



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

**MEETING:  
October 30, 2018**

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



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CLERK

# Sussex County Council

## AGENDA

OCTOBER 30, 2018

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

1. Wastewater Agreement No. 891-4  
Sussex County Project No. 81-04  
Tidewater Landing – Phase 5A  
West Rehoboth Expansion North Planning Area
2. Administrator's Report

### Old Business

**“AN ORDINANCE ADOPTING THE 2018 COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1980, THE 2007 UPDATE OF THE COMPREHENSIVE PLAN, ADOPTED JUNE 24, 2008”**

#### **Conditional Use No. 2130 filed on behalf of The Evergreene Companies, LLC**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (20 TOWNHOMES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.3817 ACRES, MORE OR LESS” (lying at the northeast corner of Cedar Neck Road and Fred Hudson Road) (Tax I.D. No. 134-13.00-72.00 and 72.01) (911 Address: 30733 Cedar Neck Road, Ocean View)**



**Hans Medlarz, County Engineer**

1. Construct Taxiway D
  - A. Delta Task Order 8
2. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III AND VI §§99-5, 99-18 AND 99-31, OF THE CODE OF SUSSEX COUNTY REGARDING STREETS, STREET DESIGN STANDARDS AND INSPECTIONS AND CLOSEOUT PROCEDURES”

**John Ashman, Director of Utility Planning**

1. Request for permission to post notices for Wellesley Annexation of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)
2. Plantation Square
  - A. Use of Existing Infrastructure Agreement

**Grant Requests**

1. Optimist International Foundation / Optimist Club of Sussex County for essay contest scholarships
2. Greater Millsboro Chamber of Commerce for Stars & Stripes Celebration
3. Town of Georgetown for Mayor’s Reception on Return Day

**Introduction of Proposed Zoning Ordinances**

**Council Members’ Comments**

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

**Possible Action on Executive Session Items**

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

**Conditional Use No. 2141 filed on behalf of Miller's Tree & Outdoor Services (David Miller)**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE CUTTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.81 ACRE, MORE OR LESS” (lying on the north side of Whitesville Road, approximately 0.3 mile southeast of Russell Road (911 Address: None Available) (Tax Parcel No. 532-16.00-14.01 (portion of)**

**Conditional Use No. 2142 filed on behalf of RH ORR, LLC, c/o Ribera Development, LLC**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (135 TOWNHOUSES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 47.7177 ACRES, MORE OR LESS” (located on the east side of Central Avenue, approximately 0.22 miles north of Old Church Cemetery Road (Tax I.D. No. 134-16.00-39.00) (911 Address: 34365 Central Avenue, Frankford)**

**Conditional Use No. 2144 filed on behalf of William Caldwell**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE COMPANY OPERATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.5851 ACRES, MORE OR LESS” (located on the south side of Greely Avenue, approximately 376 feet and 461 feet east of N. Old State Road) (Tax I.D. No. 230-5.20-55.00 and 56.00) (911 Address: 18576 Greely Avenue, Lincoln)**

**Change of Zone No. 1856 filed on behalf Melissa and Nate Walker**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS” (lying on the east side of John J. Williams Highway (Route 24) approximately 0.38 mile south of Hollymount Road (Tax I.D. No. 234-17.00-35.00) (911 Address: 22935 John J. Williams Highway, Millsboro)**

**Adjourn**

\*\*\*\*\*

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 23, 2018 at 5:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 23, 2018**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 23, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>George B. Cole</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>David N. Rutt</b>	<b>Assistant County Attorney</b>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 566 18  
Approve  
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting "Pending/Potential Litigation" under Executive Session and to approve the agenda, as amended.

**Motion Adopted: 5 Yeas.**

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

**Minutes**

The minutes of October 9, 2018 were approved by consent.

**Public  
Comments**

**Public Comments**

Paul Reiger and Dan Kramer referenced applications for nursing homes and institutional zoning and stated that these applications should not be considered by the Board of Adjustment as Special Use Exceptions; they should be heard as a Conditional Use or Change of Zone application by the Planning and Zoning Commission and the Sussex County Council.

**Wastewater  
Agreement**

Mr. Lawson presented a wastewater agreement for the Council's consideration.

**M 567 18  
Execute  
Wastewater  
Agreement**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Agreement No. 510-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement

**M 567 18  
(continued)**

**between Sussex County Council and TAC Beacon II, LLC, for wastewater facilities to be constructed in The Reserves – Phase 4C, located in the South Bethany Sanitary Sewer District.**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator's  
Report**

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

**1. Delaware State Police Activity Report**

**The Delaware State Police year-to-date activity report for September 2018 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 192 troopers assigned to Sussex County for the month of September.**

**2. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, The Estuary - Phase 1C-1C (Construction Record) received Substantial Completion effective October 17<sup>th</sup>.**

**(Attachments to the Administrator's Report are not attachments to the minutes.)**

**FY 2019  
Human  
Service  
Grants**

**Mrs. Jennings provided the FY2019 Human Service Grants recommendation and an overview of the program. This program provides 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. This program provides grants that assist organizations with operating or capital expenses.**

**Mrs. Jennings explained the application process. She discussed the online application and the formula-based approach to awarding Human Service Grants. Mrs. Jennings outlined the method and criteria for determining recommended grant amounts and presented the recommended Human Service Grants for Fiscal Year 2019 (81 recipients of funds totaling \$224,910.00).**

**M 568 18  
Approve  
Fiscal 2019  
Human  
Service  
Grants**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the Fiscal Year 2019 Human Service Grants allocation, as presented.**

**Motion Adopted: 5 Yeas.**

**M 568 18  
(continued)**

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

**Affordable  
Housing  
Presentation**

**Brandy Nauman, Housing Coordinator, presented to Council the concept of an Affordable Housing RFP (Request for Proposals). She explained that, throughout the course of the Comprehensive Plan process over the last two years, there has been significant feedback about the affordable housing shortage in Sussex County. Although the County has had two affordable housing ordinances in place for 10 years, no units have been constructed for rental or home ownership. Mrs. Nauman reported that Sussex County's market (homeownership and rental) is out of reach for workforce housing. Mrs. Nauman reported that the Community Development & Housing Department recommends the assistance of qualified consultants that specialize in affordable housing and inclusionary zoning to assist with evaluating the existing programs and offering recommendations for changes or replacement. Additionally, staff has reviewed RFPs from a variety of jurisdictions that were faced with similar dilemmas regarding affordable housing for their workforces. In speaking with some of these jurisdictions, it was clear that there was significant benefit to seeking the services of a qualified agency with specific experience in affordable housing and inclusionary zoning to assess existing programs, analyze market data, and offer recommendations based on the jurisdiction's unique housing challenges and socio-economic composition. Mrs. Nauman presented a draft scope of work for a RFP and a proposed timeline for completion.**

**Public  
Hearing/  
Plantation  
Road  
Expansion  
of the  
SCUSSD**

**A Public Hearing was held on the Proposed Plantation Road Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). John Ashman, Director of Utility Planning, reported that the expansion was requested by Davis Bowen & Friedel on behalf of their clients, LMHT, LLC for Parcel 334-12.00-57.01. Mr. Ashman reported that the Engineering Department would like to include Parcel 57.02 (EMS Station) as part of the expansion.**

**There were no public comments and the Public Hearing was closed.**

**M 569 18  
Adopt  
R 016 18**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 016 18 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 334-12.00-57.01 & 57.02 ON THE SOUTH SIDE OF PLANTATIONS ROAD THE PARCELS ARE LOCATED IN THE LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".**

**Motion Adopted: 5 Yea.**



**M 569 18  
(continued)**

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

**Ordinance/  
General  
Bond  
Issuance/  
Western  
Sussex  
Regional  
SSD  
Project/**

**Hans Medlarz, County Engineer, requested introduction of a Proposed Ordinance to authorize the issuance of up to \$16,634,748 of General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Western Sussex Regional Sanitary Sewer District Project, consisting of the transfer of sewer flows from Bridgeville and Greenwood to the existing City of Seaford sewer system and wastewater treatment facility, utilizing existing and proposed infrastructure to be owned and maintained by the County to serve what will be known as the Western Sussex Sewer District with the expectation that up to \$3,200,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$13,434,748 upon project completion.**

**Introduction  
of Proposed  
Ordinance**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$16,634,748 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WESTERN SUSSEX REGIONAL SANITARY SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”. The Proposed Ordinance will be advertised for Public Hearing.**

**Western  
Sussex  
Area of  
the  
SCUSSD/  
Municipal  
Transition  
Agreement**

**Hans Medlarz, County Engineer, presented for Council’s consideration an Interim Municipal Transition Agreement between Sussex County and Town of Bridgeville for the Western Sussex Area of the Unified Sewer District. Mr. Medlarz explained that the Agreement deals with interim staffing and compensation for the staffing, the verification of the transition of the commercial account, the lease arrangements for municipal lands, how the County assumes the outstanding debt, and the future operation of the spray farm (farm lease).**

**M 570 18  
Approve  
Interim  
Sewer  
Operations  
&  
Transition  
Agreement/  
Town of  
Bridgeville**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Interim Sewer Operations & Transition Agreement with the Town of Bridgeville, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Concord  
Road Utility  
Upgrade/  
C/O**

**Mr. Medlarz presented Change Order No. 3 in the amount of \$290,803.50 to the Concord Road Utility Upgrade Project, Contract #15-03. The Change Order provides gravity infrastructure to take the Little Meadows pump station offline and divert flow to the new pump station on Concord Road.**

**M 571 18**  
**Concord**  
**Road**  
**Utility**  
**Upgrade**  
**Project/**  
**Change**  
**Order**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Change Order No. 3 for Contract #15-03, Concord Road Utility Upgrade – Expansion of the Blades Sanitary District Area be approved, which increases the contract amount by \$290,803.50 for a new total project total of \$2,740,852.96.**

**Motion Adopted: 5 Yeas.**

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

**Design/**  
**Tanglewood/**  
**New**  
**Marydel**

**John Ashman, Director of Utility Planning, presented a request to provide engineering services for a project known as Tanglewood/New Marydel.**

**M 572 18**  
**Approve**  
**Engineering**  
**Services**  
**Proposal/**  
**Tanglewood/**  
**New**  
**Marydel**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Engineering Services proposal between Sussex County and George Miles & Buhr LLC for sewer design for Tanglewood and New Marydel for an hourly contract with a not to exceed amount of \$20,820.00, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Rules**

**Mr. Rutt read the rules of procedure for public hearings.**

**Public**  
**Hearing/**  
**Proposed**  
**Ordinance**  
**Authorizing**  
**Compre-**  
**hensive**  
**Land Use**  
**Plan**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE 2018 COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1980, THE 2007 UPDATE OF THE COMPREHENSIVE PLAN, ADOPTED JUNE 24, 2008”.**

**The Planning and Zoning Commission held a Public Hearing on this application on November 2, 2017 at which time the Commission recommended approval based upon the following reasons and with the following recommendations:**

- 1. There has been a great deal of work that has gone into this plan. This includes many public workshops throughout the County, and 19 individual workshops by the Commission to draft every aspect of the plan.**
- 2. There has been a lot of public participation in the drafting process, with public comments at every workshop and meeting held by the Commission during this process, as well as during the public hearing. This public comment has all been taken into account in**

**Public  
Hearing/  
Proposed  
Ordinance  
Authorizing  
Compre-  
hensive  
Land Use  
Plan  
(continued)**

- drafting the plan.**
- 3. All of the information contained in the record, including testimony and written comments received as part of the public hearing, will be forwarded to County Council as part of its review and adoption of the plan.**
  - 4. While this is an update to the prior plan, the Commission has looked closely at every element to determine what has worked and what needs to be changed. This plan reflects all of that work.**
  - 5. In this process, the Commission has taken a deeper look into areas of the plan than ever before. For example, this includes expert testimony from population experts, detailed information about Economic Development, information from the Center for the Inland Bays, substantial input from the County Engineer, and very useful information from affordable housing organizations in the County. There has also been organized participation by several citizens groups during the process. And, the Commission, with the public and DelDOT, really spent a lot of time analyzing traffic issues that affect the County. This plan reflects all of that work and input.**
  - 6. Sussex County's Consultant, McCormick Taylor, has provided guidance and advice throughout the planning process, and supports the draft. McCormick Taylor's efforts are reflected in the plan.**
  - 7. The plan represents a fair and balanced approach and guidance for issues facing Sussex County now and in the future.**
  - 8. The Motion for approval is subject to the following: deletion of Chapter 4 (a duplicate listing of all of the goals, objectives and strategies that are already listed in each chapter), and the renumbering of the remaining Chapters.**

**(See the minutes of the Planning and Zoning Commission dated November 2, 2017.)**

**Janelle Cornwell, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, presented the Proposed Ordinance.**

**Mr. Robertson stated that comments from the public will be heard today on the text of the Comprehensive Plan and the Future Land Use Map (boundary changes). He noted that the Future Land Use Map has the force of law within the Comprehensive Plan, and therefore, requests to change the map should be dealt with by separate Motion(s).**

**Ms. Cornwell reported that the County Council has spent almost a year working on the draft plan. The County Council has held 16 workshops, all of which allowed for public comment.**

**Ms. Cornwell reported that over 400 public comments were received through the County's Comprehensive Plan website; all comments were provided to the County Council and made a part of the record.**

**Public  
Hearing/  
Proposed  
Ordinance  
Authorizing  
Compre-  
hensive  
Land Use  
Plan  
(continued)**

**Ms. Cornwell reported that the draft plan as discussed by County Council was reviewed through the State's PLUS process on August 22, 2018; Council reviewed the PLUS comments at a workshop on October 15, 2018. On that date, a number of recommendations were considered as amendments to the Plan, and staff and the Consultant are working on those.**

**Public comments were heard.**

**Dan Kramer stated that the Plan is challengeable.**

**Tyler Berl, speaking on behalf of the Sussex Housing Group, asked the Council to delay the vote on the adoption of this Comprehensive Plan to allow time for further review and consider the Delaware State Housing Authority's (DSHA) comments on affordable housing as put forth in the PLUS review. Mr. Berl stated that the criteria added for development in the medium and high density areas negates the good work placed in the housing portion of the Plan. Mr. Berl stated that they ask for three things, two of which were addressed in DSHA's PLUS comments: remove all additional criteria for the growth area subcategories with the exception of access to water and sewer and proximity to job centers; add the provision of affordable housing to the County's density bonus program; and remove last Monday's addition to access to transit as a criteria for development in the County's growth areas. Over the past week, the Sussex Housing Group has provided the Council with two sets of public comment exploring the County's acute need for affordable and workforce housing and further justifying the three requests (previously outlined). Mr. Berl submitted, in writing, two letters summarizing the appeals and explanations.**

**Rich Holtkamp, representing Sussex Alliance for Responsible Growth (SARG) stated that the most important of the Plan is prioritization and implementation of all the strategies developed; that challenges include traffic congestion, water quality of the Inland Bays, affordable housing, climate changes and sea level rise, and valuable and environmental resources.**

**L. H. Coven spoke on the need for an Adequate Public Facilities Ordinance.**

**Preston Schell spoke on the availability of affordable housing and stated that programs/ordinances are needed to require and encourage it.**

**Frances Hart spoke on behalf of the Inland Bays Foundation. She referenced PLUS comments and asked that Council incorporate those in the Plan prior to approval, especially comments relating to conservation.**

**Derek Cole referenced and spoke in support of the Lewes Byway Plan.**

**David Hutt, representing Stafford Street Capital, asked for an amendment to the Future Land Use Map for a specific property located on Route 1 and Route 16; this property was changed from a Developing Area to a Rural**

**Public Hearing/  
Proposed Ordinance Authorizing Comprehensive Land Use Plan  
(continued)**

**Area. The request is to change it back to a Growth Area.**

**Shauna Thompson requested an amendment to the Future Land Use Map for her property located at Route 9 and Hudson Road/Joseph Road. She stated that the property meets all requirements of a development area but has been excluded. The request is to place her parcel in the Development District.**

**Kevin Gilmore, on behalf of Sussex County Habitat for Humanity, spoke on affordable housing and stated that he supports comments previously made during this hearing by Tyler Berl.**

**David Carey requested amendments to the Future Land Use Map for three family properties, asking that they be included in the Developing Area (Hudson Road and Log Cabin Hill Road property and two properties on Route 30 and Sand Hill Road).**

**Keith Steck stated that he is fundamentally in favor of the Comprehensive Plan; however he noted vulnerabilities relating to funding, affordable housing issues, Adequate Public Facilities Ordinance, and buffers and wetlands.**

**D.J. Hughes commented on traffic concerns and reported on traffic data. He stated that DelDOT now has 2017 data available so it could be updated in the Plan. Mr. Hughes questioned DelDOT's CTP process stating that everything is a year behind and that there must be a better way to get projects in the CTP. Mr. Hughes also commented on affordable housing, Tiger Grants, impact fees, and CTP projects.**

**There were no additional public comments.**

**The Public Hearing was closed.**

**M 573 18  
Defer Action on Proposed Ordinance Authorizing Comprehensive Land Use Plan**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action for one week on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE 2018 COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1980, THE 2007 UPDATE OF THE COMPREHENSIVE PLAN, ADOPTED JUNE 24, 2008".**

**Motion Adopted: 5 Yeas.**

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

**M 574 18  
Recess**

**At 1:17 p.m., a Motion was by Mr. Arlett, seconded by Mr. Cole, to recess.**

**Motion Adopted: 5 Yeas.**

**M 574 18  
(continued)**

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

**M 575 18  
Reconvene**

**At 2:00 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton,  
to reconvene.**

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

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

**Mr. Arlett rejoined the meeting during the discussion on Conditional Use  
No. 2128.**

**Old  
Business/  
CU 2128**

**Under Old Business, the Council considered the Proposed Ordinance  
entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF  
LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR  
AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL  
OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED,  
SUSSEX COUNTY, CONTAINING 3.0381 ACRES, MORE OR LESS”  
(Conditional Use No. 2128) filed on behalf of Larry Martin (Tax I.D. No.  
532-19.00-12.21) (911 Address: 9534 Shadow Point Lane, Delmar).**

**The Planning and Zoning Commission held a Public Hearing on this  
application on May 24, 2018 at which time action was deferred. On June  
14, 2018, the Commission recommended approval with the following  
conditions:**

- A. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- D. Except for the property owner’s personal vehicles located on site, no more than 10 vehicles shall be parked on the site.**
- E. No sales of automobiles shall be permitted.**
- F. All repairs shall be performed inside the existing pole building located on the property. No other buildings on the property shall be used for the auto repair shop. No automobile parts or equipment shall be stored outside.**
- G. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- H. The site shall be subject to all DeIDOT entrance and roadway requirements.**
- I. Handling and disposal of all hazardous waste from the auto repair**

**Old  
Business/  
CU 2128  
(continued)**

shop shall comply with all local, state, and federal laws, rules, and regulations.

