



Sussex County Council Public/Media Packet

**MEETING:
November 13, 2018**

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



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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

NOVEMBER 13, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation - Patti Grimes, Executive Director, Joshua M. Freeman Foundation

Gina Jennings, Finance Director

1. Fourth Quarter Employee Recognition Awards

Todd Lawson, County Administrator

1. Recognition of Retiree John Hall
2. Five Points Working Group Report
3. Presentation and consideration of the Sussex County Land Trust
4. Administrator's Report

10:30 a.m. Public Hearing

Proposed Diamond Acres Streetlighting District, Extension A

Councilman I.G. Burton, III

1. Discussion related to the Pending Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE III ("PROVISIONS APPLICABLE TO ALL DISTRICTS"), ARTICLE IV ("AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS") AND ARTICLE XXV ("SUPPLEMENTARY REGULATIONS") WITH RESPECT TO THE CALCULATION OF PERMITTED DENSITY"

Bill Pfaff, Director of Economic Development

1. **Airport and Industrial Park – Foreign Trade Zone**

Hans Medlarz, County Engineer

1. **Materials – Effluent Force Main Pipeline, Project M19-13**
 - A. **Bid Award**
2. **Agricultural Lease for Farmland**
 - A. **Bid Award**
3. **Maintenance Garage, Project #17-09**
 - A. **Change Order No. 2**
4. **Surface Water Matching Planning Grant – Silver Lake / Lake Comegys Management Plan**

Janelle Cornwell, Planning and Zoning Director

1. **Consideration and approval of the response to PLUS comments from the Office of State Planning Coordination regarding the 2018 Comprehensive Plan**
2. **Consideration and approval of Future Land Use Map within the 2018 Comprehensive Plan**
3. **Consideration and approval of the Proposed Ordinance entitled “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”**

Old Business

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” (Tax I.D. No. 134-16.00-39.00) (911 Address: 34365 Central Avenue, Frankford)

Change of Zone No. 1856 filed on behalf of 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” (Tax I.D. No. 234-17.00-35.00) (911 Address: 22935 John J. Williams Highway, Millsboro)

Grant Requests

1. Grace-N-Mercy Ministries for Thanksgiving Community Dinner
2. Town of Blades for Kid's Christmas Party
3. Cape Vikings Pop Warner for competition expenses
4. American Youth Football (Seaford Elite Travel Football Club) for competition expenses

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Pending Litigation pursuant to 29 Del.C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2145 filed on behalf of 105 Seagull Drive, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (2 DUPLEXES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.169 ACRE, MORE OR LESS” (lying on the north side of Seagull Drive, approximately 100 feet west of Coastal Highway (Route 1) (Tax I.D. No. 334-23.06-10.00) (911 Address: 38737 Seagull Drive, Dewey Beach)

Conditional Use No. 2146 filed on behalf of Jose Carrillo

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR/OUTDOOR SOCCER FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.67 ACRES, MORE OR LESS” (lying on Speed Street, on the west side of Marshall Street, approximately 1,655 feet north of Johnson Road) (Tax I.D. No. 330-15.00-10.00) (911 Address: 19008 Speed Street, Lincoln)

Conditional Use No. 2148 filed on behalf of Sussex Farms, LLC c/o Samuel Connors

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINISTORAGE WITH CARETAKER RESIDENCE AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES, MORE OR LESS” (lying on the northwest side of John J. Williams Highway (Route 24) approximately 697 feet southwest of Mount Joy Road) (Tax I.D. No. 234-29.00-19.00) (911 Address: 26750 John J. Williams Highway, Millsboro)

Conditional Use No. 2150 filed on behalf of Leo Sweeney

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAWNMOWER AND SMALL ENGINE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.83748 ACRES, MORE OR LESS” (lying on the northeast side of Cedar Creek Road (Route 30) approximately 0.788 mile north of Jefferson Road (SCR 38) (Tax I.D. No. 230-21.00-12.01 (portion of) (911 Address 10449 Cedar Creek Road, Lincoln)

Change of Zone No. 1858 filed on behalf of OA Oaks, LLC (Ashton Oaks)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 – RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS” (lying on the northeast side of Zion Church Road (Route 20) approximately 0.27 mile northwest of Bayard Road (SCR 384) (Tax I.D. No. 533-11.00-82.00) (911 Address: 36161 Zion Church Road, Frankford)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 5, 2018 at 4:25 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL
COMPREHENSIVE PLAN WORKSHOP

OCTOBER 15, 2018

On October 15, 2018, beginning at 10:00 a.m., the Sussex County Council held a Comprehensive Plan Workshop in the Sussex County Council Chambers.

The following were present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
I.G. Burton III	Councilman
Samuel R. Wilson, Jr.	Councilman
Todd F. Lawson	County Administrator
Janelle Cornwell	Planning and Zoning Director
Vince Robertson	Assistant County Attorney

Also present were John Mullen and Erika Morgan from McCormick Taylor, Brandy Nauman, Sussex County Fair Housing Compliance Officer, and Jenn Cinelli-Miller from DelDOT.

Public comments were heard. Chris Kalil of Stafford Street Capital requested an amendment to the Future Land Use Map (Tax Parcel 235-8.00-39.00).

The purpose of the workshop was to review the PLUS comments in regard to the 2018 Comprehensive Plan and to consider the recommendations contained in the PLUS response. A power point presentation was given outlining the comments and recommendations.

The next steps in the process were discussed. A public hearing on the Comprehensive Plan Ordinance will be held on October 23, 2018. Thereafter, an updated Plan and PLUS response letter will be sent to the Office of State Planning Coordination.

The Plan Certification Process was reviewed.

The workshop adjourned at 12:07 p.m.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

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

Link:

<https://sussexcountvde.gov/sites/default/files/audio/CC%20Comp%20Plan%20Workshop10-15-18.mp3>

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 30, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 30, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 592 18
Approve
Agenda**

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

Motion Adopted: 3 Yeas, 2 Absent.

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

Minutes

The minutes of October 23, 2018 were approved by consent.

**Corre-
spondence**

Correspondence

**SUSSEX COUNTY HEALTH COALITION, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of donation to Project Purple.

**Public
Comments**

Public Comments

Dan Kramer referenced Election Day (November 6, 2018) and reminded everyone to vote.

**Wastewater
Agreement**

Mr. Lawson presented a Wastewater Agreement for the Council's consideration.

M 593 18

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, for Sussex County

**M 593 18
Approve
Wastewater
Agreement
(continued)**

Project 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 the West Rehoboth Expansion North Planning Area.

Motion Adopted: 3 Yeas, 2 Absent.

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

**Adminis-
trator's
Report**

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

A. "Stockings for Soldiers"

A reminder that Sussex County government is joining Sussex County Volunteer Delaware 50+ and the State Office of Volunteerism in collecting donated items for deployed servicemen and women who are serving during the holidays. A donation box for "Stockings for Soldiers" has been placed in the County Administrative Offices building and includes a shopping list for deployed men and women, as well as our K9 soldiers. Donations to the County's box will be accepted up to October 31st. The public along with County employees are encouraged to join in and give back to the men and women (and K9s) who serve our country.

B. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Coastal Club - Land Bay 7 - Phase A and Tidewater Landing - Phase 2 received Substantial Completion effective October 22nd and October 23rd, respectively.

C. Holiday and County Council Meeting Schedule

County offices will be closed on Tuesday, November 6th, for Election Day and Thursday, November 8th, for Return Day. Offices will also be closed on Monday, November 12th, in honor of Veterans Day.

The Sussex County Council will not meet on November 6th. The next regularly scheduled Council meeting will be held on November 13th at 10:00 a.m.

D. Distinguished Budget Presentation Award

I am pleased to announce that the Government Finance Officers Association of the United States and Canada has awarded Sussex County its Distinguished Budget Presentation Award for the Fiscal Year 2018 Budget Report. This is the first year that the County has received

**Administrator's
Report
(continued)**

this prestigious award acknowledging its budget report. In order to receive the award, the budget document must serve an entity as a policy document, financial plan, operations guide, and communication device.

Congratulations to Gina Jennings, Finance Director and Chief Operating Officer, and Kathy Roth, Deputy Finance Director, for their efforts in achieving this award.

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

**Construct
Taxiway D
Project/
Delta Task
Order 8**

Hans Medlarz, County Engineer, reported that the 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. This project was awarded in August 2018 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. In August 2018, Task Order 7 was awarded for construction phase services to Delta Airport Consultants, Inc. Additional costs were incurred due to rebidding; the costs were not covered under the original design Task Order 6, nor the subsequent construction phase Task Order 7. Mr. Medlarz reported that Task Order 8 for additional design and bidding phase services in the amount of \$37,500.00 is eligible for 90% reimbursement through the Airport Improvement Program. Reimbursement will be requested through an amendment to the FAA grant funding.

**M 594 18
Approve
Delta Task
Order 8/
Construct
Taxiway D
Project**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that Sussex County Council approves Task Order 8 to the Engineering Agreement between Sussex County and Delta Airport Consultants, Inc. to provide professional services for Sussex County Project 17-20, Construct Taxiway D Design, which increases the original contract amount by no more than \$37,500.00.

Motion Adopted: 3 Yeas, 2 Absent.

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

Mr. Cole and Mr. Arlett joined the meeting.

**Draft
Ordinance/
Chapter 99
Amend-
ments**

Hans Medlarz, County Engineer, presented for discussion a Draft 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". Chapter 99 of the Sussex County Code contains certain technical

Draft Ordinance/ Chapter 99 Amendments (continued) requirements for the design, submission, and subsequent approval of Final Site Plans for subdivisions, including the provision for the approval of the Sussex Conservation District. The street design requirements contained in Chapter 99 of the Code were revised and improved through the adoption of Ordinance No. 2489 on March 28, 2017. After the implementation of Ordinance No. 2489, the Engineering Department recognized that further, minor modifications and corrections were necessary with regard to street design standards and inspection and closeout procedures. Mr. Medlarz highlighted the proposed changes.

Introduction of Proposed Ordinance Mr. Arlett introduced the 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”. The Proposed Ordinance will be advertised for Public Hearing.

Request to Post Notices/ Wellesley Annexation John Ashman, Director of Utility Planning, presented a request to post notices for the Wellesley Annexation of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). The expansion, consisting of 286.24 acres, more or less, was requested by Davis Bowen & Friedel on behalf of their clients, Wellesley Partners, LLC for Parcel Nos. 334-12.00-46.01, 113.00 and 116.00. The project received preliminary approval on June 28, 2018. They propose to connect to existing infrastructure installed by the County; an Infrastructure Use Agreement will be required.

M 595 18 Post Notices/ Wellesley Annexation A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Engineering Department is authorized to prepare and post notices for the Wellesley Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area), 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

Plantation Square/ Use of Existing Infrastructure Agreement John Ashman, Director of Utility Planning, presented a request for approval of a Use of Existing Infrastructure Agreement with LMHT, LLC for the Plantation Square project in the West Rehoboth Area (recently annexed into the sewer district). This would allow the Plantation Square developers to connect up to 30 EDUs to the existing infrastructure in exchange for \$19,759.00.

M 596 18 Approve Agreement/ Plantation Square A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and LMHT, LLC for capacity allocation in the regional transmission system, as presented.

**M 596 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**

**Grant
Requests**

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

**M 597 18
Countywide
Youth
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to give \$2,100.00 from Countywide Youth Grants to the Optimist International Foundation / Optimist Club of Sussex County for essay contest scholarships.

Motion Adopted: 5 Yeas.

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

**M 598 18
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$1,500.00 from Mr. Arlett's Councilmanic Grant Account to the Greater Millsboro Chamber of Commerce for the Stars & Stripes Celebration.

Motion Adopted: 5 Yeas.

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

**M 599 18
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$2,000.00 (\$400.00 from each Councilmanic Grant Account) to the Town of Georgetown for the Mayor's Reception held on Return Day.

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/
Proposed
Ordinance/
2018
Compre-
hensive
Plan**

Under Old Business, the Council considered the 2018 Comprehensive Plan Ordinance and Future Land Use Map. Janelle Cornwell, Planning and Zoning Director, stated that a Public Hearing on the Proposed Ordinance entitled "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" was held on October 23, 2018 at which time action was deferred. Ms. Cornwell reported that staff is still working on the certification issue.

Old Business/ Proposed Ordinance/ 2018 Comprehensive Plan (continued)

Ms. Cornwell and Vince Robertson, Assistant County Attorney, presented for Council's consideration, requests to change the Future Land Use Map. Mr. Robertson advised Council that the Future Land Use Map is not set in stone for the 10-year period of a plan; it can evolve and any requested changes would go through a public hearing process.

Request No. 1 - Tax Map and Parcel No. 235-19.00-37.00 to be designated as part of the Developing Area.

M 600 18 Land Use Map Change Request

A Motion was made by Mr. Arlett, seconded by Mr. Burton, that Tax Map and Parcel No. 235-19.00-37.00 be designated as part of the Developing Area on the Future Land Use Map in the 2018 Comprehensive Land Use Plan.

DENIED

Motion Denied: 4 Nays, 1 Yea.

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

Request No. 2 - Tax Map and Parcel No. 235-19.00-20.00 to be designated as part of the Developing Area.

M 601 18 Land Use Map Change Request

A Motion was made by Mr. Arlett, seconded by Mr. Burton, that Tax Map and Parcel No. 235-19.00-20.00 be designated as part of the Developing Area on the Future Land Use Map in the 2018 Comprehensive Land Use Plan.

DENIED

Motion Denied: 5 Nays.

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

Mr. Burton recused himself from the discussion and Motion on the next request.

Request No. 3 – Three parcels (Hudson Road and Log Cabin Hill Road property and two properties on Route 30 and Sand Hill Road) to be designated as part of the Developing Area.

Ms. Cornwell stated that staff recommends that the properties and other surrounding properties be included in the Coastal Area (incorporating approximately three dozen properties).

M 602 18 Land Use Map Change Request

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the area within the north side of Lewes – Georgetown Highway, the east of Hudson Road, and the west side of Sweetbriar Road be designated as part of the Coastal Area on the Future Land Use Map in the 2018 Comprehensive

**M 602 18
(continued)**

Land Use Plan.

Motion Failed: 2 Yeas, 2 Nays, 1 Absent.

**MOTION
FAILED**

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

Request No. 4 - Tax Map and Parcel No. 235-8.00-39.00 to be designated as part of the Developing Area.

**M 603 18
Land Use
Map Change
Request**

A Motion was made by Mr. Cole, seconded by Mr. Burton, that Tax Map and Parcel No. 235-8.00-39.00 be designated as part of the Developing Area on the Future Land Use Map in the 2018 Comprehensive Land Use Plan.

Questions were raised about the availability of sewer infrastructure. Mr. Arlett requested that action on this request be deferred.

**MOTION
WITH-
DRAWN**

Mr. Cole and Mr. Burton withdrew their Motions.

Action was deferred on Request No. 4.

Mr. Cole suggested a map change for the Red Mill Pond Area due to its proximity to the watershed and Great Marsh, and eliminating Red Mill North from the Development District. It was discussed to include the parcels on New Road to the Milford Interchange (northeast side of Route One and parcels along New Road). Mr. Vincent asked that staff map this proposed area for consideration at the November 13th Council meeting.

Ms. Cornwell stated that staff will continue to work on the County's response to the PLUS letter; additionally, the affordable housing section of the Plan will be edited for Council's consideration at the November 13th meeting.

**Old
Business/
CU 2130**

Under Old Business, the Council considered Conditional Use No. 2130 filed on behalf of The Evergreene Companies, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on June 14, 2018 at which time action was deferred. On June 28, 2018, the Commission recommended approval with 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**

**Old
Business/
CU 2130
(continued)**

- requirements.
- D. The project shall be served by Sussex County sewer. The Developer shall comply with all 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 prevention.**
 - 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 am. 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.**

The County Council held a Public Hearing on this application on July 24, 2018 at which time action was deferred.

**M 604 18
Amend
Condition/
CU 2130**

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: "The maximum number of townhouse units shall be 14."

Motion Denied: 3 Nays, 2 Yeas.

DENIED

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

**M 605 18
Amend
Condition/
CU 2130**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend Condition G recommended by the Planning and Zoning Commission to read as follows: "All construction and site work on the property, including

M 605 18 deliveries of materials to or from the property, shall only occur between
(continued) 7:00 a.m. and 6:00 p.m., Monday through Friday, and 8:00 a.m. to 2:00 p.m.
on Saturdays.

Motion Adopted: 5 Yeas.

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

M 606 18 A Motion was made by Mr. Burton, seconded by Mr. Wilson, to amend
Amend Condition H recommended by the Planning and Zoning Commission to
Condition/ read as follows: “No other outdoor construction activities shall occur at the
CU 2130 site except between the hours of 7:00 a.m. through 6:00 p.m., Monday
through Friday, and 8:00 a.m. though 2:00 p.m. on Saturdays. There shall
be no construction activities at the site on Sundays.”

Motion Adopted: 5 Yeas.

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

M 607 18 A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend
Amend Condition B recommended by the Planning and Zoning Commission to read
Condition/ as follows: “As provided by Section 115-218 of the Zoning Code, there shall
CU 2130 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.
The buffer on the north side shall be extended up to 25 feet to accommodate
existing vegetation and trees.”

Motion Adopted: 5 Yeas.

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

M 608 18 A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt
Adopt Ordinance No. 2609 entitled “AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY
No. 2609/ RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (20
CU 2130 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” (Conditional Use No.
2130) filed on behalf of The Evergreene Companies, LLC. (Tax I.D. No.
134-13.00-72.00 and 72.01) (911 Address: 30733 Cedar Neck Road, Ocean
View) with the following conditions:

A. The maximum number of townhouse units shall be 16.

**M 608 18
Adopt
Ordinance
No. 2609/
CU 2130
(continued)**

- 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. The buffer on the north side shall be extended up to 25 feet to accommodate existing vegetation and trees.**
- 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 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 prevention.**
- 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 Friday, and 8:00 a.m. to 2:00 p.m. on Saturdays.**
- H. No other outdoor construction activities shall occur at the site except between the hours of 7:00 a.m. through 6:00 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 Adopted: 3 Yeas, 2 Nays.

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

**Council
Members'
Comments**

Council Members' Comments

(continued) Mr. Arlett reminded everyone to vote on Election Day.

M 609 18 At 11:51 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation and land acquisition.
Go Into Executive Session

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 11:55 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending/potential litigation and land acquisition. The Executive Session concluded at 1:30 p.m.

M 610 18 At 1:39 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.
Reconvene 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**

Action No action was taken on Executive Session matters.

Rules Mr. Moore read the rules of procedure for public hearings on zoning matters.

**Public Hearing/
CU 2141** A Public Hearing was held on the Proposed Ordinance entitled "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" (Conditional Use No. 2141 filed on behalf of Miller's Tree & Outdoor Services (David Miller) (Tax I.D. No. 532-16.00-14.01 (portion of) (911 Address: None Available)).

The Planning and Zoning Commission held a Public Hearing on this application on September 27, 2018 at which time action was deferred. On October 11, 2018, the Commission recommended approval with 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

**Public
Hearing/
CU 2141
(continued)**

- 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 of 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.**

(See the minutes of the Planning and Zoning Commission dated September 27 and October 11, 2018.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

An Exhibit Booklet was previously provided by the Applicant.

Also submitted, on this date, was a Lot Line Adjustment Plan.

The Council found that Mark Davidson with Pennoni Associates was present with the Applicant and Owner, David Miller. They discussed the proposed use of the property to service and maintain equipment for a tree cutting business. They discussed the proposed use, the construction of a 2,000 square foot building, the history of the property, the layout of the site, proposed hours of operation, proposed future septic area, parking, activities proposed on the site, and future plans for the site/business. It was noted that DelDOT did not require a Traffic Impact Study. They stated that the Applicant is a sole proprietor and currently has no employees; that

**Public
Hearing/
CU 2141
(continued)**

the Applicant subcontracts employees; that the Applicant resides across the road and that business activities on his home site will cease; and that he would like to have a sign up to 32 square feet.

There were no public comments.

The Public Hearing and public record were closed.

**M 611 18
Amend
Condition/
CU 2141**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to strike Condition No. D recommended by the Planning and Zoning Commission and replace it with the following “One unlighted sign permitted up to 16 square feet.”

Motion Adopted: 4 Yeas, 1 Nay.

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

**M 612 18
Amend
Condition/
CU 2141**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to amend Condition F recommended by the Planning and Zoning Commission so that it reads as follows: “Any security lighting shall be screened so that it does not shine on neighboring properties or roadways and the front shall have a 20-foot forested buffer.”

Motion Adopted: 5 Yeas.

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

**M 613 18
Adopt
Ordinance
No. 2610/
CU 2141**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2610 entitled “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” (Conditional Use No. 2141) filed on behalf of Miller’s Tree & Outdoor Services (David Miller), with the following conditions, as amended:

- 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. One unlighted sign permitted up to 16 square feet.**

**M 613 18
Adopt
Ordinance
No. 2610/
CU 2141
(continued)**

- 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 and the front shall have a 20-foot forested buffer.**
- 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 of 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 Adopted: 5 Yeas.

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

**Public
Hearing/
CU 2142**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN 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” (Conditional Use No. 2142) filed on behalf of RH Orr, LLC, c/o Ribera Development, LLC (Tax I.D. No. 134-16.00-39.00) (911 Address: 34365 Central Avenue, Frankford).

The Planning and Zoning Commission held a Public Hearing on this application on September 27, 2018 at which time action was deferred. On October 11, 2018, the Commission recommended approval with the following conditions:

- A. The maximum number of residential units shall be 133. The two units located closest to Central Avenue shall be eliminated to reduce the**

**Public
Hearing/
CU 2142
(continued)**

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 75th 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 buffer areas. The landscape plan shall clearly designate all existing forested areas that will be preserved.**
- I. As stated by the Applicant, there shall be a 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 a.m. and 6:00 p.m., Monday through Saturday.**
- K. Street naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- 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**

**Public
Hearing/
CU 2142
(continued)**

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 Condominium 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.**

(See the minutes of the Planning and Zoning Commission dated September 27 and October 11, 2018.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that William Scott, Attorney, was present with Mike Fitzgerald and Rich Thomas with RH Orr, LLC; Jason Palkewicz with Solutions IPM; and Ed Launey with Environmental Resources, Inc. They presented an overview of the application: the proposed use of the property for 135 townhomes with active and open space, density, layout of the site, design details, proposed stormwater management, preservation of open space, preservation of woodlands and wetlands, water and sewer availability, amenities, buffers, sidewalks and multi-modal path, existing cemetery on the site, parking, DelDOT improvements, and the trend of residential development in the area.

Public comments were heard.

Tyler Hickman spoke in opposition to the application. He expressed concern about traffic, the amount of impervious surface, flooding, the cemetery on the property, and the incompatibility of multi-family in an area of single family homes.

Mr. Tyler read a letter into the record from Lorraine Bunting regarding the cemetery on the site and the need for an archaeological survey.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 614 18
Defer
Action/
CU 2142**

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to defer action for two weeks on Conditional Use No. 2142 filed on behalf of RH Orr, LLC, c/o Ribera Development, LLC.

Motion Adopted: 5 Yeas.

**M 614 18
(continued)**

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

**Public
Hearing/
CU 2144**

A Public Hearing was held on the Proposed Ordinance entitled “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” (Conditional Use No. 2144) filed on behalf of William Caldwell (Tax I.D. No. 230-5.20-55.00 and 56.00) (911 Address: 18576 Greely Avenue, Lincoln).

The Planning and Zoning Commission held a Public Hearing on this application on September 27, 2018 at which time action was deferred. On October 11, 2018, the Commission recommended approval with 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 a.m. through 7:00 p.m., Monday through Friday and 7:00 a.m. through 2:00 p.m. 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.**

**Public
Hearing/
CU 2144
(continued)**

O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated September 27 and October 11, 2018.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that William Caldwell was present on behalf of his application. He reported that he has operated his tree service out of this site for many years; that most of his work is off-site; that he resides on the property; that he has stacks of wood and logs on his property and that some of them will be removed/sold; and that many of the stacks of wood on the property are for personal use.

Public comments were heard.

Robert Ingram spoke in support of the application.

There were no comments in opposition to the application.

The Public Hearing and public record were closed.

**M 615 18
Adopt
Ordinance
No. 2611/
CU 2144**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2611 entitled "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" (Conditional Use No. 2144) filed on behalf of William Caldwell, with 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 a.m. through 7:00 p.m., Monday through Friday and 7:00 a.m. through 2:00 p.m. 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**

**M 615 18
Adopt
Ordinance
No. 2611/
CU 2144
(continued)**

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 Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1856**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A 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" (Change of Zone No. 1856) filed on behalf of Melissa and Nate Walker (Tax I.D. No. 234-17.00-35.00) (911 Address: 22935 John J. Williams Highway, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on September 27, 2018 at which time action was deferred. On October 11, 2018, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated September 27 and October 11, 2018.)

The Applicant previously submitted an Exhibit Book into the record.

Mark Davidson with Pennoni Associates was present with the Applicants, Melissa and Nate Walker. They discussed the rezoning request and proposed use for a specialty retail sales business / boutique that will sell architectural interior design salvage goods and services out of the existing dwelling on the property, the purpose of the C-2 District and how this site is appropriate for C-2 zoning, the buildings on the property and the layout of the site, the dog grooming business currently operating on the site;

**Public
Hearing/
CZ 1856
(continued)**

character of the surrounding area, the commercial trend of the area, and the location on an arterial road. They stated that the proposed uses will not affect property values in the neighborhood. They stated that they previously submitted an application for rezoning to the B-1 District and for the uses proposed, they submitted for a Conditional Use for the residence on the property. Thereafter, the Planning and Zoning Department made a recommendation that the Applicant revise the application and come in with an application for the new C-2 zoning classification. They stated that the size of the parcel will restrict the use; that they believe the commercial zoning classification will improve their ability to obtain a business loan; and that the family lives on the property.

Public comments were heard.

There were no public comments in support of the application.

Paul Sheppard submitted into the record pictures of the area depicting the rural nature of the area and a letter of opposition with four signatures. He expressed concern about spot zoning and about the possibility of someone purchasing adjacent land to the application site for the purpose of having a larger commercial lot. Mr. Sheppard also expressed concern about traffic along Route 24.

Suzanne McKaskill expressed concern about setting a precedent of commercial zoning in the area and also about the negative effect the commercial zoning will have on property values.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 616 18
Defer
Action/
CZ 1856**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action for two weeks on Change of Zone No. 1856 filed on behalf of Melissa and Nate Walker.

Motion Adopted: 4 Yeas, 1 Nay.

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

**M 617 18
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 3:42 p.m.

Respectfully submitted,

Robin A. Griffith, Clerk of the Council

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

SUSSEX COUNTY COUNCIL



T R I B U T E

*Be it hereby known to all that
the Sussex County Council commends*

JOHN H. HALL

*for devotion, loyalty, and excellence
in serving Sussex County from
October 16, 2006 to October 31, 2018*

12 YEARS

*The Sussex County Council extends its thanks
and congratulations and directs this Tribute
to be presented to John H. Hall with wishes of
happiness and good health.*



*Michael H. Vincent
Council President*


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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

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

FROM: Todd F. Lawson 
County Administrator

RE: **FIVE POINTS WORKING GROUP REPORT**

DATE: November 9, 2018

During Tuesday's Council meeting, we are scheduled to discuss the Five Points Working Group Report.

Recall, the County was represented on the Working Group by Councilmen Cole and Burton and myself. I will review the report and DelDOT's anticipated next steps. A copy of the final report is attached.

Please don't hesitate to contact me with any questions.

Attachment

pc: Janelle M. Cornwell





FIVE POINTS

TRANSPORTATION STUDY



PHASE 1 FINAL REPORT

October 2018



October 29, 2018

Ms. Jennifer Cohan
Secretary
Delaware Department of Transportation
800 South Bay Road
Dover, Delaware 19901

Mr. Todd Lawson
Administrator
Sussex County
2 The Circle
Georgetown, Delaware 19947

Dear Secretary Cohan and Administrator Lawson:

Thank you for the opportunity to serve on the Working Group for the Five Points Transportation Study.

As residents, business owners, and/or elected or appointed officials representing the Five Points area, we have first-hand knowledge of the importance of Five Points as a gateway to Delaware's beach communities and the transportation and land use challenges facing the area. This report documents our collaborative efforts and specific recommendations to address these challenges. It provides a recommended path forward for the Delaware Department of Transportation and Sussex County.

By carefully considering input from the public, technical information from the project team, and our own experiences in the study area, we have made 78 recommendations to be implemented by various agencies. We understand that DelDOT has incorporated seven of those recommendations into current capital projects or initiatives. Furthermore, we identified 24 priority recommendations that we suggest DelDOT and Sussex County pursue as soon as possible.

