



Sussex County Council Public/Media Packet

**MEETING:
September 29, 2015**

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

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



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Sussex County Council

**NOTE - COUNCIL WILL HOLD A SIGN ORDINANCE WORKSHOP ON
SEPTEMBER 29, 2015, AT 9:00 A.M. AT THE WEST COMPLEX.**

A G E N D A

SEPTEMBER 29, 2015

1:00 P.M.

****AMENDED ON September 23, 2015 at 12:15 p.m.!**

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Wastewater Agreement No. 831-1
Sussex County Project No. 81-04
The Vineyards at Nassau Valley – Phase 1A
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
2. Administrator's Report

John Ashman, Director of Utility Planning

1. Berzin Expansion of the South Bethany Sanitary Sewer District
 - A. Request to Prepare and Post Notices



Julie Cooper, Project Engineer

1. SCRWF Septage Acceptance Plant, Project 14-20

A. Substantial Completion

Joe Wright, Acting County Engineer

1. Sussex Shores Subdivision – Chapter 96, Project 14-13A

A. Bid Award

2. Sussex Shores Subdivision – Chapter 96, Projects 14-13 A, B

A. Construction Administration and Resident Project Representative Services

**** 3. Contract 15-08A, PS 210 Force Main to Inland Bays Regional Wastewater Facility**

A. Bid Rejection

Janelle Cornwell, Planning and Zoning Manager

1. Award of Planning Services

Lawrence Lank, Director of Planning and Zoning

1. Arbors of Cottagedale

A. Suspension of Substantial Construction Deadline for 6 Months

Grant Request

1. Greater Georgetown Chamber of Commerce for Wings & Wheels.

Introduction of Proposed Zoning Ordinances

Council Members' Comments

1:30 p.m. Public Hearings

Conditional Use No. 2025 filed on behalf of Rudy South c/o T & C Properties, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT SALES, SERVICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 27.84 ACRES, MORE OR LESS” (located northeast of Robinsonville Road (Road 277), approximately 1,200 feet northwest of Webb’s Landing Road (Road 277B) (911 Address: None Available) (Tax Map I.D. No. 234-6.00-96.00)

Conditional Use No. 2026 filed on behalf of Cristian Omar Hernandez Perez and Terri L. Martin

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME BASED BUSINESS (AUTO REPAIR, DETAILING, AND AUTO RESALES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.982 ACRES, MORE OR LESS” (located south of Lewes-Georgetown Highway (Route 9), 0.8 mile east of Harbeson Road (Route 5) at Harbeson) (911 Address: 26740 Lewes-Georgetown Highway, Harbeson) (Tax Map I.D. No. 235-30.00-60.00)

Conditional Use No. 2027 filed on behalf of SLC Homestead, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME BUSINESS - RETAIL GUN SHOP AND GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS OF A 14.04 ACRE TRACT” (located east of Iron Branch Road (Road 331), 2,500 feet northeast of Main Street in Dagsboro) (911 Address: 31005 Iron Branch Road, Dagsboro) (Tax Map I.D. No. 233-11.00-17.00 (Part of)

Change of Zone No. 1782 filed on behalf of Robert Atallian

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.38 ACRES, MORE OR LESS” (located south of Lewes-Georgetown Highway (Route 9), 615 feet west of Arabian Acres Road (Road 282) (911 Address: 18501 Stamper Drive, Lewes) (Tax Map I.D. No. 334-4.00-88.00)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 22, 2015, at 4:55 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

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¹ Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to include Contract 15-08A, PS 210 Force Main to Inland Bays Regional Wastewater Facility – Bid Rejection. The agenda amendment was required to address this matter which needs immediate Council attention and which arose after the initial posting of the agenda but before the start of the Council meeting.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPT. 22, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 22, 2015, at 1:00 p.m., in the Council Chambers, Sussex County Administrative Offices Building, Georgetown, Delaware, with the following present:

- | | |
|------------------------------|-----------------------------|
| Michael H. Vincent | President |
| Samuel R. Wilson, Jr. | Vice President |
| George B. Cole | Councilman |
| Joan R. Deaver | Councilwoman |
| Robert B. Arlett | Councilman |
| Todd F. Lawson | County Administrator |
| Gina A. Jennings | Finance Director |
| J. Everett Moore, Jr. | County Attorney |

Call to Order

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

Mr. Vincent called the meeting to order.

**M 477 15
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of September 15, 2015 were approved by consent.

**Public
Comments**

Public Comments

Barbara Gerk read a statement regarding County Code, more specifically commercial communication towers and antennas (Section 115-194.2).

Dan Kramer made comment regarding the County's Councilmanic Grants, as well as a recent State workshop.

Paul Reiger made comment on the need for Council to periodically address various zoning regulations that may need to be tweaked, i.e. fencing regulations.

**M 478 15
Approve
Consent
Agenda**

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

- Wastewater Agreement No. 887-2**
- Sussex County Project No. 81-04**

**M 478 15
(Con't.)**

**Batson Creek Estates – Phase 3
Johnson’s Corner Sanitary Sewer District**

**Wastewater Agreement No. 984-5
Sussex County Project No. 81-04
Coastal Club – Land Bay 5
Goslee Creek Planning Area**

Motion Adopted: 5 Yeas.

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

**Adminis-
trator’s
Report**

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

1. Delaware Emergency Medical Services Awards

I am pleased to announce that two Sussex County paramedics received awards at the Delaware Emergency Medical Services Association (DEMSEA), awards dinner held at Dover Downs Casino on Wednesday, September 16th. Lewis Sacks received the DEMSEA “EMS Instructor of the Year” award and Jeff Cox received the DEMSEA “Stephanie Callaway Excellence in Paramedicine Award.” Congratulations to Lewis and Jeff for their awards and outstanding contributions to EMS this past year and throughout their careers.

2. DNREC Compliance Sampling and Inspection – South Coastal Regional Wastewater Facility

I am also pleased to report that the South Coastal Regional Wastewater Facility passed the Delaware Department of Natural Resources & Environmental Control (DNREC) Compliance Sampling and Inspection conducted on September 1, 2015. As reported in the attached notification, all treatment and biosolids handling processes, laboratory records, reagents, instrumentation, and methods...were found to be very thorough and within NPDES requirements. The report also stated that it is evident that personnel at this facility take their jobs seriously and are committed to maintaining compliance in the NPDES program. Congratulations to the staff and management of the South Coastal Plant.

3. Delaware State Police Activity Report

Per the attached Delaware State Police activity report for August, there were 236 violent crime arrests with 167 clearances; 2,115 property crimes with 738 clearances; and 32,503 total traffic charges with 22,836 corresponding arrests. Of those traffic arrests, 665 were

Administrator's Report (Con't.)

for DUI. Finally, there were 3,466 total vehicle crashes investigated in August. In total, there were 196 troopers assigned to Sussex County for the month of August.

4. Janice Moseley

It is with sadness that we note the passing of Janice Moseley, recently appointed member of the Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County, on August 27th. We would like to extend our condolences to the Moseley family.

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

Grant Requests

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

M 479 15 Councilmanic Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to give \$1,000.00 from the Countywide Youth Grants to the Indian River School District for the Sussex County Science Fair.

Motion Adopted: **5 Years.**

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

M 480 15 Councilmanic Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to give \$2,000.00 (\$1,000.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to the Town of Laurel to purchase entrance signs for the Roger Fisher Park.

Motion Adopted: **5 Years.**

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

M 481 15 Councilmanic Grant

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$1,500 (\$750.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to the Town of Laurel for the Laurel Ramble Fall Day Project.

Motion Adopted: **5 Years.**

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

M 482 15 Council Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$400.00 (\$100.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts and \$200.00 from Mr. Wilson's Councilmanic Grant Account) to

**M 482 15
(Con't.)**

the Faith United Methodist Church for the annual Walking for The Homeless Walk-A-Thon fundraiser.

Motion Adopted: 5 Yeas.

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

**M 483 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Delaware Devil Dogs Detachment 780 for their Marine Corps Birthday Ball fundraiser to continue their volunteer work in western Sussex County.

Motion Adopted: 5 Yeas.

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

**M 484 15
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to the Indian River School District for the Odyssey of the Mind competition.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinance**

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RESTAURANT AND BREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES, MORE OR LESS" (Conditional Use No. 2034) filed on behalf of Beachfire Brewery Co., LLC (Tax I.D. No. 334-5.00-215.00, 215.01, 216.00, 217.01, 218.00 & 219.00) (911 Address: 3290 Lewes Georgetown Highway, Lewes). The proposed ordinance will be advertised for Public Hearing.

**M 485 15
Go Into
Executive
Session**

At 1:24 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to recess the Regular session and go into Executive Session for the purpose of discussing matters relating to personnel and land acquisition.

Motion Adopted: 5 Yeas.

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

Executive Session At 1:25 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing issues relating to personnel and land acquisition. The Executive Session concluded at 1:50 p.m.

M 486 15 Reconvene Regular Session At 1:53 p.m., A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

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

Council Members' Comments Council Members' Comments

Mrs. Deaver apologized for the delay caused by the Executive Session.

Mr. Cole stated that based on comments made by Mr. Reiger during "Public Comments", he would like County staff to look into any zoning code issues that may need to be reviewed and how they can be addressed by Council.

Rules of Procedure Mr. Moore read the rules of procedure for public hearings.

Public Hearing/ CU 2017 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2017) filed on behalf of Eli and Victoria Zacharia (Tax Map I.D. No. 334-18.00-7.00) (911 Address: 20336 John J. Williams Highway, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on August 13, 2015 at which time the Commission recommended that the application be deferred.

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

Janelle Cornwell, Planning and Zoning Manager, read a summary of the Commission's Public Hearing and decision. The summary was admitted as part of the County Council's record.

**Public
Hearing
CU 2017
(Con't.)**

The Council found that the applicant, Eli Zacharia, was present. In regards to questions raised at the Planning and Zoning Commission's Public Hearing, Mr. Zacharia presented a sketch showing the intended parking area. The applicants have an attached garage that has been remodeled for extra living space, with a kitchen. Council inquired if DNREC had been contacted as to the adequacy of the current septic system.

There were no public comments in support or in opposition to this application.

The Public Hearing was closed.

**M 487 15
Leave
Record
Open/
CU 2017**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to leave the record open for C/U 2017 to allow Mr. Zacharia to obtain a feasibility report from DNREC that their current septic capacity is adequate for the proposed use.

Motion Adopted: 5 Yeas.

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

**M 488 15
Defer
Action on
CU 2017**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action on Conditional Use No. 2017 filed on behalf of Eli and Victoria Zacharia.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1780**

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 HR-1 (RPC) HIGH DENSITY RESIDENTIAL DISTRICT (RESIDENTIAL PLANNED COMMUNITY) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS" (Change of Zone No. 1780) filed on behalf of Lockwood Design & Construction, Inc. (Tax Map I.D. No. 334-12.00-127.02, 127.04, 127.05) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on August 13, 2015 at which time the Commission recommended that the application be deferred.

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

**Public
Hearing/
C/Z 1780
(Con't.)**

Janelle Cornwell, Planning and Zoning Manager, read a summary of the Commission's Public Hearing and decision. The summary was admitted as part of the County Council's record.

Ms. Cornwell distributed copies of the site plan. She noted that four additional letters of opposition were received after the Commission's Public Hearing. The application did require a PLUS (Preliminary Land Use Service) Review by the Office of State Planning Coordination, which was done on September 24; letters were received from the Sussex Conservation District, the County's Utility Planning Division, and DelDOT.

Ms. Cornwell stated she had received a letter from DelDOT dated September 21, 2015, which expanded on their August 20, 2015 letter, and addressed traffic concerns and any expected improvements by the State in the areas near the proposed Arbor-Lyn Development.

The Council found that Robert Hood (property owner), Don Lockwood (applicant's representative), Roger Gross (Professional Engineer with Merestone Consultants, Inc.), as well as the applicant's attorney, Eugene Bayard, were present on behalf of the application.

With the use of the zoning map, Mr. Bayard presented background as to how the area has evolved, or been developed, over the past 30 years, including densities permitted with each application. Neighboring densities include: Sterling Crossing – 6.29 units per acre; Estates of Sea Chase (condos) – 6.5 units per acre; and Estates of Sea Chase (single family) – 4.13 units per acre. The proposed density of C/Z 1780, the "Arbor-Lyn" Residential Planned Community, is 5.7 units per acre. The approximate 36-acre site is located on the north side of Warrington Road (County Road 275) east of John J. Williams Highway, in Sussex County. This is the last parcel of land proposed to be developed within the Route 1, Route 24, Route 275, and Route 274 quadrant. Mr. Bayard commented that the application complies with the Sussex County Land Use Plan and as an Investment Level I, the State will make investments, as well as support and encourage a wide range of housing types and densities. The proposed use is to develop the site with a mixture of residential units consisting of 60-single family building lots, 82 townhome units (each containing 4 or 6 units), and 60 apartment type condominium units (4 buildings), at a gross density of 5.7 units per acre.

Mr. Hood read a statement into the record giving a brief history of the Hood property.

Mr. Bayard introduced Mr. Roger Gross, the Project Engineer, who together reviewed the proposed project and is included in the Exhibit Booklet that was also presented to both the Commission and Council. The booklet is comprised of 8 exhibits: 1. Revised Site Plan, 2. PLUS Comments & Response Letter; 3. Environmental Assessment and Public Facility Evaluation Report, 4. Sussex County T.A.C. & Site Plan Review, 5. DelDOT

**Public
Hearing/
C/Z 1780
(Con't.)**

Correspondence, 6. Sussex County District, 7. Utilities, and 8. Environmental.

Mr. Bayard reviewed a February 2, 2015 DelDOT letter to Mr. Lawson. DelDOT's letter was written in response to a series of questions sent by email from Mr. Lawson regarding Osprey Point, and also addressed the possible need for a traffic impact study and potential road improvements for area intersections that would impact the Arbor Lyn development. He noted that DelDOT did not require a Traffic Impact Study or Traffic Operational Analysis for this proposed use. Mr. Bayard commented that due to DelDOT's budgetary constraints, road and traffic improvements cannot be expected by the State, and these improvements will only occur as a result of development projects requiring the improvements. It was reiterated that the developer must pay for any required upgrades, including sewer and traffic improvements.

Mr. Lockwood noted that the primary targeted market for this project were second homebuyers and retirees. As a result of a marketing study, they do not anticipate any school aged children as the pricing of the units would exclude most families with children.

Mr. Gross noted that the site plan had been modified as a result of comments received from County staff and State recommendations, i.e. reduced project size, additional sidewalks, redesigned plan to locate single family component next to the single family development at Sea Chase, and reduced unit densities.

There were no persons in attendance in support of this application.

Wayne Battaglino (Pine Lane), Harvey Grider (representing the residents of Sterling Crossing), David Walters (Warrington Road), Richard Mihelcic (Sea Chase), Robert Kaden (Sea Chase), Charles Ockes (Sea Chase), Steve Dolnack (Sea Chase), and Kathleen Baker (Copper Drive South) spoke in opposition to the application referencing traffic and density concerns, loss of wooded areas, lack of infrastructure and/or road improvements, impact on quality of life, environmental concerns (wildlife), need for a traffic impact study to be performed during a weekend summer month, impact on schools and children safety due to no guarantee that units would be sold only to persons without children, safety of cyclists and impact on current bike paths, and a 20-foot projected tree buffer would weaken root systems possibly causing home damage with high winds.

The Public Hearing was closed.

