiser will benefit three homeless shelters to include: (1) Casa San Francisco, Milton, Delaware; (2) Crisis House, Georgetown, Delaware; and (3) Home of The Brave, Milford, Delaware.

We would love for you to meet and walk with us if you can on Saturday, September 26, 2015. The two mile walk will start with check in at Delaware Avenue from 8:000 a.m. - 8:45 a.m. downtown Rehoboth Beach, Delaware. The actual walk will start at 9:00 a.m.

The United Methodist Women of Faith Walk-A-Thon for The Homeless started in 2007. As of 2014 they have raised \$45,565.00 and 100% of the proceeds have gone to all three shelters as listed above. Show your support by going to this link [GoFundMe.com/walk4homeless](http://GoFundMe.com/walk4homeless) or [www.faith-israelunitedmethodist.org](http://www.faith-israelunitedmethodist.org) and click on online giving or make check payable to Faith United Methodist Church and mail to the above address. *Our Tax exempt number is: 331164094,*

"It is often stated that homelessness in America touches all walks of life including veterans who served our country and many others. In a survey conducted by the Homeless Planning Council of Delaware in 2015 revealed 950 people experienced homelessness in Delaware including adults and children." So join the Women of Faith United Methodist Church and others on Saturday, September 26, 2015.

From young people who care about always paying it forward by helping others in need. Thank you in advance for your support.

Sincerely,

*Tamia Bonville*

Tamia Bonville

*Daeveon Deshields*

Daeveon Deshields

*Kendall Deshields*  
Kendall Deshields



## DELAWARE DEVIL DOGS • DETACHMENT 780

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### Meetings

First Thursday—1830  
VFW Virgil Wilson Post 4961  
9767 Middleford Road  
Seaford, DE 19973

Dear Sir/Madam:

Thank you for your kind consideration regarding a \$500.00 Platinum Sponsorship for our Detachment's 240<sup>th</sup> Marine Corps Birthday Ball. This year's Ball kicks off with a social hour at 5:30 pm at the Heritage Shores Clubhouse in Bridgeville, DE on Saturday, 14 November 2015.

Your decision to become a Platinum Sponsor will greatly assist the DE Devil Dogs Detachment in continuing its volunteer work in Western Sussex County, to include:

- Marine Toys for Tots Foundation
- Eagle Scout Court of Honor
- Young Marines of the Marine Corps League
- Veterans Affairs Voluntary Service Program

Semper Fidelis (Always Faithful),

*Jack Flood, Jr.*

Jack Flood, Jr.  
Commandant



Dear Friend of OotM,

For over thirty years, children of the Indian River School District have participated in a worldwide problem-solving competition entitled Odyssey of the Mind. A brainchild of Dr. Sam Micklus, the program originated at Glassboro State College in New Jersey. Dr. Micklus decided an ideal method of challenging his engineering students and simultaneously promoting creative thinking was to assign the design of some apparatus capable of crossing the college lake. The limiting stipulation was that the cost of materials could not exceed \$5.00. The results were so amazing that Dr. Micklus determined that similar tests of the imagination could engender creative thinking skills in students of all ages. Thus, since 1979, he has annually conceived of the five "problems" that he modifies slightly for four different age groups which competed at local, regional, and state levels and in several foreign countries to qualify for World Finals competition.

In the fall of each year, the Indian River School District Odyssey of the Mind teams begin the challenge of solving their chosen problem in a creative and original way. The students spend many hours problem-solving to complete their long term solution and also practice spontaneous problems regularly.

This year we will have several teams that will present their problems solutions at the Bay Regional Competition held in March 2016. From there, first, second, and third place winners and high school teams will have the opportunity to compete against all regional first, second, and third place winners at the State Competition also held at the end of March 2016. The first and second place winners are entitled to compete in the World Finals against all winning teams worldwide. This year World Finals will be held at Iowa State University in Ames, Iowa in May 2016.

Financing to allow district students to participate in these three events is dependent upon public support. Your group's or firm's generosity will be deeply appreciated if a decision is made to contribute to our fund raising campaign. Tax-deductible donations can be mailed to OOTM BOOSTERS, Audrey Carey, Supervisor of Elementary Instruction, Indian River School District Educational Complex, 31 Hosier Street, Selbyville, DE 19975.

Supporting creative problem solving in today's students ensures that the leaders of tomorrow will be more talented thinkers. Thank you for your consideration.

Gratefully,

The 2015-2016 Indian River Odyssey of the Mind Teams



**To Be Introduced 9/22/15**

**Council District No. 3 – Deaver**

**Tax I.D. No. 334-5.00-215.00, 215.01, 216.00, 217.01, 218.00 & 219.00**

**911 Address: 32490 Lewes Georgetown Highway, Lewes**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RESTAURANT AND BREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES, MORE OR LESS**

**WHEREAS, on the 24th day of July 2015, a conditional use application, denominated Conditional Use No. 2034 was filed on behalf of Beachfire Brewery Co., LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2015, 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. 2034 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article V, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2034 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 north of Beaver Dam Road (Road 285) South of Lewes Georgetown Highway (Route 9) and on both sides of Church Street and being more particularly described as follows:**

### **Tract #1**

**BEGINNING at a point on the southerly right-of-way of Lewes Georgetown Highway (Route 9) and the easterly right-of-way of Church Street; thence North 70°45'38" East 163.84 feet along the southerly right-of-way of Lewes Georgetown Highway to an iron rod; thence southerly and easterly the following eight (8) courses along lands of the State of Delaware: South 22°42'39" East 96.63 feet to a point; North 65°33'42" East 101.51 feet to a point; North 27°00'16" West 21.55 feet to a point; North 66°26'23" East 30.05 feet to a point; South 26°40'30" East 21.20 feet to a point; North 65°42'03" East 20.10 feet to a point; North 65°42'03" East 69.36 feet to a point; and South 27°58'51" East 59.69 feet to a point on the northerly right-of-way of Beaver Dam Road (Road 285); thence westerly along the northerly right-of-way of Beaver Dam Road South 45°39'03" West 323.89 feet to a point near the centerline of Church Street; thence northerly with a tie-line near the centerline of Church Street the following two (2) courses: North 27°32'48" West 99.83 feet, and North 27°25'58" West 190.18 feet along said tie-line to a point; thence North 17°03'48" East 30.59 feet to the point and place of beginning.**

### **Tract #2**

**From a point at the northwest corner of Beaver Dam Road (Road 285) and Church Street, North 25°11'43" West 69.22 feet to the beginning point, an iron pipe; thence South 62°22'16" West 117.99 feet along lands now or formerly of Ethel Frame Heirs, and George W. Tunnell Heirs to an iron rod; thence North 23°48'31" West 160.76 feet along lands, now or formerly, of John H. and Ruth E. Maker to an iron rod; thence North 65°25'46" East 114.00 feet along lands, now or formerly, of Mark L. Mumford to an iron rod on the westerly right-of-way of Church Street; and thence South 25°11'43" East 154.46 feet along the westerly right-of-way of Church Street to the point and place of beginning.**

**Said Tracts 1 and 2 containing 1.99 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.**

## PUBLIC HEARINGS

September 22, 2015

This is to certify that on August 13, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING  
COMMISSION OF SUSSEX COUNTY

Janelle Cornwell  
Planning and Zoning Manager

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

### **C/U #2017 – Eli and Victoria Zacharia**

**An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 22,500 square feet, more or less.** The property is located northwest of John J. Williams Highway (Route 24) 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision (911 Address: 20336 John J. Williams Highway, Lewes) Tax Map I.D. 334-18.00-7.00.