- J. The automotive repair house shall only be from 7:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.**

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

**The Sussex County Council held a Public Hearing on this application on June 12, 2018 at which time action was deferred.**

**M 576 18  
Amend  
Conditions/  
CU 2128**

**A Motion was made by Mr. Cole, seconded by Mr. Burton, to amend Condition A recommended by the Planning and Zoning Commission to read as follows: One unlighted sign, not to exceed 16 square feet per side, shall be permitted.**

**Motion Adopted: 5 Yeas.**

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

**M 577 18  
Adopt  
Ordinance  
No. 2607/  
CU 2128**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2607 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0381 ACRES, MORE OR LESS" (Conditional Use No. 2128) filed on behalf of Larry Martin, with the following conditions:**

- A. One unlighted sign, not to exceed 16 square feet per side, shall be permitted.**
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- D. Except for the property owner's personal vehicles located on site, no more than 10 vehicles shall be parked on the site.**
- E. No sales of automobiles shall be permitted.**
- F. All repairs shall be performed inside the existing pole building located on the property. No other buildings on the property shall be used for the auto repair shop. No automobile parts or equipment shall be stored outside.**

**M 577 18  
Adopt  
Ordinance  
No. 2607/  
CU 2128  
(continued)**

- G. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- H. The site shall be subject to all DeIDOT entrance and roadway requirements.**
- I. Handling and disposal of all hazardous waste from the auto repair shop shall comply with all local, state, and federal laws, rules, and regulations.**
- J. The automotive repair house shall only be from 7:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
CU 2136**

**Under Old Business, the Council considered Conditional Use No. 2136 filed on behalf of Christine Degnon.**

**The Planning and Zoning Commission held a Public Hearing on this application on July 26, 2018 at which time action was deferred. On August 23, 2018, the Commission recommended approval with the following conditions:**

- A. The use shall be limited to medical offices only.**
- B. As stated by the Applicant, the use shall occur within the existing structure, maintaining its residential appearance from Savannah Road.**
- C. The hours of operation shall be between 8:00 a.m. and 5:00 p.m. Monday through Friday. Additional hours shall be by emergency appointment only.**
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- E. The Applicant shall comply with all DeIDOT requirements concerning entrance, traffic and roadway improvements.**
- F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- G. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.**
- H. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- I. There shall be a sign directing traffic on the driveway for visitors to this site. There shall also be a sign at the driveway entrance advising that "Children are at Play". The location of these signs shall be shown on the Final Site Plan.**



**Old  
Business/  
CU 2136  
(continued)**

- J. As stated by the Applicant, there shall be a privacy fence installed along the property to the northeast side of the property. The fence shall run from Savannah Road to a point adjacent to the rear edge of the garage on the Applicant's property. The location and type of fencing shall be shown on the Final Site Plan.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated July 26 and August 23, 2018.)**

**The County Council held a Public Hearing on this application on August 21, 2018.**

**M 578 18  
Amend  
Condition/  
CU 2136**

**A Motion was made by Mr. Burton, seconded by Mr. Arlett, to strike the existing Condition J recommended by the Planning and Zoning Commission and to replace it with the following Condition J: "As stated by the Applicant, there shall be a privacy fence installed along the property to the northeast side of the property. The fence shall run from the split of the shared driveway to a point adjacent to the rear edge of the garage on the Applicant's property. The fence is not to interfere with sight views on Savannah Road. The location and type of fencing shall be shown on the Final Site Plan.**

**Motion Adopted: 5 Yeas.**

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

**M 579 18  
Adopt  
Ordinance  
No. 2608/  
CU 2136**

**A Motion was made by Mr. Burton, seconded by Mr. Arlett, to Adopt Ordinance No. 2608 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRE, MORE OR LESS: (Conditional Use No. 2136) filed on behalf of Christine Degnon, with the following conditions as amended:**

- A. The use shall be limited to medical offices only.**
- B. As stated by the Applicant, the use shall occur within the existing structure, maintaining its residential appearance from Savannah Road.**
- C. The hours of operation shall be between 8:00 a.m. and 5:00 p.m. Monday through Friday. Additional hours shall be by emergency appointment only.**
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.**

**M 579 18  
Adopt  
Ordinance  
No. 2608/  
CU 2136  
(continued)**

- E. The Applicant shall comply with all DeIDOT requirements concerning entrance, traffic and roadway improvements.**
- F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- G. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.**
- H. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- I. There shall be a sign directing traffic on the driveway for visitors to this site. There shall also be a sign at the driveway entrance advising that “Children are at Play”. The location of these signs shall be shown on the Final Site Plan.**
- J. As stated by the Applicant, there shall be a privacy fence installed along the property to the northeast side of the property. The fence shall run from the split of the shared driveway to a point adjacent to the rear edge of the garage on the Applicant’s property. Any fence is not to interfere with sight views on Savannah Road. The location and type of fencing shall be shown on the Final Site Plan.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
CZ 1857**

**The Council considered Change of Zone No. 1857 filed on behalf of Elizabeth Ann Burkhardt.**

**The Planning and Zoning Commission held a Public Hearing on this application on September 13, 2018 at which time action was deferred. On September 27, 2018, the Commission recommended denial and recommended the submission of a Conditional Use application for which the fee would be waived.**

**The Planning and Zoning Commission held a Public Hearing on this application on October 9, 2018.**

**M 580 18  
Deny  
CZ 1857**

**A Motion was made by Mr. Burton, seconded by Mr. Cole, for the denial of Change of Zone No. 1857 and for expediting a Conditional Use application and waived fee.**

**Mr. Burton and Mr. Cole withdrew their motions.**

**M 581 18  
Deny  
CZ 1857**

**A Motion was made by Mr. Burton, seconded by Mr. Cole, to accept the Planning and Zoning’s recommendation on Change of Zone No. 1857 in its entirety.**

(continued) **Mr. Burton and Mr. Cole withdrew their motions.**

**M 582 18**  
**Adopt**  
**Proposed**  
**Ordinance/**  
**CZ 1857**

**A Motion was made by Mr. Burton, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3673 ACRE, MORE OR LESS” (Change of Zone No. 1857) filed on behalf of Elisabeth Ann Burkhardt.**

**Motion Denied: 5 Nays.**

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

**The Council agreed with the Planning and Zoning Commission’s recommendation that the Applicant submit an application for a Conditional Use, which will be expedited and the fee waived.**

**Grant**  
**Requests**

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

**M 583 18**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$500.00 (\$250.00 each from Mr. Wilson’s and Mr. Burton’s Councilmanic Grant Accounts) to the DCUSA Foundation for the Hopemakers Program.**

**Motion Adopted: 5 Yeas.**

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

**M 584 18**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$10,000.00 (\$6,000.00 from Mr. Wilson’s Councilmanic Grant Account, \$2,000.00 from Mr. Cole’s Councilmanic Grant Account, \$1,000.00 from Mr. Burton’s Councilmanic Grant Account, and \$1,000.00 from Mr. Arlett’s Councilmanic Grant Account) to the Georgetown Historical Society for the carriage building and pavilion.**

**Motion Adopted: 5 Yeas.**

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

**M 585 18**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$867.00 from Mr. Burton’s Councilmanic Grant Account to the Lewes Presbyterian Church for the Lewes After School Program.**

**M 585 18  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 586 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$1,888.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Concert Band for the Cape Henlopen Senior Center concert.**

**Motion Adopted: 5 Yeas.**

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

**M 587 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,000.00 (\$800.00 from Mr. Arlett's Councilmanic Grant Account and \$200.00 from Mr. Cole's Councilmanic Grant Account) to the Fenwick Island Lions Club for Halloween parade expenses.**

**Motion Adopted: 5 Yeas.**

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

**M 588 18  
Countywide  
Youth  
Grants**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,000.00 from Countywide Youth Grants to the Delaware Community Foundation for the Delaware Children in Nature Coalition for the Boo-B-Que fundraiser.**

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
Zoning  
Ordinance**

**Mr. Vincent 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 25.6694 ACRES, MORE OR LESS" (Change of Zone No. 1872) filed on behalf of T.S. Smith and Sons, Inc. (Tax I.D. No. 131-10.00-89.00) (911 Address: 8899 Redden Road, Bridgeville).**

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

**Council  
Members'  
Comments**

**Council Members' Comments**

Mr. Cole commented on the applications for Special Use Exceptions for nursing homes that go before the Board of Adjustment. Mr. Cole expressed concern about these large facilities in AR-1 Districts and stated that the County needs to look into it. It was noted that, by County Code, nursing homes and assisted living facilities need a Special Use Exception from the Board of Adjustment, and therefore a Code amendment would be needed to require those applications to go to the Planning and Zoning Commission and the County Council.

Mr. Burton referenced the recent buffer and density ordinances and stated that staff is working to disseminate information to determine the path forward on the Proposed Ordinances. He noted that the Proposed Ordinances will be placed on an agenda for a vote prior to the end of the year.

**M 589 18  
Go Into  
Executive  
Session**

At 2:55 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to go into Executive Session to discuss matters relating to land acquisition.

**Motion Adopted: 5 Yeas.**

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

**Executive  
Session**

At 2:57 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters relating to land acquisition. The Executive Session concluded at 3:47 p.m.

**M 590 18  
Reconvene**

At 3:48 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted: 5 Yeas.**

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

**There was no action on Executive Session items.**

**M 591 18  
Adjourn**

At 3:49 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn.

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

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

DRAFT

## 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](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

October 18, 2018

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
TIDEWATER LANDING - PHASE 5A  
AGREEMENT NO. 891 - 4

#### DEVELOPER:

Mr. Rich Rishel  
CMF Tidewater Landing LLC  
21 Village Green Dr., Ste 200  
Ocean View, DE 19970

#### LOCATION:

CR 277 next to Love Creek

#### SANITARY SEWER DISTRICT:

West Rehoboth Expansion North Planning Area

#### TYPE AND SIZE DEVELOPMENT:

17 single family lots in this phase.

#### SYSTEM CONNECTION CHARGES:

\$108,120.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
04/05/17

Department of Natural Resources Plan Approval  
05/05/17

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 20  
Construction Admin and Construction Inspection Cost – \$9,826.86  
Proposed Construction Cost – \$65,512.37



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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# Sussex County

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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**October 30, 2018**

## **PROPOSED MOTION**

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 891-4 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "CMF TIDEWATER LANDING, LLC." FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "TIDEWATER LANDING – PHASE 5A", LOCATED IN WEST REHOBOTH EXPANSION NORTH PLANNING AREA.

ORDINANCE NO. 38  
AGREEMENT NO. 891-4

TODD LAWSON  
COUNTY ADMINISTRATOR





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

**AN ORDINANCE ADOPTING THE 2018 COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1980, THE 2007 UPDATE OF THE COMPREHENSIVE PLAN, ADOPTED JUNE 24, 2008**

**WHEREAS, the County Council of Sussex County has the power and jurisdiction to regulate zoning and the uses of land in those portions of Sussex County which are not included within the corporate limits of any city or town; and**

**WHEREAS, the purpose of planning and zoning is to promote the health, safety, prosperity, and general welfare, as well as the further purpose of securing coordinated plans for land use, transportation, public facilities and utilities, and public works and expenditures in those portions of Sussex County subject to the power and jurisdiction of the County Council of Sussex County; and**

**WHEREAS, the County Council is required by The Quality of Life Act, as it appears in Subchapter II, Chapter 69 of Title 9 of the Delaware Code, as amended, to update its Comprehensive Plan for zoning, subdivision, and other land use decisions adopted June 24, 2008; and**

**WHEREAS, the County Planning and Zoning Commission and the County Council have held extensive public workshops and hearings, and have prepared a Comprehensive Plan for submission to the Cabinet Committee on State Planning Issues; and**

**WHEREAS, the County Government of Sussex County is of the opinion that it promotes the health, safety, morale, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County by adopting a final Comprehensive Plan;**

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

**Section 1. The 2018 Sussex County Comprehensive Plan is adopted as the Comprehensive Plan in Sussex County.**

**Section 2. The 2007 Update of the Comprehensive Plan adopted June 24, 2008 is hereby repealed.**

**Section 3. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications.**

**Section 4. This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 25, 2018

RE: County Council Old Business Report IV for CU 2130 The Evergreene Companies, LLC  
(Pallots Corner)

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The County Council held a public hearing on July 27, 2018. County Council deferred action pending a response from the County Engineer and left the record open for 15 days for written comments. Comments were received and reported to the Council in August. At that time Council asked for information on the density for applications approved in the last few years. Staff has found 3 applications approved since 2008 in the area. A map was provided in September showing the location and density of the projects. At the September meeting Council has asked for density in the area. The area densities are highlighted in the minutes below.

The Planning and Zoning Department received an application (CU 2130 The Evergreene Companies, LLC (Pallots Corner) to allow for a Conditional Use to allow multifamily dwellings (20 townhouses) to be located at 30733 & 30693 Cedar Neck Rd. The Planning and Zoning Commission held a public hearing on June 14, 2018. The following are the minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, an exhibit booklet, comments from Sussex Conservation District, staff analysis, PLUS Response Letter, Sussex County Engineering Utility and Planning Division and one letter of opposition.

The Commission found James Fuqua, Attorney with Fuqua, Willard, Stevens, and Schab, Josh Mistrangelo and Ring Lardner, with Davis, Bowen and Friedel, LLC were present on behalf of the application; that Mr. Fuqua stated this is an application for a Conditional Use in an MR district for 20 townhomes; that they consider the parcel as an in-fill property; that a previous application was submitted in 2011 to request a Change of Zone to a B-1 and was denied as the area is primarily residential uses; that this is a proposal for 20 townhomes with a pool and clubhouse; that the gross density would be 8.4 units per acre; that they believe the density is appropriate with the area and the Comprehensive Plan; that there is Bethany Lakes and Sunset Harbor in the area; that to the south of the property is Salt Pond which is a RPC; that the commercial component of Salt Pond RPC is across the street and has a grocery store and gas station; that adjacent to Bethany Lakes is a very large community facility; that the Land Use classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area, mixed residential land use, and is a growth area; that



there is a full range of housing types including townhomes with water and sewer and up to 12 units per acre is appropriate; that water will be provided by Sussex Shores; that sewer will be provided by Sussex County and there is adequate sewer capacity; that there are no wetlands on the site and it is not in a floodplain; that the site does not contain any historic or endangered species; that the stormwater management will meet all requirements; that the site is located in the excellent recharge area and will comply with requirements; that DelDOT did not require a TIS or TOA; that the 20 units will be located in six buildings; that four of the buildings will have three units each and two of the buildings will have four units each; that the north boundary will have an extra eight foot setback; that they will provide a Landscape Plan for a buffer adjacent to the residential lots; that one acre will be open space which is approximately 42% of the site; that there will be curbs and gutters; roads with streetlights downward screened; that the community will be a condominium ownership; that the site fronts on two roads at a major intersection; that the site backs up to Bethany Lakes recreational facility; that Bethany Lakes has a net density of 5.6; that Sunset Harbor has a net density of 9.8, Cedar Bay has a net density of 11.9, Bethany Grand has a net density of 10.6 and Magnolias has a net density of 11.4 with a restaurant on the site; that the proposed use and density is in character with the area and Comprehensive Plan; that they submitted proposed findings and conditions; that a fence, plantings or both will be adjacent to the single family homes; that there will be a right turn lane off of Cedar Neck Road; that the entrance is across from Bayside; that Mr. Mistrangelo stated there will be parking in the garage, surface parking and two extra parking spaces; that a 50 foot setback along both sides of the roads and try to keep as many trees as possible; that Mr. Lardner stated they submitted a sewer concept plan and will have to do and pay for upgrades and will meet Chapter 110 standards; and that the sidewalks will connect to existing sidewalks.

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

The Commission found that Peter Hartogensis and Sue O'Neill spoke in opposition to the application; that Mr. Hartogensis stated he is speaking on behalf of Board of Bethany Lakes; that there are seven board members present; that Bethany Lakes has 88 homes on spacious lots and nice amenities; that the proposed project is adjacent to the community; that this is not in character with the neighborhood; that he has concerns with traffic, especially in the summer months; that the only way in and out is through the light; that he concerns with drainage from stormwater management; that he has concerns with the sewer pump station; that Ms. O'Neill stated that Bethany Lakes does not have an indoor pool and there are only single family on their site; that the pump station overloads especially on 4<sup>th</sup> of July and smells some days; and that she has concerns with traffic.

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

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

At their meeting of June 28, 2018, the Planning Commission discussed the application which has been deferred since June 14, 2018.

Mr. Hudson moved that the Commission recommend approval of C/U 2130 for The Evergreene Companies, LLC for Multi-Family Dwellings in an MR Medium Density Residential District based upon the record made during the Public Hearing and for the following reasons:

1. This application seeks approval of 20 townhome structures on 2.3871 acres, for a proposed density of approximately 8.4 units per acre.