We are confident that, by following these recommendations, DelDOT and Sussex County can make meaningful strides toward improving mobility and safety, maintaining quality of life, and providing opportunities for economic development in the Five Points area. As leaders in the community, we look forward to supporting your efforts to plan and implement the projects and initiatives generated from our recommendations.

Sincerely,

The Five Points Transportation Study Working Group

Councilman I.G. Burton
Councilman George Cole
Mr. Robert Fischer
Mr. Dennis Forney
Mr. Scott Green
Mr. R. Keller Hopkins
Mr. Christian Hudson
Mr. DJ Hughes

Mr. Todd Lawson
Sen. Ernesto B. Lopez
Mr. Lloyd Schmitz
Rep. Peter Schwartzkopf
Rep. Steve Smyk
Mr. Josh Thomas
Ms. Ann Marie Townshend
Ms. Gail Van Gilder

INTRODUCTION

The area surrounding Five Points in eastern Sussex County has been one of the most rapidly growing parts of Delaware for many years. Five Points has long been known as an important gateway to Delaware's beach area. Residents of the area also know it as a transportation bottleneck. Growth in the area and continued popularity as a tourist destination place more demands on the transportation system year after year.

To address these challenges, the Delaware Department of Transportation (DelDOT) and Sussex County (the County) partnered in December 2017 to create the Five Points Transportation Study Working Group. The Working Group included a broad cross section of public and agency members designed to fully represent the variety of opinions and perspectives in the area. Groups represented include residents, business community members, State and County elected officials, and agency representatives at the state, county, and municipal levels. The Working Group was charged with developing recommendations to improve local traffic circulation at Five Points and in the surrounding area. Support was provided by DelDOT staff and consultants, collectively known as the Project Team.

From December 2017 through October 2018, the Working Group identified a wide range of transportation needs and, along with the general public, developed ideas to address those needs. The Working Group then voted on each of the ideas to create a list of recommendations and, finally, prioritized those recommendations. These four steps – needs, ideas, recommendations, and priorities – formed Phase 1 of the Five Points Transportation Study and are described in detail in subsequent sections of this report.

The Working Group met ten times during Phase 1. The meeting materials, minutes of each meeting, and public comments received are available in a separate appendix to this report.

1. December 18, 2017 at Lewes Senior Center
2. January 22, 2018 at the University of Delaware's Virden Center
3. February 26, 2018 at the University of Delaware's Virden Center
4. April 30, 2018 at Beacon Middle School
5. May 21, 2018 at Beacon Middle School
6. June 25, 2018 at Beacon Middle School
7. July 23, 2018 at Beacon Middle School
8. July 30, 2018 at Beacon Middle School
9. October 8, 2018 at Beacon Middle School
10. October 29, 2018 at Beacon Middle School

In addition, two public workshops were held at Beacon Middle School on March 26, 2018 and August 27, 2018.

WORKING GROUP MEMBERS

Ms. Rosalyn J. Allen Echols (February-May)
Ms. Linda Best (December-June)
Councilman I.G. Burton
Councilman George Cole
Mr. Robert Fischer
Mr. Dennis Forney
Mr. Scott Green
Mr. R. Keller Hopkins
Mr. Christian Hudson
Mr. DJ Hughes
Mr. Todd Lawson
Sen. Ernesto B. Lopez
Mr. Lloyd Schmitz
Rep. Peter Schwartzkopf
Rep. Steve Smyk
Mr. Josh Thomas
Ms. Ann Marie Townshend
Ms. Gail Van Gilder
Mr. Pat Woods (December-May)

PROCESS

Step 1: Needs

The first step in Phase 1 was for the Working Group to identify existing or anticipated future transportation needs in the Five Points Transportation Study area. Tying recommended improvements to documented needs provides DeDOT and the County the justification needed to proceed with projects. This is particularly important in the case of Federally funded projects, which begin with identification of the purpose of and need for the project.

Working Group meetings 2 and 3, as well as the first public workshop, were devoted to the process of identifying needs. Although meeting 1 was primarily an opportunity to introduce the study, Working Group members offered some comments on needs. During meeting 2, the Working Group members stated specific transportation needs that they and their constituents have observed. The Project Team also presented technical information on transportation and land use issues and initiatives in the study area, including past studies, traffic safety and congestion trends, development activity, walking and bicycling, and current DeDOT capital projects. Meeting 3 primarily consisted of small group discussions among Working Group members to identify additional needs in four categories: mobility, quality of life, safety, and economic development.

Needs were also sought from the public. At the first public workshop, attendees were asked to offer additional needs in the four categories noted above. The public could provide input on needs in several ways: in person at the workshop, through online responses following the workshop, through public comments provided at Working Group meetings, and from input received on the project website at 5points.deldot.gov.

The Working Group and the public identified 154 needs related to transportation and land use in the Five Points Transportation Study area, encompassing all four categories.

Step 2: Ideas

Beginning with meeting 4, the Working Group brainstormed ideas to address the needs previously identified by the Working Group and the public. Each member had an opportunity to present as many ideas as he or she liked. Working Group and public input led to an initial list of 116 ideas for consideration. Meeting 5 featured a small group exercise. Facilitated by a Project Team member, each small group reviewed a portion of the ideas list, revised the wording of an idea if needed to make the idea clear, concise and actionable. Working Group members also worked with the Project Team to identify the responsible party or parties for implementation. For meeting 6, the Project Team provided estimated ranges of cost, timeframe, and impacts associated with each idea for the Working Group's consideration. At that meeting the Working Group further clarified and refined the ideas. The process conducted during meetings 4, 5, and 6 resulted in a total of 103 ideas to be considered by the Working Group.



Step 3: Recommendations

For an idea to become a recommendation of the Working Group, it had to be supported by a majority of Working Group members present during meetings 7 and 8, when voting took place. Each idea was introduced in order by the Project Team facilitator. For the idea to be considered, a motion had to be introduced by one Working Group member and seconded by another. Time was made available for discussion of each recommendation, if needed. After any discussion, the Working Group members used electronic polling devices to vote on whether that idea should become a recommendation. Because of the use of electronic polling devices, the results of each vote were shown in real time by vote total and by Working Group member. Members also had the option to recuse themselves from discussing or voting on an idea by indicating their desire to recuse themselves and stepping away from the table.

The Working Group ultimately approved 78 ideas to move forward as recommendations of the study.

Step 4: Priorities

After approving 78 recommendations, the Working Group provided DelDOT and the County with additional direction through a prioritization process. The first step in the prioritization process was the second public workshop. The Project Team presented all 78 recommendations and asked members of the public to provide input on what was most important to them. The recommendations were presented in the following four categories:

Implement policies and procedures to make the area more efficient, sustainable and beautiful (27 recommendations).

Make the most of existing roadway infrastructure (20 recommendations).

Make walking, bicycling, and transit more viable as alternatives to driving (15 recommendations).

Invest in new infrastructure to support anticipated growth (9 recommendations).

Using a series of dot stickers in various colors, the public had the opportunity to vote on the recommendations they felt were most important within each category. They received dot stickers in four colors: 5 blue dots for the first category; 4 green dots for the second category; 3 red dots for the third category; and 2 yellow dots for the fourth category. Attendees could place their dots on whichever recommendations they preferred and were encouraged to use all of their dots within a particular category. Each person also received two gold star stickers, which could be placed on the recommendations that the person felt were most important, regardless of which color or category they were in.

Seven recommendations were grouped into a fifth category, to be incorporated into current DelDOT projects or initiatives. The public had the opportunity to provide input on these recommendations. However, they were not part of the prioritization process because DelDOT does not want to lose the opportunity to include them in projects that are currently underway.

During meeting 9, the Working Group considered the results of the public workshop, input from neighbors and constituents and their own experiences in prioritizing roughly one-third of the

recommendations in each of the four categories. Working in small groups, the Working Group achieved consensus on establishing 24 of the recommendations as priorities, as follows:

Implement policies and procedures to make the area more efficient, sustainable and beautiful (8 priorities out of 27 recommendations).

Make the most of existing roadway infrastructure (8 priorities out of 20 recommendations).

Make walking, bicycling, and transit more viable as alternatives to driving (5 priorities out of 15 recommendations).

Invest in new infrastructure to support anticipated growth (3 priorities out of 9 recommendations).



PUBLIC INVOLVEMENT

Members of the public provided meaningful input to the Working Group in all four steps in Phase 1: needs, ideas, recommendations, and priorities. Public input was provided in three forms: at Working Group meetings, at public workshops, and through the project website.



Members of the public were welcome to attend each Working Group meeting. Each meeting agenda included the opportunity for the public to provide comments or feedback; this was typically done towards the end of each meeting. Public attendance at Working Group meetings ranged from 19 people at meeting 5 to 300 people at meeting 7.

As mentioned in the introduction to this report, two public workshops were held during Phase 1. The first occurred in March 2018 while needs were being identified. Fifty-six people attended that workshop in person and more than 400 unique visitors viewed the workshop materials on the project website. Not only did members of the public provide

input on needs, many suggested ideas to address those needs that were subsequently considered by the Working Group. The second workshop was held in August 2018 and provided the opportunity for attendees to suggest which of the Working Group's recommendations should be prioritized. There were 308 people who attended that workshop in person and another seven who participated in the prioritization exercise on the project website.

RECOMMENDATIONS OF THE WORKING GROUP

Priorities of the Working Group are listed first in each category and shown in **bold**. Original idea numbers are shown in parentheses after each recommendation.

A. Recommendations incorporated into current DelDOT projects or initiatives

- A-1. Review the need for grade separating or restricting crossings between Frederica and Lewes before eliminating signals in this area. (idea 25)
- A-2. Evaluate Tulip Drive connection to Route 1 as part of the Minos Conaway Road grade separation project. (idea 42)
- A-3. Study the feasibility of increasing the proposed Route 24 bypass of Millsboro from one lane in each direction to two lanes in each direction. (idea 53)
- A-4. Study options for signage to direct appropriate traffic, i.e. local, boat, U of D and walking/biking areas, under the Nassau Bridge. (idea 54)
- A-5. Evaluate one-way service roads as part of the Minos Conaway Road grade separation project. (idea 55)
- A-6. Study the feasibility of extending the eastbound widening of Route 24 to Love Creek. (idea 82)
- A-7. Study the feasibility of widening or adding through lanes on Plantation Road from Route 24 to Cedar Grove Road and Postal Lane. (idea 83)

B. Implement policies and procedures to make the area more efficient, sustainable and beautiful

- B-1. Require new developments to plan for interconnections to any future development areas and monitor to ensure implementation. (idea 34)**
- B-2. Consider modifications to land development requirements and/or the Development Coordination Manual that require additional buffers/setbacks for all new developments for future road expansion. (idea 86)
- B-3. Study the feasibility and anticipated effectiveness of modifying signage, starting in Milford, to encourage through drivers (to points outside the Route 1 corridor between Lewes and Dewey Beach) to use Route 113, Route 5, Route 23, etc. (idea 4)
- B-4. Improve advance acquisition process to allow DelDOT to more quickly acquire land needed for transportation improvements and acquire available land within the Five Points Study Area (e.g., Creative Concepts). (idea 91)
- B-5. Study the feasibility of converting the Arby's driveway between Route 1 and Savannah Road into a publicly-accessible road. (idea 50)
- B-6. Incorporate more walkable, bikeable, mixed-use town centers into the comprehensive plan. (idea 14)
- B-7. Continue TID studies both east and west of Route 1. (idea 89)
- B-8. Study the feasibility of a parking management system to alert travelers when parking lots at major destinations are full. (idea 62)
- B-9. Study enhancing New Road per Byway Master Plan. (idea 69)

- B-10. Endorse "don't block the box" legislation with camera enforcement. (idea 94)
- B-11. Ensure cost savings from transportation projects within the study area are re-invested in projects within the study area. (idea 87)
- B-12. Study relaxed height limits as part of the comprehensive plan to increase density. (idea 15)
- B-13. Study alternatives to both meter and slow southbound traffic approaching Five Points. (idea 95)
- B-14. Identify locations where trees can safely be planted within the right of way. (idea 36)
- B-15. Identify all locations in the study area with poor drainage and make recommendations for potential inclusion in the Capital Transportation Program or developer requirements. (idea 17)
- B-16. Increase the importance of considering noise and lighting impacts of major transportation project recommendations per regulations. (idea 16)
- B-17. Evaluate the use of land made available by narrowing lanes for landscape and multi-modal trails or parks. (idea 56)
- B-18. Study potential locations and designs for aesthetically pleasing gateways to coastal Sussex County. (idea 26)
- B-19. Study the feasibility of mounting clear, consistent, day/night address/block numbering signage along Route 1. (idea 75)
- B-20. Consider whether CTP funding should be allocated based on population growth. (idea 80)
- B-21. Study frequency and causes of emergency vehicle preemption and make recommendations to balance emergency vehicle access with traveler mobility. (idea 7)
- B-22. Require bike parking as a condition of certain new developments. (idea 2)
- B-23. Use an app to warn people of congestion on Route 1 and recommend alternative routes. (idea 35)
- B-24. Improve tourism-oriented destination signage along Route 1. (idea 49)
- B-25. Identify the costs and benefits of dedicating Nassau Commons Boulevard to public use. (idea 28)
- B-26. Bring in nationally recognized planners and engineers to provide new, creative ideas that draw from examples in other parts of the country. (idea 21)
- B-27. Develop a better process for constituents to request transportation improvements. (idea 9)



C. Make the most of existing roadway infrastructure

- C-1. Conduct a corridor study on Route 9 to determine the feasibility of widening to four lanes. (idea 20)
- C-2. Conduct a study at Route 9 and Minos Conaway Road to determine if a traffic signal is warranted and install a signal if warranted. (idea 72)
- C-3. Initiate a capital project to improve the intersection of Old Landing and Warrington Road (developer funding and concept are available). (idea 64)
- C-4. Improve the Canary Creek bridge on New Road to reduce flooding. (idea 11)
- C-5. Improve the intersection of Cave Neck Road, Sweet Briar Road, and Hudson Road. (idea 92)
- C-6. Study the feasibility of lengthening left- and right-turn lanes throughout the study area. (idea 102)
- C-7. Study the feasibility of improving Minos Conaway Road with appropriate lane widths, shoulder widths, turn lanes, curvature, etc. (idea 104)
- C-8. Study the feasibility of restriping two-lane sections of Savannah Road with a two-way left-turn lane. (idea 103)
- C-9. Evaluate potential short-term safety and operational improvements at Route 9, Plantation Road, and Beaver Dam Road while longer-term improvements are under development. (idea 73)
- C-10. Continue to improve traffic signal phasing, timing and coordination using real time monitoring and control technologies. (idea 32)
- C-11. Develop concepts and estimates for bringing roads in the study area to DelDOT standard, including shoulders. (idea 68)
- C-12. Study access management opportunities along Route 1 in the study area, including potential connections between businesses. (idea 98)
- C-13. Study the feasibility of eliminating unsignalized crossovers on Route 1. (idea 22)
- C-14. Study the feasibility of installing a "YOUR SPEED" display on southbound Route 1 at Nassau Road. (idea 51)
- C-15. Study the feasibility of lengthening the southbound acceleration lane on Route 1 at Minos Conaway Road. (idea 38)
- C-16. Study the feasibility of providing driveway access from Beacon Middle School and Love Creek Elementary School onto Mulberry Knoll Road. (idea 84)
- C-17. Conduct capacity analyses at study area intersections to identify the need for turn lanes. (idea 27)
- C-18. Improve lane markings and signs at identified intersections: Five Points, Dartmouth Drive/Kings Highway, Plantation Road/Beaver Dam Road. (idea 60)
- C-19. Study the feasibility of an all-way STOP at Beaver Dam Road and Kendale Road. (idea 78)
- C-20. Study the feasibility of replacing the HAWK signal with a full signal at Holland Glade Road, potentially with a fourth leg at the outlets. (idea 48)



D. Make walking, bicycling, and transit more viable as alternatives to driving

- D-1. Study the feasibility of a hop-on, hop-off van or jitney service loop for Lewes similar to free service in Cape May (Five Points, hospital, Lloyds Grocery Store, downtown Lewes, Library, Lewes Beach, Ferry, State Park, etc.). (idea 79)
- D-2. Study the feasibility of potential connections for walking and bicycling between existing neighborhoods, along streets, and to trails. (idea 5)
- D-3. Develop design guidance to separate pedestrians and bicyclists from highway traffic using aesthetic treatments. (idea 96)
- D-4. Develop concepts and estimates for filling all sidewalk gaps along New Road and Old Orchard Road. (idea 90)
- D-5. Develop concepts and estimates for filling all sidewalk gaps along Savannah Road between Lewes and Five Points. (idea 71)
- D-6. Study the feasibility of pedestrian bridges over Route 1 at specific locations. (idea 52)
- D-7. Study the feasibility of transit service to tie the Milton/Red Mill Pond/Minos Conaway Road area into the transit network. (idea 59)
- D-8. Study the feasibility of a park and ride lot on Route 24 at the edge of the study area. (idea 81)
- D-9. Identify potential connections to and from the Lewes Transit Center. (idea 23)
- D-10. Study the feasibility of a barrier in the median of Route 1 to deter pedestrian crossings at inappropriate locations. (idea 6)
- D-11. Study the feasibility of providing shelters at bus stops - Context Sensitive i.e. cottage beach style shelters. (idea 67)
- D-12. Identify publicly- and privately-owned land in the study area that may be used for trails. (idea 41)
- D-13. Identify locations in the study area where bike parking can be provided. (idea 1)
- D-14. Study the feasibility of signing and/or pavement markings that will improve bicyclist comfort turning left from Dartmouth Drive onto Route 1. (idea 43)
- D-15. Study opportunities for pedestrian crossings on Kings Highway and Freeman Highway. (idea 47)

E. Invest in new infrastructure to support anticipated growth

- E-1. Study the feasibility of a grade separation at Five Points. (idea 66)
- E-2. Evaluate the potential transportation benefits, costs, and impacts of a new road parallel to Plantation Road connecting Mulberry Knoll Road to Route 9; require any new development in this area to build this road to state specifications one parcel at a time. (idea 70)
- E-3. Develop a plan for grid road patterns where land is available, working with property owners and developers, including a series of roads that connect Route 9, Route 23, and Route 24 between Plantation Road and Dairy Farm Road. (idea 8)
- E-4. Evaluate the potential transportation benefits, costs, and impacts of a new road connecting Route 1 north of Five Points and the Vineyards. (idea 29)
- E-5. Look at east/west traffic as a system: Minos Conaway (starting at Route 9), New, Old Orchard, and Clay Roads. (idea 44)
- E-6. Study the feasibility, benefits, costs, and impacts of potential service roads along Route 1, including whether narrowing the median would facilitate provision of service roads. (idea 57)
- E-7. Evaluate the potential transportation benefits, costs, and impacts of a new through road connecting Postal Lane with the intersection of Old Landing Road/Airport Road. (idea 77)
- E-8. Evaluate the potential transportation benefits, costs, and impacts of a new road to connect Route 24 near Beacon Middle School with Old Landing Road near Arnell Creek. (idea 85)
- E-9. Revisit and consider feasibility of recommendations from 2003 SR 1 Land Use and Transportation Study. (idea 30)

PHASE 2 OF THE STUDY

DeDOT and the County have committed to responding to the Working Group’s recommendations by developing an initial implementation plan over the coming months to begin Phase 2 of the study. The Working Group – or some variation of it – will participate in Phase 2 by monitoring the progress of the implementation plan and acting in an advisory role during the project development process. Finally, DeDOT and the County have indicated that they will report progress to the public on a regular basis, including updates to the project website at 5points.deldot.gov.



RESOLUTION NO. R ---- 18

**A RESOLUTION EXTENDING
THE
DIAMOND ACRES STREET TREETLIGHTING DISTRICT**

WHEREAS, Chapter 95 of the Sussex County Code provides for the establishment, maintenance, and modification of a streetlighting district; and

WHEREAS, Sussex County currently operates the Diamond Acres Streetlighting District; and

WHEREAS, during the months of September and October 2018 the Engineering Department received petitions from a majority of the property owners in the proposed expansion area depicted on the attached Exhibit "A" requesting the installation of additional streetlighting in accordance with Chapter 95 of the Sussex County Code; and

WHEREAS, the Sussex County Engineering Department after collaboration with the Delaware Electric Cooperative presented a preliminary layout and cost range for additional streetlighting at the October 9, 2018 Sussex County Council meeting and at the Diamond Acres community meeting on October 22, 2018; and

WHEREAS, the Sussex County Council directed the Engineering Department to provide appropriate notice to the property owners within the Diamond Acres Streetlighting District, of the date, time, and place of the public hearing, and the estimated costs and charges for the installation of the additional streetlighting, as required by Chapter 95 of the Sussex County Code; and

WHEREAS, the Sussex County Engineering Department established Tuesday, November 13, 2018, at 10:30 a.m., at the Sussex County Council Chambers in the Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware, as the date, time, and place for the public hearing to consider the request for the installation of additional streetlighting in the Diamond Acres Streetlighting District; and

WHEREAS, the Engineering Department provided appropriate notice of said public hearing to the property owners of Diamond Acres Streetlighting District.

NOW, THEREFORE,

BE IT RESOLVED that the annual billing rate for the installation of additional streetlighting in the expanded district is to be set between \$ 65.00 and \$ 70.00 per year, for each property having a residential improvement located within the boundaries of the expanded Diamond Acres Streetlighting District; and

BE IT FURTHER RESOLVED that the Diamond Acres Streetlighting District is hereby expanded as posted and shown on Exhibit "A" based on the testimony at the public hearing of November 13, 2018.

41
42 For purposes of calculating the permitted density or allowable density in all
43 districts, the gross area, as defined herein, shall be divided by the applicable
44 lot area stated in each district, unless otherwise specifically set forth therein.
45 “Gross area” shall include the lot areas and the area of land set aside for
46 common open space or recreational use but shall exclude any area designated
47 as a perennial nontidal river or stream, tidal tributary stream, tidal wetlands or
48 nontidal wetlands by §115-193.

49
50 **Section 2. Sussex County Code, Chapter 115, Article IV, Section 115-25**
51 **(“Height, area and bulk requirements”) shall be amended by the addition of the**
52 **underlined language and deletion of the language in brackets, as follows:**

53
54 **§115-25. Height, area and bulk requirements.**

55
56 A. Minimum lot sizes for lots using a wastewater disposal system located
57 entirely on that lot and generally defined as an on-site septic system.

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59 . . .

60 (2) Cluster development option. The minimum lot size may be reduced to
61 one-half acre (21,780 square feet) where soil conditions are suitable as
62 approved by DNREC. The total number of lots allowed shall not exceed the
63 number of lots that would be permitted under the standard lot option. The
64 number of dwelling units permitted shall be determined by dividing the gross
65 area by 32,670 square feet. “Gross area” shall include the lot area and the area
66 of land set aside for common open space or recreational use but shall exclude
67 any area designated as a perennial nontidal river or stream, tidal tributary
68 stream, tidal wetlands or nontidal wetlands by §115-193. [The area of land set
69 aside for common open space or recreational use shall be included in
70 determining the number of dwelling units permitted.] However, if the
71 proposed cluster development lies within a Low-Density Area as described
72 within the Land Use Element and as shown on the Future Land Use Plan of
73 the adopted Sussex County Comprehensive Plan, the total number of lots
74 permitted shall be determined by first reducing the gross area by 25%.

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76 B. Minimum lot sizes, dimensions and open space for lots using a central
77 sewer system as defined by § 115-194A:

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(3) The number of dwelling units permitted shall be determined by dividing the gross area by 21,780 square feet. [The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.] When a cluster development lies within a Town Center, a Developing Area, or an Environmentally Sensitive Developing Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the developer has proffered to Sussex County for the purpose of creating open space preservation/active and passive recreation areas a development fee per unit for every unit in excess of two units per acre, then the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet. The development fee shall not be less than the minimum established by the Sussex County Council and shall be paid prior to recording any lot based upon the fee in effect at the time the application was filed. “Gross area” shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a perennial nontidal river or stream, tidal tributary stream, tidal wetlands or nontidal wetlands by §115-193.

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F. Review procedures for cluster development.

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

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

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

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

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

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

...

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

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

...

158 C. Permitted uses and densities.

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

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

165
166 (3) The maximum density shall be the allowable density of the underling
167 zoning district for developments using a central water and wastewater
168 collection and treatment system. “Central sewer system” means centralized
169 treatment and disposal facilities as defined in §115-194A. Within this
170 Overlay District, clustering of single-family detached lots to a minimum lot
171 size of 7,500 square feet is permitted in all residential zoning districts using a
172 central water and sewer system. For dwelling units using on-site individual
173 wastewater disposal systems, the allowable density shall be based upon a
174 minimum lot size of $\frac{3}{4}$ of an acre. The applicant has the option of clustering
175 the lots to a minimum lot size of $\frac{1}{2}$ of an acre where soil conditions are suitable
176 as determined by DNREC, provided, however, that the number of lots or
177 dwelling units permitted shall not exceed the number permitted in the
178 underlying district. For purposes of this paragraph, the “allowable density”
179 shall be determined by calculating the lot area and the area of land set aside
180 for common open space or recreational use but shall exclude any area
181 designated as a perennial nontidal river or stream, tidal tributary stream, tidal
182 wetlands or nontidal wetlands by §115-193.

183
184 (4) For areas within the Conservation Zone, as currently defined in the Sussex
185 County Zoning Ordinance, the minimum lot size and dimension requirements
186 in the Conservation Zone shall apply.

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

192
193
194 **Synopsis**

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

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

200

PROPOSED

WILLIAM PFAFF
ECONOMIC DEVELOPMENT DIRECTOR
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Sussex County
DELAWARE
sussexcountysde.gov

Memorandum

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

FROM: William Pfaff
Economic Development

RE: **Foreign Trade Zone**

DATE: November 5, 2018

We have been exploring having the Airport, Business/Industrial Park designated a FTZ (foreign-trade zone). For those of you that may not be familiar with FTZ- here is an overview.

FTZ- foreign and domestic merchandise may be moved into zones for operations, not otherwise prohibited by law, including storage, exhibition, assembly, manufacturing, and processing. Foreign-trade zone sites are subject to the laws and regulations of the United States as well as those of the states and communities in which they are located. Under zone procedures, the usual formal entry procedures and payments of duties are not required on the foreign merchandise unless and until it enters for domestic consumption, at which point the importer generally has the choice of paying duties at the rate of either the original foreign materials or the finished product. Domestic goods moved into the zone for export may be considered exported upon admission to the zone for purposes of excise tax rebates and drawback.

Patti Cannon, Division of Small Business, State of Delaware is the point person for this process in Delaware. She put us in contact with Scott Taylor, Esq., Miller & Company P.C., the firm used by the state for the application process. They are the leading experts in this area. We have had one conference call and Scott and Patti made a visit to meet with us in Georgetown. Both Jim Hickin and I gave them a tour of our site and we've met with a few of the current businesses in the park. Scott will be joining us at the County Council meeting on November 13, 2018 to share the advantages of the designation and the cost and application process to setting up the FTZ.



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

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HANS M MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: ***SOUTH COASTAL REGIONAL WASTEWATER FACILITY (SCRWF)
Bid Award for Sussex County Project M19-13
Materials – Effluent Force Main Pipeline***

DATE: November 13, 2018

GHD, Inc. held Sussex County's engineering services contract associated with the SCRWF since December 7, 2001. Since contract inception, Sussex County awarded fifteen (15) amendments for additional services under said base contract. Amendments 11, 12 & 13 were associated with the ongoing 3rd capital upgrade project at the SCRWF.

The 11th amendment covering planning and conceptual design was approved by Council on October 25, 2016 and used in the 2018 budgeting process. The 12th amendment was approved August 22, 2017, for development of construction documents and on July 11, 2017, Council awarded the 13th amendment for electrical and control value engineering and constructability reviews.

GHD, Inc. held the City's engineering services contract associated with the City of Rehoboth Beach's wastewater treatment plant since 2000. On July 31, 2018, Council approved Amendment 14 for design services of the City's wastewater treatment plant phase 2 capital upgrade project in the amount not to exceed \$398,413.20, providing cost saving opportunities for construction contract implementation as well as contract administration and inspection services between the projects.

To implement the budgeted 3rd capital upgrade project at SCRWF, the 40-year old effluent forcemain must be relocated. The segment in question was slated for replacement due to three



(3) line breaks in the last 24-months. The relocation is to be accomplished under the General Labor & Equipment Contract. However, in order to conserve funds, the Engineering Department advertised the associated material for direct purchase and on November 9, 2018, three (3) bids were received. The Engineering Department recommends award to the lowest responsible bidder, Core & Main, LP in the amount of \$241,364.80.

