

Sussex County Council Public/Media Packet

**MEETING:
October 20, 2020**

****DISCLAIMER****

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

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743 T
(302) 855-7749 F

SUSSEX COUNTY COUNCIL

A G E N D A

OCTOBER 20, 2020

10:00 A.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – October 6, 2020

Reading of Correspondence

Public Comments

Peggy Geisler, Sussex County Health Coalition – Presentation – Delaware Goes Purple Awareness Campaign

Todd Lawson, County Administrator

- 1. Presentation and discussion related to the number of permitted animals and farm size in County Code**
- 2. Presentation and discussion related to cluster subdivisions**
- 3. Administrator’s Report**

Gina Jennings, Finance Director

- 1. Human Service Grants**

Jamie Whitehouse, Planning and Zoning Director

- 1. Request to withdraw Conditional Use No. 2231 filed on behalf of Solid Walls, LLC**



Hans Medlarz, County Engineer

1. Public Safety Building

- A. Standalone Purchase Order for specialty design services**

John Ashman, Utility Planning Director

- 1. Request to prepare and post notices for the Briarwood Estates Expansion of the Sussex County Unified Sanitary Sewer District**
- 2. Request to prepare and post notices for the Collins Avenue Expansion of the Sussex County Unified Sanitary Sewer District**

Grant Requests

- 1. City of Seaford for the Nanticoke Riverfest**
- 2. Seaford Tomorrow, Inc. for Friday Night Live events**
- 3. Laurel Senior Center for congregate meals**
- 4. Meals on Wheels of Rehoboth and Lewes, Inc. for meal program**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

1:30 p.m. Public Hearings

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.

“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-16.00-23.00 (PORTION OF)”

Change of Zone No. 1913 filed on behalf of FW & SV Thoroughgood Family Limited Partnership

“AN ORDINANCE TO AMEND TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.60 ACRES, MORE OR LESS” (lying on the west side of Thorogoods Road) (Tax I.D. No. 233-5.00-70.00) (911 Address: 30512 and 30540 Thorogoods Road, Dagsboro)

Change of Zone No. 1919 filed on behalf of Newton Farms, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 23.7021 ACRES, MORE OR LESS” (property lying on the south side of E. Newton Road, approximately 791 feet west of Sussex Highway (Route 13) (Tax I.D. No. 131-6.00-8.00) (911 Address: None Available)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 13, 2020 at 4:25 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.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

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

The County is required to provide 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>.

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountye.gov. All comments shall be submitted by 4:30 P.M. on Monday, October 19, 2020.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 6, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 6, 2020, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 396 20
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of September 29, 2020 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke: Patti Drago and Jeff Stone (Sussex Alliance for Responsible Growth).

**FAST
Track
Program/
Sussex
County
and
DelDOT**

Mr. Lawson reported on a new funding initiative - the FAST Track Program (Funding Accelerating Safety and Transportation Track Program) and presented a proposal to form a partnership with the Delaware Department of Transportation (DelDOT) to expedite the construction of road improvements located in Sussex County. Mr. Lawson presented the following FAST Track Program details:

- Sussex County “selects” a road project already in the Capital Transportation Program (CTP)
- DelDOT will administer the CTP project, as normal
- Sussex County will fund the selected road project, including design, right-of-way acquisition, and construction
- By funding the road project now, the completion date will be advanced by several years

FAST Track Program/ Sussex County and DeIDOT (continued)

- **DeIDOT will reimburse Sussex County the entire amount of funding after construction is complete**

Mr. Lawson reviewed the program requirements:

- **The road project must be in the approved CTP**
- **Funding the project will advance the timeline**
- **Completing the project will improve safety**
- **The selection of the project considers specific factors:**
 - **Safety**
 - **Residential development in the area**
 - **Infrastructure investment in the area**
 - **Ancillary needs in the area (e.g., schools, medical, etc.)**

Mr. Lawson reported that the first project in mind is the Cave Neck Road – Hudson Road – Sweetbriar Road intersection. This very busy intersection is ranked 77 in DeIDOT’s FY2021-26 Capital Transportation Plan; from a safety standard ranking, it is the fifth in the County for safety. The estimated cost for this project is \$5 million; if the County approves the FAST Track Program and selects this project, design work could start immediately. The County would pay along the way.

Mr. Lawson noted that, if Council endorses the idea, the next steps would be to draft an agreement between Sussex County and DeIDOT. Both organizations would need to approve the agreement and a first project would be selected.

Mr. Lawson reported that the Secretary of DeIDOT supports this initiative.

There were no objections from Council to moving forward with this initiative.

DeIDOT Henlopen TID Discussion

Mr. Lawson referenced the DeIDOT Henlopen Transportation Improvement District (TID) presentation at the September 22nd Council meeting and stated that he has not received any questions or concerns from Council members.

Mr. Lawson presented a quick review of the proposed Henlopen TID including the terms of the initial agreement to establish the TID, the terms of an Infrastructure Recoupment Agreement to be executed with individual developers within the TID, and a draft infrastructure fee program.

The following representatives of DeIDOT were in attendance to answer questions: Marc Coté, Director of Planning, Shanté Hastings, Chief Engineer, and Sarah Coakley, Principal Planner.

With no objection from Council, Mr. Lawson stated that this matter will be placed on a future agenda in October for a vote.

Administrator's Report

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

1. Council Meeting Schedule

Council will not meet on Tuesday, October 13th. The next regularly scheduled Council meeting will be held on Tuesday, October 20th.

Public Safety Building/ Design Update

Hans Medlarz, County Engineer, and Robbie Murray, Director of EMS, were in attendance to present the preliminary design (60% of design) for the County's new 20,000 square foot Public Safety Building which will house the Emergency Operations Center, EMS/Paramedics and the 911 Center under one roof. Mr. Medlarz presented the cost estimate for the project - \$11,387,338 (including 2.5% inflation). Mr. Medlarz stated that the design of the building is to be completed by early Spring 2021 with construction beginning in July 2021.

SCRWF/ Utility Easement/ Crown Castle

Hans Medlarz, County Engineer, presented a proposed Fiber Optic Communications Utility Easement between Sussex County and Crown Castle. He reported that the Sussex County IT Department has an established working relationship with the State and its vendor, Crown Castle, who is proposing to connect fiber optic communication service to the existing State-owned communication tower situated within the South Coastal Regional Wastewater Facility (SCRWF) property. In order to provide the service, Crown Castle is proposing to install conduits from Parker House Road across State of Delaware property to the County's property line. The alignment of the conduits over the County's property will cross over an unencumbered portion of the SCRWF property as proposed by the Engineering Department. Crown Castle has accepted that alignment and is requesting a utility easement to be granted. A fair market value for the easement was identified in the amount of \$25,200.00. The IT Department recommends the granting of the easement to Crown Castle in exchange for payment of the \$25,200.00 and reimbursement of incurred appraisal fees.

M 397 20 Approve Access Easement/ Crown Castle

A Motion was made by Mr. Rieley, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the granting of an Access Easement to Crown Castle Communications for Tax Parcel 134-17.00-21.00 in the amount of \$25,200.00, and \$2,000.00 for the cost of the appraisal reimbursement.

Motion Adopted: 5 Yeas.

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

Grant Requests

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

**M 398 20
Council-
manic
Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$5,000.00 (\$1,500.00 from Mr. Hudson's Councilmanic Grant Account and \$3,500.00 from Mr. Burton's Councilmanic Grant Account) to Cape Henlopen Educational Foundation for a Teacher Grant Program.

Motion Adopted: 5 Yeas.

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

**M 399 20
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$4,000.00 from Mr. Burton's Councilmanic Grant Account to the Ocean Waves Quilt Guild for community service work.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Zoning
Ordinances**

Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 186.98 ACRES, MORE OR LESS" (Change of Zone No. 1930) filed on behalf of Indian River School District (Tax I.D. Nos. 133-7.00-8.01 & 133-11.00-105.00) (911 Address: 26026 Patriots Way, Georgetown & None Available).

Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY AND TO AMEND THE CONDITIONS OF APPROVAL OF CHANGE OF ZONE 1768 (ORDINANCE 2411) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.253 ACRES, MORE OR LESS" (Change of Zone No. 1931) filed on behalf of Lighthipe, LLC (Tax I.D. No. 134-17.00-12.02) (911 Address: None Available).

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.78 ACRE, MORE OR

**Introduction
of Proposed
Zoning
Ordinances
(continued)**

LESS” (Change of Zone No. 1932) filed on behalf of Jeff-Kat, LLC (Tax I.D. No. 335-8.00-40.00 (part of) (911 Address: 1005 Kings Highway, Lewes).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.18 ACRES, MORE OR LESS” (Conditional Use No. 2243) filed on behalf of Keith Twardowski (Tax I.D. No. 234-23.00-51.00) (911 Address: 33602 Samantha Drive, Millsboro).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS” (Conditional Use No. 2244) filed on behalf of Ramon A. Mendez and Alma Mendez (Tax I.D. No. 530-9.00-53.01) (911 Address: 8354 Hickman Road, Greenwood).

The Proposed Ordinances will be advertised for public hearing.

**Council
Members’
Comments**

Council Members’ Comments

Mr. Rieley questioned the future of the County’s West Complex building.

Mr. Rieley questioned the recent 911 outages.

Mr. Burton referenced the Cluster Ordinance in the AR District and asked that Council begin discussions for a Cluster Ordinance in the Development District.

Mr. Vincent stated that he would like for Council to discuss the type and quantity of animals permitted on AR-1 land of less than 5 acres.

**M 400 20
Go Into
Executive
Session**

At 12:08 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to land acquisition.

Motion Adopted: 5 Yeas.

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

Executive Session **At 12:10 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 12:30 p.m.**

M 401 20 Reconvene Regular Session **At 12:32 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

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

M 402 20 Adjourn **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at 12:32 p.m.**

Motion Adopted: 5 Yeas.

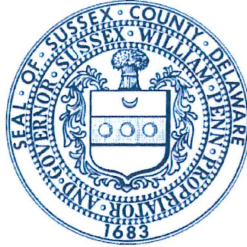
**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

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

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

TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: *Permitted Animals and Farm Size in County Code*

DATE: October 15, 2020

During Tuesday's County Council meeting, we are scheduled to discuss the number of permitted animals and farm size regulations in County Code. Council requested this discussion during its October 6th meeting.

The presentation will focus on the limited number of traditional "farm animals" an owner may have on a parcel in the AR-1 District. The power point for this discussion is attached.

Attachment

pc: J. Everett Moore Jr., Esq.
Vincent G. Robertson, Esq.
Jamie Whitehouse

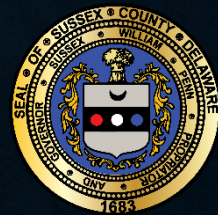


SUSSEX COUNTY CODE

FARM USE | ANIMAL LIMITS | ACREAGE

DISCUSSION

October 20, 2020



SUSSEX COUNTY CODE § 115-4

DEFINITIONS

- “Commercial Feed Lot and Structure”

- A facility for housing or feeding cattle, hogs and sheep or goats **on a farm of five acres or more for more than four cattle, eight sheep, eight goats and eight hogs.**

- “Commercial Poultry House”

- A facility for housing and feeding more than **100 poultry.**

- “Private Feed Lot and Structure”

- A facility for housing or feeding cattle, hogs, sheep and goats for **not more than four cattle, eight sheep, eight goats and eight hogs.**

SUSSEX COUNTY CODE § 115-4

DEFINITIONS CONTINUED

- “Stable, Private”
 - An accessory building, not related to the ordinary operation of a farm, for the housing of **not more than four horses or mules** owned by a person or persons living on the premises and which horses or mules are not for hire or sale.
- “Stable, Public”
 - Any stable for the housing of horses or mules, operated for remuneration, hire, sale or stabling, or any stable, not related to the ordinary operation of a farm, with a capacity for **more than four horses or mules**, whether or not such stable is operated for remuneration, hire, sale or stabling.

SUSSEX COUNTY CODE § 115-20 A. PERMITTED USES (AR-1 & AR-2)

- (2) On a property of **less than five acres**, any farm, truck garden, orchard or nursery uses.
- (8) Private stable structures or feed lots, keeping and feeding of horses, ponies, cattle, sheep goats or poultry for *personal enjoyment* and not as business...
- (9) Commercial greenhouses, **lot area shall be 5 acres or more.**

SUSSEX COUNTY COUNCIL § 115-20 B. PERMITTED USES (AR-1 & AR-2)

- On a **farm of five acres or more**, a building or land may be used for the following additional purposes:
- (1) Agriculture, including horticultural, hydroponic, chemical or general farming, truck gardens, cultivating of field crops, orchards, groves or nurseries for growing or propagation of plants, trees and shrubs, forest use (tree farming), including use of heavy cultivating machinery, spray planes or irrigating machinery, dairy farming, keeping or raising for sale of large or small animals, reptiles, fish, birds or poultry and including structures for processing and sale of products raised on the premises...

SUSSEX COUNTY COUNCIL § 115-20 B. PERMITTED USES (AR-1 & AR-2) CONTINUED

- On a **farm of five acres or more**, a building or land may be used for the following additional purposes:
 - (1) (b) Any feed lot or structure used for the commercial feeding and housing of cattle, sheep and hogs...
 - (1) (c) Structures for commercial poultry raising...
 - (1) (d) Commercial slaughtering and processing of large animals (horses, cows, pigs, sheep, or goats) shall not be conducted on the premises.
 - (1) (e) Structures for commercial aquaculture, fish and frog farming...
 - (2) Dog kennels, commercial
 - (5) Stables, public

SUSSEX COUNTY CODE § 115-21 A. PERMITTED ACCESSORY USES (AR-1 AND AR-2)

- Permitted accessory uses **on a farm of five acres or more:**
- (1) Accessory structures for sale or processing of farm products raised on premises
- (2) Accessory open or enclosed storage of farm products raised on premises
- (3) Accessory farm buildings (barns, cribs, stable sheds, shops, silos, etc.)
- (8) Farm ponds

SUSSEX COUNTY CODE § 115-22 CONDITIONAL USES (AR-1 AND AR-2)

- Structures for commercial poultry raising **on farms of less than five acres**

TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountype.gov



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Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: **Cluster Subdivision**

DATE: October 15, 2020

During Tuesday's County Council meeting, we are scheduled to discuss the cluster subdivisions regulations in County Code. Council requested this discussion during its October 6th meeting.

The presentation will focus on the differences between a cluster subdivision within an AR-1 District and the Coastal Area Growth area. The power point for this discussion is attached.

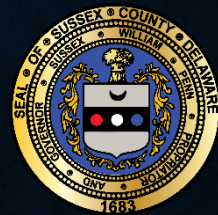
Attachment

pc: J. Everett Moore Jr., Esq.
Vincent G. Robertson, Esq.
Jamie Whitehouse



“CLUSTER SUBDIVISION” DISCUSSION

October 20, 2020



CLUSTER SUBDIVISION DISCUSSION

- Significant differences exist between a cluster subdivision within an AR-1 District (an “AR-1 Cluster”) and a subdivision within the Coastal Area—formerly the Environmentally Sensitive Development Area (a “Coastal Area Subdivision”).

