



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

**MEETING:  
October 9, 2018**

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



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# Sussex County Council

## AGENDA

OCTOBER 9, 2018

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

1. Wastewater Agreement No. 830-1  
Sussex County Project No. 81-04  
Peninsula – Phase 1C - Sailside  
Long Neck Sanitary Sewer District

2. Administrator's Report

### Hans Medlarz, County Engineer

1. Diamond Acres Streetlighting District Extension
  - A. Authorization to post for public hearing
2. Western Sussex District Area Expansion
  - A. Approval of Green Project match required for federal application





**10:15 a.m. Public Hearing**

**“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,601,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**

**10:30 a.m. Public Hearing**

**“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE III (“PROVISIONS APPLICABLE TO ALL DISTRICTS”), ARTICLE IV (“AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS”) AND ARTICLE XXV (“SUPPLEMENTARY REGULATIONS”) WITH RESPECT TO THE CALCULATION OF PERMITTED DENSITY”**

**Janelle Cornwell, Planning and Zoning Director**

**1. Comprehensive Plan PLUS Comments Update**

**Introduction of Proposed Zoning Ordinances**

**Council Members’ Comments**

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

**Possible Action on Executive Session Items**

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

**Conditional Use No. 2143 filed on behalf of Tri Gas & Oil Co., Inc.**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PETROLEUM FUEL STORAGE AND OFFICE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.9475 ACRES, MORE OR LESS” (lying on the east side of DuPont Blvd. (Route 113) approximately 766 feet south of Wilson Hill Road (Tax I.D. No. 135-14.00-66.10 and 135-14.00-66.07 (portion of) (911 Address: 20205 DuPont Boulevard, Georgetown)**

**Conditional Use No. 2152 filed on behalf of Charles Auman**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO A CONDITION OF APPROVAL OF CONDITIONAL USE NO. 1771 (ORDINANCE 2056) AND CONDITIONAL USE NO. 2020 (ORDINANCE 2410) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.93 ACRES, MORE OR LESS” (lying on the west side of Marshall Street Ext. and south of Swain’s Private Road, approximately 570 feet west of Marshall Street Ext. (Tax I.D. No. 330-11.17-20.00 & 330-15.05-6.00) (911 Address: 7158 Marshall Street, Lincoln)**



**Change of Zone No. 1857 filed on behalf of Elisabeth Ann Burkhardt**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3673 ACRE, MORE OR LESS” (lying on the southwest corner of Savannah Road and Woodland Road) (Tax I.D. No. 335-8.18-28.00) (911 Address: 1500 Savannah Road, Lewes)**

**Adjourn**

\*\*\*\*\*

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

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

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

Agenda items listed may be considered out of sequence.

# # # #



**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 2, 2018**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 2, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>George B. Cole</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore Jr.</b>	<b>County Attorney</b>

[Councilman I.G. Burton and County Administrator Todd Lawson were not in attendance.]

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 538 18  
Approve  
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to approve the agenda, as presented.

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

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

**Minutes**

The minutes of September 25, 2018 were approved by consent.

**Public  
Comments**

**Public Comments**

Paul Reiger commented on special use exceptions that go the Board of Adjustment for approval. Mr. Reiger also commented on the Board's start time and breaks taken.

**M 539 18  
Approve  
Consent  
Agenda  
Items**

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

1. Wastewater Agreement No. 1084  
Sussex County Project No. 81-04  
Salt Aire  
Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District



**M 539 18  
(continued)**

- 2. Wastewater Agreement No. 476-5  
Sussex County Project No. 81-04  
Windmill Woods – Phase 4  
Millville Expansion of the Bethany Beach Sanitary Sewer District**

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

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

**Sussex Goes  
Purple**

**Mrs. Jennings presented a Proposed Resolution to support the Sussex Goes Purple initiative.**

**M 540 18  
Adopt  
R 014 18/  
Sussex  
Goes  
Purple  
Resolution**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Resolution No. R 014 18 entitled “A RESOLUTION PLEDGING SUSSEX COUNTY COUNCIL’S SUPPORT FOR THE SUSSEX GOES PURPLE INITIATIVE”.**

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

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

**M 541 18  
County-  
wide  
Youth  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$5,000.00 from Countywide Youth Grants to the Sussex County Health Coalition for the Sussex Goes Purple youth prevention education program.**

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

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

**Adminis-  
trator’s  
Report**

**Mrs. Jennings read the following information in the Administrator’s Report:**

**1. Comprehensive Land Use Plan Workshop**

**Sussex County Council will host a Comprehensive Land Use Plan Workshop on Monday, October 15, 2018, at 10:00 a.m. in Council Chambers. The focus of the workshop will be the comments on the draft Comp Plan received from the Office of State Planning and the Council’s response to the comments.**

**2. Projects Receiving Substantial Completion**



**Administrator's  
Report  
(continued)**

Per the attached Engineering Department Fact Sheets, Route 24 Elementary School - Love Creek and Americana Bayside - Melson Property, Phases 1 and 2, received Substantial Completion effective September 24<sup>th</sup> and September 25<sup>th</sup>, respectively.

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

**Contract  
Amend-  
ment to  
EJCDC  
Base  
Engineering  
Contract/  
Herring  
Creek  
SSD**

Hans Medlarz, County Engineer, presented a request for approval of Amendment No. 1 to the EJCDC (Engineers Joint Contract Documents Committee) Base Agreement in a "not to exceed" amount of \$743,534.00 for final design of the Herring Creek Sanitary Sewer District pump stations, force main and gravity collection systems. Mr. Medlarz noted that all of the funding is in place and the Engineering Department is now requesting approval to award engineering services for the entire design package for all three phases of the addition of the Herring Creek Sanitary Sewer District and recommending approval of the Contract Amendment with Whitman Requardt & Associates under the North Planning Area EJCDC Base Agreement.

**M 542 18  
Approve  
Contract  
Amend-  
ment to  
EJCDC  
Base  
Engineering  
Contract/  
Herring  
Creek  
SSD**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Amendment No. 1 to the EJCDC Base Engineering Contract for the Herring Creek Sanitary Sewer District with Whitman Requardt & Associates be approved in the amount not to exceed \$743,534.00 for final design of the overall Herring Creek Sanitary Sewer District pump stations, force main, and gravity collection systems.

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

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

**Contract  
Amend-  
ment/  
Rehoboth  
Beach WTF**

Mr. Medlarz presented a request for approval of Amendment No. 15 for GHD, Inc. to provide professional engineering services for the design of a new sanitary sewer force main to interconnect two sewer pumping stations/force mains in Rehoboth Beach for Sussex County (underneath the Lewes-Rehoboth Canal).

**M 543 18  
Approve  
Contract  
Amend-  
ment/  
Rehoboth  
Beach WTF**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Amendment No. 15 to the Base Engineering Contract with GHD, Inc. be approved in an amount not to exceed \$175,000.00 for design services on an interconnection between two pump stations in Rehoboth, Delaware and the City of Rehoboth wastewater treatment plant.

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



**M 543 18  
(continued)**

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

**Declaring  
Ellendale  
Water  
District**

**Mr. Medlarz, County Engineer, and John Ashman, Director of Utility Planning, presented information on the Ellendale Water District referendum. A previous referendum held in November 2017 for the creation of a water district failed. Thereafter, new petitions were received primarily along the north and south of Old State Road. A revised boundary was established and a new referendum was held on September 15, 2018 at which time the eligible voters approved the creation of the Ellendale Water District by a vote of 81 for the district to 21 against the district. According to Delaware Code, Title 9, Section 6507, County Council is required to issue a determination establishing the district within ninety days of the referendum. Approval by Council will allow the County Engineer and the County Attorney to procure the necessary lands and right-of-ways (ROW) by purchase, agreement or condemnation and would direct the County Engineer to prepare maps, plans, specifications and estimates for any or all structures required to provide for the installation of the water system. Approval would also direct the Finance Director and County Engineer to apply for, accept, and receive grants, loans, and other funding necessary to provide adequate financing for the planning, design, construction, and all other phases of the water district.**

**M 544 18  
Adopt  
R 015 18/  
Ellendale  
Water  
District**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Resolution No. R 015 18 entitled “ELLENDALE WATER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE”.**

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

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

**Silverwoods/  
Use of  
Existing  
Infra-  
structure  
Agreement**

**Mr. Ashman presented for consideration a Use of Existing Infrastructure Agreement between Silverstock WP, LLC and Sussex County for the Silverwoods project in the Miller Creek Area. Under the proposed arrangement, Silverwoods will connect to the existing regional infrastructure in return for utilization of said infrastructure. Silverstock WP, LLC will contribute \$23,650.00 for the catch-up contribution towards the debt service of the said transmission system to serve 97.83 Equivalent Dwelling Units. This agreement only pertains to the approved single-family homes and the clubhouse; separate subsequent infrastructure agreements will be required for the multi-family and commercial parcels in the pump station drainage basin.**



**M 545 18  
Approve  
Use of  
Existing  
Infra-  
structure  
Agreement/  
Silverwoods**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Silverstock WP, LLC for capacity allocation and regional transmission system, as presented.**

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

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

**Public  
Hearing/  
CU 2129**

**Mr. Moore read the rules for public hearings.**

**Mr. Moore referenced the Public Hearing to be held on Conditional Use No. 2129, noting that it is a unique situation. On September 11, 2018, the Council approved reopening the public record and requested that the application be re-advertised for public hearing for the very limited purpose of considering a substitute Condition J (amendment to the conditions recommended by the Planning and Zoning Commission) which describes setbacks between the Applicant and surrounding property owners. It was noted that the Public Hearing on this date is for that very limited purpose.**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS” (Conditional Use No. 2129) filed on behalf of Brian P. Lessard, Lessard Builders, Inc. (Tax I.D. No. 230-7.00-95.00, 96.00, and 97.00) (911 Address: 22754 Argos Corner Road, Lincoln).**

**The Planning and Zoning Commission held a Public Hearing on this application on May 24, 2018 at which time action was deferred. During the public hearing, a neighboring property owner expressed concern that an existing tree line be maintained as a buffer. The Commission suggested that the Applicant and neighbor talk after the public hearing to address the issue.**

**On June 14, 2018, the Commission recommended that the application be approved with the following conditions:**

- A. No outside storage, except for boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be allowed on the premises. The number of boats, trailers, campers, recreational vehicles (RVs), and vehicles stored on the site shall not exceed 80.**
- B. All buildings shall be one story tall and shall not exceed 15 feet in height except that the water tank shall not exceed 18 feet tall.**
- C. Security lighting shall be downward screened and shall be directed**



**Public  
Hearing/  
CU 2129  
(continued)**

- away from neighboring properties and roadways.
- D. Entrance and roadway improvements required by DelDOT shall be constructed in accordance with DelDOT regulations and the site design shall be in compliance with DelDOT's Corridor Capacity Preservation Program.**
  - E. The area used for the storage buildings and the storage of boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be fenced and gated. The type of fencing shall be shown on the Final Site Plan.**
  - F. There shall not be any building contractor's or subcontractor's offices or workshops within the project.**
  - G. Stormwater management design shall meet or exceed DNREC requirements and shall be approved by the Sussex Conservation District.**
  - H. One office for management and security of the facility shall be permitted.**
  - I. A landscape buffer shall be established along the Route 1 right-of-way in compliance with the Combined Highway Corridor Overlay Zone section of the Zoning Ordinance. A landscape plan for the site shall be included with the Final Site Plan.**
  - J. There shall be a maintained, forested buffer of 50 feet from neighboring properties to the south and east of the site identified as Tax Map Numbers 230-7.00-95.01, 230-7.00-94.00, 230-7.00-93.00 and 230-7.00-89.00.**
  - K. One lighted sign with a maximum area of 32 square feet per side shall be permitted.**
  - L. Any dumpster shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
  - M. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
  - N. The hours of operation shall only be from 6:00 a.m. through 10:00 p.m. daily.**
  - O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the size and location of buildings related to the facility.**

