

Sussex County Council Public/Media Packet

**MEETING:
November 16, 2021**

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**Sussex County Council
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COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

NOVEMBER 16, 2021

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes – November 9, 2021

Reading of Correspondence

Public Comments

Consent Agenda

1. Existing Sewer Infrastructure Use Agreement – IUA-867-1
Assawoman Lakes (Evergreen RPC) (Miller Creek Area)

Presentation – Mark Isaacs, Director, Carvel Research and Education Center

Todd Lawson, County Administrator

1. 2022 Council Meeting Schedule and Holiday Schedule
2. Administrator's Report

Brandy Nauman, Director of Community Development and Housing

1. Housing Trust Fund Update



10:30 a.m. Public Hearing

“AN ORDINANCE TO AMEND THE SUSSEX COUNTY CODE TO INCLUDE A NEW ARTICLE VII, REAL PROPERTY TAX CREDIT FOR DISABLED VETERANS, UNDER PART II, GENERAL LEGISLATION, TAXATION, §103-43 THROUGH §103-47, TO ESTABLISH A REAL PROPERTY VALUE-BASED TAX CREDIT FOR TOTALLY DISABLED VETERANS WHO ARE RESIDENTS OF SUSSEX COUNTY AND WHO MEET ELIGIBILITY CRITERIA UNDER THE STATE OF DELAWARE DISABLED VETERANS’ SCHOOL TAX CREDIT PURSUANT TO 14 DEL. C. 1917”

Hans Medlarz, County Engineer

1. Ellendale Sewer and Water Operations Agreement

Jamie Whitehouse, Planning and Zoning Director

1. Update and discussion related to Subdivision Application No. 2006-73, The Vines of Sand Hill

Old Business

Conditional Use No. 2262 filed on behalf of Matthew Hete

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (4 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS” (Tax I.D. No. 334-6.00-686.00) (911 Address: 34360 Postal Lane, Lewes)

Grant Requests

1. Grace-N-Mercy Ministries for Community Thanksgiving Dinner
2. Western Sussex Chamber of Commerce for the Downtown Seaford Association’s Christmas parade expenses

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

Conditional Use No. 2264 filed on behalf of Laudan Investments, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRES, MORE OR LESS” (property lying on the southeastern side of Savannah Road [S.C.R. 443A], approximately 0.77-mile northeast of Wescoats Road [Route 12]) (Tax I.D. No. 335-8.18-15.00 & 335-8.18-16.00) (911 Addresses: 1302 and 1304 Savannah Road, Lewes)

Conditional Use No. 2271 filed on behalf of Chris Brasure

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1920 (ORDINANCE NO. 2240) TO ALLOW FOR OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS” (property lying on the northeast corner of the intersection of Lighthouse Road [Route 54] and Dickerson Road [S.C.R. 389]) (Tax I.D. No. 533-18.00-25.00) (911 Address: 33095 and 33113 Lighthouse Road, Selbyville)

Conditional Use No. 2272 filed on behalf of Charles Stanley

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRES, MORE OR LESS” (property lying on the northeast corner of the intersection of Lighthouse Road [Route 54] and Dickerson Road [S.C.R. 389]) (Tax I.D. No. 231-12.00-40.01) (911 Address: 24250 Old Meadow Road, Seaford)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on November 9, 2021 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 9, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 9, 2021, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 473 21
Amend
and
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to amend the Agenda by striking the Public Hearing on Conditional Use No. 2266 filed on behalf of MDO Dreamlands, LLC, which has been withdrawn, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of October 26, 2021 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke:

Linda Pyatt and Willard Chartier spoke in regards to The Vines at Sand Hill stating that the Developer (Sposato) has made no progress on the promised amenities, and that Sposato was given until November 2021 for constructing the clubhouse and it has not been started.

Mr. Vincent asked for a report to be given to the Council on this matter.

Christian Hudson spoke in regards to the lodging tax, stating corrections to the record: that there was opposition to the lodging tax at the public hearing, that it is not a pass-through tax, that the hotel industry is still recovering from the pandemic; and that it is taxation without representation.

There were no additional public comments.

**M 474 21
Approve
Consent
Agenda
Items**

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

- 1. Existing Sewer Infrastructure Use Agreement, IUA-1173
Leisure Point, Long Neck Area**
- 2. Existing Sewer Infrastructure Use Agreement, IUA-1100
Friendship Creek, Miller Creek Area**
- 3. Existing Sewer Infrastructure Use Agreement, IUA-1099
Windswept of Lewes, Angola Neck Area**
- 4. Existing Sewer Infrastructure Use Agreement – IUA-993-1
Rehoboth Shores Area II, Long Neck Area**
- 5. Existing Sewer Infrastructure Use Agreement – IUA-1107
Tanager Woods, West Rehoboth Area**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Bayhealth
Medical
Center
Project/
Bond
Issuance**

A Public Hearing was held in respect to the proposed issuance by the Public Finance Authority of its Revenue Bonds, Bayhealth Medical Center Project, in one or more series, pursuant to a plan of finance, in an amount not to exceed \$103 million. The public hearing is required by Section 147(f) of the Internal Revenue Code.

Mrs. Jennings reported that Bayhealth Medical Center is in the process of issuing tax-exempt revenue bonds to provide financing for the eligible costs of the acquiring, constructing, renovating, improving and equipping of some or all of the health care facilities described in the list of expansion items, which were included in the Council and public packets for this meeting, and for the costs of issuance of the bonds. The \$103 million in tax-exempt debt will be used with other financing to expand their services in both Sussex and Kent counties. In order for the bonds to be tax-exempt under the Internal Revenue Code, an elected representative of the governmental unit that has jurisdiction over the area where the facilities are located shall approve the issuance of the bonds after a public hearing. Neither the faith and credit nor the taxing power of Sussex County shall be pledged to the payment of the bonds or any incidental costs; approving the issuance only allows the bonds to be considered tax-exempt under Section 147(f) of the Internal Revenue Code.

Mrs. Jennings noted that any comments will be passed on to Bayhealth's bond underwriting firm (a Wisconsin firm).

**Public
Hearing
(continued)**

Emilie Ninan of Ballard Spahr, LLP, the County’s bond counsel, joined the meeting by telephone and stated that she called in to answer any questions raised by Council. There were no questions raised for Ms. Ninan to respond to.

There were no public comments.

The Public Hearing and public record were closed.

**M 475 21
Adopt
Resolution/
Bayhealth
Medical
Center
Project/
Bond
Issuance**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt the Resolution entitled “APPROVING, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND IN ACCORDANCE WITH SECTION 66.0304(11)(A) OF THE WISCONSIN STATUTES, THE ISSUANCE OF BONDS TO FINANCE PROJECTS FOR BAYHEALTH MEDICAL CENTER, INC.”.

Motion Adopted: 5 Yeas.

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

**DeIDOT
Initiatives
and
Projects
Update**

Meghan Nehrbas, Senior Manager of GIS, discussed a recent initiative that the County and DeIDOT worked on together related to the County’s developer agreements. Ms. Nehrbas gave a demonstration on navigating the dashboard that tracks the release of building permits in real-time for developments in the County with DeIDOT off-site improvement agreements. This collaboration will improve coordination between the County and DeIDOT.

Nicole Majeski, Secretary of DeIDOT, and Shanté Hastings, Deputy Secretary/Chief Engineer of DeIDOT, presented an update on DeIDOT’s initiatives including the FAST Program, a collaborative effort with Sussex County. Secretary Majeski emphasized the Department’s mission to provide excellence in transportation and the Department’s top priority which is safety. The Secretary discussed: (1) the updated strategic highway and safety plan, (2) DART Connect, a pilot-program for an on-demand transit service (Georgetown to Millsboro), (4) the beach bus and the deployment of electric buses, (5) planning efforts - the Henlopen Transportation Improvement District and the Five Points Working Group, and (6) the Coastal Corridors Study.

Ms. Hastings presented a FAST (Funding Accelerating Safety and Transportation) Track Program update, and more specifically the alternatives/options and the schedule for the Cave Neck/Hudson/Sweetbriar Road intersection, the first project selected. Construction is projected to begin in Fall 2024. Ms. Hastings noted that this Program is a collaboration between Sussex County and DeIDOT to try and accelerate some projects that are already included in the CTP.

**DelDOT
Initiatives
and Projects
Update
(continued)**

Ms. Hastings also provided an update on general projects including the Georgetown East Gateway, Park Avenue Relocation Phase 1, Route 24 including widening from 1500 feet west of Love Creek Elementary School to SR 1, numerous intersection improvements, and various construction traffic impacts.

**Accommo-
dations Tax**

The Council discussed the collection of the Accommodations Tax including possible action.

Mrs. Green commented on the intention of the Motion made at the May 25, 2021 Council meeting that the tax was to be deferred and she commented on the inclusion of the tax in the budget as an accommodation fee versus a lodging tax. Mrs. Green also commented on the County's press release on the budget absent of any mention of a lodging fee and questioned how the tax got from deferred on May 25, 2021 to implemented without further discussion.

Mr. Schaeffer referenced the minutes of the Council meetings on April 7 and 28, 2020 delegating the time for lifting the suspension of the tax to the State of Delaware by virtue of the State of Emergency Order and that after more than a year, that time frame was still unclear and confusing to many; he commented on his intention of his Motion at the May 25, 2021 Council meeting to defer the tax; commented that, on that date, the Council took action to take back control of that time frame and made it clear what they felt was or wasn't in place by the State of Delaware and the Council had the opportunity to reinstate the tax or defer the tax and, in his opinion, a Motion was made and passed to defer the tax; that, on that date, Council could have taken no action and tabled the matter if they wanted to stick to the unclear timeframe that the State had imposed or they could have suspended the tax on the small businesses which is what he thinks is what they did; he commented that the Council took action to defer lifting the suspension on May 25, 2021 and stated that it is clear that that is the Motion made; that Council can take another vote on the issue if they need to, just like they did on April 28, 2020 when the original Motion was made and reaffirmed to suspend the lodging tax; he stated that it is his perception that no reasonable person would agree that this reinstatement of the tax could not have been handled in a better fashion and with more transparency. Mr. Schaeffer stated that he would like to introduce an ordinance to rescind this tax; however, he does not want to take up the County Attorney's time in drafting the ordinance if there is not a consensus to rescind the tax.

Mr. Vincent asked if there was a consensus of Council to draft an ordinance to rescind the accommodations tax.

Mr. Schaeffer and Mrs. Green stated their support for the introduction of an ordinance to rescind the tax.

Mr. Rieley stated that he supported the tax when it was originally introduced because he favors pushing the tax burden off of the citizens of

**Accommodations Tax
(continued)**

Sussex County and on to the visitors to the County who come here and take advantage of the amenities because he believes they should help bear that cost. Mr. Rieley stated that he does not support rescinding the tax.

Mr. Hudson stated that he agrees with Mr. Rieley's comments; that the tax is for the people that come here and use the County's infrastructure; and that the tax would help pay for the repairs to that infrastructure. Mr. Hudson stated that he does not support rescinding the tax.

Mr. Vincent stated that he supported the tax when it was originally introduced and he thinks the Council did it right; that the Council was approached about having a tax to help with some things like the dredging of the Inland Bays; that he did hear opposition because the proposed ordinance did not include Airbnbs and the opposition thought everyone should pay the tax; that they heard from people regarding hotels and motels in towns and cities that had the tax who thought that they were being treated unfairly because the County didn't have a tax and it wasn't a level playing field.

Mr. Schaeffer stated that when people pay a tax, that is disposable income that is taken out of their pockets and paid to government and that money cannot be spent in local businesses. He stated that he is for beach replenishment and dredging but they are state and federal issues and the cost should not be passed on to the citizens of Sussex County, and that those issues are public safety issues and Realty Transfer Tax money can be used for that. Mr. Schaeffer stated that he accepts the consensus of the Council.

Mr. Vincent stated that the tax is not on business owners, it is on the people visiting the County. He stated that in regard to the public safety comment, the County cannot use Realty Transfer Tax money for dredging or beach replenishment because that is maintenance and Realty Transfer Tax money must be used for capital projects.

Mr. Rieley stated that, according to Southern Delaware Tourism, the hotels in the area had a very good summer (2021). In 2019, the tax was suspended because the hotels were having a difficult time and in 2020, they had a tough year. However, when the tax was reinstated, they had returned to pre-pandemic levels of occupancy according to Southern Delaware Tourism, so they had recovered and the logic of pushing the tax onto people that come here and use the amenities is legitimate rather than assessing it against the citizens and taxpayers of Sussex County. Mr. Rieley stated that this past two week period of time has been unfortunate in that this matter could have been discussed on the dais openly during a Council meeting as it was done to begin with. He stated that on May 25, 2021, Mr. Schaeffer made a Motion to remove the discussion from the agenda and that on that date, the County Administrator clearly stated that the accommodations tax would be reinstated when the Governor lifted the State of Emergency. Mr. Rieley stated that Southern Delaware Tourism reports that 88% of people that stay in hotels are from out of state, 12% come from Delaware and a

**Accommodations Tax
(continued)**

percentage of those he speculates come from up-state. He referenced the comments made about a tax rebate and stated that it would be illegal to refund the Realty Transfer Tax money to the general property taxpayers – it would have to be returned to the people that paid it and that if this effort was successful, it would hamstring the County’s budget for years to come and could force the County to raise general property taxes to cover the loss of Realty Transfer Tax revenue that covers the cost of public safety, among other items. He noted that having reserves allows the County to enjoy a AAA credit rating and a 10-15 year capital projects budget that accommodates the need of a growing population without borrowing money and paying interest with tax dollars, and it also ensures that the County can fund fire companies, ambulance companies and paramedics.

Mr. Vincent stated that he asked Mr. Moore to research this matter. Mr. Moore reported that, on April 7, 2020, the County suspended the collection of the tax; it was not a suspension of the ordinance itself; it was under the umbrella of the Governor’s State of Emergency proclamation; this was reaffirmed by the Council on April 27, 2020. Mr. Moore stated that he reviewed two things: did it refer specifically to that specific State of Emergency declaration, and it did, and it related to the March 13, 2020 effective date of Governor Carney’s declaration of the State of Emergency and it said, “until such time as the declaration is lifted”. On May 25, 2021, Mr. Lawson had an item on the Agenda entitled “Discussion and Possible Action related to the Collection of Accommodations Tax”. During the process of approving the Agenda on that date, Mr. Lawson indicated there were no recommended changes to the agenda and thereafter, Mr. Schaeffer then stated that he “would like to make a Motion to remove Item 2 under the Administrator’s report; I don’t think the timing is appropriate to even discuss a possible tax increase.” Mr. Vincent suggested to wait until that item came up for discussion and a Motion made at that time, and Mr. Schaeffer agreed so it stayed on the Agenda. When the item came up on the Agenda, Mr. Lawson gave his report and during the report he stated “... the County suspended the Accommodations Tax collection due to the effects of the COVID-19 pandemic and the corresponding Declaration of a State of Emergency by Governor Carney. At that time, the Council voted to suspend the Accommodations Tax until the Governor’s Declaration is lifted... the restrictions are currently being modified and lifted, and the Council could consider reinstating the tax collection since it is unclear when the Governor will end his State of Emergency Declaration.” Further, in regard to the Motion that took place back in 2020, the Council simply stated that it would suspend the tax until the Emergency Declaration was lifted. On May 25, 2021, it was unknown or unclear when the Governor may actually lift the State of Emergency so if Council choose to take action on that date, the Council could reinstate the collection of that tax. Mr. Moore stated that this is the only issue being discussed, whether or not to lift that early; it wasn’t to do away with it totally, it was only about lifting it early before the State of Emergency was lifted. Before any discussion occurred, Mr. Vincent asked Mr. Schaeffer, in light of his prior statement, if he wanted to Move to defer. Mr. Schaeffer Moved to defer and after a vote,

Accommodations Tax
(continued)

the Motion passed. Mr. Moore stated that it is clear to him, based on the transcript (May 25, 2021), that the action that was being discussed was the early reinstatement of the collection of the tax, it was not to abolish the tax nor to extend the stay beyond the lifting of the State of Emergency but instead, possibly ending the abatement immediately instead of when the State of Emergency was over. That Motion to defer stopped the discussion of having that suspension lifted immediately, so then it went back to what the original Motion was, which was when the State of Emergency was lifted, and then the State of Emergency was lifted. Mr. Moore noted that there is a public health emergency but that is different than the State of Emergency.

