



Sussex County Council Public/Media Packet

**MEETING:
December 2, 2014**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
GEORGE B. COLE
JOAN R. DEEVER
VANCE PHILLIPS



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Sussex County Council

AGENDA

DECEMBER 2, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Proclamation – Seaford Young Marines – Red Ribbon Campaign
2. Employee of the 4th Quarter
3. Sussex County - 2015 Holiday Schedule
4. Wastewater Agreement No. 1016
Dozer, LLC, Miller Creek Sanitary Sewer District
5. Further Consideration of Conditional Use No. 1992 filed on behalf of W. Ralph Brumbley
6. Further Consideration of Conditional Use No. 1994 filed on behalf of Robert Wilkerson
7. Discussion and Possible Introduction of a Proposed Ordinance to Amend the County Code Relating to the Failure of an Applicant to Appear
8. Administrator's Report



Old Business:

“AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLING, SINGLE FAMILY”, “DWELLING, MULTIFAMILY” AND “FAMILY”

10:30 a.m. Public Hearings

Conditional Use No. 2000 filed on behalf of Jovid Venture, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FACILITY FOR WEDDING CEREMONIES AND RECEPTIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.683 ACRES, MORE OR LESS” (land lying at the southwest corner of Warrington Road (Road 2075) and Old Landing Road (Road 274) (911 Address: 35060 Warrington Road, Rehoboth Beach) (Tax Map I.D. # 334-12.00-121.01)

Conditional Use No. 2001 filed on behalf of Christina Abramowicz

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARY PRACTICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 32,671 SQUARE FEET, MORE OR LESS” (land lying southeast of Old Mill Road (Road 265-A), 1,900 feet northeast of Route One (Coastal Highway) (911 Address: 16403 Old Mill Road, Lewes) (Tax Map I.D. # 334-1.00-23.00)

Grant Requests

- 1. Cape Henlopen Food Basket for operating costs.**
- 2. Cape Henlopen High School for the Boys Basketball Boosters for program costs.**
- 3. Delmarva Teen Challenge for emergency grant for operating costs.**
- 4. Delaware Community Foundation for MERIT Program.**
- 5. Delaware Community Foundation for the Plus 3 Network.**
- 6. Delmarva Clergy United in Social Action Foundation for their Christmas gift program.**

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

1:30 p.m. Public Hearings

Conditional Use No. 1996 filed on behalf of Hector Patraca Carmona

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 15,285 SQUARE FEET, MORE OR LESS” (land lying west of U.S. Route 113 (DuPont Boulevard) 800 feet south of Road 380 (Parker Road) (911 Address: 34892 DuPont Boulevard, Frankford) (Tax Map I.D. #533-4.00-13.00)

Change of Zone No. 1758 filed on behalf of Dozer, LLC, c/o Hal Dukes

“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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.2035 ACRES, MORE OR LESS” (land lying north of Double Bridges Road (Road 363) east of Parker House Road (Road 362) (911 Address: None Available) (Tax Map I.D. #134-19.00-19.00 (Part of)

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 25, 2014 at 4:40 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 18, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 18, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	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 528 14
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Minutes

The amended minutes of September 30, 2014 were approved by consent.

The minutes of October 28, 2014 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

MASON DIXON WOODWORKERS, DELMAR, DELAWARE.
RE: Letter in appreciation of grant.

FRIENDS OF DELAWARE VETERANS, DOVER, DELAWARE.
RE: Letter in appreciation of the Council's support of the Veterans Trust Fund Dinner.

Mrs. Deaver referenced a letter she received from Bob Daniel, President of the Board of Directors of Sandy Brae, regarding a list of approved developments not yet built in the area of Cedar Grove Road to Plantation Road to Robinsonville Road, totaling 1,450 lots. Mrs. Deaver asked Council to not take any more new applications.

**M 529 14
Approve
Items
Under
Consent
Agenda**

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

**Wastewater Agreement No. 856-5
Sussex County Project No. 81-04
Millville By The Sea – Lakeside Village
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 1000
Sussex County Project No. 81-04
Rehoboth Shores – (Part of Area 1)
Long Neck Sanitary Sewer District**

**Wastewater Agreement No. 984-4
Sussex County Project No. 81-04
Coastal Club – Phase 1C
Goslee Creek Planning Area**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Draft
Ordinance
Relating to
Flood Prone
Districts**

The Council discussed the Draft Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE I, “GENERAL PROVISIONS”, AND ARTICLE XVIII “FLOOD PRONE DISTRICTS”, AND ARTICLE XXV “SUPPLEMENTARY REGULATIONS”, SECTION 115-189, “COASTAL AND FLOOD-PRONE AREA PROTECTION”.

This ordinance replaces the existing requirements for flood-prone districts contained in the Sussex County Zoning Code with current provisions as required by the Federal Emergency Management Agency for continued participation in the National Flood Insurance Program. This amendment gives greater guidance, and more detail, to those parties utilizing these requirements, including the Sussex County Floodplain Administrator, developers, builders and property owners. In addition, these provisions were previously scattered throughout the Code in Sections 115-4, 115-189 and Article XVIII. Through this amendment, they are more conveniently located entirely within Article XVIII “Flood Prone Districts”. In addition, the ordinance permits additional height up to 2 feet for every foot of freeboard incorporated into a structure.

Mr. Lawson distributed an updated draft ordinance and he noted that the adoption of an ordinance is a requirement for the County to remain eligible for the National Flood Insurance Program per FEMA; an ordinance is required to be adopted by mid-March 2015.

Draft Ordinance Relating to Flood Prone Districts (continued)

Mr. Lawson noted that the preliminary design and draft of this ordinance was previously presented to Council at the October 21st Council meeting. He also noted that in regard to a mandatory freeboard, a mandatory freeboard is not created in the draft ordinance but allows a provision for the height of a structure to be measured from any voluntary freeboard up to 2 feet, which is what the Council previously agreed on.

Introduction of Proposed Ordinance/ Flood Prone Districts

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE I, “GENERAL PROVISIONS”, AND ARTICLE XVIII “FLOOD PRONE DISTRICTS”, AND ARTICLE XXV “SUPPLEMENTARY REGULATIONS”, SECTION 115-189, “COASTAL AND FLOOD-PRONE AREA PROTECTION”. The Proposed Ordinance will be advertised for Public Hearing.

Councilman Elect Arlett

Mr. Phillips introduced and welcomed Councilman-Elect Rob Arlett.

Administrator’s Report

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

1. Sussex County Emergency Operations Center Call Statistics – September and October 2014

Attached please find the call statistics for the Fire and Ambulance Callboard for September and October 2014. There were 15,673 total calls handled for the month of September and 15,156 total calls handled for the month of October. Of those 9-1-1 calls in September and October, 81 percent and 79 percent, respectively, were made from wireless phones.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Senators – Phase 2B received Substantial Completion effective October 28, 2014, and Batson Creek Estates – Phases 1 and 2 received Substantial Completion effective November 12, 2014.

3. Thanksgiving Holiday

The Sussex County Council will not meet on Tuesday, November 25th, during the week of Thanksgiving. County offices will be closed on Thursday, November 27th, and Friday, November 28th, for the Thanksgiving holiday and will reopen on Monday, December 1st, at 8:30 a.m.

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

**Recognition/
Lawson** Mr. Vincent congratulated Mr. Lawson on his induction into the Sussex Central High School Hall of Fame.

**Human
Service
Grants** Mrs. Jennings reviewed the County’s Human Service Grant Program which provides grants to countywide non-profit agencies for the purpose of enhancing health and human services, and which contribute to a safe, healthy and self-sufficient community; funds provide grants that assist organizations with resources in support of programs or capital purchases.

Mrs. Jennings reported that she has taken a new formula-based approach to awarding Human Service Grants and she outlined the method used in determining recommended grant amounts. Mrs. Jennings reported that criteria for funding includes a non-profit status, a financial need, a County-wide program serving at least 3 of the 5 Council districts, and meeting the purpose of a Human Service Grant.

Mrs. Jennings presented the following recommended grants:

Alzheimer’s Association Delaware Valley Chapter	\$ 500.00
American Legion Auxiliary Girls State Program	\$ 750.00
Arc of Delaware	\$ 750.00
ARK Educational Consulting	\$ 750.00
Best Buddies Delaware	\$ 500.00
Booker Street Church of God	\$ 750.00
Boys and Girls Clubs of Delaware/Western Sussex	\$1,500.00
Boys and Girls Clubs of Delaware/Oak Orchard/Riverdale	\$1,500.00
Boys and Girls Clubs of Delaware/Laurel	\$1,500.00
Boys and Girls Clubs of Delaware/Georgetown	\$1,500.00
Bridgeville Senior Citizen’s Center	\$5,000.00
Cadbury at Lewes	\$2,000.00
Cancer Support Community Delaware	\$1,000.00
Cape Henlopen Senior Center	\$5,000.00
Catholic Charities	\$ 750.00

Human Service Grants	CHEER		
	Georgetown	\$5,000.00	
	Greenwood	\$5,000.00	
	Long Neck	\$5,000.00	
	Lewes	\$5,000.00	
	Milton	\$5,000.00	
	Roxana	\$5,000.00	
	Ocean View	\$5,000.00	
		Church of God and Saints of Christ	\$1,750.00
		Clothing Our Kids	\$1,500.00
		Delaware Adolescent Program	\$ 750.00
		Delaware Center for Homeless Veterans	\$ 750.00
		Delaware Community Reinvestment Action Council	\$ 750.00
		Delaware Crime Stoppers	\$ 700.00
		Delaware Guidance Services for Children and Youth	\$2,000.00
		Delaware Housing Coalition	\$ 750.00
		Delaware Lions Foundation	\$ 500.00
		Delaware Nature Society/Abbotts Mill Nature Center	\$1,000.00
		Delaware Police Chiefs' Council	\$ 500.00
		Delmarva Clergy United in Social Action Foundation	\$1,500.00
		DFRC	\$ 750.00
		Easter Seals Delaware & Maryland's Eastern Shore	\$ 500.00
		Epworth United Methodist Church (Immanuel Shelter)	\$ 250.00
		Everlasting Hope Ministries	\$ 500.00
		First State Community Action Agency on behalf of Pinetown Civic Association, Coverdale Crossroads and Walkers Mill	\$1,500.00
		Food Bank of Delaware	\$ 750.00
	Grace Tabernacle of Deliverance	\$ 500.00	

Human Service Grants (continued)	Greater Lewes Community Village	\$ 750.00
	Harry K Foundation	\$2,000.00
	Hearts Unlimited	\$ 500.00
	Indian River Senior Center	\$5,000.00
	Junior Achievement of Delaware	\$1,750.00
	Kent-Sussex Industries, Inc.	\$ 750.00
	La Esperanza	\$1,750.00
	La Red Health Center	\$1,500.00
	Laurel Community Foundation	\$ 500.00
	Laurel Lions Club	\$1,000.00
	Laurel Senior Center	\$5,000.00
	Lewes Historical Society	\$ 750.00
	Lewes Senior Center	\$5,000.00
	Meals on Wheels of Lewes & Rehoboth	\$6,000.00
	Milford Senior Center	\$5,000.00
	Milton Historical Society	\$1,500.00
	Nanticoke Senior Center	\$5,000.00
	National Multiple Sclerosis Society, Delaware Chapter	\$ 750.00
	New Coverdale Outreach Mission	\$2,000.00
	New Hope Recreation & Development Center	\$ 500.00
New Zion United Methodist Church Outreach Team	\$ 470.00	
People's Place II	\$ 750.00	
Primeros Pasos, Inc.	\$ 250.00	
Read-Aloud Delaware	\$1,750.00	
Reading ASSIST Institute	\$ 500.00	

Human Service Grants (continued)	Ronald McDonald House of Delaware	\$1,000.00
	Seaford Historical Society	\$ 800.00
	Shechinah Empowerment Center	\$ 500.00
	Sussex Community Crisis Housing Services	\$ 750.00
	Sussex County Habitat for Humanity	\$ 750.00
	Sussex County Retired and Senior Volunteer Program (RSVP) Advisory Committee	\$ 800.00
	Sussex Pregnancy Care Center	\$1,000.00
	Sussex Senior Transportation Cooperative	\$2,000.00
	Teens in Perspective	\$ 500.00
	The Way Home	\$2,000.00
	UCOUNT, Inc.	\$ 500.00
	United Way of Delaware	\$2,000.00
	Vision to Learn	\$2,000.00
	West Side New Beginnings	\$ 500.00
	YMCA of Delaware/Sussex Family YMCA Branch	\$ 750.00
	<u>YWCA Delaware</u>	<u>\$1,000.00</u>
	<u>Total</u>	<u>\$143,520.00</u>

M 530 14 **A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approves the distribution in the amount of \$143,520.00 for Approve Human Service Grants Distribution**

Motion Adopted: 4 Yeas, 1 Nay.

Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

Request to Hold Back Grant **Mrs. Deaver reported that she has been asked to ask Council to hold back the grant to the Cape Henlopen Senior Center until a matter has been resolved relating to FOIAs that have been filed. Mr. Vincent stated that Mrs. Jennings would look into this matter.**

Financial Report Mrs. Jennings presented the financial report for the three months ending September 30, 2014.

Rules Mr. Moore stated the rules of procedure for public hearings.

**Public Hearing/
C/Z
No. 1757** A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14,400 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1757) filed on behalf of BLN, LLC. (Tax I.D. No. 135-15.00-83.00) (911 Address: 22440 Lewes Georgetown Highway, Georgetown)

The Planning and Zoning Commission held a Public Hearing on this application on September 11, 2014 at which time the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated September 11, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission’s Public Hearing.

Mr. Lank reported that the Applicant previously applied for CR-1 zoning and the Planning and Zoning Commission recommended denial and suggested that the Applicant consider a Conditional Use application. Mr. Lank also reported that the County Council held a Public Hearing on the CR-1 zoning application and suggested that the Applicant apply for a B-1 zoning or a Conditional Use. Mr. Lank reported that the Applicant chose to apply for a rezoning to B-1 Neighborhood Business.

The Council found that Leon Ware, Sr. was present on behalf of the application. He stated that he had applied previously for CR-1 zoning and that during the Public Hearing before the Council, it was suggested that he withdraw his application and reapply for either B-1 Neighborhood Business zoning or a Conditional Use; that he chose to apply for the rezoning to B-1 since the property has historically been used in ways that would conform to B-1 zoning; and that they do not plan to do anything with the property except to keep it as an office and rent it as such.

There were no public comments.

The Public Hearing and public record were closed.

**M 531 14
Adopt
Ordinance** A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2372 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN

M 531 14
Adopt
Ordinance
No. 2372/
CZ 1757
(continued)

AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14,400 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1757) filed on behalf of BLN, LLC.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Grant
Requests

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

Mayor Bill West was in attendance to present the request from the Town of Georgetown.

M 532 14
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$2,000.00 (\$400.00 from each Councilmanic Grant Account) to the Town of Georgetown for sponsorship of the Mayor’s Return Day Celebration.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 533 14
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Phillips’ and Mr. Vincent’s Councilmanic Grant Accounts) to the Laurel Farmers Auction Market to promote Sussex agriculture.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 534 14
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Phillips’ and Mr. Vincent’s Councilmanic Grant Accounts) to the Good Samaritan Aid Organization for the Christmas Basket Program.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 535 14 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$600.00 (\$500.00 from Mr. Vincent’s Councilmanic Grant Account and \$100.00 from Mr. Phillips’ Councilmanic Grant Account) to the Town of Blades for the Kids Christmas Bazaar.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 536 14 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 from Mr. Vincent’s Councilmanic Grant Account to the Greater Seaford Chamber of Commerce for Christmas parade expenses.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 537 14 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$2,500.00 (\$1,250.00 each from Mr. Cole’s and Mrs. Deaver’s Councilmanic Grant Accounts) to the Rehoboth Art League for a new art studio facility.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 538 14 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to the Sussex County Foster Parent Cluster Association for a foster family event.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Introduction of Proposed Zoning Ordinances **Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTORS SHOP AND OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 6.47 ACRES, MORE OR LESS” (Conditional Use No. 2004) filed on behalf of Delmarva Roofing and Coating, Inc. (Tax I.D. No. 430-5.00-56.00) (911 Address: 12982 Mennonite**

Introduction of Proposed Zoning Ordinances (continued)

School Road, Greenwood).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.571 ACRES, MORE OR LESS” (Conditional Use No. 2005) filed on behalf of Indian River Volunteer Fire Co., Inc. (Tax I.D. No. 234-34.08-43.00 & 44.00) (911 Address: 32634 Oak Orchard Road, Millsboro).