Mr. Lank advised the Commission that this application had previously been scheduled for public hearing on June 11, 2015 and that the applicant did not appear; and that the Commission, based on a recent Ordinance, granted permission for the application to be rescheduled since there were health reasons for the lack of the applicants appearance on June 11, 2015.

The Commission found that the applicant provided a survey/site plan with his application for two residential units, and that the survey/site plan depicts the existing improvements on the property.

The Commission found that on February 18, 2015 DelDOT provided comments in the form of a Support Facilities Report referencing that the Level of Service “E” of John J. Williams Highway will not change as a result of this proposed application.

The Commission found that on June 9, 2015 the Sussex Conservation District provided comments in the form of a Memorandum referencing that there is one soil type on this property; that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that there are no storm flood hazard areas affected; that no off-site drainage improvements will be required; that it may be possible that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that on June 9, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that the property is located in the Goslee Creek Planning Area; that the parcel has not been provided with a sewer connection point; that the project is not capable of being annexed into a County operated sanitary sewer district at this time; that conformity to the North Coastal Area Planning Study will be required; that when the County provides central sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a concept plan is not required.

The Commission found that Eli Zacharia and Sammy Zacharia were present on behalf of this application and stated in their presentation and in response to questions raised by the Commission that they have an attached garage that has been remodeled for extra living space with a kitchen; that Sammy Zacharia or a seasonal employee will reside in the converted garage unit; that separate electrical meters have already been installed.

Mr. Lank advised the Commission that if the use is approved a minimum of four parking spaces will be required, and that the MR Medium Density Residential zoning classification permits Conditional Use applications for multi-family dwelling structures.

The Commission found that there were no parties present in support of or in opposition to this application.

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

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 3 – 0. Mr. Smith was absent during the vote.

#### **C/Z #1780 – Lockwood Design and Construction, Inc.**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a HR-1- RPC (High Density Residential District – Residential Planned Community) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 35.45 acres, more or less.** The properties are located on the northeast side of Warrington Road (Road 275) 0.25 mile southeast of John J. Williams Highway (Route 24) (911 Address: None Available) Tax Map I.D. 334-12.00-127.02, 127.04, 127.05.

The Commission found that the applicants had provided a survey/site plan with the application as submitted on May 5, 2015. And that the applicants had provided an Exhibit Booklet on August 5,

2015. The Exhibit Booklet contains references to the Revised Site Plan; PLUS comments and responses; an Environmental Assessment and Public Facilities Report; Technical Advisory Committee comments and a Staff review letter and a response; DelDOT correspondence; Sussex Conservation District comments; Utility comments; and Environmental comments and maps. It was noted that the DelDOT and PLUS comments were received by the Planning and Zoning Department under separate cover.

The Commission found that the County Engineering Department Utility Planning Division provided comments on August 12, 2015 in the form of a memorandum referencing that wastewater capacity is available for up to 142 units in accordance with a density calculation of 4.0 EDU per acre; that Ordinance 38 construction will be required; that if the West Rehoboth Expansion area system is extended to provide sewer service the System Connection Charge Rate is \$5,775.00 per EDU; that there is no sewer service to the parcel at this time; that the County does not have a schedule to extend sewer service to the parcel at this time; that the project is capable of being annexed into the West Rehoboth Expansion area; that conformity to the North Coastal Planning Study and amendments will be required; that the proposed project is located within the planning area for sewer service, however, it is located outside of the West Rehoboth District boundary; that the project can be annexed into the sewer district using the County's administrative process; that the project is located on AR-1 zoning lands allocated for sewer service at 4.0 EDU per acre; that the project is proposing 203 residential units, which exceeds the Engineering Department's planning assumptions; that prior to being approved for a sewer district expansion, a planning study shall be performed at the developer's expense to determine if capacity exists and whether transmission expansion improvements are required; that any and all system upgrades shall be performed at the developer's expense; that the proposed development will require a developer installed collection system in accordance with County standards and specifications; that the County Engineer shall approve the connection point; that a Sewer Conceptual Plan shall be submitted for review and approval prior to initiating the annexation process; and that a concept plan is required. Attached to the comments were a listing of steps to be completed for extending district boundaries and a checklist for preparing conceptual plans.

The Commission found that the Sussex Conservation District provided comments on August 12, 2015 in the form of a memorandum referencing that there are two soil types on the properties; that the applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that it may not be necessary for any off-site drainage improvements; that on-site drainage improvements may be necessary; and that no tax ditches are affected.

The Commission found that a letter from Robert Kaden on behalf of the residents of the Estates of Sea Chase Condominium Association was received on August 10, 2015 voicing their opposition to this application and expressing concerns that the project will impact the atmosphere of their community; that the parcel of land being considered currently offers their community a beautiful setting of high dense trees; that the lots next to these trees were sold as premium lots; that they do not want to see these trees damaged or removed by construction of any kind; that they are also concerned about additional traffic created by construction of this

project in addition to the already existing everyday traffic once construction is completed; that the roads in the area are already experiencing too much traffic, especially during peak summer months; that other projects in the area that are under construction are already increasing traffic in the area; that adding additional access roads to another community will only increase the already high chance of accidents; and asking that the Commission consider the feelings and the impact to current residents in the area over the wishes of a large outside developer.

Mr. Lank advised the Commission that he also received an email in opposition to this application from Carol Hughes referencing that rezoning is not necessary; that the property owners can develop without a zoning change; that if the County continues to allow maximum build out on every parcel of land, the impact on infrastructure and delivery of services will be devastating; that the current back-ups on Route One, Warrington Road, Plantation Road, and Route 24 are a valid precursor of daily traffic patterns if over development continues; asking the County to imagine summer traffic woes occurring all year long; and that allowing that to happen would be a travesty.

Mr. Lank advised the Commission that he also received an email in opposition to this application that has been miss-filed and that he would include reference to that email in the Minutes. The email was found and it is reported that Donna Voigt references that residents living in communities along Old Landing Road voiced concerns regarding the potential life/safety issues posed by the proposed rezoning of the Old Landing Golf Course; that DelDOT continues to collect monies from developers, and do absolutely nothing to improve the roadways and address residents' concerns; that approved development is already adding to the traffic and life/safety concerns along Old Landing Road and Warrington Road; that Sawgrass North has built and sold a large number of available home-sites, and that Redden Ridge subdivision is currently underway with site work to build another housing development; questioning who is looking at the cumulative impact of this development and truly addressing the impact; that traffic backs up on eastbound Warrington Road from Old Landing Road to nearly Route 24; that adding more traffic to an already failing roadway is certainly not the answer; and requesting the Commission and the County Council to defer any action on this application until tangible improvements are well underway to address the known and well-studied problems with these surrounding roadways.