Mr. Vincent stated that it is his understanding that the tax would go in place when the Governor lifted the State of Emergency and he knew what the Motion was and it was to bring it back automatically with no additional Motion required.

Mrs. Green stated that when they deferred that day (May 25, 2021), they thought it was to defer the tax for a little longer or that it just be deferred.

Mr. Hudson stated that during the meeting in May (May 25, 2021), he seconded Mr. Schaeffer's Motion and it was completely clear to him that the Motion was to defer action on that particular item and not to get rid of the tax. Mr. Hudson noted that, to rescind the tax, it would require (a new ordinance and) a public hearing. Mr. Hudson stated that he voted in favor of implementing the tax in 2019 and he never would have voted to rescind the tax. Mr. Hudson expressed his concerns about accusations that have been made and he stated that this matter was never discussed outside of a Council meeting.

There was no consensus to draft an ordinance.

2021 Re-districting
Process

Mr. Lawson announced the start of the 2021 redistricting process. County Attorney Everett Moore will lead this effort. Mr. Moore noted that, this year, the redistricting process is taking place later than normal due to the delay in the receipt of raw census data as a result of COVID; that information has now been received. Mr. Moore reported that a similar process will be used as was used ten years ago when the County allowed written comments to be offered prior to the drafting of the maps. As part of this redistricting effort, the County is inviting the public to comment on how new Council districts should be drawn; the public can submit comments/suggestions by email to redistricting@sussexcountvde.gov. Comments will be received until the close of business on December 1, 2021. Comments received will be taken into consideration and reported to Council. Mr. Moore stated that, in regard to the drafting of the maps, several items are taken into consideration:

- the overall growth and population
- trying to keep communities of interest together

2021 Re-districting Process (continued)

- looking at major landmarks, roads, streams and rivers, etc.
- looking at historic trends and data

Mr. Moore reported that: the County will work closely with the Board of Elections to make sure the district lines are consistent with the locations of polling places; and the lines of the State Senate and House maps will be considered and incorporated as much as possible. After completing this process, including receipt of written public comments, maps will be drafted and brought to the Council in December. The public will then have the opportunity to review the maps prior to an ordinance being introduced. Once the ordinance is introduced, a public hearing will be scheduled and held.

Administrator's Report

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Rehoboth Shores Area 2 effective October 26th, Marsh Island – Phase 2 (Construction Record) effective November 3rd, and Canal Corkran – 8 Lot Expansion effective November 4th.

2. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet Monday, November 15th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda for the meeting is attached.

3. Veterans Day Holiday

County offices will be closed on Thursday, November 11th in honor of Veterans Day. Offices will reopen on Friday, November 12th, at 8:30 a.m.

4. Eugene Bayard

It is with sadness that we note the passing of former County Attorney Eugene Bayard on Saturday, October 30th. Mr. Bayard served as the County Attorney from January 1991 until December 2002. We would like to extend our condolences to the Bayard family.

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

Former Governor Minner	Mr. Lawson recognized the passing of Former Governor Ruth Ann Minner on November 4, 2021. A Memoriam issued by the Sussex County Council will be presented to the family.
Advisory Committee Vacancy	Mr. Rieley referenced the second item under the Administrator's Report and noted that there is a vacancy in District 5 on the Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County and he encourages anyone in the public with an interest in serving on this Committee to notify the County.
Blackwater Village Area/ Additional Utility Services/ Public Hearing Results	John Ashman, Senior Manager of Utility Planning and Design, and Hans Medlarz, County Engineer, reported that, on August 24, 2021, the Engineering Department requested and received the Council's approval to prepare and post notices for a public hearing for additional utility services for the Blackwater Village Area. The public hearing was held and the Engineering Department presented estimated costs, timelines, and referendum/voting guidelines. The residents in attendance objected to the estimated costs stating that they had no knowledge of these costs prior to submitting the petition. The residents inquired about a path forward without involving a referendum. Upon their inquiry, they were advised that they could submit notarized letters from at least 50 percent of the lot owners for the Council's consideration. To date, 147 signed and notarized letters for the revocation of their interest in central water, street lighting and drainage improvements have been submitted. With 268 improved lots in the Blackwater Village Area, 135 constitute a majority. Based on the number of notarized letters received, the Engineering Department recommends terminating the process and not proceeding with the referendum. It was noted, however, that this is an area that has already been established to receive central sewer; therefore, the design of the central sewer will proceed as scheduled.
M 476 21 Terminate Process and Stop Referendum for the Blackwater Village Additional Utilities Project	A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that based on the receipt of notarized letters representing more than 50 percent of the Blackwater Village owners, the Sussex County Council hereby grants permission for the Sussex County Engineering Department to terminate the process and stop the referendum for the Blackwater Village Additional Utilities Project. Motion Adopted: 5 Yeas. Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
Gavel	Mr. Vincent passed the gavel to Mr. Rieley.
Conley's Chapel Sewer Ext.	Hans Medlarz, County Engineer, presented a request for the approval of a purchase order for sewer extension to the Conley's United Methodist Church Historic Chapel off of Robinsonville Road. Mr. Medlarz reported

**Conley's
Chapel
Sewer
Extension
PO
Approval
(continued)**

that a letter was received from the Church for the expansion of sewer service to the Chapel and thrift store facility. The Engineering Department previously approved construction plans for a residential subdivision known as Beachtree Preserve across Robinsonville Road from the Chapel. The Department was also able to secure a "no cost" easement from the developers extending from the interior right-of-way of Beachtree Preserve where existing sewer is located to Robinsonville Road across from the Chapel. Under the County Engineer's authority, Mr. Medlarz authorized the contractor to place the order for materials. He noted that the authorization of the construction had to be placed on the Council's agenda for approval. He further noted that A.P. Croll & Son is the contractor of record for the Developer. The Developer granted the County the easement necessary to extend the sewer to the Chapel.

**M 477 21
Approve
Purchase
Order/
Conley's
Chapel
Sewer
Extension**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, based upon the recommendation of the Sussex County Engineering Department, that the Council approves a Purchase Order to A.P. Croll & Son in the amount of \$18,989.25 for the extension of sewer infrastructure from the Beachtree Preserve Community to the Historic Conley's Chapel.

Motion Adopted: 4 Yeas, 1 Abstention

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

Mr. Vincent did not vote since he was out of the room during the discussion.

Gavel

Mr. Rieley turned the gavel back over to Mr. Vincent.

**Grant
Requests**

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

**M 478 21
Council-
manic
Grant**

A Motion was made by Mrs. Green, seconded by Mr. Rieley, to give \$2,000.00 (\$1,000.00 from Mrs. Green's Councilmanic Grant Account, \$500.00 from Mr. Rieley's Councilmanic Grant Account, and \$500.00 from Mr. Schaeffer's Councilmanic Grant Account) to Delmarva Clergy United in Social Action Foundation for Christmas gifts for children.

Motion Adopted: 5 Yeas.

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

**M 479 21
Countywide
Youth
Grant**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to give \$1,500.00 from Countywide Youth Grants to Coastal Concerts for music scholarships.

Motion Adopted: 5 Yeas.

M 479 21 **Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;**
(continued) **Mr. Hudson, Yea; Mr. Rieley, Yea;**
 Mr. Vincent, Yea

M 480 21 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give**
Countywide **\$750.00 from Countywide Youth Grants to Urban Youth Golf Program**
Youth **Association for the First Tee School Program.**
Grant

Motion Adopted: 5 Yeas.

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

M 481 21 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to give**
Countywide **\$1,000.00 from Countywide Youth Grants to Sussex Technical High School**
Youth **for busing costs for the STEM tour.**
Grant

Motion Adopted: 5 Yeas.

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

Introduction **Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE**
of Proposed **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1**
Ordinances **AGRICULTURAL RESIDENTIAL DISTRICT FOR AN IRRIGATION**
 BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND
 LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY,
 CONTAINING 0.65 ACRES, MORE OR LESS” (Conditional Use No.
 2306) filed on behalf of Amanda Mapp (Tax I.D. No. 333-13.00-5.04) (911
 Address: 18667 Little Lane, Delmar).

Mrs. Green introduced the Proposed Ordinance entitled “AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A
CONVENIENCE STORE AND FUEL PUMPS TO BE LOCATED ON A
CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK
HUNDRED, SUSSEX COUNTY, CONTAINING 2.76 ACRES, MORE OR
LESS” (Conditional Use No. 2307) filed on behalf of Ellendale Associates,
LLC (Tax I.D. No. 230-26.00-98.00) (911 Addresses: 16848 and 16870 Beach
Highway, Ellendale).

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL
ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF
LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX
COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS” (Conditional

**Introduction
of Proposed
Ordinances
(continued)**

Use No. 2309) filed on behalf of Rockswitch Properties, LLC (Tax I.D. No. 235-8.00-62.00) (911 Address: 12537 Coastal Highway, Milton).

Mrs. Green introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.65 ACRES, MORE OR LESS” (Conditional Use No. 2312) filed on behalf of G. Fedale (Tax I.D. No. 133-2.00-38.00) (911 Addresses: 24207 and 24217 DuPont Blvd., Georgetown).

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” (Change of Zone No. 1949) filed on behalf of J.G. Townsend Jr. & Co. (Tax I.D. No. 334-12.00-16.04) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

**Corre-
spondence**

Mr. Lawson read correspondence from Mr. Jack Leonard thanking Mr. Hudson and Sue Keefe, Director of South Coastal Library, for their assistance in making computers at the library available for disabled veterans to use video-conferencing technology for their appeal claims with the Department of Veterans Affairs.

**M 482 21
Go Into
Executive
Session**

At 11:46 a.m., a Motion was made by Mr. Hudson, seconded by Mrs. Green, to recess the Regular Session and go into Executive Session to discuss matters relating to pending/potential litigation, land acquisition and personnel.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 11:50 a.m., an Executive Session of the Sussex County Council was held to discuss matters relating to pending/potential litigation, land acquisition and personnel. The Executive Session concluded at 1:23 p.m.

**M 483 21
Reconvene**

At 1:33 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to come out of Executive Session and reconvene the Regular Session.

**M 483 21
(continued)**

Motion Adopted: 5 Yeas.

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

E/S Action

There was no action on Executive Session matters.

Rules

Mr. Moore read the rules of procedure for public hearings.

**Public
Hearing/
CU 2265**

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 CARPET BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRE, MORE OR LESS” (Conditional Use No. 2265) filed on behalf of Pro Carpet, LLC (Tax I.D. No. 234-21.00-189.00) (911 Address: 26315 Miller Street, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on October 14, 2021 at which time action was deferred. On October 28, 2021, the Commission recommended approval with the following conditions:

- a. The use shall be limited to parking of vehicles, trailers and equipment associated with the Applicant’s carpet business. No business shall be conducted on the site, and no retail sales shall occur on the site.**
- b. Although the Applicant’s vehicles are permitted on the site, no vehicle maintenance shall occur on the site.**
- c. No junked, inoperable or untitled vehicles or trailers shall be located on the site.**
- d. The areas set aside for vehicle parking shall be clearly shown on the Final Site Plan and these areas shall be clearly marked upon the site itself.**
- e. Any dumpsters or trash containers shall be screened from view of neighboring properties and the front roadway.**
- f. Because this is a primarily residential area, no sign shall be permitted.**
- g. No storage of hazardous materials shall be permitted on the site. Any other materials associated with the use shall only be stored indoors.**
- h. Failure to abide by these conditions of approval may be grounds for revocation of this Conditional Use.**
- i. 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 October 14 and 28, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

**Public
Hearing/
CU 2265
(continued)**

The Council found that Juan Izara was present and spoke on behalf of the application. Mr. Izara stated that they do not propose to conduct a business on the site; that they only want to park employees' vehicles there; that the employees will park there and then go to the job site in vans; that one of the employees lives on the site; that there are no more than five (5) employees parking on the site; that they do not need to do any maintenance of the vehicles on the property; and that they agree with the conditions recommended by the Planning and Zoning Commission.

Public comments were heard.

There were no public comments in support of the application.

Melody Johnson spoke in opposition to the application. She stated that she lives on Miller Street which is the same street where the application site is located and she expressed concern about additional traffic along the road, which is a dead-end road with only fifteen (15) houses located along it. She also stated that she does not want her property devalued by the use.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 484 21
Adopt
Ordinance
No. 2808/
CU 2265**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2808 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CARPET BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRE, MORE OR LESS" (Conditional Use No. 2265) filed on behalf of Pro Carpet, LLC (Tax I.D. No. 234-21.00-189.00) (911 Address: 26315 Miller Street, Millsboro), with the following conditions:

- a. The use shall be limited to parking of vehicles, trailers and equipment associated with the Applicant's carpet business. No business shall be conducted on the site, and no retail sales shall occur on the site.**
- b. Although the Applicant's vehicles are permitted on the site, no vehicle maintenance shall occur on the site.**
- c. No junked, inoperable or untitled vehicles or trailers shall be located on the site.**
- d. The areas set aside for vehicle parking shall be clearly shown on the Final Site Plan and these areas shall be clearly marked upon the site itself.**
- e. Any dumpsters or trash containers shall be screened from view of neighboring properties and the front roadway.**
- f. Because this is a primarily residential area, no sign shall be permitted.**
- g. No storage of hazardous materials shall be permitted on the site. Any other materials associated with the use shall only be stored indoors.**
- h. Failure to abide by these conditions of approval may be grounds for**

**M 484 21
(continued)**

- revocation of this Conditional Use.**
- i. 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: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2267**

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 CATERING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.12 ACRES, MORE OR LESS” (Conditional Use No. 2267) filed on behalf of Cynthia Gibbs (Tax I.D. No. 230-20.00-9.10) (911 Address: 11420 Hollytree Road, Lincoln).

The Planning and Zoning Commission held a Public Hearing on this application on October 14, 2021 at which time action was deferred. On October 28, 2021, the Commission recommended approval with the following conditions:

- a. The use shall be limited to a catering business. No events catered as part of the Applicant’s business shall occur on the site.**
- b. The site shall maintain its residential appearance and the catering business shall be conducted from the home on the property.**
- c. One lighted sign shall be permitted. It shall not be any larger than 32 square feet in size.**
- d. No catered events shall occur on this property.**
- e. The failure to comply with any of these conditions of approval may result in the revocation of this Conditional Use.**
- f. 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 October 14 and 28, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Cynthia Gibbs was present on behalf of her application. Ms. Gibbs stated that she has operated a food truck in the past and now wants to start her own catering business; that she cannot run her catering business from her home without approval; that she cannot run her catering business from her food truck; and that she agrees with the conditions recommended by the Planning and Zoning Commission.