CLUSTER SUBDIVISION

2045 Future Land Use Map

Growth Areas

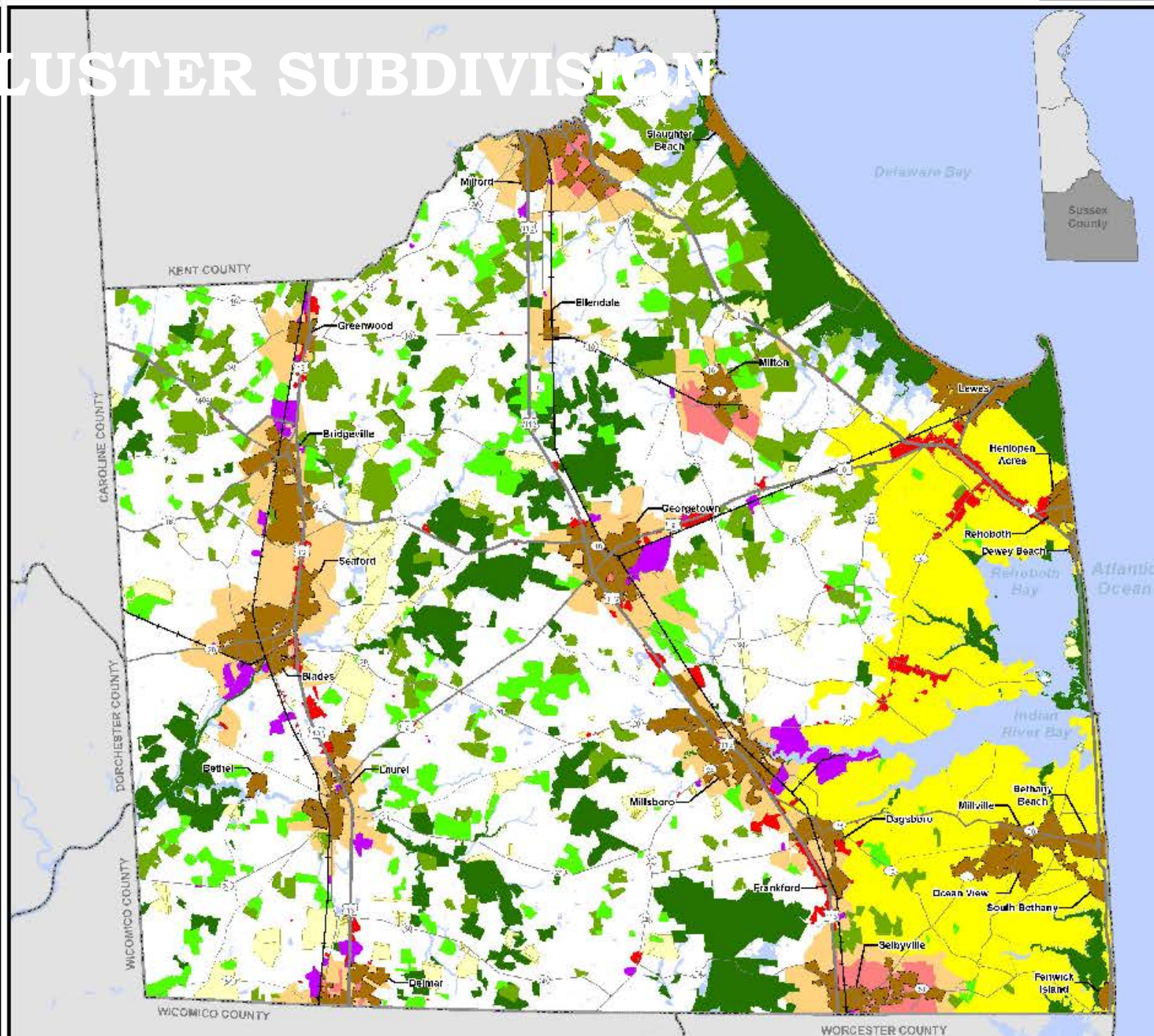
- Municipalities
- Town Center
- Developing Area
- Existing Development Area
- Coastal Area
- Commercial
- Industrial Area

Rural Areas

- Low Density
- Protected Land
- Ag. Preservation District
- Ag. Preservation Easement

Sources: DE FirstMap, Sussex County Mapping Dept.
Land Use Data from 2008, State Forest Data from 2013, Forest
Conservation Easements Data from 2016, Municipal Annexation
Areas 2016

*The official depiction of the protected lands can be found on
the Protected Land Map (Figure 5.2-1)



AR-1 VS. COASTAL AREA CLUSTER SUBDIVISIONS

AR-1	COASTAL AREA
<ul style="list-style-type: none"> -Applies to all AR-1 area 	<ul style="list-style-type: none"> -Only applies to Coastal Area of Future Land Use Map
<p style="text-align: center;"><u>Lot Size</u></p> <ul style="list-style-type: none"> -With sewer: Acreage / 20,000 sq. ft. & lots can be 7,500 sq. ft. -W/out sewer: ½ acre/21,780. Reduced in low density area of FLU Map -Superior design requirements <u>before</u> lot sizes can be reduced 	<p style="text-align: center;"><u>Lot Size</u></p> <ul style="list-style-type: none"> -With sewer: 7,500 sq. ft. (by right) -W/out sewer: ¾ acre -No superior design requirement
<p style="text-align: center;"><u>P&Z Commission Determinations</u></p> <ul style="list-style-type: none"> -Design and environment superior? -Preserve natural, historical & archeological resources? -Section 99-9C items must be satisfied -All other Ch. 99 requirements are met -Conditions of Approval can be imposed 	<p style="text-align: center;"><u>P&Z Commission Determinations</u></p> <ul style="list-style-type: none"> -Section 99-9C items must be satisfied -All other Ch. 99 requirements are met -Conditions of Approval can be imposed

AR-1 VS. COASTAL AREA CLUSTER SUBDIVISIONS

AR-1

Additional Requirements

- 30' buffer to adjacent agriculture areas
- 30' buffer and transition area to adjacent residential development
- No lots in wetlands
- Preserve natural/historic resources
- Homes to be clustered on least environmentally sensitive areas of parcel
- Open space identified; 30% must be contiguous, among other requirements
- 25' wetland setback and 50' tidal water and stream setback
- Healthy tree removal limited
- Scenic views preserved
- Sidewalks required (1 side)
- Developer has burden of showing following design sequence: (1) lands to be preserved ID'd; (2) developable areas ID'd; (3) roads and trails ID'd; and (4) lots located.

COASTAL AREA

Additional Requirements

- Environmental Assessment and Public Facility Evaluation Report

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **FY2021 HUMAN SERVICE GRANTS**

DATE: October 16, 2020

Attached is a schedule of the FY2021 Human Service Grants, as well as an overview of the program. On Tuesday, I will be recommending to Council that we approve those grants listed for payment.

Please call me if you would like to discuss further.

Attachments

pc: Todd F. Lawson

FY2021 Human Service Grants

Name of Organization	Project	Last Year's Grant	Grant Request	Recommended Grant
Abbott's Mill Nature Center of the Delaware Nature Society	Student scholarship program	2,000	2,500	1,500
Agape Love Transitional Home	Repair costs for women and children homeless shelter	1,650	5,000	1,500
American Legion Auxilliary, Department of Delaware	American Legion Auxilliary Delaware Girls State	1,000	1,000	1,000
ARK Educational Consulting, Inc.	The ARK Educational Resource Center	1,600	5,000	1,900
Barbara K. Brooks Transition House, Inc.	Transitional housing for women	1,800	3,000	1,350
Big Brothers Big Sisters of Delaware, Inc.	Mentoring program for at-risk youth	1,250	3,000	1,000
Boys & Girls Clubs of Delaware at Dagsboro	Power Hour	2,000	5,000	2,000
Boys & Girls Clubs of Delaware at Laurel	Power Hour	2,000	5,000	2,000
Boys & Girls Clubs of Delaware at Oak Orchard/Riverdale	Power Hour	2,000	5,000	2,000
Boys and Girls Clubs of Delaware at Georgetown	Power Hour	2,000	5,000	2,000
Boys and Girls Clubs of Delaware at Rehoboth	Power Hour	2,000	5,000	2,000
Boys and Girls Clubs of Delaware at Seaford	Power Hour	2,000	5,000	2,000
Bridgeville Senior Citizens Center Inc.	Homebound meal program	5,500	25,500	5,600
Calliope Project, Inc.	Youth drama program	-	2,100	1,850
Cancer Support Community Delaware	Cancer support services	2,500	4,000	2,200
Cape Henlopen Senior Center, Inc.	Senior center virtual programs	5,500	7,000	5,600
Champions for Children's Mental Health	Support for children with behavioral and mental health concerns	-	6,000	2,150
Cheer, Inc.	Greenwood CHEER Activity Center	5,500	6,000	5,600
Cheer, Inc.	Roxana CHEER Activity Center	5,500	6,000	5,600
Cheer, Inc.	Georgetown CHEER Activity Center	5,500	6,000	5,600
Cheer, Inc.	Harbor Lights (Lewes) CHEER Activity Center	5,500	6,000	5,600
Cheer, Inc.	Long Neck CHEER Activity Center	5,500	6,000	5,600
Cheer, Inc.	Milton CHEER Activity Center	5,500	6,000	5,600
Cheer, Inc.	Ocean View CHEER Activity Center	5,500	6,000	5,600
City of Refuge Church	Transitional living program	2,150	5,000	1,500
Clothing Our Kids	Clothing purchases for at-risk youth	2,650	5,000	3,450
Colonial Chapter of the Paralyzed Veterans of America, Inc.	Hoskins Education and Reemployment Training (H.E.A.R.T.)	-	5,000	1,450
Community Inspired Actions	Services for youth transitioning out of foster care	-	5,000	1,600
Community Resource Center	Homeless day program	1,350	3,000	2,400
Delaware Adolescent Program, Inc. - Sussex County	Teen Moms Working Virtually program	1,350	2,000	1,800
Delaware Breast Cancer Coalition, Inc.	Yes2Health program	1,650	5,000	2,600
Delaware Community Reinvestment Action Council, Inc.	Low income tax clinic	1,350	5,000	2,150
Delaware Ecumenical Council on Children and Families	Volunteer caregivers for Sussex County elderly	1,100	2,500	1,100
Delaware Hospice, Inc.	Delaware Transitions Program	2,150	4,000	2,150
Delaware Lions Foundation, Inc.	Humanitarian projects	1,750	3,000	1,750
Delaware Senior Olympics	Annual National Senior Games	1,000	500	500
Delmarva Clergy United In Social Action Foundation	Griffith Place	1,800	5,000	2,000
DFRC Inc.	DFRC Blue-Gold Hand-in-Hand Program	2,150	5,000	2,150
Down Syndrome Association of Delaware	Learn at home kits for families	1,650	2,500	1,250
Dunamis Homes of Divine Intervention, Inc.	Transitional housing		28,963	2,150
Easter Seals Delaware & Maryland's Eastern Shore	Community Experience program	1,000	1,000	1,000
Everlasting Hope Ministry	Prison re-entry program	2,400	5,000	2,400
First State Community Action Agency	Minor Home Improvement and Accessibility Modification Program	2,100	13,500	1,650
Food Bank of Delaware	Backpack Program for children	2,150	10,000	3,100
Friends of Sussex County CASA	Foster care client support	-	5,000	2,300
Girl Scouts of the Chesapeake Bay	Girl scouting for Latina girls in Sussex County	1,350	2,500	1,350

FY2021 Human Service Grants

Name of Organization	Project	Last Year's Grant	Grant Request	Recommended Grant
Great Futures Fund	Support Boys and Girls Clubs	-	5,000	2,750
Harry K Foundation	Halt Hunger Initiative	2,500	5,000	2,900
Independent Resources	Youth Transition Life Skills Program	2,050	20,000	2,300
Indian River Senior Center, Inc.	Building improvements	5,500	5,500	5,500
ITN Southern Delaware	Senior transportation	2,350	5,000	3,350
Junior Achievement of Delaware, Inc.	Junior Achievement for K-12 students in Sussex County	3,950	4,000	3,850
Just a Hands Up Community Navigation Association	K12 Remote Learning program	2,000	2,500	2,250
Kent-Sussex Industries, Inc.	Transportation for employment	2,150	4,000	2,150
La Esperanza	Immigration program	2,500	2,500	2,500
La Red Health Center, INC.	Reestablishing patient visits	3,950	5,000	4,200
Laurel Community Foundation, Inc.	Hope House I and II	-	10,000	1,550
Laurel Senior Center, Inc.	Meal Program	5,500	8,000	5,600
Lewes Senior Citizens Center, Inc.	COVID Response	5,000	5,000	5,000
Lighthouse for Broken Wings	Transitional housing program	2,050	15,000	2,400
Literacy Delaware	Helping adults with limited literacy	1,100	5,000	1,450
Love Drives Foundation	Project Safe Kid - emergency COVID-19 care	2,500	25,000	2,650
Love INC of Mid-Delmarva	Centralized distribution center for necessities for homeless	3,100	50,000	4,200
Mid-Atlantic Symphony Orchestra	Concert series	2,100	3,000	2,100
Milford Housing Development Corporation	Self-help Housing Program	2,150	25,000	1,800
Milford Senior Center, Inc.	Meal Program	5,500	5,500	5,500
Milton Community Food Pantry	Facility for food pantry	3,300	5,000	4,200
Multiplying Good	Sussex County student leadership conference	1,800	1,500	1,300
Nanticoke River Watershed Conservancy	Office space	2,750	2,063	2,063
New Hope Recreation and Development Center	After-school program	1,200	1,200	1,200
No Unmet Human Needs Association	Feed My Sheep Operation		4,500	1,750
Pathways to Success, Inc.	Support services for underserved students	1,500	5,000	1,900
People's Place II, Inc.	Veteran's Outreach	1,750	2,500	1,750
Primeros Pasos Inc.	Learning Center playground expansion	1,250	2,500	1,100
Read Aloud Delaware	Early childhood reading program	3,000	4,959	1,500
Richard Allen Coalition, Inc.	Carpet replacement	1,650	5,000	2,200
Ronald McDonald House of Delaware	Housing Program for Sussex County families	3,950	5,000	2,400
Southern DE Therapeutic & Recreational Horseback Riding	Horse care	2,150	2,500	850
Survivors of Abuse in Recovery, Inc.	Trauma counseling for victims	2,150	12,500	2,150
Sussex Community Crisis Housing Services, Inc.	Crisis House homeless shelter	850	6,500	1,900
Sussex County Habitat for Humanity, Inc.	Family Empowerment Program	2,500	10,000	2,750
Sussex County RSVP 50 Plus Advisory Council	Nimble Fingers	1,788	500	500
Wave of Healthy Meals Foundation	Healthy Meals for Healthy Communities Program for cancer patients	1,650	22,000	2,300
West Side New Beginnings	Youth Program	900	7,110	850
What is Your Voice, Inc.	Domestic violence care	1,950	13,800	2,650
YMCA of Delaware	Water Ways program	2,050	10,000	4,200
YWCA Delaware	Sexual assault response center	2,600	5,000	2,050
			598,695	224,213

The seal of Sussex County, Delaware, is a circular emblem. It features a central shield with a tree, a crescent moon, and a banner. The shield is surrounded by ornate flourishes. The outer ring of the seal contains the text "OF SUSSEX COUNTY DELAWARE" at the top and "AND PROPRIATOR" at the bottom. The year "1683" is inscribed at the very bottom. The seal is partially obscured by a yellow horizontal band.

Sussex County Human Service Grant Program

Fiscal Year 2021

Human Service Grant Purpose

Grants to countywide non-profit agencies for the purpose of enhancing health and human services, which contribute to a safe, healthy and self-sufficient community. Funds provide grants that assist organizations with resources in support of programs or capital purchases.