The Commission found that Robert Hood, property owner, and Don Lockwood, applicant representative, were present with Gene Bayard, Esquire with Morris James Wilson Halbrook & Bayard, LLP, and Roger Gross, Professional Engineer with Merestone Consultants, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the property has been owned by the Hood family for approximately 280 years; that the site is wooded and well drained; that the original Hood property included lands on both sides of Route 24 and Route One, including the Rehoboth Mall site, the church across from the Rehoboth Mall; that, and the Beebe Medical Facility; providing a description of the many change in zoning and conditional use applications that have been made; that no wetlands exists on the property; that the soils are adequate for stormwater management and residential development; that Envirotech Environmental Consulting, Inc. provided a woodland conditions study which is a part of the Exhibit Booklet; that the Division of Fish and Wildlife provided a report on rare, threatened and

endangered species, unique natural communities, and other significant resources that relate to the site, which are part of the Exhibit Booklet; that central water will be provided by Tidewater Utilities, Inc.; that public sewer will be provided by Sussex County; that the project will be subject to the new State stormwater regulations; that DelDOT did not require a Traffic Impact Study or Traffic Operations Analysis; that the developers will be required to contribute to the area-wide study for roadway improvements; that the application was reviewed by both the Preliminary Land Use Service (PLUS) and the County Technical Advisory Committee members; that an Environmental Assessment and Public Facilities Evaluation Report is included in the Exhibit Booklet; that the site plan was revised in consideration of the comments received from County staff and the PLUS comments; that additional sidewalks have been added and access to the Beebe Medical Facility site has been provided to the property line; that 82 townhouse style condominium units, 60 apartment style condominium units, and 60 single family detached style condominium units are proposed for a total of 202 units; that the 60 single family detached style units are proposed along Sea Chase and Warrington Road; that the area densities include: the proposal for this site at 5.7 units per acre; the Estates at Sea Chase at 4.13 units per acre; Sea Chase at 6.5 units per acre; and Sterling Crossing at 6.29 units per acre; that the area of the single family detached units equals 3.36 units per acre; that the proposed amenities include a community building and pool with a large amount of open space throughout the project; that the amenities are proposed to be completed when the Certificate of Compliance is issued for the 75<sup>th</sup> unit; that the impervious cover should equal approximately 40% of the site, providing 60% of the site as open space; that the minimum width of the perimeter buffer is 20 feet; that they have met with Howard Blizzard of the Rehoboth Beach Public Works department and heard no objections; that the project will be similar in unit design as the Rehoboth Grande site; that they propose to develop the site for residents aged 55 or older; that there should be little to no impact on the Cape Henlopen School District; that the application complies with the Sussex County Comprehensive Land Use Plan, and the Strategies for State Policies and Spending; that this application is a classic infill project due to the location of the adjacent projects; and that the application is consistent with the trend of development in the area.

Mr. Robertson advised the Commission that an RPC Residential Planned Community application requires consideration of the site plan; that the County must determine if the use is appropriate at this location; and that conditions of approval can be applied by the County.

The Commission found that the applicants representatives responded to questions raised by the Commission by stating that they applied for HR-1 High Density Residential rather than MR Medium Density Residential zoning since there are no immediate MR zoning classifications; that HR zoning classifications exists immediately adjacent to the site and across from the site; that they have no intent to create a hotel/motel on the site; that an RPC Residential Planned Community has been proposed; that there are no affordable housing components with this application; that their goal is to design and build a private ownership project; that the swimming pool will be similar to the Canal Corkran project near Rehoboth with a pool approximately 40 feet by 60 feet in size and a community building containing 5,000 to 7,000 square feet; that streets with open swales are proposed with bio-filtration; that sidewalks are proposed throughout the project and will be calculated as a part of the stormwater design; that they have not yet met

with DelDOT or DART for bus service; that public transportation may be available with the Beebe Medical Facility; that a central mail facility may be located in the multi-family areas; that they realize that their 62 unit increase in the number of units referenced by the County Engineering report will require a Capacity Study Review by County Engineering; that they are planning to save as many trees as possible; that the single family detached units will have a footprint of approximately 1,600 to 1,800 square feet; and that the single family units will probably be in first phase of development.

The Commission found that there were no parties present to speak in support of this application.

The Commission found that Harvey Grider of Sterling Crossing and Rob Baur of Sea Chase expressed concerns about landscaping and the loss of the wooded area; that some of the residents have a fear that if the project is developed and only leaves 20' of trees that the trees may fall from the winds and damage their homes; that traffic on Warrington Road is a major concern especially with rumored lane expansions and widening; that it has been reported that Warrington Road is intended to be widened to four lanes; that a traffic study should be requested; that traffic control is needed at Old Landing Road; that responsible growth is needed; and that the bike maps direct cyclist to these local roads which have no shoulders or bikepaths.

Chairman Wheatley asked Bill Brockenbrough, County Coordinator with DelDOT, to come forward if he can answer the questions raised.

Mr. Brockenbrough stated that he does not have a schedule for the Route 24 project; that his Office has been working on the Osprey Point project and should have a report on that application soon; that the entrance to this project may need to be relocated further north subject to resolving site distances and vehicle que concerns, determining where the Rehoboth well head is located; and verifying the site distance from the curve on Warrington Road to the entrance location.

The Commission found that Nancy Feichtl of Sea Chase; Richard Mihellic of Sea Chase; Wayne Badilino of Pine Country Condominium; Chuck Oaks; Charlotte Reid of Sawgrass South; Donna Voigt; Mr. and Mrs. C. J. Bailey, residents living across Warrington Road from the entrance; James King; Don Kaden, President of the Estates of Sea Chase Condominium Association; and Richard Diesinger of the Estates of Sea Chase were present and expressed concerns that 48% of this area has a senior population; that the highest accident rates relate to senior drivers; that the area cannot support more dense developments without improving the roads in the area; that traffic is always backed up at Warrington Road and Old Landing Road; that residents cannot get out of the Estates of Sea Chase, Sea Chase, or Sterling Crossing onto Old Landing Road due to the traffic; that Sea Chase has spent \$1,000s for drainage with no curb and gutter; that sidewalks are needed, if this project is approved; that they oppose the project and the proposed density; that trees should be maintained; that many animals and birds live on this site; that all buffers should be wider than 20 feet; that there are no bike lanes for cyclists; that they are concerned about access by emergency vehicles in emergencies; that evacuation planning has not been performed; that the County needs to create an evacuation plan for this area; that pedestrian safety is a concern; that the loss of the trees is a habitat issue and needs to be addressed; that a traffic impact study is needed; that turn lanes are not depicted on the site plan; that the relocation of the



entrance into the project is supported, if approved; that interconnection should be addressed with the Beebe Medical Facility and other project in the area; that central water and central sewer is supported; that the developer could clear-cut the woodlands; that Warrington Road and Old Landing Road are dangerous for bicycles and scooters; and that having only one entrance is a safety concern.

