

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
CYNTHIA C. GREEN
DOUGLAS B. HUDSON
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

October 17, 2023

1:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - October 10, 2023

[Draft Minutes 101023](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Consent Agenda

1. Proclamation Request – White Cane Awareness Day



Hans Medlarz, County Engineer

1. **South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2**

A. **General Construction, Project C19-11 Change Order No. 31**
[SCRWF Ronca CO 31 CP](#)

Grant Requests

1. **The Christian Storehouse for their Feeding the Community program**
[The Christian Storehouse](#)
2. **Marine Corps League for their 248th Marine Corps Birthday**
[Marine Corps League](#)
3. **Frankford Public Library for Audio/Visual Equipment**
[Frankford Public Library](#)
4. **Family Promise of Southern Delaware for their Eviction Prevention program**
[Family Promise of Southern Delaware](#)

Introduction of Proposed Zoning Ordinances

[PZ Intros CU2447 CU2456](#)

Council Members' Comments

Executive Session – Collective Bargaining & Pending/Potential Litigation pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **Ordinance No. 23-05**

“AN ORDINANCE TO DELETE CHAPTER 115, ARTICLE XVII VACATION RETIREMENT-RESIDENTIAL PARK DISTRICT SECTIONS 115-132 THROUGH 115-140 IN ITS ENTIRETY AND TO INSERT ARTICLE XVII MASTER PLAN ZONE, SECTIONS 115-132 THROUGH 115-140 IN ITS PLACE”

Ord 23-05

2. **Ordinance No. 23-06**

“AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, SECTION 115-4 “DEFINITIONS” OF THE CODE OF SUSSEX COUNTY REGARDING “YARD, FRONT” AND “YARD, REAR” OF THROUGH LOTS, AND CHAPTER 115, SECTION 115-183 “SIDE AND REAR YARDS”

Ord 23-06

3. **Change of Zone No. 2015 filed on behalf of G&M Route 24, LLC - A Delaware Limited Liability Company and/or Its Assigns**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.44 ACRES, MORE OR LESS” (property lying on the south side of Turquoise Lane, and the east side of Healthy Way; approximately 900 feet southeast from the intersection of John J. Williams Hwy. [Route 24] and Lexus Lane) (911 Address: N/A) (Tax Map Parcel: 334-12.00-57.11)

CZ 2015

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 10, 2023 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountye.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountye.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 10, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 10, 2023, at 1:00 p.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 478 23
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the Agenda as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes from September 26, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore reported letters were received from Shoes That Fit, Chamber of Commerce of Greater Milford and Delaware Seaside Railroad Club thanking Council for their support.

**Public
Comments**

Public comments were heard.

Ms. Jill Hicks spoke about buffers and construction occurring in the area of her house.

Ms. Janet Ligabel spoke about the public comment period and scheduling for Planning & Zoning Commission meetings.

Ms. Judy Rose Siebert spoke about allowing telephone comments during the Planning & Zoning Commission meetings.

**M 479 23
Approve
Consent
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to approve the following item under the Consent Agenda:

**Use of Existing Wastewater Infrastructure Agreement – IUA-1195
Still Waters (The Peninsula), Long Neck Area**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**CC & P&Z
Commission
Workshop
Review**

Mr. Lawson reviewed information from the joint workshop with County Council & the Planning & Zoning Commission.

Mr. Lawson reported that staff took the presentation, reviewed notes from the workshop and created a table summarizing the ideas. Mr. Vincent commented that he would like the Commission to first comment on the ideas and then prioritize them. Mr. Lawson stated that it is on the agenda for the meeting of the Planning & Zoning Commission on Thursday. During the meeting, their feedback and prioritizes will be collected which will then be passed onto County Council.

**Adminis-
trator's
Report**

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

1. William "Bill" Davis

It is with great sadness that we inform you that pensioner, William "Bill" Davis, passed away on Monday, October 2, 2023. Mr. Davis began his career with Sussex County in October 1980 where he worked until June 1996 for a total of 15 years of service. His last position with the County was Electrician. We would like to extend our condolences to the Davis family.

2. Glenda Pusey

It is with great sadness that we inform you that pensioner, Glenda Pusey, passed away on Thursday, October 5, 2023. Mrs. Pusey began her career with Sussex County in November 1991 where she worked until November 2016 for a total of 25 years of service. Her last position with the County was District Supervisor with Emergency Medical Services. We would like to extend our condolences to the Pusey family.

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

Reassessment Update Chris Keeler, Director of Assessment introduced Ms. Mary Nodly, Tyler Technologies to provide an update on the project and discuss the next phase.

Ms. Nodly reported that 71% of Sussex County properties have been visited for data collection. Currently, residential data collection is taking place in the Bridgeville area. She added that the transition to Rehoboth and Lewes will start this week. In addition, commercial data collection is anticipated to be completed around the 4th week of November. Overall, data collection is anticipated to be completed by Spring of 2024.

Ms. Nodly shared an example and explained data mailers that will be going out to property owners later this month which is the next phase of the project.

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

M 480 23 Fraternal Order of Police Lodge #2 A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$3,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account, \$500 from Mr. Rieley's Councilmanic Grant Account, \$500 from Mr. Hudson's Councilmanic Grant Account, \$500 from Mr. Vincent's Councilmanic Grant Account and \$500 Mrs. Green's Councilmanic Grant Account) to Fraternal Order of Police from Sussex County Lodge #2 for their charitable projects.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 481 23 COBA US A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account) to COBA US for Jumpstart Sussex.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 482 23 DE Nurse Association A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$1,000 (\$500 from Mr. Vincent's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant Account) to Delaware Nurse Association for their Inaugural Delaware DAISY Gala.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 483 23 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,500**
Optimist **(\$1,500 from Countywide Youth Grant Account) to Optimist International**
Internation- **Foundation for their Youth Appreciation Day.**
al

Foundation **Motion Adopted: 5 Yeas**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Cannon Rd/ **Hans Medlarz, County Engineer presented change order no. 2 for Cannon**
Co No. 2/ **Road – Inland Bays Road Drainage Improvements and Constructed**
Inland Bays **Wetlands, Project S22-05 for Council’s consideration.**

M 484 23 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it**
Approve CO **moved based upon the recommendation of the Sussex County Engineering**
No. 2 **Department that change order no. 2 for Contract S22-05, Cannon Road**
 Inland Bays Road Drainage Improvements and Constructed Wetlands be
 approved increasing the contract amount by \$847,134.56 and extend the
 contract by 55 calendar days.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Introduction **Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE**
of Proposed **TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL**
Ordinances **RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED**
 ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE
 CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 134.61 ACRES,
 MORE OR LESS” filed on behalf of Sunrise Solar, Inc.

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY,
CONTAINING 121.33 ACRES, MORE OR LESS” filed on behalf of
Misphillion Solar Farm, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND

**Introduction
of Proposed
Ordinances
(continued)**

BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 50.50 ACRES, MORE OR LESS” filed on behalf of Chaberton Energy.

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 8.19 ACRES, MORE OR LESS” filed on behalf of Epworth UMC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (174 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS” filed on behalf of McKee Builders, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS” filed on behalf of McKee Builders, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

**Council
Member
Comments**

Mr. Rieley commented on the language for Proposed Ordinances being changed from “Solar Farm” to “Solar Array”.

Rules

Mr. Moore read the rules and procedures for public hearings.

**Public
Hearing/
CU2379**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 ACRES, MORE OR LESS” (properties lying on the north and south side of Saddle Ridge Way and the west side of Beaver Dam Road [S.C.R. 23], approximately 0.57-mile northeast of Hopkins Road [S.C.R. 286]) (911 Address: 30857 & 30862 Saddle Ridge Way) (Tax Map Parcels: 234-6.00-6.02, 6.03 & 6.04) filed on behalf of Lewes Solar Ridge Solar 1, LLC.

The Planning & Zoning Commission held a Public Hearing on the Proposed Ordinance on August 24, 2023. At the meeting of September 14, 2023, the Planning & Zoning Commission recommended approval of the Application

**Public
Hearing/
CU2379
(continued)**

for the 9 reasons and the 11 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the Proposed Ordinance.

The Council found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant; that also present were Mr. Zac Meyer, Director of Development with Soltage, LLC, Ms. Jennifer Oltman, P.E., Senior Project Manager with Kimley-Horn & Associates and Antwan Balakian, the property owner.

Mr. Fuqua stated that the following hearing involve applications requesting solar array facilities on behalf of the same company, Soltage, LLC; that he requested the Council's permission to incorporate the general information provided in the first hearing, into the record for the second application hearing, in order to avoid repeating himself; that both the current Application, as well as the following Applicant, are companies owned by Soltage, LLC; that Soltage, LLC is a renewable power producer that develops, finances, and operates solar energy facilities throughout the United States; that they have developed more than 100 solar energy projects with more than 400 milliwatts of energy generating capacity; that within the last 18 months there has been a large number of community solar array applications filed in Sussex County; that the ability to request these applications was created by legislation passed by the Delaware Legislature in September 2021; that the legislation authorized community solar facilities to create renewable energy projects, with participation of the public that results in reduced energy costs to the people that subscribe to the project; that the bill creating community solar was signed by Governor Carney at a private solar array facility that was owned and operated by Soltage, LLC, located just outside of Wilmington; that the Conditional Use application proposes a community solar facility on a 7.03 acre parcel of land that is owned by Beaver Dam Enterprises, Inc.; that the land is being leased to Soltage, LLC; that the site is located on Parcel 6.04; that the site is located 550 ft. west of Beaver Dam Rd.; that the solar facility will occupy approximately 6.26 acres of the 7.03 acres site, being the area that would be enclosed within the security fence; that the Application listed Parcel 6.02 and Parcel 6.03, being the parcels closer to the front; that those parcels will only involve an existing private driveway that straddles the boundary of the parcels; that the drive will provide the access road back to Parcel 6.04 from Beaver Dam Rd.; that the solar facility in its entirety is to be located only on Parcel 6.04, being a total of 7.03 acres; that the site borders a 4.81 acre parcel to the north, that is designated as Parcel 6.03; that the site also borders a portion of the forested buffer belonging to the Ridings of Rehoboth subdivision; that the Ridings of Rehoboth stretch of buffer is approximately 560 ft. in length; that this area also borders five properties within the Ridings of Rehoboth development; that to the west and the south of the site, the land is adjacent to an eight acre parcel called Iron Horse Landing; that the lands to the east, being Parcel 6.01, 6.02 are wooded; that Parcels 6.01, 6.02 and 6.03 are either owned by Beaver Dam Enterprises, a

**Public
Hearing/
CU2379
(continued)**

lessee, or the Applicant's LLC; that the site is being leased to Soltage, LLC; that the lease is for a 20 year term; that the lessee would have a three or five year option to extend the lease, with a four or five year option to extend the lease by mutual agreement of the parties; that the site and the surrounding lands are all zoned AR-1 (Agricultural Residential); that the site is designated as being within the Low Density area according to the Future Land Use Map section of the Comprehensive Plan; that solar array facilities are consistent with the Comprehensive Plan; that the utility elements, being Section 7, of the Comprehensive Plan provide that the County should encourage the development of renewable energy from a utility level standpoint in order to realize the potential for more prevalent uses of renewable energy; that a stated goal of the plan, being Goal 7.03.3 is to encourage the use of renewable energy options such as community solar facilities; that Parcel 6.04 comprised of unimproved grasslands; that little ground disturbance is proposed, except for the removal of a small area of trees that would interfere with the solar array operation; that there is a small sliver of non-tidal wetlands located in the extreme southeastern corner of the parcel; that the wetland area has been delineated; that the delineation was confirmed by an approved jurisdictional determination issued by the U.S. Army Corp of Engineers; that there will be a buffer of 25 ft. from the wetland line, which is to remain undisturbed; that access from the site will be provided by the existing private drive located from Beaver Dam Rd.; that after project construction is completed, there is very little traffic proposed for the site; that they estimate two vehicle trips per month, making traffic very minimal; that the only traffic to the site would be for periodic equipment maintenance and inspection, and routine property maintenance and grass cutting; that there are no employees proposed for the site; that the site equipment will be monitored remotely; that the DelDOT Service Level Evaluation response indicated that the traffic impact would be diminutive and no further study was required; that any entrance improvements required by DelDOT would be provided by the Applicant; that the project anticipates one unlit sign to be located at the entrance, which will not exceed 32 sq. ft. in size; that the solar array would be enclosed within a security fence; that they had proposed a six foot fence, however, the Applicant would have no issue providing whatever height standard the Commission saw fit; that the fence would have an emergency key box at the entrance gate; that the project would consist of ground mounted, fixed solar panels; that the panels would be oriented to maximize the panels exposure to sunlight; that the panels would convert the sunlight into electrical power; that the power generated by the array will be managed by inverters and other equipment that will be located on an equipment pad; that the equipment pad will be located away from the residential development surrounding the site; that the energy generated will be interconnected with the Delmarva Power lines existing overhead on Beaver Dam Rd. by an underground electric line; that the project is located within the Delmarva Power service area; that the site will be seeded with a pollinator seed mix, which will allow for slow growing, environmentally friendly ground mix; that no security lights are planned, except at the entrance gate; that if any security lighting should be required, the

**Public
Hearing/
CU2379
(continued)**

Applicant understands the lighting should be downward oriented; that there is no sewer or water impact with the facility or the operation; that there are no odors, dust, smoke or heat associated with the facility; that the only sound generated is minimal, being a low hum from the inverters; that there is minimal to no glare from the solar panels; that the solar panels are designated to absorb sunlight, not to reflect sunlight; that there will be a landscape buffer surrounding the site, as well as existing trees that already surround the site; that the site is located outside of the 100 Year Floodplain, being located within Flood Zone X, as designated by the FEMA Flood Zone Maps; that all stormwater management will comply with all State and County requirements, and will be reviewed and approved by the Sussex Conservation District; that to a large extent the site will remain pervious; that the solar panel equipment are on poles at are in the ground; that there is no paving on the site other than where the pad is located; that it is proposed there would be no buffer on the other two parcels, being Parcel 6.01 and 6.02, as they are existing wooded parcels which would not require a buffer; that the proposed buffer design has been modified and replaced with a denser design; that the buffer would consist of continuous Evergreen trees; that the Evergreen trees would be at least six feet in height when planted; that the trees would be planted in a staggered arrangement to effectively create a visual buffer; that the buffer will be 20 ft. wide; that for every 100 linear feet, there will be a minimum of 15 trees planted; that all of the new trees would be guaranteed for a period of the Conditional Use; that the facility is anticipated to generated 1.77 megawatt hours of electricity, which is the equivalent of the annual power needs of approximately 250 homes; that the anticipated production life of the facility is 35 to 40 years, which corresponds to the lease term; that as part of Final Site Plan approval, a Decommissioning Plan will be provided to the Planning & Zoning Commission, providing that upon the expiration of the lease, or earlier termination of the lease, all of the equipment materials will be removed from the site; that all equipment will be properly disposed of and that the site would return to a physical condition, similar to how it exists today; that the Decommissioning Plan also provides a security in the form of a Decommissioning Bond, to guarantee that the cost of restoration would be available; that the estimated amount in terms of the security, would be part of the Final Site Plan review and approval by the Planning & Zoning Commission; that the Applicant will be required to operate the facility in compliance with Title 26 of the Delaware Code; that is the Delaware law section regulating the owned energy generating facilities; that it was also have to be in compliance with the Delaware Public Service Commission; that the County enacted a Solar Ordinance in April of 2023; that this Application was filed with the County in June of 2022; that based on past history, that Ordinance would not apply to pending Applications; that the closest dwelling is approximately 190 feet from the closest solar panel; that there were many letters expressing questions and concerns received for the Ridings of Rehoboth development; that approximately 560 feet of the northern boundary is adjacent to the 50 foot wide landscape buffer of the Ridings development that is owned by their HOA; that Mr. Meyer has had discussions and provided information to the HOA President, Mr. Hempler;

**Public
Hearing/
CU2379
(continued)**

that Mr. Meyer testified at the Planning & Zoning Commission hearing addressing their concerns; that at the request of the PZ Commission, Mr. Meyer submitted a written summary of his comments; that the document is included in the record; that Mr. Meyer's testimony and summary exhibit provided that studies indicate that solar facilities have no measurable impact on area property values; that studies conclude that community solar facilities result in no public health or safety impact related to radiation or magnetic field levels; that solar panels are silent and produce no sound; that the only sound that is produced is from the transformer inventor equipment which is minimum; that the pad for the equipment that on the eastern end of the site; that it is over 480 feet from the nearest residence in the Ridings; that all equipment associated with the solar facility will comply with the National Electric Code which incorporates safety features and protection; that the solar area is outside of the FEMA 100 year flood plain; that the solar panels to be utilized are crystalline silicone panels; that there are no batteries utilized or associated with the proposed solar operation; that solar communities are often located near or adjacent to residential communities throughout the US and Sussex County; that during the PZ hearing, a commissioner requested that PZ staff to determine the location of solar facilities that had been approved in Sussex County as of August 24; that staff reported that of the 13 solar applications that have been completed, 8 solar facilities were located within a quarter mile of a town boundary, village or a subdivision; that 3 approved solar facilities actually shared common boundaries with a residential subdivision; that the Ridings buffer will have a 20 foot wide landscape buffer planted with Evergreen trees at least 6 feet in height; that they will be planted in a staggered arrangement; that for every 100 feet of buffer there will be a minimum of 15 trees; that the proposed solar buffer is adjacent to the approximate 50 foot buffer of the Ridings development which is composed of mature trees; that there are two gaps in the Ridings buffer where trees were removed by residents; that the proposed solar facility will have a double buffer from the 5 adjacent lots; that the applicant is offering additional items with the knowledge that they will required to do what is being represented.

The Council found that Mr. Zac Meyer, Director of Development with Soltage, LLC, spoke on behalf of the Application. Mr. Meyer stated they are committed to being good neighbors; that they have spoken with the Ridings subdivision homeowners association numerous times; that on September 13th, he hosted a question and answer session with them; that they want to add shrubs to the vegetative buffer; that in the buffer owned by the Ridings Homeowners Association, there are some areas where they are no longer trees; that they would like to reimburse the homeowners association up to \$7,000 of their costs to do what they would like with the buffer; that they would like to offer a one month early access period to all of the members of the Ridings of Rehoboth to sign up for the subscription.

Mr. Fuqua stated that all of the items being offered that Mr. Meyer spoke on are being offered by the applicant and will be their responsibility if the

**Public
Hearing/
CU2379
(continued)**

application is approved; that on October 6th, a petition was sent to the Planning & Zoning office that was signed by 206 residents of the Riding development requesting that this application be denied; that there were no reasons or basis stated supporting the position of the petition; that the only thing stated is that they requested that the application be denied; that since there were no reasons stated, it is not possible for him to address to address the opposition; that there is a Delaware Court of Chancery opinion involving a Conditional Use decision involving Sussex County Council; that the case is Gibson vs. Sussex County that was decided in 2005; that the decision stated that public comment should be considered by the Council; that the Council's reasoning in deciding a Conditional Use application must be articulated and must relate to the statutory mandates for a land use decision; that the Court also stated that the people objecting in that case did not state specific evidence; that he believes that this application is similar; that the proposed solar facility meets the purpose of a Conditional Use; that that it is accordance in the County's Comprehensive Plan; that Goal 7.3 of the Plan is to encourage renewal energy use options such as solar energy; that the use is consistent with and furthest goals of the recent amendments to the Delaware State Laws relating to community owned energy generating and renewable energy; that at the Planning and Zoning Commission recommended approval of the application based on a detailed Finding of Fact and subject to conditions; that based on the recommendation of approval, it is being requested that Council approve the application.

Mr. Moore noted that he had a concern that with the last offer provided by the applicant regarding the early access to subscribe to the system. He asked if Mr. Fuqua was familiar with the law on providing that and the process that it can be done. Mr. Fuqua replied that he only difference in the law is that 15% of the subscriptions must be to low-income residents. Mr. Meyer added that the Ridings of Rehoboth and Iron Horse Ranch and HOA members will be offered early access.

Mr. Rieley asked if there were any citations that related to the studies that were referenced. Mr. Fuqua responded that they are noted in the exhibit that was submitted on September 11th. Mr. Rieley asked if it could be ensured that these solar panels were not manufactured under forced labor. Mr. Meyer replied that this is an issue with China, and they do not purchase their panels from China. Their panels come from other Asian nations such as Talian and Malaysia.

Public comments were heard.

Ms. Dolcey Zilg spoke in opposition of the application; that she only received two or three months' notice; that she found that federal agencies are funded by the solar companies; that she has a tough time supporting; that the \$7,000 offered by the applicant was turned down by the HOA board; that the legislation states that it is 200 feet from a dwelling; that they are required to do the 200 feet and they are using their property to fill the 200; that she does not see any money set aside for the disposal; that she

**Public
Hearing/
CU2379
(continued)**

would like to find out who supplies Malaysia; that this is an electricity manufacturing plant; that Delmarva Power has put out new information regarding on any new solar on a roof; that she is not against solar that is done reasonably; that there are serious problems; that the buffers includes their land; that problem values will be impacted; that it will be 20-30% loss of property value; that she discussed magnetic fields; that she was told that it was going to have batteries; that there is a flooding problem; that a few trees is not a solution; that there is 17 acres that is available; that they are using 7 acres; that she questions if they will come back for an amendment to fill in the other acres; that there was a flooding issue in the past; that there is a huge difference in ambient temperature; that she believes that they will request an amendment to add batteries and more panels; that she found that only 5% of the people are in support of this application when she went around.

Mr. Rich Zilg spoke in opposition of the application; that he has asked the applicant at least twice to provide information about the density of the population surrounding the solar farm; that he has estimated that there is over 1,000 homes within a mile of this; that the 13 solar farms that have been approved, none of them are surrounded by residential areas like the Ridings; that the area being proposed is only for 7 acres; that the ones approved to date seem to be at least 20 acres; that he discussed the minimum acreage for community solar farms that he found online; that this application does not seem to meet those standards; that he contacted 4-5 local real estate agents in the Lewes area; that they told him that the concept of the community solar farm is new; that he was told that it would have a negative effect on home values; that he asked for it to not be approved.

The Public Hearing and public record were closed.

**M 485 23
Defer
Action/
CU2379**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2380**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND

**Public
Hearing/
CU2380
(continued)**

BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.81 ACRES, MORE OR LESS” (property lying on the east side of Thorogoods Road [S.C.R. 333], approximately 0.41-mile northeast of Dagsboro Road [Rt. 20]) (911 Address: 30561 Thorogoods Road, Dagsboro) (Tax Map Parcel: 233-5.00-187.00) filed on behalf of Dagsboro Thorogoods Solar 1, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on August 24, 2023. At the meeting of September 14, 2023, the Planning & Zoning Commission recommended approval of the application for the 11 reasons and subject to the 11 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant; that also present were Mr. Zac Meyer, Director of Development with Soltage, LLC, Ms. Jennifer Oltman, P.E., Senior Project Manager with Kimley-Horn & Associates and Mr. Jack Cordrey, property owner.

Mr. Fuqua stated that the current Application was similar to the last Application, as it is requesting a Conditional Use for a community solar facility; that the Applicant is a company that is owned by Soltage, LLC, which is also the owner of the Applicant company of the prior Application; that due to this he requested to incorporate the relevant information presented for the previous Application, into the record for the current solar Application; that the subject parcel is owned by Ina W. Cordrey Trustee, and is being leased to Soltage, LLC; that Ms. Ina Cordrey had passed away; that the parcel is designated as Parcel No.187, being a corner property on the south side of Thorogoods Rd.; that the property has approximately 1,100 ft. of road frontage; that the site is a short distance east of Rt. 20 and Rt. 113; that the Tax Map listed the acreage of the parcel as 28.81 acres; that Soltage, LLC did perform a survey, which confirmed the acreage to be 30.36 acres; that facility will occupy 26.23 acres of the 30.36-acre site, which will be the area located within the proposed security fence; that there is a mixture of residential, agricultural, and industrial uses and woodlands in the area; that to the west of the site, fronting along Thorogoods Rd. there is a residential property located on the corner, as well as residences located along Thorogoods Road, running west; that being that area, there is farmland and woodland; that to the rear of the site, the site borders forested areas; that on the east of the site, railroad tracks run along the entire eastern boundary of the site; that railroad tracks are former Conrail Tracks, which are now operated by Maryland Delaware Railroad Company; that to the north, across Thorogoods Rd. from the site, there are residential uses and some industrial uses, such as Dagsboro Materials, River Asphalt and Thorogoods Concrete Plant; that the subject site is zoned AR-1 (Agricultural Residential); that the site is designated as being within the Coastal Area under the Future Land Use Map of the Comprehensive Plan; that the land across from the site is zoned AR-1 (Agricultural Residential)

Public
Hearing/
CU2380
(continued)

and H-1 (Heavy Industrial); that almost all of the land on the north side of the road is designated as Industrial under the Future Land Use Map designation; that the Application was reviewed as part of the PLUS process; that a PLUS comment letter, dated December 16, 2022, was submitted into the record; that the letter stated there was no objection to the Application; that the site is located within Investment Level 2 and 3, which are areas where growth is anticipated by both State and County land use plans; that the land is being leased to Soltage, LLC; that the lease would be for a 25 year term with two, five year options to extend the term, and one, five year mutual option; that the site is mostly cleared, agricultural lands; that there is a wooded area, with a deteriorated cement home and several deteriorated cement agricultural use-type outbuildings located toward the center of the site; that the intention is to demolish and remove the buildings from the site; that the buildings are surrounded by a wooded area, which is to be cleared as not to interfere with the solar array operation; that there is an old, small, family cemetery on the site; that the cemetery will be excluded from the leased area and from the solar facility; that the Applicant retained the firm of Richard Grubb and Associates to perform an Archaeological Survey of the cemetery to confirm the exact boundaries of the cemetery; that the boundaries of the cemetery will be established and fenced; that there will be an eight foot wide access path from the western side of the property to access the cemetery; that no portion of the solar array area will be located within the Hundred Year Floodplain; that no wetlands will be impacted by the proposed facility; that access to the site will utilize the existing access road of the property; that the access road would enter the site, and would intersect with the service road, being the straight road, located in the middle of the property; that generated traffic would be minimal; that the site would be limited to periodic inspections and routine maintenance; that DelDOT, similar to the previous Application, indicated a diminutive traffic impact; that the entrance would be built to build out requirements; that there would be a 30-ft. buffer surrounding the perimeter of the property; that a landscape buffer would be placed along Thorogoods Rd, and around the turning corners of the property on the east and west; that the landscape buffer is proposed to be spruce trees at 20 ft. intervals, as shown on the Site Plan; that the remaining areas are located adjacent to existing woodlands or the railroad tracks, therefore they do not believe there is a need for a landscape buffer in those areas; that similar to the previously provided information, there will be one unlit sign at the entrance of the site; that the sign will not exceed 32sq. ft.; that the facility will be enclosed with a six foot chain-link fence, with an emergency key box; that the area will be seeded with the seed mix previously mentioned; that the site will be properly maintained; that the facility will utilize a single axis tracking system, being the type of panels that move with the sun; that the equipment transmits the current generated to be interconnected with Delmarva Power at Thorogoods Rd., where it will then connect to the grid; that there is no sewer or water impact; that the project will have to comply with all stormwater management regulations; that a Decommissioning Plan will be prepared and submitted as part of the Final Site Plan review, along with the financial security as will be deemed appropriate from the study

**Public
Hearing/
CU2380
(continued)**

performed to remove the equipment; that the facility will operate in compliance with Title 26; that the facility is proposed to generate 3.45 megawatts of electricity, equaling an annual power required for approximately 700 homes; that the production life of the facility would be 35 to 40 years, corresponding roughly to the lease, and he requested approval of the Application based on the Planning Commission recommendations; that he recommended one slight modification of Condition I; that the Applicant determined that the height of matured spruce tree would impact the operation of the solar panels; that it is requested that spruce trees be deleted and replaced with evergreen trees.

There were no public comments.

The Public Hearing and public record were closed.

**M 486 23
Defer
Action/
CU2380**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.81 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2446**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GREENHOUSES AND EMPLOYEE HOUSING BUILDINGS TO BE LOCATED ON A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 166.19 ACRES, MORE OR LESS" (properties are lying on the south side of West Newton Road [S.C.R. 582] and the west side of Adams Road [S.C.R. 583], at the intersection of West Newton Road [S.C.R. 582] and Adams Road [S.C.R. 583]) (911 Address: N/A) (Tax Map Parcels: 131-6.00-1.00 & 18.00 [p/o]) filed on behalf of Tijmen van den Bosch.

The Planning & Zoning Commission held a Public Hearing on the application on August 24, 2023. At the meeting of September 14, 2023, the Planning & Zoning Commission recommended approval of the application for the 9 reasons and subject to the 10 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

Public
Hearing/
CU2446
(continued)

The Council found that Ms. Mackenzie Peet, Esq. with Saul Ewing, LLP, spoke on behalf of the Applicant; that Mr. Jamie Sechler, P.E. with Davis, Bowen & Friedel. Ms. Peet stated that Bosch Growers is a sixth generation, family-owned business, founded in 1854 in the Netherlands; that Bosch Growers specializes in greenhouse grown fruits and vegetables; that Bosch Growers specializes in cultivating green bell peppers, and annual blackberries currently; that Bosch Growers is now seeking to grow strawberries in Sussex County, on a tract of land being approximately 102 acres, located in Bridgeville; that there is a requested change to Condition A; that it is requested for it to read as follows: The primary use shall be large scale commercial greenhouses for growing of fruits or vegetables including accessory operational and support uses, structures, and facilities, these accessory operational and support uses and facilities may include but are not limited to employee housing for persons permanently employed on the premise, functional support buildings, packhouses, irrigation ponds, water tanks, storage tanks, substation, research and development areas and various heat, power and/or energy generating or producing technologies including but not limited to renewable and carbon neutral technologies; that the site is zoned AR-1 (Agricultural Residential); that the site is adjacent to other properties also zoned AR-1, LI-1 (Limited Industrial), as well as other properties zoned Heavy Industrial, Commercial and Heavy Commercial; that there are agricultural, industrial and commercial related uses within the vicinity of the site; that the Applicant anticipates investment of upwards of \$100 million in the proposed facility, to be developed in two phases; that the project poses that two greenhouses, at approximately 29 acres each, permitted residential and/or guest housing, as well as employee housing, (for persons permanently employed on the premises in compliance with the AR-1 District permitted uses); that employee housing is contemplated as part of the use, but only if the local workforce cannot fill the anticipated 80 to 100 jobs; that the site is located within the Developing Area of the County's Future Land Use Map, and adjacent to other properties designated the same, as well as areas designated as municipalities, low density and industrial; that as confirmed by the Town of Bridgeville's letter of support, the site is in the Town's short and long term annexation area, where heavier commercial areas, such as manufacturing and agricultural industry is designated; that the Town's support letter states "the proposed Application fits well within the surrounding properties as the area is already primarily composed of larger scale commercial, industrial and agricultural uses, and is also designated as such in the Future Land Use Map and in our Comprehensive Plan"; that additionally within the Town's support letter, it is noted the site is identified as a Future Growth Employment Area as well; that the Bosch's request has received support from State Representative Jesse Vanderwende, Senator David Wilson, Senator Brian Pettyjohn, Secretary Michael Scuse of Delaware's Department of Agriculture, and Ms. Bethany DeBussy, Town Manager of Bridgeville; that the support is evidenced by submitted letters of support, and she requested to conclude with reading a portion of Senator Wilson's submitted letter, which stated, "*This is an exciting opportunity for Sussex County and for the State of Delaware. Bosch Growers has an excellent reputation. The technology and growing strategies they will bring to our State, in*

**Public
Hearing/
CU2446
(continued)**

terms of greenhouse production, will be beneficial to our agricultural community. The knowledge and expertise they will bring to our State will also have a direct impact academically by establishing partnerships with Delaware's colleges and universities."

Public comments were heard.

A comment was made by telephone that they hope the Council acts in favor of the application.

The Public Hearing and public hearing were closed.