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

MATERIALS – EFFLUENT FORCE MAIN PIPELINE

BID OPENING November 9, 2018 @ 9:30 a.m.

BIDDER	BID AMOUNT
Core & Main	\$241,364.80
Bel Air Road Supply	\$245,916.13
Dover Plumbing Supply	\$257,731.65



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: *Agricultural Farm Leases*
Bid Award Recommendations

DATE: November 13, 2018

The County owns a number of agricultural properties, five (5) of which listed below were being leased on a year-over-year basis. The Engineering Department canceled these types of leases and publicly advertised the Leases for Farmland RFP. Advertisements were directly mailed to the farmers who lease the properties. On October 31, 2018, four (4) bids were received and a copy of the bid results are attached. Each offer was for four (4)-crop seasons, terminating on December 31, 2022.

The leases contain a stipulation that the properties can be used to spread aerobically digested Class A bio-solids throughout the duration. The tenants must have a crop rotation for the spring and summer season and a winter cover crop must also be planted and established. The tenants must supply a record of all site management activities undertaken the previous year, such as planting, reseeding, harvesting of crops, commercial fertilizer and chemical additions. This information and the proposed Nutrient Management plan are to be submitted to Environmental Services.

Bid Item	Tax Map Parcel Numbers	Location	Acreage
a	135-19.00-63.00	Georgetown	28 Acres
b	233-6.00-115.00/116.00	Dagsboro	60 Acres
c	135-20.00-152.01, 153.00 & 154.03	Georgetown	42.5 Acres
d	135-20.00-64.00	Georgetown	18 Acres
e	134-16.00-388.01 & 134-17.00-21.00	Frankford	15 Acres

The Sussex County Engineering Department recommends award of bids for the agricultural farmland lease agreements to the highest bidders as listed in the attached summary sheet.



AGRICULTURAL LEASE FOR FARMLAND				Darold Adkins		Johnson Farms		ABC Farms, Inc.		C. Magee Farms, LLC	
Bid Item	TAX MAP & PARCEL NUMBERS	Acreage	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
a	135-19.00-63.00 (Georgetown)	28	Acres	\$0.00	\$0.00	\$0.00	\$0.00	\$45.00	\$1,260.00	\$75.00	\$2,100.00
b	233-6.00-115.00/116.00 (Dagsboro)	60	Acres	\$111.00	\$6,660.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100.00	\$6,000.00
c	135-20.00-152.01, 153.00 & 154.03 (Georgetown)	42.5	Acres	\$0.00	\$0.00	\$51.01	\$2,167.93	\$0.00	\$0.00	\$75.00	\$3,187.50
d	135-20.00-64.00 (Georgetown)	18	Acres	\$0.00	\$0.00	\$51.01	\$918.18	\$0.00	\$0.00	\$75.00	\$1,350.00
e	134-16.00-388.01 & 134-17.00-21.00 (Frankford)	15	Acres	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00	\$600.00
	TOTAL				\$6,660.00		\$3,086.11		\$1,260.00		\$13,237.50

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HANS M MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: *SUSSEX COUNTY MAINTENANCE GARAGE, Project 17-09
Change Order No.2*

DATE: November 13, 2018

County Council included funding in two consecutive fiscal years for a multi-function Sussex County Maintenance Garage. The proposed 10,000 square foot facility is currently being constructed on the site of the existing, smaller single bay shop used to service EMS vehicles.

The project was publicly advertised and on March 27, 2018, five (5) bids were received. On April 10, 2018, Council awarded the Sussex County Maintenance Garage Project to Delmarva Veteran Builders, LLC, in the amount of \$1,993,110.00 for their low bid in the amount of \$1,993,110.00 for base bid items A1, A2, A3, A5 and bid alternate B3.

On July 31, 2018, County Council awarded Change Order No. 1 in the amount of \$8,970.00 addressing foundation increases necessary to maintain structural stability under the Code prescribed load scenarios based on the metal building manufacturer actual reaction forces.

The demolished EMS garage had a fire alarm system while the garage still in use was not alarmed. After discussions with the EMS Team it was decided an alarm system would be preferred, even if not required by the Fire Marshall. This change, in addition to the desire to provide for an enhanced HVAC control system, are the main cost drivers for Change Order No. 2. The changes to the HVAC controls will increase energy efficiency and reduce electrical consumption. The Sussex County Engineering Department hence requests Council's concurrence of Change Order no. 2 for HVAC control modifications, fire alarm conduits & wiring and other minor credits/additions in the amount of \$79,691.49, for a new contract total of \$2,081,771.49. In addition to the change order, the County will have contract with the State Contract vendor for the actual fire alarm system outside of this contract in the amount of \$30,860.00.





**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SUSSEX COUNTY MAINTENANCE GARAGE**
2. Sussex County Contract No. 17-09
3. Change Order No. 2
4. Date Change Order Initiated - 11/7/18
5.
 - a. Original Contract Sum \$1,993,110.00
 - b. Net Change by Previous Change Orders \$8,970.00
 - c. Contract Sum Prior to Change Order \$2,002,080.00
 - d. Requested Change \$73,197.49
 - e. Net Change (No. of days) -0-
 - f. New Contract Amount \$2,075,277.49
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

7. Other (explain below):

C. **BRIEF DESCRIPTION OF CHANGE ORDER:**
Increase structural stability of the foundation and footers

D. **JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes X No

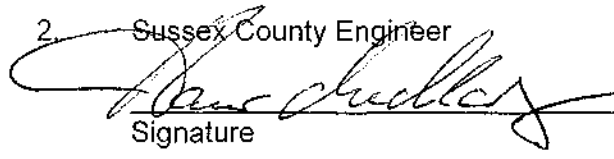
E. **APPROVALS**

1. Delmarva Veteran Builders, LLC, Project General Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

 _____
Signature Date

11/7/2018

3. Sussex County Council President

Signature Date

Change Order Tracking

Sussex County Maintenance Garage

SCED CO #	DVB #	CO Description	Status	Contract Time Change	Original Contract Price	Change in Price	Resulting Price	
1	1	1.) Enlarge Concrete Pier Sizes	Approved	0	\$ 1,993,110.00	\$ 8,970.00	\$ 2,002,080.00	
		2.) Enlarge Pier Reinforcement Detail						
		3.) Revised Hairpin Detail						
	2	1.) Delete Stonhard in room #111 and add sealed concrete 2.) Delete VCT in room #103 and add Stonhard	Pending Approval	0	\$ 2,002,080.00	\$ 2,415.00	\$ 2,004,495.00	
2	3	Provide, install, wire and program the following: 1.) DDC control panel w related controllers 2.) Supply and exhaust fan control via VFDs 3.) Energy wheel control 4.) DX control 5.) Gas heat control 6.) Outside and exhaust dampers and actuators 7.) Bypass actuators (dampers are factory installed) 8.) Filter status x2 9.) OA, heat wheel, DX, supply, RA, EA temp sensors 10.) Zone thermostat w/ Wifi abilities	Pending Approval	0	\$ 2,004,495.00	\$ 43,298.00	\$ 2,047,793.00	
		4	DELETED	N/A	0	\$ 2,047,793.00	\$ -	\$ 2,047,793.00
		5	1.) Add concrete pad for radio Tower	Pending Approval	0	\$ 2,047,793.00	\$ 5,623.00	\$ 2,053,416.00
		6	1.) Install all backboxes for Advantech equipment 2.) Install complete raceway system inc. conduit, fittings, etc. 3.) Provide pull strings in the conduit 4.) Additions + Deletions on DWG EP-01, Rev C	Pending Approval	0	\$ 2,053,416.00	\$ 33,439.64	\$ 2,086,855.64
		7	1.) Credit for deleting Generator Installation + wiring at existing shop (DWG SD-01, Rev C)	Pending Approval	0	\$ 2,086,855.64	\$ (5,698.15)	\$ 2,081,157.49
		8	1.) Credit for reducing 12" CMU to 8" CMU	Pending Approval	0	\$ 2,081,157.49	\$ (1,280.00)	\$ 2,079,877.49
		9	1.) Credit for reducing 4" water service to 2" service (DWG PL-01 + PL-02, Rev C)	Not received	0	\$ 2,079,877.49	\$ -	\$ 2,079,877.49
		10	1.) Add U.G drain pipes for downspouts (SCED DWG "Drainage Plan", Dated 10-26-18)	Rejected; awaiting revised proposal	0	\$ 2,079,877.49	\$ -	\$ 2,079,877.49
		11	1.) Credit for not relocating above ground L.P tank (DWG SD-01, Rev C)	Not received	0	\$ 2,079,877.49	\$ -	\$ 2,079,877.49
		12	1.) Extend 2' concrete apron (Dwg A-01, Rev C.)	Pending Approval	0	\$ 2,079,877.49	\$ 1,100.00	\$ 2,080,977.49
13	1.) Credit to reduce thickness of propane tank pad and condensing unit pad from 16" to 8" and revise turn down of condensing unit pad (Dwg S-06, Rev C)	Pending Approval	0	\$ 2,080,977.49	\$ (3,900.00)	\$ 2,077,077.49		
14	1.) Credit to delete electric door strikes from scope of Salisbury Door subcontractor. (Electric strikes are being provided by Owner's alarm system subcontractor, Advantech)	Pending Approval	0	\$ 2,077,077.49	\$ (1,800.00)	\$ 2,075,277.49		
15								
						Contract Price	\$ 1,993,110.00	
						Total CO Cost	\$ 82,167.49	
						Final Price	\$ 2,075,277.49	

Not yet received; will be included in SCED CO#3

SCED CO #1 Subtotal \$ 8,970.00

SCED CO #2 Subtotal \$ 73,197.49

Advantech contract: \$30,860.00

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Sussex County

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DRAFT
November 13, 2018

Ms. Constance C. Holland, AICP
Office of State Planning Coordination
122 S. Martin Luther King Blvd.
Dover, DE 19901

Re: Sussex County 2018 Comprehensive Plan PLUS response (2018-18-11)

Dear Connie,

Sussex County has reviewed the PLUS letter dated September 20, 2018 regarding the Sussex County 2018 Comprehensive Plan. The following is a detailed response to the PLUS comments.

GENERAL COMMENTS

Comment: From the Office of State Planning Coordination: The plan lays out a growth scenario to 2045 which include both permanent and seasonal population growth and plans for over 20,000 new homes (permanent and seasonal). With that in mind Sussex County is home to many important environmental features such as the beaches, the wetlands, vast forested areas, and habitats for a vast array of plant and animal species. Talking with residents of the County it is these exact features coupled with the rural farming areas west of the beach areas that brought them here for vacation or retirement living. It is these features that will continue to bring new residents to this area; therefore, it is important that the County balance the need for additional house with the protection of our most valued resources.

Looking at the Objectives, Goals, and Strategies it appears that the County is willing to make the effort to find these balances. It is imperative that the County follow through with the goals, objectives, and strategies set forth in the plan to help preserve the environmentally sensitive features in the County and to protect the towns from the burden of growth they have not planned for at this time.

It is only by the follow through of these goals, objectives, and strategies that the County will give the citizens the quality of life they have been promised during the drafting and approval of this plan.

Response: *Thank you. It is our hope that the comprehensive plan is not only adopted, but also implemented to its fullest extent.*

Comment: From the Department of Transportation: DelDOT appreciates the opportunity to work with the County on this Plan and looks forward to working with the County on implementing it.



COUNTY ADMINISTRATIVE OFFICES
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Response: *Thank you. We appreciate the comment.*

Comment: From the State Historic Preservation Office: The updated Comprehensive Plan includes a greatly expanded section on Historic Preservation (Chapter 10), which highlights the role of the Historic Preservation Planner and recent accomplishments. The chapter gives a summary of the County's history, includes a list of over one hundred-forty-five National Register listings and discusses preservation partners in greater detail. This chapter underscores the importance of successfully collaborating with others to achieve common goals. The plan also includes a list of organizations and programs that may offer assistance in preserving historic properties.

The updated Comprehensive Plan also mentions ways they can protect historic properties (restoration through historic preservation tax credits, adaptive reuse and preservation ordinances) and identifies municipalities in Sussex that established Historic Districts, some of which have local protection ordinances.

Response: *Thank you. We appreciate the comment.*

Comment: Per DART, the County discusses a reduction in ridership as being a major challenge, but this is a symptom of a problem, not the problem itself. The challenges should be revised to a lack of transit infrastructure, including appropriate roadway widths, low density land uses and distances between town centers, and transit unfriendly designs.

The Plan includes strategies to create more transit compatible communities that are located near destinations and promotes development that would allow for a mixing of uses and alternative modes of transportation to be included in community design. Any changes to roadway infrastructure widths and the inclusion of specific transit infrastructure would need to be planned in coordination with the State.

Response: *The County understands the concerns and has addressed the item in the comments to the recommendation section below.*

CERTIFICATION COMMENTS

Chapter 3 - The Planning Process

Comment: 3.4.1 Plan Review, Approval and Adoption: Text should be changed to reflect that the Cabinet Committee on State Planning Issues has the final review and recommendation to the Governor for County plans. Code language regarding adoption is at the end of this letter.

Response: *The text has been updated on page 3 – 7*

Chapter 4 - Future Land Use

Comment: In accordance with 9 Delaware Code §69, DSHA reviewed the draft 2018 Sussex County Comprehensive Plan to determine how the County incorporated the State’s goals, policies and strategies as they relate to affordable housing. DSHA has the following certification concern.

9 Del Code §6956 (g) (1) and §6956 (g) (6) (d): The Future Land Use Map does not adequately show the distribution, location and extent of the various categories of land use. As written, the proposed Future Land Use Plan Chapter is prohibitive to medium to high density residential development in areas where the acute need for affordable housing is well documented and the County’s stated intent is to encourage most concentrated new development, including higher density residential development.

The Plan narrative encourages the most concentrated forms of new development to Growth Areas - which include Town Centers, Developing Areas, and Coastal Areas. The goal to “expand affordable housing opportunities, particularly in areas near job centers and DSHA-defined Areas of Opportunity” is included in both the Future Land Use and Housing Chapters. Areas of Opportunity are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure. However, these same areas contain little affordable housing. Encouraging affordable housing in Areas of Opportunity provides close proximity to job centers, quality education, and resources that help households succeed. It is important to note that the Areas of Opportunity closely align with Coastal Areas.

Affordable housing development is contingent on a land use framework where medium and higher density is permitted by right. Otherwise, considerable public opposition to new development, particularly multi-family, will stop the development from proceeding. Below shows the proposed treatment of medium to high density (4 to 12 dwelling units per acre) residential development for the following land use classifications for Growth Areas.

Town Centers: Medium to high density is encouraged via a mix of housing types including medium to high density. The proposed Future Land Use Map locates Town Centers near Milford, Milton, Selbyville, and Delmar.

Developing Areas: Medium to high density is appropriate, but not for all locations. The proposed Future Land Use Map locates Developing Areas mostly on the County’s western side and down central 113 corridor and none in Areas of Opportunity. There are additional conditions for medium to high density - central sewer, sufficient commercial uses, similar surrounding density, similar to the surrounding uses, adequate LOS or not negative impact to the LOS, and along the main road and or near a major intersection.

The only criteria for medium and high density should be its location on central water/sewer, and proximity to job centers.

Coastal Areas: Medium to high density residential is not appropriate for all locations. According to the proposed Future Land Use Map, Coastal Areas are on the eastern side of the County and align with DSHA’s Areas of Opportunity - an area that the County states they want to expand affordable housing opportunities and where the need for affordable housing is most critical. In

addition to the above statement, there are several additional conditions - central sewer, sufficient commercial uses, within Level 1 or Level 2 Strategy for State Policies and Spending, similar surrounding density, similar to the surrounding uses, and along the main road and or near a major intersection.

The only criteria for medium and high density should be its location on central water/sewer, and proximity to job centers. Applying additional criteria to medium and high density development to be similar to the surrounding density and surrounding uses in a resort area of mostly single-family detached units will almost certainly prohibit proposals that enable affordable housing. Including these criteria in an adopted Comprehensive Plan will provide legal justification to deny the development.

Facilitating affordable housing for current and future residents is a federal, state and local issue. At a time when Federal resources for housing are diminishing, this is especially critical given the tremendous need for affordable housing within Sussex County's Coastal Area - particularly for the many employees commuting in from western Sussex County. Strong market forces and limited land do present challenges to affordable housing. However, the County has a powerful mechanism in an adopted land use framework that can and should reasonably permit, if not proactively encourage, medium and high density development (defined by the County as 4 to 12 dwelling units per acre) which will then increase the likelihood that affordable housing can realistically occur. DSHA requests the County to revise the Future Land Use Plan and corresponding maps to ensure adequate sites for future housing, including affordable housing can be provided in accordance with 9 Del. Code §6956 (g)(1) and 96956 (e)(6)(d)

***Response:** The growth areas are based on analysis of existing conditions and trends as well as planning for future growth and development over a 25-year timeline. This includes ensuring future land uses are compatible with underlying zoning, considering infrastructure proximity to locations, and compatibility with existing development. The County will work with the State to review and map future Areas of Opportunities.*

The focus of the Future Land Use map is to recenter and densify economic growth in those areas most in line with both the physical characteristics and the values of the people represented by the Council.

The vast majority of Areas Opportunities identified in the DSHA's 2016 study, exist within Coastal Areas with an underlying zoning of AR-1, which is not compatible with the needed densities to provide the opportunities in question. Based on our evaluation of land use change from 2001 – 2011, the volume of growth within the region is not expected to be that significant.

By recentering economic growth to those areas more compatible both infrastructurally and based on the values of the stakeholders, as identified in the FLU map should create more areas of opportunities that will allow for higher density growth at greater mixed use in areas of lower cost than those found in the Coastal Area.

It is not the intent of the Comprehensive Plan to limit affordable housing opportunities in the Coastal Areas growth category. The Coastal Area allows for a mixing of housing types, uses,

densities, and cluster developments at a range of affordability. Additionally, the recommendations within Chapter 12 - Community Design plays a key role in the development across all land uses. However, it is the intent of the Plan to limit development in the Coastal Area, as it is an environmentally important area.

The outlook for development and analysis of land use change over time as well as the method to determine future growth area are based on our understanding of trends, projected population types, the values of the County

Sussex Dept. of Housing & Community Development:

The County has Strategy 8.3.1.3 within the Housing Chapter that states, “Promote the use of the DSHA’s Areas of Opportunity maps when making land use decisions and identifying housing strategies for different areas of the County”. Further, the County has drafted an RFP for a consultant to assess the County’s existing affordable housing plans and policies and make suggestions for updates or replacements. Sussex County Council is expected to review and vote on the RFP by the end of October 2018. The consultant will be required to also review zoning codes and the Future Land Use Map and offer recommendations on reducing barriers to affordable housing. Because the Areas of Opportunity are already integrated into the Comprehensive Plan, the County hopes to be able to integrate them more fully through the affordable housing review process and ultimately, the final versions of programs and policies.

The County proposes the following language for both the Developing Areas and Coastal Areas land use classifications:

Densities –Sussex County’s base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; or where other considerations exist that are relevant to the requested project and density. A clustering option permitting smaller lots and additional flexibility in dimensional standards is encouraged on tracts of a certain minimum size, provided significant permanent common open space is preserved and the development is connected to central water and sewer service.

Comment: The Future Land Use Section must include a future land use plan element designating proposed future general distribution, location and extend of uses of land for EDUCATION, PUBLIC BUILDINGS and grounds, other public facilities and other categories of public and private uses of land. Please identify where and how the land use a plan addresses “schools” and “public buildings and grounds, and public facilities,” including anticipated requirements for future public facilities.

Response: *Generally, zoning within the County allows educational and public elements to be constructed throughout the County’s zoning districts. Sussex County also adopted a new Institutional district that should make it easier for educational/public buildings to move forward.*

Based on the future land-use map it is expected that educational and public facilities would be constructed where the bulk of new development is to be encouraged and anticipated, given that this is where demand is expected to be greatest. However, the County's regulations give sufficient leeway to allow for the development of these elements in other areas where unexpected demand may occur or in areas that are underserved.

As noted in Chapter 11 Intergovernmental Coordination, the County will continue coordination with the County's municipalities, school districts, and other agencies operating in the County as well as with the State Department of Education and School Districts to plan for future growth.

Comment: Chapter 4 - Future Land Use: There are three shades of green on the FLU map – Protected lands, AG Districts, and Ag Easements. According to table 4.5.2 protected lands include agricultural preservation easements. This should be clarified on the map or in the table to be consistent.

Response: *The table has been updated to be consistent with the map.*

Chapter 5 – Conservation

Comment: The Delaware code section, page 3 of our checklist asks for the identification of a long list of resources. Please indicate where and how the plan identifies these resources, specifically habitat areas, geological areas, ocean beaches, soils and slopes.

Response: *The Plan has been updated: Habitat Areas are identified Figure 5.2 – 1. They are identified as protected land.*

The following has been inserted:

Overview page 5 - 1: “A significant portion of the County is considered prime agricultural soils or soils of state importance. An insignificant portion of the County is considered steep slope and exists mainly in the areas considered riparian buffers.”

Section 5.3 page 5 – 11 update: “Sussex County Council recognizes that rapid growth creates extraordinary environmental pressures, particularly in complex and sensitive coastal ecosystems, which include coastal beaches, wetlands, and sensitive habitats.”

The Plan was developed to be a concise document to promote readability and clarity for all readers and help ensure ease of implementation. The plan will acknowledge that resources can be accessed through Delaware First Map.

Chapter 6 - Recreation and Open Space

Comment: Map 6.2-1. Beaches should be identified on the map

Response: *The map has been updated and labeled.*

Chapter 7 – Utilities

Comment: Chapter 7 – Utilities: 7.3 - The plan must contain a water and sewer element correlated to the principles and guidelines for future land use, indicating ways to provide for future wastewater disposal for the area. This plan has referenced the need for 18,458 new dwelling units for permanent residents and 2,200 new for seasonal residents. Please clarify that the County will have adequate sewer capacity for the planned future growth of the County. The State would like to verify that you have planned for the accommodation of future growth through existing or planned utilities keeping in mind the consideration of expected environmental changes. As part of this discussion, the County should include their Sewer Service Area map.

EXAMPLE: It is expected that the County will lose capacity at Wolf Neck plant in the future due to Sea Level Rise - is there a plan in place to move that capacity?

Response: *The Plan reference of 18,458 new dwelling units for permanent residents and 2,200 units for seasonal residents encompasses the entire unincorporated area. County Facilities currently cover approximately 85% of the sewer service needs with the remainder provided by private regulated wastewater utilities or on-site disposal systems. The Sewer Service Tier Map shown on the County's on-line mapping system outlines the service areas. The expected need is met by the County's capital improvement plan, which is detailed in the attached 20-year analysis labeled Sussex County Regional Sewer Facilities Capacity Development Summary. The outlined capital program is funded by the County and included in the Fiscal Year 2019 Budget.*

Addressing the comment about the Wolfe Neck Facility: the Engineering Department is aware of the vulnerability of the areas adjacent to the tidal marshes and proposed a plan to reconfigure the spray on higher ground. The resulting loss of capacity is figured in the Sussex County Regional Sewer Facilities Capacity Development Summary.

RECOMMENDATIONS

Chapter 4 – Future Land Use

Comment: The County has defined their growth areas around towns, which included most, if not all of the towns identified annexation areas. The state supports growth around town; however, it is important to note that many of our towns set both short and long term annexation areas to ensure services are available as the town grows. The towns hope to grow to that areas someday but set the annexation areas as a way to control the future development of the town. The County growth areas around the towns, with proposed densities of 2-12 units to the acre will be higher density than many towns are prepared for at this time and any new homes, whether in the town limits or just outside, will use the infrastructure of the town (police, fire, roads, etc.). It is important for the County to develop these areas with respect to the town plans for the future and with compatibility to the existing town which will neighbor the new development. This can be done in many ways including MOAs with the towns or with master planning of the areas before development is approved. The state encourages the County to begin working with the towns immediately upon adoption, and before development applications are received, to determine future growth scenarios that will complement the town's future growth areas.

Response: *It is important for the municipalities to be involved with the implementation of the Plan. Currently, Chapter 11 Intergovernmental Coordination includes strategies to improve County coordination with municipalities. This section has been updated to explain that the County may look into creating MOAs or MOUs with municipalities for the coordination and development of annexation areas.*

Additionally, per Chapter 12 Community Design, the County encourages master planning and small-area planning. Per Chapter 12 Community Design, Section 12.2.3: The County would like to encourage more master planning of large-scale developments on large parcels or groups of smaller parcels in order to provide flexibility in the design of a site's buildings, trails and pedestrian paths, roads, and open space as well as encourage interconnectivity between parcels of land. With County involvement in large scale master plans, there is opportunity to plan for a larger area and create automobile, bike and pedestrian connections between developments.

Comment: The maps can be difficult to read at scale in plan or on-line. The County should consider an interactive map once the final plan is certified.

Response: *Sussex County will consider this since this would be a value-added product.*

Comment: 4.4.2 Strategies for State Policies and Spending - It is recommended that the County add the following at the end of the discussion on the Strategies document: It is important to note that the maps contained within the Strategies for State Policies and Spending document are not "parcel-based," so it is still necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the Strategies for State Policies and Spending. For example, if a parcel is in Level 1 but contains extensive wetlands it may not be suitable for dense development or state infrastructure investment. It is equally important to note that while this document and map series directs state investments, it is not a land-use plan. In Delaware, the state has delegated land-use authority to the local governments. Any land development activity must be in compliance with comprehensive plans and meet all of the relevant codes and ordinances of local jurisdictions.

Response: *This text has been copied and pasted into 4.4.2 Strategies for State Policies and Spending.*

Comment: Page 4-14, 4-15, and 4-17 Infrastructure bullet: It is recommended that the words 'provided a septic permit can be approved' be added to the end of the sentence if central utilities are not possible, permitted densities should be limited to two units per acre.

Response: *On pages 4-14, 4-15, and 4-17, the suggested changes have been made.*

Comment: Goal 4.2 - Many towns are already focusing on resiliency. The County should add an objective or strategy for an ordinance to ensure that County development in the growth areas around towns should match the current town standards on resiliency.

Response: *Resiliency standards differ across towns, which makes addressing this issue through an ordinance complex. The County will work with towns so that development matches the respective town's resiliency standards on a case-by-case basis.*

Comment: Map on pg. 4-23: Please note that the future land use designation for Industrial Areas around Millsboro include portions of the state Coastal Zone. The state Coastal Zone Act prohibits new heavy industrial development in this area. There is grandfathered industrial activity there today, any future development must be consistent with the Act.

Response: *The following updates have been made:*

5.2.4.1 Surface Waters (page 5 - 5)

"Sussex County is well-known for its extensive beaches and shoreline along the ocean and coastal bays. To protect these resources, DNREC administers the State Coastal Zone Program which regulates existing heavy industrial activities as well as manufacturing activities within the State's coastal zone. While some grandfathered industrial and manufacturing activities exist within the Coastal Zone, any future development must be consistent with the Act.

(New paragraph) The coastal zone runs the length of the eastern seaboard of the state, including the Inland Bays. Coastal Zone permits are necessary for any new or expanded manufacturing activities that may impact the environment, economy, aesthetics, or neighboring land uses. In addition, an application for a Coastal Zone status decision is needed for certain industrial uses."

Comment: Strategy 4.1.4: DNREC supports redevelopment efforts and can provide information about the various state brownfield programs to assist with this goal.

Response: *Thank you for this support.*

Comment: Goal 4.3: DNREC supports this goal and can provide assistance in ordinance development. In addition, there may be funding available for these activities.

Response: *Thank you for this support.*

Comment: Goal 4.4: DNREC supports infill and redevelopment strategies that relieve development pressure outside of growth zones, as well as continued brownfield redevelopment. DNREC has specific programs to advance such efforts and we encourage you to partner with us on redevelopment programs.

Response: *Thank you for this support. The County looks forward to partnering with DNREC on redevelopment plans that may come forward.*

Comment: Figure 4.2-2 Developed and Protected Land (Page 4-3): The parcels enrolled in the State's Agricultural Lands Preservation Program change frequently. Please contact the Department's GIS Coordinator Jimmy Kroon for the latest update layer (698-4533).

Response: *Given that the GIS data revolving around this topic is subject to frequent change, Sussex County will consider the feasibility of an online portal within its website where this data can be reviewed and updated.*

A footnote has been made below Figure 4.2 - 2: "Parcels enrolled in the State's Agricultural Lands Preservation Program change frequently and that the Delaware Department of Agriculture can be contacted for latest update."