**M 489 15
C/Z 1780
Leave
Record
Open**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to leave the record open for C/Z 1780 for a period of 20 days to allow Council to review the information presented and to ask questions of County staff or public agencies; after Planning & Zoning staff reports answers to County Council to questions posed, if any, then there will be a 15-day period to allow the

**M 489 15
(Con't.)**

public and applicant to respond in writing to the answers obtained.

Motion Adopted: 5 Yeas.

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

**M 490 15
Defer
Action
CZ 1780**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Change of Zone No. 1780 filed of Lockwood Design & Construction, Inc.

Motion Adopted: 5 Yeas.

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

**Public
Hearing
CZ 1781**

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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.00 ACRES, MORE OR LESS" (Change of Zone No. 1781) filed on behalf of Riverview Associates III, LLC (Tax Map I.D. No. 233-10.00-17.00) (911 Address: 28086 Dagsboro Road, Dagsboro).

Mr. Cole excused himself from the public hearing due to a conflict of interest.

The Planning and Zoning Commission held a Public Hearing on this application on August 13, 2015 at which time action was deferred. On August 27, 2015, the Commission discussed this application under Old Business and recommended that the application be approved for the 7 reasons stated in their record.

(See the minutes of the Planning and Commission dated August 13 and 27, 2015).

Janelle Cornwell, Planning and Zoning Manager, read a summary of the Commission's Public Hearing and decision. The summary was admitted as part of the County Council's record.

Council found that Jeremy Smith (the authorized representative of Riverview Associates III, LLC) and Dennis Schrader, attorney of record for Riverview Associates, were present. Council members were given copies of the Exhibit Booklet that was also presented to the Planning & Zoning Commission; exhibits include: Application, Deed, Boundary Survey, Site

**Public
Hearing
CZ 1781
(Con't.)**

Photos, DeIDOT Transmittal Letter and Support Facilities Report, Sussex County Future Land Use Plan Map, Strategies for State Spending Map, Area Zoning Maps, Aerial Maps, and Proposed Findings of Fact. Mr. Schrader and Mr. Smith briefly reviewed the application and its intent. The site contains approximately 3 acres of land with improvements and is adjacent to a 5.0 acre parcel already zoned C-1 General Commercial District; it is proposed to combine the two parcels as an approximately 8.0 acre tract for commercial use and activities, referencing professional and trade services.

There were no public comments in support or in opposition to the application.

The Public Hearing was closed.

**M 491 15
Adopt
Ordinance
No. 2418/
CZ 1781**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Ordinance No. 2418 entitled, "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.00 ACRES, MORE OR LESS" filed on behalf of Riverview Associates III, LLC.

Motion Adopted: 4 Yeas; 1 Not Voting.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Not Voting;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 492 15
Adjourn**

At 3:50 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

**Nancy J. Cordrey
Assistant Clerk of the Council**

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

September 21, 2015

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE VINEYARDS AT NASSAU VALLEY - PHASE 1A
AGREEMENT NO. 831 - 1

DEVELOPER:

Mr. Herb Maharg
Fernmoor Holdings at Vineyards DE, LLC.
1 Kathleen Drive, Suite 1
Jackson, NJ 08527

LOCATION:

North side of Route 9, approx. 3,960 feet west of
the intersection of Route 9 and Route 1.

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

96 units, 24 in each building.
Buildings, A thru D

SYSTEM CONNECTION CHARGES:

\$554,400.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
07/13/15

Department Of Natural Resources Plan Approval
07/31/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90

Construction Admin And Construction Inspection Cost – \$23,219.06

Proposed Construction Cost – \$154,793.75

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

September 29 2015

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 831-1 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "FERNMOOR HOLDINGS AT VINEYARDS DE, LLC.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "THE VINEYARDS AT NASSAU VALLEY – PHASE 1A" IN THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO.831-1

TODD LAWSON
COUNTY ADMINISTRATOR

Berzin Expansion of SBSSD

Fact Sheet

- Expansion of the South Bethany Sanitary Sewer District to include balance of proposed Berzin project and infill area
- Letter and check received from developer for annexation.
- Project is contiguous with part of the proposed subdivision already in the sewer district.
- Project currently consists of 102 EDUs with a Commercial portion to be submitted for approval in the future.
- The project will install connection points for (3) other parcels currently in the sewer district but not yet served.
- The Developer and property owners will be responsible for System Connection fees in the amount of \$5,775.00 per EDU.
- The tentative date for the Public Hearing is November 3, 2015 should the motion pass.

File: OM 3.15

Potential Expansion of the South Bethany Sanitary Sewer District



Proposed Expansion

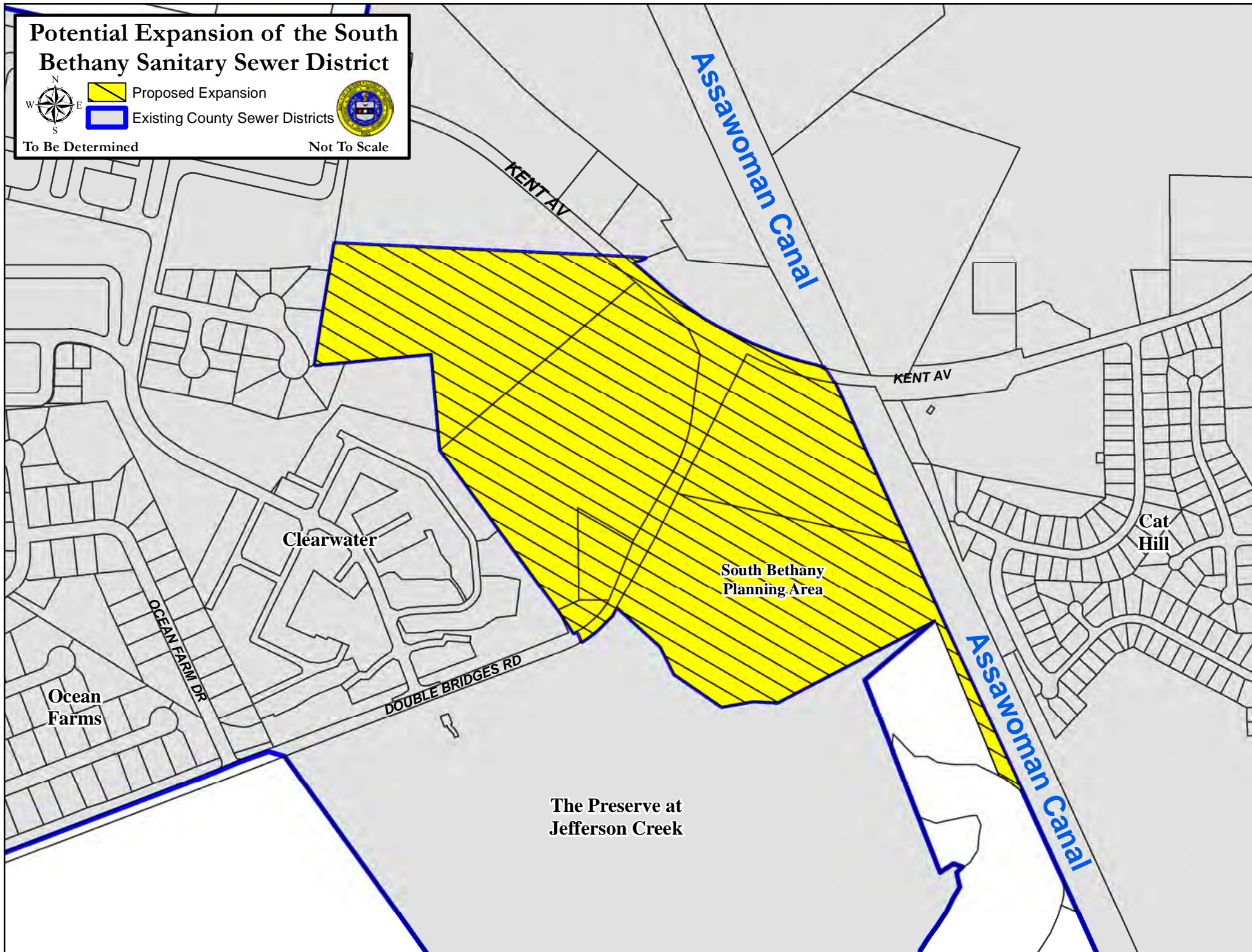


Existing County Sewer Districts



Not To Scale

To Be Determined



PROPOSED MOTION

BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT
THE SUSSEX COUNTY ENGINEERING DEPARTMENT IS
AUTHORIZED TO PREPARE AND POST NOTICES FOR THE
EXTENSION OF THE SOUTH BETHANY SANITARY SEWER
DISTRICT BOUNDARY TO INCLUDE THE BALANCE OF THE
PROPOSED SUBDIVISION OF BERZIN AND THE
SURROUNDING AREA AS PRESENTED ON OCTOBER 6, 2015.

JOHN J. ASHMAN
FILE: OM-3.15
OCTOBER 6, 2015

2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DE 19947

Sussex County
Engineering Department

JOSEPH WRIGHT, P.E., Asst. County Engineer



Administration	302-855-7718
Environmental Services	302-855-7730
Public Works	302-855-7703
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299

FAX: 302-855-7799

SCRWF SEPTAGE ACCEPTANCE PLANT
SUSSEX COUNTY PROJECT 14-20

SUBSTANTIAL COMPLETION

The septage acceptance plant was placed into operation on September 21, 2015. There were no change orders.

The Engineering Department requests that Council approve September 21, 2015, as the date of Substantial Completion.



GEORGE, MILES & BUHR, LLC

■ ■ ■ ■

ARCHITECTS
ENGINEERS

400 HIGH STREET
SEAFORD, DE 19973
PH: 302.628.1421
FAX: 302.628.8350

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., PE
PETER A. BOZICK, JR., PE
JUDY A. SCHWARTZ, PE
CHARLES M. D'DONNELL, III, PE
W. BRICE FOXWELL, PE
A. REGGIE MARINER, JR., PE
JAMES C. HOAGSON, PE
STEPHEN L. MARSH, PE
MICHAEL D. MCARTHUR, AIA
DAVID A. VANDERBEEK, PE
ROLAND E. HOLLAND, PE
JASON M. LYTLE, PE

JOHN E. BURNSWORTH, PE
MICHAEL G. KOBIN, PE
CHRIS B. DERBYSHIRE, PE
W. MARK GARDOCKY, PE
MORGAN H. HELFRICH, AIA
VINCENT A. LUCIANI, PE
JERRY KOTRA
ANDREW J. LYONS, JR., PE
KATHERINE J. MCALLISTER, PE

September 22, 2015

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

Attn: Joseph Wright, P.E.
Re: Sussex County Improvement (SCI) Project No. 14-13.A
Undergrounding of Utilities within Sussex Shores Community
Recommendation of Award

Dear Mr. Wright:

Bids for the Sussex County Improvement (SCI) Project No. 14-13.A - Undergrounding of Utilities within Sussex Shores Community were opened at Sussex County Council Chambers at 2:00 p.m. on September 21, 2015.

We have reviewed the three (3) bids received (A.P. Croll and Sons - \$574,943.00; Common Sense Solutions - \$791,630.71; JJID, Inc - \$1,080,000.00). GMB's cost estimate for the project was \$565,893 and the bid submitted by A.P. Croll is \$574,943.00. It is GMB's opinion that A.P. Croll and Sons, Inc. located in Georgetown, Delaware is the lowest responsive bidder based on the Total Base Bid in the amount of \$574,943.00. Their bid package was complete and included the Bid, Bid Bond, and acknowledgement of the addendum.

A.P. Croll & Sons is an experienced general contractor who has performed general contracting services for various municipalities and counties. GMB recommends award to A.P. Croll based on the following reasons:

- A.P. Croll is the lowest responsive bidder.
- The bid price, together with the estimates obtained by the various utility companies to install the electric, phone and cable TV utilities, is within 1% of the costs that were budgeted for the project and presented to the community in the petitioning. A summary table of the estimated costs versus budgeted amounts is attached to this recommendation.
- Croll is also currently under contract with the Sussex Shores Water Company completing the installation of new water main and services within the community, thus, they are experienced and familiar with the site conditions.

- There is benefit in having the same contractor perform all the underground utility work (i.e., water and conduit) at the site, particularly if there are future issues with the road restoration.

Accordingly, we recommend award to A.P. Croll and Sons, Inc. in the amount of \$574,943.00.

A copy of the bid results is attached.

If you have any questions please do not hesitate to call at 302.628.1421 or contact me via e-mail at vluciani@gmbnet.com. Thank you.

Sincerely,



Vincent Luciani, P.E.
Division Leader Construction Services
Associate

VAL/ccd

Enclosures

cc: Sussex County Engineering Department
Attn: Patti Deptula. (w/encls.)
Helen Naylor (w/encls.)

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
 County Engineer



2 THE CIRCLE
 P.O. BOX 589
 GEORGETOWN, DE 19947

Administration 302-855-7718
 Environmental Services 302-855-7730
 Public Works 302-855-7703
 Utility Engineering 302-855-7717
 Utility Permits 302-855-7719
 Utility Planning 302-855-1299
 FAX: 302-855-7799

SUSSEX SHORES – UTILITY RELOCATIONS
SUSSEX COUNTY PROJECT 14-13A
BID OPENING, 2:00 p.m., MONDAY, September 21, 2015

BIDDER	BID AMOUNT
A.P. Croll *	\$574,943.00
Common Sense Solutions	\$791,630.71
JJID, Inc.	\$1,080,000.00

* Apparent Low Bidder

ENGINEER'S ESTIMATE: \$565,893.00

**Utility and Conduit Installation Cost Estimates
Versus Budgeted Amount
September 22, 2015**

Item	Estimated Cost	Budgeted Amount
Electric (Delmarva)	\$ 400,000	\$ 330,000
Telephone (Verizon)	\$ 168,364	\$ 215,988
Cable TV (Mediacom) ¹	\$ 21,942	\$ 37,500
Conduit Installation	\$ 574,943	\$ 464,398
Contingency (10%)		\$ 104,789
Totals	\$ 1,165,249	\$ 1,152,675

ESTIMATE
ONLY



Verizon Delaware LLC
Outside Plant Engineering
2 S. Industrial Lane
Milford, Delaware 19963

August 17, 2015

Sussex Shores Beach Association
P.O. Box 309
Bethany Beach, DE 19930
c/o Mr. Vincent Luciani, P.E.
George, Miles, & Buhr, LLC

Re: Replace the existing aerial copper facilities with buried fiber facilities in Sussex Shores, Bethany Beach, DE.

Dear Mr. Vince Luciani:

This is in response to your request for Verizon - DE to perform the following work: replace the existing aerial copper facilities with buried fiber facilities in Sussex Shores. This estimate assumes that Sussex Shores Beach Association and/or its contractor will place the conduits as requested by Verizon. Installing buried fiber facilities, splicing, and the removal of the old Verizon copper facilities are included in this estimate. A conduit inspector is also included in this estimate. The placement of the service drops to the homes, and the migration costs will be incurred by Verizon. Please note, that the fiber facilities will allow telephone and broadband services. **Cable TV is not available** in Ocean View Central Office area at this time. Sussex Shores is located within the Ocean View Central Office area.

Verizon has estimated that the cost of this work effort will be \$ 168,364.00.

Please be advised that Verizon Policy requires that you return this signed agreement, along with full advance payment, before your work will be scheduled.