**Public
Hearing
(continued)**

There were no public comments.

The Public Hearing and public record were closed.

**M 485 21
Adopt
Ordinance
No. 2809/
CU 2267**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to Adopt Ordinance No. 2809 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CATERING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.12 ACRES, MORE OR LESS” (Conditional Use No. 2267) filed on behalf of Cynthia Gibbs, with the following conditions:

- a. The use shall be limited to a catering business. No events catered as part of the Applicant’s business shall occur on the site.**
- b. The site shall maintain its residential appearance and the catering business shall be conducted from the home on the property.**
- c. One lighted sign shall be permitted. It shall not be any larger than 32 square feet in size.**
- d. No catered events shall occur on this property.**
- e. The failure to comply with any of these conditions of approval may result in the revocation of this Conditional Use.**
- f. 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: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2268**

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 BOAT SHRINK WRAPPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.97 ACRES, MORE OR LESS” (Conditional Use No. 2268) filed on behalf of Staci C. and Winfield S. Walls, Jr. (Tax I.D. No. 234-33.00-44.00) (911 Address: 30600 and 30606 Gull Point Road, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on October 14, 2021 at which time action was deferred. On October 28, 2021, the Commission recommended approval with the following conditions:

- a. The use shall be limited to a boat shrink wrapping business only, which shall include temporary storage of boats, materials, and equipment related to the operation of this business. The use shall only occupy a**

**Public
Hearing/
CU 2268
(continued)**

2.0-acre portion of the entire property, and that the 2.0-acre area shall be shown on the Final Site Plan. This area shall be located to the rear of the site so that it is screened from view of Gull Point Road.

- b. There shall be no retail sales occurring from the site.**
- c. No maintenance of boats shall occur on-site.**
- d. No unregistered or permanently inoperable boats, trailers, or watercraft shall be stored at this site.**
- e. There shall not be any boats permanently stored on this site other than the Applicant's own boats or watercraft.**
- f. The hours of operation shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Sunday.**
- g. All business related equipment and materials shall always be kept in a neat and presentable appearance.**
- h. The existing landscape buffer shall continue to be maintained between the southern side yard property line and the neighboring property for the entire duration the use is operated on the property. The Final Site Plan shall identify this landscape buffer area.**
- i. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- j. One lighted sign shall be permitted. The sign shall be no larger than 32 square feet per side.**
- k. Any dumpsters shall be screened from the view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- l. The Applicants shall comply with DelDOT requirements, including any entrance or roadway improvements.**
- m. Failure to comply with any of these conditions may 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 October 14 and 28, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Ms. Mackenzie Peet, Attorney, was present on behalf of the Applicants. She stated that the Applicants occupy the home located towards the front of the property; that they wish to operate a boat shrink-wrapping business on approximately 2 acres of their 3.97 acre parcel; that the use will be concentrated around their approximately 1,500 sq. ft. pole barn, more or less, located in the upper middle portion of their property which is shown on the survey prepared by Miller Lewis; that area zonings include AR, MR, HR-2 and Marine; that the Planning and Zoning Commission recommended approval with conditions and that the reasons and conditions stated by the Commission are acceptable to the Applicants except for a slight clarification to Condition A; that Condition A presently requires that "This area shall be located to the rear of the site so that it is

**Public
Hearing/
CU 2268
(continued)**

screened from view of Gull Point Road.”; that the use will specifically be concentrated towards the upper middle of the property around the 1,500 sq. ft. pole barn; that the use will be located to the rear of the house; and that this area will be identified on the Final Site Plan.

There were no public comments.

The Public Hearing and public record were closed.

**M 486 21
Amend
Condition/
CU 2268**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Amend Condition A recommended by the Planning and Zoning Commission to read as follows: “The use shall be limited to a boat shrink wrapping business only, which shall include temporary storage of boats, materials, and equipment related to the operation of this business. The use shall only occupy a 2.0-acre portion of the entire property, and that the 2.0-acre area shall be shown on the Final Site Plan. This area shall be located to the rear of the home so that it is screened from view of Gull Point Road.”

Motion Adopted: 5 Yeas.

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

**M 487 21
Adopt
Ordinance
No. 2810/
CU 2268**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2810 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BOAT SHRINK WRAPPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.97 ACRES, MORE OR LESS” (Conditional Use No. 2268) filed on behalf of Staci C. and Winfield S. Walls, Jr., with the following conditions, as amended:

- a. The use shall be limited to a boat shrink wrapping business only, which shall include temporary storage of boats, materials, and equipment related to the operation of this business. The use shall only occupy a 2.0-acre portion of the entire property, and that the 2.0-acre area shall be shown on the Final Site Plan. This area shall be located to the rear of the home so that it is screened from view of Gull Point Road.
- b. There shall be no retail sales occurring from the site.
- c. No maintenance of boats shall occur on-site.
- d. No unregistered or permanently inoperable boats, trailers, or watercraft shall be stored at this site.
- e. There shall not be any boats permanently stored on this site other than the Applicant’s own boats or watercraft.
- f. The hours of operation shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Sunday.

**M 487 21
Adopt
Ordinance
No. 2810/
CU 2268**

- g. All business related equipment and materials shall always be kept in a neat and presentable appearance.**
- h. The existing landscape buffer shall continue to be maintained between the southern side yard property line and the neighboring property for the entire duration the use is operated on the property. The Final Site Plan shall identify this landscape buffer area.**
- i. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- j. One lighted sign shall be permitted. The sign shall be no larger than 32 square feet per side.**
- k. Any dumpsters shall be screened from the view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- l. The Applicants shall comply with DelDOT requirements, including any entrance or roadway improvements.**
- m. Failure to comply with any of these conditions may 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: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2269**

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 TRACTOR TRAILER PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.17 ACRES, MORE OR LESS” (Conditional Use No. 2269) filed on behalf of Dennis Nelson, Jr. (Tax I.D. No. 531-12.00-129.00) (911 Address: 26147 Craigs Mill Road, Seaford).

The Planning and Zoning Commission held a Public Hearing on this application on October 14, 2021 at which time action was deferred. On October 28, 2021, the Commission recommended denial.

(See the minutes of the Planning and Zoning Commission dated October 14 and 28, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Dennis Nelson, Jr. was present on behalf of his application. He stated that he started out with one truck and his business grew and now supports eight families; that he is looking for a more suitable site which is proving difficult to find; that he is hoping to continue the use at

**Public
Hearing/
CU 2269
(continued)**

this site, with restrictions, until he can find a new site; that he has taken measures to correct things that people have expressed concern about and opposition to; and that there are other commercial businesses in the area.

Public comments were heard.

There were no public comments in support of the application.

Karl and Donna Steinbiss, neighboring property owners, spoke in opposition to the application and expressed concern about the growth of Mr. Nelson's business, especially the number of trucks growing from one to five or six active trucks; that one truck was fine but no more; that the road the trucks travel on to the property are tar and chip roads with no shoulders; that the trucks "eat up" the roads; that the roads and the area are not made for truck traffic; that there are derelict trucks on the site; that the Applicant is not a good steward of his land; that their parking lot is not paved; and that there is concern with spillage of oil, etc. especially with a nearby body of water.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 488 21
Defer
Action/
CU 2269**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to defer action on Conditional Use No. 2269) filed on behalf of Dennis Nelson, Jr.

Motion Adopted: 5 Yeas.

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

**M 489 21
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at 2:15 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

Consent Agenda 11-16-2021

Assawoman Lakes (Evergreen RPC)

Existing Sewer Infrastructure Use Agreement – IUA-867-1

Michael P. Justice, Trustee to pay \$21,656.00 for 45.00 EDUs

Miller Creek Area

EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Assawoman Lakes (Evergreen RPC) IUA-867-1

THIS AGREEMENT (“Agreement”), made this 16TH day of NOVEMBER 2021, by and between:

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

MICHAEL P. JUSTICE, TRUSTEE developer of a project known as **Evergreen RPC**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 134-16.00-51.00 be known as **Evergreen RPC** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Miller Creek Area) and;

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **45.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$21,656.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted upon execution of this agreement.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **29687 Sawmill Drive, Dagsboro Delaware 19939.**

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

FOR THE COUNTY:

{Seal}

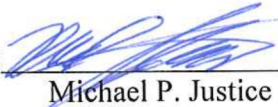
By: _____
(President - Sussex County Council)


(DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR MICHAEL P. JUSTICE, TRUSTEE

By:  (Seal)
Michael P. Justice - Owner
11/1/21 (DATE)

WITNESS: 

ZITA K. PENNYPACKER
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on 11/29/21

*State of Delaware
County of Sussex*


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



Sussex County
DELAWARE
sussexcountycle.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator 

RE: **2022 MEETING AND HOLIDAY SCHEDULE**

DATE: November 12, 2021

During Tuesday's meeting, the Council is scheduled to discuss and approve the 2022 Meeting and Holiday Schedule. As in past years, the County will follow the typical holiday schedule and will be closed on the traditional holidays, including:

- New Year's Day
- Martin Luther King, Jr. Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Election Day
- Return Day
- Veterans Day
- Thanksgiving
- Christmas

Regarding the County Council's meeting schedule, the Council is scheduled to meet every Tuesday except on days affected by a holiday and days we select to not meet. If an additional meeting is needed, Council can always schedule one at its discretion.

I will review the full schedule during Tuesday's meeting. Please let me know if you have any questions or concerns.



BRANDY BENNETT NAUMAN
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountyde.gov



Sussex County
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MEMORANDUM

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

FROM: Brandy B. Nauman, Director

RE: **Sussex County Housing Trust Fund Update**

DATE: November 12, 2021

On July 22, 2021, I discussed how a Housing Trust Fund will help create new affordable housing opportunities in Sussex County and presented an outline of the basic goals and objectives for the Fund. The next step identified was to obtain feedback on the Housing Trust Fund outline from affordable housing advocates and potential applicants.

On Tuesday, I will brief Council on the feedback received from stakeholders, present my recommendations for the Advisory Board, and discuss next steps.

I look forward to your feedback as we continue work to frame the policies and procedures for this initiative.

Please do not hesitate to contact me with any questions. Thank you.

CC: Gina A. Jennings, Finance Director/COO



GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

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



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Memorandum

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

FROM: Gina A. Jennings
Finance Director/COO

DATE: November 12, 2021

RE: **Veterans with 100% Disabled Rating Property Tax Credit**

On Tuesday, there will be a public hearing on the attached ordinance. The ordinance will exempt veterans with a 100% disability rating from County property taxes if they qualify for the State's veteran disability program. According to the National Center for Veterans Analysis & Statistics' August 2021 report, there are 516 individuals who may qualify in Sussex County. It is estimated to cost the County \$44,000 annually.

This ordinance complements House Bill 214 with House Amendment 1 that passed the General Assembly on June 30, 2021 and was signed by Governor Carney on August 10, 2021. The State's legislation authorized school districts (not including vo-tech schools) to provide a 100% credit against school taxes for disabled veterans that meet the definition of a "qualified person" owning "qualified property", as each term is defined in §1917(d)(1) of Title 14 of the Delaware Code, beginning with the 2022 property tax bill. The State's legislation did not exempt veterans from the County portion of the property tax bill; therefore, this ordinance would provide that exemption.

If approved, qualified individuals can apply for both the State and County portion of their property taxes by visiting the County's website or contacting the Billing Division at (302) 855-7859.

Please contact me if you have any questions or concerns.

Attachment



Introduced 10/26/21

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SUSSEX COUNTY CODE TO INCLUDE A NEW ARTICLE VII, REAL PROPERTY TAX CREDIT FOR DISABLED VETERANS, UNDER PART II, GENERAL LEGISLATION, TAXATION, §103-43 THROUGH §103-47, TO ESTABLISH A REAL PROPERTY VALUE-BASED TAX CREDIT FOR TOTALLY DISABLED VETERANS WHO ARE RESIDENTS OF SUSSEX COUNTY AND WHO MEET ELIGIBILITY CRITERIA UNDER THE STATE OF DELAWARE DISABLED VETERANS' SCHOOL TAX CREDIT PURSUANT TO 14 DEL. C. 1917.

WHEREAS, Sussex County desires to adopt an ordinance which shall provide Sussex County residents who are totally disabled veterans with a Sussex County value-based real property tax credit subject to criteria as more fully set forth in the ordinance and the Delaware Code; and

WHEREAS, as part of its implementation of this Sussex County value-based real property tax credit, Sussex County desires to adopt application process and eligibility criteria set forth in 14 DEL. C. 1917. the State of Delaware Disabled Veterans' School Tax Credit; and

WHEREAS, the proposed tax credit shall remain in effect so long as the applicant or applicant's surviving spouse owns the real property and the dwelling located thereon and continues to meet all of the conditions mandated by the State of Delaware Disabled Veterans' School Tax Credit.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, is hereby amended by adopting a new Article VII, entitled, "Real Property Tax Credit for Disabled Veterans" under Part II, General Legislation, Taxation, §103-43 through §103-47 by inserting the underlined language as follows:

"Article VII Real Property Tax Credit for Disabled American Veterans

§103-43 Credit granted.

§103-44 Contents of application.

§103-45 Application procedure.

§103-46 Term of credit.

§103-47 Appeals.

§103-43 Credit granted.

Every person who shall be a resident of this county, who shall be totally disabled as determined by the State of Delaware Disabled Veterans' School Tax Credit program established under 14 DEL. C. 1917, and who shall reside in a dwelling owned by him or

her which is a constituent part of his or her real property shall be entitled, to a credit against County value-based property tax.

§103-44 Contents of application.

A completed application for the State of Delaware Disabled Veterans' School Tax credit shall serve as application for the Real Property County Tax Credit for Disabled American Veterans.

§103-45 Application procedure.

Application for credit pursuant to this article shall be made in the same manner and with the same parameters and approval process as the State of Delaware Disabled Veterans' School Tax Credit.

§103-46 Term of credit.

A credit granted pursuant to this article shall remain in effect so long as the real property and the dwelling house thereon are owned by the applicant or his surviving spouse under the conditions set forth in the State of Delaware Disabled Veterans' School Tax Credit.

§103-47 Appeals.

Any applicant for this credit who shall be aggrieved by the disposition of his claim may appeal such disposition in the manner provided by law."

Section 2. Effective Date. This Ordinance shall become effective upon approval.

Synopsis

This Ordinance amends the Sussex County Code by adopting a new Article VII, entitled, "Real Property Tax Credit for Disabled Veterans" under Part II, General Legislation, Taxation, §103-43 through §103-47, which grants a value-based real property tax credit to totally disabled veterans who are residents of Sussex County, own real property and reside in a dwelling which is a constituent part of said real property. The tax credit is subject to the applicant's completion of the State of Delaware Disabled Veterans' School Tax Credit application demonstrating applicant has met the parameters and has been approved therefor. The tax credit shall remain in effect so long as the applicant or applicant's surviving spouse owns the real property and the dwelling located thereon and continues to meet all of the conditions mandated by the State of Delaware Disabled Veterans' School Tax Credit.

No text has been deleted. All new text is underlined and in quotations.

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 John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

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

RE: *Ellendale Sewer and Water Operations Agreement*

DATE: November 16, 2021

Sussex County owns and operates sewer and water facilities serving the Town of Ellendale and surrounding area. This includes the Ellendale Sanitary Sewer District, established around year 2000 and merged with the Unified Sanitary Sewer District in 2016, and the Ellendale Water District established by Resolution R 015 18 in October 2018. Funding to construct the water system was secured through FY20 & FY21 State Bond Bills, and on January 29, 2019 Council approved the Ellendale Water District Agreement with the Artesian Water Company, providing source water and shared operation and maintenance. Design and permitting efforts resulted in Council awarding a construction contract in February 2021. Substantial progress has been made to date, with one hundred or +/-50% of possible water connections activated.