Process

- Organizations submitted application online
- Finance reviewed
 - Organizations' statuses
 - Past due County obligations
 - Scope of request
- Finance created a formula, based on number of beneficiaries, other financial support and financial need, to best utilize the grant funds

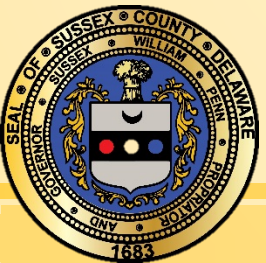


Formula to Distribute (Budget of \$225,000)

Sussex County Beneficiary Criteria	Base Grant Amount	Additional Amount if main operations are in Sussex County	Additional Amount if other funding is 25% or greater	Additional Amount if need is \$5,000 or greater	Additional Amount if need is \$10,000 or greater	Maximum Grant Amount
Up to 49 Beneficiaries	\$1,000	\$250	\$100	\$350	\$350	\$2,050
50 to 249 Beneficiaries	\$1,250	\$250	\$100	\$400	\$400	\$2,400
250 to 499 Beneficiaries	\$1,500	\$250	\$100	\$450	\$450	\$2,750
500 to 999 Beneficiaries	\$2,000	\$250	\$100	\$500	\$500	\$3,350
1,000 or more Beneficiaries	\$2,750	\$250	\$100	\$550	\$550	\$4,200

CHEER & Senior Centers \$5,600

Organizations were capped at their demonstrated need and request.

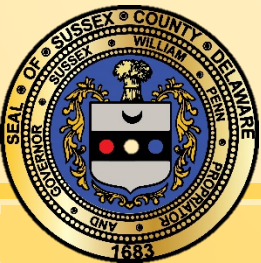
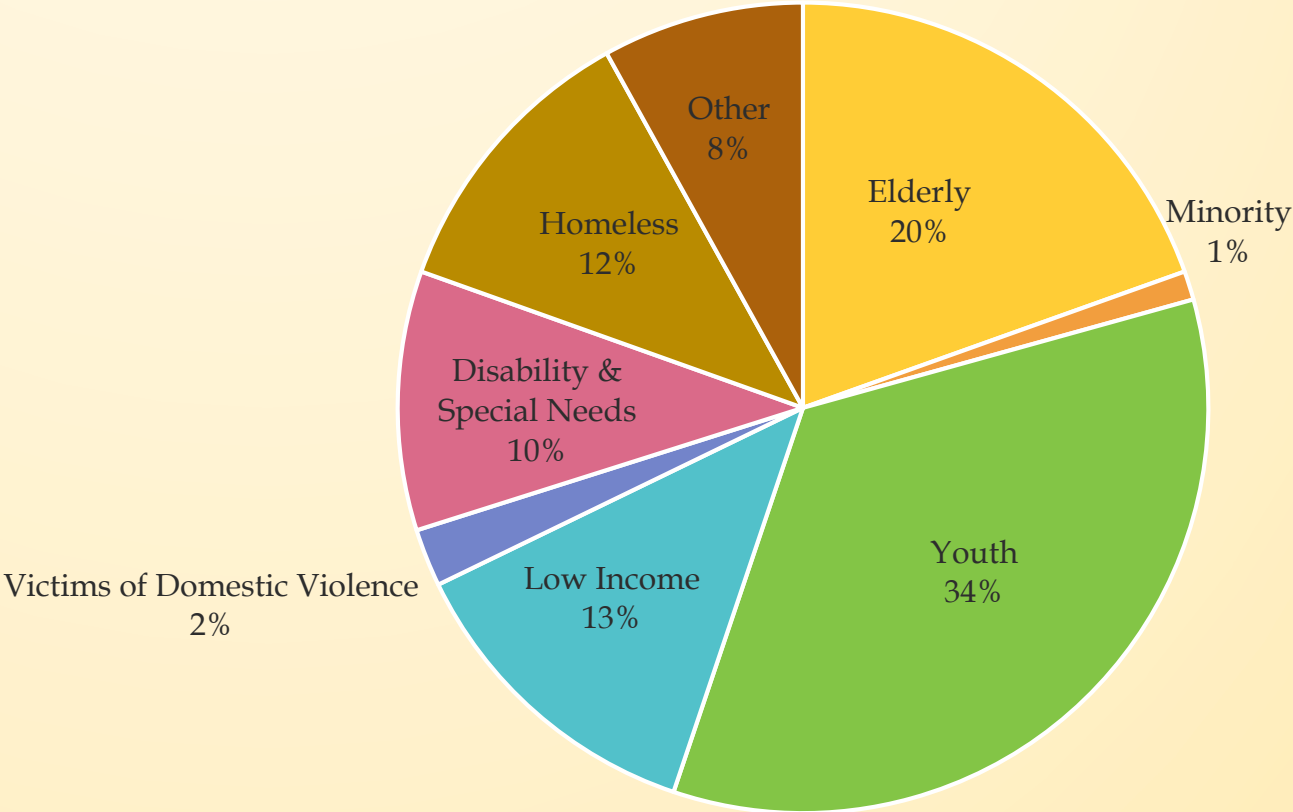


If another County grant was awarded within the last 12 months, 50% of the original grant, up to \$750, was deducted.

Application Statistics

- Received \$599,000 in requests from 87 qualified organizations
- 8 new organizations
- 134,000 Sussex County beneficiaries
- Organizations raise approximately \$7 million of other types of support for these projects

Type of Beneficiaries



Fiscal Year 2021 Recipients

Abbott's Mill Nature Center of the Delaware Nature Society
 Agape Love Transitional Home
 American Legion Auxiliary, Department of Delaware
 ARK Educational Consulting, Inc.
 Barbara K. Brooks Transition House, Inc.
 Big Brothers Big Sisters of Delaware, Inc.
 Boys & Girls Clubs of Delaware at Dagsboro
 Boys & Girls Clubs of Delaware at Laurel
 Boys & Girls Clubs of Delaware at Oak Orchard/Riverdale
 Boys and Girls Clubs of Delaware at Georgetown
 Boys and Girls Clubs of Delaware at Rehoboth
 Boys and Girls Clubs of Delaware at Seaford
 Bridgeville Senior Citizens Center Inc.
 Calliope Project, Inc.
 Cancer Support Community Delaware
 Cape Henlopen Senior Center, Inc.
 Champions for Children's Mental Health
 Greenwood CHEER Activity Center
 Roxana CHEER Activity Center
 Georgetown CHEER Activity Center
 Harbor Lights (Lewes) CHEER Activity Center
 Long Neck CHEER Activity Center
 Milton CHEER Activity Center
 Ocean View CHEER Activity Center
 City of Refuge Church
 Clothing Our Kids
 Colonial Chapter of the Paralyzed Veterans of America, Inc.
 Community Inspired Actions
 Community Resource Center
 Delaware Adolescent Program, Inc. - Sussex County

Delaware Breast Cancer Coalition, Inc.
 Delaware Community Reinvestment Action Council, Inc.
 Delaware Ecumenical Council on Children and Families
 Delaware Hospice, Inc.
 Delaware Lions Foundation, Inc.
 Delaware Senior Olympics
 Delmarva Clergy United In Social Action Foundation
 DFRC Inc.
 Down Syndrome Association of Delaware
 Dunamis Homes of Divine Intervention, Inc.
 Easter Seals Delaware & Maryland's Eastern Shore
 Everlasting Hope Ministry
 First State Community Action Agency
 Food Bank of Delaware
 Friends of Sussex County CASA
 Girl Scouts of the Chesapeake Bay
 Great Futures Fund
 Harry K Foundation
 Independent Resources
 Indian River Senior Center, Inc.
 ITN Southern Delaware
 Junior Achievement of Delaware, Inc.
 Just a Hands Up Community Navigation Association
 Kent-Sussex Industries, Inc.
 La Esperanza
 La Red Health Center, INC.
 Laurel Community Foundation, Inc.
 Laurel Senior Center, Inc.
 Lewes Senior Citizens Center, Inc.
 Lighthouse for Broken Wings

Literacy Delaware
 Love Drives Foundation
 Love INC of Mid-Delmarva
 Mid-Atlantic Symphony Orchestra
 Milford Housing Development Corporation
 Milford Senior Center, Inc.
 Milton Community Food Pantry
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 Nanticoke River Watershed Conservancy
 New Hope Recreation and Development Center
 No Unmet Human Needs Association
 Pathways to Success, Inc.
 People's Place II, Inc.
 Primeros Pasos Inc.
 Read Aloud Delaware
 Richard Allen Coalition, Inc.
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 S. DE Therapeutic & Recreational Horseback Riding
 Survivors of Abuse in Recovery, Inc.
 Sussex Community Crisis Housing Services, Inc.
 Sussex County Habitat for Humanity, Inc.
 Sussex County RSVP 50 Plus Advisory Council
 Wave of Healthy Meals Foundation
 West Side New Beginnings
 What is Your Voice, Inc.
 YMCA of Delaware
 YWCA Delaware

Motion

Be it moved that the Sussex County Council, approve the Fiscal Year 2021 Human Service Grant allocation as presented.



JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 13, 2020

RE: County Council Report for CU 2231 Solid Walls LLC

The Planning and Zoning Department received an application (CU 2231 filed on behalf of Solid Walls, LLC) for a Conditional Use for parcel 230-31.00-24.00 to allow for a concrete contractor office, storage and maintenance at 14411 VFW Road, Ellendale. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 9.51 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on September 10, 2020. On September 16, 2020, the Planning & Zoning Office received a letter on behalf of the applicant, requesting that the application be withdrawn.

Below are the approved minutes from the Planning & Zoning Commission meeting of September 10, 2020.

Approved Minutes of the September 10, 2020 Planning & Zoning Commission Meeting

C/U 2231 Solid Walls, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a concrete contractor office, storage and maintenance to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 9.51 acres, more or less. The property is lying on the east side of VFW Road, 288 feet south of Ellendale Forest Road. 911 Address: 14411 VFW Road, Ellendale. Tax Parcel: 230-31.00-24.00.

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, an exhibit book, a staff analysis, a copy of the DelDOT service level evaluation response indicating that a Traffic Impact Study is not required, and comments from the Sussex County Engineering Department Utility



Planning Division.

The Commission found that Mr. Mark Davidson was present on behalf of the applicant, that also present is Mr. Peter Nau, owner of Solid Walls, LLC; that this is an application to grant a conditional use of lands in an AR-1 district located on 9.51 acres on the east side of VFW road; that the property has an existing conditional use for the Georgetown-Ellendale VFW Post 2931; that the property is bordered on the north and east by single-family detached residences on wooded lands, on the south by an existing storage building on wooded lands; and on the west by VFW road which connects to Route 113 and provides easy access to Georgetown, Ellendale and Milford; that the proposed use is for a Concrete Contractor Office, Storage and Maintenance for Solid Walls, LLC; that Solid Walls has been in business since 2005 and employs approximately 50 people; that their office is currently in Camden, Delaware and the business would like to relocate to Sussex County; that the purpose of the conditional use is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations; that these uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the county, require the exercise of planning judgment on location and site plan; that the site plan shows the existing buildings used by the VFW in the past and will be utilized as offices for the needs of Solid Walls, LLC; that there is a permitted entrance and sufficient parking for the business; that proposed are two additional storage and maintenance buildings which will allow the Applicant to store materials out of the sight of the general public; that maintenance to work vehicles will be completed inside the buildings and will not alter the essential character of the neighborhood; that there is a stormwater pond on site and it is outside of the 500 year flood plain in zone X; that the area in the 2019 Sussex County Comprehensive Plan, this area is identified as being low-density and the focus of businesses in low-density areas should be to provide services to nearby residences and each application should be reviewed on its own merit; that one 32 square foot sign is being requested; that the hours of operation would be Monday through Friday 6 am – 6 pm, Saturday 7 am – 2 pm and permission for employees to return to the property after 6 pm to retrieve their personal vehicles; that the proposed conditional use meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the comprehensive plan by providing sufficient space in appropriate locations for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.

Mr. Hopkins asked how the variation in hours would work.

Mr. Robertson stated that there would have to be definitive hours for the entire business.

The Commission found that no one spoke in favor of the Application.

Mr. Gary McCrae spoke in opposition to the Application. Mr. McCrae stated that he owns the property opposite the subject property; that this is a low-density area and businesses should address the needs of two uses – agricultural and providing convenience goods for local residents; that this Application seeks to turn a Conditional Use into a full-blown commercial use; that there are no

commercial businesses in this area; that the roads are not equipped for the trucks that will be associated with the proposed use and that there are concerns about chemicals used for the business.

Mr. Davidson stated that there will be no chemicals on-site, that the forms are cleaned on the job site before being returned to the subject property.

Ms. Louise King spoke in opposition to the Application. Ms. King stated that the road is narrow and has concerns about the traffic; there will be negative impact to the people who live in the area; that the back up beeping of the trucks would be annoying to neighbors; that the comment from the Applicant regarding room for growth on this site creates additional concerns for neighbors; and that this area does not fit the bill for this type of business.

Mr. Chris Kaifer spoke in opposition to the Application. Mr. Kaifer stated that he does not want to stand in the way of anyone making a living however, this is a rural area with many residences; that there is no shoulder on the road; and that the road is narrow and this use will create a lot of traffic.

Chairman Wheatley stated that the Applicant testified that the trucks do not have back-up alarms.

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

At the conclusion of the Public Hearings, the Commission discussed C/U 2231 Solid Walls, LLC. Motion by Mr. Hopkins, second by Ms. Stevenson, to defer action for further consideration. Motion carried 5-0.

September 16, 2020

Mr. Robert C. Wheatley, Chairman
Sussex County Planning & Zoning Commission
2 The Circle
Georgetown, DE 19947

RE: C/U 2231 Solid Walls LLC
Tax Map: 230-31.00 Parcel 24.00
14411 VFW Road, Ellendale, Delaware 19941
Cedar Creek Hundred | Sussex County | Delaware

Dear Chairman Wheatley:

At the request of my client, Mr. Peter Nau of Solid Walls LLC, we respectfully request that the application for the above reference conditional use be withdrawn from the land use docket at this time. It is our understanding that this can be done prior to the Planning Commission vote on the application presented on September 10, 2020.

We certainly appreciate the time the Planning & Zoning Commission gave us for our presentation and look forward to presenting a new application for Solid Walls LLC to the County in the future.

Respectfully Submitted,

PENNONI

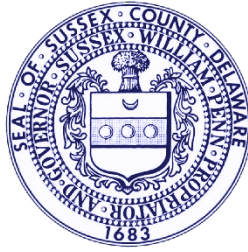
A handwritten signature in blue ink, appearing to read "M. Davidson", is written over the Pennoni name.

Mark H. Davidson, Vice President
Principal Land Planner

pc: Peter Nau, Solid Walls LLC

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: *EMS Department – Public Safety Building Project C19-04
A. Standalone Purchase Order for specialty design services*

DATE: October 20, 2020

The Emergency Medical Services Department has several capital projects in the five (5) year planning period. A Public Safety Building concept was first introduced in the FY 2019 Budget Ordinance. The building's purpose is to consolidate all EMS training, administration and logistics in one facility replacing the current locations on the west side of Georgetown. The scope and cost were updated in accordance with a space allocation programming effort in the FY 2020 Budget Ordinance and further refined based on a preliminary design in the FY 2021 Budget Ordinance.

The programming and design effort required professional services and, after a publicly advertised request for proposal process, Council awarded on July 17, 2018, the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. for a five (5) year term. The Public Safety Building Project C19-04 base agreement covered professional services, including survey, full-service design, site approvals & permits and bid phase assistance with a not to exceed amount of \$300,000.00 to be billed in accordance with GMB's audited hourly rates.

The initial design approach was a stand-alone fire suppression system independent of the Emergency Operations Center. However, the State's fire prevention code requires a single-entry point and the Fire Marshall would not allow an exception. This resulted in a full sprinkler distribution system design for the entire building.