As circumstances warrant during the performance of the work request, an additional advance payment will be required prior to job completion when a revised estimate and/or accumulated charges indicate the final bill will exceed the above estimate. This would include instances where: (1) you, the customer, change the scope of the work, or (2) your actions impact our ability to perform the work within the bounds of the original estimate.

Upon job completion, you will be issued either: (1) a refund for any overpayment, or (2) an invoice if the final actual costs exceed the advance payments received. Any unapplied portion of advance payments will be refunded to you within sixty days of the final bill or cancellation of the job.

If you agree to these terms, please sign below and forward this signed letter of agreement and a check for \$ 168,364.00 made payable to Verizon Delaware LLC. Address the envelope to Verizon Delaware LLC, attn: George W. Zang, 2 S. Industrial Ln., Milford, DE 19963. Upon receipt of your signed agreement and advance payment, your work order will be released to our Construction Department for scheduling. Should you have any questions or concerns regarding these terms, please contact me at 302 422-1238.

Please be advised that the price quoted herein is valid for sixty days from the date of this letter and is **ONLY** an estimate. As stated earlier, you will be billed the actual cost when the work is completed. If we do not receive this signed agreement and your advance payment within this sixty-day period, we will assume that you do not want the work to be undertaken and the project will be **cancelled**.

Sincerely,

George W. Zang
Network Engineer

I agree to the terms of this agreement:

Accepted: _____ Date: _____
Print Name & Title: _____ Billing Telephone #: _____
Company: _____
Billing Address: _____



32441 Royal Blvd
Dagsboro, DE 19939

Phone: (302) 732-9332
Fax: (302) 732-6616

June 30, 2015

Vincent Luciani, P.E.
Divisional Leader Construction Services, Associate
GMB
400 High Street
Seaford, DE 19973

RE: Sussex Shores – Drawing Review and Cost Estimate

To Whom It May Concern,

Mediacom Cost Estimate Breakdown

1. Cost for installation of “primary” services and equipment is \$20,850.95.
2. Cost for installation of drop wire services to homes is \$12,421.00.
3. Cost for removal of existing overhead equipment (wreck out of aerial plant) \$1090.75.

21,941.70

The cost for installation of drop wire service is based on the amount of current subscribers which is 85. This cost dependent on the amount of subscribers and is subject to change.

Sincerely,

Alan Colegrove
Mediacom Communications
Construction Coordinator

Vincent A. Luciani

From: William.Whitaker@delmarva.com
Sent: Wednesday, August 12, 2015 1:45 PM
To: Joe Wright
Cc: Vincent A. Luciani
Subject: RE: Sussex Shores - DPL Design Estimate

Joe,
Delmarva Power has completed its design for the conversion of Sussex Shores from an overhead distribution system to an underground system.

The estimated cost for this is approximately \$365,000 . I propose a purchase agreement not to exceed \$400,000 to cover the nominal 10 error inherent in the estimating system.

The cost breakdown is \$290,000 installation of which \$40,000 is material.

The estimated cost of removal of facilities is \$75,000.

The cost of the new transformer investment is excluded and is valued at \$92,000 to be borne by DPL.

This work will be billed at cost with no mark up by DPL.

Based on the unusual nature of this arrangement , the draft of the agreement document is still under review and will follow shortly.

W.J.Whitaker
Senior Supervising Engineer
Millsboro District
Delmarva Power
302-934-3356 Office
302-853-5579 Cell

SUSSEX SHORES COMMUNITY IMPROVEMENTS

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 1

This contract amendment, **Contract Amendment No. 1**, dated **September 23, 2015** amends our original contract dated **August 12, 2014** between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and George, Miles and Buhr, LLC, a State of Delaware Limited Liability Corporation, as the Second party hereinafter referred to as the CONSULTANT, whose address is 400 High Street, Seaford, DE 19973. Except as specifically amended herein, the provisions of the existing engineering services agreement dated August 12, 2014 remain in effect and fully valid. By execution of this amendment, the following sections delete the existing Section 4.4 and replace below Section 4.4

ARTICLE FOUR

FEE STRUCTURE

4.4 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3 and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Sussex Shores Community Improvements Construction Administration and Resident Project Representation Services** as set forth in **Attachment A-1**, which is attached hereto and incorporated by reference shall not exceed **One Hundred Seventy Eight Thousand Eight Hundred Fifty Four Dollars (\$178,854.00)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4 shall govern.

Attachment "A-1"

CONSULTANT's Scope of Services, **Sussex Shores Community Improvements Construction Administration and Resident Project Representation Services** with Man-hour spreadsheets.

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 1-A to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council
Michael Vincent

Date

APPROVED AS TO FORM:

Assistant Sussex County Attorney
David N. Rutt

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:
GEORGE, MILES & BUHR, LLC

Judy A. Schwartz, P.E, Senior VP

WITNESS:

ATTACHMENT A-1
SCOPE OF SERVICES AND FEES
SUSSEX SHORES COMMUNITY IMPROVEMENTS
CONSTRUCTION ADMINISTRATION AND RESIDENT PROJECT
REPRESENTATION SERVICES

This Scope of Services outlines the construction phase services necessary for the undergrounding of overhead utilities (Construction Contract A) and roadway reconstruction (Construction Contract B) within the Sussex Shores community. The undergrounding work (Construction Contract A) includes ductbank installation necessary for the relocation of Delmarva power lines, Verizon communication lines and Mediacom cable TV lines. It also includes coordination and oversight of the work performed by the utility companies (i.e., installation of the electric, phone and cable TV lines, installation of services, removal of utility poles). Contract B includes the repaving of the roads which will include minor drainage improvements and site improvements such as fencing, landscaping and signage.

The construction phase services include both construction administration and inspection tasks as outlined in this proposal. These tasks include conducting progress meetings, shop drawing review, review of payment requisitions, full-time and part-time inspection, coordination of work by utility companies, punchlist inspections, and project closeout activities.

SCOPE OF THE WORK - CONSTRUCTION ADMINISTRATION (CA) AND RESIDENT PROJECT REPRESENTATIVE (RPR) SERVICES

The work includes the following:

1. Provide Construction Administration services (CA) as listed below:

-
- a. Conduct pre-construction conference
 - b. Reviewing subcontractor qualifications
 - c. Review shop drawings, material certifications and cut sheets. Review and approve or take other appropriate action with respect to shop drawings, samples, survey stake-out, and other data that the Contractor is required to submit for conformance with the Contract Documents and for compatibility with the design concept of the project as a whole. Provide copies to County.
 - d. Respond to RFI's generated by the Contractor(s) during the construction phase. Provide copies with responses to County.
 - e. Coordinate work with GMB, the County, and utility companies.
 - f. Coordinate QC testing (soil compaction) by subconsultant.
 - g. Review and approve contractor payment requisitions
 - h. Conduct progress meetings, prepare agendas and produce minutes for progress meetings.
 - i. Conduct final inspections, developing punch lists, and securing release of liens.
 - j. Review and approve or take other appropriate action regarding change order requests submitted by the Contractor (including a final balancing change order). This shall include but not be limited to an evaluation of the cost specified by the contractor in each change order request.
 - k. Prepare "RECORD" drawings from information provided by the Contractors, including a set in an AutoCAD 2010 format and two separate sets of hard copies. Provide copies to County.
 - l. Upon receipt of a request by the contractor, verify to the County in writing that Substantial Completion has occurred, and compile a punch list of outstanding work and/or warranty items to be performed by the contractor.
2. Provide Resident Project Representative (RPR) Services as listed below:
- a. Furnish and supervise full-time Resident Project Representatives during construction of the ductbank, installation of drainage improvements and repaving phases of the project. Proposal is based on furnishing such services for a

continuous period not to exceed six (6) calendar months.

- b. Furnish and supervise part-time Resident Project Representatives during the installation of utilities by the respective utility companies, and the connection of services, removal of above ground equipment. Proposal is based on furnishing such services for a continuous period not to exceed four (4) calendar months. Part-time coverage, on average, consists of 20 hours per week and will mostly involve coordination and liason type work.
- c. Observe the work performed by the Contractor and report any deviations from the Contract Documents to County.
- d. Coordinate QC testing (soil compaction) by subconsultant.

FEE

We propose to charge for our services on the basis of our cost plus fixed fee for the scope of work described above. A breakdown of the budgeted hours for each of the phases of work is attached hereto as Exhibit A . We have estimated 2,022 man-hours to complete the construction phase services. The estimated cost plus fixed fee for the construction phase services is **\$178,854.00**.

SCHEDULE

It is also our understanding that construction of the utility ductbank is to begin on or about November 1, 2015. The construction duration for the conduit installation is 120 calendar days. GMB has estimated that it will take four (4) months for the utility companies to complete their work. Two (2) months duration is estimated to complete the paving and restoration work. It is anticipated that no construction work will be completed during summer months.

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



Sussex County

DELAWARE
sussexcountyde.gov

To: Sussex County Council Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Todd Lawson, County Administrator, Lawrence Lank, Planning Director
Date: September 25, 2015
RE: The Arbors at Cottagedale Time Extension

At their meeting of August 27, 2015 the Planning and Zoning Commission considered a request for a one (1) year time extension regarding the Arbors at Cottagedale (CU 1845) project for the construction of 168 affordable housing dwelling units to be located off of Mackenzie Way off Plantations Rd. The Planning Commission approved a suspension of the time extension for six (6) months beginning on August 27, 2015. The suspension means that the site shall be substantially under construction by July 1, 2016. The decision was based on letters received on August 5, 2015 and August 7, 2015 from the applicant explaining the history of the site including the Brownfield remediation required prior to construction of the proposed housing and the fact that they site is utilizing the County's Moderately Priced Rental Unit Program.

The applicant's attorney is requesting that the County Council affirm or grant approval of the decision made by the Planning Commission.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Lawrence Lank, Director
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Re: Arbors at Cottagedale

Dear Mr. Lank:

The purpose of this letter is to request that given the nature of the brownfield cleanup effort that must be executed on this site as a part of its development (the site will be turned into a large excavation during which the untouched areas around it will be used for staging and sorting of the materials that must be removed) the Planning and Zoning Commission either:

- Allow the resumption of the site remediation work approved by DNREC to constitute “commencement of substantial construction” as defined in 99-40 of the Subdivision Ordinance or “construction or use is substantially underway” as defined in 115-174 of the Zoning Ordinance

or

- Grant a one year extension of the Conditional Use or until January 1, 2017.

To substantiate this request, below is a brief history of the diligent efforts made by the current owners, Steven and Robert Campbell, to gain project approval such that work can begin. To date, this effort has cost approximately \$450,000.

- Campbells settle on property - August 2013
- Brightfields, Inc. retained to develop site remediation plan - August 2013
- Solutions IPEM retained to engineer site for Final Site Plan approval - September 2013

The team began work making a continuous effort to gain full approval by all agencies including:

BrightFields started working with the Campbells in August 2013 compiling and interpreting the tens of years of environmental investigations and remediation activities that had occurred on the property. They had excavated test pits and collected samples to try and verify the sometimes incomplete existing information. In September 2013, the Campbells entered into the Delaware Brownfield Program and BrightFields assisted them by coordinating with the DNREC Site Investigation and Restoration Section (SIRS) to develop plans to provide the necessary information to fully characterize the environmental issues that would need to be

addressed in order for residential redevelopment of the property to occur. BrightFields collected additional soil, groundwater and soil gas samples and provided a comprehensive Brownfield Investigation Report to DNREC-SIRS in November 2014 which they approved in January 2015.

DNREC issued the Third Amended Proposed Plan of Remedial Action for the site on March 26, 2015 and published the Final Plan of Remedial Action (FPRA) on April 27, 2015. The FPRA requires that a small area of elevated impacted soil be delineated and removed from the site, that the organic debris remaining buried on the property be excavated and this material be disposed offsite, and an environmental covenant restricting groundwater use be placed on the property. The environmental covenant was recorded by the Sussex County Recorder of Deeds on July 6, 2015.

The Remedial Action Work Plan and Contaminated Material Management Plan were submitted to SIRS on July 16, 2015 following the approval of the FPRA. These documents outline the sequence of events for delineating and removing the area of elevated soil impacts, removing the organic debris from the site and the processes for handling additional impacted material if it is encountered during site cleanup or redevelopment.

Simultaneously with Brightfields' work, Solutions IPEM began the required site surveying and engineering of the site and DelDOT required frontage improvements including:

- Submission of revised Preliminary Site Plan - January 2014
- Approval of Preliminary Site Plan by P&Z - March 2014

- Sewer Concept Plan submitted to County Engineering - March 2014, approved April 2015

- Engineered Site Plans submitted to all agencies - September 2014

The review process then began and approvals were received as follows:

- Entrance Plan approval - June 2015
- Conservation District approval- April 2015
- DHSS approval - September 2014
- Fire Marshal approval - December 2014
- Tidewater Utilities – October 2014
- DNREC W & H Substances – February 2015

August 4, 2015
Lawrence Lank, Director
Re: Arbors at Cottagedale

- County Engineering Dpt. – waiting for P&Z decision concerning SWM in buffer area
- Community Development Office - Agreement previously executed, runs with the land
- DART – currently cooperating in Bus Stop Location determination if any
- Cape School District – No bus stop allowed within development

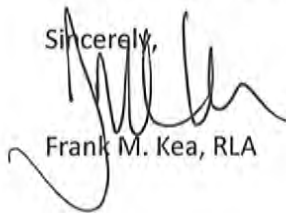
As you are aware, the process is long and exhaustive and as you can see, the owners of the property have diligently pursued all agency approvals required to get started over the 2-year period since acquiring the property. At this point, they simply need the time to get the site remediation done such that construction of infrastructure and buildings can begin. This will result in a hazardous site being cleaned up and an affordable rental community coming to fruition.

Should the Planning and Zoning Commission decide to allow the resumption of the site remediation work to constitute “commencement of substantial construction” and that the “construction or use is substantially underway”, we would propose the following condition:

At the Arbors at Cottagedale, the construction or use is deemed to be substantially underway upon the recommencement of site cleanup in accordance with The Remedial Action Work Plan and Contaminated Material Management Plan approved by DNREC. Further, site work and building construction may commence at any time allowed by DNREC during the cleanup process but any case must commence no later than 90 days following DNREC’s issuance of a Certification of Completion of Remedy for the site.

In conclusion, the current owners of the property have diligently pursued approvals of both the on and off site engineering and site remediation plans. At this point, with Final Site Plan approval and recordation and DNREC’s approval of The Remedial Action Work Plan and Contaminated Material Management Plan, site cleanup can begin making the site ready for project construction to commence; they simply need more time than the January 1, 2016 deadline gives them. Thus, we respectfully request that the Planning and Zoning Commission consider the request made above.

Sincerely,



Frank M. Kea, RLA

August 4, 2015
Lawrence Lank, Director
Re: Arbors at Cottagedale

solutions

Integrated Planning
Engineering & Management, LLC

Fuller Hall & ASSOCIATES, INC.
A Wholly Owned Subsidiary

August 7, 2015

Lawrence Lank, Director
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Re: Arbors at Cottagedale

Dear Mr. Lank:

The purpose of this letter is to supplement our previous August 4th letter concerning efforts made to gain project approval, accomplish site remediation work and get project construction underway at the Arbors of Cottagedale. Our first letter addressed only the work efforts and expenditures made by Steven and Robert Campbell since their acquisition of the property in August of 2013. The fact is that efforts to create this community, gain all approvals, clean up the site and build the project began much earlier at least as far back as the year 2005 based on records that we have been able to uncover with assistance from Brightfields, Inc.