The Town of Ellendale recently requested Sussex County consider a limited expansion of the water system improvements, utilizing the Town's available American Rescue Plan Act funding to install a water main loop of approximately 2,400 LF.

Additionally, the Town recognizes growth in the area and the potential for development and annexation requests. The Town considers the most cost-effective solution for public water and sewer service requests by any new and annexed development, to be through expansion of the Unified Sanitary Sewer District and the Ellendale Water District, unless already certificated by Artesian Water Company, Inc. However, the Town is protective of its annexation area as outlined in the TOWN's Comprehensive Plan on file with the State of Delaware and requested the following wording be included in the County's extension resolutions:

"If the property seeking inclusion in the Ellendale Water District or Sussex County Unified Sanitary Sewer District becomes contiguous to and eligible for annexation into the Town of Ellendale, said property shall annex."



The Town Attorney in conjunction with the Engineering Department developed the attached Sewer & Water Operations Agreement. It was discussed and approved by the Town Council at their November 11, 2021 meeting via resolution. The Town Attorney will add the appropriate signature lines and forward for full execution. The Engineering & Finance Departments recommend County Council approve the Agreement and authorize the Departments to proceed with coordination and use of the Town's available ARPA funding for additional improvements to the Ellendale Water District.

SEWER & WATER OPERATIONS AGREEMENT

This agreement, made and entered into this 16th day of November 2021, by and between the Town of Ellendale, a municipal corporation of the State of Delaware, (the “TOWN”) and Sussex County, a political subdivision of the State of Delaware (the “COUNTY”).

WITNESSETH:

WHEREAS, the COUNTY maintains and operates the Sussex County Unified Sanitary Sewer District, of which the former Ellendale Sanitary Sewer District was merged into in 2016.

WHEREAS, the TOWN agrees that it would be the most cost-effective solution to require new developments in the Ellendale municipal limits to connect to the existing Sussex County Unified Sanitary Sewer District, and for the TOWN not to attempt to own or operate their own sanitary sewer system, now or in the future.

WHEREAS, the COUNTY maintains the Ellendale Water District that is currently under construction and as passed by referendum in 2019.

WHEREAS, the TOWN and the COUNTY are interested in expanding said Ellendale water District under a change order to the current contract with a loop connection of approximately 2,400 feet in length from the terminus on Washington Street north of Route-16 to the terminus on State Street.

WHEREAS, the TOWN agrees that it would be the most cost-effective solution to require new developments in the Ellendale municipal limits, not already covered by an existing Certificate of Public Convenience and Necessity (CPCN), to connect to the existing Ellendale Water District, and for the TOWN not to attempt to own or operate their own municipal water system, now or in the future.

NOW, THEREFORE the parties hereto agree that the TOWN will make mandatory that all new annexations of the TOWN be required to seek inclusion in the Sussex County Unified Sanitary Sewer District in order to proceed with annexation into the TOWN.

BE IT FURTHER AGREED that the TOWN will make mandatory that all new annexations of the TOWN, not already covered by an existing CPCN, be required to seek inclusion in the Ellendale Water District at such time as the Ellendale Water District becomes contiguous to the property seeking annexation.

BE IT FURTHER AGREED that the TOWN will commit its entire American Rescue Plan Act of 2021 funding in the amount of \$ \$193,845.00 to construct the aforementioned Washington Street water

loop in addition to the remaining funding under the COUNTY's current water project funded by the State of Delaware. Properties on Washington Street will be afforded the same terms and conditions of connection as all other properties in the Water District.

BE IT FURTHER AGREED that any extensions of the COUNTY's Ellendale Water District or Unified Sewer District located within the TOWN's annexation area as outlined in the TOWN's Comprehensive Plan on file with the State of Delaware shall be contingent upon the following wording:

"If the property seeking inclusion in the Ellendale Water District or Sussex County Unified Sanitary Sewer District becomes contiguous to and eligible for annexation into the Town of Ellendale, said property shall annex."

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper corporate officers and their respective corporate seals to be hereto affixed, the day and year first written above.

SUSSEX COUNTY

TOWN OF ELLENDALE

BY: _____

BY: _____

Michael H. Vincent - Council President

Aaron M. Moore, Mayor

Attest: _____

Attest: _____

Clerk of Council

Secretary

Date: _____

Date: _____

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



Sussex County

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: November 12, 2021

RE: County Council Update on Subdivision Application 2006-73 – The Vines of Sand Hill
Tax Parcel: 135-10.00-63.00. Zoning District: AR-1 (Agricultural Residential Zoning District).

Background

At their meeting of Thursday, August 20, 2008, the Planning and Zoning Commission approved Preliminary Subdivision plan for a major subdivision application (Ref 2006-73) for the subdivision of 261.99 acres into 400 lots for a parcel of land located south of Huff Road (SCR 252), 2,500 feet east of Sandhill Road (SCR. 319). The approval was subject to 15 Conditions of Approval.

Condition M of the Conditions of Approval stated, *“Within 2 years of the issuance of the first residential building permit, the developer shall construct all of the recreational amenities.”*

At their meeting of Thursday, May 13, 2021 the Planning & Zoning Commission approved a request to revise the Conditions of Approval for The Vines of Sand Hill Subdivision (2006-73).

As part of the request, the Applicant had drawn attention to General Note No. 3 shown on the approved Phasing Plan which states, *“Clubhouse construction is to be completed prior to the issuance of the 136th home certificate of occupancy or earlier. The tennis courts and athletic fields are to be completed prior to the issuance of the 136th home certificate of occupancy or earlier.”* The Applicant had informed staff that construction of the amenities is proposed to begin in the Fall of 2021 and be completed prior to the issuance of the 136th Certificate of Occupancy.

The revised “Condition M” now states *“Amenities shall commence within 6 months from the Planning and Zoning Commission date (5/13/2021) and shall be completed within 18 months of said commission date (5/13/2021) or before the issuance of the 136th building permit, whichever occurs first.”*



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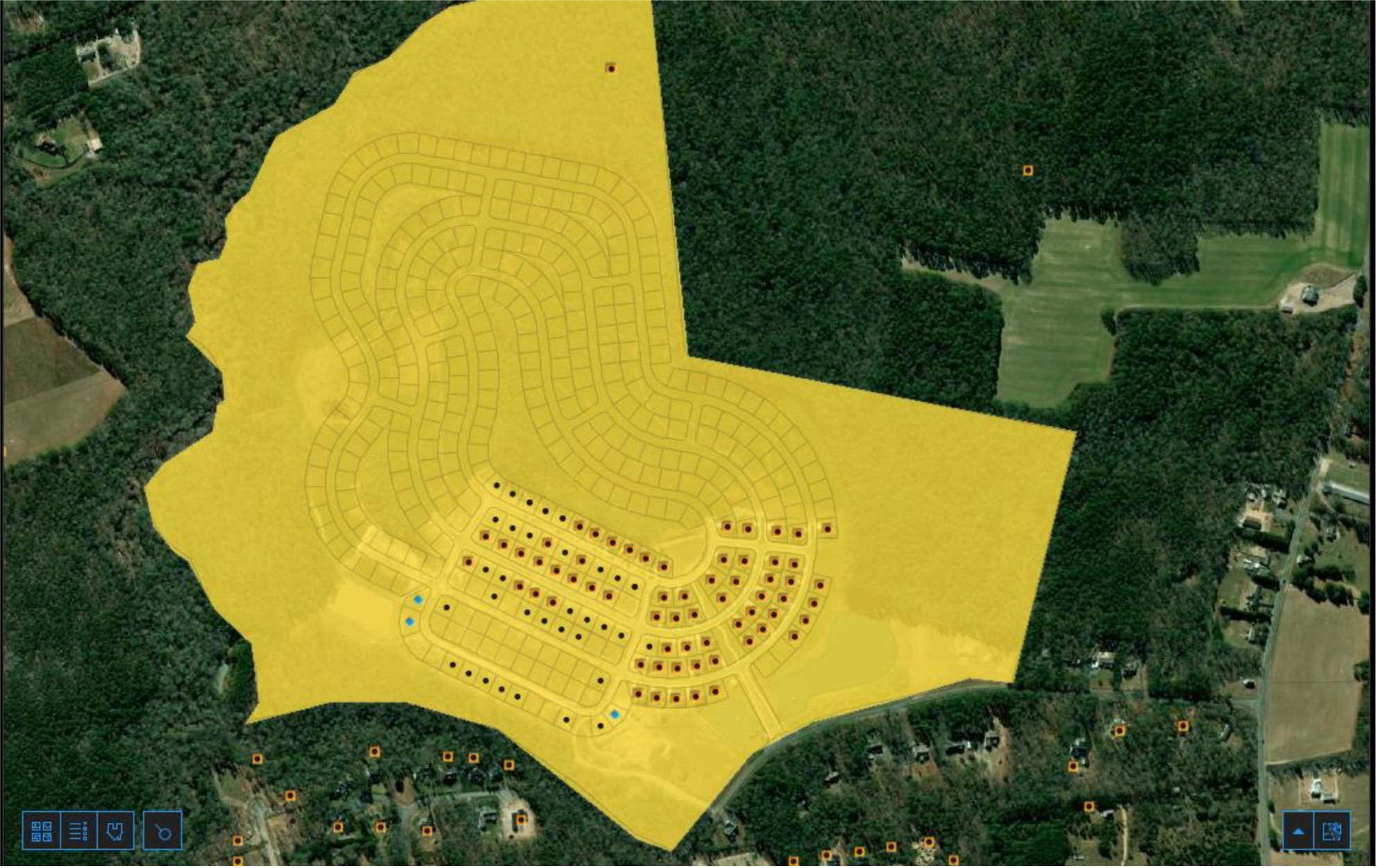
Update

Final Site Plan approval for the location of the amenities was issued by the Planning and Zoning Commission at its meeting of December 14, 2017. A subsequent site plan submission for a clubhouse building, sports courts, swimming pool, tot lot and associated parking, was approved by the Planning & Zoning Commission at its meeting of February 8, 2018. A copy of the approved plan is included below.

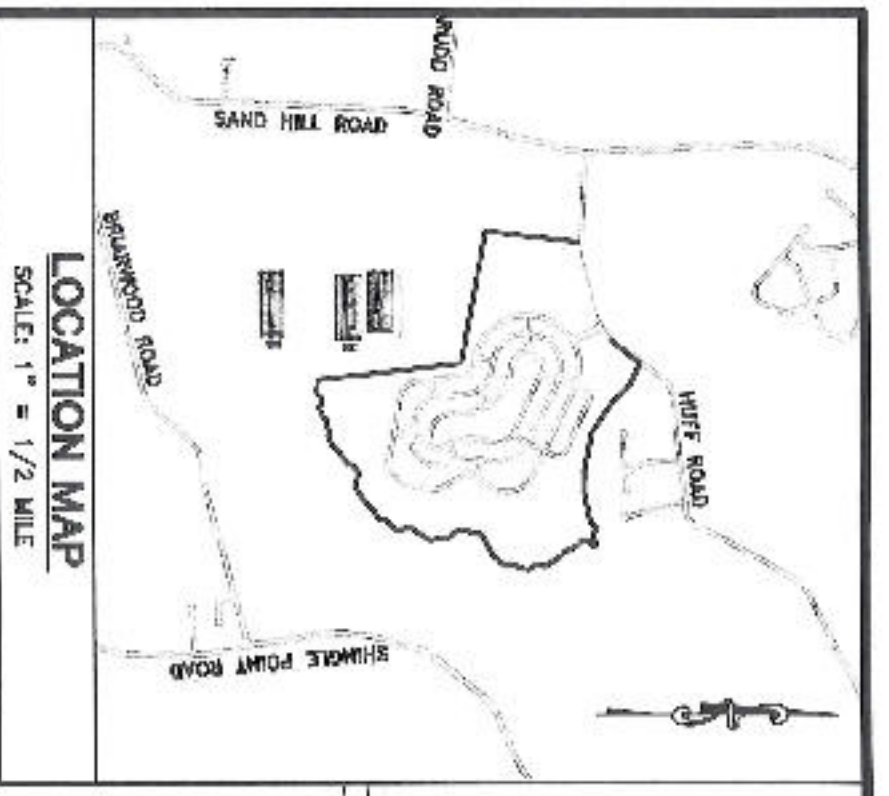
As of November 12, 2021, the County has not received a Building Permit application for the clubhouse.

In total, 99 Building Permit applications for dwelling houses have been submitted to the County. Of those 99 applications, 96 of these have been issued (3 Building Permits are current pending). Of the 96 issued permits, 63 of those have been issued with Certificates of Occupancy.

Staff are currently working with the developer to obtain an update on when a Building Permit application for the amenities is to be submitted.



The Vines of Sand Hill – Building Permits as of November 12, 2021



LEGEND

- RIGHT-OF-WAY / BOUNDARY LINE
- PROPERTY LINE
- ROAD CENTERLINE / BASELINE & SIDEWALK
- CATCH BASIN, STORM PIPE, STORM MANHOLE
- STANDARD SEWER MANHOLE, PIPE, FLOW ARROW
- WATER MAIN, TE W/ VALVES, FIRE HYDRANT ASSEMBLY
- LOT IDENTIFICATION NUMBER
- SIGN
- FENCE
- PAVEMENT
- SIDEWALK

DATA COLUMN

TAX MAP ID: 1-35-10-00-83.00
 SUBDIVISION REFERENCE NUMBER: 2008-73
 SITE ADDRESS: 24028 HARVEST CIRCLE, MILTON, DE 19865
 LATITUDE: 38.713
 LONGITUDE: -75.845
 ZONING: R-1 (RESIDENTIAL)
 EXISTING PROPOSED: AR-1 (AGRICULTURE/RESIDENTIAL)
 PARCEL AREA: 29.85 AC.
 LIMIT OF DISTURBANCE: 29.85 AC.
 STRENGTH: 28 FT (40 FT FROM NUMBERED ROAD)
 SIDE YARD SETBACK: 10 FT
 REAR YARD SETBACK: 10 FT
 PROPOSED BUILDING SQUARE FOOTAGE: 6,685 S.F.
 PARKING: 26 S.F. = 1 SPACE
 REQUIRED: 1 SPACE PER 190 S.F. = 6,685/190 = 49 SPACES
 PROVIDED: 67 SPACES (INCLUDING 3 VAN ACCESSIBLE SPACES)

PROJECT OWNER: SANDHILL REAL ESTATE INVESTMENTS, LLC.
 16781 HUDSON ROAD
 302-469-1190
 TONY SPOCALO

ENGINEER: DAVIS, BOWEN & FRIEDEL, INC.
 23 NORTH WALKER STREET
 PHONE: 302-424-1441
 FAX: 302-424-0450

ARTISIAN WASTEWATER MANAGEMENT, INC.
 ARTISIAN WATER COMPANY, INC.

PLUMBER: ARTISIAN WASTEWATER MANAGEMENT, INC.

SEWER PROVIDER: ARTISIAN WASTEWATER MANAGEMENT, INC.

WATER PROVIDER: ARTISIAN WASTEWATER MANAGEMENT, INC.

FLOOD HAZARD MAP: THE SITE IS NOT SHOWN ON THE 100-YR PROGRAM AS DETERMINED BY THE FEMA FLOOD INSURANCE RATE MAP #190500328R, DATED MARCH 18, 2013.