**(See the minutes of the Planning and Zoning Commission dated May 24 and June 14, 2018.)**

**Janelle Cornwell, Planning and Zoning Director, presented the application and reported that, on June 14, 2018, the Commission recommended approval with conditions. Thereafter, when the record was closed, the Applicant met with the adjacent property owner for the purpose of addressing his concerns. Since that time, the site plan has been revised.**

**The Council found that Jim Fuqua, Attorney, was present on behalf of the Applicant. Mr. Fuqua submitted into the record a letter addressed to County Attorney Everett Moore, dated August 21, 2018, which was a request to reopen the record for the sole purpose of including the letter as**



**Public  
Hearing/  
CU 2129  
(continued)**

part of the record. In his letter Mr. Fuqua referenced the Planning and Zoning Commission's public hearing and recommendation of approval, the Council's public hearing, Councilman Burton's recommendation that the Applicant also meet with the other neighbors, the Applicant's meeting and agreement with the neighbors which occurred after the record was closed, the submittal of a revised site plan and a substitute Condition J, as follows:

- J. For the benefit of Tax Map Parcels 2-30-7.00-95.01, 94.00 and 93.00, the Applicant shall revise the site plan to provide the following:**
- 1. Building #1 shall have a setback of 20 feet from parcel 95.01 and 25 feet from parcel 93.00.**
  - 2. A 6 foot high chain link fence shall be erected along the boundary of parcel 95.01, starting at the gate and running along the west, south and east boundary of parcel 95.01 and the south boundary of parcel 94.00. The fence shall continue along the west boundary of parcel 93.00 starting at a point adjacent to parcel 94.00 and 25 feet west of the boundary of parcel 93.00 extending to the northeast corner of Building #1.**
  - 3. A continuous row of giant arborvitae for buffering shall be planted along the boundaries of the site with parcels 95.01, 94.00 and 93.00.**
  - 4. Parking along the westerly boundary of parcel 95.01 shall be eliminated and relocated to the northern boundary of the site.**
  - 5. The 80 parking spaces for storage of vehicles (boats, campers, RVs) shall be marked and numbered on the site plan.**
  - 6. A 6 foot high shadowbox privacy fence shall be erected along the south boundary of parcel 94.00 and the west boundary of parcel 93.00, extending from a point being the corner of parcels 94.00, 93.00 and the site to a point parallel to the northeast corner of Building #1 and extending from the southeast corner of Building #1 to the southwest corner of the water tank site.**

**These conditions shall be incorporated into the Preliminary and Final Site Plans.**

**Public comments were heard.**

**Paul Reiger questioned if the neighbors get equal setbacks. Mr. Reiger commented on the advertisement for the Public Hearing and specifically, the zoning districts of the application site.**

**There were no additional public comments.**

**The Public Hearing and public record were closed.**

**In response to questions, Mr. Moore stated that in regard to the advertisement, the tax map and parcel numbers were correct and the title indicates what the use is going to be. Additionally, the application site was posted.**



**(continued) The Public Hearing and public record were closed.**

**M 546 18**      **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to accept the**  
**Accept**      **amended Condition J, as read into the record by Mr. Fuqua.**  
**Amended**

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

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

**M 547 18**      **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt**  
**Adopt**      **Ordinance No. 2603 entitled “AN ORDINANCE TO GRANT A**  
**Ordinance**      **CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL**  
**No. 2603/**      **DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A**  
**CU 2129**      **CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK**  
                         **HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE**  
                         **OR LESS” (Conditional Use No. 2129) filed on behalf of Brian P. Lessard,**  
                         **Lessard Builders, Inc., with the following conditions as amended:**

- A. No outside storage, except for boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be allowed on the premises. The number of boats, trailers, campers, recreational vehicles (RVs) and vehicles stored on the site shall not exceed 80.**
- B. All buildings shall be one story tall and shall not exceed 15 feet in height except that the water tank shall not exceed 18 feet tall.**
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- D. Entrance and roadway improvements required by DelDOT shall be constructed in accordance with DelDOT regulations and the site design shall be in compliance with DelDOT’s Corridor Capacity Preservation Program.**
- E. The area used for the storage buildings and the storage of boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be fenced and gated. The type of fencing shall be shown on the Final Site Plan.**
- F. There shall not be any building contractor’s or subcontractor’s offices or workshops within the project.**
- G. Stormwater management design shall meet or exceed DNREC requirements and shall be approved by the Sussex Conservation District.**
- H. One office for management and security of the facility shall be permitted.**
- I. A landscape buffer shall be established along the Route 1 right-of-way in compliance with the Combined Highway Corridor Overlay Zone section of the Zoning Ordinance. A landscape plan for the site shall be included with the Final Site Plan.**
- J. For the benefit of Tax Map Parcels 2-30-7.00-95.01, 94.00 and 93.00, the Applicant shall revise the site plan to provide the following:**



**M 547 18  
Adopt  
Ordinance  
No. 2603/  
CU 2129  
(continued)**

1. Building #1 shall have a setback of 20 feet from parcel 95.01 and 25 feet from parcel 93.00.
2. A 6 foot high chain link fence shall be erected along the boundary of parcel 95.01, starting at the gate and running along the west, south and east boundary of parcel 95.01 and the south boundary of parcel 94.00. The fence shall continue along the west boundary of parcel 93.00 starting at a point adjacent to parcel 94.00 and 25 feet west of the boundary of parcel 93.00 extending to the northeast corner of Building #1.
3. A continuous row of giant arborvitae for buffering shall be planted along the boundaries of the site with parcels 95.01, 94.00 and 93.00.
4. Parking along the westerly boundary of parcel 95.01 shall be eliminated and relocated to the northern boundary of the site.
5. The 80 parking spaces for storage of vehicles (boats, campers, RVs) shall be marked and numbered on the site plan.
6. A 6 foot high shadowbox privacy fence shall be erected along the south boundary of parcel 94.00 and the west boundary of parcel 93.00, extending from a point being the corner of parcels 94.00, 93.00 and the site to a point parallel to the northeast corner of Building #1 and extending from the southeast corner of Building #1 to the southwest corner of the water tank site.

These conditions shall be incorporated into the Preliminary and Final Site Plans.

- K. One lighted sign with a maximum area of 32 square feet per side shall be permitted.
- L. Any dumpster shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
- M. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
- N. The hours of operation shall only be from 6:00 a.m. through 10:00 p.m. daily.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the size and location of buildings related to the facility.

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

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

**Grant  
Requests**

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

**M 548 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$5,000.00 from Mr. Vincent's Councilmanic Grant Account to the Chesapeake Conservancy for the Oyster House Project.**

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



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

**M 549 18      A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,000.00  
County-      from Countywide Youth Grants to Clothing Our Kids for the Clothe a  
wide Youth      Child Program.  
Grant**

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

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

**M 550 18      A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$500.00  
Council-      (\$100.00 from each Councilmanic Grant Account) to the Marine Corps  
manic      League (Delaware Devil Dogs Detachment #780) for the Birthday Ball  
Grant      Fundraiser.**

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

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

**M 551 18      A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$3,000.00  
Council-      (\$1,000.00 each from Mr. Vincent's, Mr. Wilson's, and Mr. Arlett's  
manic      Councilmanic Grant Accounts) to the Bridgeville Apple Scrapple Festival  
Grant      for festival expenses.**

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

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

**Introduction      Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE  
of Proposed      TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
Ordinance      AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING  
BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND  
LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY,  
CONTAINING 4.26 ACRES, MORE OR LESS" (Conditional Use No.  
2157) filed on behalf of Country Lawn Care & Maintenance, LLC (c/o  
Gerald and Stephania Dougherty).**

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



**Council  
Members'  
Comments**

**Council Members' Comments**

Mr. Cole commented on an article in the Delaware Wave and Delaware Coast Press entitled "Strong home market could be masking sea level rise impact". Mr. Cole expressed interest in studies that were referenced in the article.

Mr. Arlett commented on Delaware Day which will be held at the White House on Thursday, October 4th.

**M 552 18  
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 10:58 a.m.

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

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

**Respectfully submitted,**

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

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



## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE

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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

September 26, 2018

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
PENINSULA - PHASE 1C - SAILSIDE  
AGREEMENT NO. 830 - 1

#### **DEVELOPER:**

Mr. Preston Schell  
OA-BP Marina Bay-Lakeside, LLC  
20184 Phillips Street  
Rehoboth Beach, DE 19971

#### **LOCATION:**

Extension of Shadeland Avenue

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

Long Neck Sanitary Sewer District

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

RPC: 50 Single Family/10 Townhomes

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

\$381,600.00

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

Sussex County Engineering Department Plan Approval  
08/14/18

Department of Natural Resources Plan Approval  
08/27/18

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

Construction Days – 45

Construction Admin and Construction Inspection Cost – \$35,666.85

Proposed Construction Cost – \$237,779.00



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2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947



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# Sussex County

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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**October 9, 2018**

## **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. 830-1 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "OA-BP MARINA BAY-LAKESIDE, LLC" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "PENINSULA – PHASE 1C - SAILSIDE", LOCATED IN LONG NECK SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 830-1

TODD LAWSON  
COUNTY ADMINISTRATOR



## ENGINEERING DEPARTMENT

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# Sussex County

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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

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

FROM: Hans Medlarz, County Engineer

RE: ***Diamond Acres Streetlight District Extension  
Authorization to Post for Public Hearing***

DATE: October 9, 2018

On November 14, 2017, the Sussex County Council approved the circulation of petitions to the improvement owners within the boundaries of the then proposed Diamond Acres Streetlighting District after receiving a letter from the Diamond Acres Community Association requesting formation of a streetlighting district.

The Engineering Department obtained estimates of costs and charges for establishing a system with streetlights on wooden poles along West and East Diamond Streets and on April 17, 2018, County Council established the estimated annual billing rate as \$69.11 for each assessable improved parcel within the proposed district boundary. Council furthermore adopted Resolution No. R 007 18 establishing the date and place of an election.

May 14, 2018, the election was held at Bible Church of Christ's located on West Diamond Street within the proposed district boundary. On June 5, 2018, County Council, after consideration of the election results, adopted Resolution No. R 008 18 establishing the Diamond Acres Street Light District encompassing 22 assessable improvements per County tax records.

Chapter § 95-7 of the County Code outlines the requirements for modifications of an existing district. Any owner of assessable structures on property adjacent to an established streetlighting district may request the County Council, in writing, to consider extending the limits of the district. The Engineering Department was asked by the Diamond Acres Community Association to circulate another round of petitions to fifty-one (51) parcels in the expansion area as depicted in the attached exhibit. To date, twenty-five (25) positive and six (6) negative responses were received.







