

Sussex County Council Public/Media Packet

**MEETING:
September 24, 2019**

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**Sussex County Council
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COUNTY COUNCIL

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



Sussex County

DELAWARE
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SUSSEX COUNTY COUNCIL
A G E N D A
SEPTEMBER 24, 2019
1:00 P.M.

**** AMENDED on September 18, 2019 at 10:30 a.m.¹ and at 3:00 p.m.¹**

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation – League of Women Voters of Sussex County

Todd Lawson, County Administrator

- ** 1. Personnel Board Appointment**
- 2. Administrator's Report**

Janelle Cornwell, Planning and Zoning Director

- 1. Change of Zone No. 1882 filed on behalf of Nassau DE Acquisition Co., LLC - report receipt of public written comments and close the record.**
- 2. Change of Zone No. 1882 filed on behalf of Nassau DE Acquisition Co., LLC - consideration of the Applicant's request for withdrawal.**

Hans Medlarz, County Engineer

- 1. Proposed Messick Development Streetlighting District**
 - A. Resolution to establish the Messick Development Streetlighting District**
- ** 2. City of Seaford - Utility Project Acceleration Request**



Grant Requests

1. Indian River High School for a mock trial competition.

Introduction of Proposed Zoning Ordinances

Council Members' Comments

1:30 p.m. Public Hearings

Conditional Use No. 2183 filed on behalf of Brent and Lisa Hershey

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY WITH OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.167 ACRES, MORE OR LESS” (property lying on the south side of Broadkill Road (Route 16) approximately 0.33 miles west of Reynolds Road) (Tax I.D. No. 235-15.00-26.07) (911 Address: 14374 Clyde’s Drive, Milton)

Conditional Use No. 2184 filed on behalf of Linda Ann Yupco-Connors

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRE, MORE OR LESS” (property lying on the west side of Jimtown Road, approximately 0.32 mile south of Beaver Dam Road) (Tax I.D. No. 334-11.00-15.00) (911 Address: 32260 Jimtown Road, Lewes)

Conditional Use No. 2185 filed on behalf of Vincent Kinack

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.4516 ACRES, MORE OR LESS” (property lying on the northeast corner of Short Road and Anderson Corner Road) (Tax I.D. No. 234-4.00-42.00) (911 Address: 21167 Short Road, Harbeson)

Conditional Use No. 2187 filed on behalf of Daniel Ostinvil

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MOTOR VEHICLE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.1657 ACRE, MORE OR LESS” (property lying on the southwest corner of North Poplar Street and Old Sailor Road) (Tax I.D. No. 232-12.18-51.00) (911 Address: 31016 North Poplar Street, Laurel)

Adjourn

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

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 17, 2019 at 5:35 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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¹ Per 29 Del. C. § 10004(e)(5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 17, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 17, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 450 19
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of September 10, 2019 were approved by consent.

**Public
Comments**

A public comment period was held and the following spoke: Dan Kramer and Paul Reiger.

**DE Goes
Purple**

Peggy Geisler of the Sussex County Health Coalition, gave a presentation on *Delaware Goes Purple*, a substance abuse awareness program.

**M 451 19
Countywide
Youth
Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council provide the Sussex County Health Coalition through the Delaware Community Foundation \$5,000.00 (from Countywide Youth Grants) for the Sussex County substance abuse prevention project.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. "Stockings for Soldiers"

Sussex County government is again joining Sussex County Volunteer Delaware 50+ and the State Office of Volunteerism in collecting donated items for deployed servicemen and women who are serving during the holidays. A donation box for "Stockings for Soldiers" has been placed in the County Administrative Offices building and includes a shopping list for deployed men and women, as well as our K9 soldiers. Donations to the County's box will be accepted up to November 12th. The public along with County employees are encouraged to join in and give back to the men and women (and K9s) who serve our country. A list of suggested donation items is attached.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Middle Creek Preserve – Phase 1, Apple Arbor, and Coastal Club – Jimtown Road Regional Pump Station, effective September 9th.

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

**Third
Quarter
Employee
Recognition
Awards**

Mrs. Jennings reported that the County recognizes employees for exceptional public service and that a total of thirty-three (33) employees received recognition for the Third Quarter of 2019. Mrs. Jennings announced that Andrew Jowder of Environmental Services and Megan Ferry of the Finance Department were recognized as the Third Quarter Shining Star recipients.

**Air
Methods
Lease
Renewal**

Eric Littleton, Airport Manager, presented for Council's approval a new Lease Agreement with Air Methods Corporation for Lot A-2 at the Delaware Coastal Airport. In 2016, the Council approved Air Methods Corporation's choice to exercise their final three-year extension. The current lease agreement expires on September 20, 2019. Air Methods is the parent company of LifeNet and operates an air ambulance service, with flight and medical crews on duty 24/7 serving the region from a County-owned 2,500 square foot hangar at the Airport. Mr. Littleton discussed the terms of the Lease Agreement.

**M 452 19
Approve
Hangar/
Ground
Lease
Agreement**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the Hangar/Ground Lease Agreement with Air Methods Corporation for Lot A-2 at the Delaware Coastal Airport, as presented.

**M 452 19
(continued)**

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

**M 453 19
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to give \$750.00 from Mr. Vincent's Councilmanic Grant Account to Society of St. Vincent de Paul Council for their community food pantry.

Motion Adopted: 5 Yeas.

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

**M 454 19
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$1,000.00 from Mr. Rieley's Councilmanic Grant Account to the Bethany Beach – Fenwick Island Chamber of Commerce for their Fire & Ice Festival.

Motion Adopted: 5 Yeas.

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

**M 455 19
County-
wide
Youth
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$2,000.00 from Countywide Youth Grants to Clothing Our Kids for their Clothe a Child program.

Motion Adopted: 5 Yeas.

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

**M 456 19
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give \$750.00 (\$375.00 each from Mr. Rieley's and Mr. Wilson's Councilmanic Grant Accounts) to Sussex Central High School for the FFA's convention/competition expenses.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1882**

A Public Hearing was held regarding the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-2 MEDIUM COMMERCIAL DISTRICT TO A HR-1 HIGH-DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 15.2 ACRES, MORE OR LESS” (Change of Zone No. 1882) filed on behalf of Nassau DE Acquisition Co., LLC (Tax I.D. No. 334-1.00-15.00 and 334-1.00-15.03) (911 Address: None Available).

Mr. Moore reported that this Public Hearing is for the limited purpose of reopening the record and is very limited in scope. He clarified that this is not a hearing to comment on the merits of the case. It is a “housekeeping” matter on procedural issues. Therefore, all public comments will be limited to that procedural issue only. It is solely for the purpose of opening the public record, not the hearing, to clarify the actual date the record is to be closed.

By way of background, Mr. Moore reported that on July 23, 2019, when the public hearing was concluded, there was a Motion to leave the record open for 15 days for the purpose of allowing Council members to ask questions of staff and agencies. Those questions have been posed and that period of time has now passed. Since the public hearing, there has been some discussion and questions as to what was to be allowed - Were just the questions to be posed during the 15-day period with the answers following or were both questions to be posed and responses received during that 15 day period? Mr. Moore reported that the responses to those questions have been received, but since they were received after the 15 day period and there were questions about the intent of the Motion, Janelle Cornwell, Planning and Zoning Director, was instructed to hold them in her file and not enter them into the record or share with Council until this matter was clarified. He noted that there was also no period set forth in the Motion to allow the public to respond in writing to the responses, as is normal practice.

Mr. Moore noted that this is a large project and has sparked a large amount of public interest and that Council wants to make sure everyone understands the ground rules and that everyone, including the Applicant and the public, has an opportunity to comment in writing after all responses to those questions are received into the record.

Mr. Moore stated that it is his recommendation that the record be reopened with the following conditions:

- 1. Confirm that the 15 day period for questions from Council has passed.**
- 2. The record shall be reopened for the purpose of receipt of those responses from the requested agencies. Those responses shall be immediately shared with Council and the public.**

**Public
Hearing/
CZ 1882
(continued)**

3. The record shall remain open until 4:30 p.m. on Monday, September 23, 2019, so the public, including the Applicant, may respond in writing only, either by letter or email, to the Director of Planning and Zoning. The Director will then be on the agenda on September 24, 2019 to report the receipt of written communications and to confirm that the record is officially closed.

Public comments were heard.

George Dellinger asked for clarification on when comments are due and if the hearing reopens on September 24th.

Mr. Moore responded to Mr. Dellinger stating that the hearing is reopened on this date to make sure that the answers that have come in can go into the record and so they can be made public; after today, the public and the Applicant will have until Monday, September 24th, at 4:30 p.m. to respond in writing; and the record will be closed. No action will be taken on September 24, 2019.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 457 19
Reopen
Public
Hearing on
CZ 1882
with
Conditions**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, (regarding the Proposed Ordinance entitled) "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-2 MEDIUM COMMERCIAL DISTRICT TO A HR-1 HIGH-DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 15.2 ACRES, MORE OR LESS" (Change of Zone No. 1882) filed on behalf of Nassau DE Acquisition Co., LLC, with the following conditions:

1. It is confirmed that the 15-day period for questions from Council has passed.
2. The record shall be reopened for the purpose of receipt of those responses from the requested agencies. Those responses shall be immediately shared with Council and the public.
3. The record shall remain open until 4:30 p.m. on Monday, September 23, 2019 so that the public, including the Applicant, may respond to those responses in writing only either by letter or email, to the Director of Planning and Zoning. The Director will then be on the agenda on September 24, 2019 to report the receipt of written communications and to confirm that the record is officially closed.

Motion Adopted: 5 Yeas.

**M 457 19
(continued)**

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

Ms. Cornwell reported that all of the responses have been provided. The responses were handed out to the Council members and are now available to the public.

**2021-2026
CTP
Request**

Janelle Cornwell, Planning and Zoning Director, advised that the County annually submits a report to DelDOT for consideration of transportation projects throughout the County. The County asks the public to provide comments regarding public transportation improvements to assist DelDOT for the Capital Transportation Program (CTP). Ms. Cornwell noted that the public comment period has been open for several weeks and four (4) emails were received; no new ideas were proposed. A draft Sussex County Report has been provided for the 2021- 2026 CTP Request. DelDOT will hold a Public Hearing on September 25, 2019 at their South Complex; more information is available on the DelDOT website. DelDOT will be presenting information on how the County's requests are received and where projects are in the current and proposed CTP. Ms. Cornwell noted that the County's draft CTP request was included in the Council packet for this meeting. All of the comments that were received from the public during the public comment process will be provided to DelDOT.

**Owl's Nest
Pavement
Improve-
ments
Project/
Recom-
mendation
to Award**

Hans Medlarz, County Engineer, reported the bid results for Project T20-01, Owl's Nest Chapter 96 Sussex Community Improvements. Four bids were received; the low bidder was Jerry's Inc. in the amount of \$87,653.65. However, this exceeded the estimate and the based assessment. The Owl's Nest Homeowners Association (HOA) proposed and has maintained interest in contributing funds to the project to reduce the future assessment rate to the 17 lot owners within the subdivision. The referenced preliminary project estimate included a \$5,000 HOA contribution to the project. Based on the bid results, the HOA intends to increase their project contribution to \$20,000. The contribution amount will offset the cost difference between the assessment roll utilized in the project election, keeping the assessment at the rate approved and the rate at the time of the referendum.

**M 458 19
Award
Contract/
Owl's Nest
Pavement
Improve-
ment
Project**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Contract T20-01, Owl's Nest Paving Improvements, a Chapter 96 Sussex Community Improvement Program Project, be awarded to Jerry's Inc. of Milford, Delaware, at the total bid amount of \$87,653.65, contingent upon receipt of partial project funding by the Owl's Nest Homeowners Association.

Motion Adopted: 5 Yeas.

**M 458 19
(continued)**

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

**City of
Seaford/
Approval of
Addendum
No. 1 to
Wastewater
Service
Agreement**

Hans Medlarz, County Engineer, presented Addendum No. 1 to the Wastewater Service Agreement between the City of Seaford and Sussex County. In accordance with the establishment of the Western Sussex Area of the Sussex County Unified Sanitary Sewer District, the City of Seaford will provide wastewater services for the Blades and Western Sussex Area under a municipal service agreement (last modified in May 2018). Under said agreement, the Engineering Department works continuously with the City on capacity and operational efficiency opportunities. Mr. Medlarz reported that two such opportunities have arisen; one is an inflow reduction project and the other is a jointly funded fiber communication extension to the northern pump station in exchange of eliminating the County's partial operations and maintenance exposure associated with that station. The Engineering Department is requesting approval for Addendum No. 1 to the Wastewater Service Agreement to jointly fund opportunities on a flow-based cost split not to exceed \$100,000.

**M 459 19
Approve
Addendum
No. 1 to
Wastewater
Service
Agreement/
City of
Seaford**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Addendum No. 1 to the Wastewater Service Agreement between Sussex County and the City of Seaford, as presented.

Motion Adopted: 5 Yeas.

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

**Authori-
zation to
initiate
Close Out
Proceedings/
Inactive and
Incomplete
Subdivisions**

Hans Medlarz, County Engineer, reported on subdivisions that have been relatively inactive or remain incomplete for various reasons. Some have been inactive for a considerable amount of time or have incomplete improvements such as sidewalks, final street pavement and unresolved drainage issues; a small number have potential public safety concerns due to compromised infrastructure. Using years of inactivity, high percentage of construction completion, as well as percentage of lots sold as a guide, the Engineering Department assembled a list of potential developments targeted for notification. The Department is asking for Council's approval to officially notify the owners of the developments as follows:

- Listed developments with potential safety concerns be provided notification to rectify concerns within ninety (90) days or be subject to redemption of the performance security upon separate approval by Council.**
- Listed developments with incomplete infrastructure and/or unresolved construction or drainage issues, be notified and**

Authorization to initiate Close Out Proceedings/ Inactive and Incomplete Subdivisions (continued)

provided one hundred and eighty (180) days to rectify the issues or be subject to withholding of building permits.

- **Listed developments with a large percentage of units sold and the developer with little or no remaining holdings, be notified and provided 180 days to rectify the issues or be subject to redemption of the performance security upon separate approval by Council.**

It was noted that a list of potential developments for close out proceedings was previously provided to Council members in the packets for this meeting.

It was also noted that, in 2017, the County Council adopted Ordinance No. 2489 addressing the particulars of how subdivisions were to be closed out; however, this Ordinance did not apply to past subdivisions (prior to the effective date of the Ordinance).