WATER KEY LEGEND

LABEL	DESCRIPTION
WA	PROPOSED FIRE HYDRANT ASSEMBLY
WB	PROPOSED 8" WATER VALVE
WC	PROPOSED 2" BLOWOFF, 5"x2" TAPPED CAP
WD	2" WATER PIT
WE	REMOVE EX. 1/4" CAP AND TE-IN WITH 8" HD STEEL
WF	8" 45° BEND
WG	8" 22.5° BEND
WH	8" 11.25° BEND



- FIRE PROTECTION NOTES**
- ALL FIRE LINES, HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
 - PROPOSED BUILDING CONSTRUCTION: TYPE V (111)
 - INTENDED USE: CLUB HOUSE, POOL, AND POOL DECK - ASSUMED
 - FIRE CODE BUILDING HEIGHT: 1.5 FT.
 - PROPOSED BUILDING SQUARE FOOTAGE: 6,685 S.F.
 - AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
- GENERAL NOTES:**
- CONTRACTOR TO INSTALL TRUCKER WHEEL ON SERVICE LINE FOR THE FACILITY.
 - THE DESIGNATED HOMEOWNERS ASSOCIATION ASSUMES RESPONSIBILITY FOR THE FACILITY'S UTILITIES AT THE VINES OF SANDHILL.
 - HANDOFF CURB RAIPS SHALL CONFORM TO ADA STANDARDS AND SPECIFICATIONS.
 - ARTISIAN WASTEWATER MANAGEMENT, INC. ASSUMES NO RESPONSIBILITY FOR MAINTENANCE OF THE SEWER SYSTEM PAST THE RIGHT-OF-WAY LINE WITHOUT EASEMENT.
 - IF FACILITY IS TO BE USED AT NIGHT, PARKING LOT LIGHTING SHALL BE DESIGNED BY OTHERS IN ACCORDANCE WITH SUSSEX COUNTY CODE §13-150(b).

EDU CALCULATION

(SUSSEX COUNTY CODE § 110-99)	Type of Fixture	FU	Dwmt	FUS
1	Sink	2	1	2
2	Washbasin or lavatory	1	12	12
3	Toilet	1	6	6
4	Hot sink or service sink	2	2	2
5	Domestic dishwasher	1	4	4
6	Drinking fountain	1	1	1
7	Garbage disposal	1	1	1
8	Refrigerator	1	3	3
9	Freezer	1	5	5
10	Free cooler	1	5	5
11	Free chiller	1	47	47
12	Total FU			7.63

47 FU x 1 EDU/FU = EDU 47

THE VINES OF SANDHILL
AMENITY AREA
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE



DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 SALSBURY, MARYLAND (410) 543-9901
 MILFORD, DELAWARE (302) 424-1441



CL-01

Date: MARCH, 2018
 Scale: 1"=40'
 Drawn by: DBF/TJS
 Project No.: 1717/002/1A01

REVISIONS:
 5/20/18: AS-BUILT COMMENTS
 5/20/18: SEWER MAIN, ARTISIAN
 7/24/18: COMMENTS, W.M. ASHBY
 8/07/18: FORCE MAIN SE-24
 8/23/18: FORCE MAIN SE-24
 10/27/18: SEWER TRAP OPTION
 11/27/18: SEWER TRAP OPTION
 & 1 STORY

Range & Final 10/22/21

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



Sussex County

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: November 10, 2021

RE: County Council Report for CU 2262 filed on behalf of Matthew Hete

The Planning and Zoning Department received an application (CU 2262 filed on behalf of Matthew Hete) for a Conditional Use for parcel 334-6.00-686.00 for multi-family dwellings (4 Units). The property is within the Agricultural Residential (AR-1) Zoning District and is located on the southeast side of Postal Lane (SCR 283), approximately 0.22 mile northeast of Plantations Road (SCR 275). The parcel size is 1.25 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on September 9, 2021. At the conclusion of the Public Hearing, the Commission deferred action on the application for further consideration.

The County Council held a public hearing for the application at its meeting of October 11, 2021. At the conclusion of the application, the Council deferred action on the application to enable receipt of a recommendation from the Planning & Zoning Commission.

At the Planning & Zoning Commission meeting of October 13, 2021, the Commission recommended that the application be approved for the six reasons and subject to the 12 recommended conditions as outlined in the motion (copy below).

At the County Council meeting of October 19, 2021, an update was provided to the County Council as to the recommendation that had been received from the Planning & Zoning Commission. Council left the record open until close of business at 4:30 p.m on Monday, October 25, 2021 for the receipt of any additional public comments. Following the October 19, 2021 meeting, no additional public comments concerning the application were received.



COUNTY ADMINISTRATIVE OFFICES
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Below are the approved minutes from the Planning & Zoning Commission meeting of September 9, 2021 and the approved minutes from the Planning & Zoning Commission meeting of October 13, 2021.

Approved Minutes of the September 9, 2021 Planning & Zoning Commission Meeting

C/U 2262 Matthew Hete

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwellings (4 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.25 acres, more or less. The property is lying on the southeast side of Postal Lane (S.C.R. 283), approximately 0.22-mile northeast of Plantations Road (S.C.R. 275). 911 Address: 34360 Postal Lane, Lewes. Tax Parcel: 334-6.00-686.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the DelDOT Service Level Evaluation Response, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, a copy of the staff analysis and the Applicant's survey, a copy of the Sussex County Council meeting minutes from July 28, 2020, 13 letters of support, one mail return; that the Commission may recall the proposed parcel from the Planning and Zoning Commission meeting of June 25, 2020, where the previous application requested a Change of Zone from AR-1 Agricultural Residential to MR Medium Residential along with a corresponding Conditional Use and the current Application request is only for a Conditional Use without the request of a Change of Zone.

The Commission found that Mr. Kevin Smith and Mr. Matthew Hete were present on behalf of the Application; that this project was before Planning and Zoning and Sussex County Council last year for a completely different use; that the client has decided to propose single-family homes on the property in a condominium-style format; that it appears to be four separate units on one parcel; that with the parcel being 1.249-acres it comes out to 3.2 units per acre; that he requests to read into record a letter; that the proposed request is for four single-family style homes in a condominium development; that the units depict a one car garage and a six car parking pad driveway; that the density for the proposed layout is 3.2 units per acre; that the single-family style home is indicative of the current conditions in the immediate vicinity of the property; that the developer of Lands of Hete, LLC made every attempt to assure the design of the project conforms to the articles as present in the Sussex County Code; that the developer would like to ensure the members of the Planning and Zoning Commission are aware of what investigations have been performed on the proposed property during the public hearing; that attached to the letter are findings associated with Lands of Hete, LLC; that all documents contained shall be on record with Planning and Zoning's file; that the hope is the documents can be used as a guide to the Commission on making the recommendation and decision on the proposed Application; that he submitted into the record the letter he read and a written proposed findings of fact for the property; that the Application requests a Conditional Use for single-family condominium-style development on a parcel of land on the southside of Postal Lane; that the property is 1.249-acres in size; that the property is identified by the Sussex County Assessment Office as Sussex County Tax Map 334-6.00-686.00; that the property is currently zoned AR-1 Agricultural Residential; that the property is located within the Sussex County Environmentally Sensitive Development District Overlay Zone; that the property is located across from Sandy Brae which is zoned MR Medium Residential; that there are other developments located in the immediate vicinity of the proposed property that are zoned MR; that these developments are Plantations East, Plantations Summercrest, and Maple Wood; that there are also commercial development nearby, such as Pelican

Square, Heritage Inn, Bob Evans, Tangler Outlets and Midway Shopping Center; that according to the Sussex County Comprehensive Plan the property is identified for future land use purposes as Mixed Residential; that the Strategies for State Policy and Spending identify the area as an Investment Level I; that the project is in character with a long history of development and approved applications for development in the immediate area; that the proposed development will provide housing in an area where infrastructure and transit services area available; that this thereby meets the general purpose of the Sussex County Zoning Ordinance by promoting growth, convenience, order, prosperity, and welfare of Sussex County; that the project will be served by central water through Tidewater Utilities; that wastewater collection will be provided through Sussex County by the Dewey Beach Sanitary Sewer District; that this recommendation of approval is subject to the following Conditions; that there should be no more than four dwelling units on the subject parcel; that the final record plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission; that he did prepare Chapter 115-194.3 compliance within a letter which he submitted into the record; that the letter stated, if the Application was acted favorably upon, the proposed drainage design would be subject to the approval of Sussex Soil Conservation District for stormwater management; that if DelDOT requires roadway improvements or drainage improvements that road frontage will be required as well; that water and sewer can be provided by Tidewater Utilities and Sussex County; that four units per acre meets the requirement of Sussex County; that four units per acre seems pretty small considering the area; that there are no threatened species indicated on the proposed property; that there is no indication of tidal and nontidal wetlands being located on the proposed property; that the proposed layout of the development promotes open space; that what is proposed to be impervious is what is currently shown on the plan; that there may be a sidewalk to a step but generally .789 acres or 63% of the site should remain green open area; that potentially Sussex Conservation District may request to have a BMP infiltration area placed on the property; that regarding public and private infrastructure, in the immediate area there is a parking facility provided for wastewater and water utilities; that there are no know historical and cultural resources located on the property; that currently there is only one single-family residence located on the property; that the Applicant has gone to Sandy Brae Development and to the neighbors along Postal Lane over the past year with the preliminary plan to ensure the surrounding neighbors approve of the Applicant developing the property and the Applicant presented into the record two additional letters of support from surrounding neighbors that were not originally included.

The Commission found that Mr. Matthew Hete spoke on behalf of his Application; that he performed a lot of due diligence working with the neighbors to make sure they approved of the proposed project and helped overcome any objections the neighbors may have; that he has spoken to all three nearby developments as well as all adjacent neighbors; that all neighbors are in support of the project; that this is shown in the written letters of recommendation for the project; that his proposed plan is to place single-family homes that fit into the neighborhood; that there will be no mobile homes or excessively large homes, only homes that are conducive to the surrounding area; that he has children and his ultimate goal is to try to keep them in the area; that his children cannot continue to live in the area and have employment here because there is not a place affordable for them to live; that his intention is to place single-family homes on this property, making it affordable for his children to move into; that it is not his intention to sell after placing the homes; that he wanted to keep the proposed homes for his family; that to make it easier on the neighborhood he made a one driveway entrance and exit; that this had previously been a subject of objection by Sandy Brae and other associations; that they were concerned about multiple driveways, so he created only one entrance off of Postal Lane; that he believes DelDOT is considering performing some widening of the road as he previously read this in an article within the Cape Gazette; that he has friends that are builders; that

they are taking down homes in the Lewes and Rehoboth areas; that he would like to take advantage of the homes that will be plowed down and relocate them to the proposed property; that he hopes in doing this it will keep the heritage of Lewes and Rehoboth alive; that the surrounding area is listed as MR, but his intention is to keep the area Agricultural Residential.

Ms. Stevenson questioned how many units per acre are permitted within the AR-1 Zoning District and questioned if the Applicant has enough space for the widening of the road as she feels the road desperately needs it.

Mr. Whitehouse stated since the zoning is not changing, this Application falls within the density bonus provisions of the AR-1 Zoning District; that a multi-family application may propose to increase above two dwellings units to the acre but no more than four dwelling units to the acre; that each unit, over the two dwelling units per acre, must contribute the density bonus fee; that this fee is per unit; that off the top of his head, in this location, it is \$20,000 per unit for two additional units and this would go to an off-site open space contribution.

Mr. Robertson stated that money goes into the funds administered by the land trustee; that then Sussex County uses that money to purchase off-site open space; that an example of this was the big property near the rail trail along Rt. 9 and there have not been many Applicants to do this in the past.

Mr. Smith stated the Applicant will provide the necessary right of way that DelDOT requires.

Mr. Hete states he intends to add a walking path, biking path, or sidewalk along the parcel's frontage; that although this may not extend down the street, he hopes this would be beneficial to the neighborhood.

Mr. Mears stated the Applicant remedied the parking concerns the Commission had from the previously proposed Application.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

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

In relation to Application C/U 2262 - Matthew Hete. Motion by Ms. Stevenson, to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

Approved Minutes of the October 13, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which was deferred at the meeting of September 9, 2021.

Ms. Hoey Stevenson that the Commission recommend approval for Conditional Use # 2262 for MATTHEW HETE for 4 Multi-Family Dwellings in an AR-1 District based upon the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 4 multi-family structures on approximately 1.25 acres.

2. Multi-family dwellings can be approved with a density of 4 units per acre as a conditional use in the AR-1 District, subject to a bonus density payment for each unit above 2 units per acre to preserve open space elsewhere. There will be a bonus density payment required for the two additional units of density on this site.
3. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that “a range of housing types” are acceptable here.
4. The proposed development will not have an adverse impact on the neighboring properties or roadways. In fact, there are letters in support of the application from many of the nearby neighbors.
5. The development will be served by central sewer provided by Sussex County.
6. The development will be served by central water.
7. This recommendation is subject to the following conditions:
 - a. The maximum number of residential units shall be 4.
 - b. All entrance, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - c. There shall be a 75-foot buffer along the road frontage that complies with the requirements of Section 115-22 of the Zoning Code for multi-family dwellings in the AR-1 District.
 - d. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas.
 - e. 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.
 - f. The project shall be served by central water to provide drinking water and fire protection.
 - g. Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 am and 5:00 pm Monday through Friday. There shall be no construction activities at the site on Saturdays or Sundays. A 24 inch by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
 - h. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - i. The Final Site Plan shall contain the approval of the Sussex County Conversation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - j. All streetlights shall be downward screened so that they do not shine on neighboring properties or roadways.
 - k. The Applicant must pay the bonus density fee required by Chapter 62, Section 62-7 of the Code of Sussex County for the two additional units in excess of two units per acre.
 - l. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Hoey Stevenson, seconded by Mr. Hopkins and carried unanimously to grant approval for the subdivision for the reasons stated in the Motion. Motion carried 5-0.

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date September 9, 2021.

Application: CU 2262 Matthew Hete

Applicant: Matthew C. Hete
45 Kings Creek Circle
Rehoboth Beach, DE 19971

Owner: Matthew C. Hete
45 Kings Creek Circle
Rehoboth Beach, DE 19971

Site Location: The property is lying on the southeast side of Postal Lane (S.C.R. 283), approximately 0.22-mile northeast of Plantations Road (S.C.R. 75) at 34360 Postal Lane in Lewes, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Multifamily (4 units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 1.25 acres +/-

Tax Map ID.: 334-6.00-686.00



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: September 2, 2021
RE: Staff Analysis for CU 2262 Matthew Hete

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2262 Matthew Hete to be reviewed during the September 9, 2021 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 Tax Parcel: 334-6.00-686.00 to allow for the establishment of four (4) multifamily dwelling units. The parcels are lying on the southeast side of Postal Lane (S.C.R. 283), approximately 0.22-mile northeast of Plantations Road (Route 1D). The parcels consist of 1.25 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject properties also lie within the "Coastal Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the northeast, northwest and south of the subject site are also zoned Agricultural Residential (AR-1). The surrounding area to the north features a number of differently zoned parcels including parcels of which the majority are zoned Medium Density Residential (MR). The properties to the northeast which line Coastal Highway (Route 1) are all zoned General Commercial (C-1).

Since 1999, there have been four (4) Conditional Use applications within a 2-mile radius of the application site. The first application was for Conditional Use No. 2252 Delaware Electric Co-op to allow for a substation to be located within a Medium Density Residential (MR) Zoning District. This application was approved by the Sussex County Council on July 13, 2021. This change was adopted through Ordinance No. 2788.