2. The property is at the intersection of Fred Hudson Road and Cedar Neck Road, which is one of the busiest intersections in this area. The property is also bounded by single family homes and the clubhouse and pool area of an adjacent single family residential development.
3. Multiple parties appeared in opposition to this project, including residents of the adjacent Bethany Lakes development. That property, like this one, has an MR zoning, but it was developed at a much lower density on larger single-family lots. The opposition included concerns about the density, increased traffic at this already heavily-travelled intersection and other factors.
4. I am concerned about the proposed density on this small of a property. It appears that this is the maximum density that will fit on the property taking into account the dimensional and minimum parking requirements.
5. The applicant has cited the densities of other nearby developments for comparison and similarity to this development. However, many of those developments are zoned C-1, which permits density “by-right” of up to 12 units per acre. In the case of Sunset Harbor, that density was long ago established with a manufactured home park that previously existed on the site. Here, unlike the C-1 Zoned properties in the area, this parcel zoned MR, which only permits a “by-right” base density of 4 units per acre.
6. The site is in the Environmentally Sensitive Developing Area according to the current Sussex County Comprehensive Plan. Although our Plan states that multifamily structures are appropriate in this Area, it also states that the density should primarily remain between 2 and 4 units per acre. In some cases, it may be appropriate to increase the density, especially on larger tracts that can accommodate the density, but not here on a very small tract of land at a prominent intersection.
7. I am also concerned that by maximizing the number of townhomes on this property, there is little room for overflow parking and there is very little separation between this property and the single-family development adjacent to it.
8. Section 115-218 of the Zoning Code allows the County to require the 20-foot forested buffer around a multifamily development when appropriate. Given the location and surroundings of this property, it is appropriate to require the 20-foot vegetated buffer around the entire perimeter of the project.
9. With the buffer requirements and based upon my concerns about the overall density of the project and proposed site plan, the number of units permitted as part of this project shall be reduced to 16. That will allow for the installation of the required buffer and it will allow for additional parking within the site.
10. The development will be served by central sewer provided by Sussex County.
11. This recommendation is subject to the following conditions:
  - A. The maximum number of townhouse units shall be 16.
  - B. As provided by Section 115-218 of the Zoning Code, there shall be a forested or landscaped buffer installed around the entire perimeter of the project in compliance with Section 99-5 of the Code of Sussex County.
  - C. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
  - D. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
  - E. The project shall be served by central water to provide drinking water and fire protection.
  - F. Interior Street design shall meet or exceed the Sussex County street design requirements.

- G. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 a.m. and 6:00 p.m., Monday through Saturday.
- H. No other outdoor construction activities shall occur at the site except between the hours of 7:30 a.m. through 7:00 p.m., Monday through Friday, and 8:00 a.m. through 2:00 p.m. on Saturdays. There shall be no construction activities at the site on Sundays.
- I. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
- J. The applicant shall form a condominium association responsible for the perpetual maintenance, repair and replacement of the roads, the buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
- K. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- L. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- M. As stated by the applicant, there shall be a swimming pool and pool house installed on the premises. The swimming pool shall be at least 15 feet by 35 feet in size.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

**Introduced 1/23/18**

**Council District No. 4 – Cole  
Tax I.D. No. 134-13.00-72.00 and 72.01  
911 Address: 30733 Cedar Neck Road, Ocean View**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (20 TOWNHOMES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.3817 ACRES, MORE OR LESS**

**WHEREAS, on the 11th day of January 2018, a conditional use application, denominated Conditional Use No. 2130, was filed on behalf of The Evergreene Companies, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2130 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2130 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying at the northeast corner of Cedar Neck Road and Fred Hudson Road, and on the northeast side of Cedar Neck Road approximately 255 feet north of Fred Hudson Road, and being more particularly described per the attached deeds prepared by the Law Office of Susan Pittard Weidman, P.A., said parcels containing 2.3817 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.**

## 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 George B. Cole, Vice President  
The Honorable Samuel R. Wilson, Jr.  
The Honorable I.G. Burton, III  
The Honorable Robert B. Arlett

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

RE: ***CONSTRUCTION of PARALLEL TAXIWAY D, PHASE 2,  
PROJECT 17-20, Delta Airport Consultants, Inc. Task Order 8***

DATE: October 30, 2018

Construction of Taxiway D will allow for the development of several corporate size hangars and a large acreage of apron for aircraft parking. In addition, Taxiway D will support the development of GPS based instrument flight approaches to both ends of the crosswind Runway 10-28.

On June 27, 2018, two (2) construction bids were received. Both bids were significantly above the engineer's estimate. In addition, the "low" bidder was non-responsive for submittal of an incorrect bid form. On July 17, 2018, Council rejected all bids and authorized re-advertising the project. The Engineering Department and Delta Airport Consultants, Inc. reviewed bid items to determine the disparity of costs, restructured the documents, and rebid the project. The resulting bids were nearly \$1,000,000 lower than the original bids and on August 21, 2018, Council awarded the project for a total of \$5,539,189.30, contingent on FAA funding. The project is now in the construction phase, after receipt of the FAA grant in the amount of \$5,532,528.00 covering 90% of the project cost.

On August 21, 2018, Council also awarded task order 7 for construction phase services in a not to exceed amount of \$595,610.00 to Delta Airport Consultants, Inc. Since rebidding was not anticipated, additional costs were incurred by Delta Airport Consultants, Inc. neither covered under the original design task order 6, nor the subsequent construction phase task order 7. The services provided included restructuring of bid documents and redesign of alternate bid items related to drainage as well as specialized locating services for Delmarva Power electrical lines.

The cost of the Task Order 8 is eligible for 90% reimbursement through the Airport Improvement Program. Reimbursement will be requested through an amendment to the FAA grant funding. Therefore, the Engineering Department recommends Council approve Task Order 8, in an amount not to exceed \$37,500.00.



**TASK ORDER NO. EIGHT (8)  
PROFESSIONAL SERVICES AGREEMENT**



PROJECT: Construct Parallel Taxiway D

AIRPORT: Delaware Coastal Airport

DELTA PROJECT NO.: 17010

DATE OF ISSUANCE: October 19, 2018

ATTACHMENTS: 1) Scope of Services  
2) Estimated Plan Sheets  
3) 2018 Rate Schedule

METHOD OF PAYMENT: Unit Price + Fixed Fee

TASK ORDER AMOUNT: \$ 37,500 (not to exceed)

CONTRACT TIME: Final Review Documents: Concurrent with Design (240 Days From NTP)  
(Exclusive of local SWM & ESC review and approval)

- PROJECT DESCRIPTION: Additional Design and Bidding Phase Services:
- Conduct Underground Electric Utility Locate (Delmarva Power Line)
  - Construct Drainage improvements (remove and replace storm sewer system from structure U-4 to X-2)
  - Limited rebidding phase services

*The original Agreement for Professional Services between the Sussex County Council (OWNER) and Delta Airport Consultants, Inc., (CONSULTANT) for Professional Services at the Sussex County Airport (now Delaware Coastal Airport) dated June 3, 2014, shall govern all TASK ORDERS executed under this Agreement unless modified in writing and agreed to by CONSULTANT and OWNER.*

**ACCEPTED:**

by: 

Kenneth W. Moody, P.E., C.M. Digitally signed by Kenneth W  
Vice President Moody  
Delta Airport Consultants, Inc. Date: 2018.10.19 10:41:18 -04'00'  
3544 North Progress Avenue, Suite 200  
Harrisburg, PA 17110

**APPROVED:**

by: \_\_\_\_\_

Hans M. Medlarz, P.E.  
County Engineer  
Sussex County Engineering Department  
#2 The Circle, P.O. Box 589  
Georgetown, DE 19947



Construct Parallel Taxiway D  
Delaware Coastal Airport  
Delta Project No. 17010

October 19, 2018

PHASE	DETAILED TASKS
SCHEMATIC DESIGN (SD)	Scope of Services and Contract Owner Coordination Coordinate Subconsultants Site Visits (1) - Utility Relocate
CONSTRUCTION DOCUMENTS (CD)	Final Drainage & SWM Final Estimates Owner Coordination Final Design Report Final Specifications Quality Control and Design Review Bid Alternates
BIDDING (BD)	Bid Preparation, Advertisement, Distribution Bidder Questions, Answers, & Addenda

- ITEMS NOT INCLUDED IN SCOPE:
1. Environmental Clearance (by Owner)
  2. Grant Application (by Owner)
  3. Funding Reimbursement Requests (by Owner)
  4. DBE Program and Goals Update (by Owner)
  5. Bid Advertisement Cost (by Owner)
  6. Review and Permitting Fees (by Owner)
  7. Construction Administration Phase Services

Construct Parallel Taxiway D  
Delaware Coastal Airport  
Delta Project No. 17010

October 19, 2018

		Base Scope	Schematic	Design Development	Construction Documents
DISCIPLINE	SHEET DESCRIPTION	# OF SHEETS	SHEETS INCLUDED		
GENERAL	Bid Alternates Overview & Description	1			•
CIVIL	Grading & Drainage	1			•
	Drainage Details	1			•
	<b>GRAND TOTAL</b>	3			

**ATTACHMENT 3  
2018 RATE SCHEDULE**



Delta Airport Consultants, Inc.  
Date: May 18, 2017

<u>Item</u>	<u>2018</u>
<b>Work Hours Billing Rates (with overhead)</b>	
Principal	\$240
Project Manager/Registered Professional	\$209
Design Professional (Engineer/Planner)	\$132
Project Production/Administration	\$107
Clerical	\$46
Field Representative	\$98
<b>Direct Nonsalary Expenses</b>	
Automobile (per mile)	Sussex County guidelines
Aircraft (per mile)	Federal Gov. guidelines
Per Diem - Resident Project Rep	Federal Gov. guidelines
Long term - meals & lodging (per cal day)	
Airline, Rental Car, Charter, etc.	Direct
Printing	Direct
Bid Advertisement	Direct
Meals, Lodging, etc. (short term)	Direct
Miscellaneous	Direct
<b>Subcontracted Services</b>	Direct
<b>Delta Profit</b>	Fixed Fee

**Notes:**

1. Billing rates for future years will be increased by 3% annually.
2. Billing rates based on estimated 2018 salaries (i.e.: 2017 salaries plus 3% inflation).
3. Work hour rates include labor overhead, general & administrative overhead per FAA AC 150/5100-14E, paragraph 4-10

**2018 FEE SCHEDULE**

**Overhead Breakdown**

Delta Airport Consultants, Inc.

Overhead	2014	2015	2016	3 year Avg.
General/Administrative & Labor Fringe	236.59%	243.50%	237.75%	239.28%
			<b>Use</b>	<b>239.28%</b>



36 **Section 2.** The Code of Sussex County, Chapter 99, Article III, §99-18 “Street Design Standards”  
37 is hereby amended by deleting the language in brackets and inserting the italicized and underlined  
38 language as follows:

39 **§ 99-18. Street design standards.**

40 A. Construction plans shall be prepared by a registered Delaware professional engineer or a  
41 licensed Delaware land surveyor.  
42

43 B. Streets dedicated to public use shall be designed and constructed in accordance with  
44 standards established by the Delaware Department of Transportation, Division of  
45 Highways.  
46

47 C. All entrances to the subdivision from a public street shall be designed and constructed in  
48 accordance with standards established by the Delaware Department of Transportation. A  
49 letter of no objection or other appropriate entrance approval from the Delaware  
50 Department of Transportation shall be required prior to final approval of the plan.

51 D. Private streets to be initially maintained by the developer and ultimately the owners of lots  
52 within the development may be designed and constructed in accordance with Subsection B  
53 or must comply with the following standards:  
54

55 E. Road Geometry.  
56 All roads regulated by Sussex County shall meet fire access requirements as  
57 required pursuant to the Delaware State Fire Prevention Regulations (DSFPR).  
58

59 1. Road Width.

60  
61 a. The minimum clear/unobstructed road width when using curb and  
62 gutter shall be 24 feet measured *in the case of a vertical curb* from  
63 face of curb to face of curb, *and in the case of a rolled curb from*  
64 *flowline to flowline*. The curb and gutter shall meet the DelDOT  
65 Standard Construction Details, latest edition, or stone set in place.  
66

67 b. The minimum clear/unobstructed road width when using open  
68 drainage shall be 24 feet.

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70 c. The minimum clear/unobstructed road width for one-way traffic  
71 shall be 14 feet.  
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73 d. See Sub-Section 7 in this Section E for additional information  
74 regarding on-street parking.  
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76 2. Centerline Radii.

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- a. The minimum centerline radii for all roads posted at 17 MPH or less shall be 50 feet.
  - b. The centerline for roads posted higher than 17 MPH shall be increased using the AASHTO (American Association of State Highway and Transportation Officials) Green Book for normal crown roads.
3. Minimum and Maximum Longitudinal Slope.
- a. The minimum slope for a curbed street is ~~0.50%~~ 0.30%.
  - b. The minimum slope for an open ditch street is ~~0.30%~~ 0.50%.
  - c. The minimum slope across a flowline is 0.50% unless a concrete valley gutter is used.
  - d. The maximum longitudinal slope for all roads shall be 10%.
  - e. Vertical curves are required when the algebraical longitudinal slope difference is greater than 1.00%.
4. Cul-de-Sacs.
- a. No Island: The minimum radius for cul-de-sacs without an internal Island is 38 feet.
  - b. Island: The paved area of a cul-de-sac with an internal grass island shall be 14 feet wide for one-way traffic and 20 feet for two-way traffic. The outer and inner radii shall be able to accommodate a ladder truck and subject to approval by the State Fire Marshal's Office.
  - c. [No cul de sac or additional turn-around area shall be required for a dead end street that is less than 300 feet in length measured from the nearest approved turn-around area.] *Cul de sacs are required for dead end streets: (i) greater than 300 feet in length as measured from the nearest turnaround area; or (ii) that serve more than 4 dwellings.*
5. Alternative Turn Arouds.

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The following alternative turn arounds are permitted:

- a. Those listed in the DSFPR.
- b. A looped road that meets DSFPR.
- c. Alternative accesses not listed above that meets DSFPR.
- d. The maximum length of a dead end street (as measured from the nearest approved turn-around area) shall [be] neither exceed 300 feet without an additional alternative turnaround nor serve more than 4 dwellings.

6. Cross Slope.

- a. The road cross slope can be a normal crown, superelevated or reverse crown.
- b. The maximum cross slope shall be 4%.
- c. The minimum cross slope shall be 2%.

7. On-Street Parking

- a. On street parking shall be prohibited within the following locations:
  - (1) 15 feet of both sides of a fire hydrant and marked in accordance with DSFPR.
  - (2) 20 feet of a traffic control device (i.e. stop sign / signal).
  - (3) 10 feet of the Point of Tangent / Point of Curvature of an intersection.
  - (4) 10 feet of a crosswalk.
  - (5) 10 feet of a driveway.
- b. These on-street parking requirements shall not affect nor be calculated as part of the parking requirements of Chapter 115, Section 162.A and B.



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8. Right-of-Way *and/or* Access Easements  
*Rights of way shall be used in major subdivisions. Access easements shall be used in developments where all of the underlying land of the development will be held in common ownership.* The right-of-way or access easements for non State-Maintained Roads shall be:
- a. Placed [1 foot] *3 feet* behind the back of curb [if a sidewalk is not required].
  - [b. Placed 1 foot behind the back of sidewalk if a sidewalk is required].
  - [c.]*b.* Placed 1 foot behind the 10-year storm water surface of roadside swales.
9. Sidewalks.  
Sidewalks [required to be installed by Code or by project approval] shall satisfy the following requirements:
- a. They shall be placed within the right of way or deeded easement *in favor of the owner of the common elements.*
  - b. A Sidewalk can be adjacent to the travel lane using additional pavement that can be added but must be differentiated from the travel lane using demarcation every 300 feet.
  - c. If the sidewalk is to be located between the parking space(s) and the roadway, the parking space shall extend a minimum of 18 feet beyond the edge of the sidewalk.
  - d. For projects with open drainage (with or without grass strips) the sidewalk must be placed along the edge of the travel lane.
  - e. Sidewalks must have 5 feet of clear width.
  - f. Sidewalks that are not constructed adjacent to the travel lane using additional pavement must be constructed using a 4,000 PSI mix with fibre mesh.
  - g. All sidewalks must have a minimum *cross* slope of 1% [in any direction] and a 2% maximum cross slope.

202 h. All sidewalk expansion joints shall consist of rubber or other non-  
203 biodegradable material approved by the Sussex County Engineer or  
204 his or her designee.

205  
206 i. All sidewalks adjacent to curbing shall have expansion joints that  
207 are sealed and caulked with materials approved by the Sussex  
208 County Engineer or his or her designee.

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210 *j. Street crosswalk markings shall be placed at intersections and mid-*  
211 *block crossings where Average Daily Traffic Counts are equal to or*  
212 *greater than 1,000.*

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216 **Section 3.** The Code of Sussex County, Chapter 99, Article VI, §99-31 “Inspections, Closeout  
217 Procedures and Fees” is hereby amended by deleting the language in brackets and inserting the  
218 italicized language in subsection E thereof as follows:

219 **§99-31 Inspections, Closeout Procedures and Fees.**

220 ...

221  
222 E. Project Close-Out Procedures.

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224 ...  
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226 (3) If sidewalk or driveway apron damage is evident as determined by the  
227 County Engineer or his or her designee the following repairs are required:

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229 [a. If a vertical crack is less than 1/32 of an inch wide then the curb is  
230 acceptable.]

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232 b. If a vertical crack is more than 1/32 of an inch wide then the crack  
233 must be sawcut and filled with a backer rod and sealant.