Furthermore, the site design anticipates lowering the injection wells associated with the supplemental cooling system and installing a parking lot over top of them potentially reducing



the cooling efficiency. Due to the critical nature of the facility it is recommended to create a secondary backup in the form of a cooling tower.

These required specialty design services can be provided by GMB's subconsultant RMF Engineering. In order to avoid unnecessary mark-up expenses all parties agreed a stand-alone purchase order would be in the County's best interest. Therefore, the Engineering Department recommends issuance of RMF Engineering's purchase order in an amount not to exceed \$31,720.00.



September 28, 2020

Sussex County Administrative Office Building
2 The Circle, PO Box 589
Georgetown, DE 19947

Attention: Mr. Hans Medlarz
County Engineer

Reference: SCEMS Admin Building - Georgetown
Engineering Services Proposal

Dear Mr. Medlarz,

We are pleased to submit this proposal to perform engineering services for the new SCEMS Admin Building and Renovations to the existing Sussex County EOC. Our understanding of the overall project scope and scope items specific to RMF are included below.

BUILDING PROJECT DESCRIPTION

The existing building and new building are located in Georgetown, DE. The project will be to provide fire protection design to serve the new SCEMS Admin building and the existing Sussex County EOC. The project will also include modifications to the geothermal well field serving the existing Sussex County EOC Building. This project will be awarded to a single-prime general contractor or construction manager and will include a single bid package.

SCOPE SUMMARY

Engineering services will be provided for the following disciplines and design tasks:

Disciplines	Design Tasks			
Mechanical	HVAC			
Electrical	Power			
Electrical Special Systems	Fire Alarm			
Bid & Construction Administration	Bidding Support (One Package)	Shop Drawing Review	RFI Responses	Site Visits and Meetings
Civil & Structural	Not Included			



DETAILED FIRE PROTECTION SCOPE

Fire Protection

- 1) **Fire Protection:** Refer to the attached proposal provided by Stanton Engineering, Inc. That scope will outline all design, bidding and CA services.

DETAILED GEOTHERMAL MODIFICATIONS SCOPE

Mechanical

- 1) **Field Survey:** RMF will perform a noninvasive field survey of the existing equipment.
- 2) **HVAC Modifications:** Provide design of a supplemental a cooling tower. The cooling tower will be sized to cover an equal cooling demand as the open loop injection wells creating a second backup to the closed loop geothermal system. This design will include connection points to the existing piping as well as connection to the existing controls system.
- 3) Coordinate mechanical equipment size and location with the Owner and Civil engineer.
- 4) Provide HVAC equipment data sheets to the owner during the design development phase.

Electrical

- 1) **Field Survey:** RMF will perform a noninvasive field survey of the existing equipment.
- 2) **Power:** Provide design to extend power to the new cooling tower and associated equipment and to remove power from the existing panels serving the geothermal open loop injector system.

Cost Estimating

Provide MEP opinions of probable costs at each design phase. This cost is for budgetary purposes only and not meant to replace a true cost achieved through a proper bidding process.

Project Meetings

- 1) RMF will participate in two meetings in Georgetown, DE with the design team during the design period.

Bid and Construction Administration

- 1) Provide bidding support for architect or CM bid process including pre-bid meeting attendance for one bid package.
- 2) Perform shop drawing review of equipment and system components.
- 3) Respond to requests for information (RFI's) during bidding and construction.
- 4) Visit the construction site for progress meeting attendance and construction progress observation. Five site visits will be made during periods of relevant construction.



- 5) Site visits will be performed by a CA representative from RMF. Representatives will make discipline specific site visits monthly during periods of relevant construction.

ENGINEERING SERVICES FEE

Fixed engineering costs shall be as follows and are good for 60 calendar days from the date of this proposal. Note: Invoices will be sent each month based on percent of work completed. Payment will be due within 10 days of architect’s receipt of payment from the owner. Our cost to provide the required services is Thirty-One Thousand Seven Hundred Twenty dollars (\$ 31,720.00). This fee would be divided into the following phases:

Project Phase (Fire Protection)	Fee
EOC Addition Site Scope	\$ 3,200
EOC Addition Design Proposed Scope	\$ 12,000
Option 1 Waterflow Testing	\$ 3,105
Option 2 Construction Period Support	\$ 4,615
Sub-Total	\$ 22,920
Project Phase (Geothermal Modifications)	Fee
Design Development	\$ 1,760
Construction Bid Documents	\$ 4,400
Bidding	\$ 440
Construction Administration	\$ 2,200
Sub-Total	\$ 8,800
Total	\$ 31,720

REIMBURSABLE COST

Project reimbursable expenses that are reasonably required to complete this work have been included in the lump sum price above.

RMF HOURLY RATES

Hourly rates for additional services are as follows:

Principal	\$220.00	Design Engineer	\$105.00
Associate	\$190.00	Designer	\$100.00
Project Manager	\$165.00	CAD Technician	\$75.00
Project Engineer	\$125.00	Technical Support	\$75.00

OPTIONAL ADDITIONAL SERVICES

- 1) **Scope Increase:** All fees are based upon the total project construction cost and proposed gross square feet (GSF) of building area listed. If the scope of the building increases by more than 10% of the proposed building costs or GSF then additional fees will be required to account for the increased MEP scope.



- 2) **Commissioning:** Perform Cx services including design review, preparation of pre-functional and functional equipment test procedures, witnessing of functional testing, and Cx reports. [Cost: TBD]
- 3) **Design Changes:** Design changes made after substantial completion of the final submission may require additional engineering services regardless of whether the change was initiated by the owner, architect, or architects sub-consultant. [Cost: TBD]
- 4) **Additional CA Services:** CA services in addition to the basic services including increased level of services or offering the base level of services over an extended time frame. [Cost: \$/month]

In the absence of any other executed contract this letter shall incorporate the general conditions of the AIA B105-2017, *Standard Form of Agreement Between Owner and Architect*, except as noted otherwise by this proposal.

We appreciate the opportunity to work with you on this project. Please contact me to discuss any questions, concerns, or scoping issues.

Sincerely,

RMF ENGINEERING, INC.

Timothy Chatterton, PE
Division Manager

TRC

APPROVED: _____

DATE: _____

STANTON ENGINEERING SERVICES, LLC

FIRE PROTECTION ENGINEERING · LIFE SAFETY ANALYSIS & CONSULTATION · FIRE PROTECTION SYSTEMS DESIGN

September 25, 2020

*Tim Chatterton, PE | Division Manager
RMF Engineering*

*RE: Fire Protection Engineering Scope and Fee Proposal
Sussex County EOC Addition*

Tim,

We appreciate the opportunity to present our fee proposal to provide Fire Protection Engineering design for the above referenced project. We have reviewed the project scope of work along with clarifications and have developed what we understand would be our scope of work for this contract. Our scope of work would be as follows:

Reference Documents

The following documents were reviewed to develop this fee proposal and scope of work.

- 1964-Sussex EOC 1.pdf*
- 180173 SCEMS Administration Building to RMF 6-3-20.pdf*

Project Assumptions and Exclusions

- General scope of work description is as follows:*
 - Develop fire suppression design and construction documents for modification of the existing sprinkler system to accommodate the future addition*
 - Ensure that the existing FDC will be capable of serving the entire existing building + new addition*
 - Develop fire suppression design and construction documents for the sprinkler system in the new addition.*
- This SOW assumes there will be three submission as follows:*
 - Internal Coordination Set*
 - Construction Document Submission*
 - Final Construction Document Submission*
- This SOW assumes that the design will include design of a wet-pipe sprinkler system and a dry-pipe sprinkler system. Other system design is excluded (e.g. pre-action systems, clean agent systems, foam systems, etc.).*
- The project is being developed using AutoCAD software. Accurate architectural backgrounds will be provided to SES for use in developing design deliverables.*
- Additional permitting efforts not specifically indicated in this scope of work proposal are excluded.*
- If SES is not performing water flow testing in accordance with NFPA 291, the waterflow supply data must be provided to SES.*
- Design of other systems (fire alarm, mass notification, smoke control, fire pump, etc.) is excluded.*
- Life safety and Building code consultation is excluded.*

- *This SOW assumes that the as-built drawing 1964-Sussex EOC 1.pdf provided is reasonably accurate. A survey will be performed to confirm accuracy with minor markups as necessary.*
- *Number of CA support submittal reviews identified in the proposal are based upon SES experience given the complexity of the system designs. Additional submittal reviews beyond those identified are excluded.*
- *Performance based design solutions are excluded.*
- *The client will provide all necessary information for design of the fire suppression system for the storage spaces including storage details of shelving, aisle widths, flue spaces, dimensions for storage units, detailed documentation on what is being stored and how it is being stored.*
- *Construction documents will consist of:*
 - *General fire suppression engineering design plan with detailed system design requirements. As the drawings are not shop drawings – head locations, hanger locations, branchlines, and dimensioning all system piping is not included.*
 - *Hydraulic calculations to substantiate the system design, general main sizing, and confirmation that a fire pump is not required.*
 - *Specifications for the wet-pipe sprinkler system and dry-pipe sprinkler system.*
 - *BOD narrative*

EOC Addition Site Scope

- *Receive and review as-built sprinkler system drawings.*
- *Perform field investigation survey of existing conditions*
- *Field markup of As-Built Drawings documentation*

EOC Addition Design Proposed Scope

- *Develop Fire Suppression System modification drawings, specifications and calculations for the new addition and for the required revisions to the existing water supply configuration.*
- *Develop Basis of Design Narrative (BOD)*
- *Develop sprinkler system storage arrangement and protection analysis.*
- *Submit Internal Coordination Set, Permit Set, and Final Permit Set*

Option 1 – Water Flow Testing

- *Perform NFPA 291 waterflow testing to establish system water supply.*
- *Develop waterflow test analysis report*

Option 2 – Construction Period Support

- *Perform up to two (2) shop drawing submittal reviews.*
- *Respond to up to four (4) RFIs.*
- *Perform final site construction inspection to confirm as-built drawing accuracy.*

Fees

The total fee including options is broken down as follows:

- **EOC Addition Site Scope: \$3,200.00**
- **EOC Addition Design Proposed Scope: \$12,000.00**
- **Option 1 Waterflow Testing: \$3,105.00**
- **Option 2 Construction Period Support: \$4,615.00**

Payment Terms

PAYMENT TERMS are NET30. SES will submit a progress invoice at the completion of each task as described above. Client agrees to process and pay invoice within 30 days of invoice receipt.

Accounts with balances in excess of 45 days may be put on hold and further services may be withheld.

Client agrees to pay all project costs incurred by SES in pursuit of any payment which is past due including, but not limited to, collection agency commissions, attorney fees and/or court costs.

SES reserves the right to revoke or modify Clients credit at its sole discretion.

If you have any questions or need additional information please feel free to call me at 410-290-9301.

With best regards,



09/25/2020

*David Candia, PE
Managing Principal*

Date

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Briarwood Estates Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)
- Includes parcels in the community known as Briarwood Estates off of Route 24, John J. Williams Hwy.
- The Engineering Department received a request to make a presentation to the Briarwood Estates Homeowners Association based on their own internal balloting procedures.
- The department in turn developed our own polling letter and mailed to all property owners in the community.
- To date we have received a total of 48 responses out of 72 potential parcels for a 66% response.
- Those responses are 37 in favor of central sewer and 11 opposed.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the community.



Permission to Prepare and Post Notices Briarwood Estates

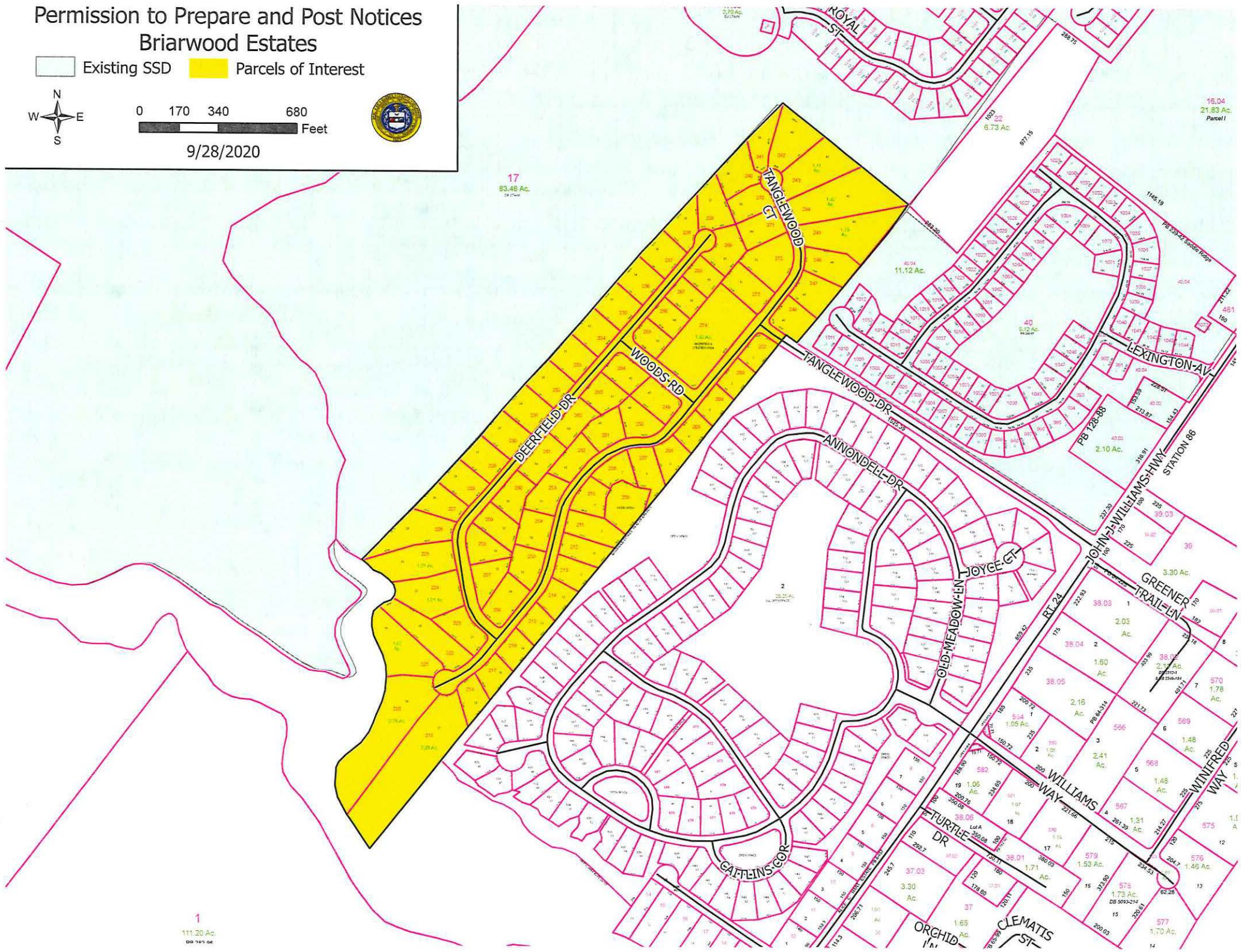
Existing SSD Parcels of Interest



0 170 340 680
Feet



9/28/2020



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Collins Avenue Expansion of the Sussex County Unified Sanitary Sewer District

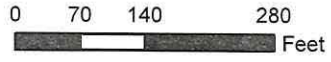
PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)
- Includes parcels primarily along Collins Avenue, including some parcels on Plantation Road and Route 24, John J. Williams Hwy.
- The Engineering Department received several requests for sewer service homeowners along Collins Avenue, possibly prompted by the construction for the Residence Inn Marriott. As we had this project install infrastructure for a possible future connection from Collins Ave.
- A polling letter was developed and sent to residents along Collins Avenue and those immediately adjacent to.
- To date we have received a total of 21 responses out of 32 potential parcels for a 65% response.
- Those responses are 12 in favor of central sewer and 9 opposed.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.