**M 487 23
Amend
Condition A/
CU2446**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to amend Condition A as recommended.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 488 23
Adopt
Ordinance
No. 2954/
CU2446**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to Adopt Ordinance No. 2954 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GREENHOUSES AND EMPLOYEE HOUSING BUILDINGS TO BE LOCATED ON A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 166.19 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning and Zoning Commission as follows and amended:

- 1. The property is zoned AR-1, Agricultural Residential. The proposed use will consist of large greenhouses with accessory and support uses and facilities, including employee housing, packhouses for packaging the products grown in the greenhouses, irrigation ponds, water tanks, storage tanks, and other uses and structures necessary to support the primary use as a large commercial greenhouse facility.**
- 2. The site is located along the Route 404 Bypass around Bridgeville, which is an appropriate location for a large-scale agricultural use with its inherent trucking needs like this project.**
- 3. This location is in an area of Sussex County just outside of Bridgeville that has evolved with multiple large-scale agricultural uses over many decades, including the OA Newton facilities, Perdue Farms' grain storage facilities, T.S. Smith's agricultural operations and store, and more recently Mountaire Farms' plans to develop its own grain storage facilities and rail spur. This use is consistent with these ongoing large-scale agricultural uses in this area of Sussex County.**
- 4. The Property is designated as Developing Area on the Sussex County Future Land Use Map. This use is appropriate within this Area**

**M 488 23
Adopt
Ordinance
No. 2954/
CU2446
(continued)**

- according to that Map.
5. The property is adjacent to the Town of Bridgeville, and the Town has submitted a letter in support of the Application, stating that, “The proposed application fits well with the surrounding properties, as this area is already primarily composed of larger-scale Commercial/Industrial and agricultural uses and is also designated as such in Future Land Use (Map10-3) in our 2018 Comprehensive Plan.” The Town also recognized that this use is consistent with its history of strawberry production, noting that Bridgeville was once known as “June Strawberry Capital of the World” following the construction of H.P. Cannon & Son’s produce packing. The Town strongly supports this application right next to its borders.
 6. The Secretary of the Delaware Department of Agriculture has supported this Application, stating in a letter to the Commission that this Application “will focus on the production of strawberries using the newest greenhouse technologies from the Netherlands. Bosch Growers’ sustainable technologies enable year-round local food production that conserves water resources, reduces agricultural inputs and carbon-sourced energy use, decreases food transportation miles to consumers, and targets zero waste.” The Secretary concluded his letter with this statement: “Bosch Growers will be a valuable addition to Delaware’s economy and agriculture industry. I am pleased to offer the Department of Agriculture’s support”Several State legislators also provided support for this project.
 7. The Department of Transportation has determined that the traffic generated by this use will be “Negligible”.
 8. There was nothing in the record to suggest that this use will have any adverse impacts upon neighboring or adjacent properties or residents or visitors to Sussex County.
 9. The proposed use supports one of the primary goals of Sussex County: to conserve the county’s agricultural economy. It also complies with the Comprehensive Plan’s Vision Statement: “We appreciate and seek to preserve [Sussex County’s] unique natural, historical and agricultural character while fostering new economic opportunities, community vitality and desirable growth through strategic investments and efficient use of County resources.”
 10. This recommendation is subject to the following conditions:
 - a. The primary use shall be large-scale commercial greenhouses for growing of fruits and vegetables, including accessory, operational, and support uses, structures and facilities. These accessory, operational, and support uses and facilities may include, but are not limited to, employee housing for persons permanently employed on the premises, functional support buildings, packhouses irrigation ponds, water tanks, storage tanks, substations, research and development areas, and various heat, power and/or energy generating or producing technologies (including, but not limited to, renewable and carbon-neutral technologies).

**M 488 23
Adopt
Ordinance
No. 2954/
CU2446
(continued)**

- b. Storage of materials and equipment associated with the use shall be permitted. The storage areas shall be shown on the Final Site Plan.
- c. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- d. This project shall comply with all DelDOT entrance and roadway improvement requirements.
- e. There shall be adequate parking on the site in compliance with the parking requirements contained in the Sussex County Zoning Code. The location of the vehicle parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
- f. One lighted sign shall be permitted. It shall not exceed 32 square feet on each side.
- g. Any dumpsters or trash containers shall be screened from the view of neighboring properties and roadways. The location of these trash containers shall be shown on the Final Site Plan.
- h. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- i. A revised Preliminary Site Plan either depicting or noting these conditions shall be submitted to the Planning & Zoning office.
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Old
Business/
CU2350**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS” filed on behalf of Beaver Dam Enterprises, LLC.

On September 19, 2023, Council deferred action at the conclusion of the Public Hearing, holding the record open to receive a recommendation from the Planning & Zoning Commission and, once a recommendation was received, the public shall have a period of 5 days to submit additional written comments.

The recommendation from Planning & Zoning Commission has been received and the public has 5 days from today to make any comments in writing.

**Old
Business/
CU2354**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.58 ACRES, MORE OR LESS” filed on behalf of Sussex CSG 1, LLC.

The Council held a Public Hearing on the application on June 6, 2023. At the conclusion of the Public Hearing, Council deferred action for further consideration.

**M 489 23
Amend
Condition I/
CU2354**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson to amend Condition I to include an additional sentence at the end of condition “I” to state:

In addition, there shall be a forested buffer of no less than 20 feet in depth planted along the northwest side of the site adjacent to Tax Parcel 532-20.00-15.00. The location and planting design for this buffer shall be shown on the Final Site Plan.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 490 23
Adopt
Ordinance
No. 2955/
CU2354**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2955 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.58 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar farm will be located on approximately 23.58 acres of a larger 52-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms. This solar farm will create the ability for residential, business, and municipal subscribers to lower their power costs.**
- 4. With the conditions imposed in this recommendation including**

**M 490 23
Adopt
Ordinance
No. 2955/
CU2354
(continued)**

- landscaped buffers, the proposed use will not have any adverse impact on the neighborhood.
5. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
 6. Based upon the record, it is evident that no significant noise, glare, dust, or odor will be generated by the facility.
 7. The Applicant has included a Decommissioning Plan in the record for when their solar farm is no longer in use.
 8. The existing tree line along the northern, eastern, and southern perimeter of the solar array shall be maintained subject to limited trimming to screen the view of the solar farm from the nearby residential properties while allowing the solar arrays to function properly.
 9. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
 10. This recommendation is subject to the following conditions:
 - a. The use shall be for ground-mounted solar farm. No other types of electric generation shall be permitted at the site.
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar farm as well as the remaining acreage that is not part of this Conditional Use.
 - c. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - d. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - e. The site shall be secured by fencing with a gate with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.
 - f. The location of all transformers or similar equipment or structures shall be shown on the Final Site Plan.
 - g. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.
 - h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - i. The existing tree line along the northern, eastern, and southern perimeter of the solar array area shall remain to serve as a buffer with the exception of reasonable trimming to allow the solar arrays to function properly. In addition, there shall be a forested buffer of no less than 20 feet in depth planted along the northwest side of the site adjacent to Tax Parcel 532-20.00-15.00. The location and

**M 490 23
Adopt
Ordinance
No. 2955/
CU2354
(continued)**

- planting design for this buffer shall be shown on the Final Site Plan.**
- j. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
 - k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 491 23
Go into
Executive
Session**

At 3:06 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session, and go into Executive Session to discuss matters relating to pending/potential litigation and collective bargaining.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Executive
Session**

At 3:07 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers for the purpose of discussing matters relating to pending/potential litigation and collective bargaining. The Executive Session concluded at 3:12 p.m.

**M 492 23
Reconvene**

At 3:12 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas,

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

E/S Action

There was no action related to Executive Session matters.

**M 493am 23
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at 3:13 p.m.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

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

ENGINEERING DEPARTMENT

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Sussex County

DELAWARE
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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

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

RE: ***South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 A. General Construction, Project C19-11 Change Order No. 31***

DATE: October 17, 2023

In summary, the South Coastal WRF Treatment Process Upgrade No.3 encompasses the following components and statuses:

- a. Effluent Forcemain Relocation/Replacement; Completed in fall of 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;
This scope was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded the stand alone Change Order Request 554-001 to Ronca & Sons, Inc. in the amount of \$104,592.96 on March 10, 2020. The construction was completed in July 2020.
- d. General Construction Project C19-11; awarded on December 17, 2019, to M.F. Ronca & Sons, Inc.

On March 10, 2020, Council authorized Change Order No.1 in the net amount of \$97,294.31 for deletion of the record drawing requirement and the modification of the RBWTF influent forcemains.

On May 12, 2020, Council authorized credit Change Order No. 2 in the amount of (\$12,705.00) eliminating an explosion proof motor requirement.



On July 28, 2020, Council approved credit Change Order No. 3 in the combined amount (\$9,764.30) for use of County surplus materials.

Change Order No.4 in the amount of \$871,000.00 for the repairs of partial failures at the two City of Rehoboth's wastewater treatment plant oxidation ditch systems was also approved on July 28, 2020. M.F. Ronca & Sons, Inc. completed the scope in May of 2021 and the County increased the flow contribution to the City's plant.

On December 15, 2020, County Council approved Change Order No. 6 for steel framing repairs in the first oxidation ditch on a time & material basis up to \$10,500.00 in addition to the concrete repairs conducted per the awarded contingent unit price schedules.

The County initiated RFP-019 for interior headworks piping modifications and RFP-023 covering the addition of a cross connection between the existing 14-inch process drain header for Aeration Tank Nos. 1-4 and the new header for the Aeration Tank Nos. 5-8. On September 22, 2020, Council approved Change Order No.5 in the combined amount of \$32,991.66.

GHD issued RFP-031 for the installation of plug valves on each of the 12-inch recycle influent pipes to be connected to the existing Aeration Tank Nos. 1-4 and to the new Aeration Tank Nos. 7-8. On December 15, 2020, Change Order No. 7 was approved for said shut off valves in the amount of \$31,974.51.

The new South Coastal aeration basin had to be connected to the existing large diameter sludge return piping requiring a forward flow stoppage. Minimizing the joint risk M. F. Ronca proposed a line stop approach under Change Order No. 8. Since it also gained construction efficiency, they offered to only charge for the subcontractor work.

In the spring of 2021, the Rehoboth Beach WTP oxidation ditch rehabilitation was receiving expansive attention including:

- Contingent Unit Price Concrete Repairs, Bid Items F-19 & F-20
- Steel Repairs authorized under Change Order No. 6
- Steel Coatings authorized as part of Change Order No. 4

In addition, all of the leaking expansion joints have been repaired under a time & material approach. On March 9, 2021, County Council approved Change Order Nos. 8 and 9 in the respective amounts of \$34,765.50 and \$45,600.00.

Only one of the two headworks vertical influent pipes has a shut off valve and Environmental Services requested a second valve. In addition, two of the existing headworks slide gates were compromised in need of replacement. On May 25, 2021, Council approved Change Order No. 10 in the aggregate amount of \$34,160.64.

The County initiated RFP-039 addressing modifications to two slide gates avoiding conflict with the new air piping. In addition, it was discovered during the rehabilitation work in the grit tanks, that the existing influent chutes to the stacked tray grit removal systems were significantly compromised. On June 22, 2021, Council approved Change Order No. 11 in the aggregate amount of \$59,557.16.

The design team-initiated RFP-038 for exhaust duct modifications associated with the new turbo blowers and RFP-041 correcting the elevation difference in the headworks cross channel. On July 13, 2021, Council approved Change Order No. 12 to M.F. Ronca & Sons in the aggregate amount of \$14,700.07.

The contract as bid included concrete repairs to the City's headworks and influent splitter box. With the structures by-passed and accessible, the full extent of the damage required an alternative approach detailed in RFP-037 including full demolition of the upper level as well as the channel between it and the splitter box. GHD, the City Engineer and the County Engineer supported the approach, and the change order was within budget of the City's financing arrangements previously approved by the City and County elected officials. Therefore, Council approved Change Order No. 13 to M.F. Ronca & Sons in the amount of \$1,043,243.92 on August 10, 2021.

The City requested M.F. Ronca & Sons' assistance in the wetwell cleaning of the State Rd. pump station to allow a full evaluation in preparation of the upgrade design. In addition, the City requested to modify the air intake for B-10 Building ventilation from a roof mount to an existing window opening. On November 30, 2022, County Council approved Change Order No. 14 in the aggregate amount of \$7,380.37.

Upon exposure of the normally submerged piping at the oxidation ditches, GHD formulated an initial repair scope for the influent, return sludge & air piping including replacement of valves and fittings. It was subsequently reduced and Michael F. Ronca & Sons, Inc. proposed to perform the modified repair scope for \$324,996.81. GHD, the City Engineer and the County Engineer supported the modified approach. However, this amount is not within budget of the City's financing arrangements previously approved. The City will pay for this change order directly out of City funds. County Council approved Change Order No. 15 on January 11, 2022, subject to direct payment by the City. Since then, it was determined that the pipe support configuration for the replacement of oxidation ditch influent piping at the City's WTP required additional supports and RFP-056 was issued. Michael F. Ronca & Sons, Inc. proposed to perform the expanded repair scope for \$8,992.49. County Council approved Change Order No. 17 to M.F. Ronca & Sons in the amount of \$8,992.49 on January 25, 2022.

GHD's design scope included a separate task for the hydraulic transient analysis of the South Coastal effluent force under various pumping scenarios. After County approval of the findings, GHD issued RFP-052 for replacing air valves on the effluent force main and installing additional air valves at new locations. This work scope was not known at time of base bid and hence not included. On January 11, 2022, County Council issued Change Order No. 16 to M.F. Ronca & Sons in the amount of \$88,132.23.

The South Coastal RWF's return sludge pumping station has three (3) pumps, two of which have been upgraded. The third unit recently experienced a failure, and the Environmental Services requested replacement of the pump and piping to be integrated in the project as per RFP-053. Michael F. Ronca & Sons, Inc. proposed Change Order No. 18 in the amount of \$ 31,101.61, which Council approved on January 25, 2022.

Under RFP-053 the Environmental Services staff requested replacement of two (2) compromised pumps and rail systems in the existing filtrate return pump station in the filter building. Under RFP-057 the City staff requested new fiberglass baffles and a guide bracket assembly to replace the original wooden baffle assembly located in the flow splitter box. M.F. Ronca & Sons proposed to complete the work for \$90,081.84 and \$8,132.66 respectively which Council approved on February 8, 2022, via Change Order 19.

The City requested M.F. Ronca & Sons' assistance in the installation of a lintel above the screen chute complete with control joints limiting vertical cracking. Ronca proposed to complete this work for \$7,426.59.

Starting in 2021, Environmental Services started experiencing more frequent malfunctions and alarm call outs with the influent screens at the Inland Bays RWF. In addition, a reduction in screen bar opening from ¼-inch to 3/16-inch opening will help the facilities sludge accumulation. The units were commissioned in the fall of 2010 and normally have a 15-year service life. The Engineering Department requested the assistance of Michael F. Ronca & Sons, Inc. and their investigation revealed that a full replacement could be accomplished for \$ 253,417.58, which was only 10% more expensive than a full rebuilt. Therefore, County Council approved Change Order No. 20 in the aggregate amount of \$260,844.17 on March 8, 2022 for the replacement in kind of two screens at Inland Bays and the masonry work at the City's plant.

The South Coastal facility requires alkalinity adjustments. In the past caustic soda was used however with the upgrade project the approach was switched to magnesium hydroxide. The as bid design included an innovative low energy consumption type Enviromix gas mixing system with a performance guarantee which was not met at start up. Therefore, the design approach was switched to a traditional impeller type mixing system. Michael F. Ronca & Sons, priced the modification including the full contract credits relating to the original

Enviromix system and on March 29, County Council approved Change Order No. 21 in the aggregate amount of \$45,989.72.

The FY2022 Environmental Services budget included roof repairs of the South Coastal administration building and conversion of an existing pole building to an electrical panel shop. M. F. Ronca & Sons already has subcontractors in their scope of work who perform this type of work. They priced the building modification and selectively investigated the roof conditions. The roof dating to the original construction needs full replacement and has areas of compromised decking. Due to market volatility, long lead times and anticipated incremental increases in roofing material (membrane & tapered insulation) costs, pricing includes a material escalation allowance. Upon delivery of roofing materials final costs will be incorporated in a corrective change order reflecting actual material increases. Roof decking replacement will be performed at a unit cost of \$25.00 per SF incorporated into the corrective change order. On May 10, 2022, Council approved Change Order No. 22 in the aggregate amount of \$306,692.52 for pole building enclosure and admin building roof replacement followed by a later corrective change order adjusting unit costs and material pricing.

Environmental Services initiated RFP-067 for painting of the original 1970s mechanical building pump room and M. F. Ronca & Sons proposed to perform the work for \$7,893.90. On June 7, 2022, Council approved Change Order No. 23 in the amount of \$7,893.90.

Environmental Services initiated RFPs-072 & 073. The first deals with a new isolation valve on the existing 8-inch equalization return line in the Mechanical Building Pump Room. The second one modifies the PLC control logic in motor circuit protection of the new turbo blowers and the human machine interfaces graphic displays. On August 23, 2022, Council approved Change Order No. 24 to M.F. Ronca & Sons in the aggregate amount of \$12,829.83.

The headworks at the SCRWF are covered and the ventilated air treated for odors. The contract included unit pricing repair items for the headworks. The damage discovered during the rehabilitation work in the headworks and grit tanks indicated corrosion way above the anticipated levels. Therefore, the Engineering Department initiated RFP-071 for improvements to the headworks ventilation. After value engineering by M. F. Ronca & Sons they proposed to perform the work for \$126,590.76. On October 11, 2022, Council approved Change Order No. 25, significantly extending the asset life of the headworks in the amount of \$126,590.76.

Upon condition exploration of the City's main system pump station on State Street, GHD formulated an initial repair scope and subsequently issued RFP-075 for the repairs. This station also carries the County's Henlopen Acres Sewer District Area flows, and the County participates in the repair effort. With the urgency of the repair evident, the City requested inclusion in the

project. M. F. Ronca & Sons, Inc. proposed to perform the modified repair scope for \$2,270,000.00. GHD, the City Engineer and the County Engineer supported the modified approach. On December 6, 2022, Council approved Change Order No. 26 to Michael F. Ronca & Sons, Inc. to perform the expanded State Street Pump Station repair scope for \$2,270,000.00. The City will pay for this change order directly out of City funds with separate invoice by contractor. In addition, with concurrence of the City, County Council granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 as of November 14, 2022.

In January of 2023, GHD conducted a factory acceptance test of the new turbo blower system controls. The test revealed that modifications to the PLC and HMI programs were necessary. All parties agreed that the quantity of the desired modifications would trigger RFP-079. M. F. Ronca & Sons, Inc. proposed to perform the additional scope for \$4,412.55.

The original bid contained a unit cost for grit removal from the sludge holding lagoons. For Lagoon B a hydraulic removal was considered but due to the quantity of grit a mechanical removal was analyzed. It would result in the destruction of the 20-years+ old liner. However, despite the replacement cost of the liner in the amount of \$84,375.17 the overall approach proved to be more cost effective and resulted in a new liner. On March 21, 2023 Council concurred and approved M. F. Ronca & Sons, Inc.'s Change Order No. 27 in the aggregate amount of \$88,787.72.

The project includes a new aeration basin and the associated above ground air supply piping. The air supplied by the turbo blowers is compressed and heats up in the process. Therefore, the piping has to balance the expansion and contraction via a specialized support system. GHD conducts routine construction phase QC inspections. During the last one in April, GHD identified opportunities to further reduce pipe stress and increase service life summarized in the attached RFP-081. The additional made to order components were administratively authorized after review of preliminary pricing to maintain the project schedule. On June 6, 2023, Council approved M. F. Ronca & Sons, Inc.'s Change Order No. 28 in the amount of \$108,583.52.

During the start-up of the upgraded mechanical plant pump station a one-time pressure transient was experienced. In an abundance of caution GHD recommended under RFP-088 to replace the gauge with a pressure transmitter in the same location. M. F. Ronca & Sons, Inc. proposes to install the modified tap and piping for \$1,656.00.

The original project bid included a complex winch system moving biosolids containers back and forth under the belt press shoots to allow for uniform loading. Staff has been operating the regional biosolids system for two years and found the occasional moving of the containers to be unproblematic. This

allows for the elimination of the winch system under RFP-088. M. F. Ronca & Sons, Inc. proposes a credit of (-\$282,145.60).

On July 18, 2023, Council approved Change Order No. 29 for M. F. Ronca & Sons, Inc. in the aggregate credit amount of (-\$280,489.60).

Environmental Services initiated RFPs-096 & 098. The first creates a hydraulic bypass for each of the two effluent filter banks allowing part of the filtration system to stay in operation during maintenance. The second one deals with the replacement of the compromised 40-year-old LTS Digester Building roof. M. F. Ronca & Sons proposes to accomplish the tasks for \$68,284.99 and \$24,675.00 respectively.

The original bid contains a walkway from the mechanical building to the equalization tanks. It was in part supported by the original parapet wall. When the wall cap was removed it was determined that the wall was completely compromised and had to be rebuilt. M. F. Ronca & Sons is proposing to complete this task for \$71,547.30.

The original bid only contained trench hot mix restoration resulting in a patchwork of pavement conditions as depicted on the attachment. The Engineering Department requested the contractor to provide an alternate road reclamation based base course proposal combined with a site wide 2-inch hot mix overlay. M. F. Ronca & Sons agreed to limit the mark up on the cost delta only and is proposing to complete this task for \$149,674.16.

On September 12, 2023, Council approved Change Order No. 30 in the aggregate amount of \$314,181.45.

The original bid contained a \$315.00 per ton unit cost for grit removal & disposal from the existing aeration basins. The bid quantity was based on pictures provided by Environmental Services, but the actual quantity is close to three times the estimate. Therefore, the Engineering Department and M. F. Ronca developed an alternate on-site grit storage approach which as a side benefit provides for new aeration diffusers in the existing tanks at a \$219.61 per ton unit price. On September 12, 2023 Council's concurred with the modified unit cost pricing of item C-6 Grit Removal.

The FY24 environmental services budget contains \$75k funding for the repair of the existing influent screen. The quotation for the parts alone amounted to >\$30K, once the labor and crane services were added the repair far exceeded 50% of the new screen offered by M. F. Ronca & Sons at \$89,762.10. A replacement screen will match the new one provided under the project and will represent the better asset value over the service life.

The project includes a full rebuild of the existing four-cell Effluent Filter No. 2. The project included removing the sand from cell one and stockpiling it

while using sand from cell two to refill cell one and so on. Once the filter cells were drained it became apparent that approximately 40% of the sand had been lost in the backwash process over the last twelve years. M.F. Ronca & Sons proposed to utilize the County's bagged sand on site in combination with additional manufacturer supplied sand and complete the process in one step rather than four. The contractor can streamline the labor, speed up the process and agreed not to mark up the supplemental sand. M.F. Ronca & Sons offer of \$142,745.34 includes hauling costs but landfill fees will be paid directly by the County at the discounted rate.

The County requested HVAC equipment and control replacements under RFPs 093 & 095 for three of the original 1970s smaller buildings. All of the units have been repaired before and are not fully functional. M.F. Ronca & Sons proposes to perform the replacements and mechanical tie-ins for \$56,155.84.

In summary, the Engineering Department recommends award of Change Order No. 31 to M.F. Ronca & Sons in the aggregate amount of \$288,663.28.

The Engineering Department is tracking an issue with the headworks grating which was affected by the substantial concrete remediation as well as an upgrade in the ethernet switching at the various master control panels.

- e. **Electrical Construction Project C19-17**; awarded on December 17, 2019, to BW Electric, Inc.

On February 4, 2020, Council awarded Change Order No.1 in the credit amount of (\$759,374.80) mostly for changes to the conduit materials. A second credit change order was approved on March 10, 2020, in the amount of (\$6,800.00) for ductbank modifications.

On April 7, 2020, Council approved Change Order No.3 in the not to exceed amount of \$235,637.33 for DP&L requested changes to the utility power service entrance location at the RBWTP.

On May 12, 2020, Council authorized Change Order No.4 in the amount of \$11,350.00 for reconstruction of the original electrical equipment in South Coastal's sludge handling building electrical room.

On July 28, 2020, Council approved Change Order No.5 in the combined amount of \$37,830.00 for the removal of an existing electrical handhole and duct bank and the modification of the duct bank between the DP&L utility switching pedestal and the transformer.

On September 22, 2020, Council approved Change Order No.6 in the amount of \$16,550.00 for the change of the sewer service for the return sludge building No. 2 from a gravity drain to a pumped approach.

On September 22, 2020, Council approved Change Order No. 7 in the not to exceed amount of \$307,300.00 for the City's oxidation ditch complete electrical equipment replacement. This change order had an allowance for sensor replacements which proved too low and required an increase of \$6,582.80. Council approved the modification to Change Order No. 7 on November 10, 2020.

On November 10, 2020, Council approved Change Order No. 8 in the aggregate amount of \$2,249.00 covering RFP-027, RFP-028, RFP-029 & RFP-030. GHD has concluded that RFP-029 can be rescinded in its entirety. Therefore, the scope of work in the Sludge Building reverts to the Drawings, as modified by Change Order No. 4 associated with RFP-016. However, on December 15, 2020, Council approved the modification reducing Change Order No. 8 by \$9,040.00 for a modified net total credit of (\$6,791.00).

On February 9, 2021, Council approved Change Order No. 9 in the aggregate amount of \$30,554.00 covering RFPs-032 & 033. The first RFP provided upsized control panels, conduit and conductors associated with the two (2) Jet Mixing Pump VFDs while the second dealt with a modified temporary electrical feeder arrangement and a redirection of the medium voltage loop.

On August 10, 2021, Council approved Change Order No. 10 in the aggregate amount of \$7,320.00 covering RFP- 035 for waterproofed convenience receptacles at the return sludge building's pump room and RPP-040 for additional site lighting in the area of the generator and blower buildings.

On October 12, 2021, Council approved Change Order No. 11 in the aggregate amount of \$47,328.70 covering the City's initiated RFPs-042 & 44. The first one replaces the deteriorated pull box at building B-10 with a stainless steel one and the second one addresses modifications to the garage feeder.

Also on October 12, 2021, Council approved Change Order No. 12 in the amount of \$4,779.38 covering RFP-045 for modification to the aeration basin lighting out of operational safety concerns.

On January 11, 2022, County Council issued Change Order No. 13 in the aggregate amount of \$20,018.56 for City initiated RFPs -043 & 049. The first one relates to the electrical control requirements for a booster pump in Building T-1. The second one addresses rewiring of the two (2) level sensors and dissolved oxygen probes at the oxidation ditches.

Also On January 11, 2022, County Council issued Change Order No. 14 in the credit amount of (\$6,485.87) for the elimination of four valve actuators.

The City's lighting in the headworks building and the panelboard in the chemical building are compromised by corrosion and City staff requested replacement as per RFP-050. The County Environmental Services and IT staff

reanalyzed the facility's fiber optic cabling needs and requested inner duct modifications under RFP-059. BW Electric proposed to make the changes for \$12,018.72 and \$16,100.70 respectively and on February 8, 2022, Council issued Change Order No. 15 in the aggregate amount of \$28,119.42.

On March 29, 2022, County Council issued Change Order No. 16 in the aggregate amount of \$52,003.13 for the DP&L metering modifications at the City's plant and dedicated VFD cabinet ventilation.

The following RFPs were requested by Environmental Services:

1. RFP-064 for float-controlled effluent pump backup control panel in the event of a failure in the digital pump control system or level transmitter in the amount of \$29,895.13.
2. RFP-065 for the demolition and replacement of the original 1970s lighting in the Headworks Pump Room, Headworks Grit Dewatering Room, Mechanical Building Pump Room, and outdoor wallpacks around perimeter of Mechanical Building in the amount of \$80,099.11.
3. RFP-066 for additional circuits and conduits associated with a conveyor warning alarm in the Cake Storage Building, and for separation of 120 VAC circuits from 24 VDC circuits originating in Cake Storage Building in the amount of \$3,090.30.
4. RFP-068 for the electrical work associated with replacing the compressed gas mixing system with a mechanical mixing system in the amount of \$83,738.84. This is the companion change order to Michael F. Ronca & Sons' Change Order No. 21 for the mechanical work.
5. RFP-069 for a change in the existing 6-way DB-5A allowing for the MH-47 to be eliminated at a credit of (\$7,500.00).

On May 10, 2022, Council approved BW Electric, Inc.'s Change Order No. 17 in the aggregate amount of \$189,323.38.

The pumps and rail systems in the existing filtrate return pump station were upgraded under Change Order No. 18 by M. F. Ronca & Sons. RFP-060 covers the electrical and control upgrades associated with that station. This work was not part of the original plant upgrade scope. BW Electric, Inc. proposed to complete the work for \$92,713.82. In order to address operator safety and access cameras, as well as network access points, proposals were requested at aeration tanks 5-8 requiring a series of additional conduits and pull boxes. BW Electric, Inc. proposed to complete the work for \$50,362.91. On June 7, 2022, Council approved Change Order No. 18 to BW Electric, Inc in the aggregate amount of \$143,076.73.

Provide a credit proposal to remove the Off-Site Manufacturer Course Training specified in the construction documents. This will be conducted as part of the startup process resulting in a credit of \$17,758.13. On October 11, 2022, Council approved Change Order No. 19 in the amount of \$17,758.13.

On October 11, 2022, Council approved M. F. Ronca & Sons' Change Order No. 25 for the SCRWF for improvements to the headworks ventilation. GHD issued the companion RFP-077 for the odor control electrical modifications. In response BW Electric, Inc. proposed to complete the work for \$19,401.62.

GHD also issued companion RFP-076 for the electrical components associated with City's State Street pump station repair scope. In response BW Electric, Inc. proposed to complete the work for \$462,938.82. The City has concurred in the issuance and again will pay for this change order directly out of city funds with separate invoice by the electrical contractor.

On December 6, 2022, Council approved Change Orders No. 20 in the amount of \$19,401.62 & 21 in the amount of \$462,938.82 to BW Electric, Inc. for the headworks ventilation and the expanded State Street Pump Station electrical repair scope. The latter paid for by the City via direct reimbursements to the contractor.

BW Electric, Inc. submitted RFI-102 questioning the absence of a neutral bonding conductor in the electrical feeder 5A. GHD investigated the information request and concluded that the least costly solution to achieve the NEC required bonding was to add a conductor. Since this was an omission in the original documents, all of GHD's work associated with this item was not billed. On March 21, 2023 Council concurred and approved BW Electric's Change Order No. 22 in the amount of \$33,342.10.

The following RFPs were requested by Environmental Services:

1. RFP-082 deals with now required generator building feeder replacement since the "spare" shown on record drawings turned out to be already occupied. BW Electric proposes to complete the task for \$4,736.24.
2. RFP-083 for the shop feeder conductor replacements required due County's equipment changes. BW Electric proposes to complete the task at no cost.
3. RFP-084 covers the complete replacement of original 1970s lagoon sludge lighting system. It is largely inoperative, and the poles and fixtures are heavily corroded. BW Electric proposes to complete the task for \$86,480.73.
4. RFP-085 for the welder receptacles upgrades. BW Electric proposes to complete the task at no cost.
5. RFP-087 for the electrical components and signal wiring associated with the pressure sensor in the mechanical pump station. This is the electrical companion scope to Michael F. Ronca & Sons' RFP-088 for the mechanical work. BW Electric proposes to complete the task for \$10,340.23.

On July 18, 2023, Council approved Change Order No. 23 for BW Electric, Inc. in the aggregate amount of \$101,557.20.

BW Electric priced RFP-089 for the electrical credit associated with the winch system elimination at (\$10,134.30). In addition, an electrical safety issue at the SC administration building was identified under RFP-091. It required removing the existing PLC cabinet located in the Administration Building's electrical room, and replacing it with a new PCS cabinet, PCS-AB in its place. BW Electric has now priced RFP-091 at \$68,103.21. The last RFP-092 was associated with HVAC related issues in the Sodium Hypochlorite Building electrical room replacing it with a new power circuit and DS for a heat pump as well as providing new outdoor receptacle and associated power circuit. BW Electric has priced RFP-092 at \$8,554.77. The General Contractor is still pricing the mechanical components under RFP-093.

On August 1, 2023, Council approved BW Electric, Inc.'s Change Order No. 24 in the aggregate amount of \$66,523.68.

BW Electric is still working on the pricing of various heat pump electrical components. In addition, an electrical safety issue at the SC administration building is also being investigated by GHD.