Comment: 4.4 Future Land Use Plan (Page 4-8 and 4-9): The Department appreciates and supports the County's commitment to promote farming and agribusiness. It also supports the County's recognition of agricultural areas and farms enrolled in the state's Agricultural Lands Preservation program when designating rural versus growth areas in the County.

Response: *Thank you. We appreciate the support.*

Comment: Page 4-18: The department appreciates the support of farmland preservation, agribusiness, and agricultural protections mentioned on this page.

However, the Department of Agriculture would further encourage the County to mention the specific protections afforded to all eligible farmland located in the County somewhere in the plan as well (perhaps a footnote or strategy following page 4-27 or Page 12-12; 12.3.16 "Buffering and Landscaping"). Specifically, the protections granted in Sussex County Code (§99-6 General Requirements and restrictions (G)(1) and (2); the forested buffer requirement for developing properties adjacent to agricultural farmland mentioned in Sussex County Ordinance §99-16 (D) "Suitability of land; preservation of natural features."

Response: *The following bullet has been added to Section 4.3.3 Rural Areas, page 4 – 18:*

"The County supports continued agricultural operations and affords them specific protections as they are listed in Sussex County Code Section 99 -6 (G)(1) and (2) and 99 -16 (D)."

Chapter 5 – Conservation

Comment: 5.2.4.6 Should be changed from Severe Storms to Severe Weather. Periods of Extreme Heat and Extreme cold should also be considered under this section - - Does the County have cooling stations or places to go if there are several days of extreme cold?

Do you have programs that contact older residents to check in during these times?

Do you have a plan for mitigation of brief large rainfalls such as the ones many have experienced this Summer. Are these items in your Hazard Mitigation Plan?

The state recommends a broader discussion on the Hazard Mitigation Plan in the conservation section, to discuss what exactly is in the hazard mitigation plan and to include how the County will use the Hazard Mitigation Plan information to balance the proposed growth over the next 10-30 years with the protection of sensitive areas.

Response: *"Severe storms" has been changed to "severe weather".*

By promoting the preservation of open space, the reduction of impervious surfaces, green design principles and other strategies, the County can work towards promoting an environment that limits the effects of severe weather. The Hazard Mitigation Plan outlines a series of goals and strategies for reducing the impact of all hazards. Strategies include planning and zoning, hazard mapping, open space preservation, floodplain regulations, stormwater management, drainage system maintenance, and shoreline/riverline /fault zone setbacks. Tactics include the preservation of open spaces as a means to reduce impacts. Additionally, Hazard Mitigation goals 4 and 5 highlight the collaborative nature of the HMP and the need for stakeholder engagement and awareness campaigns.

Comment: Objective 5.1.4: One strategy to meet the goal of coordinating with governmental and non-governmental agencies to identify and protect natural resource habitat is to add appropriate properties to the inventory of protected lands in Sussex County, particularly to link together existing state-owned forests and existing open space. DNREC can assist in the identification of appropriate properties.

Response: *Thank you for this comment.*

Comment: Section 5.2.2: There is no mention of DNREC-owned properties in this section, although they represent a significant amount of land within Sussex County. Both state parks and state wildlife areas bear mentioning.

Response: *The following sentence has been added to the end of Section 5.2.2:*

“For further detailed information on DNREC-owned properties, please refer to Chapter 6 Recreation and Open Space, Section 6.2 State Recreation and Open Space.”

Section 6.2 lists and describes DNREC-owned properties in the following sections:

6.2.1 State Parks (page 6 – 1)

6.2.2 State Forest (page 6 – 2)

6.2.3 State Wildlife Area, Nature Preserves, Other (page 6 – 2)

Comment: Figure 5.2-1: The legend is confusing and should be clarified. Does the “Parks” category include municipal parks as well as state parks? “Wildlife Areas” are depicted on the map but are not described in the accompanying text. Does this category refer to State Wildlife Areas, or other areas?

Response: *The plan includes the following footnotes to Figure 5.2 -1:*

*“*Parks include Municipal, Delaware State, and County Parks, as well as Bethel Historical Society, Inc., St. Luke’s Episcopal Church parks*

***Wildlife Areas include State Wildlife Areas, Federal Wildlife Areas, and Bethany Beach municipal wildlife area.”*

Comment: Goal 5.2: Encourage protection of farmland and forestland (page 5-19): The Department of Agriculture appreciates the goal and accompanying strategies mentioned on this page. Perhaps the Department’s website can be referenced or footnoted so readers can learn more about these programs and how to enroll. <https://agriculture.delaware.gov/>

Response: *The recommendation has been added as text at end of 5.2.2 State Land section on page 5 -5.*

Comment: Section 5.2.4.1: DNREC suggests that the Comp Plan list the specific “support use goals” in parentheses following “beneficial uses” (e.g., swimming, fishing, & drinking water supply), in the 3rd paragraph of this section.

DNREC further suggests that the Comp Plan mention the specific water quality standards of concern in parentheses following “applicable water quality standards” (e.g., dissolved oxygen, nutrients and bacteria), also in the 3rd paragraph of same section.

Response: *5.2.4.1 Surface Waters (page 5 – 5) text has been updated with this recommendation.*

Comment: This section should also identify and reference the Inland Bays Pollution Control Strategy and the Watershed Implementation Plan for the greater Chesapeake drainage basin and greater Inland Bays’ drainage basin, respectively.

Response: *The following text has been updated: 5.2.4.1 Surface Waters (page 5 – 5):
“Sussex County has appropriate processes in place to comply with the regulations of the TMDL program, including the Inland Bay Pollution Control Strategy and voluntary cooperation in the Watershed Implementation Plan for the Chesapeake drainage basin. The County will continue to monitor these regulations to ensure efforts are consistent with the programs.*

The Inland Bays watershed pollution control strategy establishes voluntary best management practices and regulatory actions (primarily stormwater and performance standards for on-site wastewater systems) necessary for attaining the required TMDL reduction requirements and water quality standards necessary for improving water quality in the greater Inland Bays watershed.”

Comment: As part of TMDL reduction requirements in the greater Chesapeake drainage basin, each jurisdiction within this drainage basin will be required to develop a Watershed Implementation Plan. The Watershed Implementation Plan will detail how pollutant load goals will be achieved and maintained in the future and identify specific pollution reduction practices and programs to reduce nitrogen, phosphorus, and sediment from a variety of sources in the Chesapeake drainage basin. Efforts to develop the documents necessary to meet the required reductions will be provided through meetings and discussions with an interagency workgroup and various subcommittees recently convened by the State of Delaware. Included in the meetings and discussions are onsite wastewater disposal systems which are a known source of nutrient pollutants to groundwater. In addition, the EPA is tasking the State of Delaware responsibility for developing the WIP with 2-year progress milestones to accelerate efforts to improve and restore waters of the Chesapeake Bay. This may require local jurisdictions to assume some responsibility for BMP implementation to help mitigate pollutant runoff.

Response: *Per Section 5.2.4.1, the County is an active partner in the implementation of the Inland Bays Pollution Control Strategy by pursuing every opportunity for on-site wastewater system elimination offered under State Code. Furthermore, the County participates in a number of*

initiatives of the Center for the Inland Bays CCMP. The County also actively participates in the Chesapeake Bay Watershed Implementation Plan III. However, the Chesapeake Bay TMDL reduction requirements fall under State of Delaware jurisdiction and have no “local” government implementation goals. Hence, the County’s plan should only stress the voluntary cooperation.

Comment: Section 5.2.4.1: The text about the Coastal Zone Act program should be corrected to reflect that the Coastal Zone includes an area of land around the inland bays as well as the Bay and Ocean Coasts. In addition, the text states that heavy industry could be a permitted land use within the Sussex County Coastal Zone. However, according to the Act, heavy industry uses within the delineated Coastal Zone are limited to 14 existing heavy industry sites, none of which are located within Sussex County. The description of ‘Status Decisions’ should also be clarified in the text. They pertain to a pre-application review of the proposed activity, to determine if a permit is required under the regulations.

The Coastal Zone Act Program is a regulatory program aimed at limiting air and water pollution sources associated with industrial and manufacturing uses, therefore it may be better to move this discussion point to Section 4.6.3. Alternatively, the County may wish to have a separate heading in this section for “coastal areas” and/or consider moving the text about the state Coastal Zone Act into the list of other initiatives that starts on page 5-13. Should a new heading for “coastal areas” be created, the text should mention the Beach Preservation Act and DNREC’s role in regulating coastal construction.

Response: *The Future Land Use Map is consistent with the underlying zoning with the understanding that the map will be updated once the zoning is updated.*

The following updates have been made:

5.2.4.1 Surface Waters (page 5 - 5): “Sussex County is well-known for its extensive beaches and shoreline along the ocean and coastal bays. To protect these resources, DNREC administers the State Coastal Zone Program, which regulates existing heavy industrial activities as well as manufacturing activities within the State’s coastal zone. While some grandfathered industrial and manufacturing activities exist within the Coastal Zone, any future development must be consistent with the Act.

(New paragraph): The coastal zone runs the length of the eastern seaboard of the state, including the Inland Bays. Coastal zone permits are necessary for any new or expanded manufacturing activities that may impact the environment, economy, aesthetics, or neighboring land uses. In addition, an application for a coastal zone status decision is needed for certain industrial uses.”

Comment: Section 5.2.4.3: DNREC supports the implementation of increased buffer requirements surrounding wetlands, streams, and waterbodies and clarifies that such buffers should be vegetated and not landscaped. More specifically, existing native vegetation should be retained where it exists and in cases where the existing vegetated buffer is not of sufficient size, it may be recommended that existing riparian buffers are expanded and/or enhanced by planting native vegetation. DNREC can offer technical assistance in developing riparian buffer requirements for different types of habitats. Note that buffer distances of ranging between 50 to 300 feet for adequate protection efforts and 100 to 500 feet for optimal protection efforts would be consistent

with adequate and optimal distances established by DNREC. Lot lines, roadways, and infrastructure should not be placed within this buffer zone.

Please note that section 404 of the Federal Clean Water Act regulates tidal and freshwater wetlands, not just freshwater wetlands as stated in the text of this section. While wetlands are provided some protections from state and federal laws, some local jurisdictions also have ordinances or laws prohibiting fill or disturbance to these areas. If Sussex has such an ordinance, it would be useful to mention that here.

Response: *The specificities of the buffer suggestions are related to the implementation of the Strategy 5.3.1.3 (Identify an appropriate range of wetlands buffer distances based on location and context). The County will take the suggestions into consideration during the implementation stage of the Plan.*

The following text update has been made:

5.2.4.3 Wetlands (page 5 – 6): “Tidal wetlands within Sussex County are protected by State Law. Section 404 of the Federal Clean Water Act regulates tidal and fresh water wetlands. Sussex County requires a wetland statement prior to final site plan approval and a wetland delineation if wetlands are present.”

Comment: Section 5.2.4.4 and 5.2.4.6 Floodplains and Severe Storms: The County has missed an opportunity to more fully describe and address flooding issues in the County in this section and in the Stormwater management section in chapter 7.

Both sections should include a discussion of the effects of climate change in increasing the areas subject to flooding in Sussex. Sea level rise and increasing heavy precipitation events caused by climate change put more residents at risk to flood events and will increase the need for infrastructure upgrades and repairs.

Response: *Severe weather events will require the County to consider the effects and risks of continued flooding in certain areas of the County. , The weather events also place importance on the implementation of the Multi-Jurisdictional All Hazard Mitigation Plan. Updated in 2016, the All Hazard Mitigation Plan serves as a comprehensive, long-term planning document. It identifies hazard mitigation goals, objectives and recommends actions and initiatives, like structure hardening and open space preservation, for County and municipal governments to reduce injury and damage from natural hazards. Additionally, Sussex County will continue to coordinate with the Delaware Center for Inland Bays on the Comprehensive Conservation Management Plan, which prioritizes tasks to address issues such as planning for climate change.*

Comment: The discussion of the Hazard Mitigation Plan are appreciated, however, hazard mitigation plans focus on mitigating existing flooding risks, while Comprehensive Plans can be used to reduce future risk by ensuring development and infrastructure are located in the most appropriate areas.

To help ensure development and infrastructure are located in appropriate areas, The County may take into account the state’s SLR forecast model when planning for new development or

infrastructure in coastal areas and when considering new development within at-risk or sensitive areas where SLR is imminent.

Please note that the FEMA floodplain maps are used both for determining flood insurance requirements and to determine where floodplain regulations and codes will be applied. The text in this section does not mention the regulatory aspect of the floodplain maps.

This section uses imprecise language to describe the flood risk. The accompanying map depicts the “approximate” and “detailed” 1% chance flood zone, but this is not described in the text in this section. Please ensure that the map legend and text can be read and understood together. Please also consider depicting the 0.2% chance flood on this map.

This section should also note that flooding can, and will likely, occur outside of the mapped floodplain.

Response: *The following text update has been made: “Floodplains encompass land areas adjacent to streams and waterways that are prone to flooding. Floodplains have been recognized for their stormwater storage functions and their inherent risks to life and property, resulting in a variety of restrictions and regulations over new development. Floodplains in Sussex County have been extensively identified and mapped by the Federal Emergency Management Agency (FEMA) and are a traditional tool used in determining flood insurance requirements and to determine where floodplain regulations and codes will be applied. Flooding can, and will likely, occur outside of the mapped floodplain.”*

Added in text of 2nd paragraph on page 5 – 7: “The Detailed 1% Annual-Flood-Chance was created by FEMA to provide a national standard without regional discrimination, the 1% annual chance (100-year) flood has been adopted as the base flood for floodplain management and flood insurance purposes. A 1% annual chance flood (or base flood) has a 1% annual chance of being equaled or exceeded in any given year. Flooding can, and will likely, occur outside of the mapped floodplain. The Approximate 1% Annual-Flood-Chance is based on various methods and are of various accuracies, typically found in rural areas where there has been little hydraulic modeling completed.”

Comment: DNREC supports efforts to join the Community Ratings System and other efforts that will improve the preparedness of the County for flooding and storm events.

Response: *Thank you. We appreciate this comment.*

Comment: Section 5.2.5: In addition to the strategies listed here, Sussex County is also encouraged to help reduce the emissions of greenhouse gases that are the root cause of climate change. Often, strategies to reduce greenhouse gas emissions have co-benefits, such as reducing other air pollutants and saving money. For example, incorporating electric vehicles into the County’s fleet would reduce tailpipe emissions and save money. Sussex County is also encouraged to include electric vehicle charging where feasible in common areas to accommodate cleaner transportation through the area.

Response: *Thank you for this comment. As the County acquires new vehicles and equipment for its use, it will take into account the availability and feasibility of low-emissions, fuel efficiency, and electric vehicles when making purchasing decisions.*

Comment: Section 5.3 Environmental Assessments in Coastal Areas: According to the Comprehensive Plan, Sussex County requires all applicants for developments of a minimum size (as specified in zoning) within the Coastal Areas to prepare an environmental assessment. The DNREC Species Conservation and Research Program has experience developing environmental assessment methodologies and offers our technical assistance in developing Environmental Assessment guidelines/requirements tailored to Sussex County's needs.

Response: *Sussex County will consider this recommendation when addressing EAs within Coastal Areas.*

Comment: Section 5.3 Mature Tree Protection: The Plan indicates that Sussex County would like to consider the creation of an ordinance designed to protect established, mature, healthy trees during the construction of new developments. The DNREC Species Conservation and Research Program has experience developing such ordinances, and is currently working with New Castle County to develop a variety of ordinances related to the identification and protection of Mature Forests, Forest Interiors and Corridors, and Specimen Trees. DNREC offers our technical assistance in developing similar ordinances tailored to the needs of Sussex County.

Response: *Thank you for this comment. Sussex County appreciates DNREC's support in this regard.*

Comment: Section 5.4.5: This section should include a paragraph about initiatives to prepare the state for climate change. The state has taken steps to mitigate the causes of climate change by setting greenhouse gas reduction targets and incorporating mitigation and adaptation strategies into planning efforts for state assets and comprehensive planning. Funding and technical resources are available through a number of programs within the Department. Specifically, this section could highlight Delaware Climate Change Impact Assessment and the Recommendations to Adapt to Sea Level Rise in Delaware.

Response: *The County is including similar language from prior comments that acknowledges the frequency of severe weather events, which would be addressed through the implementation of Hazard Mitigation Plan recommendations and strategies to reduce or eliminate the loss of human life and damage to property as a result of hazards, both natural and man-made. Additionally, when the County reviews the Building Code for an update, the County may consider initiatives to prepare the State for climate change.*

Comment: Section 5.5: DNREC supports your goals, objectives, and strategies in this section. Please note that for all of the strategies listed, DNREC staff can provide technical assistance and Delaware specific information for your use in creating guidance or ordinances for development. Financial assistance may also be available to help implement conservation strategies.

Response: *Thank you for this comment. Sussex County appreciates DNREC's support in this regard.*

Comment: Strategy 5.3.1.5: DNREC Tanks Management Section (TMS) would strongly support the re-evaluation of this ordinance and consideration of prohibiting Underground Storage Tanks in wellhead protection areas or excellent recharge areas.

Response: *Thank you for this comment.*

Comment: Objective 5.3.3: DNREC encourages the County to be proactive and include more specific "actionable" strategies to attain the TMDL nutrient and bacteria reductions necessary for restoring water quality and "beneficial uses" (e.g., fishing, swimming, & drinking water) to waters of the Inland Bays drainage basin, Inland Bays drainage basin, and the Delaware River drainage basin. To this end, DNREC recommends that the County consider the following strategies:

- Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).
- Require a 100-foot upland buffer width from all field-delineated wetlands or waterbodies (including ditches).
- Implement an impervious surface mitigation plan specifically requiring the use of pervious paving materials in all parking areas for all projects with 20% or more total post-development surface imperviousness. In high density (usually commercial) developments with post development surface imperviousness of 50% or more, DNREC suggests half of total areas of imperviousness in paved areas contain pervious pavers, including the entire parking lot areas.
- Require the calculation for surface imperviousness to include all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.
- Exclude structural best management practices such as community wastewater treatment areas, open-water storm water treatment structures, and natural areas containing regulated wetlands from consideration as open space.
- Prohibit development on hydric soil mapping units. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed (Delaware Class D) and certified (CPSS) soil scientist.
- Require use of "green-technology" storm water management in lieu of "open-water" storm water management ponds whenever practicable.
- Require the assessment of a development project's TMDL nutrient loading rate through use of the Department's nutrient budget protocol. The applicant should be further required to use any combination of approved Best Management Practices to meet the required TMDLs for the affected watershed in question.

Response: *Sussex County responds in an expedient manner to all petitions for central sewer service received pursuant to Del. Code Title 9, Chapter 65, §6501. Over the past 40-years, the County has extended central sewer service to existing developments and municipalities suffering from inadequate community sewer facilities and/or failing on-site septic systems. The County's*

stated intent is the protection of the water quality of the Inland Bays as well as the Chesapeake Bay by avoiding initial installations or more often eliminate existing discharges of septic effluent into the groundwater. Compliance with the Pollution Control Strategy for the Inland Bays TMDL as well as the WIP under the Chesapeake TMDL is not a local but State responsibility.

Additionally, many of the strategies listed in this comment pertain to the implementation of the Plan. For example, a 100-foot upland buffer width may be considered under Strategy 5.3.1.3 (Identify an appropriate range of wetlands buffer distances based on location and context) and excluding structural best management from consideration as open space may be considered under Strategy 5.1.1.5 (Reevaluate County Code definition of Open Space to determine if modifications need to be made relating to the calculation of open space).

Comment: Objective 5.3.5: DNREC would like to see special considerations regarding the placement of any future Underground Storage Tanks or Above Ground Storage Tanks in an area vulnerable to climate change and storm surge.

Response: *Management and regulation of underground storage tanks and above ground storage tanks fall under the responsibility of DNREC.*

Comment: Goal 5.4: You may wish to consider these additional strategies for Air Quality:

- Encouraging mixed-use or cluster-style development where applicable. This strategy preserves open space (section 12.2) but also reduces sprawl and has air quality benefits.
- Allowing opportunities for the increased use of public transit (section 13.2.3) reduces tailpipe emissions and improves air quality.
- Expansion of the current bicycle and pedestrian network (section 12.3.10)
- Encouraging tree planting during development projects and continue the preservation of trees in the County which help to clear the air of pollutants (section 5.3).
- Implement idle free zones where heavy duty vehicles are known to idle such as in local school districts. The County is encouraged to work collaboratively with the local school districts to implement a strategic no idling policy.

Response: *The listed strategies are currently strategies within other chapters as well as within Chapter 5 Conservation. 5.2.5 Air (page 5 – 11) mentions opportunities for Sussex County to work with federal and state agencies and non-governmental agencies to identify opportunities to continue to maintain and improve air quality as the population of the County continues to grow.*

Chapter 7 – Utilities

Comment: Page 7-2 – According to the 2018 Slaughter Beach draft comprehensive plan update, the Slaughter Beach Water Company was purchased by Artesian and they began operating the utility on April 1, 2018. It is recommended the information on page 7-2 be updated.

Response: *The text has been updated on page 7-2.*

Comment: Page 7-18 The Governor recently announced a new initiative to eliminate broadband access over the next two years. Press Release: <https://news.delaware.gov/2018/07/25/expanding-broadband/> It is recommended that you add a sentence regarding this initiative or mention the coordination with state and County through this initiative in strategy 7.5.1.1

Response: *The following sentence has been added to last paragraph on 7 -18: “In July 2018, Governor John Carney launched a two-year initiative to eliminate broadband deserts and ensure that every Delaware citizen and business has access to high-speed broadband service.”*

Comment: Section 7.2.3: The text of the Plan states that the County is considering a review of the existing source water ordinance to determine if modifications are needed. It goes on to say that that avoiding contamination to water supply wells and limiting land use activities and impervious surfaces around public wells are means to achieve protection of the sources of the County’s drinking water supplies.

In order to achieve these goals, the Department recommends that the County modify the existing source water ordinance to afford greater than minimal protection. The majority of public wells in Sussex County pump less than 50,000 gallons per day (GPD). Under the County’s present ordinance, they are afforded a twenty foot safe zone. As such, they are vulnerable to contamination and impervious cover that may negatively influence water quality as well as water quantity.

Per the existing County Source Water Protection Ordinance, wells pumping greater than 50,000 GPD are afforded ‘no more than a one-hundred foot (100’) radius from the well’. The Department recommends ‘at least’ a one-hundred fifty foot (150’) radius from the well. For example, New Castle County and the Town of Frederica have chosen a ‘safe zone’ of three hundred feet around their public supply wells to maximize protection of the resource.

Per the existing County Source Water Protection Ordinance, allowances up to 60 percent impervious cover to the delineated wellhead protection area and excellent groundwater recharge protection areas provided the applicant demonstrates, through an environmental assessment report, that post development recharge quantity will meet pre-development recharge quantity. However, if the project exceeds 60 percent impervious cover or the applicant has failed to demonstrate post development recharge quantity will meet predevelopment recharge quantity, the project is required to discharge roof drains to underground recharge systems or permeable surfaces.

The Department recommends that the County consider additional measures to improve and address water quality, to be more protective of the resource. In addition, the existing County ordinance has no provision to reduce impervious cover during redevelopment.

The Department recommends, the County consider additional measures to reduce impervious cover through redevelopment projects.

The Department’s Source Water Program is available to work with the County’s staff to evaluate potential source water protection measures and suggest additional modifications that may be needed to further improve implementation of the ordinance.

Response: *The comment comingles Well Head protection issues with Groundwater Recharge issues. Proposed DNREC Regulation No. 5101 Sediment and Stormwater Regulations which has been published in the September 2018 Delaware Register of Regulation addresses the Resource Protection Event which governs volume reduction. In addition, State Law establishes “functional equivalency” for extended detention further reducing infiltration. The Regulation No. 5101 does address redevelopment in particular and the County Code cannot supersede State Law.*

The County may consider modifying the County Code with regards to wellhead protection in lie with the DNREC’s groundwater modeling and hence offering greater protection upstream of the underlying groundwater movement versus a uniform distance from the wellhead.

Comment: Section 7.6: This section should also discuss the Delaware Sediment and Stormwater Regulations, which have a goal of reducing stormwater runoff for rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours, or a maximum of one inch of runoff.

Runoff reduction practices encourage runoff to infiltrate back into the soil as in an open space condition and results in pollutant removal and stream protection. New or revised ordinances should incorporate best management practices that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems for new development sites within the County. Limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.

Response: *As per Section 7.6, Sussex County is actively pursuing a stormwater offset program in accordance with Chapter 13.0 Stormwater Management Offsets under the proposed Delaware Sediment and Stormwater Regulations.*

Comment: Goal 7.3: In order to help promote energy efficiency, DNREC suggests that Sussex County include a strategy to help distribute information about the Weatherization Assistance Program. The program, run through the Division of Climate, Coastal, & Energy, helps low- and moderate-income homeowners and renters cut their energy bills by weatherproofing and improving the energy efficiency of their homes. More information about the program can be found here: www.de.gov/wap.

Response: *The following strategy has been added to Goal 7.3: “Strategy 7.3.3.2 Coordinate with DNREC to promote the Weatherization Assistance Program.”*

Comment: Objective 7.6.1: Consider adding a separate strategy that allows for the consideration of the establishment of County waste hauler franchising.

Response: *Thank you for this comment.*

Comment: Strategy 7.6.1.2: When making revisions to County codes, consider including conditional use approvals for composting facilities as well as recycling processors.

Response: *Sussex County will consider this recommendation when revising County codes.*

Comment: Strategy 7.6.1.3: Please note that, in effect, 7 Del. C. § 6003(c)(2) creates an incinerator ban by prohibiting a permit from being issued to an incinerator unless every point on the property boundary line of the property on which the incinerator is or would be located is at least three miles from every point on the property boundary line of any residence, residential community, and school, church, park or hospital.

Response: *Sussex County will take this recommendation into account when developing any Code criteria regarding hazardous waste and waste-to-energy (incinerator) facilities.*

Chapter 8 – Housing

Sussex County completed a thorough analysis of the issues facing the County in the demographic analysis and housing chapters - the aging population and its implications, as well as the severe housing needs facing its residents. The Delaware State Housing Authority has the following comments:

Comment: DSHA supports the incorporation of “Areas of Opportunity” from DSHA’s Balanced Housing Opportunities map as a focus for where the County would like to see new affordable housing opportunities. DSHA developed this map using information from the Delaware Housing Needs Assessment 2015 - 2020 and new data from HUD such as school performance and Racially/Ethnically Concentrated Areas of Poverty to identify “Areas of Distress, Stability, and Opportunity”. Areas of Opportunity are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure. However, these same areas contain little affordable housing. Encouraging affordable housing in these Areas of Opportunity provides close proximity to job centers, quality education, and resources that help households succeed.

Response: *The County has Strategy 8.3.1.3 that states, “Promote the use of the DSHA’s Areas of Opportunity maps when making land use decisions and identifying housing strategies for different areas of the County”. Further, the County has released an RFP for a consultant to assess the County’s existing affordable housing plans and policies and develop suggestions for updates or replacements. The consultant will also be required to review zoning codes and the Future Land Use Map and offer recommendations on reducing barriers to affordable housing. Because the Areas of Opportunity are already integrated into the Comprehensive Plan, the County hopes to be able to integrate them more fully through the affordable housing review process and ultimately, the final versions of programs and policies.*

Comment: DSHA recommends further incorporating the 2016 Impacted Communities Study. This is an excellent study and outlines needs for each isolated rural community. While this study is discussed in the narrative of the housing section, there are only two strategies listed (8.1.1.6 and 8.1.2.5).

Response: *Sussex County recognizes the value of the Impacted Communities Study. While the comment above indicates there are only two strategies identified in the Housing Element that*

pertain to the Impacted Communities Study, it is not entirely accurate. There are several objectives and strategies that recognize the needs identified in the Study, though not necessarily referenced specifically. For example, Strategy 8.1.1.3 discusses looking into the creation of a process to assist landlords that are struggling to maintain their rental properties, which was a common need recognized during the survey portion of the Study, particularly landlords renting to low and moderate-income households. Overwhelmingly, residents of the impacted communities expressed a desperate need for housing repairs, and Objective 8.1.2 outlines five strategies specific to preservation of existing housing stock and expansion of existing repair programs at the County. Residents also indicated there was a need and desire for financial literacy and/or counseling for their communities. Strategy 8.2.1.6 identifies a plan to create a program that would allow for an easy and free referral system for residents to obtain financial assistance in whatever capacity needed.