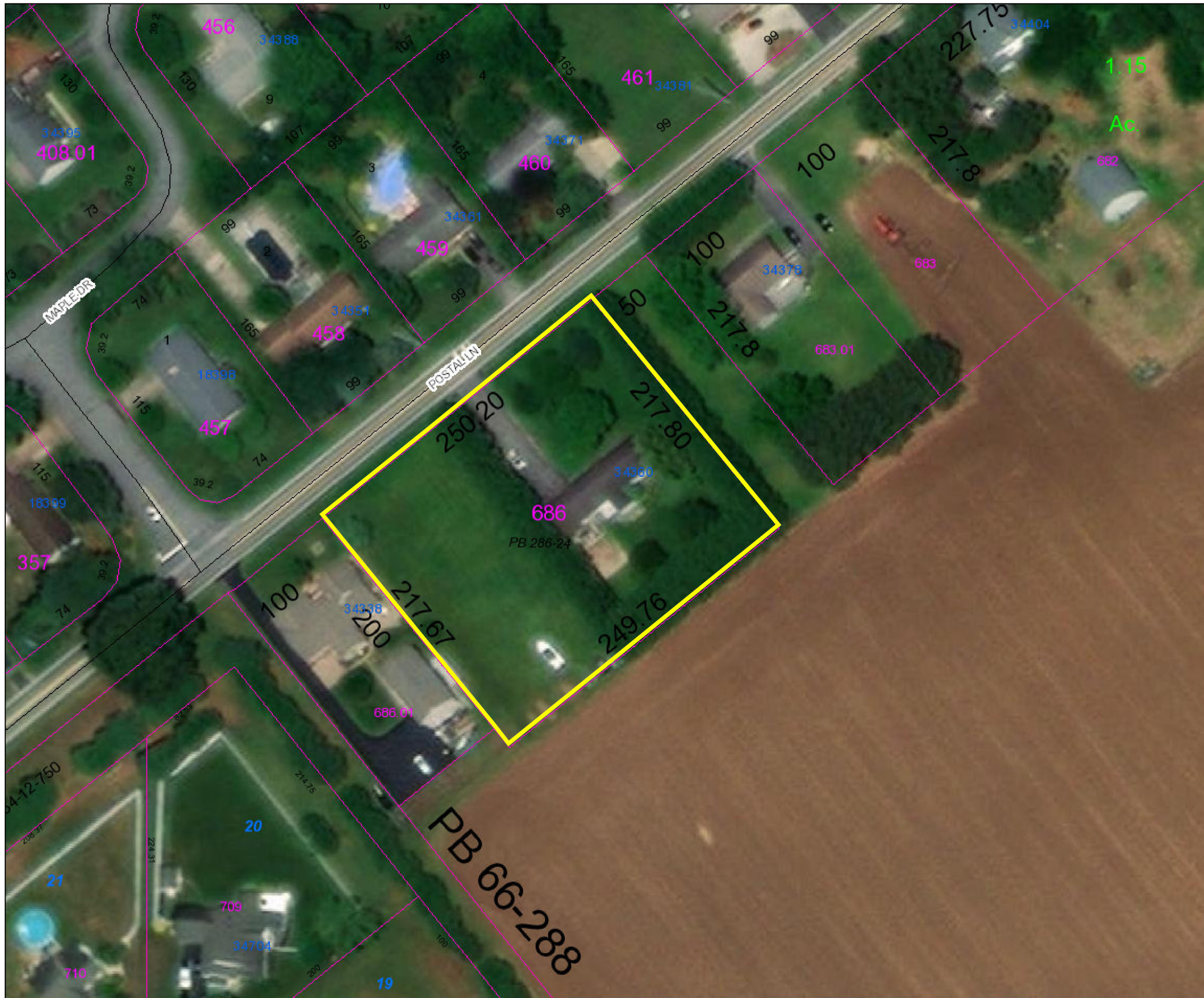


The second application was for Conditional Use No. 2237 Sam Warrington II for outdoor RV and boat storage to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on December 1, 2020 and was adopted through Ordinance No. 2756.

The third application was for Conditional Use No. 1357 Super Fresh Food Market for sales of soft/hard goods off carts within a General Commercial (C-1) Zoning District. This application was approved by the Sussex County Council on May 1, 2001 and was adopted through Ordinance No. 1452.

The final and fourth application was for Conditional Use No. 1294 Don Derrickson for an apartment to be constructed on the second floor of a golf pro shop to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 27, 1999 and was adopted through Ordinance No. 1332.

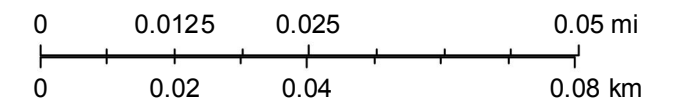
Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the establishment of four (4) multifamily units, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



PIN:	334-6.00-686.00
Owner Name	HETE MATTHEW C
Book	4887
Mailing Address	45 KING CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	SE/S RD 283
Description 2	2080' S/RT 1
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:1,128





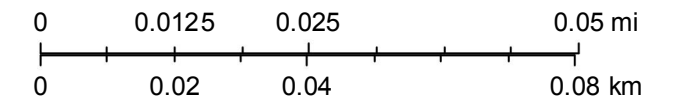
Sussex County



PIN:	334-6.00-686.00
Owner Name	HETE MATTHEW C
Book	4887
Mailing Address	45 KING CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	SE/S RD 283
Description 2	2080' S/RT 1
Description 3	N/A
Land Code	

- | | |
|---------------------|------------|
| polygonLayer | Override 1 |
| polygonLayer | Override 1 |
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:1,128





Sussex County

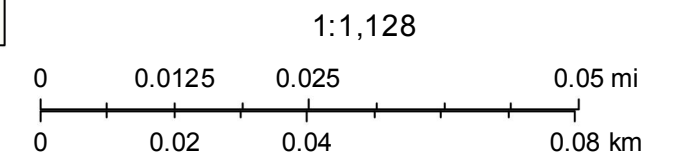


PIN:	334-6.00-686.00
Owner Name	HETE MATTHEW C
Book	4887
Mailing Address	45 KING CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	SE/S RD 283
Description 2	2080' S/RT 1
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 911 Address
- Streets



green-yes

Council Grant Form

Legal Name of Agency/Organization	Grace -N- Mercy <i>Ministries, Inc.</i> ✓
Project Name	Community Thanksgiving Dinner
Federal Tax ID	38-3655598 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	We are the voice and the hand that encourages people to change their lives with hope, comfort, and peace
Address	14 Gardenia Boulevard
Address 2	
City	Greenwood
State	Delaware
Zip Code	19950
Contact Person	Tonekia Showell
Contact Title	Secretary
Contact Phone Number	4438594763

Contact Email Address tonekia.showell@seaford.k12.de.us

Total Funding Request \$3,000

Has your organization received other grant funds from Sussex County Government in the last year? Yes

If YES, how much was received in the last 12 months? 2000

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding does the Council grant represent? 50

Program Category (choose all that apply) Health and Human Services, Other

Program Category Other proverty

Primary Beneficiary Category Homeless

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 300

Scope

These past few months have been difficult for the organization. We lost our founder, Bishop Joyce L. Mizzelle to breast cancer. We are even more determined to make sure the vision for various community activities that the organization sponsored (Community Thanksgiving Dinner/ Summer Youth Camp) are continued. We have seen a lot of people not being able to provide for their families these past 20 months. The mission through our 19 years is to support our community. The dinner is specifically for those that are homeless, low income, senior citizen, etc. This year's dinner will be served on Tuesday, November 23rd, 2021. We have served over 600 people in Delaware that may not receive a hot meal during the holiday. We also deliver meals in the community and surrounding areas in Sussex County. The meals are a traditional holiday meal: turkey, ham, stuffing, mashed potatoes and gravy, fresh sweet potatoes, green beans, cranberry sauce, rolls and assorted desserts.

There have been literally hundreds of volunteers from the community doing everything from baking pies to delivering hundreds of meals to our homebound guests, serving the guests at the dinner and cleaning up after the meal. Many hands truly have made this project a wonderful success over the years. Our servers collectively volunteer more than 1200 hours between preparation and planning for the event. Roughly 100 turkeys, 140 pies, 720 dinner rolls, 50 large cans of green beans, 30 pans of stuffing and 650 pounds of potatoes (mashed and fresh sweet potatoes) are

required to pull off this event in 2019. Last year, we gave out 100 turkeys and all the fixings for a complete Thanksgiving Dinner. This year we are returning back to the annual dinner but we will be fixing all trays and having people drive through.

**Religious
Components**

**Please enter the
current support your
organization receives
for this project (not
entire organization
revenue if not
applicable to request)** 250.00

Description Cutlery \$22.48 x 4

Amount 89.92

Description To Go containers \$35 x 5

Amount 175.00

Description turkeys \$20 x 60

Amount 1,200.00

Description Hams \$15 x 50

Amount 750.00

Description Mashed Potatoes \$10 a box * 20

Amount 200.00

Description	Green Beans \$7 * 50
Amount	350.00
Description	Assorted Desserts \$10 * 30
Amount	300.00
Description	Gloves, Masks and Hand Sanitizer for 50 Volunteers
Amount	150.00
TOTAL EXPENDITURES	3,214.92
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,964.92
Name of Organization	Grace -N- Mercy
Applicant/Authorized Official	Tonekia Showell
Date	10/18/2021
Affidavit Acknowledgement	Yes

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Vincent-yes

Council Grant Form

Legal Name of Agency/Organization	obo Western Sussex Chamber of Commerce, Inc. ✓ Downtown Seaford Association
Project Name	Annual Christmas Parade
Federal Tax ID	4505572D 51-0109649 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	DSA is an association of businesses located in downtown Seaford to advocate on behalf of those businesses and to sponsor events to bring people to our downtown
Address	PO Box 12
Address 2	
City	Seaford
State	DE
Zip Code	19973
Contact Person	Alice Messick
Contact Title	VP, DSA

Contact Phone Number 443-786-3968

Contact Email Address amessick1239@gmail.com

Total Funding Request 2000

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

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

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding does the Council grant represent? 50

Program Category (choose all that apply) Other

Program Category
Other

Primary Beneficiary Category	Other
Beneficiary Category	Other
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	2000
Scope	The Downtown Seaford Association (DSA) sponsors the annual Christmas Parade to both bring people into our downtown and for our citizens. We routinely have over 100 parade entries, including marching bands, car clubs, fire units, and floats. When we get the right weather, it is very well attended.
Religious Components	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	2,000.00
Description	Reimbursement of expenses to marching bands
Amount	1,250.00
Description	Event Insurance

Amount 600.00

Description Canday for handout by elves

Amount 50.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 1,900.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** 100.00

Name of Organization Downtown Seaford Association

**Applicant/Authorized
Official** Suzanne Barger-Western Sussex Chamber

Date 11/04/2021

Affidavit Yes

Acknowledgement

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To Be Introduced 11/16/21

**Council District 4 - Hudson
Tax I.D. No. 234-17.00-117.01
911 Address 24562 Shady Lane Annex, Millsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FOOD TRUCK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.235 ACRES, MORE OR LESS

WHEREAS, on the 28th day of July 2021, a conditional use application, denominated Conditional Use No. 2302 was filed on behalf of Carlos M. Batres; and

WHEREAS, on the ____ day of _____ 2022, 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. 2302 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2302 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 southwest side of Banks Road (S.C.R. 298) approximately 0.39 mile southeast of John J. Williams Highway (Route 24) and being more particularly described in the attached legal description prepared by Young & Revel, Inc., said parcel containing 0.235 acres, more or less.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: November 12, 2021

RE: County Council Report for CU 2264 filed on behalf of Laudan Investments, LLC

The Planning and Zoning Department received an application (CU 2264 filed on behalf of Laudan Investments, LLC) for a Conditional Use for parcel 335-8.18-15.00 and parcel 335-8.18-16.00 for professional offices. The property is within the Agricultural Residential (AR-1) Zoning District and is located at 1302 and 1304 Savannah Road, Lewes. The parcel size is 0.68 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on October 28, 2021. At the meeting of November 4, 2021, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and subject to the 9 recommended conditions outlined within the motion (copied below).

Below are the draft minutes from the Planning & Zoning Commission meeting of October 28, 2021 and the draft minutes of the November 4, 2021 meeting.

Draft Minutes of the October 28, 2021 Planning & Zoning Commission Meeting

C/U 2264 Laudan Investments, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRES, MORE OR LESS. The property is lying on the southeastern side of Savannah Road (S.C.R. 443A), approximately 0.77-mile northeast of Wescoats Road (Rt. 12). 911 Addresses: 1302 & 1304 Savannah Road, Lewes. Tax Parcels: 335-8.18-15.00 & 335-8.18-16.00



Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's Site Plan, a copy of the staff analysis, a copy of a letter that has been received from the Sussex County Engineering Department Utility Planning Division, a copy of the DelDOT Service Level Evaluation Response, and that no letters of support or opposition had been received by the Department.

The Commission found that Mr. Tim Willard, Esq. with the law offices of Fuqua, Willard, Stevens and Schab spoke on behalf of the application, C/U 2264 Laudan Investments, LLC; that he is representing the Applicant, Dr. Aponte, the Principal of Laudan Investments; that she has been practicing medicine for 21 years in Lewes and that she specializes in rheumatology.

That the parcel is where Dr. Aponte has been practicing for some time; that it is right next to the existing entrance to Cape Henlopen High School; that the parcel had been approved for a Conditional Use in the mid-2000's for use as a medical office; that also included in the Application is parcel 16.00; that parcel 16.00 was approved for a Conditional Use in 2007 for use as an architectural office through; that Dr. Aponte had purchased parcel 16.00 two summers ago; that she had been having the necessary repairs performed on the existing property; that the proposed Conditional Use Application is for medical offices; that meetings had been undertaken with Mr. Whitehouse; that the path that had been decided on was to amend the previous Conditional use by submitting a new application for a Conditional Use for general business and general office use; that the definition of General Office Use is "a room or group of rooms for conducting affairs of a business profession, serving industry or government and generally furnished with desks and files for communications," that the intent of the application was to provide the Applicant with additional flexibility in the event that she wishes to rent the property; that the process started in February when the application was filed. Mr. Willard also advised the Commission that he had copies of the previously approved and original ordinances for the property.

Mr. Robertson requested the reference numbers for the previous Ordinances from Mr. Willard.

Mr. Willard clarified that the Conditional Use approved in 2004 was Conditional Use No. 1549, Ordinance No. 1723 and was for a medical office; that three years later the other Conditional Use was approved; that this application was Conditional Use No. 1744, Ordinance No. 1996; that this approval was for Parcel 16.00 which was sought by previously by Mr. Wagner; that the total acreage of Parcels 15.00 and 16.00 together is 0.68 acres; that the property is zoned AR-1; that the property through the latest approved Comprehensive Plan has the Future Land Use designation of "Commercial Area;" that one of the previous Conditions of Approval was that the property remain residential in nature; that the proposed Findings of Fact were written to match this previous requirement; that the property has a recorded entrance permit already; that the entrance permit had been granted by DelDOT in 2007; that the entrance permit required site improvements including the installation of curb and gutter; that the parking requirement is one parking space per 200 square feet of floor area; that the property requires 15 parking spaces under these requirements; that the site currently contains 12 parking spaces; that the property was large enough that, per the survey, another 10 parking spaces could be added on the opposite side of the property; that no TIS was required by DelDOT; that proposed Findings of Fact and Conditions were available to be supplied to the Commission and County legal staff.