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235 c. If the curb is chipped with a width and or height 2 inches or less and  
236 less than ¼ inches deep then the chip must be patched with a sealant.

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238 d. If there are more than 6 chips and / or 3 vertical cracks or a total of  
239 6 chips and vertical cracks within a 4 foot section of concrete then  
240 the concrete must be replaced from joint to joint.]

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242 [e] a. \_\_\_\_\_ If there is a vertical difference greater than ¼ inch at a joint,

243 then the concrete sidewalk must be replaced from joint to joint.

244  
245 [f] b. If replacement is required, the concrete shall be saw cut and  
246 replaced in a minimum of 4 foot sections [at the joints] beginning at a  
247 joint.

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249 [g] c. As new technology emerges it may be considered as a  
250 method to repair or replace curb sidewalk. One such example includes  
251 milling grinding a section of curb sidewalk adjacent to the roadway  
252 a vertical separation.

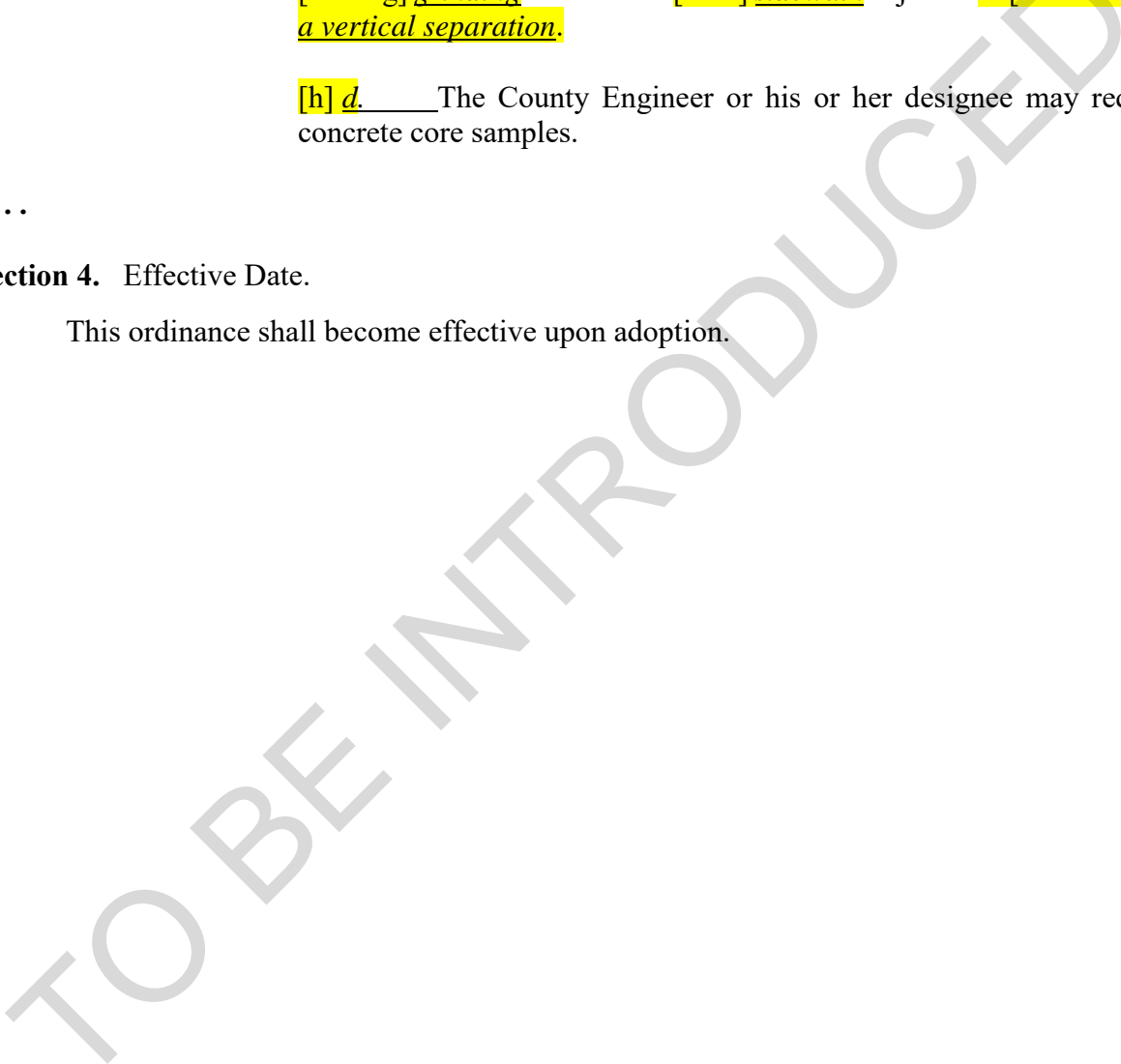
253  
254 [h] d. The County Engineer or his or her designee may require  
255 concrete core samples.

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257 . . . .

258 **Section 4.** Effective Date.

259 This ordinance shall become effective upon adoption.

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## **Wellesley Expansion Facts**

- Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area).
- Requested by DBF (Davis Bowen & Friedel) on behalf of their clients Wellesley Partners, LLC for parcels 334-12.00-46.01, 113.00 & 116.00.
- The project received preliminary approval on 6-28-18
- The project wishes to connect to existing infrastructure installed by the Count. An Infrastructure Use Agreement will be required.
- The expansion will consist of 286.24 acres more or less.
- The property owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.
- A tentative Public Hearing is currently scheduled for December 4, 2018 at the regular County Council meeting.



## 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](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

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

**FROM:** John Ashman  
Director of Utility Planning

**RE:** *Use of Existing Infrastructure Agreement  
LMHT, LLC  
File: OM 9.13-AV*

**DATE:** October 30, 2018

On July 19, 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Department requests approval of an agreement for the Use of Existing Infrastructure with **LMHT, LLC** for the **Plantation Square** project in the West Rehoboth Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project as well as off-site equivalent dwelling units to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, Plantation Square project will construct an on-site collection system to their privately-owned grinder pump. They will then install a low-pressure forcemain from that grinder pump to a connection point into the existing County owned infrastructure. In return for utilization of said infrastructure LMHT, LLC will contribute **\$19,759.00** for the perpetual use of these transmission facilities to serve **30** Equivalent Dwelling Units. Payment will be required at the time of bonding for the first phase of construction.



**USE OF EXISTING INFRASTRUCTURE AGREEMENT**

**Plantation Square**

THIS AGREEMENT (“Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

**LMHT, LLC**, a Delaware Limited Liability Company and developer of a project known as Plantation Square, hereinafter called the “Developer.”

**WITNESSETH:**

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcel 334-12.00-57.01, to be known as Plantation Square (“Project”) and;

**WHEREAS**, the Project will be annexed into the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) and;

**WHEREAS**, County has determined by study known as North Coastal Planning Study, that the Project can be served by the regional infrastructure and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing transmission capacity by connecting to an existing pipeline.
- (2) In exchange for permission to connect up to **30** equivalent dwelling units to County’s existing transmission system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$19,759.00** for said existing facilities.
- (3) The contribution amount in the case of a single pump station using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution is due at time of the bonding for the first phase of construction.**

- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of



litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all of the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is **2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947**, and the address of the Developer is **LMHT, LLC 246 Rehoboth Blvd., Rehoboth Beach, Delaware 19971**.

IN WITNESS WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

**FOR THE COUNTY:**


{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)  
\_\_\_\_\_  
(DATE)

ATTEST:

\_\_\_\_\_  
Robin A. Griffith  
Clerk of the County Council

**FOR LMHT, LLC**

By:  (Seal)  
Nick Hammonds, Authorized Signatory  
September 14, 2018 (DATE)

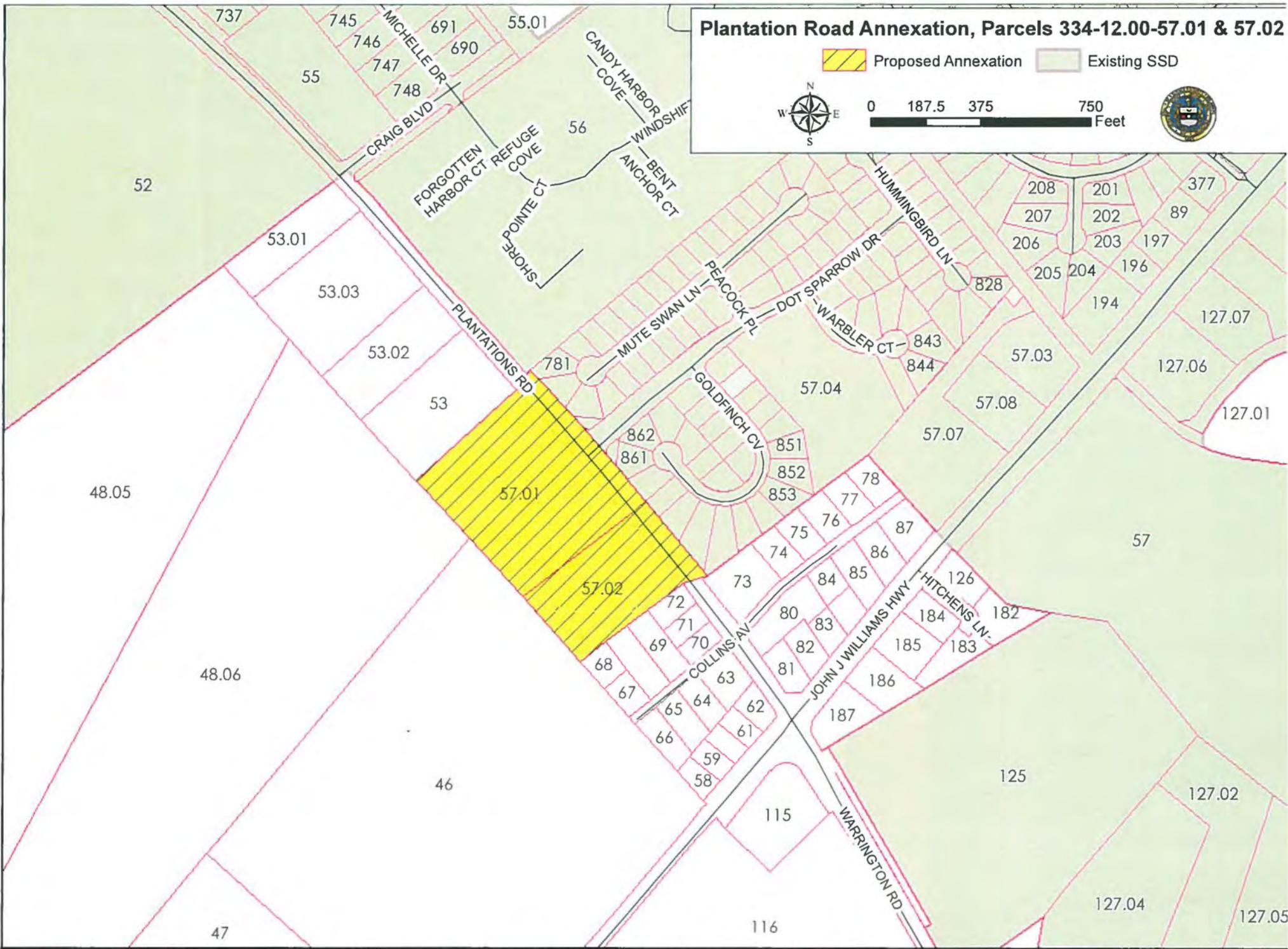
WITNESS:  \_\_\_\_\_

# Plantation Road Annexation, Parcels 334-12.00-57.01 & 57.02

 Proposed Annexation  Existing SSD



0 187.5 375 750 Feet



The proposed annexation is scheduled to be discussed October 23, 2018 at 10:30 AM, in Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947  
For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Optimist Club of Sussex County-Opt. Int. Foundation

PROJECT NAME: Essay and Oratorical Contests for Students of Sussex County

FEDERAL TAX ID: 23-7102928 NON-PROFIT:  YES  NO

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

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

ORGANIZATION'S MISSION: By promoting hope and positive vision, Optimists bring out the best in youth, our communities and ourselves.

ADDRESS: 32820 Ocean Reach Drive

Lewes

(CITY)

Delaware

(STATE)

19958

(ZIP)

CONTACT PERSON: Connie Sohnleitner

TITLE: President

PHONE: 717-676-9030 EMAIL: conniesohn@comcast.net

**TOTAL FUNDING REQUEST:** 2100.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 62%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

All public and private schools in Sussex County

## SECTION 3: PROGRAM SCOPE

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

The Essay Contest is an opportunity for students to write on a particular subject and display their writing skills. This year's topic is: "When All the World's Problems Are Solved, Is Optimism Still Necessary?" The topic is chosen by Optimist International. Students must be under the age of 19 by October 1 to participate. The essay length is 700-800 words. A rubric is used to judge the essays. Members of the club visit each public and private high school in Sussex County and review the information that has previously been sent to them. Our club awards a \$500 scholarship for first place, \$250 for second place, and \$125 for third place. The first place winner then competes with all club winners in Maryland/Southern Delaware for a scholarship of \$2500.00 to the first place winner. Since its start in 1928, the Oratorical Contest is the longest running program sponsored by Optimist International. The topic for this Optimist year is: Is There A Fine Line Between Optimism and Reality?" The topic is chosen by Optimist International. Students present their prepared speech to a panel of judges. A rubric is used for judging. Our club awards \$500 for first place, \$250 for second place, and \$125 for third place. The first place winner then competes with all club winners in Maryland/Southern Delaware for additional awards.

This is a great opportunity for students to show their writing and speaking skills. Students can work with their teachers as they prepare. Parents/guardians of the top three winners for each contest are invited to a dinner meeting where they read their essay or present their speech and receive their awards. The newspapers are invited to attend as well as representatives from the school districts involved.

This is a great opportunity for our youth in Sussex County!

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

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

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

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

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	1,300.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Scholarships- 3 for each Contest- Essay and Oratorical	\$ 1,750.00
Dinner for top three contestants in each contest + parents/guardians	\$ 300.00
Hotel for top winner and parents/guardians-2 nights (Districts-oratorical)	\$ 500.00
Meals for winner and parents/guardians-2 dinners,2 breakfasts, 2 lunches-Oratorical	\$ 450.00
Optimist International medallions for top 3 winners for each contest and a small gift	\$ 300.00
Miscellaneous expenses (costs exceed projections)	\$ 100.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 3,400.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 4,700.00</b>

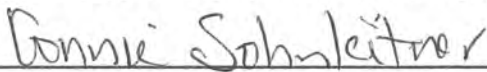
### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Optimist Club of Sussex County agrees that:  
(Name of Organization)

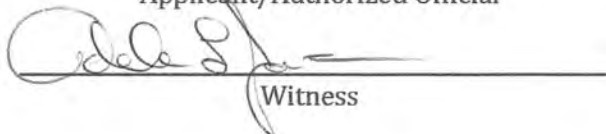
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

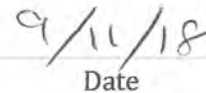
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



Applicant/Authorized Official

  
Witness

  
Date

  
Date

Completed application can be submitted by:

Email: [gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)

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



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

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

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

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

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

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

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

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

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

Connie Schleiter  
Applicant/Authorized Official

President  
Title

Odelle L. Jones  
Witness

9/11/18  
Date

Burton  
9-11-18



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Greater Millsboro Chamber of Commerce

PROJECT NAME: Millsboro Stars & Stripes

FEDERAL TAX ID: 51-0270976 NON-PROFIT:  YES  NO

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

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

ORGANIZATION'S MISSION: The mission of the Greater Millsboro Chamber of Commerce (GMCC) is to help make the greater Millsboro/ Dagsboro area a better place to live and work by fostering economic and tourism development; and providing enhancements to community life.

ADDRESS: P.O. Box 187

Millsboro DE 19966  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Kevin Turner

TITLE: Board President

PHONE: 302-934-6777 EMAIL: info@millsborochamber.com

**TOTAL FUNDING REQUEST: \$3,000**

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

If YES, how much was received in the last 12 months? \$1,500

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 10%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

\_\_\_\_\_

## SECTION 3: PROGRAM SCOPE

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

The GMCC is planning it's 3rd Annual Stars & Stripes celebration on June 29th, 2019. The event has the full support of the Town of Millsboro and it's Town Council. The Town has committed \$10,000 to support us in this event. We are pursuing additional funding through sponsorships from local businesses. Last year we were able to raise \$30,000 and more than 3000 people attended Cupola Park, among the thousands throughout the Town area.

The event once again will be held the Saturday prior to the 4th of July and according to the tentative schedules of the surrounding towns we will be the only ones celebrating that night! Brothers Pyro from Bridgeville, DE will be providing and setting off the pyrotechnics, and this year (2019) we will be adding musical accompaniment to the display which will increase the total cost by \$5,000. The event will also offer entertainment in the form of music, food & craft vendors, and the event will be free to attendees. The fireworks will be launched on Millsboro Pond, and spectators will gather at Cupola Park, as well as other locations throughout the town.

We appreciate your consideration of this grant, our goal is to bring people from Millsboro and the surrounding areas together to enjoy our show and our small town charm.