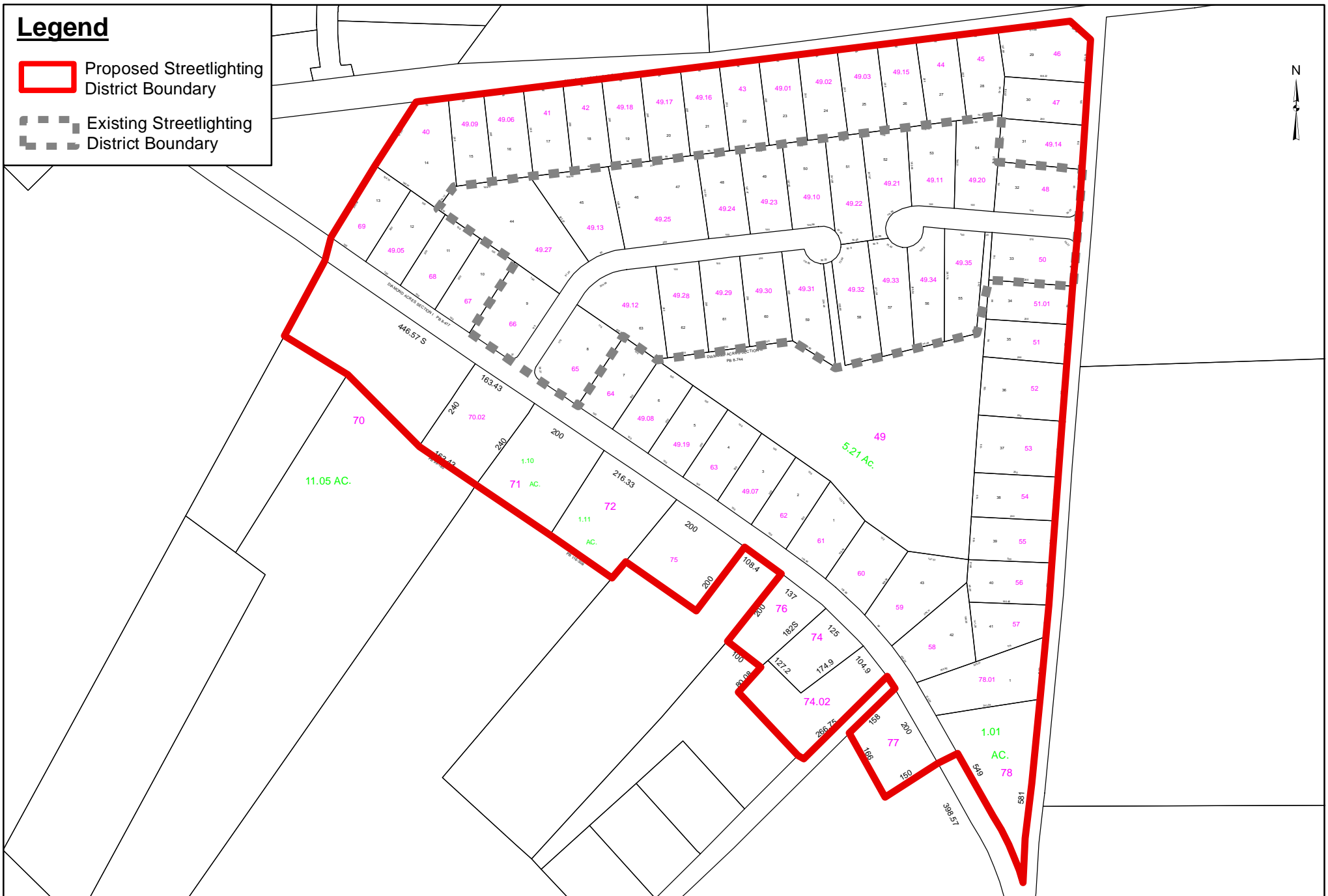
The Code requires the Department to estimate the costs and assessments for the requested additions. After consultation with the Delaware Electric Cooperative, we believe the assessment to be at the lower end of \$65 - \$70 per year, per assessable improvement. Assessment of the expansion properties would cover the installation of LED streetlights on existing as well as newly added wooden poles, as well as, the maintenance, and operation of the streetlights, and County administrative costs to oversee the program.

The next step in the process is for Council to authorize the Department to advertise for a public hearing. After consideration of statements made at the public hearing, the County Council may revise the limits for lighting service. Such action would require a resolution which the Department will draft in cooperation with the County Attorney prior to the public hearing.



# Legend

-  Proposed Streetlighting District Boundary
-  Existing Streetlighting District Boundary



## Diamond Acres Proposed Streetlighting District Expansion Sussex County Chapter 95 Exhibit "A"

270 135 0 270 540 810 Feet

Date: 10/3/2018



Sussex County  
Mapping & Addressing



## ENGINEERING DEPARTMENT

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# Sussex County

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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

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

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

RE: ***Western Sussex District Area Expansion***  
***Approval of Green Project match required for federal application***

DATE: October 9, 2018

In February 2017, the Commissioners of Bridgeville and Greenwood requested investigation of a possible County Sewer District based wastewater approach. An alternate scenario for a Western Sussex County Sewer District connecting to the City of Seaford was evaluated and based on a more favorable cost scenario both municipal Councils requested formation of a County sewer district pursuant to Title 9 Del. Code § 6501.

On August 22, 2017, County Council adopted a resolution establishing the Western Sussex Area of the Unified Sewer District. Since then, the Engineering and Finance Departments submitted the project to DNREC for funding consideration under the Clean Water State Revolving Fund and on August 14, 2018, the State authorized the funding and issued a binding commitment.

The City of Seaford's Council had initially agreed in principle to a full buy-in arrangement for the existing municipal systems as they exist today, including any remaining legacy obligations, conditioned upon the nutrient load allocation transfer under the Chesapeake TMDL. On May 15, 2018, the City and the County executed a Wastewater Service Agreement and subsequently the parties initiated said load transfer request. It is supported by the State and EPA and reflected in Seaford's draft NPDES Permit circulated by the State.

All stake holders including the City of Seaford and Sussex County are now working on the Chesapeake Bay Watershed Implementation Plan (WIP) Phase III. This sector workgroup will be comprised of representatives of wastewater and septic systems, MS4 as well as industrial permit holders. It is supposed to develop a suite and quantity of Best Management Practices such as stream restoration, septic remediation, bioretention facilities, forested buffers, etc.,





that the State and/or local jurisdictions will aim to implement by 2025 in order to meet the TMDL.

Sussex County had included in the Western Sussex District Area expansion project, a \$250,000 green component which has been funded. It is proposed to provide for stream restoration of the Bridgeville Branch as part of the municipal wastewater treatment plant demolition. An opportunity has presented itself since DNREC is now accepting matching grant proposals for Statewide Community Water Quality Improvement projects up to \$75,000 and for water quality improvement projects within Delaware's portion of the Chesapeake Bay watershed up to \$300,000. Proposals for these matching grants must be received by October 17<sup>th</sup> & 24<sup>th</sup> respectively. Conservation districts are eligible to apply, and the Sussex Conservation District has approached Sussex County and offered to assume the lead in the Bridgeville Branch restoration as well as the grant applications. Therefore, we are requesting Council to support the District's application and pledge funding of up to \$250,000, previously allocated through the Western Sussex District Area expansion project should the Sussex Conservation District be successful in the pursuit of one or both of these solicitations.



**Introduced 6/19/18**

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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,600,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH**

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of an extension of sanitary sewer services to Herring Creek (the "Project");

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$5,600,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the



County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Herring Creek extension.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding 40 years from the date of issue of the Bonds, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the United States of America, Rural Utilities Service (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.



**SYNOPSIS:** This Ordinance provides for the issuance of up to \$5,600,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of an extension of sanitary sewer services to Herring Creek (the "Project").

PROPOSED



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



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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 3, 2018

RE: County Council Report for Ord. 18-11 Density Calculation - Wetlands

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The Planning and Zoning Commission held a public hearing on September 13, 2018 and September 27, 2018. The following are the draft minutes for the proposed Ordinance from the Planning and Zoning Commission meetings.

Ms. Cornwell introduced the Ordinance and explained that staff have prepared a memo in relation to the background for the Ordinance; that it [the Ordinance] was introduced at the request of Councilman Burton; that the Ordinance determines how density is calculated for a proposed development; that the Ordinance seeks to eliminate the ability to count wetlands when calculating the overall density of a proposed subdivision; that staff were not taking a position on the matter.

Ms. Cornwell presented examples of previous subdivision applications to the Commission, and illustrated how the Ordinance, if approved, would reduce the total number of units permitted on those sites.

Mr. Hudson asked for clarification on how densities are currently calculated for a parcel.

Mr. Robertson explained that, currently in the AR-1 Zoning District, the max density is approximately double the site area.

Mr. Wheatley commented that there are often cases where the maximum base density is not achievable due to limitations of the site, such as the need to provide open space, and other design considerations, such as the inability to build upon wetlands.

Mr. Hudson asked for an estimate to be provided of the reduction in units/value of a site that would result from the Ordinance; he suggested that this might be 20-30%. Ms. Cornwell commented that the specific example being discussed was 13%. Mr. Robertson pointed out that it was a reduction of 13% from the maximum possible density. Ms. Cornwell commented that the specific example being discussed was zoned AR-1 (Agricultural Residential Zoning District).

Mr. Wheatley commented that the definition of wetlands has changed over time. Mr. Hudson commented that the Ordinance changed the calculation from Gross Area to Net Area. Mr. Robertson



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GEORGETOWN, DELAWARE



confirmed that the Ordinance focused on wetlands as defined in Chapter 193 of the Sussex County Code.

Mr. Wheatley explained the procedures for people wishing to speak before the Commission.

The Commission found Mr. Chris Basin, the Executive Director for the Centre for the Inland Bays was present; that the Centre established a comprehensive management plan for the Bays within Sussex County; that this includes the waters within the bays and degraded habitats; that the Ordinance would prevent concentration of development near to ecologically sensitive lands and waterways such as those of the inland bays; that the Ordinance would reduce the risk of exposure of residents to hazards such as flooding; that wetlands are essential for the fish and wildlife populations of the bays; this includes fish and shellfish within the bays; that wetlands have a high concentration of rare species of plants; that the beneficial quality of wetlands have been declining over time; that they are in poor health due to disturbances including, but not limited to, development; that 32% of wetlands have been lost already; that this Ordinance would help to protect wetlands in numerous ways; that salt marshes in particular would benefit from this Particular Ordinance; that less density and more open space would allow wetlands to migrate inland; that this reduces the impacts associated with intense precipitation events and flooding; and that intense precipitation events are increasing.

Ms. Cornwell commented that eight letters of support had been received from members of the public and these are part of the record.

The Commission found that Ms. Jan O'Mears was present; that she supported the Ordinance; that the objectives were reasonable and responsible; that the Ordinance aligns with other changes to County Code, such as commercial zoning; and that it makes sense to modernize the Code.

The Commission found that Mr. Jim McCulley was present, that he is the President of the Homebuilder's Association of Delaware; that he thinks that the Ordinance is bad idea; that it would lead to the destruction of thousands of acres of natural resources; that they have tremendous value to the public, that they have limited value to the landowner; that he has experienced situations whereby landowners may seek to remove natural resources, such as trees, where they may limit potential future development; that there should be an incentive to keep natural features on a property; such as density bonuses where environmental resources are protected; otherwise the number of units lost would be developed elsewhere; and that sprawl would be increased.

The Commission found that Mr. Robert Murphy was present; that he believes that the Commission should consider future smart growth; and that the proposed Ordinance was an example of smart growth, and that he supported it.

The Commission found that Mr. Ring Lardner was present; that he was speaking on behalf of the Delaware Chapter of the American Council of Engineering Companies (ACEC); that density has been an issue for many years; that the base density of AR-1 lands was 2.178 DU/AC, that gross acreage is the total amount of land that you start with, that net acreage is the amount remaining after wetlands are discounted; that developers can purchase additional bonus density in the ESDDOZ; that the Ordinance would result in sprawl due to lots being located on other sites; that the County does not have the infrastructure to support the growth; that Kent County includes wetlands and uses gross density for calculating density; that they use 3 DU/AC in their growth area; that Newcastle County uses both gross and net density; that the clauses within the Ordinance do not explain the overall objective; and that the ACEC requests a working group to be formed to enable professionals and residents to continue to discuss the Ordinance.



The Commission found that Mr. Bob Thornton, State Director for the Home Builders Association, was present; that he stated that there are approximately 260-270,000 developable acres remaining in the County, that a reduction of 20-30% of the development would result in a takings case; that it would reduce house building in the County; that building is the way of the County, that other jurisdictions have tried similar protection measures; that billions of dollars would effectively be wiped out; and that other experts should look into the Ordinance.