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEASONAL FARM STAND/GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2287 ACRES, MORE OR LESS” (Conditional Use No. 2006) filed on behalf of Thomas and Laura Kucharik (Tax I.D. No. 234-5.00-44.07) (911 Address: 19884 Beaver Dam Road, Lewes).

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.24 ACRES, MORE OR LESS” (Change of Zone No. 1763) filed on behalf of JLLJ – Laurel, c/o John Willey (Tax I.D. No. 132-9.00-7.00) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

M 539 14 Recess/ Go Into Executive Session

At 10:50 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess the Regular Session and go into Executive Session.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

Executive Session

At 10:58 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded at 11:21 a.m.

M 540 14 Reconvene

At 11:28 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.

**M 540 14
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 541 14
Authorize
Settlement
Agreement
and Release
of Claims**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to approve and authorize a Settlement Agreement and Release of Claims in regards to The Reserves Resort, Spa & Country Club, LLC and Abraham P. Korotki court case in the United States Bankruptcy Court for the District of Delaware (part of a universal settlement which will release and settle all the cases involving this matter).

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Additional
Business**

Under Additional Business, Dan Kramer questioned how long it takes to complete a land acquisition.

Under Additional Business, Mrs. Deaver commented on the number of approved developments in the general area of Plantations and Route 24, and she stated that there are other projects in the area, as well, i.e. a school, police barracks, etc.

Under Additional Business, Mr. Cole commented on bandit signs and stated that he has been receiving complaints. Mr. Cole asked that Council address this matter and possibly, to partner with the State to correct this problem. Mr. Cole asked that this matter be placed on a future agenda for discussion.

**M 542 14
Recess**

At 11:32 a.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess until 1:30 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 543 14
Reconvene**

At 1:34 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to reconvene.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 1998**

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 SELF-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.74 ACRES, MORE OR LESS” (Conditional Use No. 1998) filed on behalf of Todd Fisher (Tax I.D. No. 334-1.00-15.02/15.04) (911 Address: 16542 Old Mill Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on October 23, 2014 at which time the Commission deferred action. The Commission deferred action again on November 13, 2014.

(See the minutes of the Planning and Zoning Commission dated October 23 and November 13, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission’s Public Hearing.

Mr. Lank distributed Exhibit Books which were previously submitted by the Applicant.

The Council found that Todd Fisher and Michael Long, Partners in this project, were present with David Kuklish, Professional Engineer with Bohler Engineering, and Betty Tustin, Traffic Engineer with The Traffic Group.

Mr. Kuklish stated that they are requesting conditional use approval for a self-storage use within AR-1; that the site contains two vacant parcels totaling 3.6± acres; that they are dedicating 15 feet of the property along Old Mill Road to DelDOT for right-of-way; that the site is located within 300 feet of Route One near the Route One and Old Mill Road intersection; that a portion of the site was previously approved (conditional use approval) for a tennis/recreational facility – that this project has not moved forward; that adjacent to the site is a single family residence on a parcel zoned commercial, agricultural lands zoned AR-1 that are vacant, and a vacant wooded parcel zoned AR-1; that several business/commercial activities exist in close proximity along Route One, including a furniture store, a restaurant, marine services, a lighting business, and an auto repair and service facility; that Old Mill Road is a two-lane, two-way DelDOT owned and maintained local roadway; that the site does not contain any wetlands and is not located in a flood plain; that four storage buildings are proposed with one being one story and the other three being three story; that also proposed is a 962 square foot office with an apartment; that there is one centrally located entrance onto Old Mill Road; that there will be a security gate at the entrance; that security fencing will be provided around the facility; that landscaping will be provided along the front of the property based on the Highway Corridor Overlay Zone requirements; that it is their intent to leave the existing trees on the site to the fullest extent

**Public
Hearing/
CU 1998
(continued)**

possible; that an onsite septic system will be located in the northeast corner of the site; that a septic feasibility study has been approved; that on-site well water will be provided; that they have completed infiltration testing for the proposed stormwater management which will be located on the north end of the site; that stormwater will be addressed per State regulations; that they are not proposing any pole mounted lighting; that security lighting will be installed on the buildings; that DeIDOT completed a service level evaluation and have determined that, even after build-out, a Traffic Impact Study is not required; that the entrance and any roadway improvements will be constructed per DeIDOT requirements; that the project is proposed to be phased; and that the facility would be open from 6:00 a.m. to 10:00 p.m. seven days per week.

Ms. Tustin stated that DeIDOT has reviewed this application and has determined that the impact to the surrounding roadway will be minimal and therefore, will not require any additional traffic studies; that the access is approximately 500 feet from Route One and any vehicles coming to the site will come in from Route One, go to the storage facility, and turn around and go back out; that there will not be additional traffic travelling down Old Mill Road; that, typically, self-storage facilities are not high traffic volume generators; that in trying to assess the number of trips that this land use will generate, they look at the busiest hour of the day; that by using data from the Institute of Transportation Engineers, it was determined that during the busiest one hour period, 24 trips are anticipated (12 vehicles) which equates to one vehicle per five minutes; that this data is based on national data; that in considering a “local flavor”, they went out and counted for three hours at a similar facility in Rehoboth and they determined that on a Saturday, there would be 15 cars going in and out during the one hour period; that in considering aerial photos of three storage facilities in Delaware, one had 0 cars parked to access the storage units, one had 2 cars parked to access the storage units, and one had 1 car parked to access the storage units; that in regards to safety at the intersection of Route One and Old Mill Road, crash data was obtained from DeIDOT and it was determined that from October 2011 through October 2014, there have been two traffic accidents, neither of which had fatalities; and that the use will not have a negative impact on traffic or safety on Old Mill Road.

Mr. Fisher stated that the three story buildings will be about 10 feet per floor; that the total height will be under 32 feet; and that the adjacent residential structure is apartments and it is his understanding that it is zoned for a business use.

Public comments were heard.

There were no comments in support of the application.

Mary Groome, Bill Landon, Herman Hagan, Erwin Villiger, Mark Wolfe, James Wright, Vincent Brady, Suzanne Hain, Vicki Head, Steven Billeps,

**Public
Hearing/
CU 1998
(continued)**

George Dellinger, Barbara Bragger, Linda Brady, Glenn Vernon, Linda Price, Michael Carta spoke in opposition to the application and stated that Old Mill Road properties should not be continually forced to protect their position to remain as AR-1 zoning; that the area has established itself as residential; that a 3-story complex is not desirable; that the proposed use will have one way out onto Highway One; that the proposed use creates safety concerns; that this is a residential road and the sole commercial property along it is a small multi-dwelling commercial property in the form of a single family home; that this commercial use is not in keeping with the other commercial activities in the area; that this is a de facto rezoning of the land that fundamentally impacts every property in the vicinity; that the proposed use will devalue other properties in the area and the Applicants should have to escrow money to those who are having their land devalued; that the adjacent building is 3200 square feet and is residential; that the proposed use could result in criminal activities in the area; that, if approved, the Applicants could build up to 42 feet and put lights on the structure; that people come to storage units on weekends when the roads are already busy; that storage facilities hold auctions which will create additional traffic and the additional cars will park along Old Mill Road; that inexperienced drivers may drive moving trucks/vans; that it is possible that businesses could operate out of the storage units; that a primary concern is that the size and scope of the facility will dangerously increase the traffic and make it next to impossible to make daily residential trips; that the proposed use will impair the flow of traffic on SR 1, as well as the traffic of the community; that the access to SR 1 from Old Mill Road involves entering/exiting 55 mph traffic from a dead stop; that Old Mill Road was not designed for commercial traffic; that the site is inappropriate for this type of facility; that traffic to this facility will add to the existing traffic congestion; that there are economic, environmental, and social impacts; that access by emergency vehicles will be affected; that parking places in the facility are inadequate and they are worried about overflow into the neighborhood; that this application is a transparent attempt of a commercial spectator to use AR-1 priced land as commercial for the purpose of building and operating a huge commercial business; that the business would be located within and at the only entrance to an AR-1 District and community; that the proposed use would be disruptive to the environment and the community; that the application is a crafty business strategy to gain “commercial advantage” in a highly competitive industry; that it is inappropriate to approve a conditional use that harms many; that the proposed use is not in compliance with existing codes and regulations; that there is no community benefit; that the Council should honor the principles of AR-1 zoning; that the safety of the residential community should be considered; that there a potential for the storage of hazardous materials on the site; that they question what will happen if the storage facility goes out of business as there would be no use for storage buildings; that the proposed use will be detrimental to property in the area and will result in a deterioration of property values; and that the Planning and Zoning Commission has not completed its review and a recommendation to deny could still be forthcoming.

**Public
Hearing/
CU 1998
(continued)**

Letters/emails were submitted by Bill Landon, Mary Groome, Linda Brady, Barbara Bragger, Erwin and Andree Villiger, Suzanne Hain, Robert and Vicki Head, George Dellinger, and John and Pat Lazzari (read by Glenn Vernon).

There were no additional public comments.

The Public Hearing and public record were closed.

**M 545 14
Defer
Action on
CU 1998**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on Conditional Use No. 1998 filed on behalf of Todd Fisher.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 1999**

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 BBQ VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 73 ACRES, MORE OR LESS" (Conditional Use No. 1999) filed on behalf of Hopkins Farm Creamery, Inc. (Tax I.D. No. 334-10.00-51.00) (911 Address: 18186 Dairy Farm Road, Lewes)

The Planning and Zoning Commission held a Public Hearing on this application on October 23, 2014 at which time the Commission recommended that the application be denied due to the lack of a record of support, since no one appeared on behalf of the application.

(See the minutes of the Planning and Zoning Commission dated October 23, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission's Public Hearing.

The Council found that Walter Hopkins, Jr. was present on behalf of the application of Hopkins Farm Creamery, Inc. and he stated that they plan to have a BBQ operation in conjunction with the ice cream operation at the dairy farm; that the BBQ operation will be located approximately 200 feet south of the ice cream operation in the parking lot; that they propose a food truck/trailer that would be mobile; that they do not propose to take it off site although they would have that option; that they propose to use the same entrance, same parking, and same hours of operation as the ice cream operation; that they propose to serve lunch only; and that some additional parking may be required.

**Public
Hearing/
CU 1999
(continued)**

Mr. Lank noted that if a mobile-type unit is proposed, it may be necessary to obtain a variance from the Board of Adjustment.

Mr. Moore recommended that the Council defer action to allow time for the preparation of Findings and potential conditions.

There were no public comments and the Public Hearing and public record were closed.

**M 546 14
Defer
Action on
CU 1999**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on Conditional Use No. 1999 filed on behalf of Hopkins Farm Creamery, Inc. (for the preparation of Findings and potential conditions).

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 547 14
Adjourn**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 3:30 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

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



A PROCLAMATION RECOGNIZING THE RED RIBBON CAMPAIGN OF THE YOUNG MARINES OF THE MARINE CORPS LEAGUE

WHEREAS, the Sussex County Council wishes to recognize organizations and individuals for their contributions to the betterment of the community; and

WHEREAS, the Seaford Young Marines is the only Young Marine Unit in Sussex County; and

WHEREAS, the Seaford Young Marines is trying to get the word out to children and parents across our area about the dangers of drugs; and

WHEREAS, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the red ribbon has been chosen as a symbol commemorating the work of Enriqu  "Kiki" Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS, Red Ribbon Week, which is observed in October of each year, encourages Americans to wear a red ribbon to show their support for a drug-free environment;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Seaford Young Marines for promoting drug demand reduction awareness throughout the year and encourages all Sussex Countians to wear a red ribbon in support of a drug-free environment.

Michael H. Vincent, President

SUSSEX COUNTY COUNCIL



—△—
TRIBUTE

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

RICHARD KING

**SUSSEX COUNTY
EMPLOYEE OF THE QUARTER**

~Fourth Quarter 2014~



*The Sussex County Council extends its thanks and
congratulations and directs this Tribute to be presented to
Richard King on the 2nd day of December 2014.*

Michael H. Vincent, President

PROPOSED 2015 HOLIDAY SCHEDULE – SUSSEX COUNTY

Holiday	State Observance	County Observance
New Year's Day	January 1 (Thursday)	January 1 (Thursday)
Martin Luther King, Jr. Day	January 19 (Monday)	January 19 (Monday)
Good Friday	April 3 (Friday)	April 3 (Friday)
Memorial Day	May 25 (Monday)	May 25 (Monday)
Independence Day	July 3 (Friday)	July 3 (Friday)
Labor Day	September 7 (Monday)	September 7 (Monday)
Veterans Day	November 11 (Wednesday)	November 11 (Wednesday)
Thanksgiving Day	November 26 (Thursday)	November 26 (Thursday)
Day After Thanksgiving	November 27 (Friday)	November 27 (Friday)
Christmas	December 25 (Friday)	December 24 (Thursday) December 25 (Friday)

The County grants two floating holidays to eligible employees per calendar year in accordance with the Floating Holiday Policy.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

November 14, 2014

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
DOZER, LLC
AGREEMENT NO. 1016

DEVELOPER:

Mr. Harold Dukes
Dozer, LLC
30 East Pine Street
P.O. Box 151
Georgetown, DE 19947

LOCATION:

North of Double Bridges Rd. (Rd 363), approx.
1,400 feet east of Parker House Rd. (Rd 362).

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

5 Residential Lots A,B,C,D,& E

SYSTEM CONNECTION CHARGES:

\$27,500.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
09/10/14

Department Of Natural Resources Plan Approval
09/16/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 42

Construction Admin And Construction Inspection Cost – \$9,750.00

Proposed Construction Cost – \$65,000.00

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

December 2, 2014

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 1016 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "DOZER, LLC FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "DOZER, LLC", LOCATED IN MILLER CREEK SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 1016

TODD LAWSON
COUNTY ADMINISTRATOR


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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Vance C. Phillips

FROM: Todd F. Lawson 
County Administrator

RE: **FURTHER CONSIDERATION OF CONDITIONAL USE NO. 1992 AND
CONDITIONAL USE NO. 1994**

DATE: November 26, 2014

During Tuesday's Council meeting, we are scheduled to consider two previously denied Conditional Use applications: Conditional Use No. 1992 filed on behalf of W. Ralph Brumbley and Conditional Use No. 1994 filed on behalf of Robert Wilkerson.

Background

Recall on October 7, 2014, Council voted to deny C/U 1992 for the failure to appear by the applicant, and on October 14, 2014, Council voted to deny C/U 1994 for the failure to appear by the applicant.

The County Code is clear and gives no option to the Council when an applicant does not appear during the public hearing process.

County Code § 115-216 F. states:

Failure to appear. If a petitioner, applicant or appellant fails to appear, or appear by agent, or fails to withdraw his application as provided for in Subsection E hereof, a petition requesting an amendment, supplement or change substantially similar shall not be reconsidered sooner than one year after the previous failure to appear or failure to withdraw.