- f. Mobile Belt Filter Press; awarded on January 7, 2020, Council to Kershner Environmental Technologies. The unit is currently stationed at South Coastal in anticipation of the aeration basin transfer.
- g. DP&L direct expenses; on February 4, 2020, Council approved the electric utility service relocation contract with the utility.
- h. The Rehoboth Beach WTP was built on a municipal landfill and Council approved a stand-alone competitive purchase order to Melvin L. Joseph Construction Company, Inc. for material hauling & screening on July 14, 2020.

The updated expenses associated with the South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program; Phase 2 are summarized in the attached spreadsheet.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – General Construction**
2. Sussex County Project No. C19-11
3. Change Order No. 31
4. Date Change Order Initiated - 10/12/23
5.
 - a. Original Contract Sum \$39,526,400.00
 - b. Net Change by Previous Change Orders \$6,184,799.03
 - c. Contract Sum Prior to Change Order \$45,711,199.03
 - d. Requested Change \$ 288,663.28
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$45,999,862.31
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

— 6. Factors Affecting Time of Completion

_____ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Modified unit cost pricing of item C-6 Grit Removal, replacement of an influent screen and hvac equipment and control replacement for three of the original, smaller buildings.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No _____

E. APPROVALS

1. M.F. Ronca & Sons, Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-11: General Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	099		
RFP Subject	Mechanical Screen SCN-101 Replacement		
Issued By	S. Clark	<i>SC</i>	Issue Date 9/11/2023

Description of proposed changes:

The Owner requests the replacement of Mechanical Screen SCN-101 with a new screen to match the screen being provided for Screen Channel No. 3 (i.e. SCN-103). Submit a proposal for supply and installation of a new screen to match the work being completed for SCN-103 and crediting the costs for replacing the motor, heat trace, insulation, and jacket for the existing SCN-101. Contractor shall field verify channel dimensions prior to ordering the new screen.



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

179 Mikron Road, Bethlehem, PA 18020

September 20, 2023

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
SCRWF-RBWWTP CIP Phase 2 Upgrades
Proposed Change Order Request No. 554-051
Replace Mechanical Influent Screen SCN-101

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Eight Nine Thousand Seven Hundred Sixty Two Dollars and 10 Cents.....(\$89,762.10).

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation, and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski
Project Manger

cc: HO file 554
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-051 Replace Mechanical Influent Screen SCN-101

9/20/2023

CHANGE ORDER SUMMARY

Item 1 Full Replacement of Mechanical Influent Screen SCN-101 in Accordance with GHD RFP-099

Labor	\$0.00
Materials	\$78,054.00
Equipment	\$0.00
Subcontract	\$0.00
Subtotal	\$78,054.00
Contractor Overhead & Profit @ 15%	\$11,708.10
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$89,762.10
Change Order Total	\$89,762.10

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-051 Replace Mechanical Influent Screen SCN-101

9/20/2023

<u>Item</u>	<u>Description</u>						
Item 1	Full Replacement of Mechanical Influent Screen SCN-101 in Accordance with GHD RFP-099 Including Credit for Replacing Motor, Heat Trace and Insulation of Ex. Screen.						
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Labor Total:	\$0.00
	Materials:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
	New Mechanical Influent Screen	1.00	LS	\$93,037.00	\$93,037.00		
	Credit - Delete Replacing Motor, Heat Trace and Insulation	-1.00	LS	\$14,983.00	(\$14,983.00)	Material Total:	\$78,054.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Equipment Total:	\$0.00
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
					\$0.00	Subcontract Total:	\$0.00
						Item Total:	\$78,054.00

From: [Tom Rainier](#)
To: [Scott Wachinski](#)
Subject: FW: SCRWF - Scope of Supply
Date: Tuesday, September 19, 2023 6:28:30 PM
Attachments: [image002.png](#)
[B-2023-00528 R1 - 1 MS2H - Firm Offer - SCRWF.pdf](#)

Scott,

See attached.

Pricing is as follows:

MS2H Screen \$93,037
Deduct for heat tracing and motor for existing Screen \$14,983
Total for New Screen \$78,054

Please let me know if you need anything else.

Sincerely,

Tom Rainier
Vice President



Riordan Materials Corporation | 8712 Inwood Rd | Windsor Mill, MD 21244
| Mobile: 410-440-4411 | Email: trainier@riordanmat.com



Prepared for:

SCRWF - Replacement Influent Screen
DE
B-2023-00528 R1

Submitted by:

Headworks® Inc.

September 19, 2023



THIS DOCUMENT CONTAINS PROPRIETARY INFORMATION AND NEITHER THIS DOCUMENT NOR SAID PROPRIETARY INFORMATION SHALL BE PUBLISHED, REPRODUCED, COPIED, DISCLOSED, OR USED FOR ANY PURPOSE OTHER THAN CONSIDERATION OF THIS PROPOSAL, WITHOUT THE WRITTEN APPROVAL OF HEADWORKS INC.



Project Name: SCRWF - Replacement Influent Screen
 State/Country: DE
 Rep. Company: Riordan Materials
 Offer: B-2023-00528 R1
 Date Offer: 9/19/2023
 V3.4

Firm Offer # B-2023-00528 R1 SCRWF - Replacement Influent Screen

Thank you for your request for a screen and screenings handling package proposal. Headworks is pleased to offer you the Headworks MS Series Bar Screen: Model MS2H for this project.

The Headworks® Bar Screen Model MS2H™ design offers the following features:

- Stainless Steel Construction - for corrosion resistance
- Low Profile - requires less than 8 feet of head space
- Low Headloss - even with 1/4 inch openings
- High Hydraulic Capacity - about 2 MGD per ft² of screen area
- Electronically Controlled Automatic Reverse - to remove obstructions
- Lower Sprocket in-lieu of lower turnaround



Enclosed are our Formal Offer, Scope of Supply, and General Terms and Conditions, which complete the offer. If you have any questions or comments, please do not hesitate to contact our local Sales Representative, or our office.

Best regards,

Brandon Childs
 Headworks Inc.
 Inside Sales Engineer



Sales Representative:

Tom Rainier

RIORDAN

8712 Inwood Rd
 Windsor Mill, MD 21244
 +1 410 440 4411

Project Summary:

Equipment	Item	Units	US \$
Bar Screen MS2H	1	1	
Deductive Change: No Modification to Heat Tracing of Existing Screen	2	1	(14,983)
TOTAL PROJECT COSTS			



Project Name:
 State/Country:
 Rep. Company:
 Offer:
 Date Offer:

3 of 7
 SCRWF - Replacement Influent Screen
 DE
 Riordan Materials
 B-2023-00528 R1
 9/19/2023
 V3.4

Item:	1
Type of Product	Bar Screen MS2H

Project Name:	SCRWF - Replacement Influent Screen	
Offer Number	B-2023-00528 R1	
Item Number:	1	
No. of Screens	1	
Screen Data	Feet	Meter
SOL Screen Overall Length (approx.)	12.67	3.86
OF Operating Floor to Channel Invert	4.83	1.47
CD Channel Depth	4.83	1.47
CW Channel Width	5.50	1.68
SW Screen Total Width (approx.)	5.34	1.63
SFW Screen Field Width (approx.)	4.52	1.38
WD Water Depth	3.33	1.02
DH Discharge Height	4.33	1.32
SFH Screen Field Height	3.99	1.22
BS Bar spacing	0.25 inch	6.35 mm
Wall Recess	NO	
Floor Recess	NO	
Screen grouted when in recess	NO	
# of Sections/Pieces	1	
Material	SS 304	
Chain Roller Type	Stainless	
Top Enclosed	Yes	
Installation Angle (Degree)	75 deg	
Weight (per screen)	3619 lb	1641 kg
Pull Out Type	Yes	
Pivot Type	NO	
Q max. Specified	25.00 mgd	1.10 m3/s
Q max. (v-Ch. = 0.9m/sec or 3'/s)	29.84 mgd	1.40 m3/s
Q max. (v-Ch. = 0.6m/sec or 2'/s)	19.90 mgd	0.93 m3/s
Headloss at 2'/sec channel velocity	0.98 inch	2.49 cm
Headloss at 3'/sec channel velocity	2.21 inch	5.60 cm

Screen Scope of Supply	Supplied
Headworks Bar Screen MS2H	YES
Spare Parts	YES
Control Panel	NO
Ultrasonic Level Sensor	NO
Interconnecting Wiring	NO
Training (O&M)	YES



4 of 7
Project Name: SCRWF - Replacement Influent Screen
State/Country: DE
Rep. Company: Riordan Materials
Offer: B-2023-00528 R1
Date Offer: 9/19/2023
V3.4

GENERAL TERMS AND CONDITIONS

Applicable Terms

These terms govern the purchase and sale of the equipment and related services. If any (collectively, "Equipment") referred to in Seller's quotation, proposal or acknowledgement, as the case may be (Seller's "Documentation"). Whether these terms are included in an offer or an acceptance by Seller, such offer or acceptance is conditioned on Buyer's assent to these terms. Seller rejects all additional or different terms in any of Buyer's forms documents.

Pricing

The price of the Equipment is based upon the following conditions:

20% Upon Approval of Submittals

75% due net 30 days from date of equipment shipment

5% Retainage due net 30 days from date of Start-Up, but no later than 180 days from shipment

Pricing is based on receipt of a Purchase Order within 60 days from the date of this Offer and shipment of the equipment not later than 12 months from the date of this Offer. In the event Buyer cannot take the equipment within the stipulated time, the price will escalate 0.5% per month thereafter. All storage costs are for the account of the Buyer.

These terms are independent of and not contingent upon the time and manner in which the purchaser receives payment from the site owner or any other person. Acceptance of order subject to credit approval. All monies not paid when due shall bear interest from the due date to the date paid either (i) at the fluctuating rate of 3% above the Prime Rate as defined below or (ii) the highest rate allowed by law, whichever is lesser. "Prime Rate" is the prime rate in effect on the first business day of the month in which a change occurs, as published in the Wall Street Journal on the next business day.

Payment

Invoices **must** be paid by ACH or Wire. **Checks are not accepted.**

In accordance with ACH best practices, please be sure to confirm transfer details with a member of Headworks' accounting team via telephone prior to setting up any new Headworks bank account.

Validity of Quotation:

60 days from date of offer.

Unless specifically stated in our Offer, this quote is only valid for the listed quantities. If different quantities are desired please inform Inside Sales before issuing a PO as pricing may differ.

Bonds:

Unless specifically stated in our Offer, No Performance Bonds, Payment Bonds, Supply Bonds, Maintenance or any other type of Bonds and any related expenses are included. Any acceptance to provide Bonds will only be considered prior to the Offer.

Ownership of Material

All devices, designs (including drawings, plans and specifications), estimates, prices, notes, electronic data and other documents or information prepared or disclosed by Seller, and all related intellectual property rights, shall remain Seller's properties. Seller grants Buyer a non-exclusive, non transferable license to use any such material solely for Buyer's use of the equipment. Buyer shall not disclose any such material to third parties without Seller's prior written consent.

Changes

Seller shall not implement any changes in the scope of work described in Seller's documentation unless Buyer and Seller agree in writing to the details of the changes and any resulting price, schedule, or contractual modifications. This includes any changes necessitated by a change in applicable law occurring after the effective date of any contract including these terms.



5 of 7
Project Name: SCRWF - Replacement Influent Screen
State/Country: DE
Rep. Company: Riordan Materials
Offer: B-2023-00528 R1
Date Offer: 9/19/2023
V3.4

Stainless Steel Price Increases:

All Orders accepted, are subject to the following terms:

Headworks® Inc. reserves the right to adjust the price of the equipment based on increases in the price of stainless steel. This increase would be based on stainless steel price increases (including surcharges) as published monthly in the U.S. with the base price being that price (including surcharges, if any) published on the date of this offer. Such price increase only affects the cost of the stainless steel material portion of the affected equipment.

Force Majeure

"Force Majeure" shall mean any act or event which is outside the reasonable control of a party including, without prejudice to the foregoing generality, Acts of God, epidemics, tidal waves, explosions, lightning, earthquakes, hurricanes, wars (whether declared or not), riots, strikes and industrial actions (other than among the employees of party seeking to rely on such event, or its subcontractor), civil and military disturbances and unrest, acts of the public enemy, action or inaction of the government or governmental authorities or of representatives thereof. If Headworks is prevented from or delayed in performing its obligations as a result of Force Majeure, such prevention or delay shall not be considered a breach of the Agreement, but shall for the duration of such event relieve Headworks of its respective obligations thereunder. Should the Force Majeure suspension period last for more than one (1) month, Headworks may terminate this quote or agreement.

Freight Terms

Equipment is sold FOB point of manufacture with freight included in the above price to the nearest specified destination, provided suitable access roads exist for the delivery carrier(s).

Shipment Schedule

16 - 20 weeks ex works after receipt of approved submittal drawings.

Start-Up and Operator Training

1 trip of up to 3 consecutive days included.

Submittals

Technical submittal drawings for review, authority examination and approval shall be furnished to the buyer within 3 - 4 weeks of order acceptance. The buyer shall approve the submittals within 4 weeks from receipt, otherwise the Stainless Steel Price Increases clause described above will become applicable.

Taxes

Federal, state and local taxes, if any, are not included in the above prices. All applicable taxes are for the purchaser's account.

Patent Protection

Various Headworks equipment contain proprietary information covered by a number of patents and patents pending in the USA and in many international countries. For a full list of the approved patents, please contact Headworks Inc. Legal department in Houston, Texas.



6 of 7
Project Name: SCRWF - Replacement Influent Screen
State/Country: DE
Rep. Company: Riordan Materials
Offer: B-2023-00528 R1
Date Offer: 9/19/2023
V3.4

Headworks® Bar Screen Warranty:

The seller warrants all equipment of its own manufacture to be free of defects caused by faulty material or workmanship for a period of eighteen (18) months from date of shipment or twelve (12) months from date of start-up, whichever first occurs. Headworks will replace or repair any part or parts which upon examination shall show to have failed under normal use and service by the original user within the warranty period. In the event that defects develop during the warranty period, under normal and proper use, Headworks is to be notified promptly and with their consent the products are to be returned to Headworks F.O.B. Headworks factory at Buyer's expense. In the case of components purchased by Headworks and incorporated into the equipment, such as Electrical Controls, Instrumentation, Electrical Motors, Gear Reducers and related items, Headworks warranty is limited to the individual manufacturer's warranty for that component, usually one year. This warranty does not apply to equipment or parts thereof which have been altered or repaired other than by a representative of Headworks, or damaged by improper installation, application, erosion or corrosion of any sort, or subjected to misuse, abuse, neglect or accident.

THIS WARRANTY, INCLUDING THE STATED REMEDIES, IS EXPRESSLY MADE BY HEADWORKS AND ACCEPTED BY PURCHASER IN LIEU OF ALL OTHER WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, WHETHER WRITTEN, ORAL, EXPRESS, IMPLIED, OR STATUTORY. HEADWORKS NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY OTHER LIABILITIES WITH RESPECT TO ITS EQUIPMENT. HEADWORKS SHALL NOT BE LIABLE FOR NORMAL WEAR AND TEAR, NOR FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGE DUE TO INOPERABILITY OF ITS EQUIPMENT FOR ANY REASON NOR ANY CLAIM THAT ITS EQUIPMENT WAS NEGLIGENTLY DESIGNED OR MANUFACTURED.

Termination

Buyer may at any time terminate this order or any part hereof for its sole convenience. In the event of such termination, Seller shall immediately stop all work hereunder, and shall immediately cause any of its suppliers or subcontractors to cease such work. Seller shall be paid a reasonable termination charge consisting of a percentage of the order price reflecting the percentage of the work performed prior to the notice of termination, including without limitations any and all engineering work completed in submittal preparation, plus actual direct costs resulting from termination. Seller shall not be paid for any work done after receipt of the notice of termination, nor for any costs incurred by the Seller's suppliers or subcontractors which Seller could reasonably have avoided. Buyer will make no payments for finished work, work in process, or raw material fabricated or procured by the Seller in excess of any order or release.



7 of 7
Project Name: SCRWF - Replacement Influent Screen
State/Country: DE
Rep. Company: Riordan Materials
Offer: B-2023-00528 R1
Date Offer: 9/19/2023
V3.4

Dispute Clause

Any claim, dispute or other matter in question between Supplier and Owner, arising out of or relating to either's obligations to the other under this Contract, shall, if possible, be resolved by negotiation between Supplier's and Owner's designated representatives for the applicable Purchase Order. Supplier and Owner each commit to seeking resolution of such matters in an amicable, professional and expeditious manner so as to avoid unnecessary losses, delays and disruptions to the Work. If a matter cannot be resolved by the parties' designated representatives for the applicable Purchase Order, no later than thirty (30) days after the designated representatives fail to reach agreement, representatives from executive management of Supplier and Owner shall attempt to resolve the matter.

If resolution cannot be reached by the parties' executive managers, no later than thirty (30) days after the executive managers fail to reach agreement, the parties shall submit the dispute to non-binding mediation. The parties shall select a mediator and a mediation location that are mutually acceptable.

If resolution cannot be reached by the parties through mediation, within thirty (30) days after the mediation has concluded, either party may file suit in a court of competent jurisdiction in the county of the state in which the Work Site is located. If a Purchase Order required Work to be performed at more than one Work Site in more than one state, the exclusive venue for suit shall be a court of competent jurisdiction in Harris County, TX.

Presence of High Grit Levels, Stones and Rocks

The presence of high levels of Grit, Stones and/or Rocks that can impair the normal operation of Headworks' products, develop premature wear and/or cause damage to it's products is not covered under the Headworks Inc. Standard Warranties unless strictly expressed in writing. This policy is in effect for the Bar Screen, Perforator™, Eliminator™, Spiralman™, Transporter™, Transpactor™, & Screwfactor™.

Limitation of Liability

In no event shall Seller be liable for anticipated profits or for incidental or consequential damages. Seller's liability on any claim of any kind for any loss or damage arising out of or in connection with or resulting from this contract or from the performance or breach thereof shall in no case exceed the price allocable to the goods or services which gives rise to the claim. Seller shall not be liable for penalties of any description. Any action resulting from any breach on the part of Seller as to the goods or services delivered hereunder must be commenced within one (1) year after the cause of action has accrued.



Offer# B-2023-00528 R1

SCRWF

Notes & Clarifications

1. Anchor bolts are not included in Headworks® Inc. Scope of Supply. Headworks® Inc. does not have any knowledge of the Concrete Design, existing or future. Headworks® Inc. will include in its Project Submittal the Anchor bolt locations and loads in the submittal for the design and supply of Anchor Bolts by others. No Seismic Calculations are included, if required.
2. Invoices **must** be paid by ACH or Wire. **Checks are not accepted. In accordance with ACH best practices, please be sure to confirm transfer details with a member of Headworks' accounting team via telephone prior to setting up any new Headworks bank account.**
3. All Stainless-Steel material purchased will be provided to Headworks Inc. pickled and passivated at the mill. Our offer is based on Headworks Inc. standard material finish where all stainless-steel surfaces shall be glass Bead Blasted prior to equipment assembly. The Bead Blast shall remove all weld discoloration and surface contaminants and provide for Spontaneous Passivation as recognized in ASTM A380, Cleaning, Descaling, and Passivation of Stainless-Steel Parts, Equipment, and Systems, 1. Scope, 1.1.1.1.

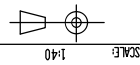
All purchased components such as motors, reducers, valves, switches, etc. that are not Stainless Steel shall be supplied with the manufacturers' standard coating / finish.

4. Our offer is based on the Headworks Inc. standard design, material thicknesses, and features.
5. Our offer includes the following spare parts, in total, for the Headworks® Bar Screens:
 - Two (2) each, Rake Bars
 - One (1) each, Five-Foot Chain Segment
 - Two (2) sets, Scraper Arm Wear Pads
 - One (1) each, Spare Spring



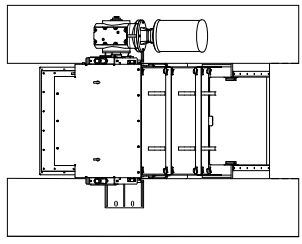
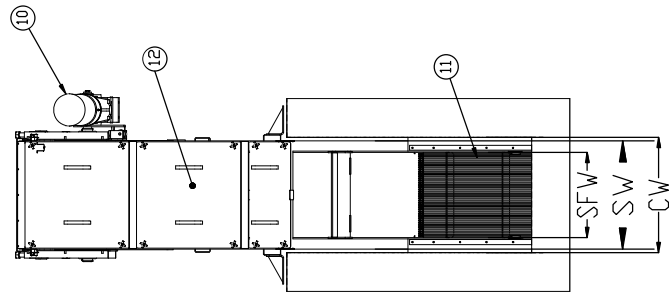
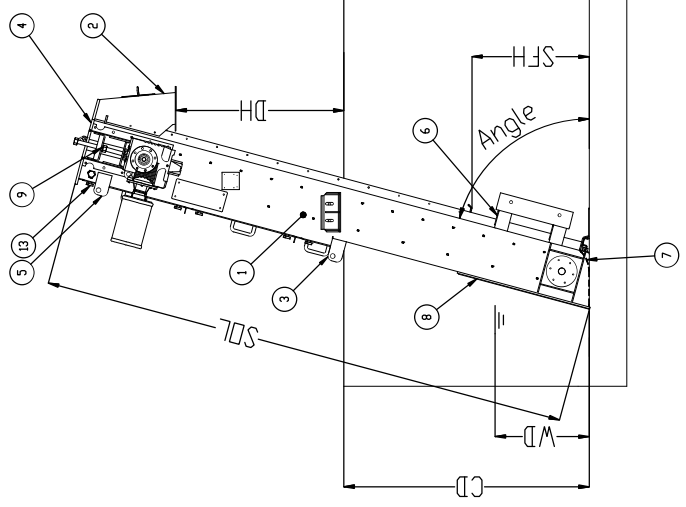
MS SERIES BAR SCREEN
MODEL MS2
TEMPLATE DRAWING

No. 12
Yr. 14
Rev. 0
Shp 1 of 1
LOCATION:



PROJ. NO.
DRAWN BY: _____ DATE: _____
CHECKED BY: _____ DATE: _____

Rev	DESCRIPTION	DATE
0	FOR INFORMATION ONLY	



Item No.	Part	Material
1	Side Frame	304/316 SS
2	Discharge Chute	304/316 SS
3	Floor Channel	304/316 SS
4	Top Cover	304/316 SS
5	Lifting Pad	304/316 SS
6	Screenfield Support	304/316 SS
7	Sole Plate	304/316 SS
8	Seal	BUNA N
9	Chain Adjuster	304/316 SS
10	Reducer & Motor	CAST IRON
11	Taper Bar (Removable)	304/316 SS
12	Screen Covers	POLYCARBONATE/SS
13	Cover Knobs	PLASTIC

SCREEN FIELD WIDTH SFW
 SCREEN FRAME WIDTH SW
 CHANNEL DEPTH CD
 CHANNEL WIDTH CW
 DISCHARGE HEIGHT DH
 SCREEN FIELD HEIGHT SFH
 SCREEN OVERALL LENGTH SOL
 WATER DEPTH..... WD

Michael F.
RONCA
& Sons, Inc.

TELEPHONE 610/759-5100
FACSIMILE 610/746-0974



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

October 10, 2023

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
SCRWF-RBWWTP CIP Phase 2 Upgrades
Proposed Change Order Request No. 554-052
SCRWF Filter No. 2 Sand Media Replacement

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of One Hundred Forty Two Thousand Seven Hundred Forty Five Dollars and 34 Cents.....(\$142,745.34).

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation, and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manger

cc: HO file 554
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-052 SCRWF Filter No.2 Sand Media Replacement

10/10/2023

CHANGE ORDER SUMMARY

Item 1 Furnish and Install Replacement Sand Media in Filter No. 2 Per Sussex Co. Request to Include Vac

Labor	\$0.00
Materials	\$85,530.00
Equipment	\$0.00
Subcontract	\$54,490.80
Subtotal	\$140,020.80
Contractor Overhead & Profit @ 0% (Waived on Mtrl)	\$0.00
Contr. Overhead & Profit on Subcontr. @ 5%	\$2,724.54
Item Total	\$142,745.34
Change Order Total	\$142,745.34

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-052 SCRWF Filter No.2 Sand Media Replacement

10/10/2023

<u>Item</u>	<u>Description</u>					
Item 1	Furnish and Install Replacement Sand Media in Filter No. 2 Per Sussex Co. Request to Include Vac Truck Removal, Dewatering & Hauling for Disposal of Ex. Sand (Landfill Disposal Cost Paid Direct by Sussex Co.).					
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
				\$0.00	\$0.00	Labor Total: \$0.00
	Materials:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
	Replacement Media Including Freight	1.00	LS	\$85,530.00	\$85,530.00	Material Total: \$85,530.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
				\$0.00	\$0.00	Equipment Total: \$0.00
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
	Vac Truck, Dewatering, Hauling Subcontractor	1.00	LS	\$54,490.80	\$54,490.80	Subcontract Total: \$54,490.80
						Item Total: \$140,020.80



Aftermarket Care – Quotation

1401 W. Cypress Creek Rd. – Suite 100, Fort Lauderdale, FL 33309 - HEADQUARTERS

562 Bunker Court, Vernon Hills, IL 60061

100 Schreiber Dr., Trussville, AL 35173



1-888-Parkson

*The Quotation is submitted pursuant to Parkson Corporation Aftermarket Terms and Conditions, which are embedded below

Quote Name	Sussex County, DE DSF P01501671 (150233) vep 9-27-23	Created Date	9/27/2023
Quote Number	00035904	Expiration Date	10/27/2023
Prepared By	Vince Piagentini	Contact Name	Rick Musante
Phone	847-837-4958	Email	rmusante@parkson.com
Email	vpiagentini@parkson.com		
Fax	847-816-3707		
Bill To Name	Sussex County, DE	Ship To Name	Sussex County, DE
Project #	P01501671 (150233)	Payment Terms	Net 30
Freight	Prepay and Add	Estimated Delivery	4 weeks
		FOB:	Shipping Point

Item Number	Product	Line Item Description	Quantity	Sales Price	Total Price
Custom Media 0.9mm SA	Filter Media, 0.9 mm ES, 1.5 UC, Sub Angular (quoted in qty of ton(s))		186.00	\$380.00	\$70,680.00
0900000-	x- Freight	This is only an estimate. You will be billed actual costs.	9.00	\$1,650.00	\$14,850.00
0900001-	x- Field Service	Parkson field service - two techs for one week (travel included)	2.00	\$8,100.00	\$16,200.00
	note 1	Crane / boom forklift by others	1.00	\$0.00	\$0.00

N/A

Line Items	4	Subtotal	\$101,730.00	
		Total Price	\$101,730.00	\$85,530.00

Please complete information below:

BILL TO Name: _____	SHIP TO Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
PO #: _____	SHIP TO Attn of: _____
Bill to - Email: _____	Phone: _____

All amounts expressed in US Dollars

Quote Acceptance Information

Signature _____
 Name _____

**Chesapeake Environmental
Services, LLC**
29631 Foskey Lane
Delmar, MD 21875



**Phone: 410-742-2718
Fax: 410-742-2838**

Estimate # 1665

10/10/2023

Billing Address:

Michael F. Ronca & Sons, Inc.
179 Mikron Road
Bethlehem, PA 18020

Job Location:

South Coastal Regional Wastewater
Bethany Beach, DE

Description	Qty	Rate	Amount
<p>This estimate is to vacuum out five Sand Filter Bays with approximately 40 tons in each bay. The total estimated material to be removed is 200 tons. The material will be dumped into Dewatering Boxes and dewatered on site using gravity discharge lines. We estimate 1 to 1 1/2 days per Filter Bay. Once dewatered the material will be hauled the next day to Sussex County DSWA and the same boxes will be refilled the next day with additional product.</p> <p>This estimate is based on work being done Monday - Friday. We estimated 5 - 8 10 hour days. This estimate is based on 6 - 10 hour days portal to portal.</p> <p>All disposal is to be paid by South Coastal Regional Wastewater.</p>			
Unit #163 - Ford Transit Service Body	60	35.00	2,100.00
Unit #180 - Huber Combo Truck	60	135.00	8,100.00
**Fuel Surcharge (Based on DOE Index, @ 1% per 10 cents over \$2.50 per gallon) This rate is based on the current rate.	10,200	0.204	2,080.80
ADS Hose 6" x 100' Yellow - each - if needed	5	285.00	1,425.00
Dewatering Box Liner - Estimated	20	225.00	4,500.00
Mobilization, Demobilization Fee, and rental for usage for four Dewatering Boxes - Including Wash Out Fee	1	17,235.00	17,235.00
Supervisor - Regular Hours	48	70.00	3,360.00
Supervisor - Overtime Hours	12	105.00	1,260.00
Equipment Operator - Regular Hours	48	55.00	2,640.00
Equipment Operator - Overtime Hours	12	82.50	990.00
Environmental Technician - Regular Hours	48	50.00	2,400.00
Environmental Technician - Overtime Hours	12	75.00	900.00
Transportation to DSWA Landfill = \$475.00 per load X 20 Loads (estimated) = \$9,500.00			9,500.00
David Banks - 443-497-2704 Cell Phone. FEIN 27-2021018	Total		\$56,490.80

Customer Signature _____



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2			
Owner	Sussex County, Delaware			
Contract No.	C19-11: General Construction	GHD Project No.	11121182	
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.				
RFP No.	RFP-095			
RFP Subject	BB1 and RSB1 Heat Pumps - General			
Issued By	S. Clark	<i>SC</i>	Issue Date	9/25/2023

Description of proposed changes:

Provide demolition of existing through-wall A/C unit in Return Sludge Building No. 1 Electrical Room and Blower Building No. 1 Electrical Room., including wall plates and unit supports, and provide repair of existing wall to match existing wall construction. Provide new split system ductless heat pump. Work shall be provided as described herein and on attached RFP-095 Figures -01 through -04.

A price proposal for the following work is requested of the General Contractor.

- Provide demolition of existing through-wall A/C units in BB1 and RSB1 Electrical Rooms. Repair wall and re-build to existing wall construction. Reference similar wall repair detail included in RFP-093.
- Provide split system ductless heat pumps, Samsung Model AC024JN4DCH/AC024JXADCH with front and back wind baffles and R-410a refrigerant in BB1 and RSB1 Electrical Rooms.
- Provide CEP for outdoor condensing units per detail on structural drawings.

Blower Building 1:

- Install outdoor condensing unit approximately 1'-0" from south wall of the building, east of door to the electrical room.
- Install indoor unit on ceiling above south side of electrical room.
- Route refrigerant piping to/from outdoor unit.
- See attached HVAC additions plan in attached Figure RFP-095-02 for equipment and piping locations.