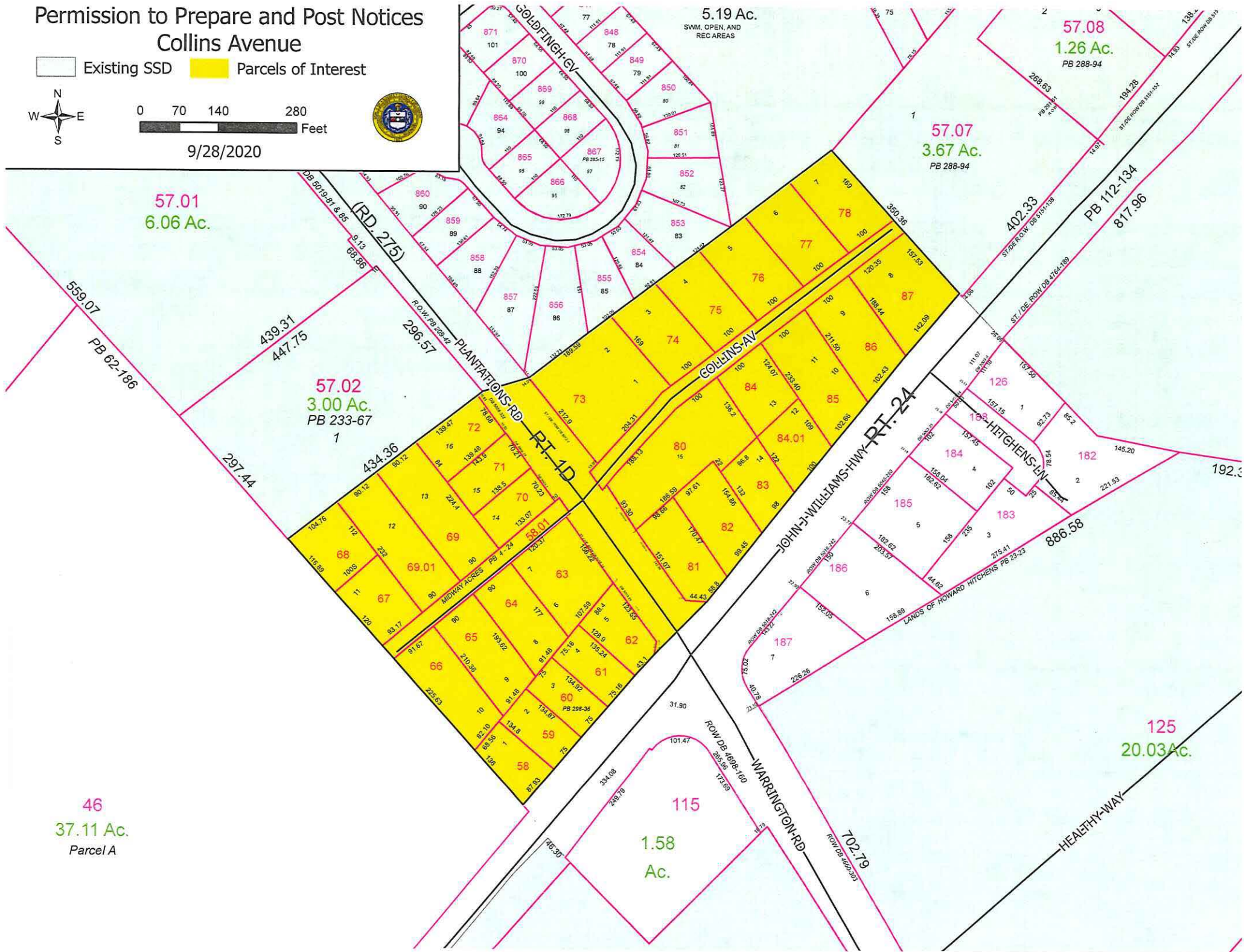


Permission to Prepare and Post Notices Collins Avenue

Existing SSD Parcels of Interest



9/28/2020



5.19 Ac.
SWM, OPEN, AND
REC AREAS

57.08
1.26 Ac.
PB 288-94

57.07
3.67 Ac.
PB 288-94

57.01
6.06 Ac.

57.02
3.00 Ac.
PB 233-67

46
37.11 Ac.
Parcel A

115
1.58
Ac.

125
20.03 Ac.

Nancy Cordrey

Vincent-ok

From: Sussex County DE <webmaster@sussexcountyde.gov>
Sent: Wednesday, September 30, 2020 2:44 PM
To: Nancy Cordrey
Subject: Form submission from: Council Grant Form

Council Grant Form

Legal Name of Agency/Organization	City of Seaford
Project Name	Nanticoke Riverfest
Federal Tax ID	51-6000241
Non-Profit	No
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	The City of Seaford will provide its residents and businesses with good governance, positive customer service, and a desirable quality of life.
Address	414 High St.
Address 2	P.O. Box 1100
City	Seaford
State	Delaware
Zip Code	19973

Contact Person	Katie Hickey
Contact Title	Superintendent of Parks & Recreation
Contact Phone Number	302-629-9173
Contact Email Address	seafordrec@seafordde.com
Total Funding Request	1500.00
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?	6.5
Program Category (choose all that apply)	Other
Program Category Other	Community Outreach/Engagement
Primary Beneficiary Category	Other

Beneficiary Category Other	Families
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	5000
Scope	<p>The City of Seaford has been hosting the annual Nanticoke Riverfest for the past 25 years. This family-friendly events provides people with free live entertainment, a large children's area, a vintage car show, local food and craft vendors (including our downtown shoppes), and an annual float-in down the Nanticoke river.</p> <p>This event brings in thousands of people from Seaford and its surrounding areas, highlighting the heart of our downtown district. Over the last several years, Seaford has brought in new businesses including a coffee shop, Salvadorian restaurant, frame shop, and music & education institute. The City's goal is to drive people into these businesses by providing free entertainment right in the center of of all of them! We do allow other vendors to participate but do keep in mind the storefront locations and keep those areas open for potential customers.</p> <p>To accommodate thousands of people takes a lot of planning, funding, volunteers, and local support. Our event is primarily funded through donations from local sponsors. We hope that you will consider supporting the Nanticoke Riverfest in order for us to support our downtown, its businesses, and our residents.</p>
Religious Components	
Please enter the current support your organization receives	20,000.00

for this project (not
entire organization
revenue if not
applicable to request)

Description Advertising

Amount 2,000.00

Description Entertainment

Amount 6,500.00

Description Grounds & Logistics

Amount 7,500.00

Description Children's Area

Amount 3,000.00

Description Car Show

Amount 1,200.00

Description Various Other Events

Amount 2,500.00

Description Miscellaneous

Amount 3,500.00

Description

Amount

TOTAL 26,200.00

EXPENDITURES

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-6,200.00
Name of Organization	City of Seaford
Applicant/Authorized Official	Katie Hickey
Date	09/30/2020
Affidavit Acknowledgement	Yes

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

Nancy Cordrey

Vincent-OK

From: Sussex County DE <webmaster@sussexcountyde.gov>
Sent: Wednesday, September 30, 2020 3:18 PM
To: Nancy Cordrey
Subject: Form submission from: Council Grant Form

Council Grant Form

Legal Name of Agency/Organization

Seaford Tomorrow ^{IK} Organization

Project Name

Friday Night Live

Federal Tax ID

47-5519548 OK

Non-Profit

Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)

No

Organization's Mission

To make Downtown Seaford an experiential destination with a thriving, active downtown community consisting of art, dining, historical, and business attractions, leveraging natural and historical resources from the long-term economic well-being of the community.

Address

P.O. Box 1100

Address 2

City

Seaford

State

DE

Zip Code	19973
Contact Person	Katie Hickey
Contact Title	Superintendent of Parks & Recreation
Contact Phone Number	302-629-9173
Contact Email Address	seafordrec@seafordde.com
Total Funding Request	1,000.00
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?	25
Program Category (choose all that apply)	Other
Program Category Other	Community Outreach/Engagement

Primary Beneficiary Category	Minority
Beneficiary Category	Other
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	600
Scope	<p>The Seaford Tomorrow Organization has been working over the past several years to bring people to Downtown Seaford. With new businesses in place, we want to help them succeed by creating a event that would bring people to the area on a regular basis. The event was formerly known as "1st Saturdays" but we are trying to rebrand and become "Friday Night Live".</p> <p>Friday Night Live is a free monthly event held every third Friday of the month from 5pm - 8pm. These events will be during the months of May - October and is suitable for all ages. We provide <u>live entertainment</u> by local artists as well as outdoor games, and samples of local beer and wines. We also have a table set up that has information, business cards, and specials for all of the downtown businesses, so people who attend the event can browse through the downtown.</p> <p>Our only income is the profits made from our beer and wines sales. We do try to fundraise at a local restaurant a few times out of the year to help cover costs for entertainment. The Seaford Tomorrow Organization has been providing free outdoor entertainment in Downtown Seaford for six years and are eager to continue developing. However, with growth and development come expenses - we have always struggled to pay for the entertainment, giveaways, supplies, and games in order for people to continue coming to our events. We hope</p>

you will consider supporting our Friday Night Live events so we are able to support our downtown and its businesses.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 1,200.00

Description Advertising

Amount 300.00

Description Logistics

Amount 800.00

Description Supplies

Amount 500.00

Description Entertainment

Amount 3,600.00

Description

Amount

Description

Amount

Description

Amount	
Description	
Amount	
TOTAL EXPENDITURES	5,200.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-4,000.00
Name of Organization	Seaford Tomorrow Organization
Applicant/Authorized Official	Katie Hickey
Date	09/30/2020
Affidavit Acknowledgement	Yes

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

Nancy Cordrey Vincent-ok

From: Sussex County DE <webmaster@sussexcountyde.gov>
Sent: Monday, October 5, 2020 10:41 AM
To: Nancy Cordrey
Subject: Form submission from: Council Grant Form

Council Grant Form

Legal Name of Agency/Organization Laurel Senior Center

Project Name Congregate Meals

Federal Tax ID 51-0109323 ok

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission The mission of the Laurel Senior Center is to provide a multi-purpose senior center which is a community focal point on aging in which other persons as individuals or in groups come together for service and activities. The center strives to enhance dignity, support independence and encourage involvement in and with the community.

Address 113 N. Central Ave

Address 2 PO Box 64

City LAUREL

State DE

Zip Code	19956
Contact Person	Penelope Duncan
Contact Title	Executive Director
Contact Phone Number	13028752536
Contact Email Address	lsc5830@comcast.net
Total Funding Request	2,000
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	5500.00
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Health and Human Services
Program Category Other	

Primary Beneficiary Category	Elderly Persons (62 +)
Beneficiary Category	Other
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	9125
Scope	The Laurel Senior Center is requesting additional funding for congregate meals to be served for persons unable to attend the center. Because of the Corona Virus epidemic many of our members are unable to attend the center for fear of contracting the disease, therefore, still needing the meals on a daily bases. The center hopes with additional funding this service can be brought forward to serve our community during this critical time.
Religious Components	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Operating Cost
Amount	4,750.00
Description	
Amount	

Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
TOTAL EXPENDITURES	4,750.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-4,750.00
Name of Organization	Laurel Senior Center
Applicant/Authorized Official	Penelope Duncan
Date	10/05/2020

Affidavit

Yes

Acknowledgement

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

Nancy Cordrey *Burton-ok*

From: Sussex County DE <webmaster@sussexcountyde.gov>
Sent: Monday, October 12, 2020 3:46 PM
To: Nancy Cordrey
Subject: Form submission from: Council Grant Form

Council Grant Form	
Legal Name of Agency/Organization	Meals on Wheels-Lewes Rehoboth <i>Meals on Wheels of Rehoboth and Lewes, Inc.</i>
Project Name	Fund Raising Meal Program
Federal Tax ID	51-0188109 <i>ok</i>
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To feed the homebound & reduce the alternative of institutionalization.
Address	32409 Lewes Georgetown Highway
Address 2	
City	Lewes
State	DE
Zip Code	19958
Contact Person	Ann Bailey, Board President; Kathy Keuski, Executive Director

Contact Title	Board President & Executive Director
Contact Phone Number	215.292.6100; 302.645.7449
Contact Email Address	annbailey@emoryhill.com
Total Funding Request	\$5000.00
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?	1
Program Category (choose all that apply)	Health and Human Services
Program Category Other	
Primary Beneficiary Category	Elderly Persons (62 +)

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 400

Scope We are a home delivered meal program serving hot, nutritious meals daily to people over 60 years of age & disabled citizens. Our service area is Lewes, Rehoboth, Dewey Beach, Milton & Harbeson

Religious Components Not applicable

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 0.00

Description Meal Costs

Amount 0.00

Description

Amount

Description

Amount

Description

To Be Introduced 10/20/20

**Council District No. 3 – Burton
Tax I.D. No. 234.5.00-44.09
911 Address: 19950 Beaver Dam Rd., Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI SPA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.50 ACRES, MORE OR LESS

WHEREAS, on the 12th day of October 2020, a conditional use application, denominated Conditional Use No. 2247, was filed on behalf of Hillary Brock; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2247 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2247 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the west side of Beaver Dam Road (Route 23) approximately 0.41 mile south of Hopkins Road (S.C.R. 286) and being more particularly described in the attached legal description prepared by Sergovic, Carmean, Weidman, McCartney & Owens, P.A., said parcel containing 1.50 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
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 13, 2020

RE: County Council Report for Ord 20-04 Future Land Use Map Amendment

The Planning and Zoning Department received an application (CZ 1902 John C. Stomato c/o Ribera Development, LLC) for a Change of Zone for a portion of parcel 135-16.00-23.00 from Commercial Residential (CR-1) Zoning District to Heavy Industrial (HI-1) Zoning District to be located at the south east corner of Lewes-Georgetown Highway (Rt. 9) and Steiner Road (SCR 320). The size of the property is 15.00 acres +/-.

On February 18, 2020, County Council approved the Change of Zone application. The Change of Zone approval was contingent upon the Future Land Use Map of Sussex County being successfully amended from a commercial area, which does not permit HI-1 zoning, to an Industrial Area.

An Ordinance to amend the Future Land Use map was introduced at the County Council meeting of August 11, 2020. The Ordinance was subsequently reviewed at the State's PLUS meeting of August 26, 2020. The Planning and Zoning Commission held a public hearing on September 10, 2020. At that meeting, the Commission recommend approval of the Ordinance for the reasons outlined below.

Below are the approved minutes from the Planning & Zoning Commission meeting of September 10, 2020.

Approved Minutes of the Planning & Zoning Commission Meeting of September 10, 2020

Ord. 20-04 – Amendment to Future Land Use Map

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-16.00-23.00 (PORTION OF)



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

Mr. Whitehouse advised the Commission that submitted into the record for this Ordinance is a copy of the proposed ordinance, a copy of the State's Spending Strategies Map, a copy of Exhibit A which shows the 15-acre portion of the subject parcel, and a copy of the County's application to PLUS.