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

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

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

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

## SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	-10,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Pyro-technics	\$ 20,000.00
Musical Accompaniment	\$ 5,000.00
DJ	\$ 1,000.00
Insurance	\$ 2,000.00
Advertising	\$ 2,000.00
Porta Potties	\$ 1,500.00
Personel	\$ 500.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 32,000.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 22,000.00</b>

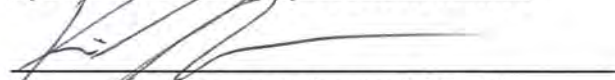
## SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Greater Millsboro Chamber of Commerce agrees that:  
(Name of Organization)

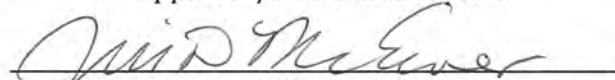
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

  
\_\_\_\_\_  
Applicant/Authorized Official

10/16/2018  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Witness

10/16/2018  
\_\_\_\_\_  
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

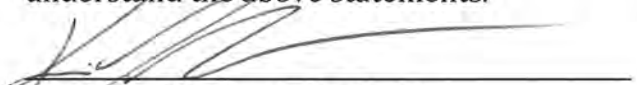
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

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

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

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

  
\_\_\_\_\_  
Applicant/Authorized Official

  
\_\_\_\_\_  
Witness

**Board President**  
\_\_\_\_\_

Title

**10/16/2018**  
\_\_\_\_\_

Date





# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Town of Georgetown

PROJECT NAME: Mayor's Reception - 2018 Return Day

FEDERAL TAX ID: 51-6000120 NON-PROFIT:  YES  NO

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

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

ORGANIZATION'S MISSION:

ADDRESS: 37 The Circle

Georgetown DE 19947  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Bill West

TITLE: Mayor

PHONE: (302) 236-9955 EMAIL: bwest@georgetowndel.com

TOTAL FUNDING REQUEST: \$ 2,000.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 28%



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

10,000 +/-

## SECTION 3: PROGRAM SCOPE

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

This request is for Sussex County support for the biannual Mayor's Reception to be held immediately following the Return Day Parade and Ceremony being held on Thursday, November 8, 2018.

The Mayor's Reception is an opportunity to say "thank you" and express appreciation to Federal, State, County, and Local leaders.

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

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

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

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

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	7,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Food & Beverage	-\$ 3,500.00
Decorations	-\$ 350.00
Entertainment	-\$ 2,000.00
Postage & Printing	-\$ 500.00
Personnel	-\$ 500.00
Other	-\$ 150.00
<b>TOTAL EXPENDITURES</b>	-\$ 7,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$ 0.00

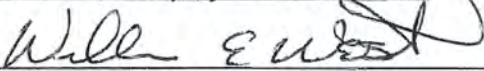
### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Town of Georgetown agrees that:  
(Name of Organization)

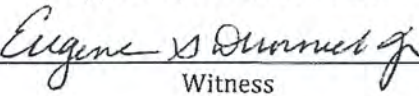
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

  
\_\_\_\_\_  
Applicant/Authorized Official

10/24/18  
Date

  
\_\_\_\_\_  
Witness

10/24/18  
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

*[Handwritten initials]*

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

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

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

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

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

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

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

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

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

Eugene S. Dunning  
Applicant/Authorized Official

Janet Wilson  
Witness

Town Manager

Title

10/24/2018

Date

*Wilson*  
*10-23-18* Rev. 08/2018

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

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 25, 2018

RE: County Council Report for CU 2141 Miller's Tree & Outdoor Services

---

The Planning and Zoning Department received an application (CU 2141 Miller's Tree & Outdoor Services) to allow for a Conditional Use to allow for a tree cutting business located on Whitesville Rd. The Planning and Zoning Commission held a public hearing on September 27, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, site plan, comments from Sussex Conservation District, and results from DelDOT Service Elevation. One letter was received in opposition to this application and was read into the record.

The Commission found Mr. Mark Davidson, with Pennoni Associates and David Miller, owner of Miller's Tree and Outdoor Services were present on behalf of the application; that Mr. Davidson stated this is an application for a Conditional Use in a AR-1 Zone; that it is located on a property of 0.81 acres; that the applicant has been in business for 25 years; that he is a Licensed tree expert in the States of Delaware and Maryland; that he works in both Delaware and Maryland; that he lives across the street and currently has his equipment parked on that site; that he will be purchasing the parcel across the street; that they are proposing a 2,000 square foot building for maintenance and repair of the equipment; that all the maintenance and repairs will be inside of the building; that there will be an area in the back to store his trailers and equipment; that he provides tree removal services, tree trimming, stump grinding, snow removal, storm cleanup, and etc.; that he does cut firewood, he delivers firewood and does not sell firewood at this site; that the Future Land Use Map shows the property is located in a low-density area; that the parcel is less than one acre in size; that all the work is done off-site; that he just needs a place to park his trucks, trailers and to be able to service them; that the hours of operation are 6:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 2:00 p.m., on Saturdays; that there will be no Sunday hours except during extreme/in climate weather conditions; that he has a couple of employees and is looking to grow his business; that there is no septic on-site now and would like to be able to install septic in the future with the proper permits; that the site is on a major collector road; that there is no grinding of trees on the site; that no stumps will be taken to the site; that he has two employees now but looking to grow; that there will be a minimum 15-foot buffer around the property; that he will store the trees for firewood behind the building and it will be properly screened; that there will be no sign now and if he wants one, it will be a standard sign; that he is not really looking to display advertising that he is there; that the parking lot will be a gravel; and



that he will have a 15-foot buffer around the property and will try not to disturb any of the existing trees.

The Commission found that Mr. Martin Ross spoke in favor of the application; that Mr. Ross stated the lot east of the parcel is a restricted and Mr. Ross sold it; that Mr. Miller has outgrown his lot; that the land to the west of this property is a certified tree farm; that this is an appropriate use; that there is farmland use in the area; and that the deed restriction is for non-residential use.

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

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

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

At their meeting on October 11, 2018, the Planning Commission discussed the application which has been deferred since September 27, 2018.

Ms. Wingate moved that the Commission recommend approval of Conditional of Use #2141 for Miller's Tree and Outdoor Services (David Miller) for a tree cutting business based on the record made during the public hearing and for the following reasons:

1. The property is an .81 acre parcel located on Whitesville Road. It is primarily surrounded by wooded and agricultural areas.
2. The Applicant has stated his business is mostly conducted offsite. This primarily just the central location for keeping the applicant's equipment.
3. The Applicant is relocating an existing tree service to this property. This property is conveniently located to serve the needs of customers in both Maryland and Delaware.
4. There will be no retail sales from the property, and the use is limited in nature. With the conditions and limitations placed upon it, the use will not adversely affect neighboring properties, roadways or traffic.
5. There was testimony in support of the application from the property owner adjacent to the site.
6. The use is an agricultural-type use and it is consistent with the underlying AR-1 zoning of the property.
7. The business provides a service to a wide variety of Sussex County residents, farmers and businesses. This intended use is also of a public or semi-public character that will benefit the residents, farmers and businesses of Sussex County.
8. This recommendation is subject to the following conditions:
  - A. This use shall be limited to a tree cutting business. No other business shall be conducted from the site, and no vehicles associated with any business shall be parked on the site.
  - B. No retail sales shall be conducted from the site.
  - C. No mulching, chipping, shredding or grinding of any materials, including the dyeing of mulch or similar materials, shall occur on the site.
  - D. As stated by the applicant, no sign shall be permitted.

- E. The hours of operation shall be limited to 6:00 am through 6:00 pm, Monday through Friday and 7:00 am through 2:00 pm on Saturday. No hours on Sunday.
- F. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
- G. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- H. Any stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location any required stormwater management areas.
- I. There shall not be any dumping on the site, and a single dumpster permitted on the site shall be screened from the view of neighboring properties and roadways.
- J. The Final Site Plan shall clearly show all areas where cut timber may be stored, and these areas shall be clearly marked on the site itself.
- K. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself.
- L. All equipment and vehicle maintenance and repair shall occur indoors.
- M. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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



## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

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



# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 19, 2018  
RE: Staff Analysis for CU 2141 Miller's Tree & Outdoor Services

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2141 Miller's Tree & Outdoor Services to be reviewed during the September 27, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for a portion of parcel 532-16.00-14.01 to allow for a tree cutting business to be located on Whitesville Rd. The size of the portion of the property for the Conditional Use is 0.81 ac. +/-.

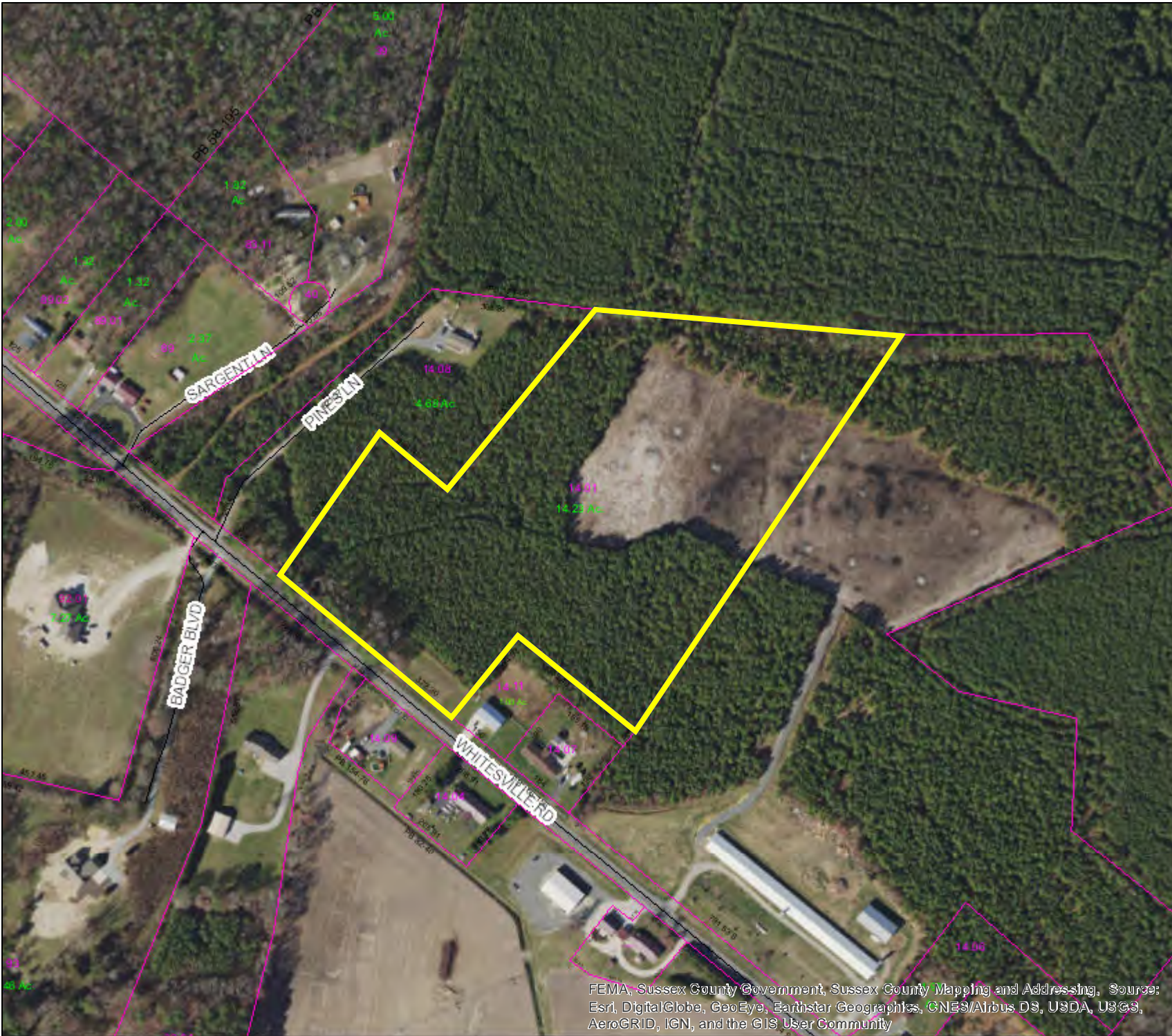
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south, and east are Low Density Areas. The land use to the west is Low Density and Mixed Residential Areas. The Low Density Areas land use designation recognizes that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The use as auto repair and gasoline sales, should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, and east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District) and GR (General Residential District). There are no known Conditional Uses in the area.

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





**Addresses / Parcels**

▭ TaxParcels

**Council Districts**

▭ Fire Districts

▭ County District 01

▭ County District 02

▭ County District 03

▭ County District 04

▭ County District 05

▭ County Boundaries

**Schools/Libraries**

▭ School Buildings (Various)

▭ School Library

▭ Public Library

▭ Special Library

▭ DOE School Districts

▭ DOE VoTech School Districts

**Hydrology**

▭ Streams / Rivers

▭ Lakes, Ponds, Bays

**Flood Zones**

▭ 0.2% Annual Chance Flood Hazard

▭ A

▭ AE

▭ AO

▭ Open Water

▭ VE

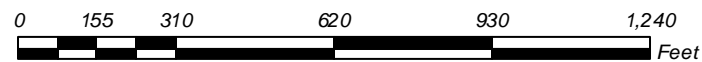
▭ Public Protected Lands

▭ Municipalities

▭ Communities

▭ Boundaries State County

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





**Addresses / Parcels**

- Tax Parcels

**Council Districts**

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

**Schools/Libraries**

- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

**Hydrology**

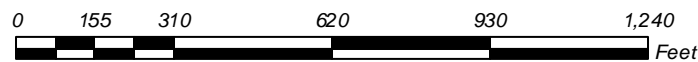
- Streams / Rivers
- Lakes, Ponds, Bays

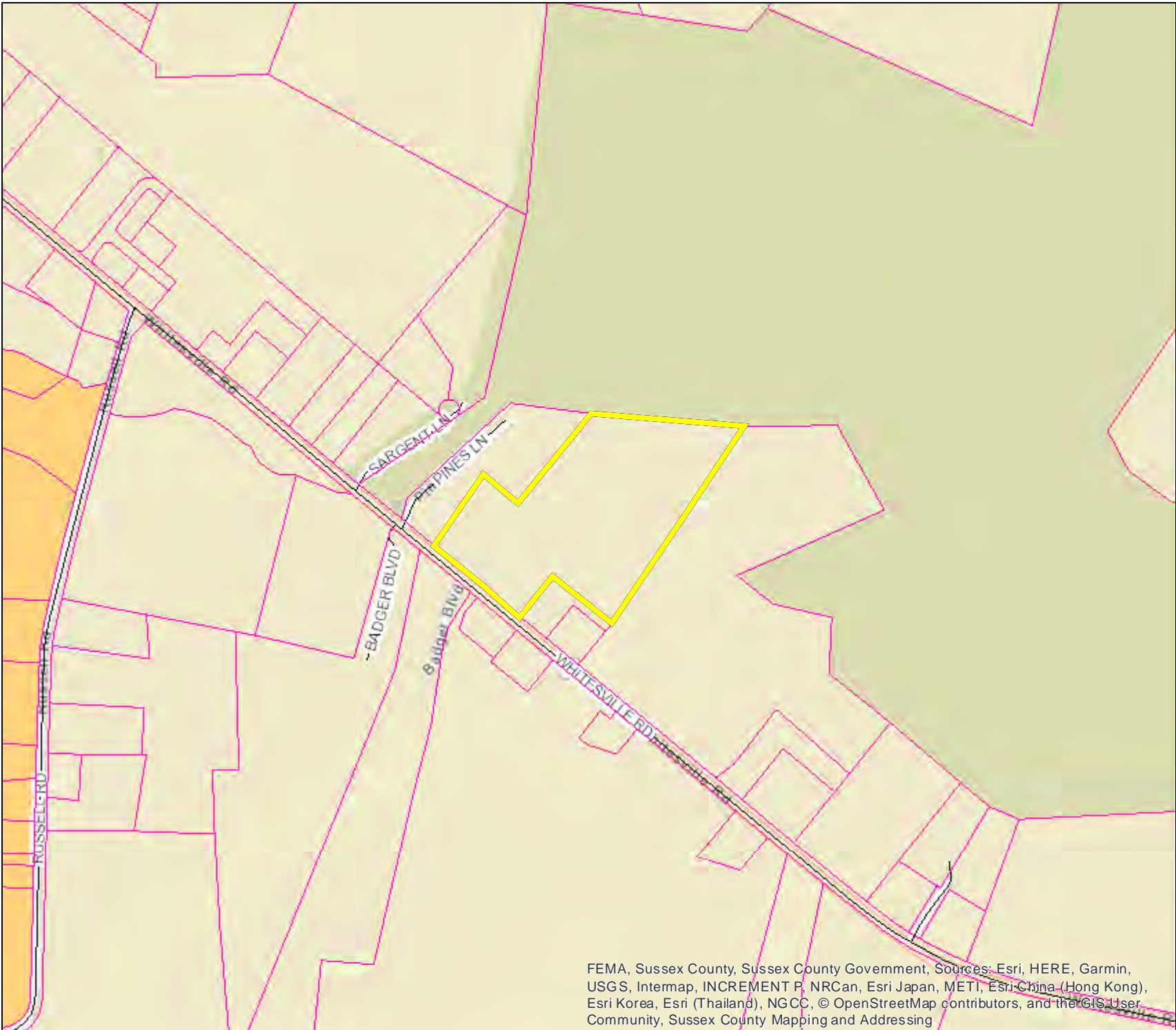
**Flood Zones**

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE

- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

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





**Addresses / Parcels**

□ TaxParcels

**Council Districts**

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

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- ▬ School Buildings (Various)
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- ▬ Streams / Rivers
- ▬ Lakes, Ponds, Bays

**Flood Zones**

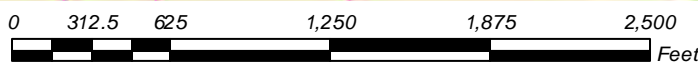
- ▬ 0.2% Annual Chance Flood Hazard
- ▬ A
- ▬ AE
- ▬ AO
- ▬ Open Water
- ▬ VE

- ▬ Public Protected Lands
- ▬ Municipalities
- ▬ Communities
- ▬ Boundaries State County

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



*Sussex County Map*



**Introduced 04/24/18**

**Council District No. 5 – Arlett  
Tax I.D. No. 532-16.00-14.01 (portion of)  
911 Address: N/A**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE CUTTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.81 ACRE, MORE OR LESS**

**WHEREAS, on the 6th day of April 2018, a conditional use application, denominated Conditional Use No. 2141, was filed on behalf of Miller’s Tree & Outdoor Services (David Miller); and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2141 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2141 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 Little Creek Hundred, Sussex County, Delaware, and lying on the north side of Whitesville Road, approximately 0.3 mile southeast of Russell Road, and being more particularly described per the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 0.81 acre, more or less.**

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 25, 2018

RE: County Council Report for CU 2142 RH Orr, LLC

---

The Planning and Zoning Department received an application (CU 2142 RH Orr, LLC) to allow for a Conditional Use to allow for multi-family units (135 Townhouses) to be located at 34365 Central Ave. The Planning and Zoning Commission held a public hearing on September 27, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, site plan, comments from the Sussex Conservation District. Two letters received in opposition, and one letter received raising concerns were read into the record.