The Commission found that Mr. Dave Carey was present; that he farms within the County; that the wetlands have value to farmers in addition to providing other valuable functions; that the Ordinance diminishes his property value; that the Ordinance would result in sprawl; that he believes that landowners should be compensated for their whole property and not part of it; and that he requests Sussex County to consider the formation of a working group.

The Commission found that Mr. Frank Kea, Principal and Land Developer with Solutions was present; that the Ordinance would result in sprawl; that wetlands are already preserved; that the effect of sprawl would require longer pipes, longer streets and more trips throughout the County; and that the impacts of this would be a considerable negative consequence of the Ordinance.

The Commission found that Mr. Bobby Horsey was present; that he opposed the Ordinance; that he believes that it is a violation of his property rights; that landowners have invested in the County and developed sweat equity; that the designation of 2 DU/AC was established in 1970; that this doesn't need to change; that the market should dictate what is placed on a property; that the permitted density is often not utilized; that the Ordinance would result in a takings case against the County; that the Ordinance would result in increased sprawl; and that representations were made during the drafting of the Comprehensive Plan as to the need to protect densities.

The Commission found that Mr. James H. Baxter IV was present; that he has previously spoken with Mr. Burton on behalf of 2,000 farmers, that he believes that the Ordinance appears to be an equity snatching; that Sussex County is a very viable business due to the large numbers of people wishing to live in the County; that the Ordinance would take away his equity in his land; that this reduces the value of his property; and that half to three quarters of some properties could be reduced to no value for the purposes of obtaining loans for farming purposes.

The Commission found that Mr. James Lebello was present; that he believes that the proposal makes sense; that most things in society are based on net calculations; such as a resident's pay; this is calculated with gross and net; that the Ordinance is similar; that the Ordinance protects land and reduces development; that water quality would be protected; that fish are dying in Indian River Bay; that non-tidal wetlands are not protected; and that the Ordinance makes a lot of common sense and ties together with the Comprehensive Plan.

The Commission found that Mr. Michael Johnson was present; that he previously served the Commission for over 11 years; that in his experience there were subdivisions where multiple subdivisions were considered that contained wetlands; that he believed that wetlands could be utilized to maximize densities on certain parcels; that some parcels contain very large areas of wetlands; that some contain up to 40% of the total areas as wetlands; and that he is a supporter of growth and the increase in residents within the County.

The Commission found that Mr. Wayne Baker was present; that he is lifelong resident of the county; that he owns farmland within the County; that losing the value of wetlands would result in a loss of



equity for farmers; that this would affect the livelihood of future generations; that this would result in a major lawsuit against the County; that the Ordinance only penalizes owners of undeveloped land; and that he would request the Commission to oppose the Ordinance.

The Commission discussed the proposed Ordinance.

Ms. Stevenson commented that the hearing was being held during harvest season. Mr. Wheatley commented that a further meeting would allow for further discussion by interested parties. Ms. Stevenson suggested that the record be left open if the public hearing were to be continued at a future meeting of the Planning & Zoning Commission.

Motion by Ms. Stevenson to defer action on Ordinance #18-11 until the next regular meeting of the Planning & Zoning Commission (September 27, 2018), with the public hearing left open to enable the submission of additional written comments and the submission of additional verbal comments during the continuation of the public hearing, seconded by Mr. Hudson. Motion carried 5-0.

At their meeting on September 27, 2018, the Planning Commission continued the public hearing from September 13, 2018.

Ms. Cornwell advised the Commission that this is a continuation of the public hearing; that it is for an Ordinance to address how the county calculates density; and that the proposed Ordinance will remove the ability to count wetlands towards the overall density of a property. One letter in support of the application and one letter of opposition to the application were read into the record.

The Commission found that Martin Ross, Wayne Baker and Robert Horsey spoke in opposition to the proposed Ordinance; that Mr. Ross stated he was in support to Mr. Baxter's statements made at the September 3, 2018 meeting; that property in wetlands, may be used and can get permits; that this may take development rights; that this may decrease the property value; that they need to stop giving away density; that he would like to discuss ways to create a process which enable natural resource preservation inclusive of wetlands; that there is no state or local law regulating non-tidal wetlands; that the proposed Ordinance should be edited to reflect federally regulated wetlands and maps; that the Ordinance impacts non-tidal rivers or stream and tidal and the Ordinance should specify these streams depicted in the Comprehensive Plan; that Mr. Baker stated he understood that the non-tidal wetlands are not considered in the Ordinance; that he has concerns with the definition of wetlands; that this is out of place; that Mr. Horsey stated he agrees with Mr. Baxter about the devaluation of land; and that if they want to preserve the rural look, then you need to preserve the value of land.

The Commission found that Kent Boschwitz spoke in support to the proposed Ordinance; that Mr. Boschwitz stated the Commissioners have the power to shape Sussex County for years to come; that he has concerns with water quality; that there is a need to protect all wetlands and the Ordinance does that; that Sussex County has the weakest regulations on wetlands in the area; that too much density near wetlands is a concern; that the importance of the future is environmental protection over property rights; and that the Ordinance is consistent with the new Comprehensive Plan.

The Commission held a discussion regarding the proposed Ordinance; that they discussed the language in the ordinance should try to find a way to address both issues of farms and environment; that how do we get the ideas we want; that this could be a big impact on a lot of people; and that they need to address the issue.



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



## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

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(302) 854-5079 F



# Sussex County

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## Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney

Date: September 7, 2018

RE: Background Information for Ord. 18-11 Density Calculation - Wetlands

---

This memo is to provide background for the Planning Commission to consider as a part of application Ord. 18-11 Density Calculation - Wetlands to be reviewed during the September 13, 2018 Planning Commission Meeting. This information should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The Ordinance was drafted and introduced at the request of County Councilman Burton and an explanation of his reasons for the ordinance are attached. County Council has discussed the topic at several Council meetings and invited several people that have expertise with wetlands to give presentations during one of their meetings. There was a consensus by Council to move forward with the introduction of the ordinance to allow for public input through the public hearing process.

The proposed ordinance would calculate density on land that is developable. This would eliminate wetlands as part of the density calculation as wetlands cannot be developed. The ordinance creates a definition of "gross area". The ordinance amends the sections of the Code that discuss density including cluster subdivisions and ESDDOZ subdivisions. The areas that are proposed to be removed from the calculation of density are: perennial nontidal river or stream, tidal tributary stream, tidal wetlands or nontidal wetlands as identified in Section 115-193 of the Zoning Code. The ordinance would impact all development.





County Councilman Burton's explanation of his reasons for the proposed Ordinance.

To the Citizens of Sussex County,

I have introduced an ordinance to change the way Sussex County calculates density. Currently Sussex County allows a density on land zoned AR-1 of 2 housing units per acre. For example, if an AR-1 property is 100 acres, the allowable density could comprise of 200 homes. Or, if the same land is zoned MR (which permits 4 units per acre) the allowable density would be 400 homes. If the same 100 acres were to have 30 acres of unbuildable wetlands under the current practice the same 200 or 400 homes could still be built. The change I have proposed would be to remove the 30 acres from the density calculation. This would allow for 140 homes in the AR-1 district (2 units x 70 buildable acres = 140 total units) or 240 in MR district (4 units x 70 buildable acres = 280 units). This calculation goes all the way to 12 units per acre within the HR and C-1 zoning districts. With possible densities from 2 to 12 units per acre, minimum lot sizes of 7500 square feet, townhouses, condos and RPCs, changing the density calculation to exclude wetlands is the right decision. This was mentioned in the 2002 and 2008 County Comprehensive Plans and it is also mentioned in our newly drafted Plan. It is time to adopt an ordinance that addresses the issue that has been identified for the past 16 years.

This new ordinance just makes sense to me. Allowing the calculation of unbuildable lands to be included as if they were buildable is illogical. It is time to act is now. This ordinance will be presented and open for public input on Thursday September 13, at the Planning and Zoning meeting in 2 The Circle building in Georgetown. Please plan on attending and giving input to this very important ordinance change.

Irwin G. Burton III

County Councilman District 3



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**§ 115-15.1 [(Reserved)] Calculation of permitted density in all districts.**



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42 For purposes of calculating the permitted density or allowable density in all  
43 districts, the gross area, as defined herein, shall be divided by the applicable  
44 lot area stated in each district, unless otherwise specifically set forth therein.  
45 “Gross area” shall include the lot areas and the area of land set aside for  
46 common open space or recreational use but shall exclude any area designated  
47 as a perennial nontidal river or stream, tidal tributary stream, tidal wetlands or  
48 nontidal wetlands by §115-193.  
49

50 **Section 2. Sussex County Code, Chapter 115, Article IV, Section 115-25**  
51 **(“Height, area and bulk requirements”) shall be amended by the addition of the**  
52 **underlined language and deletion of the language in brackets, as follows:**  
53

54 **§115-25. Height, area and bulk requirements.**  
55

56 A. Minimum lot sizes for lots using a wastewater disposal system located  
57 entirely on that lot and generally defined as an on-site septic system.  
58

59 . . .

60 (2) Cluster development option. The minimum lot size may be reduced to  
61 one-half acre (21,780 square feet) where soil conditions are suitable as  
62 approved by DNREC. The total number of lots allowed shall not exceed the  
63 number of lots that would be permitted under the standard lot option. The  
64 number of dwelling units permitted shall be determined by dividing the gross  
65 area by 32,670 square feet. “Gross area” shall include the lot area and the area  
66 of land set aside for common open space or recreational use but shall exclude  
67 any area designated as a perennial nontidal river or stream, tidal tributary  
68 stream, tidal wetlands or nontidal wetlands by §115-193. [The area of land set  
69 aside for common open space or recreational use shall be included in  
70 determining the number of dwelling units permitted.] However, if the  
71 proposed cluster development lies within a Low-Density Area as described  
72 within the Land Use Element and as shown on the Future Land Use Plan of  
73 the adopted Sussex County Comprehensive Plan, the total number of lots  
74 permitted shall be determined by first reducing the gross area by 25%.  
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76 B. Minimum lot sizes, dimensions and open space for lots using a central  
77 sewer system as defined by § 115-194A:  
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(3) The number of dwelling units permitted shall be determined by dividing the gross area by 21,780 square feet. [The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.] When a cluster development lies within a Town Center, a Developing Area, or an Environmentally Sensitive Developing Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the developer has proffered to Sussex County for the purpose of creating open space preservation/active and passive recreation areas a development fee per unit for every unit in excess of two units per acre, then the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet. The development fee shall not be less than the minimum established by the Sussex County Council and shall be paid prior to recording any lot based upon the fee in effect at the time the application was filed. “Gross area” shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a perennial nontidal river or stream, tidal tributary stream, tidal wetlands or nontidal wetlands by §115-193.

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F. Review procedures for cluster development.

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(3) [In respect to any preliminary cluster subdivision application that is submitted after the effective date of this amendment,] I~~i~~f the applicant voluntarily elects to comply with the superior design criteria contained in this Paragraph F.(3) [amendment], the Planning and Zoning Commission shall determine that the following requirements are met before approving any preliminary plan and such application shall be approved on an expedited review basis. The superior design criteria contained in this Paragraph F.(3) [amendment] shall not apply to [applications submitted under the terms of the cluster ordinance, as it existed prior to the date of this amendment, or to] any application hereafter submitted where the applicant does not voluntarily elect to comply with the requirements contained in this amendment.



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119 . . .

120  
121 [2] The applicant must submit a “yield plan” that accurately depicts the  
122 maximum number of dwelling units possible on the same tract under  
123 current applicable conventional (noncluster) development regulations.