At the conclusion of the public hearing, the Chairman asked for a show of hands in opposition. 24 People raised their hands. It was noted that some people had already exited the Chambers.

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

Motion by Mr. Ross, seconded by Mr. Burton, and carried with three (3) votes to defer action for further consideration. Motion carried 3 – 0, with Mr. Johnson and Mr. Smith both being absent.

### **C/Z #1781 – Riverview Associates III, LLC**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 3.0 acres, more or less.** The property is located southwest of Dagsboro Road (Road 334) 900 feet northwest of Fire Tower Road (Road 334A) (911 Address: 28086 Dagsboro Road, Dagsboro) Tax Map I.D. 233-10.00-17.00.

The Commission found that the applicants submitted surveys with their application on June 8, 2015; and Exhibit Booklets on August 3, 2015 which include a copy of the application form and a legal description; a copy of the deed to the property; photographs of the property; a site map of the site as it relates to other adjoining properties; comments from DelDOT, dated May 12, 2015; an excerpt from the County Comprehensive Land Use Plan Map and references that the site is in a Town Center Area; an excerpt from the Strategies for State Policies and Spending referencing that the property is in Level 2 with a description; a zoning reference map of the area; and an aerial photograph. It was noted that the DelDOT comments were received by the Planning and Zoning Department under separate cover.

The Commission found that the County Engineering Department Utility Planning Division provided comments on August 11, 2015 in the form of a memorandum referencing that the property is located in the Dagsboro/Frankford Planning Area; that sewer service has not been extended to the area at this time; that conformity to the Dagsboro/Frankford Planning Study will be required; that when sewer service is provided to the area, connection is mandatory; that the County does not have a schedule to provide sewer service at this time; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments on August 12, 2015 in the form of a memorandum referencing that there are two soil types on the property; that the applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that there is a potential that off-site drainage improvements may be required; that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that Jeromy Smith, present on behalf of Riverview Associates III, LLC, with Dennis Schrader, Esquire of Morris James Wilson Halbrook & Bayard, LLP, and stating in their presentation and in response to questions raised by the Commission that the site contains approximately 3 acres of land with improvements and is adjacent to a 5.0 acre parcel already zoned C-1 General Commercial: that they propose to combine the two parcels as an approximately 8.0 acre tract for commercial use and activities, referencing professional services and trade services; that they have no current intent to develop the remaining acreage; that the site is centrally located near Dagsboro, across from a church, a DelDOT yard, a deli, and several other commercial businesses; that DelDOT has not required a Traffic Impact Study; that the application is in compliance with the County Comprehensive Land Use Plan and the purposes of the Zoning Ordinance; that the dwelling is being rented; that they realize that if the rezoning is approved a site plan will be subject to review and approval by the Commission and other agencies; that a tax ditch does exist in the rear of the farm that serves as drainage for the farm; and that the site is located in a Town Center Area according to the County Comprehensive Land Use Plan which is an area near incorporated municipalities and within which the major guidelines include single-family, townhouse and multi-family units to be served by commercial uses, retail and office uses, but not large scale intense shopping centers.

The Commission found that there were no parties present in support of or in opposition to this application.

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

On August 13, 2015 there was a motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 3 – 0. Mr. Smith was not present during the vote.

On August 27, 2015 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would not be participating in the discussion for this application since he was not present during the public hearing.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1781 for Riverview Associates III, LLC for a Change of Zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) This rezoning is for 3.0 acres of land. It is an expansion of an existing parcel that is currently zoned C-1 General Commercial. The applicant has sought the expansion to make a single usable commercially zoned parcel that is developable.
- 2) The site is situated along Dagsboro Road, near the intersection with U.S. Route 113. It is in an area where other commercial and business zonings and uses exist, including an office and retail complex. The use is consistent with these existing uses and zonings in the area.

- 3) The location is between Millsboro and Dagsboro in an area that is slowly developing. It is also within the Town Center Area under the County Comprehensive Plan, which permits commercial, retail, and office uses.
- 4) The use will not have an adverse effect upon neighboring properties. It is entirely surrounded by other land owned by the applicant.
- 5) The rezoning will not adversely affect area roadways or public facilities.
- 6) No parties appeared in opposition to the application.
- 7) Any development of the property will require further site plan approval by the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried with four (4) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 0. Mr. Johnson did not participate in the vote.

**Introduced 05/05/15**

**Council District No. 3 – Deaver  
Tax Map I.D. 334-18.00-7.00  
911 Address – 20336 John J. Williams Highway, Lewes**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 7th day of April 2015, a conditional use application, denominated Conditional Use No. 2017 was filed on behalf of Eli and Victoria Zacharia; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, 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. 2017 be \_\_\_\_\_;**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, 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.**

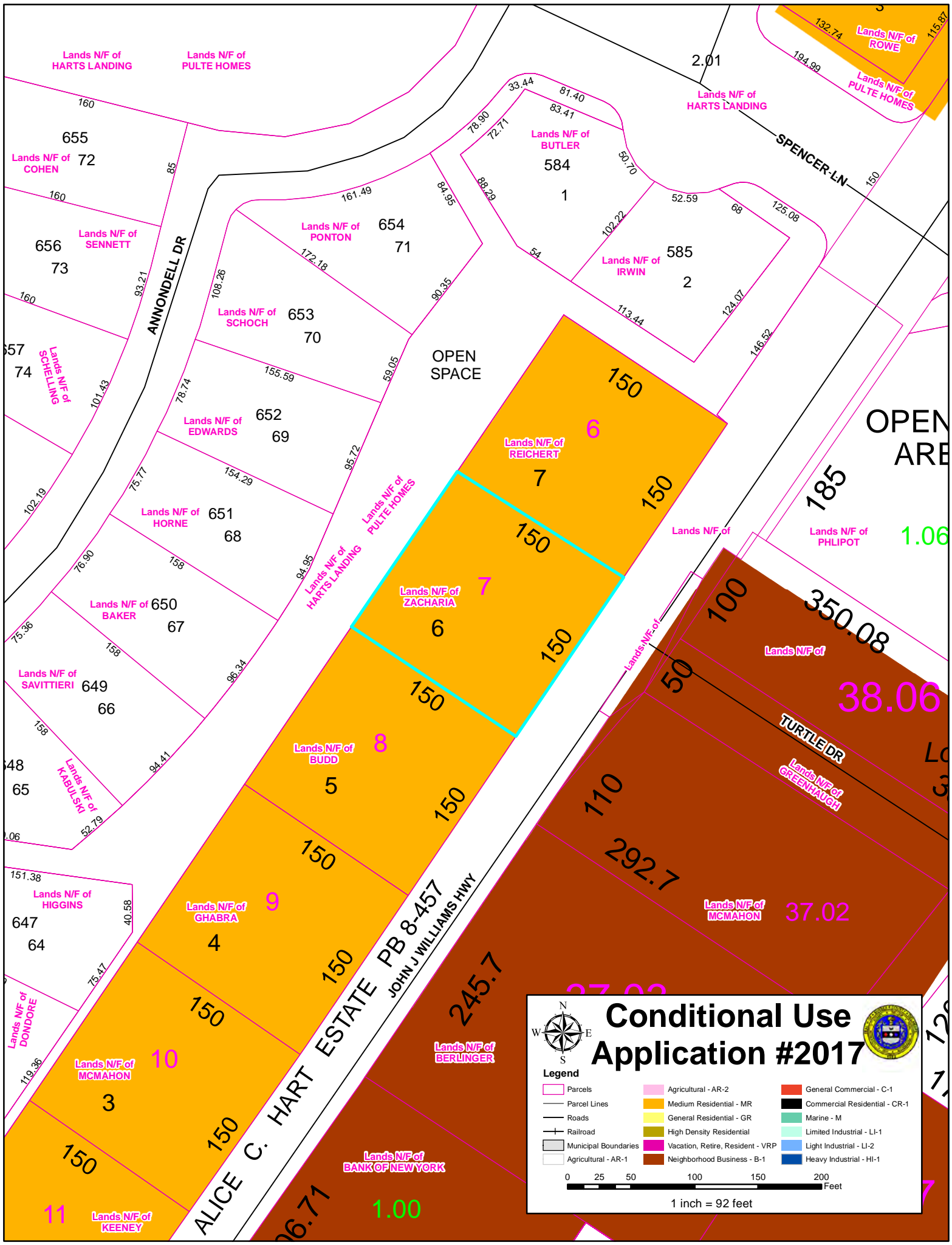
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**