As you are aware, the project was previously owned by Frank Robino Companies, LLC from early 2004 to bankruptcy, then Robino-Cottagedale, LLC and later, efforts were made by Mid Atlantic Ventures, LLC (Rick Banning) who was apparently the equitable owner or contract purchaser of the property from Robino. During their process of gaining approvals, they also managed to begin site remediation work funded in part by the State of Delaware through a Brownfields Voluntary Cleanup Program Agreement; as much as \$1 million was reimbursed to one of the Robino entities by DNREC according to DNREC records and Brightfields, Inc.

Unfortunately, all of this occurred at the beginning of the last recession which brought everything to a halt and resulted in the property being taken back by the bank holding the mortgage. Nothing was done in terms of further cleanup or site engineering by the bank between 2010 and 2013.

In late 2012, Charles Robino began to make efforts to find an investor to purchase the property from the bank presumably to settle the debt which we know by virtue of personally attending several meetings with potential buyers. Finally, this effort resulted in the property being purchased by the Campbells in August of 2013. As you can see, efforts to develop the property were unceasing but for the period of time it took bank to regain control of the property such that it could be sold. With that in mind, below is a fairly complete list of approvals, agreements and actions accomplished by the former owner(s) that preceded the Campbells' purchase of the ground.

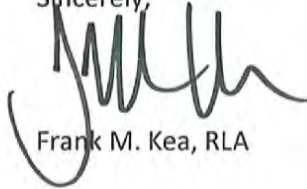
- Frank Robino Companies, LLC purchases property - Late 2004
- Remedial Workplan, Health and Safety Plan, and Sampling and Analysis Plan 12/08/2004
- First round of groundwater sampling was conducted by Tetra Tec - 01/04/2005
- Second round of groundwater sampling was conducted by Tetra Tec - 07/04/2005
- Third round of groundwater sampling was conducted by Tetra Tec - 11/11/2005
- JCM Environmental completes subsurface investigation - 07/24/2006
- Site grading and debris removal underway - June 2006
- Workers experience headaches from materials exposure - June 2006
- JCM Environmental conducts further subsurface tests - July 2006
- Further debris removal occurs with some oversight - July 06 – 2008
- DelDOT TIS for 216 units completed - 10/15/2008
- DelDOT No Objection to proceeding with Zoning letter - 12/01/2008
- DelDOT TIS review completed - 02/24/2009
- PLUS submission - 01/15/2009
- Brownfield Certification and Funding Eligibility granted - 01/29/2009
- PLUS Response letter submitted - 03/11/2009
- Affordable Rental Program Application submitted - 03/11/2009
- Brownfields Voluntary Cleanup Program Agreement executed - 03/16/2009
- Letter from P&Z obtained with zoning application – 04/13/2009
- Affordable Rental Program Agreement executed - 09/22/2009
- Landmark-JCM submits Conceptual Site Model (CSM) and Site Summary Rev. 1 and Sampling and Analysis Plan - October 2010
- Landmark-JCM completes test pits, borings, soil samples and monitoring wells, gas points and samples - December 2010
- County passes ordinances granting zoning and Conditional Use - 02/23/2010
- Cemetery Investigation/Archeological Report completed - 12/29/2010

As you can see, work was conducted in preparation for development of the site including those things required to rezone the property, enter into the Affordable Rental Agreement and partially clean up the site before the recession brought everything to a halt. Anecdotally, even site engineering was begun with Landmark-JCM but no submissions to agencies occurred. Following these efforts when the bank would allow it, Charles Robino worked at finding a buyer for the ground and in August of 2013, the Campbells took ownership and began diligent pursuit of all approvals as described in our previous letter.

August 7, 2015
 Lawrence Lank, Director
 Re: Arbors at Cottagedale

At this point, with Final Site Plan approval and recordation and DNREC's approval of The Remedial Action Work Plan and Contaminated Material Management Plan, site cleanup can begin making the site ready for project construction to commence; they simply need more time than the January 1, 2016 deadline gives them hence our previous request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank M. Kea', written over the typed name below.

Frank M. Kea, RLA

August 7, 2015
Lawrence Lank, Director
Re: Arbors at Cottagedale



Todd F. Lawson, County Administrator
Sussex County Council
P.O. Box 589
Georgetown, DE 19947

May 12, 2015

Dear Mr. Lawson and Honorable Members of Council;

On behalf of the Greater Georgetown Chamber of Commerce and its **2015 Wings & Wheels-A Georgetown Fall Festival** Committee, I respectfully submit a request to the Sussex County Council for its support in the amount of \$10,000 to help us sustain and grow our annual **Wings & Wheels-A Georgetown Fall Festival**.

As you know, this Georgetown festival has developed into one of Sussex County's premier events, and more than any other, showcases one of the county's greatest assets-- our Sussex County Airport. This unique Vintage Plane "Fly-In" & Classic Car exhibition has attracted tens of thousands of people to the airport grounds over the past seven years, and we anticipate that the 8th annual event could be our strongest ever!

In 2010 we expanded the (then) one-day **Wings & Wheels** event to include a USO-styled, "*Dinner & Camp Show*" on the Friday evening before the Saturday festival, and it has been a sold-out success every year since. We plan to continue this programming in 2015, and hope to maintain-if not exceed- the high quality entertainment we provided in 2014. The *Abbott & Costello Tribute Show* will return again this year, and we have contracted with the *Smooth Sound Dance Band* to headline the Show.

2014 marked another expansion in the event's programming to include an *Aviation Education Expo*, so we are very excited to invite you to the second annual Aviation Education Expo, which will also take place at the Sussex County Airport on Friday morning.

This event targets high school Juniors and Seniors throughout the State, and focuses on introducing young people to the vast array of career opportunities within the aviation industry. The day is packed with industry leaders, vendors, aircraft displays, guest speakers, amazing prizes, demonstrations, growing scholarship opportunities, and most of all...information that could literally change these students' destinies!

827 East Market Street

Georgetown, DE 19947

T) 302-856-1544; (F) 856-1577

www.georgetowncoc.com

www.wings-wheels.com

info@georgetowncoc.com

Another highlight of this year's event will be the return of a very special Guest of Honor, Lt. Col. Richard "Dick" Cole, one of the last of only 2 remaining WWII navy aviators known as the Doolittle Raiders. The **Wings & Wheels** Committee will provide air transportation and local accommodation for Lt. Col. Cole (who will be 100 years old) and his manager/aide. Along with Dick, this year's **Wings & Wheels** will host another historic aviator, Joe F. Edwards. Mr. Edwards is a world-renown astronaut and aerospace engineering consultant, and the only living recipient of the Navy's Distinguished Flying Cross awarded during peacetime for successfully landing a damaged F14 (with no canopy) on the deck of an aircraft carrier while having an injured left eye, broken ribs and arm. The presence of these veterans at our **Wings & Wheels** event makes history for Sussex County!

Location: Sussex County Airport and its Surrounding Areas

Dates/Times: Friday, October 2, 2015; 8:00 AM-9:00 PM; and Saturday, October 3, 2015- 10:00 AM to 4:00 PM (Raindate: October 4, 2015)

A preliminary list of Events & Activities includes:

Friday, Oct. 2, 2015

- **Wings & Wheels Aviation Education Day-**
 - Lt. Col. Richard "Dick" Cole-"Doolittle Raider"
 - Retired Astronaut and Top Gun graduate, Joe F. Edwards
- **Wings & Wheels Camp Show** (Dinner & Show Entertainment Program)

Saturday, Oct. 3, 2015

- **Vintage Plane "Fly In"**
 - Planes on Display for Viewing
 - Pilot Competitions
- **Antique & Classic Car Show** (over 380+ cars registered in 2014)
- **WWII Special Events**
 - Panel of Local WWII Veteran Heroes
 - Living Testamonies-First Hand Accounts
 - Lt. Col. Richard "Dick" Cole-"Doolittle Raider"
 - Retired Astronaut and Top Gun graduate, Joe F. Edwards
 - Historic WWII Newsreel footage
 - Fort Miles Exhibits
 - WWII Ground Re-enactments
 - US Naval Academy Parachute Team (Have declared *Wings & Wheels* to be its " home training event".)
- **DE Aviation Museum Tours**
- **Food & Craft Vendors**
- **All Day Entertainment**
 - **On-Site/On Air Radio Personality**
 - **Live Band**

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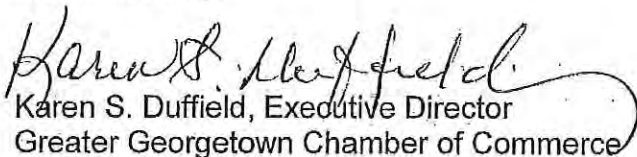
info@georgetownccoc.com

The Greater Georgetown Chamber of Commerce assumes the lion's share of the financial responsibility for ***Wings & Wheels- A Georgetown Fall Festival***, and with its growth, our expenses have grown, as well. Transportation expenses for our honored guests will be significant this year, as well as, the entertainment fees for the *Dinner & Big Band Show*. We also undertook an initiative to redesign and upgrade our dedicated event website, which was a significant investment made in the ongoing marketing and promotion of this event. To date, any net revenue realized from the event has been redirected back into supplementing the attending aircraft's fuel costs, and development of the next year's event. Our challenge remains solidifying major sponsors and creating strong corporate, business and local partnerships in the event.

We are asking the County to support ***Wings & Wheels 2015-*** in a major way. Council's contribution of \$10,000 will help us meet event marketing, advertising, rentals, entertainment, transportation, and insurance costs, etc.—actual expenses associated with hosting this large scale, 2-day festival; and it will insure that it is a memorable and thrilling occasion for all who attend. Your investment in this event is an investment in your airport and your county.

With Council's support, ***Wings & Wheels 2015*** can be another great success, and the annual festival will continue to grow and be recognized as an event singularly unique to Sussex County. Thank you in advance for your consideration of our request, and for your generous support of **2015 *Wings & Wheels- a Georgetown Fall Festival***.

Most Sincerely,


Karen S. Duffield, Executive Director
Greater Georgetown Chamber of Commerce

cc: The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice-President
The Honorable Joan R. Deaver
The Honorable George B. Cole
The Honorable Robert B. Arlett
Jim Hickin, Airport Manager

PUBLIC HEARINGS
September 29, 2015

This is to certify that on August 27, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the commission moved and passes that the applications be forward to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

County Planning & Zoning
Commission of Sussex County

Lawrence Lank
Planning and Zoning Director

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

C/U #2025 – Rudy South c/o T & C Properties, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for boat sales, service and storage to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 27.84 acres, more or less.

The property is located northeast of Robinsonville Road (Road 277) approximately 1,200 feet northwest of Webb's Landing Road (Road 277B) (911 Address: None Available) Tax Map I.D. 234-6.00-96.00.

The Commission found that the Applicant provided a survey/site plan with the application when it was filed on June 8, 2015, and that an Exhibit Booklet was submitted on August 17, 2015.

The Commission found that DelDOT provided comments on April 17, 2015 and May 6, 2015 in the form of letters and a Support Facilities Report referencing that originally the Department had referenced that an Area-Wide Study Fee could be paid to DelDOT in lieu of performing a Traffic Impact Study; that the developer has provided more information to DelDOT concerning the use; that it has been estimated that the use would generate fewer than 50 vehicle trips during any weekly peak hour and 500 vehicle trips per day, and would not require a Traffic Impact Study; and that the Level of Service "A" of Robinsonville Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments on August 24, 2015 in the form of a memorandum referencing that there are five (5) soil types on this property; that the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas are affected; that off-site drainage improvements may be necessary; that on-site drainage improvements are likely; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on August 24, 2015 referencing that the

property is located in the Angola Neck Planning Area; that sewer service has not been extended to the parcel; that the property is not capable of being annexed into a County operated Sanitary Sewer District at this time; that when sewer service is provided to the area, connection is mandatory; and that a concept plan is not required.

Mr. Lank advised the Commission that an email was received from Steve Britz on August 27, 2015 opposing this application and expressing concerns about the large scale commercial project being completely out of character with the surrounding agricultural/residential area and will serve to open the area for further future commercial development; that he lives in Webbs Landing, and that Love Creek Landing, a proposed 213 residential dwelling project is immediately adjacent to the property, and the Novosel development, a 160 lot residential dwelling project which is immediately opposite the property will be impacted by this project; that the applicant proposes to install overhead lighting for the purpose of after-dark sales and security; that even though the planned lighting is supposed to be directed downwards, it is likely to have a major negative visual impact on surrounding homes, in particular lots in Webbs Landing; that the applicant is proposing a 20 foot wide vegetated buffer with a 3' berm surrounding the property, which is inadequate to screen surrounding homes from the visual impact of a boatyard, if constructed; that since the applicant is proposing to set aside over 7 acres to preserve the agricultural character of the property, he contends that there is sufficient land to increase the width of the buffer zones; that the land will present problems for commercial development since the bowl-shaped center is approximately 5 feet or more below the periphery; that even though the applicant proposes the use of pervious paving surfaces it is probable that large amounts of fill dirt will be required to raise the center and reduce ponding; that this in turn is likely to affect drainage to the aquifer and may impact a drainage swale on adjacent land that directs stormwater runoff from land across Robinsonville Road towards Stilman Glade, a tributary of Love Creek; and that the swimming pond designation in the south corner of the property appears to be a poorly disguised retention pond and is likely to attract nuisance waterfowl.

The Commission found that Tom Rudloff was present on behalf of Rudy South, c/o T & C Properties, LLC, with James A. Fuqua, Jr., Esquire of Fuqua, Yori & Willard, P.A. and Robert Palmer, Professional Engineer of Beacon Engineering, LLC and that they stated in their presentations and in response to questions raised by the Commission that the 27.84 acre parcel is zoned AR-1 Agricultural Residential and that they are applying for boat sales, service and storage; that the majority of the parcel is cleared lands with a small area of woodlands; that the site is surrounded by woodlands and agricultural lands; that in 2009 the Commission approved a 213 lot subdivision to the north; that the purpose of this application is to relocate and expand an existing boat sales, service and storage facility located south of Route 24 at Love Creek; that the applicant has been in the boat business since 1995; that the existing business is on leased lands; that the existing business has outgrown the location; that access to the existing location is very difficult for vehicles pulling trailered boats due to its location on Route 24; that the existing site is zoned M (Marine) which permits marine industrial uses and multi-family uses; that this site is approximately 1.0 mile from the existing site; that the State Strategies map places this site in a Level 2 and Level 3, where growth is anticipated; that the County Comprehensive Plan map places this site in the Environmentally Sensitive Developing District which is a growth area that can accommodate residential growth and retail; that the use is an appropriate use as a Conditional Use; that DelDOT has reported that they will require a dedication of right-of-way 30 feet from the centerline of Robinsonville Road, a 15 foot wide easement for a multi-modal path along Robinsonville Road, and an entrance design that complies with DelDOT requirements; that they originally intended more uses for the property when they were working through the PLUS process and DelDOT; that those uses included retail and self-storage facilities; that DelDOT responses indicate that this use will have

minimal traffic impacts; that an AR-1 Agricultural Residential subdivision would generate more traffic; that they are proposing to erect an on-premises sign near the entrance; that the entrance road will be paved and will include a sidewalk and parking area; that they are currently proposing four main buildings: one for boat display/showroom/office; one for parts and supplies; one for warehousing; and one for storage; that there will not be any parts stored outside, only boat trailers and boats; that an old family cemetery exist in the wooded area and the boundaries will be established, the site will be fenced, and the cemetery will be maintained; that a single family home is proposed for an employee/security; that seven (7) area uses are planned: 1) outdoor boat sales area; 2) boat sales and service; 3) security/dwelling; 4) service boat storage area; 5) an on-premises sign area; 6) customer access boat storage monthly rental area; and 7) agricultural area; that a 20-foot wide bermed vegetated buffer is proposed on the southerly and easterly property lines to establish a method of screening; that the northerly property line is adjacent to an existing wooded parcel that is intended to remain wooded as a buffer for the adjacent subdivision proposal; that typical business hours will be from 8:00 a.m. to 8:00 p.m. during the peak boating season; that the customer access boat storage area will be accessible from 6:00 a.m. to 9:00 p.m.; that on site water and septic are proposed until central water and sewer are available; that 10 jobs will be established at the beginning; that they intend to serve full-time and seasonal residents and visitors of the area; that no other large scale commercial projects exist in the area of Robinsonville Road; that the Sussex County Council designated this area as a growth area when the Comprehensive Plan was adopted; that the area is currently rural in nature, but subdivisions have been approved, sewer is proposed, and this use will provide a service to the residents and visitors of the area; that Robinsonville Road is a rural road; that the use will not significantly impact the area roadways or the Level of Service "A" of Robinsonville Road; that approximately 50 boats will be displayed normally; that they anticipate that 250 boats will be stored; that any development of the agricultural area of the site would have to come back as a application for another conditional use; that the buildings to be used for service and repair will be similar to the DelDOT salt buildings; that the buildings will be enclosed, not open ended; that the design of the service and repair building are very eco-friendly and allow for minimal lighting since sunlight filters through the covering on the buildings; that the site will be a support facility for those residents in the area that own boats or need boat service; and in summary: the traffic impact will be minimal; the State and County have designated the area as a growth area; and the County will be providing sewer service to the area for the anticipated growth in the future.