Subsequent to their respective hearings, I learned of the extenuating circumstances involving each of these applications. In the case of C/U 1992, Mr. Brumbley had contacted the County's Planning and Zoning office and was provided inaccurate information that caused him to miss the public hearing. In the case of C/U 1994, the original hearing was rescheduled and the yard sign placed on the applicant's property was not updated.

After considering these circumstances, and out of an abundance of caution and in fairness to the applicants, it is my recommendation that the Council rescind the previous vote denying each of the respective applications.

Motion to Rescind

In light of this information, I asked our legal staff to review the Council's rules and Mason's Manual – which governs the process for County Council – to provide a recommendation to reconsider the applications. In summary, our attorneys agree that a Motion to Rescind the vote(s) is appropriate in this case. Motions to Rescind are applied to actions which have been taken and are already in effect. Here is an outline of the process:

1. A Motion to Rescind can only be made as long as no vested rights have arisen from the original motion.
2. The motion may be made at any subsequent meeting. The topic should be listed on the agenda as an action item entitled "Further Consideration".
3. The motion can be made by any member. In other words, it does not have to be made by the person who made the original motion.
4. The Motion to Rescind would be made and seconded. It is recommended that the reason for the Motion to Rescind be given. The motion should also refer back to the original application, the date of the prior action, and the result of the prior action that is now sought to be rescinded.
5. Once the motion is made and seconded, it should be voted on. It only requires a majority vote (3 members of Council).
6. If the Motion to Rescind is passed, the matter can be reopened (in other words, the prior denial is vacated). In the case of a matter previously denied due to the applicant's failure to appear, the public hearing before Council would be rescheduled for a later date. The application will be re-advertised and notices will be mailed to property owners within 200 feet, as we do for all public hearings.

Please note, our attorneys believe Motions to Rescind should only be used in very limited situations, since they run contrary to the desire for finality in all actions taken by County Council. As a result, they should be used sparingly, and very clear reasons should be given when making them.

County Code Amendment

As currently written, the County Code provides no discretion to Council when an applicant fails to appear. Please see the Code section copied above. In those instances, the Council

Memo to Council – Further Consideration of C/U 1992 and C/U 1994
November 26, 2014
Page 3 of 3.

must vote to deny the application. This is problematic when – as is the case with Brumbley and Wilkerson – the applicant's failure to appear was not entirely their fault.

In light of this situation, we recommend amending the County Code to provide the Council a level of discretion to defer an application to a future date should an applicant fail to appear. We will discuss the recommended amendment to the Code on Tuesday as well.

Please let me know if you have any questions on these matters.

TFL/sww

pc: J. Everett Moore, Jr., Esquire
Vincent G. Robertson, Esquire
Mr. Lawrence B. Lank

PUBLIC HEARING

This is to certify that on August 7, 2014 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed Ordinance Amendment. At the conclusion of the public hearing, the Commission moved and passed that this Ordinance Amendment be forwarded to the Sussex County Council with the recommendation as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLINGS, SINGLE FAMILY”, “DWELLING, MULTI-FAMILY”, AND “FAMILY”.

Mr. Robertson advised the Commission that this proposed Ordinance Amendment has been a collaborative effort that has its start from several different points; that the recent campground applications pointed out what was an unintended distinction between manufactured homes and dwellings under the Code about separation distances; that a review of State, and Federal Law and directives from HUD and others about fair housing, including the recent fair housing training that the County has participated in; that the Ordinance has been prepared by the County Attorneys with input from Brandy Nauman, County Fair Housing Coordinator and the County’s Community Development Office, Delaware State Housing Authority and Office of the State Planning Coordination; that both offices have commended the County’s efforts; that the language in the Ordinance is based on Federal Law for the definition of a dwelling and State Law for groups that can reside in a dwelling; that the County had to be careful about creating unintended consequences of the Ordinance change; that whenever there is a change like this, you have to review all sections of the code to try and avoid it having unanticipated effects on other areas of the Code; that this Ordinance brings manufactured homes back into the definition of dwelling; that there is no distinction for zoning purposes between a “dwelling” and a “manufactured home”, mobile home, etc.; that putting that into the context of campgrounds, this means that in future campground conditional applications, the camp sites must be 400 feet from the nearest dwelling, whether it is a stick-built home, a Beracah-style home, or a single wide or double wide manufactured home; that the definition of dwelling is based on Federal Law; that it is also included in the Consent Decree that was agreed upon; that for zoning purposes, the term “family” has given way to a more broad definition of who can live together in a dwelling; that this amendment takes the separate definition of family out of the zoning code and it states who can live in a dwelling as follows: 1 or 2 peoples related by blood or marriage, with any number of their children, natural foster or step; 2 single parents/guardians with any number of their

children, natural, foster or step; a group of no more than 4 unrelated people; a group residential facility licensed by the State of Delaware serving 10 or fewer individuals with disabilities on a 24 hour basis, as the term disability is defined under State law; 1 or 2 elderly or disabled persons who own a dwelling plus 1 or 2 people related by blood or marriage and their children; that a single family dwelling would be one of these groups and a multi-family dwelling would be 2 of these groups; that it should be noted that the next step in this process will be an Ordinance to establish a means for determining reasonable accommodations for persons with disabilities and others; that under the principles of fair housing, it may be appropriate to vary these requirements in a given situation to address an individual's particular needs; that legal staff have had extensive discussions about that and are going to work towards a set of standards that the County can apply to the situation; and that it is likely that will be the next ordinance that you see in this process.

The Commission discussed the proposed amendment and questioned impacts on group homes such as the ones located between Rehoboth and Dewey Beach in the forgotten mile area; that some campsites are occupied full time; that campers and not recreational vehicles; that with manufactured homes being classified as dwellings, there could be effects on assessments; and that campground owners may have fair housing issues.

James Truitt, Jr. advised the Commission that he is shocked at the proposed Ordinance; that the amendment is based on the fair housing settlement; that there are a lot of problems with the ordinance amendment; that someone may have as many foster children that they want; that Kent and New Castle County have no limits in their codes; that in some homes in Rehoboth Beach Yacht and Country Club, there are 10 to 12 people living in group homes; that there would be too many people per acre; that the amendment will create traffic, septic and safety problems; that DNREC guidelines for septic systems are based on the number of bedrooms per home; that the County can't enforce the existing ordinances; that the minimum size for a manufactured home is 400 square feet; that the State of Florida where he resides part time has no such Ordinance; that families are being paid by the government to raise foster children; made reference to different classes of people and number of people; that the ordinance amendment should have been reviewed by the public prior to the scheduling of a hearing; that the proposed ordinance is an indirect taking of land; that the cost of enforcement to the County is not good; and questioned if HUD and the Department of Justice have reviewed the Ordinance.

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

The Commission deferred action for further consideration.

On August 21, 2014 the Commission discussed this amendment under Old Business.

Mr. Robertson advised the Commission that since this amendment is an important issue, it should be voted on by all members of the Commission.

The Commission deferred action for further consideration.

On September 11, 2014 the Commission discussed this amendment under Old Business.

Mr. Robertson advised the Commission that this Ordinance Amendment was reviewed several weeks ago through public hearing and that some concerns were expressed about foster children, and added that foster children are already governed by State Codes; and that a need exists for the Commission to take action on this Ordinance so that the Sussex County Council can proceed with a public hearing this year.

At the request of the Commission, Mr. Robertson read a suggested motion stating that “the Commission recommends that the Ordinance to amend Chapter 115, Article I amending the definitions of “Dwelling”, “Dwelling, Single Family”, “Dwelling, Multi-Family”, and “Family” be approved.

Motion by Mr. Smith, seconded by Mr. Burton and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that this Ordinance Amendment be approved as circulated. Motion carried 5 – 0.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLING, SINGLE FAMILY”, “DWELLING, MULTIFAMILY” AND “FAMILY”,

WHEREAS, Sussex County Code, Chapter 115, Article I, Sec. 115-4 currently includes definitions of “Dwelling”, “Dwelling, Single Family”, “Dwelling, Multifamily” and “Family”; and

WHEREAS, in order to further comply with the Federal Fair Housing Act and State Law, the definitions of “Dwelling”, “Dwelling, Single Family”, “Dwelling Multifamily” and “Family” are being revised to allow more than four unrelated individuals to reside together and affirmatively address protected classes of persons or individuals with disabilities; and

WHEREAS, items that have been deleted are shown in [brackets] and items that have been added are shown underlined.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Dwelling” in its entirety, as shown below:

[DWELLING – A building or portion thereof containing cooking and housekeeping facilities, designed or used exclusively for residential occupancy, but not including manufactured homes, hotels, motels, motor lodges boarding- and lodging houses, tourist houses, or similar structures.]

Section 2. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by inserting the following:

DWELLING – Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence; and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. “Dwelling” shall not include hotels, motels, motor lodges, boarding- and lodging houses, tourist houses, or similar structures.

Section 3. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Dwelling, Single Family” in its entirety, as shown below:

[DWELLING, SINGLE FAMILY -- A detached dwelling designed for or occupied exclusively by one family.]

Section 4. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by inserting the following:

DWELLING, SINGLE FAMILY -- A detached dwelling designed or occupied by not more than one (1) of the following as a single housekeeping unit with single culinary facilities:

1. One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children.
2. Two (2) single parents or guardians with any number of their natural children, foster children, step children or adopted children, functioning as a single housekeeping unit.
3. A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.
4. A group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a 24 hour-per-day basis.
5. One (1) person or two (2) persons one of whom shall be elderly and/or disabled, and one (1) or both of who own the dwelling unit, plus one (1) family, which may consist of one (1) person or two (2) persons related by blood or marriage, and with any number of natural children, foster children, step children or adopted children.
6. For the purpose of this Section, “disabled” or “persons with disabilities” includes any person or persons with a handicap or disability as those terms are defined in the Delaware Fair Housing Act, Title 6, Chapter 46 of the Delaware Code, as may be amended.

Section 5. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Dwelling, Multifamily” in its entirety, as shown below:

[DWELLING, MULTIFAMILY – A dwelling designed for or occupied exclusively by two or more families living independently of each other. “Multiple-family dwellings” shall be considered as apartments, garden apartments, condominiums, duplexes or similar structures.]

Section 6. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by inserting the definition of “Dwelling, Multifamily” as follows:

DWELLING, MULTIFAMILY -- A dwelling designed or occupied exclusively by two (2) or more of the following living independently of each other, each with single culinary facilities:

1. One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children.
2. Two (2) single parents or guardians with any number of their natural children, foster children, step children or adopted children, functioning as a single housekeeping unit.
3. A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.
4. A group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a 24 hour-per-day basis.
5. One (1) person or two (2) persons one of whom shall be elderly and/or disabled, and one (1) or both of who own the dwelling unit, plus one (1) family, which may consist of one (1) person or two (2) persons related by blood or marriage, and with any number of natural children, foster children, step children or adopted children.
6. For the purpose of this Section, “disabled” or “persons with disabilities” includes any person or persons with a handicap or disability as those terms are defined in the Delaware Fair Housing Act, Title 6, Chapter 46 of the Delaware Code, as may be amended.

“Multi-family dwellings” shall be considered as apartments, garden apartments, condominiums, duplexes or similar structures.

Section 7. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Family” in its entirety, as shown below:

[FAMILY -- An individual or two or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities or a group of not more than four persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost sharing basis. Domestic servants employed and residing on the premises shall be considered as a part of the family.]

Section 8. Effective Date. This Ordinance shall become effective upon its adoption by Sussex County Council.

Proposed

SYNOPSIS

This Ordinance amends the definitions of Family, Single Family Dwellings and Multifamily Dwellings to avoid unintended discrimination under State and Federal Law. It confirms that a family may include one or two people living together and not only their natural or adopted children but also step-children and foster children. It also clarifies that children are permitted to reside with legally appointed guardians. It permits licensed and approved residential houses or no more than ten persons with disabilities as defined in the Delaware Fair Housing Act. Lastly, it recognizes that it is appropriate for 2 families to reside in a single unit when the owner(s) of the unit are elderly and/or disabled.

Proposed

PUBLIC HEARING

December 2, 2014

This is to certify that on November 13, 2014 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed Conditional Use applications. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

Conditional Use #2000 – Jovid Venture, LLC

Application of **JOVID VENTURES, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a facility for wedding ceremonies and receptions to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.683 acres, more or less, land lying at the southwest corner of Warrington Road (Road 275) and Old Landing Road (Road 274) 911 Address: 35060 Warrington Road, Rehoboth Beach, DE) (Tax Map I.D. #3-34-12.00-121.01).

The Commission found that the applicants provided a survey/site plan with the application on July 31, 2014, and an Exhibit Packet on November 3, 2014. The Exhibit Packet contains references to the description of a Conditional Use; references to the Comprehensive Plan; a copy of an aerial of the area; a copy of the tax map of the area; a copy of the survey/site plan; a copy of the Support Facilities Report from DelDOT; and suggested proposed Conditions of Approval for consideration.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on April 24, 2014 which reference that a Traffic Impact Study is not recommended; and that the Level of Service “D” of Warrington Road and the Level of Service “C” of Old Landing Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on November 5, 2014 referencing that there are two soil types on the property; that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that there are no storm hazard areas affected; that no off-site drainage improvements are necessary; that it is not likely that any on-site drainage improvements will be necessary; and that there are no tax ditches affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments on November 10, 2014 referencing that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available, if the equivalent dwelling unit (EDU) sewer assessment for the parcel does not exceed 6.73 EDU; that the EDU assessment for the proposed use is not known at this time; that the system design assumption for the AR-1 zoned parcel is 4.0 EDU per acre; that Ordinance 38 construction is not required; that the current System Connection Charge Rate is \$5,500.00 per EDU; that the parcel is served with one 6-inch lateral located along the parcel's frontage on Old Landing Road; that installation of an 8-inch lateral may be required; that the installation of an additional lateral would be at the owner's expense; that conformity to the North Coastal Planning Study will be required; and that a concept plan is not required.

The Commission found that Joe Brinton and David Sterner of Jovid Ventures, LLC were present with Tim Willard, Esquire of Fuqua, Yori and Willard, P.A. and that they stated in their presentations and in response to questions raised by the Commission that the site is at the corner of Warrington Road and Old Landing Road and is improved with a bed and breakfast approved by the Board of Adjustment; that they would like to have wedding ceremonies and receptions on the grounds of the property; that the use should be considered as a semi-public use; that they are submitting seven (7) letters in support and photographs of the property; that the use meets the purpose of a Conditional Use in that it is a business/commercial activity with a public or semi-public character and is intended for the general convenience of the residents of the County; that the use conforms to the Comprehensive Development Plan since it is a light use and provides convenient services to the residents; that the site is located in the Environmentally Sensitive Developing District and in a Level 2 or 3 in the State Strategies; that the site plan depicts temporary tent locations and ceremony areas with landscaping features; that the site contains 1.68 acres, which is adequate for the use intended; that the area contains a mix of residential zonings; that DeIDOT did not require a Traffic Impact Study; that 12 parking spaces are available on site with 10 overflow parking spaces partially in the grass; that the bed and breakfast recently had a rating change from being No. 6 to No. 1 in the Rehoboth Beach area for bed and breakfast inns; that the entrance is approximately 60 feet from the intersection; that there will not be any parking permitted along public roadways; that the closest fire house is approximately 1 mile away on Route One; that a fire hydrant exist across from the site; that they are planning on providing a shuttle service contract with certain hotels/motels for the guests to make arrangements to be dropped off and picked up for receptions, etc. on the site; that the plan on limiting the number of guest at a ceremony or reception to 125 persons; that the do not anticipate more than 15 events per year; that they do not object to a prohibition on noise makers being a restriction; that the bed and breakfast has 5 rental rooms; that adequate space is available for the

shuttle vehicles to turn around in the driveway; and that they have submitted suggested conditions of approval for consideration.