**Section 1. That Chapter 115, Article V, Section 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2017 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as:**


**All that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northwest of John J. Williams Highway (Route 24), 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision and being more particularly described in Deed Book 3075, Page 89, as recorded in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 22,500 square feet, 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.**





## Conditional Use Application #2017

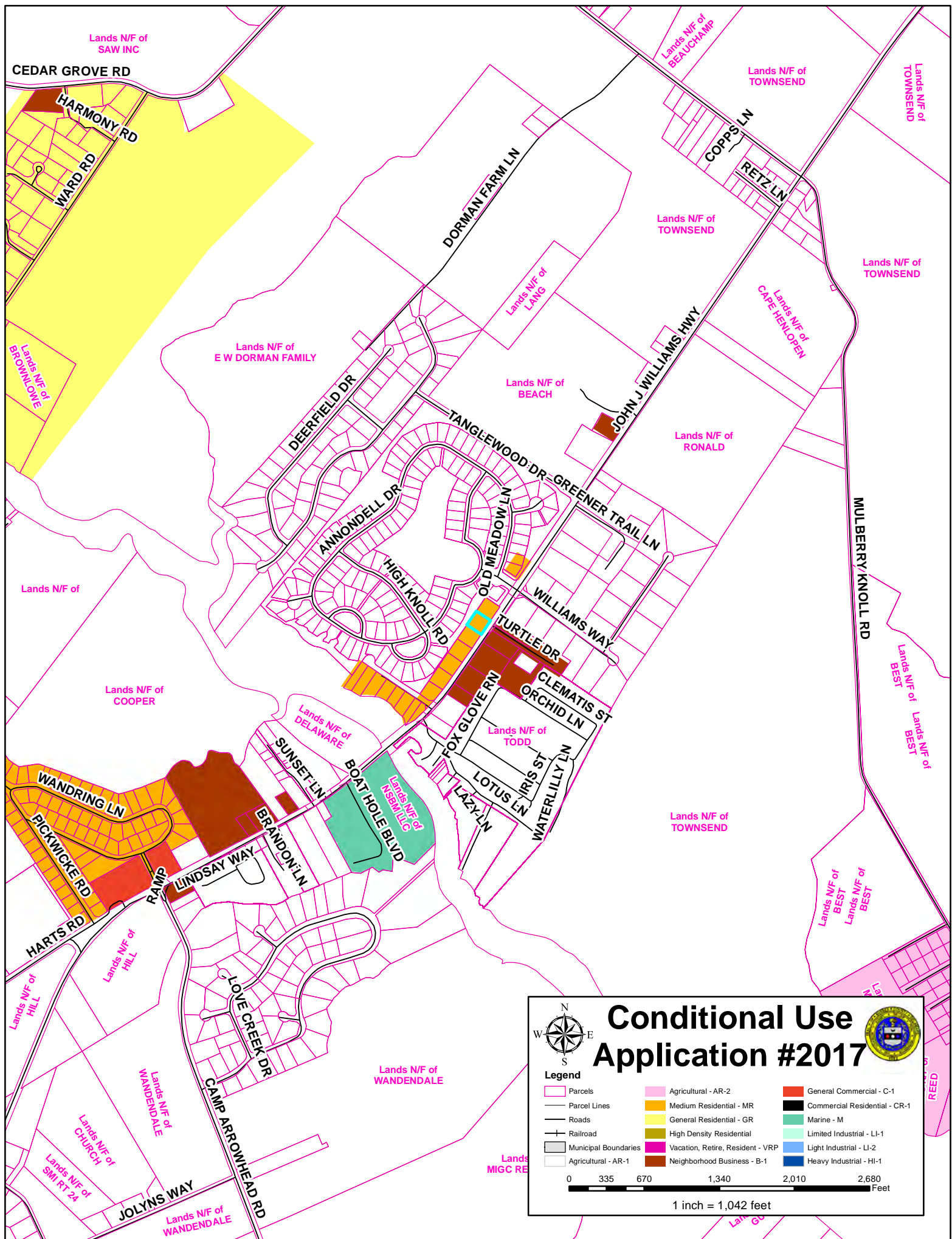


**Legend**

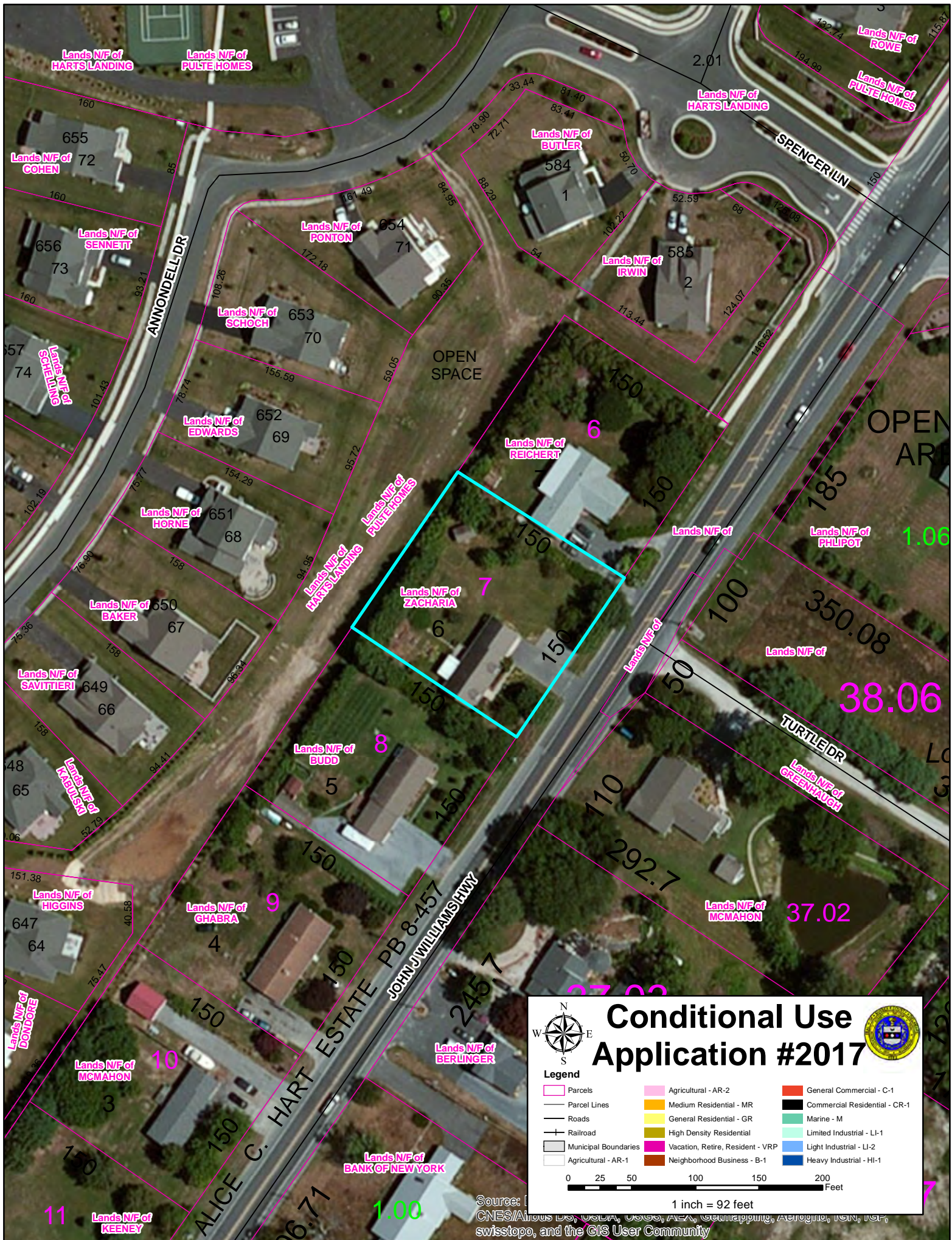
Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1

0 25 50 100 150 200 Feet

1 inch = 92 feet









**Introduced 06/30/15**

**Council District No. 4 - Cole**

**Tax Map I.D. No. 334-12.00-127.02, 127.04, 127.05**

**911 Address: None Available**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 (RPC) HIGH DENSITY RESIDENTIAL DISTRICT (RESIDENTIAL PLANNED COMMUNITY) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS**

**WHEREAS, on the 5th day of May 2015, a zoning application, denominated Change of Zone No. 1780 was filed on behalf of Lockwood Design & Construction, Inc.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1780 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of HR-1 (RPC) High Density Residential District (Residential Planned Community) as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**All that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Warrington Road (Road 275), 0.25 mile southeast of John J. Williams Highway (Route 24), and being more particularly described as follows:**

**BEGINNING at a point on the northerly side of Warrington Road (Road 275), said point being 0.25 mile southeast of John J. Williams Highway (Route 24) and east of lands of the City of Rehoboth; thence north 09°33'10" east 404.05 feet along lands of the City of**