Return Sludge Building 1:

- Install outdoor condensing unit approximately 1'-0" from west wall of the building,
- Install indoor unit on ceiling above center of electrical room.
- Route refrigerant piping to/from outdoor unit.
- See attached HVAC additions plan in attached Figure RFP-095-04 for equipment and piping locations.
- Heat Pump Unit Information:
 - Equipment Type - Ceiling Suspended
 - Nominal Tons - 2
 - Total Cooling Capacity (MBH) - 24
 - Total Heating Capacity (MBH) - 27
 - Air Flow (CFM) - 640
 - Fan Motor (Watt) - 65
 - Volts/PH/HZ - 208/1/60

GHD

16701 Melford Boulevard Suite 330 Bowie Maryland 20715 USA
 T 240 206 6810 F 240 206 6811 W www.ghd.com

N:\US\Bowie\Projects\111\1121182 South Coastal Expansion\TECH\Construction\Work Changes\Request for Proposals\RFP-095 BB1 and RSB1 Heat Pumps - General\Individual Files and Data\RFP-095 BB1 and RSB1 Heat Pumps - General.docx





- Condensing Unit:
 - Unit Nos. - ACCU-BB1-01 / ACCU-RSB1-01
 - MCA - 12.6
 - Volts/PH/HZ - 208/1/60
- Indoor Unit Nos: AC-BB1-01/AC-RSB1-01
- Controlled By: T'Stat Type 5
- Temperature Set Point (DEG. F) - 80
- Manufacturer: Samsung
- Outdoor Unit Model Number - AC024JXADCH
- Indoor Unit Model Number - AC024JN4DCH
- Max Breaker (A) – 20
- Min. Circuit Ampacity (A) – 12.6



SUSSEX COUNTY DELAWARE
SCHWEP NO.3 AND REWTP CIP PHASE 2
UPGRADES
FIGURE RFP-095-04
RETURN SLUDGE BUILDING NO. 1
HVAC PLAN - ADDITIONS

Project No. 11121182
Report No. RFP-095
Date 9/22/2023

Scale 1/8"=1'-0" AT ORIGINAL SIZE

Return Sludge Building No. 1
HVAC Plan - Additions

SUSSEX COUNTY DELAWARE
SCHWEP NO.3 AND REWTP CIP PHASE 2
UPGRADES
FIGURE RFP-095-04
RETURN SLUDGE BUILDING NO. 1
HVAC PLAN - ADDITIONS

Project No. 11121182
Report No. RFP-095
Date 9/22/2023

Scale 1/8"=1'-0" AT ORIGINAL SIZE

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SUSSEX COUNTY DELAWARE
SCHWEP NO.3 AND REWTP CIP PHASE 2
UPGRADES
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Project No. 11121182
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SUSSEX COUNTY DELAWARE
SCHWEP NO.3 AND REWTP CIP PHASE 2
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SUSSEX COUNTY DELAWARE
SCHWEP NO.3 AND REWTP CIP PHASE 2
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SUSSEX COUNTY DELAWARE
SCHWEP NO.3 AND REWTP CIP PHASE 2
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HVAC PLAN - ADDITIONS

Project No. 11121182
Report No. RFP-095
Date 9/22/2023

Scale 1/8"=1'-0" AT ORIGINAL SIZE

Return Sludge Building No. 1
HVAC Plan - Additions

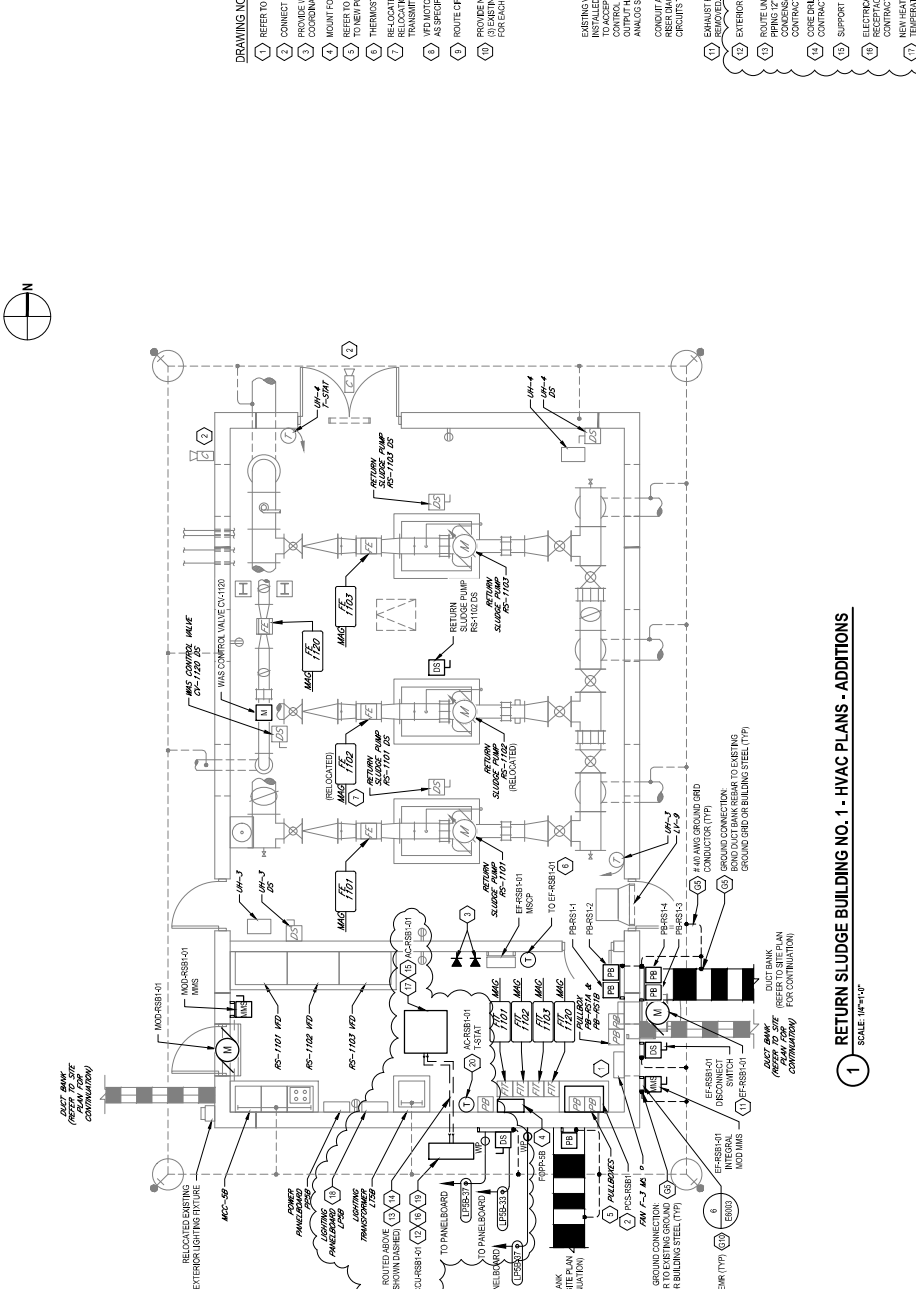
SUSSEX COUNTY DELAWARE
SCHWEP NO.3 AND REWTP CIP PHASE 2
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FIGURE RFP-095-04
RETURN SLUDGE BUILDING NO. 1
HVAC PLAN - ADDITIONS

Project No. 11121182
Report No. RFP-095
Date 9/22/2023

Scale 1/8"=1'-0" AT ORIGINAL SIZE

Return Sludge Building No. 1
HVAC Plan - Additions

SUSSEX COUNTY DELAWARE
SCHWEP NO.3 AND REWTP CIP PHASE 2
UPGRADES
FIGURE RFP-095-04
RETURN SLUDGE BUILDING NO. 1
HVAC PLAN - ADDITIONS



1. REFER TO PROCESS CONTROL SYSTEM SCHEMATIC DIAGRAM - MODIFICATIONS FOR MORE INFORMATION.
2. CONNECT EXISTING CABLES TO PCSB.
3. INSTALL NEW WIRING TO ACCOMMODATE ALL OF THE ABOVE. PROVIDE SCHEDULES FOR ALL NEW WIRING. PROVIDE SCHEDULES FOR ALL NEW WIRING. PROVIDE SCHEDULES FOR ALL NEW WIRING.
4. MOUNT CONDUITS ABOVE OR TO TRANSMISSIONS IN SPACES UNOCCUPIED BY EXISTING EQUIPMENT.
5. REFER TO RETURN SLUDGE BUILDING NO. 1 PLAN - REMEDIATION FOR CONNECTION OF EXISTING CIRCUITS TO NEW PCSB.
6. THEMOSTAT FURNISHED BY GENERAL CONTRACTOR, INSTALLED BY CONTRACTOR.
7. RELOCATED FS-1102, RELEASE EXISTING CONDUITS. PROVIDE ADDITIONAL CONDUIT AS REQUIRED FOR RELOCATION. PROVIDE NEW MANUFACTURER CABLES BETWEEN FLOW ELEMENT AND FLOW ELEMENT.
8. VERIFY POWER RATING (WATTS) PROVIDE SCHEDULED WFD CABLE FOR EACH WFD MOTOR BRANCH CIRCUIT AS SPECIFIED.
9. ROUTE CIRCUITS THROUGH PCSB WALL BOXES. WALL BOXES NOT SHOWN FOR BREVITY.
10. PROVIDE NEW WIRING AND WIRING CONNECTIONS FOR THE (5) NEW HARDWIRED IN FOR EACH OF THREE FLOOR CONTROL PANELS. PROVIDE SCHEDULES FOR ALL NEW WIRING. PROVIDE SCHEDULES FOR ALL NEW WIRING.

- CONTROL - STARTERS DISCRETE OUTPUT FROM PCSB TO WFD
- STATUS - RUN DISCRETE INPUT FROM WFD TO PCSB
- ALARM - WFD FAIL DISCRETE INPUT FROM WFD TO PCSB
- STATUS - SPEED ALARM SPEED INDICATION ANALOG INPUT FROM WFD TO PCSB

EXISTING WFD ARE SCHNEIDER ELECTRIC MODEL ALB48A. PROVIDE ONE (1) NEW WFD TO WFD 1100A (1) NEW WFD TO WFD 1100B (1) NEW WFD TO WFD 1100C. VERIFY WFD RATING (WATTS) PROVIDE SCHEDULED WFD CABLE FOR EACH WFD MOTOR BRANCH CIRCUIT. VERIFY WFD RATING (WATTS) PROVIDE SCHEDULED WFD CABLE FOR EACH WFD MOTOR BRANCH CIRCUIT. VERIFY WFD RATING (WATTS) PROVIDE SCHEDULED WFD CABLE FOR EACH WFD MOTOR BRANCH CIRCUIT.

11. EXHAUST FAN TO BE PLACED IN LOCATION OF EXISTING WINDOW CUT-OUT. EXISTING WINDOW TO BE REPLACED.
12. EXTERIOR EQUIPMENT PAD. REFER TO STRUCTURAL DRAWINGS - BY GENERAL CONTRACTOR.
13. POINT UNIT CONDENSATE PIPING ALONG EXTERIOR WALL. TERMINATE CONDENSATE PIPING 12" ABOVE EXTERIOR GRADE AND ANGLE 45 DEGREES AWAY FROM BUILDING. PROVIDE INTEGRAL CONDENSATE PUMP. CONDENSATE PIPING BE SLOPED UPWARDS AT ANY POINT - BY GENERAL CONTRACTOR.
14. CODE BULLETIN WALL FOR PIPE PENETRATIONS AND SEAL WATER-TIGHT - BY GENERAL CONTRACTOR.
15. SUPPORT INDOOR UNIT FROM CEILING - BY GENERAL CONTRACTOR.
16. ELECTRICAL WORK FOR HEAT PUMP INSTALLATION INCLUDING UNIT POWER IS, RECEPTACLE AND SUPPORT. POWER CIRCUIT AND GROUNDING CONDUCTOR TO BE PROVIDED BY ELECTRICAL CONTRACTOR.
17. NEW HEAT PUMP INCLUDING INDOOR AND OUTDOOR UNITS. CEPT. REFRIGERANT AND DRAIN PIPING. TEMPERATURE CONTROLS AND POWER AND CONTROL WIRING BETWEEN INDOOR AND OUTDOOR UNITS PROVIDED BY GENERAL CONTRACTOR.
18. PROVIDE NEW CB'S AS INDICATED IN WFD-04H - BY ELECTRICAL CONTRACTOR.
19. DEMOLISH EXISTING A/C UNIT AND REBUILD AND REPAIR WALL TO EXISTING CONDITION. REPAIR SIMILAR TO WALL REMOVED. REFER TO WFD-04H - BY GENERAL CONTRACTOR.
20. THEMOSTAT FURNISHED BY GENERAL CONTRACTOR, INSTALLED BY ELECTRICAL CONTRACTOR.



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-11: General Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	RFP-093		
RFP Subject	Sodium Hypo AC Unit - General		
Issued By	S. Polner, R. Cardinal	Issue Date	July 12, 2023

Description of proposed changes: Provide demolition of existing through-wall A/C unit in Sodium Hypochlorite Electrical Room, including wall plates and unit supports, and provide repair of existing wall to match existing wall construction. Provide new split system ductless heat pump. Work shall be provided as described herein and on attached RFP-093 Figures.

A price proposal for the following work is requested of the General Contractor.

- Provide demolition of existing through-wall A/C unit. Repair wall and re-build to existing wall construction, per attached Figure RFP-093-02.
- Provide a split system ductless heat pump, Samsung Model AC018JN4DCH/AC018JXADCH with R-410a refrigerant.
- Provide CEP for outdoor condensing unit per structural drawings.
- Install outdoor condensing unit approximately 1'-0" from north wall of the building, west of the fan.
- Install indoor unit on north side of existing interior drop ceiling access panel.
- Route refrigerant piping to/from outdoor unit, through space above drop ceiling, down to ceiling unit.
- Refer to Figure RFP-093-01 for equipment and piping locations.
- Heat Pump Unit Information:
 - Building - Sodium Hypochlorite Feed Building
 - Room Name - Electrical Room
 - Equipment Type - Ceiling Suspended
 - Specification Section - 15786
 - Nominal Tons - 1.5
 - Total Cooling Capacity (MBH) - 18
 - Total Heating Capacity (MBH) - 20
 - Air Flow (CFM) - 600
 - Fan Motor (Watt) - 65
 - Volts/PH/HZ - 208/1/60
 - Condensing Unit:
 - Unit No. - ACCU-SH-01
 - MCA - 8.6
 - Volts/PH/HZ - 208/1/60
 - Controlled By: T'Stat Type 5
 - Temperature Set Point (DEG. F) - 80
 - Manufacturer: Samsung
 - Outdoor Unit Model Number - AC018JXADCH

GHD

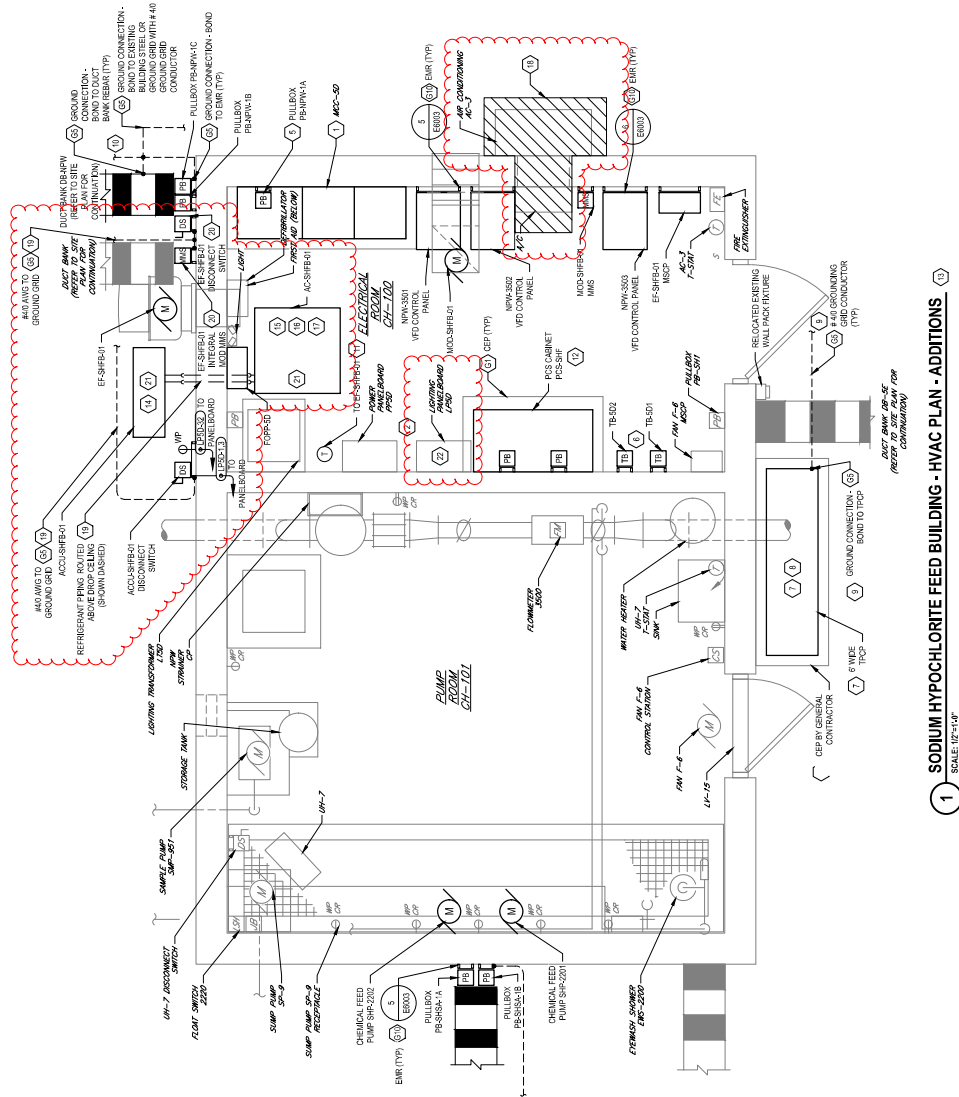
16701 Melford Boulevard Suite 330 Bowie Maryland 20715 USA
T 240 206 6810 F 240 206 6811 W www.ghd.com

G:\111\1121182 South Coastal Expansion\TECH\Construction\Work Changes\Request for Proposals\RFP-093 Sodium Hypo AC Unit - General\RFP-093 Sodium Hypo AC Unit - General.docx





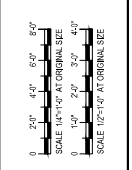
- Indoor Unit Model Number - AC018JN4DCH
- Max Breaker (A) – 15
- Min. Circuit Ampacity (A) – 8.6



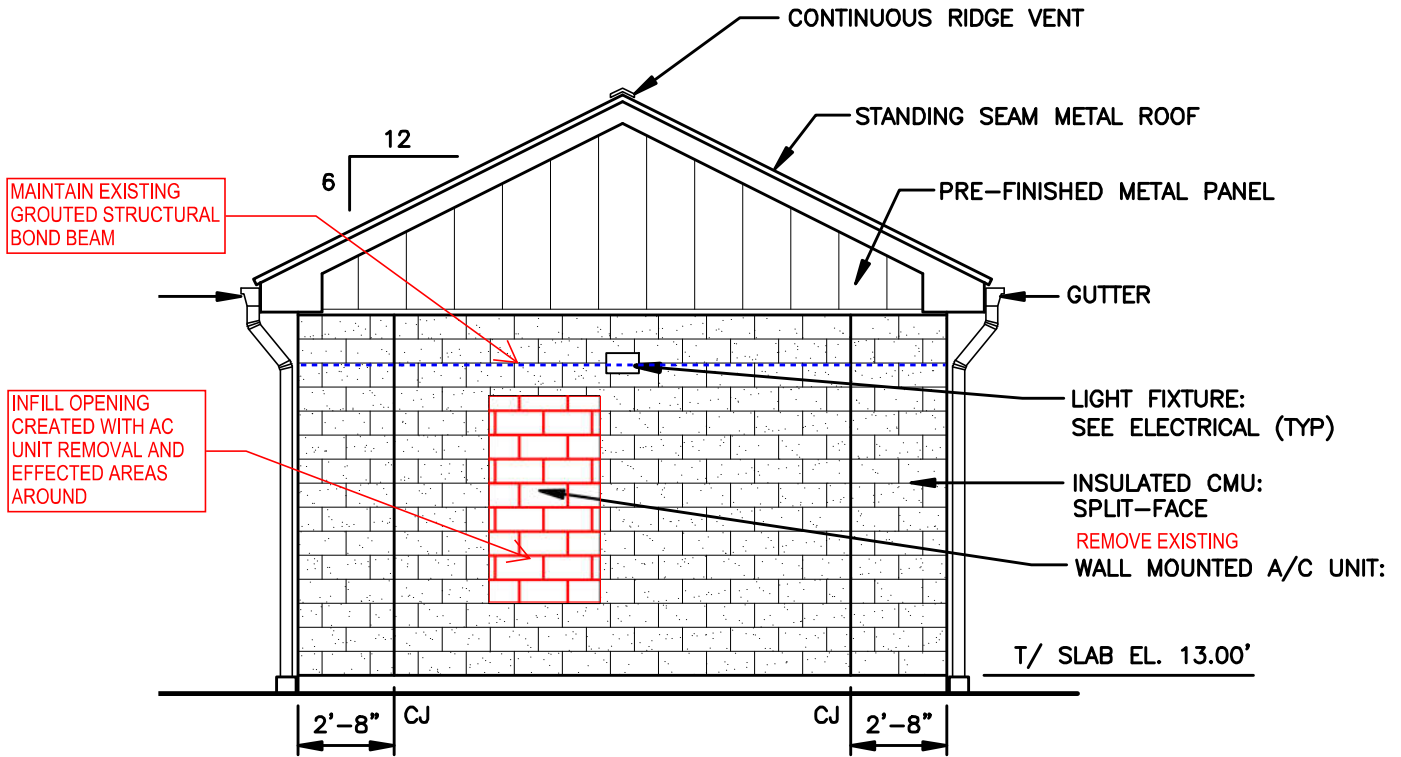
1 SODIUM HYPOCHLORITE FEED BUILDING - HVAC PLAN - ADDITIONS
SCALE: 1/2"=1'-0"

DRAWING NOTES:

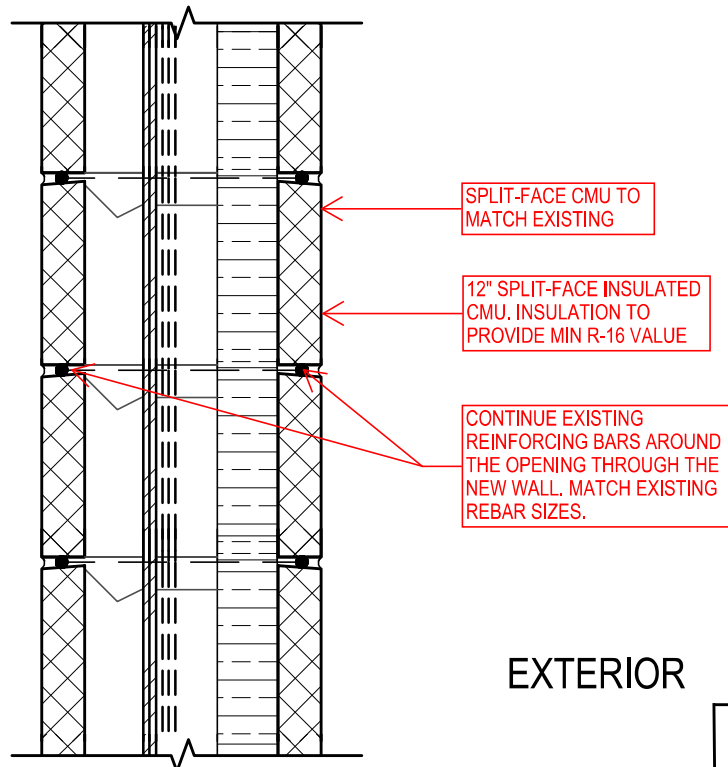
- 1 SEE 300-500 ONE LINE DIAGRAM AND ELEVATION FOR MODIFICATION DETAILS.
- 2 PROVIDE NEW WIRING TO CORRECT MISLABELING. CHECK DRAWING FOR CORRECTION.
- 3 CONTRACTOR SHALL COORDINATE FINAL FIXTURE LOCATIONS WITH ELECTRICAL CONTRACTOR. PROVIDE SUPPORT BRACKETS AS REQUIRED TO MOUNT EACH FIXTURE FROM OVER-HEAD OR WALL SUPPORTS THAT WOULD PREVENT THE SEIZING, REMOVAL, AND/OR INSTALLATION OF TANKS.
- 4 PULLBOX SHALL BE SIZED TO FIT ABOVE MCC. (MIN. H=1'-0", 2 1/4" X 1 1/2" BY RELOCATE EXISTING CONDUITS FOR NEW PULLBOX. THERE ARE TWO 3/4" CONDUITS AND A 1" CONDUIT THAT WILL BE RELOCATED.)
- 5 CONTRACTOR SHALL VERIFY THE LOCATION AND SUPPORT OF ALL ELECTRICAL PANELS, STATUSES, OPTICAL ELECTRICIAN, AND ELECTRICAL CONTAINMENT AREA AND AS REQUIRED TO CONNECT EXISTING CIRCUITS TO NEW PULLBOX.
- 6 RE-USE EXISTING CONDUITS TO THE EXTENT PRACTICAL.
- 7 MOUNT TEMPORARY POWER PANELBOARD (NO. 1) (TYP) AND TEMPORARY VFD (TYP) INSIDE TEMPORARY PUMP ELECTRICAL BUILDING. TWO SHALL MATCH PERMANENT AND ONE FOR NEW PUMPS. PROVIDE TEMPORARY FEEDER FROM ELECTRICAL BUILDING TO PUMP ELECTRICAL BUILDING. TWO SHALL BE FEED FROM MAIN SWITCHBOARD IN ELECTRICAL BUILDING. TEMPORARY FEEDERS SHALL BE PROVIDED WITH THE FOLLOWING CONTACT TANK MOUNTS: 480 VAC, 3 PHASE MOTOR BRANCH CIRCUITS.
 - FOUR 1/2" DIA. 480VAC 3 PHASE CONTACT TANK MOUNTS.
 - FOUR 1/2" DIA. 480VAC 3 PHASE CONTACT TANK MOUNTS.
 - FOUR 1/2" DIA. 480VAC 3 PHASE CONTACT TANK MOUNTS.
 - FOUR 1/2" DIA. 480VAC 3 PHASE CONTACT TANK MOUNTS.
 - INDIVIDUAL BRANCH CIRCUITS FOR EACH CONTACT TANK MOUNT.
 - AND CONTROL WIRING.
 - HANG FROM CEILING USING 1/2" DIA. 480VAC 3 PHASE CONTACT TANK MOUNTS.
 - HANG FROM CEILING USING 1/2" DIA. 480VAC 3 PHASE CONTACT TANK MOUNTS.
 - HANG FROM CEILING USING 1/2" DIA. 480VAC 3 PHASE CONTACT TANK MOUNTS.
 - HANG FROM CEILING USING 1/2" DIA. 480VAC 3 PHASE CONTACT TANK MOUNTS.
- 8 EQUIPMENT GROUNDING CONDUCTORS (GEC) SHALL BE PROVIDED FOR EACH MOTOR BRANCH CIRCUIT FROM TPT TO RESP. ONE FOR EACH MOTOR STARTER. PROVIDE FOUR (4) BRANCH CIRCUITS FROM TPT TO RESP. ONE FOR EACH MOTOR STARTER. PROVIDE GEC LABEL FOR TEMPORARY (MCC) DEANUS/TEMPORARY PANEL. CIRCUITS AND CONDUITS WHEN WORK IS COMPLETE, PANEL SHALL BE TURNED OVER TO THE COUNTY.
- 9 EXISTING GROUNDING CONDUITS SHALL BE RELOCATED TO THE NEW PULLBOX. CONTRACTOR TO VERIFY THE LOCATION AND SUPPORT OF ALL ELECTRICAL PANELS, STATUSES, OPTICAL ELECTRICIAN, AND ELECTRICAL CONTAINMENT AREA AND AS REQUIRED TO CONNECT EXISTING CIRCUITS TO NEW PULLBOX.
- 10 CONTRACTOR SHALL VERIFY THE LOCATION AND SUPPORT OF ALL ELECTRICAL PANELS, STATUSES, OPTICAL ELECTRICIAN, AND ELECTRICAL CONTAINMENT AREA AND AS REQUIRED TO CONNECT EXISTING CIRCUITS TO NEW PULLBOX.
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15 ROUTE UNIT CONDENSATE PIPING ALONG RETIREMENT PIPING PATHWAY. TERMINATE CONDENSATE AT ANY POINT. PROVIDE INTEGRAL CONDENSATE PUMP IF CONDENSATE PIPING IS SCOURD UPWARDS AT ANY POINT - BY GENERAL CONTRACTOR.
 16 CORE DRILL EXISTING WALL FOR PIPE PENETRATIONS AND SEAL WATER TIGHT - BY GENERAL CONTRACTOR.
 17 SUPPORT INDOOR UNIT FROM WOODEN ROOF JOISTS ABOVE DROP CEILING - BY GENERAL CONTRACTOR.
 18 DEMOLISH EXISTING AC UNIT AND REBUILD AND REPAIR WALL TO EXISTING CONDITION. REFER TO FIGURE RFP-093-02 FOR DETAILS OF WALL REPAIR - BY GENERAL CONTRACTOR.
 19 ELECTRICAL NEW FOR EACH PUMP INSTALLATION INCLUDE UNIT PIPING, AS RECEPTACLE AND RECEPTACLE PIPING, EMB AND GROUNDING GRID CONDUCTOR TO BE PROVIDED BY ELECTRICAL CONTRACTOR.
 20 MMS AND DS FOR ES-FRESH INDOOR FAN, RESPECTIVELY, WILL HAVE LOCATIONS MOVED TO LOCATIONS INDICATED BY ELECTRICAL CONTRACTOR.
 21 NEW HEAT PUMP, INCLUDING INDOOR AND OUTDOOR UNITS, CEP, REFRIGERANT AND INDOOR AND OUTDOOR UNITS PROVIDED BY GENERAL CONTRACTOR.
 22 PROVIDE NEW CHAS INDICATED ON BSSD PANELBOARD SCHEDULE - BY ELECTRICAL CONTRACTOR.



SODIUM HYPOCHLORITE FEED EAST ELEVATION



INTERIOR

EXTERIOR

EXTERIOR INFILL WALL DETAIL

SUSSEX COUNTY, DELAWARE
SCWRP NO.3 AND RBWTP
CIP PHASE 2 UPGRADES

FIGURE RFP-093-02
WALL REPAIR

Project No. 11121182
Report No. RFP-093
Date 7/13/2023

RFP-093-02

Michael F.
RONCA
& Sons, Inc.

TELEPHONE 610/759-5100
FACSIMILE 610/746-0974



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

October 11, 2023

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
SCRWF-RBWWTP CIP Phase 2 Upgrades
Proposed Change Order Request No. 554-053
Addl. Ductless HVAC Units

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Fifty Six Thousand One Hundred Fifty Five Dollars and 84 Cents.....(\$56,155.84).

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation, and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manger

cc: HO file 554
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-053 Addl. Ductless HVAC Units

10/11/2023

CHANGE ORDER SUMMARY

Item 1	Furnish and Install Ductless Heat Pump HVAC Units In Hypo Bldg, BB1 & RSB1 per GHD's RFP's 093 & 095 to Including Demo of Ex. Units, Masonry Infills & New Equipment Pads, Etc.
Labor	\$1,141.12
Materials	\$600.00
Equipment	\$125.28
Subcontract	\$51,437.60
Subtotal	\$53,304.00
Contractor Overhead & Profit @ 15%	\$279.96
Contr. Overhead & Profit on Subcontr. @ 5%	\$2,571.88
Item Total	\$56,155.84
Change Order Total	\$56,155.84



Mechanical Contractors

2043 Northwood Drive
Salisbury, Maryland 21801
Phone: 410-749-4232 Fax:410-548-5419

DATE: OCTOBER 4, 2023
SUBMITTED TO: MFRONCA
ATTN: SCOTT WACHINSKI
FROM: DANIEL LOWE
PROJECT: SCRWF ADDITIONAL DUCTLESS UNITS (RFP 093, RFP 095)
PAGES: 3

-
- ◆ This work proposal includes a base bid amount to supply and install all labor and material listed in scope of work.
 - ◆ If additional materials are required, they will be provided and charged on a T & M basis.

HVAC

SCOPE OF WORK:

- Furnish and install one complete two-ton Samsung ductless heat pump (ceiling suspended) in each building of **RFP 095** (blower building 1 and return sludge building 1). Equipment and accessories to include.
 - 2- 24k BTU Samsung outdoor units.
 - 2- front and rear baffles.
 - 2- 24k BTU 4-way cassette indoor units.
 - 2- advanced programmable wired controllers.
- Furnish and install one complete 1.5-ton Samsung ductless heat pump (ceiling suspended) in the sodium hypo building included in **RFP 093**. Equipment and accessories to include.
 - 1- 18k BTU Samsung outdoor unit.
 - 1- front and rear baffle.
 - 1-18k BTU 4-way cassette indoor unit.
 - 1-advanced programmable wired controller.

EXCLUSIONS:

- Demolition of existing units.
- Patching of any holes in walls.
- Low and high voltage.
- Concrete equipment pads.

EXCEPTIONS AND CLARIFICATIONS

- Exceptions and this project and apply to all mechanical or related work supplied or proposed by T.E. Smith.