Further, the County has been actively working on items that were identified by residents during the survey and community meeting portions of the Study. For example, in the community of Rural Ellendale (South Old State Road & New Hope Road) the residents were very vocal about their concern for their water quality. These concerns have been considered by the County's Community Development and Housing Department, the County Engineering Department and County Administration. There have been two referendums for the creation of a water district in this community since 2016- the first one did not pass, but in September 2018 the community voted in favor. The County will now officially begin the technical and financial process of providing a central water system for the residents of Rural Ellendale.

Again, as mentioned above, financial literacy was recognized as a need by the Study. In Spring 2018, the County partnered with DFLI/The Money School to provide a 3- part financial literacy series to the Mount Joy community that was reflective of the demographics of that community. This project was successful and well-attended. The County plans to continue this partnership in various communities and will coordinate with the Sussex Housing Group to determine the priority of communities assisted.

Another consequence and requirement of the Impacted Communities Study was to determine investment strategies, and one of those strategies was to reevaluate the County's CDBG application process. The County incorporated the study results into its 2018 CDBG application process through prioritizing targeted area funding requests. This new priority system for application will allow a comprehensive, fair, and effective method of targeting the 14 impacted communities throughout the County.

Lastly, there were concerns and needs identified by residents across the 14 communities that were not necessarily items over which the County has primary governing authority. Because of the size of these communities, the County felt that it was necessary to share those concerns and needs with the appropriate agencies. In September 2017, the Sussex County Administrator sent direct letters to DNREC and DelDOT that summarized the needs identified by the 14 communities that were associated with those agencies.

Comment: There are several strategies throughout the draft Plan to evaluate the County's density bonus program to determine ways to encourage better use of the program. DSHA recommends

adding ‘provision of affordable housing’ as an option to the density bonus program. Currently within the Developing Area and Coastal Area, density bonuses can be achieved in cluster development if payment is made to fund permanent land preservation elsewhere in the County. This is an excellent opportunity to encourage affordable housing in areas where it is needed most. In addition, Sussex County is fortunate to have the infrastructure in place via the Moderately Priced Housing Unit and Sussex County Rental Programs to manage the affordable housing created as a result.

***Response:** The Sussex County density program, as currently written, has only been taken advantage of three times since 2007. Further, the MPHU/SCRP offer up to 30% density bonus in exchange for developer participation and since 2008 there have been no new applicants for either program. Density bonus is a useful tool, but one that should be explored more fully in the context of Sussex County land use and zoning. The RFP for a consultant to assess the affordable housing programs and policies of the County will delve into recommending relevant and effective tools/incentives for constructing affordable housing.*

Chapter 9 – Economic Development

Comment: Figure 9.5.1 Industrial parks and Business Parks - This section lists 4 main business parks in Sussex County. The business park in Georgetown is referred to the Delaware Coastal Business Park in the bullet but the Sussex County Business Park on the map - - the map and the bullets should be consistent.

***Response:** The map has been updated.*

In section 9.5 of the plan entitled “Economic Development Resources”, the Division of Small Business is not mentioned as a partner in this effort although other organizations (including the Delaware Prosperity Partnership and the Small Business Development Center) are included. Interestingly, program that the division administers (the Delaware Strategic Fund) is highlighted in the County’s comp plan.

The Division of Small Business should be included in the efforts to build a strong economic development network in Sussex County and should be mentioned in the comp plan as an established agency ready and available to support small businesses.

***Response:** The following chapter text update has been made –The Division of Small Business has been added to 9.5 Economic Development Resources (page 9 – 24).*

Comment: It should be noted that historically, agriculture and forestry have been the dominant forces in Sussex County’s Economy. Currently, the agriculture sector continues to be a large component of the economy with over \$3.5 billion in output, while tourism gains ground with the generation of over \$1.8 billion in direct sales (2015 number). In many ways the two industries develop in opposition of one another (i.e. farm preservation vs. land development; the noise/smell/ground water of the farming industry’s impact on residents who may not desire some of the aspects of “rural” life.) How can we better manage and support the integration of agriculture and tourism? How is the County addressing its AGRI TOURISM and/or DESTINATION

MARKETING industry? Additional emphasis should be placed on the two largest economic drivers working in support of each other.

Of the \$3.5 billion in direct agriculture activity, \$1.0 billion is the result of on-farm activities (\$2.5 billion in added value processing and over \$30 million in agriculture support industries), yet the average age of farmers in 2012 was 58.4. What can be done to support, encourage and incentivize the younger population to continue in the industry?

Response: *The County serves on the Southern Delaware Tourism board and relies on them and other nonprofit agencies to market agritourism and will continue to work with them to promote destination marketing. The County will continue to support the Department of Agriculture and their young farmer program.*

Comment: Figure 9.2-1 indicates 71% of direct agriculture activities are related to processing, as opposed to the reducing 23% animal producing activity, (poultry processing is not included in this total as it falls under Food Manufacturing). While total acres of farmland have steadily decreased, we see that the remaining farms have become more productive. Given the importance of this economic driver, the County should support having an adequate land supply through farmland preservation and strategic land use planning.

Response: *Thank you for this comment. The County has recently contributed to the State Agriculture Preservation Program and will endeavor to continue its support of the program.*

Comment: In addition, thought should be given to creating an AGRI BUSINESS ZONE within the County mapping system in order to reduce the number of unnecessary regulatory and administrative hurdles to allow businesses to concentrate on growing/running their operation. The DRAFT plan currently suggests creating “agribusiness areas”, however unless it is considered a mapped zone the regulatory issues are not adequately addressed.

Response: *The County will consider this map as it implements the Plan.*

Comment: Continue our investment in Sussex County tourism along the newly named “Coastal Zone”, while carefully weighing and addressing the much needed infrastructure needs and impacts on the environment (to include the preservation of our inland bays and methods/manners of transportation).

Response: *The County has a number of strategies throughout the Plan that reflect the importance of infrastructure and the environment in the County.*

Comment: Explore the tourism opportunities in Western Sussex, including focus on small town charm/shopping/eateries, along with agritourism initiatives.

Response: *The County serves on the Board of Southern Delaware Tourism and will continue to support them and other agencies in tourism opportunities in Western Sussex.*

The following chapter text update has been made:

Chapter 9 Economic Development, 9.3 Tourism, page 9 – 10 text: “Given the size of the agriculture industry, there is a large potential for agritourism in the County. This will help draw tourists to western County during the off-season and also provide farms as well as tourism related business (shops, restaurants and hotels) with additional sources of revenue.”

Comment: For new businesses, consider the “Sherpa” method. Identify a person or office to guide a business through the County regulatory and permitting process. The DNREC Small Business Ombudsman position is a perfect example.

Response: *This is the role of the current Economic Director.*

Comment: Clearly identify the processes for creating and growing businesses in Sussex County while streamlining and eliminating unnecessary steps.

Response: *The current Economic Director is working on this process.*

Comment: Create a network or formal group consisting of County, state, education and nongovernment agency representatives to meet periodically to discuss how to address inefficiencies and work to improve economic development in Sussex County.

Response: *The Economic Development Director has initiated such a group.*

Comment: The Division of Small Business Favors:

The weaving of economic development into the County’s entire decision-making process and encourages the County Council to promote economic development within all parts of County government. This would include the on-going education on the importance of “time is money” in the business world.

Response: *The current Economic Director is working on this process.*

The following chapter text update has been made:

Objective 9.1.3: “Weave economic development into all parts of County government and the County’s entire decision-making process.”

Comment: The Division of Small Business Favors:

The encouragement of mapping growth beginning within municipalities and town centers, rather than focusing on the three major arteries of Route 1, Route 113 and Route 13.

Response: *The County recognizes this could provide development assistance; however, this could be difficult as the County has no jurisdiction within municipalities.*

Comment: The Division of Small Business Favors:

Placing emphasis on the redevelopment of land and businesses, utilizing/improving existing infrastructure (offering incentives in this area if possible)

Response: *The Plan promotes redevelopment through a number of strategies:*

Economic Development Chapter 9 (page 9 -29) Strategy 9.1.2.8: “Encourage redevelopment and reuse of existing business sites, industrial sites, and central business districts. These sites are already well served by the necessary infrastructure and have good access.”

Community Design Chapter 12 (page 12 – 17) Strategy 12.3.1.1 “Determine if there are incentives that can be established for developers that propose redevelopment.”

Comment: Greater attention should be given to retaining the population of young people in the County after the completion of high school and/or college. This could be done through:

- The enhancement of trade school opportunities for students or a campaign encouraging employment in the trade industry.
- Incentives for graduates (both high school and college) to remain or return to Sussex County to live and work.
- Incentives for businesses who provide internships, employment contracts or jobs to those individuals who choose to remain in Sussex County.

Response: *The County identifies this as a concern and will continue to address the situation. The County works with colleges on several different programs. Additionally, the Plan emphasizes this with the following objective and strategy that focus on retaining the young population:*

Objective 9.2.3: “Develop employment opportunities to help retain millennials.”

Strategy 9.2.3.1: “Learn from best practices of other counties that have growing millennial populations in order to understand how to attract and retain younger populations.” (page 9 – 31)

Comment: How are we looking ahead to address the ever increasing aging population through the lens of economic development, while realizing the growing trend in Sussex’s healthcare industry?

Response: *The County has recently adopted new zoning districts, including Commercial and Institutional, that impact all populations, but also has certain uses that impact the 65+ population to address the needs stated. The new Institutional, or “I” Zoning District specifically allows all kinds of healthcare facilities as permitted uses. This was a significant improvement to the Zoning Code with regard to the approval, development and construction of these types of uses in the County.*

Comment: The growing 65+ population will need increased healthcare services and infrastructure. Healthcare providers are aware of this need and have shown interest and movement in providing services in Sussex. How are we helping these businesses find sites and maneuver through the regulatory/permitting process?

Response: *The County has recently adopted new zoning districts that make certain uses that impact the 65+ population to address needs. Again, this includes the new “I” Zoning District that more readily enables the development of a wide range of health care facilities and uses. As mentioned before, the Economic Director (as well as other County departments) also guides*

businesses through the County regulatory and permitting process. Additionally, the strategies below could further help healthcare providers.

Strategy 9.2.1.1: “Identify current and potential industries that require the resources that Sussex County offers.”

Strategy: 9.1.4.1: “Consider establishing a Sussex County Business Resource Center within the Economic Development Office to serve as a resource for existing businesses that want to expand and new businesses that want to move to the County, as well as serve as a job training resource to help current and potential employers.”

Comment: Does Sussex County provide adequate training opportunities in order to provide skilled healthcare employees? Are we interacting with local schools/colleges to help our students prepare?

Response: *The County Plan looks to further training opportunities for healthcare employees through the following strategy: Strategy 9.1.5.3: “Establish a working group comprised of major healthcare employers, Del Tech, Sussex Tech, and other educational institutions, and County officials. The purpose of the working group will be to identify current and future job training needs and develop programs to meet the needs of the rapidly growing healthcare sector.”*

Comment: Housing and infrastructure improvements are needed to allow for additional housing/long term care facilities for the 65+ population.

Response: *As stated above, the County has recently adopted new zoning districts that make certain uses that impact the 65+ population to address needs. There are other existing processes that allow for the 65+ population. The County will continue to work with DelDOT and other agencies to allow for the development of adequate services.*

Comment: A primary need in Sussex is affordable transportation for the aging/physically dependent population. Can the solution be business development related rather than human service/government related?

Response: *The County will encourage new concepts, technologies, and programs and will try to make sure the Code allows for flexibility.*

Comment: How are we addressing the need to provide attractive, safe and affordable housing to individuals just starting out in their career? Housing is key to attracting talented employees. Is housing available in eastern and western Sussex?

Response: *There are several strategies in the Housing chapter that address the situation in a more holistic approach that could be focused on Western Sussex. An example of a goal and strategy from Chapter 8 Housing is below:*

Chapter 8 Housing – Goal 8.2: “Ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins, and household configurations.” (page 8 – 22)

Strategy 8.2.3.6: “Consider revisiting zoning code to determine in districts where multifamily housing is currently a conditional use, if it should be made a permitted use if water and sewer are already present and available on the site.”

Comment: One issue not adequately discussed in the plan concerns the opioid crisis predominately found in lower Sussex County (both east and west) and how to address the impacts of this problem as it relates to developing the economic efforts of our municipalities and town centers.

Response: *The County will continue to support state, local and non-profit initiatives to address the issue.*

Comment: 9.2 Agriculture and Forestry (page 9-2): The Department of Agriculture appreciates the analysis of agriculture’s economic contribution and importance in Sussex County. It also correctly raises concern about the increasing loss of farmland and farms over the past few decades, and the increasing challenges facing Sussex County farmers and the agricultural Industry in the future.

Response: *The County looks forward to working with the Department as it makes reviews and considers strategies.*

Comment: Goal 9.3: Preserve and encourage the expansion of the agriculture industry, forestry industry, and other similar industries in the County (page 9-31): The Department of Agriculture strongly supports all the underlying strategies supporting this overall goal, and would be glad to help the County implement them.

Response: *The County looks forward to working with the Department as it makes reviews and considers strategies.*

Chapter 10 – Historic Preservation

Comment: The last section of Chapter 10 gives goals, objectives and strategies for Historic Preservation in the county. Many involve continuing efforts of the Historic Preservation Planner, which our office strongly encourages. Our office also offers suggestions on clarifying a few of the strategies and related aspects of the chapter.

For Strategy 10.1.2.2, consider clarifying to whom and under what circumstances the documentation requirement would apply.

Response: *When considering the development of an ordinance that would require documentation of a structure built more than 80 years ago, the County would analyze how to clarify to whom, and under what circumstances, the documentation requirement would apply.*

Comment: Under Strategy 10.1.3.2, in considering applying for the Certified Local Government (CLG) program (which our office encourages), Sussex County may also want to consult New Castle County's Department of Land Use, the only other County-level CLG.

Response: *Thank you for this comment.*

Comment: As relates to Objective 10.1 .4, elsewhere in the chapter it may be helpful to reference the relationship between the PLUS and County project review processes, and the Historic Preservation Planner's current or future role in these processes. In the objective, also consider including ways to encourage avoidance (and not just mitigation) of effects.

Response: *The following updates have been made: The Division of Historical and Cultural Affairs has been added to the list of state agency PLUS contributors on page 3- 6.*

A new bullet point has been added to section 10.4.1 page 10 – 8: “Division of Historical and Cultural Affairs participates in Preliminary Land Use Service by providing information on developments impacts to historic properties and archaeological sites and is an advocate for their protection”.

Comment: For Goal 2, consider adding or augmenting existing strategies that help ensure historic preservation is integrated into the land use policy discussed elsewhere in the Comprehensive Plan, including consideration of landscapes. Under Strategy 10.2.1.3, include specific changes to the ordinance that could be considered.

Response: *Thank you for the comment.*

Comment: The chapter references the 2013-2017 statewide historic preservation plan. The new plan, Partners in Preservation: Planning for the Future, Delaware's Historic Preservation Plan 2018-2022, is now available online at: <https://history.delaware.gov/pdfs/2018-2022DelawareSHPOPlan.pdf> (single-page version for printing also available). The new plan emphasizes partnering to achieve common goals and connecting with other planning efforts, which is also evident in the County's draft plan. The State Historic Preservation Office encourages the County to consider how the goals, strategies and actions outlined in the new statewide plan may support and be coordinated with their efforts, perhaps cross-referencing specific actions with those outlined in the County's Chapter 10.

Response: *Thank you for the comment.*

Comment: Some information in the chapter should be updated to reflect recent changes to programs (e.g., legislation affecting the tax credit program, the above-mentioned release of the new statewide preservation plan, an updated Programmatic Agreement with FHWA). There are also a number of other technical corrections needed. The State Historic Preservation Office will contact the County directly to offer editorial comments on the plan.

Response: *Thank you for this comment.*

Chapter 11 – Intergovernmental Coordination

Comment: 11.5 Intergovernmental Coordination and Plan Implementation Priorities - It is recommended that the County include a paragraph or table of that prioritizes the objectives in some manner - -possible by what goals and objectives the County will make your top priority over the next 6 months; 1 year; 2 years, etc. Page 3.5 states that the County will create an implementation plan one the plan is adopted; however, we encourage the County to set the implementation before adoption and add it as part of the plan.

Response: *The County will address prioritization of Goals, Objectives and Strategies during Plan Implementation.*

Comment: Page 11-2: The first topic mentions the County’s historical contribution to the farmland preservation program. Again, the Department of Agriculture would mention this fact in the “presence tense” since the County recently contributed funds to the program this year, 2018.

Response: *The following chapter text update has been made: “Farmland Preservation: As discussed in the Conservation Chapter, the County contributes money to the State toward the purchase of acres of development rights from Sussex County farmers.”*

Comment: Strategy 1 1.1.1 .4 (page 1 1-8): the Department of Agriculture appreciates and welcomes cooperation with the County to implement this strategy.

Response: *Thank you for this comment. The County looks forward to cooperating with the Department of Agriculture.*

Comment: Page 11-3 discusses the County coordination with OSPC and the PLUS review. With the change from ESDA to Coastal area, the MOU will need to be updated to reflect which projects must be reviewed through PLUS.

Response: *Sussex County supports an update of the MOU.*

Chapter 12 – Community Design

Comment: Section 12.3.1: DNREC recommends use of native tree and shrub species wherever possible and the preservation of existing mature forests. As mentioned in comments above, DNREC has recently worked with New Castle County on procedures for better identifying and protecting mature forests and would be glad to share information with you about this topic. DNREC can also work with you to provide up to date lists of native species for use in landscaped and naturalized areas.

Response: *Thank you for this comment.*

Comment: Section 12.3.2: DNREC would like to remind the County of the energy savings potential of LED lights and would encourage all new street lights utilize this technology.

Response: *The following update has been made to 12.3.2 Lighting: “The County encourages that all new street lights utilize LED street lights due to their energy savings potential.”*

Comment: Section 12.3.4: DNREC encourages the County to consider adding provisions to require electric vehicle charging stations to residential, recreational, and commercial parking areas.

Response: *As stated above, The County will consider the promotion of alternative infrastructure such as charging stations for electric vehicles.*

Comment: Sections 12.3.9 and 12.3.15: The County should require the preservation of contiguous areas of open space in its open space calculations. Preservation of large, contiguous areas of open space across parcels helps ensure habitat for wildlife, large areas for recreational use and preservation of the agrarian character of the County.

Response: *Sussex County will consider this recommendation when it analyzes open space calculations in residential developments.*

Comment: Sections 12.3.20 and 12.3.22: Consider recommending or requiring construction operations to implement EPA’s Best Practices for Reducing, Reusing, and Recycling Construction and Demolition Materials. <https://www.epa.gov/smm/best-practices-reducing-reusing-and-recycling-construction-and-demolition-materials>

Response: *The following chapter text update has been made to 12.3.20 Green Site Design: “In addition to design and construction, builders, construction teams and design practitioners can green their site by diverting construction and demolition (C&D) materials from disposal by buying used and recycled products, practicing source reduction, preserving existing structures, as well as salvaging and reusing existing materials. EPA’s Best Practices for Reducing, Reusing, and Recycling Construction and Demolition Materials can be found here: <https://www.epa.gov/smm/best-practices-reducing-reusing-and-recycling-construction-and-demolition-materials>*

Comment: Section 12.4: DNREC supports the goals and objectives in this section. Please consider DNREC a partner in implementing these strategies and contact us for assistance as needed.

Response: *Thank you for this comment. Sussex County appreciates DNREC’s assistance.*

Comment: Strategy 12.1.2.2: DNREC encourages leading by example, however this section could be construed to encourage larger parking lots than required. DNREC encourages flexibility with parking lots to allow fewer spaces to reduce impervious surfaces and expand the opportunity for preserved or naturalized spaces. Please make sure the text cannot be misconstrued as to encourage bigger parking lots.

Response: *Thank you for this comment. This will be considered part of the implementation of the Plan.*

Chapter 13 – Mobility

Comment: Page 13-12: DART already has added intercountry service from Lewes to Dover (Route 307). Please update this section.

Response: *The Plan has been updated with the following -13.2.3 Travel Options (• Public Transit – 3rd paragraph):*

“The primary challenge for travel options is to increase the availability and usage of alternatives to personal vehicle travel. For public transit in Sussex County, the main challenge is to address the trend of declining ridership, which has resulted from insufficient transit infrastructure, low-density land uses, distances between town centers, and transit-unfriendly designs, such as narrow road widths. General strategies to address these challenges may include increasing the level of public information about transit and improving coordination among service providers, match demand with supply, identify opportunities for improving transit infrastructure and roadways, address gaps in service and consider transit in planning for new development, which ideally will incorporate transit-friendly design elements. Partnership with DART will be a natural result of pursuing these strategies, which will produce a better transit environment, transit experience, and connections between towns.”

Please feel free to contact me with any questions during business hours 8:30 am – 4:30 pm Monday through Friday at 302-855-7878.

Sincerely,

Janelle M. Cornwell, AICP
Director of Planning and Zoning

CC: Todd F. Lawson, County Administrator
Michael H. Vincent, County Council President
Vince Robertson, Assistant County Attorney

Enclosure: Sussex County Regional Sewer Facilities Capacity Development Summary

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
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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: November 8, 2018

RE: County Council Old Business Report CU 2142 RH Orr, LLC

The County Council held a public hearing on October 30, 2018. County Council deferred action for further consideration.

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 meeting.

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



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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 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 75th 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.

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 2nd 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
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: November 8, 2018

RE: County Council Old Business Report CZ 1856 Melissa and Nate Walker

The County Council held a public hearing on October 30, 2018. County Council deferred action for further consideration.

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 meeting.

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



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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 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.

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.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Grace -N- Mercy		
PROJECT NAME:	Thanksgiving Community Dinner		
FEDERAL TAX ID:	38-3655598	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO *IF YES, FILL OUT SECTION 3B.			
ORGANIZATION'S MISSION:	We seek to improve the well-being of people in order to continue making a difference. We have programs that tackle crime, poverty and educational sectors.		
ADDRESS:	PO BOX 70		
	Greenwood	Delaware	19950
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Tonekia Showell		
TITLE:	Secretary		
PHONE:	443-859-4763	EMAIL:	tonekia.showell@seaford.k12.de.us

TOTAL FUNDING REQUEST: \$2,500.00

Has your organization received other grant funds from Sussex County Government in the last year?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If YES, how much was received in the last 12 months?	\$500.00
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you seeking other sources of funding other than Sussex County Council?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If YES, approximately what percentage of the project's funding does the Council grant represent?	50%

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 ¹ | <input type="checkbox"/> Other Poverty | <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 ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input type="checkbox"/> Other | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
600+

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.

More people in Delaware are living in poverty than were after the Great Recession, and Delaware is one of two states where the poverty rate went up last year. The proportion of people in poverty increased nearly two points to 13.6 percent, according to data released by the U.S. Census Bureau last week. The national average is 12.3 percent. The mission throughout our 17 years is to support the community. This dinner is specifically for anyone in need. The dinner is served the Tuesday before Thanksgiving. We have served over 600 people in Delaware that may not receive a hot meal on Thanksgiving Day. We also deliver meals in the community and surrounding areas. The meal is a traditional Thanksgiving dinner with turkey, ham, stuffing, mashed potatoes and gravy, fresh sweet potatoes, green beans, cranberry sauce, rolls and assorted desserts. Our servers collectively volunteer more than 1200 hours between preparation and planning for this grand event. Over 100 volunteers helped serve over 585 guests last Thanksgiving 2017, preparing and delivering the meals on table tops and in homes. Roughly 400 pounds of turkey, 100 pies, 800 dinner rolls, 50 large cans of green beans, 30 pans of stuffing and 500 pounds of potatoes (mashed and fresh sweet potatoes) are required to pull off this event!!!

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

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

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

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

SECTION 4: BUDGET

REVENUE	500.00
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	500.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Tablecloths (50 tables) * (\$3)	-\$ 150.00
Napkins (300 napkins in a pack) (10) * (3)	-\$ 30.00
Silverware (360 ct.) (\$12) * (6)	-\$ 72.00
Cups (1000 in a box)	-\$ 21.00
To Go Containers (200 ct.) (\$35) * (4)	-\$ 140.00
Plates (125 ct.) (\$15) * (8)	-\$ 120.00
Turkeys (50 Whole Turkeys) * (\$20)	-\$ 1,000.00
Hams (50) * (\$15)	-\$ 750.00
TOTAL EXPENDITURES	-\$ 2,283.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 1,783.00

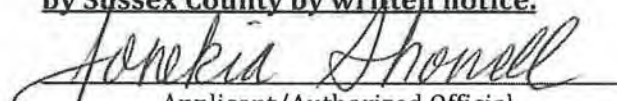
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the **Grace -N- Mercy** 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.

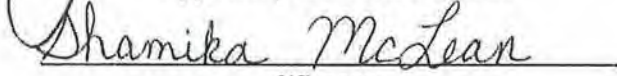
SECTION 5: STATEMENT OF ASSURANCES (continued)

- 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

10/24/2018

Date


Witness

10/24/2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

esj

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.

Tonekia Showell

Applicant/Authorized Official

Shamika McLean

Witness

Secretary

Title

10/23/2018

Date

*Wilson
10/30/18*



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Town of Blades**

PROJECT NAME: **Kid's Christmas Party**

FEDERAL TAX ID: **51-6001393** NON-PROFIT: YES NO

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

ORGANIZATION'S MISSION: **To provide crafting, games, and food for 100 plus children in our community. All around good fun for area youth ages 10 and under. The make crafts, play games to win prizes, meet Santa and Mrs. Claus and served bagged lunches.**

ADDRESS: **20 W Fourth Street**

Blades **Delaware** **19973**
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Vikki Prettyman**

TITLE: **Town Administrator**

PHONE: **302-629-7366** EMAIL: **vikiprettyman@townofblades.com**

TOTAL FUNDING REQUEST: 600.00

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? **600.00**

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? **20%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing
Infrastructure¹

Health and Human Services
Other

■ Cultural
Educational

BENEFICIARY CATEGORY

■ Disability & Special Needs
Elderly Persons
Minority

Victims of Domestic Violence
■ Low to Moderate Income²
Other

Homeless
■ Youth

BENEFICIARY NUMBER

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

100

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 first Sunday of every December for the past 16 years, the town has thrown a Kid's Christmas Party to serve the low income youth in our area. We have provided crafting, games with toys to win as prizes, fun snacks to make, pictures with Santa Claus and Mrs. Claus, and bagged lunches to take home. We see about 100 kids and try and turn away no one. We want to give the kids a moment of fun and that this event is all about them.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	4,400.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Crafts, Toys, Food	-\$ 4,400.00
TOTAL EXPENDITURES	-\$ 4,400.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00


SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Town of Blades 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)

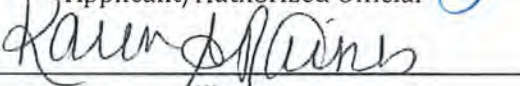
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom 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

10/31/2018

Date



Witness

10/31/2018

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

Town Administrator

Title

10/31/2018

Date

Date

Rev. 08/2018



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Cape Vikings Pop Warner

PROJECT NAME: Pop Warner National Cheer Championship

FEDERAL TAX ID: 23-1582287 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 Pop Warner is to enable young people to benefit from participation in team sports and activities in a structured environment. Through this active participation, Pop Warner programs teach fundamental values, skills, and knowledge that young people will use throughout their lives. Pop Warner seeks to provide fun athletic learning opportunities for children, while emphasizing the importance of academic success.

ADDRESS: P.O Box 351

Lewes De 19958
(CITY) (STATE) (ZIP)

CONTACT PERSON: Felicia Sellers

TITLE: VP of Cheer

PHONE: 302-682-0031 EMAIL: capevikingscheervp@gmail.com

TOTAL FUNDING REQUEST: 29,133

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|--------------------------------------|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other Youth Sports | <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 ² | <input checked="" 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:

150

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.

Cape Vikings Pee Wee Cheerleading Squad is trying to raise money to help send our girls to regionals and possibly nationals in Disney. We are trying to raise \$29,133 and any little bit would help. These girls have been working hard since August preparing for this. This year we have a good chance to make it all the way.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Room/Entry fee for 33 girls and 6 coaches. This is a 3 night package that includes 2 quick service meals and 2 snacks \$747 per person	\$ 29,133.00
TOTAL EXPENDITURES	\$ 29,133.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 29,133.00

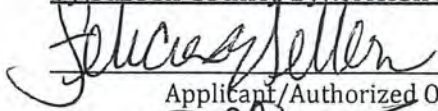
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Cape Vikings Pop Warner agrees that:
(Name of Organization)

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- 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)

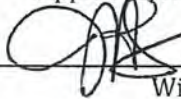
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
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- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of 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

11/5/18

Date



Witness

11/5/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

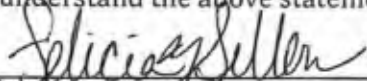
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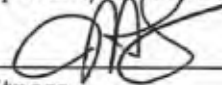
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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

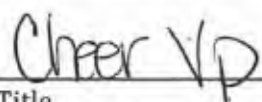
I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



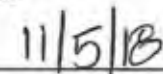
Applicant/Authorized Official



Witness



Title



Date

Burton
11-6-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Seaford Elite Travel Football Club (AYF)**
PROJECT NAME: **2018 National Championship**
FEDERAL TAX ID: **82-2836893** 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: Seaford Elite Travel Football & Cheerleading is a non-profit organization aimed at giving the youth (ages 8-14) of our area a chance to participate in an ALL play Football and Cheerleading program. Our focus is on helping our youth build Character, Sportsmanship, Self-Confidence and Learn Responsibility & Teamwork in a competitive environment while gaining a strong sense of community. Seaford Elite provides a structured, safe and secure environment for the children to learn these life skills. Our goal is to teach the fundamentals of football and cheerleading in an atmosphere where fun is the key word in fundamental.