Rehoboth to a concrete monument; thence north 42°06'04" east 774.63 feet along lands of Beebe Medical Center, Inc., to a concrete monument; thence continuing along lands of Beebe Medical Center, Inc., south 53°09'06" east 305.54 feet to an iron pipe and north 40°57'30" east 439.29 feet to an iron pipe; thence south 37°40'32" east 682.80 feet along lands, now or formerly, of Old Landing Road, Inc., to a concrete monument; thence south 08°27'51" west 960.53 feet along lands, now or formerly, of Robino Sea Chase, LLC, and Colleen A. Lowe to an iron pipe on the northerly side of Warrington Road; thence northwesterly by and along the northerly side of Warrington Road 1,491.05 feet to the point and place of beginning, said parcels containing 35.45 acres, more or less.

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

PROPOSED

# Change of Zone Application #1780



## Legend

Tax Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	

0 80 160 320 480 640 Feet

1 inch = 250 feet

57

33.85 Ac.

WELL CANCER CENTER  
BE MEDICAL CENTER

Lands N/F of  
DELAWARE WEIGHT

Lands N/F of  
WELLNESS

Lands N/F of  
MARS HOLDINGS

Lands N/F of  
REHOBOTH MEDICAL

125

20.43 Ac.

Lands N/F of  
HOOD

125.01

127.04

5.00  
Ac.

7.57  
Ac.

127.02

PB108-4

127.05

Lands N/F of  
HOOD WOODS LLC

22.89  
Ac.

Lands N/F of  
TRUZZOLINO

Lands N/F of  
MELLON

Lands N/F of  
SCOTT

Lands N/F of  
LEE

Lands N/F of  
MANGUM

Lands N/F of  
MCNAY

Lands N/F of  
FRANK

COBALT WAY

Lands N/F of  
PIETROBONO

Lands N/F of  
CASA

Lands N/F of  
MILLER

Lands N/F of  
HAYDEN

Lands N/F of  
STEIN

COPPER DR S

BRONZE ST

LAURASWAY

Lands N/F of  
JONES

Lands N/F of  
SCARFO

AEGEAN WAY

Lands N/F of  
OAKES

Lands N/F of  
OWENS

Lands N/F of  
JOHNSON

Lands N/F of  
TESSIER

Lands N/F of  
PLEBANI

Lands N/F of  
ROBINO-SEA CHASE

RD. 275

WARRINGTON RD

Lands N/F of  
TOWNSEND

Lands N/F of  
BAILEY

Lands N/F of  
J G TOWNSEND JR

Lands N/F of  
LAUSCH

PINE  
COUNTRY CONDO

122  
3.39 Ac.