Mr. Willard requested Dr. Aponte verify that his statements were true and accurate to which she had no objections.

Chairman Wheatley asked the Applicant whether her practice treats any other autoimmune diseases other than rheumatoid arthritis.

Dr. Aponte confirmed that her office treats several autoimmune diseases such as lupus, scleroderma, vasculitis, and lichen planus.

Ms. Stevens asked whether more parking spaces will be included on site and that the site appeared to be busy.

Dr. Aponte confirmed that the practice was busy; that more parking spaces are being included on site; that there is a large elderly population in the area which has resulted in the growth of her practice; that she has a new P.A.; that she intends to extend the practice in the future in order to find new ways to treat the community.

Mr. Willard indicated that there is one existing handicap accessible parking space; that two more were likely to be added to the site.

The Commission found that no one from the public within Council Chambers wished to speak in favor of or in opposition to the proposed Application.

The Commission found there was no one who wished to speak by teleconference in support of or in opposition to the Application.

Ms. Stevens asked whether the Applicant wishes to have one unlighted sign for both properties or one for each property and confirmed that the application requested one unlighted sign for each property.

Mr. Robertson requested that the Commission defer this item in order for him to receive copies of the originally approved Ordinances for the site.

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

At the conclusion of the Public Hearings, the Commission discussed this application. Motion by Ms. Hoey Stevenson to defer action on the application for further consideration. Motion seconded by Mr. Hopkins and carried unanimously. Motion carried 4-0.

Draft Minutes of the November 4, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 28, 2021.

Ms. Hoey Stevenson moved that the Commission recommend approval of Conditional Use # 2264 for Laudan Investments, LLC for professional offices based upon the record made during the public hearing and for the following reasons:

1. This application seeks to amend and replace the existing conditional uses on the subject properties. Previously, they were approved for medical offices under Conditional Use #1549 and Ordinance #1723 and Conditional Use # 1744 and Ordinance #1966. This application expands the use from medical uses to more general office uses.

2. The use of these properties for offices is in character with the long history of development of medical and professional office space along Savannah Road.
3. The use as professional offices is supported by the Sussex County Comprehensive Plan.
4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
5. There is currently an approved commercial entrance from Savannah Road that serves both parcels. DelDOT has also reviewed the proposed use and has stated that no Traffic Impact Study is required.
6. There is sufficient space on the properties for parking to serve both office buildings.
7. The Applicant has stated that she intends to maintain the residential appearance of both buildings that currently exist on the site.
8. No parties appeared in opposition to this application.
9. This recommendation is subject to the following conditions:
 - A. The buildings shall be used for office use only. No retail sales or other commercial uses shall occur on the site.
 - B. Each building shall be permitted to have one unlighted sign. The signs shall not exceed 32 square feet in size on each side.
 - C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - D. As proffered by the Applicant, the business hours shall be limited to 8:00 am until 5:00 pm, Monday through Friday, with the exception of emergency services that may be required.
 - E. The two existing office buildings shall share an entrance as approved by DelDOT.
 - F. With the exception of handicapped parking spaces, all parking areas shall be located at the rear of the properties. The Final Site Plan shall designate all parking areas.
 - G. As stated by the Applicant during the public hearing, the residential appearance of the existing structures shall be maintained while in use as offices.
 - H. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Hoey Stevenson, seconded by Ms. Hopkins to recommend approval of Conditional Use No. 2264 for Laudan Investments, LLC. Motion carried 4-0

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 28th, 2021

Application: CU 2264 Laudan Investments, LLC

Applicant: Laudan Investments, LLC
1302 Savannah Road
Lewes, DE 19958

Owner: Laudan Investments, LLC
1302 Savannah Road
Lewes, DE 19958

Site Location: 1302 and 1304 Savannah Road

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: General Office Use

Comprehensive Land
Use Plan Reference: Commercial

Councilmanic
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Septic

Water: Well

Site Area: .68 acres +/-

Tax Map ID.: 335-8.18-15.00 & 16.00



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: September 16, 2021
RE: Staff Analysis for CU 2264 Laudan Investments, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2264 Laudan Investments, LLC to be reviewed during the October 28, 2021 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 Tax Parcels: 335-8.18-15.00 & 16.00 to allow for the conversion and use of two existing, one-story office buildings, containing 1,540 square feet and 1,600 square feet, respectively, as a professional office. The parcels are lying on the southeastern side of Savannah Road (Route 9B/ S.C.R. 443A) approximately 0.77-mile northeast of Wescoats Road (Route 12) and share an entrance. The parcels consist of 0.68 acres +/-.

It should be noted that both parcels have previously approved Conditional Use Applications on them. Parcel 15.00 was previously subject to a Conditional Use Application (Conditional Use No. 1549) to allow for the existing structure to be used as a medical office. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, October 26, 2004 and the change was adopted through Ordinance No. 1723. Additionally, Parcel 16.00 was also previously subject to a Conditional Use Application (Conditional Use No. 1744) to allow for the existing structure to be used as a professional office. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, September 30, 2008 and the change was adopted through Ordinance No. 1996.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcels have a designation of "Commercial Area." The surrounding and adjacent to the east and west as well as the south also contain the "Commercial Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Commercial Areas are areas that include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along



main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.

The subject properties are zoned Agricultural Residential (AR-1). The adjacent properties to the north of the subject sites are also zoned Agricultural Residential (AR-1). There are two properties to the northwest of the subject properties which are zoned Neighborhood Business (B-1). The properties on the northern side of Vikings Way are located within the incorporated town limits of the City of Lewes.

Since 2011, there have been five (5) Conditional Use applications within a 2-mile radius of the application site. The first application was for Conditional Use No. 2133 Dr. Liama Anthaney and Dr. Michael Cahoom to allow for professional offices to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 31, 2018. This change was adopted through Ordinance No. 2591.

The second application was for Conditional Use No. 2109 Quakertown Wellness Center for a holistic treatment center including massage, acupuncture and chiropractor to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on January 9, 2018 and was adopted through Ordinance No. 2541.

The third application was for Conditional Use No. 2136 Christine A. Degnon for a medical office to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on October 23, 2018 and was adopted through Ordinance No. 2608.

The final and fourth application was for Conditional Use No. 2116 William and Stacey Smith for professional offices to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on March 20, 2018 and was adopted through Ordinance No. 2569.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the use of two existing, one-story office buildings, containing 1,540 square feet and 1,600 square feet as a professional office, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

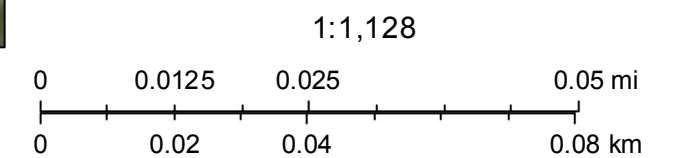


Sussex County



PIN:	335-8.18-15.00
Owner Name	LAUDAN INVESTMENTS LLC
Book	3007
Mailing Address	1302 SAVANNAH RD
City	LEWES
State	DE
Description	S/E HWY LEWES
Description 2	TO WESCOATS COR
Description 3	DOVER ST L9
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋮ Tax Parcels
- 911 Address
- Streets
- County Boundaries





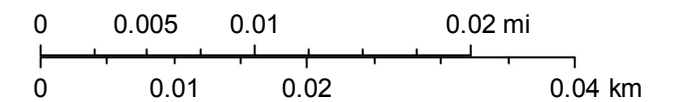
Sussex County



PIN:	335-8.18-15.00
Owner Name	LAUDAN INVESTMENTS LLC
Book	3007
Mailing Address	1302 SAVANNAH RD
City	LEWES
State	DE
Description	S/E HWY LEWES
Description 2	TO WESCOATS COR
Description 3	DOVER ST L9
Land Code	

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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Sussex County



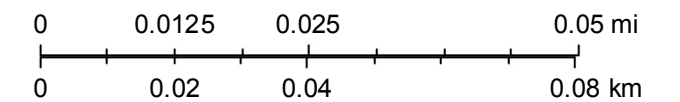
PIN:	335-8.18-15.00
Owner Name	LAUDAN INVESTMENTS LLC
Book	3007
Mailing Address	1302 SAVANNAH RD
City	LEWES
State	DE
Description	S/E HWY LEWES
Description 2	TO WESCOATS COR
Description 3	DOVER ST L9
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 911 Address
- Streets

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Introduced 08/31/21

**Council District 3 – Schaeffer
Tax I.D. No. 335-8.18-15.00 & 335-8.18-16.00
911 Addresses: 1302 & 1304 Savannah Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRES, MORE OR LESS

WHEREAS, on the 29th day of January 2021, a conditional use application, denominated Conditional Use No. 2264 was filed on behalf of Laudan Investments, LLC; and

WHEREAS, on the _____ day of _____ 2021, 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. 2264 be _____; and

WHEREAS, on the _____ day of _____ 2021, 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 115, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2264 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tracts, pieces or parcels of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeastern side of Savannah Road (S.C.R. 443A), approximately 0.77 mile northeast of Wescoats Road (Rt. 12), and being more particularly described in the attached deed prepared by The Law Office of Gregory W. Williams, said parcel containing 0.34 acres, more or less, and also described in the attached deed prepared by Fuqua, Willard, Stevens & Schab, P.A., said parcel containing 0.34 acres, more or less.

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

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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Sussex County

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: November 12, 2021

RE: County Council Report for CU 2271 filed on behalf of Chris Brasure

The Planning and Zoning Department received an application (CU 2271 filed on behalf of Chris Brasure) for a Conditional Use for parcel 533-18.00-25.00 to amend Conditional Use No. 1920 (Ordinance No. 2240) to allow for office space. The property is within the Agricultural Residential (AR-1) Zoning District and is located at 33095 and 33113 Lighthouse Road, Selbyville. The parcel size is 1.35 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on October 28, 2021. At the meeting of November 4, 2021, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and subject to the 8 recommended conditions outlined within the motion (copied below).

Below are the draft minutes from the Planning & Zoning Commission meeting of October 28, 2021 and the draft minutes of the November 4, 2021 meeting.

Draft Minutes of the October 28, 2021 Planning & Zoning Commission Meeting

C/U 2271 Chris Brasure

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1920 (ORDINANCE NO. 2240) TO ALLOW FOR OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS. The property is lying on the northeast corner of the intersection of Lighthouse Road (Rt. 54) and Dickerson Road (S.C.R. 389). 911 Address: 33095 and 33113 Lighthouse Road, Selbyville. Tax Parcel: 533-18.00-25.00.



Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's Site Plan, a copy of the staff analysis, a copy of a letter that has been received from the Sussex County Engineering Department Utility Planning Division, a letter containing the DelDOT Service Level Evaluation Response, a copy of the previous CU Application, Conditional Use No. 2240 and that no letters of support or opposition had been received by the Department.

The Commission found that Mr. Tim Willard, Esq. with the law offices of Fuqua, Willard, Stevens and Schab spoke on behalf of the application, C/U 2271 Chris Brasure; that he is representing Mr. Chris Brasure; that his parents Carroll and Diane Brasure were also in attendance; that the company has about 60 employees total; that about 15 employees currently work in the office; that he thinks the office is the largest, independently-owned pest control business in the country; that the company was started by Jacob and James in the late 18th century, early 19th century who used to harvest salt; that large spoils were taken from the rear of dunes which functioned as salt springs; that the salt water would be captured and boiled; that Carol started the company 50 years ago; that a previous Conditional Use had been sought and approved for the subject property in 2011 for an existing barn for the parking of trucks on site; that the Applicants are working on securing an alternative site in Roxana where their business trucks may be stored; that the existing home is located on Parcel 24.00 has been used for decades and has been transferred into an office; that the Brasure's desire to move that business out of the existing dwelling and into a more efficient office; that the application is truly for an amendment although it is for a new Conditional Use application; that the amendment is to allow the existing building to be retrofitted into an office; that the Applicant's have already been in discussion with Warfel Construction; that the Application would provide an aesthetic improvement to the site and make their business more efficient; that a memo had been provided by Planning and Zoning staff describing the adjacent and surrounding areas; that the Application is consistent with existing homes and businesses in the area; that the proposal is consistent with Sussex County's latest Comprehensive Plan update; that the nature of the proposal is of public or semi-public use; that the parcel consists of approximately 1.68 acres total; that proposed Findings of Fact and Conditions had been drafted and were available for submittal to the Commission and the County's legal staff; that the building would consist of approximately 4,900 square feet; that there are 15 existing parking spaces on site; that there are currently 12 parking spaces on the adjacent parcel; that the existing entrance would remain on the site and was not proposed to change; that the only change would be the existing barn-like building on site which houses the business trucks will be improved to house people and an office space.

Ms. Wingate indicated that she knew the property well and that the site was exceptionally manicured. Ms. Wingate asked whether any employees would be added to the business and whether any parking spaces were to be added on site.

Mr. Brasure confirmed that the number of employees and number of parking spaces were to remain the same.

The Commission found that no one from the public within Council Chambers wished to speak in favor of or in opposition to the proposed Application.

The Commission found there was no one who wished to speak by teleconference in support of or in opposition to the Application.

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

At the conclusion of the Public Hearings, the Commission discussed this application. Motion by Ms. Wingate to defer action on the application for further consideration. Motion seconded by Ms. Hoey Stevenson and carried unanimously. Motion carried 4-0.

Draft Minutes of the November 4, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 28, 2021

Ms. Hoey Stevenson moved that the Commission recommend approval of Conditional Use # 2271 for CHRIS BRASURE for use as office space based upon the record made during the public hearing and for the following reasons:

1. This application seeks to amend and replace the existing conditional use on this property. Previously, it was approved for a different use as part of the Applicant's business under Condition Use #1920 and Ordinance #2240. This application amends that prior approval to allow the Applicant to relocate its offices within its business that occurs at this location along Route 54.
2. The use of these properties for offices is in character with the type of development that is occurring generally along this area of Route 54 and particularly in the Route 54 and Dickerson Road intersection. This general location along Route 54 has also been used as part of the family's business for decades. This proposed use is in character with the surrounding zoning and uses in the area.
3. The Applicant intends to use the existing buildings on the site for offices by converting them into office space for the Applicant's company.
4. The use as office space is supported by the Sussex County Comprehensive Plan.
5. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
6. The Applicant has stated that access to the area of this Conditional Use will be through the Applicant's existing business that is adjacent to it. DelDOT has reviewed the proposed use and has stated that no Traffic Impact Study is required.
7. There is sufficient space on the properties for parking to serve the office uses.
8. No parties appeared in opposition to this application.
9. This recommendation is subject to the following conditions:
 - A. The buildings shall be used for office use only.
 - B. One lighted sign shall be permitted on this site. The sign shall not exceed 32 square feet in size on each side.
 - C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - D. As stated by the Applicant, access shall be via the existing entrance to Brasure's Pest Control from S.C.R. 389 with an internal driveway to this site.
 - E. The Final Site Plan shall designate all parking areas associated with this use.
 - F. Any dumpsters or trash receptacles shall be screened from view of neighboring properties and roadways.
 - G. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.