ADDRESS: **PO BOX 1358**
Seaford **Delaware** **19973**
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Adair Williams**
TITLE: **President**
PHONE: **302-339-7789** EMAIL: **adairwilliams73@gmail.com**

TOTAL FUNDING REQUEST: \$5,000

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? **\$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? **75%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing
Infrastructure¹

Health and Human Services
 Other

Cultural
 Educational

BENEFICIARY CATEGORY

Disability & Special Needs
 Elderly Persons
 Minority

Victims of Domestic Violence
 Low to Moderate Income²
 Other

Homeless
 Youth

BENEFICIARY NUMBER

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

60

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 Seaford Elite Football program offers an opportunity for local youth to learn and play the great game of football. Players who will be entering grades 3-9 can participate in our tackle football program. Seaford Elite football strives to teach our area youth much more than just football. We place an emphasis on teamwork, respect, physical conditioning and leadership throughout the course of the season. The most important thing that we focus on, however, is player safety. Seaford Elite football takes significant steps to teach the players proper techniques, how to be safe on and off the field as well as investing in equipment with safety in mind. Every Seaford Elite football coach at every level is USA Football "Heads up" certified, and is trained to incorporate all of the latest safety measures into our program. Our program is locally run and operated. All of our Board members and coaches are all volunteers.

December 1st to December 7th.... Seaford Elite has 10 football players that will play in the Nationals in Kissimmee, Florida.

The boys that are on our team live in public housing in Laurel and Seaford, Delaware. Many of them are being raised by single mothers and do not have their fathers in their lives. They are what society calls "problem kids".

The men that are apart of our organization are nurturing these boys in hopes that they become succesful men in our community and one day give back to their community like they see us doing in Seaford, Delaware.

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

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

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

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

SECTION 4: BUDGET

REVENUE	500.00
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	500.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Hotel (you can visit the AYF page to see a list of hotels and prices) (10 boys)	-\$ 2,500.00
Food (10 boys) /\$150 each boy for 7 days	-\$ 1,500.00
Travel: Parking Fees/Gas/ Tolls: (2) 15 Passenger Vans	-\$ 1,000.00
TOTAL EXPENDITURES	-\$ 5,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 4,500.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Seaford Elite Travel Football Club 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

10/25/2018

Date


Witness

10/25/2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.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.

Adair Williams Adair Williams 10/25/2018
Applicant/Authorized Official Title

Shawn Williams Shawn Williams 10/25/2018
Witness Date

Vincent
11-02-18

To Be Introduced 11/13/18

**Council District No. 5 – Arlett
Tax I.D. No. 134-14.00-20.00, 20.03 & 20.04
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE CONSTRUCTION BUSINESS WITH EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.51 ACRES, MORE OR LESS

WHEREAS, on the 8th day of August 2018, a conditional use application, denominated Conditional Use No. 2154, was filed on behalf of Arturo Granados-Gonzalez; 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. 2154 be _____; and

WHEREAS, on the ____ day of _____ 2019, 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. 2154 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 southwest corner of Burbage Road and Jones Road, and on the south side of Burbage Road approximately 251 feet, and 401 feet west of Jones Road, and being more particularly described in the attached legal description prepared by Haller & Hudson, said parcel containing 4.51 acres, more or less.

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

To Be Introduced 11/13/18

**Council District No. 5 – Arlett
Tax I.D. No. 233-15.00-57.01 & 57.02
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 91.304 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of October 2018, a conditional use application, denominated Conditional Use No. 2158, was filed on behalf of Millsboro Solar, LLC; and

WHEREAS, on the ____ day of _____ 2019, 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. 2158 be _____; and

WHEREAS, on the ____ day of _____ 2019, 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. 2158 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the north side of Nine Foot Road, approximately 0.27 mile west of Gum Tree Road, and on the south side of Nine Foot Road, approximately 0.2 mile west of Gum Tree Road, and being more particularly described in the attached legal description prepared by Smith O'Donnell Feinberg & Berl, LLP, and D. Stephen Parsons, P.A., said parcel containing 91.304 acres, more or less.

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

To Be Introduced 11/13/18

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

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3673 ACRE, MORE OR LESS

WHEREAS, on the 24th day of October 2018, a conditional use application, denominated Conditional Use No. 2159, was filed on behalf of Elisabeth Ann Burkhardt; and

WHEREAS, on the ____ day of _____ 2019, 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. 2159 be _____; and

WHEREAS, on the ____ day of _____ 2019, 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. 2159 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest corner of Savannah Road and Woodland Avenue, and being more particularly described in the attached legal description prepared by Gary Altman, Esq., said parcel containing 0.3673 acre, more or less.

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

To Be Introduced 11/13/18

**Council District No. 3 – Burton
Tax I.D. No. 335-12.06-3.00
911 Address: 1519 Savannah Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.91827 ACRE, MORE OR LESS

WHEREAS, on the 25th day of October 2018, a conditional use application, denominated Conditional Use No. 2160, was filed on behalf of Procino, Wells and Woodland, P.A.; and

WHEREAS, on the ____ day of _____ 2019, 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. 2160 be _____; and

WHEREAS, on the ____ day of _____ 2019, 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. 2160 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Savannah Road, approximately 878 feet west of Dove Road, and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 0.91827 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.

To Be Introduced 11/13/18

Council District No. 3 – Burton

Tax I.D. No. 334-4.00-80.00

911 Address: 29065 Lewes-Georgetown Highway (Route 9)

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE FOR ACCOUNTING, TAX PREPARATION, AND BOOKKEEPING SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.9468 ACRE, MORE OR LESS

WHEREAS, on the 30th day of October 2018, a conditional use application, denominated Conditional Use No. 2161, was filed on behalf of Howard Weston Development Company, LLC; and

WHEREAS, on the ____ day of _____ 2019, 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. 2161 be _____; and

WHEREAS, on the ____ day of _____ 2019, 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. 2161 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Lewes-Georgetown Highway (Route 9), approximately 0.38 mile west of Sweetbriar Road, and being more particularly described in the attached legal description prepared by Morris James Wilson Halbrook & Bayard, LLP, said parcel containing 0.9468 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.

To Be Introduced 11/13/18

Council District No. 4 – Cole

Tax I.D. No. 334-19.00-1.00

911 Address: 20873 Old Landing Road, Rehoboth Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (22 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.59 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of June 2018, a conditional use application, denominated Conditional Use No. 2151, was filed on behalf of Francis C. Warrington III; 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. 2151 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. 2151 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Old Landing Road approximately 155 feet north of Marina Drive, and on the north side of Marina Drive approximately 450 feet east of Old Landing Road, and being more particularly described in the attached deed prepared by David W. Baker, Esq., P.A., said parcel containing 5.59 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: November 7, 2018

RE: County Council Report for CU 2145 105 Seagull Drive LLC

The Planning and Zoning Department received an application (CU 2145 105 Seagull Drive LLC) to allow for a Conditional Use to allow for multi-family (Duplex) to be located at 38737 Seagull Dr.. The Planning and Zoning Commission held a public hearing on October 11, 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 the staff noted that this is for two units and not for four units, staff analysis, site plan, results from DelDOT Service Elevation, and exhibit booklet, comments from the Sussex County Engineering Department Utility Planning Division. Four letters in opposition were read into the record.

The Commission found that Mr. Mark Davidson, with Pennoni Associates was present on behalf of the application; that Mr. Davidson stated the owners also own land within the area; that the property is adjacent to the town of Dewey Beach; that there are condominiums on the north side of this property; that this is an application for a Conditional Use in a MR (Medium Density Residential District); that the property is approximately .17 acres in size; that the Conditional Use is for a multi-family dwelling and it is for one single family attached dwelling, two units; that is all that would fit on the property per Code; that the parcel was once two parcels; that both parcels together are 7,350 square feet; that one of the parcel is approximately 35 feet wide and the other parcel is 75 feet wide and are old parcels; that this is a superior design, rather than try to fit a building on 35 foot wide lot; that adjacent to left side of this property, has two houses on the parcel; that is part of the community called Indian Beach Community; that is a subdivision that was created in 1944; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing District Overlay Area which is a growth area; that they would exceed the minimal requirement and will have 3,630 square feet to be able to have two units on this property; that they would meet the minimal requirement for parking spaces; that the units would have two car garages within each unit; that each floor would be approximately 1,300 square feet and the total for each unit would be 5,500 square feet; that the property is in character with the area; that Sussex County serves both water and sewer to the property; that DelDOT did not require a TIS; that there are no wetlands on the property; that the property is in a flood zone and would comply with the Flood Code; that there are none known historic or natural features on this site; and that building would meet the architectural style and size of the surrounding structures in the area.



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

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

The Commission found that Mr. Richard Abbott, Attorney representing Mrs. Patricia and Mr. Jay Richards, Mrs. Patricia Richards, and Ms. Carol Mertes-Smith spoke in opposition to the application; that Mr. Abbott stated that Seagull Drive is only 12 feet wide; that the road is crushed seashells and is only 10 feet wide in shells; that it is a dead end street; that the end of the street does flood; that they have concerns with precedent of multi-family in the area; that there is almost exclusively single family in the area; that they have concerns with the land use; that this is a transition zone from high density to low density; that they would prefer single family detached development maintained; that Ms. Richards stated there are two full residents and the rest are seasonal; that Ms. Mertes-Smith stated the property was purchased the property in 1949; that there were originally three single family lots; that they know of no other duplexes in Indian Beach and the proposed is out of character; that she has concerns with the private clam shell road and the two owners that maintain the road; that the duplex will only increase the traffic and has concerns with maintenance of the road; that there are concerns with flooding; and that Mr. Davidson stated there is no known maintenance agreement for the road.

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 on October 25, 2018, the Planning Commission discussed the application which has been deferred since October 11, 2018.

Mr. Hudson stated that he had some concerns about a maintenance agreement on the private road; that Mr. Robertson stated he will look in to see if there is a maintenance agreement; that Mr. Hudson had questions about parking; that Mr. Robertson stated there were originally three lots and the middle lot was split in half; and that lots on either side became 1 ½ and 1 ½ in size.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(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: October 4, 2018
RE: Staff Analysis for CU 2145 105 Seagull Drive LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2145 105 Seagull Drive LLC to be reviewed during the October 11, 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 334-23.06-10.00 to allow for multi-family (duplex) to be located at 38737 Seagull Dr. The size of the property is 7,369 SF. +/-.

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 is within the Town of Dewey Beach. The land use to the west is Low Density. The land use to the south and east are Low Density and Environmentally Sensitive Developing Areas. The land use to the west is Low Density. The Low Density Areas land use designation recognizes that the primary uses are agriculture and single family detached homes and 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 MR (Medium Density Residential District). The properties to the north, are located within the Town of Dewey Beach. The properties to the south, east and west are zoned 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 multi-family (duplex) would not be considered consistent with the land use; however, it could be consistent with the surrounding zoning and uses.





Addresses / Parcels

▭ TaxParcels

Council Districts

▭ Fire Districts

▭ County District 01

▭ County District 02

▭ County District 03

▭ County District 04

▭ County District 05

▭ County Boundaries

Schools/Libraries

▭ School Buildings (Various)

▭ School Library

▭ Public Library

▭ Special Library

▭ DOE School Districts

▭ DOE VoTech School Districts

Hydrology

▭ Streams / Rivers

▭ Lakes, Ponds, Bays

Flood Zones

▭ 0.2% Annual Chance Flood Hazard

▭ A

▭ AE

▭ AO

▭ Open Water

▭ VE

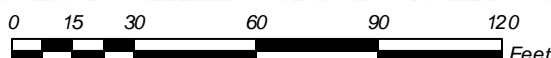
▭ Public Protected Lands

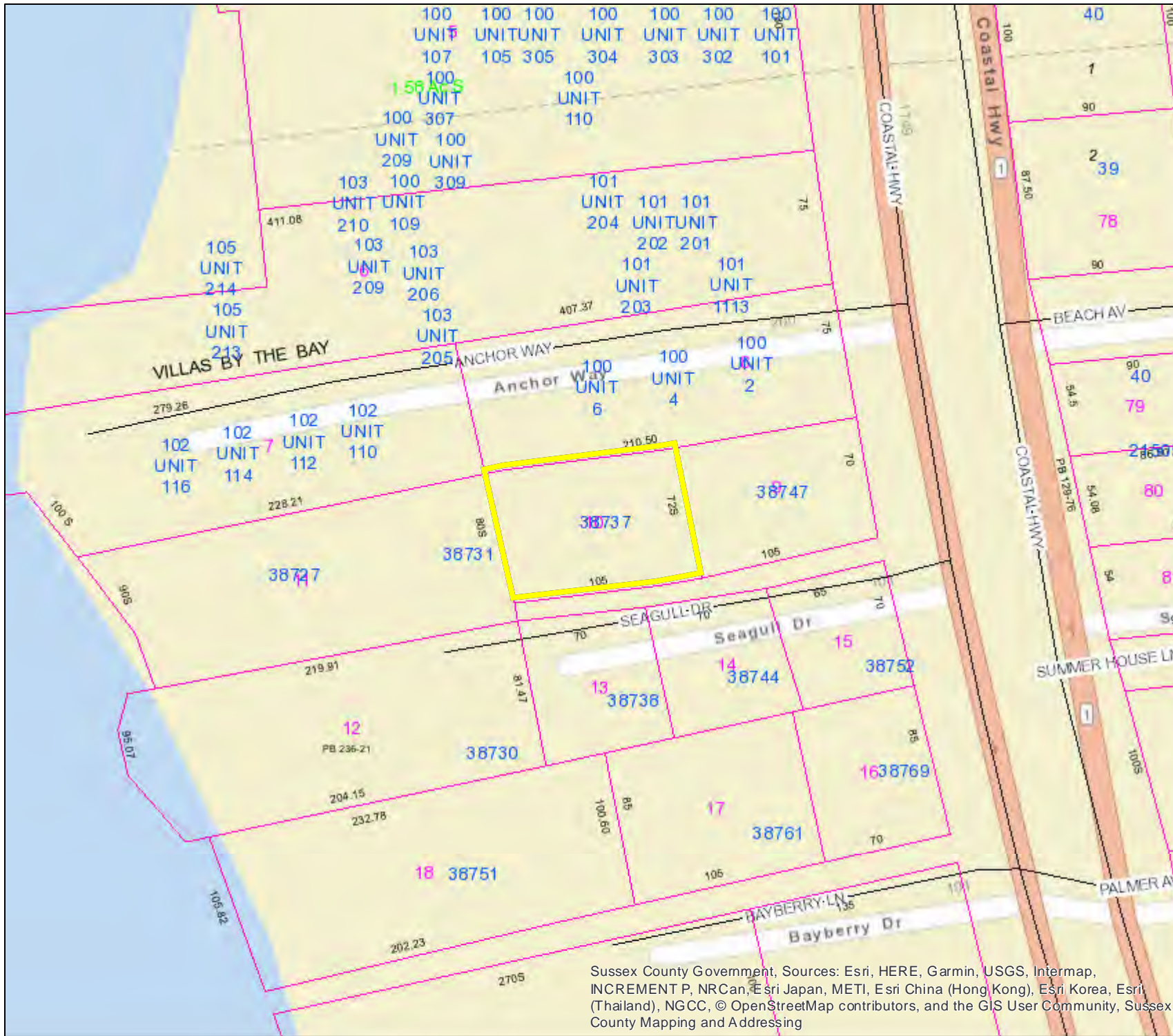
▭ Municipalities

▭ Communities

▭ Boundaries State County

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





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

0.2% Annual Chance Flood Hazard

A

AE

AO

Open Water

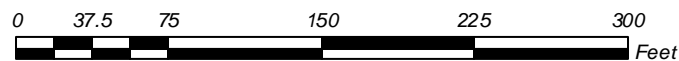
VE

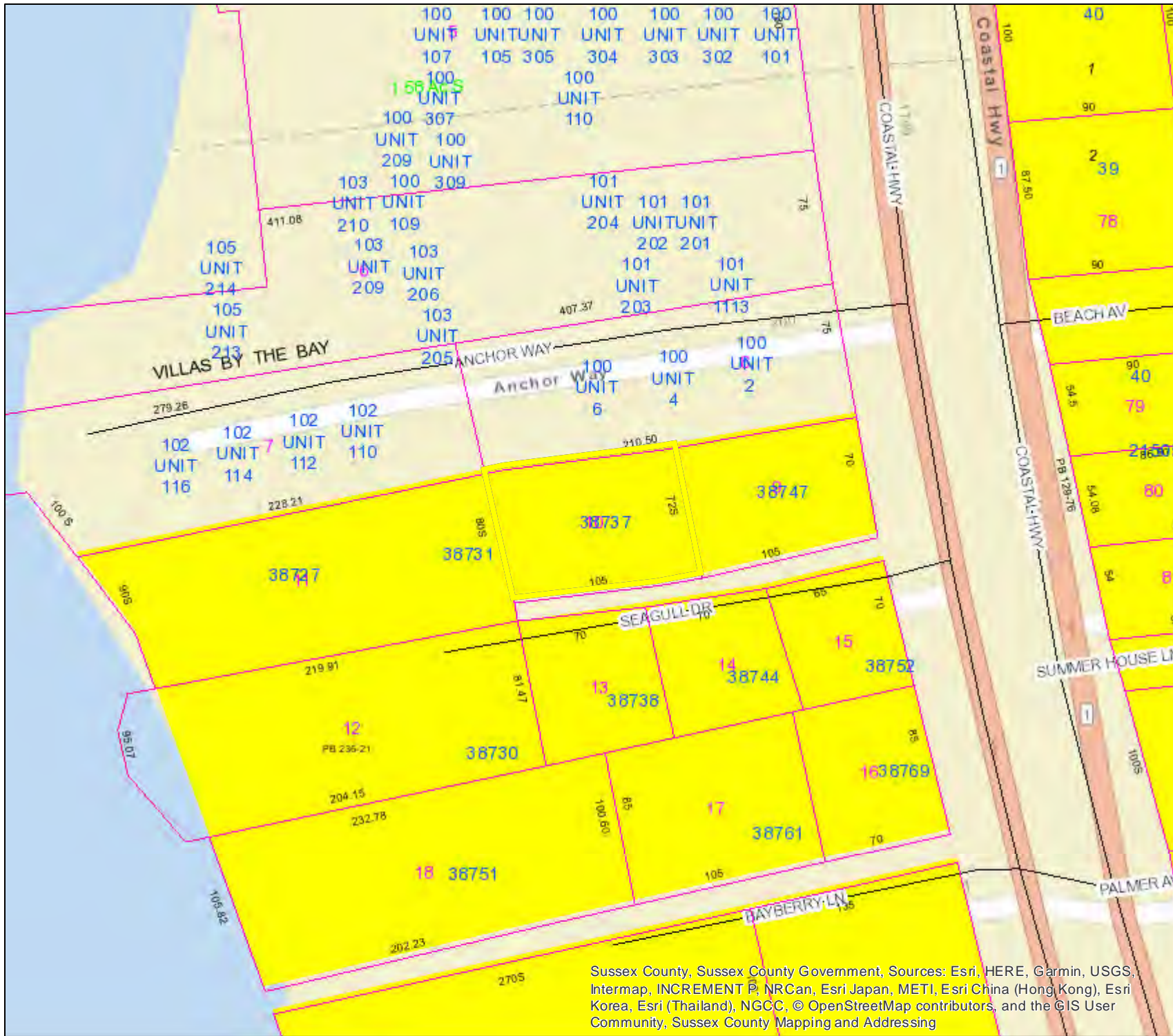
Public Protected Lands

Municipalities

Communities

Boundaries State County





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

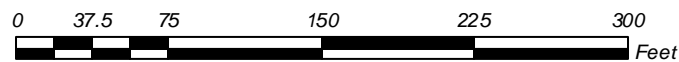
▭ Public Protected Lands

▭ Municipalities

▭ Communities

▭ Boundaries State County

Sussex County, 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 06/05/18

**Council District No. 4 – Cole
Tax I.D. No. 334-23.06-10.00
911 Address: 38737 Seagull Drive, Dewey Beach**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (2 DUPLEXES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.169 ACRE, MORE OR LESS

WHEREAS, on the 18th day of May 2018, a conditional use application, denominated Conditional Use No. 2145, was filed on behalf of 105 Seagull Drive, 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. 2145 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. 2145 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Seagull Drive, approximately 100 feet west of Coastal Highway, and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc. , said parcel containing 0.169 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: November 7, 2018

RE: County Council Report for CU 2146 Jose Carrillo

The Planning and Zoning Department received an application (CU 2146 Jose Carrillo) to allow for a Conditional Use to allow for an indoor/outdoor soccer facility to be located at 19008 Speed St. The Planning and Zoning Commission held a public hearing on October 11, 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, site plan, comments from the results from DelDOT Service Elevation, Sussex Conservation District, and Sussex County Engineering Department Utility Planning Division.

The Commission found that Mrs. Diana Carillo was present on behalf of the application; that Mrs. Carillo stated they purchased the property with a warehouse to use as an indoor soccer facility and an outdoor facility; that the building has had many uses which include an old cannery, cheerleading gym, baseball facility, and paint place; that she has talked with the neighbors and they are okay with it; that there would be one outdoor field; that they would have a couple of games at night and then Saturday in the am; that it mostly adults right now; that they have outdoor lighting on the building; that there would not be any night play outside; that the building is about 17,000 square feet; that the hours of operation are 10:00 am to 10:00 pm, Sunday through Saturday; that they would like a lighted sign; and that there would be 10 cars per game and the games last about 1 ½ to 2 hours.

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

The Commission found that Mr. William Fox spoke in opposition to the application; that Mr. Fox stated that a similar use had previously been considered by the church and it was defeated; that he has concerns with traffic; and that he has concerns with the public outreach.

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

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



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

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

Mr. Hopkins moved that the Commission recommend approval of Conditional Use #2146 for Jose Carrillo for an indoor/outdoor soccer facility based upon the record made during the public hearing and for the following reasons:

1. The use will be a soccer facility that will include an outdoor field. The indoor soccer will be played within an existing building on the property.
2. The property was previously approved as a canning operation under Conditional Use #757. That use no longer occurs on the site.
3. The property is more than 9 ½ acres in size. The outdoor soccer field will be located more than 200-feet off of Marshall Street. It is in an area where other open fields currently exist.
4. The Applicant stated that they only desire one outdoor field and they will only use the existing building. With this limitation, the property will not become a large-scale sports facility.
5. The Applicant has stated that there is a need in this area of Sussex County for soccer fields for use by residents of Sussex County.
6. The Applicants testified that they have discussed the application with residents in the immediate area, and they have no objection to the use.
7. The use will not have an adverse impact upon traffic, area roadways or the community.
8. This recommendation is subject to the following conditions:
 - A. The use shall be limited to an indoor and outdoor soccer facility. The indoor soccer shall utilize the existing building. As stated by the applicant, there will only be one outdoor field.
 - B. The Final Site Plan shall clearly show the location of the outdoor field.
 - C. All parking areas shall be clearly marked on the site.
 - D. The applicant shall comply with all DeDOT entrance and roadway improvement requirements.
 - E. One unlighted sign shall be permitted. It shall not exceed 32 square feet in size. The location of the sign shall take into account how it may affect neighboring properties along Marshall Street. The location of the sign shall be shown on the Final Site Plan.
 - F. The hours of operation shall be limited to 10:00 am through 10:00 pm, 7 days a week.
 - G. The outdoor field shall not be lighted for nighttime use.
 - H. Any security lights on the property shall be downward screened so that they do not shine on neighboring properties or roadways.
 - I. Any violation of these conditions shall be grounds for termination of the conditional use.
 - J. 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. Wingate 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 5-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(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: October 4, 2018
RE: Staff Analysis for CU 2146 Jose Carrillo

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2146 Jose Carrillo to be reviewed during the October 11, 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 330-15.00-10.00 to allow for an indoor/outdoor soccer facility to be located at 19008 Speed St. The size of the property is 9.67 ac. +/-.

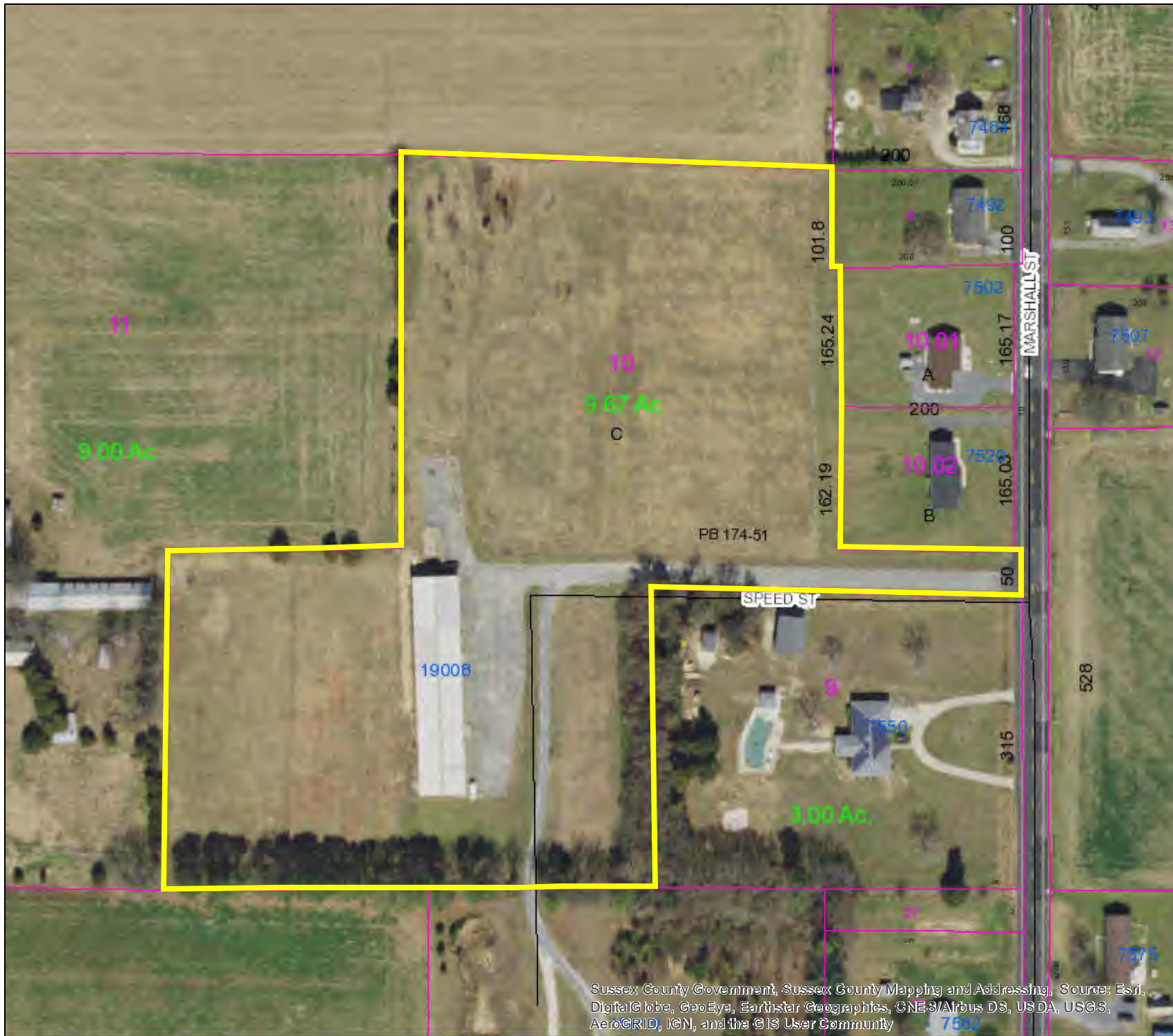
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates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

The surrounding land uses to the north are Low Density Areas and Town Center. The land use to the south, east and west is Low Density. The Low Density Areas land use designation recognizes that the primary uses are agriculture and single family detached homes and 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, east and west are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned MR (Medium Density Residential District) and AR-1 (Agricultural Residential District). There are several Conditional Uses in the area (CU 2056 - office, storage of vehicles and equipment, etc., CU 2032 - construction company, CU 988 - tire sales, demolition business, etc.)