M 460 19 Establish Timeline for Project Close-Outs/ Inactive and Incomplete Subdivisions

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Council authorizes official notification to the entitles identified, establishing a timeline for the associated project close-out.

Motion Adopted: 5 Yeas.

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

Proposed Lochwood Expansion of the SCUSSD

John Ashman, Director of Utility Planning, presented the public hearing results for the Proposed Lochwood Expansion of the Sussex County Unified Sanitary Sewer District. The results of the public hearing were 41 percent in favor and 28 percent opposed (of 155 lots); this represents 70 percent of the lots responding.

M 461 19 Adopt R 018 19

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Resolution No. R 018 19 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE LOCHWOOD SUBDIVISION LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

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

**Chapel
Branch
Area
of the
SCUSSD**

John Ashman, Director of Utility Planning, presented the public hearing results on a revised assessment method for the Chapel Branch Area of the Sussex County Unified Sanitary Sewer District. The Chapel Green Homeowners Association contacted the County requesting annual billing using the EDU formula, not the quarterly frontage formula as previously approved by referendum. The revised method would change the assessment to a uniform \$680.00 per EDU.

Mr. Ashman asked for Council's approval to hold a second referendum for the Chapel Branch Area which would revise the assessment, as requested.

**M 462 19
Approve
Holding
Referendum
on Revised
Assessment
Method/
Chapel
Branch
Area of
the SCUSSD**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves holding a referendum on a revised assessment method for the Chapel Branch Area of the Sussex County Unified Sanitary Sewer District, as presented.

Motion Adopted: 5 Yeas.

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

**Use of
Existing
Infra-
structure
Agreement/
Fox Haven/
Savage
Farm LLC**

John Ashman, Director of Utility Planning, presented for consideration a Use of Existing Infrastructure Agreement with Savage Farm, LLC for the Fox Haven II project in the Johnson's Corner Area. Under the proposed arrangement, the Fox Haven II project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure, Savage Farm, LLC will contribute \$57,453.00 for the financial catch-up contribution of the existing infrastructure to service 98 additional EDUs. System connection charges in place at the time of building permit request will still apply.

**M 463 19
Approve
Use of
Existing
Infra-
structure
Agreement/
Savage
Farm LLC/
Fox Haven**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Savage Farm, LLC for capacity allocation in the Regional Transmission System, as presented.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (216

**Introduction
of Proposed
Ordinances
(continued)**

UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.793 ACRES, MORE OR LESS” (Conditional Use No. 2199) filed on behalf of OA-Rehoboth, LLC (Tax I.D. No. 334-12.00-127.01 and 127.10) (911 Address: Not Available).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.227 ACRES, MORE OR LESS” (Conditional Use No. 2203) filed on behalf of Christopher Booth (Tax I.D. No. 433-7.00-13.01) (911 Address: 30725 Omar Road, Frankford).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HOME REMODELING AND REPAIR SERVICES, STORAGE REPAIR AND MAINTENANCE, LIGHT BUILDING MATERIAL AND STORAGE, AND GENERAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.93 ACRES, MORE OR LESS” (Conditional Use No. 2204) filed on behalf of Quality Care Homes c/o Kenneth Dominic Alton Drummond (Tax I.D. No. 234-5.00-46.04 (portion of) (911 Address: 20366 Hopkins Road, Lewes).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 16.1 ACRES, MORE OR LESS” (Change of Zone No. 1900) filed on behalf of Michael P. Justice, Trustee (Tax I.D. No. 134-16.00-51.00) (911 Address: Not Available).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A CR-1 COMMERCIAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 15 ACRES, MORE OR LESS” (Change of Zone No. 1902) filed on behalf of John C. Stamato c/o Ribera Development, LLC (Tax I.D. No. 135-16.00-23.00 (portion of) (911 Address: Not Available).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF

Introduction of Proposed Ordinances (continued) **SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 17.25 ACRES, MORE OR LESS” (Change Of Zone No. 1903) filed on behalf of W. Wayne Baker (Tax I.D. No. 133-6.00-43.00) (911 Address: Not Available).**

Council Members’ Comments **Council Members’ Comments**

Mr. Rieley commented that this is Constitution Day and that a reading of the Constitution is scheduled on The Circle in Georgetown at 4:00 p.m.

M 464 19 Go Into Executive Session **At 11:18 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending litigation and personnel.**

Motion Adopted: 5 Yeas.

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

Executive Session **At 11:22 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending litigation and personnel. The Executive Session concluded at 12:24 p.m.**

M 465 19 Reconvene Regular Session **At 12:26 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

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

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

M 466 19 Recess **At 12:26 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to recess until 1:30 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 467 19 **At 1:33 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson,**
Reconvene **to reconvene.**

Motion Adopted: 5 Yeas.

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

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

Legal **Mr. Moore stated that he has a potential conflict with the first Public**
Counsel **Hearing (Conditional Use No. 2182) and that Vince Robertson, Assistant**
 County Attorney, would take his place for this hearing.

Mr. Moore left the meeting.

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
CU 2182 **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL**
 AUTOMOTIVE REPAIR AND DEALER TO BE LOCATED ON A
 CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN
 HUNDRED, SUSSEX COUNTY, CONTAINING 2.87 ACRES, MORE OR
 LESS” (Conditional Use No. 2182) filed on behalf of Samuel G. Thomas
 (Tax I.D. No. 135-20.00-159.01) (911 Address: 23371 Springfield Road,
 Georgetown).

The Planning and Zoning Commission held a Public Hearing on this
application on August 8, 2019 at which time action was deferred. On
August 22, 2019, the Commission recommended approval with the following
conditions:

- A. The use shall be limited to the repair of cars that the Applicant intends to sell and the sales of those cars. There shall be no more than four (4) cars for sale or under repair on the property at any time.**
- B. One unlighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- D. Any dumpsters shall be located behind the garage and they shall be screened from view of neighbors. The dumpster location shall be shown on the Final Site Plan.**
- E. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
- F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- G. There shall not be any parking in the front yard setback.**
- H. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles shall only be parked within these**

**Public
Hearing/
CU 2182
(continued)**

designated areas.

- I. As stated by the Applicant, the property shall retain its residential appearance.**
- J. All oils and other fluids shall be properly stored indoors in appropriate containers. The Applicant shall also comply with all State and Federal requirements for the disposal of these fluids.**
- K. The site shall be subject to all DelDOT entrance and roadway requirements.**
- L. The hours of operation shall be 9:00 a.m. through 7:00 p.m., Monday through Friday, and 9:00 a.m. until Noon on Saturdays. There shall not be any Sunday hours.**
- M. Any violation of these conditions may be grounds for termination of this Conditional Use.**
- N. 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 August 8 and 22, 2019.)

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

The Council found that Samuel Thomas was present on behalf of his application. He stated that he purchases imported cars from Japan; that he only purchases six to ten cars per year to restore; that once the cars are restored, they are sold online or at auctions; that it is a very specific market; that he does not have a dealer lot; that he operates out of a 864 sq. ft. shop; that he does not have any employees; and that he does not need a 32 sq. ft. sign, only a smaller sign on his building.

There were no public comments.

The Public Hearing and public record were closed.

**M 468 19
Amend
Condition**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to amend Condition B to read as follows: "One unlighted sign, not to exceed 16 square feet per side, shall be permitted."

Motion Adopted: 4 Yeas, 1 Nay.

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

**M 469 19
Adopt
Ordinance
No. 2679/
CU 2182**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to Adopt Ordinance No. 2679 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL AUTOMOTIVE REPAIR AND DEALER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX

**M 469 19
Adopt
Ordinance
No. 2679/
CU 2182
(continued)**

COUNTY, CONTAINING 2.87 ACRES, MORE OR LESS” (Conditional Use No. 2182) filed on behalf of Samuel G. Thomas, with the following conditions:

- A. The use shall be limited to the repair of cars that the Applicant intends to sell and the sales of those cars. There shall be no more than four (4) cars for sale or under repair on the property at any time.**
- B. One unlighted sign, not to exceed 16 square feet per side, shall be permitted.**
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- D. Any dumpsters shall be located behind the garage and they shall be screened from view of neighbors. The dumpster location shall be shown on the Final Site Plan.**
- E. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
- F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- G. There shall not be any parking in the front yard setback.**
- H. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles shall only be parked within these designated areas.**
- I. As stated by the Applicant, the property shall retain its residential appearance.**
- J. All oils and other fluids shall be properly stored indoors in appropriate containers. The Applicant shall also comply with all State and Federal requirements for the disposal of these fluids.**
- K. The site shall be subject to all DeDOT entrance and roadway requirements.**
- L. The hours of operation shall be 9:00 a.m. through 7:00 p.m., Monday through Friday, and 9:00 a.m. until Noon on Saturdays. There shall not be any Sunday hours.**
- M. Any violation of these conditions may be grounds for termination of this Conditional Use.**
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Legal
Counsel**

Mr. Moore rejoined the meeting.

Mr. Robertson left the meeting.

**Public
Hearing/
CZ 1889
(continued)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.771 ACRES, MORE OR LESS” (Change of Zone No. 1889) filed on behalf of Air Fish Automotive (Tax I.D. No. 332-1.00-72.00 (portion of) (911 Address: 11125 National Boulevard, Laurel).

The Planning and Zoning Commission held a Public Hearing on this application on August 8, 2019 at which time action was deferred. On August 22, 2019, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated August 8 and 22, 2019.)

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

The Council found that Tim Willard, Attorney, was present with the Applicants, Brent James and William James. Mr. Willard provided a history of the property and advised that the Applicants are seeking a change of zone for approximately 5 acres of the front portion of the property; that the Applicants operate Air Fish Automotive; that they mainly work on diesels on trucks; that they have improved the building on the property; that the property is across the highway from a large Commercial CR-1 property and an Industrial HI-1 property; that C3 zoning allows for automotive related services; and that the Change of Zone is consistent with the Comprehensive Plan and the Zoning Code.

There were no public comments.

The Public Hearing and public record were closed.

**M 470 19
Adopt
Ordinance
No. 2680/
CZ 1889**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to Adopt Ordinance No. 2680 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.771 ACRES, MORE OR LESS” (Change of Zone No. 1889) filed on behalf of Air Fish Automotive.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU 2176**

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 CONVENIENCE STORE WITH FUELING STATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS” (Conditional Use No. 2176) filed on behalf of KH Sussex, LLC (Tax I.D. No. 234-11.00-56.02 (portion of), 56.03, 56.06, and 56.09) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on August 8, 2019 at which time action was deferred. On August 22, 2019, the Commission recommended approval with the following conditions:

- A. The Applicant shall comply with all entrance, intersection and roadway improvements, required by DelDOT.**
- B. Fuel and petroleum products shall be stored and dispensed as required by the all State and Federal requirements.**
- C. All security lighting shall be fully shielded so that it does not shine on neighboring properties or roadways.**
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- E. The Developer shall comply with all stormwater management requirements and the Final Site Plan shall contain the approval of the Sussex Conservation District.**
- F. The site may have the signage permitted in the C-3 District.**
- G. The site shall be developed in conjunction with the DelDOT improvements to the Route 24 and Angola Road intersection. The use shall not be open to the public until those intersection improvements have been substantially completed.**
- H. 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 August 8 and 22, 2019.)

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

Ms. Cornwell reported that 13 letters/emails were received in support of the application; that 135 letters/emails were received in opposition to the application; and that a petition in opposition to the application has been made a part of the record.

Ms. Cornwell noted that an updated letter from DelDOT in regards to the Traffic Impact Study has been received. Copies of the letter were distributed to Council members. Ms. Cornwell noted that representatives of DelDOT were in attendance.

**Public
Hearing/
CU 2176
(continued)**

The Council found that Dennis Schrader, Attorney, was present with Kirk Salvo, Principal of KH Sussex, LLC; Chris Dukes and Mike Riemann with Becker Morgan Group, and Jim Barringer, project coordinator with the potential 7 Eleven developer of this site.

Mr. Schrader stated that this application previously came before Council as a Change of Zone application and as a result of the vote that took place, the application was denied and it was recommended that the Applicant come back with a Conditional Use. Mr. Schrader referenced procedural issues they encountered due to the implementation of the new Comprehensive Plan and the new commercial zoning ordinance.

Mr. Schrader reported that the purpose of this application is to allow for a 24-hour 7 Eleven convenience store with fueling stations; that the current zoning of the property is AR-1 Agricultural Single-Family District but it is subject to a number of Conditional Uses; that there is currently a marine storage and services business on the site as well as construction services, and grass mowing and power washing businesses; that the site is located in the Coastal Growth Area according to the 2018 Comprehensive Plan where commercial and convenience uses are appropriate; that the site is located in Investment Level 3 according to the Strategies for State Policies and Spending; that the project will be served by Tidewater Utilities; that wastewater service will be provided by Sussex County; and that there are no delineated wetlands on the site.

Mr. Riemann clarified what parcels are included in the application; reviewed a conceptual site plan, and reviewed the reasons that the site was selected. Mr. Riemann discussed proposed stormwater management, the topography of the site, landscaping and screening, non-disturbance of the wetlands, and noted that the property is not located in a wellhead protection zone, will provide dedicated frontage to DelDOT, and will provide a multi-use easement on both roadways,

Mr. Riemann provided a traffic summary which included the Traffic Impact Study (TIS) which analyzed the impacts the proposed project would have on Route 24 and Angola Road, and DelDOT's improvement plan for the intersection of Route 24 and Angola Road.

Mr. Barringer discussed the proposed fuel facilities and how they will be built with secondary confinement for safety purposes; safety measures will include spill kits, emergency shut-offs and alarms. He discussed the monitoring of the facilities and compliance with State requirements.

Mr. Dukes discussed the scoping meeting with DelDOT, the traffic study including peak traffic and traffic volumes, intersection improvements, a proposed concrete median in the middle of Route 24; and DelDOT's proposed improvements which will coincide with the development of this project, if approved. Mr. Dukes stated that they have submitted a Preliminary TIS to DelDOT.

**Public
Hearing/
CU 2176
(continued)**

Mr. Riemann referenced the follow-up letter issued by DelDOT regarding the inclusion of specific developments as an amendment to the Traffic Impact Study. He noted that their original study included several committed developments that will add traffic to the network by 2022; but for many, the buildout horizon extends years beyond 2022. He stated that it is their understanding that when this project is complete, the delay at the intersection of Route 24, Angola Road, and Robinsonville Road will be similar to what was originally reported and the recommendations consistent with the original letter dated July 25, 2019.