124  
125 [a] The yield plan shall be completed to scale, and accurately depict  
126 potential lots, streets and storm drainage facilities. The potential lots  
127 shall exclude any area designated as a perennial nontidal river or  
128 stream, tidal tributary stream, tidal wetlands or nontidal wetlands by  
129 §115-193. However, the yield plan is not required to contain the same  
130 level of engineering detail required for a subdivision plan.

131  
132 [b] The yield plan shall depict all wetlands, wooded areas, waterways  
133 and other water bodies.

134  
135 [c] The applicant shall comply with §115-25A(2) or §115-25B(3), as  
136 applicable. In addition, the maximum number of dwelling units  
137 allowed on a cluster development tract shall not be greater than the  
138 maximum number of dwelling units determined to be possible under  
139 the yield plan prepared for that same tract, plus the number of additional  
140 units allowed if the applicant proffers the required per unit fee provided  
141 under §115-25B(3) and F(3)(d) [as provided for in Ordinance 1842].

142  
143 [i] The yield plan shall not have any legal standing except for  
144 the purposes of determining maximum density allowed under a  
145 cluster development.

146  
147 . . .

148  
149 **Section 3. Sussex County Code, Chapter 115, Article XXV, Section 115-**  
150 **194.3 (“ES-1 Environmentally Sensitive Development District Overlay Zone**  
151 **(ESDDOZ)”) shall be amended by the addition of the underlined language and**  
152 **deletion of the language in brackets, as follows:**

153  
154 **§115-194.3 (“ES-1 Environmentally Sensitive Development District**  
155 **Overlay Zone (ESDDOZ).**

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157 . . .



C. Permitted uses and densities.

(1) Uses permitted in the Environmentally Sensitive Development District Overlay Zone will be those uses permitted in the underlying zoning category as established by the Sussex County Zoning Ordinance.

(2) Uses prohibited in the underlying zone are also prohibited in the overlay zone.

(3) The maximum density shall be the allowable density of the underlying zoning district for developments using a central water and wastewater collection and treatment system. "Central sewer system" means centralized treatment and disposal facilities as defined in §115-194A. Within this Overlay District, clustering of single-family detached lots to a minimum lot size of 7,500 square feet is permitted in all residential zoning districts using a central water and sewer system. For dwelling units using on-site individual wastewater disposal systems, the allowable density shall be based upon a minimum lot size of  $\frac{3}{4}$  of an acre. The applicant has the option of clustering the lots to a minimum lot size of  $\frac{1}{2}$  of an acre where soil conditions are suitable as determined by DNREC, provided, however, that the number of lots or dwelling units permitted shall not exceed the number permitted in the underlying district. For purposes of this paragraph, the "allowable density" shall be determined by calculating the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a perennial nontidal river or stream, tidal tributary stream, tidal wetlands or nontidal wetlands by §115-193.

(4) For areas within the Conservation Zone, as currently defined in the Sussex County Zoning Ordinance, the minimum lot size and dimension requirements in the Conservation Zone shall apply.

...

**Section 4. This Ordinance shall become effective upon its adoption by a majority of the elected members of Sussex County Council.**

**Synopsis**

This Ordinance amends Sussex County Code to define density calculations in the zoning districts and to exclude wetlands from density calculations as set forth



197 above. This includes density calculations for lots in an AR-1 cluster subdivision,  
198 lots in ESDDOZ subdivisions, and lot area calculations for multi-family dwellings  
199 in all districts.  
200

PROPOSED



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**Sussex County**  
DELAWARE  
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## Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator  
Everett Moore, County Attorney  
Vince Robertson, Assistant County Attorney

Date: October 4, 2018

RE: County Council memo regarding PLUS comments for the 2018 Comprehensive Plan Update

---

On Tuesday, I will provide an update on the Preliminary Land Use Service (PLUS) comments with Council. Staff has been working with the consultant to review the comments received from the State.

The Planning and Zoning Department submitted the 2018 Comprehensive Plan to the State for the as part of the PLUS certification process. The PLUS meeting was held on August 22, 2018. The Planning and Zoning Department has received the PLUS comments regarding the 2018 Comprehensive Plan.

Please let me know if you have any questions.



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**To Be Introduced 10/09/18**

**Council District No. 2 - Wilson**

**Tax I.D. No. 330-11.00-46.01**

**911 Address: 6103 South Rehoboth Boulevard, Milford**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0 ACRES, MORE OR LESS**

**WHEREAS, on the 26th day of September 2018, a zoning application, denominated Change of Zone No. 1871, was filed on behalf of Masten Realty, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1871 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 HEREBY 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 B-2 Business Community 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the east side of South Rehoboth Boulevard, approximately 0.51 mile south of Southeast 2<sup>nd</sup> Street, and being more particularly described in the attached legal description, said parcel containing 3.0 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.**



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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 4, 2018

RE: County Council Report for CU 2143 Tri Gas & Oil Co., Inc

---

The Planning and Zoning Department received an application (CU 2143 Tri Gas & Oil Co., Inc.) to allow for a Conditional Use to allow for petroleum fuel storage & office facility located at 20205 DuPont Hwy. The Planning and Zoning Commission held a public hearing on September 13, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, staff analysis, results of the DelDOT Service Level Evaluation and other agency comments.

The Commission found Shannon Carmean Burton, attorney with Sergovic Carmean Weidman McCartney & Owen, P.A., Nash McMahan owner of Tri Gas & Oil Co., and Michael Kobin, with GMB were present on behalf of the application; that Mrs. Carmean Burton stated the area is approximately 1.95 acres; that the area is currently approved with two fuel storage tanks with a small storage building per CU 1080 approved in 1994; that the business is a family owned company in business over 60 years; that they provide the area with residential and commercial products; that the parcel was acquired in 1995 for the use; that there is a sales office in another location and would like to combine the uses; that they purchased a portion of the land (.0944 ac.) from the adjacent parcel and have been combined with the parcel; that there are two components to the site; that the front of the parcel will be the public facing portion with gas pumps and the storage building; that the rear of the site would be the business operation; that the two existing tanks would be relocated to the rear and have additional propane tanks along with work vehicles; that there would be one entrance to the site for all uses; that the rear portion of the site would be fenced; that the entrance will meet DelDOT standards; that they will provide 22 parking spaces exceeding the 16 required; that the site is zoned C-1; that the C-1 district is to provide regional and local uses along a major roadway; that the use is along a major roadway; that there are other commercial uses in the area; that the use is of a semi-public character and provides needs of the community; that the use is consistent with the Comp Plan; that the land use is Highway Commercial Area and Developing Areas; that the Highway Commercial land use encourages commercial uses; that the Comp Plan indicates that a mixture of uses is appropriate; that it is in State Strategy Level 1; that the use is to expand the existing use of the site; that the request will not be detrimental to the area; that a TIS was not required; that the majority of the area is zoned C-1; that a neighbor submitted a letter in support of the application; that there will be a security fence



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on the site; that there will be appropriate lighting for security; that the application is in keeping with the uses in the area; and that the sign will comply with the C-1 sign regulations.

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

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

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

At their meeting on September 27, 2018, the Planning Commission discussed the application which has been deferred since September 13, 2018.

Mr. Hopkins moved that the Commission recommend approval of C/U #2143 for Tri Gas & Oil Co., Inc. for petroleum fuel storage and an office facility in a C-1 General Commercial District based upon the record made during the public hearing and for the following reasons:

1. This is an expansion of Conditional Use #1080, approved as Ordinance #978 in 1994 for a propane storage facility with frontage on US Route 113. A propane storage facility has existed on that site since that time.
2. This site is an appropriate location for additional fuel storage facilities and an office for that use.
3. This site is in the Highway Commercial and Developing Areas according to the Sussex County Comprehensive Plan. Both of these areas are appropriate for this type of use.
4. The expansion of this use will not adversely affect the neighborhood or area roadways or traffic.
5. The use as a fuel storage facility is a utility use that will benefit the health, safety and welfare of Sussex County and its residents and businesses.
6. No parties appeared in opposition to this application. The adjacent property owner has stated his support for the application.
7. Because this Conditional Use is the expansion of an existing Conditional use that had no conditions imposed upon it, and because the underlying property is zoned C-1, very few conditions should be imposed upon this recommendation. The recommended conditions are as follows:
  - A. As stated by the Applicant, the operational area behind the office building shall be fenced for security purposes.
  - B. There shall be thirteen (13) parking spaces for customers and nine (9) parking spaces for employees.
  - C. As stated by the Applicant, there is currently lighting on the property. Additional lighting may be added for security purposes. Any additional lighting shall be downward screened so that it does not shine upon neighboring properties or roadways.
  - D. Because the property is Zoned C-1 General Commercial any signage shall comply with the sign requirements for C-1 District.
  - E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.



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



## PLANNING & ZONING

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# Sussex County

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## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 28, 2018  
RE: Staff Analysis for CU 2143 Tri Gas & Oil Co., Inc.

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2143 Tri Gas & Oil Co., Inc. to be reviewed during the September 13, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcels 135-14.00-66.10 & 66.07 (portion of) to allow for petroleum fuel storage & office facility to be located at 20205 DuPont Hwy. The size of the property is 1.95 ac. +/-.

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

The surrounding land use to the north is Low Density Areas. The land uses to the south are Highway Commercial Areas and Developing Area. The land use to the west is Low Density and Highway Commercial Area. The land use to the east is Developing Areas. The Developing Areas land use designation recognizes that a variety of office uses would be appropriate in many areas and that business and industrial parks with good road access would be appropriate. It also recognizes that mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home. The Highway Commercial land use designation recognizes that primarily shopping destinations along with hotels, car washes, auto dealerships and other larger scaled commercial uses not primarily targeted to the residential of the immediate residential areas would be appropriate.

The property is zoned C-1 (General Commercial District). The properties to the north are zoned AR-1 (Agricultural Residential District). The parcels to the south, east and west are zoned C-1 (General Commercial District). There is an existing Conditional Use for the parcel 66.10 (CU 1080) to allow for two 30,000-gallon propane storage tanks. The Conditional Use was approved on Aug. 2, 1994. There are other Conditional Uses in the area (auto sales and tire sales).