The Commission found that Dr. Nicholas DelCampo was present in support of this application and stated that he had provided a letter of support, but wanted to add that the applicants are great neighbors; that they have improved the property; that they have added landscaping; and that he supports the suggested conditions of approval submitted.

The Commission found that there were no parties present in opposition to this application.

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

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Conditional Use #2001 – Christina Abramowicz

Application of **CHRISTINA ABRAMOWICZ** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a veterinary practice to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 32,671 square feet, more or less, land lying southeast of Old Mill Road (Road 265-A), 1,900 feet northeast of Route One (Coastal Highway) (911 Address: 16403 Old Mill Road, Lewes, DE) (Tax Map I.D. #3-34-1.00-23.00).

The Commission found that the applicant provided a survey/site plan with her application.

The Commission found that The Commission found that DelDOT provided comments in the form of a Support Facilities Report on May 15, 2014 which reference that a Traffic Impact Study is not recommended; and that the Level of Service “A” of Old Mill Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on November 5, 2014 referencing that there is one soil type on the property; that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that there are no storm hazard areas affected; that it is not likely that off-site drainage improvements are necessary; that it is possible that any on-site drainage improvements will be necessary; and that there are no tax ditches affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments on November 10, 2014 referencing that the site is located in the North Planning Area for the West Rehoboth Expansion; that central sewer service is not available at this time; that an on-site septic is proposed; that conformity to the North Coastal Area Planning Study will be required; that the parcel is located within a sewer planning area of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the County does not have a schedule to provide central sewer service to the parcel at this time; that when the County provides sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a concept plan is not required.

Mr. Lank advised the Commission that the Department has received 10 letters/emails in support and 36 letters/emails in opposition to this application; that there is some duplication since some writers have sent letters, emails and fax copies. Mr. Lank advised the Commission that he would make copies of the letters/emails available for the Commission to review.

The Commission found that Dr. Christina Abramowicz was present on behalf of her application for a veterinary practice; that she provides veterinary alternative care for dogs, cats, horses and some exotic animals; that her practice will serve a need for the community; that she treats the animals by appointment; that some visits last from one hour (1) to three (3) hours; that her practice is hands on, with no surgery, x-rays or medications; that her practice is considered holistic since she performs acupuncture, posture rehabilitation, some chiropractic, and uses Chinese and herbal medicines, medical massage and food therapy; that her current practice is considered mobile with services for acute illnesses, allergies, arthritis or hip dysplasia, behavior issues, cancer, chronic conditions, metabolic syndromes, musculoskeletal problems, and neurological issues; that pet owners have advised her that cost is a concern when she has to travel to the site of the pet owner; that she is proposing to serve a need for eastern Sussex County; that the closest veterinarian that performs acupuncture is in Seaford or Salisbury; that she has a website that provides details on her practice; that she would like approval for a small practice at her home; that her normal appointments take approximately 60 minutes; that there is adequate parking; that no additional buildings are proposed; that she does not perform any surgeries; that she has support from some of her neighbors and area community members; that she would not object to a restriction limiting the use to her practice only so that the conditional use could not transfer to another user; that currently she is exclusively mobile; that her primary intent is to remain mobile, but is requesting permission to allow pets to be brought to her home for treatment; that her typical hours are from 10:00 a.m. to 6:00 p.m. for mobile services six (6) days per week; that she would like to maintain the same hours from her home on certain days; that the pets that she would treat at home would be dogs, cats, and exotic pets; that she will not treat wild animals or large animals at the home; that he normally treats horses on Saturdays off-site and by appointment only; that all of her sessions are by appointment only; that she sees one client per hour; that she has no employees; that she does have a high school intern that studies under her; that emergencies are referred to other veterinary clinics; that she currently has 200 clients; that she would like to be able to erect a small marker type sign to label her location; that her back yard is partially fenced; that she has no plans for any kennels or any overnight housing of animals; that the living room would be converted to a waiting room and that she would have an examination room and a treatment room; that bio-hazardous waste will be placed in trash containers and properly disposed of as needed; that she does not treat aggressive dogs; that she does deal with some dogs with anxiety and abnormal behaviors; and that she will have some retail sales of vitamins, herbs.

The Commission found that Dan Lynch of Delaware Equine was present in support of the application and stated that Dr. Abramowicz assisted him in caring for his horses; that he trains horses and that she has helped his rehabilitate several horses; that there is a need for this type of

treatment in Sussex County; that he would have to travel to get holistic treatment for the horses; that there is a void in this area for this type of treatment; and that the use is an asset to the equine community.

The Commission found that Denise Dumont was present in support of the application and stated that the applicant has treated her dog; that she supports holistic veterinary treatment of animals; and that a need exists in the area for this type of service.

The Commission found that Vince Brady, Kathanna Billups, George Dellinger, Jim Wright, and Anita Hart were present in opposition expressing concerns that they oppose a veterinary practice in this residential neighborhood; that they are concerned about changes in the description of the proposed practice; that if the use is approved, there should be conditions of approval limiting hours and retail sales; that there is no upside for the business in this community; that approval would create a mixed use community with business, commercial and residential uses; that the use may impact and lower property values; that the majority of the residents along Old Mill Road are opposed to this application, and opposed to any type of commercial use in the area; that there are multiple veterinary practices in the general area; that no kennels or overnight housing of animals should be permitted; that the business could be expanded if approved; that the residents have no objection to the applicants mobile off-site activities; that the use is not appropriate in a residential area; that the application to DelDOT referenced a veterinary animal hospital; that the application for conditional use references a veterinary practice; that the Sussex Conservation District references that on site drainage improvements may possibly necessary; that the applicants website references care for all types of animals, including dogs, cats, horses, exotics, and livestock; that the facility is proposed in the middle of a residential area and questioning what is a healthy separation between a clinic and living quarters; expressing concerns about the disposal of needles and swabs, used testing supplies, infected dressings, biological samples of infected animals; cadavers; questioning what the risks of contamination; that the majority of the residents of four (4) residential subdivisions along Old Mill Road are opposed to this application; that the use is not consistent with the Zoning Code, the Comprehensive Plan, or the community; that the use should not be considered a home occupation; that some types of diseases in animals may cause health hazards for the residents of the area; that animals may get loose causing concerns for the residents safety; that there is a concern that there is a lack of enforcement of conditions of approval, if granted, and referencing an example that landscaping for the boat yard to the north not having any landscaping; that Old Mill Road is a cul-de-sac road and that the residents of the communities oppose any business activity along Old Mill Road; and that the area residents requests that the application be denied.

By a show of hands, the Commission found that there were four (4) parties present in support and 17 parties present in opposition.

The Commission found that Dr. Abramowicz responded to questions raised by the Commission that she has attempted to locate office space in the area and that due to the size of her business she could not afford such rentals; that she did oppose the proposed self-storage facility on the north side of Old Mill Road due to traffic; and that the self-storage facility would create more traffic than her proposal; and that she is only maintaining her property, not clearing it.

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

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Introduced 09/09/14

Council District – Cole - District No. 4
Tax I.D. No. 334-12.00-121.01
911 Address: 35060 Warrington Road, Rehoboth Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FACILITY FOR WEDDING CEREMONIES AND RECEPTIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.683 ACRES, MORE OR LESS”

WHEREAS, on the 31st day of July 2014, a conditional use application, denominated Conditional Use No. 2000 was filed on behalf of Jovid Venture, LLC; and

WHEREAS, on the ____ day of _____ 2014, 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. 2000 be _____; and

WHEREAS, on the ____ day of _____ 2014, 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:

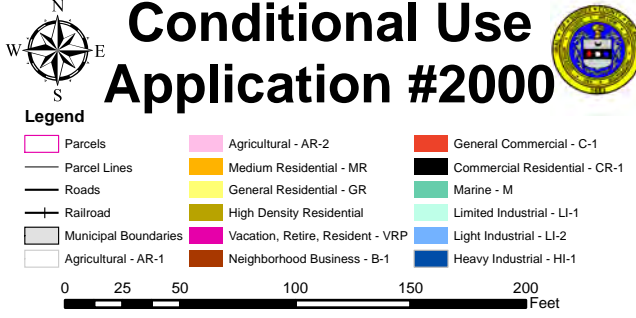
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2000 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying at the southwest corner of Warrington Road (Road 275) and Old Landing Road (Road 274) and being more particularly described in Deed Book 4177, Page 182, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.683 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.

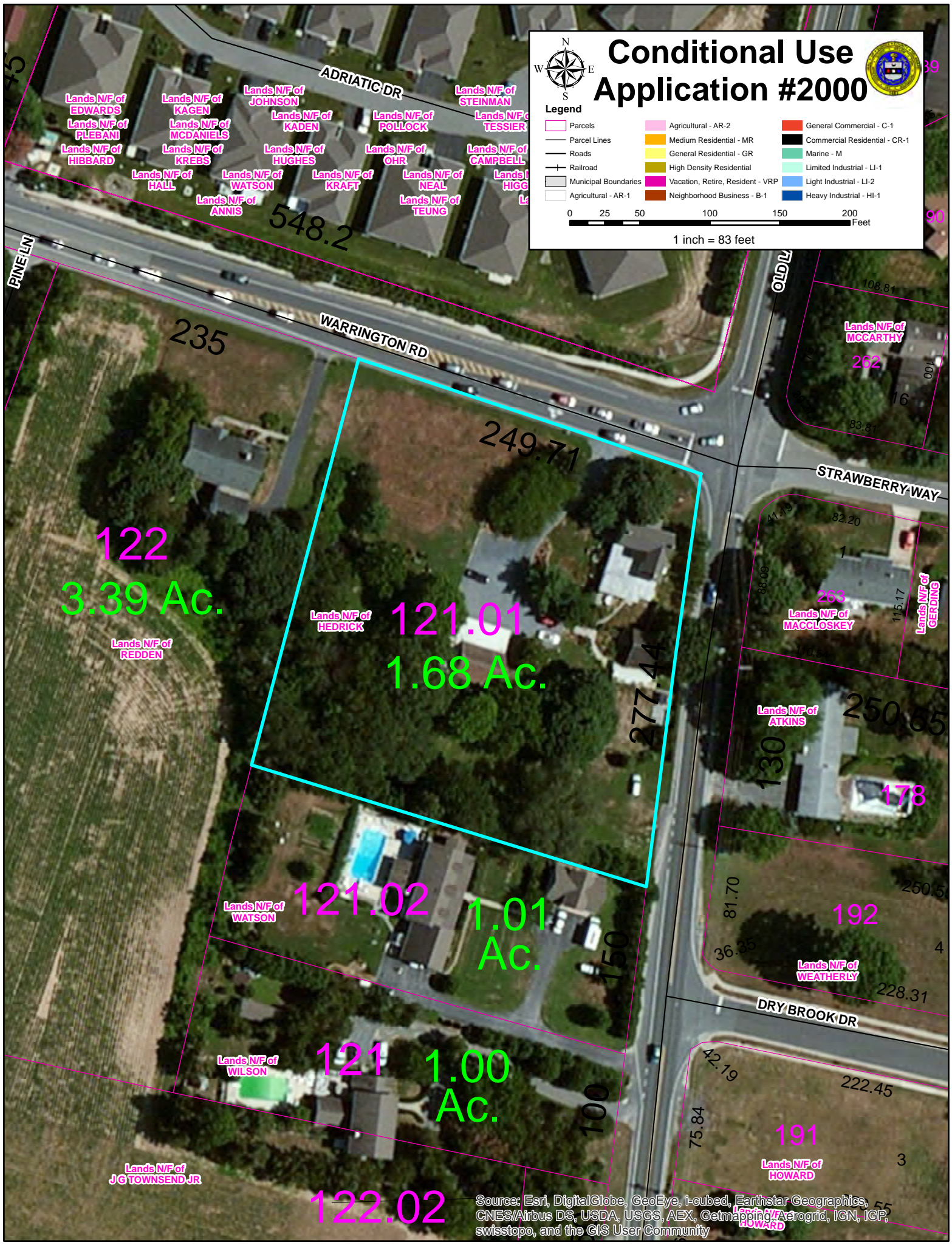
Conditional Use Application #2000



Legend


Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1

0 25 50 100 150 200 Feet
1 inch = 83 feet



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping/Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Conditional Use Application #2000