Mr. Salvo commented on the selection of the property for this proposed project.

Mr. Schrader concluded by stating that the application complies with the Zoning Code. Mr. Schrader referenced and commented on concerns previously expressed by the opposition at the Planning and Zoning Commission, i.e. traffic, stormwater management and run-off into creeks and wetlands, underground storage tanks leaking and resulting contamination, and the lack of a need for the project. Mr. Schrader reminded Council that this application is about land use and that the opposition has generalized concerns which they should support with specific evidence about the threat to the area by the project.

Mark Coté with DelDOT's Division of Planning was in attendance with other representatives of DelDOT to respond to questions raised by Council. Council members and Mr. Coté discussed developments not included when the transportation study was done, additional needed improvements beyond DelDOT's planned safety improvement project at the intersection, the long-term assessment if all the proposed developments come to fruition, modifications that will be necessary at the intersection, four lanes on Route 24 which addresses the whole corridor, more specifically than just this intersection, DelDOT's determination that the improvements slated for this intersection will be sufficient even considering the developments omitted from the study, the proposed improvements to the intersection for capacity and safety reasons, improvements taking place regardless whether or not the proposed project is approved, the distance between the intersection and the entrance to the project on Route 24, the right-in and right-out onto Route 24 limiting the ability to go west on Route 24, the length of roadway that will be improved on Angola Road, and concern about the resident that lives on Route 24 who will be impacted by the proposed concrete median.

Public comments were heard.

Lee Thompson spoke in support of the application. He stated that his reasons of support are due to the convenience it will provide to area residents; that DelDOT's proposed improvements will be a benefit to the area; and that it is a popular area that is growing, like it or not.

**Public
Hearing/
CU 2176
(continued)**

The following people spoke in opposition to the application: Rich Borasso (representing Sussex Alliance for Responsible Growth - SARG), Michael Dorsey, Gail Quenneville, Barbara Wittin, Dennis Quenneville, Jens Wegscheider, Sharon Downs, Steve Abdalla, Robert Frost, Jerry Sideman, Peter Treiber, Richard Downes, Ivy Benson (read a letter into the record from another resident, Judith Kane), Rosemary Mirocco, Marcia Williams, Mike Donohue, Gretchen Klein, Richard Raynic, Eul Lee, and Jim Rodgers. They stated that a large number of people oppose the application; that the proposed project in this residential area is not an appropriate location; that it may be a convenience to the area but it would come at a cost; that drinking water would be negatively impacted; that an application proposing gas tanks should not be a Conditional Use as it cannot be retrofitted if the business fails; that there has been no needs assessment; that there will be contamination from the gasoline; that runoff needs to be addressed as the application site is right on top of an aquifer; that there is no public need as there are many gas stations and convenience stores in the area; that the proposed use is not essential and it is very risky; that no other gas stations have been approved on a Conditional Use basis; that other uses would be more appropriate; that there would be chaos on the roads during the two-year construction phase; that all the details of the project and road improvements need to be worked out; that there is already too much traffic in the area and the proposed Beebe Surgery Center will add more; that the proposed concrete barrier on Route 24 will result in drivers making illegal U-turns, which will be dangerous; that the 7 Eleven store will operate 24 hours a day; that there are crime issues that accompany this type of business especially in a residential area; that first responders will have a difficult time responding; that there will be increased accidents; that part of the application site overlaps the wellhead protection area; that the proposed project will devalue other commercial properties and will devalue the AR protection zone; that there will be increased noise in the area from vendor trucks, fuel trucks, etc., that the diesel fueling area will be in the back of the site and they question who will monitor that; that there are many safety concerns; that there could be massive fuel spills and the shut-offs may not always work; that fuel spills will result in environmental pollution; that the proposed project will make any improvements to the intersection obsolete; that there has been no wetland delineation and the wetlands need to be protected; that an environmental impact study is needed; that there are approximately 600 homes approved for construction along Angola Road that have not been built yet; that school bus transportation is a concern; that the entrance/exit to the project site is pushed towards Sarah Run; and that the proposed placement of the diesel pump is near the wetlands. Two similar cases (one in Kent County and one in New Castle County) were referenced.

Rich Borasso (representing SARG) commented on the learnings resulting from the 2017 Henlopen TID Study and how those learnings can be applied to the public hearing on this application. Mr. Borasso submitted information on the Study into the record. Mr. Borasso also referenced the County's 1988 MOU with DelDOT, stating that it needs to be "dusted off".

**Public
Hearing
(continued)**

There were no additional public comments.

The Public Hearing was closed.

**M 471 19
Defer
Action on
CU 2176**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to defer action on Conditional Use No. 2176 filed on behalf of KH Sussex, LLC and to leave the record open for 15 days for any Council member to ask questions of State agencies or staff; thereafter, the record will remain open for a period of 30 days for the purpose of receiving responses to those questions; once responses have been received, the Planning and Zoning Director will report to Council on the responses received and the responses will be made available to the Council members and to the public; thereafter, for a period of 5 days, the record will remain open for the public and the Applicant to comment in writing on the responses received; thereafter, the Planning and Zoning Director will report to the Council on those responses received and the record will be closed.

Motion Adopted: 5 Yeas.

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

**M 472 19
Adjourn**

At 4:45 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 20, 2019

RE: County Council Old Business Report CZ 1882 Nassau DE Acquisitions Co., LLC

The County Council held a public hearing on July 23, 2019. County Council deferred action and left the record open for 15 days for written questions from Council to staff and agencies. County Council held a public hearing on September 17, 2019 to reopen the public hearing for the receipt of the responses to the questions asked and to allow the public and applicant to provide written comments regarding the questions and answers until Monday September 23, 2019 at 4:30 pm. The questions and their responses were provided to the public and Council at their meeting on September 17, 2019 after the record was reopened.

On Tuesday I will provide Council with the comments that are submitted.



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

FROM: Hans Medlarz, County Engineer

RE: *Sussex County Code Chapter 95,
Proposed Messick Development Streetlighting District
A. Resolution to Establish Messick Development Streetlighting District*

DATE: September 24, 2019

During October of 2018, the Engineering Department circulated petitions to the owners of improved properties within the boundaries of the then proposed Messick Development Streetlighting District after receiving a letter from the Messick Development Community Association requesting formation of a streetlighting district.

County Code requires the Department to estimate the costs and assessments for the requested street lighting service. After consultation with the Delaware Electric Cooperative, the Department estimated an assessment rate of \$65 - \$70 per year, per assessable property covering the maintenance and operation of the streetlights, as well as County administrative costs to oversee the program.

After the polling was concluded, the Engineering Department had received petitions from forty-six percent (46%) of the residentially improved properties within the Messick Development in favor of establishing a Sussex County Street Lighting District and on April 2, 2019, County Council authorized the Department to proceed with the official public hearing.

The public hearing was publicly advertised and noted as per County Code and on Monday, May 13, 2019, at 6:00 p.m. the Engineering Department conducted said hearing at the Coverdale Community Center located at 11575 Fisher Circle in Bridgeville, Delaware. Thirty-two residents were in attendance. All people giving official testimony spoke in favor of creation of a Messick Development streetlighting district. Based on the statements made at the public hearing, County Council adopted Resolution No. R 016 19 on July 23, 2019, establishing the date and place of an election for the proposed Messick Development Street Lighting District with an estimated rate of \$68.50 per year, per assessable property.



The Messick Development Chapter 95 Streetlighting District election was held on September 9, 2019, after notices of the election were posted within the community and a notice of the election was mailed to all property owners within the proposed district boundaries, as required by Chapter 95 of the Sussex County Code.

The certified election results show, out of an approximate total of 75 eligible votes within the proposed district boundaries, sixteen (16) total votes were cast reflecting 16 Yes votes and 0 No votes.

Based on the affirmative results of the election, and in accordance with Chapter 95 of the Sussex County Code, the Engineering Department requests Council's approval of the Resolution establishing the Messick Development Streetlighting District with boundaries being as shown on Exhibit A containing Tax Map 430-23.00 with Parcel Numbers listed on Exhibit B; and allowing the County Engineer to engage the Delaware Electric Cooperative with the installation of streetlights and wooden poles, and to authorize the Finance Director to send an annual billing to the owners of all assessable properties within the boundaries.

PROPOSED MESSICK DEVELOPMENT STREETLIGHTING DISTRICT

REFERENDUM RESULTS

BALLOT BOX.

Number voting FOR the Streetlighting District

16

Number voting AGAINST the Streetlighting District

0

ABSENTEE BALLOTS

Number voting FOR the Streetlighting District (Absentee Ballots)

0

Number voting AGAINST the Streetlighting District (Absentee Ballots)

0

GRAND TOTAL

Number voting FOR the Streetlighting District

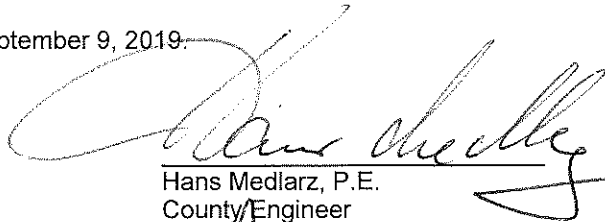
16

Number voting AGAINST the Streetlighting District

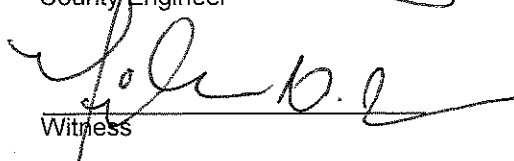
0

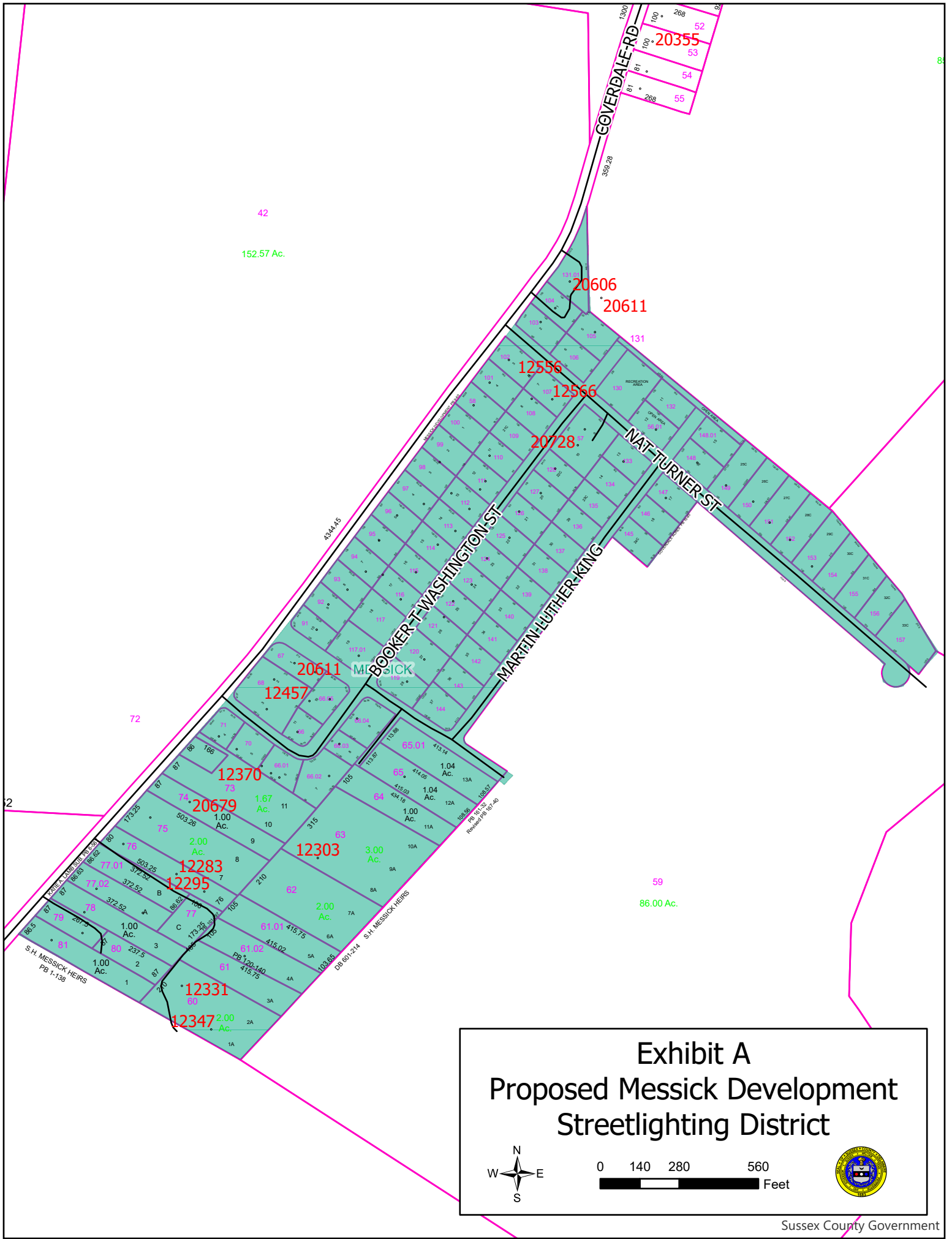
I hereby certify that the above numbers indicate the results of all ballots cast for the Messick Development Streetlighting District

Streetlighting District Referendum held on September 9, 2019.


Hans Medlarz, P.E.
County Engineer


Witness


Witness



42
152.57 Ac.

72

59
86.00 Ac.