- ❑ All demolition and repair of concrete structures (hidden or apparent), floors, walls and ceilings, will be the responsibility of the general contractor or Owner.
- ❑ All demolition and repair for the purpose of abandoning existing HVAC systems or for mechanical access to structures (hidden or apparent), including: roadways, floors, walls and ceilings will be the responsibility of the general contractor or owner.
- ❑ Water sterilization, if required, will be charged as an add to contract.
- ❑ Abatement of asbestos, lead paint or other hazardous materials will be performed prior to T.E. Smith beginning work at the job site.
- ❑ Abatement or demolition of hazardous materials and associated procedures will be by others and is not reflected in T.E. Smith's scope of proposed work for this project.
- ❑ The Customer assumes the responsibility for the security of all materials, supplied by T.E. Smith and stored on this site. The customer will replace, at its own expense, any materials damaged or stolen from this site.
- ❑ All work in this proposal is reflected 'REGULAR' hours of work based on a (5) day (Monday-Friday) work week.
- ❑ T.E. Smith is fully insured as to all requirements for liability. Upon request, and after notification of a successful bid for this project, a certificate of insurance will be sent to the Customer, the General Contractor or the Owner.
- ❑ No spare parts, redundant materials or equipment is reflected in this base bid amount.
- ❑ Other than some manufacturer's specific parts warranty extensions, all new equipment, fixtures and systems, supplied and installed by T.E. Smith, will be under warranty for labor and materials for one year from date of installation. In no case will labor warranties extend past one year from date of installation.
- ❑ **No preventive maintenance services are reflected after the initial installation of the equipment listed in this proposal. Filter cleaning and/or replacement as well as other maintenance procedures, although necessary for proper operations, are not reflected in this proposal. Equipment malfunctions that result from a lack of proper maintenance will not be covered under any warranty or guarantee from T.E. Smith & Son, Inc. Upon request a preventive maintenance proposal will be issued to the customer.**
- ❑ T.E. Smith will invoice the Customer monthly or upon completion (whichever comes first), based on services rendered and invoices are payable within thirty days from the date of presentation. T.E. Smith will be entitled to, but not obligated to, suspend its work and/or terminate its contract with the Customer, if the Customer fails to pay invoices when due. In the event of such a suspension or termination, T.E. Smith shall have no obligation to the Customer, the General Contractor and/or Owner for the resolution of uncompleted work. In the event of any such suspension or termination by T.E. Smith, the Customer agrees to defend and indemnify T.E. Smith from any and all claims, causes of action or damages resulting from the suspension or termination. In the event of suspension by T.E. Smith, the Customer agrees that if T.E. Smith is subsequently directed to remobilize to the project, T.E. Smith shall be entitled to a remobilization fee, which shall be determined by T.E. Smith and is to be paid prior to any remobilization as well as any impact, delay and/or acceleration damages, including, but not limited to, extended home office and field overhead.
- ❑ Payment to the Customer and/or General Contractor, shall not be a condition precedent to Customer's obligation to pay T.E. Smith, it being the express understanding of the Customer that the Customer shall bear the sole risk of non payment by others and that the Customer's failure to obtain payment for T.E. Smith's work shall in no way excuse the Customer of its obligation to pay T.E. Smith for work performed pursuant to this proposal.
- ❑ T.E. Smith shall not be responsible to ascertain that the contract documents applicable to the project are in accordance with applicable published laws, statutes, ordinances, building codes, rules and regulations. However, if T.E. Smith observes that portions of the contract are at variance therewith, T.E. Smith will promptly notify the Customer, General Contractor and/or the Owner and any necessary change may be accomplished by an appropriate work proposal.

- T.E. Smith shall not be responsible for the unavailability of supplies/materials or for any delays or delay damages caused by said unavailability of supplies/materials when the shortage is caused by events beyond T.E. Smith's control. (i.e., suppliers run out of supplies/materials needed for the job and T.E. Smith is unable to purchase the materials needed to proceed with the work).
- It is expected and reflected within this proposal that work on this project will begin within a reasonable amount of time from the date this proposal is accepted. It is also expected and reflected that this project will be substantially complete within a reasonable amount of time from the initial mobilization of the project. The term 'reasonable' will apply to projects as to the time required for mobilization and substantial completion of 'like' projects. Any prolonged delays, which are not the fault of T.E. Smith & Son, but which substantially delay the initial mobilization or completion dates, could cause an increase in material or labor costs for this project. If unreasonable delays, which are no fault of T. E Smith, should occur, the Customer agrees to pay additional costs for materials and labor that are incurred by those delays.

TOTAL BASE BID AMOUNT: \$40,072.00

RFP 095: \$26,714.66

RFP 093: \$13,357.33

Acceptance of Work Proposal:

I/ We accept this work proposal as listed above, as well as the payment schedule.

Date: _____ Signature: _____

Payment Terms:

In Full as Invoiced – Net 30 Days

Authorized Signature: _____
DANIEL LOWE, HVAC SUPERVISOR-ESTIMATOR

Diamond State Masonry INC.

540 Terminal Ave

New Castle, DE 19720

Ph. (302) 656-9612; Fax (302) 656-9640

JOB# 20D015 CE#4-SCRWWF

10/11/2023

CE#6 - (3) MASORY AC INFILLS

LABOR

Description	Unit Qty	Unit Type	Unit Amt		Amt Due
DSM- Foreman	80	Hours	\$79.84	\$	6,387.20
DSM- Labor	80	Hours	\$62.23	\$	4,978.40
Total Labor				\$	11,365.60

MATERIAL & SUPPLIES

Description	Unit Qty	Unit Type	Unit Amt		Total
8" CMU	124	Pieces	\$3.00	\$	372.00
4" DCMU	124	Pieces	\$15.00	\$	1,860.00
Insul. insert for 8" CMU	250	Pieces	\$1.25	\$	312.50
Type N Port/Lime 1:1:6 Mix	11	CbcFt	\$10.00	\$	110.00
Type N Colored P&L 1:3 Mix	4	CbcFt	\$12.00	\$	48.00
Ladder 3/16- 8"EYE	67	LinFt	\$1.10	\$	73.92
General Toothings	80	LinFt	\$5.00	\$	400.05
Total Material:				\$	3,176.47

Equipment

Equipment	Unit Qty	Unit Type	Unit Amt		
Forklift	5	Days	\$160.00	\$	800.00
Sq Ft of Scaffold Needed	213	SqFt	\$1.00	\$	213.33
Chop Saw W/Diamond Blade	1	Week	\$260.00	\$	260.00
Chipping Gun	1	Week	\$200.00	\$	200.00
				\$	1,473.33

Excluded

Note#1: DEMO of AC Units

Note#2: Cannot guarantee an exact SF match

Note#3: Verical Rebar or grout

Total Overhead & Profit on Material & Equipment \$ 697.47

Total CE Cost \$16,712.87

South Coastal RWF & Rehoboth Beach WTF Upgrade

9/7/2023

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTWP General Construction	45,999,862.31
BW Electric Inc.	SCRWF/RBWWTWP Electrical Construction	22,956,546.73
BW Electric Inc. CO#3	DP&L Service Entrance Modification Conduit System	235,637.33
BW P.O.	Soil Screening @ Rehoboth Plant	4,504.50
City of Rehoboth	Direct Payment for repairs to piping in oxidation ditches	324,996.81
	State Street Pump Station Repair	2,732,938.82
GHD	Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept	241,938.68
	Amd 12 - SCRWF Expansion Construction Docs	2,240,280.73
	Amd 13 - Value Engineering	95,080.15
	Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion	398,410.63
	Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program	181,089.72
	Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design	172,153.01
	Amd 19 - SCRWF Upgrade 3 Add'l Design	108,073.71
	Amd 20 - SCRWF Upgrade 3/RBWTP Upgrade Phase 2 Construction Engineering	6,589,558.49
Core & Main	Influent FM Consolidation Materials	339,944.59
Core & Main	Effluent FM Pipeline Materials	227,603.39
Delmarva Power	Improve service entrances for both projects. Payment not distributed.	175,000.00
G&L	FM Consolidation & Influent Consolidation Phase II	973,229.04
G&L Work- Effluent Relocation		316,635.20
G&L Work - RB Treatment Plant	Parking Lot Repavement	
Kershner Environmental Technologies	Belt Press	295,000.00
Melvin Joseph	Material Screening	80,000.00
DSWA	Loading, Hauling & Disposal of Debris	33,000.00
	Hauling of Rehoboth Oxidation Ditch Remnants	39,663.15
Totals		84,761,146.99

Rieley
Yes. 10/5



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: The Christian Storehouse
PROJECT NAME: Feeding the Community
FEDERAL TAX ID: 51-0340553 NON-PROFIT: YES NO

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

ORGANIZATION'S MISSION: To provide food, clothing, and other aid to people in need, regardless of race, color or creed. To act as a coordinating agency for civic groups, individuals, churches, and others so that duplication of aid rendered to those in need will be kept at a minimum. The Christian Storehouse (CSH) is a Sussex County non profit organization based in Millsboro, DE. The CSH operates a thrift store which, along with donations, funds a food pantry for the 19966 zip code. Other assistance in the Millsboro and surrounding areas, includes, but is not limited to, help with utility costs, rent, etc. This assistance is limited to one time per year. The Christian Storehouse also provides assistance to the homeless community including Rehoboth Beach, Georgetown and Long Neck areas in coordination with liaisons to the homeless through various organizations in Sussex County.

ADDRESS: 149 Mitchell Street
Millsboro De 19966
(CITY) (STATE) (ZIP)

CONTACT PERSON: Karen Vied
TITLE: Office Coordinator/Grant writer
PHONE: 302-934-8151 EMAIL: cshvied@yahoo.com

TOTAL FUNDING REQUEST: \$10,000.00

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

If YES, how much was received in the last 12 months? _____

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

4500

SECTION 3: PROGRAM SCOPE

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

We, at The Christian Storehouse, supply food to the community living in the 19966 zip code. We give those in need an average of 3-4 bags per family consisting of meats that are available, canned goods and dry products. When available, they can also receive fresh fruit and vegetables. Over the past few years our donations of product have dwindled. This is causing the Christian Storehouse to see the need to purchase more food items. We always want to have a substantial amount of canned and dry products available! Our meat situation is a bit slack these days. We can supplement the "protein" portion of the food supply with certain canned goods. Canned tuna, chicken, salmon, corned beef, pasta with meat, soups or stews with meat and peanut butter are a few of the "protein" products we can supplement the client's food bags with. The Christian Storehouse wants to make sure we supply all nutritional needs of the community we serve!

With the help of this grant, we can be assured of having what is needed to supply our clients with the nutritional needs of their families.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Canned goods w/protein for Food Pantry	-\$ 10,000.00
TOTAL EXPENDITURES	-\$ 10,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 10,000.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the The Christian Storehouse agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Karen Vied

Applicant/Authorized Official Signature

9/20/2023

Date

Janet Henderson

Witness Signature

9/20/2023

Date

Completed application can be submitted by:

Email: casey.hall@sussexcountype.gov

Mail: Sussex County Government
Attention: Casey Hall
PO Box 589
Georgetown, DE 19947

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

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

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

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

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

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

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

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

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

Karen Vied

Applicant/Authorized Official Signature

Janet Henderson

Witness Signature

Office Coordinator/Grant writer

Title

9/20/2023

Date



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

THE CHRISTIAN STOREHOUSE INC
C/O STEVE SMITH
PO BOX 239
MILLSBORO, DE 19966

Date:
03/16/2023
Employer ID number:
51-0340553
Person to contact:
Name: Customer Service
ID number: 31954
Telephone: (877) 829-5500
Accounting period ending:
December 31
Public charity status:
170(b)(1)(A)(vi)
Form 990 / 990-EZ / 990-N required:
Yes
Effective date of exemption:
May 15, 2022
Contribution deductibility:
Yes
Addendum applies:
No
DLN:
26053472009483

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

Based on the information you submitted with your application, we approved your request for reinstatement under Revenue Procedure 2014-11. Your effective date of exemption, as listed at the top of this letter, is retroactive to your date of revocation.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements



Rickey
YES 10/5

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: ~~Diamond State Detachment, INC. # 704~~
MARINE CORPS LEAGUE
PROJECT NAME: 248TH MARINE CORPS BIRTHDAY
FEDERAL TAX ID: 91-1962046 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: THE MARINE CORPS LEAGUE IS A VETERANS/ MILITARY ORGANIZATION OF HONORABLE DISCHARGE, ACTIVE DUTY AND RESERVE MARINES, FMP CORPSMEN AND FMP CHAPLAINS. IT WAS FORMED IN 1923 AND CHARTERED BY AN ACT OF CONGRESS ON AUGUST 4, 1937 WITH ITS PURPOSES OF PROMOTING THE INTERESTS OF THE U.S. MARINE CORPS AND PRESERVE THE TRADITIONS OF THE USMC.

ADDRESS:

P.O. Box 131
MILLS BORO DE 19966
(CITY) (STATE) (ZIP)

CONTACT PERSON: CHARLES H. LANDON
TITLE: COMMANDANT
PHONE: (302) 542-1082 EMAIL: CHAS2508@gmail.com

TOTAL FUNDING REQUEST: \$600

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

If YES, how much was received in the last 12 months? _____

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

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

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

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

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

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

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

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

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

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

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

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

C HAS H Landin
Applicant/Authorized Official Signature

Boone Albright
Witness Signature

Commandant
Title
9/26/23
Date

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
 Infrastructure¹

- Health and Human Services
 Other _____

- Cultural
 Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
 Elderly Persons
 Minority

- Victims of Domestic Violence
 Low to Moderate Income²
 Other _____

- Homeless
 Youth

BENEFICIARY NUMBER

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

2,000

SECTION 3: PROGRAM SCOPE

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

THE FUNDS WILL SERVE TO ASSIST WITH THE FOLLOWING NEEDS IN SUSSEX COUNTY:

- (1) CHILDREN THROUGH THE TOYS FOR TOTS ANNUAL CAMPAIGN.
- (2) HOMELESS VETS IN WESTERN SUSSEX COUNTY.
- (3) PTSD VETS FROM PAST WARS.
- (4) VETS WHO HAVE PASSED WHO ARE BURIED IN THE VET CEMETARY IN MILLSBORO AND THEIR SURVIVING FAMILY MEMBERS.
- (5) ROTC PROGRAMS IN SUSSEX COUNTY HIGH SCHOOLS.
- (6) COLLEGE SCHOLARSHIPS FOR CHILDREN OF MARINE CORPS VETS.

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

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

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

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

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 5,800.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
TOTAL EXPENDITURES	\$ 7,200.00 \$0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 1,400.00 \$0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the DIAMOND STATE DETACHMENT, INC. #704 agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Casey H. Hall
Applicant/Authorized Official Signature

9/26/23
Date

Bobby Alley
Witness Signature

9/26/23
Date

Completed application can be submitted by:

Email: casey.hall@sussexcountyde.gov

Mail: Sussex County Government
Attention: Casey Hall
PO Box 589
Georgetown, DE 19947

HUDSON
yes 10/5



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Frankford Public Library
PROJECT NAME: Audio/Visual Equipment
FEDERAL TAX ID: 51-0185831 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: The purpose of the Frankford Public Library is to provide residents of and visitors to the local community with access to a wide variety of educational, informational and recreational materials and programs.

ADDRESS: Frankford Public Library
P.O. Box 610/ 8 Main Street
Frankford Delaware 19945
(CITY) (STATE) (ZIP)

CONTACT PERSON: Bonnie Bly Elliott
TITLE: Director
PHONE: 302-732-9351 EMAIL: Frankfordpubliclibrary@gmail.com

TOTAL FUNDING REQUEST: \$6990.00

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

If YES, how much was received in the last 12 months? _____

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 100

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

24000

SECTION 3: PROGRAM SCOPE

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

The money that has been requested from the council will be used to help supplement the programming that the Frankford Public Library provides for the community. This library has a long history of providing programming of all types to the people of the Town of Frankford and the surrounding communities for all ages.

A few examples of this would be Story time at Parson's Farm, Retro Game night for teens, Movie Nights, Book Club discussions and adult craft nights for adults. We continually strive to provide new and exciting events to patrons that walk through our doors.

In addition to the programming that is provided we do a wide range of community events with other organizations. We work on multiple events with Envision Frankford, NAACP, Literacy Delaware, Autism Speaks training program, Howard T. Ennis School job training program, Dept of Veterans Affairs, Dept of health and welfare Dental exams for Children and many more.

In the summer months we do an annual Summer Reading Program for the children of the community to participate in featuring performers, local animal reserves, educational activities and workshops. The vast majority of our programming and events utilize our media room as it is the most versatile venue in the building.

In order to provide for quality programming, we have to maintain a budget and stay with it completely. To help offset this cost we do request donations from the community. We also look for low output financially that has high impact on the community. We continuously write grants and hold fundraisers to help with our financial needs.

Many of the individuals that we work with us from middle to lower class earnings. We also serve a large Hispanic population that uses the library to take English classes or the internet service since the cost is prohibitive to have in their homes. We also provide services for seeking US Citizenship.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Yamaha Receiver (1)	-\$ 750.00
Modern Game Consoles & Accessories(Ps5(1), Switch(2), Conrollers(3), etc)	-\$ 1,385.00
Rack Mounted Surge Protector & HDMI Wall Plates	-\$ 125.00
LG CineBeam HU70LAB Projector (1)	-\$ 1,500.00
Loss prevention cases for electronics (3)	-\$ 530.00
TV Wall Mounts (1) & Portable Mounting Tables (3)	-\$ 700.00
TCL 43" 4K TV (4)	-\$ 1,000.00
Installation Labor Cost	-\$ 1,000.00
TOTAL EXPENDITURES	-\$ 6,990.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 6,990.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Frankford Public Library agrees that:
(Name of Organization)

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

SECTION 5. STATEMENT OF ASSURANCES (continued)

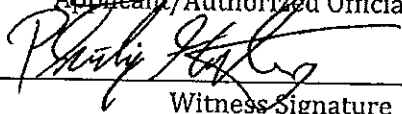
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



Applicant/Authorized Official Signature

9/29/2023

Date



Witness Signature

9/29/2023

Date

Completed application can be submitted by:

Email: casey.hall@sussexcountyde.gov

Mail: Sussex County Government
Attention: Casey Hall
PO Box 589
Georgetown, DE 19947

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

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

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

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


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

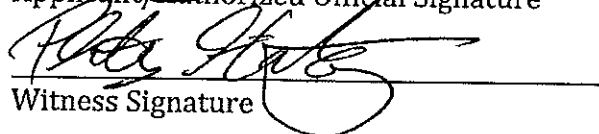
For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County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

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

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

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


Applicant/Authorized Official Signature


Witness Signature

Director
Title
9/29/2023
Date

Schaeffer.
yes 10/5

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Monday, October 2, 2023 5:47 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

Legal Name of Agency/Organization	Family Promise of Southern Delaware
Project Name	Eviction Prevention
Federal Tax ID	84-3797847
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Our mission is to help families experiencing homelessness and low-income families achieve sustainable independence through a community-based response.
Address	133 Kings Highway
City	Lewes
State	Delaware
Zip Code	19958-1459

Contact Person	Carolyn Kelly
Contact Title	Executive Director
Contact Phone Number	302-278-0020
Contact Email Address	carolyn.kelly@familypromisesouthernde.org
Total Funding Request	2,000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	2
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Homeless

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

350

Scope

Family Promise of Southern Delaware provides assistance to families in Sussex County at risk of becoming homeless due to nonpayment of rent or utility shut-off. We also support families moving from hotels and other temporary living situations to move into their own apartments. FPSDE focuses on prevention in order to offset the trauma caused by homelessness. To date, for 2023, FPSDE has assisted 95 families to become stable.

Religious Components

NA

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

229,700.00

Description

Personnel

Amount

118,132.95

Description

Contract Services

Amount

5,400.00

Description

Other Expenses (insurance, bank fees, advertising, staff dev. travel

Amount

20,200.00

Description	Direct Program Services (Eviction Prevention)
Amount	89,000.00
TOTAL EXPENDITURES	232,732.95
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-3,032.95
Name of Organization	Family Promise of Southern Delaware
Applicant/Authorized Official	Carolyn Kelly
Date	10/02/2023
Affidavit Acknowledgement	Yes

To Be Introduced: 10/17/23

Council District 1: Mr. Vincent
Tax I.D. No.: 132-1.00-5.00 (p/o) & 132-6.00-78.03
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 51.83 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of May 2023, a Conditional Use Application, denominated Conditional Use No. 2447 was filed on behalf of Elk Development, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 2447 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2447 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying on the east side of River Road (S.C.R. 490) at the intersection of Morgan Branch Road and River Road (S.C.R. 490), and being more particularly described in the attached legal description prepared by Pivot Energy, Inc., said parcels containing 51.83 acres, more or less.

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

To Be Introduced: 10/17/23

Council District 1: Mr. Vincent
Tax I.D. No.: 132-6.00-92.01
911 Address: 28270 Oneals Road, Seaford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 67.72 ACRES, MORE OR LESS

WHEREAS, on the 6th day of June 2023, a Conditional Use Application, denominated Conditional Use No. 2456 was filed on behalf of Elk Development, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 2456 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2456 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying on the north side of Oneals Road (S.C.R. 485) approximately 0.26 mile southwest of Seaford Road (Rt. 13A), and being more particularly described in the attached legal description prepared by Bonnie M. Benson, P.A., said parcel containing 67.38 acres, more or less.

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

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 13, 2023

RE: County Council Report for Ord. 23-05 relating to the Master Planned Zoning District

On February 7, 2023, the County Council introduced an Ordinance to amend the Code of Sussex County to delete the sections relating to the Vacation, Retirement – Residential Park District (Sections 115-140) and to replace those sections with a new Zoning District to be known as the Master Plan Zone (MPZ).

The Planning & Zoning Commission held a Public Hearing on the application on September 14, 2023. At the meeting of October 12, 2023, the Planning & Zoning Commission recommended the adoption of the Ordinance for the reasons as outlined within the motion and subject to a series of recommended revisions (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of September 14, 2023, and October 12, 2023.

Minutes of the September 14, 2023, Planning & Zoning Commission Meeting

Ord 23-05 (Master Plan Zoning District)

AN ORDINANCE TO DELETE CHAPTER 115, ARTICLE XVII VACATION RETIREMENT-RESIDENTIAL PARK DISTRICT SECTIONS 115-132 THROUGH 115-140 IN ITS ENTIRETY AND TO INSERT ARTICLE XVII MASTER PLAN ZONE, SECTIONS 115-132 THROUGH 115-140 IN ITS PLACE.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Ordinance as it was introduced to County Council and the PLUS response comments dated, March 22, 2023, from the PLUS meeting held in February 2023. Mr. Whitehouse stated one comment letter which was received earlier in the day.



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

Mr. Vince Robertson, Assistant County Attorney, spoke on behalf of the Ordinance Application. Mr. Robertson stated the proposed Ordinance was for the benefit of everyone; that the Ordinance had been in the works for quite some time, dating back to the 2018 Comprehensive Plan; that they wanted to look at a way, for those who have larger parcels for development, to have more creativity and flexibility; that this would be provided to not only the developer, but also to the County; that this would avoid constantly having similar looking subdivisions; that they wanted to create a way to create larger mixed-use developments, that incorporate commercial uses, institutional uses, mixed-use residential and interconnectivity on a fairly large scale, with greater density than one could get currently under base zoning; that the Master Plan District would allow all of this to be packaged into one Zoning Application; that the Application would be dealt with at a high level when it would go through the public hearing process; that the Planning & Zoning Commission would handle the Site Plan Review stage on the back end, without public hearings; that the Staff Review would provide the more particular details of the plan; that they did look for a model to use, because it is fairly complex; that the City of Dover has a Master Plan Ordinance; that they took the City of Dover's Master Plan Ordinance, deconstructed it, and then reconstructed it to hopefully work for Sussex County; that the Master Plan Zoning Ordinance is not intended to replace RPCs [Residential Planned Communities], subdivisions or more typical types of commercial development; that the difference between the Master Plan and an RPC is the Master Plan is on a larger scale; that the project must consist of 200 acres or more; that the Ordinance does allow for a large density, at potentially 12 units to an acre; that the Ordinance allows for more intensive commercial or institutional uses than an RPC would; that within an RPC commercial is permitted, but the commercial uses are limited; that the Ordinance is intended to incorporate the following areas, as part of a single unified development, being Residential Areas, Neighborhood Commercial Areas, Civic Areas, and Professional, Medical and Financial Office Areas; that not all of the areas are required to be used, but some of the areas must be used; that the Ordinance is not an opportunity for to develop a giant residential subdivision at 12 units to the acre; that if the developer is going to propose residential, they need to also provide commercial, civic or professional areas as well; that the also considered is the large scale is enough to promote interconnectivity; that if a project were to be located between two State maintained roads, the idea would be that a State maintained road would be installed in the middle of the project to provide interconnectivity between the two State maintained roads, but would also be located within the development; that from the central State maintained road, private roadways would spur off from it; that these roadways would be private, but dedicated to public use; that the requirements are that the project must be a minimum of 200 acres; that 20% of the land area must be designated to a non-residential use; that the density cannot exceed 12 units an acre; that the land area shall have access to an existing or planned arterial or collector road; that the land area shall be served by existing or planned infrastructure, such as sewer and water; that the proposed MPZ must be generally consistent with the Comprehensive Plan; that they recently added the requirement that 20% of all multifamily dwellings shall be set aside for Sussex County's Rental Unit dwellings; that the Applicant will receive more design flexibility, and the County will receive more rental units under the Affordable Rental Program; that there are also open space requirements included; that the process is a four step process being, a pre-application meeting, the public hearings before the Planning & Zoning Commission and County Council, administrative review of the plans and Site Plan review by the staff; that the pre-application meeting would be similar to the current process; that staff would sit down with the applicant, engineer and/or attorney to discuss the project and potential design changes; that this would also be the time the application would go through PLUS review; that next, the application would proceed through the public hearings before the Planning & Zoning Commission and County Council; that at this time, there will not be a detailed site plan provided; that instead a general, overall Master Plan would be submitted; that he Master Plan will

define what the overall and Spatial Distribution Plan will look like; that the plans will reflect where the densities are going to be placed; that with that there will be a Master Manual submitted, which are the design guidelines that a developer is utilizing in the Master Plan; that there are 14 different elements that will need to be shown in the Master Manual; that the Master Manual will govern the project from the beginning to the end; that the project will be required to remain consistent with the Master Manual; that MPZ's would be advertised for public hearings, similar to a Change of Zone application; that the next step is the administrative review of the plans, which is performed by the Planning & Zoning Commission; that this process would be similar to how the Commission reviews site plans currently; that at this stage there would be an Implementation Plan and an Implementation Manual, which would provide much more detail in the area they are looking to get approved; that it must remain consistent with the Master Manual and design plans provided during the public hearings; that this would be vetted by staff; that if at any point there would be a material change, it would return the project to the public hearing process; that no major changes may take place without first going through a public hearing; that the design process begins more general and then becomes more specific as it goes through the process and the administrative review is where housing type, housing location, topography, streets, roads, sidewalks and landscaping would be reviewed;

Chairman Wheatley questioned if the information and requirements provided in the Master Manual and the Spatial Distribution Plan proffered by the Applicant and approved by the staff, or is the manual negotiated with staff, or is approved by the Planning & Zoning Commission.

Mr. Robertson stated that the Master Manual is a manual the developer will initially prepare, most likely in draft form; that its design is be in a narrative and graphic form; that it will be similar to a Zoning Code that governs a project; that the manual will stated what the developer plans to do, and the rules they intend to follow going forward with the project; that conversation and potential negotiation will be had at the initial level of the preapplication meeting; that the Master Manual will then be presented the Commission and County Council; that if there is anything about the plan that the Commission or County Council does not like, there will be an opportunity to change it; that MPZ's will be similar to RPC's in the fact that conditions can be placed upon it, or can be denied outright; that the Master Manual and the overall Master Plan will act like a Zoning Code for the project; that once a project is approved at the public hearing stage, the project will return for administrative plan review, where the Commission will review to ensure the plans and project implementation complies with the Zoning Code [Master Manual] that was established at the public hearing; that this process would be similar to site plan review performed currently by the Commission; that if a developer wanted to propose a shopping center, with residential and mixed commercial use, the developer would be required to apply for commercial rezoning; that public hearings would be required before Commission and County Council; that the developer would then be required to return for the RPC or subdivision request with additional public hearings; that it would also not have any interconnectivity requirement, and the proposed MPZ Ordinance addresses all of these thing globally at one time.

Chairman Wheatley stated the public has stated multiple times that they had not been provided an overview and the proposed MPZ Ordinance would provide the Commission a tool for that purpose.

Mr. Robertson stated the Commission has seen these circumstances over time, where smaller parcels are claimed piece by piece for smaller projects, when everyone anticipates that the smaller projects are part of a larger plan; that the MPZ will provide the framework to have flexibility to provide the larger plan, to provide interconnectivity and to involve State maintained roads.

Mr. Collins questioned whether the developer will initially fund the road, that will eventually be supported by DelDOT.

Mr. Robertson stated the funding will depend on whether or not the site is located within the TID [Transportation Improvement District], which will be determined during the early stage of the pre-application meeting; that there will be coordination with DelDOT and the Applicant; that the MPZ is not requiring for all the roads within the project to be DelDOT maintained; that if DelDOT has interconnectivity scheduled in the future, through the CTP [Capital Transportation Program], there can be a nexus between the developer, the development and DelDOT to construct the interconnectivity, and there is not one definite answer, but it is a subject that would be taken into account.

Mr. Robertson stated that the final step in the process would be administrative plan review, which would be for the final, detailed, technical site plan review; that this will be performed by the staff within the County's Planning & Zoning and Engineering departments at this point, as the Commission will have already approved the general concept plan; that the process the Application will still be required to go through the PLUS process; that the project will still be required to go through all agency reviews; that project approval would be valid for five years to get underway for the time the site plans are approved; that Mr. Robertson presented to the Commission a visual example of a Spatial Distribution Plan, which is intended to reflect the density throughout the project; that this will allow the public and the County to ensure the design makes sense, using generally good planning, with lower densities located toward the outside perimeter of the project, and high, more intensive uses located on the interior of the site; that this is also an opportunity to ensure the project is located along major arterial roadways, or roadways that could handle the intended commercial uses; that this will provide the Commission a general visual of what the project will look like; that the manuals will contain more details regarding each of the areas; that currently it is tough to propose mixed use without the need to request a Conditional Use; that any material changes to the approved plan would require the project to return to the public hearing stage; that they have been discussing the MPZ with County Council for approximately two years; that they have received input and constructive comments from people who would be required to implement the MPZ; that he requested to read the provided comments, as the comments potentially may become recommendations made to County Council; that the first comment was regarding eligibility requirements, stating: *There is some confusion as to where this could go. It was referenced in the Whereas clause, but we would like to add it into the Ordinance, and that would be to add that it is clearly in the Coastal Area, the Developing Area, Town Center Area, and Commercial Area*; that this requirement would be to mirror the Whereas clause; that another comment was made regarding the Spatial Distribution Plan, stating, *we would like to clarify that in addition to higher densities, the commercial areas or intensive uses should be centrally located and/or along main roadways consisting with higher density residential uses*; that this would allow commercial uses to be placed in the middle or along roadways, such as Rt.1; that comments for the eligibility requirements stated, *consider changing the reference from "existing" or "planned" arterial or collector roads, and to use "major arterial roadways and collector streets"*; that the term originally used was not defined in the Code; that major arterial roadways and collector streets are defined within Chapter 99; that in regard to the Development Principles and Standards, there was a suggestion made to consider *adding a new No. 11 to state that all collector roads, or the similar term, within the MPZ must be constructed to DelDOT standards and State maintained, or move and copy the requirement from elsewhere at Line 317 to Line 322, and that all other roads within the MPZ are dedicated to public use and must remain open and accessible to the public at all times*; that the intended project would be large enough, providing different types of uses to people inside and outside of the community, into the commercial, civic or professional areas; that due to this, they want to make sure that all roads are dedicated to public use; that initially, there

was a requirement that stated all open space shall be located to the fronts of buildings; that after meetings and discussions with staff it was decided that open space statement should be a goal, not a requirement; that they have changed the wording from “shall” to “should”; that there initially was a service alley requirement, to allow for trash and miscellaneous items to be located in the back; that after discussions, it was found to be a good opportunity, however, would be a tough requirement to comply with given the geometry and various other factors; that in Line 304, it states that consideration should be given to allowing these areas to have frontage on existing DelDOT rights-of-way, instead of just an internal main street; that an area is located along Rt. 1, the developer should be able to provide more intensive uses along Rt. 1; that Lines 304, Line 358, and Line 392 are related to Parking Design; that there was a suggestion made that it be more flexible and be designed so that off street parking is screened from rights of ways and non-commercial uses; that the buildings and landscape areas are more visible than large off-street parking lots; that previously there was a requirement that parking lots not be visible at all or not to be located in the fronts of buildings; that again, due to geometrical and other planning reasons, it may not always be the best; that in Line 317 there is consideration being given to change “shall” to “should”, regarding the location of commercial areas and how they are oriented to main streets; that in Line 330, 364 and 398, consideration should be given to deleting the item that states service drives shall be designed and used for loading and trash collection, or change it to say whenever possible, service drives shall be designated or designed and utilized for loading and trash collection; that there was a prohibition against drive-thru uses in the neighborhood commercial area; that the prohibition originated from the desire to have the locations to be more walkable; that the goal was to have people walk around the community; that a drive-thru can be more convenient in terms of pharmacies and banks; that in Line 448, the Master Manual refers to a Master Transportation Plan, to be approved by DelDOT; that they have come to realize a Master Transportation Plan is not an item recognized by DelDOT; that they now suggest replacing it with Traffic Impact Study for the MPZ as approved by DelDOT; that Line 466 to 471 contains a requirement listed in the Master Manual that there be reference to architectural details; that after discussions they concluded that Sussex County does not dictate architectural styles; that the project would be large enough, that the project would last over a long period of time; that over that time period, architectural tastes and styles might change from the time it goes through the public hearing until the time the project is built; that in Lines 489 to 491 it provides regulation and design of lighting fixtures, street lighting and signage; that those items are not so specific that it needs to be considered at the County level; that they added confirmation that any MPZ will be subject to the Resource Buffer Requirements; that a similar project is Eden Hill, located in Dover, within their Traditional Neighborhood Design Residential District; that Eden Hill provides a large professional office building, a commercial district for medical and retail sections and residential; Eden Hill had a general overall Master Plan, which they refer to as a Pattern Book and there was a comment letter submitted by Pennoni.