The Commission found that William Scott and Attorney with Scott and Shuman, was present along with Mr. Mike Fitzgerald and Mr. Rich Thomas with RH Orr, Mr. Frank Kea and Mr. Jason Palkewicz with Solutions IPM, and Mr. Ed Laney with Environmental Resources, Inc. were present of behalf of the application; that Mr. Scott stated the property is zoned General Residential which permits development of townhome/condominiums which are defined as multi-family dwellings through a conditional use process; that the parcel consists of 47.177 acres of land; that application is for 135 townhome/condominiums with both active and passive open space; that the project will have a gross density of 2.83 homes per acre; that this is much less than the 4.35 homes per acre that is permitted in the GR zone; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area; that this area is a growth area; that the property is a combination of farmland and woodlands with some nontidal wetlands; that there is currently a single family home on the property that is proposed to be removed; that the proposed 135 homes is 72 homes less than what is permitted at the base gross density in the GR zone which is 4.35 homes per acre; that the base density would permit 207 and they are proposing 72 less at 135 in total; that the General Residential zone promotes Medium Density uses and various uses permitted in the GR zone including single family homes, manufactured mobile homes, and townhomes/condominiums with the conditions through a Conditional Use process; that property is located in State Spending Strategies Levels 2 and 3 with a small portion in the Level 4, which will not be developed; that the former plan has been revised and reduced the number of homes reduced down to 135 to increase the buffer between this proposed project and Forest Landing; that the proposed project is consistent with the residential development in the area; that there is Forest Landing development adjacent which has 353



COUNTY ADMINISTRATIVE OFFICES  
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GEORGETOWN, DELAWARE

homes, the majority which are townhomes and duplexes; that there is also Village of Bear Trap Dunes in close proximity which has 704 homes with a mix of single family, townhomes and condominiums; that Mr. Kea stated the entrance to the property is where there is a culvert over a ditch and DelDOT would like the entrance moved to the north and move it further away from the curb and the road for a safer entrance; that the existing location there is culvert through the ditch that runs parallel with Central Avenue and has been maintained with the intention to connecting the multi-modal path along the frontage to the interior roadway and sidewalks; that would give them an emergency access to the community from the roadway as well as the entrance itself and the connection to the multi-modal path; that the building design provides that no building is longer than 170-feet; that where homes are back-to-back they will 50-feet apart rather than the minimum of 40-feet separation; that all the wooded wetlands will be preserved with minor disturbance for stormwater outfall sewer connection in Forest Landing; that the main road goes directly to the recreational center; that the recreational center will have an exercise facility, clubhouse with a swimming pool and pool deck; that open space and the cemetery will be preserved with a buffer around it, with a fence and parking to able to get to it; that the open spaces are mainly wetlands; that there is no other way to connect due to the wetlands; that there is a 50-foot buffer from the stream; that the closet they get to a building in Forest Landing is 162-feet; that further to the east there will be a buffer of 226-feet from building to building; that they propose a 50-foot buffer is proposed; that the open space will either be a dog park, a pedestrian park, tot lot or other uses for the community; that there is a ditch preventing stormwater management going into Forest Landing; that to the west of the property will be a stormwater management facility that is proposed and will also capture stormwater and root it to the south; that they calculated the parking as a two car garages and two car driveways and could be developed as one car garages and one car driveways; that there are 270 parking spaces that are required and they will provide 335 parking spaces with an additional 65 surface spaces throughout the development; that Mr. Palkewicz stated on the east side will be a 20-foot buffer and stormwater management; that that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area; that the sewer will be provided by Sussex County; that water will be provided by Artesian district; that they will try to maintain the existing drainage system that is on-site; that all the water that hits the site will be treated on-site and brought to the south; that there will be no discharge off site; that there will be no negative impact on the adjoining neighbors; that they meet with DelDOT that the proposed improvements are 11-foot travel lanes with five shoulders as well as a bypass lane and a right turn lane into the community; that there will be street lights, sidewalks, a mailbox cluster with parking and a bus stop; that Mr. Laney stated he overlooked a detailed delineation on the 47.7 acre site; that there is no state regulated wetlands and it is all federally regulated; that there is 17.7 acres of those wetlands; that there is 23 acres of upland forest; that there were plans submitted to the Army Corp of Engineering; that there is no federally threatened or endangered species on the site; that he did notice some bald eagles fly over and the Wildlife Biologists stated they did not have any concerns and there was nothing in the Plus comments; that the eagles will stay protected and are no longer an endanger species; that they will cross the tax ditch and will be authorized through a permit from DNREC and the Army Corp of Engineering; that there will be temporary impact to run the utilities across one area of non-tidal wetlands and with permits; that the tax ditch easement is 80-feet but not the development side; that Mr. Scott stated the open space is calculated at 36.08 acres which is just over 75% of the site; that 39.4 acres and is almost 52% of the trees will be maintained; that DelDOT did not require a TIS but they will do an area wide fee; that they will create a condominium owner association; that the Orr project meets the requirements County Zoning Ordinance requires, the supplementary regulations for the Environmentally Sensitive Developing Area and the conditions required for a conditional use; that there will be a force main going into the existing County sewer system and will tie into the pump station on-site; that there is an option to drill the force main underground so the woods will not have

to be cleared; that average daily trips per day were 1,026 based on 171 lots; that the HOA is required to hire an consultant to maintain the stormwater management ponds; that they will ensure there will be access to open space by all; that there was an existing 39 acres of trees and 20 acres which are being maintained; and that there will be pad site for the bus stop.

The Commission found that Mr. Gary Mann spoke in favor to the application; that Mr. Mann stated Forest Landing is in favor and the community is almost finished being built; that he lived through construction and his primary concern is the construction of the new community; that it will be done in such a manner that it does not have an adverse impact on his community which the development is going on; that he has concerns with drainage and during construction and post construction; that he questions if this will impact the community; that they would like to know how deep the tree buffer is between the properties and practically where the dog park will be located; that he has concerns with loss of trees in the future; that when they starting clearing the land, will it cause a vermin problem and what can they do to mitigate that; that they are going to tie into the utilities and will it impact them; that if landscaping is disturbed; that Mr. Robertson explained how the Conditional Use process operates and that the property would have conditions that they would have to follow; that Mr. Scott stated they may have some construction nuisance and a silt fence will be put up; that the Planning and Zoning Commission or County Council puts conditions on the time of day when construction may occur and materials may be delivered; that Mr. Palkewicz stated that any water heading towards the adjacent property will be captured into their pond; that they would not make any issues worse; that Mr. Scott stated where the existing homes and they are proposing a 50-foot forested buffer; that there will be other buildings 80-feet from the property line and there will be 20-foot forested buffer and a pond between them; that the distance between the building to east and lots is 225 feet; that they will be saving 52% of the trees and if some have to come down, they will replace them; that they are asking for 135 units; that Mr. Laney stated there are two ways to run the proposed sewer line; that first way is to open cut the force main which is four feet deep with a trench through the trees and restore that with proper materials and get the required permits; that the second way is to do a directional drill and have equipment to pull the pipe back and forth and that maybe a little more disruptive to the community; that some of the smaller species could be displaced temporarily; and that it is difficult to control.

The Commission found that Mr. Tyler Hickman, Mr. Kent Boschwitz, Ms. Karen Hickman spoke in opposition to the application; that Mr. Hickman stated this shall should stay affordable homes and single family homes; that the market is already flooded with row homes already that are not selling; that multi-family complexes tend to encourage second home ownership and they don't live here full time and are not invested in the community as full-time residents would be; that single-family homeowners tend to live here full-time and they care about the area; that the wetlands and cemetery should not be allowed to be calculated as density calculations; that he believes there are other graves elsewhere on the property; that he has concerns with traffic; that he has concerns with headlights shining into his house; that he has concerns with the bald eagles; that he has concerns with the buffer on Central Avenue; that Mr. Boschwitz stated he has concerns with the loss of farms; that this is a good location for open space; and that Ms. Hickman stated she has concerns with the non-stop traffic that there is now.

At the conclusion of the public hearings, the Commission discussed this application. The Commission discussed the Eagles Landing; that is there another cemetery on the site; that there is a barrier/buffer across the street; that the tax ditch easement is in between the tax ditch and the Right-of-Way; that they don't want to require a buffer within that 80-foot buffer; that the easement runs from the tax



ditch to the road and not from the tax ditch to the development; and that they could require a buffer on the inside of the tax ditch where there is no easement.

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

At their meeting on October 11, 2018, the Planning Commission discussed the application which has been deferred since September 27, 2018.

Ms. Wingate moved that the Commission recommend approval for Conditional Use #2142 for RH Orr, LLC c/o Riberia Development, LLC for multi-family dwellings (135 townhouses) in a GR General Residential District based upon the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 135 townhouses on 47.7177 acres, for a gross density of approximately 2.83 units per acre. This is less than the permitted density of 4 units per acre in the GR District.
2. This GR property is in an area where other residential development has occurred, including the large Forest Landing MR-RPC development and other single family and multi-family developments. This project is consistent with those nearby uses.
3. The site is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan.
4. The proposed development will not have an adverse impact on the neighboring properties or roadways.
5. The project will have 36.08 acres of open space, including preservation of approximately 20 acres of the existing trees. The design also provides protection to the Hall Family Cemetery on the site.
6. The project was favorably supported by the residents and HOA of the adjacent Forest Landing development.
7. Although this is a Conditional Use, the items set forth in Section 99-9C of the Subdivision Code have also been favorably addresses by the applicant.
8. The development will be served by central sewer provided by Sussex County.
9. This recommendation is subject to the following conditions:
  - A. The maximum number of residential units shall be 133. The two units located closed to Central Avenue shall be eliminated to reduce the impact of this development upon properties across Central Avenue and to create greater separation of the development from the Central Avenue right of way.
  - B. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
  - C. The project shall have active and passive amenities including a swimming pool and pool house. All amenities shall be completed prior to the issuance of the 75<sup>th</sup> residential building permit in the project.
  - D. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades

necessary to provide service to the project. The connection to the existing County sewer along the northern boundary of this site shall be made by directional drilling under the wetlands. No open trenching or disturbance of the wetlands shall occur as part of the sewer connection.

- E. The project shall be served by central water to provide drinking water and fire protection.
- F. Interior street design shall meet or exceed the Sussex County street design requirements.
- G. As proffered by the Applicant, there shall be sidewalks on both sides of all streets and roadways.
- H. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including any buffers areas. The landscape plan shall clearly designate all existing forested areas that will be preserved.
- I. As stated by the Applicant, there shall be landscape buffer of at least 50 feet along the northeastern common boundary with Forest Landing. There shall be a 20 foot landscaped buffer along the eastern common boundary with Forest Landing. The developer shall also use every effort to keep existing vegetation or install landscaping along the entire Central Avenue frontage of the property to screen the development from the roadway and properties across from it. These buffer areas shall be shown within the landscape plan submitted as part of the Final Site Plan.
- J. Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between the hours of 7:00 am and 6:00 pm, Monday through Saturday.
- K. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
- L. The applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance, repair and replacement of the roads, any buffers and landscaping stormwater management facilities, erosion and sediment control facilities and other common elements.
- M. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- N. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- O. The developer, and the HOA or Condo Association shall protect and preserve the Hall Cemetery on the property by installing a perimeter fence around the cemetery made of wrought iron or anodized aluminum. Parking shall also be provided for visitors to the cemetery. Access to the cemetery shall be shown on the Final Site Plan.
- P. The applicant shall coordinate with the Indian River School District to establish a school bus stop area, which shall be shown on the Final Site Plan if required by the District.
- Q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Hudson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved with the conditions and stipulations stated in the motion. Motion carried 4-1. Ms. Stevenson voted no.

## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

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(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 19, 2018  
RE: Staff Analysis for CU 2142 RH Orr, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2142 RH Orr, LLC to be reviewed during the September 27, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 134-16.00-39.00 to allow for multi-family (135 townhouses) to be located at 34365 Central Ave. The size of the property is 47.72 ac. +/-.

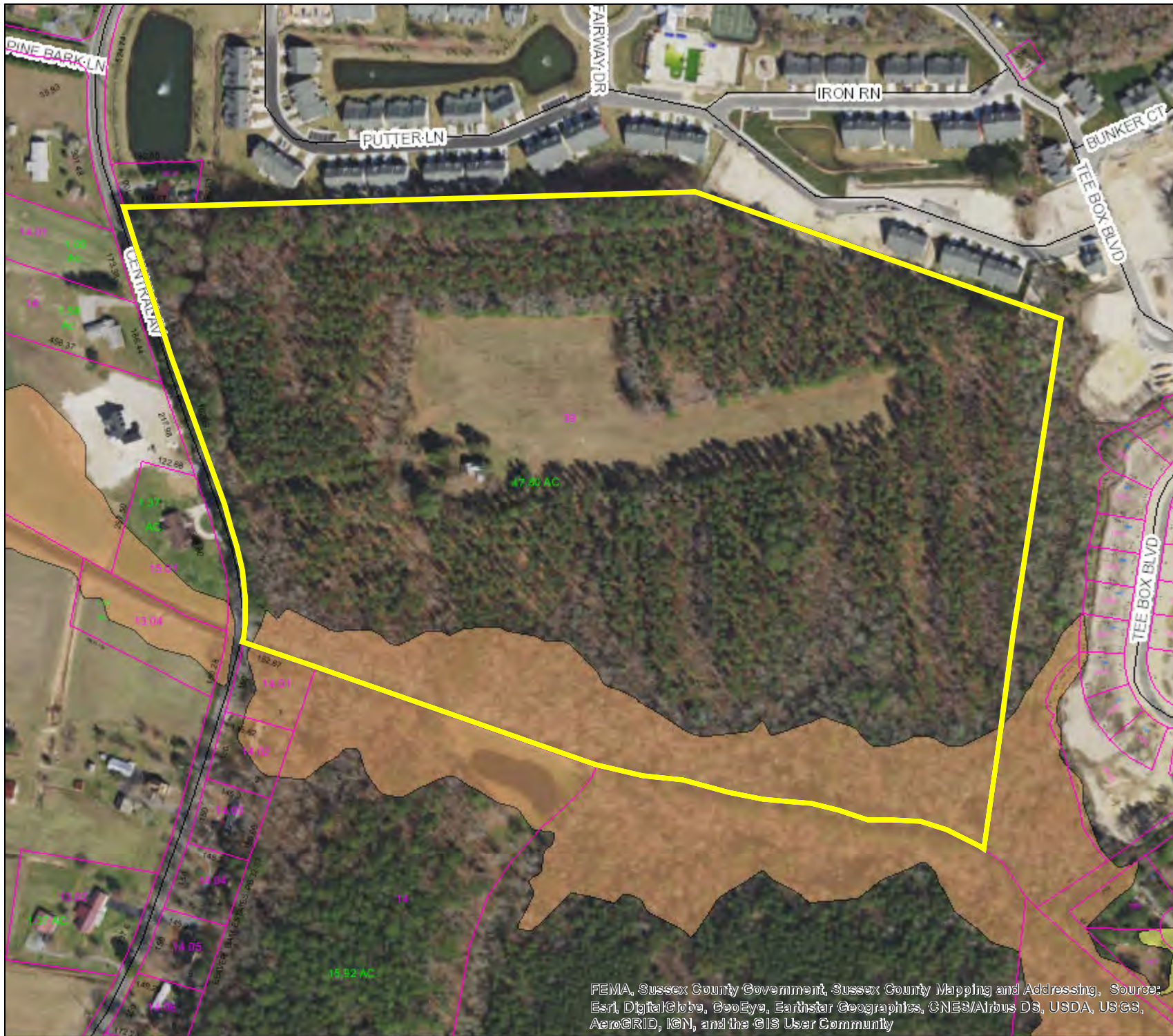
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south and east are Mixed Residential and Environmentally Sensitive Developing Areas. The land use to the west are Environmentally Sensitive Developing Areas. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home. The Mixed Residential Areas land use designation recognizes that a full range of housing types should be permitted including single-family homes, townhouses and multi-family units.

The property is zoned GR (General Residential District). The properties to the north and east are zoned MR-RPC (Medium-Density Residential District – Residential Planned Community) and (GR (General Residential District). The properties to the south are zoned GR (General Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District), and GR (General Residential District). There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for multi-family (135 townhouses) could be considered consistent with the land use, area zoning and uses.