Exhibit A
Proposed Messick Development
Streetlighting District

0 140 280 560
Feet

EXHIBIT B
MESSICK DEVELOPMENT STREETLIGHTING DISTRICT
TAX PARCEL LISTING
9-24-2019

430-23.00-56.01	430-23.00-107.00
430-23.00-57.00	430-23.00-108.00
430-23.00-58.00	430-23.00-109.00
430-23.00-60.00	430-23.00-110.00
430-23.00-61.00	430-23.00-111.00
430-23.00-61.01	430-23.00-112.00
430-23.00-61.02	430-23.00-113.00
430-23.00-62.00	430-23.00-114.00
430-23.00-63.00	430-23.00-115.00
430-23.00-63.00-14094	430-23.00-116.00
430-23.00-64.00	430-23.00-117.00
430-23.00-65.00	430-23.00-117.01
430-23.00-65.01	430-23.00-119.00
430-23.00-66.00	430-23.00-120.00
430-23.00-66.01	430-23.00-121.00
430-23.00-66.02	430-23.00-122.00
430-23.00-66.03	430-23.00-123.00
430-23.00-66.04	430-23.00-124.00
430-23.00-66.04-43262	430-23.00-124.00-47288
430-23.00-66.05	430-23.00-125.00
430-23.00-67.00	430-23.00-126.00
430-23.00-68.00	430-23.00-127.00
430-23.00-70.00	430-23.00-128.00
430-23.00-70.00-51395	430-23.00-128.00-51685
430-23.00-71.00	430-23.00-130.00
430-23.00-72.00	430-23.00-131.00
430-23.00-73.00	430-23.00-131.01
430-23.00-74.00	430-23.00-133.00
430-23.00-75.00	430-23.00-133.00-54386
430-23.00-76.00	430-23.00-134.00
430-23.00-77.00	430-23.00-135.00
430-23.00-77.01	430-23.00-136.00
430-23.00-77.02	430-23.00-137.00
430-23.00-78.00	430-23.00-138.00
430-23.00-79.00	430-23.00-139.00
430-23.00-80.00	430-23.00-140.00
430-23.00-80.00-52796	430-23.00-141.00
430-23.00-81.00	430-23.00-142.00
430-23.00-91.00	430-23.00-143.00
430-23.00-92.00	430-23.00-144.00
430-23.00-93.00	430-23.00-145.00
430-23.00-94.00	430-23.00-146.00
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430-23.00-95.00	430-23.00-148.00
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430-23.00-97.00	430-23.00-149.00
430-23.00-98.00	430-23.00-150.00
430-23.00-99.00	430-23.00-151.00
430-23.00-100.00	430-23.00-152.00
430-23.00-101.00	430-23.00-152.00-47098
430-23.00-102.00	430-23.00-153.00
430-23.00-103.00	430-23.00-154.00
430-23.00-104.00	430-23.00-155.00
430-23.00-105.00	430-23.00-156.00
430-23.00-106.00	430-23.00-157.00

RESOLUTION NO. R _____

**A RESOLUTION ESTABLISHING THE
MESSICK DEVELOPMENT STREETLIGHTING DISTRICT**

WHEREAS, Chapter 95 of the Sussex County Code provides for the establishment, maintenance, and modification of a Streetlighting District; and

WHEREAS, on April 2, 2019, the Engineering Department reported to County Council that petitions from forty-six (46) percent of residentially improved properties within the Messick Development in favor of creation of a streetlighting district were received.

WHEREAS, on Monday, May 13, 2019 at 6:00 p.m. the Engineering Department conducted the hearing at the Coverdale Community Center, 11575 Fisher Circle, Bridgeville, DE 19933.

WHEREAS, the attached election results certify that the Messick Development Proposed Streetlighting District was approved by a majority vote in an election held on Monday, September 9, 2019; and

WHEREAS, Sussex County Code, Chapter 95, requires the County Council to issue a determination establishing the District in the form of a Resolution.

NOW THEREFORE,

BE IT RESOLVED that the Sussex County Council hereby determines the eligible voters of the Messick Development Proposed Streetlighting District have approved the creation of said District for the properties as shown on Exhibits A & B.

BE IT FURTHER RESOLVED that the Messick Development Streetlighting District is hereby declared to be validly constituted under the provisions of Sussex County Code, Chapter 95; and that the Director of Finance is authorized and directed to bill the owners of all assessable structures within the said District in accordance with Sussex County Code, Chapter 95.

September 18, 2019

Honorable Councilman Michael Vincent
Sussex County Council President
2 The Circle
Georgetown, DE 19947

RE: Unified Sewer District – Seaford Interceptor Replacement

Dear Mike,

On behalf of the City of Seaford, please accept this letter as a request to consider the acceleration of replacing selected portions of the interceptor sewer along the water front, as identified in the engineering report for the Wester Sussex Sewer District.

Please contact me should you need any additional information.

Thanks in advance for your consideration of this request.

Sincerely,
THE CITY OF SEAFORD


Charles Anderson
City Manager

Cc: David Genshaw, Mayor
Hans Medlarz, County Engineer
Berley Mears, Director of Public Works



SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION

chk. payable to: IRHS

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Indian River High School Mock Trial
 PROJECT NAME: 2020 Delaware High School Mock Trial Competition
 FEDERAL TAX ID: 51-6000279 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: To provide extracurricular education about law and justice to high school students in the state of Dealware. Mock Trial gives high school students a glimpse of the legal field and teaches valuable skills of reading, writing, speaking, and critical thinking along the way.

ADDRESS: 29772 Armory Road
Dagsboro Delaware 19939
(CITY) (STATE) (ZIP)

CONTACT PERSON: Aidan Leddy
 TITLE: Teacher
 PHONE: 3027321500 EMAIL: aidan.leddy@irsd.k12.de.us

TOTAL FUNDING REQUEST: \$1,000

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

If YES, how much was received in the last 12 months? \$1,000

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 80%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

25

SECTION 3: PROGRAM SCOPE

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

Mock Trial is a program open to any student at Indian River High School. Throughout its season, which runs from October to February, the students learn about legal standards, courtroom procedures, case law, and presentation strategies from both IRHS faculty and a local attorney, Stephen Norman. The mock trial case, a 90 page document complete with stipulations, statutes, witness statements, and evidence exhibits, is released in November. Once the students have read the case and we have debriefed as a group, roles are auditioned for. 3 students become defense attorneys, 3 become prosecuting (or plaintiff) attorneys, 3 become defense witnesses, and 3 become state (or plaintiff) witnesses. Other students take alternate positions, and still others join the club simply to learn about the legal field and not commit to the rigorous practice schedule. Funding for this group is essential, as it allows us to compete in Wilmington with the rest of Delaware's high schools. Because of our location, we have to pay for lodging, vans, and substitutes for the two teachers that advise the club. There is also a \$250.00 registration fee, which will take our current savings to right around \$200. Last year, we spent over \$800 for all the accommodations listed above. Indian River is a Title I School, meaning many of our students come from underserved communities. In years past, I had to charge a registration fee for each student, which caused many capable and interested students to decline. Last year, this was unnecessary, thanks to your generous grant. Mock Trial is a great introduction to the legal field for students interested, and for those not, it functions as practice for public speaking, critical thinking, and professionalism. Mock Trial also provides a safe and productive space for students to meet other motivated peers.

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

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

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

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

n/a

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Substitute Pay	\$ 180.00
Van Fuel	\$ 80.00
Lodging	\$ 700.00
Registration	\$ 250.00
TOTAL EXPENDITURES	\$ 1,210.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 1,210.00

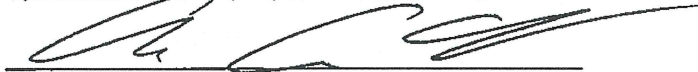
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the IRHS Mock Trial agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official Signature

09/12/19

Date



Witness Signature

09/12/19

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

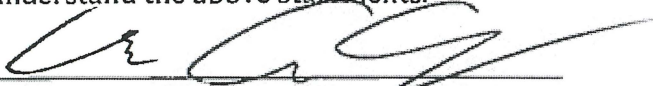
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

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

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

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



Applicant/Authorized Official Signature



Witness Signature

Mr. _____
Title
09/12/2019
Date

Rieley
9-12-19

To Be Introduced 09/24/19

Council District No. 2 – Wilson

Tax I.D. No. 230-6.00-1.02

911 Address: 8870 Railroad Avenue, Lincoln

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO-MOTORCYCLE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.8711 ACRES, MORE OR LESS

WHEREAS, on the 10th day of September 2019, a conditional use application, denominated Conditional Use No. 2205, was filed on behalf of Frank Passwaters; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2205 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2205 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the southwest side of Railroad Avenue and Greely Avenue, and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 1.8711 acres, more or less.

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

To Be Introduced 09/24/19

Council District No. 4 – Hudson

Tax I.D. No. 134-12.00-74.00

911 Address: 31434 Railway Road, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (198 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 48.36 ACRES, MORE OR LESS

WHEREAS, on the 17th day of September 2019, a conditional use application, denominated Conditional Use No. 2206, was filed on behalf of Linder & Company, Inc. (Evans Farm); and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2206 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2206 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast corner of Old Mill Road and Railway Road, also being on the south side of Railway Road approximately 696 feet northeast of Old Mill Road, and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 48.36 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.

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 20, 2019

RE: County Council Report for CU 2183 Brent & Lisa Hershey

The Planning and Zoning Department received an application (CU 2183 Brent & Lisa Hershey) for a Conditional Use for parcel 235-15.00-26.07 to allow for a storage facility with outdoor storage to be located at 14374 Clyde's Dr. The Planning and Zoning Commission held a public hearing on August 22, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a Site Plan, staff analysis, comments from the Sussex Conservation District, and the result from the DelDOT Service Level Evaluation request confirming that a Traffic Impact Study ("TIS") was not required.

That the Commission found that Mr. Brent Hershey was present on behalf of his application; that Mr. Hershey stated the property is an operating pig production farm and there are two buildings on the property that are in disrepair; that he is considering repairing the buildings; that one of the buildings is not in use at this current time; that the other building is a collapsed old dairy barn; that he is considering putting the buildings back in their original state, not improving the footprint, but adding some overhead doors; that the proposed application is to allow passive storage inside the barns; that he believed that there was an error in the legal advertisement for the application as he is not asking for any outdoor storage; that the proposed application is for indoor storage only; that Mr. Wheatley asked if the application would need to be re-advertised; which Mr. Robertson replied that it would not because this is less than what was advertised; that the Planning and Zoning Commission could also impose a condition requiring that there be no outdoor storage; that Mr. Hershey stated that he did have a discussion with the farmers of the preserved property; that he had explained the proposed use of the buildings to Mr. Dennison and that Mr. Dennison would like to see a Building Permit application once it is applied for; that Chairman Wheatley asked if he had a chance to look into Agricultural Preservation District requirements and whether the Applicant is permitted to apply for a Conditional Use in an Agricultural Preservation District; Mr. Robertson stated he had concerns



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

because Agricultural Preservation District requirements do not typically allow for storage of third party items, businesses or commercial use; that the Applicant can store farm equipment as long as it is associated with the farm; that Mr. Robertson understands why the Foundation would want to see the Building Permit and if the Conditional Use is granted it may be in violation of the Agricultural Preservation District requirements; and that the Planning and Zoning Commission should consider holding the record open to obtain confirmation from the Delaware Agricultural Preservation Foundation.

Ms. Stevenson asked the Applicant if he only wanted to use two of the buildings for storage; which Mr. Hershey replied yes; that Ms. Stevenson asked if the rest of the buildings would remain an active hog farm; which Mr. Hershey replied yes; Ms. Stevenson asked if someone would be living on-site; which Mr. Hershey replied yes; that Mr. Hershey also confirmed that there is a trailer on the site and he is currently in the process of building a dwelling; that once the dwelling is completed, the trailer would be removed; that the trailer needs to be removed as part of the Farm Preservation guidelines; that Ms. Stevenson asked how the storage would work; which Mr. Hershey stated there would be three units in the building on the right and there would be three or four doors in the barn; that there would be indoor storage for large vehicles; that people would be able to come and obtain the vehicles; that it could possibly be used for contractor storage or for agricultural use; that he would use part of the storage area for personal use; Ms. Stevenson asked if there would be 24-hour access to the site; which Mr. Hershey replied no; that the hours would be during the day; that there would be a porta potty and a dumpster provided on-site; that Ms. Stevenson asked what hours of operation are being requested; which Mr. Hershey stated the hours of operation are from 7:00 am to 8:00 pm; that Chairman Wheatley stated the reason for asking for specific hours of operation is because with a Conditional Use, the Planning and Zoning Commission has the ability to limit the use to specific hours of operation; that Mr. Hershey then stated he would request the hours of operation be from 6:00 am to 9:00 pm; that there would be no living facilities in the buildings; that there would be no outdoor storage; that it would not be a place for congregation; that there would be no fuel stored within or outside the two buildings; that Ms. Stevenson asked if the Conditional Use was just for the two areas and that the Planning and Zoning Commission could just limit the condition to the two buildings; which Mr. Hershey replied yes; that Ms. Stevenson stated that if he wanted to have storage in the other buildings, he would have to apply for another Conditional Use; that Mr. Hershey stated he understood the process; that it is a 1,500 sow farm and a birthing farm; that Ms. Stevenson asked if he would like a sign; and which Mr. Hershey replied a sign was not being requested.

Ms. Cornwell asked if the operating hours would be Sunday through Saturday; which Mr. Hershey stated yes, it would be open all seven days of the week.

Mr. Robertson asked what the total number of units would be; which Mr. Hershey stated there would be four units with four doors.

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

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

Mr. Robertson stated the Planning and Zoning Commission should leave the record open for verification from the Delaware Agricultural Preservation Foundation if the use sought is permitted.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to leave the record open for clarification as to whether the use is permitted in the Agricultural Preservation District. Motion carried 5-0.

The Planning Commission has not made a recommendation regarding the application at this time.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Jennifer Norwood

CC: Vince Robertson, Assistant County Attorney and applicant

Date: August 8, 2019

RE: Staff Analysis for CU 2183 Brent and Lisa Hershey

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2183 Brent and Lisa Hershey to be reviewed during the August 22, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be permitted during the public hearing.

The request is for a Conditional Use for parcel 235-15.00-26.07 to grant a Conditional Use of land in a AR-1 Agricultural Residential Zoning District for a storage facility with outdoor storage on the south side of Broadkill Road, approximately 0.33 mile west of Reynolds Road. The size of the property is 9.167 acres +/-.

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

The primary uses envisioned in Low-Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agri-business uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining properties are all zoned AR-1 (Agricultural Residential Zoning District). There are four parcels approximately 0.47 miles to the east that are zoned C-1 (General Commercial Zoning District) and CR-1 (Commercial Residential Zoning District).