Mr. Whitehouse stated the drafted Ordinance is a good summary; that throughout the whole process, they have received technical input from the State and the PLUS comments, and the State was very supportive of the objective.

Mr. Collins questioned if the Ordinance inserted any requirements to protect forested areas.

Mr. Robertson stated that within Line 235, located on Page 7, the Ordinance addresses design principles; that it states *the design for the entire zone shall follow an environmentally sustainable approach to the development to accomplish this design shall take advantage of natural drainage patterns on the site and minimize unnecessary, earth moving, erosion, tree clearance, and other disruption of the natural environment, that existing*

vegetation and habitat shall be preserved wherever possible, wherever extensive natural tree cover and vegetation do not exist or cannot be preserved on the site, landscaping shall be undertaken in order to enhance the appearance of the development; that the Commission will also have the opportunity to place conditions on it and/or require changes to be made to the Site Plan; that because MPZ projects can go to 12 units to an acre, there will be some give and take; that an example of this is, if one had a subdivision and were locked into two units an acre, it becomes much more difficult, without incentives, do provide tree preservation; that if there is a wooded lot for an MPZ, the developer can work around those areas of existing woods and still achieve a fairly high density; that the MPZ fosters this capability more than any other tool the County Code currently offers; that with Residential Planned Communities (RPCs), one would be stuck with base zoning; that RPC's provide for flexibility, but if the zoning is MR (Medium Density Residential), the Applicant is still limited to four units to the acre; that the MPZ will allow for 12 units to the acre, however 12 units an acre is not expected to be proposed across a entire 200 acre parcel, and the design principles are intended to limit that ability.

The Commission found that one person wished to provide comment on the Ordinance Application.

Mr. David Hutt, Esq., with Morris James, LLP spoke generally in support of the Application, however, presented with some concerns. Mr. Hutt stated that the proposed Ordinance is similar to LPD (Land Use Planning Design), and other types of overlays; that essentially the MPZ is creating a unique zoning district for the parcel itself; that regardless if that is called a Master Manual or a Spatial Distribution Plan, those plans become the Zoning Code for that parcel of land; that he felt with an Ordinance like this, it cannot be too specific; that the County has seen this problem with the C-4 (General Commercial) Ordinance; that he believe people believed it would be a Commercial RPC ordinance; that the Ordinance has not been proven to be successful, partly due to the requirements found in it; that the C-4 Ordinance has already been amended to change the ratio of commercial and residential; that the use of “shall” within the proposed Ordinance was discouraging to see; that he believed the individuals should be allowed a great deal of flexibility; that he is concerned about the requirement range of 20% to 50% for commercial areas, professional office, medical and finance area or civic area; that he could foresee, certain circumstances along a major arterial road, where it may be appropriate to have a greater degree of the Commercial and Civic mix versus the residential mix; that to pigeonhole the requirement to be between 20% to 50% seems like too much, making the tool unusable; that he felt the requirement of only a minimum of 25% residential or 20% of all the other items, so that it allows for a great deal of flexibility across all the various uses; that another example of this, is the proposed maximum of 10% requirement for civic areas; that he believed if one were to propose development centered around a large civic area, the County would welcome it, similar to the development of Freeman Stage; that there are very limited opportunities in the Sussex County Zoning Code for the mixture of residential and commercial uses; that C-4 Zoning is the only zoning district to permit this, unless the Applicant went through the Conditional Use process; that within Line 198, located on Page 6, within the definition of Spatial Distribution Plan, Subsection A, where it states lower density development radiating away from higher density to development radiating away from higher density to development at the interior of the MPZ; that he would suggest striking “at the interior of the MPZ”; that it would depend on the site, whether or not that can occur; that he believe a change was made to Subsection B, however was not changed within Subsection A, making the two inconsistent; that Mr. Robertson spoke to adding a provision in the Eligibility Requirements to be located in one of the four Growth Areas he identified; that he suggested the requirement be expanded, as there are areas in Sussex County that are situated along major arterials, having water and sewer service available, which may not presently included within a required Growth Area; that he suggested and was additionally suggested by the Office of State Planning Coordination and the Pennoni letter,

that the whereas clause, at the beginning, be modified in Lines 19 through 22; that the felt MPZ projects are appropriate to be located within the four Growth Areas, however, given the right area of land, with right additional circumstances, it could also be appropriate in other locations as well; that the Planning & Zoning Commission and County Council can offer protection of this, as Change of Zone applications are where they have the most discretion; that MPZ's are zoning classification requests; that if the Commission does not like the Master Manual or the Spatial Distribution Plan, it can be recommended that County Council deny the request.

Mr. Robertson stated that he had discussions regarding the discretion the Commission and County Council will have; that what had been provided was based on staff recommendations; that Mr. Hutt's comment was more to policy for the Commission to consider; that he tended to agree with Mr. Hutt; that MPZ projects are intended to be large in scope; that some projects may be large enough that they are self-contained, being to a scale that would create their own infrastructure, water and sewer;

Chairman Wheatley stated that on the western side of the County, there are large farms of 500 to 600 acres, where someone could potentially want to Master Plan a project; that the location might not be located within a Town Center, but could be located close enough that utilities would make sense due to the size of the project; that he could foresee instances where an MPZ could be useful in these areas and he would not want to limit the availability of it.

Mr. Butler stated that he felt more self-contained projects would be beneficial for the western side of the County; that Heritage Shores is self-contained with golf courses and its own shops, and that he believed Heritage Shores was developed on 400 acres.

Chairman Wheatley stated that water and sewer service will play a key role for the Ordinance; that I the parcel is large enough, the Applicant may need to build their own plant, where they have to augment the County's or someone else's plant and these are things that can be done.

Mr. Robertson stated that the State would not be in favor of this based upon their Policies & Strategies for State Spending within Level 4 areas, however, if the site is large enough, it would be able to sustain the improvements that the State would require.

Mr. Collins stated he did not believe residents would want higher density commercial to be located inside of the community, for the use of the community and the public and would be better suited for the perimeter of the property.

Mr. Hutt stated that he mostly had western Sussex County in mind with his statements, because the Coastal Area, being one of the four Growth Areas mentioned does not exist in Western Sussex County; that he also wanted to address within the Eligibility Requirements, on Page 7, Lines 221 and 22, which states at least 20% of all multifamily dwellings shall be set aside as Sussex County Rental Program (SCRIP) units, governed by Chapter 72; that he felt this concern reverts back to the ratios and requirements; that the SCRIP Ordinance has been in place for a long time; that the Ordinance does not have a track record that would indicate that it is something feasible; that he recognizes the importance of housing; that he suggested that part of the Zoning District say that there must be an affordable housing component; that there are many ways to approach the issue, without locking people into 20% of all multifamily dwellings being a part of the Sussex County Rental Program and the MPZ would be up to the Commission's discretion, as to whether or not the project had addressed affordable housing at the right level.

Mr. Collins questioned if the Ordinance could be modified to allow for some of the housing could be affordable housing to limit the use of housing for short-term rentals and he stated that generally, ownership, even for lower-income housing, tends to be better for the communities that they are in.

Mr. Hutt stated that historically, the County has not regulated short term rentals and that doing so, may be a slippery slope, as it is difficult to enforce; that with how the Ordinance is currently laid out, he felt there would be good opportunities; that there are government credit sponsored programs; that those programs may be interested in a five acre block, because they know there are certain amounts of credits and tax benefits, however, that would not help the developer meet the 20% requirement; that his last concern was in regard to drive-thru; that a parent with a sick child does not want to walk into the pharmacy, they want to take advantage of the drive-thru; that the question is, how specific does one get, before narrowing the scope down too much that it no longer is a usable tool; that he does understand the fear of not regulating the MPZ enough; that he does feel that should be a lesser fear, since the application will be for a Change of Zone, allowing the Commission the greatest amount of discretion, with the ability to place conditions; that he is in support of the Ordinance, as he feels the more available tools, the better and he hopes that the tool can be as useful as possible for all parts of Sussex County.

Mr. Robertson stated it presents an opportunity for the Commission to become engaged in the process, being proactive in a conversation of how the project will look in the end through Conditions of Approval or changes to the Spatial Distribution Plan and Master Manual. (2:45:47)

Upon there being no further questions, Chairman Wheatley closed the public hearing.

In relation to Ord. 23-05 regarding the Master Plan Zoning District. Motion by Mr. Collins to defer action for further consideration, leaving the record open for ten (10) business days to allow for additional written public comment regarding the Ordinance Application, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the October 12, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Ordinance Application, which had been deferred since September 14, 2023.

Mr. Collins moved that the Commission recommend approval of the Ordinance to create a new Master Plan Zoning District (or MPZ) in Sussex County based upon the record made during the public hearing and for the following reasons:

1. There has been discussion about the need for better master planning in Sussex County for decades. The Council, the Commission, the Office of State Planning Coordination, and the public have all talked positively about creating a method for master planning in Sussex County.
2. The 2019 Sussex County Comprehensive Plan's Future Land Use Element states that "the Plan seeks to encourage the County's most concentrated forms of new development to Growth Areas, including most higher density residential development and most commercial development" and development designed in accordance with this Master Plan Community Zone can be in accordance with this encouragement.

3. The Office of State Planning Coordination reviewed and favorably commented upon the creation of an MPZ and offered several constructive comments about it.
4. Several Sussex County land use practitioners reviewed the MPZ ordinance as introduced and commented favorably upon it while also providing constructive comments about how to improve it.
5. The MPZ will be a useful tool for large-scale development in Sussex County. It will allow appropriate design flexibility while protecting the nearby residents and properties. At the same time, it establishes a new review process that is beneficial to landowners and applicants, the public, and the county.
6. The MPZ will allow the integrated and interconnected development of larger parcels of land where appropriate, instead of individual, isolated, and unrelated developments over the same land area.
7. Although the MPZ Ordinance states that it will be limited to Growth Areas, including the Coastal Area, Developing Area, Town Center Area, and Commercial Area as designated in the Comprehensive Plan and its Future Land Use Map, County Council should consider opening up the MPZ to all parts of the County. It is intended to allow larger scale, yet self-contained development including all kinds of residential uses, retail and commercial uses, and institutional uses. It is intended to allow developments that are therefore large enough to be potentially served by their own utilities, and also of a scale sufficient to be able to support off-site infrastructure improvements necessary for the MPZ. Therefore, County Council should consider opening up the MPZ to all of the County, not just the Growth Areas designated on the Future Land Use Map.
8. There was testimony suggesting that the MPZ should continue to have an affordable housing component, but it should not specifically be tied to the County's SCRP program established by Chapter 72 of the Sussex County Code. The rationale for this suggestion was that the SCRP program has only recently been substantially amended and at this point, there is only one SCRP development that has actually been built. Therefore, until the SCRP program is a proven and workable method of providing affordable housing, it should not be a requirement of the MPZ. Instead, Lines 221-222 of the Ordinance should be modified to state: *(i) There shall be a substantial affordable housing component of the MPZ that shall be described in detail in the Master Manual. The goal of this affordable housing component shall be to serve the "Intent" of the Sussex County MPHU and SCRP programs as set forth in Sections 72-2 and 72-16 of Chapter 72 of the Sussex County Code.*
9. After the Ordinance is adopted, Sussex County should continue to coordinate with DelDOT in the form of an MOU or similar understanding so that: (i) there is a one-time or master DelDOT approval versus multiple entrance approvals once the initial main internal roadway is constructed and turned over to DelDOT; and (ii) there is one-time bonding for all DelDOT roadway improvements.
10. This recommendation is subject to the following suggested revisions to the MPZ Ordinance:
 - A. Council should consider amending the Ordinance as needed to permit an MPZ to be located throughout the County and not just in the Growth Areas. However, it should also be clear that if an MPZ is proposed for an area outside of a Growth Area, it can and will be served by adequate on- or off-site utilities, that are scaled to be able to accommodate and pay for any infrastructure, services or improvements required by the State and County.
 - B. If the MPZ is not expanded beyond the Growth Areas, then **Line 202 (Eligibility Requirements)** should be amended to reference the Coastal Area, Developing

Area, Town Center Area, and Commercial Area to mirror the Whereas Clause listing these four Areas.

- C. At **Line 192 (Spatial Distribution Plan)**: Clarify that in addition to higher densities, the commercial areas/intensive uses should be centrally located and/or along main roadways consistent with higher-density residential uses.
- D. At **Line 209-210 (Eligibility Requirements)**: the reference to “existing or planned arterial or collector road” (which are not defined in the Zoning Code) should be changed to “Major Arterial Roadways or “Collector Street” which are defined in Chapter 99.
- E. At **Line 223 (Design and Development Principles and Standards)**: add a new “Item 11” stating that all collector or primary roads (or similar term) within the MPZ must be constructed to DelDOT standards and State-maintained (or move/copy this requirement from existing language at line 317-322) and also state that all other roads within the MPZ are dedicated to public use and must remain open and accessible to the public at all times.
- F. At **Line 279-283 (Service Alleys)**: delete the reference to service alleys.
- G. At **Line 304 (Neighborhood Commercial Area), Line 352-356 (Professional Office, Medical and Financial Area), and Line 386-390 (Civic Area)**: Allow these Areas to have frontage on existing DelDOT rights of way and not just an “internal main street”.
- H. At **Line 304 (Neighborhood Commercial Area, parking design requirements); Line 358-362 (Professional Office, Medical and Financial Area parking design requirements); and Line 392-396 (Civic Area parking design requirements)**: Reword this section so that it states, “The [Neighborhood Commercial Area. Etc.] shall be designed so that off-street parking is screened from rights of ways and non-commercial uses so that buildings and landscaped areas are more visible than large off-street parking lots. This can be accomplished through landscaping, location of parking areas in relation to roads and buildings, etc.”
- I. At **Line 330 (Neighborhood Commercial Area Service Drives); Line 364 (Professional Office, Medical and Financial Area Service Drives); and Line 398 (Civic Area Service Drives)**: Revise these lines so that they state, “Whenever possible, service drives shall be designed and utilized for loading and trash collection.”
- J. At **Line 336-339 (Neighborhood Commercial Area Drive-Through Prohibition)**: Delete the drive-through prohibition.
- K. At **Line 448 (Regarding the Master Manual)**: Delete the reference to “Master Transportation Plan approved by DelDOT” (which is not an actual DelDOT document) and replace it with “Traffic Impact Study for the MPZ approved by DelDOT”.
- L. At **Line 466-471 (Master Manual, Buildings)**: Delete the reference to specific architectural details at lines 469-470 since they are likely to change throughout the multi-year build-out of an MPZ.
- M. At **Line 489-491 (Master Manual, Lighting Design)**: Delete the reference to “and design of the lighting fixtures, globes” since those will change over time.
- N. Modify Lines 221-222 of the Ordinance to state: *(i) There shall be a substantial affordable housing component of the MPZ that shall be described in detail in the Master Manual. The goal of this affordable housing component shall be to serve the “Intent” of the Sussex County*

MPHU and SCRIP programs as set forth in Sections 72-2 and 72-16 of Chapter 72 of the Sussex County Code.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of Ord. 23-05 for Master Plan Zoning District for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley - yea

1 **AN ORDINANCE TO DELETE CHAPTER 115, ARTICLE XVII**
2 **VACATION RETIREMENT – RESIDENTIAL PARK DISTRICT**
3 **SECTIONS 115-132 THROUGH 115-140 IN ITS ENTIRETY AND TO**
4 **INSERT ARTICLE XVII MASTER PLAN ZONE, SECTIONS 115-132**
5 **THROUGH 115-140 IN ITS PLACE.**

6 WHEREAS, Article XVII Vacation Retirement – Residential Park District is
7 a closed District and no land within Sussex County has been zoned with this
8 District classification and because it is a closed District no land can ever be zoned
9 to it in the future; and

10 WHEREAS Sussex County Council desires to replace Article XVII
11 Vacation Retirement – Residential Park District with a new Zoning District
12 identified as Article XVII Master Plan Zone; and

13 WHEREAS, the 2019 Sussex County Comprehensive Plan’s Future Land
14 Use Element states that the “Plan seeks to encourage the County’s most
15 concentrated forms of new development to Growth Areas, including most higher
16 density residential development and most commercial development” and
17 development designed in accordance with this Master Plan Community Zone can
18 be in accordance with this encouragement; and

19 WHEREAS, Master Planned development is appropriate in the Growth
20 Areas designated as the Coastal Area, Developing Area, Town Center Area, and
21 Commercial Area of the Future Land Use Map of the 2019 Comprehensive Plan
22 where adequate infrastructure is available; and

23 WHEREAS, Mixed-use residential and commercial developments can be
24 appropriate in the Coastal Area, Developing Area, Town Center Area, and
25 Commercial Area of the Future Land Use Map of the 2019 Comprehensive Plan
26 and the Master Plan Zone promotes such mixed-use development where
27 appropriate; and

28 WHEREAS, Strategy 4.4.1.5 of the Future Land Use Element of the 2019
29 Comprehensive Plan states that it is a goal of the County to “[e]ncourage master
30 planning for large-scale developments on large parcels or groups of parcels in the
31 Town Center, Coastal Area, Developing Area, and Commercial land use
32 classifications to provide flexibility in design” and this ordinance is in furtherance
33 of that Strategy; and

34 WHEREAS, this ordinance creating a Master Plan Zone within Sussex
35 County promotes the health, safety, and welfare of Sussex County.

36 NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

37 **Section 1. The Code of Sussex County, Chapter 115, is hereby amended to**
38 **delete Article XVII, Vacation Retirement – Residential District in its entirety**
39 **by deleting the language in brackets as follows:**
40

41 [§115-132 Purpose.

42 In order to encourage planned vacation, retirement and general residential park
43 developments which are compatible with the surrounding area and are
44 economically feasible and to achieve the goals of the Comprehensive Plan, the
45 Vacation-Retirement-Residential-Park District (VRP District) is hereby
46 established.

47 § 115-133 Superimposed district; effect on other provisions.

48 A. To enable the district to operate in harmony with the plan for land use and
49 population density embodied in these regulations, the VRP District is created as a
50 special district to be superimposed on other districts contained in these regulations
51 and is to be so designated by a special symbol for its boundaries on the Zoning
52 District Map.

53 B. Uses for this district shall be determined by the requirements and procedure set
54 forth in this article and shall prevail over other regulations or ordinances governing
55 the subdivision of land which may be in conflict herewith.

56 § 115-134 Minimum district area; leasing of lots.

57 A. The minimum area for a VRP District shall be 25 acres. In calculating the
58 minimum area for a district, measurement shall not include the area of any streets
59 or roads.

60 B. The lots in a VRP District shall be leased and shall not be sold as lots as long as
61 said land remains within a VRP District.

62 § 115-135 Required procedures; completion dates for stages of development.

63 A. Procedures for establishment of a VRP District and approval and amendment of
64 site plans are contained in Article XXVIII. Before any application is filed, the
65 applicant shall hold an informal conference with the Commission. The Park shall
66 follow all applicable procedures, standards and requirements of the ordinances and
67 regulations governing the subdivision of land. No building permit shall be issued

68 until a final plot of the proposed park or part thereof is approved, filed and
69 recorded.

70 B. A date or dates for the completion of certain stages of development of the park
71 may be established by the Commission, provided that such date or dates shall be
72 set after taking into consideration various factors, such as the state of the economy,
73 the going rate of interest, the market acceptance of the park, the size of the park
74 and the quantity and quality of the proposed facilities, including roads and the
75 water and sewer system.

76 § 115-136 Review standards; conditions.

77 A. The Commission shall evaluate the park by the standards of the Comprehensive
78 Plan and recognized principles of civic design, land use planning and landscape
79 architecture.

80 B. The Commission may impose conditions regarding the layout, circulation and
81 performance of the park and, where applicable, may require that appropriate deed
82 restrictions be filed and recorded, enforceable by the Commission, for a period of
83 20 years from the date of recording.

84 § 115-137 Types and sizes of dwellings.

85 A. Completely factory-built manufactured homes no less than 660 square feet and
86 no more than 1,570 square feet in size and not more than 14 feet in height,
87 hereinafter referred to as "manufactured homes," excluding porches, decks,
88 breezeways and the like, and completely factory-built modular homes no less than
89 1,000 square feet in size and no more than 18 feet in height, hereinafter referred to
90 as "modular homes," shall be permitted in the park. The word "dwellings," as used
91 in this article, as the text requires, shall refer to both types of homes.

92 B. The size and height of a manufactured home or a modular home shall be
93 determined as of the date it is originally moved into the park and shall be based on
94 the dimensions as received from the manufacturer.

95 § 115-138 Minimum lot area; irregularly shaped lots; markers.

96 A. The minimum area of all lots shall be no less than 5,500 square feet, with a
97 minimum width of 50 feet for all typical lots. Atypical or irregular-shaped lots
98 shall be of such size as shall be approved by the Planning and Zoning Commission
99 upon submission of a survey therefor.

100 B. Corners of all lots shall be visibly marked and numbered by a permanent
101 marker.

102 § 115-139 Additional requirements.

103 A. There shall be no more than one dwelling and one accessory structure on any
104 one lot.

105 B. Manufactured homes may be placed on lots immediately adjacent to other
106 manufactured homes. Modular homes may be placed on lots immediately adjacent
107 to other modular homes. A modular home may be placed on a lot immediately
108 adjacent to a manufactured home; however, a manufactured home may not be
109 placed on a lot immediately adjacent to a modular home.

110 C. No part of any dwelling or any accessory structure shall be closer than 25 feet to
111 any front boundary line. Steps with related landing, not exceeding 28 feet of lot
112 coverage, may project four feet into the required setback.

113 D. No part of any dwelling, addition or accessory structure shall be closer than two
114 feet to any side or five feet to any rear boundary line; provided, however, that no
115 part of any dwelling, addition or accessory structure shall be closer than 15 feet to
116 any other dwelling, addition or accessory structure.

117 E. Central sewer and water supply facilities and electric connections shall be
118 provided.

119 F. All streets in the park shall have a right-of-way of at least 40 feet. No less than
120 24 feet in width of the streets shall be paved with three coats of surface treatment
121 (tar and chip) and shall be properly lighted. Additional road improvements, if
122 required by the Commission, shall be provided for proper and sufficient drainage.

123 G. Access to the park shall be from a major thoroughfare and shall be at least 50
124 feet in width. The number and location of access drives shall be controlled for
125 traffic, safety and protection of surrounding properties. No lot shall be designed for
126 direct access to a street outside the boundaries of the park.

127 H. The topography of the lots shall be such as to facilitate rapid drainage, and
128 adequate drainage facilities shall be provided.

129 I. Open spaces or areas left in their natural state shall be provided within the park
130 at a ratio of 300 square feet minimum per lot.

131 J. The park shall be surrounded by a landscaped strip of open space at least 50 feet
132 in width.

133 K. Two off-street parking spaces shall be provided on each lot.

134 L. Small retail businesses intended primarily for occupants of the park shall be
135 permitted within the park area. Grocery stores, automatic laundries, beauty shops
136 and similar uses are appropriate.

137 M. The occupier of each lot in the park shall provide receptacles for trash and
138 garbage which shall be so located and kept as not to be generally visible from any
139 interior road in the park, except on days when such receptacles may be placed out
140 for purposes of collection only.

141 § 115-140 Closed district.

142 As of the date of adoption of this amendment, the VRP District shall be considered
143 a closed district and shall not be applied to any additional lands in Sussex County.
144 The district and its various provisions and regulations shall continue to exist as
145 they apply to a VRP District legally established under the procedures of this
146 chapter.]

147

148 **Section 2. The Code of Sussex County, Chapter 115, is hereby amended to**
149 **establish Article XVII, “Master Plan Zone” §§115-132 through 115-140 by**
150 **inserting the italicized language as follows:**

151

152 ***§ 115-132 Purpose and Intent.***

153 *The intent of the Master Plan Zone (“MPZ”) is to create a walkable, bikeable and*
154 *pedestrian-friendly, economically viable professional, commercial and mixed-use*
155 *neighborhood that is superior in design to a standard residential subdivision,*
156 *commercial site plan, or combination of both. Its intent is also to preserve and*
157 *enhance the natural landscape and buffer the development from adverse external*
158 *influences. The provisions of this Article are intended to encourage greater*
159 *integration of land-uses and diversity of lot sizes than is permitted under other*
160 *provisions of Chapter 99 and this Chapter 115. It may provide design flexibility*
161 *that will aid in the fulfillment of Sussex County’s Comprehensive Plan. Lastly, it*
162 *will promote greater interconnectivity of roadways and coordination with DelDOT*
163 *for new state-maintained roadways within a large-scale development.*

164

165 ***§ 115-133 Definitions.***

166 **General Overall Master Plan:** *A document composed of a set of maps of a*
167 *subject property and a Master Manual that reflects a Master Plan. The*
168 *General Overall Master Plan is to be submitted to the Planning and Zoning*
169 *Commission and Sussex County Council as materials to support the rezoning*
170 *of a land area for development as an MPZ. The General Overall Master Plan*
171 *shall designate the Areas identified in Section 115-137 and shall include a*
172 *Spatial Distribution Plan.*

173 **Implementation Manual:** *A document prepared in narrative and graphic form*
174 *that describes all details of the development relative to the elements reflective*
175 *of the design principles of this Article and the specific requirements of Section*
176 *115-135. This should include, but is not limited to, details of the design*
177 *elements of the project such as architectural standards, relationships between*
178 *uses and different scales of buildings, parking and open spaces. It shall also*
179 *contain an explanation of how the Manual conforms to the approved General*
180 *Overall Master Plan and the Master Manual. All subsequent plan review and*
181 *development activities shall be governed by the Implementation Manual.*

182 **Implementation Plan:** *A document composed of a set of maps and an*
183 *Implementation Manual that describes the anticipated physical development of*
184 *a property. The document shall conform with the General Overall Master Plan*
185 *and the Master Manual and should reflect the design principles of this Article*
186 *and the Implementation Manual.*

187 **Master Manual:** *A document prepared in narrative and graphic form that*
188 *explains the concepts behind the implementation of the proposed Master Plan*
189 *Zone on the parcel or parcels and in the community. It should identify the*
190 *concepts and approaches to each of the elements and types of uses identified in*
191 *Sections 115-135 and 138.*

192 **Spatial Distribution Plan:** *A Plan showing how the overall density is*
193 *allocated throughout the MPZ. Resembling a topographic rendering (i.e., lines*
194 *demarcating 2 units per acre, 4 units per acre, 6 units per acre, etc.), this Plan*
195 *shall show the densities of individual areas within the MPZ. The intent of this*
196 *Plan is to visually show how the MPZ density is designed, taking into account*
197 *factors including, but not limited to: (a) lower density development radiating*
198 *away from higher density development at the interior of the MPZ; (b) the*
199 *location of higher densities along main roadways within the MPZ; (c) the*
200 *relationship with the location and type of development along the outside*
201 *perimeter of the MPZ; or (d) such other planning factors that may be relevant.*

202 **§ 115-134 Eligibility Requirements.**

203 *No land area shall be zoned MPZ unless the following conditions are met:*

- 204 a) *The entire land area of the MPZ must exceed 200 acres;*
205 b) *The MPZ shall include at least 20% of the land area designated to*
206 *non-residential use;*
207 c) *The residential density of the entire MPZ shall not exceed 12 units*
208 *per acre (excluding Tidal Wetlands);*
209 d) *The land area shall have access to an existing or planned arterial or*
210 *collector road;*
211 e) *The land area shall be served by adequate existing or planned*
212 *infrastructure, including central sewer and water;*
213 f) *The land area may contain a single or multiple parcels. The rezoning*
214 *application for the land area shall be filed jointly by all owners of the*
215 *involved land area;*
216 g) *A finding by the Planning Commission and Sussex County Council*
217 *that the proposed MPZ location is generally consistent with the*
218 *Comprehensive Plan; and*
219 h) *The “Purposes of Regulations” set forth in Title 9, Chapter 69,*
220 *Section 6904 of the Delaware Code shall be satisfied.*
221 (i) *At least 20% of all multifamily dwellings shall be set aside as SCRP*
222 *units governed by Chapter 72.*

223 **§ 115-135 Design and Development Principles and Standards.**

224 *The following standards and principles of design and development shall apply to*
225 *the MPZ:*

226
227 A. *Bulk standards including setback, lot area, height, parking, signs, and*
228 *landscaping shall be governed by the approved Master Manual and shall prevail*
229 *over conflicting requirements of this Chapter and Chapter 99.*

230
231 B. *The MPZ design principles below shall be reflected in the Spatial*
232 *Distribution Plan, the Implementation Plan, the General Overall Master Plan, and*
233 *the Implementation Manual, consistent with the purpose and intent section of this*
234 *Article.*

235 1. *The design for the entire zone shall follow an environmentally*
236 *sustainable approach to development. To accomplish this, the design shall*
237 *take advantage of natural drainage patterns on site and minimize*
238 *unnecessary earthmoving, erosion, tree clearance and other disruption of*

239 *the natural environment. Existing vegetation and habitats shall be preserved*
240 *wherever possible. Where extensive natural tree cover and vegetation do not*
241 *exist or cannot be preserved on the site, landscaping shall be undertaken in*
242 *order to enhance the appearance of the development, screen streets and*
243 *parking areas, and enhance the privacy of private dwellings. Native plant*
244 *species shall be used whenever possible and practical. Natural drainage*
245 *systems shall be preserved wherever possible. Where natural drainage*
246 *systems do not exist, drainage patterns shall be developed similar to the*
247 *natural pattern to the extent practical.*

248 *2. Development shall be compatible with existing historic buildings,*
249 *landscapes and urban design within or adjacent to the zone. Any existing*
250 *cultural resources shall be analyzed for creative preservation and/or*
251 *adaptive reuse in the new development.*

252 *3. Permanent, publicly accessible Open Space outside of individual lots*
253 *comprising a minimum of ten percent (10%) of the land area shall be*
254 *provided in the MPZ. Land owned by government or non-profit entities that*
255 *is included in the approved Implementation Plan and is open to the public*
256 *may count toward this requirement. At least one-half of the minimum*
257 *required open space land must be free of wetlands or storm water*
258 *management areas containing permanently standing water in order to be*
259 *readily accessible and usable for active and passive recreation. Significant*
260 *natural features shall be incorporated into permanent public open space*
261 *whenever possible. A portion of the permanent public open space shall be*
262 *designed as a contiguous area to provide access throughout the full project*
263 *site and a portion shall be interspersed within all areas so as to provide*
264 *access from the surrounding neighborhood, active recreation space and/or a*
265 *visual amenity.*

266 *4. Open space within residential areas shall be oriented to the fronts of*
267 *the buildings. Isolated open spaces in the rear of properties are*
268 *discouraged.*

269 *5. Landscape plantings in parks, greens or significant open spaces shall*
270 *create an immediate positive visual impact on the community.*