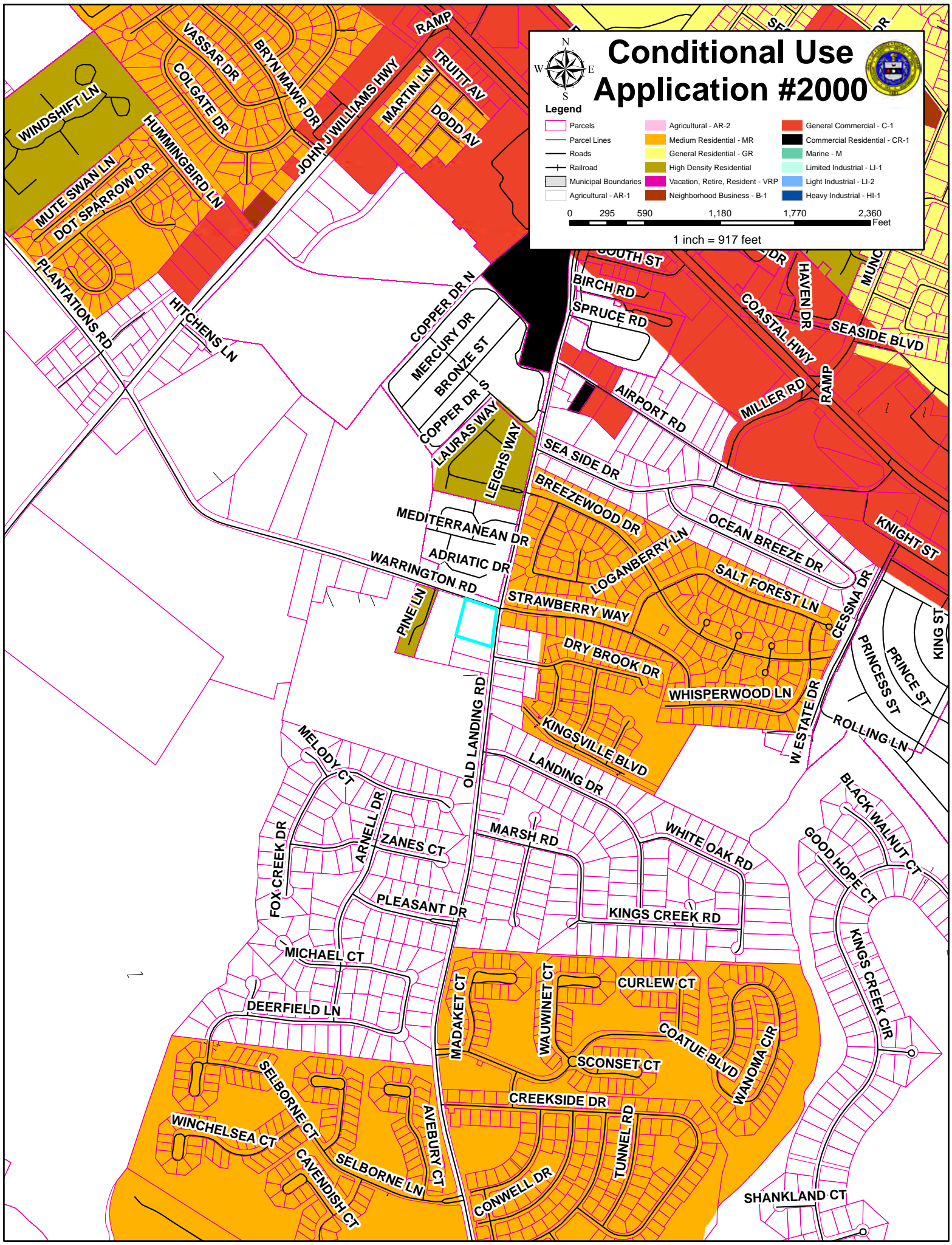


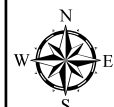
Legend

Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1

0 295 590 1,180 1,770 2,360
Feet

1 inch = 917 feet





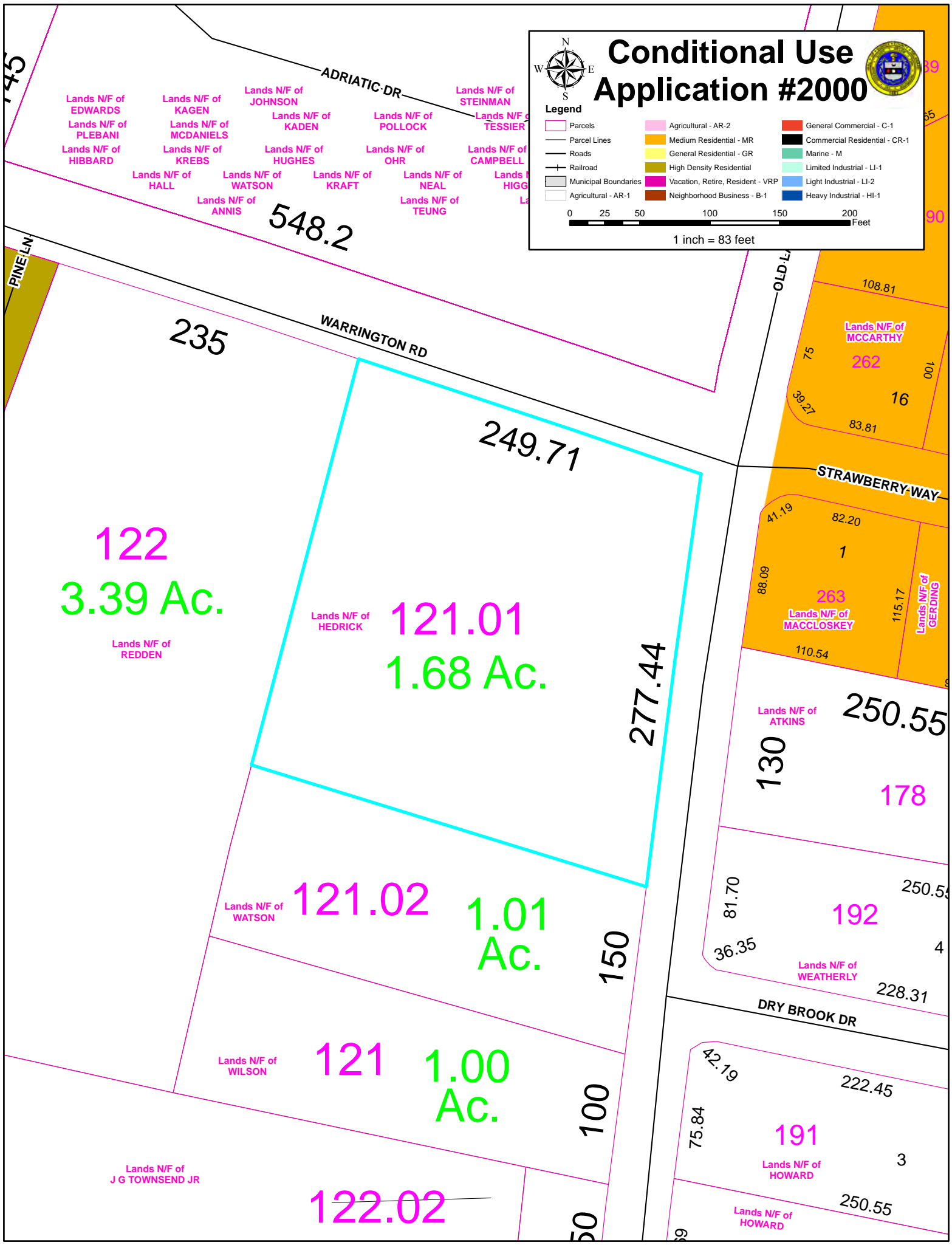
Conditional Use Application #2000



Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 25 50 100 150 200 Feet
1 inch = 83 feet



Introduced 09/09/14

**Council District – Deaver - District No. 3
Tax I.D. No. 334-1.00-23.00
911 Address: 16403 Old Mill Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARY PRACTICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 32,671 SQUARE FEET, MORE OR LESS

WHEREAS, on the 19th day of August 2014, a conditional use application, denominated Conditional Use No. 2001 was filed on behalf of Christina Abramowicz; and

WHEREAS, on the ____ day of _____ 2014, 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. 2001 be _____; and

WHEREAS, on the ____ day of _____ 2014, 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. 2001 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southeast of Old Mill Road (Road 265-A), 1,900 feet northeast of Route One (Coastal Highway) and being more particularly described in Deed Book 4274, Page 333, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 32,671 square feet.

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

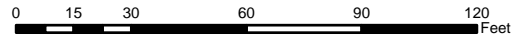


Conditional Use Application #2001



Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



1 inch = 50 feet

283

2

23

23

1.1

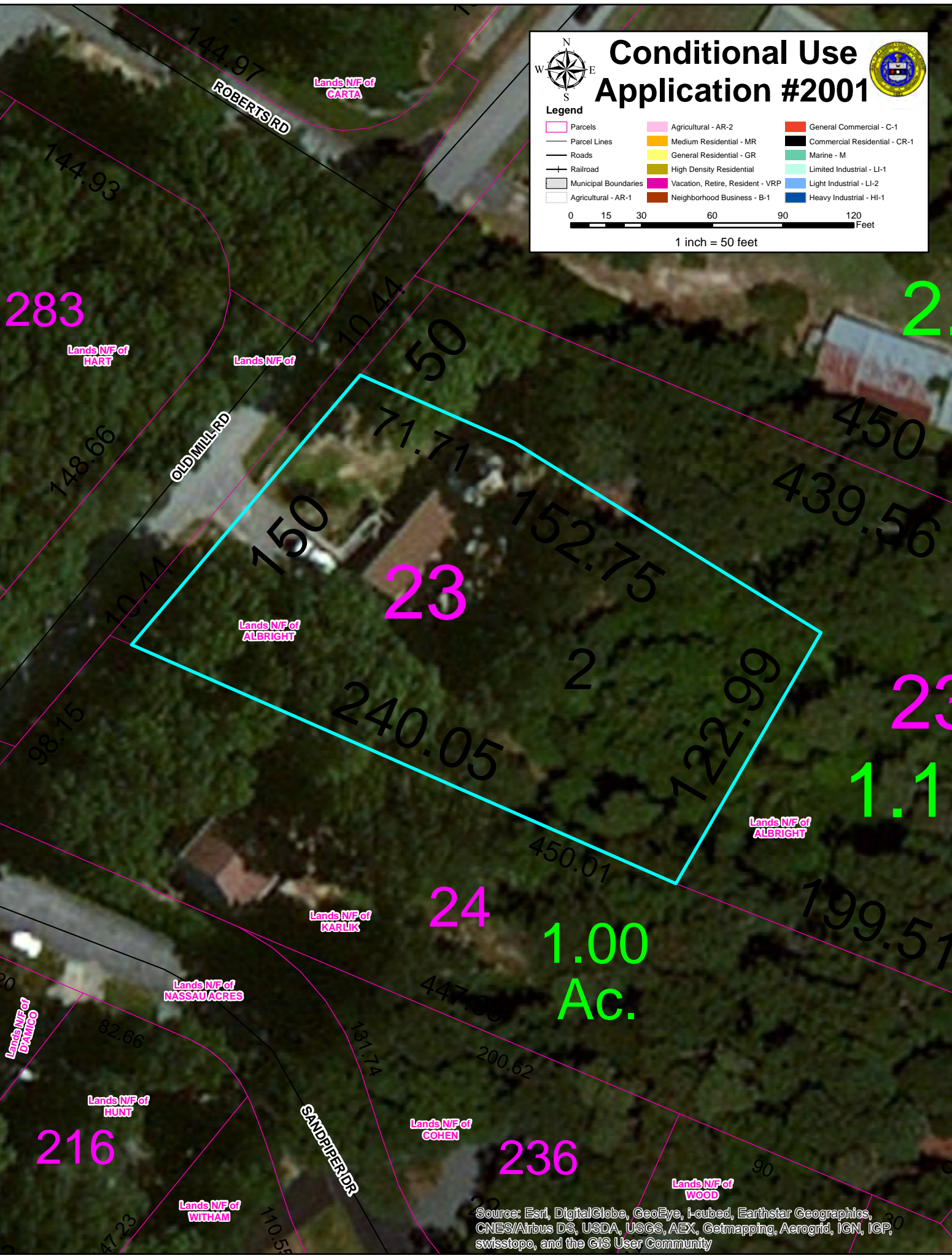
24

1.00
Ac.

199.51

216

236



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Conditional Use Application #2001

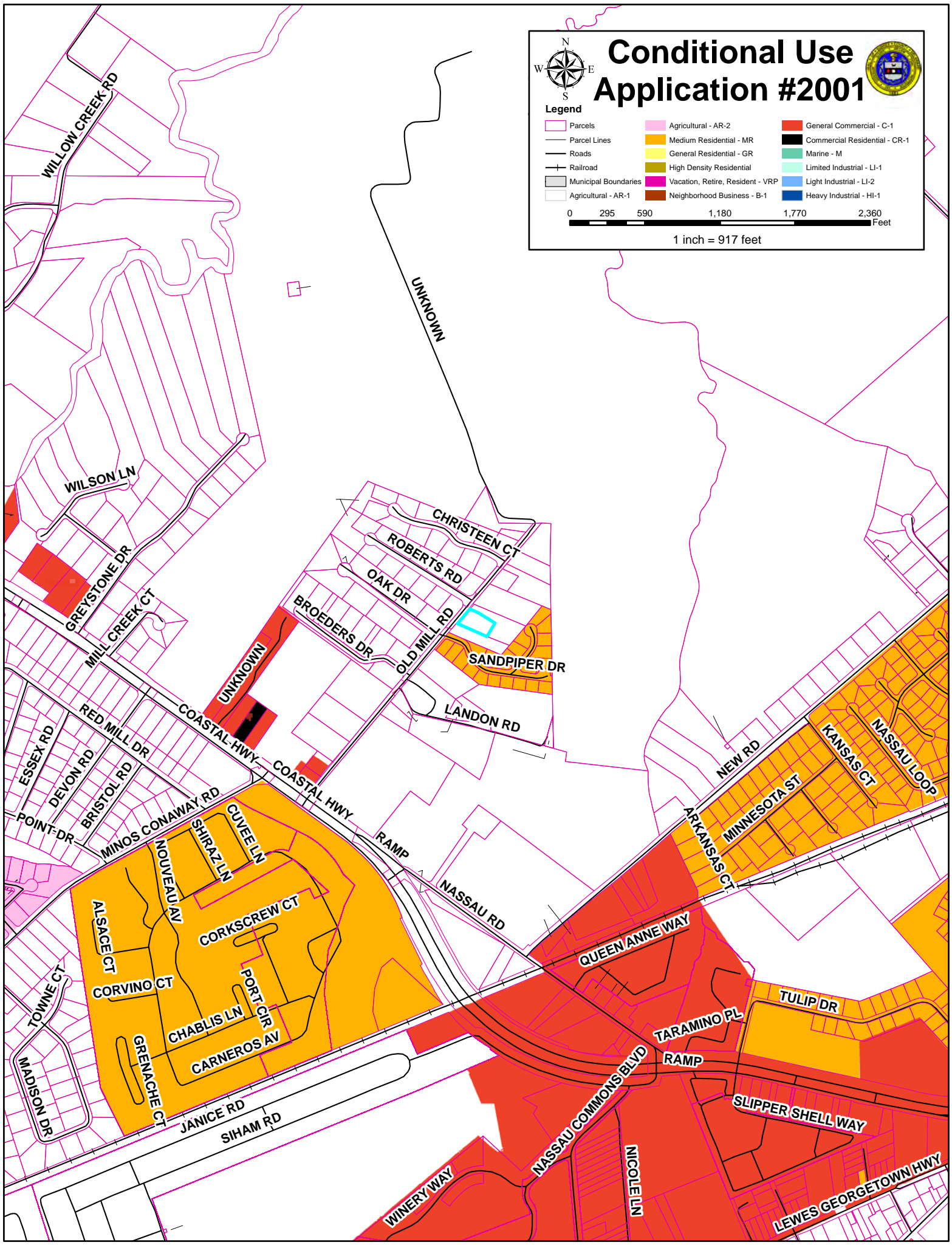


Legend


- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 295 590 1,180 1,770 2,360 Feet

1 inch = 917 feet



Conditional Use Application #2001

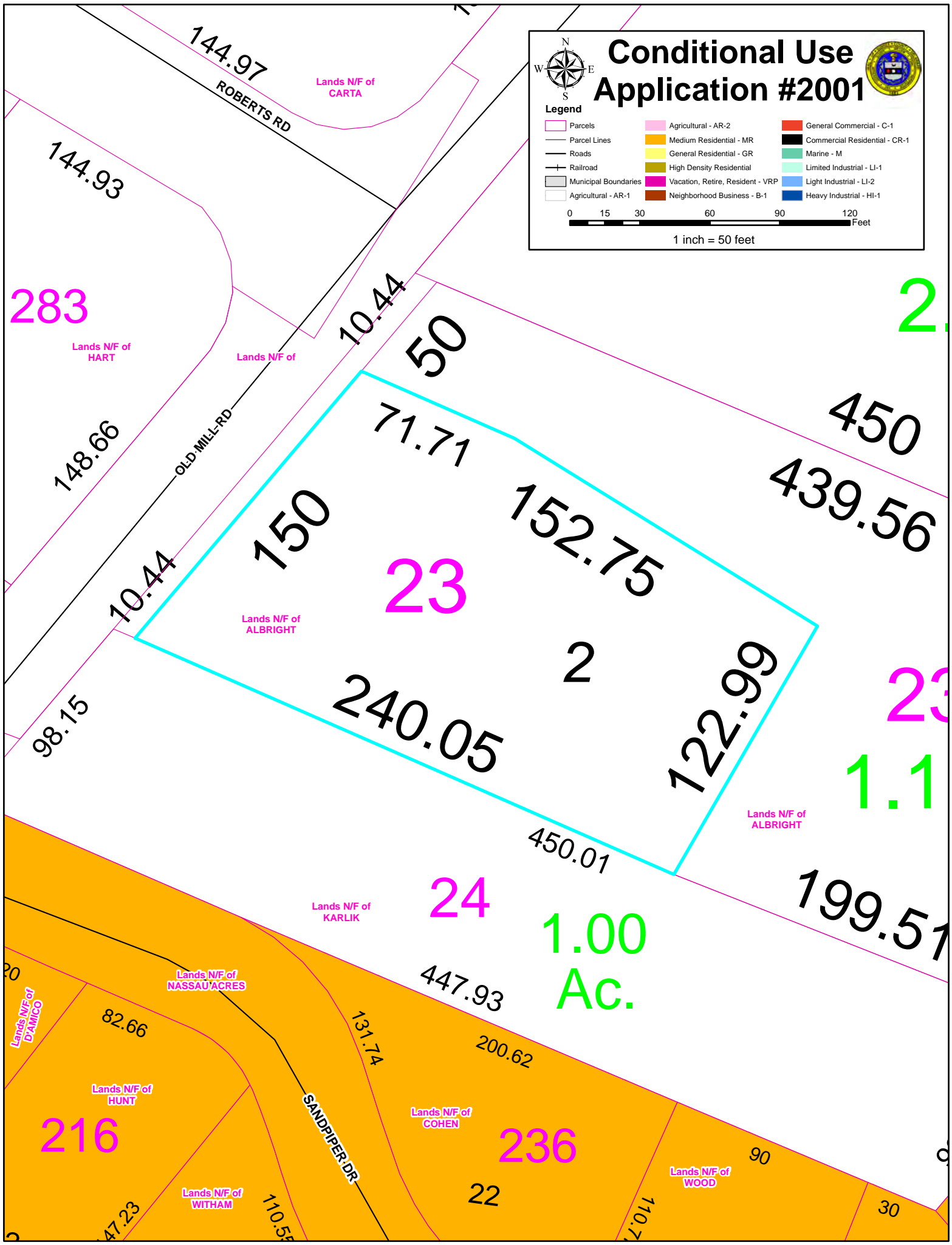


Legend

Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1

0 15 30 60 90 120 Feet

1 inch = 50 feet



Cape Henlopen Food Basket
PO Box 168
Rehoboth Beach, DE 19971
302-227-3528

To: Honorable George Cole and Honorable Joan Deaver
Subject: Cape Henlopen Food Basket

The Cape Henlopen Food Basket is an emergency food service that provides assistance to anyone needing help within the boundaries of the Cape Henlopen School District. Clients outside the district are referred to an agency within the client's home address. If a client has need for food for more than 3 times in a 3 month period, the CHFEB refers them to Delaware State Social Services for further evaluation and if merited, a referral for more food from the CHFEB. The CHFEB makes no evaluation of the client(s) needs; everyone is given some food.