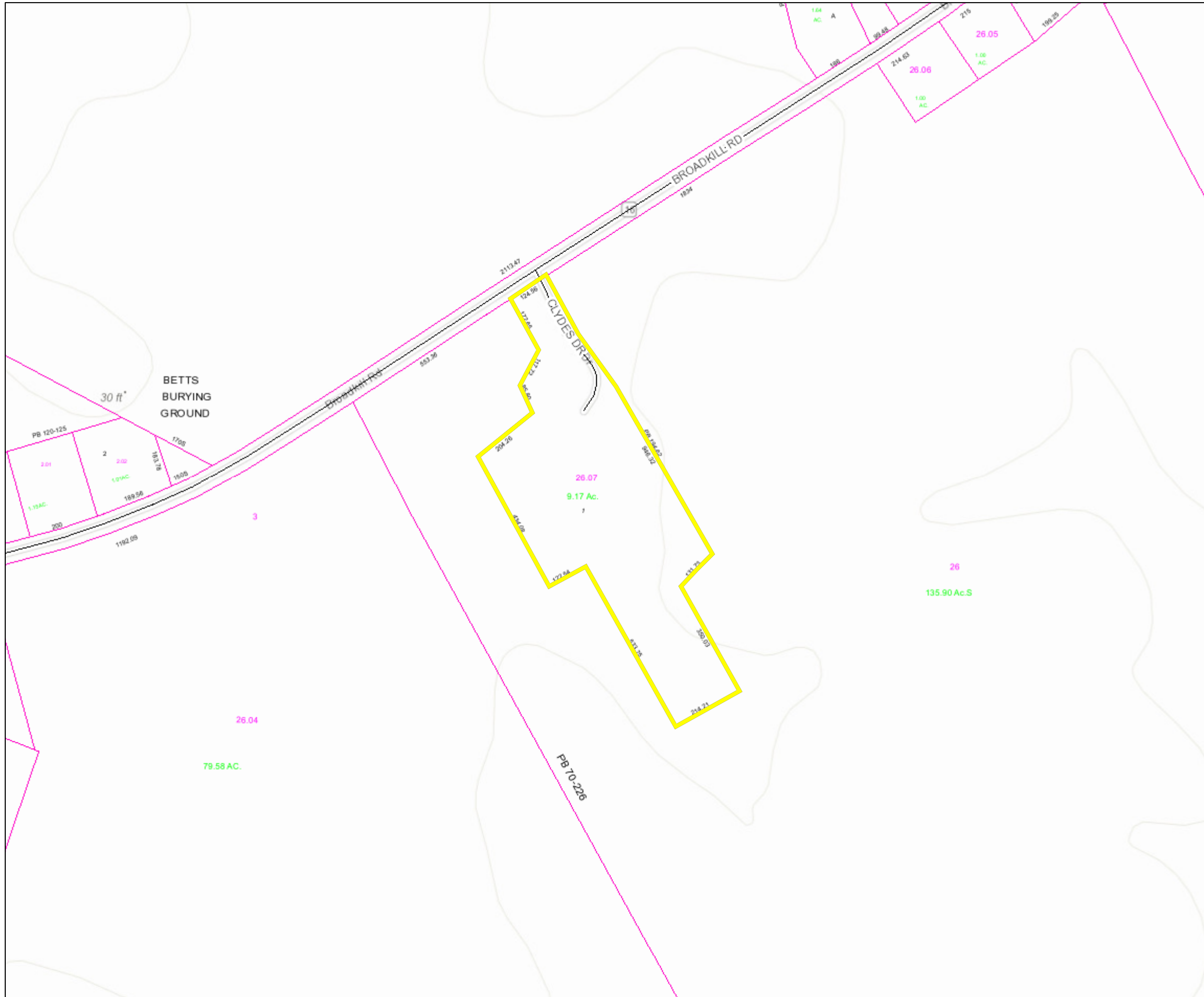


There has been one Conditional Use application within a 1-mile radius of the site. This is CU 2163 for an event venue on Tax Parcel: 235-15.00-4.01. The Conditional Use was denied on April 30, 2019.

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for a storage facility with outdoor storage, to serve nearby residents, could be considered consistent with the land use, area zoning and adjoining uses.



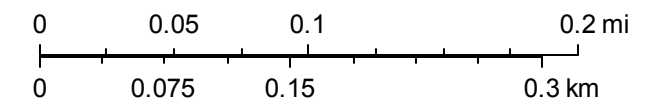
Sussex County



PIN:	235-15.00-26.07
Owner Name	HERSHEY BRENT L
Book	4551
Mailing Address	824 MUSSER RD
City	MOUNT JOY
State	PA
Description	S/RT 16
Description 2	W/RT 233
Description 3	LOT 1
Land Code	

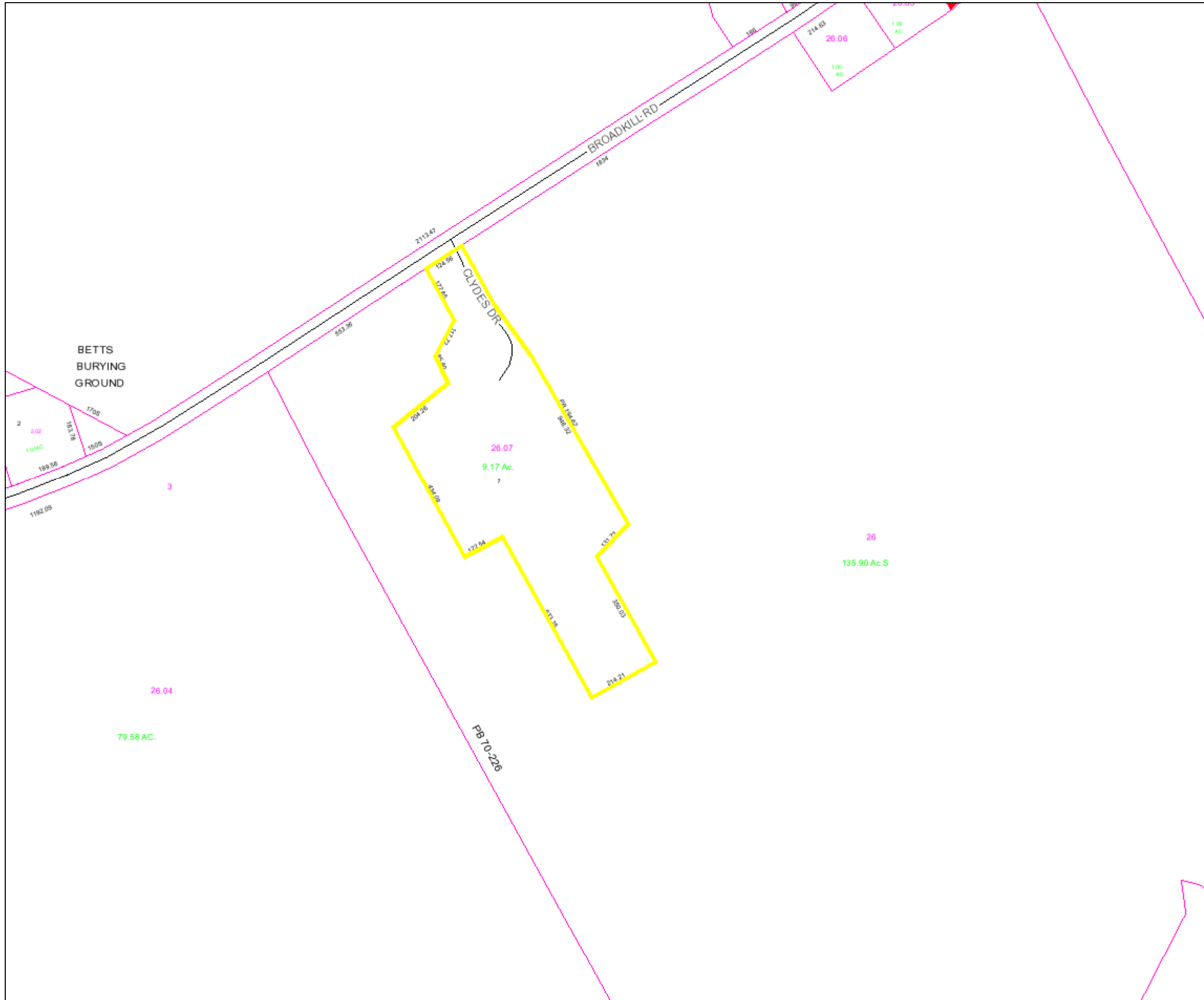
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- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

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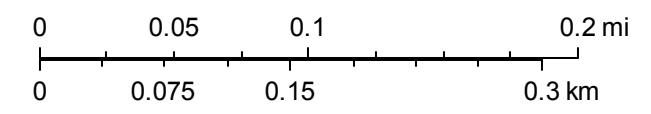
Sussex County



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State	PA
Description	S/RT 16
Description 2	W/RT 233
Description 3	LOT 1
Land Code	

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

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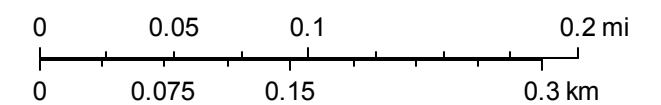
Sussex County



PIN:	235-15.00-26.07
Owner Name	HERSHEY BRENT L
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City	MOUNT JOY
State	PA
Description	S/RT 16
Description 2	W/RT 233
Description 3	LOT 1
Land Code	

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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



Introduced 05/14/19

**Council District No. 3 - Burton
Tax I.D. No. 235-15.00-26.07
911 Address: 14374 Clyde's Drive, Milton**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY WITH OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.167 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of April 2019, a conditional use application, denominated Conditional Use No. 2183, was filed on behalf of Brent & Lisa Hershey; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2183 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2183 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the south side of Broadkill Road (Route 16), approximately 0.33 mile west of Reynolds Road and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 9.167 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.

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



Sussex County
DELAWARE
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Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 20, 2019

RE: County Council Report for CU 2184 Linda Ann Yupco-Connors

The Planning and Zoning Department received an application (CU 2184 Linda Ann Yupco-Connors) for a Conditional Use for parcel 334-11.00-15.00 to allow for equipment storage to be located at 32260 Jimtown Rd. The Planning and Zoning Commission held a public hearing on August 22, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a Site Plan, staff analysis, comments from the Sussex Conservation District, and the results from the DelDOT Service Level Evaluation request confirming that a Traffic Impact Study (“TIS”) was not required.

That the Commission found that Mr. Larry Fifer, an Attorney, Ms. Linda Connors, the Applicant and Mr. Sam Connors, the Applicant’s son, and Mr. Kevin Smith, with Kercher Associates were present on behalf of the application; that Mr. Fifer stated the Applicant would like to utilize the property as a business, that there is an existing office on the site and it was previously used as a residence; that the Applicant would like to use the house as an office; that the Applicant would like to use the building that is located in the rear of the property for equipment storage; that the Applicant’s business is general contracting and snow removal; that the equipment would be taken out during the day and stored at the site during the evening; that the impact on traffic is negligible; that there would be no signage on the site; that there would be no materials stored at the site; that there are seven other business uses in the area; that some of the uses in the area are include a lawn care business, tax accounting office, transportation or roll-off business, and a daycare center; that Ms. Stevenson asked if the request of the Applicant is to be able to park the vehicles at the site and not for an office; which Mr. Fifer stated the Applicant would like to use the existing house as an office for the business; that Mr. Robertson stated that this could raise a legal notice issue; that Ms. Stevenson asked if it would be part of the same business and not renting the office separately; that Mr. Fifer stated the office would be used for the same business; that Chairman Wheatley stated the application was for equipment storage; that the



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2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Applicant presented it as including a snow removal contracting business which includes equipment storage; that he asked for clarification as to what the Applicant is requesting; that Mr. Fifer stated the Applicant is proposing the change from a previously residential use to a commercial use and therefore is a valid request for Conditional Use in this Zoning District; that Chairman Wheatley stated it was advertised for one use and it appears to be presented as something else; that Mr. Fifer stated it is for the owner to store equipment that is used for their business and it would be desirable to have an office in connection for the same business; that this is the request for the application; that Ms. Stevenson asked if the Applicant wants a sign, which Mr. Fifer said no; that Ms. Stevenson asked what hours of operation are being requested; which Mr. Fifer stated the hours of operation would be 7:00 am to 6:00 pm; that Ms. Stevenson asked if 7:00 am is when the staff would show up on the property; which Mr. Fifer replied yes; that Ms. Stevenson asked how many vehicles there would be at the site and would they be stored inside; which Mr. Connors stated there would be two to four vehicles; that one of the vehicles would be for the secretary and a couple for picking up the trucks; that there would not be any continuous traffic; that the materials would be delivered to the job site and not the application site; Ms. Stevenson asked if customers would be coming to the site; which Mr. Connors replied no; that Ms. Stevenson asked about the storage of vehicles; which Mr. Connors stated everything would be stored inside the building; that Ms. Stevenson asked how many employees would be on-site; which Mr. Connors stated there would be two to four employees; Ms. Stevenson asked if one of the employees would be in the office; which Mr. Connors stated that there would one part-time employee in the office; that Mr. Hopkins asked the Applicant if he has outgrown his current location; which Mr. Connors replied yes and that mainly the plow trucks and a mechanic truck would be stored at the site; that Mr. Hopkins asked if the Mechanic would be undertaking repairs at the site; which Mr. Connors replied no and there would be no storage of fuel on the site; that all the repairs would be sent out to be worked on; that Mr. Hopkins asked if this would be a contractor's type of use where workers would be in and out throughout the day or whether it would only be used when it is snowing; that Mr. Hopkins also asked whether the equipment would have back-up alarms; which Mr. Connors stated the vehicles do not have back-up alarms; that Mr. Hopkins asked if trucks and or skid steers are used for snow removal; which Mr. Connors stated it would only be snow plow trucks; that the Applicant did complete a Traffic Impact Study ("TIS") and it stated there would be 13 trips per day; that Mr. Hopkins asked if there were any materials stored on the site; which Mr. Connors stated the employees would only be picking up the trucks and there would be no materials stored on the site; that Mr. Smith stated the total number of calculated trips is 13 trips and a standard residential home has an average of 10 trips; that the application that was submitted had conflicting information on the Site Plan compared to the actual application; that the Service Level Evaluation ("SLER") stated it was for an office/storage and the Site Plan stated it was an existing office; that technically it is an existing residence and not an office; that the request was for equipment storage which was applied for, and for the office; Ms. Cornwell asked what days of the week would the business be operating; which Mr. Connors stated it would be Monday through Saturday with the exception of snow.

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

That the Commission found that Reverend Wendel Hall and Mr. Gerald Allen spoke in opposition to the application; that Reverend Hall stated he was raised on Jimtown Road; that he thought the application was for heavy equipment storage; that they had been upgrading the community to be like Coastal Club; that the proposed business is not keeping with what they want for the neighborhood; that he is okay with the business if it was at Mr. Connors' current property; that he had concerns with it growing into something else; that he wants the property to remain residential; that Mr. Allen stated the Connors' have been good neighbors; that he had concerns with traffic; that he would like the site

to remain a residential community; and that he supports the Connors but not the application for a conditional use.