**Addresses / Parcels**

- TaxParcels

**Council Districts**

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

**Schools/Libraries**

- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

**Hydrology**

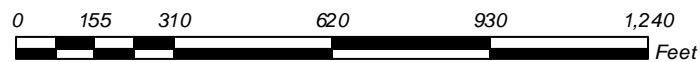
- Streams / Rivers
- Lakes, Ponds, Bays

**Flood Zones**

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE

- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

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





**Addresses / Parcels**

■ TaxParcels

**Council Districts**

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

**Schools/Libraries**

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

**Hydrology**

~ Streams / Rivers

■ Lakes, Ponds, Bays

**Flood Zones**

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

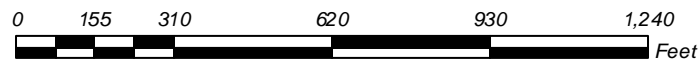
■ Public Protected Lands

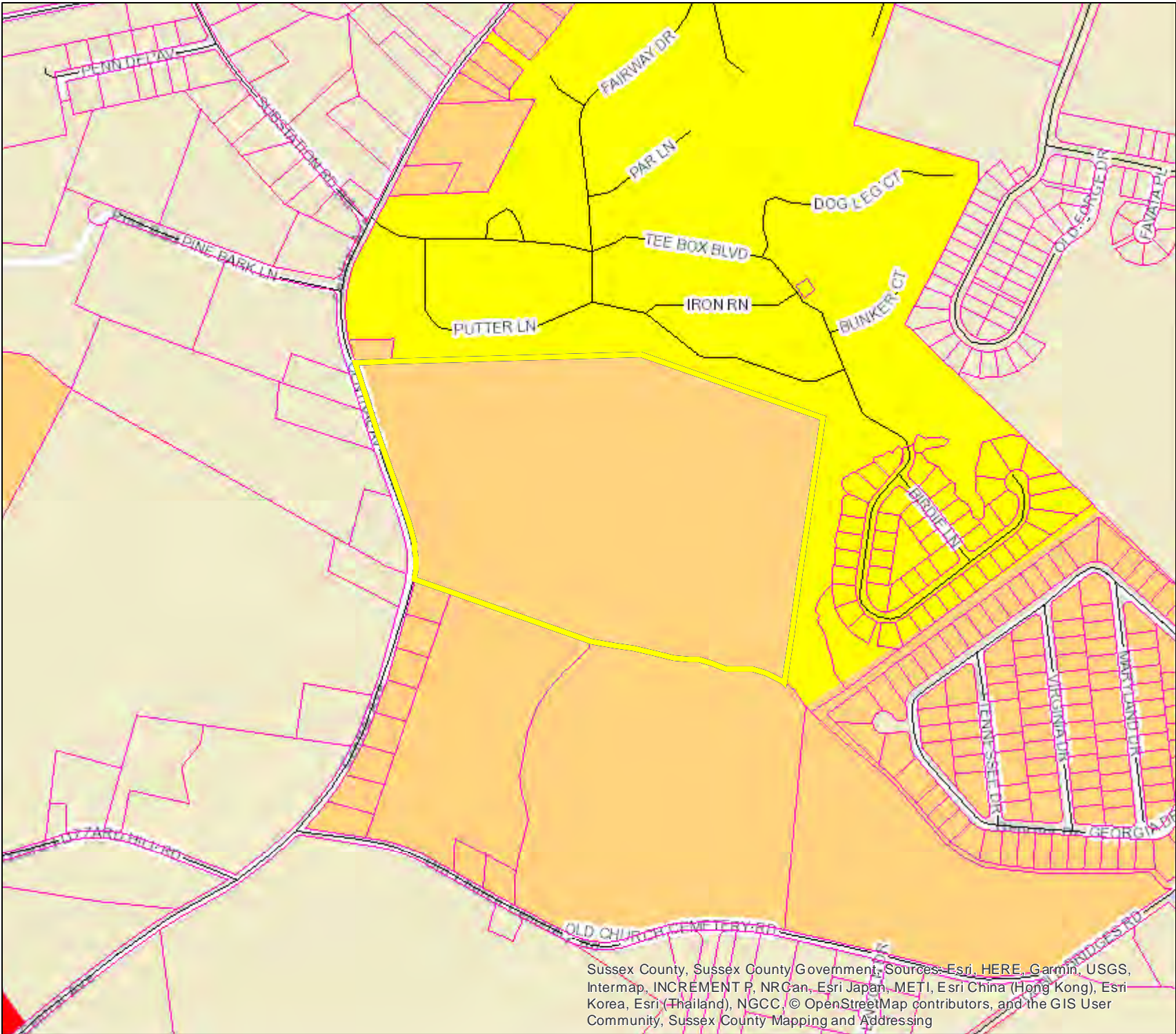
■ Municipalities

■ Communities

■ Boundaries State County

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





**Addresses / Parcels**

■ Tax Parcels

**Council Districts**

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

**Schools/Libraries**

- ▬ School Buildings (Various)
- 📖 School Library
- 📖 Public Library
- 📖 Special Library
- 📖 DOE School Districts
- 📖 DOE VoTech School Districts

**Hydrology**

- ~ Streams / Rivers
- Lakes, Ponds, Bays

**Flood Zones**

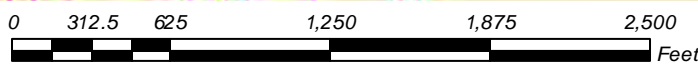
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- Public Protected Lands
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- Communities
- Boundaries State County

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



Sussex County Map



**Introduced 08/21/18**

**Council District No. 5 – Arlett  
Tax I.D. No. 134-16.00-39.00  
911 Address: 34365 Central Avenue, Frankford**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (135 TOWNHOUSES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 47.7177 ACRES, MORE OR LESS**

**WHEREAS, on the 2<sup>nd</sup> day of May 2018, a conditional use application, denominated Conditional Use No. 2142, was filed on behalf of RH Orr, LLC, c/o Ribera Development, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2142 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2142 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Central Avenue, approximately 0.22 mile north of Old Church Cemetery Road, and being more particularly described in the attached legal description prepared by Cypress Surveys, LLC, said parcel containing 47.7177 acres, more or less.**

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

JANELLE M. CORNWELL, AICP  
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janelle.cornwell@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 26, 2018

RE: County Council Report for CU 2144 William Caldwell

---

The Planning and Zoning Department received an application (CU 2144 William Caldwell) to allow for a Conditional Use to allow for a tree company operation to be located at 18576 Greely Ave. The Planning and Zoning Commission held a public hearing on September 27, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, staff analysis, comments from the Sussex Conservation District, and the results from DeIDOT Service Elevation.

The Commission found that Mr. Carl Anderson and Mr. Jim Atkins, owners of the property and William Caldwell were present of behalf of the application; that Mr. Anderson stated the owns the property with Mr. Atkins; that Mr. Caldwell needed a place to establish his business; that they were not aware that the property needed a Conditional Use permit; that Mr. Atkins stated he okay with him operating the business there and renting the house that is on the property; that the business is basically done offsite; that Mr. Caldwell stated he has been in business for about 28 years; that he parks his trucks there and all the work is done off-site; that he does bring home logs, until they can haul them away; that it's not worth hauling one or two logs at time, so he waits until he has a full load to haul; that he has a few employees; that they scattered logs on the site because he does not have equipment to stack them; that there is a drainage problem and that he tried to get a ditch installed; that three parcels down from this site is a propane tank storage building and the fire hall is nearby; that the piles have been there for five years; that he might have 100 logs on 2 1/2 acres; that he only has one employee and would like to have three or four; that the hours of operation are 8:00 a.m. to 5:00 p.m. or 6:00 p.m.; and that he use to have a very small sign.

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

The Commission found that Mr. Douglas Combs spoke in opposition to the application; that Mr. Combs stated he has concerns with the potential noise, the potential buildup and all kinds of equipment vehicles; that he has concerns with the potential for loss and value of his home and questioned if this is this just going to be a storage area and will it be different than what is being done right now; that he has concerns about the hours of business; that the fire truck lights are going off





with sirens; that there is a fire truck stored at his place; that Mr. Caldwell stated the lights on top of the fire truck are white and the truck is for trees; that the truck is equipped with a siren; that they do not drive very fast and use the lights when hauling trees; that they always check the lights before they take the fire truck on the road; that the hours of operation are 8:00 a.m. to 6:00 p.m., Sunday through Saturday; and that he cuts logs, splits wood, and moves logs at other times of the day, outside of those hours.

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

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

At their meeting on October 11, 2018, the Planning Commission discussed the application which has been deferred since September 27, 2018.

The Commission held a discussion on the proposed application; that Mr. Hopkins has concerns with a minimum pile of wood in that area for months at a time and even years; that it would put a lot burden on the Planning Staff to police the property; that Ms. Stevenson stated in the past that people had to their dumpsters and keep their trash cleaned up; that they could make that a stipulation and just could not store the wood there anymore; that the applicant did state that he did use some of the wood for his own purposes; that Mr. Wheatley stated that when specific conditions are placed, that the burden falls to the neighbors to police the property because they do not have people go out and be proactive; that they do enforcement and it is mostly complaint driven which forces the neighbors to be the complainers and the enforcers; and that Ms. Stevenson stated she has concerns about the noise; that there is no reason for a fire siren to be going off.

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

At their meeting of October 25, 2018, the Planning Commission discussed the application that has been deferred since October 11, 2018.

Mr. Hopkins moved that the Commission recommend approval of Conditional Use # 2144 for William Caldwell for a tree service based on the record made during the public hearing and for the following reasons:

1. The property is a 2.585 acre parcel located on Greely Avenue near North Old State Road. There are some other business uses in the general area, and the Ellendale Fire Company owns the property to the rear of this site.
2. The applicant has stated that his business is mostly conducted offsite. This is a location for keeping the applicant's equipment when it is not being used offsite.
3. There will be no retail sales from the property, and the proposed use is limited. With the conditions imposed by the County, the use will not adversely affect neighboring properties, roadways or traffic.

4. This is an agricultural-type use and it is consistent with the underlying AR-1 zoning of the property.
5. The business provides a service to a wide variety of Sussex County residents, farmers and businesses. It has a public or semi-public character that will benefit the residents, farmers and businesses of Sussex County.
6. This recommendation is subject to the following conditions:
  - A. This use shall be limited to a tree cutting business. No other business shall be conducted from the site, and no vehicles associated with any other business shall be parked on the site.
  - B. No retail sales shall be conducted from the site.
  - C. No mulching, chipping, shredding or grinding of any materials, including the dyeing of mulch or similar materials, shall occur on the site.
  - D. As requested by the applicant, a small, unlighted sign shall be permitted. It shall not exceed 8 square feet per side.
  - E. The hours of operation shall be limited to 7:00 am through 7:00 pm, Monday through Friday and 7:00 am through 2:00 pm on Saturday. There shall not be any Sunday hours of operation.
  - F. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
  - G. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
  - H. Any stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for any required stormwater management areas.
  - I. No cut trees, logs or timber shall be stored on the site. All timber and logs currently on the site shall be removed within 4 months of County Council's approval of this conditional use.
  - J. There shall not be any dumping on the site.
  - K. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself.
  - L. No sirens or flashing lights shall be used anywhere on the site.
  - M. All equipment and vehicle maintenance and repair shall occur indoors.
  - N. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
  - O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

## PLANNING & ZONING

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# Sussex County

DELAWARE  
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## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 19, 2018  
RE: Staff Analysis for CU 2144 William Caldwell

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2144 William Caldwell to be reviewed during the September 27, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcels 230-5.20-55.00 & 56.00 to allow for a tree company operation to be located at 18576 Greely Ave. The size of the properties is 2.585 ac. +/-.

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

The surrounding land use to the north and south are Low Density Areas. The land use to the east and west are Low Density and Mixed Residential Areas. The Low Density Areas land use designation recognizes that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The use as auto repair and gasoline sales, should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District), LI-2 (Light Industrial District) and B-1 (Neighborhood Business District). The properties to the south are zoned AR-1 (Agricultural Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District), and GR (General Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District), GR (General Residential District) and MR (Medium-Density Residential District). There are no known Conditional Uses in the area.

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



Mailing List Exhibit Map  
Planning Commission  
CU 2144  
230-5.20-55.00 & 56.00  
William Caldwell  
18576 Greely Ave.



7-26-2018



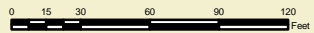
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Mailing List Exhibit Map  
Planning Commission  
CU 2144  
230-5.20-55.00 & 56.00  
William Caldwell  
18576 Greely Ave.

Greely Ave

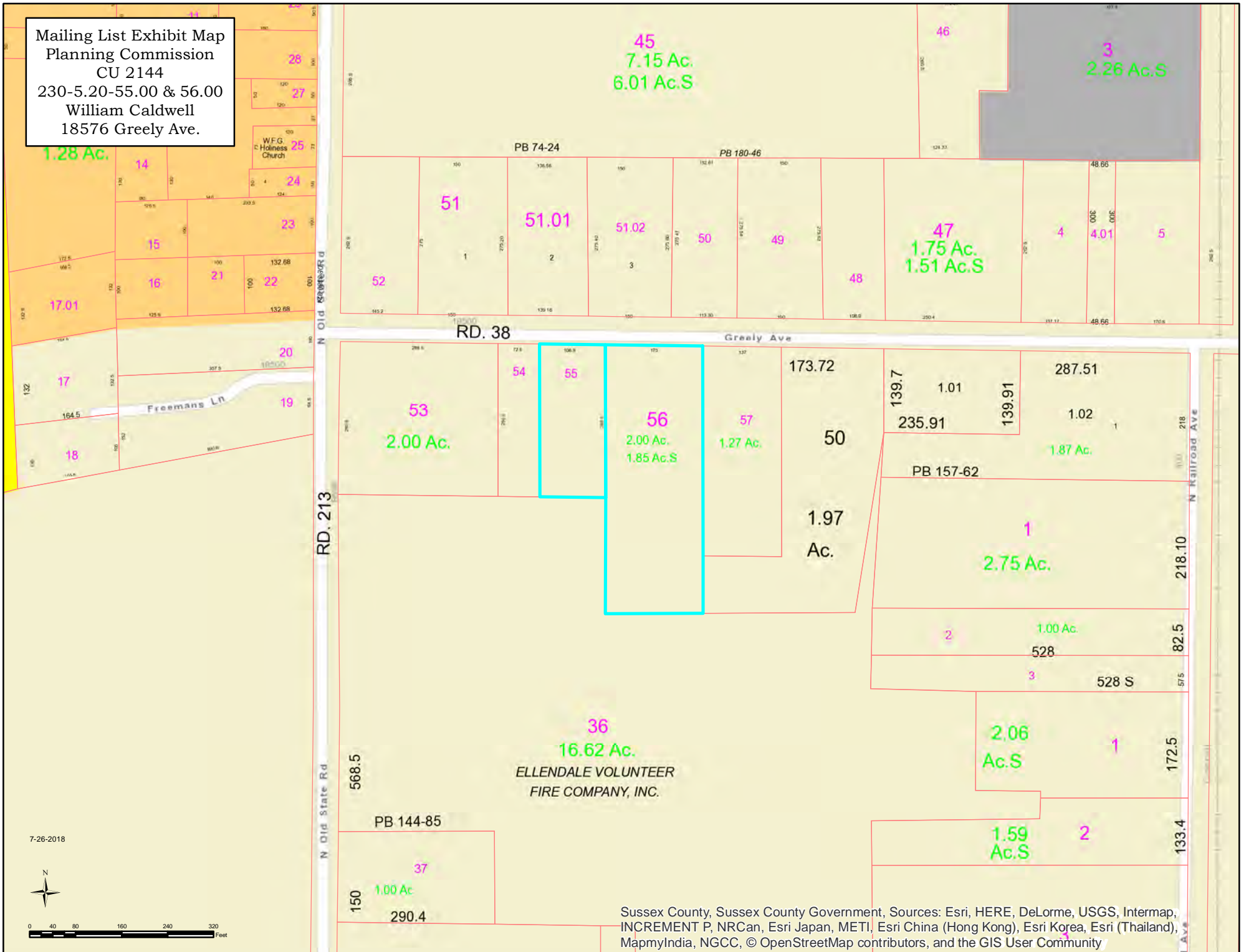
Greel

7-26-2018



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

Mailing List Exhibit Map  
 Planning Commission  
 CU 2144  
 230-5.20-55.00 & 56.00  
 William Caldwell  
 18576 Greely Ave.



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

**Introduced 06/05/18**

**Council District No. 2 – Wilson  
Tax I.D. No. 230-5.20-55.00 and 56.00  
911 Address: 18576 Greely Avenue, Lincoln**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE COMPANY OPERATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.5851 ACRES, MORE OR LESS**

**WHEREAS, on the 14th day of May 2018, a conditional use application, denominated Conditional Use No. 2144, was filed on behalf of William Caldwell; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2144 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2144 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the south side of Greely Avenue, and being more particularly described in the attached deed prepared by Moore & Rutt, P.A., said parcel containing 2.5851 acres, more or less.**

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 25, 2018

RE: County Council Report for CZ 1856 Melissa and Nate Walker

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The Planning and Zoning Department received an application (CZ 1856 Melissa and Nate Walker) to allow for a Change of Zone to allow for a change of zone from AR-1 (Agricultural Residential District) to C-2 (Business Community District) to be located at 22935 John J. Williams Hwy. The Planning and Zoning Commission held a public hearing on September 27, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, survey, staff analysis, exhibit booklet and comments from the Sussex Conservation District, and results from DelDOT Service Elevation.