We provide needy families a 10 day supply of canned and frozen food, as well as a supermarket voucher which allows them to receive fresh milk, eggs, margarine and bread. (Clients out of area receive a small portion and are given directions to an agency in the area of their home address.) Through 2013, we have served 2790 households, representing 8019 people. During the year of 2012, we served 2883 households and 8676 people.

Tax Exempt Number: 55-0797022

We are a non-profit corporation, 501(C) 3, whose sole purpose is to provide food in the Cape Henlopen area to those individuals and families in need regardless of race, color, Creed, or national origin. The CHFEB has been in operation since October, 2002.

Membership and Board:

The Cape Henlopen Food Basket is an all volunteer organization consisting of 85 members. We have no paid employees. Volunteers order and pick up the food, stock the shelves, meet and serve clients, train new volunteers and all other tasks required. We have a 14 member board that makes organizational decisions.

Food or money to help the CHFEB meet the needs of the needy is greatly appreciated.



**CAPE HENLOPEN
HIGH SCHOOL
BOYS BASKETBALL BOOSTERS**

The Honorable George Cole
Sussex County Council
2 The Circle
Georgetown, DE 19947

RE: Cape Henlopen High School Boys Basketball Boosters

Dear Councilman Cole,

I am the Head Varsity Coach of the Boys Basketball program at Cape Henlopen High School. I am writing to ask for your support of the Cape Henlopen High School Boys' Basketball Boosters. The Boosters are regulated by the Cape Henlopen School District, and while the funds raised by the Boosters are owned and controlled by the Boosters, the use of the funds is overseen by the District.


The goal of this organization is to provide support to the boys' basketball program. We are building a very successful program at our high school. As you may recall, the varsity team represented Cape very well last year with an appearance in the semi-final game of the State Championship Tournament at the University of Delaware. Several student athletes from last year's varsity team moved on to play in college with scholarships and financial aid derived directly from their participation in Cape's basketball program. To continue to build upon this success, it is necessary to support the program, including the freshman and junior varsity teams.

With your support of the Boys' Basketball Boosters, the program will be able to offset the costs of: participation in various camps and clinics, guest coaches, travel expenses, video equipment, recruiting tools and college visits, and other gear and equipment used by all of the teams and coaches throughout the year.

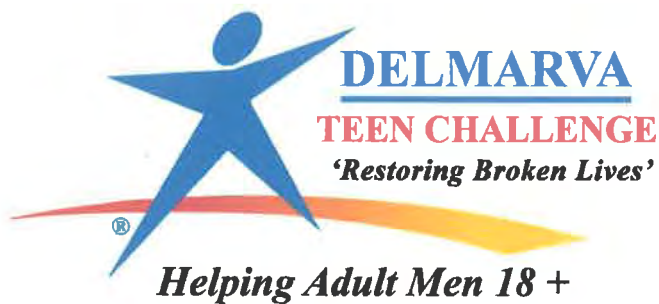
We hope that you will be able to contribute to the continued success of the program- a program enjoyed by a large part of our community on Tuesdays and Fridays during the basketball season. While any amount will be greatly appreciated, if you are able to donate \$200 or more to the Boys Basketball Boosters, we will list you in a program that will be handed out at the boys' basketball home games. To assist you in helping the basketball program, I have enclosed a self-addressed, stamped envelope. Upon receipt of your contribution, we will also send you a receipt from the Boosters for your records.

On behalf of all of the basketball coaches and players at Cape Henlopen High School, thank you very much for your support!

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen Re".

Stephen Re, Head Coach
Cape Henlopen Boys' Basketball



November 12, 2014

Mr. Sam Wilson and Council
Sussex County Council
P.O. Box 589
Georgetown, Delaware 19947

RE: Delmarva Teen Challenge Emergency Grant

Dear Sussex County Council:

The Delmarva Teen Challenge, Inc. (DTC) is pleased to submit our request for \$10,000 in funds to offset the rising number of individuals we are helping due to their addictions.

Delaware had the fifth highest rate of heroin-related treatment admissions per 100,000 in the nation according to recent statistics. Overdose deaths from all drugs, including alcohol, spiked from 12 to almost 15 a month from October 2013 to April 2014. State health officials and police think the resurgence in pure, plentiful and inexpensive heroin is the driving force behind the increase. Nearly 40 percent of the overdose deaths in that time-frame were in Kent (17 percent) and Sussex (21 percent) counties.

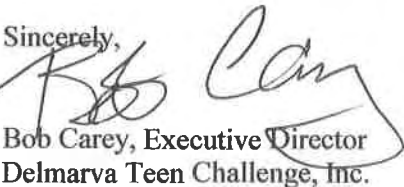
The police response to a variety of heroin-related activities increased more in Kent and Sussex counties from 2012 to 2013 than it did in New Castle County, according to Delaware State Police statistics. Delaware police departments responded to 125 percent more heroin calls in Kent County, **70 percent more in Sussex County.**

As referenced above, heroin addiction is increasing with multiple arrests each week, incarceration and fatalities here in Sussex County. This epidemic must be addressed. Delmarva Teen Challenge has a proven track record of helping men become free from addictions. To date, 154-men have graduated our one year residential program.

Teen Challenge International USA was started in New York in 1958; DTC is a 501(c) (3) organization and was established in Seaford, Delaware in 2008. DTC, a faith-based organization, is the only long term residential program in Delaware for drug, alcohol, and other life-controlling problems.

Thank you in advance for your consideration of this request.

Sincerely,



Bob Carey, Executive Director
Delmarva Teen Challenge, Inc.

November 23, 2014

Councilman Vance Phillips

Dear Mr. Phillips:

The purpose of this letter is to request funding for the County-wide MERIT program.

MERIT is entering its 41st year of serving the minority students of Sussex County with the goal of college acceptance and the procurement of scholarship support to obtain a baccalaureate or advanced college degree.

As a key measure of our success, as of 2013, 350 Sussex County students obtained a college degree.

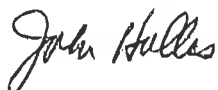
Since 1994, we have had 100% of the students who complete our 5-year program earn admission to an institution of higher education.

As we meet the challenges of the next decade concerning environmental issues, we are offering environmental experiences to our students by instituting a Sussex County Youth Conservation Group. As a testament to the effectiveness of the MERIT program, the Youth Conservation Program has selected the MERIT student population as the best partner to launch this program in Sussex County.

We plan to train and empower our students and adult volunteers to make substantial investments of time and talents for the betterment of the Sussex environment.

We commit to a responsible, measured, and accountable use of any resources provided. We look forward to expanding our students' environmental awareness and improving the environmental future of Sussex County.

Sincerely,



John Hollis, Director (since 1974)
MERIT

November 23, 2014

Sussex Councilman Vance Phillips

Dear Mr. Phillips:

The purpose of this letter is to request support from your council account for the expansion of the successful Plus 3 network of Sussex County.

Due to the support of the Healthier Sussex organization, we have been able to launch a successful Plus 3 network in Sussex County.

Plus 3 is a national network that enables participants to document various forms of physical activity for the purpose of raising money for selected charitable purposes. To date, the Sussex network has been able to raise over \$12,000 to support the County Sussex Outdoors network.

The County, the State and our nation are in the early stages of a population level health crisis. One of the key causes is the trend of our population to become the world's most sedentary society. The principal cause of the United States' obesity/diabetes epidemic is a decline in physical activity.

Plus 3 has demonstrated the ability to motivate, measure, and increase physical activity while raising resources for sustainable causes.

The only way that we are going to be able to stem the out-of-control areas of health care costs is by becoming a healthier society. Plus 3 has demonstrated success in reversing this trend.

A healthier Sussex County will pay dividends in reduced health insurance costs and Sussex County's "pursuit of happiness."

We would appreciate your support in helping our citizens obtain a healthier lifestyle.

Sincerely,


John Hollis



Delmarva Clergy United in Social Action Foundation

November 14, 2014

Bishop M. Foster
President/CEO

Zabrina Gibbs
Secretary

Juanita Gill
Assistant Secretary

Dr. Aaron Green
Board Member

Harold Truxon
Board Member

Elder William Downing
Board Member

Sharon Austin
Board Member

Pattie Hinton
Board Member

Leon Bailey
Board Member

Vanessa Hinton
Board Member

Sandra Green
Board Member

Grace Young
Board Member

Sam Wilson
15376 Wilson Neal Road
Georgetown, DE 19947

Re: Christmas 2014

Let me start by saying that I have witnessed your generosity towards worthwhile projects in Sussex County. Bishop Major Foster and I are currently working on a project providing Christmas Gifts for the younger boys and girls as well as to our teenagers at DCUSA Foundation.


We have worked very hard with our youth, with a hope of creating and reinforcing conditions that promote healthy behavior and lifestyles within oneself, while at the same time, having and doing fun things. Besides being given education that will benefit us in the future, we also do things that will bring joy to the program.


Now, as we, all can see its "Christmas" time again and we have a few children that are less fortunate. We here at DCUSA Foundation are trying to put a little happiness in a less fortunate child's life. Would you help us to make our boys and girls happy on this Christmas?

We are asking for your assistance in the amount \$1,000.00 to help with this project. This will also help towards providing at least (500) children or more the opportunity to get something that they may benefit from such as Outlet wear, under garments, coats, hats and a small toy this year for Christmas.

We are hoping you will find this a worthwhile cause at DCUSA Foundation, for this Christmas. If you have any questions, please feel free to contact me at 302-422-2350.

Thank you,


Helena Gibbs
Executive Director


Dr. Bishop Major Foster
President/CEO



PUBLIC HEARING

December 2, 2014

This is to certify that on September 25, 2014 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed Conditional Use and Change of Zone applications. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

Conditional Use #1996 – Hector Patraca Carmona

Application of **HECTOR PATRACA CARMONA** to consider the Conditional Use of land in a C-1 General Commercial District for a food vendor to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 15,285 square feet, more or less, land lying west of U.S. Route 113 (DuPont Boulevard) 800 feet south of Road 380 (Parker Road) (911 Address: 34892 DuPont Boulevard, Frankford, DE) (Tax Map I.D. #5-33-4.00-13.00).

The Commission found that the applicant provided a survey/site plan of the property with his application.

The Commission found that DelDOT provided comments on March 25, 2014 in the form of a letter and a Support Facilities Report referencing that the subject property is located adjacent to U.S. Route 113 and is subject to the Department’s Corridor Capacity Preservation Program; that the property is located within a Level 3 Investment Area according to the State Strategies; that the property owner can develop a rights-in/rights-out access to U.S. Route 113 for a site generating an average of 200 vehicle trips per day; that a Traffic Impact Study is not recommended; and that the current Level of Service “B” of U.S. Route 113 will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on September 19, 2014 referencing that the property is located in the Western Sussex Planning Area #5; that use of an on-site septic system

is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on September 19, 2014 referencing that there are two soil types on this property; that the developer shall be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that no on-site or off-site drainage improvements will be necessary; and that no tax ditches are affected.

The Commission found that Hector Patraca Carmona was present with Jaime Sanchez and Holly Carmack, and that they stated in their presentations and in response to questions raised by the Commission that a taco stand is proposed; that the stand will be open year round for 6 days per week; that the stand will be closed on Wednesdays; that they are proposing to be open from 11:00 am to 9:00 pm; that they would like to install a lighted sign; that parking is proposed as indicated on the site plan; that Mr. Carmona and his wife are the only employees; that Mr. Carmona owns the property; that they would like to have permission to utilize a porta-toilet; that they may have small gatherings on the site; that that he currently does not need any more than a residential trash container for trash; that waste water is dumped on the ground; and that cooking oils are stored and then recycled and hauled away by a licensed handler.

Mr. Lank advised the Commission that the applicant was given notice of the violation for operating the business, and that the applicant did make application after completion of the necessary information to apply.

The Commission found that there were no parties present in support of or in opposition to this application.

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

On September 25, 2014 there was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On October 9, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use #1996 for Hector Patraca Carmona for a food vendor to sell food and beverages based on the information contained in the record and for the following reasons:

1. There is room for the use on the site, including parking. There will also be room to pull off of U.S. Route 113 to access the food vendor.
2. The use will not adversely affect neighboring properties, the community or area roadways.
3. The use is appropriate in this location next to U.S. Route 113 and it is on property that is zoned C-1 Commercial.

4. This recommendation for approval is subject however to the following conditions:
 - A. The use shall comply with all setback and parking requirements, or obtaining appropriate approvals from the Sussex County Board of Adjustment.
 - B. The applicant shall comply with all DelDOT requirements, including entrances to and from U.S. Route 113.
 - C. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.
 - D. There shall be permitted one lighted sign, not to exceed 32 square feet in size.
 - E. Bathroom/sanitation facilities shall be provided on the site.
 - F. The applicant shall obtain all agency approvals for the food service operations prior to Final Site Plan approval.
 - G. The Final Site Plan for this use including the location of the food truck, any bathroom/sanitation facilities, driveways, entrances and parking and picnic tables shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

Change of Zone #1758 – Dozer, LLC c/o Hal Dukes

Application of **DOZER, LLC c/o HAL DUKES** 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 Baltimore Hundred, Sussex County, containing 7.2035 acres, more or less, land lying north of Double Bridges Road (Road 363) east of Parker House Road (Road 362) (911 Address: None Available) (Tax Map I.D. #1-34-19.00-19.00 (Part of).

The Commission found that the applicants submitted a survey/site plan with the application.

The Commission found that the applicants submitted an Exhibit Booklet on September 12, 2014 which provides an introduction; copies of parts of the Comprehensive Future Land Use Plan Map; a copy of a deed transferring a pump station to Sussex County; a DNREC/Artesian Resources email approving individual wells for the project; a copy of the application; a copy of the deed to the property; a map depicting the zoning in the area; an aerial photograph; a copy of a letter from County Engineering approving the construction of sewer to the property; a copy of Nationwide Wetland Impact Permit #12 for the sanitary sewer extension; soils information; a report on existing site conditions; a copy of the Flood Insurance Rate Map for the area; proposed subdivision design information; references to compliance with Subdivision Ordinance Section 99-9C; suggested proposed Findings of Fact; suggested proposed Conditions of Approval; and suggested proposed Declaration of Restrictions.