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

Mr. Robertson referenced back to the comment about Coastal Club and the controversy regarding the installation of sidewalks and sewer within Jimtown; that there were people in favor of this because it improved Jimtown Road and the properties; that there were also people concerned about it because it changed the small rural character of Jimtown Road; that it was a small community on a country road; that the people in Jimtown had a concern with maintaining the community feel of Jimtown; that Chairman Wheatley stated that the Coastal Club is not the only thing that has impacted Jimtown; that the residents stated that they want to maintain a small community feel to the area; that he had concerns with the compact size of the lot; that Mr. Robertson stated, based on the information from the Applicant's representative and reference to equipment storage; that he had some concerns about whether the application was advertised correctly; that Chairman Wheatley stated the issue is what is being applied for; that the previous storage application was for storage with no business being operated there and no office; that it depends if this is just for storage or places he could rent out; that if he were not renting the units, he would not have to apply for a Conditional Use; that the request for this site is to operate a business; Ms. Stevenson commented that, if the Applicant was living at the site and if he wished to park his trucks in the back, that this would be a different matter; ; that Chairman Wheatley stated the Applicant had labeled the house as an office; that Ms. Wingate stated the Applicant indicated that there would be a proposed office; that Chairman Wheatley commented it is the Applicant's intention to use the house as an office.

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

The Planning Commission has not made a recommendation regarding the application at this time.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Samantha Bulkilvish, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 15, 2019
RE: Staff Analysis for CU 2184 Linda Ann Yupco-Connors

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2184 Linda Ann Yupco-Connors to be reviewed during the August 22, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 334-11.00-15.00 to allow for Equipment Storage to be located at 32260 Jimtown Rd. The size of the property is 0.91 ac. +/-.

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

The surrounding land use to the north, south, east and west, are Coastal Area. The Coastal Area land use designation recognizes that “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.”

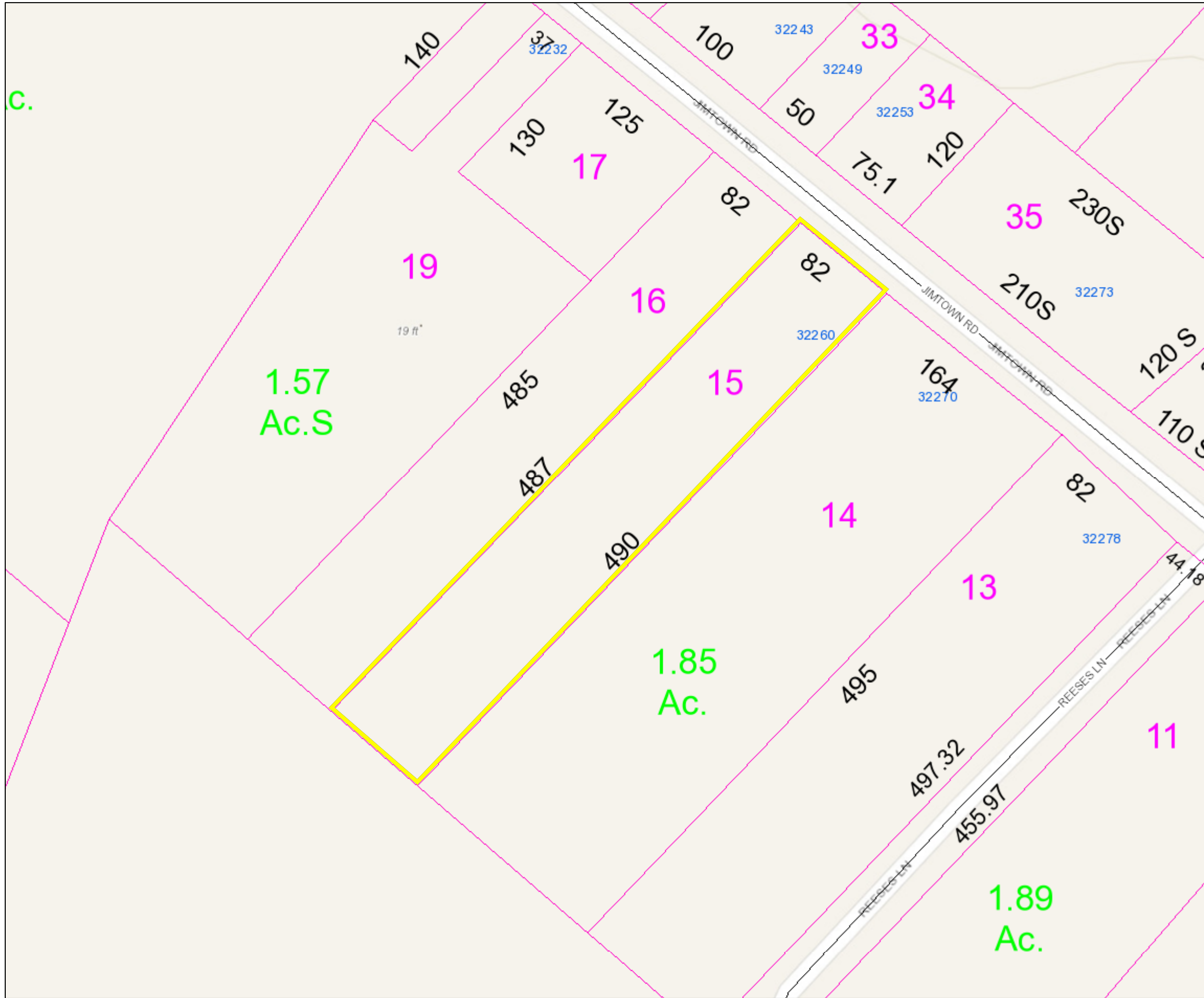
The property is zoned GR (General Residential District). The properties to the north, south, and east are zoned GR (General Residential District). The property to the west is zoned MR (Medium Residential District). There are no known active Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for equipment storage could be considered consistent with the land use and area zoning however it may not be consistent with the surrounding uses.



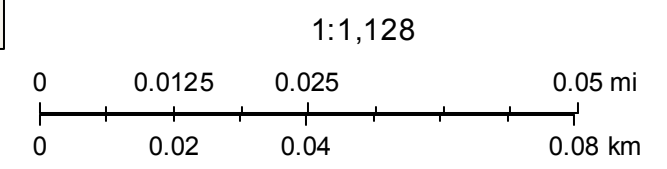


Sussex County



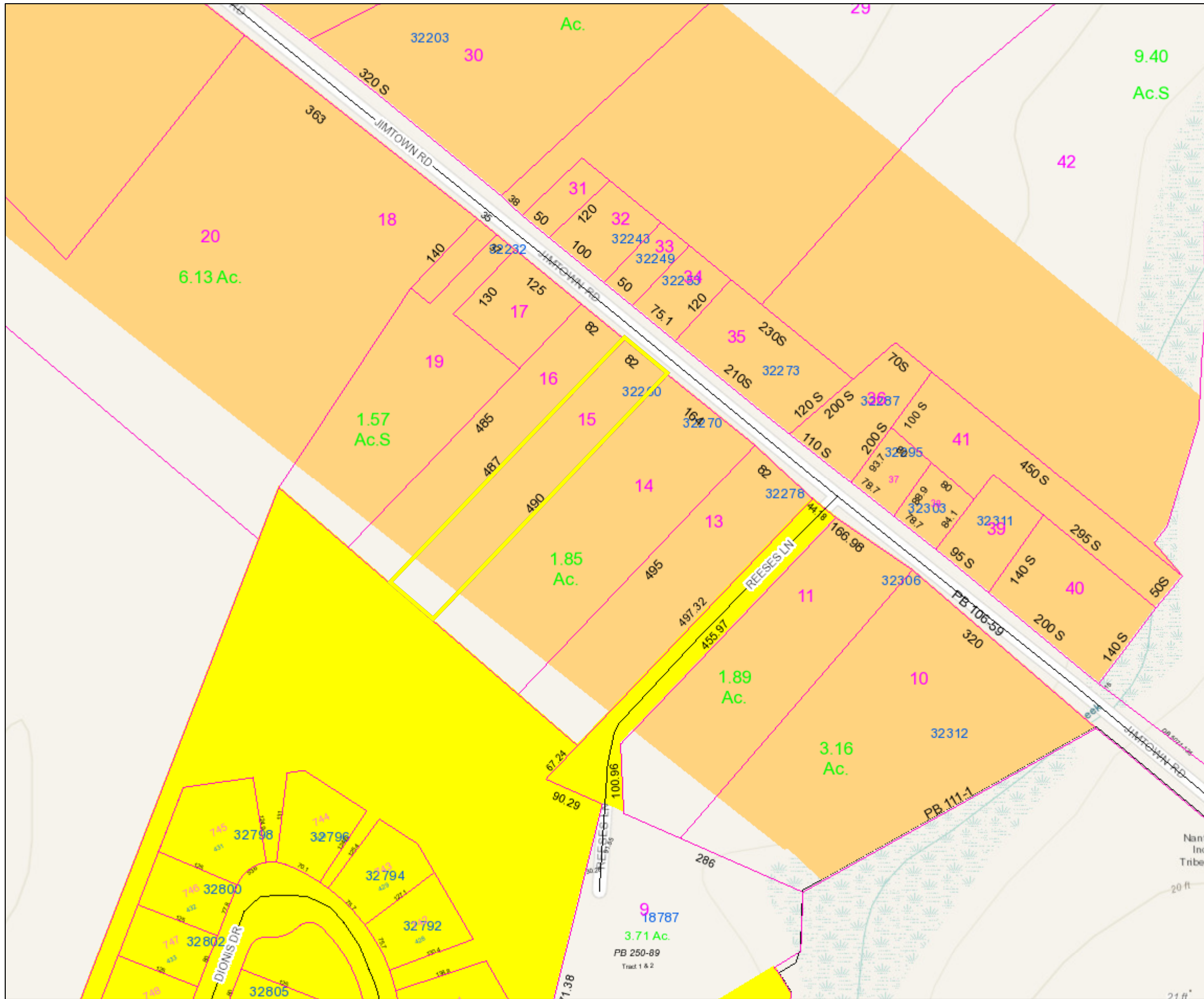
PIN:	334-11.00-15.00
Owner Name	YUPCO-CONNORS LINDA ANN
Book	3629
Mailing Address	6 CRIPPLE CREEK RUN
City	MILTON
State	DE
Description	SW/RD 285A
Description 2	N/A
Description 3	N/A
Land Code	

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





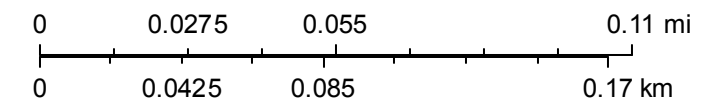
Sussex County



PIN:	334-11.00-15.00
Owner Name	YUPCO-CONNORS LINDA ANN
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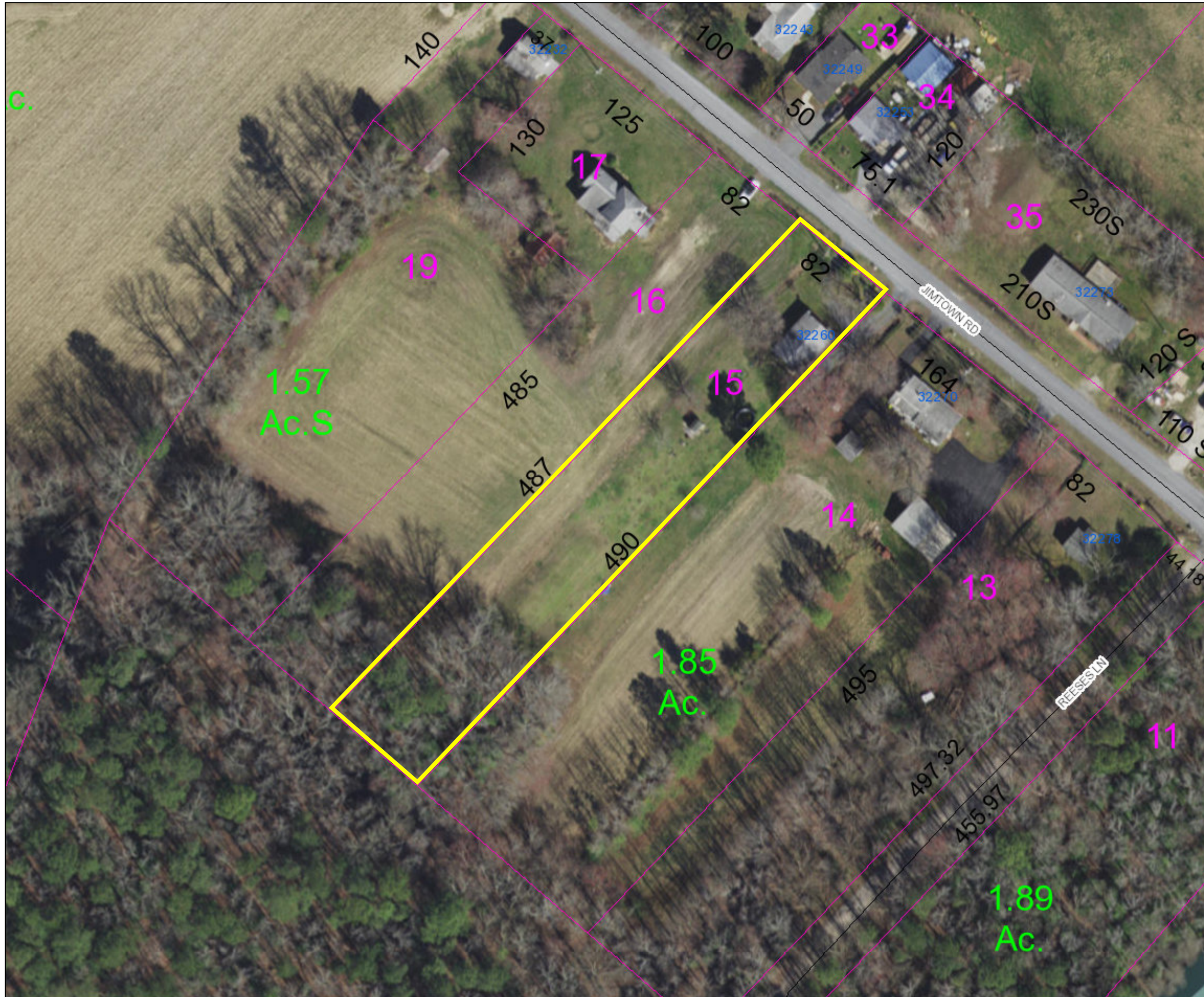
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Override 1
- Tax Parcels
- 911 Address
- Streets