The Commission found that Mr. Fuqua submitted proposed Findings of Fact for consideration.

The Commission found that Bill Crist and Greg Brennan were present and spoke in support of the application and the character of the applicant and stated that the applicant was encouraged to bring his boat business to Sussex County; that the applicant pays attention to details; that most people come to Sussex County to be on or near the water, showing a need for boat service, storage and sales.

The Commission found that Warren Sandberg, a resident of Webb's Landing subdivision, was present in opposition and expressed concerns that residents anticipated that the area would grow in housing, not commercial properties; that there are no commercial activities along Robinsonville Road; questioning the height of the buildings and if boats would be stored in racks; that the use is totally out of character with the area; and that the use is not appropriate for the area.

The Commission found that Mr. Rudloff responded to questions raised by the Commission that there will not be any boat storage racks; that the buildings will not exceed a height of 20 feet; that

trees will be planted in the buffer areas; and that fencing will be on the internal side the bermed landscaped buffers.

The Commission found that William Payne, a resident of Webb's Landing, spoke in opposition and expressed concerns that the use is out of character with the area; that the applicant reports a history of expanding his businesses; that DelDOT requested a connector to the property to the rear of the site; that it is rumored that the existing site on Route 24 will be converted for a motel/hotel; that there are no commercial activities in the area of Robinsonville Road; and that a precedent may be set if this use is approved.

The Commission found that Bill Baydallia, a resident of The Retreat at Love Creek, spoke in opposition and expressed concerns that residential development is growing in this area; that Love Creek Landing originally included a multi-family section and the Commission rejected that application referencing that the multi-family section was out of character with the single family residential trend of development in the area; and that a large scale boat sales business will impact the residential character of the area.

The Commission found that Steve Britz, a resident of Webb's Landing, confirmed his email comments previously summarized by Mr. Lank and acknowledged that the area is a growth area, but intended for residential uses; questioned the overhead lighting and schedule of lighting; added that the berms should be widened with more vegetation; and expressed concerns about runoff.

The Commission found that Roland Hill, an adjacent farm owner, was present, agreed with the other speakers in opposition, and added that there are six (6) developments along Robinsonville Road, with others that have been approved, but not yet developed; and expressed a concern that a precedent will be set for future commercial application if this use is approved.

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

On August 27, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On September 24, 2015 the Commission discussed this application under Old Business.

Mr. Johnson state that he would move that the Commission recommend denial of C/U # 2025 for Rudy South c/o T & C Properties, LLC for a Conditional Use for boat sales, service, and storage based upon the record made during the public hearing and for the following reasons:

1. The proposed use is for a 2.29 acre boat sales and service area with three permanent buildings and five padsites for temporary buildings, a 7.34 acre service area, a 2.00 acre customer access boat storage area and a 2.63 acre boat sales area.
2. The proposed use, while a conditional use, is a commercial use on this property.
3. There are no other commercial uses in this area of Robinsonville Road.
4. The proposed use is out of character with this area of Robinsonville Road. There was testimony during the Public Hearing from those in opposition to the project that all of the

nearby properties are currently used for agricultural purposes or have existing or approved residential uses upon them. He confirmed this by his multiple visits to the site.

5. Approving a Conditional Use for a commercial enterprise such as his would create an unwanted precedent for establishing other business or commercial uses in this area where none currently exist.
6. The Commission previously reject a multi-family section of the Love Creek Landing Development based upon the reason that multi-family uses were out of character with a single family residential trend of development in the area. The proposed commercial uses as a boat storage and retail facility would be even more out of character with the single family residential trend of development in the area.
7. Although boat storage and repair facilities have been approved in various locations throughout the County, they are typically in areas where other business or commercial uses already exist of where the development trend is not predominately single family residential like the proposed location for this application.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 5-0.

C/U #2026 – Cristian Omar Hernandez Perez and Terri L. Martin

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a home based business (auto repair, detailing, and auto resales) to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.982 acres, more or less. The property is located south of Lewes-Georgetown Highway (Route 9) 0.8 mile east of Harbeson Road (Route 5) at Harbeson (911 Address: 26740 Lewes-Georgetown Highway, Harbeson) Tax Map I.D. 235-30.00-60.00.

The Commission found that the applicants provided a survey/site plan with their application which was filed on April 27, 2015.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on April 17, 2015 referencing that a traffic impact study was not recommended; and that the current Level of Service “E” of Route 9 will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on August 24, 2015 referencing that there is one soil type on this property; that the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be necessary; that it is possible that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on August 24, 2015 referencing that the property is located in the North Coastal Planning Area; that the project is not capable of being annexed into a County operated Sanitary Sewer District at this time; that conformity to the North

Coastal Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

The Commission found that the Department had received eight (8) form letters containing 38 signatures in opposition to this application expressing concerns that the applicants are currently operating the business illegally; that opposition is based on personal observations of the current activities; that the property has been occupied as a residential house; that automotive activities fall outside the intent of a home occupation; that the majority of the work is being performed outside of the home in plain view; that the applicant works on vehicles throughout the property, in the driveway and around the home; that several vehicles, sometimes numbering as many as 15, are parked throughout the property while waiting for repair or to be sold; that the business is out of character and incompatible with the surrounding community; that when the Trails of Beaver Creek was being developed and the homes were sold, those residents knew the neighboring property across Route 9 was a simple residential house; that if this Conditional Use is granted it would alter the neighborhood; that the property is not suited for automobile sales and repairs nor are there any other uses as intensive as a used car lot in the proximity of this parcel; that the property is not the appropriate size and not in the appropriate location to repair vehicles, store vehicles, and have customers gain access to the property; that currently, most visitors park their vehicles on the shoulder of Route 9; that the use would be better suited in a location where proper zoning already exists; that there is currently an automobile repair shop for sale less than ½ mile west on Route 9 that already has the appropriate zoning and is completely appropriate for this type of commercial activity; and that allowing a Conditional Use where a residential house has occupied for decades is inappropriate.

The Commission found that Terri Martin and Cristian Omar Hernandez Perez were present and stated in their presentation and in response to questions raised by the Commission that Ms. Martin owns the property and that Mr. Perez is the tenant; that there is a need for Spanish speaking operators of an auto-repair business; that there may be 4 or 5 vehicles for sale on the property; that the vehicles stopping along Route 9 are looking at the vehicles for sale; that repair work is being performed on the asphalt driveway; that they have a dumpster on site; that they intend to utilize the single car garage for repair work in the future; that business hours are from 7:00 a.m. to 5:00 p.m. Monday through Friday, with no weekend hours; that two or three family members work on the vehicles; that five family members live in the dwelling; that the site is in close proximity to a bird farm retail business, Old Wood woodworking business, the Donut Connection, an equipment rental business, and a business/industrial park; that Ms. Martin originally rented the dwelling with the intent of residential housing; and that Ms. Martin advised the Commission that the tenants are excellent tenants.

The Commission found that no parties appeared in support of or in opposition to this application.

On August 27, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

C/U #2027 – SLC Homestead, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a home business – retail gun shop and gunsmithing to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 6.61 acres, more or less of a 14.04 acre tract. The property is located east of Iron Branch Road (Road 331)

2,500 feet northeast of Main Street in Dagsboro (911 Address: 31005 Iron Branch Road, Dagsboro)
Tax Map I.D. 233-11.00-17.00 (part of).

The Commission found that the applicant provided a survey/site plan with the application filed on June 16, 2015.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on May 12, 2015 referencing that a Traffic Impact Study was not recommended, and that the current Level of Service "C" of Iron Branch Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on August 24, 2015 referencing that there are three soil types on this property; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that no off-site drainage improvements will be required; that it is likely that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on August 24, 2015 referencing that the property is located in the Dagsboro/Frankford Planning Area; that sewer service has not been extended to the area at this time; that conformity to the Dagsboro/Frankford Planning Study will be required; that when sewer service is provided to the area, connection is mandatory; that the County does not have a schedule to provide sewer service at this time; and that a concept plan is not required.

The Commission found that Stuart Jones was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that he will be purchasing the property if the use is approved; that his business is currently located in Country Gardens commercial complex between Dagsboro and Millsboro; that he and his wife are living in a condominium and intend to purchase the farm and reside in the dwelling on this site; that the site has a nice home and out buildings and a working chicken house on the property; that he is intending to utilize the existing chicken house entrance for access for his customers; that the property will appear the same after the use is established, if you were to ride by; that he is proposing retail firearm sales and gunsmithing; that he has his Federal and State licenses; that the property already has a security system on the home, the garage and the out buildings; that gun safes will be utilized to store the firearms; that he is proposing business hours from 11:00 a.m. to 7:00 p.m. weekdays, and 10:00 a.m. to 4:00 p.m. Saturdays; that he may extend those hours during holidays; that no Sunday hours are proposed; that he hopes to hire an additional employee in the future; that he typically test firearms off site at approved ranges; that he does not build firearms from scratch, only from kits or by adding accessory parts, i.e. scopes; that he is purchasing the entire property, and hopes to lease the chicken house operation to a tenant operator.

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

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

On August 27, 2015 there was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 - 0.

On September 10, 2015 the Commission discussed this application under Old Business.

Mr. Ross stated that he would move that the Commission recommend approval of Conditional Use No. 2027 for SLC Homestead, LLC to operate a retail gun shop with gunsmithing based upon the record made during the public hearing, and for the following reasons:

1. The use is for a retail gun shop and gunsmithing business located on 6.61 acres out of a 14.04 acre tract of land.
2. The use will exist within existing structures on the premises, and the applicants intend to reside there while the business is underway.
3. The use is small in nature, and is very nearly a home occupation.
4. The use will not adversely affect neighboring properties or roadways. There are no residences that are close by to the proposed use.
5. The applicant has stated that there will not be a firing range located on the premises.
6. The applicant has stated that many of his customers include local law enforcement officers. As a result, the use has a public or semi-public character.
7. No parties appeared in opposition to the application.
8. This recommendation is subject to the following conditions:
 - A. The applicant must comply with all Federal and State licenses and regulations for the use.
 - B. As stated by the applicant, there shall not be a firing range on the site.
 - C. The hours of operation shall be 11:00 a.m. to 7:00 p.m. weekdays, 10:00 a.m. to 4:00 p.m. on Saturdays, and no Sunday hours.
 - D. As stated by the applicant, the use shall be operated within the structures that currently exist on the site as shown on the preliminary site plan submitted with the application.
 - E. On lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - F. Security lights shall be installed. All lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.
 - G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0. Mr. Smith was absent.

C/Z #1782 – Robert Atallian

An Ordinance to amend the Comprehensive Zoning Map from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 4.38 acres,

more or less. The property is located south of Lewes-Georgetown Highway (Route 9) 615 feet west of Arabian Acres Road (Road 282) (911 Address: 18501 Stamper Drive, Lewes) Tax Map I.D. 334-4.00-88.00.

The Commission found that the applicant provided a survey/site plan of the property with the application filed on June 15, 2015.

The Commission found that DelDOT provided comments on December 11, 2014 in the form of a letter and Support Facilities Report referencing that the rezoning application can be considered without a Traffic Impact Study and that the need for a Traffic Impact Study will be evaluated when a subdivision or land development plan is proposed.

The Commission found that the Sussex Conservation District provided comments on August 24, 2015 in the form of a memorandum referencing that there are two soil types on this property; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it is not likely that off-site drainage improvements will be required; and that it is possible that on-site drainage improvements will be required.

The Commission found that the County Engineering Department Utility Planning Division provided comments on August 24, 2015 in the form of a memorandum referencing that the site is located in the North Coastal Planning Area; that conformity to the North Coastal Planning Study will be required; that the proposed change of zone is not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

The Commission found that Robert Atallian and Bill Massey were present and stated in their presentation that historically this property has been used for an equestrian center, an eye glass business, and an approved antique store, which has an approved expansion for a produce market; that the application was filed to bring the property into the appropriate zoning category to establish the use as a permitted use, not requiring a conditional use; that there are several commercial and business uses across Route 9 and in close proximity to the site, referencing Bada Engineering, TR Roofing, Beaman's Old and GNU Antiques, Building Supply Depot, Grissley's, Millman's Appliances, Steele's Gun Shop, a beauty salon, Beracah Homes, a pet daycare, Hopkin's Dairy Farm, and others; that the existing antique store was established by Conditional Use in 1995; that the produce stand expansion to the site was established Conditional Use in 2013; that they realize that all agency approvals are required before any additional expansions to the site; that two rezonings have been approved recently in the area; that this site has been used historically as a commercial use; that the neighboring property was recently denied for rezoning is a residential property; that the applicant would have to apply for additional conditional use application whenever he proposed to expand the business if the property remains AR-1; that they are only asking for conforming zoning to uses that have already been established; that the private drive easement on the property provides access to the Stamper properties to the rear; and that the two current uses of the property are the retail antiques and produce stand.

The Commission found that the Mr. Atallian provided and displayed an aerial map of the area and a Google map of the area depicting some of the business/commercial uses in the area along Route 9.

The Commission found that no parties appeared in support of or in opposition to this application.

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

On August 27, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further action. Motion carried 5 – 0.

On September 10, 2015 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend denial of Change of Zone NO. 1782 for Robert Atallian for a change in zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing, and for the following reasons:

1. Although the site has been approved for various conditional uses, those approvals are for limited purposes with conditions placed upon them. The applicant has not provided a clear reason to rezone the property to CR-1 Commercial Residential, other than vague possibilities of expanding the existing business. Such expansions could be sought through the Conditional Use process.
2. The site is not appropriate for CR-1 Commercial Residential zoning and the many permitted uses that are allowed in that zoning district.
3. The rezoning is not compatible with the surrounding zoning, which is all AR-1 Agricultural Residential, subject to some limited conditional uses.
4. The traffic that could be generated from the potential permitted uses under a CR-1 Commercial Residential zoning is not compatible with the existing traffic conditions on Route 9.
5. The Commission recently recommended denial of a change in zone from AR-1 Agricultural Residential to B-1 Neighborhood Business for a nearby property. This recommendation of denial is consistent with the denial of that prior application.
6. There are residential properties to the rear of this site which are served by a private drive through this property. A rezoning to CR-1 Commercial Residential would be inconsistent with the adjacent homes and their only means of access.
7. There is simply not a sufficient basis in the record for rezoning this property from AR-1 Agricultural Residential to CR-1 Commercial Residential.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 4 – 0. Mr. Smith was absent.