The Commission found that Mr. Jamie Whitehouse, Director of Planning and Zoning for the County presented the Amendment. Mr. Whitehouse reminded the Commission that in January 2020, there was an application for a change of zone from CR-1 zoning district to HI-1 zoning district for a portion of parcel 135-16.00-23.00; that application was recommended for approval by the Commission; that at the County Council approved the application but subject to an amendment to the Future Land Use Map of the County; that amendment has necessitated the need for public hearings; that Staff have also submitted the PLUS response, they noted that it is in a Level 4 but as it is next to the railroad line they have not opposed it; and that the proposed change is to change the designation for part of the parcel shown on Appendix A from the commercial area which does not permit HI-1 zoning to the industrial area to meet the County Councils approval contingent on this change.

Mr. Robertson stated that in the future the Commission could look at the Future Land Use Map and say that it makes sense to add more industrial areas, that this one was missed in the Future Land Use Map; that the Commission does not want to make the Future Land Use Map irrelevant with Applicants requesting changes to the Map with their rezoning; that planning is important and that is what the Future Land Use Map was designed to do.

Mr. Hopkins stated that this is a great opportunity to be able to correct an area that was missed in the Future Land Use Map.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed the Amendment to the Future Land Use Map.

Ms. Stevenson moved that the Commission recommend approval of Ordinance Subdivision 20-04 Amendment to the Future Land Use Map of the Comprehensive Plan from CR-1 to HI-1 for a 15-acre portion of Tax Map No. 135-16.00-23.00; that this amendment is appropriate based on the following:

1. The proximity to an active railway line.
2. The proximity to Route 9.
3. The proximity to Sussex County's Industrial Park and for the types of uses that are planned for and that already exist on this site.
4. The Future Land Use Map includes Industrial Area across the railway lines from this site.

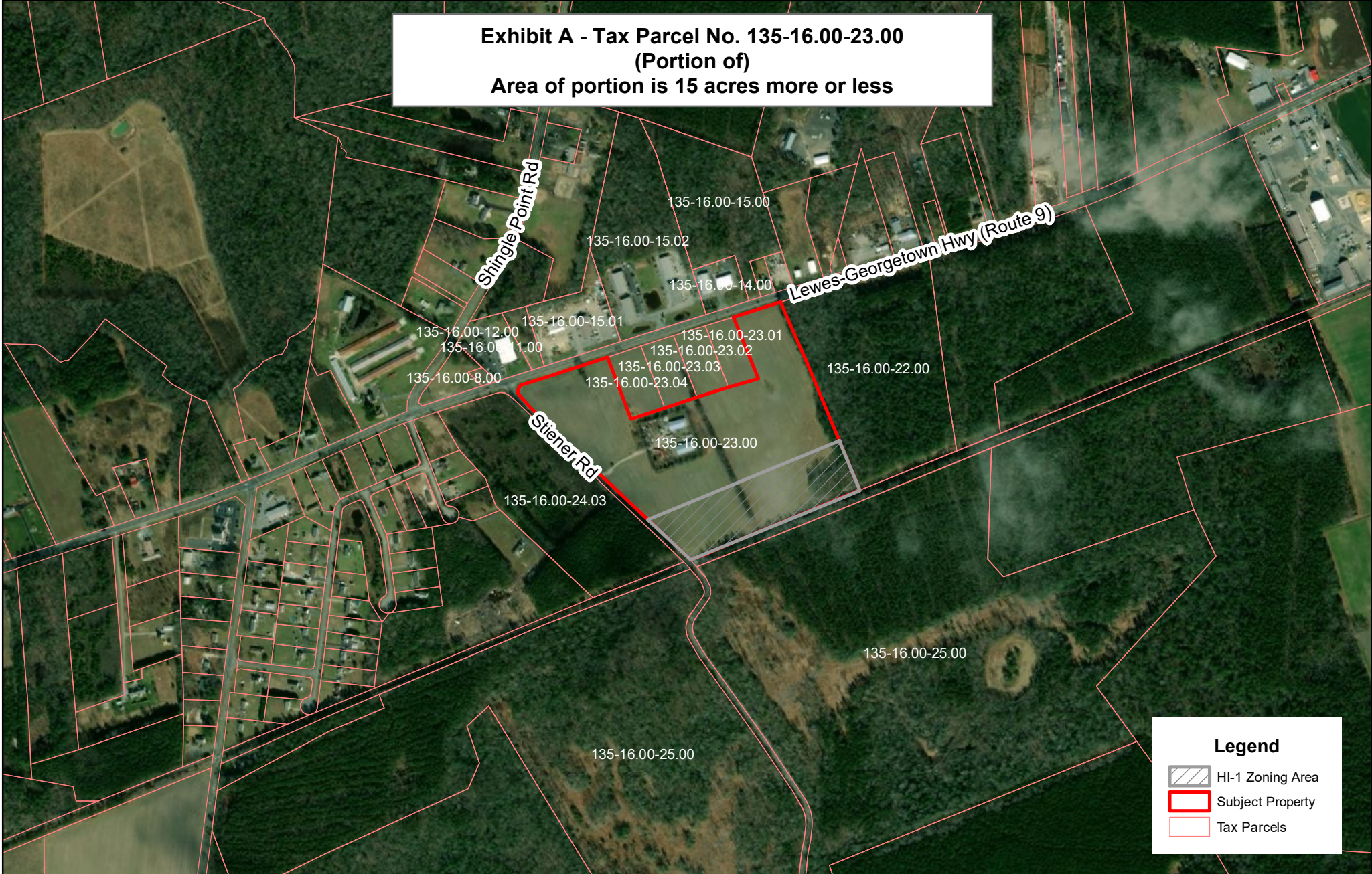
Motion by Ms. Stevenson, second by Ms. Wingate, and carried unanimously to recommend approval for the reasons stated in the Motion. Motion carried 5 – 0.



Sussex County

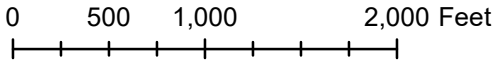


**Exhibit A - Tax Parcel No. 135-16.00-23.00
(Portion of)
Area of portion is 15 acres more or less**



Legend

- HI-1 Zoning Area
- Subject Property
- Tax Parcels







**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

September 24, 2020

Mr. Jamie Whitehouse
Director – Planning and Zoning
Sussex County Administrative Offices
P.O. Box 589
Georgetown, DE 19947

RE: PLUS review 2020-08-07; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on August 26, 2020 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This amendment proposes to change the Future Land Use designation of parcel number 135-16.00-23.00 (Portion of) from Commercial to Heavy Industrial. This parcel is currently designated commercial on the Future Land Use map; however, the owner is seeking to change the back portion along the railroad to Industrial.

Please note that changes to the plan could result in additional comments from the State.

Office of State Planning Coordination – Contact Dorothy Morris 739-3090

This parcel is within a Level 4 area according to the 2020 Strategies for State Policies and Spending. In Investment Level 4 Areas, the State's investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

With that said, we understand that Investment Level 4 Areas may be the location for certain uses that because of their specific requirements are not appropriate for location elsewhere. Such uses, expected to be limited in number, could involve public safety or other uses that require their location outside designated investment areas. Industrial activity would be limited, except where specific requirements of major employers may dictate an exception for a use, which, because of specific siting and potential conflicts with neighboring uses, should not be placed elsewhere.

It is difficult to address this comp plan amendment without knowing the intended use of the property. The office of State Planning supports Agricultural Industrial areas that will support our farms and help bring agricultural goods to markets and distributors. We realize; however, that if this comprehensive plan amendment is approved and the parcel rezoned, the owner could submit a site plan for any of the many uses allowed in the HI zone, which includes professional offices, restaurants, banks, etc.

The state will support this comprehensive plan amendment in hopes that its location along the railroad will bring about additional agricultural industrial land that can use the rail system for the distribution of goods. If this amendment is approved, the owner/developer would, depending on square footage of the development, need to submit a site plan through PLUS for review. The Strategies for State Policies and Spending Level 4 designation will remain on the site and if, at the site plan stage, the use is not compatible with the agricultural industry or if the use is better suited to be closer to a municipality, it is possible we would not support the development of this property as presented.

The State encourages the County to consider the possibility of an Agricultural Zoning District to allow this type of development that can meet the needs of the Ag industry.

State Agency Comments:

Site plan comments presented by State agencies below are general site comments and refer to any future site plan for this parcel. Should the county approve the comprehensive plan amendment and the proposed rezoning of the site, any future site plan which meets the PLUS thresholds will be required to go through the PLUS process.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT reminds the County that while DelDOT is pursuing a rail-with-trail approach for this portion of the Georgetown to Lewes Pathway, an alignment and right-of-way still need to be determined for the path in this area. There are wetlands on both sides of the tracks in this area and DelDOT has not begun the planning and engineering needed to determine the best route for the path. If the County finds industrial development appropriate for this site, DelDOT will either place the path on the south side or work with the developer to route path around and across any rail siding that might be developed.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480

Concerns Identified Within the Development Footprint

Stormwater Management

- If rezoning is approved and the site is planned for development, projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site.

- The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project, or whether is operated by a state agency or school district. The appropriate agency for this project is identified below.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov. Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

Hydric Soil Group

- While the western edge of the property is well drained B soils, the parcel also contains B/D and A/D poorly drained soils.
- Types C and D soils are not conducive to infiltration stormwater Best Management Practices (BMPs) such as bioretention and infiltration basins, which must meet minimum infiltration requirements. If approved for zoning and the site is planned for development, all BMPs that propose to use infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov. Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

Federal Wetlands

- Statewide Wetlands Mapping Project maps indicate the potential presence of wetlands on the southeast corner of the parcel.
- A delineation of waterways and wetlands is required from the U.S. Army Corps of Engineers if planning on disturbing wetlands, and for Section 404 and Section 10 permitting. The use of a private delineation professional to identify the waterways and wetlands on site speeds up the application process if a permit is necessary. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.

- For a list of consultants and engineers please visit the DNREC Wetlands and Subaqueous Lands Section link:
<http://www.dnrec.delaware.gov/wr/Documents/WLSL/Consultant%20List.pdf>
- Contact: U.S. Army Corps of Engineers (Dover Office) at
DoverRegulatoryFieldOffice@usace.army.mil or (267) 240-5278.
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

Industrial Stormwater

- This application was to request rezoning of this parcel to Heavy Industrial District.
- If zoning is approved and the site is developed, a Notice of Intent for Industrial Stormwater under National Pollutant Discharge Elimination System may be required for this site (post-development). The applicant should contact the DNREC Surface Water Discharges Section for more information.
- Contact: DNREC Surface Water Discharges Section at (302) 739-9946.
Website: <https://dnrec.alpha.delaware.gov/water/surface-water/npdes/industrial-stormwater-runoff/>

Concerns Identified Outside of the Development Footprint

Delaware Ecological Network

- The forest adjacent to this parcel is part of the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.
- Rezoning to industrial could have the potential to negatively impact wildlife within lands of the Delaware Ecological Network.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600.
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Once a decision has been reached on this proposed comprehensive plan amendment, the county will need to submit their final decision to the Office of State Planning for our records. If approved, we must receive a copy of the plan amendment with the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the typed name.

Constance C. Holland, AICP
Director, Office of State Planning Coordination

Introduced 8/11/20

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-16.00-23.00 (PORTION OF)

WHEREAS, on March 19th, 2019, the Sussex County Council adopted Ordinance #2637, which in turn adopted the Comprehensive Plan (the “Plan”) subject to the certification of the Governor of the State of Delaware; and

WHEREAS, on February 18th 2020, the Sussex County Council considered an application for a change of zone from CR-1 Commercial Residential District to a HI-1 Heavy Industrial District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 15 acres, more or less (A portion of Tax Parcel No. 135-16.00-23.00) (the “Property”); and

WHEREAS, the Property is designated as being within the Commercial Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and the Commercial Area does not permit such HI-1 Zoning; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 1-35-16.00-23.00 from the Commercial Area to the Industrial Area. The portion of Sussex County Parcel. No. 1-35-16.00-23.00 so changed is identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the Governor of the State of Delaware.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 13, 2020

RE: County Council Report for CZ 1913 FW & SW Thoroughgood Family Limited Partnership

The Planning and Zoning Department received an application (CZ 1913 filed on behalf of FW & SW Thoroughgood Family Limited Partnership) for a Change of Zone of parcel 233-5.00-70.00 from Agricultural Residential (AR-1) Zoning District to HI-1 Heavy Industrial Zoning District for 30512 & 30540 Thorogoods Road, Dagsboro. The size of the property is 3.6 acres +/-.

The Planning and Zoning Commission held a public hearing on September 10, 2020. At the meeting of September 24, 2020, the Commission recommended approval of the application for the 11 reasons outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of September 10, 2020 and the draft minutes from the Planning & Zoning Commission meeting of September 24, 2020.

Approved Minutes of the Planning & Zoning Commission Meeting of September 10, 2020

C/Z 1913 FW & SV Thoroughgood Family Limited Partnership

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a HI-1 Heavy Industrial District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 3.60 acres, more or less. The property is lying on the west side of Thorogoods Road. 911 Address: 30512 & 30540 Thorogoods Road, Dagsboro. Tax Parcel: 233-5.00-70.00.

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, an exhibit book, a staff analysis, a copy of the DelDOT service level evaluation response indicating that a Traffic Impact Study is not required, and comments from the Sussex County Engineering Department Utility



Planning Division.

The Commission found that Mr. David Hutt, Esquire was present on behalf of the applicant, FW & SV Thoroughgood Family Limited Partnership, that also present are Mr. Frank and Ms. Sarah Thoroughgood and Mr. Bill Thoroughgood who are all part of the family limited partnership; that the property is located off Thoroughgood Road; that the request is for a change of zone from AR-1 to HI-1; that this property has a conditional use for a truck repair business that was approved by County Council in 1995; that the use is limited to what is specifically provided for in the conditional use; that instead of seeking modifications to the conditional use the Applicant has decided to seek a change of zone for this property; that the property to the rear of the Applicant's property is zoned HI-1; that the property is close to railroad tracks; that the property is presently improved with an outbuilding and garage; that the property is served by on-site water and sewer; that there are no wetlands located on the property; that the property is not within a flood plain; that DelDOT did not require a traffic impact study as part of this application; that the 2020 Delaware Strategies for State Policies and Spending identify the property as Investment Level 2 which support and encourage a wide range of uses; that the 2018 Comprehensive Plan identifies the property as being in the developing area which is one of Sussex County's growth areas; that the Future Land Use map identifies the area to the north and west as being within an Industrial Area; that the only property between the asphalt plant and the railroad that is not in the Industrial Area is the subject property so therefore the rezoning would be consistent with the Future Land Use Map; that the purpose of the HI-1 district is to provide for a variety of industrial operations and to exclude new residential and commercial developments and the fact that there are other industrial uses in this area this change of zone is appropriate for this parcel; that the aerial history of this area has remained consistent since 1992; that based upon the uses of adjacent properties, and that the uses of the HI-1 district, the State Strategies Map, and the designation on the Future Land Use Map, the Applicant is requesting that the Commission recommend approval of this change of zone to County Council.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application but stated that he would hold the record open for public comments at the end of the meeting as the order of the agenda was revised.

Motion by Ms. Stevenson, second by Mr. Hopkins to close the public hearing. Motion carried 5-0.

At the conclusion of the Public Hearing Chairman Wheatley asked if there was anyone who wished to speak in favor of or in opposition to this Application and did not get an opportunity to speak when the case was presented. There were no further comments from the public either in person or by teleconference.

At the conclusion of the Public Hearings, the Commission discussed C/Z 1913 FW & SV Thoroughgood Family Limited Partnership. Motion by Ms. Wingate, second by Ms. Stevenson, to defer action for further consideration. Motion carried 5-0.

Draft Minutes of the Planning & Zoning Commission Meeting of September 24, 2020

The Commission discussed this application which has been deferred since September 10, 2020.