The Commission found that DelDOT had provided comments in the form of a Support Facilities Report, dated July 14, 2014, which references that a traffic impact study was not recommended and that the current Level of Service “B” of Double Bridges Road and the current Level of Service “A” of Parker House Road will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division had provided comments in the form of a Memorandum, dated September 19, 2014, which references that the project is located in the Miller Creek Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$5,500.00 per EDU; that an 8-inch sewer stub has been provided; that the stub is located along the parcel’s westerly frontage on Double Bridges Road; that conformity to the South Coastal Area Planning Study, 2005 Update, will be required; that connection to the sewer system is mandatory; that the proposed project is a recent expansion area and that sanitary sewer service is available; that the project as proposed is within planning study assumptions for sewer service and there will be adequate capacity for the project as proposed; that the County requires design and construction of the collection and transmission system to meet County Engineering Department requirements and procedures; that the County Engineer must approve the connection point; and that a sewer concept plan must be submitted for review and approval prior to any sewer connections.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated September 19, 2014, which references that there are two soil types on the project site; that the developers shall be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that the project is not located in a storm flood hazard area; that it is possible that the proposed project will necessitate off-site drainage improvements; that on-site drainage improvements will be required; and that no tax ditches are affected.

Mr. Lank advised the Commission that this is a zoning application only, not an application to subdivide the property.

Mr. Wheatley reminded the Commission that the Commission is only considering whether it is appropriate to rezone the property, not the details of a subdivision.

The Commission found that Harold Dukes, Esquire of Tunnell & Raysor, P.A. was present on behalf of this application with Ken Christenbury, Professional Engineer with Axiom Engineering, and that they stated in their presentations and in response to questions raised by the Commission that their intent is to rezone the property so that they can develop smaller lots for single family detached homes, similar to the trend of development in the area; that 6 months ago they had applied for a cluster subdivision in the AR-1 District, not realizing that they would be required to have central sewer and central water for such an application; that central water is not yet available; that they are proposing the development of a major subdivision of 14 lots; that the property is located in the Miller Creek Sanitary Sewer District; that the property is located in a Mixed Residential Area according to the Comprehensive Plan Update of 2008; that the property is located in the Environmentally Sensitive Developing District Overlay Zone, which allows for

the subdivision of 7,500 square foot lots served by central sewer and central water; that the applicants have dedicated a portion of the property to the County for the installation of Pump Station #286 for the Sewer District; that the Public Service Commission has issued a Certificate of Public Convenience and Necessity to Artesian Water Company to provide central water to the property; that subsequent to the addition of these lands to the Sewer District no extensions of central water have been made in the vicinity of the property; that Artesian Water Company has issued a statement to the State DNREC's Well Permitting Branch indicating that individual wells would be appropriate for the property; that when the applicants dedicated the land for the pump station, it was with the anticipation that the land could be developed in similar fashion to the surrounding GR zoned lands; that AR-1 lands without central water have a minimum lot size of 20,000 square feet; that the applicants request for this application would allow an MR subdivision with 10,000 square foot lots that are served by central sewer and individual wells, in character with the existing subdivision in the area; that the applicants own 14.6 acres, the entire parcel; that this request for rezoning only includes approximately half of that acreage; that the residual acreage will remain AR-1; that plans to construct a sanitary sewer extension from Pump Station #286 to the property have been approved by the Engineering Department; that portions of the sanitary sewer are to be installed under 404 Wetlands regulated by the U.S. Army Corps. of Engineers; that the Corps. have issued a Nationwide Permit 12 permitting said installation from Pump Station #286 to the property; that no additional wetland impact permits are anticipated for the construction of the subdivision; that the general trend of development in the area is GR General Residential zoning with 10,000 square foot lots improved with manufactured homes and dwellings; that 5 minor subdivision lots have been approved by DelDOT and the Planning Department staff; and that sewer is being made available to the 5 lots and the proposed subdivision, if approved.

Mr. Lank advised the Commission that MR zoning and GR zoning are similar in lot size for residential use; that MR zoning is the most restrictive zoning classification in the residential classifications; that MR zoning is limited to single family residential dwellings and modular; that GR zoning permits single family residential dwellings, modular, and manufactured homes; and that GR zoning also permits many uses permitted in the AR-1 zoning classification.

The Commission found that there were no parties present in support of or in opposition to this application.

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

On September 25, 2014 there was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On October 9, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1758 for Dozer, LLC for a rezoning from AR-1 Agricultural Residential to MR Medium Density Residential based upon the record made at the public hearing and for the following reasons:

1. The proposed rezoning is located in the Environmentally Sensitive Developing Area according to the Sussex County Land Use Plan.
2. The proposed rezoning is located in a “mixed residential area” according to the County Land Use Plan.
3. The proposed rezoning is consistent with neighboring and adjacent properties and uses and will not have an adverse impact on the neighboring properties or community. It is in close proximity to other lands that have a GR General Residential Zoning and is near the municipal boundary of the Town of Ocean View.
4. The proposed rezoning is located within the Sussex County Miller Creek Sanitary Sewer District and the Sussex County Engineering Department states that there is adequate capacity for the project as proposed.
5. The proposed rezoning is consistent with the stated purpose of the MR Zoning District.
6. No parties appeared in opposition.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved for the reasons stated. Motion carried 5 – 0.

Introduced 08/05/14

**Council District: Phillips – District 5
Tax I.D. No. 533-4.00-13.00
911 Address: 34892 DuPont Boulevard, Frankford, DE 19945**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 15,285 SQUARE FEET, MORE OR LESS

WHEREAS, on the 28th day of July 2014, a conditional use application, denominated Conditional Use No. 1996 was filed on behalf of Hector Patraca Carmona; and

WHEREAS, on the ___ day of _____ 2014, 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. 1996 be _____; and

WHEREAS, on the ___ day of _____ 2014, 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 XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1996 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

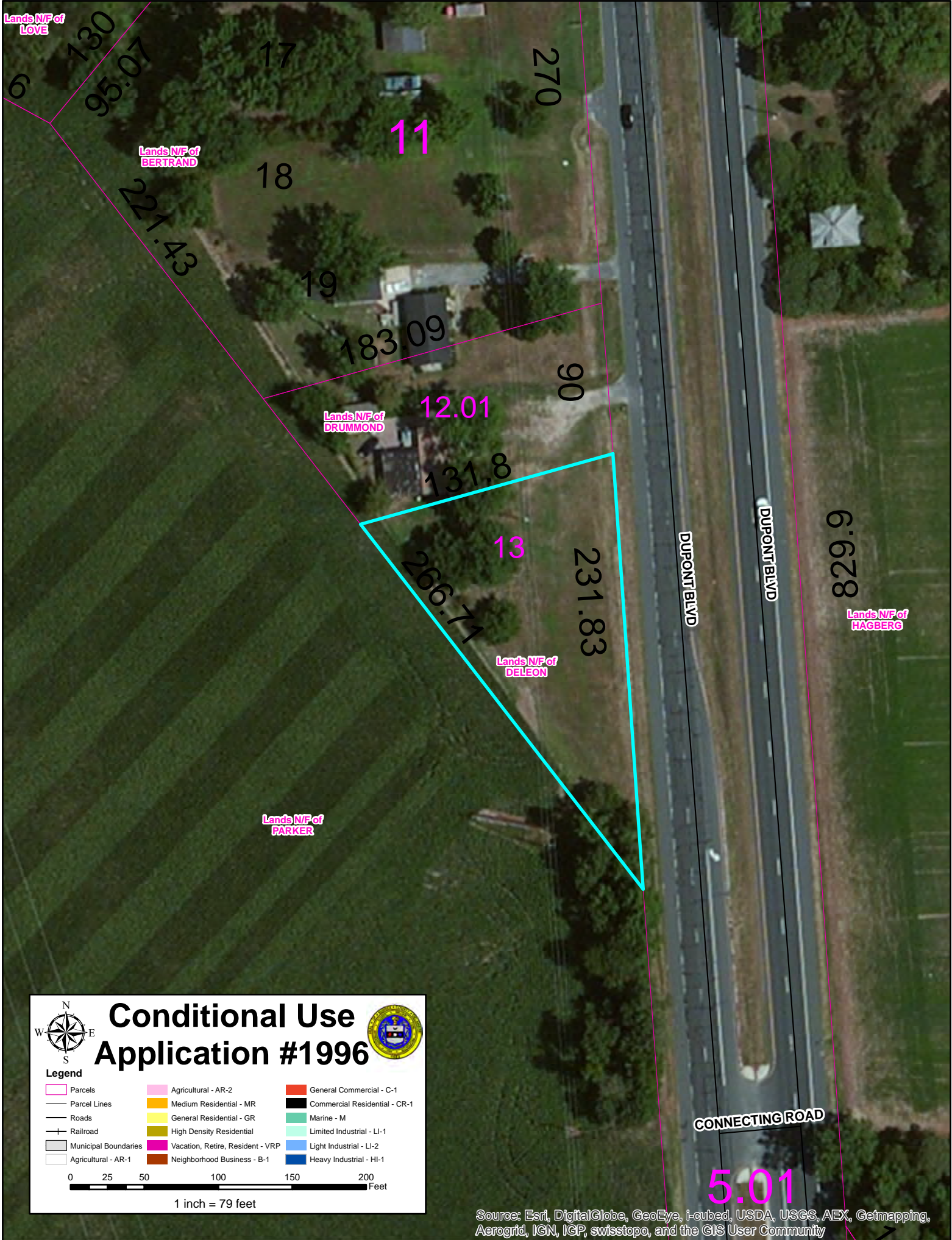
ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying west of U.S. Route 113 (DuPont Boulevard) 800 feet south of Road 380 (Parker Road) and being more particularly described as follows:

BEGINNING at an iron pipe on the westerly right-of-way of U.S. Route 113, a corner for these subject lands and lands of Parker Farm Properties, LLC; thence North 24°13'04" West 266.72 feet along Parker lands to a concrete monument, thence South 84°34'52" East 131.89 feet along lands, now or formerly, of Clarence E. and Donna L. Drummond, to a concrete monument, and thence South 05°25'08" West 231.83 feet along the westerly right-

of-way of U.S. Route 113 to the point and place of beginning, and containing 15,285 square feet, more or less.

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

PROPOSED



Lands N/F of LOVE

Lands N/F of BERTRAND

Lands N/F of DRUMMOND

Lands N/F of DELEON

Lands N/F of PARKER

Lands N/F of HAGBERG

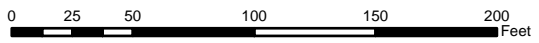


Conditional Use Application #1996

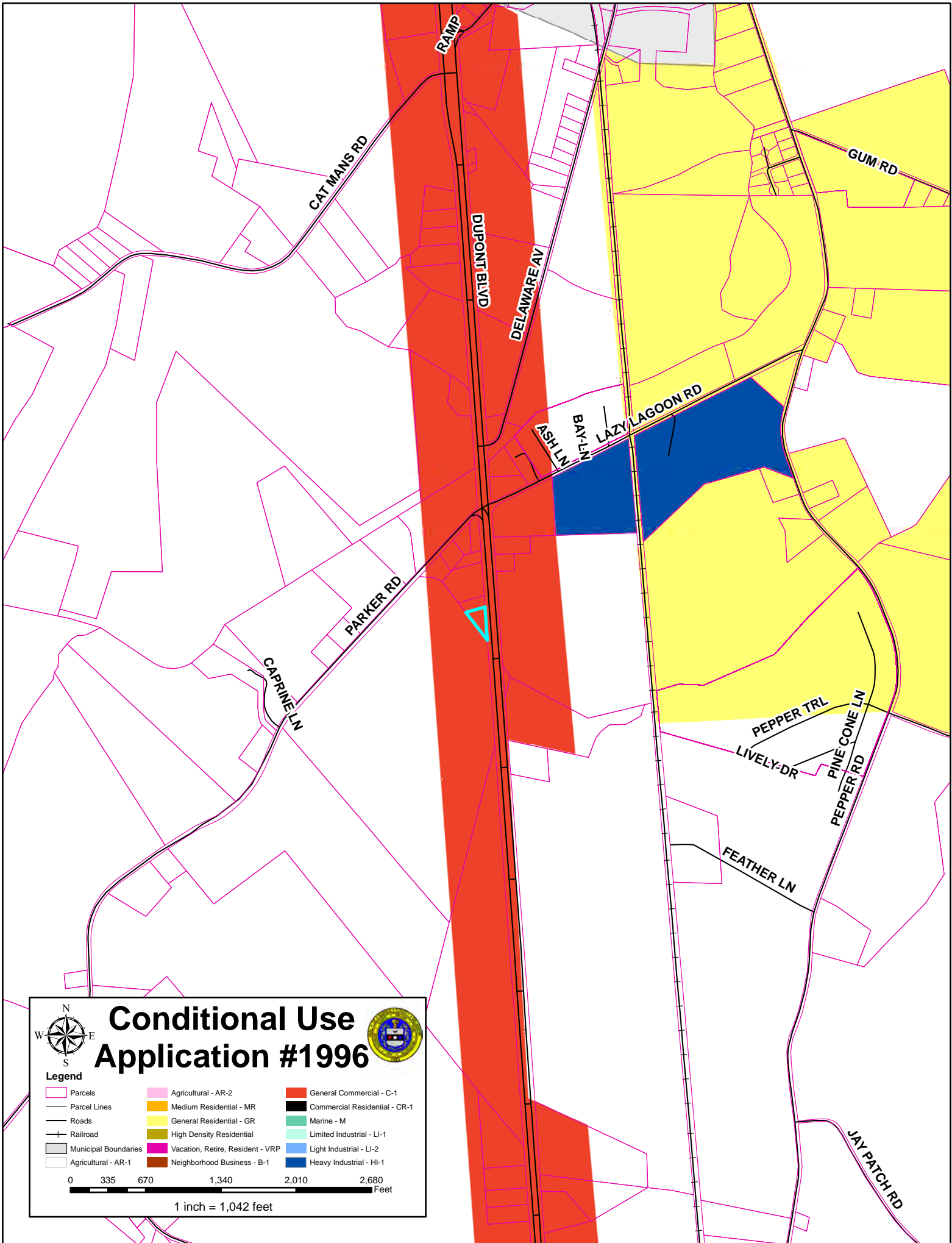


Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Conditional Use Application #1996

Legend

Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1

0 335 670 1,340 2,010 2,680
Feet

1 inch = 1,042 feet

Lands N/F of LOVE

6
130
95.07

17

270

Lands N/F of BERTRAND

11

18

221.43

19

183.09

90

Lands N/F of DRUMMOND

12.01

131.8

13

266.71

231.83

Lands N/F of DELEON

DUPONT BLVD

DUPONT BLVD

6.628


Lands N/F of HAGBERG

Lands N/F of PARKER

CONNECTING ROAD

5.01

Conditional Use Application #1996



Legend

Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1

0 25 50 100 150 200 Feet

1 inch = 79 feet

Introduced 08/05/14

**Council District – Phillips - District No. 5
Tax I.D. No. 134-19.00-19.00 (Part of)
911 Address: None Available**

ORDINANCE NO. ____

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.2035 ACRES, MORE OR LESS

WHEREAS, on the 14th day of July 2014, a zoning application, denominated Change of Zone No. 1758 was filed on behalf of Dozer, LLC, c/o Hal Dukes; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1758 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