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





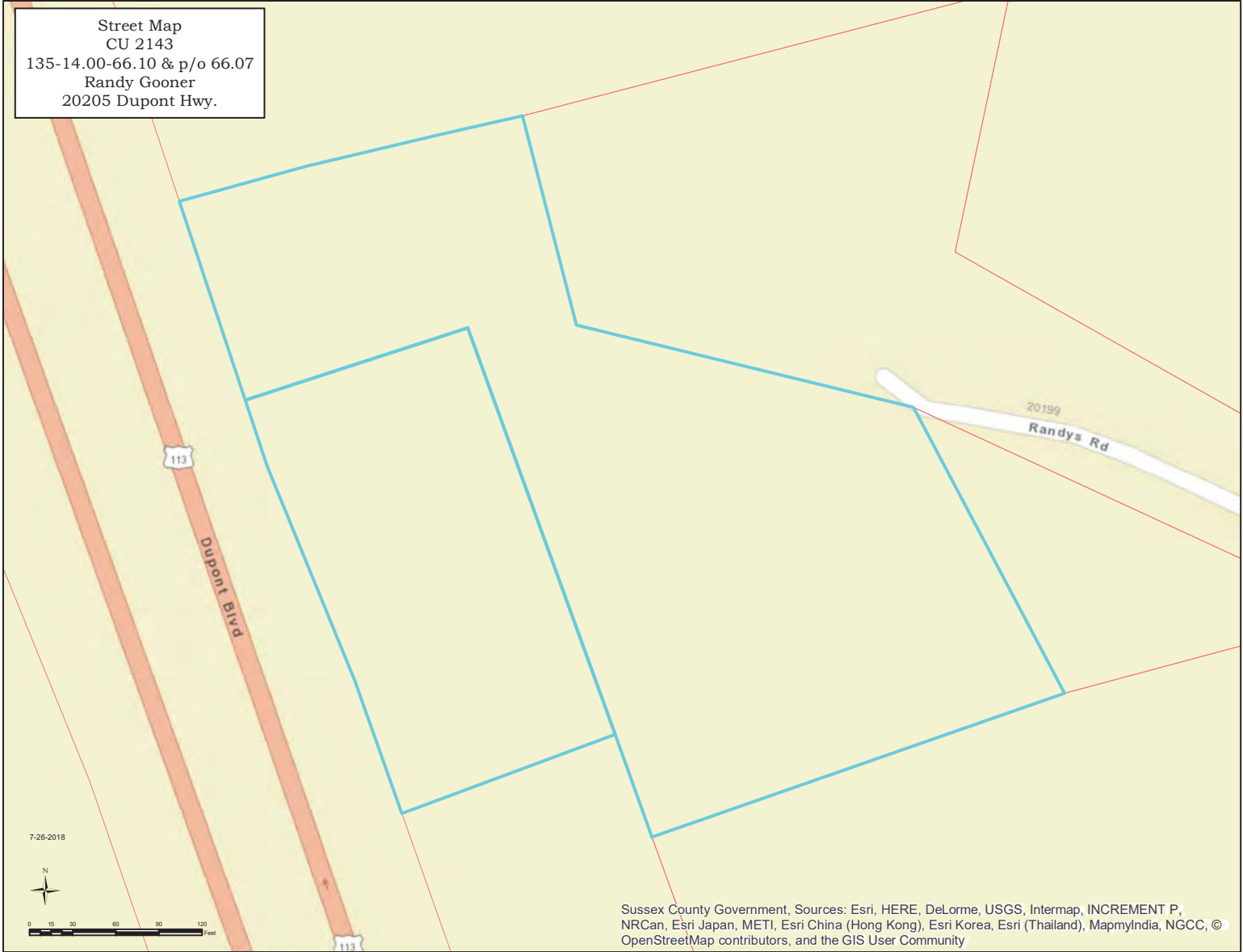
Aerial Map  
CU 2143  
135-14.00-66.10 & p/o 66.07  
Randy Gooner  
20205 Dupont Hwy.



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



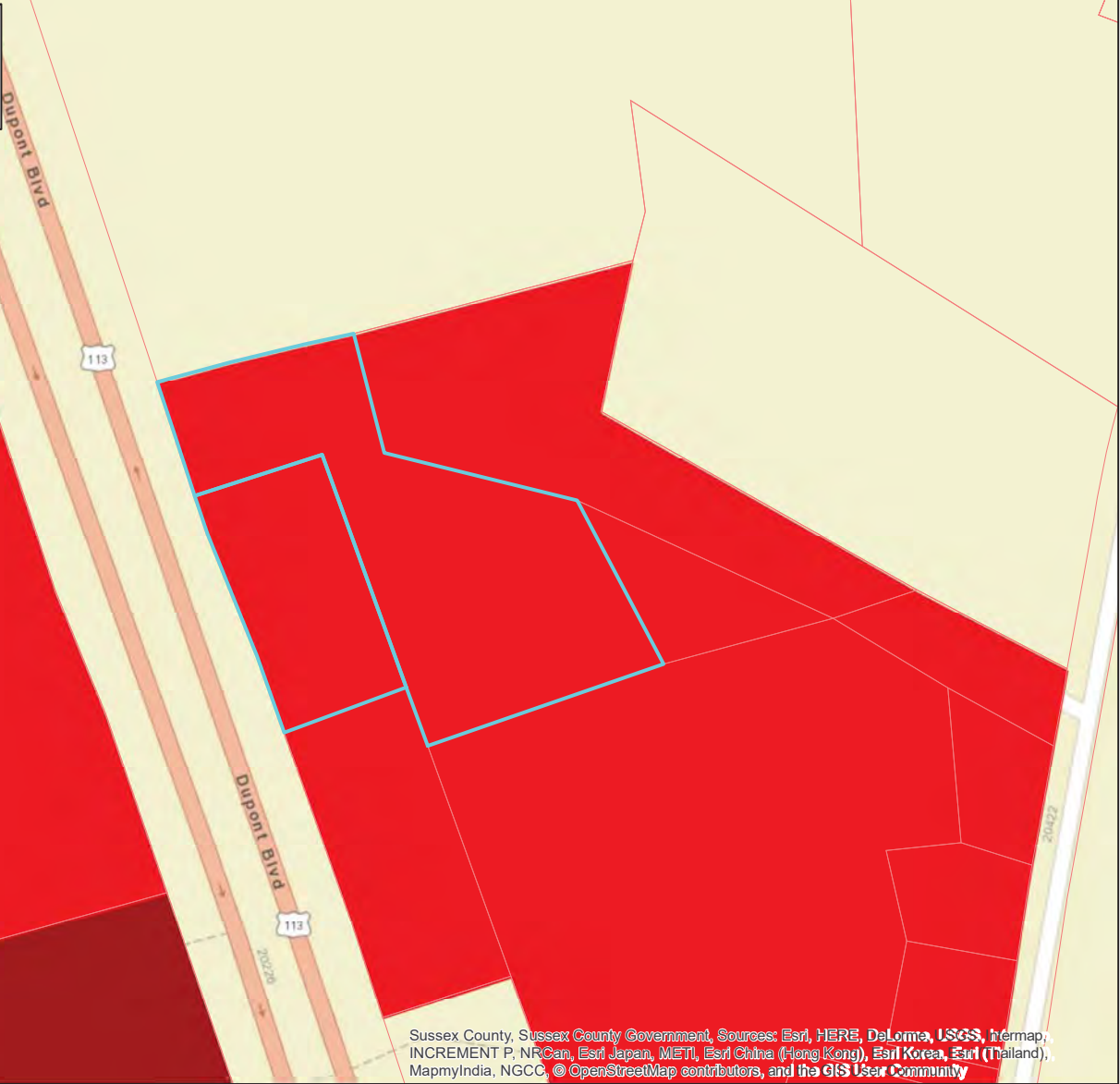
Street Map  
CU 2143  
135-14.00-66.10 & p/o 66.07  
Randy Gooner  
20205 Dupont Hwy.



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



Zoning Map  
CU 2143  
135-14.00-66.10 & p/o 66.07  
Randy Gooner  
20205 Dupont Hwy.



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



**Introduced 06/05/18**

**Council District No. 2 – Wilson  
Tax I.D. No. 135-14.00-66.10 and 135-14.00-66.07 (portion of)  
911 Address: 20205 DuPont Boulevard, Georgetown**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PETROLEUM FUEL STORAGE AND OFFICE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.9475 ACRES, MORE OR LESS**

**WHEREAS, on the 4th day of May 2018, a conditional use application, denominated Conditional Use No. 2143, was filed on behalf of Tri Gas & Oil Co., Inc.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2143 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2143 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 Georgetown Hundred, Sussex County, Delaware, and lying on the east side of DuPont Boulevard, approximately 766 feet south of Wilson Hill Road, and being more particularly described in the attached deeds prepared by Wm. B. Wilgus, Esq., and Griffin & Hackett, P.A., said parcel containing 1.9475 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.**



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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 3, 2018

RE: County Council Report for CU 2152 Charles Auman

---

The Planning and Zoning Department received an application (CU 2152 Charles Auman) to allow for a Conditional Use to allow for an amendment of a Condition of approval for CU 2020 located at 7158 Marshall Street. The Planning and Zoning Commission held a public hearing on September 13, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, and the written request to allow for a change in a condition of approval to allow for an electronic message center sign.

The Commission found that Charles Auman, owner was present of behalf of the application; that Mr. Auman stated that he is asking for an amendment to his conditional use to allow for digital sign instead of a changeable copy sign; that the sign is 4'x5'; that the sign is not 32 SF as is permitted per his conditional use; that he wants a more modern sign for his site; that he does not currently have a sign; that the sign can be programed to comply with Code regarding lighting, timing, etc.; that it will be easier than changing the letters on the sign; that there was discussion that the sign about requirements of lighting, timing, and brightness; that the Commission may condition the hours the sign in used to not impact the neighbors during the night; that the houses in the area are set back further than the office; that the sign will not be as bright as the streetlights on the road; that the sign would be along Marshall St.; that he is looking to use the sign to state the hours, specials, etc.; that there are trees and fences in the area to provide protection; and that the sign will be perpendicular to the road.

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

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

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



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At their meeting on September 27, 2018, the Planning Commission discussed the application which has been deferred since September 13, 2018.

Mr. Hopkins moved that the Commission recommend approval of C/U #2152 for Charles Auman to amend Condition #4 of Conditional Use #1771 and Ordinance #2056 to allow an Electronic Message Display sign based upon the record made during the public hearing and for the following reasons:

1. Condition #4 currently states that “One lighted sign, not to exceed 32 square feet in size, shall be permitted. The proposed sign location shall be shown on the Final Site Plan.
2. Section 115-161.1 of the Zoning Code states that On-Premises Electronic Message Displays can only be allowed in the AR-1 Zone “if specifically permitted as part of a conditional use”. This is the reason that the applicant is seeking an amendment to his Conditional Use to allow the Electronic Message Display.
3. The Applicant explained that the Electronic Message Display is needed to advertise the services of the storage facility that was approved by the Conditional Use for the property.
4. The Applicant stated that he understands that the Zoning Code governs brightness, no animation after dark and other factors regarding how the sign will be operated so that it will not have an adverse effect on neighboring properties or roadways.
5. No parties appeared in opposition to the requested sign.
6. Condition #4 of Conditional Use #1771 and Ordinance #2056 should be amended to state: “One Electric Message Center sign, not to exceed 32 square feet in size, shall be permitted. The proposed sign location shall be shown on the Final Site Plan”.

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



## PLANNING & ZONING

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# Sussex County

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sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 28, 2018  
RE: Staff Analysis for CU 2152 Charles Auman

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2152 Charles Auman to be reviewed during the September 13, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcels 330-11.17-20.00 & 330-15.05-6.00 to request an amendment to a condition of approval to allow for an electronic message center sign to be located at 7158 Marshall Street. The size of the property is 8.93 ac. +/-.

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

The Planning Commission originally held public hearing for CU 1771 on March 26, 2009. The County Council approved the Conditional Use on June 9, 2009. The County Council approved the Conditional Use for ministorage units and boat and RV storage with a number of conditions. The Planning Commission held a public hearing (CU 2020) to amend the location of the entrance for the site on June 25, 2015. The County Council approved the amended Conditional Use on August 4, 2015.

The applicant is asking for consideration to amend Condition "4" for CU 1771 (Ordinance 2056). Condition 4 states that "One lighted sign, not to exceed 32 square feet in size, shall be permitted. The proposed sign location shall be shown on the Final Site Plan".

The applicant is requesting to amend Condition 4 to state "One electronic message center sign, not to exceed 32 square feet in size, shall be permitted. The proposed sign location shall be shown on the Final Site Plan".

The applicant is requesting to amend the Conditional Use to allow for an electronic message center sign.