Ms. Wingate moved that the Commission recommend approval for Change of Zone 1913 FW & SV Thoroughgood Family Limited Partnership based upon the record made during the Public Hearing and for the following reasons:

1. The location is appropriate for HI zoning. The property is in a Developing Area and is adjacent to an Industrial Area according to the Future Land Use Map of the County's Comprehensive Land Use Plan.
2. The properties to the north and east of the site are currently zoned HI-1, and this property will be an appropriate expansion of this existing zoning.
3. The site is adjacent to an existing rail line accessing the property. This makes this location appropriate for industrial zoning.
4. The site is currently used as a truck repair facility approved as a conditional use by Ordinance #1039. The rezoning from the conditional use to HI-1 is a reasonable expansion of the current use of the property.
5. HI zoning is appropriate, since the Zoning Code states that the purpose of the district is "to provide for a variety of industrial operations, but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district."
6. The rezoning will promote the local economy and will create jobs in the area for Sussex County residents.
7. While a HI zone has many possible uses, there are only a limited number of uses that are permissible without a further hearing in front of the County Board of Adjustment.
8. Under the HI zoning, if a possible use is "potentially hazardous" or if there is any doubt as to whether it is potentially hazardous, there will be another public hearing on the particular use before the Board of Adjustment. The Board of Adjustment cannot approve the particular use unless it finds that the public's health and welfare will be protected and that there are safeguards to protect area waters, property and people.
9. The HI zoning, with the safeguard of having further hearings limiting potential uses, will not adversely affect the neighboring or adjacent properties.
10. No parties appeared in opposition to the application.
11. Any future use and development of the property will be subject to site plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to recommend approval for the reasons and with the conditions stated in the Motion. Motion carried 5-0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 10th, 2020

Application: CZ 1913 FW & SV Thoroughgood Family Limited Partnership

Applicant/Owner: FW & SV Thoroughgood Family Limited Partnership
30771 Thorogoods Road
Dagsboro, DE 19939

Site Location: On the west side of Thorogoods Road at 30540 & 30512 Thorogoods Road (S.C.R. 333).

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: HI-1 (Heavy Industrial District)

Comprehensive Land Use Plan Reference: Developing Areas

Councilmatic District: Mr. Rieley

School District: Indian River School District

Fire District: Dagsboro Fire Department

Sewer: Private (On-site)

Water: Private (On-site)

Site Area: 3.60 acres +/-

Tax Map ID.: 233-5.00-70.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 25, 2020
RE: Staff Analysis for CZ 1913 FW & SV Thoroughgood Family Limited Partnership

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1913 FW & SV Thoroughgood Family Limited Partnership to be reviewed during the September 10, 2020 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 Tax Parcel 233-5.00-70.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Industrial (HI-1) District. The parcel is located on the west side of Thorogoods Road. The property is located at 30512 and 30540 Thorogoods Road in Dagsboro, Delaware. The size of the property is approximately 3.60 acres +/-

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Developing Area." The properties to the east on the other side of Robinson Way are also designated "Developing Areas."

"Developing Areas" are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of "Developing Areas" with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The properties to the north and west are designated "Industrial Areas." Industrial Areas are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporate a combination of light industry and other business uses. Large, more intensive stand-alone industrial uses should also be directed to these areas.



The areas to the to the south (on the opposite side of Thorogoods Road) of the subject parcel are designated as “Coastal Areas.” Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed.

Additionally, the subject property is zoned Agricultural Residential (AR-1) Zoning District. The property to the south is also zoned Agricultural Residential (AR-1) Zoning District. The property to the east on the other side of Robinson Way is zoned General Residential (GR) Zoning District. The property encompassing the subject property to the north and west is zoned Heavy Industrial (HI-1) Zoning District.

Although the Heavy Industrial (HI-1) Zoning District is not listed as an applicable zoning district for “Developing Areas” under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” of the 2018 Sussex County Comprehensive Plan, it is listed as an applicable zoning district for “Industrial Areas.” The adjacent parcel which surrounds the subject parcel is designated as an “Industrial Area” of which the Heavy Industrial (HI-1) Zoning District is an applicable zoning district.

Since 2011, there have been no Change of Zone application proposed within a one-mile radius of the application site.

Based on the analysis of the surrounding zoning and uses, a Change of Zone to Heavy Industrial (HI-1) in this location, could be considered as being consistent with the land use, area zoning and surrounding uses.



Sussex County



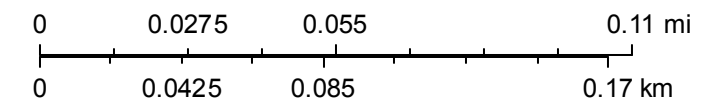
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Owner Name	F W & S V THOROUGHGOOD FAMILY
Book	2946
Mailing Address	30771 THOROGOODS RD
City	DAGSBORO
State	DE
Description	DIRT RD/DUPONT RD
Description 2	TO CANNONS SWITH
Description 3	3.6 AC.S.
Land Code	

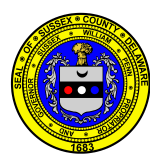
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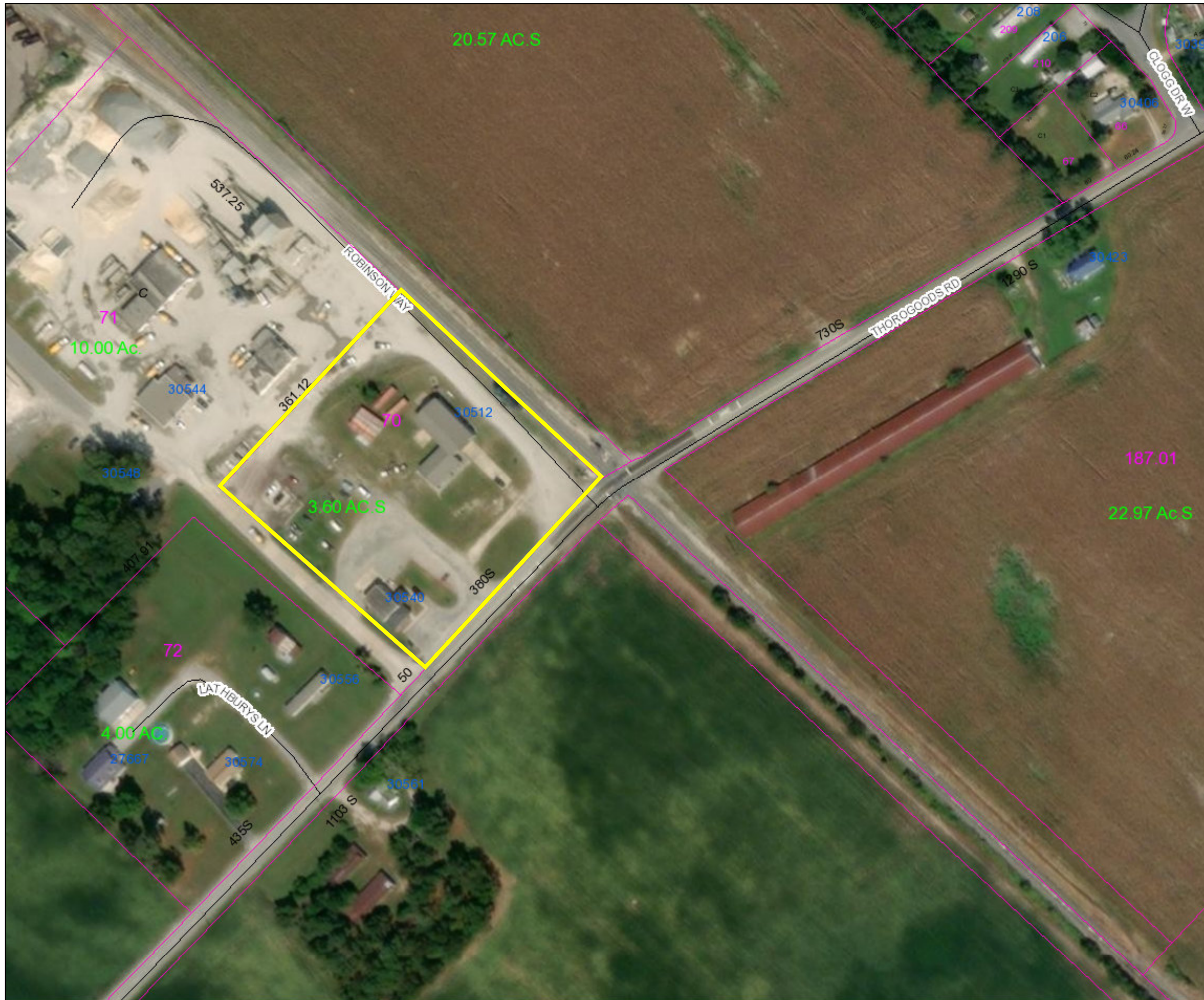
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 - 911 Address
 - Streets
 - County Boundaries

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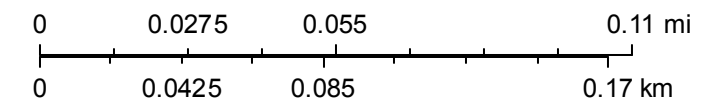
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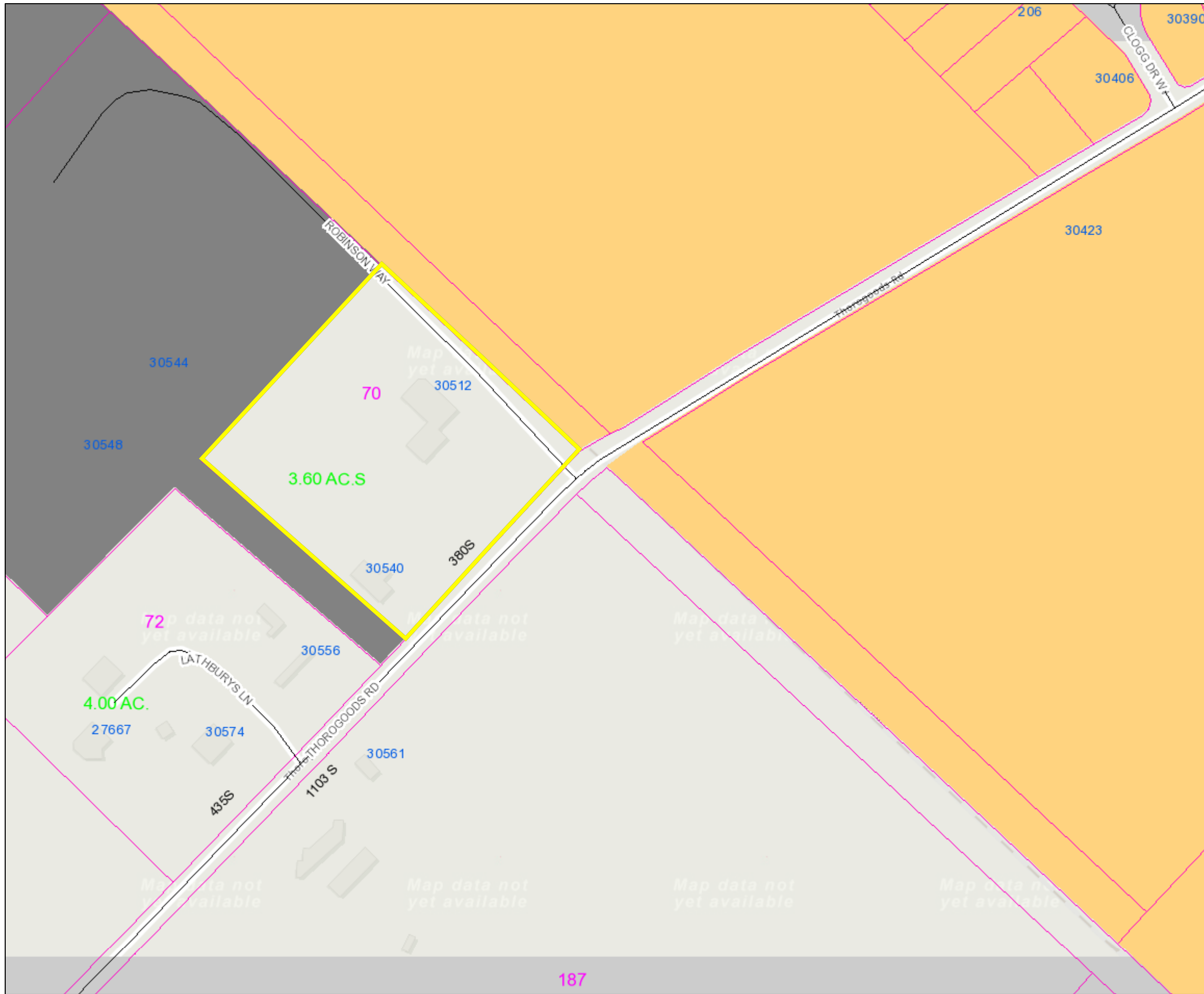
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Sussex County



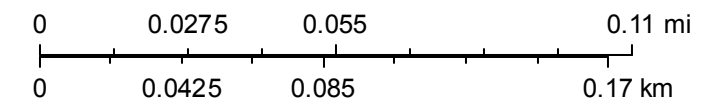
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Description 3	3.6 AC.S.
Land Code	

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 - Override 1
- Tax Parcels
- 911 Address
- Streets

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Introduced 01/07/20

Council District No. 5 – Rieley

Tax I.D. No. 233-5.00-70.00

911 Address: 30512 and 30540 Thorogoods Road, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.60 ACRES, MORE OR LESS

WHEREAS, on the 11th day of December 2019, a zoning application, denominated Change of Zone No. 1913, was filed on behalf of FW & SW Thoroughgood Family Limited Partnership; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1913 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of HI-1 Heavy Industrial 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the west side of Thorogoods Road, and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A., said parcel containing 3.60 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
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 13, 2020

RE: County Council Report for CZ 1919 Newton Farms, LLC

The Planning and Zoning Department received an application (CZ 1919 filed on behalf of Newton Farms, LLC) for a Change of Zone of parcel 131-6.00-8.00 from General Commercial (C-1) Zoning District to LI-2 Light Industrial Zoning District for a certain parcel of land lying and on the south side of E. Newton Road, Bridgeville. The size of the property is 23.7 acres +/-.

The Planning and Zoning Commission held a public hearing on September 10, 2020. At the meeting of September 24, 2020, the Commission recommended approval of the application for the 7 reasons outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of September 10, 2020 and the draft minutes from the Planning & Zoning Commission meeting of September 24, 2020.

Approved Minutes of the Planning & Zoning Commission Meeting of September 10, 2020

C/Z 1919 Newton Farms, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a C-1 (General Commercial District) to a LI-2 (Light Industrial District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 23.7021 acres, more or less. The property is lying on the south side of E. Newton Road, approximately 791 feet west of Sussex Highway (Route 13). 911 Address: N/A. Tax Parcel: 131-6.00-8.00.

Mr. Whitehouse advised the Commission that submitted into the record is an exhibit book, a staff analysis, a copy of the DelDOT service level evaluation response indicating that the Applicant will have to contribute to the area wide study fee.