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for indoor/outdoor soccer facility could be considered consistent with the surrounding land use, zoning and uses.





Addresses / Parcels

TaxParcels

Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

Schools/Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE VoTech School Districts

Hydrology

Streams / Rivers

Lakes, Ponds, Bays

Flood Zones

0.2% Annual Chance Flood Hazard

A

AE

AO

Open Water

VE

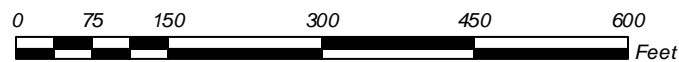
Public Protected Lands

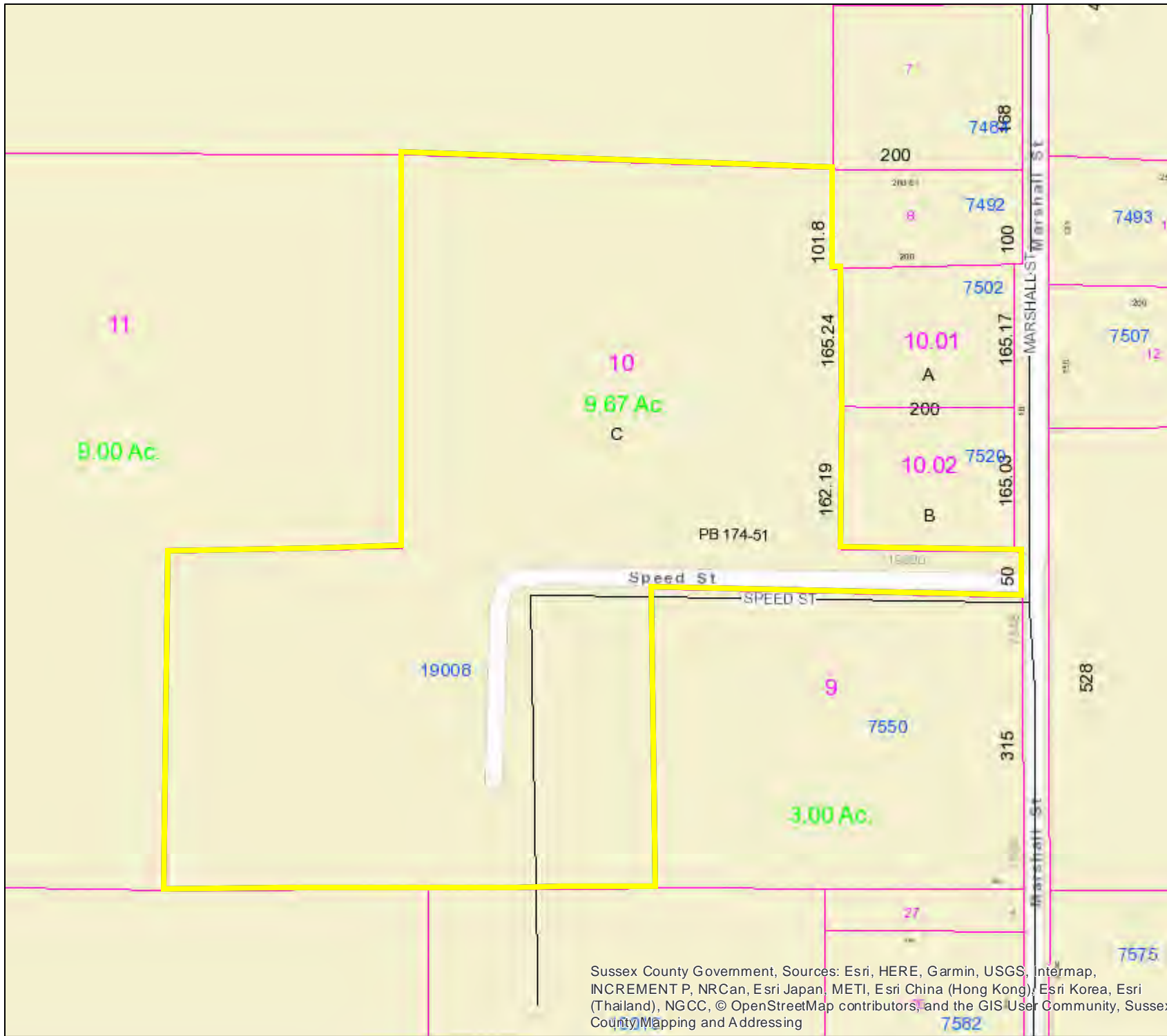
Municipalities

Communities

Boundaries State County

Sussex County 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

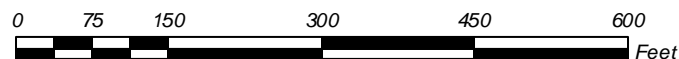
■ Public Protected Lands

■ 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

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

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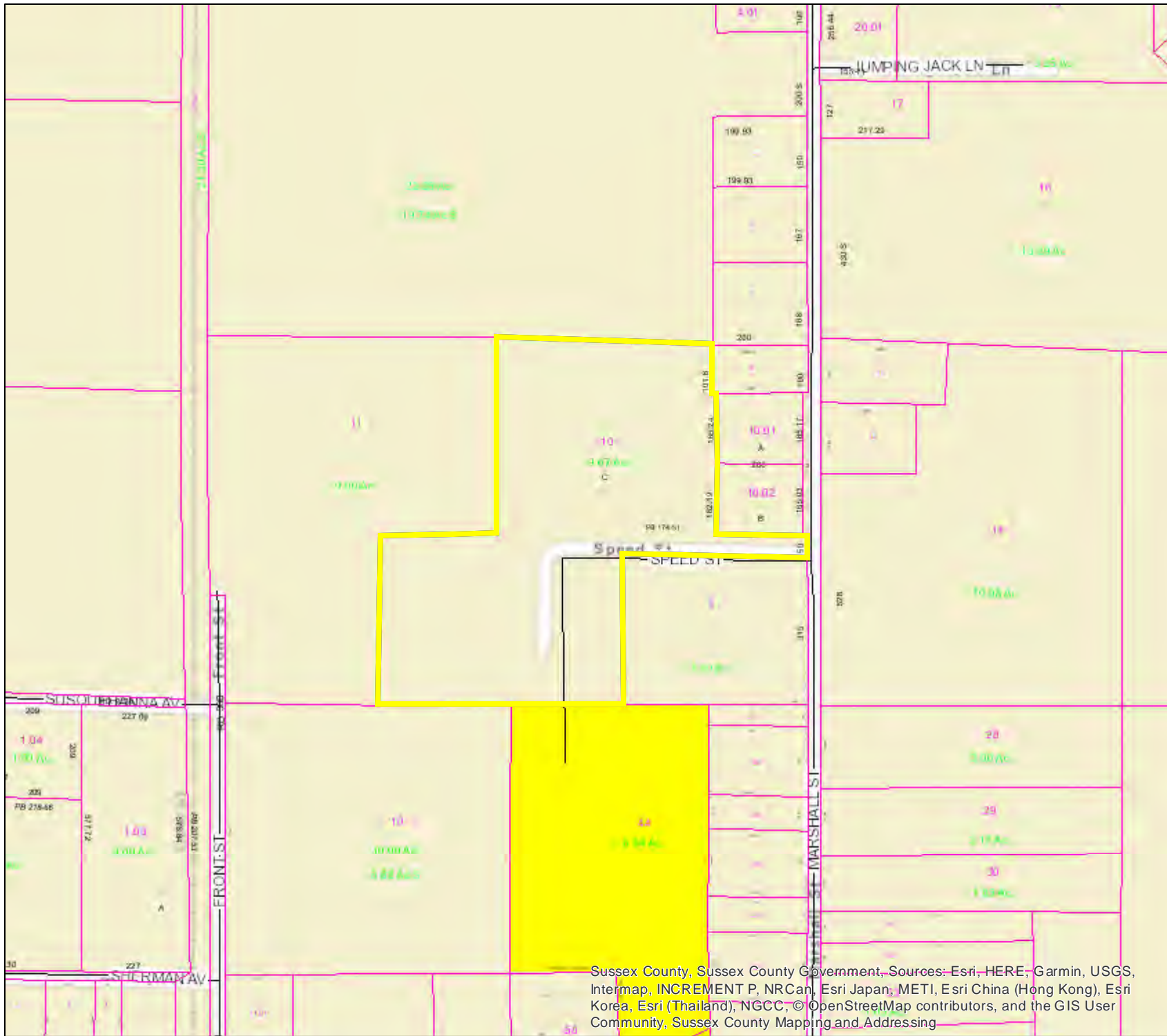
VE

Public Protected Lands

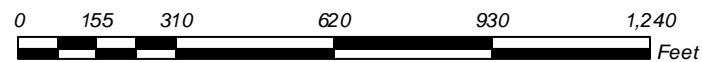
Municipalities

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 6/12/18

**Council District No. 2 – Wilson
Tax I.D. No. 330-15.00-10.00
911 Address: 19008 Speed Street, Lincoln**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR/OUTDOOR SOCCER FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.67 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of May 2018, a conditional use application, denominated Conditional Use No. 2146, was filed on behalf of Jose Carrillo; 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. 2146 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. 2146 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 Speed Street that is on the west side of Marshall Street approximately 1,655 feet north of Johnson Road and being more particularly described in the attached deed prepared by Sergovic Carmean Weidman McCartney & Owens, P.A., said parcel containing 9.67 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
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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: November 7, 2018

RE: County Council Report for CU 2148 Sussex Farms, LLC

The Planning and Zoning Department received an application (CU 2148 Sussex Farms, LLC) to allow for a Conditional Use to allow for ministorage with caretaker residence and office to be located at 26750 John J. Williams Hwy. The Planning and Zoning Commission held a public hearing on October 11, 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, site plan, comments from Sussex Conservation District, and results from DeIDOT Service Elevation and Sussex County Engineering Department Utility Planning Division.

The Commission found Mr. Larry Fifer, Attorney, Mr. Sam Connors, owner of Sussex Farms, LLC and Mr. Kevin Smith, with The Kercher Group were present on behalf of the application; Mr. Fifer stated the property is located near the intersection of Route 24 and Mount Joy Road; that the proposed use is for a residential, office and self-storage; that the mini storage with an office is consistent with the area uses; that Mr. Connors stated he proposes a commercial self-store for all the items that residents are not allowed to have in a HOA; that there would be no outdoor storage; that they are proposing to build three buildings; that hours of operation would be 6:00 am or 7:00 am to 7:00 pm or 8:00 pm; that there would be a total of 26 units; that the units would be 500 square feet a piece and each door would be 12x14; that there would be minimal lighting for security on the east side; that the fencing would be black with vinyl coating and similar to the current fence; that his office is there and there would be no contractor uses; that he would like a lighted sign; and that it is not possible to provide interconnectivity because there is a parcel between his parcel and the gas station.

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

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

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



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

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

Mr. Hudson moved that the Commission recommend approval of C/U #2148 for Sussex Farms, LLC c/o Samuel Connors to operate a min-storage facility with a caretaker residence based upon the record made at the public hearing and for the following reasons:

1. The use as a small, indoor storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.
2. The use is to be located along Route 24, which is an arterial road. It is in an area along Route 24 where several businesses exist. This is an appropriate location.
3. The use is intended to provide space for storage uses for small contractors and subcontractors, as well as for the indoor storage of RVs and boats.
4. There was testimony in the record that there is a need for convenient locations for small contractors and subcontractors to operate from in this part of Sussex County.
5. There are nearby deed restricted residential developments that have limitations on small-business storage or keeping boats and RVs on a lot. This use provides a convenient location for those needs.
6. This type of small storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways.
7. The project, with the conditions and stipulations, placed upon it, will not have an adverse impact on the neighboring properties or community.
8. No parties appeared in opposition to this application.
9. This recommendation for approval is subject to the following conditions and stipulations:
 - A. There shall not be any outside storage on the premises. This includes the prohibition against outside storage of building materials, construction materials, boats and RVs within the site.
 - B. Any security lights shall only be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.
 - C. The perimeter of the storage area shall be fenced and gated. As stated by the Applicant, the fencing shall be vinyl coated or utilize a similar material. The location and type of fencing shall be shown on the Final Site Plan.
 - D. There shall be only one lighted sign allowed on the site of no more than 32 square feet per side.
 - E. Stormwater management shall be maintained on the site, using Best Management Practices.
 - F. One caretaker's residence shall be permitted for security.
 - G. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
 - H. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved with the reasons and stipulations stated in the motion. 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: October 4, 2018
RE: Staff Analysis for CU 2148 Sussex Farms, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2148 Sussex Farms, LLC to be reviewed during the October 11, 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 234-29.00-19.00 to allow for mini-storage with caretaker residence and office to be located at 26750 John J. Williams Hwy. The size of the property for the Conditional Use 2.31 +/-.

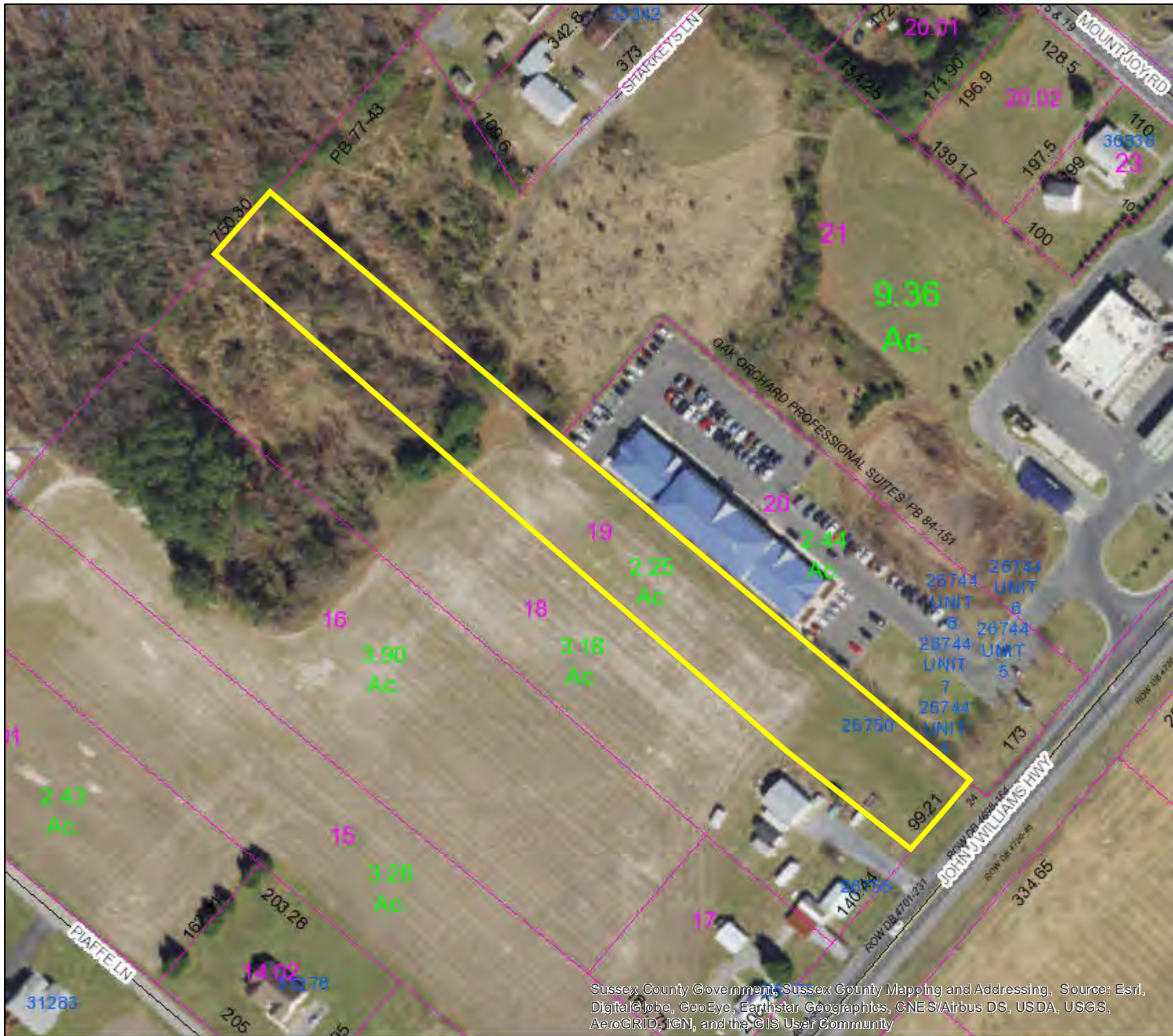
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates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

The surrounding land uses to the north and east are Low Density Areas. The land uses to the south are Low Density and Mixed Residential Areas. The land use to the east is Mixed Residential Areas. The Low Density Areas land use designation recognizes that the primary uses are agriculture and single family detached homes and that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. 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 Mixed Residential Areas recognizes that a mixture of residential uses and types should be permitted, and that non-residential development is not encouraged.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the west are zoned AR-1 (Agricultural Residential District). The parcels to the south are zoned B-1 (Neighborhood Business District). There is also C-1 (General Commercial District), CR-1 (Residential Commercial District), GR (General Residential District), AR-1 (Agricultural Residential District) and MR (Medium Density Residential District) further south. There are several Conditional Uses in the area (CU 2019 – construction company, CU 2045 – multi-family, CU 2068 – auto repair, and CU 2125 – landscape business).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for mini-storage with caretaker residence and office would be considered consistent with the surrounding land use, zoning and uses.





Addresses / Parcels

▭ TaxParcels

Council Districts

▭ Fire Districts

▭ County District 01

▭ County District 02

▭ County District 03

▭ County District 04

▭ County District 05

▭ County Boundaries

Schools/Libraries

▭ School Buildings (Various)

▭ School Library

▭ Public Library

▭ Special Library

▭ DOE School Districts

▭ DOE VoTech School Districts

Hydrology

▭ Streams / Rivers

▭ Lakes, Ponds, Bays

Flood Zones

▭ 0.2% Annual Chance Flood Hazard

▭ A

▭ AE

▭ AO

▭ Open Water

▭ VE

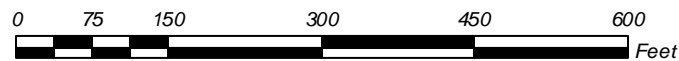
▭ Public Protected Lands

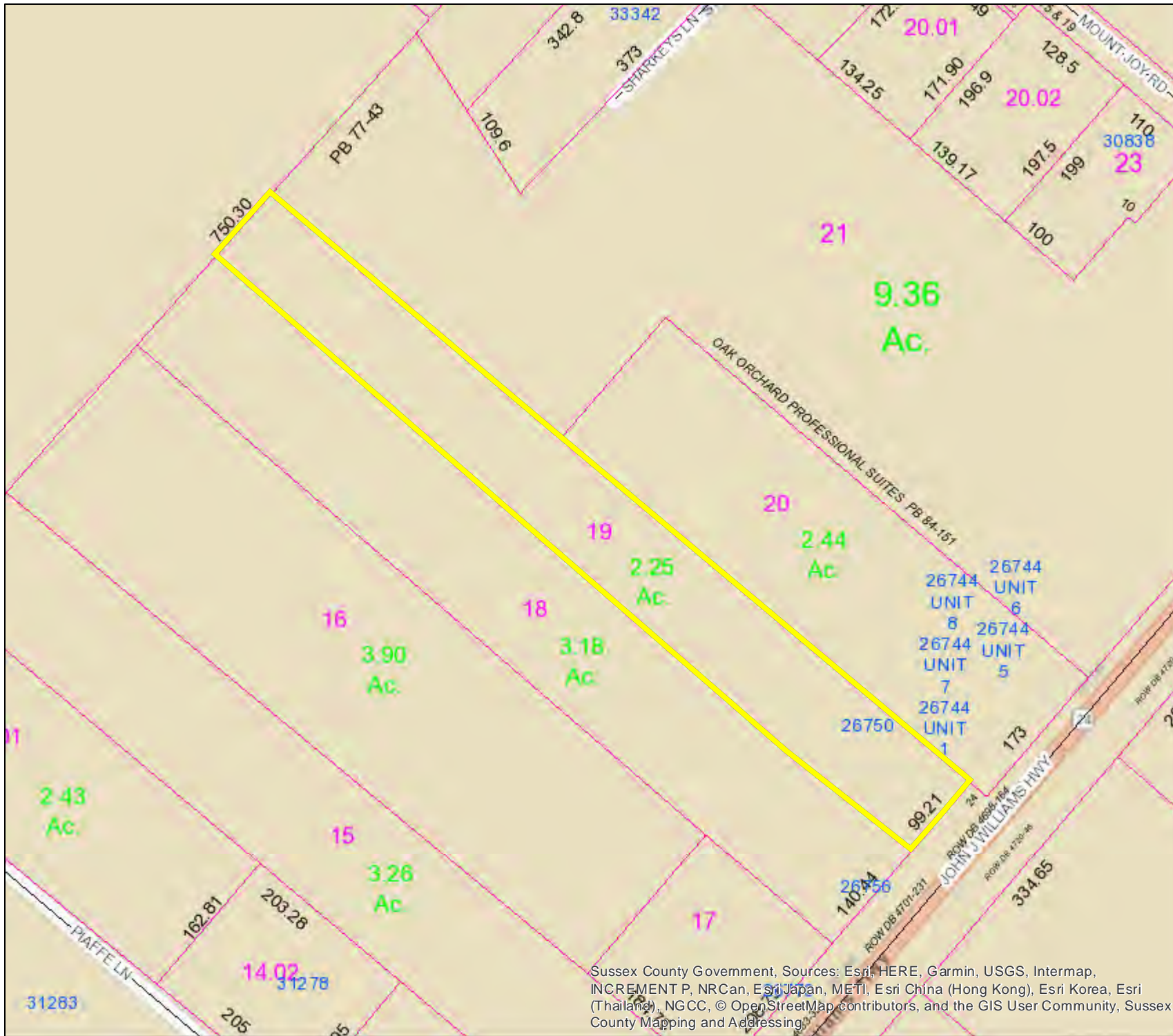
▭ Municipalities

▭ Communities

▭ Boundaries State County

Sussex County 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

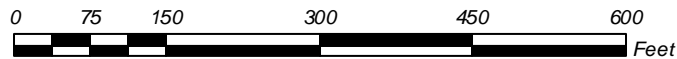
▭ Public Protected Lands

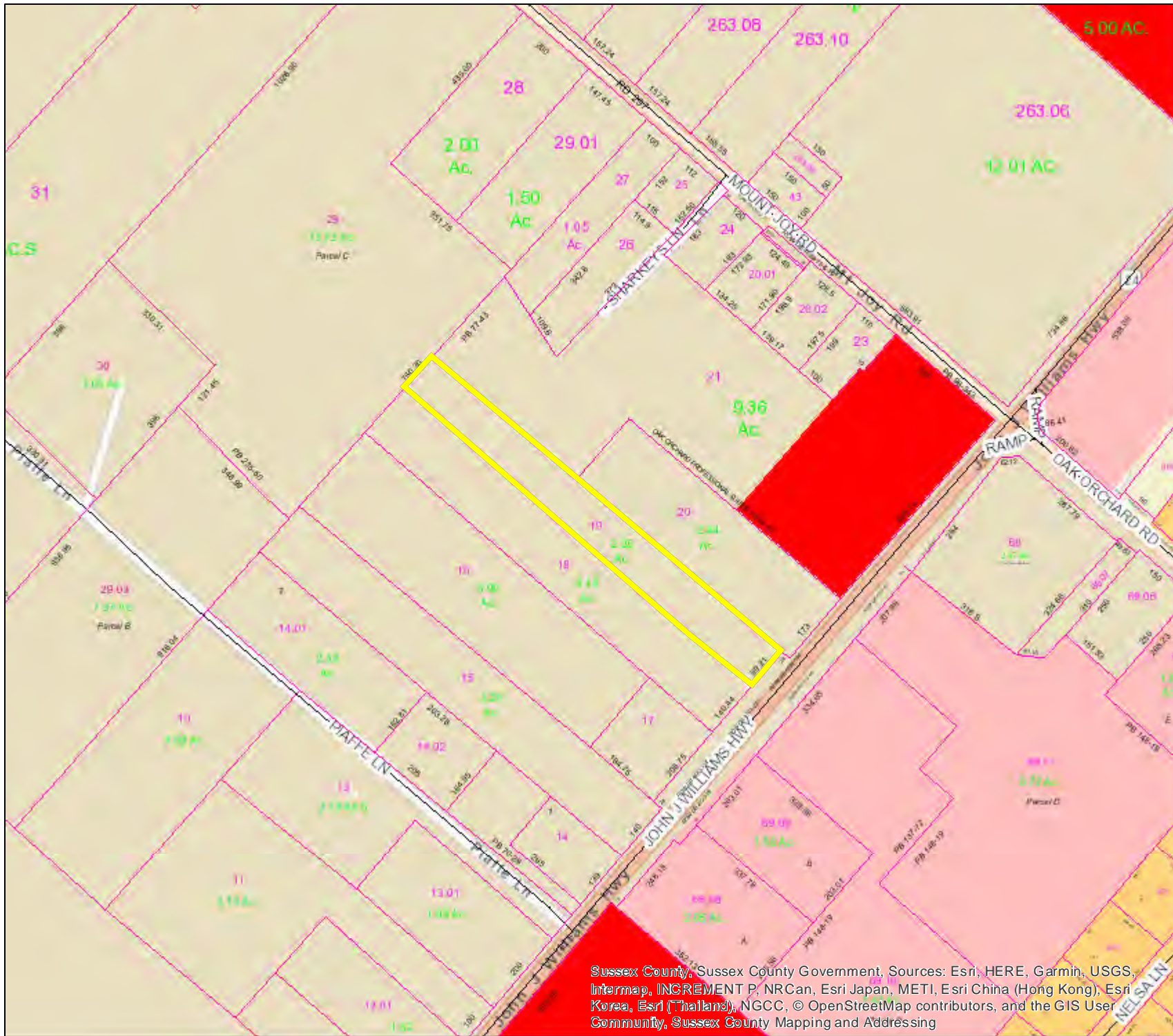
▭ Municipalities

▭ 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

■ 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

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Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

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■ VE

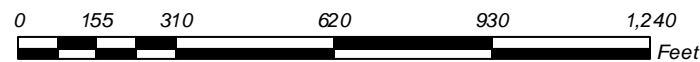
■ Public Protected Lands

■ Municipalities

■ 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 06/12/18

Council District No. 4 – Cole

Tax I.D. No. 234-29.00-19.00

911 Address: 26750 John J. Williams Highway, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINISTORAGE WITH CARETAKER RESIDENCE AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES, MORE OR LESS

WHEREAS, on the 30th day of May 2018, a conditional use application, denominated Conditional Use No. 2148, was filed on behalf of Sussex Farms, LLC c/o Samuel Connors; 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. 2148 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. 2148 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 northwest side of John J. Williams Highway (Route 24) approximately 697 feet southwest of Mount Joy Road and being more particularly described in the attached deeds prepared by Larry W. Fifer, Attorney at Law, and the Delaware Department of Transportation, said parcel containing 2.31 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: November 7, 2018

RE: County Council Report for CU 2150 Leo Sweeney

The Planning and Zoning Department received an application (CU 2150 Leo Sweeney) to allow for a Conditional Use to allow for a lawnmower and small engine repair business to be located at 10449 Cedar Creek Rd. The Planning and Zoning Commission held a public hearing on October 11, 2018. The following are the draft 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, staff analysis, results from the DelDOT Service Level Elevation, comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division.

The Commission found that Mr. Leo Sweeney was present on behalf of his application; Mr. Sweeney stated he has lived at the site for 33 years; that he has run the business for the last 10 years; that the hours of operation are 8:00 am to 5:00 pm, Monday through Friday and 8:00 am to 12:00 pm on Saturday; that he could have up to 30 mowers on the site at a time; that all the repairs are done inside his shop; that he has no employees; that he does pick up and deliver the mowers and some are dropped off; that he would like to keep his existing sign; that he has approximately 30 junk mowers he uses for parts; that he will take the scraps two times a year; and there is no overgrowth at the property.

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

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

Ms. Stevenson moved that the Commission recommend approval of CU #2150 for Leo Sweeney for a lawnmower and small engine repair business based upon the record made during the public hearing and for the following reasons;

1. The applicant lives on this property and has conducted this small business from his property for years.
2. The use is very nearly a permissible home occupation.