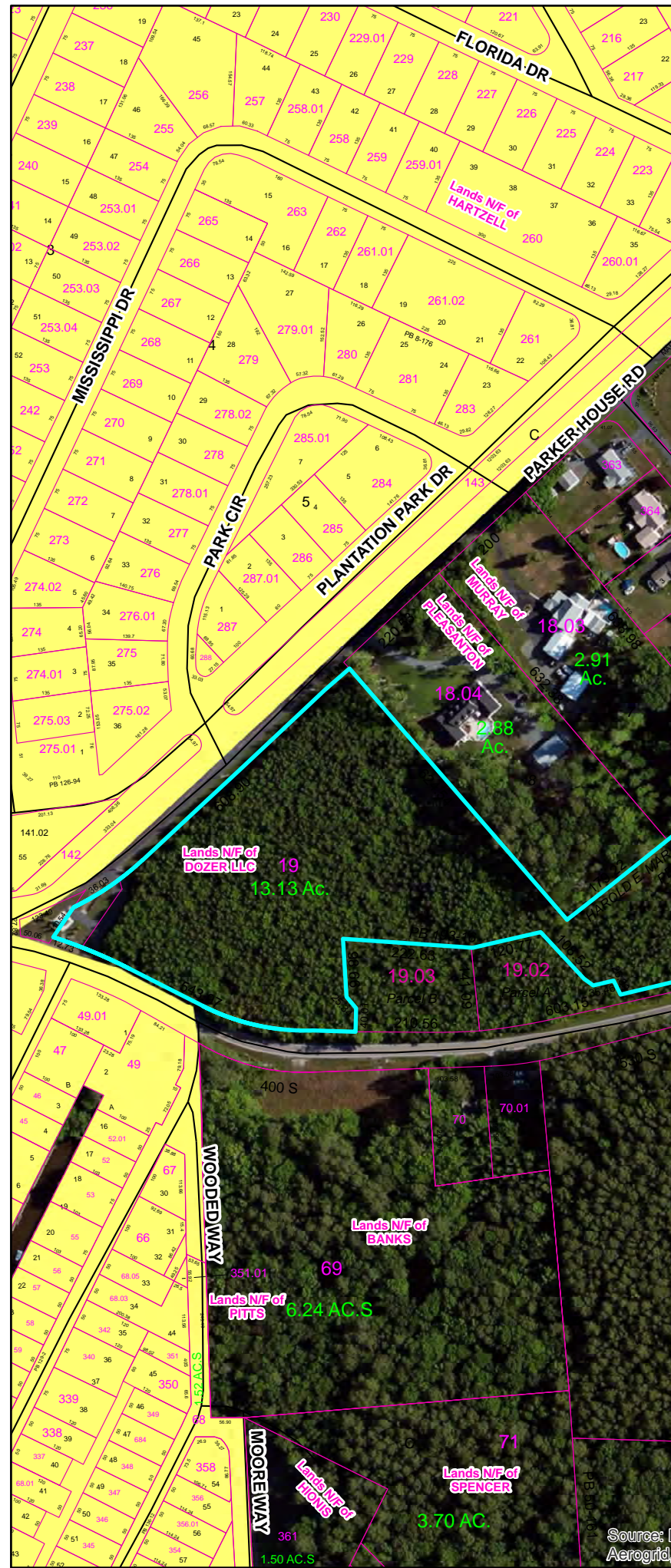
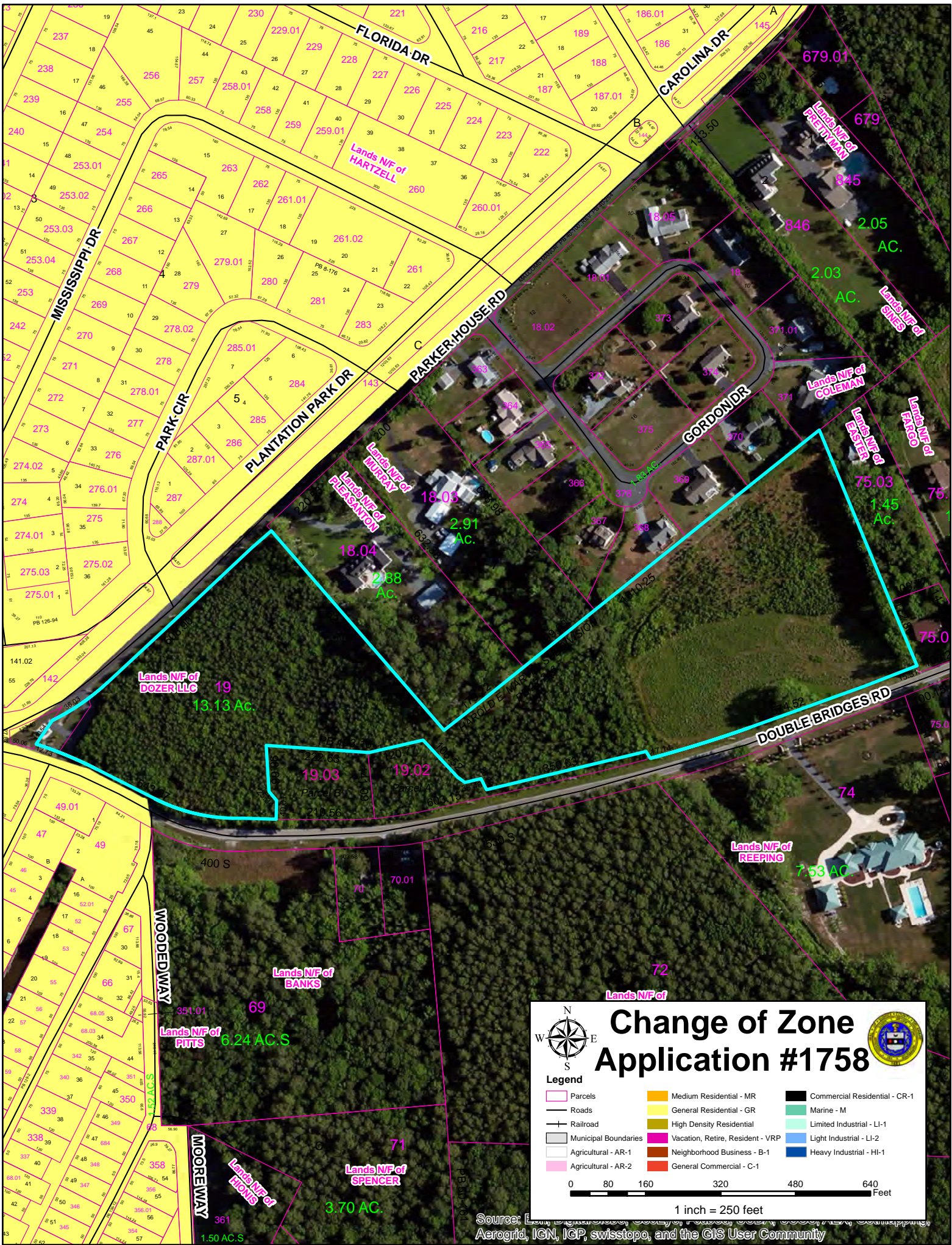
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation MR Medium Density Residential District as it applies to the property hereinafter described.


Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying north of Double Bridges Road (Road 363) east of Parker House Road (Road 362) and being more particularly described per the attached legal description prepared by Axiom Engineering, LLC and containing 7.2035 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.




Change of Zone Application #1758



Legend

- Parcels
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2

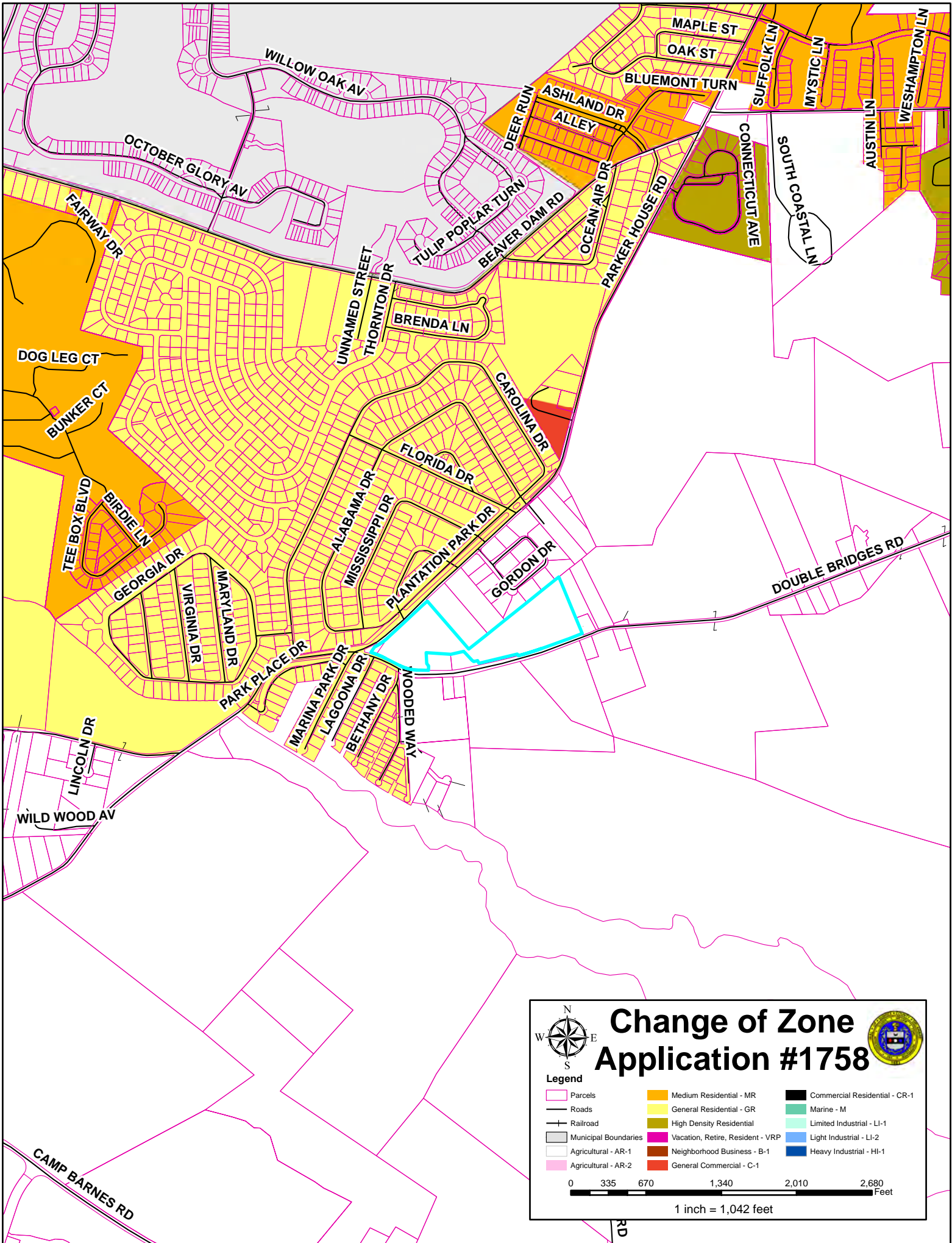
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



0 80 160 320 480 640 Feet

1 inch = 250 feet

Source: Esri, DeLorme, GeoEye, IGN, IGP, swisstopo, and the GIS User Community



DOG LEG CT

BUNKER CT

TEE BOX BLVD

BIRDE LN

GEORGIA DR

VIRGINIA DR

MARYLAND DR

PARK PLACE DR

MARINA PARK DR

LAGOONA DR

BETHANY DR

WOODED WAY

WILD WOOD AV

LINCOLN DR

CAMP BARNES RD

WILLOW OAK AV

OCTOBER GLORY AV

UNNAMED STREET
THORNTON DR

BRENDA LN

FLORIDA DR

ALABAMA DR

MISSISSIPPI DR

PLANTATION PARK DR

GORDON DR

DEER RUN

ASHLAND DR
ALLEY

TULIP POPLAR TURN

BEAVER DAM RD

OCEAN AIR DR

PARKER HOUSE RD

MAPLE ST
OAK ST

BLUEMONT TURN

SUFFOLK LN

MYSTIC LN

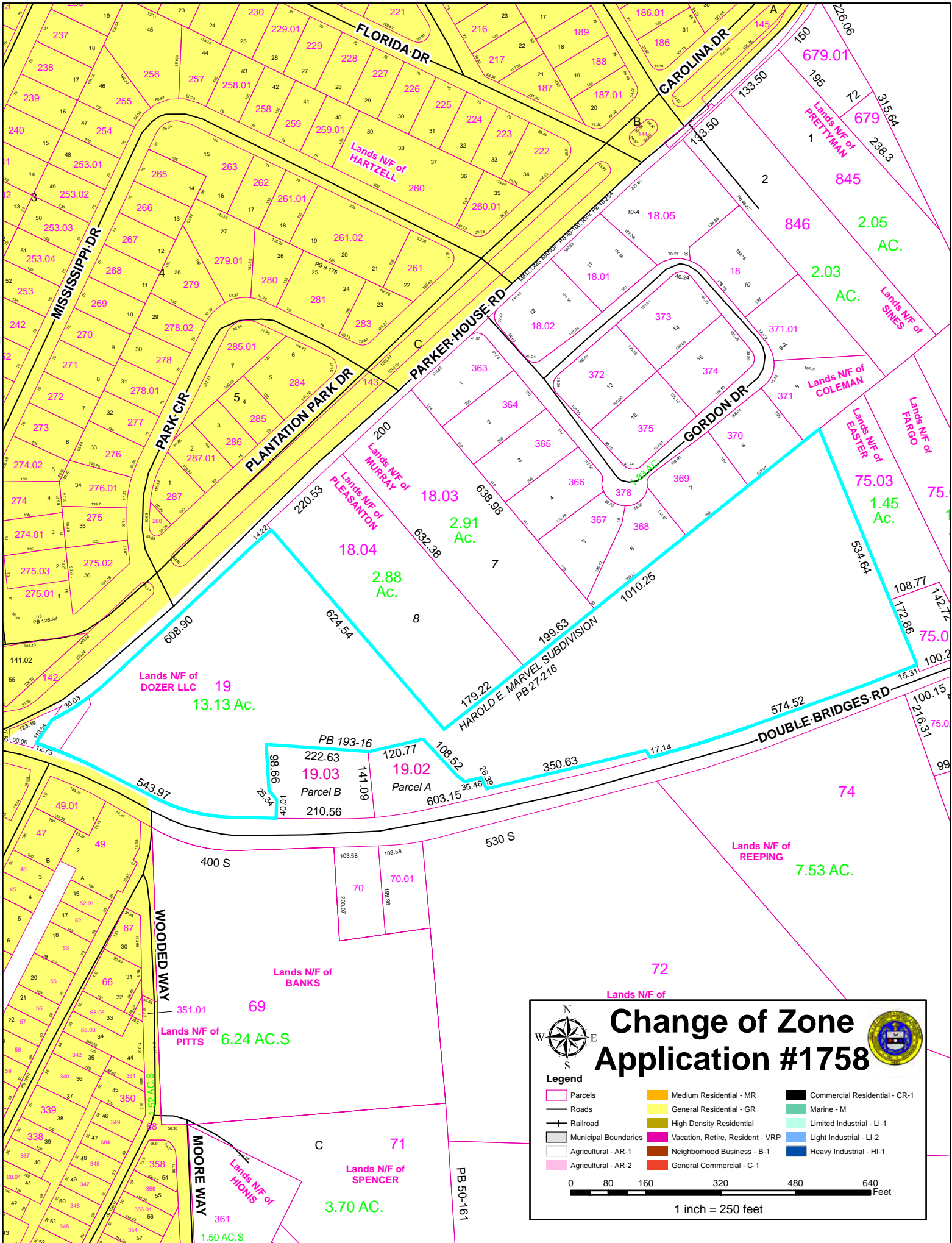
AUSTIN LN

WESHAMPTON LN

CONNECTICUT AVE

SOUTH COASTAL LN

DOUBLE BRIDGES RD



Change of Zone Application #1758



Legend

Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	

0 80 160 320 480 640 Feet

1 inch = 250 feet