Introduced 7/21/15

**Council District No. 3 – Deaver
Tax I.D. No. 234-6.00-96.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT SALES, SERVICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 27.84 ACRES, MORE OR LESS

WHEREAS, on the 8th day of June 2015, a conditional use application, denominated Conditional Use No. 2025 was filed on behalf of Rudy South c/o T & C Properties, LLC; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2025 be _____; and

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

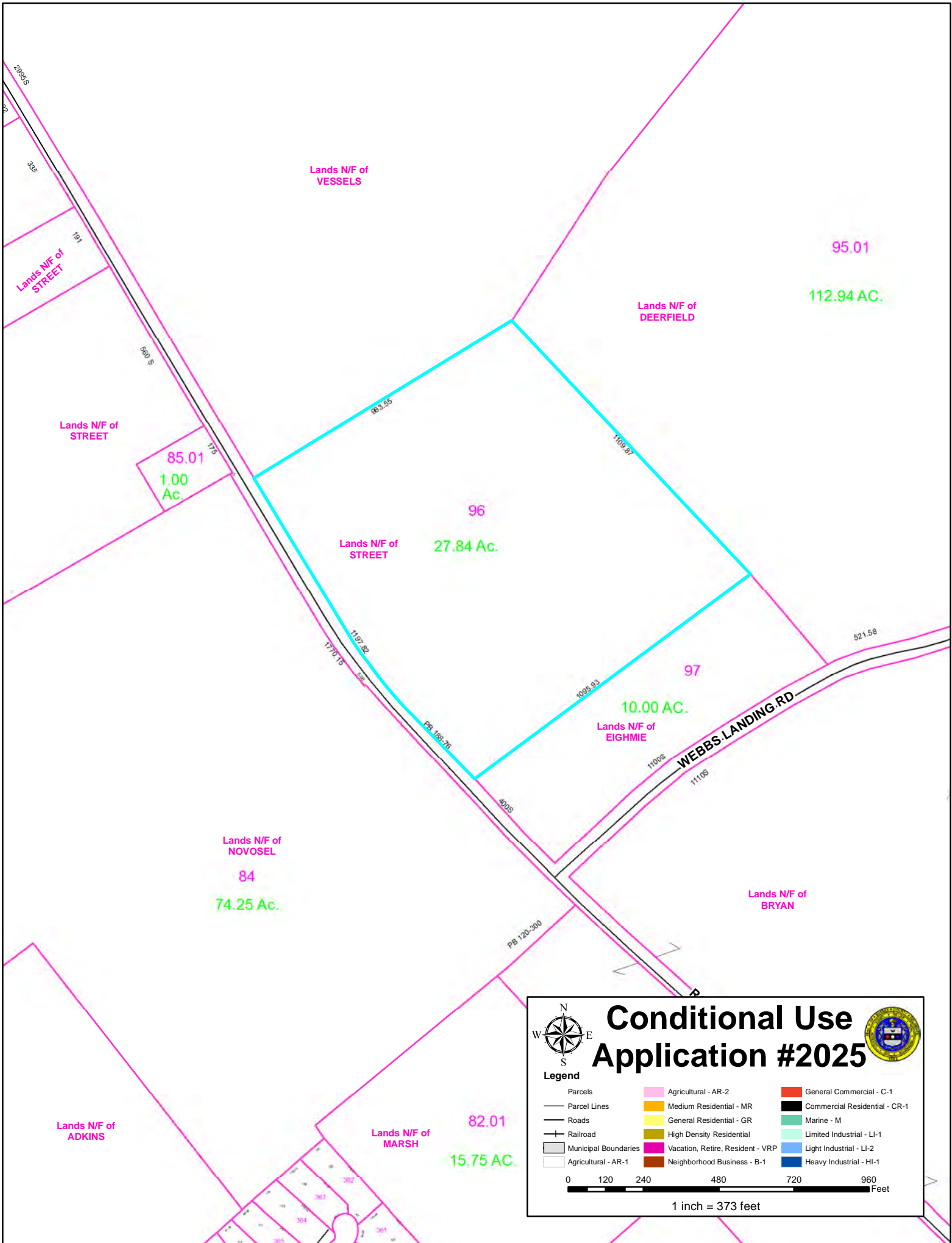
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2025 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 northeast of Robinsonville Road (Road 277) approximately 1200 feet northwest of Webb's Landing Road (Road 277B) and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 27.84 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.



Lands N/F of
VESSELS

Lands N/F of
STREET

95.01

112.94 AC.

Lands N/F of
DEERFIELD

Lands N/F of
STREET

85.01

1.00
Ac.

96

27.84 Ac.

Lands N/F of
STREET

97

10.00 AC.

Lands N/F of
EIGHMIE

Lands N/F of
NOVOSEL

84

74.25 Ac.


Lands N/F of
BRYAN

Lands N/F of
ADKINS

Lands N/F of
MARSH


82.01

15.75 AC.



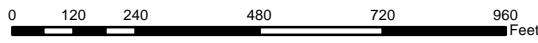
W N E
S

Conditional Use Application #2025



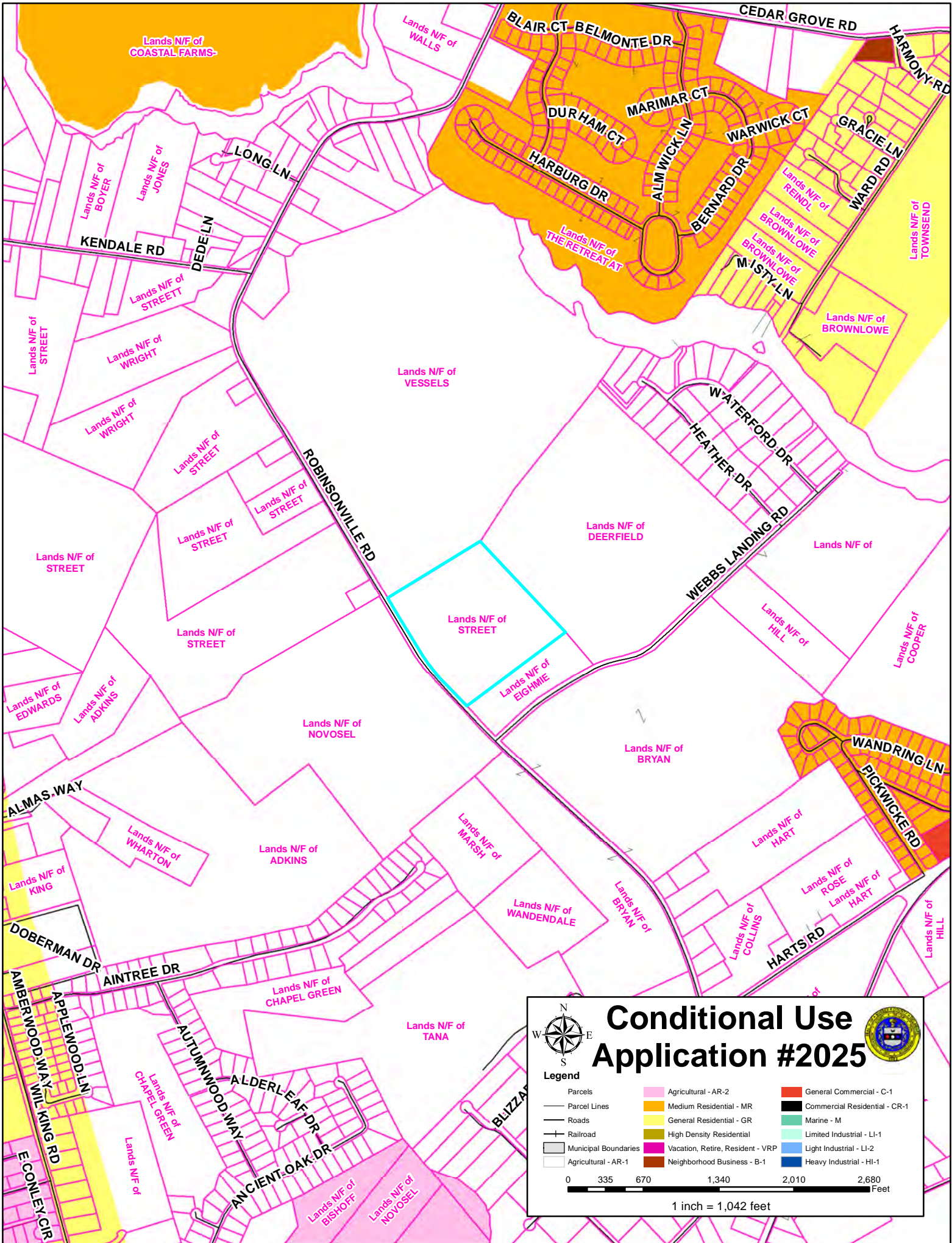
Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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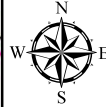


0 120 240 480 720 960 Feet

1 inch = 373 feet

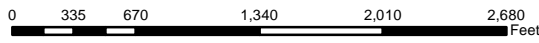


Conditional Use Application #2025

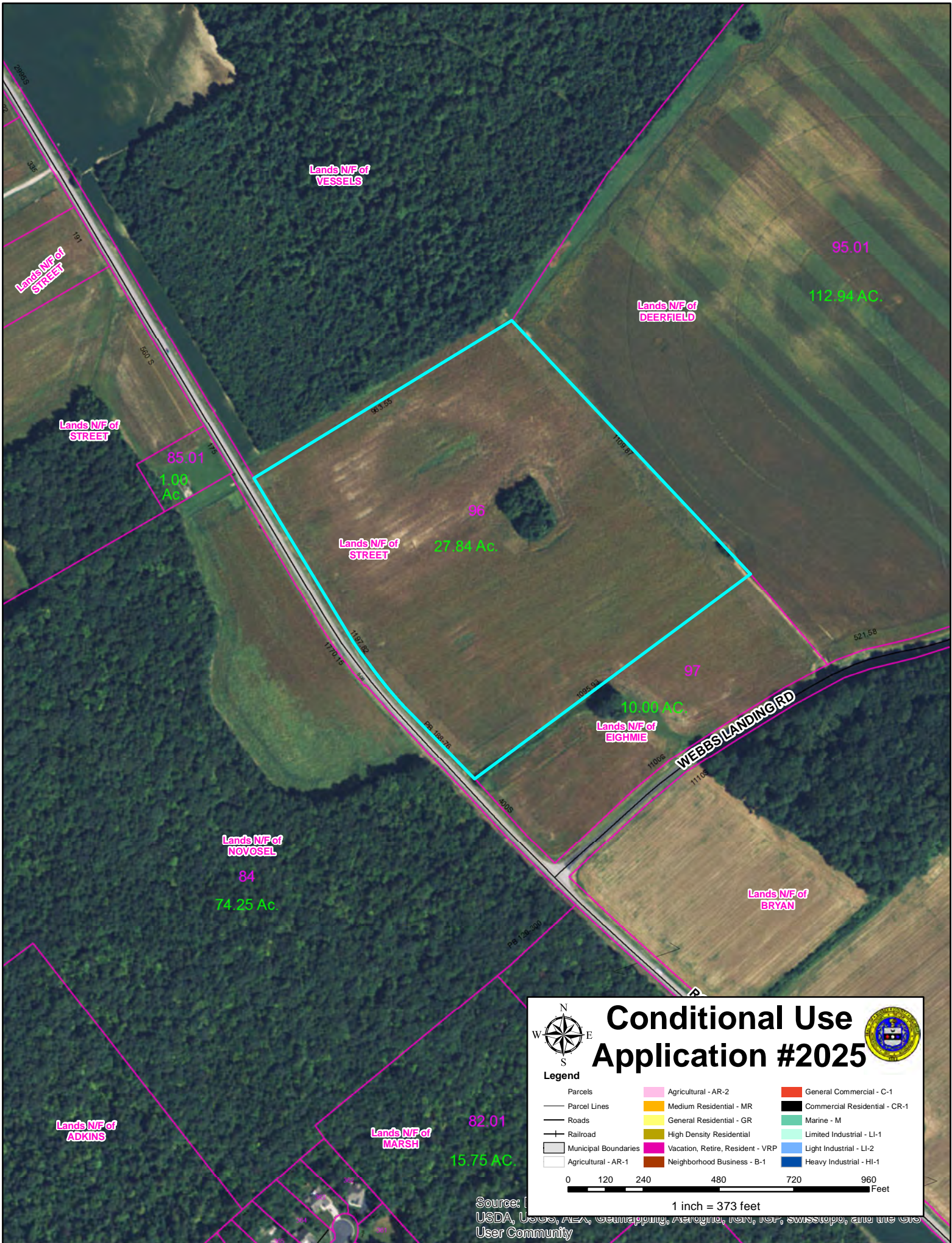


Legend

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



1 inch = 1,042 feet



Lands N/F of
VESSELS

Lands N/F of
STREET

Lands N/F of
STREET

85.01

1.08
Ac.

Lands N/F of
STREET

96

27.84 Ac.

Lands N/F of
DEERFIELD

95.01

112.94 Ac.

WEBBS LANDING RD

97

10.00 Ac.

Lands N/F of
EIGHMIE

Lands N/F of
NOVOSSEL

84

74.25 Ac.

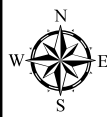
Lands N/F of
BRYAN

Lands N/F of
ADKINS

Lands N/F of
MARSH

82.01

15.75 Ac.



Conditional Use Application #2025



Legend

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

0 120 240 480 720 960 Feet

1 inch = 373 feet

Source: USDA, USGS, AEA, Geotapping, Aerigine, IGN, IGF, Swisstopo, and the GIS User Community

Introduced 7/21/15

Council District No. 3 – Deaver

Tax I.D. No. 235-30.00-60.00

911 Address: 26740 Lewes-Georgetown Highway, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME BASED BUSINESS (AUTO REPAIR, DETAILING, AND AUTO RESALES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.982 ACRES, MORE OR LESS

WHEREAS, on the 9th day of June 2015, a conditional use application, denominated Conditional Use No. 2026 was filed on behalf of Cristian Omar Hernandez Perez and Terri L. Martin; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2026 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2026 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 south of Lewes-Georgetown Highway (Route 9) 0.8 mile east of Harbeson Road (Route 5) at Harbeson and being more particularly described as follows:

BEGINNING at an iron pipe on the southerly right-of-way of Lewes-Georgetown Highway (Route 9), a corner for these subject lands and other lands of Terri L. Martin; thence North 84°28'28" East 264.88 feet along the southerly right-of-way of Lewes-Georgetown Highway to an iron pipe; thence by and along other lands of Terri L. Martin the following three (3) courses:

South 05°00'00" East 350.70 feet to a point; and

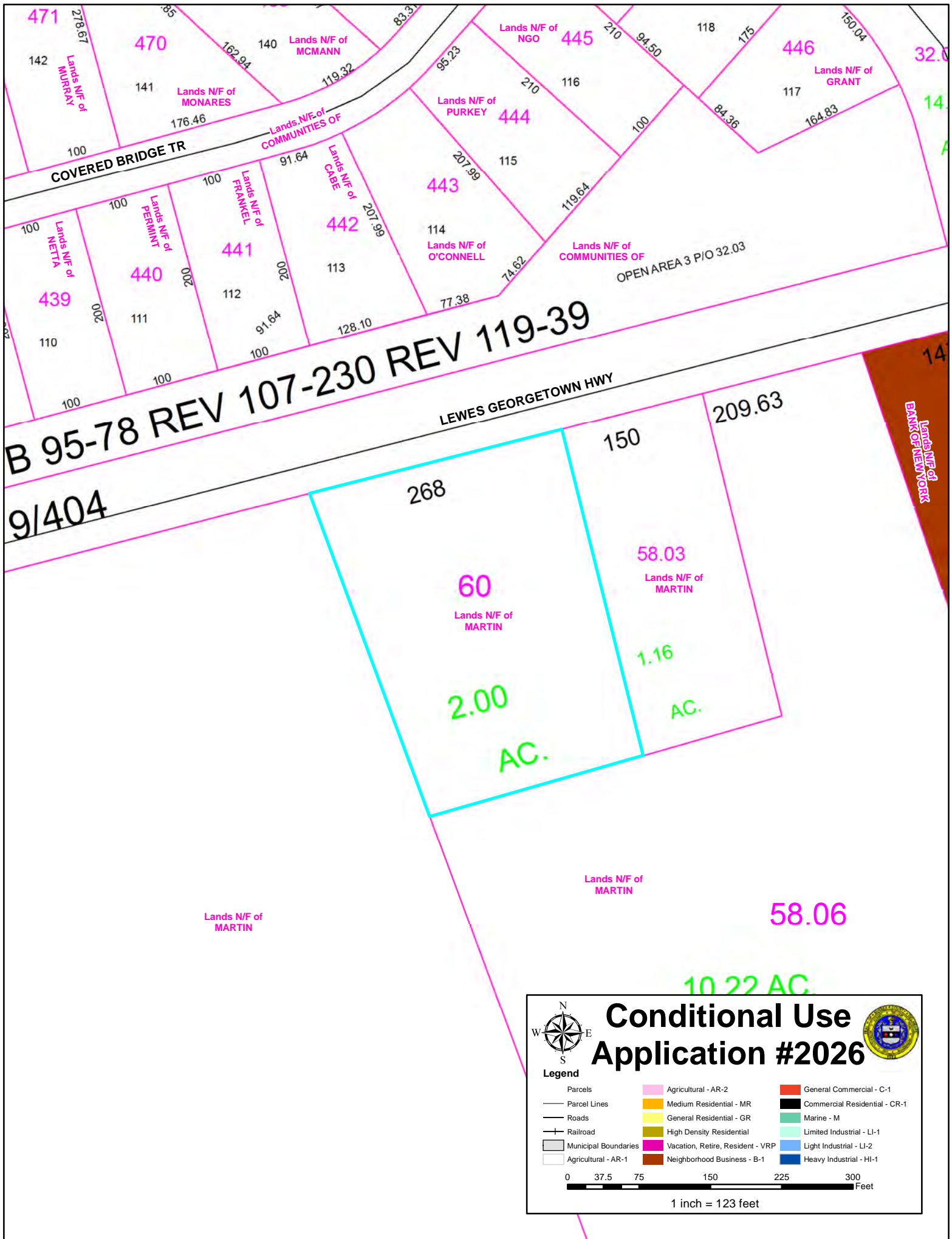
South 84°43'59" West 228.38 feet to an iron pipe; and

North 10°58'00" West 351.24 feet;

to the point and place of beginning, said parcel containing 1.982 acres, more or less.

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

PROPOSED



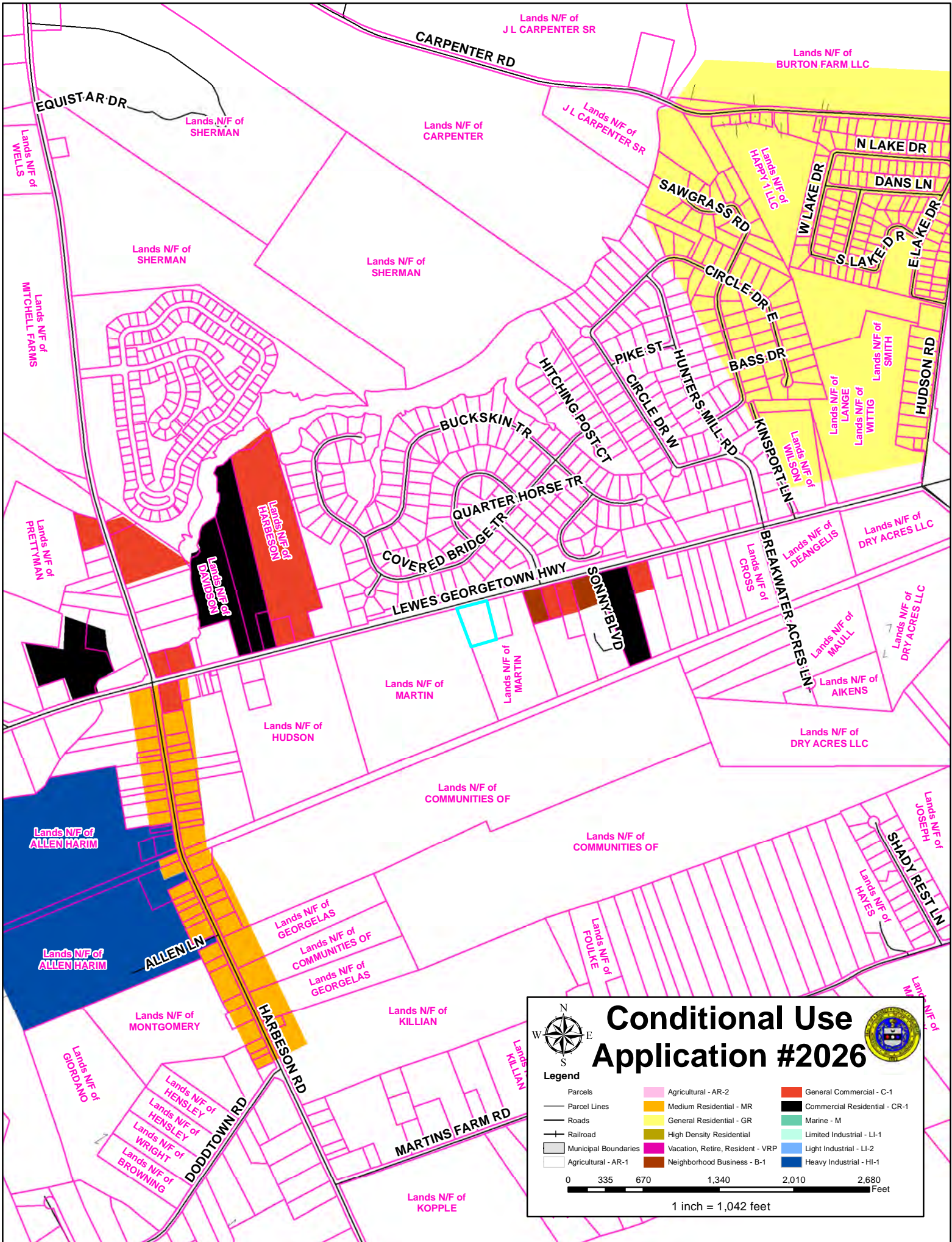
Conditional Use Application #2026

Legend


<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 37.5 75 150 225 300 Feet

1 inch = 123 feet



Conditional Use Application #2026




Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1

- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1

- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



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

1 inch = 1,042 feet



B 95-78 REV 107-230 REV 119-39
 9/404



Conditional Use Application #2026



Legend

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

0 37.5 75 150 225 300 Feet

1 inch = 123 feet

Source: USDA, USGS, AER, Geomapping, Aerial, IGN, IGF, Swisstopo, and the US User Community

Introduced 07/21/15

**Council District No. 5 – Arlett
Tax Map I.D. 233-11.00-17.00 (Part of)
911 Address: 31005 Iron Branch Road, Dagsboro**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME BUSINESS – RETAIL GUN SHOP AND GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS OF A 14.04 ACRE TRACT

WHEREAS, on the 15th day of June 2015, a conditional use application, denominated Conditional Use No. 2027 was filed on behalf of SLC Homestead, LLC; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2027 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2027 as it applies to the property hereinafter described.

Section 2. The subject property is described as:

All that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying east of Iron Branch Road (Road 331) 2,500 feet northeast of Main Street in Dagsboro, and being more particularly described as follows:

BEGINNING at a concrete marker on the easterly right-of-way of Iron Branch Road (Road 331), a corner for these subject lands and lands, now or formerly, of Debra Marie Baker; thence North 87°15'00" East 557.50 feet along said Baker lands to a point; thence across lands of John and Carol Evans the following three (3) courses:

South 8°50'41" East 337.40 feet to a point; and

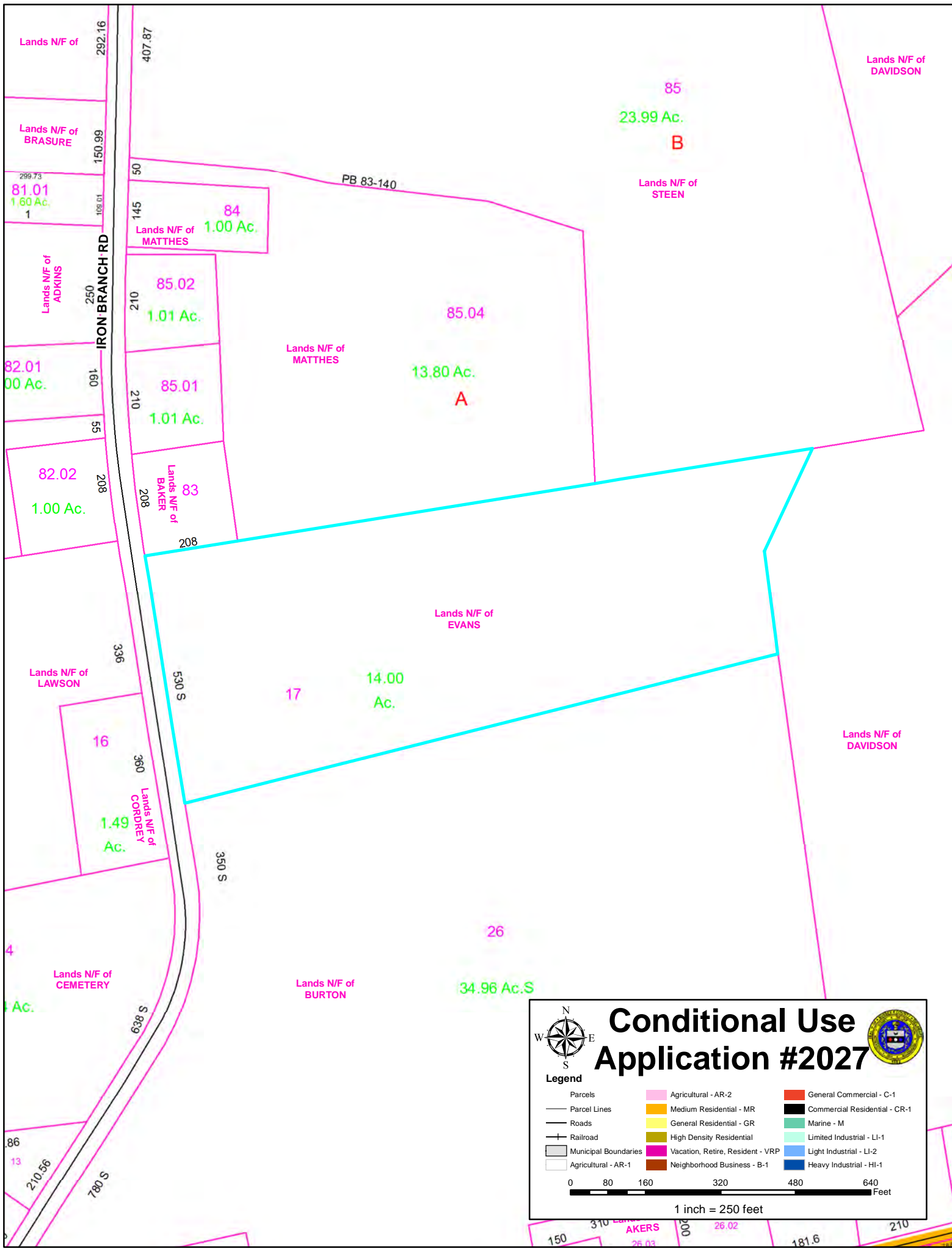
South 81°09'19" West 25.96 feet to a point; and

South 8°12'21" East 139.14 feet to a point;

thence South 81°49'29" West 565.83 feet along lands, now or formerly, of James A. Burton to a point on the easterly right-of-way of Iron Branch Road; thence North 3°32'26" West 531.27 feet along the easterly right-of-way of Iron Branch Road to the point and place of beginning, said parcel containing 6.61 acres, more or less, of a 14.04 acre tract.