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

3. The use is small in nature. It does not generate a lot of traffic and it will not adversely affect the neighborhood.
4. The use as a lawnmower and small engine repair facility is a service to Sussex County residents from a convenient location.
5. No parties appeared in opposition to this application.
6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a lawnmower and small engine repair business. There shall not be any automobile, truck or large equipment repairs on the site.
 - B. The hours of operation shall be from 8:00 am to 5:00 pm, Monday through Friday and 8:00 am to 12:00 pm on Saturday. There shall not be any Sunday hours.
 - C. The existing sign shall be permitted to remain.
 - D. All repairs and maintenance shall occur inside of a structure.
 - E. Any new security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - F. All junk and permanently inoperable lawnmowers or engines shall be screened from view.
 - G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 4, 2018
RE: Staff Analysis for CU 2150 Leo Sweeney

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2150 Leo Sweeney to be reviewed during the October 11, 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 230-21.00-12.01 to allow for lawnmower and small engine repair business to be located at 10449 Cedar Creek Rd. The size of the portion of the property for the Conditional Use is 0.83748 +/- . The property is split by Cedar Creek Rd.

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 uses to the north and east are Low Density Areas. The land uses to the south are Low Density and Mixed Residential Areas. The land use to the east is Mixed Residential Areas. The Low Density Areas land use designation recognizes that the primary uses are agriculture and single family detached homes and 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 portion of the property for the Conditional Use is zoned AR-1 (Agricultural Residential District). The properties to the north and east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned GR (General Residential District). The parcels to the south are zoned GR (General Residential District) and AR-1 (Agricultural 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 lawnmower and small engine repair business could be considered inconsistent with the surrounding land use, zoning and uses.





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

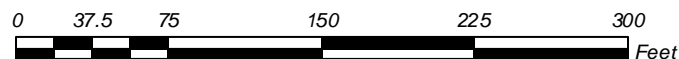
Flood Zones

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

Public Protected Lands

- Municipalities
- Communities
- Boundaries State County

DALPF, Delaware Department of Education, Sussex 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, DNREC, Division of Water, FirstMap





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

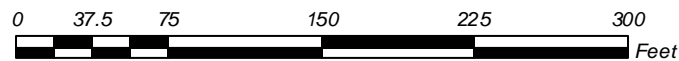
▭ Public Protected Lands

▭ Municipalities

▭ Communities

▭ Boundaries State County

DALPF, Delaware Department of Education, 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, DNREC, Division of Water, FirstMap





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

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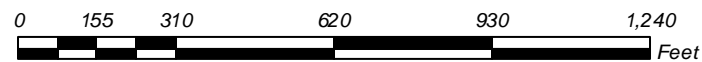
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Sussex County, Sussex County Government, Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex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



Introduced 06/19/18

**Council District No. 3 - Burton
Tax I.D. No. 230-21.00-12.01 (portion of)
911 Address 10449 Cedar Creek Road, Lincoln**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAWNMOWER AND SMALL ENGINE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.83748 ACRES, MORE OR LESS

WHEREAS, on the 8th day of June 2018, a conditional use application, denominated Conditional Use No. 2150 was filed on behalf of Leo Sweeney; 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. 2150 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. 2150 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 northeast side of Cedar Creek Road (Route 30) approximately 0.788 mile north of Jefferson Road. and being more particularly described in the attached legal description prepared by Moore and Rutt, PA, said parcel containing 0.83748 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
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Sussex County

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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: November 7, 2018

RE: County Council Report for CZ 1858 OA Oaks, LLC

The Planning and Zoning Department received an application (CZ 1858 OA Oaks, LLC) to allow for a Change of Zone to allow for a change from AR-1 (Agricultural Residential District) to HR-1 – RPC (High Density Residential District – Residential Planned Community) to be located at 36161 Zion Church Rd. The Planning and Zoning Commission held a public hearing on October 11, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, site plan, staff analysis, comments from the Sussex Conservation District, and the results from DelDOT Service Elevation, Sussex County Engineering Department Utility Planning Division. Two letters are in support of the application and were read into the record.

The Commission found that Mr. Jim Fuqua, Attorney with Fuqua, Willard, and Schab, Mr. Preston Schell, Principal of the applicant and Mr. Zac Crouch, with Davis, Bowen, and Friedel were present of behalf of the application; that Mr. Fuqua stated there was an exhibit book submitted that contains the applicant's PLUS response, the Environmental and Public Facilities report and a section 99-9C report; that also submitted for the record was a copy of the Market Assessment; that this is an application to rezone a 14.84 parcel of land from AR-1 to HR-1-RPC; that the proposed development will consist of six buildings containing of a total of 178 apartment units; that there would also be recreational amenities; that the density of the development is the permitted density of the HR-1 District; that this an application for HR-1 zoning with an RPC overlay; that the property is located in the State Spending Strategies Level 3; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area which is a growth area; that the property is located near a mix of residential area and is a growth area under the 2008 Comprehensive Plan; that the property remains in a growth area under the 2018 Comprehensive Plan; that the nature around the site is a mixture of farmland, woods, residential development and commercial uses; that there are several parcels to the west of the site that zoned C-1 or CR-1; that there is a small parcel that borders this site and is zoned B-1; that there is a parcel across the street that is zoned B-1; that the property located directly across from this site was approved in 2008 as a Conditional Use for a health care and medical offices and that Conditional Use permitted up to six buildings containing 1,200 feet of floor area and that was Conditional Use 1704; that the facility has not been built; that the proposed



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development will be served by central water and fire protection provided by Artesian Water Company; that the site is located in the Sussex County sewer district; that an eight inch sewer service connection has been extended to the site; that the 178 unit apartment community is attended to create a modern, safe, affordable and fair housing options for the residents in the area; that with the focus on providing housing opportunity for the workforce; that workforce housing is generally understood to mean affordable housing for households with an income that is insufficient to secure quality housing in a reasonable proximity to the work place; that the Sussex County Council attempted to address the problem in Sussex County by in enacting the affordable price rental units Ordinance in 2008 and no affordable rental housing has been created as a result of that Ordinance; that he read into the record several County documents that confirm that what he is representing is clearly established by the County's own documents and supports the basis of the proposed project; that the first document was taken from the Sussex County website and it addresses the County's affordable priced rental unit Ordinance; that it states in December 2008, the Sussex County Council approved the Sussex County Rental Program (SCRIP); that the SCRIP was created because of the significant lack of affordable rental housing in the County since no affordable renting house has been created as result of the Ordinance due largely the change of the market which fell in 2008; that Sussex County Council amended the Ordinance in hopes of encouraging stronger participation in the SCRIP; that in 2017 Housing Alliance Delaware reported that there are approximately 18,194 rental households in Sussex County; that faces a severe shortage of affordable rental units; that further Housing Alliance Delaware indicates that it would take 85 hours of the minimum wage work to afford a two bedroom apartment at fair market rate; that based on the most recent Department of Labor data, the fastest growing jobs are in the lowest paying sector of service industry; that new development is not adequately addressing the rental housing needs of the County's low and moderate income residents workforce; that without an adequate supply of affordable rental housing in close proximity to employment and town centers, the County's workforce must commute a great distant for work; that not only the long commutes had a negative effect on the environment and transportation but commuting also comes with high fuel costs; that the second document recites the Governmental Findings and Declaration of Public Policy that was enacted by the Sussex County Council as part of the affordably priced rental Ordinance; that these are Sections 72-17 and 18 of the Sussex County Code; that these sections explain the housing problem; that in Section 72-17, the Sussex County Council hereby finds that a shortage exists within the County for housing, for residents with low and moderate incomes; that specifically the Council finds that it is well known that Sussex County rents had inflated far beyond the ability of an average wage earner to pay; that the Council finds that new development is not adequately addressing the rental housing needs of the County's low and moderate income residents and workforce; that without influencing this trend, the local employers will have a difficult time maintaining an ample workforce; that without an adequate supply of affordable rental housing in close proximity to employment and town centers, the County's workforce must commute a great distant for work; that not only do long commutes have negative effect on the environment and transportation but commuting also comes with higher fuel expenses; that given the proper incentives the private sector possess the necessary resources and expertise to provide the type of affordable rental housing needed in Sussex County; that in Section 72-18 it states the Sussex County Council hereby declares it to be the Public Policy of the County to encourage the creation of the full range of housing choices conveniently located in suitable living environments for all incomes, ages and family sizes; that the Council encourages the production of affordable rental units to meet the existing and anticipated further employment needs in the County; that a shortage of affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan; that they encourage developments in growth areas as defined within the County's most current Comprehensive Plan and areas of opportunity as defined by the Delaware State Housing Authority to include minimal percentage of affordable rental units on public water and sewer systems; that the final documents are from the 2018 update to the Sussex County Comprehensive Plan as the Commission

spent over a year creating the plan and it has been revised and reviewed by the County Council; that the Comprehensive Plan has been submitted to the State for Plus comments; that the comments have been received; that a public hearing before County Council will take place and then send it to the State for certification; that Chapter 8 of the 2018 Comprehensive Plan addresses housing; that it states the housing vision is to ensure the provision of decent, safe affordable and fair housing opportunities to improve communities and quality life of residents of Sussex County; that Section E.1 is the over view that Sussex County is the fastest growing County in the State; that full-time and seasonal residents continue moving to Sussex County to take advantage of low real estate taxes and high quality of life; that this influxes fuel, prosperity in the County's real estate market, hospitably industry, and related economic sectors; that however most housing on the eastern side of the County is new and often unaffordable to low income families, seasonal employees, entry level workers, or recent college graduates; that Sussex County strives to accommodate the housing needs of all its residents; that Section 8.21 is housing affordability and it states that strong demand for housing has driven home prices and apartment rentals up compared to previous years; that Sussex County low to moderate income households are hit the hardest by these pricing increases due to the prosperity between the slower rise and household incomes as compared to increases in the overall cost of living; that the shortage of affordable housing remains a problem for low to moderate income households in Sussex County including many with full-time year round jobs; that the housing market in the eastern Sussex County is the fastest growing and the most expensive housing market in the State; that almost half the homes in eastern Sussex County are valued at more than \$300,000; that as eastern Sussex County is a tourism hub and relies on workers and the service and retail industry; that according to the Delaware State Housing Authority the housing needs assessment of Delaware's strongest industries are, health care, tourism and retail; that as many low and moderate wage workers creates a demand for workforce housing; that report found that there is a shortage of housing affordable for workers in these industries that are in the high growth areas of eastern Sussex County; that as a result, these workers are required to commute further distances from western Sussex County where housing is more affordable; that leads to increase in transportation cost and creates dependency on automobile travel; that for many workers in Sussex County that rental cost may also be a challenge and there is affordable gap for renters in Sussex County; that the average rental cost of a two bedroom apartment in Sussex County aligns with a median hourly wage of \$ 18.98; that many service industries professionals receive median hourly wages less than \$ 18.98 making rental housing less affordable to employees in those industries; that according to Delaware Housing Coalition 2016 report stated the a minimum wage worker would have to work 94 hours per week in order to afford a two bedroom fair market rent apartment in Sussex County; that referring to the Sussex County Rental Program, that 2018 Comprehensive states the County recognizes that without an adequate supply of affordable rental housing in close proximity to employment and town centers, that the County's workforce will commute a great distance for work; that Sussex County passed the SCRCP Ordinance in 2008; that the SCRCP was created because of significant lack of affordable rental housing in the County; that the SCRCP provides incentives for developers to construct affordable rental units through tools such as density incentive and expedited review; that as a result of the housing market collapsed of 2008 and 2009, the program did not receive many applications; that the County recently amended the program in 2016 to reflect real world market applications; that some of the changes included reducing required percentage of affordable units set aside from 15% to 12.5%; that although the County did not receive any applications since the changes of the Ordinance went into effect; that the County is working to promote the program; that Section 83.5 states that Sussex County has an affordable housing support policy and supports the development of affordable housing in Sussex County; that the policy defines what the County considers to be affordable housing and affordable rental housing projects; that County also provides letters of support to developers of affordable housing projects seeking financing opportunities the project qualifies under the definition defined in the policy; that support letters for affordable rental housing projects

will only be authorized if the project is proposed in an area of opportunity as defined by the Delaware State Housing Authority; that these areas of opportunity are considered areas of strong high value markets with new affordable housing opportunities that should be supported; that the Delaware State Housing Authority provides an online map available to its website and the user may view the areas of opportunity in Sussex County; that the goals stated in the new plan state the County is committed to assuring that residents have access to safe decent and affordable housing; that Goal 8.1 states to ensure the provision of safe and decent housing for County residents; that Goal 8.2 states to ensure that diversity of housing opportunity are available to meet the needs of residents of different ages, income levels, abilities, national origins, and household configurations; that Objective 8.21 is to increase affordable and fair housing opportunities in the County; that Strategy 8.21.3 is to explore ways to incentives private developers to provide more multi-family and affordable housing opportunities; that Objective 8.22 is to work with private and public agencies to increase affordable rental and home ownership opportunities; that Objective 8.23 is to facilitate and promote land use policies that enable an increase the supply of affordable housing in area with adequate infrastructures; that Strategy 8.231 is to promote increasing affordable housing options and including the supply of rentals near job centers; that Goal 8.3 is to affirmatively further housing choices in Sussex County; that the first three strategies under the goal state is to evaluate current County Code on an ongoing bases to determine if any regulatory barriers exist that in key the development of multi-family and affordable housing to continue to collaborate with developers through the County Planning Office pre submission meeting to support the expansion of affordable housing and to promote the use of Delaware State Housing Authority area of opportunity maps of making land use decisions and identifying housing strategies for different areas of the County; that the applicant will designate 36 of the apartment units as restricted units for 30 years; that those units will be available for residents who meets specific qualifications; that the qualifications would include being employed in Sussex County for a minimum of one year and occupying that unit as their principal residence and having a gross household income equal or less than 70% of the area median income; that those qualifying tenants that work in Sussex County, live here as their primary residence would pay rent that is no greater than 30% of their gross household income; that the restricted or workforce housing units will be fully integrated in the community; that they will not be any different in external or internal appearance from the market rate units; that the 36 workforce units will make up 20% of the total number units in the 178 unit community; that the applicant would be subject to annual audit reporting to the County confirming that the conditions of qualifications are being met; that they are requesting a RPC to allow for conditions to be placed on the approval of this application; that this project would meet the housing needs of the County; that there is no Federal, State or County aid or payment associated with this project; that the Delaware State Housing Authority states that they support this application; that the site is in close proximity to many services, markets and employment opportunities available in the coastal resort area where there is a lack of rental houses; that this proposed site is located in an opportunity area designated by the Delaware State Housing Authority opportunity maps; that road improvements were done to Route 54 as part of the Americana Bayside development; that the applicant is permitted to pay an area wide study fee; that DelDOT will require a Right-of-Way dedication to provide a 40-foot Right-of-Way from the center line of Zion Church Road; that applicant will also be required to establish a 15-foot permanent easement along the Right-of-Way across the property frontage on Zion Church Road; that the site entrance design will be required to conform to DelDOT standards and DelDOT reserves the right to require a TOA; that the stormwater management facilities will be designed and constructed in accordance with DNREC regulations and will be reviewed and approved by the Sussex Conservation District; that the system will use Best Management Practices; that there are 2.12 acres of non-tidal wetlands located along the rear of the site; that the site would provide a minimum 40-foot buffer along the wetland line; that no buildings would be constructed in the flood zone area; that there are none known historical or endangered

species on the site; that the site is located in the Indian River School District; that fire services will be provided by the Roxana Volunteer Fire Company; that there would be six residential buildings and each building would be four stories in height and not to exceed 52-feet; that the buildings would have elevators; that five of the buildings will contain 30 units each, comprised of eight, one bedroom units, 14, two bedroom units, and eight, three bedroom units; that the six building would contain 28 units and it would be six, one bedroom units, 14, two bedroom units, and eight, three bedroom units; that the six building will be surrounding a center core of the site and that will be the site of the large stormwater retention area and the recreation area; that the recreation amenities would include a community clubhouse with a minimum size of 2,600 square feet; that the building would contain a meeting room, office, bathrooms, changing rooms, and a fitness room; that there would be an outdoor swimming pool and deck, a playground, walking trail, and an enclosed dog park; that the parking would be located along both sides of the entire drive and in close proximity to each of the buildings; that there would be 297 parking spaces and including 14 handicap accessible spaces; that there would be a 20-foot buffer along the boundary of the site; that there is approximately 4.9 forested acres existing on the site and only .18 acres would be removed and 96% of the woodlands would be preserved; that there will be an on-site management during business hours; that this create a large scale rental residential housing development with superior living environment which achieves the stated goals of the Comprehensive Plan; that these units would create a housing option for lower and moderate income residents in an area and 36 of these units would be destined as workforce housing units; that applicant is proposing conditions requiring the applicant to place a private deed restriction on the property stating that in the event the RPC is declared void by the County, the permitted density of the HR-1 Zone parcel could not exceed 2.178 units per acre which is the current AR-1 density; that Mr. Schell stated the market rate is between 80 and 100% Area Median Income (“AMI”); that the houses are being sold at 150 to 200% AMI; that the market rents would be less than Beach Plum Dunes; that the market rate for the units are \$1,200 a month and that would restrict the rents to about \$1,000 a month; that current rental program does not work on the eastern side of the county; that the 36 units will be a mix of one, two, and three bedroom units and if they drop below the 36 units of the rent restricted units, the next available unit would have to go to somebody making 70% of AMI or less; that they cannot have empty units and if they do not have a discounted renter available, they would have to able to rent at market rate; that they are trying to take a percentage of each product type in the project and try to have the 36 restricted units represent those percentages; that they would try to have a full-time superintendent living on the site; that they have talked to DART about an transit service and about a subsidize a route; that they will come up with a transportation alternative if there is no DART route; that this would be part of their audit to make sure they are consistently marketing and looking for the 70% and qualified tenants and they work with a third party to consult and finding the tenants and also to do the audits; that the intent is to follow the workforce and market rate; that the difference between low income is anything below 60% AMI and workforce is 60 to 120% AMI; that they are providing more units that are restricted and that they are not being restricted down to 50% AMI; that SCRPs use 25% of income which is unusual; that most programs nationwide, HUD and the Comprehensive Plan reference 30% of income; that they are trying to capture all housing of the housing expenses within that 30%; that in 2018 the gross household area median income for Sussex County is \$68,900; that the formula would be $68,900 \times .7$ is what the people need to be earning; that to calculate the rent, you would have to take the $70\% \times 3$ and that is how you can pay annually towards the rent; that all the of the 178 units would be a restricted rental unit at some time; that they would following the guide lines that are currently in the SCRPs; that the market rate for a one bedroom apartment is \$875, and \$1,475 for the three bedroom and two bath unit; and that is all workforce housing with 36 restricted units and that there is not 36 workforce housing units and the others are market units.

The Commission found that Mr. Scott Karmnera, with Sol Del Concepts and the Delaware Restaurant Association, Mr. Tyler Berl, manager of Community Development for Housing Alliance Delaware and was previously called the Delaware Housing Coalition, Ms. Tish Galiu and Steve Montgomery spoke in favor to the application; that Mr. Karmnera stated he is in support of the workforce housing; that he has 1,200 employees and about 1/3 qualify for workforce; that 1/3 of the employees are seasonal and live further west and had to get a job due to transportation; that Mr. Berl stated he is in support of the affordable housing in all of its forms; that workforce house is a major need; that a two bedroom rental the wage would have to be \$17.31; that about 4,000 households in range that are in cost burdened; that there is an affordable housing crisis in the County; that Ms. Galiu stated the workforce housing is important; that Mr. Montgomery stated that there is a need for workforce housing in the County; and that it is tough getting people to stay in Sussex County and find a place to live.

The Commission found that Mr. Lionel Weeks, Mr. Jack Cain, Ms. Diane Huber, Mr. Rick Evans, Ms. Bonnie Granger, Ms. Melissa Pape, Howard Goldhammer, Mr. Jeff Baranowski, Mr. Charles Moore, Ms. Nancy Sikes, Mr. Robert Sikes, Mr. Ray Austin, Mr. Joe Ayres, Mrs. Anna and Mr. Gary Meiklejohn, Mr. William McBeth, Ms. Vicky Gershenson, Mr. David Pape, Ms. Robin Malascalza, and Mr. Larry Austin, spoke in opposition to the application; that Mr. Weeks stated that the only thing that would separate their community is Baston Branch; that they have paid a premium for wooded lots; that he has issues with the HR-1 zoning in this location; that he is not opposed to the affordable housing; that he likes the wildlife in the area; that he has concerns with property values; that Mr. Cain stated he likes being surrounded by wetlands and single family dwellings; that he has concerns with tall buildings and property values; that Ms. Huber stated she has concerns with flooding; that she has concerns with traffic; that she does not want apartments next door; that Mr. Evans stated this is out of character for this area; that he has concerns with traffic; that the use is needed; that Ms. Granger stated they are surrounded by single family; that it is out of character for the area; that a traffic transportation study is needed and that he has concerns; that Ms. Pape stated she has concerns with the value of her property; Mr. Goldhammer stated he has concerns with safety; that he has concerns with flooding; that he has issues with density; that Mr. Baranowski stated he has concerns with traffic; that Mr. Moore stated he has concerns with aesthetics and wildlife; that he has concerns with traffic, noise and lighting; that Ms. Sikes stated she has concerns with traffic; that this is out of character with the area; that Mr. Sikes stated he has concerns with aesthetics and the building height; that Mr. Austin stated he does not want this in his back yard; that he has concerns with traffic; that affordable housing is needed in the County; that Mr. Ayres stated he has concerns with aesthetics; that Mrs. and Mr. Meiklejohn stated this is not a good fit for the area; that they has concerns with the lot size; that they have concerns with traffic; that Mr. McBeth stated he has concerns with property values; that Ms. Gershenson stated she has concerns with traffic and noise; that Mr. Pape stated why does it have to be in this location; that Ms. Malascalza stated she has concerns with taxes; and that Mr. Austin stated this is out of character for this area.

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

Motion by Ms. Wingate, seconded by Mr. Hopkins, and carried unanimously to defer action and keep the record open for 15 days to receive written comments and to allow time for the staff to solicit comments from Milford Housing Development Corporation and Sussex County Community Development. Motion carried 5-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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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: October 4, 2018
RE: Staff Analysis for CZ 1858 OA Oaks, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1858 OA Oaks, LLC to be reviewed during the October 11, 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 533-11.00-82.00 to allow for a change in zone from AR-1 (Agricultural Residential District) to HR-1 – RPC (High Density Residential District – Residential Planned Community) to be located at 36161 Zion Church Rd. The size of the property is 14.8455 ac. +/-.

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

The surrounding land use to the north, east and west is Environmentally Sensitive Developing Area. The land uses to the south are Environmentally Sensitive Developing Area and Mixed Residential Areas. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family, townhouses and multi-family and that variety of office and retail uses would be appropriate in many areas and that business and industrial parks with good road access would be appropriate. It also recognizes that mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned GR (General Residential District) and B-1 (Neighborhood Business District). The properties to the east are zoned AR-1 (Agricultural Residential District) and B-1 (Neighborhood Business District). The properties to the west are AR-1 (Agricultural Residential District) and C-1 (General Commercial District). There is a Conditional Use in the area (CU 2076 – event venue).

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone to allow from AR-1 (Agricultural Residential District) to HR-1 – RPC (High Density Residential District – Residential Planned Community) could be considered consistent with the land use; however, it would be considered inconsistent with the area zoning and uses.





Addresses / Parcels

- TaxParcels

Council Districts

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

Schools/Libraries

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

Hydrology

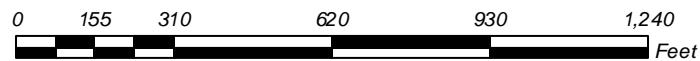
- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

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

- Municipalities
- Communities
- Boundaries State County

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





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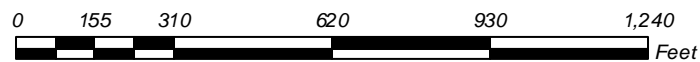
■ Public Protected Lands

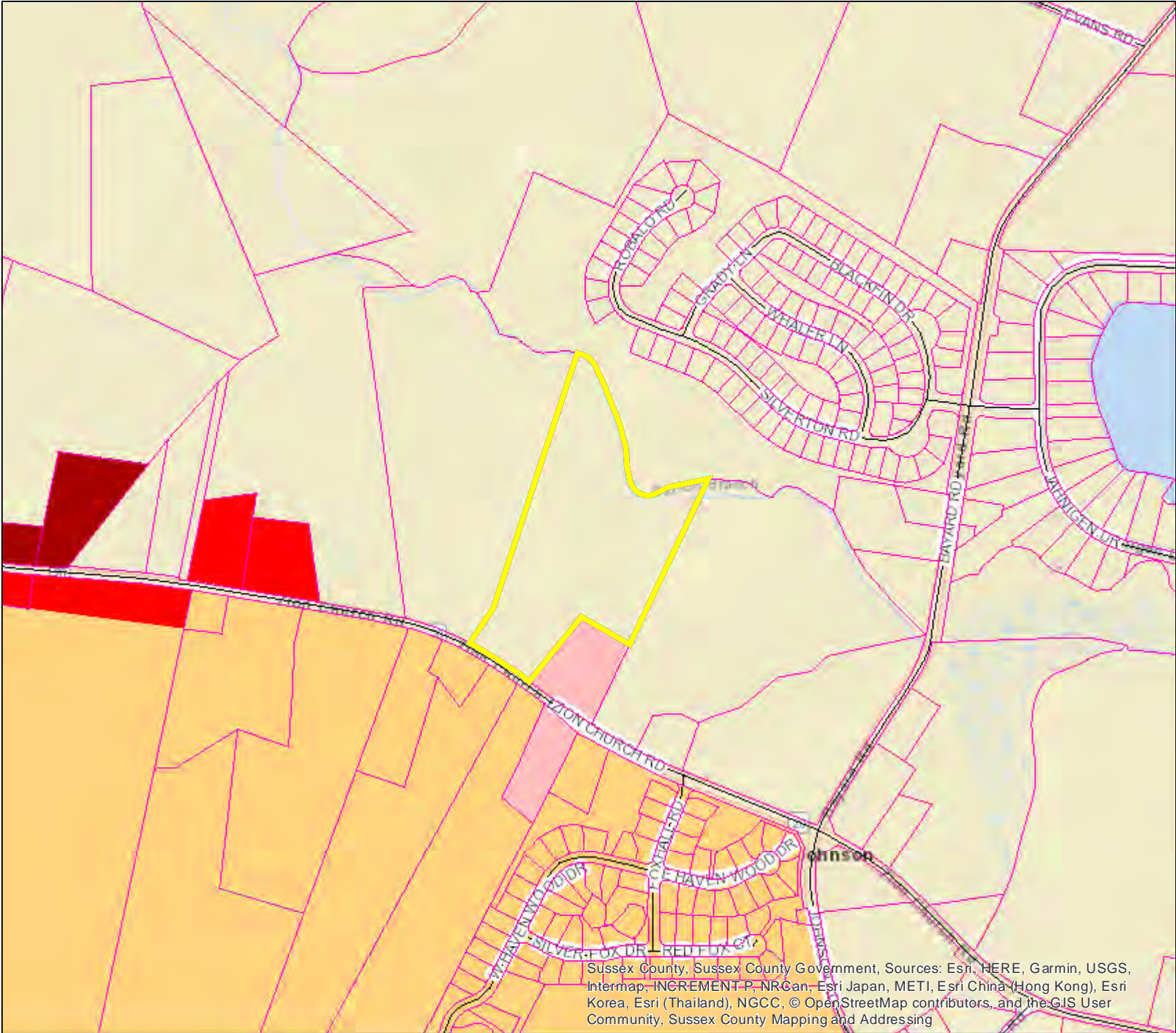
■ Municipalities

■ 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





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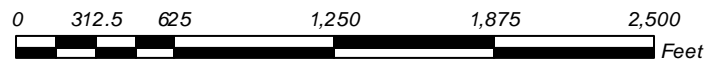
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Introduced 06/05/18

**Council District No. 5 - Arlett
Tax I.D. No. 533-11.00-82.00
911 Address: 36161 Zion Church Road, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 – RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS

WHEREAS, on the 15th day of May 2018, a zoning application, denominated Change of Zone No. 1858, was filed on behalf of OA Oaks, LLC (Ashton Oaks); 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. 1858 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 HR-1 – RPC High Density Residential District – Residential Planned Community 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 northeast side of Zion Church Road, approximately 0.27 mile northwest of Bayard Road, and being more particularly described in the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 14.8455 acres, more or less.

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

PROPOSED