271 *6. The MPZ shall have a pedestrian walkway and/or bicycle system*
272 *through the open spaces that connects to the street system or connects a*
273 *series of open spaces. Bicycle parking/locking facilities should be provided*
274 *in public spaces as appropriate.*

275 7. *The design of streets shall form a connected system with dimensions*
276 *and speed reasonable to serve the development and adjacent properties and*
277 *roadways, but also to create an environment that is friendly to pedestrians*
278 *and bicycle riders.*

279 8. *Service alleys shall be used throughout the development whenever*
280 *practical, particularly in areas with attached and multiple family dwellings.*
281 *Garbage storage and pick up areas shall be located along alleys where they*
282 *exist. Driveway access may be from the street or an alley, if an alley is*
283 *provided.*

284 9. *Residential neighborhoods and their individual blocks, to the extent*
285 *possible, shall contain a mixture of a variety of house and lot types and sizes*
286 *to strengthen community interactions.*

287 10. *Nonresidential uses in a primarily residential area shall be of a*
288 *character, size, scale and design to compliment a mixed sustainable*
289 *community.*

290

291 **§ 115-136 Permitted Uses.**

292 *In an MPZ, and subject to any conditions of approval imposed upon the MPZ and*
293 *General Master Plan, only those uses that are permitted in the LI-1 Limited*
294 *Industrial District, the L-2 Light Industrial District and the HI-1 Heavy Industrial*
295 *District shall be prohibited. Provided, however, that all non-residential uses shall*
296 *be of a superior design that is consistent with the Purpose and Intent of the MPZ.*
297 *The design and integration shall be reflected in the approved Implementation*
298 *Manual and the General Overall Master Plan.*

299

300 **§ 115-137 Areas Within the MPZ**

301 *In addition to the areas that are primarily residential within the MPZ, the*
302 *following areas are encouraged to facilitate mixed uses and sub-planning within*
303 *the entire MPZ project. Provided, however, that the total acreage set aside for the*
304 *following areas shall not exceed fifty percent (50%) of the entire MPZ:*

305

306 1. *Neighborhood Commercial Area.*

307 *A Neighborhood Commercial Area is optional in an MPZ, subject to the additional*
308 *requirements below. Its purpose is to provide a range of commercial/retail,*
309 *business/office and other non-residential services supportive of the residential*
310 *character of the MPZ. Residential use in the district, including that of upper*

311 *floors, is encouraged. The following design principles shall be reflected in the*
312 *Implementation Manual for the neighborhood commercial area:*

313

314 *A. Building height shall be no greater than fifty (50) feet. Buildings may be*
315 *connected but must retain fire separation. Mixed-use buildings are encouraged.*

316

317 *B. The Neighborhood Commercial Area shall be designed around and shall have*
318 *frontage on an internal main street that connects to the street and road system*
319 *outside of the MPZ. It is preferred that such “main streets” shall become State*
320 *maintained roadways. Buildings within the Area shall be organized in relation to*
321 *this internal main street to create a walkable connection among the different uses*
322 *and buildings.*

323

324 *C. Off-street parking shall be provided in a manner so that it is screened from the*
325 *right of way by buildings, landscaping or other means. Off-street parking shall be*
326 *screened from adjacent non-commercial uses and consideration should be given to*
327 *locating parking to the side or rear of the building. Off-street parking may be*
328 *shared by adjacent uses.*

329

330 *D. Service drives shall be designed and used for loading and trash collection.*

331

332 *E. Public areas for seating, gathering, and public amenities such as fountains,*
333 *amphitheaters, display areas, public art, kiosks, and recreational activity shall be*
334 *integrated into the area.*

335

336 *F. To promote walkability within the MPZ generally and the Neighborhood*
337 *Commercial Area specifically, no restaurants with drive-through service or retail*
338 *uses with drive-through service shall be permitted. Banking services with drive-*
339 *through services shall be permitted.*

340

341 *2. Professional Office, Medical and Financial Area.*

342 *A Professional Office, Medical and Financial Area is optional in the MPZ, subject*
343 *to the additional requirements below. Its purpose is to provide a range of*
344 *professional, medical, and financial office space with the opportunity to*
345 *incorporate a variety of residential uses. Residential use of part of such areas is*
346 *encouraged to make them more active and secure after the workday is over.*

347

348 A. *Building height shall be no greater than fifty (50) feet. Buildings may be*
349 *connected but must retain fire separation and have a distinct connection. Mixed-*
350 *use buildings are encouraged.*

351
352 B. *The Professional Office, Medical, and Financial Area shall be designed*
353 *around a through street or streets which connect to the street and road system*
354 *outside the area and also interconnect within the overall plan. Buildings within the*
355 *Area shall be organized in relation to this internal main street to create a*
356 *walkable connection among the different uses and buildings.*

357
358 C. *Off street parking shall be provided in a manner so that it is screened from*
359 *the right of way by buildings, landscaping or other means. Off street parking shall*
360 *be screened from adjacent noncommercial uses and consideration should be given*
361 *to locating parking to the side or rear of the building. Off street parking may be*
362 *shared among the adjacent uses.*

363
364 D. *Service drives for loading and trash collection are encouraged.*

365
366 E. *Public areas for seating, gathering, and public amenities, such as fountains,*
367 *amphitheaters, display areas, public art, kiosks, and recreational activities, shall*
368 *be integrated into the Area.*

369
370 3. *Civic Area.*
371 *A Civic Area is optional in the MPZ, subject to the additional requirements below.*
372 *Its purpose is to provide a range of civic uses including government buildings,*
373 *education buildings, libraries, meeting halls, museums, recreational facilities,*
374 *places of worship, or other similar cultural, civic or social uses with the*
375 *opportunity to incorporate a variety of residential uses. Residential use of part of*
376 *such areas is encouraged to make them more active and secure after the workday*
377 *is over.*

378
379 A. *The MPZ may have one or more Civic Areas, but the total acreage*
380 *dedicated to the areas shall not exceed ten percent (10%) of the total MPZ.*

381
382 B. *Building height shall be no greater than fifty (50) feet. Buildings may be*
383 *connected but must retain fire separation and have a distinct connection. Mixed-*
384 *use buildings are encouraged.*

385

386 C. *The Civic Area shall be designed around a through street or streets which*
387 *connect to the street system outside the area and also interconnect within the*
388 *overall plan. Buildings within the Area shall be organized in relation to this*
389 *internal main street to create a walkable connection among the different uses and*
390 *buildings.*

391
392 D. *Off street parking shall be provided in a manner so that it is screened from*
393 *the right of way by buildings, landscaping or other means. Off street parking shall*
394 *be screened from adjacent noncommercial uses and consideration should be given*
395 *to locating parking to the side or rear of the building. Off street parking may be*
396 *shared among the adjacent uses.*

397
398 E. *Service drives for loading and trash collection are encouraged.*

399
400 F. *Public areas for seating, gathering, and public amenities, such as fountains,*
401 *amphitheaters, display areas, public art, kiosks, and recreational activities, shall*
402 *be integrated into the Area.*

403
404 **§ 115-138 Master Manual.**

405 A. *The Master Manual, once approved by County Council, shall constitute an*
406 *agreement by the landowner/developer to follow the standards and guidelines*
407 *contained therein during the design, construction and maintenance of land*
408 *developed according to this Article. The Master Manual also establishes the*
409 *nature and identity of the community for potential future residents prior to its*
410 *completion. The Master Manual addresses a series of items pertaining to the*
411 *physical character of the MPZ development.*

412
413 B. *The Master Manual shall consist of a brief written and graphic description*
414 *of the landowner/developer's proposed approach to the MPZ as a whole and it*
415 *shall address the Areas and types of uses set forth in Section 115-137. The*
416 *architectural, lighting, signage and landscape examples may be vignettes of styles*
417 *with graphic and narrative descriptions for this submission. The purpose of the*
418 *Master Manual is to insure that the owner/developer gives adequate thought to the*
419 *nature of a MPZ designation and understands the impacts of such a designation*
420 *on site development; and it provides a way for the County to be involved early in*
421 *the planning process to confirm that the Purpose and Intent of this Article will be*
422 *followed.*

423

424 C. *The Master Manual shall address the items listed in Section 115-135*
425 *“Design and Development Principles and Standards” through evidence of*
426 *substantive research and physical guidelines. The extensive use of photographs,*
427 *drawings and other graphic methods is strongly encouraged. The results of this*
428 *work may be organized in a manner that best represents the*
429 *landowner/developer's intent as long as all the items are substantively addressed.*

430

431 D. *The following items are required to be included in the Master Manual:*

432

433 1. *Nearby developed precedents - a discussion and illustration of local*
434 *and regional precedents in the design of the County's existing*
435 *neighborhoods, communities, buildings, and landscape and how they will be*
436 *reflected in the proposed development.*

437

438 2. *Existing natural features – plans showing existing natural features*
439 *including topography, soils, wetlands, drainage, vegetation and any*
440 *potential limitations on development as a result of these features.*

441

442 3. *Circulation and transportation - classification and illustration of a*
443 *system of roads, streets, alleys, parking areas and pedestrian and bicycle*
444 *routes that creates an integrated network serving the MPZ development and*
445 *links it to adjacent areas. Detailed design standards and illustrations for*
446 *each component of the system are required. A plan of the circulation*
447 *systems shall be included along with a Master Transportation Plan*
448 *approved by DelDOT.*

449

450 4. *Uses – an overall program of uses showing general use locations and*
451 *the locations of Neighborhood Commercial Areas, Professional Office,*
452 *Medical and Financial Areas and Civic Areas and the acreage or square*
453 *footage of each type of use or Area.*

454

455 5. *Building lots - a classification and illustration of the full range of*
456 *proposed lot types, sizes and setbacks, locations of potential accessory*
457 *buildings, and access by auto and foot. A plan of their location throughout*
458 *the development shall be included.*

459

460 6. *Density – the total residential density of the entire MPZ, in*
461 *accordance with the Spatial Distribution Plan.*

462

- 463 7. *Housing Types - The housing types, broken down by area within the*
464 *MPZ as appropriate.*
465
- 466 8. *Buildings - a classification of the full range of buildings, residential,*
467 *commercial, office or mixed, to be constructed including detailed guidelines*
468 *addressing their architectural character and essential required elements,*
469 *such as size, height, composition and massing, windows, doors, porches,*
470 *roof design, fenestration, and all materials. A plan of their location by use*
471 *type throughout the development shall be included.*
472
- 473 9. *Accessory structures - detailed design guidelines for accessory*
474 *structures including, but not limited to, fences, sheds, pools, garages,*
475 *gazebos shall be included and compatible with the MPZ design principles.*
476
- 477 10. *Open spaces - a classification of a system of landscaped open spaces*
478 *(in addition to private yards) with a plan of the network created by the open*
479 *spaces and pedestrian and bicycle circulation systems.*
480
- 481 11. *Landscape design - a palette of hard (paving) and plant materials*
482 *along with street furniture, major focal elements and ornamentation shall be*
483 *provided. These shall be located on a plan of the development. Details of*
484 *plant species and hard materials shall be included.*
485
- 486 12. *Stormwater management – a preliminary design of anticipated*
487 *stormwater management areas.*
488
- 489 13. *Lighting design - placement of public and private lighting throughout*
490 *the development and design of the lighting fixtures, globes, illumination*
491 *patterns and intensities.*
492
- 493 14. *Signage – a preliminary design including the typical size, type, height*
494 *and placement of all sign for public and private uses within the MPZ.*
495
- 496 15. *Coastal Area – if the MPZ is within the Coastal Area, the Master*
497 *Manual shall include the information required by Section 115-134B.(2).*
498
- 499 15. *Application and administration - a presentation of the manner in*
500 *which the Master Manual requirements and guidelines will be administered*
501 *and enforced on behalf of the developer. The roles and responsibilities of*

502 *the developer, builders and homeowners and/or homeowners' association in*
503 *overall administration of the Manual's requirements shall be addressed.*

504

505 *16. Sussex County Engineer Approval – the approval by the Sussex*
506 *County Engineer of the street, sidewalk and drainage designs to be utilized*
507 *in the MPZ.*

508

509 **§ 115-139 Procedure.**

510 *An application for rezoning of a land area to an MPZ shall be required to obtain*
511 *approvals as follows:*

512 *A. Application for an MPZ rezoning and General Overall Master Plan review.*
513 *After an application is received, but prior to any further action being taken with*
514 *regard to it, the applicant shall meet with the Director and the County Engineer*
515 *for a preliminary review of the MPZ and the General Overall Master Plan and the*
516 *Master Manual for compliance with the Design and Development Principles and*
517 *Standards of Section 115-135, the requirements of Section 115-138, the other*
518 *requirements and guidelines of this Article, and incorporating their land planning*
519 *experience and technical knowledge. This shall be a collaborative effort to refine*
520 *the application and design of the MPZ.*

521 *Thereafter, each application for a rezoning to an MPZ shall be heard by the*
522 *Planning Commission for a recommendation to the County Council, which will*
523 *make the final action on the MPZ, the General Overall Master Plan and the*
524 *Master Manual. The Commission may recommend, and County Council may*
525 *impose, conditions upon the MPZ Zoning and/or the approval of the General*
526 *Overall Master Plan and Master Manual.*

527 *The application for rezoning to a MPZ shall include, in addition to the Eligibility*
528 *Requirements of Section 115-134, the following:*

529 *1. A narrative on the nature of the applicant's interest in the*
530 *development;*

531 *2. A narrative explaining the manner in which the application conforms*
532 *to the Purpose and Intent of this Article;*

533 *3. The development team involved in the proposed development;*

534 *4. A General Overall Master Plan; and*

535 *5. A narrative Master Manual;*

536 *B. Application for Implementation Plan Review. After an MPZ, General Overall*
537 *Master Plan and Master Manual is approved by County Council, the Commission*
538 *shall review the MPZ Implementation Plan and Implementation Manual. The*
539 *Implementation Plan and Implementation Manual shall abide by and match the*
540 *approved General Overall Master Plan and the Master Manual incorporated*
541 *therein. The submission for the individual Areas as described in Section 115-137*
542 *may be considered separately by the Commission. The Director shall determine*
543 *whether any Implementation Plan and Implementation Manual submitted meet the*
544 *minimum requirements of this Article and Section, including but not limited to the*
545 *requirements, elements and principles of the General Overall Master Plan, the*
546 *Master Manual and the Comprehensive Plan prior to submitting the application to*
547 *the Commission for review. The Commission may approve the Implementation*
548 *Plan and the Implementation Manual once it has determined that they meet the*
549 *purpose and intent of this Article and Chapter and the approved General Overall*
550 *Master Plan.*

551 *All elements of any Implementation Plan shall include the following:*

- 552 *1. The Implementation Manual.*
- 553 *2. Detailed plans of existing natural features showing topography, soils,*
554 *drainage and vegetation.*
- 555 *3. Detailed plans of the proposed building locations, actual street, road*
556 *and transportation networks, parking areas with counts, recreation and*
557 *open space with area calculations, stormwater management and a phasing*
558 *plan.*
- 559 *4. Final program of uses including building footprints for*
560 *commercial/office uses and buildable envelope for residential portions,*
561 *building height, and total square feet by use and housing type.*
- 562 *5. The proposed development pattern, materials, dimensions and*
563 *architectural styles as shown in the Master Manual.*

564 *Once approved, the Implementation Plan shall be considered as an approved*
565 *Preliminary Site Plan in accordance with Sections 115-220 and Chapter 99, as*
566 *appropriate.*

567 *C. Action Following Implementation Plan Approval. Following*
568 *Implementation Plan approval, the Director shall perform an administrative*
569 *review of subsequent Final Site Development Plans for compliance with the*
570 *approved Implementation Plan in accordance with the following:*

571 1. *Site development plan: the approval of Final Site Development Plans*
572 *for areas or phases within the MPZ shall adhere to the Final Site Plan*
573 *process and requirements set forth in Section 115-221.*

574 2. *Implementation Plan amendments: The Director will entertain only*
575 *minor, clarifying amendments to the plans or the Master Manual in*
576 *considering a Final Site Development Plan. Minor amendments may*
577 *include, but are not limited to, the addition of a material for landscaping,*
578 *adjustments to the specific street or alley placement of less than 50 feet, or*
579 *change in location of structures in an active recreation space. Any major*
580 *amendments, as determined by the Director, will be required to be approved*
581 *by the Planning Commission. Provided, however, that amendments that are*
582 *inconsistent with the approved MPZ, General Overall Master Plan and*
583 *Master Manual shall require an amendment to both following a public*
584 *hearing before the Commission and County Council.*

585 3. *The development of the site in accordance with the Implementation*
586 *Plan and Final Site Development Plan shall be subject to all applicable*
587 *bonding requirements set forth in Chapters 99 and 115.*

588 4. *The approved Implementation Plan and Final Site Development Plan*
589 *shall be rendered null and void if substantial construction is not commenced*
590 *thereon within five years of the approval thereof.*

591
592 **§ 115-140. (Reserved).**

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 13, 2023

RE: County Council Report for Ord. 23-06 relating to Through Lots

On August 29, 2023, the County Council introduced an Ordinance to amend the Code of Sussex County to better define the yard setbacks for Through Lots where a lot has frontages onto two roughly parallel streets.

The Planning & Zoning Commission held a Public Hearing on the application on September 14, 2023. At the meeting of September 28, 2023, the Planning & Zoning Commission recommended the adoption of the Ordinance for the reasons as outlined within the motion and subject to recommended revisions (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of September 14, 2023, and September 28, 2023.

Minutes of the September 14, 2023, Planning & Zoning Commission Meeting

Ord. 23-06 (Through Lots)

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, SECTION 115-4 "DEFINITIONS" OF THE CODE OF SUSSEX COUNTY REGARDING "YARD, FRONT" AND "YARD, REAR" OF THROUGH LOTS, AND CHAPTER 115, SECTION 115-183 "SIDE AND REAR YARDS."

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Ordinance as it was originally introduced to County Council earlier in the year, and a copy of the Ordinance as it was re-introduced to County Council at their meeting of August 29th, 2023, adding some additional text to the short title, which made reference to Chapter 115-183 for Side and Rear Yards and one



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

comment letter, received the day of the public hearing, which was placed in the Commission's Paperless Packet in the mid-afternoon that day.

Mr. Whitehouse stated the Ordinance relates to the Bulk and Area requirements, being the form base coding aspect of the Code; that when you have an existing parcel that is located between two perpendicular roads, the Code states that the parcel shall have two front yard setbacks; that what staff had noticed was that residents were building a dwelling on the parcel, but subsequently discover they cannot have a pool, shed or even a certain height of fence; that due to this, staff see a lot of variance applications being submitted for the Board of Adjustment; that most of these applications are approved; that staff wanted to amend the Code to allow some relief, but without removing Through Lot protection entirely; that the goal of the Ordinance is to allow some accessory structures to be permitted within the front yard; that between Lines 51 and 54, it states that except for accessory structures and structures subject to §115-185, which are 22 ft. in height, the requirement for the Through Lot shall operate; that the Ordinance creates a mechanism that if a property owner wants a pool or an accessory structure, it would be permitted, subject to being no greater than 22 ft. in height; that additionally the Code states, that if the property owner takes advantage of this, they would not be permitted to use the Small Lot Ordinance; that the Small Lot Ordinance permits for five foot setbacks; that the Ordinance and the Ordinance was drafted to be limited to accessory buildings and structures; that the Commission may want to go further, to allow projections or additions of the dwelling.

Mr. Mears questioned how the County interprets which side of the property is the front yard.

Mr. Whitehouse stated within the definitions, in Lines 28 through 31 for the front, there is an existing definition for what a Through Lot is; that it states in the case of a Through Lot, the required front yard adjacent to the street which serves as the street address for the lot, shall function as the front yard; that it then goes on in Lines 34 through 40 to say that the rear yard definition in Code is amended; that it states the amendment adds, *provided, however, that in the case of a through lot, the yard opposite from the street serving as the street address of the lot shall function as the rear yard, subject to §115-183 and §115-185*, and they have achieved the goal of the Ordinance through change the definitions.

Mr. Robertson stated that if the Commission would consider an older subdivision, where the driveway is on the subdivision's internal street, and the backyard is adjacent to a County road; that the front yard is going to be located where the driveway and the 911 address is, and the backyard will be located along the County road because there is no access to that road; that by the current Zoning Code, the property would have two frontages because it is located along two streets, even though no one considers it this way; that the through lot issues often cause a back up in the Board of Adjustment's schedule with Variance applications, and the proposed Code change will eliminate the issue.

The Commission found that no one wished to speak in support of or in opposition to the Ordinance Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

In relation to Ord. 23-06 regarding Through Lots. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

Minutes of the September 28, 2023, Planning & Zoning Commission Meeting

The Commission discussed this Ordinance, which had been deferred since September 14, 2023.

Mr. Collins moved that the Commission recommend approval of Ordinance No. 23-06 regarding “Through Lots” for the following reasons and with the following recommendation:

1. This Ordinance will update the Zoning Code to reduce the need for variances where a lot has a primary frontage on one street, but is also adjacent to a street or road along its rear boundary. The way the Code is currently written, even though it can be clear how a lot is oriented and what are considered its “front” and “rear”, the fact that it actually has frontage on two streets technically means that it must have two front yards and therefore two front yard setback calculations. This adversely impacts many lots, making it difficult to construct improvements upon them without a variance from the Board of Adjustment. Historically, these variances are routinely granted by the Board of Adjustment. For this reason, this Code update is appropriate to eliminate unnecessary variances.
2. When originally introduced, the ordinance stated that the commonly accepted rear yard of a through lot was treated as a rear yard for setback purposes under the Zoning Code. A revised ordinance was subsequently introduced to limit the application of the rear yard treatment for certain types of structures and in “small lot” situations governed by Section 115-115-183(d). Upon further review, those situations are very limited throughout the County and undermine the overall applicability and usefulness of the ordinance as originally introduced. For that reason, it is recommended that Section 2, Lines 49-61 be deleted, so that Section 115-183E “Side and Rear Yards” now states as follows: *“E. On all Through Lots, the yard opposite from the street serving as the street address of the lot shall function as the rear yard. Except for fences, walls or other similar means of enclosure not more than 7 feet in height, no buildings or structures shall be located within a distance of 15 feet from the street line of the rear yard of a through lot”*

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend adoption of the Ordinance, for the reasons and recommended changes as stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Collins – yea, Mr. Mears – yea, Ms. Wingate – yea, Chairman Wheatley - yea

1 **AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, SECTION 115-**
2 **4 “DEFINITIONS” OF THE CODE OF SUSSEX COUNTY REGARDING**
3 **“YARD, FRONT” AND “YARD, REAR” OF THROUGH LOTS, AND**
4 **CHAPTER 115, SECTION 115-183 “SIDE AND REAR YARDS”**

5 WHEREAS, The Sussex County Zoning Code currently defines “Through Lots”,
6 but does not adequately define the area of such “Through Lot” that must be
7 considered the front or rear yard of such a lot; and

8 WHEREAS, As a result of the uncertainty in the Code as to Through Lots, they often
9 require a determination from the Sussex County Board of Adjustment; and

10 WHEREAS, As a result of the volume of Board of Adjustment applications resulting
11 from Through-Lots and the necessity to determine the front yard and rear yard of
12 them, Sussex County Council has determined that it is appropriate to amend the
13 Zoning Code of Sussex County to add clarity and uniformity to the treatment of
14 “Through Lots” and the determination of the front and rear yards within them; and

15 WHEREAS, this amendment protects the health, safety and welfare of Sussex
16 County and its residents by clarifying the Code of Sussex County as it pertains to
17 “Through Lots” and their front and rear yards.

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

19 **Section 1. The Code of Sussex County, Chapter 115, Section 115-4 “Definitions**
20 **and Word Usage”, “Yard, Front”, and “Yard, Rear” is amended by deleting**
21 **the language in brackets and inserting therein the italicized language:**

22 **§115-4 Definitions and Word Usage**

23 ...

24 **B.**

25 General definitions. For the purpose of this chapter, certain terms and words are
26 hereby defined as follows:

27 ...

28 **YARD, FRONT**

29 A yard extending between the side lot lines and being the minimum horizontal
30 distance between the street line, or other officially approved front line, and the main
31 building or any projections thereof. *Provided, however, that in the case of a Through*

32 *Lot, the required front yard adjacent to the street serving as the street address of the*
33 *lot shall function as the front yard.*

34 **YARD, REAR**

35 A yard extending across the rear of the lot between the side lot lines and measured
36 between the rear lot line and the rear of the main building or any projection, other
37 than steps, unenclosed porches, or entryways. *Provided, however, that in the case*
38 *of a Through Lot, the yard opposite from the street serving as the street address of*
39 *the lot shall function as the rear yard subject Sections 115-183 and 115-185 of this*
40 *Chapter.*

41

42 **Section 2. The Code of Sussex County, Chapter 115, Section 115-183 “Side and**
43 **Rear Yards” is amended by adding a new Subsection E therein as shown in the**
44 **italicized language:**

45

46 §115-183 Side and Rear Yards

47 . . .

48 *E. On all Through Lots, the yard opposite for the street serving as the street*
49 *address of the lot shall function as the rear yard and the rear yard of a through lot*
50 *shall be subject to the following requirements:*

51 *(1) Except for accessory buildings and structures subject to §115-*
52 *185 of this Article and which are 22 feet in height or less, the setback*
53 *requirement for the rear yard of a through lot shall be the same as the*
54 *setback requirement for the front yard of a through lot.*

55 *(2) The provisions of §115-183(c) of this Article do not apply to the*
56 *rear yard of a through lot. Open unenclosed decks, porches, platforms,*
57 *or steps not covered by a roof or canopy and which do not extend above*
58 *the first floor of the building may extend or project into the rear yard*
59 *of a through lot by no more than five feet.*

60 *(3) The provisions of §115-183(d) of this Article that reduce the rear*
61 *yard setback requirements shall not apply.*

62

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Sussex County

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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 13, 2023

RE: County Council Report for C/Z 2015 filed on behalf of G&M Route 24, LLC

The Planning and Zoning Department received an application (C/Z 2015 filed on behalf of G&M Route 24, LLC) for a change of zone from an AR-1 Agricultural Residential District to I-1 Institutional Zoning District for Tax Parcel 334-12.00-57.11. The property is located on the south side of Turquoise Lane and the east side of Healthy Way, approximately 900 feet southeast from the intersection of John J. Williams Hwy (Rt. 24). The parcel size is 12.44 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 14, 2023. At the meeting of September 28, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of September 14, 2023, and September 28, 2023.

Minutes of the September 14, 2023, Planning & Zoning Commission Meeting

C/Z 2015 G&M Route 24, LLC - A Delaware Limited Liability Company and/or Its Assigns AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.44 ACRES, MORE OR LESS. The property is lying on the south side of Turquoise Lane, and the east side of Healthy Way; approximately 900 feet southeast from the intersection of John J. Williams Hwy. (Route 24) and Lexus Lane. 911 Address: N/A. Tax Map Parcel: 334-12.00-57.11.



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

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's Exhibit Booklet, the Preliminary Site Plan, the Staff Analysis, letters received from the Applicant, the DelDOT Service Level Evaluation Response, and a letter from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse stated that one letter of support, no letters in opposition, and three mail returns were received for the Application.

The Commission found that Ms. Mackenzie Peet, Esq., with Saul Ewing, LLP, spoke on behalf of the Applicant, G&M Route 24, LLC; that also present were Mr. Michael Glick, representative of the Developer, Mr. Bruce Leshme, General Counsel for Beebe Medical, Mr. Mike Fiore, Administrative Director for Lewes Surgery Center (the anticipated tenant), Mr. Jamie Sechler, Professional Engineer with Davis, Bowen & Friedel, Inc., and Ms. Lauren Townsend, Landscape Designer for the Developer. Ms. Peet stated that Beebe Medical Center, Inc. is the record owner for the property; that the Applicant submitted the application on June 8, 2023, accompanied by a request to expedite; that the Application intended to deliver much-needed medical and office space to accommodate an ambulatory surgical center; that to allow this intended use, the Applicant seeks to rezone the 12.44-acre parcel from AR-1 (Agricultural Residential) to I-1 (Institutional); that Exhibit E contains the concept plan for the proposed development; that the plan reflects the proposed development of two approximately 60,000 sq. ft. medical and professional office buildings to be laid out as a medical office complex; that the plan notes the availability of public water and sewer; that the conceptual plans reflect the two proposed office buildings, with ample and Code compliant parking, contemplated plantings and landscape buffer proposed to the adjacent residential uses; that the intention is to develop the project in two phases; that the first phase is to include the development of the first building, which will accommodate space for the anticipated Lewes Surgery Center; that thereafter, the second phase will develop a similar professional medical office; that ambulatory surgery centers (ASC's), offer more cost-effective healthcare solutions than traditional hospital systems; that this results in reduced medical expenses for patients, shorter wait times, and increased accessibility for patients in need of specialized medical procedures; that Lewes Surgery Center (LSC) provided a letter of support, as did Beebe Medical Center, both of which in part emphasized Lewes Surgery Center's need for more space, because of its average utilization of 93% to 99%, its desire to expand its services in a location central to Lewes and Rehoboth, but also to allow for the ability to serve a larger region in Milton and Georgetown; that the site offered an attractiveness due to its proximity to other healthcare providers; that the end user of the second builder is currently unknown; that should the demand change, the idea is for the second building to be used for another permitted use in the I-1 District; that on September 1, 2023, the Applicant submitted a Supplemental Exhibit Packet with Exhibit G and the surrounding conditions map reflecting surrounding uses, which included other institutional uses; that nearby residential developments are Sterling Crossing, Arbor Landing and Seaglass at Rehoboth, as well as many other institutional and commercial uses as well; that the exhibit contains the 2020 State Strategies Map, confirming the presence of the property in Investment Level 1 & 2 as provided in the Comprehensive Plan; that it is the State's intent to use its spending and management tools in both areas, and specifically to maintain and enhance community character to promote well designed and efficient new growth, and to facilitate redevelopment in Investment Level 1 areas, and to promote well designed development in Investment Level 2 areas; that the County's Future Land Use Map also confirmed the Future Land Use designation as Commercial; that the map also reflects the site's location as being adjacent to other properties zoned Commercial and Coastal Area; that the site is located adjacent to properties zoned AR-1 (Agricultural Residential), GR (General Residential), CR-1 (Commercial Residential), and I-1 (Institutional); that the site is not located within any Wellhead Protection Areas or Excellent Groundwater Recharge Areas; that Exhibit 2 contact the department's review letter of the DelDOT Service Level Evaluation Request; that the letter explains the proposed use and site are

located within the Henlopen Transportation District (Henlopen TID); that the Applicant will be required to participate in the Henlopen TID; that within §115-83.4 it lists the permitted uses for the I-1 (Institutional) District; that this section confirms the intended surgical center and related uses are permitted as a matter of right; that the purpose of the I-1 District is; “*to recognize the public, quasi-public and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future development, and to ensure that the public, quasi-public, and institutional structures and developments in the district will be compatible with surrounding districts and uses.*”; that the proposed use is consistent with the purpose of I-1 and proposing permitted uses for ultimate operation on the site, subject to the approval of the requested Change of Zone and site plan approval; that all proposed uses, both institutional and commercial, will be compatible with the districts nearby, that support similar and complementary institutional uses; that the proposed rezoning and the proposed use are supported by, and are consistent with the County’s Comprehensive Plan; that the County’s 2045 Future Land Use Map identifies the property as being within the Commercial Area; that the requested Zoning Map Amendment is to the Institutional District, which is an applicable Zoning District in the Commercial Area; that the Commercial Area is a growth area, where the Comprehensive Plan encourages the County’s most concentrated forms of new development, including higher density residential development and most commercial development; that as the plan provides, Commercial Areas include concentrations of retail and services uses that are mainly located along arterials and highways, which is consistent with the site, being proposed off Rt. 24 and near Rt. 1; that the plan provides the institutional and commercial uses, like that proposed, may be appropriate depending on the surrounding uses; that the surrounding area has pre-existing institutional and commercial uses, making the proposed use, subject to the zoning change, appropriate and consistent with the surrounding uses; that Chapter 9 of the Plan, “Economic Development”, identifies the healthcare sector as a leading employment sector in the County; that the plan recognizes it as one of the fastest growing sectors in the County, especially considering the County’s aging population, and the present and continued need to provide healthcare services to Sussex County residents, and to remain competitive in the healthcare industry; that the development of the medical center campus will generate numerous new skilled job opportunities for skilled professionals in Sussex County, and within the letter provided by the Lewes Surgery Center, it states that the ability to provide for more space will allow for the credentialing of surgeons in the community, being a benefit to the present and future residents of Sussex County.