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

Motion by Ms. Hoey Stevenson, seconded by Mr. Hopkins to recommend approval of Conditional Use No. 2271 for Chris Brasure. Motion carried 4-0

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 28th, 2021

Application: CU 2271 Chris Brasure

Applicant: Chris Brasure
P.O. Box 1100
Selbyville, DE 19975

Owner: Collins 54 LLC
P.O. Box 1100
Selbyville, DE 19975

Site Location: 33095 Lighthouse Road, Selbyville

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Office Use

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Septic

Water: Well

Site Area: 1.47 acres +/-

Tax Map ID.: 533-18.00-25.00



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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: October 21, 2021
RE: Staff Analysis for CU 2271 Chris Brasure

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2271 Chris Brasure to be reviewed during the October 28, 2021 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 Tax Parcel: 533-18.00-25.00 to amend Conditional Use No. 1920 (Ordinance No. 2240) to allow for office space. The parcel is lying on the northeast corner of the intersection of Lighthouse Road (Rt. 54) and Dickerson Road (S.C.R. 389). The parcel consists of 1.35 acres +/-.

The parcel has a previously approved Conditional Use Application. The parcel is subject to a Conditional Use Application (Conditional Use No. 1920) to allow for a storage garage for trucks and equipment and a parking area. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, February 7, 2012 and the change was adopted through Ordinance No. 2240.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject property also lie within the "Coastal Area" Future Land Use Map designation.

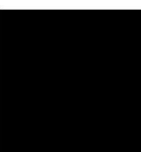
As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the north, south, east and west of the subject sites are also zoned Agricultural Residential (AR-1). There are two properties to the southeast of the subject properties which are zoned Neighborhood Business (B-1). Properties further to the east are zoned General Commercial (C-1) and Commercial Residential (CR-1).

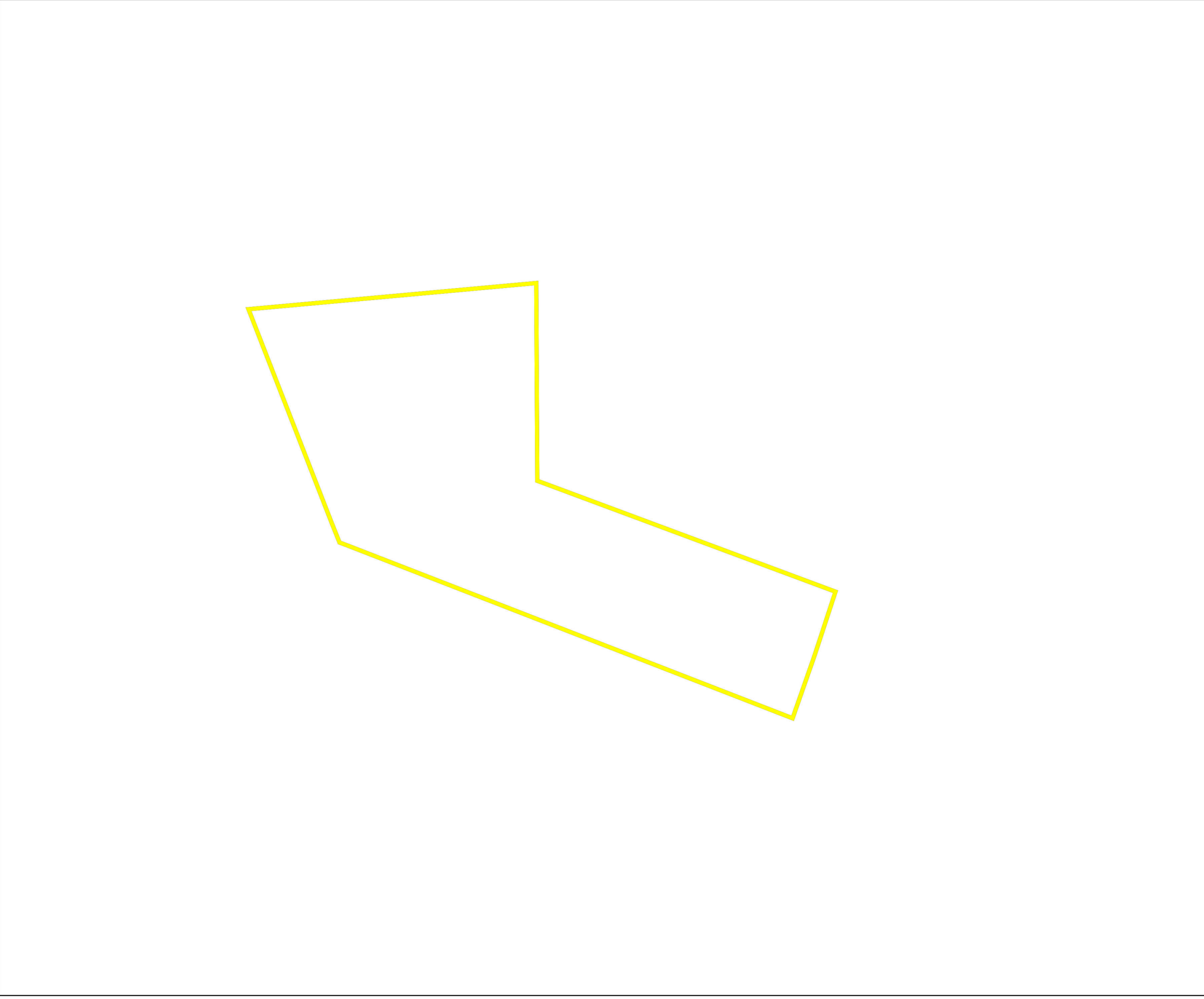


Since 2011, there have been eight (8) Conditional Use applications within a 1-mile radius of the application site. Please refer to the attached spreadsheet and map for a list of the Conditional Use applications.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to amend Conditional Use No. 1920 (Ordinance No. 2240) to allow for office space, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

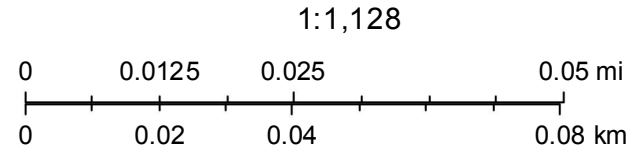


Sussex County



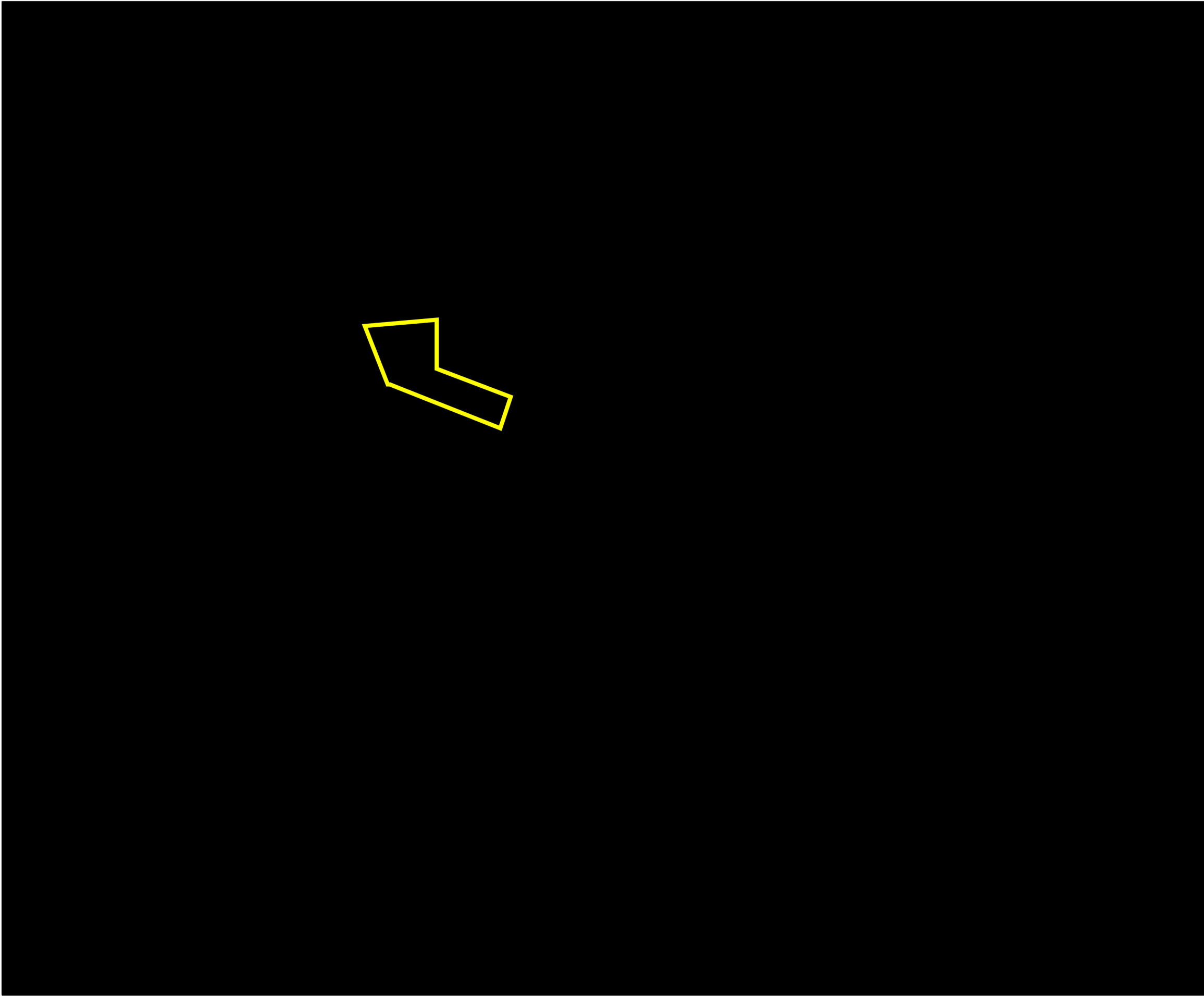
PIN:	533-18.00-25.00
Owner Name	COLLINS 54 LLC
Book	3878
Mailing Address	PO BOX 204
City	SELBYVILLE
State	DE
Description	RD SELBYVILLE TO
Description 2	WILLIAMSVILLE
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries



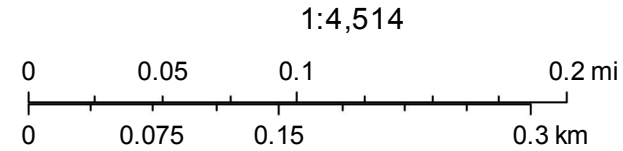


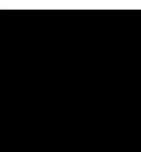
Sussex County



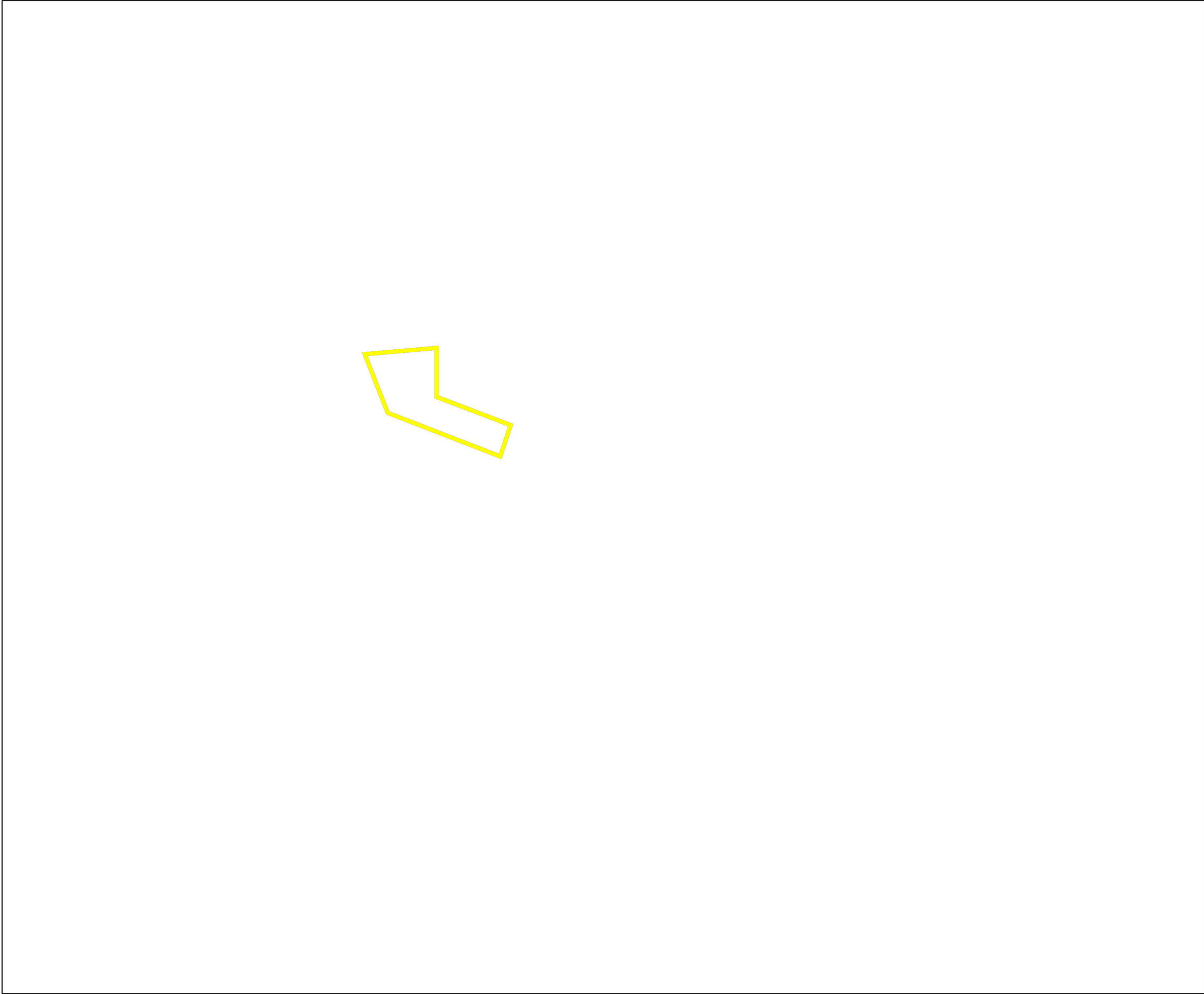
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<i>Owner Name</i>	COLLINS 54 LLC
<i>Book</i>	3878
<i>Mailing Address</i>	PO BOX 204
<i>City</i>	SELBYVILLE
<i>State</i>	DE
<i>Description</i>	RD SELBYVILLE TO
<i>Description 2</i>	WILLIAMSVILLE
<i>Description 3</i>	N/A
<i>Land Code</i>	

- polygonLayer**
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- Streets
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- Municipal Boundaries





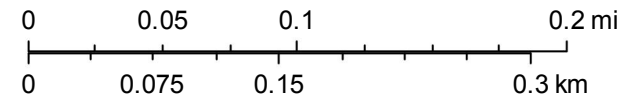
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets

1:4,514



Introduced 08/31/21

**Council District 5 - Rieley
Tax I.D. No. 533-18.00-25.00
911 Address: 33095 and 33113 Lighthouse Road, Selbyville**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1920 (ORDINANCE NO. 2240) TO ALLOW FOR OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS

WHEREAS, on the 25th day of February 2021, a conditional use application, denominated Conditional Use No. 2271 was filed on behalf of Chris Brasure; and

WHEREAS, on the _____ day of _____ 2021, 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. 2271 be _____; and

WHEREAS, on the _____ day of _____ 2021, 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. 2271 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 corner of the intersection of Lighthouse Rd. (Route 54) and Dickerson Road (S.C.R. 389) and being more particularly described in the attached legal description prepared by Raymond E. Tomasetti, Jr., said parcel containing 1.35 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.