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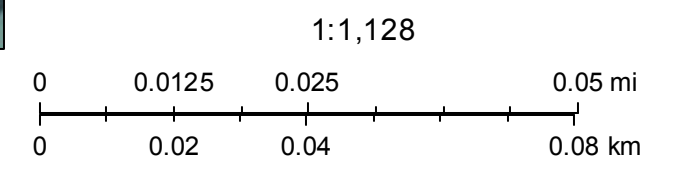


Sussex County



PIN:	334-11.00-15.00
Owner Name	YUPCO-CONNORS LINDA ANN
Book	3629
Mailing Address	6 CRIPPLE CREEK RUN
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State	DE
Description	SW/RD 285A
Description 2	N/A
Description 3	N/A
Land Code	

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



Introduced 05/21/19

**Council District No. 3 – Burton
Tax I.D. No. 334-11.00-15.00
911 Address: 32260 Jimtown Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRE, MORE OR LESS

WHEREAS, on the 7th day of May 2019, a conditional use application, denominated Conditional Use No. 2184, was filed on behalf of Linda Ann Yupco-Connors; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2184 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2184 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 west side of Jimtown Road, approximately 0.32 mile south of Beaver Dam Road, and being more particularly described in the attached legal description prepared by Draper & Goldberg, P.L.L.C., said parcel containing 0.91 acre, more or less.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 20, 2019

RE: County Council Report for CU 2185 Vincent Kinack

The Planning and Zoning Department received an application (CU 2185 Vincent Kinack) for a Conditional Use for parcel 234-4.00-42.00 to allow for multi-family (2 units) to be located at 21167 Short Rd. The Planning and Zoning Commission held a public hearing on August 22, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a Site Plan, staff analysis, comments from the Sussex Conservation District, and the results from the DelDOT Service Level Evaluation request confirming that a Traffic Impact Study (“TIS”) was not required.

That the Commission found that Mr. Vincent Kinack was present on behalf of his application; that Mr. Kinack stated he is getting older; that the structure is already set up for two houses; that it has electric, water, etc.; that Chairman Wheatley asked the staff or Counselor about the outline of parcel; that it looks like three separate parcels and not just one parcel; which Mr. Kinack stated he just had the parcel subdivided into three parcels; that Ms. Cornwell stated that there was a parcel consolidation; that he had turned the three parcels into one parcel; and that the survey is showing the three old parcels and it is now just one parcel on the official Zoning Map for the County.

Mr. Hopkins asked if the Applicant planned to rent the upstairs; which Mr. Kinack replied yes; that the house is too big for him; that the house is 3,500 square feet; that Mr. Hopkins asked how this is different from a garage/studio apartment; which Ms. Cornwell stated a garage/studio apartment is a detached accessory structure; that this is two units within the same structure; that Mr. Hopkins asked for clarification if that is the reason it comes before the Planning and Zoning Commission; which Ms. Cornwell replied yes; that Mr. Hopkins asked if it was a detached accessory structure, would go before the Sussex County Board of Adjustment; which Ms. Cornwell replied yes; that it is two units within the same building; Mr. Hopkins asked for clarification as to whether the trigger for a Conditional Use



is the manner of occupation; which Ms. Cornwell replied no -that when there is a second kitchen in the same building it requires a Conditional Use; that Mr. Hopkins asked if the Applicant had applied for a building permit to add a kitchen; which Mr. Kinack replied no, that the structure already has space for a second kitchen; that there is no kitchen in the unit and it is a big empty space; that Ms. Cornwell stated if the proposed application is approved, it would have to go through the inspection process; Mr. Hopkins asked the Applicant how did he know he needed to apply for a Conditional Use; which Mr. Kinack stated he had talked to Planning and Zoning and the staff told him he needed to apply for a Conditional Use; that Chairman Wheatley stated the Applicant did the right thing by talking to staff; that Mr. Kinack stated staff told him it would likely create a legal issue in future 1 to have two kitchens in the same structure without the proper approvals; that Mr. Hopkins asked if the upstairs area is unfinished and needs to be finished; and which Mr. Kinack replied yes.

Ms. Stevenson asked if the Planning and Zoning Commission would need to know how big the upstairs is and how many people could live in the space; which Mr. Kinack stated it would be three bedrooms and both floors are the same size; and that the upstairs already has a separate entrance.

Mr. Robertson asked staff questions about the status of the one parcel that is 3.4516 acres which is what the Applicant had applied for as a Conditional Use; that the submitted survey is for a Subdivision Plan and it is not a Lot Consolidation Plan; that this was approved as a Minor Subdivision by staff on April 11, 2019 which makes it three lots; that Chairman Wheatley stated it appears that the lots have not been consolidated; that Mr. Robertson stated it should not be approved as a consolidation if it is a Minor Subdivision; that Mr. Wheatley questioned if there is another survey that had been prepared after the Minor Subdivision Plan; that Ms. Cornwell stated the staff can research the property; that Mr. Kinack stated the house sits on 1.08 acres; that Chairman Wheatley asked if there is one or three lots; which Mr. Kinack replied that there are three lots; that Chairman Wheatley asked the Applicant if he had created the three-lot Subdivision; that the subject of this hearing is actually for the 1.08 acres and is that the Applicant's intention; which Mr. Kinack stated his intention is ultimately to sell the land as separate lots to individual buyers or all lots to one buyer; Ms. Stevenson asked the Applicant if he wants to be able to have an apartment or a second house on top of the building; which Mr. Kinack replied yes; that Ms. Stevenson asked about the other two lots that he has created and if he would be selling those two lots; which Mr. Kinack replied yes; Ms. Cornwell stated the application for a Conditional Use was submitted prior to the Minor Subdivision being approved and record; that the deed submitted with the application was for the original one parcel of 3.4516 acres; that since that application came in, it has now been subdivided into three parcels of land; that Mr. Kinack stated he separated the three parcels first, then he applied for the Conditional Use; that Ms. Cornwell stated she has the deed that references the original 3 acres; that Chairman Wheatley stated that the Commission is dealing with three lots, not one lot; that the subject of the discussion is the 1.08 acre that has improvements on it and the Applicant is asking for permission to have multi-family two-units instead of one on an AR-1 ("Agricultural Residential District") parcel; that Chairman Wheatley asked the staff if there was ever precedent for the Planning and Zoning Commission having approved such an application; which Ms. Cornwell replied yes; that Chairman Wheatley asked if a multi-family in an AR-1 could be applied for; which Ms. Cornwell stated she believes that a similar application had been previously been requested but in a GR ("General Residential District"); that the application was for an upstairs and downstairs configuration of units and it came through as multi-family for two units; that Mr. Robertson stated that there is a Conditional Use process for residential, business, commercial or industrial uses when the purpose of the Chapter is more fully met by issuing a Conditional Use permit; that in the AR-1 there is the bonus density provision and provision for multi-family dwelling structures; that the Code reads that multi-family dwelling structures and or townhouses and or

townhomes shall not be considered as a Conditional Use under any other provisions in the Section that prior of the day of the Amendment; that Chairman Wheatley stated the Planning and Zoning Commission has asked all the questions they need to ask and they are going to move forward with the public hearing; that the Planning and Zoning Commission would make a decision and seek some more legal advice from Counsel; and that the public hearing is closed but the record is being likely to held open to receive any additional legal comments or information that the Planning and Zoning Commission may need in order to make a decision.

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

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

Mr. Hopkins asked about both halves of the home being the same size; that Chairman Wheatley states that there are two units one downstairs and one upstairs; that Mr. Robertson had concerns as to whether the Applicant could apply for multi-family use in an AR-1 District; that the Planning and Zoning Commission would have to refer back to the bonus density section of the Code; that the site is under the two units per acre density provision and they would not have to pay the bonus density fee for density above this; that the Applicant still needs to make a record and comply with open space requirements and a 75-foot vegetated buffer adjacent to the roadway which there are two roadways; that multi-family in AR-1 was supposed to be in the developing areas and on larger parcels to be designed with greater buffers; that it is not intended to apply to one-off small parcels like this site; that the Applicant did not make a detailed record and did not talk about parking requirements or if the neighborhood is compatible, that Ms. Stevenson asked if, in the AR-1 zoning district, whether the Code permits multi-family as a Conditional Use; that Mr. Robertson stated the Applicant could apply for a multi-family dwelling if he complies with the section of Code that deals with the bonus density; that the Applicant needs to make a record as to what his density is; that he is supposed to have 40% of the total land area set aside as common open space; that the Code reads there shall be a vegetated buffer of not less than 75-feet and subject to the following conditions; that the conditions are the number of plantings they have, the size of the plants; that Ms. Stevenson stated the whole lot is wooded with the Applicant's house; that Chairman Wheatley outlined his observation regarding the future potential for other 1-acre sized lots to come forward for two multi-family units; Mr. Wheatley also noted that the Applicant was essentially making a hardship case regarding his personal circumstances and his occupation of the property; that there is not anything stated in the Zoning Code about considerations of hardship in Conditional Use applications but that this subject in referred to in other places in the Ordinance; that there are matters that are granted because of a hardship; and that this is not one of the forums where a hardship is normally considered and perhaps the Planning and Zoning Commission should have the capability to consider this as part of the application process.

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

The Planning Commission has not made a recommendation regarding the application at this time.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 15, 2019
RE: Staff Analysis for CU 2185 Vincent Kinack

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2185 Vincent Kinack to be reviewed during the August 22, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 234-4.00-42.00 to allow for multi-family (2 units) to be located at 21167 Short Road in Harbeson. The size of the property is 3.4516 ac. +/-.

The 2018/2019 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. Also included as part of the Comprehensive Plan is the Future Land Use Map to help determine how land should be zoned and to ensure responsible future development. The Future Land Use Map indicates that the subject parcel is located in a Low-Density Area.

All surrounding land uses to the north, south, east and west are designated Low Density Areas. The Low-Density Area land use designation recognizes that the primary uses are agricultural and residential uses. Business uses should address the needs of the agricultural and residential uses. Commercial uses should be limited in their size and scope.

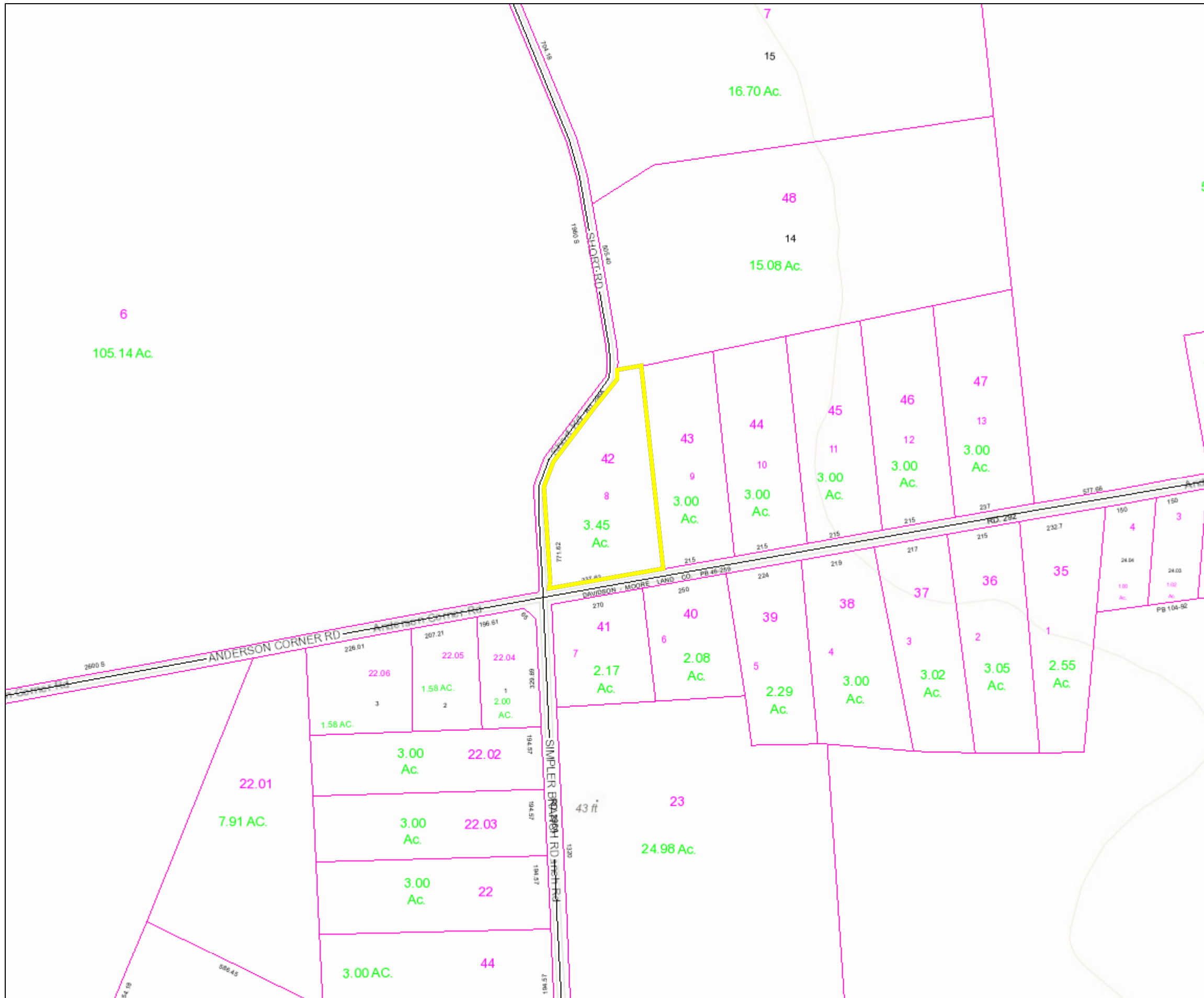
The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south east and west are zoned AR-1 (Agricultural Residential District). There is a small portion of land to the east zoned GR (General Residential District). There are two Conditional Uses near the project location: CU 2173 for a catering business to the east and CU 1980 for a used car sales facility to the north.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for multi-family (2 units) may not be considered consistent with the land use, area zoning and uses.