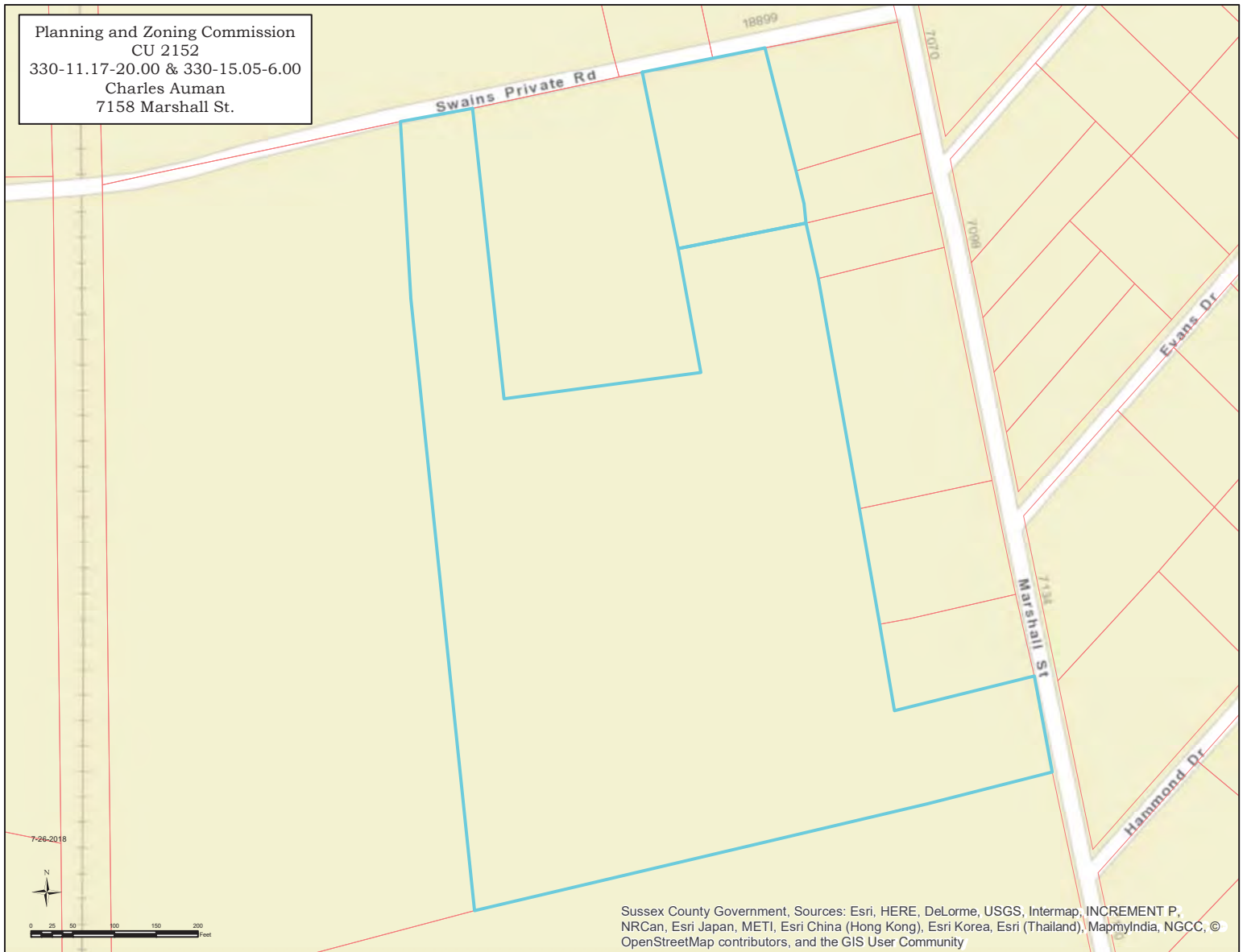
Planning and Zoning Commission  
CU 2152  
330-11.17-20.00 & 330-15.05-6.00  
Charles Auman  
7158 Marshall St.



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



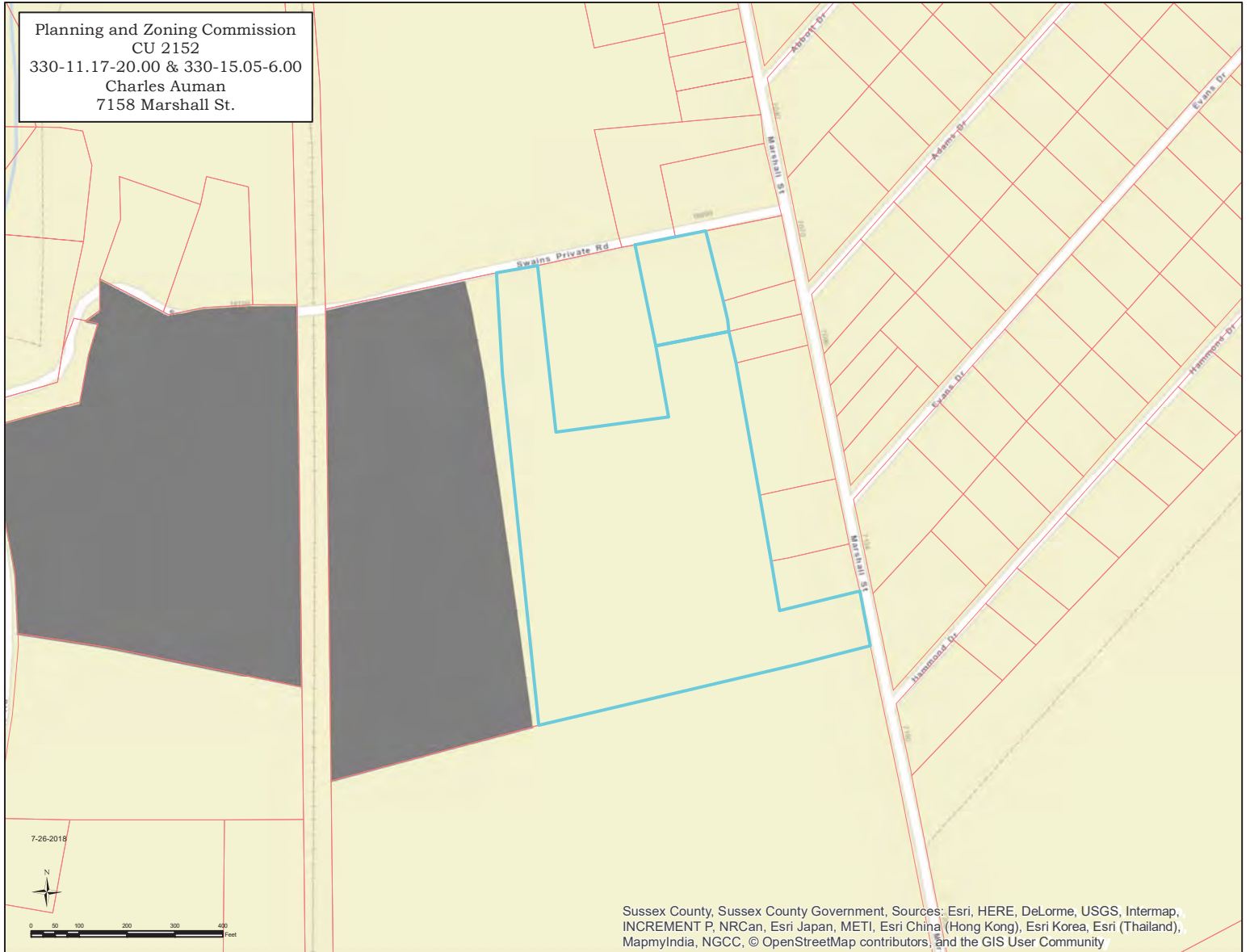
Planning and Zoning Commission  
CU 2152  
330-11.17-20.00 & 330-15.05-6.00  
Charles Auman  
7158 Marshall St.



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



Planning and Zoning Commission  
CU 2152  
330-11.17-20.00 & 330-15.05-6.00  
Charles Auman  
7158 Marshall St.



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



**Introduced 07/24/18**

**Council District No. 2 - Wilson  
Tax I.D. No. 330-11.17-20.00 & 330-15.05-6.00  
911 Address: 7158 Marshall Street, Lincoln**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO A CONDITION OF APPROVAL OF CONDITIONAL USE NO. 1771 (ORDINANCE 2056) AND CONDITIONAL USE NO. 2020 (ORDINANCE 2410) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.93 ACRES, MORE OR LESS**

**WHEREAS, on the 11th day of July 2018, a conditional use application, denominated Conditional Use No. 2152, was filed on behalf of Charles Auman; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2152 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2152 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying west of Marshall Street Extended and south of Swain's Private Road approximately 570 feet west of Marshall Street Extended and being more particularly described in the legal descriptions prepared for Conditional Use No. 2020 and Conditional Use No. 1771, said parcel containing 8.93 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.**



**Legal Description for Conditional Use No. 2020:**

BEGINNING at a point on the westerly right-of-way of Marshall Street Extended (Road 225), a corner for these subject lands and lands, now or formerly, of Charles E. Harding; thence south 75°04'25" west 161.56 feet and south 83°31'26" west 556.27 feet along said Harding lands to a point; thence north 00°50'46" east 736.76 feet and north 03°32'28" west 216.71 feet along lands, now or formerly, of Sussex Materials, LLC to a point; thence north 84°42'03" east 106.31 feet along Swain's Private Road to a point; thence south 03°26'36" east 366.74, feet north 86°33'24" east 237.85 feet, and north 03°26'36" west 141.06 feet along lands, now or formerly, of Mark J. Donovan to a point; thence north 88°18'45" east 161.20 feet along lands, now or formerly, of Thomas A. and B. Lyn Jester to a point; thence south 02°03'11" east 70.00 feet along lands, now or formerly, of Brett C. Warren to a point; thence south 03°02'50" east 278.95 feet along lands, now or formerly, of Margaret W. Swain to a point; thence south 03°12'56" east 140.69 feet along lands, now or formerly, of Bryan O. Attix to a point; thence south 03°01'08" east 69.88 feet and north 78°01'35" east 161.39 feet along lands, now or formerly, of Jay Donovan to a point on the westerly right-of-way of Marshall Street Extended; and thence south 11°43'24" east 127.26 feet along the westerly right-of-way of Marshall Street Extended to the point and place of beginning.

**Legal Description for Conditional Use No. 1771:**

BEGINNING at a point on the southerly right of way of Swains Private Road, a corner for these subject lands and lands, now or formerly, of Sussex Materials, L.L.C.; thence easterly 106.83 feet along Swains Private Road to a point; thence S 03°26'36" E 366.74 feet, N 86°33'24" E 237.85 feet, and N 03°26'36" W 141.06 feet along lands, now or formerly, of Mark J. Donovan to a point; thence N 88°18'45" E 161.20 feet along lands, now or formerly, of B. Lyn Jester to a point; thence S 02°03'11" E 10.00 feet along lands, now or formerly, of Brett C. Warren to a point; thence S 03°02'50" E 278.95 feet along lands, now or formerly, of Margaret W. Swain to a point; thence S 03°12'56" E 140.69 feet along lands, now or formerly, of Bryan O. Attix to a point; thence S 03°01'08" E 69.88 feet along lands, now or formerly, of Jay Donovan to a point; thence S 03°19'02" E 135.33 feet along lands, now or formerly, of Linda D. Chandler and Marsha L. McCormick to a point; thence S 83°31'26" W 556.27 feet along lands, now or formerly, of Charles E. Harding, Trustee, to a point; thence N 00°50'46" E 736.76 feet and N 03°32'26" W 216.71 feet along lands, now or formerly, of Sussex Materials, L.L.C., to the point and place of beginning.



JANELLE M. CORNWELL, AICP  
PLANNING & ZONING DIRECTOR  
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**Sussex County**  
DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 3, 2018

RE: County Council Report for CZ 1857 Elisabeth Ann Burkhardt

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The Planning and Zoning Department received an application (CZ 1857 Elisabeth Ann Burkhardt) to allow for a Change of Zone from AR-1 (Agricultural Residential District) to B-2 (Business Community District) located at 1500 Savannah Rd. The Planning and Zoning Commission held a public hearing on September 13, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit booklet, results of the DelDOT Service Level Evaluation Request and site plan.