The Commission found that Mr. David Hutt, Esquire was present on behalf of the applicant, Newton Farms, LLC, that also present are Mr. Rob Ryder who is a principal of Newton Farms and Mr. David Heatwole, an Engineer with Siteworks Engineering; that this is an application to amend the comprehensive zoning map from C-1 to LI-2 for 23.7 acres location on E. Newton Road; that the property is unimproved and used for agricultural purposes; that the intended use of the site will be for manufacturing and light industrial; that the property is served by on-site water and sewer; that there are no wetlands located on the property; that the property is not within a flood plain; that the service level response from DelDOT indicated that no traffic impact study would be required; that DelDOT would require the first use of the property to pay an area wide study fee; that the 2020 Delaware Strategies Map identify the property as an Investment Level 2 which is one of the most active levels in Delaware's developed landscape; that the 2018 Comprehensive Plan and particularly the Land Use Map identifies this as being in the developing area; that this property is completely surrounded by the designation of industrial on the Future Land Use Map; that the Future Land Use Map supports industrial uses; that in the Developing Area with good road access and few nearby homes should allow for business and industrial parks; that this location is approximately 600 ft. from Route 13; that there are few residential homes in the area; that the purpose of the LI-2 district is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by major thoroughfares or railroads; that when you have LI-2 areas, it promotes job creation and job retention; that the intended use for this property is a new location for Miller Metal Fabrication; that the concept plan is similar to the buildings on the adjacent properties; and that based upon the consistency of this application with the surrounding area, the uses of adjacent properties, the purpose of the LI-2 zoning district, the investment level on the State Strategies Map and the designation of the Future Land Use Map the Applicant is requesting that the Commission recommend approval of this change of zone to County Council.

Mr. Martin Miller spoke in favor of the Application; that Mr. Ryder has agreed to sell Miller Metal this property and that it would be a great location for their growing business.

Mr. Rob Ryder spoke in favor of the Application; that this is an ideal location; that Miller Metal has been a partner of OA Newton for sixteen years; and that Miller Metal does all fabrication work for OA Newton and has created quality jobs for Sussex County.

The Commission found that no one spoke in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application but stated that he would hold the record open for public comments at the end of the meeting as the order of the agenda was revised.

At the conclusion of the Public Hearing Chairman Wheatley asked if there was anyone who wished to speak in favor of or in opposition to this Application and did not get an opportunity to speak when the case was presented. There were no further comments from the public either in person or by teleconference.

Motion by Ms. Stevenson, second by Ms. Wingate to close the public hearing. Motion carried 5-0.

At the conclusion of the Public Hearings, the Commission discussed C/Z 1919 Newton Farms, LLC. Motion by Mr. Hopkins, second by Ms. Stevenson, to defer action for further consideration. Motion carried 5-0.

Draft Minutes of the Planning & Zoning Commission Meeting of September 24, 2020

The Commission discussed this application which has been deferred since September 10, 2020.

Mr. Hopkins moved that the Commission recommend approval for Change of Zone 1919 Newton Farms, LLC based upon the record made during the Public Hearing and for the following reasons:

1. The land that is the subject of this application is adjacent to other Properties that are zoned LI-2. This parcel is a reasonable expansion of the existing LI-2 District.
2. This location, along Route 404, is surrounded by uses that are essentially industrial in character and zoning. This is an appropriate use for LI-2 Zoning. This is basically an infill zoning.
3. The intended use of the site will be for manufacturing, light industrial uses and flex space. These are appropriate uses for this area, and they are consistent with the surrounding uses.
4. The rezoning will not have an adverse impact on neighboring properties, roadways or other public facilities.
5. This small expansion of the LI-2 zone satisfies the stated purpose of the district according to the Sussex County Zoning Code.
6. No parties appeared in opposition to this application.
7. Any development of this property under LI-2 zoning will be subject to site plan review by the Sussex County Planning and Zoning Commission to ensure that it complies with all requirements of the zoning code.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to recommend approval for the reasons and with the conditions stated in the Motion. Motion carried 5-0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 10th, 2020

Application: CZ 1919 Newton Farms, LLC

Applicant/Owner: Newton Farms, LLC
16536 Sussex Highway
Bridgeville, DE 19933

Site Location: On the south side of E. Newton Road, approximately 791 ft. west of
Sussex Highway (Route 13).

Current Zoning: C-1 (General Residential District)

Proposed Zoning: LI-2 (Light Industrial District)

Comprehensive Land
Use Plan Reference: Developing Area

Councilmatic
District: Mr. Vincent

School District: Woodbridge School District

Fire District: Bridgeville Fire Department

Sewer: Private (On-site)

Water: Private (On-site)

Site Area: 23.7021 acres +/-

Tax Map ID.: 131-6.00-8.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 25, 2020
RE: Staff Analysis for CZ 1919 Newton Farms, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1919 Newton Farms, LLC to be reviewed during the September 10, 2020 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 Tax Parcel 131-6.00-8.00 to allow for a change of zone from a General Commercial (C-1) Zoning District to a Light Industrial (LI-2) District. The parcel is located on the south side of E. Newton Road, approximately 791 feet west of Sussex Highway (Route 13). The size of the property is approximately 23.7021 acres +/-

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Developing Area." The properties to the east on the other side of Sussex Highway (Route 13) are also designated as "Developing Areas."

"Developing Areas" are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of "Developing Areas" with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The properties to the north, south, east and west of the subject site are designated "Industrial Areas." Industrial Areas are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporate a combination of light industry and other business uses. Large, more intensive stand-alone industrial uses should also be directed to these areas.

Additionally, the subject property is zoned General Commercial (C-1) Zoning District. The properties to the east and west are zoned Light Industrial (LI-2) Zoning District. The properties to the north and south are zoned Agricultural Residential (AR-1) Zoning District.



Although the Light Industrial (LI-2) Zoning District is not listed as an applicable zoning district for “Developing Areas” under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” of the 2018 Sussex County Comprehensive Plan, it is listed as an applicable zoning district for “Industrial Areas.” The adjacent parcels to the north, south, east and west of the subject parcel are designated as “Industrial Areas” of which the Light Industrial (LI-2) Zoning District is an applicable zoning district.

Since 2011, there has been one Change of Zone application proposed within a one-mile radius of the application site. This application is for Change of Zone (C/Z 1826) to facilitate a change of zone from an Agricultural Residential (AR-1) Zoning District and General Commercial (C-1) Zoning District to a Commercial Residential (CR-1) Zoning District.

Based on the analysis of the surrounding zoning and uses, a Change of Zone to Light Industrial (LI-2) in this location, could be considered as being consistent with the land use, area zoning and surrounding uses.



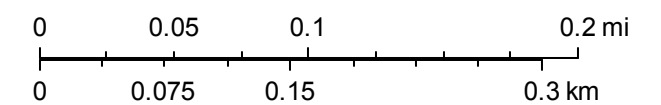
Sussex County

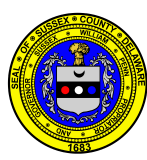


PIN:	131-6.00-8.00
Owner Name	NEWTON FARMS LLC J CONAWAY E MCSOPDDEN
Book	2885
Mailing Address	PO BOX 397
City	BRIDGEVILLE
State	DE
Description	S/RT 584
Description 2	750'W/RT 13
Description 3	FX
Land Code	

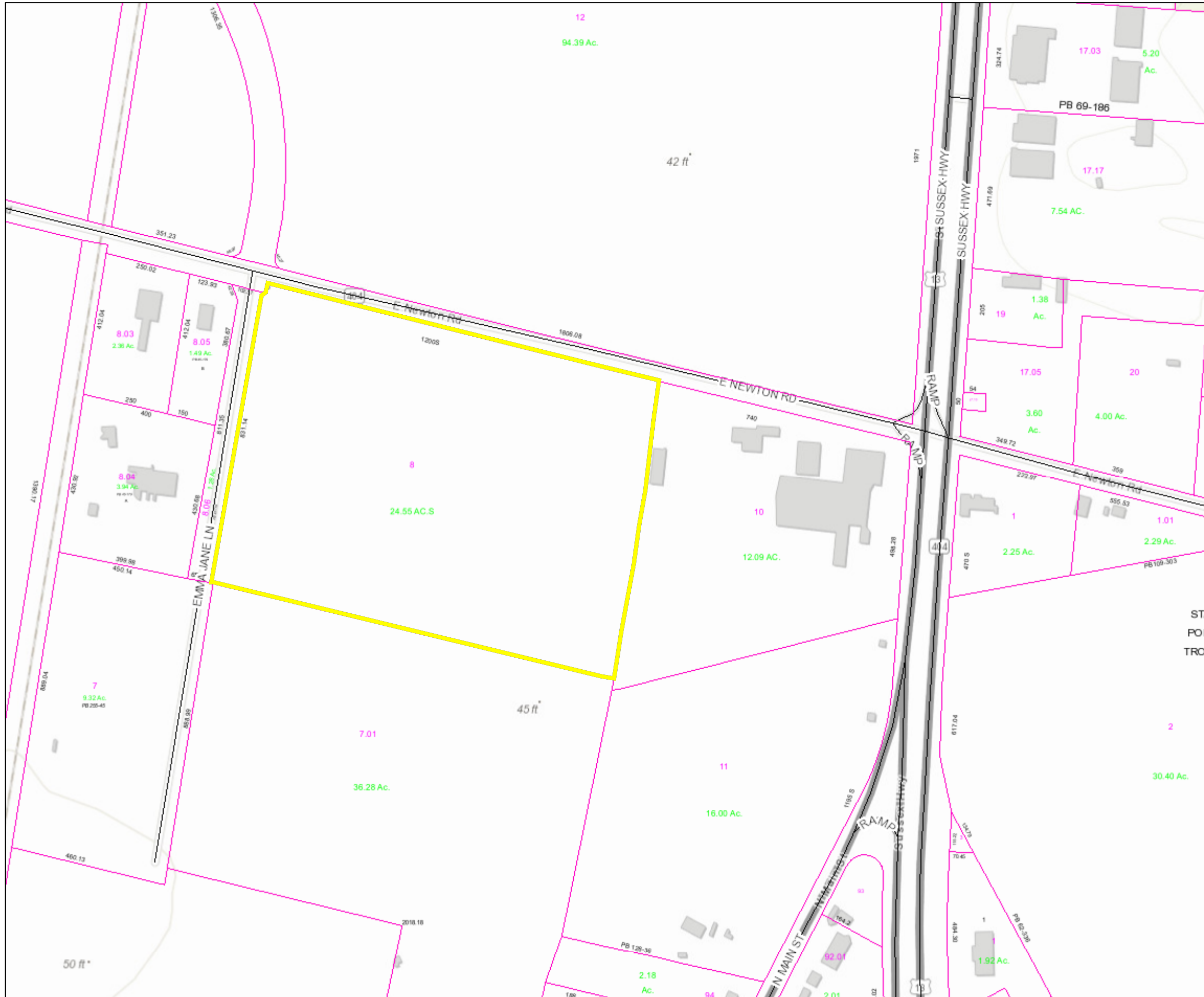
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Override 1
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- Streets
- County Boundaries

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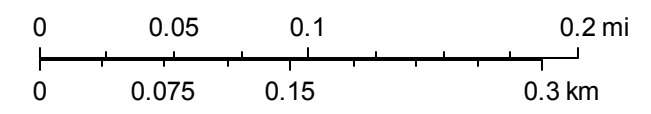
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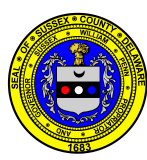


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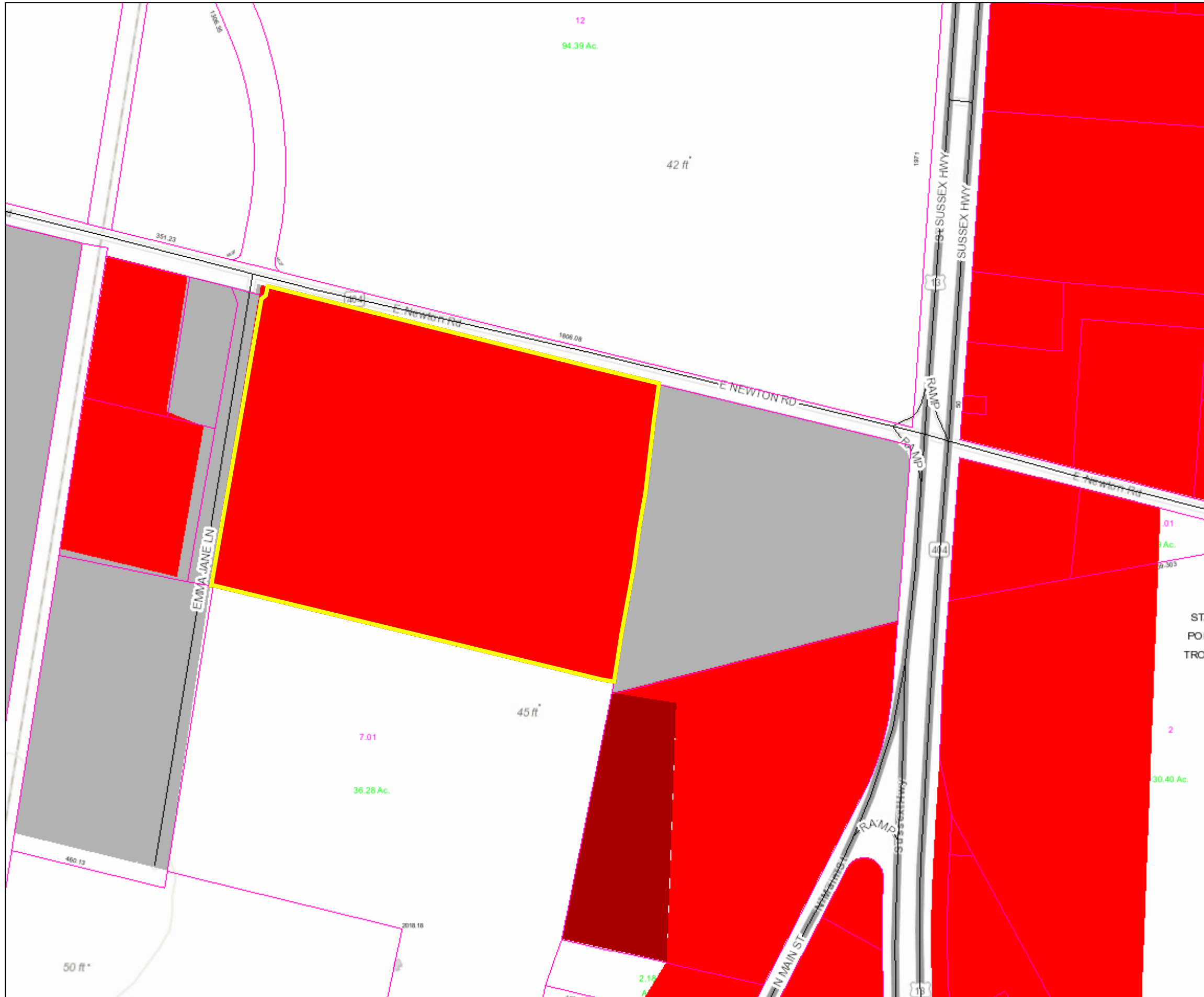
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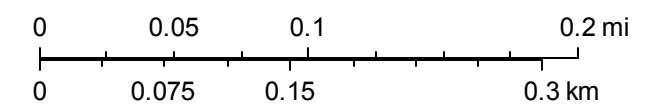
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- Tax Parcels
- Streets

1:4,514



Introduced 2/18/20

**Council District 1 - Vincent
Tax I.D. No. 131-6.00-8.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 23.7021 ACRES, MORE OR LESS

WHEREAS, on the 30th day of January 2020, a zoning application, denominated Change of Zone No. 1919 was filed on behalf of Newton Farms, LLC; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1919 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 [C-1 General Commercial District] and adding in lieu thereof the designation LI-2 Light Industrial 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the south side of E. Newton Road approximately 791 feet west of Sussex Highway (Route 13) and being more particularly described in the attached legal description prepared by Miller-Lewis, Inc. Land Surveying, said parcel containing 23.7021 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.