The Commission found that Mr. Bruce Leshme, General Counsel & Chief Legal Office for Beebe Healthcare, spoke on behalf of the Application. Mr. Leshme stated that he had been with Beebe Healthcare for 10 years, and currently resides in Lewes; that the site is the remaining parcel from land purchased in 1998 and 2000; that at the time the parcel consisted of approximately 34 acres; that the proposed project would be the third and final phase of the site’s development; that the land currently hosts their Bookhammer Outpatient Center, which is the one-story building, facing Rt. 24; that this is the location of the Beebe Outpatient Surgery Center, laboratory services, imaging services, and recently opened, Breast Health Center; that in addition, the land also hosts the Rehoboth Medical Arts Building, which sits between the Bookhammer building and Healthy Way; that the Rehoboth Medical Arts Building is a three-story building; that the Tunnell Cancer Center occupies the entire first floor; that the second and third floors are occupied by various physician offices, and medical offices; that some of the office are for Beebe practices and others are for independent practices; that proposed for this final phase is two 60,000 sq. ft. buildings; that each building will be three stories; that they intend for the Lewes Surgery Center to relocate from its current location in Lewes to the first floor of one of the proposed buildings; that they intend to occupy the second and third floors with Beebe medical offices, and adjacent to the site, Beebe has recently opened their specialty surgical hospital, which is located on a 20-acre parcel, facing Warrington Rd.

The Commission found that Mr. Mike Fiore, Administrative Director for Lewes Surgery Center, spoke on behalf of the Application and strictly to the needs of the center. Mr. Fiore stated the center opened in 2006; that between 2006 and 2017, the center stayed in approximately 80% utilization; that between 2017 and 2022, the center exceeded 90% utilization; that the center is now to the point where, the center consistently remains between 93% and 99% utilization; that during a recent board meeting for the Lewes Surgery Center, six out of the 13 surgeons who operated in August, exceeded 100%; that this means the surgeons are exceeding their blocked time to accommodate patients, due to their need and because they cannot be pushed out any further; that the opportunity is a unique opportunity for Lewes Surgery Center to work in concert with Beebe, because of RSH, previously mentioned by Mr. Leshme; that it would be a huge benefit to the community and their patients, to have a surgical facility at that location; that with the accommodations of the space, it will allow them to meet the need; that currently the practice is a multi-specialty surgical center; that they have ophthalmic, pain management, general surgery, plastics, and orthopedics; that the orthopedic practice will be added four new surgeons in 2023; that two additional surgeons have been added to the Lewes community, and are very much needed; that they have other specialties, such as GI [Gastrointestinal] and OBGYN [Obstetrics & Gynecology] within the community; that those specialties are not located currently at the center; that they have existing surgeons who have been credentialed, and they are attempting to find accommodation for time; that they have a waiting list of five additional community surgeons, who are requesting time, but they unfortunately had to deny them; that they must expand the center, either by hours, which is not beneficial for the ASC or the patients, and their goal is to expand the current space to accommodate the utilization that they are currently experiencing and will continue to have.

Ms. Peet stated that to conclude the Applicant is seeking to rezone the property from AR-1 (Agricultural Residential) to I-1 (Institutional); that if the rezoning request were approved, the site would operate as an ambulatory surgery center and would provide much-needed healthcare services to present and future Sussex County residents.

Mr. Collins questioned how quickly the development could begin, and stated if approved, the Commission would take into consideration potential concerns about adjoining residential developments.

Ms. Peet stated she understood the Commission would want to see buffering; that they had conceptually proposed down-screened lighting; that all of those concerns would be taken into consideration and the earliest the development could begin would be as soon as they could deliver to market.

Ms. Wingate stated she feels that everyone knows what the current need is; that her niece is a doctor at Beebe and she has heard of the need first-hand.

The Commission found that no one wished to speak in support of or in opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

In relation to C/Z 2015 G&M Route 24, LLC – A Delaware Limited Liability Company and/or Its Assigns. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the September 28, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since September 14, 2023.

Mr. Collins moved that the Commission recommend approval of C/Z 2015 G&M Route 24, LLC for a change in zone from AR-1 to I-1 Institutional based on the record made during the public hearing and for the following reasons:

1. This is a change of zone for the I-1 Zoning District. The I-1 Zoning District has permitted uses that focus on healthcare and institutional uses.
2. The rezoning is consistent with the stated purpose of the I-1 District, which is to allow public, quasi-public, and institutional uses to occur on properties that are compatible with surrounding districts and uses. There are properties nearby that are zoned AR-1, GR, CR-1, and other I-1 zoned land. This property is also located along the Route 24 corridor in the vicinity of Route One. The purpose of the I-1 zoning and the permitted uses within the I-1 district are consistent with this area.
3. There was testimony in the record that there is currently a need for additional healthcare facilities in this area of Sussex County, and particularly a surgery center of the type planned for this location.
4. The rezoning will not adversely affect neighboring properties, public facilities, traffic, or area roadways. In fact, it is the continuation of the development of the existing Beebe Healthcare campus where this property is located. This is the third and final phase of this healthcare campus. The expansion of medical services at this location in an area where residential growth is occurring will reduce the need for the public to travel further afield for medical care on the County's road network.
5. The site is located within the Beebe Healthcare campus with multiple points of access including Route 24 and Warrington Road as well as the rear of Rehoboth Mall. This location will provide convenient access to the public uses permitted under the I-1 zone.
6. The property is served by central water and sewer.
7. The rezoning to I-1 promotes the health, safety, and general welfare of Sussex County and its present and future residents by providing a convenient location for needed medical office space.
8. Any further development of this site will require site plan review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Mears and carried unanimously to recommend approval of C/Z 2015 G&M Route 24, LLC – A Delaware Limited Liability Company and/or Its Assigns for the reasons stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Collins: Yea, Mr. Mears: Yea, Ms. Wingate: Yea, Chairman Wheatley: Yea.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
BRIAN BUTLER
GREGORY SCOTT COLLINS
J. BRUCE MEARS
HOLLY WINGATE



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JAMIE WHITEHOUSE
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 14th, 2023

Application: C/Z 2015 G&M Route 24, LLC

Applicant: G&M Route 24, LLC (a Delaware limited liability company)
859 Golf Links Lane
Magnolia, DE 19962

Owner: Beebe Medical Center, Inc. (c/o Mr. Bruce Leshine, General Counsel)
431 Savannah Road, Building "C"
Lewes, DE 19958

Site Location: The property is lying on the south side of Turquoise Lane and the east side of Healthy Way, approximately 0.18 mile southeast of the intersection of John J. Williams Highway (Route 24) and Lexus Lane.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Institutional (I-1) District

Proposed Use: Zoning Change to more appropriately facilitate/accommodate a new ambulatory center & medical office building on Beebe's existing Rehoboth Beach Campus.

Future Land Use Map Designation: Commercial Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Company/District

Sewer: Sussex County Unified Sanitary Sewer District (Tier 1)

Water: Tidewater

Site Area: 12.44 acres +/-

Tax Map ID: 334-12.00-57.11



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Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, AICP Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: September 8th, 2023
RE: Staff Analysis for C/Z 2015 G&M Route 24, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of the Application for Change of Zone No. 2015 G&M Route 24, LLC to be reviewed during the September 14th, 2023, 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 Change of Zone for 334-12.00-57.11 from Agricultural Residential (AR-1) District to an Institutional (I-1) District. The property is located on the south side of Turquoise Lane and the east side of Healthy Way, approximately 900-ft. southeast of the intersection of John J. Williams Highway (Route 24) and Lexus Lane. The parcel is comprised of a total area of 12.44 acres +/- . Specifically, the Zoning Change is proposed to more appropriately facilitate/accommodate a future new ambulatory surgery center and 60,000 square foot +/- medical office building on Beebe's existing Rehoboth Beach Campus.

Further Site Considerations

Staff note that the subject property is located within Flood Zone "X" – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.

The property is also located in the Henlopen Transportation Improvement District (TID) and is subject to any provisions (including payment of any related fees) outlined within this District as part of a separate TID Agreement required by the Delaware Department of Transportation (DelDOT).

The County's Online Mapping System indicates that a small portion of the southeastern end of the property is located within a Wellhead Protection Area as outlined in Chapter 89 "Source Water Protection" §89-6 of the Sussex County Code.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Growth Area designation of "Commercial Area."



The Comprehensive Plan notes that Commercial Areas are emerging growth areas which “include concentrations of retail and service uses that are mainly located along arterials, and highways,” and “include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic” (2018 Sussex County Comprehensive Plan, 4-17). The Plan also notes, “Institutional and commercial uses may be appropriate [in these areas] depending on surrounding uses” (2018 Sussex County Comprehensive Plan, 4-17).

Zoning Information

The subject parcel is zoned Agricultural Residential (AR-1) District. The adjacent properties to the northwest side (on the opposite side of Healthy Way) and southeast side of the subject property to consist of the neighboring Sterling Crossing Subdivision are also zoned Agricultural Residential (AR-1) District.

The property immediately to the north of the parcel and on the north side of Turquoise Lane is zoned Commercial Residential (CR-1) District and consists of the Seaglass at Rehoboth multifamily project. The adjacent property to the southwest of the proposal is zoned Medium Density Residential (MR) District and is part of the Arbor Lyn multifamily development. It is worth noting that there is a parcel immediately to the northwest of the subject property which has already been rezoned to Institutional (I-1) District and is also a part of the Beebe Rehoboth Campus.

Applicability to Comprehensive Plan

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Institutional (I-1) Zoning District is listed as an applicable zoning district in the Commercial Area (Sussex County Comprehensive Plan, 4-25).

Changes of Zone Applications within the Vicinity of the Subject Site

Change of Zone Applications (w/in a 210-ft radius of the subject site)*								
Application Number	Applicant Name	Previous Zoning	Proposed Zoning	P&Z Date	P&Z Recommendation	CC Date	CC Decision	Ordinance No.
C/Z 1732	Herola Family, LLC & Artisan's Bank	AR-1	CR-1	8/23/2013	Recommended Approval	8/23/2013	Approved	2318
C/Z 1780	Lockwood Design	AR-1	HR-1-RPC	9/24/2015	Recommended Denial	9/22/2015	N/A	Application Withdrawn on 11/17/2015
C/Z 1796	Lockwood Design & Construction	AR-1	MR	4/14/2016	Recommended Approval	9/20/2016	Approved	2462
C/Z 1853	Beebe Healthcare	AR-1	I-1	8/9/2018	Recommended Approval	9/11/2018	Approved	2597

There have been several Change of Zone Applications within a one (1) mile radius of the Application site.

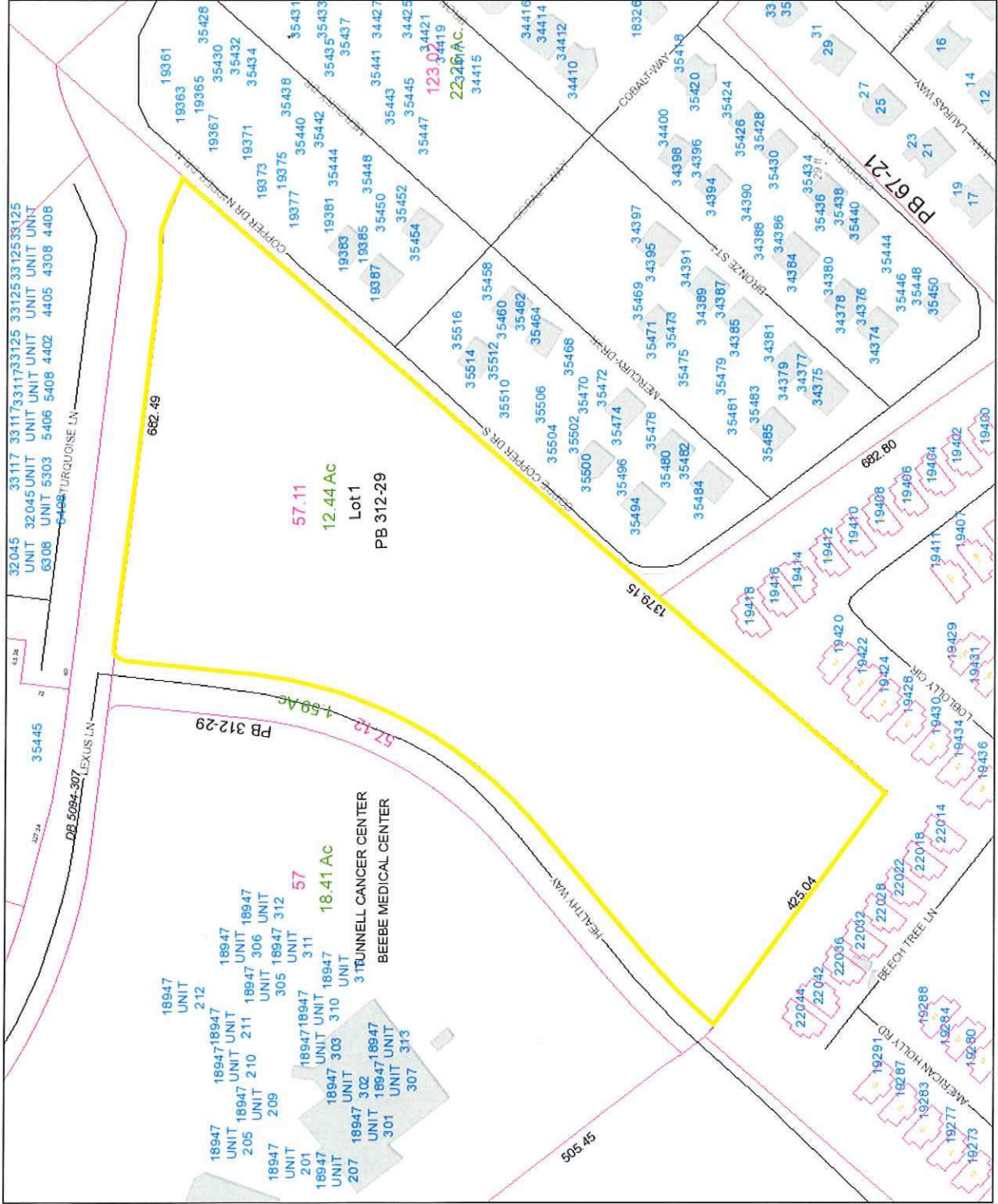
Of the four (4) Change of Zone Applications within a 210-ft radius of the Application site, three (3) Applications were approved. These Applications were C/Z 1732 Herola Family, LLC & Artisan's Bank, C/Z 1796 Lockwood Design & Construction and C/Z 1853 Beebe Healthcare.

One (1) of the four (4) Change of Zone Applications was recommended denial by the Planning and Zoning Commission and was subsequently withdrawn on 11/17/2015. This Application was C/Z 1780 Lockwood Design for a rezoning from an Agricultural Residential (AR-1) District to a High-Density Residential, Residential Planned Community (HR-1-RPC).

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to Institutional (I-1) District for the development of medical and professional office buildings on this site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



Sussex County



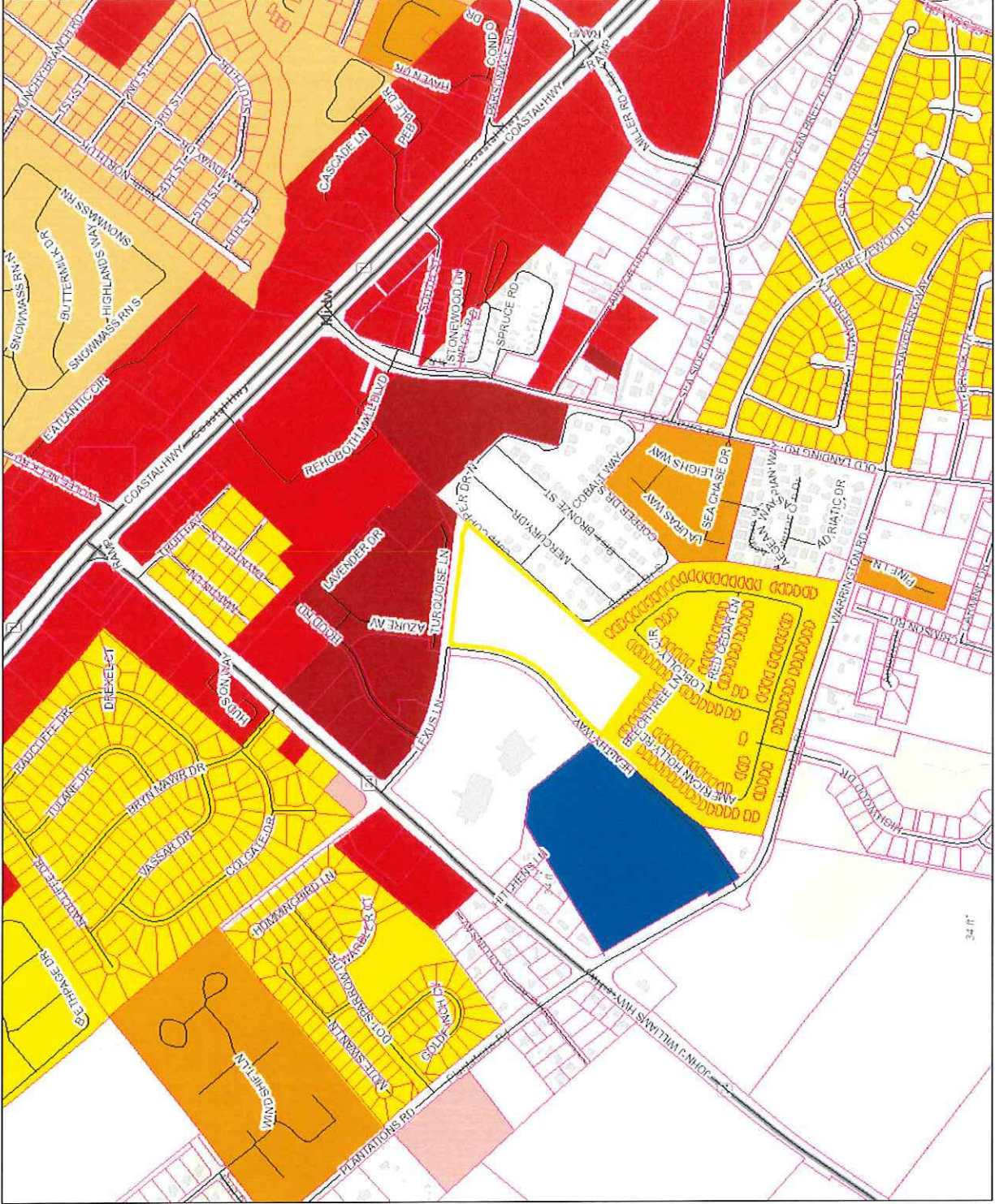
PIN:	334-12.00-57.11
Owner Name	BEEBE MEDICAL CENTER INC
Book	N/A
Mailing Address	431 SAVANNAH RD BLDG C
City	LEWES
State	DE
Description	SE/JOHN J WILLIAMS HWY
Description 2	LOT 1
Description 3	N/A
Land Code	

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- Tax Parcels
- 911 Address
- Streets
- County Boundaries

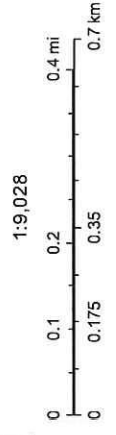




Sussex County

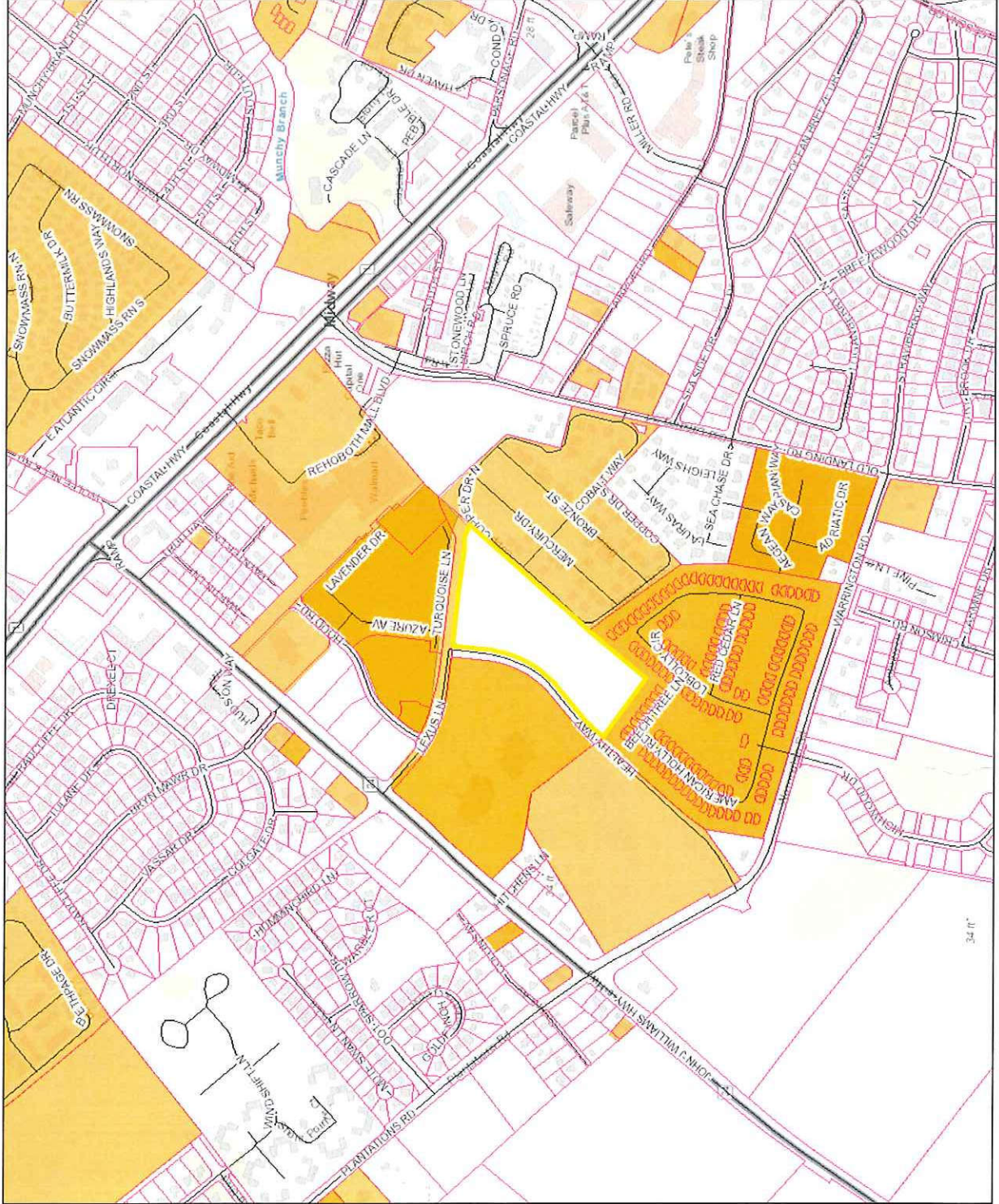


PIN:	334-12.00-57.11
Owner Name	BEEBE MEDICAL CENTER INC
Book	N/A
Mailing Address	431 SAVANNAH RD BLDG C
City	LEWES
State	DE
Description	SE/JOHN J WILLIAMS HWY
Description 2	LOT 1
Description 3	N/A
Land Code	





Sussex County



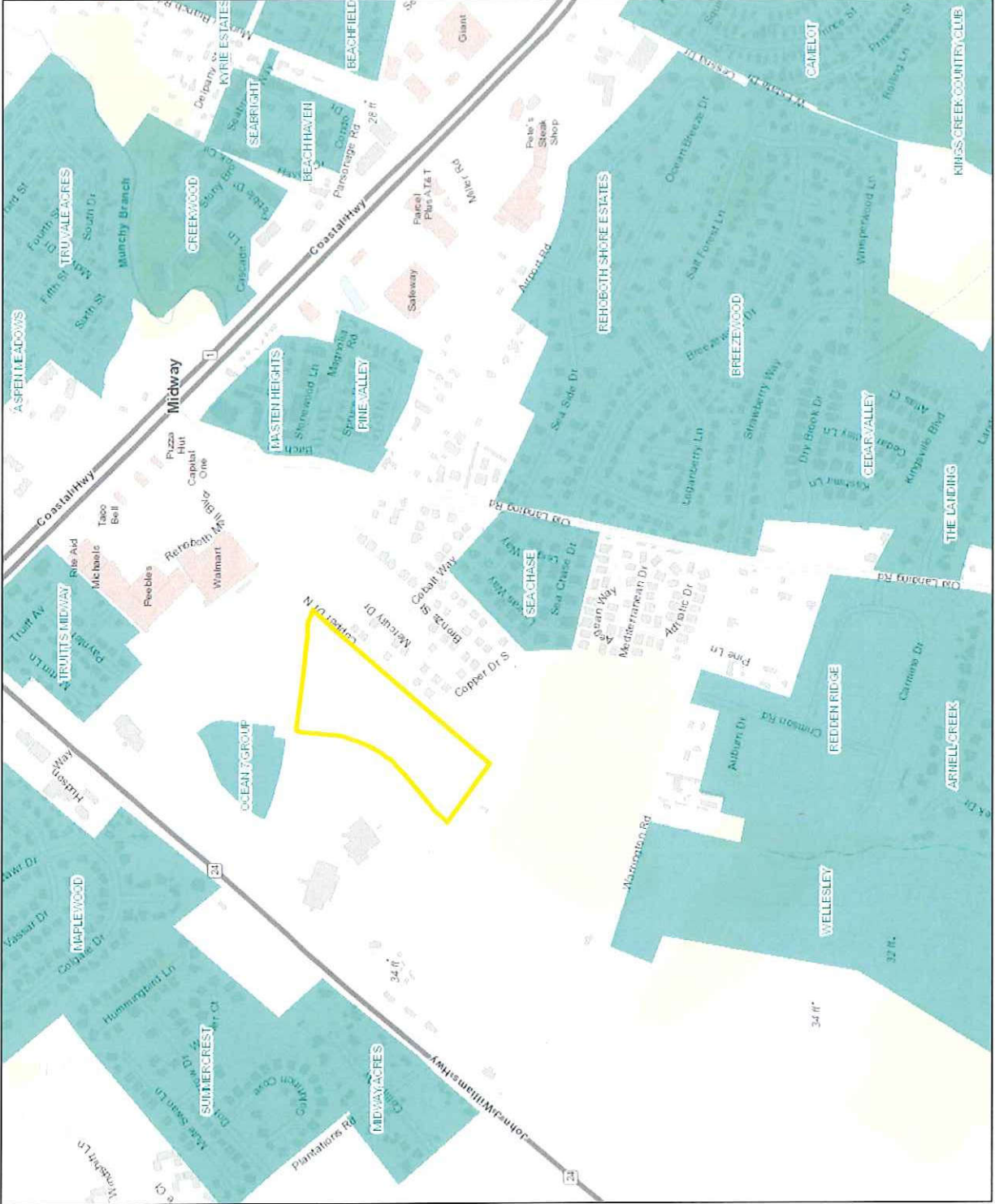
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- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Conditional Use



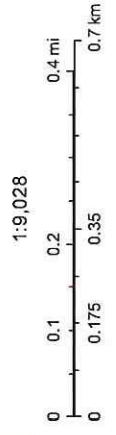


Sussex County



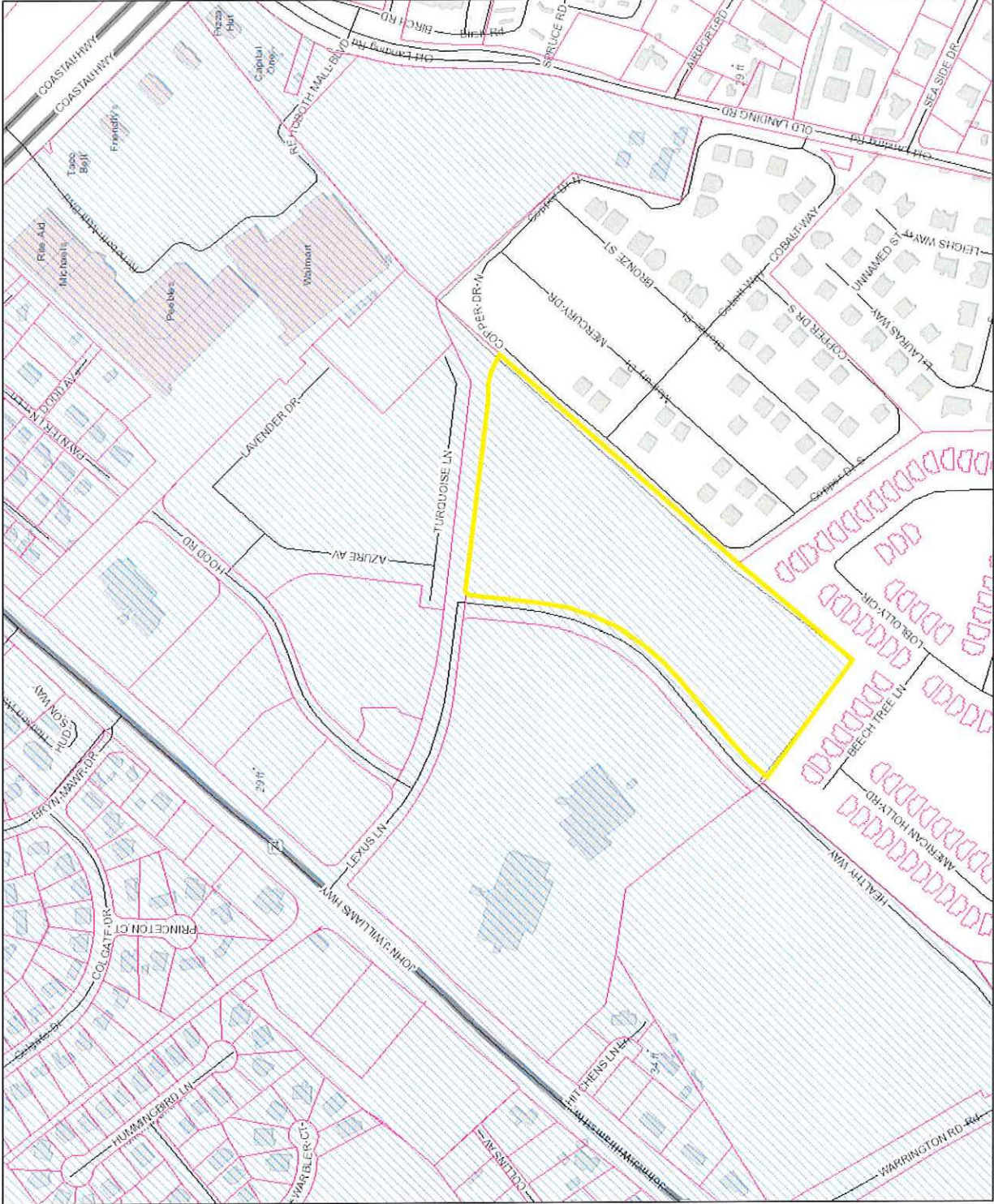
PIN:	334-12.00-57.11
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- | |
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| polygonLayer |
| Override 1 |
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| County Boundaries |
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| Subdivisions |
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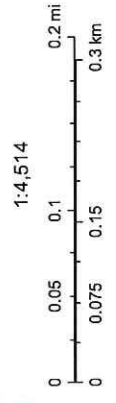


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- polygonLayer
- Override 1
- polygonLayer
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- TID



Introduced: 8/29/23

Council District 3: Mr. Schaeffer
Tax I.D. No.: 334-12.00-57.11
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.44 ACRES, MORE OR LESS

WHEREAS, on the 16th day of June, 2023, a Zoning Application, denominated Change of Zone No. 2015 was filed on behalf of G&M Route 24, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 2015 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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] and adding in lieu thereof the designation I-1 Institutional 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 & Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Turquoise Lane and the east side of Healthy Way, approximately 900 ft. southeast of the intersection of John J. Williams Highway (Route 24) and Lexus Lane and being more particularly described in the attached Deed prepared by Smith, Henriksen, O'Donnell & Procino said parcel containing 12.44 ac., 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.