The Commission found Christin Calsen, attorney with Hudson Jones Jaywork and Fisher, and Mr. Wright, realtor, were present on behalf of the application; that Elizabeth Burkhardt ran a professional office out of the house for over 30 years; that after she passed away her daughter converted it back to a residence; that her daughter can no longer care for the property and is looking to sell the property to pay for her medical care; that Kathy Madden is a social worker and is looking to use the property for her practice; that they are requesting B-2: that the purpose of the district for small office uses to serve the area; that B-2 should be located near rural areas or low density residential neighborhoods; that the area consists of low density residential developments including the development across the street; that there are commercial uses in the area; that the social work will benefit the community; that she is relocating the practice to Savannah Rd. from Lewes; that there is no intention to do more than the existing use; that the proposed zoning is appropriate for the area that it is in; that there is a community across the street; that there is a medical office adjacent to the parcel; that the other adjacent parcel is a residence; that they are looking to reuse the existing building with one additional parking space; that there will only be one patient at a time; that the B-2 zoning will bring office or services to the area; that the uses will serve the general welfare and needs of the area; there was discussion of the commercial uses along Savannah Rd. and the uses and size of the building permitted in the B-2 zone; that there have been a number of Conditional Uses along the road for offices; that there are a number of permitted uses within the B-2 district; that the use can change if the rezoning is approved; and that there are no restrictive covenants on the property.

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



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



At the conclusion of the public hearings, the Commission discussed this application. The Commission discussed the Conditional Use versus the Change of Zone along Savannah Rd.

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

At their meeting on September 27, 2018, the Planning Commission discussed the application which has been deferred since September 13, 2018.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend denial based on the majority of uses in the area are Conditional Uses and have residential appearance and recommends the submission of a Conditional Use application for which Commission will waive the fee. Motion carried 5-0.



## PLANNING & ZONING

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# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 28, 2018  
RE: Staff Analysis for CZ 1857 Elisabeth Ann Burkhardt

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1857 Elisabeth Ann Burkhardt to be reviewed during the September 13, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 335-8.18-28.00 to allow for a change in zone from AR-1 (Agricultural Residential District) to B-2 (Business Community District) to be located at 1500 Savannah Rd. The size of the property is 0.367 ac. +/-.

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

The surrounding land use to the north, south, east and west is Environmentally Sensitive Developing Area. The Developing Areas land use designation recognizes that a variety of office uses would be appropriate in many areas and that business and industrial parks with good road access would be appropriate. It also recognizes that mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are several parcels zoned B-1 (Neighborhood Business District) further west along Savannah Rd. There are many Conditional Uses in the area. Most of the Conditional Uses in the area are for offices.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone to allow from AR-1 (Agricultural Residential District) to B-2 (Business Community District) would be considered consistent with the land use, area zoning and uses.







#### Addresses / Parcels

□ TaxParcels

#### Council Districts

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

#### Schools/Libraries

□ School Buildings (Various)

□ School Library

□ Public Library

□ Special Library

□ DOE School Districts

□ DOE VoTech School Districts

#### Hydrology

□ Streams / Rivers

□ Lakes, Ponds, Bays

#### Flood Zones

□ 0.2% Annual Chance Flood Hazard

□ A

□ AE

□ AO

□ Open Water

□ VE

□ Public Protected Lands

□ Municipalities

□ Communities

□ Boundaries State County

Sussex County Map

0 37.5 75 150 225 300 Feet





### Addresses / Parcels

■ TaxParcels

### Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

■ County Boundaries

### Schools/Libraries

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

### Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

### Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

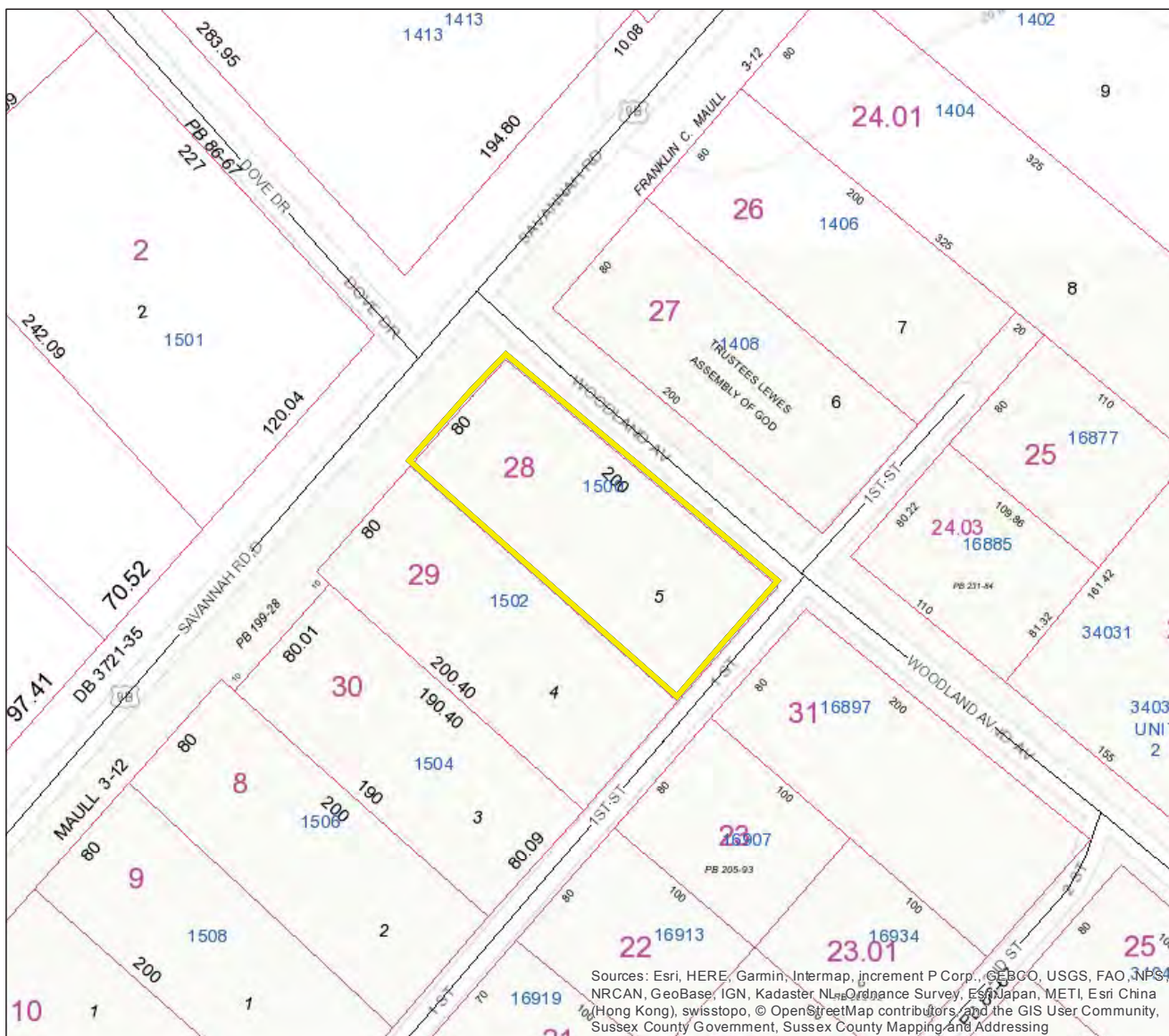
■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community, Sussex County Government, Sussex County Mapping and Addressing





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TaxParcels

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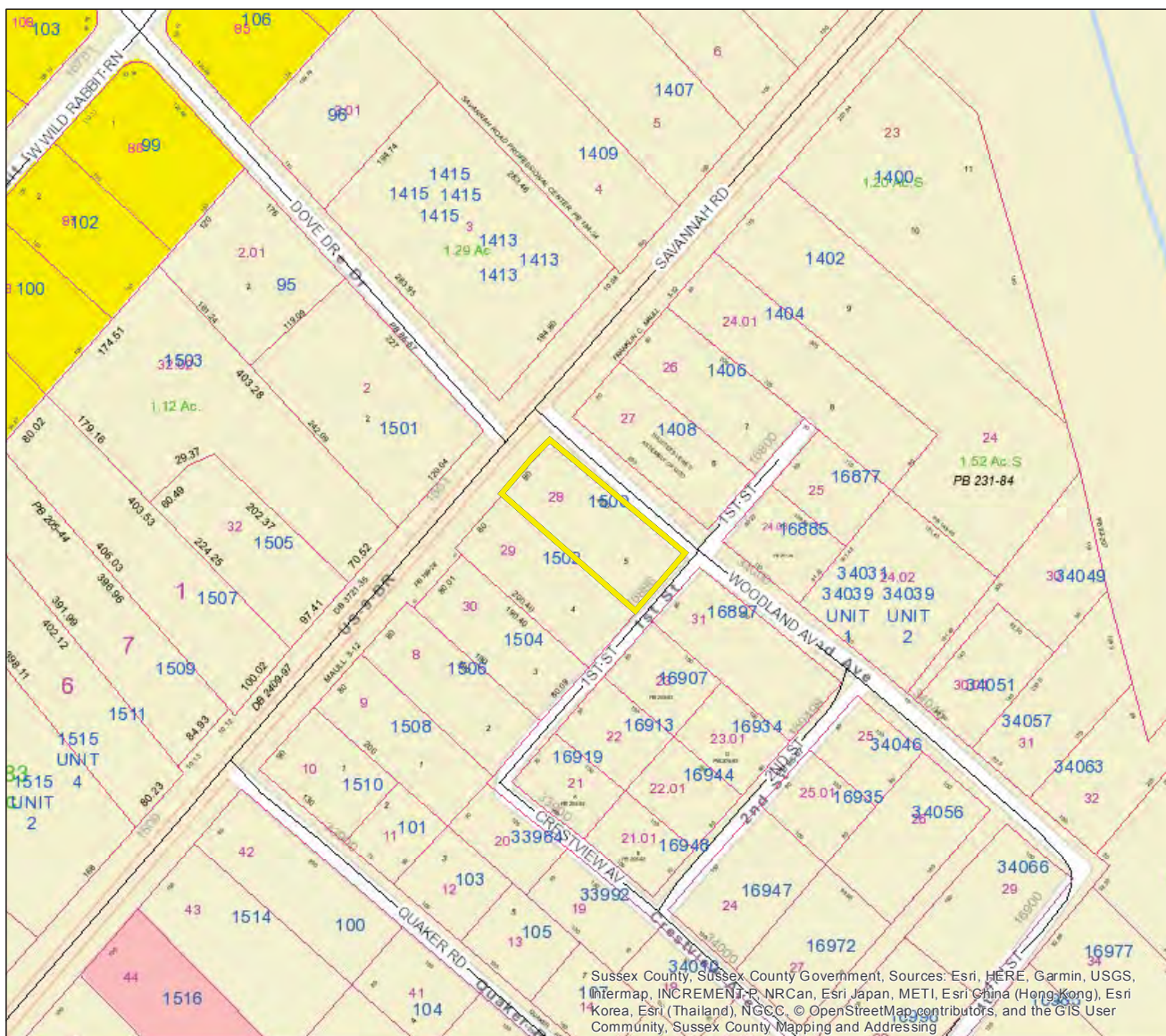
VE

Public Protected Lands

Municipalities

Communities

Boundaries State County



Sussex County Map

0 75 150 300 450 600 Feet

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



**Introduced 05/22/18**

**Council District No. 3 - Burton  
Tax I.D. No. 335-8.18-28.00  
911 Address: 1500 Savannah Road, Lewes**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3673 ACRE, MORE OR LESS**

**WHEREAS, on the 8th day of May 2018, a zoning application, denominated Change of Zone No. 1857, was filed on behalf of Elisabeth Ann Burkhardt.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1857 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 HEREBY 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 B-2 Business Community 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 on the southwest corner of Savannah Road and Woodland Avenue, and being more particularly described in the attached legal description prepared by Gary Altman, Esq., said parcel containing 0.3673 acre, more or less.**

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