Lands N/F of  
REDDEN



# Change of Zone Application #1780

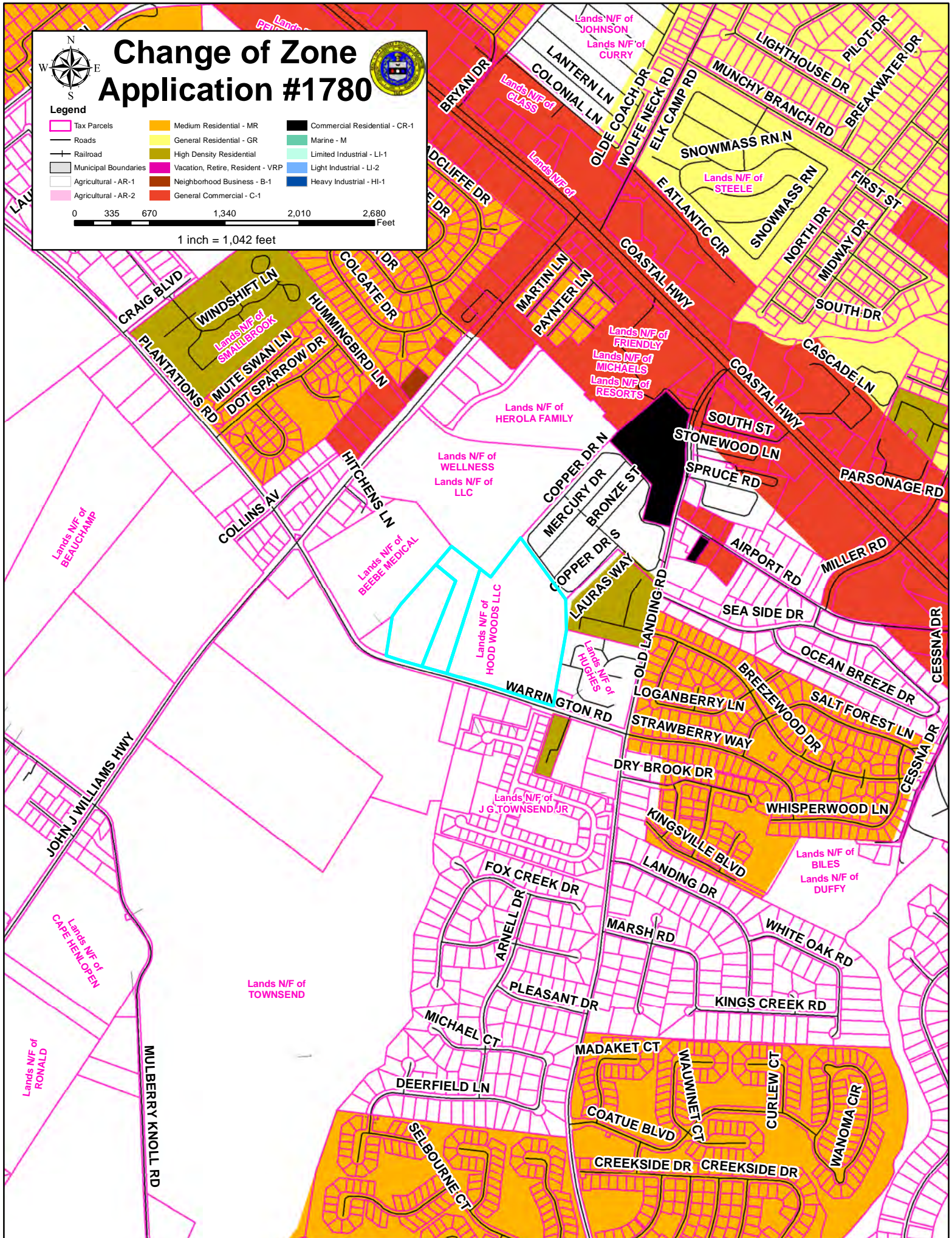


## Legend

- |                      |                                  |                               |
|----------------------|----------------------------------|-------------------------------|
| Tax Parcels          | Medium Residential - MR          | Commercial Residential - CR-1 |
| Roads                | General Residential - GR         | Marine - M                    |
| Railroad             | High Density Residential         | Limited Industrial - LI-1     |
| Municipal Boundaries | Vacation, Retire, Resident - VRP | Light Industrial - LI-2       |
| Agricultural - AR-1  | Neighborhood Business - B-1      | Heavy Industrial - HI-1       |
| Agricultural - AR-2  | General Commercial - C-1         |                               |

0 335 670 1,340 2,010 2,680 Feet

1 inch = 1,042 feet









**Introduced 06/30/15**

**Council District No. 5 – Arlett**

**Tax Map I.D. No. 233-10.00-17.00**

**911 Address: 28086 Dagsboro Road, Dagsboro**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.00 ACRES, MORE OR LESS**

**WHEREAS, on the 8th day of June 2015, a zoning application, denominated Change of Zone No. 1781 was filed on behalf of Riverview Associates III, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1781 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:**


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

**Section 2. The subject property is described as follows:**


**All that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying southwest of Dagsboro Road (Road 334) 900 feet northwest of Fire Tower Road (Road 334A) and being more particularly described as follows:**

**BEGINNING at a point on the southerly right-of-way line of Sussex County Road No. 334, said point being South 61°08'30" East 631.78 feet from the corner for these lands and lands now or formerly of Augustus C. Wagner; thence by and with the aforesaid right-of-way line of Sussex County Road No. 334, South 61°08'30" East 311.95 feet to a point, being a corner for these lands and other lands of Riverview Associates III, LLC; thence turning and running South 28°34'15" West 367.09 feet to a point; thence turning and running North 61°08'30" West 358.04 feet to a point; thence turning and running North 29°12'30" East 367.09 feet to the place of beginning, said to contain 3.00 acres more or less and as shown on a Proposed Rezoning Plat of Riverview Associates III, prepared by Simpler Surveying & Associates, dated September 5, 2003. Being a portion of those lands conveyed unto Riverview Associates III, LLC by deed of James L. Layfield and Sandra L. Layfield, dated April 14, 2004, and of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 2966, at Page 110.**