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

PROPOSED



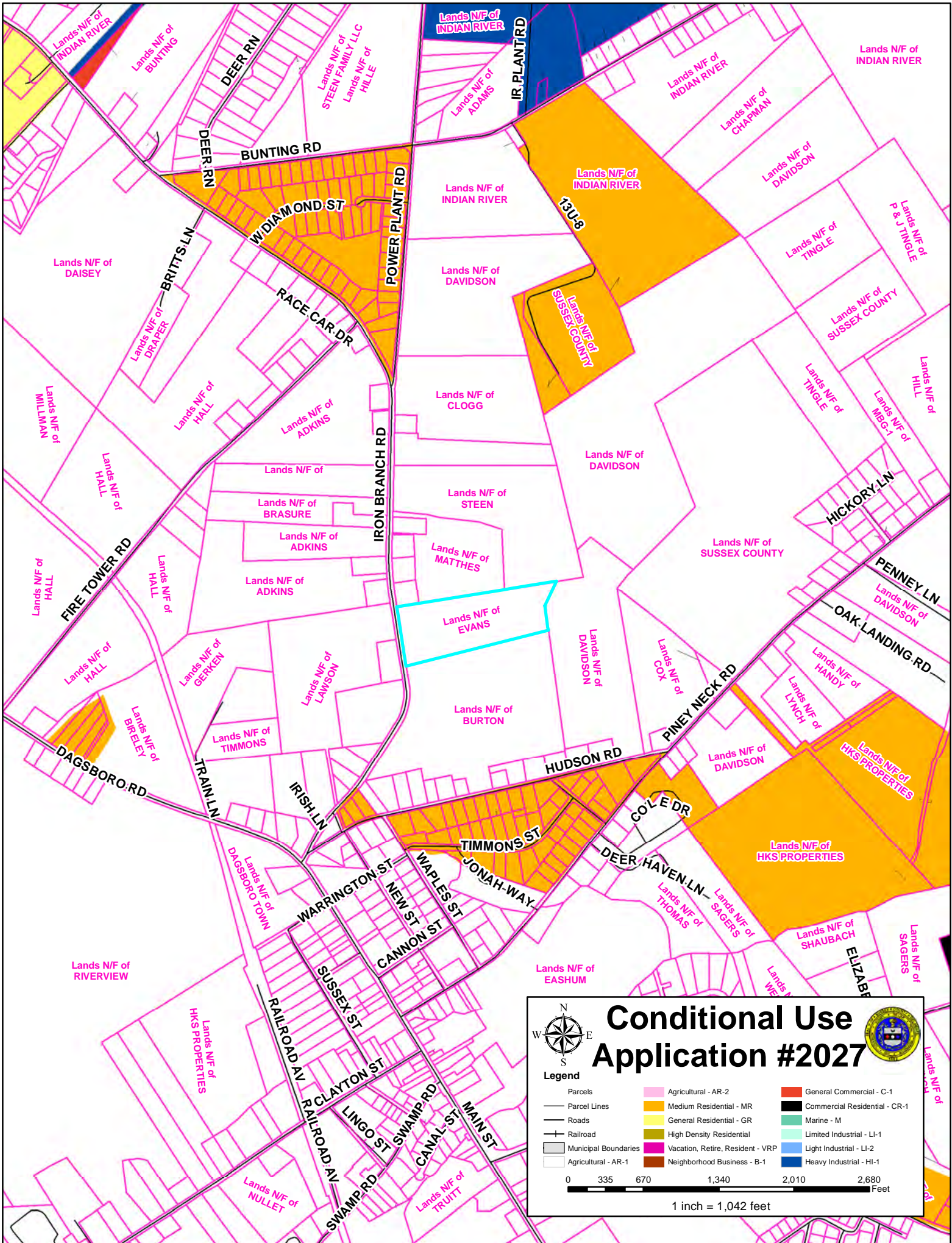
Conditional Use Application #2027

Legend


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

0 80 160 320 480 640 Feet


1 inch = 250 feet



Conditional Use Application #2027



W N E S



Legend

<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR Limited Industrial - LI-1 Heavy Industrial - HI-1 	<ul style="list-style-type: none"> General Residential - GR High Density Residential Light Industrial - LI-2 Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Vacation, Retire, Resident - VRP
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0 335 670 1,340 2,010 2,680 Feet

1 inch = 1,042 feet



Conditional Use Application #2027

Legend

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

0 80 160 320 480 640
Feet

1 inch = 250 feet

Source: USDA, USGS, AEA, Geotitles, Aerotitles, IGN, ICF, Swisstopo, and the City User Community

Introduced 07/21/15

**Council District No. 3 – Deaver
Tax Map I.D. No. 334-4.00-88.00
911 Address: 18501 Stamper Drive, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.38 ACRES, MORE OR LESS

WHEREAS, on the 15th day of June 2015, a zoning application, denominated Change of Zone No. 1782 was filed on behalf of Robert Atallian; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1782 be _____; and

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

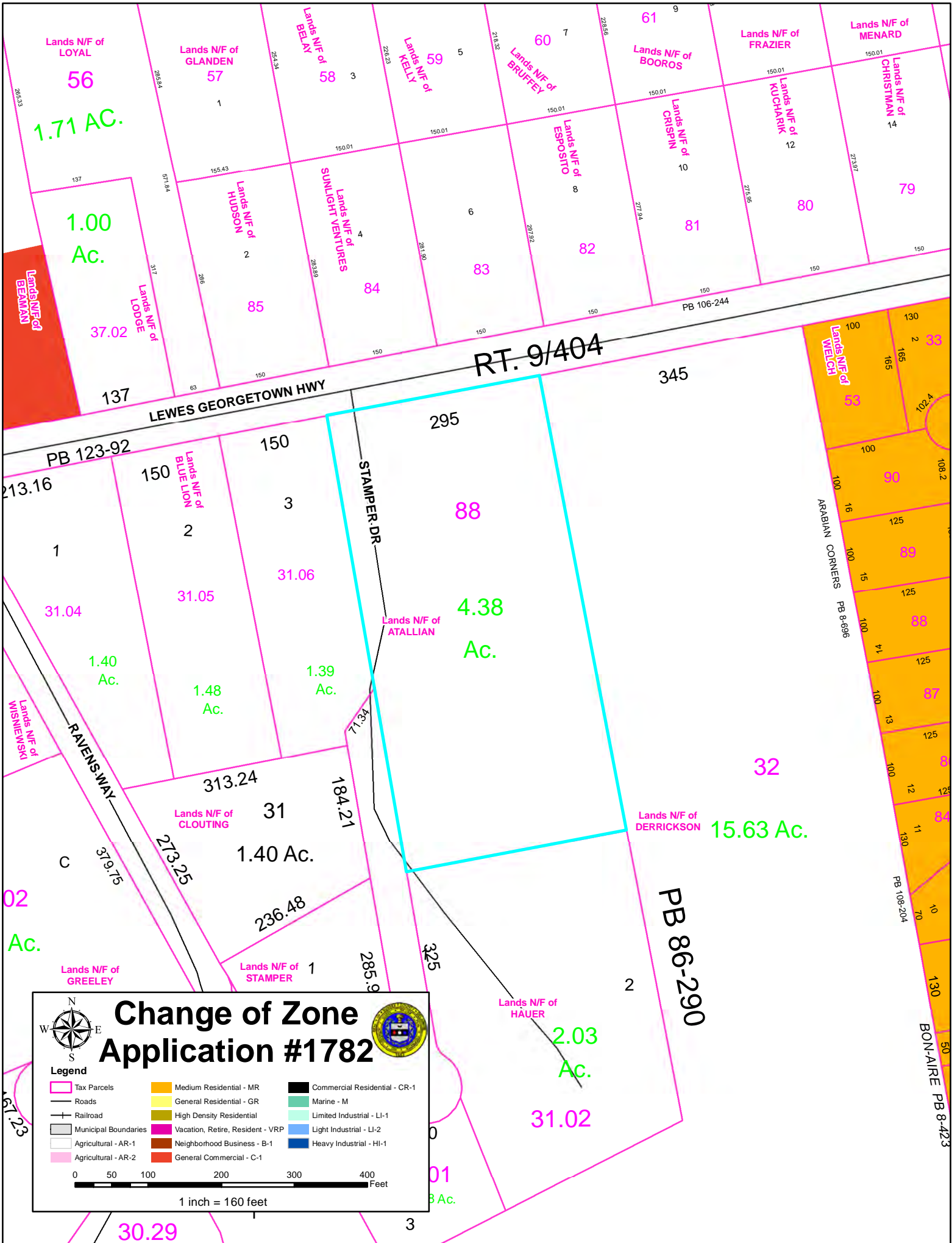
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District 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 south of Lewes-Georgetown Highway (Route 9) 615 feet west of Arabian Acres Road (Road 282) and being more particularly described in Deed Book 2344 Page 265 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 4.38 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.

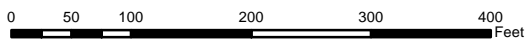


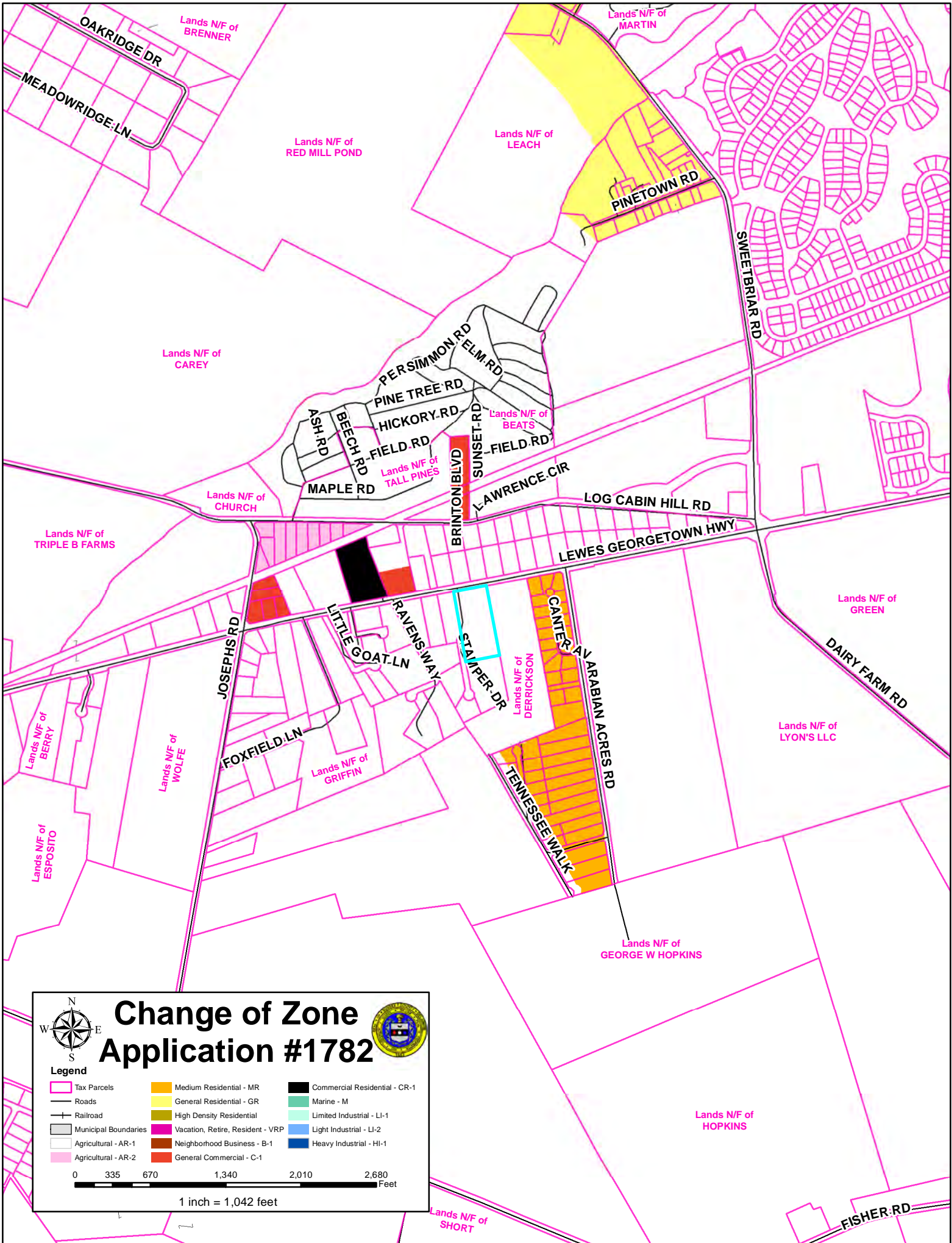
Change of Zone Application #1782



Legend

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





Change of Zone Application #1782

Legend

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

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

1 inch = 1,042 feet

Lands N/F of TRIPLE B FARMS

Lands N/F of CAREY

Lands N/F of CHURCH

Lands N/F of ESPOSITO

Lands N/F of WOLFE

Lands N/F of GRIFFIN

Lands N/F of DERRICKSON

Lands N/F of GEORGE W HOPKINS

Lands N/F of LYON'S LLC

Lands N/F of GREEN

Lands N/F of SHORT

Lands N/F of MARTIN

Lands N/F of LEACH

Lands N/F of RED MILL POND

Lands N/F of BRENNER

Lands N/F of HOPKINS

OAKRIDGE DR
MEADOWRIDGE LN

PINETOWN RD

SWEETBRIAR RD

PERSIMMON RD
ELM RD
PINE TREE RD
HICKORY RD
FIELD RD
SUNSET RD
MAPLE RD
ASH RD
BEECH RD

BRINTON BLVD

LAWRENCE CIR

LOG CABIN HILL RD

LEWES GEORGETOWN HWY

JOSEPHS RD

LITTLE GOAT LN
RAVENS WAY

STAMPER DR

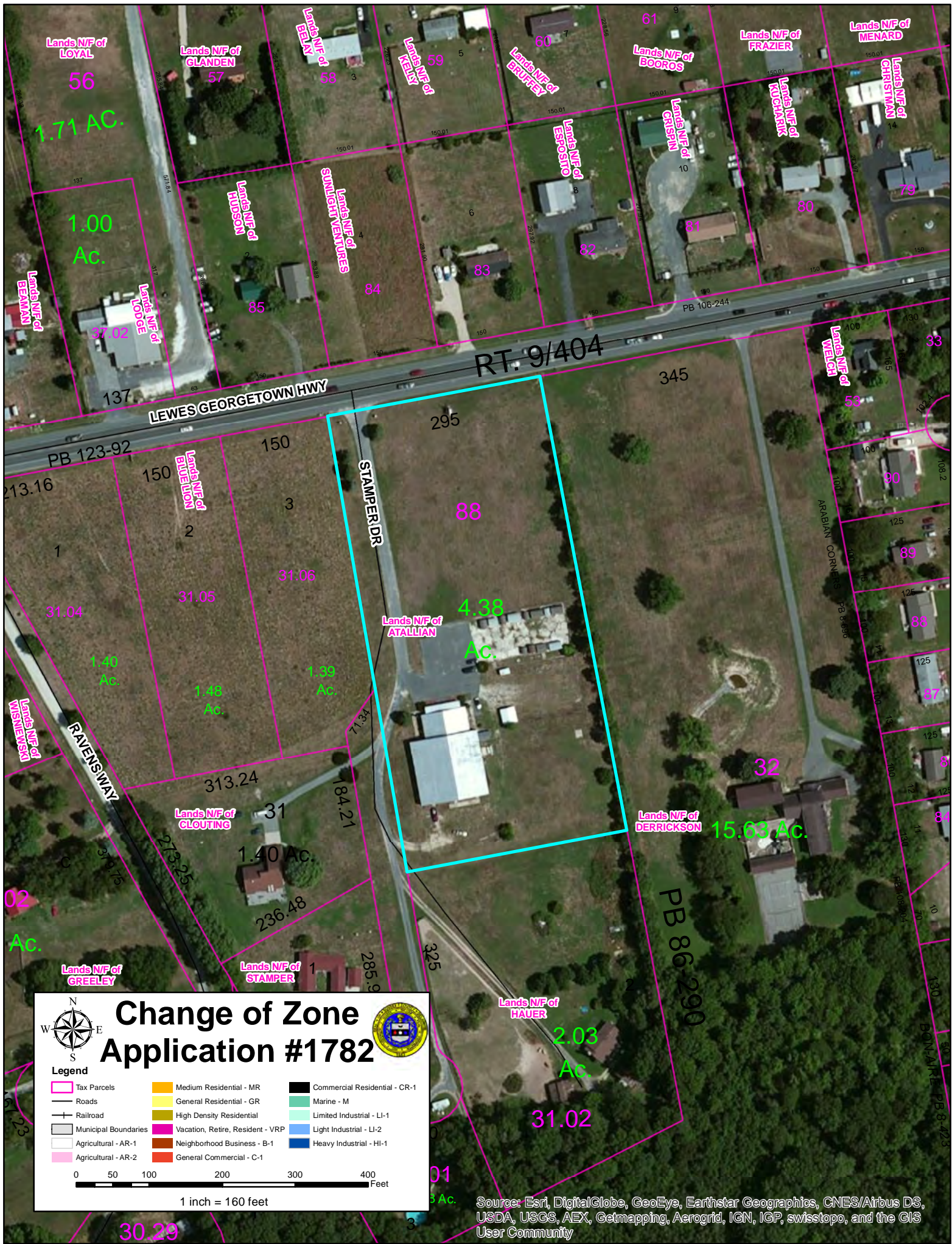
CANTER AV

ARABIAN ACRES RD

DAIRY FARM RD

TENNESSEE WALK

FISHER RD



Change of Zone Application #1782

Legend

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

1 inch = 160 feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community