The Commission found that Mr. Mark Davidson with Pennoni Associates, Mrs. Melissa and Mr. Nathan Walker, owners of the property were present of behalf of the application; that the parcel is currently zoned AR-1; that there is currently an existing home on the site; that the home is dated back to the 1890; that there is an existing dog grooming business on the site; that there is an inground swimming pool; that there are two entrances to the property and one is the only one way in; that they have owned the property since 2004; that the property is surrounded by a flag lot on the side and behind the parcel; that they are also surrounded by Herring Creek Estates; that this accommodates commercial uses and is on an arterial road; that they would like to turn the house into a boutique, architectural, salvage and retail sales; that they would like to provide interior design sales; that it is a two story house and the first-floor contains 1,000 square feet; that their parents are living in the house; that C-2 permits for mixed-use and will not impact the area; that the existing building is approximately 1,800 square feet, the dog grooming business is 1,200 square feet and in the rear of the property is a 600 square foot studio/apartment; that the proposed rezoning of C-2 will not diminish or impair the property value within the neighborhood and it would create a public nuisance or result in an increase of public expenditures; that the C-2 district supports uses that include the retail sales and the type of mix consumer services that they are proposing to use for the property; that the Land Use Classification per the Comprehensive Plan is in an area that is low density, and permitted uses such as business development should be confined to businesses addressing the needs of nearby residents and residential uses, that this is also in the Environmentally Sensitive Developing Overlay Zone; that in the growth area, you can have a mixture of residential and light commercial and is appropriate for the convenience services; that in the proposed Comprehensive Plan, this is consider a Coastal Area; that C-2 zoning is



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permitted in the Coastal Area; that site is located on Route 24 and it is a major collector road; that it averages approximately 12,700 vehicles a day; that a TIS was not required by DelDOT; that the property is 1.08 acres in size and it is a very small property and a very small use that they are proposing to do; that the property is located in Tier 1 sewer district; that sewer is planned in few years to be connected along Route 24 and they are able to get Tidewater Utilities for water; that there is a lot for residential use and a campground with a commercial store; that they are talking about a very small commercial property; that there are no known major preserved lands in this area; that the property is not in a flood zone, there are no wetlands on the property; that the stormwater will be managed by infiltration into the ground; that the property is in a State Strategies Level 3; that all the improvements such as the multi-modal path and entrance will be carried out by the owners; and that there are some letters received in favor of the application which were included in the exhibit booklet.

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

The Commission found that Mr. Paul Sheppard spoke in opposition to the application; that Mr. Sheppard stated he is not here to object to the uses that are being requested; that his object is the change in the zoning; that this property is completely surrounded by AR-1 and this would be a spot zoning situation; that the C-2 allows for so much in terms of commercial uses; that he has no objection to the dog grooming, boutique and the parents living there; that he would like to see a Conditional Use permit instead of a change of zone; and that this is a quality of life issue; and that it is a pleasant rural setting.

At the conclusion of the public hearings, the Commission discussed this application. The Commission noted that the property is surrounded by residential uses. Mr. Robertson clarified some of the objections behind the new Commercial Zones created in 2018.

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

At their meeting on October 11, 2018, the Planning Commission discussed the application which has been deferred since September 27, 2018.

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

At their meeting of October 25, 2018, the Planning Commission discussed the application that has been deferred since October 11, 2018.

Mr. Hudson moved that the Commission approve CZ#1856 for Melissa and Nate Walker for a change in zone from AR-1 to C-2 Medium Commercial based upon the record from the public hearing and for the following reasons:

1. The applicants are seeking a change in zone to C-2 Medium Commercial. The purpose of this district is to allow retail sales and consumer services. It is intended to be located near arterial and collector streets.
2. This location along Route 24 is appropriate for the uses that are permitted in the C-2 District. The permitted uses in the C-2 District are limited in both size and type.

3. This location has previously been used for small-scale business or commercial uses. This rezoning is consistent with the prior types of uses that have occurred on the property.
4. The rezoning will not have a significant impact upon neighboring properties or roadways.
5. Any development that occurs on the property will require site plan review by the Sussex County Planning & Zoning Commission after taking into account all required agency reviews, including DelDOT, State Fire Marshall and the Sussex Conservation District.
6. For all of these reasons it is appropriate to rezone this property from AR-1 to C-2 Medium Commercial.

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

## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

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(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 19, 2018  
RE: Staff Analysis for CZ 1856 Melissa and Nate Walker

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1856 Melissa and Nate Walker to be reviewed during the September 27, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 234-17.00-35.00 to allow for a change of zone from AR-1 (Agricultural Residential District) to C-2 (Business Community District) to be located 22935 John J. Williams Hwy. The size of the property is 1.07 ac. +/-.

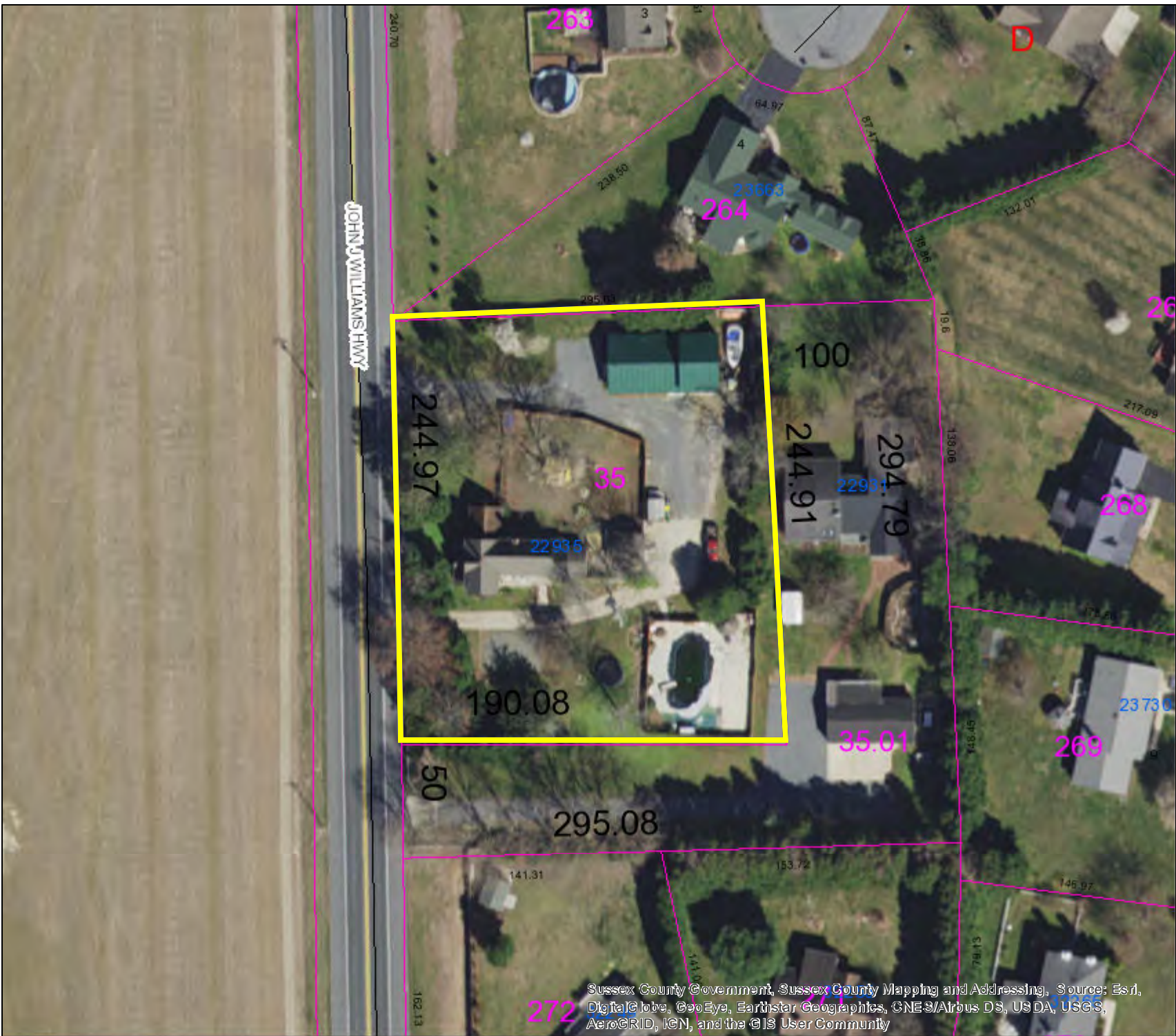
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south, and east are Environmentally Sensitive Developing Area. The land uses to the west are Low Density Areas. The Environmentally Sensitive Developing Area land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The properties to the east and west are zoned AR-1 (Agricultural Residential District). The parcels to the south are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). Further south is GR-RPC (General Residential District Residential Planned Community) zoned parcels. There is a Conditional Uses in the area for multi-family.

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





**Addresses / Parcels**

□ TaxParcels

**Council Districts**

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

**Schools/Libraries**

- ▮ School Buildings (Various)
- ▮ School Library
- ▮ Public Library
- ▮ Special Library
- ▮ DOE School Districts
- ▮ DOE VoTech School Districts

**Hydrology**

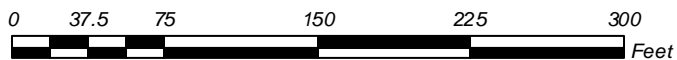
- ▮ Streams / Rivers
- ▮ Lakes, Ponds, Bays

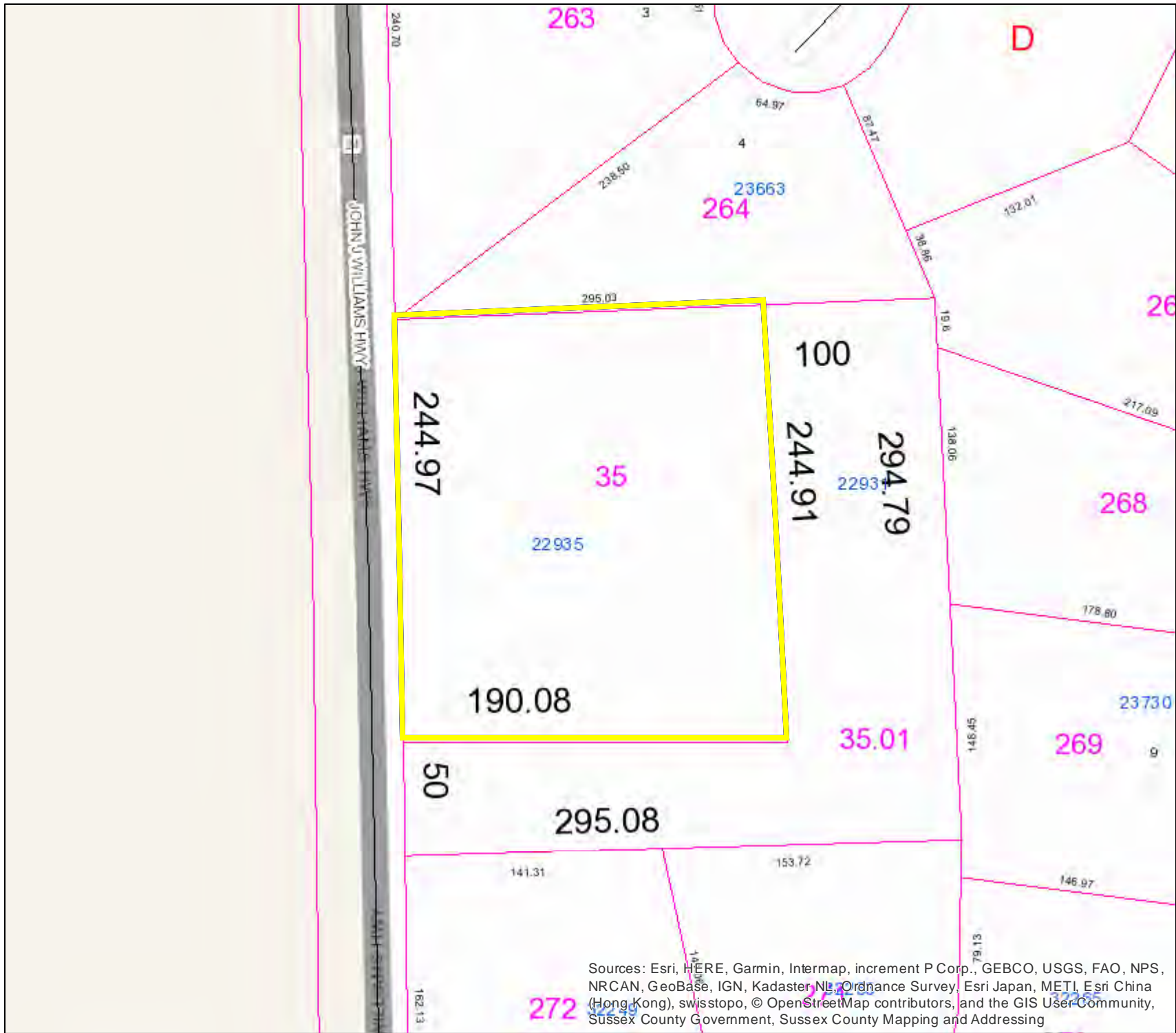
**Flood Zones**

- ▮ 0.2% Annual Chance Flood Hazard
- ▮ A
- ▮ AE
- ▮ AO
- ▮ Open Water
- ▮ VE

- ▮ Public Protected Lands
- ▮ Municipalities
- ▮ Communities
- ▮ Boundaries State County

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





**Addresses / Parcels**

□ TaxParcels

**Council Districts**

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

**Schools/Libraries**

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

**Hydrology**

~ Streams / Rivers

■ Lakes, Ponds, Bays

**Flood Zones**

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

■ Public Protected Lands

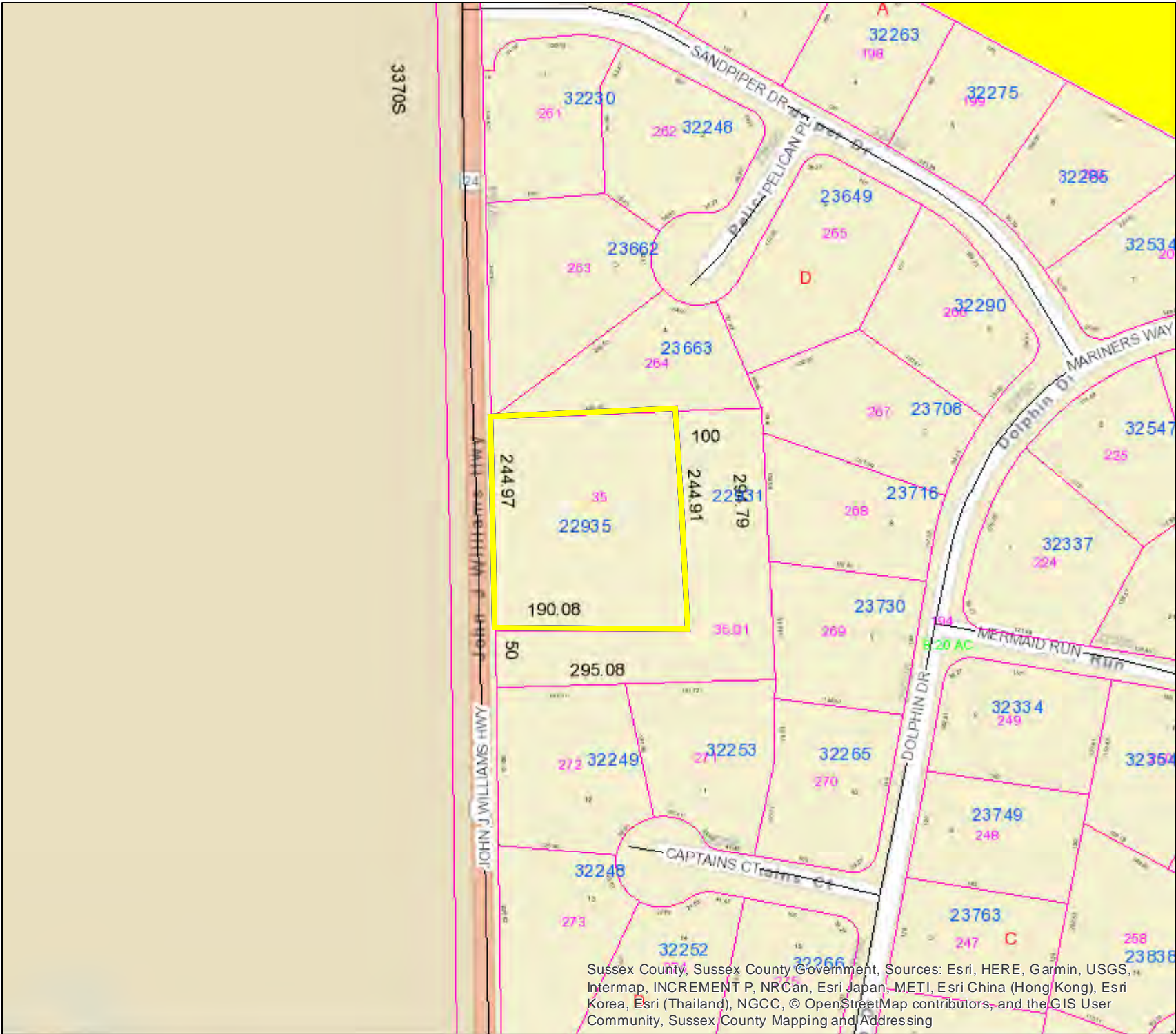
■ Municipalities

■ Communities

■ Boundaries State County

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





**Addresses / Parcels**

■ TaxParcels

**Council Districts**

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

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▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

**Hydrology**

~ Streams / Rivers

■ Lakes, Ponds, Bays

**Flood Zones**

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

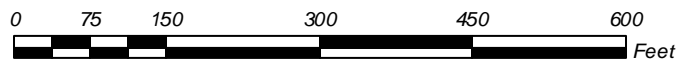
■ Public Protected Lands

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■ Communities

■ Boundaries State County

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



**Introduced 04/24/18**

**Council District No. 4 - Cole**

**Tax I.D. No. 234-17.00-35.00**

**911 Address: 22935 John J. Williams Highway, Millsboro**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS**

**WHEREAS, on the 10th day of April 2018, a zoning application, denominated Change of Zone No. 1856, was filed on behalf of Melissa and Nate Walker; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1856 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-2 Medium Commercial 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 Indian River Hundred, Sussex County, Delaware, and lying on the east side of John J. Williams Highway (Route 24), approximately 0.38 mile south of Hollymount Road, and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 1.08 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.**