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

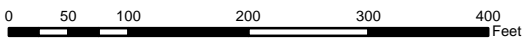


# Change of Zone Application #1781



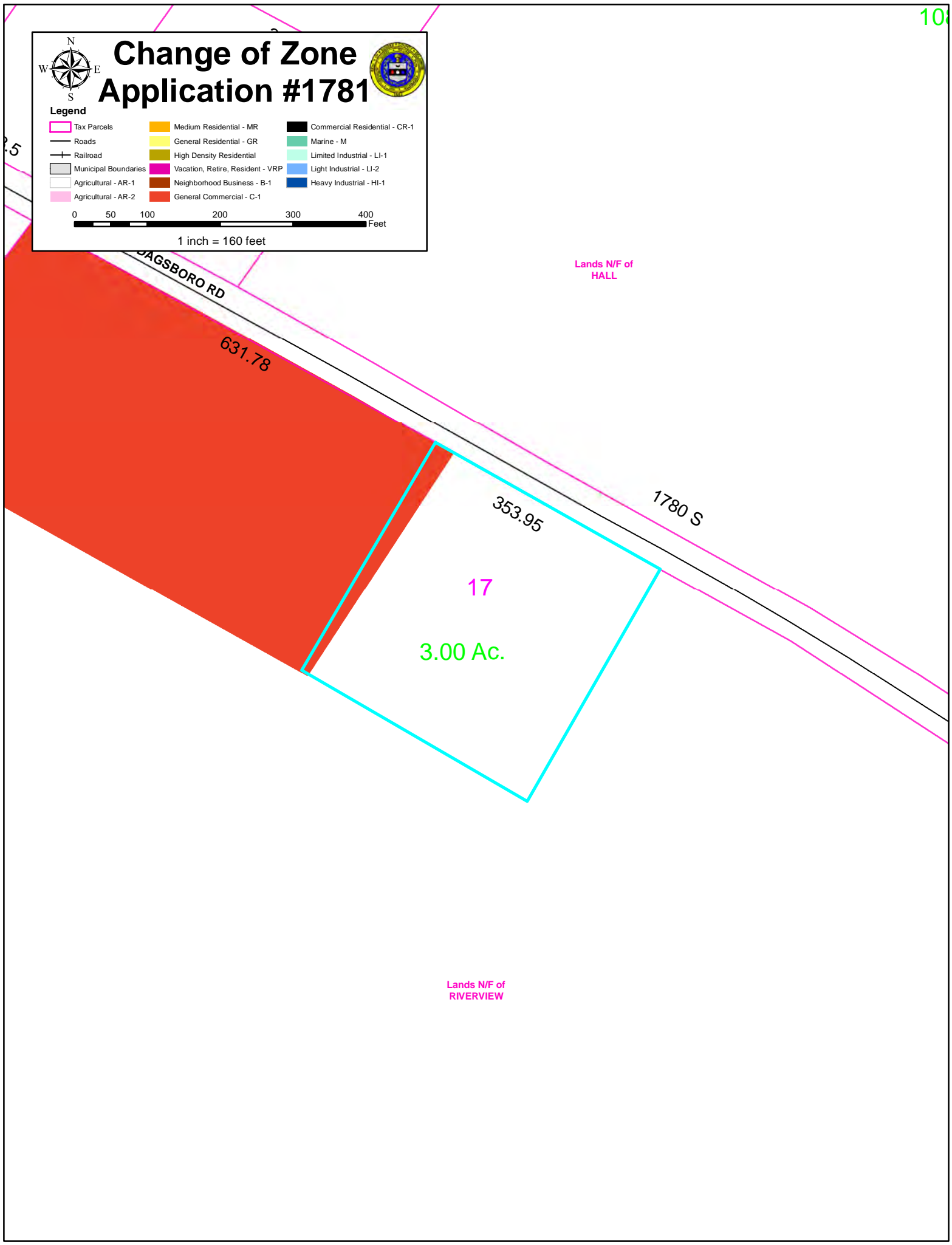
**Legend**

Tax Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	



0 50 100 200 300 400 Feet

1 inch = 160 feet



# Change of Zone Application #1781

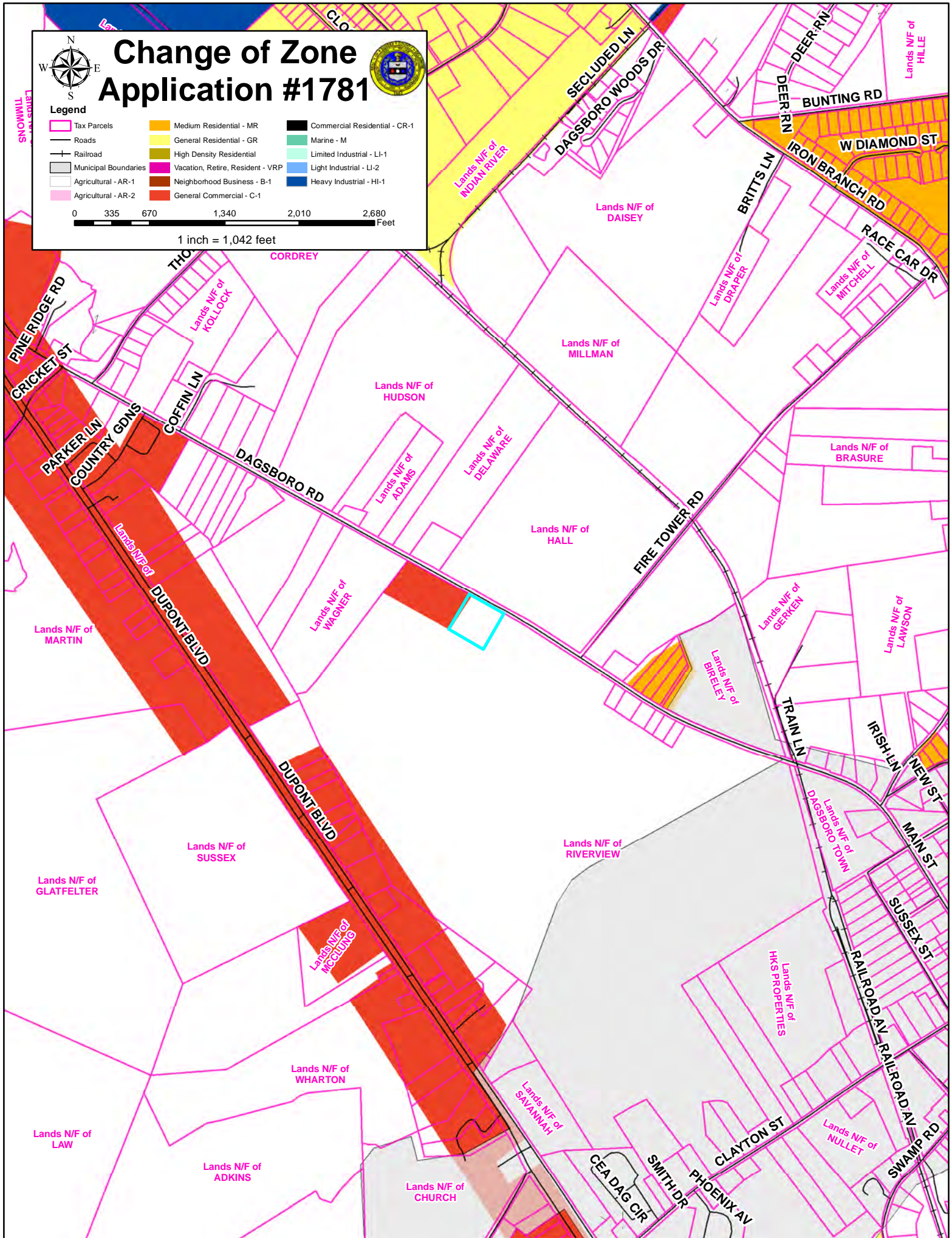


## Legend


- |                      |                                  |                               |
|----------------------|----------------------------------|-------------------------------|
| Tax Parcels          | Medium Residential - MR          | Commercial Residential - CR-1 |
| Roads                | General Residential - GR         | Marine - M                    |
| Railroad             | High Density Residential         | Limited Industrial - LI-1     |
| Municipal Boundaries | Vacation, Retire, Resident - VRP | Light Industrial - LI-2       |
| Agricultural - AR-1  | Neighborhood Business - B-1      | Heavy Industrial - HI-1       |
| Agricultural - AR-2  | General Commercial - C-1         |                               |

0 335 670 1,340 2,010 2,680 Feet


1 inch = 1,042 feet





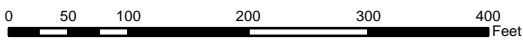


# Change of Zone Application #1781



**Legend**

Tax Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	



0 50 100 200 300 400 Feet

1 inch = 160 feet

SAGINAW RD

631.78

Lands N/F of  
HALL

353.95

1780 S

17

3.00 Ac.

Lands N/F of  
RIVERVIEW