Sussex County



PIN:	234-4.00-42.00
Owner Name	KINACK VINCENT S KATHLEEN
Book	2267
Mailing Address	21167 SHORT RD
City	HARBESON
State	DE
Description	N/RT 292
Description 2	LOT 8
Description 3	N/A
Land Code	

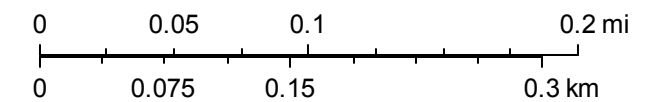
polygonLayer
Override 1

polygonLayer
Override 1

Tax Parcels
 Streets

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

1:4,514



Introduced 05/21/19

**Council District No. 3 – Burton
Tax I.D. No. 234-4.00-42.00
911 Address: 21167 Short Road, Harbeson**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.4516 ACRES, MORE OR LESS

WHEREAS, on the 10th day of May 2019, a conditional use application, denominated Conditional Use No. 2185, was filed on behalf of Vincent Kinack; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2185 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2185 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the northeast corner of Short Road and Anderson Corner Road, and being more particularly described in the attached legal description prepared by Cordrey & Clark, P.A., said parcel containing 3.4516 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.

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 20, 2019

RE: County Council Report for CU 2187 Daniel Ostinvil

The Planning and Zoning Department received an application (CU 2187 Daniel Ostinvil) for a Conditional Use for parcel 232-12.18-51.00 to allow for motor vehicle sales to be located at 310196 North Poplar St. The Planning and Zoning Commission held a public hearing on August 22, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from the Sussex Conservation District, and the results from the DelDOT Service Level Evaluation request confirming that a Traffic Impact Study ("TIS") was not required.

That the Commission found that Mr. Daniel Ostinvil was present on behalf of his application; that Mr. Ostinvil stated he had purchased the property; that the property was used as a commercial property for furniture sales; that the property was muddy and he had put down stone; that there are other commercial uses in the area; that the proposed application is to be able to sell cars; that Ms. Wingate asked the Applicant how many vehicles be parked at the site; which Mr. Ostinvil replied there would be four or five vehicles parked at the site for sale; that Ms. Wingate asked if the existing building is to remain on the site for the use of an office; which Mr. Ostinvil replied the existing building would remain and he would use the building as an office; that Ms. Wingate asked what would the hours of operation be; which Mr. Ostinvil replied the hours of operation would be 9:30 am to 3:30 pm, Monday through Friday; that Ms. Wingate asked if there would be any Saturday or Sunday hours of operation; which Mr. Ostinvil replied that there may be some Saturday hours from 11:00 am to 2:30 pm; that Ms. Wingate asked if he would like a sign on the property to advertise his business; which Mr. Ostinvil replied yes; that Ms. Wingate asked if he would like the sign to be lighted; which Mr. Ostinvil replied yes; that Ms. Wingate asked how many employees he would have; and which Mr. Ostinvil replied he would have two employees.



Ms. Stevenson asked if he would be selling cars and whether he would be fixing the cars at the site; which Mr. Ostinvil replied there would be no fixing of the cars at the site; Ms. Stevenson asked if the site would be just to sell the cars and nothing extra going on at the site; to which Mr. Ostinvil replied no.

Chairman Wheatley asked about the existing building that has a barbeque sign on it and if that is what the Applicant had been doing at the site; which Mr. Ostinvil replied yes, he had been using it as a Barbeque and would like to continue to use it as such; that Chairman Wheatley asked if there is a Conditional Use on the property now; which Ms. Cornwell stated she is not aware of any Conditional Uses on the property; that Chairman Wheatley stated he can verify based on his own observations of the site that the site had been used as commercial use for a long time; that Chairman Wheatley stated the application was for motor vehicle sales and the Planning and Zoning Commission cannot add any additional uses to the application; that if the Applicant would like additional uses on the site, he would have to talk with Ms. Cornwell about applying for the other uses. When asked if the cars would be parked along the split rail fence Mr. Ostinvil replied that they would.

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

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

Ms. Stevenson asked if the barbeque is non-conforming and whether the Applicant would have to submit an application for the this activity; that Ms. Cornwell stated the practice of Planning and Zoning Department is typically not to shut a business down while an Applicant is going through the Conditional Use process; and that Chairman Wheatley stated it may have been a communication issue and the fee may be waived if the circumstances warranted it.

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

The Planning Commission has not made a recommendation regarding the application at this time.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Headley, Planning Technician
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 15, 2019
RE: Staff Analysis for CU 2187 Daniel Ostinvil

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2187 Daniel Ostinvil to be reviewed during the August 22, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 232-12.18-51.00 to allow for car sales to be located at 31016 N. Poplar St. The size of the property is 0.1657 ac. +/-.

The 2018/2019 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates that the property had the land use designation Developing Area.

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

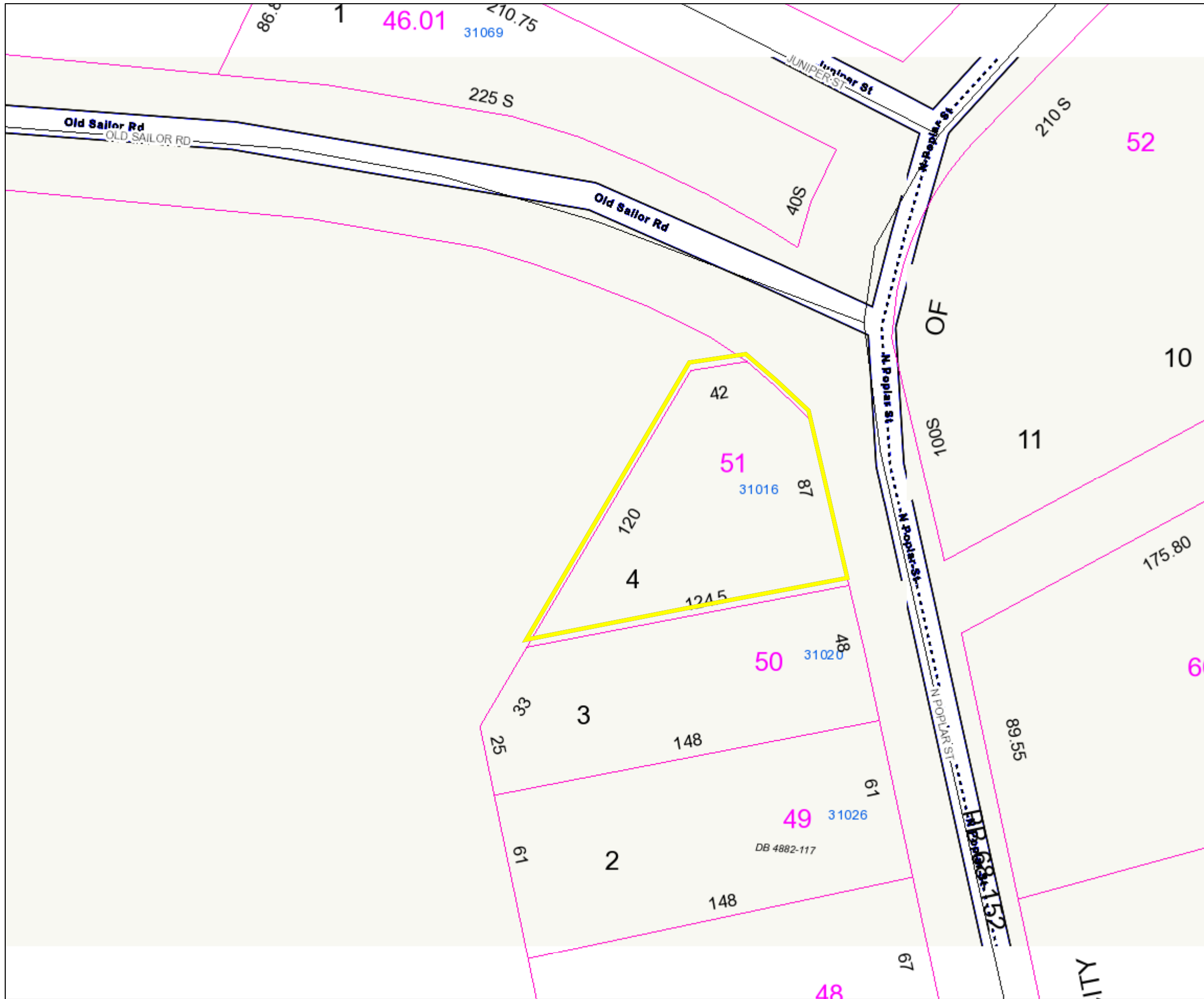
The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned C-1 (General Commercial District) and AR-1 (Agricultural Residential District). The properties to the east are within the town limits of Laurel. The properties to the south and west are zoned AR-1 (Agricultural Residential District). There are no known Conditional Use in the area.

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





Sussex County

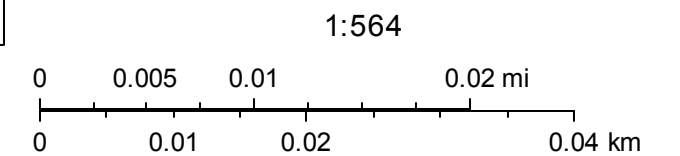


PIN:	232-12.18-51.00
Owner Name	OSTINVIL DANIEL
Book	4971
Mailing Address	528 COOPER ST
City	LAUREL
State	DE
Description	W/POPLAR ST
Description 2	LOT 4
Description 3	N/A
Land Code	

- polygonLayer

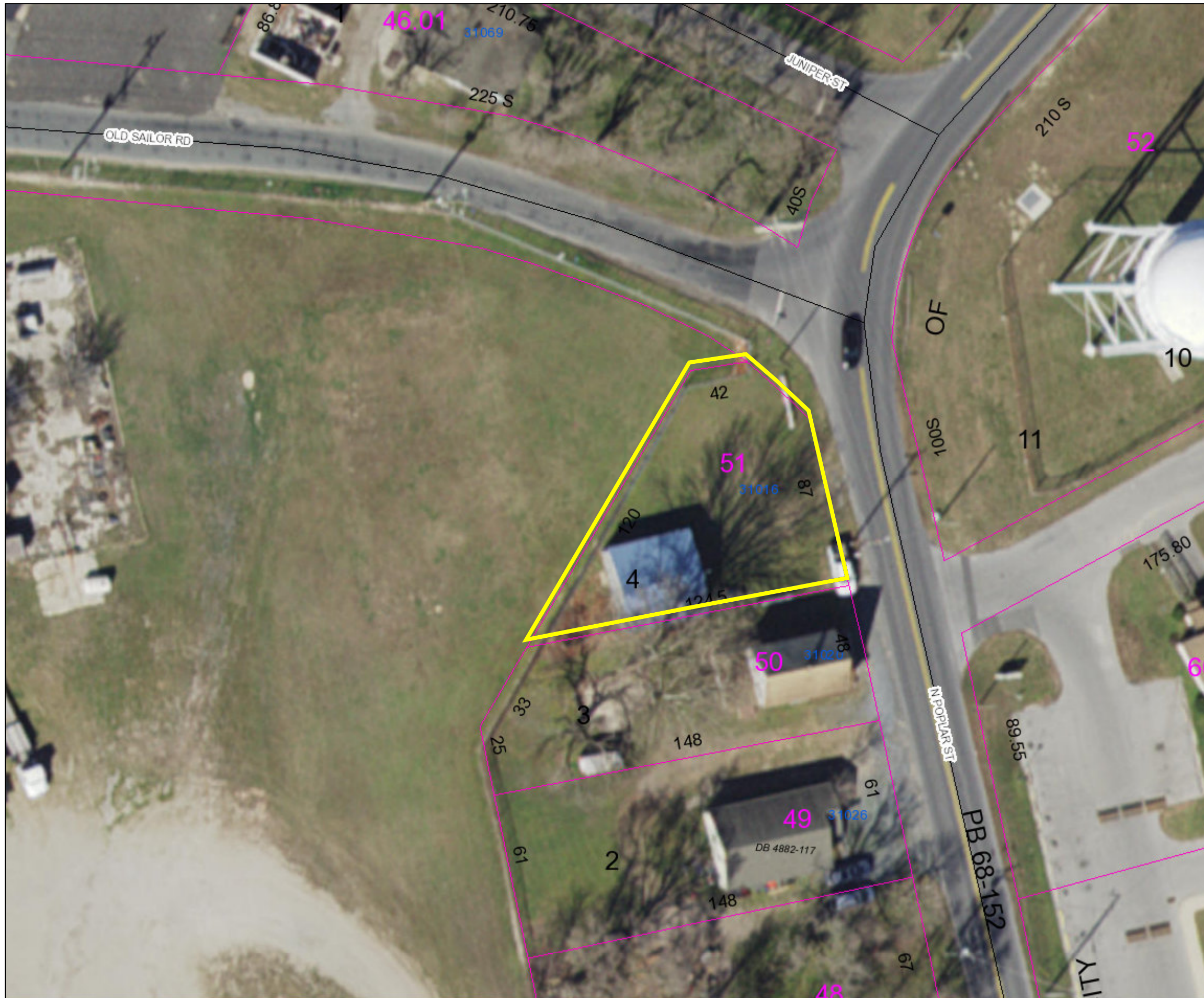
Override 1
- polygonLayer

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



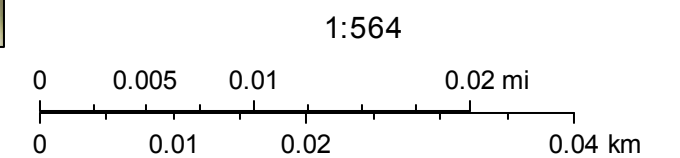


Sussex County



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



Introduced 05/21/19

**Council District No. 1 – Vincent
Tax I.D. No. 232-12.18-51.00
911 Address: 31016 North Poplar Street, Laurel**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MOTOR VEHICLE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.1657 ACRE, MORE OR LESS

WHEREAS, on the 13th day of May 2019, a conditional use application, denominated Conditional Use No. 2187, was filed on behalf of Daniel Ostinvil; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2187 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2187 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the southwest corner of North Poplar Street and Old Sailor Road, and being more particularly described in the attached legal description prepared by Rodney D. Sweet, Esq., said parcel containing 0.1657 acre, more or less.

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